

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA



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ADMINISTRATIVE LAW JUDGE ELAINE LAU, presiding

Joint Application of Southern California)
Edison Company (U338E) and San Diego Gas) EVIDENTIARY
& Electric Company (U902E) for the 2021) HEARING
Nuclear Decommissioning Cost Triennial)
Proceeding.)
)
)
) Application
) 22-02-016
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PUBLIC

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VIRTUAL PROCEEDING

JANUARY 26, 2023 - 10:02 A.M.

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ADMINISTRATIVE LAW JUDGE ELAINE LAU: Let's go on the record. The Commission will come to order. This is Day Three of the Evidentiary Hearing in Application 22-02-016, the Joint Application of Southern California Edison Company, or Edison, and San Diego Gas & Electric Company, SDG&E, for the 2021 Nuclear Decommissioning Cost Triennial Proceeding.

Good morning. I am Administrative Law Judge Elaine Lau and the Presiding Officer for this proceeding. This morning, we will begin with marking an exhibit that was served yesterday, and this exhibit will be A4NR-X-46C, which is titled: Kerry Rod Presentation to December 6, 2018 EC Meeting.

(Exhibit A4NR-X-46C was marked for identification.)

ALJ LAU: We will now begin the hearing with the cross-examination of Ms. Katie Chollet-Guibert from Southern California Edison. I would like the witness to first identify herself. Please state your name and organization you're representing, and also at this time you may make your preferred pronoun known. That's not a requirement, but just an opportunity.

1 THE WITNESS: Thank you, Judge Lau.

2 My name is Katie Chollet-Guibert. I am a
3 Senior Project Manager with Southern California Edison.

4 ALJ LAU: Thank you.

5 Francisco, can you bring up the witness
6 attestation on the screen.

7 Ms. Katie Chollet-Guibert, do you see these
8 Witness Attestations? Can you acknowledge that you've
9 read these in entirety?

10 THE WITNESS: I see these, and I acknowledge I
11 have read them in entirety.

12 ALJ LAU: Do you agree with the set of
13 attestations?

14 THE WITNESS: I do.

15 ALJ LAU: Thank you.

16 Ms. Mitchell, will you be doing direct for
17 Ms. Katie Chollet-Guibert?

18 MS. MITCHELL: Yes, I will. Thank you, your
19 Honor.

20 KATIE CHOLLET-GUIBERT,
21 called as a witness by Southern California
22 Edison, having been sworn, testified as
23 follows:

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DIRECT EXAMINATION

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BY MS. MITCHELL:

Q Good morning, Ms. Chollet-Guibert.

Do you have before you the documents that have been marked and identified as Exhibits SCE-SDG&E-01 and SCE-09?

A I do.

Q And are you sponsoring the portions of those exhibits as identified in the representative tables of contents of those exhibits?

A I am.

Q And were these documents prepared by you or under your direction?

A They were.

Q To the extent these exhibits contained factual assertions, are these assertions true and correct to the best of your knowledge?

A They are.

Q And to the extent that these exhibits contain expert opinions, are these opinions consistent with your best professional judgment?

A Yes.

Q Do you adopt the identified portions of Exhibits SCE-SDG&E-01 and SCE-09 as your testimony today?

1 A I do.

2 MS. MITCHELL: Your Honor, Ms. Chollet-Guibert
3 is available for cross-examination.

4 ALJ LAU: Thank you, and I believe that only
5 Mr. Freedman has requested to cross-examine Ms. Katie
6 Chollet-Guibert.

7 Mr. Freedman, you may begin.

8 CROSS-EXAMINATION

9 BY MR. FREEDMAN:

10 Q Good morning, Ms. Chollet-Guibert.

11 A Good morning.

12 Q Before we begin, I'd just like to make sure
13 that you have access to two exhibits that TURN
14 previously served, Exhibit TURN-14, and what was
15 previously marked as Exhibit TURN-15C, but I believe
16 will be renamed Exhibit TURN-15 to remove the
17 confidentiality designation. Do you have those
18 available?

19 A I do.

20 Q Okay. Thank you. Just a few questions for
21 you. I would like to start on page 75 of Exhibit
22 SCE-09, your rebuttal testimony.

23 A Okay. I'm there.

24 Q Starting on line 17, you state that -- and
25 you're here discussing the issue of intergenerational

1 equity with respect to the trust funds, and you state
2 that although it may be true that SCE customers that
3 ultimately receive remaining funds in the trusts
4 following the completion of decommissioning will not
5 have benefitted from SONGS operation or contributed to
6 the decommissioning trusts.

7 Do you see that first part the sentence?

8 A I do.

9 Q When did SONGS Unit 1 stop operating?

10 A Give me one moment.

11 Can I go off the record to look.

12 ALJ LAU: Yes. Let's go off the record.

13 (Off the record.)

14 ALJ LAU: Let's go back on the record.

15 THE WITNESS: Okay. I'm looking at SCE-01,
16 sponsored by Doug Bauder that has the background of
17 SONGS 1, and it states: SONGS 1 was permanently retired
18 in 1992. On page 4, line 13.

19 BY MR. FREEDMAN:

20 Q When were SONGS Units 2 and 3 permanently
21 retired?

22 A That is listed on that same exhibit, SCE-01,
23 page 4, at line 19: SONGS 2 and 3 were permanently
24 retired on June 7, 2013.

25 Q And does Edison currently expect

1 decommissioning at all three units to be complete by
2 2053?

3 A Yes.

4 Q So this means that 61 years will have passed
5 since the permanent retirement of Unit 1?

6 A At this current forecasted time in the 2020
7 DCE, it would seem so, yes.

8 Q Would it be fair to say that if there were
9 excess funds available at the end of decommissioning
10 some of the customers who originally contributed to the
11 trust funds may no longer be Edison customers?

12 A Hypothetically that could be the case; however,
13 the individuals who have contributed to the trust funds
14 for decommissioning also benefitted from the receiving
15 the power of SONGS; whereas future customers won't even
16 receive that benefit.

17 Q Would it correct to assume that some of the
18 customers that originally contributed towards the trust
19 fund are no longer even alive in 2053?

20 A I'm sure. I'm unsure of people's dates of
21 death. It could be, hypothetically, that some will not
22 be alive; however, again, those individuals that paid
23 into the trust received the benefit of the power of
24 SONGS.

25 Q But their descendants might be the ones to

1 receive any excess funds available from of the trust?

2 A Excuse me. Sorry for interrupting.

3 Their descendants did not receive the benefit
4 of power; however, they are bearing the risk of future
5 contributions should we run out of trust fund moneys; so
6 for that risk, Edison believes that those individuals,
7 if there are any moneys left over at the end of
8 decommissioning, should appropriately be provided to
9 those customers.

10 Q Going forward in your rebuttal testimony,
11 starting at the bottom of page 76 and at the top of page
12 77, you discuss TURN's use of a weighted average rate of
13 return of 7.68 percent to discount the value of future
14 excess funds.

15 And at the top of page 77, you state starting
16 on line 1: The appropriate rate to be used in the
17 calculations for financial analysis related to the
18 nuclear decommissioning trusts is the value presented in
19 Exhibit SCE-06A.

20 Can you point me to what value in Exhibit
21 SCE-06A you are referencing.

22 A Yes, I can. Give me one second to get there.
23 You might want to go off record again, Judge Lau.

24 ALJ LAU: Let's go off the record.

25 (Off the record.)

1 ALJ LAU: On the record.

2 THE WITNESS: So in SCE-06, page 5 -- actually,
3 pages 4 and 5, you'll see several tables for each unit.
4 Unit 1 is on page 4. Unit 2 and 3 is on page 5 and then
5 Palo Verde. And for Units 2 and 3 that are on page 5,
6 it would be the values represented in the Table II-2,
7 the two bottom lines, the 10-Year After Tax Rate of
8 Return and the Post-10-Year After Tax Return, the values
9 that are provided for in the column titled: "2021 NDCTP
10 Application."

11 BY MR. FREEDMAN:

12 Q So you're basically proposing to use the
13 expected rate of return on the trust fund assets as the
14 discount rate?

15 A Yes.

16 Q This table you pointed us to, this applies to
17 the qualified trust; doesn't it?

18 A Yes. I believe so.

19 Q Does Edison project the same rates of return on
20 an after-tax basis for both the qualified and
21 nonqualified trusts?

22 A No. It does not.

23 Q So does this mean that it would be appropriate
24 to use different discount rates for money held in the
25 qualified versus the nonqualified trusts?

1 A Yes.

2 Q And do you think the use of different discount
3 rates for different types of trusts is consistent with
4 the way that residential customers perceive the future
5 value of their own money?

6 A I cannot stipulate what customers perceive. I
7 can only stipulate what I believe is the appropriate way
8 to analyze this. The nonqualified funds are derived
9 mostly by fixed income; so such as bonds and have a
10 lower rate compared to the qualified funds, which is
11 mostly equities and stocks, and that gives you a higher
12 rate. So I think you do need to evaluate the two funds
13 separately.]

14 Q And so, you're not evaluating this from the
15 perspective of a residential customer, are you?

16 A If I was -- I'm a customer of SDG&E. So, I
17 guess you could say, "In a way." Because SDG&E shares
18 the costs and has their own contribution analysis in
19 this case. So I guess that, in a way, I am.

20 Q I guess what I'm asking is: You're not
21 analyzing this from the perspective of what a typical
22 residential customer -- how they would see the value of
23 money, are you?

24 A I cannot speculate what a typical customer
25 believes or evaluates.

1 Q Mm-hm. And can you say what you think the --
2 what you understand to be the after-tax rate of return
3 on the non-qualified trust funds?

4 A I don't have that information at my hands at
5 the moment.

6 Q Well, perhaps I could ask you to turn to what's
7 been marked as Exhibit 15, TURN-15?

8 A Okay.

9 Q This is the exhibit that was previously --

10 A Yes.

11 Q -- TURN-15C.

12 A Mm-hm.

13 Q And this is an excerpt from Edison's workpapers
14 that underlie Exhibit SCE-06, but these do not appear in
15 Exhibit SCE-06.

16 Are you familiar with the spreadsheets that
17 produced this table?

18 A This table was produced as part of a data
19 request response by an individual named Bruno Miranda.
20 While I may have viewed the table in our review process
21 of data request submittals as a team, I did not review
22 the modeling information that you're referring to, or
23 the data, in detail; because that's not my expertise.

24 Q Okay. Well, understanding this is not your
25 expertise, I would like to just turn you to the second

1 page of the exhibit, after the cover page, that has cash
2 flow tables for the SONGS 1 qualified and SONGS 1
3 non-qualified trusts.

4 Do you see that?

5 A I see it.

6 Q And what is it that -- the SONGS 1
7 non-qualified trust shows on after-tax ROR, or rate of
8 return, of 1.55 percent.

9 Is that consistent with your understanding of
10 the forecasted return on the non-qualified trust?

11 A So, again, I didn't look at this in detail at
12 all. I don't have an understanding of the modeling that
13 was used. This should have been directed to the SCE-06
14 witness, Jonathan Rumble, who sponsored the testimony
15 that would have supported this background data that
16 you're referring to.

17 Q So you don't review this exhibit when it was
18 served on you several days ago in anticipation of
19 hearings?

20 A I did. I did review it. And, like I said,
21 this is not my expertise.

22 Q And you're not willing to speculate on the rate
23 of return, or to confirm that Edison does assume the
24 non-qualified trust has this 1.55 percent rate of
25 return?

1 You have -- -- you're not able to say anything
2 about it?

3 A No --

4 (Crosstalk.)

5 MS. MITCHELL: Your Honor, I object. This
6 witness has already said that this is beyond the scope
7 of her testimony.

8 (Crosstalk.)

9 MR. FREEDMAN: Your Honor, the witness is
10 specifically referring to rates of returns for the trust
11 funds as the basis for her recommendation in this
12 proceeding.

13 ALJ LAU: Was it -- I don't remember when you
14 were reading the testimony that she did note that there
15 were rate of return that (sic).

16 MR. FREEDMAN: Your Honor, this witness
17 referred to the table in Exhibit SCE-06. She
18 specifically said that she was referencing the rate of
19 return on the trust fund. I pointed out that that was
20 the qualified trust fund and asked about the
21 non-qualified trust, which is a subject of dispute in
22 this proceeding, a subject that she addresses in her
23 rebuttal testimony, the non-qualified trust.

24 And I'm just asking a simple question of fact,
25 which it's surprising that Edison would refuse to

1 answer. This is an issue of basic fact. There's no
2 dispute here.

3 ALJ LAU: I mean, can you -- Miss -- sorry, can
4 you just answer to the best of your knowledge, subject
5 to check. And if need be, then I don't know if Edison
6 wants to call a witness to -- to, you know, support
7 these facts. So it may be, actually, more easy in a
8 practical matter if, you know -- if you can just answer
9 to the best of your knowledge, subject to check.

10 THE WITNESS: Okay. What was the question?

11 BY MR. FREEDMAN:

12 Q The question is: Is it your understanding that
13 the forecasted rate of return on the non-qualified trust
14 fund is 1.55 percent?

15 A It is not my understanding that that is the
16 non-qualified after-tax rate of return. However, it
17 does state that in this table in response to the data
18 request.

19 Q And so, it's your understanding that there's a
20 different value --

21 A No. I --

22 Q -- that's --

23 A Sorry for interrupting.

24 No, that's -- I -- I'm sure of the value.

25 Q Let's assume for purposes of this next question

1 that that is the value, can you hold that as an
2 assumption for just this question?

3 Is it your view that residential customers
4 would be indifferent to the choice between receiving \$1
5 today or receiving, in 40 years from now, \$1 at a
6 1.55-percent compounding rate of return?

7 MS. MITCHELL: Objection. Calls for
8 speculation. The witness has already said she can't
9 testify to what a residential customer believes or
10 thinks.

11 MR. FREEDMAN: Your Honor, she actually did
12 testify that she is a residential customer and has her
13 own set of beliefs around this issue.

14 MS. MITCHELL: Well, are you asking as to her
15 beliefs personally, or a residential customer
16 generically?

17 MR. FREEDMAN: I would be asking about a
18 residential customer generically.

19 MS. MITCHELL: And she said she does not have
20 that information.

21 ALJ LAU: I think Mr. Freedman was just asking
22 a hypothetical about a 1.15 -- a 1.55-percent discount
23 rate.

24 Is that correct, Mr. Freedman?

25 MR. FREEDMAN: Yes, your Honor.

1 ALJ LAU: Can you ask your question again? I
2 need to hear it again.

3 MR. FREEDMAN: My question is whether a
4 residential customer would be indifferent to the choice
5 between receiving \$1 today or \$1 compounded at a
6 1.55-percent rate of interest in 40 years for now.

7 ALJ LAU: Yeah. I will overrule the objection.
8 I believe Mr. Freedman has set a pretty good
9 hypothetical there.

10 THE WITNESS: Okay. As a residential customer,
11 I would feel much more at ease knowing that the trust
12 funds are fully funded and my rates would not risk being
13 increased any more than they are now because we
14 prematurely assessed a trust fund value way before the
15 decommissioning project is completed.

16 MR. FREEDMAN: Your Honor, that's not a
17 responsive answer to that question. She's answering a
18 different question.

19 ALJ LAU: I believe Miss -- Katie -- I believe
20 the witness has tried her best to answer your question.

21 BY MR. FREEDMAN:

22 Q Okay. Let's go back to your rebuttal
23 testimony, which is starting on page 78, line 11. Let
24 me know when you're there.

25 A I am there.

1 Q Line 11, you state:

2 SCE agrees to use funds from the QNDT, or
3 Qualified Nuclear Decommissioning Trust, prior
4 to using any NQNDT, or Non-Qualified Nuclear
5 Decommissioning Trust, funds, which is SCE's
6 current practice.

7 Do you see that?

8 A I do.

9 Q Now, with that in mind, I would like to turn
10 back to Exhibit TURN-15C that we were just looking at.

11 Does this table show the use of the
12 non-qualified trusts prior to the use of the qualified
13 trusts? -- is that how the modeling is set up here?

14 A I'm unsure of how the modeling is set up in
15 this table.

16 Q Okay. Well, then let's move to Exhibit 14,
17 TURN-14.

18 A Okay. I've got it.

19 Q Do you see in response to Question 19-A where
20 TURN asks this exact question about your testimony, and
21 the statement in your testimony?

22 The response is that:

23 For modeling purposes, SCE has assumed that
24 NQNDT funds will be used first to minimize any
25 potential contribution from customers as the

1 assumed rate of return for the NQNDT fund is
2 lower than that for the QNDT.

3 Do you see that?

4 A I do.

5 Q Does this clarify your understanding of
6 Edison's modeling practice?

7 A I'm unsure of what you mean "clarify" my
8 understanding.

9 Q You said you weren't sure how the modeling is
10 done. And I'm referring you to this response from
11 Edison to see if that helps you to clarify your
12 understanding of whether Edison, in fact, does in its
13 modeling assume funds are used first from the
14 non-qualified trust?

15 A I am aware of this response in this data
16 request, yes.

17 Q So Edison is modeling, in its workpapers, that
18 money is first spent from the non-qualified. But your
19 statement in your testimony is that's not Edison's
20 practice; is that right?

21 A The modeling is different, because SCE assumes
22 the most conservative approach to delay customer
23 contributions for as long as possible. That's my
24 understanding as to why the modeling is different than
25 the way funds are actually paid.

1 Q And going forward, if Edison were to accumulate
2 substantially more funds in the non-qualified trusts,
3 Edison's proposal would be to hold onto those funds and
4 not spend them, unless necessary, due to the exhaustion
5 of the qualified trust?

6 A Yes. My understanding is that Edison plans to
7 utilize all of qualified funds first before going to the
8 non-qualified funds.

9 Q Okay. Let's go back to your rebuttal
10 testimony. At the bottom page 78, I had just asked you
11 to look at line 11; but now I would like you to turn to
12 line 23. This has to do with dividends, the NEIL, or
13 Nuclear Energy Insurance Limited dividends.

14 Do you see that section?

15 A I do.

16 Q You state on line 23:

17 SCE is amenable to continue funding the
18 annual premiums from the qualified trusts, but
19 depositing future NEIL dividends into the
20 non-qualified trusts.

