

Decision _____

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 & Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3.

Investigation _____

**ORDER INSTITUTING INVESTIGATION REGARDING
SAN ONOFRE NUCLEAR GENERATING STATION
UNITS 2 AND 3**

1. Summary

We open this investigation to obtain information on recent outages at the San Onofre Nuclear Generating Station Units 2 and 3, and the resulting effect on the provision of electric service at just and reasonable rates. We may issue orders based on this investigation to address ratemaking and other matters under our jurisdiction.

2. Background

Southern California Edison Company (SCE) and San Diego Gas & Electric (SDG&E) are public utility companies under the Commission's jurisdiction. The Commission regulates their rates, operations, practices, programs, and services, plus the reliability, safety, and adequacy of facilities, pursuant to Pub. Util. Code §§ 451, 454, 701, and other statutes. For example, the Commission is responsible for ensuring that:

All charges demanded or received by any public utility...shall be just and reasonable.

Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities...as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public. (§ 451.¹)

The Commission determines the manner and extent of such regulation in a range of different proceedings. These include investigations, rulemakings, applications, general rate case proceedings, and other forums.

The San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 are located adjacent to Camp Pendleton near San Clemente California. They are jointly owned by SCE (78%), SDG&E (20%), and City of Riverside (2%).² These units generate 2,200 megawatts of baseload power, and they play a critical role in the reliability of the southern California electricity grid. Both units have been off-line since January 2012 because of problems found in the recently replaced steam generators. SCE is the operator of these units.

We open this Order Instituting Investigation (OII) pursuant to Rule 5.1 of the Commission's Rules of Practice and Procedure (Rules). Initiating a formal proceeding allows the Commission to consider proposals of SCE, SDG&E, Commission staff and others regarding the rates, operations, practices, programs, services, and facilities of SCE and SDG&E as they may be affected by the outages at SONGS 2 and 3. The OII provides a forum to consider evidence and argument on the issues. It may result in directives to SCE and SDG&E that

¹ All statutory citations are to the Public Utilities Code unless noted otherwise.

² The City of Riverside is a municipal utility not under the Commission's jurisdiction.

promote just and reasonable rates, services, and facilities in furtherance of the public interest. SCE and SDG&E are named respondents to this OII. The Commission may enter orders on matters for which one or the other respondent may not be the proponent. SCE, SDG&E and the public are placed on notice that the evidence taken in this proceeding may be the basis for findings and Commission orders.

We preliminarily identify the issues, category, need for hearing, schedule, and other matters below, and we invite comment.

3. Preliminary Scoping Memo

We include a preliminary Scoping Memo. (Rule 7.1(c).) The determination of category may be appealed as described below.

3.1. Issues

The issues in this proceeding are preliminarily identified as follows:

1. What are the economic consequences if SONGS Units 2 and 3 simultaneously do not come back on line:
 - a) At any time?
 - b) Within six months of the date this OII was issued?
 - c) Within one year of the date this OII was issued?
2. What are the economic consequences if SONGS Unit 2 individually does not come back on line:
 - a) At any time?
 - b) Within six months of the date the OII was issued?
 - c) Within one year of the date the OII was issued?
3. What are the economic consequences if SONGS Unit 3 individually does not come back on line:
 - a) At any time?
 - b) Within six months of the date the OII was issued?

- c) Within one year of the date the OII was issued?
4. Same questions 1, 2, and 3, but assume SONGS comes back on line at less than 100% of full capacity.
 5. For each response to questions 1-4, please state:
 - a) Source of replacement power
 - b) Estimated cost of replacement power
 - c) What percent of replacement power cost will be paid by the owners of SCE and SDG&E, and what percent by the ratepayers?
 6. For each response to questions 1-4, please state
 - a) Cost of repairs
 - b) Changes in the cost of operation and maintenance
 - c) Changes in the amount of rate base
 7. What would be the consequences if the SONGS steam generators need to be replaced?
 - a) Cost of replacement
 - b) Time
 - c) Who pays
 - d) Cost of disposal

3.2. Category

We determine that the category of this proceeding is ratesetting. (Rules 1.3(e) and 7.1(c).) This is consistent with the preliminary issues focusing on the economic consequences of the outages, repairs, source of replacement electricity, cost of replacement electricity, and cost responsibility. This determination may be appealed under the procedures stated in Rule 7.6.

3.3. Need for Hearing

We expect disputed issues of material fact over which parties will seek to cross-examine others. Therefore, we preliminarily determine that a hearing is needed. (Rule 7.1(c).)

3.4. Schedule

Appeals of the categorization of this proceeding, if any, are to be filed and served within 10 days of the date this OII was issued. (Rule 7.6(a).) As required by our rules, an appeal shall state why the designated category is wrong as a matter of law or policy, and shall be served on the Commission's General Counsel, Chief Administrative Law Judge, the President of the Commission, and the service list used for this OII. Responses to an appeal shall be filed within 15 days after the date of categorization from which appeal has been taken, and shall be served on appellant and all persons on the service list for this OII. (Rule 7.6(b).) For simplicity, we make the date for responses to an appeal five days after an appeal is filed.

