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**SENATE COMMITTEE ON ENERGY, UTILITIES AND  
COMMUNICATIONS**

**Senator Steven Bradford, Chair  
2023 - 2024 Regular**

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<b>Bill No:</b>	AB 3238	<b>Hearing Date:</b>	6/24/2024
<b>Author:</b>	Garcia		
<b>Version:</b>	6/12/2024 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Nidia Bautista		

**SUBJECT:** California Environmental Quality Act: electrical infrastructure projects

**DIGEST:** This bill would, by January 1, 2030, exempt from the California Environmental Quality Act (CEQA) projects for the expansion of an existing public right-of-way across state owned land to accommodate the for specified electrical infrastructure projects. Exempts projects that expand existing public right-of-way across state-owned land to accommodate the construction, expansion, modification, or update of electrical infrastructure from CEQA until January 1, 2035. This bill would also designate the California Public Utilities Commission (CPUC) as the lead agency for purposes of CEQA for electrical infrastructure projects.

**ANALYSIS:**

Existing law:

- 1) Requires, pursuant to the CEQA, lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. CEQA includes several statutory exemptions, as well as categorical exemptions in the CEQA Guidelines. (Public Resources Code §21000 *et seq.*)
- 2) Defines “project” as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, including an activity that involves the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (Public Resources Code §21065)
- 3) Defines “responsible agency” as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project by, for example, issuing a permit necessary for a project. (Public Resources Code §21069)

- 4) Defines “trustee agency” as a state agency that has legal jurisdiction over natural resources affected by a project that are held in trust for the people of California. (Public Resources Code §21070)
- 5) Requires, under CEQA, a lead agency to consult with responsible and trust agencies prior to determining whether or not a negative declaration or EIR is required for a proposed project. (Public Resources Code §21080.3)
- 6) Requires the lead state agency, for projects subject to state agency review, to establish time limits that do not exceed one year for completing and certifying EIRs and 180 days for completing and adopting negative declarations. Requires these time limits to be measured from the date on which an application is received and accepted as complete by the state agency. (Public Resources Code §21100.2)
- 7) Requires the CEQA Guidelines to include a list of classes of projects that have been determined by the Secretary of the Natural Resources Agency to not to have a significant effect on the environment and that shall be exempt from CEQA. (Public Resources Code §21084)

The list of “categorical exemptions” includes:

- a) Repair and maintenance of existing public or private facilities, involving negligible or no expansion of use, including existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services. (Guidelines 15301)
  - b) Replacement or reconstruction of existing facilities on the same site with the same purpose and capacity, including existing utility systems and/or facilities involving negligible or no expansion of capacity. (Guidelines 15302)
  - c) New construction or conversion of small structures, including electrical, gas, and other utility extensions of reasonable length to serve such construction. (Guidelines 15303)
- 8) Requires the CPUC to certify the public convenience and necessity require a transmission line over 200 kilovolts (kV) before an electric investor-owned utility (IOU) may begin construction (Certificate of Public Convenience and Necessity (CPCN)). The CPCN process includes CEQA review of the proposed project. A CPCN confers eminent domain authority for construction of the project. A CPCN is not required for the extension, expansion, upgrade, or other modification of an existing electrical transmission facility, including transmission lines and substations. (Public Utilities Code §1001)

