

BEFORE THE HUMBOLDT COUNTY BOARD OF SUPERVISOR

I-1
ORIGINAL

Record Number PLN-2022-17845

RECEIVED
AUG 19 2022
Clerk
Board of Supervisors

Opposition to
PGE Appeal of
Humboldt County
Planning Commission
Unanimous Denial
Of Record Number PLN 14376
for a Coastal Development

August 30, 2022

9:am

Jeff Guttero
2625 Patrick's Point Drive
Trinidad, California 95570
(707) 677-0403
jguttero@aol.com

STATEMENT OF JEFF GUTTERO IN OPPOSITION TO PG&E'S RETROACTIVE APPLICATION FOR A COASTAL DEVELOPMENT PERMIT FOR LINE REGULATOR #23653 @ 2876 PATRICK'S POINT DRIVE (NEXT TO LR33936).

1. My name is Jeff Guttero and I reside at 2625 Patrick's Point Drive, Trinidad, Humboldt County California.
2. In October 2013 my wife and I completed a several year process of merging our residential parcel with the surrounding commercial timber lands. As a result of a 2011 inventory the parcel contains 1,105 mbf of merchantable timber.
3. These land use proceedings included a Humboldt County requirement that we procure an encroachment permit for a driveway where a historical logging road on our property intersects Patrick's Point Drive. This access point has been used for logging purposes since before Highway 101 was constructed. In October 2013 we complied with the requirements for this permit which dictated the exact specifications for an asphalt apron at the intersection including its location, size, composition, thickness and dimensions.
4. On March 16, 2016 upon my return from out of town, I approached a PG&E work crew completing construction of a massive utility installation on the north side of the asphalt apron. I communicated my objections to the installation to 2 supervisors among the work crew together with my contact information. I was assured that they would report my concerns to higher authorities, and that I would receive a call to discuss the matter. I never heard from anyone at PG&E or otherwise regarding the matter.
5. Attached hereto as Exhibit 1 is a photograph of this installation adjacent to the permitted asphalt apron referred to above (with my wife shown in order to illustrate the magnitude and proportions of this facility).
6. This piece of equipment is far from the run-of-the-mill utility facility in a residential neighborhood but rather a huge platform suspended between two power poles. The platform holds 3 massive metal caissons with dimensions of approximately 3 feet x 5 feet each. This facility is clearly out of place in this scenic stretch of coastline with beautiful vistas of the sea and magnificent redwoods. Exhibit 2 attached hereto is a photograph depicting the utility installation

as it is situated on Patrick's Point Drive. Exhibit 3 shows the installation adjacent to the north side of the permitted asphalt apron providing logging access to Patrick's Point Drive. These photographs demonstrate that this utility installation is an aesthetic anomaly in this iconic stretch of coastal roadway in the mixed residential and commercial timber neighborhood. This installation was completed on March 16, 2016 without any notice to the adjacent community.

7. As is obvious, Humboldt County's land use designation for our parcel as timber commercial together with the permitted intersection with Patrick's Point Drive establishes our right to access to the logging markets.
8. Patrick's Point Drive to the south of our logging road access is in a substantially deteriorated condition due to the unstable bluffs along the coastline. To the north, the county road is in much better condition; more appropriate to accommodate heavy logging truck traffic. An approved timber harvest plan for our timberlands will certainly require such equipment to make a right-hand turn onto Patrick's Point Drive (northbound) for access to markets via Highway 101 in order to minimize wear and tear on this fragile coastal roadway to the south.
9. PG&E has placed this installation immediately adjacent to the right-hand side of the permitted asphalt apron (to the north) providing access to Patrick's Point Drive. Specifically, the southernmost pole of the two suspending the utility platform is located only 30 inches from the edge of the asphalt apron. Exhibit 4 hereto depicts the 30-inch distance between the utility pole and the asphalt apron. California Public Utilities Commission (CPUC) General Order 95 sets forth utility construction standards requiring at least 6 feet distance between such a driveway and a utility installation. Thus, this utility facility was built in violation of the CPUC construction standards.
10. Additionally, in the last several years PG&E has installed another power pole adjacent to the asphalt apron, this time on the south side of the asphalt apron. This facility was placed 8 feet from the asphalt apron. Exhibit 5 attached hereto is a photograph depicting the asphalt apron with the massive installation to the north (30 inches from the apron) and the other utility pole to the south (8 feet from the apron). Given the location of these two installations relative to the asphalt apron, it is literally impossible for this access to be relocated between them so as to conform with the CPUC construction standards set forth in General Order 95 which requires 6 feet clearance on each side of asphalt apron.