21 What would be the benefits to ratepayers for
22 such an arrangement?

23 A So, I believe the benefits would be that -- I
24 believe there's tax implications to the qualified trusts
25 versus non-qualified trusts. And I also believe that

1 the non-qualified trusts can be used for other things
2 other than just decommissioning costs. So, if
3 ratepayers -- if SCE was directed to return funds to
4 ratepayers at some time before the decommissioning
5 project concludes, we would be able to do that.

6 Q And you mentioned tax issues.

7 Can you explain what those tax issues are with
8 respect to dividends, the NEIL dividends?

9 A I can't specifically say the actual tax
10 implications. I'm just aware of a high level that
11 different -- the different accounts have different tax
12 implications on them.

13 Q Now, in your rebuttal testimony on page 79, you
14 have a Q and A starting on line 9 where you -- you ask:

15 How would SCE treat any additional revenue
16 streams that may arise in the future?

17 And you suggest that those revenue streams
18 could be placed into the non-qualified trusts.

19 Do you see that question and answer?

20 A Yes.

21 Q And, again, I would ask: What are the benefits
22 to ratepayers for using the non-qualified trusts for
23 this purpose for other revenue streams? -- would your
24 answer be the same as what you just gave?

25 A Yes.

1 Q And that would be that there may be some tax
2 benefit; is that right?

3 A Correct.

4 Q But you can't say what that would be?

5 A I'm not the tax expert. I just know that each
6 account has different tax implications on them and
7 regulations. And I also understand that the
8 non-qualified fund can be used for other sources than
9 just decommissioning costs.]

10 Q When you say "other sources other than
11 decommissioning costs," you mentioned one of those
12 purposes could be to provide refunds to ratepayers prior
13 to decommissioning's completion. Is there something
14 else those funds could be used for?

15 A Non-decommissioning costs.

16 Q Like what?

17 A Currently, we have a coalition formed to help
18 move along, I guess, the process to get the fuel removed
19 from the site. So that's not directly a decommissioning
20 cost, but it does support decommissioning, so some of
21 those costs may be funded from that account.

22 Q Are there any limits on the types of costs that
23 could be funded from the non-qualified trust?

24 A I'm not sure if there's -- the exact limits, I
25 just know that the qualified trust has to be

1 decommissioning costs or it will be unqualified if we
2 misuse it, and the non-qualified does not have that
3 stipulation.

4 Q And that's because the disbursements are not
5 regulated by the IRS or the NRC; is that right?

6 A I don't know.

7 Q What entity is in charge of approving
8 disbursements from the non-qualified trust?

9 A The CPUC would oversee that. That would be
10 one. The IRS would oversee however we are utilizing
11 money and our tax implications from that account. I'm
12 sure there's others. NRC would need to know from just
13 an overall funding status. There could be others.

14 Q Does the NRC oversee disbursements from the
15 non-qualified trust?

16 A I know that we inform the NRC of how much money
17 we have in our trust on an annual basis, but I don't
18 know the details of that report.

19 Q Do you know whether the non-qualified trust
20 could be used to support costs that are outside the
21 scope of the SONGS facility itself?

22 A I don't. I don't know.

23 MR. FREEDMAN: Okay. Okay, thank you, Ms.
24 Chollet-Guibert. Those are all my questions.

25 THE WITNESS: Thank you.

1 ALJ LAU: Mr. Freedman, you just want to
2 confirm that you're not -- you don't need confidential
3 session for Ms. Chollet-Guibert?

4 MR. FREEDMAN: That's correct, your Honor,
5 because the exhibit that I had asked her to comment on,
6 Edison confirmed that that table is not confidential.

7 ALJ LAU: Okay.

8 I do have questions, but I will reserve it for
9 other counsel if they want to do any cross on Ms. Katie
10 Chollet-Guibert. So if you want to cross, please state
11 your name and the organization you are representing.
12 And don't -- please go one at a time, please.

13 (No response.)

14 ALJ LAU: All right, hearing none, then I do
15 have questions. And I'm not sure -- you know, I have
16 some questions following Mr. Freedman's questions, and I
17 know that, you know, Ms. Katie Chollet-Guibert may not
18 be the best witness to -- may not be the best witness to
19 answer these questions. So if Edison can provide, you
20 know, who can best answer it, that would be good.

21 MS. BABIARZ: This is Nina Babiarz for Public
22 Watchdogs.

23 I just had one question for her. A point of
24 clarification on one of her responses.

25 ALJ LAU: Okay. Go ahead, Ms. Babiarz.

1 MS. BABIARZ: Thank you, Judge Lau.

2 CROSS-EXAMINATION

3 BY MS. BABIARZ:

4 Q You indicated that the non-qualified trust in
5 part was being used for a coalition. Could you please
6 just detail what that coalition is and the activity of
7 that coalition?

8 A I believe there's testimony in this proceeding
9 regarding the details of that coalition, but at a high
10 level SCE is working with other stakeholders in this
11 coalition effort to help elevate the issue of nuclear
12 fuel at the site and the DOE nonperformance.

13 Q Could you just give an example of the
14 stakeholders so that we have a description of the
15 stakeholders?

16 A I don't have that at my fingertip, but I know
17 that you can look that up on songscommunity.org. It's
18 all listed there for information.

19 Q Is that the coalition with the elected
20 officials to move the spent fuel now?

21 A I believe so, but I don't know exact members of
22 that effort.

23 MS. BABIARZ: Thank you, Judge Lau.

24 ALJ LAU: Thank you.

25 As I said, my questions, I'm not sure if it's

1 best for Ms. Katie Chollet-Guibert or if it's best for
2 some other witness, and I'll ask if Mr. Jerman and Ms.
3 Mitchell can see which witness or who they can find to
4 answer my questions.

5 So I am also curious, what are the differences
6 between a non-qualified trust and a qualified trust, as
7 I know there's some tax implications. So my first
8 question is, you know, what specifically are the
9 different tax implications between a qualified trust and
10 a non-qualified trust? And that's my first question
11 first.

12 MS. MITCHELL: Your Honor, the tax issues are
13 specifically addressed by a different witness than Ms.
14 Chollet-Guibert. I think she could answer it from a
15 high level, but to the extent you're looking for any
16 detail, that is addressed in a different volume of
17 testimony sponsored by a different witness who has not
18 been called to testify.

19 ALJ LAU: Okay. And who is the witness?

20 MS. MITCHELL: Mr. Alfred Lopez.

21 ALJ LAU: Is he available today? If not, you
22 will have to supply a response.

23 MS. MITCHELL: I will ask.

24 ALJ LAU: If he's not available, then we will
25 have to -- you will have to supply additional responses

1 later on.

2 MS. MITCHELL: Understood. We may just need to
3 confer on that to see if it's possible that perhaps Mr.
4 Perez could speak to it when he is on the witness stand,
5 but Mr. Lopez was not identified by any of the parties,
6 so he is not available today.

7 ALJ LAU: Okay.

8 And then my second question is somewhat similar
9 to Mr. Freedman. Is there a different rate of return
10 for, you know, the discount rate used for the
11 non-qualified and qualified trust?

12 My third question, which Ms. Katie
13 Chollet-Guibert alluded to, is that qualified trusts can
14 only be used for decommissioning costs, but
15 non-qualified trusts have bigger purpose, they have
16 wider purposes. Just in general, can they make the
17 distinction between what could be used for -- what can
18 be used for funds from qualified trusts versus
19 non-qualified trust. So thank you, Edison. Then you
20 guys can talk together and see what sort of -- you know,
21 who can best address those questions.

22 I now have questions for Ms. Katie
23 Chollet-Guibert. Can we go off the record while I take
24 a look? Let's go off the record.

25 (Off the record.)

1 ALJ LAU: Back on the record.

2 EXAMINATION

3 BY ALJ LAU:

4 Q As I said, Ms. Chollet-Guibert, I have
5 questions regarding -- and I'd like that you turn to
6 exhibit TURN-1 pages 3 to 4. And in this exhibit, in
7 this testimony, Mr. Kinosian referred to claims that
8 there is an overcollection of decommissioning funds, and
9 he claims that Edison determines the need for additional
10 trust fund by comparing the to-go cost of
11 decommissioning with the liquidated value of the
12 decommissioning trust funds. And that he claims that in
13 general their showing that SONGS 1 and Palo Verde Trust
14 are overfunded, and even SONGS 2 and 3 Trusts also have
15 significant excess funds.

16 So in his testimony he says that for SONGS 1,
17 SCE shows a cost of \$146 million and a liquidated
18 balance of \$330 million, which is in excess of over \$180
19 million, more than double the amount needed. And SONGS
20 2 and 3 have an expected cost of 2.199 million and 2.549
21 million in funds available, which is an excess of \$350
22 million.

23 So have you had a chance to review Mr.
24 Kinosian's testimony?

25 A I have.

1 Q And then I saw that your response in SCE-09
2 page 74 is that it is impossible to identify the excess
3 funds until decommissioning is complete, because total
4 costs are not known. But you know, as you know, in this
5 application we're doing forecasts, and it seems that for
6 Mr. Kinonian he's comparing the forecasted cost of
7 decommissioning and liquidated value of the
8 decommissioning trust funds, which shows an excess for
9 all the funds. I want to hear your response to that.
10 Can you please, you know -- yeah, I'd like to hear your
11 response to that first.

12 A Okay. So in SCE-06, where I think -- I believe
13 Mr. Kinonian derived a lot of his analysis from, was
14 utilizing the values shown in SCE-06 in the various
15 tables on pages 18 and 19. And I don't believe that Mr.
16 Kinonian was comparing apples to apples, because in the
17 tables, the to-go costs are 2014 dollars and the other
18 values are represented in nominal.

19 Q Okay.

20 A And the contribution amounts are only through
21 June 30th, 2021, is how we modeled that, and the to-go
22 costs are represented from January of 2021. So it's not
23 quite apples to apples where those dollars came from in
24 Mr. Kinonian's report.

25 However, regardless, it is my personal opinion

1 in representation of SCE's opinion that until the
2 decommissioning projects are fully completed there is no
3 way that we can guarantee any unknown situations from
4 happening, any changes in law from happening,
5 environmental type of laws that could have a significant
6 impact at the site, to include what we just went through
7 with the COVID-19 issues. So it's my perspective that
8 until we have all of the costs recognized and accounted
9 for and recorded on the books, that we should not
10 distribute funds, because we simply -- even though we
11 have a DCE that we update every three years, every three
12 years that DCE changes. New things are identified, new
13 situations have occurred, and we are talking about this
14 project not ending for decades in the future, and I am
15 sure unknown things will happen within that timeframe
16 where these trust funds would be utilized to avoid
17 ratepayer contributions in the future.]

18 Q Ms. Chollet-Guibert, I asked what are the to-go
19 costs that are referenced in Table IV-7 on page 18 of
20 SCE-6.

21 A In SCE's 2020 DCE, we have a value of recorded
22 costs that have already been incurred to -- on the
23 decommissioning project up until December 31st of 2021.
24 And then from that date, going forward through 2053
25 would be the to-go costs. So everything that hasn't

1 been incurred or recorded to date.

2 Q I'm sorry. Can you say that again?

3 A Sure. So the decommissioning cost estimate
4 includes the costs that have already been recorded as
5 decommissioning costs. So for all the projects that
6 have been done and the cost incurred since the plant was
7 shut down to December 31st of 2021, so those are
8 recorded costs.

9 And 2022, going forward until the project
10 completes in 2053 are the to-go costs; so costs not
11 incurred, not recorded on the books yet, but forecast to
12 occur.

13 Q Okay. And so the -- if you can entertain me
14 for one more second.

15 A Sure.

16 Q The to-go costs, how is that -- what does it
17 consist of? The forecasted cost? In other words,
18 actually, my question is: How are those costs really
19 forecasted? The to-go cost, what consists of it?

20 A So the way that a decommissioning cost estimate
21 is derived is like any project estimate: You would
22 bring together people who are aware of this type of
23 project; you would identify risk to the project; you
24 would assume contingency to cover some of those risks as
25 whatever you can identify as known today; you would also

1 have contingency for unknown risk, but it's all based
2 off of just our best knowledge of today, and you would
3 forecast what that looks like.

4 Q Okay. So --

5 A I hope I clarified it for you.

6 Q That's very helpful. Thank you. So
7 Mr. Kinoshian said that, you know, he thinks -- and I --
8 I guess he doesn't have an apples-to-apples comparison,
9 but there is an excess fund by comparing the to-go cost
10 for each fund compared to the liquidated value of the
11 trust fund.

12 So if we are comparing to-go costs apples to
13 apples for the three trusts we're talk- -- the three
14 decommissioning buckets we're talking about, which is
15 SONGS 1 and SONGS 2 and 3 and Palo Verde, are there
16 excess -- are there -- is there an excess?

17 A So the problem with utilizing, you know, a
18 contribution analysis versus the excess fund analysis is
19 simply that contribution analysis is, again, based off
20 of forecasts of how the funds are going to perform, you
21 know, stocks and bonds, that kind of thing; whereas,
22 excess funds should really be held until the end of a
23 project because we really don't know, through the
24 duration of this project, how everything is going to
25 perform and what the end state is really going to cost

1 until the costs are recorded.

2 So in my mind it's two different analyses:

3 It's one of how is the market doing today? What do we
4 think the costs are today given the information we know
5 today? Do we need to get contributions from customers?
6 Whereas an excess funds analysis should really be held
7 until the project is complete and then we would really
8 know what the excess funds are.

9 Q Okay.

10 A Those are two different things.

11 Q Yeah, I think you mentioned two different, I
12 would say, methods of approaching decommissioning --
13 right -- there is the contribution method.

14 A Right.

15 Q Perhaps you were saying -- well, I still
16 actually need you to clarify what the contribution
17 method is, but I understand this excess method, which I
18 think this is what Mr. Kinosian is trying to get to is
19 that the current projected cost is greater than the
20 current value of the cost fund; so there is an excess by
21 current projections.

22 But can you please elaborate how that is
23 different from the contribution method? I guess it's
24 compound, and you can -- we can, you know -- how is the
25 contribution method -- and is Edison, you know,

1 proposing that we, you know -- the method that Edison is
2 proposing, is that the contribution method that you're
3 speaking of?

4 A The method for excess funds is different than
5 the contribution method. The method is simply for
6 excess funds is wait until all costs are incurred; wait
7 until the project completes, and then whatever funds are
8 left over in the trust are then truly excess and should
9 be returned to customers.

10 Q And that is what Edison is asking?

11 A That's what we are saying is the appropriate
12 method because there is no way that today -- given what
13 we know today -- is going to end up being exactly the
14 way we project it 30 years from now. It's not going to
15 happen. The market can fluctuate dramatically, which
16 would change the value of our trust.

17 Like I said, there could be many unknown
18 scenarios that occur such as the pandemic, and our
19 contribution analysis today could dramatically change in
20 the future. So it's two separate things in my mind.

21 Q And you mentioned a contribution analysis. Can
22 you elaborate on that?

23 A Yeah. That's the analysis done to derive SCE-6
24 that states: We do not need to seek contributions at
25 this time; that the funds at this time with market

1 performance and other known values expected to occur on
2 the decommissioning project, at this time we do not need
3 to seek ratepayer contributions.

4 ALJ LAU: Okay. Thank you.

5 Those are all my questions.

6 Counsel, do you have any redirect or do you
7 need a five-minute break?

8 MS. MITCHELL: Your Honor, may we have a
9 five-minute break? I think we may also be able to
10 address the three questions that you flagged at the
11 beginning of your -- your cross as far as who we may
12 have to testify to those, and I hope to get that
13 resolved during the break as well.

14 ALJ LAU: Actually, we're almost one hour into
15 the hearing. So let's take a 15-minute break, and we'll
16 come back at 11:10.

17 MS. MITCHELL: Thank you.

18 (Recess taken.)

19 ALJ LAU: Let's go back on the record.

20 Ms. Mitchell, do you have any redirect for
21 Ms. Chollet-Guibert?

22 (No response.)

23 ALJ LAU: I believe you're on mute,
24 Ms. Mitchell.

25 MS. MITCHELL: Thank you, your Honor. My

1 apologies. I do have one question for
2 Ms. Chollet-Guibert on redirect.

3 ALJ LAU: Okay. All right. Please proceed.

4 REDIRECT EXAMINATION

5 BY MS. MITCHELL:

6 Q Ms. Chollet-Guibert, in answering ALJ Lau's
7 questions, you described the manner in which the
8 decommissioning cost estimate is prepared, and
9 specifically referred to the recorded costs that are
10 included in that decommissioning cost estimate for SONGS
11 1, 2 and 3.

12 I believe you said that the recorded costs
13 included in the 2020 DCE that is at issue in this case
14 were through December 31st, 2021; is that a correct
15 response?

16 A No. It was not. I should have stated that the
17 recorded costs are through December 31st of 2020.

18 MS. MITCHELL: Thank you.

19 Your Honor, that's all I have on redirect.

20 ALJ LAU: All right. And since Ms. Mitchell
21 doesn't have any redirect pertaining to Mr. Freedman's
22 line of questions, I don't think there's a need for
23 recross.

24 So, Ms. Mitchell, you mentioned that there were
25 other witnesses that can address the questions I asked

1 regarding the treatment of nonqualified and
2 qualified --

3 MS. MITCHELL: Your Honor, I have conferred
4 with our team, Southern California Edison. I believe
5 that Mr. Perez, who will be the next witness on behalf
6 of SCE, may be able to answer your three questions, and
7 to the extent he is not able, we would provide a
8 post-hearing written response to those questions if they
9 are not sufficiently addressed by Mr. Perez.

10 ALJ LAU: Thank you. I would give Mr. Kinonian
11 an opportunity, too, since I asked Ms. Chollet-Guibert a
12 series of questions about excess funds. I would like to
13 give him an opportunity to ask -- answer some of my
14 questions as well.

15 So if we are -- Ms. Katie Chollet-Guibert, you
16 are excused from the witness stand. If we can elevate
17 Mr. Kinonian. And, Mr. Kinonian, if you're elevated,
18 can you turn on your camera?

19 THE WITNESS: It's on.

20 ALJ LAU: Mr. Kinonian, can you introduce
21 yourself. Please state your name and the organization
22 you're representing and also your preferred pronouns if
23 you so choose.

24 THE WITNESS: My name is Robert Kinonian. I'm
25 representing TURN in this proceeding and I have no

1 preferred pronouns.

