



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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).

A1608006
Filed August 11, 2016

11-29-16
04:59 PM

AMENDED NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE'S RULING ON CALIFORNIANS FOR GREEN NUCLEAR POWER'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

NOTE: After electronically filing a PDF copy of this Notice of Intent (NOI), please email the document in an MS WORD format to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Customer (party intending to claim intervenor compensation): Californians for Green Nuclear Power (CGNP)	
Assigned Commissioner: Michael Picker	Administrative Law Judge: Peter V. Allen
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief.	
Signature: /s/ Gene Alan Nelson, Ph.D.	
Date: 11/29/2016	Printed Name: Gene Alan Nelson, Ph.D.

¹ DO NOT CHECK THIS BOX if a finding of significant financial hardship is not needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

PART I: PROCEDURAL ISSUES
(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Status as “customer” (see Pub. Util. Code § 1802(b)): The party claims “customer” status because the party is (check one):	Appl ies (check)
<p>1.</p> <p>Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers.</p> <p>In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.</p>	<input type="checkbox"/>
<p>2.</p> <p>Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.</p> <p>A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. See D.98-04-059 at 30.</p>	<input type="checkbox"/>
<p>3.</p> <p>Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.² Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. See D.98-04-059, footnote at 3.</p>	<input checked="" type="checkbox"/>
<p>The party’s explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p>	

² Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

Identify all attached documents in Part IV.

Do you have any direct economic interest in outcomes of the proceeding?³

Yes: No:

If “Yes”, explain: Pursuant to the general statement of purpose found in CGNP’s Articles of Incorporation and the specific provision of its Bylaws cited above and appended below, CGNP represents both residential and small business customers on nuclear energy issues before California and Federal regulatory and oversight agencies, the Legislature, and Congress. Based upon its current membership rolls, more than sixty percent (60%) of CGNP’s members are residential customers receiving bundled electricity service from Pacific Gas & Electric Company (PG&E). CGNP believes that both its residential and small business customer constituents share identical interests in this proceeding, namely, the setting of reasonable electric rates, insuring a robust supply of reasonably-priced electricity to meet customer's needs 24/7, and adoption of reasonable terms of electric service.

B. Conflict of Interest (§ 1802.3)	Check
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: October 6, 2016 .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time: CGNP's NOI filed on November 7, 2016 incorrectly had the Certificate of Service and bylaws included with this form. CGNP's application is also being re-filed on the September, 2014 revision of the NOI Form. CGNP's Bylaws that were amended at Article 2(d) on November 22, 2016 are attached.	

³ See Rule 17.1(e).

2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge's ruling, or other document authorizing the filing of NOI at that other time:

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(To be completed by the party ("customer") intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)(i)):

The party's statement of the issues on which it plans to participate:

CGNP, as an advocate for the continued safe operation of Diablo Canyon Power Plant (CDPP) plans to be deeply involved with this proceeding. CGNP anticipates collaborating with several other Parties who share some or all of CGNP's interests.

The party's explanation of how it plans to avoid duplication of effort with other parties:

In the interest of efficiency, CGNP will communicate with and strive to minimize any duplication of effort with the other similarly-interested Parties.

The party's description of the nature and extent of the party's planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).

CGNP filed a detailed Motion for Party Status and a detailed Protest. Five CGNP members attended the Prehearing Conference in San Francisco. On 31 October 2016, we completed CGNP's proposed scoping points memorandum, which was filed with the CPUC and distributed to the Service List, triggering a Notice of Ex-parte Communications that CGNP promptly prepared and served to the Service List.

CGNP hopes to actively participate in a proposed workshop, "**California's Energy Future**," which will update and extend the 64-page 2011 California Council of Science and Technology (CCST) report titled, "California's Energy Future - the view to 2050 Summary Report" that was commissioned by the California Energy Commission (CEC.) CGNP anticipates that the work product of this workshop would be admitted into testimony in this Proceeding. We have already commenced discovery activities and anticipate supplying detailed direct testimony in this proceeding. We anticipate supplying expert witnesses available to provide direct oral testimony and be cross-examined during hearings in this Proceeding.

