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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

And Related Matters.

Application 13-01-016

Application 13-03-005

Application 13-03-013

Application 13-03-014

ADMINISTRATIVE LAW JUDGE'S RULING DENYING THE MOTION OF THE UNIVERSITY OF CALIFORNIA FOR PARTY STATUS

We deny the motion by the University of California (UC) for party status. Rule 1.4(c) of the Commission's Rules of Practice and Procedure gives the Administrative Law Judge discretion to grant or deny party status.

Rule 1.4(c) states:

The assigned Administrative Law Judge may, where circumstances warrant, deny party status or limit the degree to which a party may participate in the proceeding.

The Commission has denied the right to intervene where a party joins very late in the proceeding, raises issues covered by other parties, or raises new issues. *See, e.g.,* Decision (D.) 08-11-031 n.166, 2008 Cal. PUC LEXIS 571 (denying motion to intervene to party that did not participate early in the proceeding and addressed issues amply covered by other commenters); D.98-12-004, 1998 Cal. PUC LEXIS 876 (interpreting prior Rule; denying party status where party attempted to join late in proceeding and raised new issues).

The UC seeks party status in this proceeding for the limited purpose of commenting on Section 3.4 of the proposed Settlement Agreement¹ submitted with the Joint Motion for Adoption of Settlement Agreement (Joint Motion) on January 30, 2018 by Southern California Edison (U 338 E)(SCE), San Diego Gas & Electric (SDG&E), the Alliance for Nuclear Responsibility (A4NR), the California Large Energy Consumers Association (CLECA), California State University (CSU), Citizens Oversight dba Coalition to Decommission San Onofre (Citizens Oversight), the Coalition of California Utility Employees (CUE), the Direct Access Customer Coalition (DACC), Ruth Henricks, the Office of Ratepayer Advocates (ORA), The Utility Reform Network (TURN), and Women’s Energy Matters (WEM) (collectively the Settling Parties).² Section 3.4 (h) of the Settlement Agreement includes the following language:

For the avoidance of doubt, campuses of the University of California shall not be eligible to participate in the competitive grant proposal process described in Section 3.4(b) of this Agreement or otherwise receive any funds pursuant to Section 3.4 of this Agreement or Section 4.16 of the 2014 Agreement.

The UC asserts that, if granted party status, it would not take a position on the proposed Settlement Agreement as a whole, but would limit comments to Section 3.4.³

The UC states that it “did not reasonably anticipate that any specific research institutions would be expressly excluded from the opportunity to

¹ Attachment 1 to Joint Motion.

² Motion for Party Status of University of California at 3.

³ UC Motion for Party Status at 3-4.

participate (either directly or indirectly via subcontract) in the competitive grant proposal process...” Additional arguments of the UC include, the proposed Settlement Agreement specifically names and impacts the UC; that no other party in the proceeding represents the UC’s interest in the proceeding; this circumstance is unique; and its participation will not introduce any new issues or disrupt the proceeding as its comments will be limited to one section of the proposed Settlement Agreement. The UC also asserts its participation will not prejudice any other party to the proceeding.⁴

The UC has clearly been following this proceeding; therefore it has been fully aware that the greenhouse gas program established in Decision 14-11-040 was an issue in the meet and confer process among the parties, and that the parties may be providing further legal argument on this issue. The UC chose not to seek party status until the eleventh hour even though it was fully aware that no other party necessarily represents its interest and that CSU was a party participating in the meet and confer process. UC has not presented any new or compelling information in its motion that justifies its late intervention in this proceeding.

Nothing in this ruling prevents the UC from submitting public comment on the proposed Settlement Agreement. We intend to hold at least one public participation hearing in Southern California and UC has an opportunity to state its position as public comment for the record at that time. UC also may submit written comments that will become part of the official record of the proceeding. For further information regarding public participation in Commission

⁴ *Id.*

proceedings UC or any person interested in providing public comment who is unfamiliar with the Commission's procedures or who has questions about how to provide such comment should contact the Commission's Public Advisor at (866) 849-8390 or (415) 703-2074, or (866) 836-7825 (TTY-toll free), or send an e-mail to public.advisor@cpuc.ca.gov.

IT IS RULED that:

1. The February 6, 2018 motion for party status filed by the University of California is denied.
2. The University of California may submit public comment consistent with Commission rules, policies and practice.

Dated February 13, 2018, at San Francisco, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck
Administrative Law Judge