- 9) Requires an electric IOU to obtain a discretionary permit to construct (PTC) from the CPUC for electrical power line projects between 50-200 kV. A PTC may be exempt from CEQA pursuant to CPUC orders and existing provisions of CEQA. Electric IOU electrical distribution line projects under 50 kV do not require a CPCN or PTC from the CPUC, nor discretionary approval from local governments, and therefore are not subject to CEQA. (CPUC General Order (GO) 131-D)
- 10) Requires the CPUC, by January 1, 2024, to update GO 131-D to authorize electric IOUs to use the PTC process or claim an exemption under GO 131-D Section III(B) to seek approval to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities, including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements, irrespective of whether the electrical transmission facility is above 200 kV. (Public Utilities Code §564)
- 11) Authorizes the California Energy Commission (CEC) to designate electric transmission corridor zones (TCZs) in order to identify and reserve land that is suitable for high-voltage transmission lines. Specifies the CEC may designate a TCZ on its own motion or in response to an application from a person seeking a TCZ designation based on its future plans to construct a high-voltage electric transmission line. (Public Resources Code §§25330-25341)
- 12) Grants the CEC the exclusive authority to license thermal powerplants 50 megawatts (MW) and larger (including related facilities such as fuel supply lines, water pipelines, and electric transmission lines that tie the plant to the bulk transmission grid). The CEC must consult with specified agencies, but the CEC may override any contrary state or local decision. The CEC process is a certified regulatory program (i.e., the functional equivalent of CEQA), so the CEC is exempt from having to prepare an EIR. Defines “electric transmission line” as any electric powerline carrying electric power from a thermal powerplant located within the state to a point of junction with any interconnected transmission system. (Public Resources Code §25500 *et seq.*)
- 13) Authorizes additional facilities not subject to the CEC’s thermal powerplant licensing process to “opt-in” to a CEC process for CEQA review until June 30, 2029, in lieu of review by the appropriate local lead agency. These opt-in permitting procedures apply to the following energy-related projects:

- a) A solar photovoltaic or terrestrial wind electrical generating powerplant with a generating capacity of 50 MW or more and any facilities appurtenant thereto;
- b) An energy storage system capable of storing 200 MW hours or more of electrical energy;
- c) A stationary electrical generating powerplant using any source of thermal energy, with a generating capacity of 50 MW or more, excluding any powerplant that burns, uses, or relies on fossil or nuclear fuels;
- d) A project for the manufacture, production, or assembly of an energy storage, wind, or photovoltaic system or component, or specialized products, components, or systems that are integral to renewable energy or energy storage technologies, for which the applicant has certified that a capital investment of at least \$250 million will be made over a period of five years; and
- e) An electric transmission line carrying electric power from an eligible solar, wind, thermal, or energy storage facility to a point of junction with any interconnected electrical transmission system.

(Public Resources Code §§25545–25545.13)

- 14) Establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity by December 31, 2035; 95 percent of all retail sales of electricity by December 31, 2040; 100 percent of all retail sales of electricity by December 31, 2045; and 100 percent of electricity procured to serve all state agencies by December 31, 2035. (Public Utilities Code §454.53)

This bill:

- 1) Exempts, until January 1, 2030, from CEQA projects for the expansion of an existing public right-of-way across state-owned land to accommodate the construction, expansion, modification, or update of electrical infrastructure, meeting certain requirements, including:
  - a) The project is limited to the acquisition of a right-of-way and any future project would be reviewed under CEQA before any approval that would authorize physical changes to the land.
  - b) There is an existing right-of-way, such as electrical transmission lines, and associated facilities, where the use is consistent with the proposed electrical infrastructure use.

- c) The proposed expanded right-of-way is compatible with existing uses and management plans on the affected property.
  - d) The total width of right-of-way does not exceed 200 feet.
  - e) The lead agency for the project is either the CPUC or a state agency owning or managing the state-owned land.
  - f) Repeals this section on January 1, 2030.
- 2) Defines “electrical infrastructure project” as a project for the construction and operation of an electrical transmission line and associated infrastructure for purposes of this bill.
- 3) Exempts projects that expand existing public right-of-way across state-owned land to accommodate the construction, expansion, modification, or update of electrical infrastructure from CEQA until January 1, 2035. Designates the CPUC as the lead agency under CEQA for an electrical infrastructure project. Provides the following regarding the CPUC’s environmental review of an electrical infrastructure project pursuant to CEQA:
- a) The CPUC shall prescribe procedures for an applicant’s preparation, under CPUC supervision, of the following environmental documents: an EIR, negative declaration, mitigation negative declaration, addendum, or analysis of applicability of a CEQA exemption;
  - b) The CPUC may provide guidance for, and assist in, preparation of environmental documents;
  - c) The CPUC shall independently evaluate environmental documents and take responsibility for their contents;
  - d) Applicant may submit with its application an administrative draft of an EIR, mitigated negative declaration, negative declaration, addendum, or draft analysis of applicability of a CEQA exemption in lieu of an initial study or proponent’s environmental assessment; and
  - e) The CPUC shall use environmental documents submitted by an applicant when exercising its independent judgment to determine whether a project is exempt from CEQA or necessitates preparation of an EIR.
- 4) Defines “resource agency” as the State Lands Commission, the San Francisco Bay Conservation and Development Commission, Department of Fish and Wildlife, the California Coastal Commission, State Water Resources Control Board, or an applicable regional water quality control board.

