



**FORM A: BLANK NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

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

05/31/22

04:59 PM

A2202016

Joint Application of Southern California ) Edison Company (U 338-E) and San Diego ) Gas & Electric Company (U 902-E) For the ) 2021 Nuclear Decommissioning Cost ) Triennial Proceeding. )	Proceeding No A2202016  Application 22-02-016 (Filed February 28, 2022)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and ☐ <sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON PUBLIC WATCHDOGS' SHOWING OF SIGNIFICANT FINANCIAL  
HARDSHIP**

**NOTE: AFTER ELECTRONICALLY FILING A PDF COPY OF THIS NOTICE OF INTENT, PLEASE EMAIL THE DOCUMENT IN AN MS WORD FORMAT TO THE INTERVENOR COMPENSATION PROGRAM COORDINATOR AT [Icompcoordinator@cpuc.ca.gov](mailto:Icompcoordinator@cpuc.ca.gov).**

<b>Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): Public Watchdogs</b>		
<b>Assigned Commissioner: Darcie Houck</b>		<b>Administrative Law Judge: Elaine Lau</b>
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent is true to my best knowledge, information and belief.		
Signature:		/s/ Charles Langley /
Date: 05/30/22	Printed Name:	<b>Executive Director</b>

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

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b))<sup>2</sup> The party claims "customer" status because the party is (check one):</b>	<b>Applies (check)</b>
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<sup>1</sup> 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).

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>1. A <b>Category 1</b> 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. See, for example, D.08-07-019 at 5-10).</p>	<input type="checkbox"/>
<p>2. A <b>Category 2</b> 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>	<input type="checkbox"/>
<p>3. A <b>Category 3</b> 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 (§1802(b)(1)(C)). 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 30.</p>	<input checked="" type="checkbox"/>
<p><b>4. The party's detailed explanation of the selected customer category.</b></p> <p>Public Watchdogs filed its current articles of incorporation and bylaws with the Commission on February 28, 2018 in Rulemaking 19-01-006 (Filed January 10, 2019).</p> <p><b>Further Explanation:</b> Public Watchdogs is a Category 3 “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers” as well as small commercial customers. Public Watchdogs’ Articles of Incorporation (Article 10) and Bylaws (page 1) provide, in pertinent part: “Public Watchdogs may represent consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the California Public Utilities Commission; and may represent the interests of residential customers, or represent small commercial customers who receive bundled electric service from an electrical corporation.”</p> <p>Public Watchdogs has approximately 2,800 supporters, 98% of whom are customers of Southern California Edison and San Diego gas &amp; Electric. We believe the vast majority are residential ratepayers, although a small, but significant percentage, are small commercial customers. Public Watchdogs has not polled our supporters in a manner that allows a precise breakdown between residential and small commercial customers, as many are actually both, so an exact percentage is not available. Similarly, Public Watchdogs believes that the vast majority of our supporters receive bundled electric service from an electrical corporation. Public Watchdogs does not poll our members in a manner that would allow a precise breakdown between those who receive bundled electric service from an IOU, those who receive electric service from a municipal utility and gas service from an IOU, and those who might be a CCA customer or Direct Access customer. However, the majority of Public Watchdogs</p>	

supporters are validated by zip code to be in the service areas represented by Southern California Edison or San Diego Gas & Electric.	
<b>Do you have any direct economic interest in outcomes of the proceeding?</b> <sup>3</sup> If “Yes”, explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</b>
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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> No
<b>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</b>	
The party claims “eligible local government entity” status because the party is a city, county, or city and county that is not a publicly owned public utility that intervenes or participates in a Commission proceeding for the purpose of protecting the health and safety of the residents within the entity’s jurisdiction following a catastrophic material loss suffered by its residents either in significant damage to infrastructure or loss of life and property, or both, as a direct result of public utility infrastructure.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The party’s explanation of its status as an eligible local government entity must include a description of (1) The relevant triggering catastrophic event; (2) The impacts of the triggering catastrophic event on the residents within the entity’s jurisdiction as a result of public utility infrastructure; and (3) The entity’s reason(s) to participate in this proceeding.	
<b>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b>	
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 5/2/2022	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time:	
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:	

<sup>3</sup> See Rule 17.1(e).

