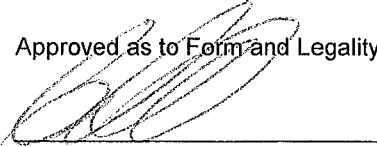


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 MAR -8 PM 4:06 OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION 1) DIRECTING CITY STAFF TO ASSIST WITH A REQUEST TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION FOR EXCEPTION TO CERTAIN RULES RELATED TO THE FUNDING OF THE UNDERGROUNDING OF UTILITIES FOR THE PROPOSED CITY OF OAKLAND UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 2007-232, PIEDMONT PINES PHASE II; AND 2) MAKING FINDINGS RELATED THERETO

WHEREAS, the City Council (the "Council") of the City of Oakland (the "City") has on this date adopted a resolution of intention (the "Resolution of Intention") with respect to certain utility underground improvements to be constructed in the Piedmont Pines area of the City (hereinafter, the "Improvements"), in accordance with proceedings for the City of Oakland Utility Underground Assessment District No. 2007-232 (Piedmont Pines Phase II) (the "Assessment District"); and

WHEREAS, based on the Engineer's Report for the Assessment District, a significant portion of the funding for the Improvements is dependent upon the use of the City's allocation of funds described as "Rule 20A Funds" by Pacific Gas and Electric Company ("PG&E") for the project; and

WHEREAS, the California Public Utilities Commission (the "PUC") has established requirements for the use of Rule 20A Funds, which require, among other matters, that a project must meet certain public interest criteria as detailed in the PUC's Electric Rule 20, to the effect that the streets included in an undergrounding assessment district have an unusual concentration of overhead lines (i.e., through circuits or over-built circuits), or that the streets constitute arterial or major collector streets as identified in the community's general plan, or streets that pass through or adjoin parks or other areas of unique scenic or public interest; and

WHEREAS, the PUC's Electric Rule 20A requirement that streets within the assessment district have heavy volumes of traffic to arterial and collector streets was the result of a modification to Rule 20A provisions that became effective July 1, 2002, which was after the date the City established the Piedmont Pines Utility Undergrounding District; and

WHEREAS, a portion of the streets within the proposed Assessment District do not comply with the current Rule 20A requirements; and

WHEREAS, PG&E has advised the City that it will submit an application to the PUC to request a deviation from the current Rule 20A requirements to allow the undergrounding of the overhead utilities on all of the streets within Phase II of the Piedmont Pines Undergrounding District; and

WHEREAS, this Council desires to express its support for PG&E's application to the PUC and to direct City Staff to assist with PG&E's application, so that if the Assessment District is not the subject of a majority protest by the owners of property in the Assessment District, the undergrounding of utilities can occur along all of the streets in the Assessment District for the reasons set forth in this Resolution; now, therefore, be it

RESOLVED, that the City Council of the City of Oakland hereby finds and determines that the forgoing recitals are true and correct, and directs as follows:

1. The City Administrator and the Director of the Department of Transportation, or the designee(s) of either of them, are hereby directed to assist PG&E with a request for a deviation from the current requirements of Rule 20A to the end that all of the streets currently included within the proposed Assessment District be eligible for Rule 20A funds, including but not limited to the submission of a letter of the City in support for PG&E's application for a deviation to the PUC.
2. In furtherance of the foregoing, the City Council finds and determines as follows:
 - (a) the undergrounding of the utilities along all of the street in the Assessment District is necessary to ensure escape routes by persons residing within the boundaries of the Assessment District in the event of a wildfire or other major calamity;
 - (b) the property owners have demonstrated their support for the Assessment District as presently configured in petitions heretofore submitted to the City requesting the formation of the Assessment District, and it is expected that such support will be further evidenced in the ballot procedure for the Assessment District to be held on May 15, 2018 following the public hearing on the Assessment District;
 - (c) City Staff have advised that the only other project currently expected to use Rule 20A Fund allocations is Phase III of the Piedmont Pines Undergrounding District, and it is expected that, given the estimated time to complete the Piedmont Pines Phase II Improvements, there will be sufficient Rule 20A Fund allocations for completion of the Phase III portion of the Piedmont Pines Undergrounding District;
 - (d) approval of the PG&E request will have no impact on existing ratepayers;
 - (e) that the undergrounding of the utilities on those short street segments that do not meet the current Rule 20A requirements would improve sight lines

at intersections due to the elimination of the need for riser poles to transition back to overhead service; and

(f) that the undergrounding of all utilities within the Assessment District would eliminate "islands" where there are isolated short segments of overhead utilities that would likely never be undergrounded in the future.

3. Notwithstanding the foregoing, the assistance to PG&E provided for in this Resolution shall be contingent upon there not being a majority protest by the property owners in the proposed Assessment District of the formation of the Assessment District and the levy of assessments therein to pay a portion of the costs of the Improvements.

and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2018

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GIBSON MCELHANEY, GALLO, GUILLEN, KALB, KAPLAN and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

Latonda Simmons,
City Clerk and Clerk of the Council
of the City of Oakland, California

03050.02:J15084
3/5/18