

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Broadband, Video, and Market Branch**

**RESOLUTION T-17662
August 15, 2019**

RESOLUTION

Resolution T-17662: Authorizing the release of California Advanced Services Fund grant monies to MCC Telephony of the West, LLC (U-7017-C) to construct the Kernville Interconnect Project; and approving the Initial Study/Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act for the Kernville Interconnect Project.

I. SUMMARY

This Resolution authorizes the release of California Advanced Services Fund (CASF) grant funding to MCC Telephony of the West, LLC (MCC) to construct the Kernville Interconnect Project (Inyokern-to-Onyx Project). This Resolution also approves the Initial Study/Mitigated Negative Declaration (IS/MND) prepared in compliance with the California Environmental Quality Act (CEQA)¹ for MCC's Inyokern-to-Onyx Project. This Resolution finds that, with the incorporation of the mitigation measures listed in the Mitigation Monitoring Plan, the project will have no significant effects on the environment.

II. BACKGROUND

On September 10, 2009, the Commission adopted Resolution T-17221, authorizing a CASF grant of \$285,992 to MCC to construct the Inyokern-to-Onyx Project, subject to the Commission's completion of CEQA review.

The Inyokern-to-Onyx Project is located in Kern County, and will provide much needed bandwidth for Mediacom (a MCC subsidiary), a franchise cable company providing cable television and high-speed Internet service to Ridgecrest, Inyokern, and other communities within the Kern River Valley in northern Kern County.

¹ Section 21000 et seq. of the California Public Resources Code [PRC]) and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations [14 CCR 15000 et seq].

MCC plans to construct 32.4 miles of underground fiber optic cable along State Route (SR) 178 between its Ridgecrest and Lake Isabella systems. This build will allow MCC to deliver more reliable Internet service at higher speeds to unserved homes in the Lake Isabella system.

Resolution T-17221 specifies that: *“The Commission can neither approve nor disburse the first 25% payment and MCC cannot conduct ground breaking activities until, pursuant to the California Environmental Quality Act (CEQA), the Commission’s CEQA review is complete.”*² This Resolution T-17662 finds that the CEQA review is complete, adequate for decision-making purposes, represents the Commission’s independent judgement, and satisfies the conditions for environmental review specified in Resolution T-17221.

III. ENVIRONMENTAL COMPLIANCE DISCUSSION

As the lead agency under CEQA, the California Public Utilities Commission prepared an Initial Study/Mitigated Negative Declaration for the Inyokern-to-Onyx Project. The Draft IS/MND was completed by the grantee’s consultant with guidance from Energy Division Staff and published for public comment on January 7, 2019. The comment period ran for 30-days and the Final IS/MND in response to those comments was prepared in late May 2019.

The proposed project consists of the installation of fiber-optic cable for approximately 32.4 miles from its current Ridgecrest system connection location in Inyokern to a connection location in Onyx. The proposed project includes the installation of 17 vaults and two aerial splice cases for cable splice points and cable route identification markers.

The project site traverses from the unincorporated community of Inyokern located in the Mojave Desert in eastern Kern County to the unincorporated community of Onyx located in the southern Sierra Nevada Mountains in the Kern River Valley area in Kern County. The majority of the project site consists of vacant land within the Right-of-Way (ROW) or in prescriptive areas adjacent to State Route 178 and State Route 14 that have been cleared, graded, and maintained.

The 32.4 mile cable installation primarily will be underground, with plowing or directional boring processes in the ROW, prescriptive areas adjacent to SR 178 and SR 14, and at four boring locations underneath the road. Exceptions to this include:

- seven new Mediacom-owned utility poles that pass the cable over two LADWP Los Angeles Aqueducts;

² Resolution T-17221, p. 4 & 6.

- the cable installed on Southern California Edison (SCE) poles in an existing utility easement and/or 25-foot Bureau of Land Management (BLM) License Agreement Area outside the Caltrans ROW;
- over Canebrake Creek where cable would be attached to the bridge; and
- cable installed under the roadbed for a section of the route with steep topography where Caltrans restricts new utility poles.

The proposed project would include fifteen operational activities and design elements as applicant-proposed mitigation measures to address potential effects to the existing environment. With the incorporation of these mitigation measures into the proposed project, the Initial Study found that no significant impact would occur to the potential environmental issues analyzed.