11. Included herewith is the Statement of Expert Witness Jeffrey D. Cyphers which confirms that either a northbound or a southbound turn onto Patrick's Point Drive by a loaded logging truck from our access apron would be an unsafe maneuver given the existing positions of the utility's facilities.
12. Subsequent to construction of the utility installation and PG&E's failure to respond to my complaints (as described above), on April 17, 2017 I wrote a letter of concern to Denise Young, PG&E's Senior Land Technician. Attached hereto as Exhibit 6 is a copy of that letter itemizing my complaints.
13. Thereafter, I received a response from PG&E Senior Counsel Charles R. Lewis Jr., dated May 10, 2017. Attorney Lewis dismissed and disagreed with the complaints included in my letter to Ms. Young. A copy of attorney Lewis' letter is attached as Exhibit 7. Attorney Lewis' response made several assertions. First, he stated that the subject utility installation:

"... is consistent with General Order 95 (Rules for Overhead Electric (Line Construction) adopted by the California Public Utilities Commission (CPUC) and current PG&E standard construction for distribution regulators."

Attorney Lewis attached to his correspondence an interlineated photograph of the installation which is inconsistent with the facts at the site. A copy of Attorney Lewis' photograph is attached as Exhibit 8. Specifically, Attorney Lewis' photograph depicts the distance between the asphalt apron and the utility installation to the north at a "6-foot minimum." In fact, there is only 30 inches between the utility facility and the apron which is inconsistent with General Order 95.
14. Second, Attorney Lewis attached to his letter evidence that PG&E misinformed the County of Humboldt (and the California Coastal Commission) re: its qualification for an exemption from the requirement for a coastal development permit. Specifically, the Coastal Act regulations set forth certain circumstances where a public utility is exempt from the requirement for a coastal development permit. One such exemption exists where an electric utility is replacing an existing overhead facility. Attorney Lewis attached to his letter a job sketch of regulator #23653 which was submitted to the Humboldt County Department of Public Works "...to ensure that there were no issues..." regarding the construction and maintenance of this facility. Attached hereto as Exhibit 9 is the "job sketch" forwarded by Attorney Lewis. The title of the document is "Replace Line Regulator #23653 at 2876 Patrick's Point Drive (next to LR 33936)".

15. I have resided at this location continuously for 28 years and there has never been any such facility in the vicinity prior to the subject installation. In fact, this facility did not replace any such equipment. As a result of this misleading "job sketch" PG&E was not required to conform with the Coastal Act. Accordingly, PG&E installed their aesthetic anomaly on Patrick's Point Drive without: 1) any application for the California Coastal Commission for a coastal development permit; and: 2) any notice to the adjoining community.
16. In the final analysis, PG&E's plan to relocate this facility in this area should be denied because construction of Regulator #23653: 1) creates an aesthetic anomaly on this scenic and iconic roadway in Trinidad, California; 2) violates CPUC General Order 95 with the inappropriate placement of these facilities adjacent to a permitted access; 3) obstructs our legitimate access to the timber markets by placement of its facilities; and 4) creates a roadway safety hazard by placement of these facilities.

Dated 8/19/2022

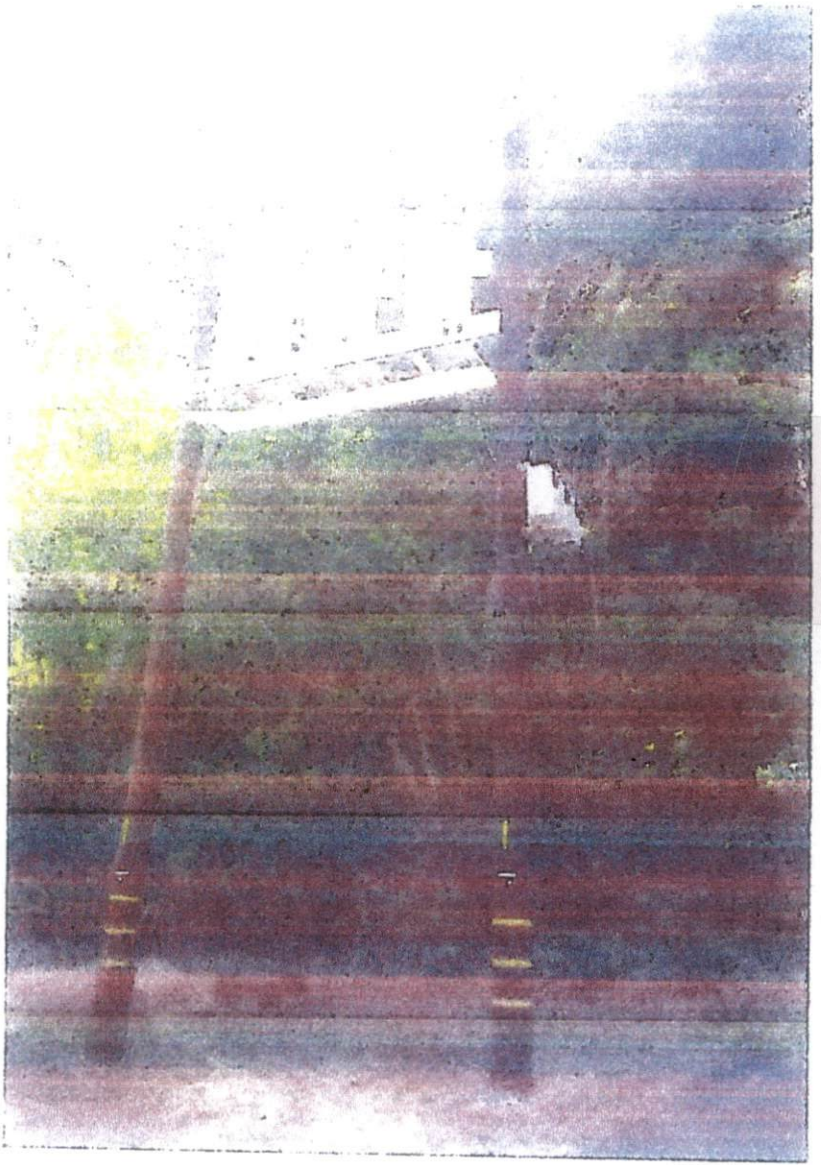
FS/
Jeff Guttero
2625 Patrick's Point Drive
Trinidad, CA 95570
(707) 677-0403
Jguttero@aol.com