2 ALJ LAU: Okay.

3 Francisco, can you put up the Witness
4 Attestations on screen.

5 Mr. Kinonian, have you had an opportunity to
6 read this set of Witness Attestations?

7 THE WITNESS: Yes.

8 ALJ LAU: And do you agree to abide by these
9 attestations?

10 THE WITNESS: Yes.

11 ALJ LAU: Thank you.

12 Mr. Freedman, you may begin your redirect of
13 Mr. Kinonian.

14 REDIRECT EXAMINATION

15 BY MR. FREEDMAN:

16 Q Good morning, Mr. Kinonian, are you sponsoring
17 what has been marked as Exhibit TURN-01, your Direct
18 Testimony; TURN-01C, the Confidential Version of your
19 Direct Testimony; TURN-02, the Public Attachments to
20 your Direct Testimony, and TURN-03C, the Confidential
21 Attachments to your prepared testimony?

22 A Yes.

23 Q And were these exhibits prepared by you or
24 under your direction?

25 A Yes.

1 Q Do you have any corrections that you want to
2 make?

3 A No.

4 Q Are the facts contained in these exhibits true
5 and correct to the best of your knowledge?

6 A Yes.

7 Q And do any opinions contained in these exhibits
8 reflect your best professional judgment?

9 A Yes.

10 Q And do you adopt these exhibits as your own?

11 A Yes.

12 MR. FREEDMAN: Thank you.

13 Your Honor, Mr. Kinosian is available for
14 questioning.

15 ALJ LAU: Thank you.

16 EXAMINATION

17 BY ALJ LAU:

18 Q Mr. Kinosian, were you listening in to the
19 hearings while Ms. Katie Chollet-Guibert was on the
20 stand?

21 A Yes.

22 Q And she disagreed with your methodology as far
23 as she recommends that at the end we should look at the
24 excess funds after the completion of decommissioning,
25 and that because there are contingencies and such -- as

1 costs may be accumulated for just what we've experienced
2 now, which is the COVID delays, that we should really be
3 waiting for decommissioning to evaluate whether there is
4 excess funds or not.

5 And hearing her testimony, do you sill agree
6 that we -- or do you still stand by your testimony that
7 we should be comparing twofold cost, which are
8 forecasted cost with the liquidated value of the current
9 trust fund?

10 A Yes. I used that approach because that was the
11 approach Edison itself used in their testimony to
12 determine that no new contributions were needed at this
13 time.

14 So even though there might be some non
15 apples-to-apples comparison between the to-go costs and
16 the liquidated values of the fund, that is the approach
17 that Edison used to make their determination. And I
18 felt it wasn't worth creating any controversy by trying
19 a different, more complicated approach that would likely
20 result in, if anything, even higher excess cost being
21 determined -- or excess revenues being determined.

22 Q Can you refer to anywhere in Edison's testimony
23 that they used that method? Can we go off the record?

24 (Off the record.)

25 THE WITNESS: It is SCE-06, the testimony on

1 2021 SCE's trust fund contributions and financial
2 assumptions, and I would --

3 ALJ LAU: So are we on page 7 of SCE-6?

4 Let's go off the record.

5 THE WITNESS: Well, I was looking more at pages
6 17, 18 and 19 of that exhibit.

7 (Reporter clarification.)

8 ALJ LAU: Let's go back on the record. Back on
9 the record.

10 Q Mr. Kinosian, can you refer to the set of pages
11 that you're looking at?

12 A Yes. Pages 17, 18 and 19 of Exhibit SCE-6,
13 where they include tables comparing Edison's share of
14 to-go costs with the fund's liquidation value, and then
15 come up with an annual contribution needed of zero.

16 ALJ LAU: Okay. Thank you. Those are all my
17 questions. I want to ask if Mr. Allen, Ms. Mitchell or
18 Mr. Jerman have any questions for Mr. Kinosian, and,
19 actually, anyone else.

20 MS. BABIARZ: Judge Lau, I do have a question
21 for clarification if I may.

22 ALJ LAU: Okay. Go ahead.

23 CROSS-EXAMINATION

24 BY MS. BABIARZ:

25 Q Good morning, Mr. Kinosian. My name is Nina

1 Babiarz of Public Watchdog.

2 My question for clarification would be
3 considering the fact that Edison needed to submit an
4 advice letter for additional funding after the August
5 3rd, 2018, unsecured loan advance, would it be logical
6 to conclude that other unanticipated events might
7 warrant a contingency in addition to your replication
8 of Edison's methodology of determining the excess of the
9 decommissioning trust fund?

10 A There is contingency included in their DCE
11 forecast already. They have presented extensive
12 testimony as to why they believe their forecast of the
13 contingency levels are reasonable.

14 TURN has also presented testimony indicating
15 that we believe Edison's proposed contingency levels are
16 too high, but there is already a contingency built into
17 the DCE estimate.

18 And as Edison has indicated in their testimony,
19 as the work has progressed and things like the final EIR
20 have been issued, there are less risks, and a lower
21 contingency may be necessary in the future as the work
22 progresses and risks such as permitting risks have been
23 eliminated.

24 In addition, as I have identified in my
25 testimony, there are significant areas where Edison has

1 included costs, which are unreasonable to include in the
2 DCE forecast such as the cost of removing the submerged
3 cement conduits from the ocean floor when that is not
4 required by the EIR, and, in fact, prohibited by the EIR
5 with no analysis to suggest that that -- that any work
6 will ever need to be done on the conduits.

7 Q And then just to clarify, using your example,
8 would it not also be true that unanticipated costs, for
9 example, Special Condition Number 19, that the Coastal
10 Commission attached to Edison's permit was an
11 unanticipated cost during the 2014 decommissioning cost
12 estimate, and wouldn't that also represent an
13 unanticipated cost versus the 2014 decommissioning cost
14 estimate?

15 MR. JERMAN: Your Honor, I'm going to object.
16 The purpose of Mr. Kinoshian testifying here was to
17 address the narrow questions you had for him. Ms.
18 Babiarz is going beyond that scope here in inquiring
19 contingency, Special Condition 19. It's outside the
20 scope of Mr. Kinoshian's testimony here today.

21 ALJ LAU: It is -- it is beyond Mr. Kinoshian's
22 testimony -- direct testimony.

23 MS. BABIARZ: Can I ask the question again
24 without that example? Thank you.

25 Q Mr. Kinoshian, is it logical to assume that

1 unanticipated costs that have occurred since the 2014
2 decommissioning cost estimate could not include those
3 unanticipated costs even with the contingency --
4 unanticipated expenditures?

5 A I'm sorry. Could you repeat that again?

6 Q Does the decommissioning cost estimate in 2014
7 even with this contingency have any ability to
8 anticipate additional expenditures that occur as a
9 result of decommissioning activities?

10 A It is possible that costs in the future will be
11 higher than the forecasted amounts including the
12 contingencies that are already included in the forecast.
13 It's also possible those costs will be lower. And as I
14 mentioned before, Edison itself has indicated as the
15 work on the decommissioning efforts proceed, the risk of
16 higher cost and the need for contingencies decreases
17 because some of those risks have been eliminated, such
18 as they have a final environmental impact report, which
19 they did not have in 2014.

20 Q And, conversely, could also those risks be
21 increased by unanticipated expenditures required or
22 mandated as the decommissioning progresses?

23 A Right. And that is why we have contingencies
24 built in. That's is why the Commission has a three-year
25 process to review these. That does not mean that you

1 simply continually pile more money into the funds for
2 unspecified, unknown potential huge cost increases that
3 may never occur and are not substantiated by any
4 analysis or record.

5 Q To date?

6 A Correct. To date.

7 MS. BABIARZ: Thank you.

8 Thank you, Judge Lau.

9 ALJ LAU: Thank you.

10 Mr. Jerman or Mr. Trial, if you don't have any
11 cross for Mr. Kinosian, I will just -- let me know.

12 MR. TRIAL: Your Honor, this is Mr. Trial. I
13 don't have any cross for Mr. Kinosian.

14 ALJ LAU: Thank you.

15 Mr. Jerman --

16 (Crosstalk.)

17 UNIDENTIFIED SPEAKER: I also don't have any
18 cross for Mr. Kinosian.

19 ALJ LAU: Mr. Freedman, do you have any
20 redirect?

21 MR. FREEDMAN: Your Honor, I have one
22 clarifying question based on Public Watchdogs'
23 cross-examination.

24 ALJ LAU: Okay. Go ahead.

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REDIRECT EXAMINATION

BY MR. FREEDMAN:

Q Mr. Kinoshian, you were asked by counsel for Public Watchdogs about unexpected costs that may have arisen since the preparation of the 2014 decommissioning cost estimate. Is the analysis in your testimony based on the costs included in the 2014 decommissioning cost estimate or the 2020 decommissioning cost estimate?

A The 2020 decommissioning cost estimate. Though I am familiar with the 2014 cost estimates and estimates presented in prior NDCTP proceedings where I have worked for the Commission either as an advisor or as a staff person.

Q And so if there had been unexpected costs that have arisen since the preparation of the 2014 DCE that are known today, is it your understanding those would have been included in the 2020 DCE?

A Yes. Any unexpected costs between the time of the 2014 DCE, and I believe it's December 30th, 2020, where Edison's recorded costs have been provided in the record.

MR. FREEDMAN: Okay. Thank you.

Thank you, your Honor. Those are all my redirect questions.

ALJ LAU: Ms. Babiarz, do you have any recross

1 based on that one question?

2 MS. BABIARZ: Yes.

3 RE CROSS-EXAMINATION

4 BY MS. BABIARZ:

5 Q Mr. Kinoshian, are you indicating, just as a
6 point of clarification, that the decommissioning cost
7 estimates for what we're discussing here in 2018, '19 or
8 '20 was supplemental to the original decommissioning
9 cost estimate of 2014? In other words, is the 2014
10 decommissioning cost estimate the foundation that all
11 subsequent decommissioning cost estimates are built on?

12 MR. JERMAN: Objection; foundation. It's
13 outside the scope of --

14 ALJ LAU: I believe that's outside the scope of
15 Mr. Freedman's redirect.]

16 MS. BABIARZ: I only asked that because he
17 indicated he was giving the type of counsel to the
18 Commission, Judge Lau.

19 ALJ LAU: As I said, that question is beyond
20 Mr. Freedman's redirect --

21 MS. BABIARZ: Okay.

22 ALJ LAU: -- if you have any questions -- yes.
23 Thank you.

24 So, it is now 11:30. And I said that we have
25 -- we're going to have one and a half hours of lunch.

1 Unfortunately, we only have two and a half hours of
2 evidentiary hearings. So -- I mean, estimated cross.

3 So, we will see. I think the court reporters,
4 I just want them to know that we may have to go to 5:00
5 o'clock, depending on how long we do cross for Mr. Perez
6 and Ms. Dalu. I -- let us go off the record.

7 (Off the record.)

8 ALJ LAU: Let's go back on record.

9 We will be breaking for lunch until 1:00 p.m.
10 And when we return, we will have Mr. Jose Perez resume
11 -- going on to the witness stand.

12 Thank you. Off the record.

13 (At the hour of 11:33 a.m., a recess was
14 taken until 1:06 p.m.)]

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AFTERNOON SESSION - 1:06 P.M.

* * * * *

ALJ LAU: Let's go back on the record.

We now have Mr. Jose Perez appearing on the witness stand.

Mr. Perez, can you introduce yourself by first stating your name, spelling your last name, and stating what organization you are from.

THE WITNESS: Sure, your Honor.

Jose Perez, last name is P-e-r-e-z. I'm with Southern California Edison. I'm a Principal Manager in their Regulatory Affairs Organization.

ALJ LAU: And I forgot to note that if you so choose, you can announce your pronouns, if you so choose.

(No response.)

ALJ LAU: Hearing none then, I will move on to Witness Attestations. Mr. Perez, do you see the set of attestations and have you had an opportunity to review them?

THE WITNESS: I see them and I have had an opportunity to look and review.

ALJ LAU: Do you agree to this set of attestations?

THE WITNESS: Yes, I do.

1 ALJ LAU: Thank you.

2 Mr. Jerman, are you sponsoring and doing direct
3 on Mr. Perez today?

4 MR. JERMAN: Yes, I will present Mr. Perez.

5 ALJ LAU: Okay. You may proceed, Mr. Jerman.

6 MR. JERMAN: Okay. Thank you, your Honor.

7 JOSE LUIS PEREZ,

8 called as a witness by Southern California

9 Edison, having been sworn, testified as

10 follows:

11 DIRECT EXAMINATION

12 BY MR. JERMAN:

13 Q Mr. Perez, is the purpose of your testimony
14 here today to sponsor portions of Southern California
15 Edison Exhibits 1, 3, 4, 5, 7 and 9 as identified in the
16 tables of contents to those exhibits and as those tables
17 of contents have been modified by errata?

18 A Yes.

19 Q Was the material in those exhibits prepared by
20 you or under your supervision?

21 A Yes, it was.

22 Q And where the material is factual in nature, do
23 you believe it to be accurate?

24 A Yes.

25 Q And where the material is opinion or judgment,

1 does it represent your best judgment?

2 A Yes, it does.

3 Q And do you adopt the portions of those exhibits
4 as identified in the tables of contents and as modified
5 by errata, do you adopt those portions as your sworn
6 testimony here today?

7 A Yes, I do.

8 MR. JERMAN: Thank you, Mr. Perez.

9 And Mr. Perez is available for
10 cross-examination, your Honor.

11 ALJ LAU: Thank you. Let me look at the
12 schedule. Let's have Cal Advocates begin the cross.

13 Mr. Parker, are you ready?

14 MR. PARKER: Wayne Parker for Cal Advocates.

15 Yes, your Honor. I am prepared to commence
16 cross-examination of Mr. Perez.

17 ALJ LAU: Mr. Parker, you may begin.

18 MR. PARKER: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MR. PARKER:

21 Q Wayne Parker, attorney for Cal Advocates.

22 Good afternoon, Mr. Perez.

23 A Good afternoon.

24 Q Sir, do you have a copy of the document
25 entitled: Testimony of Future Disbursements of DOE

1 Litigation Proceeds, and marked as Exhibit SCE-07 before
2 you?

3 A Yes, I do.

4 Q Okay. Sir, if you would please, turn to page 7
5 of Exhibit SCE-07.

6 A I'm there.

7 Q Is it your testimony that SCE discontinued
8 collecting decommissioning funds from customers in 1999
9 for SONGS 1, and in 2014 for SONGS 2 and 3?

10 A Yes, it is as stated on lines 4 and 5.

11 Q Okay. Sir. And you further testified the
12 nuclear decommissioning trust, which are abbreviated
13 NDT, were considered fully funded for decommissioning of
14 each SONGS unit; is that correct, sir?

15 A That is correct.

16 I would like to explain what "fully funded"
17 means though. And that means it's not simply the
18 decommissioning cost estimate being greater than -- I'm
19 sorry -- less than or equal to the trust fund balance.
20 It's a discounted cash flow analysis that needs to be
21 considered.

22 Q And when you say "discounted cash flow
23 analysis," could you give a little bit more detail on
24 what that is.

25 A Sure. I can. So you take the decommissioning

1 cost estimate and it's typically prepared in nominal
2 dollars or in a particular year's dollars.

3 You need to then take that cash flow that's
4 associated with the DCE, and escalate it, and then
5 discount it back to a particular year's dollars using a
6 rate of return or discount value, and then compare that
7 to the value that you have in your trust fund, and then
8 that would show whether the trust was fully funded or
9 not.

10 Q And that discounted rate, how did you arrive at
11 that discounted rate?

12 A The discount rate is provided in SCE-06 and in
13 our case here it is using the rate of return on the
14 trust.

15 Q Is that a historic rate of return?

16 A No. It's a future estimated.

17 Q Okay. Sir, I'm sorry. I stepped on you.

18 A No, I was done.

19 Q Okay. So that -- that future forecasted rate
20 of return, is it based on historic rates of return?

21 A It may be in part based on historic, but it is
22 based a lot on the future analyses that are performed by
23 consultants that we employ in developing those
24 forecasts.

25 Q Okay. And your conclusion the NDT were fully

1 funded were based on assumptions identified in 2014
2 SONGS 2 and 3 decommissioning estimate in industry
3 guidelines with respect to DOE status; is that correct?

4 A That's correct.

5 Q And by "DOE status," what I'm referring to is
6 the historic date for the DOE to take possession or
7 transfer of the spent fuel. So I just want to clarify
8 that for the record as well as for you, Mr. Perez.

9 To put it another way, the critical assumption
10 you referenced on page 7 of your testimony is that all
11 spent fuel would be removed from all three SONGS units
12 by 2049; is that correct, sir?

13 A Well, in this testimony here, I think it just
14 talks about the SONGS 2 and 3 DCE, but that assumption
15 would be also applicable to SONGS 1 by 2049.

16 Q Okay. And you further testified that SCE now
17 assumes the DOE will begin accepting spent fuel from the
18 industry in 2031 and that DOE will remove the last spent
19 fuel from SONGS in 2051; is that correct, sir?

20 A That's correct. In each NDCTP, as we update
21 the DCE, we take a look at what has or has not
22 transpired with respect to the Department of Energy's
23 taking of this fuel, and as the rest of the industry
24 does, we will flip that start date. And it's typically
25 flipped by approximately three years, assuming that we

1 do file the DCE in the triannual every three years.

2 Q What is the basis for the assumed date the DOE
3 would begin removing spent fuel?

4 A It was developed originally based on the
5 initial dates that the Department of Energy said they
6 were going to be taking fuel. And then the industry has
7 been flipping that based upon what has transpired or
8 what has not transpired.

9 Q Okay. And you update the anticipated start
10 date, which normally results in a three-year extension
11 for the removal of nuclear spent fuel?

12 A That's correct.

13 Q On page 7, lines 10 through 15, you cited
14 Commission Decision D.21-12-06 (sic) that was issued on
15 December 21st, 2021 in support of this three-year
16 extension on the anticipated start of spent fuel
17 transfers to DOE; is that correct?

18 A I'm not sure if you read the decision number
19 correctly. It's 21-12-026, but, otherwise, that is
20 correct.

21 Q Okay. Yeah. And I thought I had read that.
22 So I'm sorry if I made a mistake on the number.

23 So in the end, your assumption on the start
24 date for the DOE to commence transfer of spent fuel is
25 based on the lack of information from the DOE as to when

1 they will actually start that operation or that
2 transfer; is that correct?

