

Decision \_\_\_\_\_

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

Alliance for Nuclear Responsibility,  
  
Complainant,

vs.

Southern California Edison Company  
(U338E),  
  
Defendant.

Case 13-02-013  
(Filed February 19, 2013)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in these proceedings to August 18, 2015.

**Background**

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as this complaint shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the 12-month deadline. In this proceeding, the 12-month deadline for resolving the complaint was February 18, 2014. On February 5, 2014, the Commission issued Decision (D.) 14-02-009 and extended the statutory deadline of this proceeding to February 18, 2015.

The Alliance for Nuclear Responsibility complaint is primarily based on Southern California Edison Company's (SCE) alleged conduct relating to the steam generator replacement project (SGRP) at San Onofre Nuclear Generating Station (SONGS). The complaint also alleges violations of law and the Commission's Rule 1.1 relating to SCE's representations to the Commission about the costs and value of SGRP at SONGS.

The Commission opened Investigation 12-10-013 to review a wide range of issues and costs following the premature shutdown of the SONGS nuclear units in 2012. Although § 1701.2(d) provides for adjudication of complaints within 12 months of filing, the Commission previously intended to address some or all of the factual issues raised in the complaint in Phase 3 of the SONGS investigation and found that it would be administratively inefficient and burdensome on parties to undertake a premature, and duplicate, review in the Complaint proceeding. However, in D.14-11-040, the Commission resolved the ratemaking portions of the SONGS investigation without addressing all the issues necessary to resolve this Complaint proceeding.

Because of these circumstances, we have concluded that it is appropriate to extend the 12-month deadline in this case for 6 months, until August 18, 2015.

## **Discussion**

The allegations in this complaint are based on the assumption that the Commission will find that SCE misrepresented the cost benefits of the SGRP to the Commission when it sought approval in 2004. While significant fact finding has taken place in the SONGS OII, not all factual issues material to this complaint have been resolved. Accordingly, more time will be necessary to address the allegations in this complaint.

### **Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

### **Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and Melanie Darling is the assigned Administrative Law Judge (ALJ) and presiding officer in this proceeding.

### **Findings of Fact**

1. The complaint in this case was filed on February 19, 2013.
2. An extension of time until August 18, 2015 should allow the ALJ adequate time to resolve the complaint.

### **Conclusions of Law**

1. It will not be administratively feasible to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(d).
2. The 12-month statutory deadline should be extended for 6 months to allow for resolution of this proceeding.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding, February 18, 2015, is extended to and including August 18, 2015.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.