Ex 1.



Ex 2.



EY3.



44.



5x3

April 17, 2017

Denise Young
Senior Land Technician
Pacific Gas & Electric Co.
2555 Myrtle Avenue
Eureka, CA 95501



Dear Ms. Young,

Thank you for taking my call on 4/6/17 regarding PG&E's massive utility installation ("MUI") adjacent to our parcel in Trinidad, California. During the course of that conversation you asked me to provide a summary of my complaints for evaluation and hopefully, some resolution.

Background: In October 2013 my wife and I completed the 10-year process of consolidating our residential parcel with the surrounding commercial timberlands. As a result of the various land use proceedings we hold a 42-acre commercial timber zoned parcel which includes our residence. As the result of a 2011 inventory the parcel contains 1,105 mbf of merchantable timber.

These land use proceedings included a Humboldt County requirement that we procure an encroachment permit for a driveway where a historical logging road on our property intersects Patrick's Point Drive. In October 2013 we complied with the requirements for this permit which dictated the exact specifications for an asphalt apron at the intersection including its location, size, composition, thickness and dimensions.

On March 16, 2016 upon my return from out-of-town, I approached a PG&E work crew completing construction of the MUI on the northside of the asphalt apron. I communicated my objections to the installation to 2 supervisors among the work crew and was assured that they would report to higher authorities and I would receive a call to discuss the matter. I never heard from anyone from PG&E or otherwise regarding the matter.

The Installation: During our conversation on 4/6/17 you identified the MUI as a "regulator" but acknowledged that you have never visited the site. This piece of equipment is far from the run-of-the-mill utility facility but rather a huge platform suspended between two power poles. The platform holds 3 massive metal casons with dimensions of approximately 3' x

5' each. I have attached 2 photographs so you can appreciate the magnitude and proportions of this installation. I believe that it is an aesthetic anomaly in this mixed residential and commercial timber zoned neighborhood.

This installation was completed on October 16, 2016 without any notice to adjacent landowners. I have asked the California Coastal Commission whether this utility installation qualifies for an exception under Section 30610 of the Coastal Act. As far as I know, that question is still pending before the North Coast District Director.

Market Obstruction: Patrick's Point Drive to the south of our logging road access is in a substantially deteriorated condition due to the unstable bluffs along the coast line. To the north, the county road is in much better condition; more appropriate for heavy logging truck traffic. An approved timber harvest plan for our timberlands will certainly require such equipment to make a right-hand turn onto Patrick's Point Drive for access to markets via Hwy 101 in order to minimize wear and tear on this fragile coastal roadway.

PG&E's placement of the MUI immediately adjacent to the right side of the asphalt apron (the enclosed photo shows it is only inches from the paved surface) makes it impossible for a 40-foot tractor/trailer loaded with logs to negotiate a right-hand turn onto Patrick's Point Drive. This fact is exacerbated by the reality that our logging road approaches the intersection from the South (parallel to Patrick's Point Drive) thereby requiring a hard-left-hand maneuver before negotiating the required right-hand turn onto the county road.

During our conversation, we discussed relocation of the driveway access to our logging road. As is shown in the attached photo, this simplistic approach is complicated by the fact that PG&E has also recently (within the last 5 years) installed a new power pole adjacent to the paved apron, this time on the south side. I am at loss to see how or why my permitted access must "thread the needle" between PG&E facilities that could have been placed anywhere along Patrick's Point Drive, or elsewhere.