3 A Based on a lack of action by DOE as well as
4 what the industry, as a whole, believes will be
5 transpiring and what we see happening in Congress or not
6 happening in Congress.

7 Q Okay. Why would it be reasonable for the
8 Commission to assume that a lack of DOE information on
9 the start date for commencing the DOE's efforts to take
10 possession and store nuclear spent fuel should be pushed
11 back this time around until 2031?

12 A Well, because the original assumption or the
13 prior assumption is no longer valid, and it takes some
14 time for all these activities to be prepared in order to
15 be able to start moving fuel.

16 Q Okay. But it seems like what we're doing with
17 each Triannual proceeding is we don't hear from DOE and
18 then we default to a three-year extension. So I'm
19 wondering why should the Commission consider that
20 reasonable?

21 A Well, for number one, that's what the industry
22 does, is it keeps flipping the date because of the lack
23 of information. It does take some time for a repository
24 to be constructed and staffed and all those types of
25 things, and if the prior assumption does not allow

1 enough or sufficient time for that lead time to happen,
2 then it is reasonable to flip the date.

3 Q Okay, sir. In what year were the SONGS NDTs
4 established with Commission approval?

5 A As it says on page 7, line 17, in "1987."

6 Q Has spent fuel management and site storage
7 issues changed significantly over the last three years?

8 A Can you define what you mean by
9 "significantly"?

10 Q Okay. In terms of the actual spent fuel
11 storage mechanisms, the operations, have you in your --
12 to the best of your knowledge heard anything that it
13 would indicate that it takes longer now or shorter
14 periods to engage in those spent fuel storage
15 operations?

16 A Well, I'm not sure how to answer your question,
17 but you originally asked if anything's changed. Well,
18 with respect to San Onofre 2 and 3, we did take the
19 spent fuel out the pools and put the fuel into dry
20 storage.

21 Now, has the different types of cannisters or
22 dry-can storage changed over the years? There have been
23 some new systems developed, and a repository has not yet
24 been developed; however, there are groups that are in
25 NRC licensing to try and license in interim spent fuel

1 storage facility.

2 Q Okay, sir. Now, let me ask about the
3 repository issue. This is a recurring issue with DOE.
4 DOE, as we all know, originally was supposed to or had
5 considered a single storage site for all nuclear waste
6 in Yucca Mountain. This has been put on hold.

7 My question for you is, are SCE conclusions
8 regarding the start date for DOE to take possession and
9 store nuclear fuel based on the assumption that the DOE
10 will pick one permanent site to store this waste?

11 A No, not necessarily. They could pick one;
12 however, there's also some talk about some interim
13 consolidated storage that could be licensed and
14 constructed and the potential for the DOE to take
15 ownership or use that as an interim storage facility
16 across the country.

17 Q And if the DOE were to announce, say, this
18 year, just for the sake of example, that they were going
19 to license the interim storage sites, would that change
20 the start date, the assumed start date, for transfer of
21 spent fuel from SCE to the DOE?

22 A Well, first, the DOE does not license the
23 facilities; the Nuclear Regulatory Commission does.
24 However, if they were to announce that -- "they" being
25 the NRC -- that a license has been issued to a certain

1 party or group, then we could put more faith in a start
2 date for the Department of Energy to start taking fuel.
3 However, just issuing a license to an organization, does
4 not mean that that could actually occur because there
5 could be public opposition to that particular facility
6 or facilities.

7 Q And that could, theoretically, result in
8 further delays to a final solution to transferring spent
9 fuel to the DOE; is what you're saying?

10 A That's correct.

11 Q Okay. Are there currently sufficient funds in
12 the NDT to fund the cost of the managing spent fuel for
13 2051?

14 A Yes, there is.

15 Q And it is your testimony that if DOE's failure
16 to begin removing fuel from SONGS continues, there will
17 be insufficient funds available in the NDT to cover the
18 cost of spent fuel storage, maintenance, and protection?

19 A Yes. That would be my testimony; however,
20 again, as I pointed out earlier, it doesn't mean that
21 the trust fund is at zero. It just means that our
22 projections on a cash flow basis for both the DCE, as
23 well as the trust fund, would indicate that there would
24 be insufficient funds at a future point in time.

25 Q Is there a risk the NDTs would have

1 insufficient funds to cover the cost to store, maintain,
2 and protect the spent -- protect the spent fuel from
3 SONGS?

4 A Can you ask that question again?

5 Q Yes, sir. Is there a risk the NDT will have
6 insufficient funds to cover the cost to store, maintain
7 and protect the spent fuel from SONGS?

8 A Yes. If the DOE continues to not meet its
9 obligation, then there is a high risk.

10 MR. PARKER: Okay. Thank you, sir.

11 Off the record, your Honor?

12 ALJ LAU: Let's go off the record.

13 (Off the record.)

14 ALJ LAU: On the record.

15 MR. PARKER: Your Honor, I have no further
16 cross-examination questions for this witness at this
17 time.

18 ALJ LAU: Thank you.

19 Mr. Freedman, are you ready to cross-examine
20 Mr. Perez?

21 MR. FREEDMAN: Yes, your Honor, I am.

22 ALJ LAU: You may proceed.

23 CROSS-EXAMINATION

24 BY MR. FREEDMAN:

25 Q Good afternoon, Mr. Perez.

1 A Good afternoon.

2 Q Before we begin, I'd like to just make sure we
3 have identified exhibits that were circulated in
4 connection with your cross-examination. We had
5 identified Exhibit TURN 16, which is a packet of data
6 responses by Southern California Edison to TURN.

7 I'd like to highlight the fact that when we
8 served this exhibit to the list, TURN stated its intent
9 to seek admission of these data responses in lieu of
10 cross-examination.

11 So the limited cross-examination that I intend
12 to conduct today of Mr. Perez is based on the assumption
13 that this exhibit will be admitted in its entirety. I
14 would also like to point to Exhibit TURN-17.

15 Do you have that available to you, Mr. Perez?

16 A Yes, I do.

17 Q Okay. And I would also like to make sure you
18 have available to you Exhibit TURN-4, which is a packet
19 of Edison data responses originally identified for use
20 with Mr. Bauder, but there is one data response that you
21 are the author of. Make sure that you have Exhibit
22 TURN-4 available.

23 A I do not have it currently available; so I
24 would have to get it off of the e-mail.

25 ALJ LAU: Let's go off the record.

1 (Off the record.)

2 ALJ LAU: Back on the record.

3 BY MR. FREEDMAN:

4 Q Okay. Mr. Perez, I'd like you to turn to your
5 rebuttal testimony, Exhibit SCE-9, 53.

6 A I'm there.

7 Q Okay. Starting on line 28, Section 2, there's
8 a discussion of proposed reductions of the contingency
9 for the DGC contract; do you see that?

10 A Yes, I do.

11 Q Keeping in mind that the specific numbers are
12 confidential, I wanted to ask you a few high-level
13 questions about this topic.

14 A Okay.

15 Q If the Commission were to adopt TURN's
16 recommended lower contingency for the DGC contract, in
17 your view would that reduced level of contingency be
18 relevant to determining the reasonableness of Edison's
19 spending on the DGC contract in the future?

20 A It would be a component of that, yes.

21 Q So you're saying that the forecasted amount of
22 spending on a particular item is a component of
23 determining whether the ultimate spending is reasonable?

24 A It is one of the components, yes.

25 Q So does that mean that -- if TURN's

1 recommendation were adopted, does that mean that Edison
2 would be more likely to potentially face a disallowance
3 in the future if the overall DGC contract costs exceed
4 the forecasts?

5 A Potentially, yes.

6 Q Is Edison requesting additional revenue
7 collections from its customers in this proceeding?

8 A No.

9 Q So the determination of a higher or lower
10 contingency factor wouldn't have any impact on current
11 customer revenue requirements at this point in time;
12 would it?

13 A Not at this point in time.

14 Q Let's go to page 63 of your rebuttal testimony.
15 This section addresses Nuclear Energy Institute dues
16 that are collected as part -- that are included in the
17 decommissioning cost estimates?

18 A Right.

19 Q So on page 63, you reference the different
20 treatment of NEI, Nuclear Energy Institute, fees for San
21 Onofre versus for Palo Verde and you state that
22 essentially limiting recovery of NEI dues to 50 percent
23 from ratepayers is only appropriate for operating
24 plants; is that right?

25 A Basically, yes, because the NEI fees for

1 shutdown plants exclude a component that is associated
2 with lobbying for nuclear power.

3 Q And so your proposal is the Commission
4 establish a different standard for facilities that are
5 undergoing decommissioning?

6 A I'm not sure that it's a different standard.
7 What I'm saying is that the NEI fees that a shutdown
8 plant is charged is for a different set of activities
9 and different items than an operating plant.

10 And the items that we benefit from NEI are
11 specifically related to decommissioning activities,
12 including the use of a database that allows us to easily
13 badge individuals at the decommissioning facilities.

14 Q Okay. Let me ask you a question. If you
15 could turn to Exhibit TURN-16, which is the data
16 responses that I had mentioned before.

17 The third page after the cover page is Edison's
18 response to TURN data request set to Question 16, which
19 discusses the NEI dues issue. Tell me when you're
20 there.

21 A I'm there.

22 Q I would like you to look at the attachment to
23 that, which is NEI membership dues' invoice for San
24 Onofre.

25 A I'm there.

1 Q Can you show me where on the invoice it
2 indicates that this payment does not include any costs
3 associated with the advocacy of nuclear power?

4 A It does not say that, but it's in my testimony.

5 Q Okay. Thank you.

6 A And that testimony was derived by speaking to
7 the individuals at the Nuclear Energy Institute.

8 Now, you will note on this invoice it does say
9 that 2.5 percent of the dues are attributed to lobbying
10 expenses, but that is for the lobbying associated with
11 the formation of a permanent repository or the ability
12 to have spent fuel shipped off-site.

13 Q How does that differ from the percentage of NEI
14 dues that are attributable to lobbying for operating
15 plant invoices?

16 A Operating plants would typically have lobbying
17 associated with the promotion of nuclear power; in other
18 words, new nuclear power or continued operation of
19 existing nuclear power plants.

20 Q No. My question is, what percent does NEI
21 apply -- does NEI put in the same box there for an
22 operating plant?

23 A That I don't know. I don't remember.

24 Q Is it exactly the same number, Mr. Perez, 2.5?

25 A Sorry. I do not know.

1 Q You're the sponsor of Exhibit SCE-5 that
2 contains testimony relating to the Palo Verde
3 decommissioning cost estimate; is that right?

4 A That's correct.

5 Q Does the Palo Verde decommissioning cost
6 estimate contain the assumption that Nuclear Energy
7 Institute dues would be funded out of the
8 decommissioning trusts during the time when the unit is
9 undergoing decommissioning?]

10 ALJ LAU: Let's go off the record.

11 (Off the record.)

12 ALJ LAU: On the record.

13 THE WITNESS: I remember looking for that line
14 item in the Palo Verde DCE and I could not specifically
15 identify a line for NEI activities. However, I'm not
16 sure that TLG or APS at this point would be aware of the
17 lowered amount. But again, I could not find it
18 specifically. I think it's included with other items
19 that relate to regulatory or organizations that would
20 require membership dues.

21 BY MR. FREEDMAN:

22 Q Did you address this in your testimony?

23 A No.

24 Q I'd like to ask you to turn to what's been
25 marked as exhibit TURN-17. Let me know when you're

1 there.

2 A I'm here.

3 MR. FREEDMAN: Okay.

4 Your Honor, for the record, TURN-17 is an
5 excerpt from the Joint Motion for the Adoption of the
6 Settlement Agreement in Application 21-12-007, PG&E's
7 Nuclear Decommissioning Triennial Proceeding.

8 BY MR. FREEDMAN:

9 Q Mr. Perez, are you aware of the settlement
10 pending in PG&E's NDCTP?

11 A I am.

12 MR. JERMAN: Objection. I'll object on
13 relevance and foundation grounds. As Mr. Freedman
14 mentioned, it's a pending settlement, it's not been
15 adopted by the Commission, it's not precedential, and
16 SCE is not a signatory to the stipulation.

17 MR. FREEDMAN: Your Honor, SCE is a party to
18 the proceeding and Mr. Perez personally attended many of
19 the settlement meetings.

20 MR. JERMAN: Settlement meetings are not just
21 confidential, but inadmissible and --

22 MR. FREEDMAN: I'm not asking Mr. Perez to
23 disclose information he obtained during settlement
24 meetings, I'm pointing out, for foundation purposes,
25 that Mr. Perez is aware of this.

1 ALJ LAU: Mr. Freedman, I just want to hear the
2 question and then I can rule on it after I hear the
3 question.

4 MR. FREEDMAN: I have three questions about
5 this which I believe Mr. Perez can answer.

6 First of all, Mr. Perez, are you aware that the
7 settlement that is pending in this case calls for PG&E
8 to only include 50 percent of its nuclear energy
9 institute dues in the Diablo Canyon decommissioning cost
10 estimate?

11 ALJ LAU: I will allow it.

12 Mr. Freedman, if you can point to anywhere in
13 the incident.

14 MR. FREEDMAN: Sure. It would be the fourth
15 page after the cover page. It is the last page of the
16 exhibit, Section 3.12, Industry Association Membership
17 Fees.

18 ALJ LAU: Mr. Perez, please answer Mr.
19 Freedman's question.

20 THE WITNESS: I see that the item label 3.12
21 refers to NEI dues. However, I'd like to point out a
22 couple of things, that SCE is not part of this joint
23 motion. Number two, I'm not sure what PG&E knows or
24 doesn't know about NEI fees after permanent shutdown.
25 They may not be aware that the numbers significantly

1 reduced, and they may not be aware of what the benefits
2 are from the NEI.

3 ALJ LAU: Thank you.

4 BY MR. FREEDMAN:

5 Q Mr. Perez, is Edison a party to the PG&E
6 proceeding?

7 A Yes.

8 Q And in written comments has Edison opposed this
9 provision of the settlement?

10 A I didn't realize that we had to oppose things
11 that we did not agree with or had questions on so, no.

12 Q Well, Mr. Perez, you're assigned to that case
13 for Edison; are you not?

14 A Yes, I am.

15 Q And are you not aware that Edison has filed
16 comments in opposition to other provisions of this
17 settlement?

18 A Yes, I am.

19 Q So did those comments in opposition to other
20 provisions of the settlement also identify this
21 provision as one that Edison objects to?

22 MR. JERMAN: I'm going to object on relevance
23 grounds, your Honor.

24 ALJ LAU: I'm going to sustain that objection.

25 MR. FREEDMAN: Your Honor, I think it's quite

1 relevant that there's another provision pending that
2 Edison has not taking a position on.

3 ALJ LAU: Well, Mr. Perez cannot respond to
4 PG&E, so --

5 MR. FREEDMAN: No, no, Your Honor, I'm asking
6 about Edison's response in the PG&E proceeding. In its
7 written comments.

8 ALJ LAU: I sustained the objection. If Mr.
9 Freedman you have any other questions.

10 MR. FREEDMAN: Okay.

11 BY MR. FREEDMAN:

12 Q Turning back to your rebuttal testimony, page
13 65. Let me know when you're there, Mr. Perez.

14 A I'm there.

15 Q On line 15 you state the Navy has informed SCE
16 that it will not provide any such guidance regarding the
17 scope of substructure removal until a projected date for
18 termination of the easement has been identified. Do you
19 see that?

20 A Yes, I do.

21 Q What's your understanding as to when a
22 projected date for termination of the easement will be
23 identified?

24 A Well, for purposes of the decommissioning cost
25 estimate we assumed that we would vacate the land or the

1 property in 2053.

2 Q Well, that's not really responsive to my
3 question, Mr. Perez. I'm asking, when does Edison
4 expect the Navy to provide the guidance that you
5 reference in your testimony?

6 A I think Mr. Bilovsky answered that yesterday in
7 a series of questions to him, and this would be in
8 conjunction with the NEPA review that will be required
9 for the final en state determination. So that is quite
10 a ways away. I forget exactly what date he provided
11 yesterday.

12 Q Okay. To your knowledge, has Edison had any
13 additional conversations with the Navy on this topic as
14 part of the environmental impact review process at the
15 California State Lands Commission?

16 A I'm not sure if it was in conjunction with
17 that. But as I state here on lines 13 to 15, we have
18 had discussions where we tried to get clarification and
19 the Navy has declined to do so.

20 MR. FREEDMAN: Okay, thank you.

21 ALJ LAU: As a point of clarification, Mr.
22 Perez, you used an abbreviation, and for our reporting
23 purposes, our transcript purposes, can you say what the
24 abbreviation is. I believe you said NEPA?

25 THE WITNESS: N-E-P-A.

1 ALJ LAU: Which stands for?

2 THE WITNESS: National Environmental -- I don't
3 remember the P and the A, sorry.

4 ALJ LAU: Okay, that's fine.

5 THE WITNESS: But it's an environmental review
6 to be conducted in order to get the final en state.

7 ALJ LAU: Okay, thank you.

8 BY MR. FREEDMAN:

9 Q Mr. Perez, I'd like you to turn to exhibit
10 TURN-4 that I had you print out.

11 A I got it.

12 Q The last item in the packet is Edison Response
13 to TURN Data Request Set 2 Question 18. You're listed
14 as the preparer of this response. Do you see that?

15 A Yes, I see it.

16 Q Is it correct that Edison currently refunds all
17 DOE litigation proceeds relating to Palo Verde directly
18 to Edison customers?

19 A Can you restate that?

20 Q Is it correct that Edison currently refunds all
21 DOE litigation proceeds relating to Palo Verde directly
22 to customers?

23 A Well, that's not entirely true. It's not a
24 direct refund. We offset some fuel costs.

25 Q Is that by accrediting it to the ERRR?

1 A Fuel is a part of the ERRA. So yes, those two
2 offset each other.

3 Q So it's a direct credit against current
4 ratepayer cost obligations; is that right?

5 A The manifest themselves in lower fuel costs, so
6 yes.

7 Q So current ratepayers are the beneficiaries of
8 those refunds today of the litigation proceeds; is that
9 right?

10 A Well, it's current as of the duration that the
11 fuel would be in service, which is not just a one year
12 thing. Nuclear fuel has a long cycle associated with it
13 from the procurement of the actual uranium, to the
14 fabrication, to the actual burning. So it's not just a
15 one year type of a thing, so it's over a period of time.