B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):				
Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Experienced CPUC Attorney TBD	80	\$600.00	\$48,000.00	1
Gene Nelson, Ph.D.	200	\$150.00	\$30,000.00	2
Abraham Weitzberg, Ph.D.	200	\$150.00	\$30,000.00	3
Alexander Cannara, Ph.D.	200	\$200.00	\$40,000.00	4
William P. Gloege	80	\$100.00	\$8,000.00	5
[Advocate 2]				
Subtotal: \$156,000.00				
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: \$0.00				
COSTS				
Travel	6 roundtrip airfares	\$500.00	\$3,000.00	
	20 Hotel Nights	\$400.00	\$8,000.00	
Copying and Postage			\$500.00	
Subtotal: \$11,500.00				
TOTAL ESTIMATE: \$167,500.00				
Estimated Budget by Issues:				
<p>CGNP anticipates that 100% of its budget will advocate for the continued safe operation of Diablo Canyon Power Plant. Note that nuclear power currently produces 64% of the emission-free electricity generated in the United States. http://www.pge.com/mybusiness/edusafety/systemworks/dcpp/nuclearfacts/.</p> <p>As noted below, the economic stakes in this Proceeding are significant. Non-emitting energy sources such as large hydroelectric power and DCP's abundant (about five times the annual production of Hoover Dam or 14 times the annual production of Topaz Solar Plant,) reasonably-priced electric power (about 4 cents/kWh), have helped to restrain the rise in California energy prices since DCP began operation in 1984.</p>				

We recognize that in order to make a positive impact in this Proceeding that we will need to retain experienced counsel [1] that has practiced before the CPUC to coach us. This should be a cost-effective approach for CGNP to serve as a good steward for our proposed Ratepayer funding. We have already met with one prospective attorney-coach and have held discussions with other prospective attorneys.

Doctors Nelson, Weitzberg, and Cannara [2,3,4] possess relevant scientific and engineering training and work experience related to nuclear power production. They all possess oral and written group presentation skills that have been refined via relevant work experience. Bill Gloege [5] founded CGNP in 2013. His relevant experience includes past service as a manager for a California municipality. All have been a long-term environmental advocates. Most have experience with solar and wind power.

When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated Claim preparation time. Claim preparation time is typically compensated at ½ professional hourly rate.

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(To be completed by party (“customer”) intending to claim intervenor compensation; see Instructions for options for providing this information)**

A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:	Applies (check)
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	✓
2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	✓
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)). Commission’s finding of significant financial hardship made in proceeding number: Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	☐

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:

CGNP’s opposition to rate recovery of PG&E’s costs of abandoning a highly-performing nuclear power plant in 2025 would, if adopted by the Commission, result in **multi-billion dollar savings** on electricity rates during the nominal 100 year useful lifetime of DCPD.

The share of rate savings that would be received by CGNP’s members would be a minuscule fraction of this amount. To date, CGNP, which was founded in 2013, has been funded via a combination of modest donations and modest dues. Thus, we are largely dependent on Intervenor compensation to participate effectively in this Proceeding.

If the carbon avoidance of nuclear power were properly credited in California at a social cost of \$36.00/ton, as is being implemented via New York State's Zero Emissions Credit (ZEC) program for upstate nuclear power plants, <http://www.utilitydive.com/news/new-yorks-clean-energy-standard-is-a-key-step-toward-pricing-carbon-pollut/424741/> the economic benefits of continued safe operation of DCPD would be further enhanced.

For example, 13.96 million metric tons (MMT) of CO₂ emissions were avoided by DCPD in 2011. DCPD's operation would yield a 2011 social cost benefit of approximately \$552.8 million. There is adequate time to obtain the needed legislative support for this important California initiative.

Thus, all the potential rate savings proposed by CGNP far outweigh the benefits its members would receive if the Commission were to adopt CGNP’s recommendations in this proceeding. This rationale should form the basis for the Commission’s finding with respect to CGNP’s demonstration of financial hardship.

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**
(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)

Attachment No.	Description
1	Certificate of Service
2	Amended Bylaws of Californians for Green Nuclear Power, adopted by a supermajority of its Board members on November 22, 2016.

ADMINISTRATIVE LAW JUDGE RULING⁴
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<input type="checkbox"/>
a. The NOI has not demonstrated the party's status as a "customer" for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>

IT IS RULED that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer has shown significant financial hardship.	<input type="checkbox"/>
4. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input type="checkbox"/>
5. Additional guidance is provided to the customer as set forth above.	<input type="checkbox"/>

⁴ A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).

Revised September 2014

Dated _____, at San Francisco, California.

Administrative Law Judge