

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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Application of Pacific Gas and Electric Company  
for Approval of the Retirement of Diablo Canyon  
Power Plant, Implementation of the Joint Proposal,  
And Recovery of Associated Costs Through  
Proposed Ratemaking Mechanisms (U39E).

Application 16-08-006  
(Filed August 11, 2016)

**MOTION OF FRIENDS OF THE EARTH  
FOR PARTY STATUS**

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Dated: September 12, 2016

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FOR PARTY STATUS**

Pursuant to Rule 1.4 of the Commission's Rules of Practice and Procedure, Friends of the Earth ("FOE") hereby respectfully moves for party status in the above-captioned proceeding.

**I. DESCRIPTION OF FOE AND ITS INTEREST IN THIS CASE**

FOE is one of the nation's leading environmental advocacy organizations. FOE is affiliated with Friends of the Earth International, a global network representing more than two million activists in 75 different countries. FOE is a U.S. Internal Revenue Code §501(c)(3) non-profit advocacy organization. FOE also campaigns aggressively for social and economic justice in the United States and around the world.

FOE has more than 100,000 members and activists residing in California, many of whom are served by PG&E for their retail natural gas and/or electric service. Hence, FOE on behalf of its members has an active interest in the outcome of this case. FOE is particularly interested in issues related to the retirement of the Diablo Canyon Nuclear Power Plant, which is the subject of PG&E's Application in this case. FOE is one of a number of signatories to the Joint Proposal

dated June 20, 2016, that forms the basis for the relief PG&E requests in its Application. FOE participated actively in the multi-party negotiations leading to the execution of the Joint Proposal.

FOE has appeared before this Commission previously in connection with issues arising out of continued operation of the Diablo Canyon Nuclear Power Plant. On October 9, 2014, FOE petitioned the Commission to open a new rulemaking to examine the costs of continued operation of the Diablo Canyon Nuclear Power Plant. FOE's petition in that instance alleged that the costs of continued operation would be detrimental to PG&E ratepayers and unreasonable. In Decision 15-04-019, the Commission denied the petition, finding that the Commission would be able, in the future, "to timely issue a rulemaking or investigation, addressing Diablo Canyon, on its own motion whenever it becomes warranted to do so." (D.15-04-019, p. 12, Conclusion of Law 9.)

As an environmental advocacy organization with a broad mandate to protect and enhance the earth's environment, and to promote economic and social justice, FOE has a keen interest in ensuring that, as nuclear power plants are retired, they are replaced with environmentally benign resources, at a cost that is reasonable for consumers, particularly low-income consumers. Combating climate change associated with greenhouse gas emissions is at the forefront of FOE's mission. FOE would fail in its mission if it succeeded in eliminating nuclear power as a source of electric energy, only to have it replaced with resources that emit substantially higher quantities of greenhouse gases, or that impose unreasonable costs on consumers. Thus, FOE's overarching goal with respect to the electric power industry is to replace nuclear power with GHG-free resources as much as possible, at a cost that is fair to ratepayers, especially the poor and disadvantaged.

FOE's interests are not represented by any other party to this proceeding. Granting FOE party status will not be unfairly prejudicial to any other party. Inasmuch as this motion for party status is being timely submitted at the outset of the case, moreover, granting FOE party status also will not contribute to any delay in the proceedings.

For the foregoing reasons, FOE has sufficient interest to warrant being granted full party status in this case, with all of the rights of a party.

## **II. INTERESTS TO BE PURSUED BY FOE IN THIS CASE**

As a signatory to the Joint Proposal dated June 20, 2016, FOE has an interest in ensuring that the terms of the Joint Proposal are fully and fairly presented to the Commission. FOE also seeks an opportunity to be heard by the Commission concerning FOE's reasons for supporting both the Joint Proposal and the PG&E Application in this case.

FOE intends to be an active participant in all phases of this proceeding. FOE expects to file testimony and to participate fully in evidentiary hearings. FOE also intends to remain active in briefing before the Administrative Law Judge at the conclusion of hearings and in later phases of the case leading up to the issuance of a final Commission decision.

FOE also intends to coordinate its activities in this case with aligned parties, not only to avoid duplication of effort, but also to alleviate any burden on the Assigned Administrative Law Judge, the Commission and the other parties. Whenever possible, FOE pledges to participate jointly with parties whose positions on the issues are similar to FOE's.

### III. COMMUNICATIONS

FOE consents to “email only” service and requests that the following individuals be added to the service list for Application 16-08-006 on behalf of FOE as party representative:

Principal Representative:

Frank R. Lindh  
Attorney at Law  
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Additional Service Requested:

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#### IV. CONCLUSION

For the foregoing reasons, FOE requests that it be permitted to intervene as a party to this case, with all of the rights pertaining to parties.

Respectfully submitted,

By: /s/ Frank R. Lindh

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