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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Services and Facilities of Southern California Edison Company and San Diego Gas and Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3.

Investigation 12-10-013
(Filed October 25, 2012)

And Related Matters.

Application 13-01-016
Application 13-03-005
Application 13-03-013
Application 13-03-014

**E-MAIL RULING REQUESTING SUPPLEMENTAL INFORMATION FROM
SOUTHERN CALIFORNIA EDISON COMPANY BY JULY 3, 2015**

Dated June 26, 2015, at San Francisco, California.

/s/ MELANIE M. DARLING

Melanie M. Darling
Administrative Law Judge

From: Darling, Melanie

Sent: Friday, June 26, 2015 11:31 AM

To: don@ucan.org; jnmwem@gmail.com; matthew@turn.org; tam.hunt@gmail.com; EApfelbach@ZBBenergy.com; Megan.Hey@doj.ca.gov; MThorp@SempraUtilities.com; npedersen@hanmor.com; douglass@energyattorney.com; walker.matthews@sce.com; thomaspcorr@gmail.com; raylutz@CitizensOversight.org; MSeverson@AMSlawyers.com; ESalustro@SempraUtilities.com; SWilson@RiversideCa.Gov; venskus@lawsv.com; mtierney-lloyd@enernoc.com; alewis@naac.org; RobertGnaizda@gmail.com; mdjoseph@adamsbroadwell.com; chome@enervault.com; Heiden, Gregory; Shapson, Mitchell; ek@a-klaw.com; nes@a-klaw.com; BCragg@GoodinMacbride.com; ssmyers@att.net; John.Cummins@navy.mil; LUPSF@igc.org; Timothy.Hennessy@ImergyPower.com; tom.stepien@primuspower.com; John@DicksonGeesman.com; LChaset@KeyesAndFox.com; tomb@crossborderenergy.com; m.dorsi@d-e-c-a.org; dkates@sonic.net; blaising@braunlegal.com; russ.weed@UETechnologies.com; ESelmon@Jemzar.com; Abigail.Sewell@latimes.com; abb@eslawfirm.com; barbara@barkovichandyap.com; bette@FirstChoiceDistributors.com; cyamasaki@naac.org; CFaber@SempraUtilities.com; david.a.peffer@gmail.com; Peck, David B.; dmarcus2@sbcglobal.net; dpaz@wolfereasearch.com; David@a4nr.org; gregg.orrill@barclays.com; klatt@energyattorney.com; jbbrown@gate.net; JTam@NAACoalition.org; JLeslie@McKennaLong.com; klr@a-klaw.com; lauren.duke@db.com; mcole@zimmerpartners.com; matt.fallon@timewavecapital.com; matt@worldbusiness.org; mpf@stateside.com; wmc@a-klaw.com; ppatterson2@nyc.rr.com; phark@zimmerpartners.com; Rachel@ConsciousVenturesGroup.com; rajeev.lalwani@morganstanley.com; Rinaldo@worldbusiness.org; sean.beatty@nrg.com; sludwick@zimmerpartners.com; Sxpg@pge.com; mrw@mrwassoc.com; filings@a-klaw.com; erin.grizard@bloomenergy.com; matthew.davis@credit-suisse.com; kfallon@sirfunds.com; fkerman@visiumfunds.com; julien.dumoulin-smith@ubs.com; bnaeve@levincap.com; NStein@LevinCap.com; paul.fremont@nexus-cap.com; mxl@teilinger.com; jessie.crozier@baml.com; Jim.Kobus@morganstanley.com; John.Apgar@baml.com; Gregory.Reiss@mlp.com; kevin.prior@evercoreisi.com; scott.senchak@decade-llc.com; ali.gha@suntrust.com; roger.song@suntrust.com; akania@wolfereasearch.com; NKhumawala@WolfeTrahan.com; sflaishman@wolfereasearch.com; ReidM@AmerinetCentral.org; AHellreich@AndrewsKurth.com; WRappolt@AndrewsKurth.com; DMoglen@foe.org; KUlrich@foe.org; KWiseman@AndrewsKurth.com; LPurdy@AndrewsKurth.com; MSundback@AndrewsKurth.com; greencowboysdf@gmail.com; WRappolt@AndrewsKurth.com; khojasteh.davoodi@navy.mil; Priscila.Kasha@ladwp.com; robert.pettinato@ladwp.com; rodney.luck@ladwp.com; aspino@lawsv.com; barbara.crouch@pillsburylaw.com; Emily.Viglietta@mto.com; henry.weissmann@mto.com; Rob.Howard@UWUA246.com; anadelia.chavarria@edisonintl.com; case.admin@sce.com; derek.matsushima@edisonintl.com; felicia.williams@edisonintl.com; matthew.dwyer@sce.com; paul.hunt@sce.com; Russell.Archer@SCE.com; Russell.Worden@sce.com; CarlWood@uwua.net; Dan.Dominguez@UWUA246.com; mary@solutionsforutilities.com; gbass@noblesolutions.com; maguirre@amslawyers.com; liddell@EnergyAttorney.com; Morgan.Lee@UTSanDiego.com; JWasito@MagisCapital.com; cbursaw@CapitalPower.com; CentralFiles@SempraUtilities.com; jpierce@semprautilities.com; SVanGoor@SempraUtilities.com; WKeilani@SempraUtilities.com; lisam@socalte.com; rochellea4nr@gmail.com; CalConsumersAlliance@gmail.com; BenDavis54@Gmail.com; kcadena@naacoalition.org; dhkorn@earthlink.net; sue.mara@RTOadvisors.com; jmauldin@adamsbroadwell.com; DonE7777@sbcGlobal.net; bfinkelstein@turn.org; dsullivan@nrdc.org; wvm3@pge.com; steven@moss.net; golding@communitychoicepartners.com; michael.hindus@pillsburylaw.com; john.eastly@lw.com; cem@newsdata.com; cem@newsdata.com; Paul@DeltaGreens.org; lwisland@ucusa.org; cathy@barkovichandyap.com; tculley@kfwlaw.com; TLindl@kfwlaw.com; philm@scdenergy.com; marybeth@eon3.net; henrypielage@comcast.net; janreid@coastecon.com; martinhomec@gmail.com; cmkehrein@ems-ca.com; kdw@woodruff-expert-services.com; sue.kateley@asm.ca.gov; RL@eslawfirm.com; sgp@eslawfirm.com; jgg@eslawfirm.com; kmills@cfbf.com; Brown, Carol A.; Hammond, Christine J.; Tran, Lana; AppRhg;