The CPUC released a Notice of Intent to Adopt a Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the proposed project on January 7, 2019. The public comment period for this document was January 7, 2019, to February 6, 2019. Following the end of the public comment period, Commission Staff reviewed responses to all comments on the Draft IS/MND and revised the document as needed. The Final IS/MND for the MCC Kernville Interconnect Project including the Project's Mitigation Monitoring Plan is available on the project website at:

http://www.cpuc.ca.gov/environment/info/mediacom_inyokern/index.html

The Commission reviewed MMC's Inyokern-to-Onyx Project Final IS/MND and finds that the project will have no significant effects on the environment with the incorporation of the mitigation measures. The Commission finds that the contents of the Final IS/MND and the procedures to prepare, publicize, and review comply with CEQA. The IS/MND correctly identifies the potential impacts and includes the appropriate mitigation measures to minimize the impacts of the project.

IV. RELEASE OF CASF FUNDS

Resolution T-17221 awarded MCC a CASF grant of \$285,992 to construct the Inyokern-to-Onyx Project contingent on compliance with applicable environmental requirements.³ Given the Commission Staff's conclusions as discussed in the prior section, MCC has satisfied the CEQA Compliance Requirements stated in Resolution T-17221. Therefore, the Commission authorizes the release of CASF grant funds for the construction of the Inyokern-to-Onyx Project, in accordance with the scope and budget specifications provided in Resolution T-17221.

V. SAFETY IMPACT

The Inyokern-to-Onyx Project will increase service reliability and improve safety because it will create a dedicated fiber optic facility for communication flows between the communities in the wider region, greatly improving access and service while minimizing the chance of service interruption.

VI. COMMENTS ON DRAFT RESOLUTION

In compliance with Public Utilities Code, §311(g), a notice letter was emailed on July 29, 2019, informing all parties on the CASF Distribution List of the availability of the draft of this Resolution for public comments at the Commission's documents website at <http://www.cpuc.ca.gov/documents/>. This letter also informed parties that the final conformed Resolution adopted by the Commission will be posted and available at the same website.

VII. FINDINGS

1. Resolution T-17221 (adopted September 10, 2009) conditionally authorized a CASF grant of \$285,992 to MCC to construct the Inyokern-to-Onyx Project, subject to the Commission's completion of CEQA review.
2. As the lead agency under CEQA, the CPUC prepared an IS/MND for the Inyokern-to-Onyx Project.
3. The MCC Inyokern-to-Onyx Project IS/MND is complete and in compliance with CEQA. Further, it is adequate for the Commission's decision-making purposes.

³ Resolution T-17221, p. 6, Finding Nos. 12 and 13.

4. The proposed project would have no significant effects on the environment with the incorporation of mitigation measures identified and listed in the MMRP.
5. MCC will implement the measures contained in the MMRP as conditions of project approval and have adopted a system to document and verify MMRP implementation.
6. The IS/MND reflects the Commission's independent judgment and analysis on the issues addressed by the IS/MND.
7. With the adoption of this Resolution, MCC satisfies the conditions required to release funds for the construction of the Kernville Interconnect Project (Inyokern-to-Onyx Project), as set forth in Resolution T-17221.
8. MCC must comply with all provisions in Resolutions T-17662.

A notice letter was e-mailed on July 29, 2019, informing all parties on the CASF distribution list of the availability of the draft of this Resolution for public comments at the Commission's website <http://www.cpuc.ca.gov/documents/>. This letter also informed parties that the final confirmed Resolution adopted by the Commission will be posted and available at this same website.

THEREFORE IT IS ORDERED THAT:

1. The Commission authorizes \$285,992 in CASF grant funds to be released for the construction of the Inyokern-to-Onyx Project, in accordance with the scope, budget specifications, and payment guidelines provided in Resolution T-17221.
2. MCC shall comply with all guidelines, requirements, and conditions specified in D.12-02-015, D.14-02-018, Resolution T-17221 and this Resolution. If MCC fails to complete the project in accordance with the terms of approval, MCC must reimburse some or all of the CASF funds that it has received.
3. The Final Mitigated Negative Declaration for the Project is adequate for the Commission's decision-making purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.
4. The Energy Division may approve requests by Mediacom for minor project refinements that may be necessary due to final engineering of the Project so long as such minor project refinements are located within the geographic boundary of the study area of the Final Mitigated Negative Declaration and do not, without

mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental document; conflict with any mitigation measure or applicable law or policy; or trigger an additional discretionary permit requirement. Mediacom shall seek any other project refinements by a petition to modify this decision.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on _____. The following Commissioners approved it:

ALICE STEBBINS
Executive Director