Responses to this OII may also be filed and served within 10 days of the date this OII is issued. (Rule 5.2.) Responses shall be in a document separate from an appeal, if any, and shall be served on the service list for this OII.³ Responses shall state objections, if any, to the preliminary Scoping Memo regarding the issues, need for hearing, and schedule. Replies to responses may be submitted, must be filed and served within five days after the date of responses,

³ To simplify the schedule, we adopt the same number of days for responses to the OII as for appeals to categorization. Responses are to be in a separate document. (See Rule 1.7.) Among other things, this more clearly and easily identifies the different type of requested actions between a response to the OII and an appeal to the Commission's determination of category.

and shall be in a document separate from a response to an appeal. These dates (i.e., filing an appeal to the category, a response to an appeal, a response to this OII, or a reply to a response to the OII) may be changed by the assigned Commissioner or Administrative Law Judge (ALJ) to promote efficient and equitable development of the record in this proceeding.

The assigned Commissioner should set a prehearing conference (PHC) for 45 to 60 days after this OII is issued, or as soon as practicable. (Rule 7.2(a).) The notice setting hearing may also set a date for the filing and service of PHC statements. PHC statements, if any, should state with specificity the party's recommendations for anything necessary to complete the assigned Commissioner's Scoping Memo, plus anything else necessary to reasonably proceed with this investigation. For example, PHC statements should, to the extent feasible, include the party's recommended exact proposed wording for issues, specific dates for the schedule, and necessary detail for hearing (to the extent known at that time).

In addition, the assigned Commissioner and/or the assigned ALJ may direct that the two respondent utilities provide background information before the PHC so all participants in the investigation have the same essential starting data (e.g., overview of SONGS 2 and 3; dates and causes of recent outages; status of investigation; current schedule to address outages; costs incurred to date with respect to the outages; current schedule, if any, to address ratemaking issues with the Commission). The assigned Commissioner and/or ALJ may also direct that the two respondent utilities provide preliminary data or answers before the PHC in response to the issues identified herein, or any other relevant issues, in order to assist the Commission and parties frame issues and other necessary items for the assigned Commissioner's Scoping Memo.

It is anticipated that this proceeding shall be resolved within 18 months of the date the Scoping Memo is issued. (*See* § 1701.5.)

The following table summarizes the schedule:

LINE NO	ITEM	DATE
1	Separate documents: <ul style="list-style-type: none"> • Appeal of categorization • Response to OII (regarding need for hearing, issues, schedule) 	Filed and served within 10 days of OII issuance date
2	Separate Documents: <ul style="list-style-type: none"> • Response to appeal of categorization • Reply to response to OII 	Filed and served within five days of appeal or response
3	If directed by assigned Commissioner or ALJ: <ul style="list-style-type: none"> • Background information • Preliminary responses to OII • PHC statements 	To be determined
4	PHC	With 60 days, or as set by ruling

4. Service and Official Service List

A service list has been established for this proceeding, a copy of which is attached (*see* Attachment A) and posted on the Commission's website. The service list is composed of all persons on the official service lists for:⁴

- Application 11-04-006 (SCE application for recovery of SONGS seismic safety program costs) and Application 11-05-011 (SDG&E

⁴ We also include the City of Riverside in the information only category so the City may determine whether or not it wishes to monitor or participate in this investigation.

application to recover certain costs of seismic and tsunami studies for SONGS)⁵

- Application 10-11-015 (SCE general rate case application)
- Application 09-04-009 (Joint application of SCE and SDG&E for nuclear decommissioning cost recovery)⁶

At the present time, all persons shall be entered on the official service list for this proceeding as “information only,” with the exception of SCE, SDG&E, and those in state service. SCE and SDG&E, as respondents, are entered in the party category. State service participants from prior lists shall remain in the state service category.

Persons in the information only category may seek party status by making an oral motion at the PHC or hearing, by filing a written motion, or as otherwise directed by the ALJ. (*See* Rule 1.4(a)(3) and (4).) Commission practice is to allow only one person to formally represent each party. (*See* Commission’s form for “Addition/Change to Service List.”⁷) To assist with efficient execution of this practice, motions for party status should clearly identify the lead person to be placed in party status, plus the names with other necessary information (e.g., e-mail addresses) for anyone else to be placed into (or remain in) information only.

In addition, any person not on the official service list contained in Attachment A may request addition to the category of state service or information only by making that request to the Process Office. (*See* Rule 1.9(f).)

⁵ These two applications are consolidated.

⁶ This application is consolidated with Application 09-04-007 (Pacific Gas and Electric Company application for nuclear decommissioning cost recovery).