Location: I have enclosed the Record of Survey dated August 13, 2013 relating to our land use proceedings. As you see, the property line for our parcel along Patrick's Point Drive changes at the location of PG&E's MUI. Specifically, at that point, the line crosses from the centerline of Patrick's Point Drive to the western side of the roadway and follows the 2/3

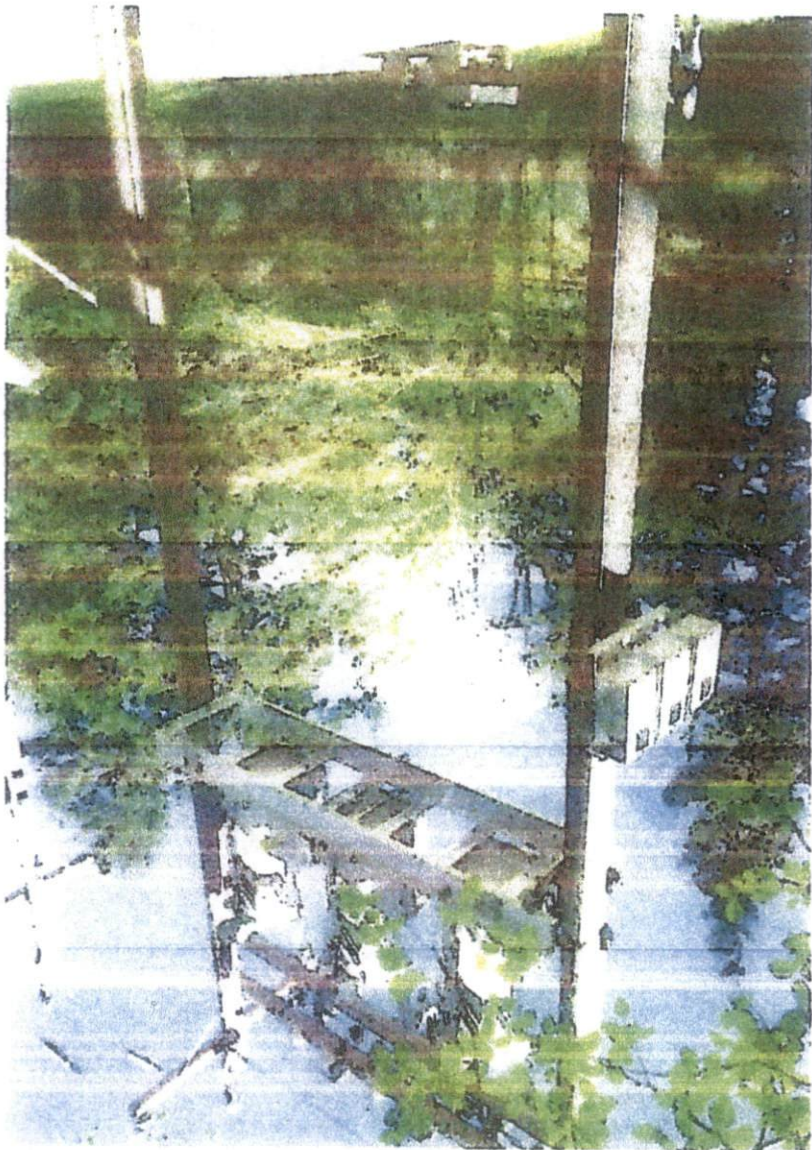
Section line on the map. This change in our property line to the west side of Patrick's Point Drive raises questions as to whether the MUI was built within the utility franchise.

Conclusion: For the forgoing reasons, I believe that PG&E's installation of the MUI in this location under these circumstances precludes our use of the land and diminishes its value. As we discussed on the telephone, I am hopeful that we can reach an amenable resolution. I would greatly appreciate your presenting these thoughts of mine to "the powers that be" expressing my sincere hope that we can come to an amicable conclusion.

Thank you,

Jeff Guttero
2625 Patrick's Point Drive
Trinidad, CA 95570
iguttero@aol.com
(707) 677-0403













Pacific Gas and
Electric Company™

Charles R. Lewis, IV
Senior Counsel
Law Department

Mailing Address
P.O. Box 7442
San Francisco, CA 94120

Street/Courier Address
77 Beale Street, B30A
San Francisco, CA 94105

(415) 973-6610
Fax: (415) 973-5520
Email: CRL2@pge.com

May 10, 2017



Mr. Jeffrey Guttero
2625 Patrick's Point Drive
Trinidad, CA 95570

Re: Pole Relocation

Dear Mr. Guttero:

Your letter to Pacific Gas and Electric Company (PG&E) Senior Land Technician Denise Young has been referred to me for investigation and response. You write about the recent installation of electric distribution equipment consisting of a pair PG&E poles and platform which support, what you describe as, "3 massive metal casons" near your Patrick's Point Drive property. You claim that this equipment "precludes the use of your land and diminishes its value." As explained more fully below, I cannot agree with your assertions.