16 Q Mr. Perez, the year in which the DOE litigation
17 proceeds are received for Palo Verde, is that the year
18 in which they are credited against ratepayer
19 obligations?

20 A Yes.

21 Q And Edison is not proposing a change to this
22 practice at this time; is it?

23 A That's correct.

24 Q Does Edison intend to change its proposed
25 treatment of the DOE litigation proceeds for Palo Verde

1 when that plant is retired?

2 A That would require a lot of speculation. Palo
3 Verde is not to be retired for at least two decades, and
4 hopefully by then the Department of Energy has acted,
5 but if not, then our successors will need to determine
6 that.

7 Q Okay, thank you.

8 During my cross-examination of Mr. Bauder I
9 asked him questions about the cost of the Holtec fixed-
10 price contract and whether those costs changed as a
11 result of the canister misalignment incident, and he
12 pointed me to a table in your testimony, exhibit SCE-03
13 page 64. I'd like you to go there. He deferred
14 questions to you on this topic.

15 A What page did you say?

16 Q Oh, I'm sorry, page 51 of SCE-03?

17 A So this particular page is not part of my
18 testimony, but I can answer questions.

19 Q He specifically asked for you to explain the
20 increase -- if I were to look, without revealing
21 confidential information, at line 1 titled "Holtec
22 Contract," are those the incremental costs of variance
23 there that are the increased direct costs associated
24 with changes to the Holtec contract?

25 A In part. There were several change orders as a

1 part of the execution of the ISFSI construction and the
2 fuel move, so there was an overrun to that contract by
3 the amount that you see there, which is 4.8, it's not
4 confidential. The reason for that variance is provided
5 below in lines 1 through 12.

6 Q Okay, thank you.

7 Now, Mr. Perez, you were -- Mr. Bauder also
8 deferred questions to you about the nuclear trust funds.
9 I had asked him questions about the tax treatment. He
10 had said that you were somebody who could answer
11 questions about the tax treatment for these trusts; is
12 that true?

13 A I can take a shot at it.

14 Q Okay. And in particular, I want to ask this
15 question with respect to the DOE litigation proceeds.
16 Edison is proposing to take the proceeds it receives
17 from the federal government and deposit its share into
18 the non-qualified trust fund; is that right?

19 A That's correct.

20 Q Are DOE litigation proceeds treated as taxable
21 revenues to Edison?

22 A So let me back up a bit, in that we obtained a
23 Private Letter Ruling from the IRS that allowed us to
24 use qualified trust funds for the payment of DOE spent
25 fuel costs, if you will, and that IRS Private Letter

1 Ruling allowed us to do that and not disqualify the
2 trusts. In addition, we were allowed to refund those
3 funds to customers without any disqualification of the
4 qualified trust.

5 Q So that Private Letter Ruling really went to
6 disbursements from the qualified trust; doesn't it?

7 A That's correct. So as a part of our initial
8 investigations into our proposal here, we did contact
9 the IRS and asked if it would be appropriate or proper
10 to put the funds into the non-qualified trust in lieu of
11 refunding to customers, and the answer we obtained was
12 that we can use qualified trusts to pay for DOE
13 reimbursed costs.

14 Q So you're now reevaluating -- you're asking for
15 the IRS to confirm whether the qualified trust is at
16 risk if Edison changes the manner in which it disburses
17 the DOE litigation proceeds; is that right?

18 A Well, not in the process. We did ask, and the
19 IRS sent us an answer saying that we would not impact
20 the qualified trust.

21 Q Okay. My question is different, Mr. Perez. It
22 has to do with whether the DOE litigation proceeds
23 themselves are taxable.

24 A Yes, they are.

25 Q And when used to offset ratepayer revenues, as

1 is currently done through the ERRRA, is the taxable
2 impact neutralized?

3 A Yes, it is, because we are able to take a
4 deduction for the amount that we refund. So in our
5 proposal here, when we put them into the non-qualified
6 trust we would see a tax; however, when we use the funds
7 either for a future refund or for paying of certain
8 expenses, then we would get a deduction, and that would
9 neutralize the tax effect.

10 Q So Edison's proposal would be to contribute the
11 net of taxes amount of the DOE litigation proceeds to
12 the non-qualified trust; is that right?

13 A That's correct.

14 Q And that would ensure that in the year the
15 money is received the taxes are paid as a reduction to
16 the amount accredited to the trust; right?

17 A That's correct. And then when we utilize the
18 funds we would get a deduction that would offset that
19 initial tax.

20 MR. FREEDMAN: Okay. Got it.

21 Okay. Thank you, Mr. Perez. I think those are
22 all my questions.

23 ALJ LAU: Can I interject? I actually have a
24 few clarifying questions for Mr. Perez regarding the tax
25 payment.

EXAMINATION

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BY ALJ LAU:

Q So if the DOE proceeds go into the non-qualified trust, I believe you said that earlier, but if you can humor me and explain it to me again, that if the DOE proceeds go into the non-qualified trust Edison would have to pay taxes on it before it goes into the non-qualified trust; is that what you said?

A That's correct.

Q Okay. And those taxes would actually be paid by ratepayers; is that correct?

A Well, we wouldn't go charge the ratepayers, it would be just deducted from the proceeds amount. So let's say we got \$100 from the DOE, and let's say that we had to pay 40 for taxes, we would deposit the net 60 into the non-qualified fund. When we use the fund, or refund the customers at the end of the decommissioning, that would result in a deduction, and that payment of taxes would be essentially reversed and the ratepayers would be made whole and get the full value of the hundred original dollars.

Q Okay. So right now the corporate tax rate is 21 percent but, you know, I don't know in 2051 if that is still 21 percent, right. You don't have to answer that. I'm sorry.

1 So if those funds go into the qualified trust,
2 would Edison be subject to the tax -- to taxing the
3 proceeds, to paying a tax on the proceeds?

4 A IRS rules do not allow us to deposit those
5 funds in the qualified trust. We would have to submit a
6 schedule of cash flows to the Internal Revenue Service
7 and obtain authorization to do that, and that is a
8 somewhat drawn out process. It's much easier to put it
9 into the non-qualified trust.

10 Q Would it be required by a ruling by the IRS?

11 A To put it into the qualified trust it would
12 require a submittal. I'm not sure if it would just be a
13 Private Letter Ruling, but it would require some action.

14 Q Okay.

15 A And approval by the IRS.

16 Q Right. And so having those proceeds go to flow
17 back to ratepayers through the ERRRA proceedings, then
18 Edison would not be subject to taxes for those DOE
19 proceeds; is that correct?

20 A Not really. We are subject to taxes, but
21 because we issue the refund, that offsets the initial
22 tax. So we have the tax, we have the deduction, and
23 those two offset each other, and that's why it's
24 basically a net zero.

25 Q Can you give me a scenario, let's say if the

1 DOE proceeds is \$100, and currently the process is
2 having Edison return those \$100 to Edison ratepayers
3 through the ERRA proceedings, what -- where is the
4 taxes? Just walk me through the process.

5 A Sure. So let's say that we do get \$100 from
6 the Department of Energy. That goes into the DOELMA,
7 D-O-E-L-M-A, it's a memorandum account where the
8 litigation costs are offset from that \$100, and then the
9 net is what is basically refunded to customers. That
10 net refund would be taxed and, therefore, you would see
11 a lower amount, let's say it was the 20 percent and
12 let's use 100 as an example, we would refund \$80 to
13 customers, but because it's in the same year we would
14 get a deduction that would offset that \$20 income tax.
15 So the customer would see the 4100 or the what the net
16 of the litigation would be. So the customer does not
17 see a tax deduction or reduction, I should say, because
18 it's in the same year.

19 Q Okay. And the tax reduction would be reflected
20 in Edison's taxes?

21 A Well, you would see the tax that we had to pay
22 and you would also see the reversal, if you will,
23 because of the deduction that we took in the same year.

24 ALJ LAU: Okay, all right. I have no further
25 questions.

1 I just want to confirm with Mr. Freedman that
2 you don't have any further questions regarding
3 confidential data; right, correct?

4 MR. FREEDMAN: That's correct, your Honor.

5 ALJ LAU: All right, thank you.

6 Let's go off the record.

7 (Off the record.)

8 ALJ LAU: Back on the record.

9 Ms. Babiarez, can you introduce yourself and the
10 organization you represent, and then you may proceed
11 cross-examining Mr. Perez.

12 MS. BABIARZ: Yes, your Honor. I may need a
13 few more minutes than 10 because of an issue that came
14 up in Mr. Freedman's questions.

15 ALJ LAU: Okay, that's fine.

16 CROSS-EXAMINATION

17 BY MS. BABIARZ:

18 Q Good afternoon. My name is Nina Babiarez. I'm
19 director of a nonprofit by the name of Public Watchdogs,
20 and we so appreciate you making the time to come in
21 today.

22 You introduced yourself with Mr. Jerman as the
23 Principal Manager of Regulatory Affairs Organization for
24 Southern California Edison; is that correct?

25 A That's correct.

1 Q And how long have you been with Southern
2 California Edison, Mr. Perez?

3 A In two months it will be 41 years.

4 Q Wow!

5 And was that 41 years continuous employment or
6 were there some breaks in that at all?

7 A Continuous.

8 Q Thank you.

9 And what about some previous titles other than
10 the current, as stated, Principal Manager of Regulatory
11 Affairs? Do you have some previous titles in that 41
12 years?

13 A I was a Project Cost Schedule Engineer, I've
14 been the Finance Manager at San Onofre, Project Manager,
15 Senior Engineer.

16 Q Impressive.

17 And Mr. Perez, how long have you been the
18 Principal Manager in Regulatory Affairs? Just a, you
19 know, an estimate of the year.

20 A I believe I came into my current role about
21 five, six years ago.

22 Q Thank you.

23 And could you just briefly give a job
24 description of what that entails, your current position
25 as Principal Manager of Regulatory Affairs, just

1 briefly?

2 A I manage all of the company's CPUC activities
3 related to our nuclear assets.

4 Q And as Principal Manager of Regulatory Affairs,
5 in that capacity would you also -- that would also
6 include -- would that also include, I think it's Mr.
7 Freedman just indicated, the State Lands Commission,
8 Coastal Commission, obviously CPUC, NRC; any other --
9 all regulatory agencies, sir?

10 A No, just CPUC.

11 Q Just the CPUC, I see.

12 And in your regulatory capacity with the CPUC,
13 who's administering the decommissioning trust fund,
14 would that also include your activities -- are you
15 familiar with all the activities then funded through
16 this triennial review process of years '18, '19 and 2020
17 under this triennial review?

18 A So you started with a couple of questions. Can
19 you restate your question?

20 Q Thank you.

21 In your current capacity as Principal Manager
22 of Regulatory Affairs Organization, you're indicating
23 that's only the CPUC; is that correct?

24 A That's correct.

25 Q Could you just clarify then your answers

1 regarding State Lands Commission in the previous
2 testimony?

3 A What previous testimony are you referring to?

4 Q I believe Mr. Freedman.

5 ALJ LAU: Ms. Babiarz, sorry, given that we
6 have limited hearing time can you just go directly to
7 your questions, and if we need to establish foundation,
8 we'll go back.

9 MS. BABIARZ: I'd be happy to, but my
10 understanding was he was a Principal Manager of
11 Regulatory Affairs Organization for Edison, and I didn't
12 see the specificity of only the CPUC in his answer to
13 Mr. Jerman. And as such, I interpreted that Principal
14 Manager of Regulatory Affairs Organization for Edison
15 would encompass other regulatory affairs.

16 ALJ LAU: Okay, can you quickly establish
17 relevance.

18 BY MS. BABIARZ:

19 Q Are you aware or familiar with the regulatory
20 requirement of the California Coastal Commission's
21 permit for the decommissioning for the Units 2 and 3
22 decommissioning project?

23 MR. JERMAN: I'm going to object as outside the
24 scope of Mr. Perez's testimony.

25 ALJ LAU: I'm going to sustain, because Mr.

1 Perez did say that he is just responsible for regulatory
2 affairs specific with the Public Utilities Commission.

3 MS. BABIARZ: Thank you, Judge Lau.

4 BY MS. BABIARZ:

5 Q Mr. Perez, in that capacity were you aware of
6 the California Coastal Commission's granting of Edison's
7 application for their demolition permit or their Unit 2
8 and 3 decommissioning project on October 17th, 2019,
9 under the Special Condition No. 19?

10 A Well, I am familiar that the Commission issued
11 a CDP. I'm not sure exactly about the date, and I'm not
12 familiar very much at all with that special condition.

13 Q Were you in attendance of the meeting where the
14 California Coastal Commission granted Edison's Unit 2
15 and 3 Decommissioning Project permit?]

16 A No.

17 Q Thank you.

18 MS. BABIARZ: And since the permit was only
19 granted under Special Condition 19, are you familiar
20 with the contents of Special Condition Number 19
21 providing the permit to Edison only under the conditions
22 of an Independent Third-Party Inspection and Maintenance
23 Plan required as a condition of that permit?

24 MR. JERMAN: Objection. Foundation.

25 ALJ LAU: Mr. Perez, just answer if you're

1 familiar with it or not. And, you know, if it's beyond
2 your testimony, just say it's beyond your scope of
3 testimony.

4 THE WITNESS: Well, if you're referring to the
5 item in my rebuttal testimony about a third-party
6 independent reviewed the Inspection Maintenance Program,
7 I am familiar with that. It's in my testimony at pages
8 86 and 87 where we identify that we -- number one, that
9 cost is not at issue in this NDCTP. It is related to a
10 project that won't be reviewed until the 2027 NDCTP.

11 And lastly SCE did incorporate that third-party
12 reviewer into the analysis as again stated in my
13 testimony at page 87.

14 BY MS. BABIARZ:

15 Q And exactly right and to your point just now,
16 would you agree or could you concur that when that item
17 was expended in the 2020 decommissioning cost -- in the
18 2020 expenditures, that the name of that third-party
19 Independent Inspection Maintenance Plan was changed --
20 three Aging Management to be completed, I believe, in
21 2027? Was it expended under the name of "Aging
22 Management"?

23 A I don't know the name of the -- that was on the
24 invoice that we paid. However, when we grouped cost, we
25 grouped that cost to the Aging Management Project.

1 Q Okay. And so that invoice that you just
2 referenced was that invoice paid to LPI Incorporated, or
3 was that invoice paid to the California Marine Sanctuary
4 Foundation?

5 A Again, I don't know the name on the invoice.
6 And, again, that cost is not in this NDCTP. It is going
7 to be in the 2027 NDCTP. So I have not looked at the
8 specific invoice at this time. We'll do that for the
9 '27 NDCTP.

10 Q Are you aware then that the California -- that
11 the CPUC -- that you are the principal manager of
12 regulatory affairs -- has provided evidence, testimony,
13 that the name was indeed changed from the Independent
14 Third-Party Inspection and Maintenance Plan to Aging
15 Management. That was done at the CPUC.

16 Since in your capacity as the principal manager
17 of regulatory affairs, that I understand now is only the
18 CPUC, were you aware that the Energy Division at the
19 CPUC allocated the expenditure in the future as you've
20 mentioned to read "Aging Management"?

21 A Energy Division does not provide any direction
22 to us as where to incorporate cost.

23 Q That wasn't actually my question. I was just
24 asking the question: In your capacity as principal
25 manager of regulatory affairs with the CPUC, it would

1 not have to necessarily be the Energy Division.

2 But were you aware that the CPUC, in their
3 administration of the expenditure, changed the name of
4 that expenditure from the Third-Party -- The Independent
5 Third-Party Inspection Maintenance Plan as mandated by
6 the California Coastal Commission as a condition to the
7 entire permit of the Unit Two and Three Decommissioning
8 Project to Aging Management?

9 MR. JERMAN: Objection, your Honor.
10 Foundation. Ms. Babiarz hasn't established what the
11 basis is for Mr. Perez to testify as to a CPUC action.

12 In addition as Mr. Perez has testified, this
13 issue is outside the scope of the current NDCTP, and
14 will be addressed in the future in the 2027 NDCTP.

15 (Crosstalk.)

16 MS. BABIARZ: Judge Lau, he did reference the
17 Independent Third-Party Inspection and Maintenance Plan.
18 And there does need to be clarity because there was a
19 name change. And it was done by the CPUC, which, of
20 course, he indicated in his capacity as the principal
21 manager for regulatory affairs for Edison specifically
22 with the CPUC. Which I've tried to keep my questions
23 directly to CPUC. That I was just asking if he was
24 aware that the CPUC --

25 ALJ LAU: Mr. Perez, you can just answer

1 whether you were aware or not.

2 THE WITNESS: I have not researched that
3 invoice because it's not part of this NDCTP. So I am
4 unaware.

5 BY MS. BABIARZ:

6 Q Since you were aware of the funding of the
7 Independent Third-Party Inspection Maintenance Plan as
8 required in Edison's Unit Two and Three Decommissioning
9 Project, are you aware of the award of that contract to
10 LPI Incorporated?

11 MR. JERMAN: Objection. This has been asked
12 and answered.

13 ALJ LAU: I don't remember it being asked and
14 answered.

15 But I do have to say that we are about 12
16 minutes into your cross, Ms. Babiartz. So if you can
17 wrap it up in 5 to 10 minutes.

18 MS. BABIARZ: I will most certainly try. I was
19 only thrown off my schedule by the introduction --

20 (Crosstalk.)

21 MS. BABIARZ: -- Mr. Perez in a different way
22 than I originally interpreted. I'll just cut to it
23 quick then.

24 Q Are you familiar with LPI's final report
25 expended on June 12th of 2020? Are you familiar with

1 that deliverable as required by the permit by the
2 Coastal Commission?

3 A Again, that cost and project are not part of
4 this NDCTP. So I have not done any investigation
5 because it's not part of this review.

6 Q I just only have one other question that this
7 came up in Mr. Jerman's introduction of Mr. Perez. You
8 indicated, Mr. Perez -- I'm sorry. Mr. Parker's
9 inquiries.

10 You indicated that the Department of Energy
11 expects the last of spent fuel to lead into 2051. And
12 in that comment, you indicated that as (inaudible) we
13 updated the decommissioning cost estimates. My question
14 is in that comment when you indicated an update of the
15 decommissioning cost estimate, is that update that you
16 referenced based on the original decommissioning cost
17 estimate of 2014?