- 5) Requires a resource agency to only consider an environmental effect of an electrical infrastructure project that occurs within the resources agency's jurisdiction and is subject to the resource agency's discretionary approval related to the project.
- 6) Requires an application for an electrical infrastructure project to be in a form prescribed by the CPUC and accompanied by information required by the CPUC to support the preparation of necessary environmental documents.
- 7) Requires the CPUC to certify necessary environmental documents for, and to approve, an electrical infrastructure project within 270 days of receiving a complete application, except under specified circumstances.
- 8) Exempts projects that would require a CPCN and any other electrical infrastructure projects from existing requirements to compare prospective projects with cost-effective alternatives such as energy efficiency, distributed generation, and demand response resources.
- 9) Provides that the following apply to an electrical infrastructure project that has been approved by the California Independent System Operator (CAISO) in its transmission plan:
  - a) The statement of objectives sought by the project applicant, including the underlying purpose and project benefits, required by CEQA, shall be those identified by the CAISO's approved transmission plan;
  - b) The range of reasonable alternatives analyzed under CEQA shall be alternative routes or locations for the construction of the project approved in the relevant CAISO's approved transmission plan;
  - c) Any statement of overriding considerations shall be those identified by the CAISO's approved transmission plan; and
  - d) There shall be a rebuttable presumption that there is an overriding economic, legal, social, technological, or other benefit of the project that outweighs the significant effect on the environment if the project has been identified by the CAISO in a transmission plan.
- 10) Defines "necessary electrical infrastructure project" for purposes of this bill as either of the following:
  - a) A project approved by the CAISO in a transmission plan prepared by the CAISO; or

- b) The project is necessary to serve an actual or forecasted electrical demand increase associated with transportation or building electrification or is a distributed energy project, energy storage project, or renewable generation source where the electrical line facilities or substation would support the interconnection of the project or source to the electrical grid.
- 11) Provides that the CPUC has the exclusive power to approve and site a “necessary electrical infrastructure project.”
- 12) Establishes an in lieu permit process at the CPUC whereby the approval and siting of a “necessary electrical infrastructure project” pursuant to this bill is in lieu of any approval, concurrence permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by the federal law, for the use of the site and related facilities.
- 13) Includes a declaration that provisions of this bill relative to the approval of “necessary electrical infrastructure projects” address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.
- 14) Sunsets the CPUC permit and CEQA streamlining provisions of this bill on January 1, 2035.

## **Background**

*Transmission projects.* Electric transmission lines are generally high voltage lines that move electricity from generation resources (power plants) to distribution lines in neighborhoods. Companies, usually electric IOUs, proposing the construction of new transmission, are required to obtain a permit from the CPUC for construction of certain specified infrastructure listed under Public Utilities Code §1001, including transmission projects. The CPUC reviews permit applications under two concurrent processes: (1) an environmental review pursuant to CEQA, and (2) the review of project need and costs pursuant to Public Utilities Code §1001 and GO 131-D (CPCN).