The three metal caissons in question comprise an Electric Distribution Voltage Regulator. The purpose of this equipment is to regulate and sustain the line voltage on the distribution circuit. Your property is served by the Trinidad 1102 12,000 Volt (12kV) circuit. In the event of a loss of transmission supply to the Big Lagoon and Orick Substations, this regulation equipment will maintain the distribution voltage to you and many of your neighbors who would otherwise sustain an outage.

This voltage regulator was installed within the limits of the public right of way of Patrick's Point Drive on a platform between two poles. This construction is consistent with General Order 95 (Rules for Overhead Electric Line Construction) adopted by the California Public Utilities Commission (CPUC) and current PG&E standard construction for distribution regulators.

Since the Trinidad 1102 circuit serves customer along Patrick's Point Drive, to be effective in serving customers along this section of the circuit, the distribution voltage regulator had to be installed along Patrick's Point Drive. The particular location for this regulator was

Mr. Jeffrey Guttero
May 10, 2017
Page 2

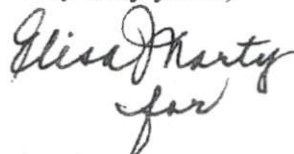
selected based on suitable and safe access for equipment trucks, fairly level road with few grade changes, relatively few vegetation conflicts, and adequate drainage. A design for the regulator was prepared prior to construction. Attached is a photo-conceptual drawing and a copy of the job sketch submitted to Humboldt County Department of Public Works to ensure that there were no issues with the use of the public right of way associated with the PG&E construction and maintenance trucks in this area of Patrick's Point Drive.

PG&E has the right to install electric facilities on Patrick's Point Drive. PG&E is certificated by the CPUC to provide electric service to customers in Humboldt County. PG&E has a franchise issued by the County (Ord. No. 397, March 28, 1961) to install, maintain and use poles, wires and associated equipment along all public roads of the County. Patrick's Point Drive is a dedicated public road. Your recent survey does not change the dedication or the status of Patrick's Point Drive for public use.

I understand but cannot agree with your point about logging trucks using the nearby driveway. You claim, based on the relative condition of the road, that an approved plan "will certainly require" that heavy logging truck traffic turn north to access Highway 101. However, as you acknowledge, you do not presently have an approved timber harvest plan for the property and this is not the only entrance to your property. Moreover, I consider it unlikely that the Board of Forestry would require that heavy logging trucks turn north to travel almost four miles past commercial areas, restaurants, B&Bs and lodges, RV parks and campgrounds and Patrick's Point State Park when Seawood Drive is just one mile south.

For these reasons, I do not believe that PG&E was negligent in siting the electric distribution regulator along Patrick's Point Drive and I cannot agree that this location precludes the use or diminishes the value of your property such that PG&E should be required to relocate this regulator at customer expense.

Very truly yours,



Charles R. Lewis, IV

Enclosures

cc: Denise Young (w/encls.)



10'

14'

6' Camp

PATRICKS' DONT DR





BLOCK MAP: I-8
 CIRC MAP: C3

CIRCUIT: TRINIDAD 1102
 SS/ASS DEV: LR 33936

LIGHT LOADING
 'AA' INSULATION
 SEVERE-CORROSION

SHEET 1 OF 1
 PM 31146060
 WINKLE 707-445-5515

PROJECT CONDITIONS STAMP	
Type(s) of Work:	
<input type="checkbox"/>	New Business
<input checked="" type="checkbox"/>	PG&E Maintenance & Construction
Project Conditions:	
<input type="checkbox"/>	NONE APPARENT (if project design changes, contact / or
<input checked="" type="checkbox"/>	CONDITIONS APPLY:
<input checked="" type="checkbox"/>	PERMITS
<input type="checkbox"/>	TAILBOARD
<input type="checkbox"/>	OTHE
(Provide additional information on line below)	
BY: _____ SIGNATURE, NAME, [CORPORATE ID], DATE	

~LOCATION NOTES~

THIS JOB PROPOSES TO INSTALL A DISTRIBUTION LINE REGULATOR FOR EMERGENCY DISTRIBUTION USE DURING TIMES OF LOSS OF 60KV SUPPLY TO THE BIG LAGOON AND ORICK SUBSTATIONS.

- LOCATION 1 -
 INSTALL REGULATOR 23653
 3-100AMP, 138KVA, 12KV STAINLESS STEEL LINE REGULATORS CONNECTED DELTA WITH REVERSING RELAY
- 55'PT08503-1
 INSTALL 2-45'-3 SOLE POLES AT 14' CENTERS FOR PLATFORM MOUNTED DELTA CONNECTED REGULATORS. POLES SHALL BE SET ON TANGET 10' OFF TX POLE, 6' CLEARANCE FROM DRIVEWAY, AND 32' LOAD SIDE OF RECLOSER 33936..