18 A Well, you've asked two or three questions in
19 there. First, the DOE does not provide us that forecast
20 of 2049 or 2051 as to when the last fuel would be
21 shipped off site. That is our assumption.

22 Q I was just quoting you in the context where you
23 used updating the decommissioning cost estimate. When
24 you update the -- I'll just be a little shorter then.
25 Just giving it context.

1 In your -- In Edison's update of
2 decommissioning cost estimate, are those updates based
3 on the original 2014 decommissioning cost estimates?

4 A Well, I would take it and answer it this way:
5 Each of the DCEs, even prior to the 2014 DCE, are
6 reviewed for the content and the assumptions that were
7 previously included. Each updated DCE then identifies
8 what new or emergent items should be incorporated into
9 the one that is being prepared.

10 So the 2014 one we reviewed for assumptions,
11 for what projects were included, what has been
12 completed, when 2017 was prepared.

13 And same thing that happened for the 2020 DCE.
14 We took a look at the '17 DCE and identified what new
15 emergent items that transposed -- or had emerged,
16 incorporated those. Anything that was completed or
17 removed from the scope was therefore removed from the
18 scope of the DCE as well.

19 Q And in that process, you also referenced the
20 2014 DCE; correct?

21 A Not only the '14 but all of the ones that had
22 gone before that.

23 Q And subsequent?

24 A Prior and subsequent.

25 Q Thank you.

1 MS. BABIARZ: That's the entirety of my
2 questions, Judge Lau.

3 ALJ LAU: Thank you, Ms. Babiarz.

4 Mr. Geesman, can you just proceed with the
5 public portion of your questions?

6 MR. GEESMAN: Yes, your Honor.

7 CROSS-EXAMINATION

8 BY MR. GEESMAN:

9 Q Nice to see you again, Mr. Perez.

10 A Same here, Mr. Geesman.

11 Q I noticed over your left shoulder that you wear
12 a lot of hats in this case.

13 A And that's only one of the racks. I got
14 another one right next to it.

15 Q I want to start with the exhibit that's
16 previously been marked A4NR-X-37.

17 A I have it.

18 Q I started on this with Mr. Bilovsky yesterday,
19 but it got referred to you. It's a three-page excerpt
20 from a PowerPoint presentation that Randy Besich made to
21 the February 18, 2021, meeting of the SONGs Executive
22 Committee.

23 The third page of that exhibit, which has the
24 Number 133 in its lower right-hand corner is entitled
25 Risks and Key Assumptions: What's not included in the

1 EAC.

2 Now, Mr. Bilovsky confirmed with me that "EAC"
3 is an acronym for Estimated Completion. Is that
4 consistent with your understanding?

5 A Yes, it is.

6 Q And he described it as a budgeting -- or a cost
7 control tool for the SONG decommissioning. It's not the
8 equivalent of the DCE, but it's related. Am I right in
9 that?

10 A It is a project control tool, yes.

11 Q Okay. I've highlighted in green on page 133
12 items on the not included list that I'd like you to
13 confirm for me. And because this was a so-called
14 rendered type, the highlighting doesn't come across as
15 clearly as I'd like. So let me read item-by-item and
16 ask you: Is this in the DCE or not.

17 A May I interrupt for a minute? My response will
18 most likely get into confidential information. So I
19 recommend that we bring this up in the confidential
20 session.

21 Q Okay. Happy to do that.

22 I have one other area of questioning then for
23 the public session. And that is with respect to some of
24 the discussion you had with Mr. Freedman.

25 When he was asking you about the adjustments

1 that Edison makes for the 2031 start of DOE pick ups
2 nationally of spent fuel, you indicated three or four
3 times "the industry does, the industry does, the
4 industry does." Indicating, I believe, that that 2031
5 estimate that's in your DCE is consistent with what the
6 industry does.

7 How do you determine what the industry does?

8 A We check with several of our consultants as to
9 what their latest forecast day for that is as well as
10 some of our utility staff with members of other nuclear
11 power plants. So we'll check in with them.

12 Q Does the NEI play a role in that?

13 A I don't recall if they have provided one or
14 not.

15 Q Thanks very much.

16 MR. GEESMAN: Your Honor, that concludes my
17 public questions.

18 ALJ LAU: All right. Thank you.

19 For the record, we are going to be turning into
20 the confidential session mode.

21 And Mr. Jerman has supplied us with a list of
22 participants who are eligible to listen to data that
23 Mr. Jerman later asks for confidential treatment.

24 So, yes. Let's enter into that mode.

25 UNIDENTIFIED SPEAKER: Your Honor, we're all on

1 mute. So go ahead unmute and we're in confidential
2 session now.

3 ALJ LAU: All right. Thank you.

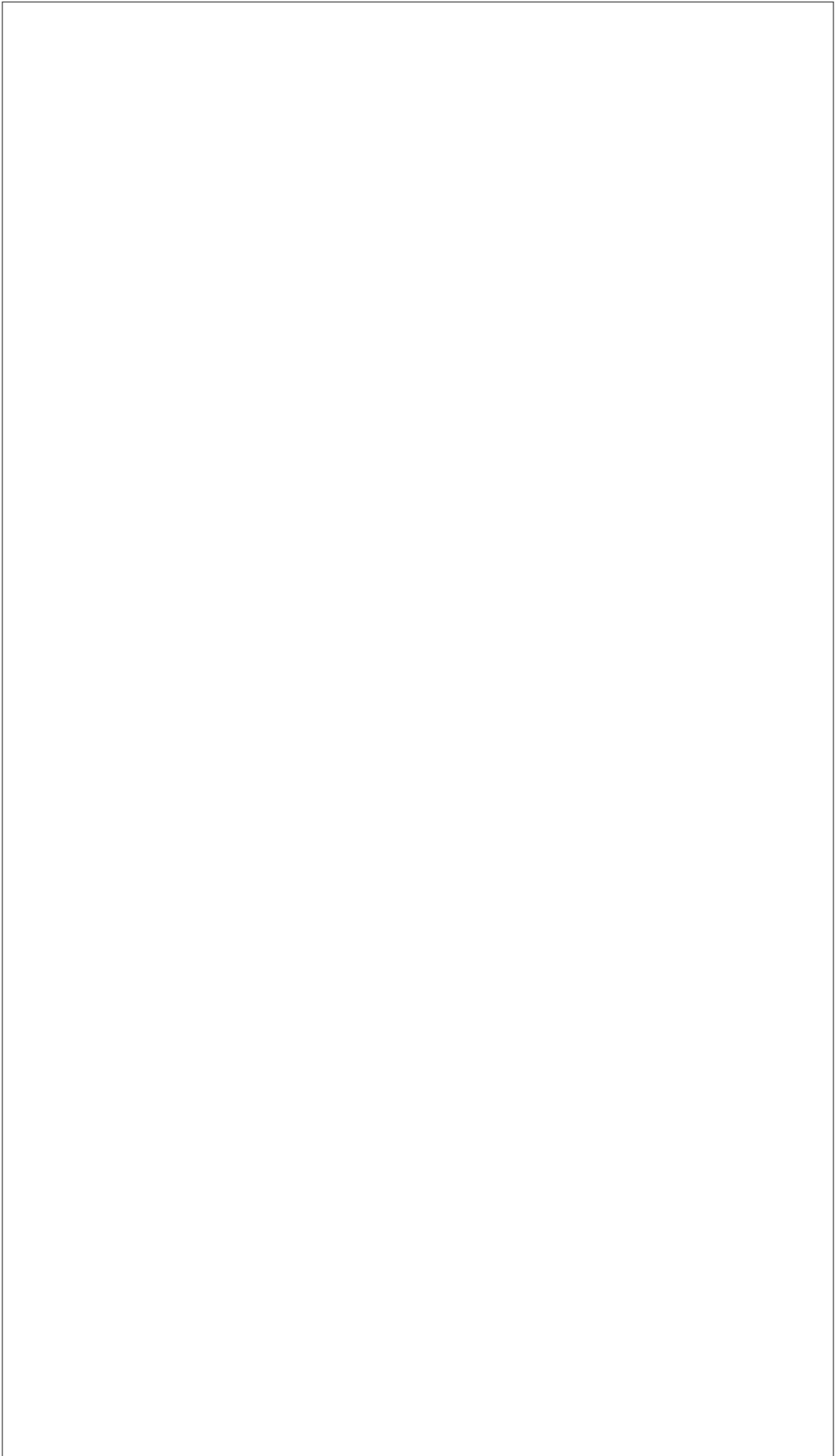
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5 (Off the record.)