*Need for expanded transmission capacity.* In order for the state to meet its clean energy goals, including achieving 100 percent clean energy by 2045, electric transmission capacity will likely need to grow significantly. The CAISO conducts its transmission planning process (TPP) to identify potential transmission system limitations as well as opportunities for system reinforcements that improve reliability and efficiency. The annual transmission plan fulfills the CAISO’s core responsibility to identify and plan the development of solutions, transmission or

otherwise, to meet the future needs of the electricity grid. The CAISO identifies projects that address grid reliability requirements, identify upgrades needed to successfully meet California's policy goals, and explore projects that can bring economic benefits to consumers. In 2021, the CAISO created a 20-Year Transmission Outlook for the electric grid, in collaboration with the CPUC and the CEC, with the goal of exploring the longer-term grid requirements and options for meeting the state's SB 100 clean energy objectives reliably and cost-effectively. The 20-Year Transmission Outlook estimates a significant amount, and expense, to construct and expand transmission facilities, including an estimated \$10.74 billion in upgrades to existing facilities.

*The Transmission Permitting Process.* Usually, utilities proposing the construction of new transmission are required to obtain a permit from the CPUC for construction of certain specified infrastructure listed under Public Utilities Code §1001, including transmission projects. The CPUC reviews permit applications under two concurrent processes:

- 1) An environmental review of applicable projects pursuant to CEQA and CPUC environmental rules. To prepare for the environmental review, the utility first conducts and submits a Proponents Environmental Assessment (PEA). The PEA is a preliminary assessment of the project's potential environmental impacts and alternatives. Some projects may trigger a federal National Environmental Policy Act (NEPA) review if they cross federal land or use federal funds.
- 2) The review of project needs and costs according to Public Utilities Code §1001 and GO 131-D, also known as a Certificate of Public Convenience and Necessity (CPCN), or—depending on project size—a Permit to Construct (PTC).

*Permit/Certificate Review.* Parallel to environmental review under CEQA, the CPUC reviews the utility's application for a CPCN or a PTC, depending on the size of the project. The CPUC's decision on the CPCN or PTC cannot be issued until the environmental review is complete, if one is required. But most transmission projects are categorically exempt from CEQA. Most of the CPCN/PTC process is outlined in GO 131-D.

*CPUC's GO 131-D.* GO 131-D was first adopted in 1970 and before a recent update late in 2023, it had not been updated since 1995. It establishes the criteria to be followed to trigger the need for a PTC or renovate electrical facilities, including transmission lines and substations, and also sets out public notice requirements for proposed transmission projects. The level of analysis performed by the CPUC



pursuant to GO 131-D varies with the size (measured in voltage) of the transmission project.

- Projects below 50 kV are considered distribution line projects and in general, do not require CPUC approval.
- Projects between 50 kV and 200 kV generally require a PTC, which includes an environmental review pursuant to CEQA, if applicable. The CPUC process generally does not require a detailed analysis of the need for or economics of these projects. An application for a PTC must be filed at least nine months before a decision is required.
- Projects over 200 kV generally require a CPCN and are subject to CEQA review, as applicable.

The CPCN process analyzes the need for the project and the economics of the project, as well as, the environmental impacts of the project if CEQA applies. An application for a CPCN must be filed at least 12 months before a decision is required.

*GO 131-D Reforms.* SB 529 (Hertzberg, Chapter 357, Statutes of 2022) required the CPUC to revise the permitting process for specified transmission projects. The bill directed the CPUC to revise GO 131-D to authorize a utility to use the PTC process or claim an exemption to seek approval to construct an extension, expansion, upgrade, or other modification to its existing transmission facilities regardless of the voltage level by January 1, 2024. However, CEQA still applies. In May 2023, the CPUC opened a rulemaking to solicit comments that would revise the GO 131-D rules. Based on the feedback, the assigned commissioner determined the issues to be considered in the proceeding should be separated into two phases. Phase 1 includes consideration of changes to GO 131-D necessary to conform it to the requirements of SB 529 and updates to outdated references. Phase 1 decision was approved on December 14, 2023.