EST: BEAR WINKLE
 ADE: KRW3
 SUPY: AKLO
 REP: DAVID C. GONZALEZ
 PLNR: SHAWN HOWARD
 SCALE: 1"=100'
 DATE: 2-29-2016

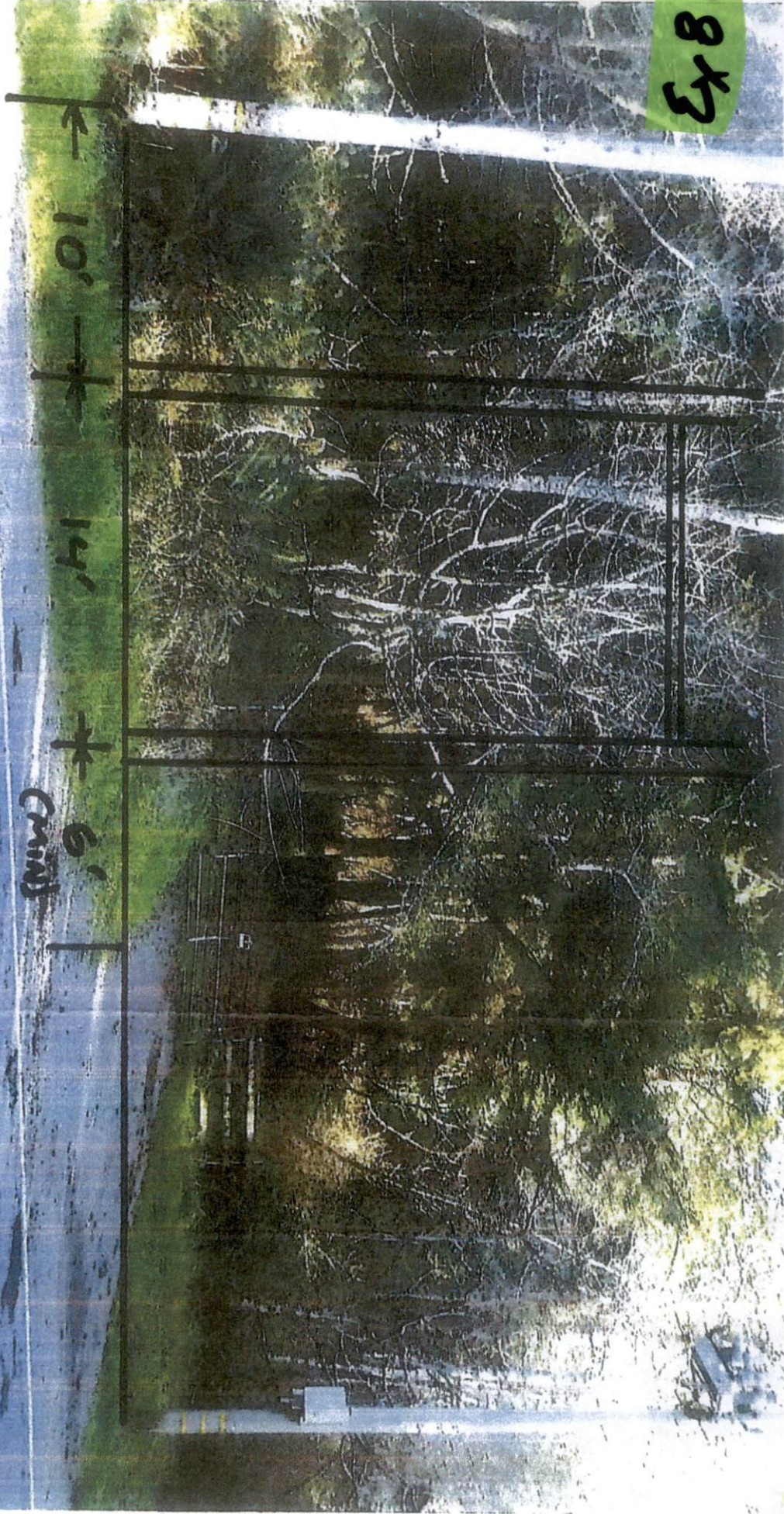
REPLACE LINE REGULATOR # 23653
 2876 PATRICK'S POINT DR (NEXT TO LR 33936)
 TRINIDAD



PACIFIC GAS AND ELECTRIC COMPANY

CO: _____
 SD: _____
 NOTIF: 109996740
 OTHER: _____
 SHT: 1 of 1 SHEET
 PM: 31146060 RE

8x3



← →

← 10' -

←

14' -

← 6' -

Cruid

PATRICKS' POINT DR



Ex 9.