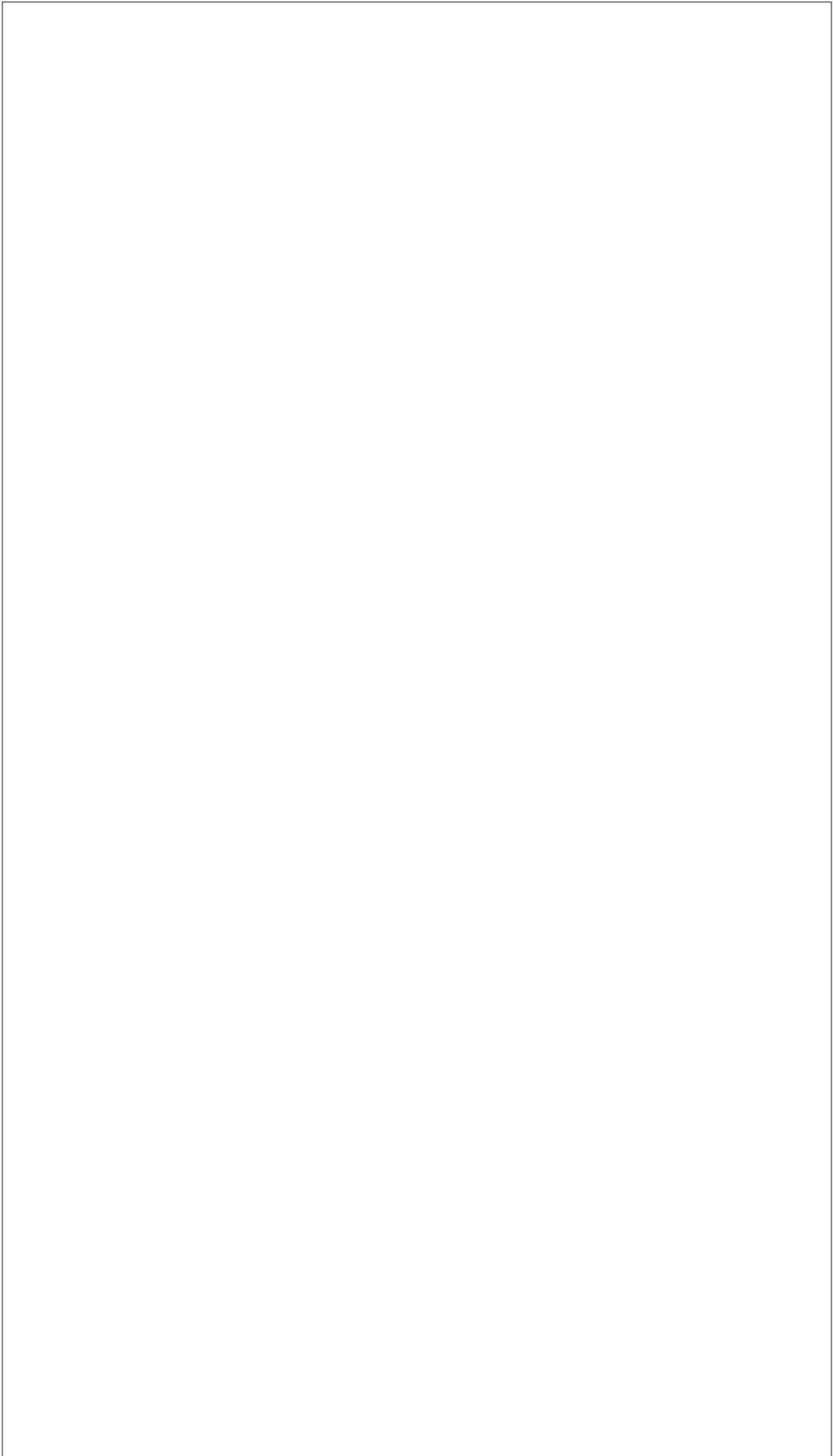
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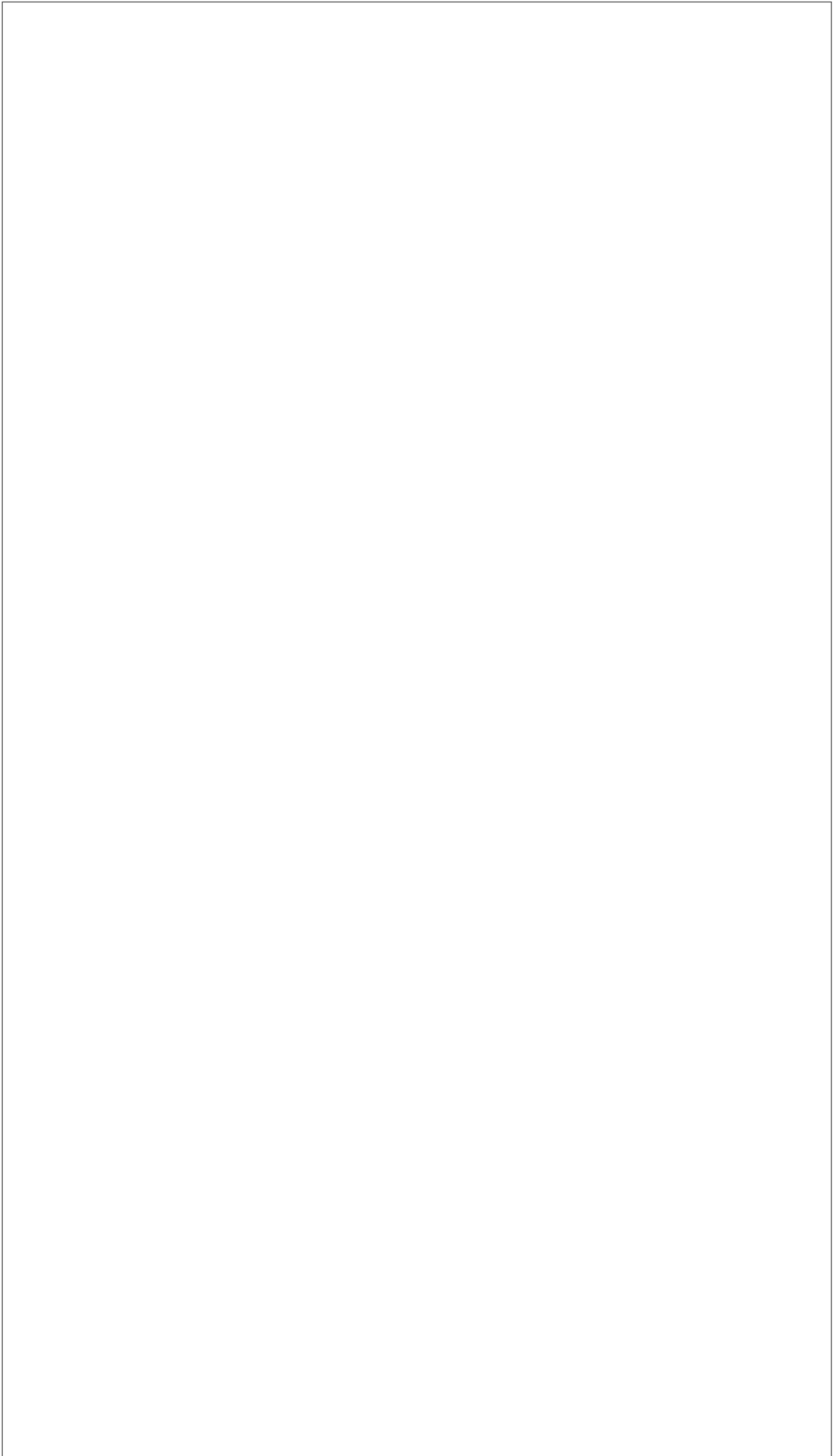
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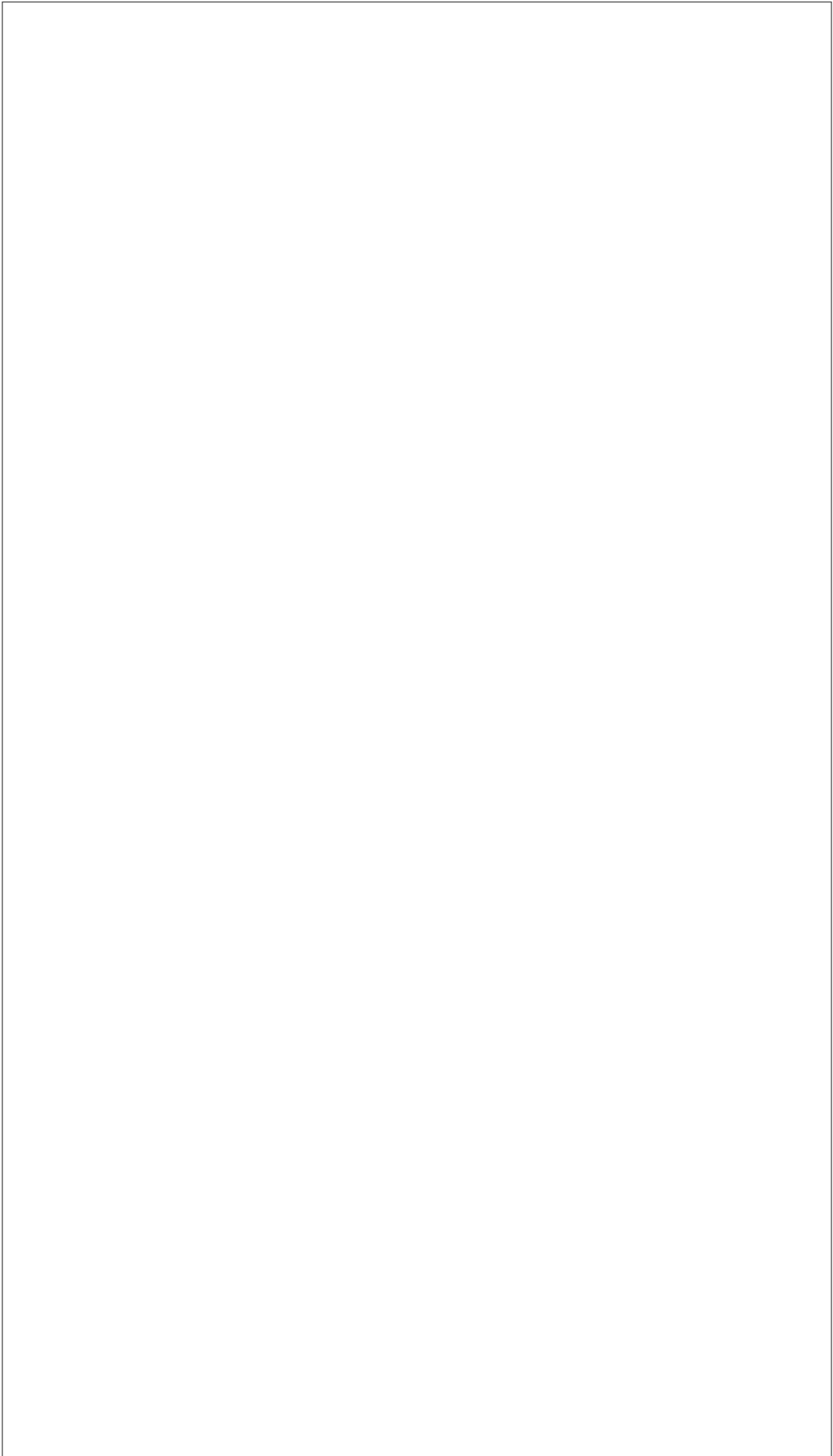
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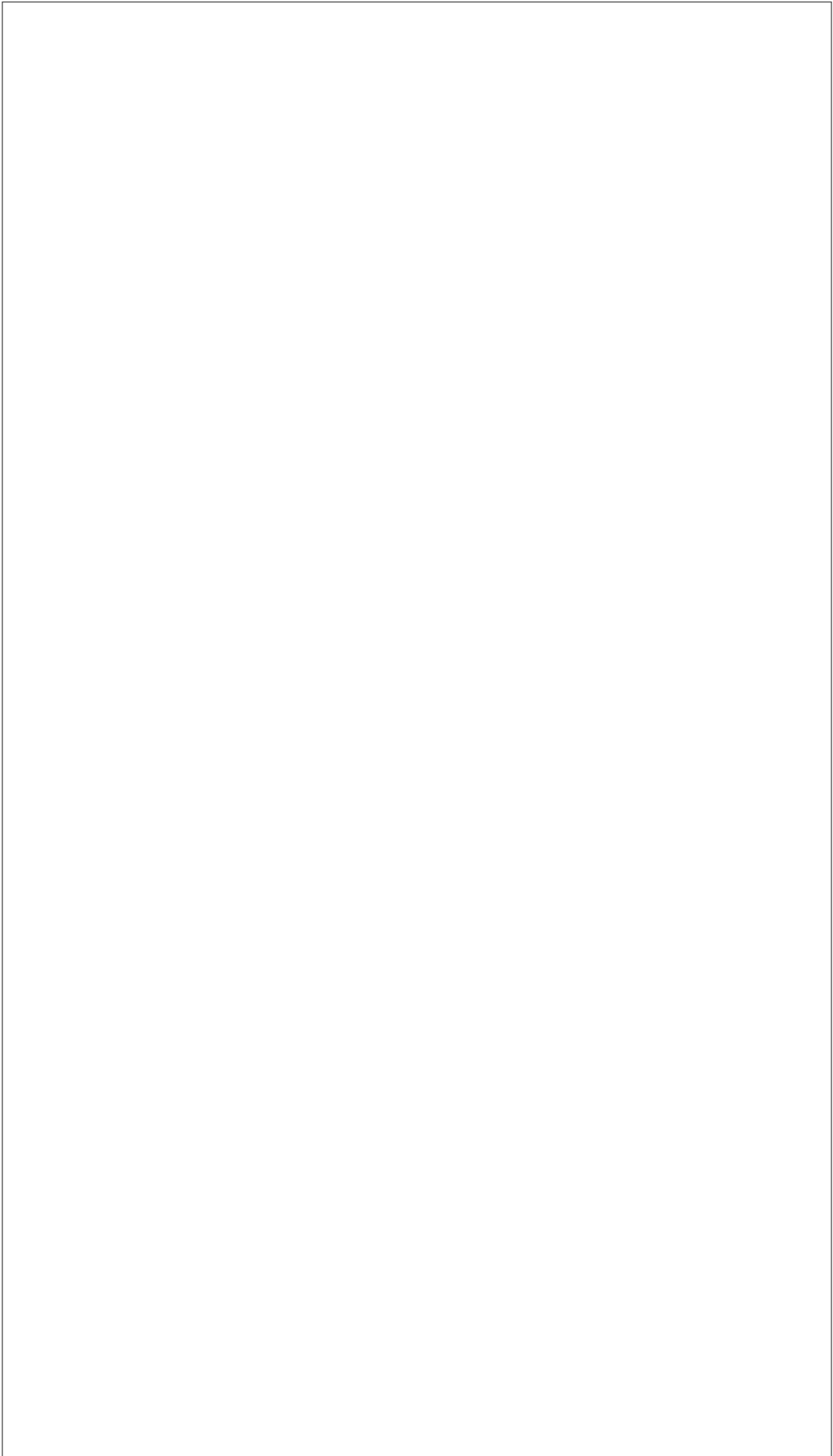
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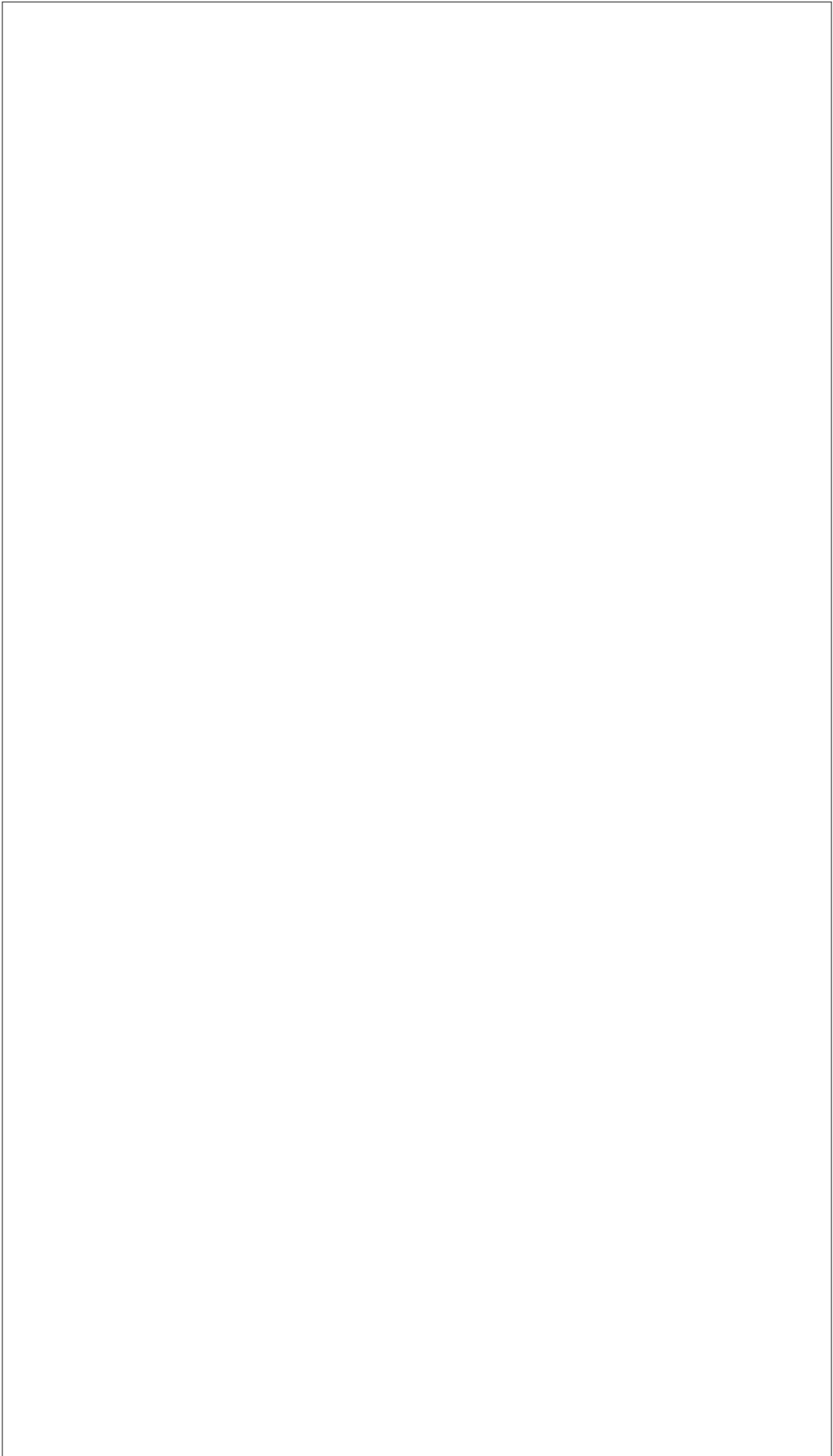
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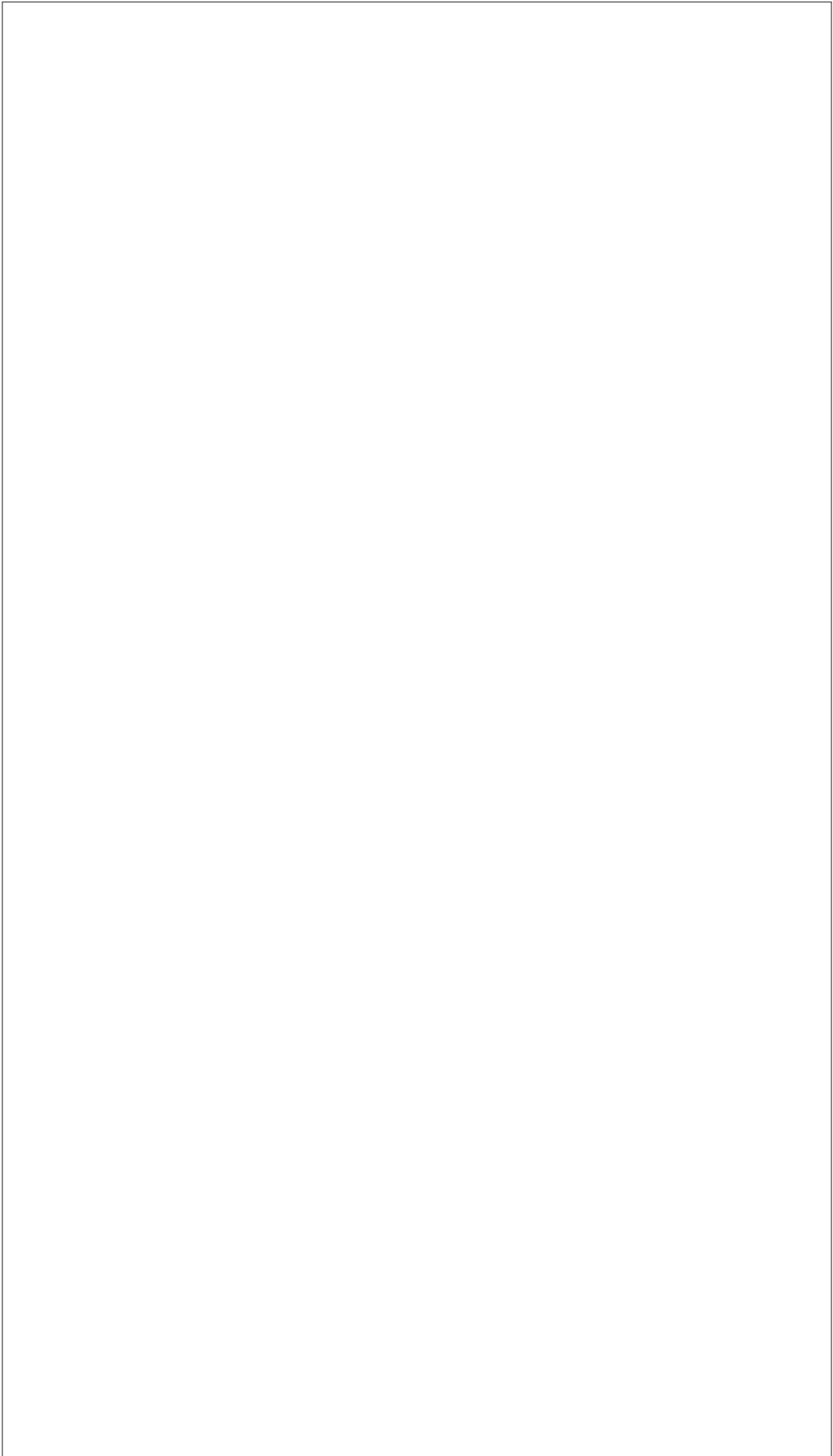
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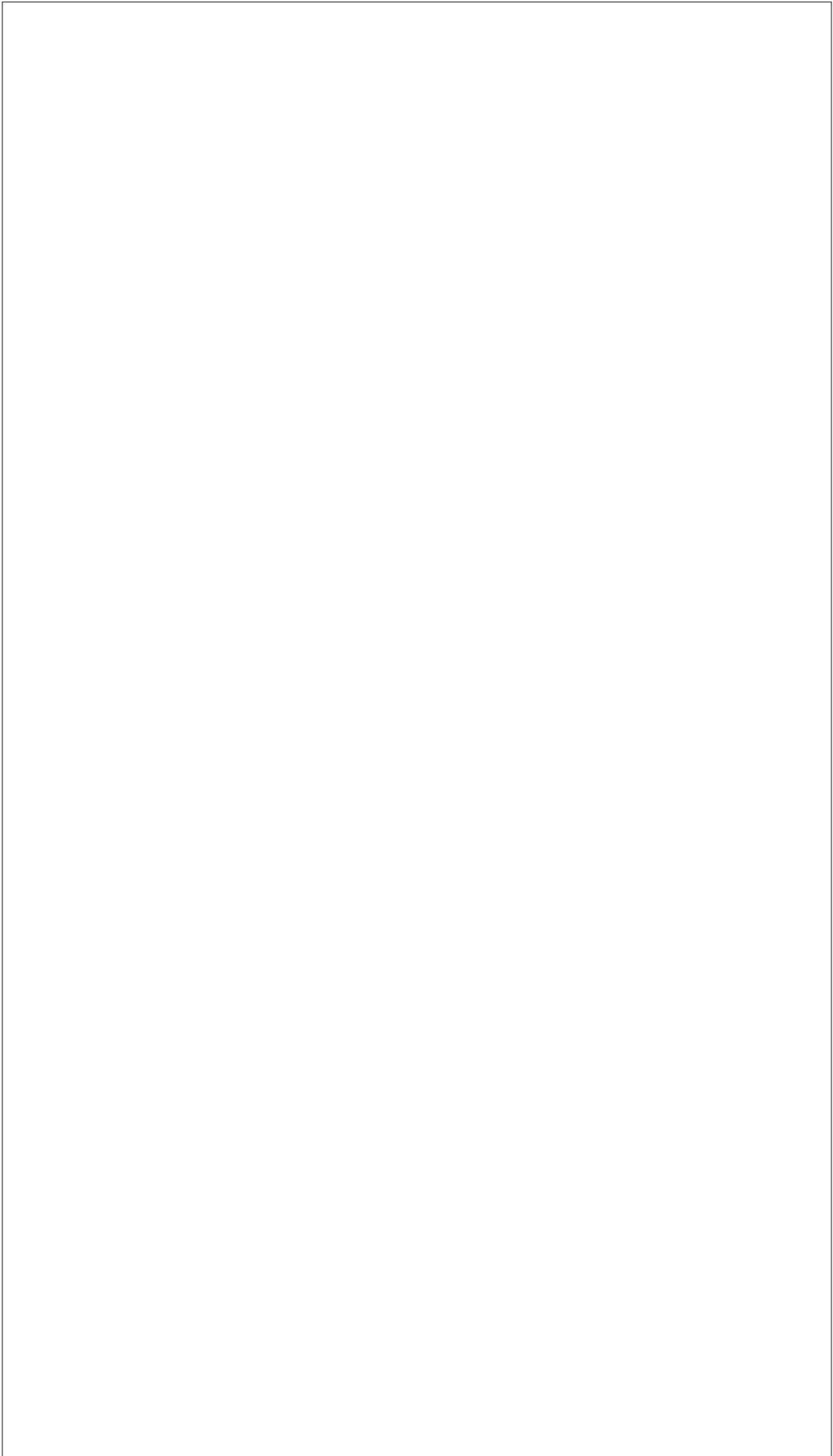
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(End sealed material.)

(Off the record.)

1 ALJ LAU: So we are back.

2 We just closed the confidential session with
3 the discussion of data for the cross-examination for
4 Mr. Perez.

5 It is now around 2:45. We will take a
6 15-minute recess, and before we go on recess, I want to
7 remind -- I just want to ask Mr. Jerman if he has any
8 redirect for Mr. Perez.

9 MR. JERMAN: Your Honor, I may have only one or
10 two questions, but if I could take the break to think
11 about it and discuss with my team, I'd appreciate that.

12 ALJ LAU: Let me know if we have to go to
13 confidential session mode. I'd prefer not, but, yes,
14 just let me know. So we will be back from break at 3:00
15 p.m. Thank you.

16 (Recess taken.)

17 ALJ LAU: Let's go back on the record.

18 Mr. Jerman, do you have any redirect for
19 Mr. Perez?

20 MR. JERMAN: Your Honor, I do not have any
21 redirect for Mr. Perez. I would just note, though, that
22 Mr. Perez is the witness that we identified to answer
23 your questions about the trust, the Nuclear
24 Decommissioning Trust; so if you had any additional
25 questions about those trusts, Mr. Perez is available to

1 try to answer those now.

2 MR. LANGLEY: We have a couple of questions if
3 we may.

4 ALJ LAU: I'm sorry. I'm going to have to deny
5 because you had your chance at cross already of
6 Mr. Perez. I think I'm going to pass too given the
7 time.

8 Thank you, Mr. Perez. And you've answered some
9 of my questions, and I think for now that's sufficient.
10 So, Mr. Perez, you're excused from the witness stand.