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

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

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

Public Watchdogs plans to participate in this proceeding with the intent to protect the ratepayers' interests and their ongoing payments into Nuclear Decommissioning Trust Funds. We will evaluate the trust fund expenditures relevant to Southern California Edison (SCE) and SDG&E's 2018 through 2020 decommissioning using forensic analysis. Public Watchdogs contends that the Applicants' decommissioning expenditures associated with "regulatory delays" were due to the Applicants' own violations of Federal law, and are, therefore, questionable. Moreover, as confirmed by Public Watchdogs with the Chief of the State Lands Commission in 2017, the Applicants, by their own request, incurred additional delays to accommodate their contractors' changes to the 2018 SONGS Final Environmental Impact Report (FEIR). The extent of our analyses will also include reviews of expenditures, or lack thereof, of specific issues, including, but not limited to, the following:

**"2. \$606.7 million incurred for SONGS Units 2 and 3 (SONGS 2 & 3) projects that were completed during the 2018-2020 review period and for undistributed decommissioning expenditures incurred during the same period;"**

Public Watchdogs will take a two-pronged approach to evaluating the 2018-2020 review period. First, Public Watchdogs will apply commonly accepted forensic analyses to validate decommissioning expenditures that were actually incurred. Second, Public Watchdogs will quantify the reasonableness of the costs associated with the August 3, 2018 "near-miss" canister disaster, and the reasonableness of the costs associated with the resulting 11-month delay. Southern California Edison is improperly claiming reimbursement of costs incurred during an 11 month halt to all decommissioning activity prompted by a Nuclear Regulatory Commission Special Investigation.

We will assert that expenditures associated with this delay should be borne solely by Southern California Edison or its vendors due to the fact that SCE and its vendors knowingly violated Federal laws and were obdurate in their refusals to comply with NRC requirements. As a result, SCE was fined \$116,000.00 for civil violations of Federal Laws requiring "near-miss" accidents to be reported under 10 CFR part 72.75, in addition to other NRC "corrective actions." CFR 72.75(c)(1) required SCE to report the near-miss within 8 hours to the Nuclear Regulatory Commission (NRC) as "... *An event in which important to safety equipment is disabled or fails to function as designed.*" SCE's failure to report, which was entirely the fault of SCE, was directly instrumental in causing the 11-month NRC investigation which resulted in the decommissioning delay. This delay was exacerbated by SCE's additional violations and an NRC requirement ("corrective actions") to properly retrain its entire workforce.

**"4. 2020 SONGS 2 & 3 DCE of \$4,712 million;"**

Public Watchdogs' will further investigate the corporate author of the 2020 SONGS 2&3 Decommissioning Cost Estimate, and a potential conflict of interest wherein the author of the DCE may ultimately have been the recipient of the work that it estimated. SCE publicly noted within its

[2020 DCE to the NRC on March 24, 2021](#), that included the period between June 7, 2013, and December 31, 2020. In 2014, SONGS Decommissioning was estimated by Energy Solutions. Then, when SCE shortlisted their competitive bidder's list, SCE included Energy Solutions on the invited list. SCE then altered the competitive bidding process to accommodate a Joint Venture between Energy Solutions and AECOM known as SONGS Decommissioning Solutions (SDS). Hence, this potential conflict of interest warrants investigation by Public Watchdogs as to whether or not it extended into the 2018-2020 Triennial Review timeline.

**“6. SCE and SDG&E to deposit their respective United States Department of Energy (US DOE) litigation proceeds for SONGS into their respective Non-Qualified Nuclear Decommissioning Trusts (NQNDTs);”**

Public Watchdogs will analyze the Department of Energy (DOE) criteria for Non-Qualified Nuclear Decommissioning Trusts to determine if the disbursements were appropriate. Public Watchdogs will also evaluate whether or not ratepayers should be an eligible beneficiary of DOE refunds instead of the utilities.

**“8. The 2021 Reasonableness Framework;”**

Public Watchdogs will evaluate the reasonableness of SCE's decommissioning expenditures within the context of its forensic analyses and comparisons from previous years.

**“11. \$4.5 million in SDG&E-only costs for costs incurred during the 2018-2020 review period for SONGS; and ...”**

It is Public Watchdogs' opinion that SCE or its vendor Holtec, should compensate SDG&E for its losses. Because SCE was 100% responsible, expenses must be borne by SCE, not the ratepayers.

**The issues to be determined or otherwise considered are: (Issues pertaining to both Utilities)**

**“2. Are the costs incurred for SONGS 2 & 3 projects that were completed during the 2018-2020 review period and the undistributed expenditures incurred during the same period reasonable? What is a reasonable share of the costs for SCE? What is a reasonable share of the costs for SDG&E?”**

Public Watchdogs will contend that SDG&E's share should be cut by 50%, and that SCE is responsible and should be held accountable for the remainder.