*AB 1373 (Garcia, Chapter 367, Statutes of 2023).* Among the many provisions adopted in AB 1373 is a provision that requires the CPUC to establish a rebuttable presumption with regard to need for the proposed transmission project in favor of a CAISO governing board-approved need evaluation if the project meets specified criteria. This requirement is among those under development within the SB 529 Rulemaking.

AB 205 (Committee on Budget, Chapter 61, Statutes of 2022) established a new opt-in environmental review certification program at the CEC, including for solar photovoltaic, terrestrial wind, geothermal, and other non-fossil, non-nuclear power

plants with a generating capacity of 50 MW or more, for energy storage systems capable of storing 200-megawatt hours or more of electricity, and for transmission lines from those facilities to a point of connection with an electrical transmission system. Before AB 205, the CEC's siting authority was limited to thermal power plants with capacities of 50 MW or more.

## Comments

*Need for this bill.* As shared by the sponsors, San Diego Gas & Electric: AB 3238 contains provisions consistent with the multi-party settlement agreement proposed at the CPUC to streamline and modernize the CPUC's permitting rules for electrical infrastructure as well as other beneficial measures. The bill would help to ensure that electrical infrastructure is online where and when we need it. As California reduces its dependence on fossil fuels, we are entering an era where unprecedented load growth will become the norm. Grid capacity must expand rapidly to connect electrical load with new resources interconnecting to the transmission system, and this reality has been reflected in recent state forecasting and planning activities. Unfortunately, today's permitting and environmental review processes causes needless delays, historically resulting in transmission project timelines of a decade or more.

Electric transmission line projects are eligible for a number of CEQA exemptions pursuant to the CEQA Guidelines and GO 131-D. Only larger, high-voltage projects over 200 kV, which also require a CPCN, are consistently subject to complete CEQA review, including an EIR. According to CPUC data, from 2012 to 2023, 608 projects have been exempted from CEQA, 29 projects have been approved via negative declaration, and 27 have required an EIR.

*Settlement Agreement.* As part of the GO 131-D Rulemaking, in September 2023, Southern California Edison (SCE), Pacific Gas & Electric (PG&E), and San Diego Gas & Electric (SDG&E) filed a proposed settlement agreement on behalf of several stakeholders that proposes numerous reforms to GO 131-D. It is important to note that the changes submitted to CPUC by this bill's sponsor and others are proposed and not yet final. CPUC is expected to complete Phase 2 of the process mandated by SB 529 later this year. This bill incorporates some of the changes to GO 131-D contained in the proposed settlement agreement, but also proposes changes that go well beyond those in the proposed settlement.

In September 2023, SCE, PG&E, and SDG& E filed a proposed settlement agreement includes:

- Implement the rebuttable presumption for CAISO-approved transmission projects during CPCN review by the CPUC, thereby eliminating duplicate analyses of a project’s purpose and need. This requirement is derived from AB 1373 (Garcia, 2023), which established a rebuttable presumption for the expected need for a transmission project within the CPUC’s CPCN licensing review if that project is deemed necessary during the CAISO’s Transmission Planning Process (“TPP”).
- Eliminate the requirement that applicants draft a Proponent’s Environmental Assessment (PEA) *in addition to* the CPUC drafting an EIR under CEQA. The stakeholders argue this revision would obviate duplicative and often time-consuming and expensive process whereby CPUC staff and retained consultants preparing CEQA documents essentially re-write the entire environmental analysis already contained in the PEA.
- Allow CAISO’s findings in the TPP to support the CPUC’s CEQA process rather than having CPUC start over with new “project objectives”, “reasonable range of alternatives”, and “overriding considerations”—all of which drive the scope, timeframe, and cost of CEQA review.
- Apply a 270-day time limit for the CPUC’s CEQA process – the same that AB 205 applied to the CEC.