The request should be sent to the Commission's Process Office by e-mail (Process_Office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102). The request must include an e-mail address to receive service of electronically served documents. (See Rule 1.10(b).) It is the responsibility of each person to notify the Process Office of his or her current postal service mailing address, current electronic-mail address, and any changes or corrections. (Rule 1.9(e).) A person may ask to be removed from the state service or information only portions of the service list at any time by request to the Process Office.

All pleadings in this proceeding shall be served on the official service list, including all those in the information only category (as periodically updated on the Commission's website).⁸ The Commission encourages electronic filing and e mail service in this investigation. Information about electronic filing may be found at <http://www.cpuc.ca.gov/PUC/efiling>. E-mail service is governed by Rule 1.10. The electronic copy should be in Microsoft Word or Excel formats to the extent possible. E-mail service of documents must occur no later than 5:00 p.m. on the date that service is scheduled to occur. Those persons using

⁷ See http://docs.cpuc.ca.gov/published/service_lists/sl_index.htm.

⁸ All persons on the initial official service have an e-mail address, with the exception of two persons in the information only category. Service of a paper copy of each pleading on these two persons is not excessively burdensome (since this is a limited number) and is required because the party category begins with only the two utilities (and information only participants may or may not make a motion to become parties perhaps in part depending upon the pleadings) If the practice of serving paper copies on information only participants proves burdensome as the proceeding progresses, a party may file a motion for relief (e.g., removal of the requirement to serve paper copies on those in the information only category who do not have an e-mail address).

e-mail service must also serve a paper copy on the ALJ. (See Rule 1.10(e).) Questions about the Commission's filing and service procedures should be directed to the Commission's Docket Office by telephone at (415) 703-2121, by e-mail at efile-help@cpuc.ca.gov, or by letter to Docket Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

5. Public Advisor

Any person or entity interested in participating in this investigation who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco by telephone at (415) 703-2074 or (866) 849-8390, or by e-mail at public.advisor@cpuc.ca.gov. The Public Advisor's office in Los Angeles may be reached by telephone at (213) 576-7055 or (866) 849-8391, or by e-mail at public.advisor.la@cpuc.ca.gov. The TTY number is (866) 836-7825. Written communication may be sent to Public Advisor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

6. Intervenor Compensation

Any party that expects to claim intervenor compensation for its participation in this investigation shall file its notice of intent to claim intervenor compensation no later than 30 days after the PHC. (See Rule 17.1.) Parties are encouraged to use the standardized form attached to the Intervenor Compensation Program Guide, which may be found at: <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/index3.htm>. Questions may be directed to the Commission's Public Advisor.

7. Ex Parte Communications

Communications with decision makers and advisors in this rulemaking are governed by Article 8 of the Rules of Practice and Procedure. (Rule 8.1, et seq.) Specifically, Rule 8.3(c) states that *ex parte* communications in ratesetting

proceedings are subject to the restrictions stated in Rule 8.3, and the reporting requirements set forth in Rule 8.4.

O R D E R

IT IS ORDERED that:

1. In accordance with Rule 5.1 of the Commission's Rules of Practice and Procedure, the Commission institutes this Order Instituting Investigation to obtain information on the outages at the San Onofre Nuclear Generating Station Units 2 and 3, and the resulting effect on the provision of electric service at just and reasonable rates. The Commission may issue orders based on this investigation to address ratemaking and other matters under our jurisdiction.

2. Southern California Edison Company and San Diego Gas & Electric Company are respondents to this Investigation, and shall be subject to Commission orders in this matter, unless determined otherwise by the Commission.

3. The preliminary scope of issues is as stated in the body of this order.

4. The category of this proceeding is ratesetting. This determination may be appealed under the procedures stated in Rule 7.6 of the Commission's Rules of Practice and Procedure.

5. It is preliminarily determined that hearing is needed.

6. Unless changed by the assigned Commissioner or assigned Administrative Law Judge, the schedule stated in the body of this order is adopted. It is the Commission's intent to resolve this proceeding within 18 months of the date the Scoping Memo is issued.

7. The official service list for this proceeding (*see* Attachment A) is composed of everyone on the service lists for Application (A.) 11-04-006, A.11-05-011, A.10-11-015 and A.09-04-009, plus the City of Riverside. Southern California Edison Company and San Diego Gas & Electric Company, as respondents, are entered into the party category. State service participants from prior service lists are continued in the state service category for this proceeding. All others are included in the information only category for this proceeding. Persons may seek party status by oral motion at the prehearing conference or hearing, by written motion, or as directed by the Administrative Law Judge.

8. Process Office shall serve a copy of this order on each respondent and each person on the official service list.

9. A person expecting to file an intervenor compensation claim for participation in this proceeding shall file a notice of intent to claim intervenor compensation no later than 30 days after the date of the prehearing conference, or as otherwise directed by the Administrative Law Judge.

10. *Ex parte* communications in this proceeding are subject to the restrictions and reporting requirements stated in Article 8 of the Commission's Rules of Practice and Procedure (Rule 8.1, et seq.).

This order is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A

Service lists of Applications 11-04-006, 11-05-011, 10-11-015, and 09-04-009

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