BLOCK MAP: 1-8
CIRC MAP: C3

CIRCUIT: TRINIDAD 1102
SS/ASS DEV: LR 33936

LIGHT LOADING
'AA' INSULATION
SEVERE-CORROSION

SHEET 1 OF 1

PM 31146060

WINKLE 707-445-5515



PROJECT CONDITIONS STAMP	
Type(s) of Work:	
<input type="checkbox"/> New Business	
<input checked="" type="checkbox"/> PG&E Maintenance & Construction	
Project Conditions:	
<input type="checkbox"/> NONE APPARENT (if project design changes, contact ADE) or	
<input checked="" type="checkbox"/> CONDITIONS APPLY:	
<input checked="" type="checkbox"/> PERMITS	<input type="checkbox"/> TAILBOARD
	<input type="checkbox"/> OTHER
(Provide additional information on line below)	
BY: _____	
SIGNATURE, NAME, [CORPORATE ID], DATE	

~LOCATION NOTES~

THIS JOB PROPOSES TO INSTALL A DISTRIBUTION LINE REGULATOR FOR EMERGENCY DISTRIBUTION USE DURING TIMES OF LOSS OF 60KV SUPPLY TO THE BIG LAGOON AND ORICK SUBSTATIONS.

LOCATION 1 -
INSTALL REGULATOR 23653
3-100AMP, 138KVA, 12KV STAINLESS STEEL LINE
REGULATORS CONNECTED DELTA WITH REVERSING RELAYS.

INSTALL 2-45'-3 SOLE POLES AT 14' CENTERS FOR PLATFORM MOUNTED DELTA CONNECTED REGULATORS.
POLES SHALL BE SET ON TANGENT 10' OFF TX POLE, 6' CLEARANCE FROM DRIVEWAY, AND 32' LOAD SIDE OF RECLOSER 33936..

EST:	BEAR WINKLE
ADE:	KRW3
SUPV:	AKLO
REP:	DAVID C. GONZALEZ
PLNR:	SHAWN HOWARD
SCALE:	1"=100'
DATE:	2-29-2016

REPLACE LINE REGULATOR # 23653
2876 PATRICK'S POINT DR (NEXT TO LR 33936)
TRINIDAD



PACIFIC GAS AND ELECTRIC COMPANY

CO:	
SD:	
NOTIF:	109996740
OTHER:	
SHT:	1 of 1 SHEETS
PM:	31146060 REV.

Declaration of Jeffery D. Cyphers.

1. My name is Jeffrey D. Cyphers and I have been involved in the truck transportation industry for 38 years. In addition to possessing extensive truck-driving experience, I have successfully owned and managed multiple asset-based truck transportation related businesses and an international transportation logistics company.

Specifically, I have 10 years log truck-driving experience in Humboldt County and throughout the State of California. Additionally, I worked for 12 years overseeing log truck route ratings, logging road inspections and log truck operational matters in the field.

Since 2007 I have been President and CEO of TJS Leasing and Holding Company Inc., involved in truck transportation of perishable goods.

My professional experience includes my duties as a Lieutenant in the Humboldt County Sheriff's Department (retired) and a California licensed Private Investigator.