*Phase 2 Staff Proposal.* Currently, the CPUC is in Phase 2 of the rulemaking proceeding to make changes to GO 131-D, which includes consideration of changes not addressed in the Phase 1. A month ago, the CPUC issued a *Phase 2 Staff Proposal* with recommendations for various approaches to the changes sought in GO 131-D, including consideration of comments and the settlement agreement submitted in the rulemaking. While still a proposal, not official policy adopted by the CPUC, it’s important to note that the rulemaking is actively considering many related issues to this bill, including the application of the CPUC review of alternatives, the time limitations for CEQA review, the rebuttable presumption adopted in AB 1373, and many others. With regards to the time limitation, the *Staff Proposal* is not recommending a 270-day time limit, stating it would be inconsistent with CEQA Guidelines. The proponents of this bill contend the CPUC *Staff Proposal* is a business as usual approach that does little to address the delays in transmission build-out. They contend those delays are primarily driven by CEQA review.

*Amendments needed.* **The author and committee may wish to amend this bill to:**

- **The rights-of-way are strictly electrical corporation rights-of-way.**
- **Make clear this bill does not affect those projects subject to SB 286 (McGuire, 2023) for which the State Lands Commission is serving as the lead agency.**

*Dual referral.* Should this bill be approved by this committee, it will be re-referred to the Senate Committee on Environmental Quality.

**Prior/Related Legislation**

AB 551 (Bennett, 2023) authorizes the CPUC to adopt guidelines at a publicly noticed meeting to carry out its review of applications for the construction of electrical transmission facilities, and makes other changes to help reduce delays in processing these requests. The bill is pending in this committee.

AB 2292 (Petrie-Norris, 2024) repeals the requirement that the CPUC consider alternatives to prospective transmission projects before issuing a CPCN approval. The bill is pending in this committee.

AB 3246 (Garcia, 2024) requires the CPUC, on or before January 1, 2026, to update a general order to provide specified exemption from the permit to construct process for advanced reconductoring transmission projects. The bill is pending in this committee.

SB 1006 (Padilla, 2024) requires electrical transmission utilities, by January 1, 2026, to study grid-enhancing technologies to cost-effectively increase transmission capacity and to identify which of its transmission and distribution lines can be reconducted with advanced conductors. The bill is pending in the Assembly.

SB 420 (Becker, 2023) would have removed the requirement on new electrical transmission facility projects less than 138 kV proposed by the state's six largest IOUs from a determination of need from the CPUC before construction. These new projects must either be located on previously disturbed land, located in an urbanized area or be part of a project that has undergone a CEQA review. Excludes from eligibility projects that are located in wetlands, any un-remediated hazardous waste site, or critical habit, as specified. The bill was vetoed by the Governor.

SB 619 (Padilla, 2023) would have authorized an electrical corporation, at the time it files an application with the CPUC for a CPCN or PTC for new construction of any electrical transmission facility 138 kV or greater to, at the same time, submit an application for that facility to the CEC. Prohibits the CEC from considering the necessity for the electrical transmission facility. The bill was vetoed by the Governor.

AB 1373 (Garcia, Chapter 367, Statutes of 2023) among its provisions, required the CPUC, in a proceeding when evaluating the issuance of a CPCN for a proposed transmission project, to establish a rebuttable presumption with regard to the need

for the proposed transmission project in favor of a CAISO governing board-approved need evaluation if specified requirements are met.

AB 205 (Committee on Budget, Chapter 61, Statutes of 2022) allowed certain energy projects, including electric transmission lines between certain non-fossil fuel energy generation facilities, to become certified leadership projects under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 through a certification process through the CEC. With this certification, actions or proceedings related to the certification of an EIR need to be resolved within 270 days to the extent feasible.

SB 529 (Hertzberg, Chapter 357, Statutes of 2022) exempted an extension, expansion, upgrade, or other modification of an existing transmission line or substations from the requirement of a CPCN and directs the CPUC to revise its general orders, by January 1, 2024, to instead use its PTC process for these approvals.