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Cc: ALJ Docket Office; ALJ_Support ID; ALJ Process

Subject: SONGS I. 12-10-013 *et al.* EMAIL RULING REQUESTING SUPPLEMENTAL INFORMATION FROM SCE BY JULY 3, 2015

On February 10, 2015, the Alliance for Nuclear Responsibility (AFNR) filed a motion which asked the Commission “to investigate the extent of sanctions it should order against [Southern California Edison Company “SCE”] for violations of Rule 1.1 and, its predicate, Rule 8.4” On April 14, 2015, Administrative Law Judges (ALJ) Melanie Darling and Kevin Dudney issued a ruling directing SCE to produce information and documents involving possible settlement of the consolidated proceedings comprising the OII by April 29, 2015. In order to complete review of the materials provided, I find that SCE should provide, no later than July 3, 2015, additional information related to a limited number of identified communications and claims of privilege. The information requested is described below.

A. **Communications and documents described in Appendix C** between SCE and CPUC decision makers from October 25, 2012 through November 30, 2014:

Item #	Date	Description of communication	Information Requested
2	1/14/13	There was a discussion between Peevey & Litzinger of possible ways to expedite the OII.	What options, methods, process, etc. (“ways”) were discussed re expediting the OII
15	8/9/13	Litzinger called all Commissioners to briefly notify them SCE would be publishing an open letter in LA Times regarding permanent retirement of SONGS and cost recovery	Did SCE provide a copy of the letter to the Commissioners before its publication? If so, provide a copy of the letter.

19	3/27/14	Hoover met with Peevey and advisors to each Commissioner “on topics unrelated to SONGS,” during which CPUC participants made positive statements about the settlement.	What were the “topics unrelated to SONGS;” identify any specific provisions of the SONGS settlement discussed; and what exactly did Hoover say in response to comments about settlement by Peevey and advisors?
23	5/2/14	Peevey told Litzinger the settlement omitted a provision to address GHG impacts, asked SCE for specific contribution to UCLA; Litzinger said they “would get back to him.”	Did Litzinger or any other SCE employee “get back” to Peevey about his request for GHG research funds? If a reply is described in, or was made through, a written communication, provide a copy.
25	5/14/14	Meeting between Peevey, Florio & Litzinger: “approximately half” of the conversation was on topics “unrelated to GHG research.”	Identify what “topics unrelated to GHG research,” but related to the SONGS OII were discussed?
31	6/20/14	Peevey and Olson first speak on telephone, then meet in person where Olson tells Peevey he cannot engage in a substantive conversation about funding GHG research at UCLA.	If Olson told Peevey on the phone he couldn’t engage on the GHG topic, then what else was discussed when Olson met him in person later that day? Identify all topics related to SONGS discussed either on the phone or in person.