**“4. Is the 2020 DCE for SONGS 2 & 3 reasonable? If not, what is a reasonable amount? What is a reasonable share of the costs for SCE? What is a reasonable share of the costs for SDG&E?”**

Public Watchdogs will determine reasonableness based on a forensic analysis and a review of expenses from a site demolition cost estimating perspective.

**“6. Should their litigation proceeds from US DOE for SONGS be deposited into their respective NQNDTs or be refunded to their customers through each of their respective Energy Resource Recovery Accounts?”**

Proceeds should be returned to the customers. The Replacement Steam Generators (RSGs) were estimated by SCE to last 40-years, but failed 11-months after they were deployed due to the fact

that SCE was operating an unlicensed steam generator design that was not approved by the Nuclear Regulatory Commission. Public Watchdogs will present evidence showing that SCE was made aware that the RSGs were an untested experimental design prior to their purchase and deployment. This premature failure of the RSGs forced SCE to react to an immediate crisis versus thoughtfully planning for long-term decommissioning. These events precipitated a premature need to store spent nuclear fuel 39 years and one month earlier than anticipated by all parties. The resulting nuclear waste dump or ISFSI (Independent Spent Storage Fuel Installation) is located 108 feet from the Pacific Ocean, next to an earthquake fault, in a USGS designated Tsunami inundation zone, in the middle of millions of people.

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

Public Watchdogs will coordinate with the other parties to limit duplication of effort and to ensure Public Watchdogs offers a unique contribution. Public Watchdogs will also review all other NOI filings and will communicate and coordinate with the other parties to limit duplication. Public Watchdogs will also explore the possibility of collaborative efforts with other intervenors to coordinate and develop joint positions when appropriate.

**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).**

Public Watchdogs has attended the prehearing conference and has been granted party status. We believe that our contributions to the proceeding will be uniquely valuable because we will use the tools of forensic investigators, nuclear power plant professionals, and construction cost professionals to develop our testimony.

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

Public Watchdogs intends to coordinate and collaborate with other parties to avoid duplication or, where such duplication is unavoidable, seek to ensure that Public Watchdogs presents material that complements and supplements the testimony of other 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):**

Public Watchdogs intends to be an active participant. These activities will include collaboration with other intervenors, attending hearings, conducting discovery, drafting briefs, responses and comments on the issues articulated in the scoping memo.

**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)):**

Item	Hours	Rate \$	Total \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Attorney	30	\$470.00	\$8,100.00	
Advocate Charles Langley	180	\$300.00	\$54,000.00	
Nina Babiarz, Expert Testimony	180	\$300.00	\$54,000.00	
Statistician	40	\$350.00	\$14,000.00	
Engineer/Expert Testimony	75	\$350.00	\$26,250.00	
Insurance Actuary	35	\$200	\$7,000.00	



<b><i>Subtotal: \$163,350.00</i></b>				
<b>OTHER FEES</b>				
Misc			\$1000.00	
<b><i>Subtotal: \$1,000.00</i></b>				
<b>COSTS</b>				
[Item 1]	Expenses		\$7,000.00	
[Item 2]				
<b><i>Subtotal: \$7,000.00</i></b>				
<b><i>TOTAL ESTIMATE: \$171,350.00</i></b>				
<b>Estimated Budget by Issues:</b>				
Roughly 10% on average for each of the nine items articulated in this NOI, plus an additional 10% contingency for other issues or expenses that arise in the course of our research.				
<i>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.</i>				

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

<b>A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:</b>	<b>Applies (check)</b>
1. The 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(h))	<input type="checkbox"/>
2. In 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(h))	<input checked="" type="checkbox"/>
3. The eligible local government entities' participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)	<input type="checkbox"/>
4. A § 1802(h) or § 1803.1(b) 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)).	<input type="checkbox"/>
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>B. The party's explanation of the factual basis for its claim of "significant financial hardship" (§ 1802(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOI:</b>	

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC  
ASSERTIONS MADE IN THIS NOTICE**

**(The party intending to claim intervenor compensation identifies and attaches documents;  
add rows as necessary)**

Attachment No.	Description
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING<sup>4</sup>**  
**(Administrative Law Judge completes)**

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	<input type="checkbox"/>
a. The NOI has not demonstrated the party's status as a "customer" or an "eligible local government entity" 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"/>
<b>4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</b>	<input type="checkbox"/>

<sup>4</sup> 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 or eligible local government entity's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(h).



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**IT IS RULED** that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer or eligible local government entity has shown significant financial hardship.	<input type="checkbox"/>
4. The customer or eligible local government entity 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 or eligible local government entity as set forth above.	<input type="checkbox"/>

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

\_\_\_\_\_  
Administrative Law Judge