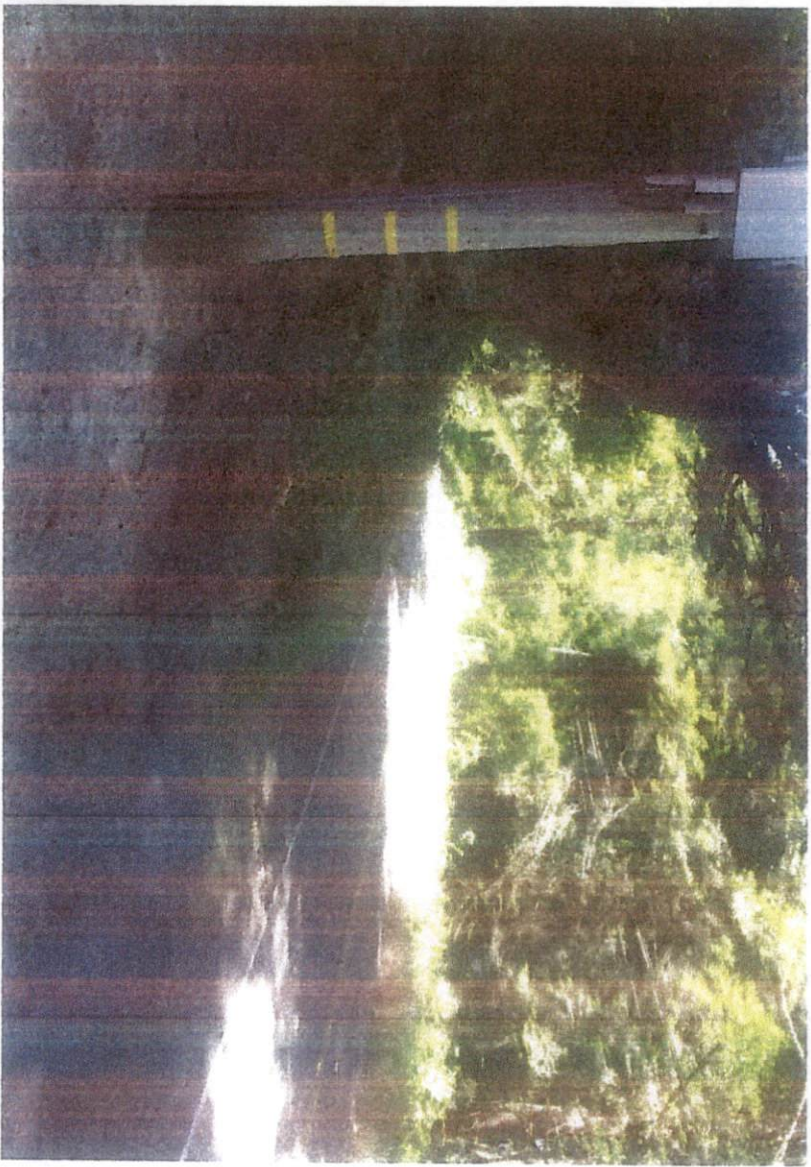
2. I have inspected the area surrounding the intersection of the Guttero's permitted logging access road and Patrick's Point Drive in Trinidad, Humboldt County California. At his intersection is a 25-foot wide and 25-foot-long asphalt apron that widens to 30 feet where it meets the County road. This apron meets the roadway at a 90-degree angle. Patrick's Point Drive at this intersection is paved 21-foot-wide with a 3-foot-wide shoulder on the west side and a 7-foot-wide shoulder on the east side. The County road consists of two traffic lanes divided by a solid, double yellow line. Visibility from the mouth of the apron in each direction to the north and south is obscured by vegetation and the curvature of the County road. The posted speed limit is 45 miles per hour for the on-coming lane of traffic from the north.
3. The permitted logging access road on the Guttero's commercial timber zoned parcel approaches Patrick's Point Drive from the south, parallel to the county road. This approach to the intersection requires a loaded logging truck/trailer to first make a hard-left hand maneuver prior to negotiating the necessary right or left hand turn onto the county roadway.
4. Adjacent to both sides of the asphalt apron are utility facilities. To the north of the apron is a large platform suspended between two power poles. This platform holds 3 metal caissons each with dimensions of approximately 3 feet x 5 feet. The southern-most pole of this platform is buried in the ground 30 inches from the northern edge of the asphalt apron.
5. To the south of the apron is another utility power pole. This facility is located 8 feet from the southern edge of the asphalt apron.

6. Given the circumstances at this intersection, as described above, it is my opinion that a fully-loaded logging truck cannot safely make a right or left turn out the Guttero logging access road onto Patrick's Point Drive.
7. Exhibit 1 attached is a photograph depicting Patrick's Point Drive to the north from the mouth of the logging road apron. The roadside vegetation, the utility pole itself and the curvature of the road surface obscures visibility of oncoming traffic from this vantage point.
8. Likewise, to the north, the placement of the utility pole 30 inches from the edge of the apron makes it unlikely that a loaded truck/trailer can safely achieve the required 90 degree turning radius to the right without either coming into contact with the utility pole or crossing over the double yellow divider into oncoming traffic. In fact, this placement of the utility pole would likely necessitate such a wide right-hand turn that the truck would obstruct both lanes of traffic, utilizing the shoulder on the opposite side of Patrick's Point Drive in order for the rear right-hand side of the trailer to avoid coming into contact with the utility pole.
9. With respect to a left, south-bound turn onto Patrick's Point Drive, there are additional safety concerns. Exhibit 2 is a photograph showing that visibility to the south is obscured by vegetation and the topography of the road surface.
10. Given that the utility pole to the south is 8 feet from the edge of the apron, contact between that pole and the left-hand side of the trailer is of a little concern when making turns to the right. However, the trailer's contact with the pole on the right is problematic when the logging truck is turning left, southbound. Specifically, the width of the apron, due to the placement of the platform, itself dictated a wider turning radius onto Patrick's Point Drive than the placement of the poles/platform allows. While on the surface of the apron, this wider turning radius is necessary to avoid the rear-right side of the trailer swinging to the right and coming into contact with the utility pole on the right which is situated 30 inches from the north side of the apron.

Dated 8/19/2022 Jeffrey D. Cyphers JS

Ex 1.





Ex 2.