B. **Communications and documents described in Appendix D** : documents pertaining to oral and written communications about potential settlement of the SONGS OII between any SCE employee and CPUC decisionmaker(s) between March 1, 2013 and November 31, 2014; all written communications internal to SCE which reported, discussed, referred to, or otherwise contained, a description of oral or written communications about settlement with CPUC decisionmaker(s).

Item /page	Date	Description of communication	Information Requested
002-004	4/1/13	Email Pickett to Craver “Here is a typed up version of my notes from our conversation this morning. “Redacted -AC” (This redaction is not included in the Privilege Log)	Who created the undated and unidentified “Elements of a SONGS Deal” and when? Identify the attorney who was a party to the alleged confidential communication. If none, then what is the basis for AC privilege of redacted material?
005	4/4/13	Email Pickett to Scott-Kakures/Worden re “SCE v. Lynch Settlement Agreement”; “I’m in San Francisco tomorrow for a meeting with Peevey on LA Basin reliability...”	Did Pickett and Peevey discuss reliability in terms of the SONGS OII proceeding or settlement? If so describe the discussion.
00186	4/11/13	Email Litzinger to Craver etc. re “Discussion with SP”: (1) “Steve has yet another ‘social dinner’ with Peevey this weekend?” (2) I pressed Steve as to whether his two previous meeting(sic) were listen only...”	(1) What previous social dinner was Litzinger referring to? Identify all meetings, including “Social” meetings that occurred with Pickett and Peevey between 3/27/13 and 4/11/13 (2) On what dates did the prior meetings occur? Provide a description of the meetings, participants, and what topics were

			discussed; provide copies of all written communications which describe or discuss these meetings, if not already provided.
00188	5/29/13	Email Hoover to Starck: Peevey was made aware of these [two] letters [SCE to MHI in 2004, 2005]...He is really unhappy with the way we handled this...	When did Hoover communicate with Peevey about the letters provided to the NRC? Provide all documents which describe or discuss Hoover, or any SCE employee, communicating with Peevey about the letters or providing the referenced letters to Peevey.
00187	5/29/13	Email Starck to Hoover: "We need to talk with Pickett ASAP to let him know about your discussions with Peevey."	Describe all topics discussed in the communications between Hoover and Peevy; when the communication(s) occurred; and which topics, particularly related to SONGS settlement, to which Starck wanted to alert Pickett
00209	3/27/14	Email Litzinger to Mosher: "I have contacted the CPUC Commissioners [Redacted - AC/WP]..." (This redaction is not included in the Privilege Log)	Identify the attorney who was a party to the alleged confidential communication. If neither Litzinger nor Liese Mosher are counsel for SCE,

			what is the basis for AC privilege of redacted material? What is the basis for WP privilege claim?
00221	3/27/14	Email Litzinger to Commissioner Picker: I would like to provide you with a brief update on the proposed settlement..." and included an attachment. The attachment was not provided.	Provide the attachment indicated on the email and any attachment provided to the Commissioners on or about 3/27/14 about the settlement which has not been previously provided in SCE's responses.

C. **Appendix E – Privilege Log** describing documents that are responsive and withheld based on privilege. *SCE shall provide more foundation to establish entitlement to assert the claimed privileges below, and provide a declaration from counsel that the identified written communications and documents arose within the course of the professional attorney-client relationship and the privileges have not been waived.*

Rpt#	Date	Document Description	Information requested
2	4/8/13	Russ Worden Draft attachment; No SCE or EIX attorney is identified as "Sender/ Author /Custodian" or recipient	Identify the attorney who was a party to the alleged confidential communication
7	4/12/13	SEP Mark-up; Worden to ...rick peters	Identify the attorney who was a party to the alleged confidential communication; If Rick Peters of Peters Consulting, was acting as an outside third party consultant, then explain why sharing the email with him did not result in a loss of confidentiality and AC privilege?

8	4/12/13	Russ Worden; Draft attachment; No SCE or EIX attorney is identified as "Sender/ Author /Custodian" or recipient	Identify the attorney who was a party to the alleged confidential communication
9	4/12/13	Benjamin Hodges; Title redacted ; No SCE or EIX attorney is identified as "Sender/ Author /Custodian" or recipient	Identify the attorney who was a party to the alleged confidential communication
26	5/28/14	Mark Fabiani; Proposed Action Plan	Identify the attorney who was a party to the alleged confidential communication; If Fabiani was acting as an outside third party consultant, then explain why sharing the email did not result in a loss of confidentiality and AC privilege.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

IT IS RULED that Southern California Edison Company shall provide written response to the requests for information contained herein, no later than by July 3, 2015.

Executed on June 26, 2015 at San Francisco, CA

Melanie M. Darling
Administrative Law Judge
California Public Utilities Commission
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