

November 26, 2013

VIA US MAIL

Ms. Thuy Hua  
Los Angeles County Department of Regional Planning  
320 West Temple Street, 13<sup>th</sup> Floor  
Los Angeles, California 90012

**Re: Proposed Ordinance Establishing Baseline Standards for  
Renewable Energy Projects**

Dear Ms. Hua:

Thank you for providing Southern California Edison (“SCE”) with a copy of the above captioned Ordinance (the “Ordinance”). The Ordinance provides a series of requirements that will assist the County in regulating the siting of renewable energy projects. The purpose of this letter is to advise the County as to our concerns regarding the Ordinance and to request clarifications that will harmonize the Ordinance with California law.

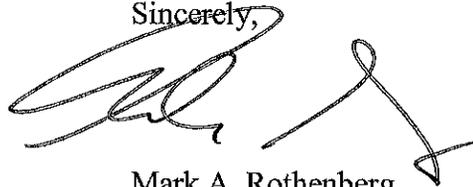
The design of SCE’s generating stations, substations, and transmission lines (including, but not limited to interconnection facilities) are regulated by Order of the California Public Utilities Commission (“CPUC”). Unfortunately, the Ordinance creates regulations (inclusive of design requirements) that either expressly or implicitly conflict with the CPUC’s jurisdiction. For example, Section 22.52.1620 of the Ordinance would require that SCE obtain discretionary approvals from the County prior to developing a solar facility. Pursuant to CPUC General Order 131D, SCE is required to consult with jurisdictions. However, the CPUC has clarified that SCE is not required to seek discretionary approvals such as conditional use permits. Accordingly, the County would be expressly preempted from enforcing these requirements against SCE installations. *See San Diego Gas & Electric Co. v. City of Carlsbad*, 64 Cal. App. 4<sup>th</sup> 785 (Cal. App. 4<sup>th</sup> Dist. 1998) (City preempted from enforcing requirements where CPUC has either expressly or implicitly entered the field of regulation). Similarly, Section 22.52.160(H) of the Ordinance establishes undergrounding requirements for transmission lines. The undergrounding of SCE’s transmission lines is governed under SCE Tariff Rule 20. A Tariff Rule is a rule of service that is approved by the CPUC. *See City of Anaheim v. Pacific Bell Co.*, 119 Cal. App. 4<sup>th</sup>, 838 (Cal. App. 4<sup>th</sup> 2004) (undergrounding tariff rule constituted CPUC’s entry into field of regulation for utility undergrounding).

It is not clear to SCE whether the County intended to regulate renewable generating facilities owned and operated by SCE or our interconnection facilities (whether or not such facilities serve privately owned facilities). Accordingly, SCE respectfully requests that the County clarify that SCE is not subject to the requirements of the Ordinance. Therefore, SCE proposes the following text be added to Section 22.52.1610(B).

B. Exemption. The provisions of this part 15 shall not apply to any small scale renewable energy system, utility-scale renewable energy facility, or temporary meteorological tower approved prior to the effective date of the ordinance establishing this part 15. In addition, the provisions of this part 15 shall not apply to: (i) systems (inclusive of small-scale renewable energy systems, utility-scale renewable energy facilities, or wind towers) owned or operated by publicly regulated utilities; (ii) facilities that are subject to regulation by the California Public Utilities Commission; (iii) facilities that interconnect small-scale renewable energy systems, utility-scale renewable energy systems, or wind towers, (including, but not limited to transmission lines or substations owned or operated by a publicly regulated utility); or (iv) any other facility or equipment where the County is otherwise preempted from exercising its jurisdiction.

SCE respectfully submits that the inclusion of the foregoing clarification will eliminate conflicts in the future and will ensure that the proposed Ordinance is compliant with California law. Thank you in advance for your assistance in this matter and for considering SCE's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Rothenberg', with a long, sweeping tail that extends to the right and then loops back down.

Mark A. Rothenberg