SB 887 (Becker, Chapter 358, Statutes of 2022) among other provisions, directed the CPUC, on or before January 15, 2023, to request CAISO to identify the highest priority anticipated transmission facilities that are needed to deliver renewable energy resources or zero-carbon resources.

SB 7 (Atkins, Chapter 19, Statutes of 2021) extended the Jobs and Economic Improvement Through Environmental Leadership Act, specifically providing the Governor until January 1, 2024, to certify a project and the Act will be repealed by its own provisions on January 1, 2026.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:**

San Diego Gas and Electric Company, Sponsor  
Advanced Energy United  
California Community Choice Association  
Clean Power Campaign  
Independent Energy Producers Association  
Latino Caucus of California Counties  
Pacific Gas and Electric Company  
San Diego Community Power  
Silicon Valley Leadership Group

**OPPOSITION:**

7 Paws Press  
American Legion Post 853  
Anza-Borrego Foundation  
BASIC  
Borrego Spice & Olive Oil Company  
Borrego Sponsor Group  
Borrego Springs Chamber of Commerce  
Borrego Springs Community Resource Center  
Borrego Springs Mall  
Borrego Springs Youth and Seniors Center, Inc.  
Borrego Village Association  
Brookingham  
Business Service Contractors & Consulting  
California Coastal Protection Network  
California Native Plant Society  
California Native Plant Society, San Diego Chapter  
California Overland Desert Excursions  
Center for Biological Diversity  
CleanEarth4kids.org  
Defenders of Wildlife  
Endangered Habitats League  
Environmental Center of San Diego  
Environmental Protection Information Center  
Friends of Goodan Ranch and Sycamore Canyon Open  
Friends of Hedionda Creek  
Friends of Hellhole Canyon  
Friends of Rose Creek  
Functionally Fit for Life  
Monahan & Roth, LLC  
Natural Resources Defense Council  
Ones Word Language School  
Planning and Conservation League  
Rainy Day Advocacy, LLC  
San Diego Audubon Society  
Seabreeze Coastal Properties  
Sequoia Sentinels  
Sierra Club California  
Steele/Burnand Anza-Borrego Desert Research Center  
Tubb Canyon Desert Conservancy  
37 Individuals

**ARGUMENTS IN SUPPORT:** According to the sponsors,

We have significant work ahead of us to build the infrastructure needed to support state goals, and AB 3238 recognizes that innovative solutions are needed to move these transmission projects forward. Perhaps the most important step we can take is to shorten the complex and lengthy permitting and environmental review processes. AB 3238 makes logical and beneficial changes to the CPUC's permitting and environmental review processes, which beyond the recent updates necessary to comply with SB 529, have not been significantly revised since 1995. In addition, the bill includes other beneficial measures to prudently expedite the California Environmental Quality Act (CEQA) and agency review processes. This bill would remove redundant processes and ambiguity, thereby empowering state agencies to further support the clean energy transition. By tackling these pressing inefficiencies, AB 3238 would help shepherd transmission projects through these processes and secure the necessary approvals in a timely manner.

**ARGUMENTS IN OPPOSITION:** The organizations opposed to this bill express concerns about the impacts to state lands by the exemptions and streamlining afforded to electrical infrastructure projects by this bill. The coalition of environmental and conservation organizations state: AB 3238 promotes a "head in the sand" approach to transmission planning in which the project developer may be unaware of significant conflicts with the area on state lands slated for transmission because the right of way expansion would not be analyzed under CEQA. This approach is likely to create more conflicts and more delays instead of speeding up transmission development. ...By constraining the alternatives analysis, AB 3238 would impede the CPUC's ability to comply with CEQA; would be inconsistent with the robust alternatives analysis required by the National Environmental Policy Act (NEPA) for projects with federal involvement; and would constrain the CPUC's ability to evaluate non-wires alternatives to proposed transmission projects.

-- END --