11 THE WITNESS: Thank you.

12 ALJ LAU: I hope your feeling better.

13 THE WITNESS: Thank you.

14 ALJ LAU: And, now, we'll have Ms. Dalu.

15 Mr. Allen, are you available?

16 MR. JERMAN: Your Honor, Mr. Trial is sitting
17 next to me. He's having some IT issues. He'll join
18 shortly. He's sorting those issues out right now.

19 ALJ LAU: Okay. Let's go off the record.

20 (Off the record.)

21 ALJ LAU: Let's go back on the record.

22 Let's have Ms. Dalu to get on the witness
23 stand. Ms. Dalu, can you introduce yourself. Please
24 state your name and the organization you're representing
25 and now is the opportunity to also specify your

1 preferred pronoun if you so choose.

2 (No response.)

3 ALJ LAU: Ms. Dalu, I think you are a little
4 bit soft. Can you try again. Let's go off the record.

5 (Off the record.)

6 ALJ LAU: Let's go back on the record.

7 THE WITNESS: My name is Tracy M. Dalu,
8 D-a-l-u, and I work for San Diego Gas & Electric.

9 ALJ LAU: And, Ms. Dalu, do you see the Witness
10 Attestations that is projected on the screen?

11 THE WITNESS: I do.

12 ALJ LAU: Can you confirm that you've read it
13 in its entirety?

14 THE WITNESS: I have.

15 ALJ LAU: And do you agree to abide by these
16 attestations?

17 THE WITNESS: Yes, I do.

18 ALJ LAU: Thank you.

19 Mr. Trial, you may begin your direct.

20 MR. TRIAL: Thank you, your Honor.

21 TRACY DALU,

22 called as a witness by San Diego Gas &
23 Electric Company, having been sworn,
24 testified as follows:

25 ///

DIRECT EXAMINATION

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BY MR. TRIAL:

Q Ms. Dalu, can you state your position for the record.

A Yes. I am the SONGS Nuclear Decommissioning Fiscal Manager for SDG&E.

Q Do you have before you a copy of the documents marked as Exhibits SDG&E-01, SDG&E-02, SDG&E-02C, SDG&E-03, SDG&E-03C, and SDG&E-05?

A I do.

Q Did you sponsor portions of these testimonies, these exhibits just listed?

A Yes, I did.

Q Were the documents prepared by you or under your direction and control?

A Yes, they were.

Q Do you have any additions or corrections that you'd like to make at this time?

A No, I don't.

Q Do the factual representations set forth in these exhibits present those facts accurately to the best of your knowledge and belief?

A Yes.

Q Do your opinions and recommendations set forth in these exhibits represent your best professional

1 judgment?

2 A Yes.

3 Q Do you adopt the documents as your sworn
4 testimony here today?

5 A I do.

6 MR. TRIAL: Your Honor, the witness is
7 available for cross-examination.

8 ALJ LAU: Mr. Parker, are you ready to proceed
9 with your cross?

10 MR. PARKER: Yes, your Honor. Wayne Parker for
11 Cal Advocates. I'm prepared to begin the
12 cross-examination of this witness.

13 ALJ LAU: You may begin.

14 MR. PARKER: Thank you, your Honor.

15 CROSS-EXAMINATION

16 BY MR. PARKER:

17 Q Good afternoon, Ms. Dalu. My name is Wayne
18 Parker. I am an attorney for the Public Advocates
19 Office of the California Public Utility Commission,
20 otherwise known as Cal Advocates. I won't have more
21 than a few questions, I think, here.

22 A Okay.

23 Q If you would, please, would you turn to the
24 exhibit marked as SDG&E-01.

25 A Yes.

1 Q And if you would, please turn to page 10.

2 A Okay.

3 Q Okay. How frequently does SDG&E request
4 reimbursement from the Nuclear Decommissioning Trust for
5 SONGS 1 costs?

6 A Monthly.

7 Q Okay. And how do you, as the Nuclear
8 Decommissioning Fiscal Manager, approve requests for
9 reimbursements for SONGS 1 costs?

10 A So a trust withdrawal package is put together
11 with all the supporting documents for the withdrawn
12 amounts. That would include invoice support, anything
13 that would support that withdrawal. I review it for
14 accuracy, completeness, and then once I have reviewed
15 that package, it goes to our controller. She also
16 performs a review of those costs, and then it is passed
17 on to our Pension and Trust Group and authorized by them
18 before they send it to New York Mellon, who is the --
19 what are they -- the NDT trustee.

20 Q Thank you.

21 As the Nuclear Decommissioning Fiscal Manager,
22 you and your team will prepare what's called a
23 withdrawal certificate, which is then sent to the SDG&E
24 controller and chief accounting officer?

25 A That's correct.

1 Q All right. Then what happens once the
2 withdrawal certificate is approved?

3 A Once it's approved by myself and also by the
4 controller, it's forwarded to our Pension and Trust
5 Group, which is at our parent company at Sempra Energy
6 and then they coordinate the withdrawal from New York --
7 or BNY Mellon.

8 Q How long does this process typically take?

9 A About a week.

10 Q Okay. And does SDG&E follow the same process
11 with respect to requests for reimbursement with respect
12 to SONGS 2 and 3?

13 A Yes, it does.

14 Q And it's about the same time period for the
15 process to go through?

16 A Yeah, once we've -- you know, preparing the
17 certificate and all the documents take a little bit
18 longer, but we've signed off and sent it over to the
19 Pension and Trust Group, it's about a week before we
20 would receive the funds.

21 Q Okay. Then, if you would please, same exhibit
22 SDG&E-01, turn to page 13.

23 A Okay. I'm there.

24 Q Okay, ma'am. In your testimony here, you
25 stated that in October 2017, SoCal Edison acting for

1 itself and for the SONGS participants filed claims in
2 the amount of \$58 million for spent fuel management in
3 costs incurred in 2016; do you see that testimony?

4 A I do.

5 Q And afterward, the DOE issued its determination
6 of allowable costs for that claim; correct?

7 A That's correct.

8 Q And what was the amount of allowable costs the
9 DOE made in its determination?

10 A Our share was nine million net of litigation
11 costs. The 100 percent was 44 million -- oh, I'm sorry.
12 Yes. There was an adjustment to that amount. SDG&E's
13 share was definitely 9 million net of litigation costs.

14 Q Okay, but the total amount of allowable costs
15 was \$44 million you said?

16 A Let's see. They added an additional 1.2.
17 So I think that would be the 44 million plus
18 the 1.2, which would be 45.2.

19 Q Okay. And then in your testimony on the same
20 page, you further stated that on November 22nd, 2019,
21 SCE, again, acted for itself and the SONGS participants,
22 filed a complaint in the U.S. Court of Federal Claims
23 for spent fuel management costs incurred during the
24 period of January 1, 2017, through July 31st, 2018.

25 Do you see that testimony at the bottom of

1 page 13?

2 A I do.

3 Q And are those claims still unresolved?

4 A Yes, they are.

5 Q Okay, ma'am. Would you please turn to page 14
6 of your testimony.

7 A Okay.

8 Q On this page you testified that historically
9 SDG&E has waited to seek recovery of its spent fuel
10 management cost from its SONGS 2 and 3 trusts until
11 litigation claims filed against the DOE have been
12 settled; is that correct?

13 A That is correct historically, yes.

14 We're a little bit different than Southern
15 California Edison in that SDG&E did not have the
16 authority to pull or to reimburse itself for SFM costs
17 from the Unit 2 and 3 Trust up until September 20 of
18 2020.

19 At which point, the IRS issued regulations
20 clarifying that spent fuel management cost would be
21 deemed an eligible decommissioning cost to be pulled
22 from a qualified trust. And at that point forward,
23 we've been able to monthly pull spent fuel management
24 cost from the trust.

25 Q Okay. And because of the new IRS rule, SDG&E

1 no longer records its unreimbursed spent fuel management
2 cost in its SPCEMA and waits for reimbursement from the
3 DOE before clearing the account and reimbursing itself
4 for prior costs incurred and paid for by SDG&E; is that
5 correct?

6 A That's correct.

7 Q You further testified that SDG&E now receives
8 reimbursement for these costs directly from its Nuclear
9 Decommissioning Trust as costs are incurred; is that
10 correct?

11 A That's correct.

12 Q And SDG&E believes this is prudent given the
13 uncertainty as to the timing of when DOE will take
14 possession of SONGS spent fuel; is that correct?

15 A I'm not sure I understand what you mean by
16 "prudent." Is that coming directly from my testimony
17 or --

18 Q Well, SDG&E is requesting Commission approval
19 to deposit future DOE litigation proceeds into the
20 nonqualified Nuclear Decommissioning Trust; is that
21 correct?

22 A Yes.

23 Q Okay. You know, I'd like to scratch the
24 question I asked earlier. I'm going to continue with
25 the rest here.

1 A Okay.

2 Q Did you observe Mr. Bauder's testimony on the
3 issue of DOE proceeds and the deposit of such proceeds
4 into the nonqualified Nuclear Decommissioning Trust?

5 A Yes.

6 Q Is there enough money in the Nuclear
7 Decommissioning Trust to last to 2051?

8 A At this point in time, we are adequately
9 funded, but it's much too early in the process to
10 determine if we have excess funds to last us through
11 2051 or 2053.

12 (Crosstalk.)

13 BY MR. PARKER:

14 Q Okay. I'm sorry to step on you. If SDG&E were
15 reimbursed for its costs on a monthly basis and usually
16 within some interval of time -- you know what? Let's
17 scratch this question.

18 Your Honor, I have no further questions for
19 this witness.

20 ALJ LAU: Thank you.

21 Mr. Freedman.

22 MR. FREEDMAN: Thank you, your Honor.

23 CROSS-EXAMINATION

24 BY MR. FREEDMAN:

25 Q Good afternoon, Ms. Dalu.

1 A Good afternoon.

2 Q Before I start, I just want to make sure that
3 you have available to you, TURN-23, and Exhibit TURN-22.
4 These are the two exhibits that were circulated in
5 connection with your appearance today.

6 A Yes. I have 23C, but I believe it's the same
7 document because it's no longer confidential.

8 Q And can I confirm --

9 MR. TRIAL: Excuse me for one moment. I
10 understood you renamed that as TURN-21. Is it 23?

11 Because you asked yesterday to rename it for a
12 gap in your numbering system, and you changed it from
13 23C to 21.

14 MR. FREEDMAN: You are correct, Mr. Trial.
15 There's been a lot of moving numbering on my end, which
16 I apologize for.

17 So let's call it TURN-21. And even if the
18 cover page reads "23," Ms. Dalu, I would ask you to
19 imagine that the real number is 21.

20 THE WITNESS: That's acceptable.

21 MR. TRIAL: Just one other comment, your Honor.
22 For clarity of the record, I'm not objecting to this
23 exhibit at this time; however, I do want to make note
24 that this exhibit refers to SDG&E-04, which is not
25 Ms. Dalu's testimony. These are workpapers for other

1 witnesses. So to the extent that she can answer the
2 questions, I'll remain quiet. Thank you.

3 ALJ LAU: Okay. Noted. And you should note
4 that, too, Mr. Freedman.

5 MR. FREEDMAN: Thank you, your Honor.

6 And, Mr. Trial, am I correct then that the
7 now-named Exhibit TURN-21, there's no confidential
8 material in there?

9 MR. TRIAL: You are correct.

10 MR. FREEDMAN: Okay.

11 Q I'm ready to proceed. Ms. Dalu, I'd like you
12 to start with your rebuttal testimony at SDG&E-05,
13 starting on page 4.

14 A Okay. Just one moment. Okay. Yes. I'm here.

15 Q At the top of page 4, you are discussing the
16 proposal to return the DOE litigation proceeds to the
17 nonqualified trust, and, specifically, at the top of
18 page 4, you indicate starting on line 2 that SDG&E
19 opposes TURN and Cal Advocates recommendations and
20 maintains that the most prudent action for handling
21 future DOE litigation proceeds is to deposit them into
22 the NQNDTs for use in funding future decommissioning
23 expenses; do you see that?

24 A I do.

25 Q So would these funds be available for funding

1 any future decommissioning expenses?]

2 A Yes, they would be available to fund future SFM
3 costs, as well as any other decommissioning expenses.

4 Q So they would be available for a wider range of
5 costs than just (indecipherable); is that right?

6 A That's correct.

7 Q Do you know what restrictions apply to spending
8 that comes out of the non-qualified trust?

9 A Restrictions that would apply to coming out of
10 the non-qualified trust. No, I'm not aware of
11 restrictions, other than the fact that the way that the
12 trusts were established, under the Master Trust
13 Agreement, they were not established to track costs by
14 decommissioning an objective, nor the returns by
15 objective --

16 Q Are there --

17 (Crosstalk.)

18 A No problem.

19 You know, segregating these costs, I'm just not
20 aware of a mechanism in place that would allow us to do
21 that.

22 Q I guess what I'm asking is, does the trust
23 impose any other restrictions on the types of
24 expenditures that are eligible for reimbursement?

25 A I'm not aware, other than I know that -- I

1 believe any sort of withdrawal from the non-qualified
2 trust does require CPUC approval and does have to be in
3 compliance with the Master Trust Agreement.

4 Q Does the -- if the PUC approves, does the money
5 have to be used for expenses in connection with San
6 Onofre?

7 A Yes, that's my understanding.

8 Q Going down on the page, page 4, you indicate,
9 starting on line 12, that the incremental costs
10 associated with storage of spent fuel will require
11 funding from the existing decommissioning trust funds
12 adding to the potential of required contributions from
13 future ratepayers to address the shortfall caused by the
14 DOE's failure to perform. Do you see that?

15 A Can you refer me to the line, please.

16 Q Yeah, I'm looking at lines 12 through 15.

17 A 12 through 15, okay. Yes.

18 Q So in making that statement, are you saying
19 that SDG&E does not have sufficient funds in its
20 decommissioning trust to cover any incremental
21 decommissioning costs beyond those quantified in the
22 current decommissioning cost estimates?

23 A I mean, I think there's probably some funding.
24 My understanding is there would not be anything in there
25 if the extension of the DOE pick up goes beyond 2051.

1 Q Okay. With that in mind, I'd like you to turn
2 to what's been marked as exhibit TURN-21, the exhibit
3 formerly known as TURN-23.

4 A Uh-huh. Okay, I've got it.

5 Q And do you recognize the tables that are shown
6 in the several pages following the narrative response to
7 the data request? Do you recognize these as excerpts
8 from SDG&E's workpapers in this proceeding?

9 A I had not seen them prior to you providing this
10 exhibit.

11 Q And you've been able to take a look since we
12 did provide the exhibit in advance?

13 A Yes.

14 Q Okay. Okay, I'd like to ask you to go -- I'd
15 like to walk through these one at a time. The first
16 page after Question 7, which is a narrative, is a page
17 that has the projected balances for the SONGS Unit 1
18 qualified and non-qualified trusts. Do you see that?

19 A I do.

20 Q Okay. And does this -- does this table here
21 show a projection of beginning year balances in the
22 trust, costs debited from the trust, returns on the
23 trust, taxes, and then end of year balances for each of
24 the years in the decommissioning process?

25 A Yes, it does.

1 Q And if I were to look at the very bottom of
2 that table marked "SONGS 1 Qualified and Non-qualified
3 Trust," is the end of the year balance for 2053 shown as
4 149,196,000?

5 A Yes, it is.

6 Q So under SDG&E's current assumptions, these are
7 funds that would be projected to remain in the trust in
8 the excess after decommissioning is complete?

9 A At this point in time that's correct.

10 Q And if I were to look at the next page -- do
11 you know, by the way, what's the difference between the
12 column that's marked "SONGS 1 Qualified and
13 Non-qualified Trust and the "SONGS 1 Non-qualified Trust
14 column on the right?

15 A The one that says "liquidation value?"

16 Q Yeah.

17 A I just -- I think the liquidation value, this
18 is just my understanding, would be what it could be
19 liquidated at today, or at this point in time.

20 Q Okay. Let's go to the next page where there's
21 a similar set of tables for SONGS 2.

22 A Okay.

23 Q So just sort of the same question. Is it your
24 understanding that based on the current assumptions that
25 have been presented by SDG&E in this application, the

1 decommissioning cost estimate, the financial modeling
2 assumptions, that SDG&E projects, that at the end of
3 2053 there would be \$75,852,000 left in the Unit 2
4 Trusts?

5 A Yes.

6 Q And just to shortcut this, to go to the final
7 page, same number for the SONGS 3 Trusts, is that number
8 projected to be \$105,382,000?

9 A Did you say 132?

10 Q No, I believe I said 105,382,000.

11 A Oh, sorry. That's correct. That's correct.

12 Q Now, to your knowledge, would these funds that
13 are shown as remaining in the trust in 2053, would they
14 be available to pay for incremental decommissioning
15 costs, including incremental spent fuel storage costs,
16 that are not currently forecasted in the current
17 decommissioning cost estimate?

18 A I just don't know that there's any certainty
19 that those balances won't change. I mean, there's so
20 much uncertainty over the next 30 years. You know, we
21 don't know when the fuel's going to be picked up, we
22 don't -- we can't quantify the return on investments.
23 There's just a lot of factors out there and a lot of big
24 dollars still to be spent over a 30-year period.

25 Q I understand that these are projections based

1 on modeling assumptions. I guess what I'm asking you
2 is, if these projections turn out to be correct and
3 these funds are remaining in the trust in 2053, would
4 they be available to pay for incremental costs
5 associated with decommissioning?

6 A If we were at the completion of the project or
7 as of today?

8 Q If there were additional costs due to the delay
9 in the pick up of spent fuel that caused the timeline to
10 go beyond 2053.

11 A My understanding is that this table's based on
12 cash flows through 2053. So beyond 2053, I don't think
13 I could make that statement.

14 Q So you don't know if there's money left in the
15 trust at the end of the 2053 that it could be available
16 in 2054?

17 A If there is excess funds there could be funds
18 available in 2054.

19 Q Has SDG&E done a calculation as to how these
20 forecasted values would change if all future DOE
21 litigation proceeds were added to the non-qualified
22 trust?

23 A We have not.

24 Q And if the Department of Energy continues to
25 delay performance of its obligation to pick up spent

1 fuel from the SONGS site, will SDG&E work with Edison to
2 seek compensation from the federal government for the
3 incremental costs caused by these additional delays?

4 A That's my understanding.

5 Q Let's go back to your rebuttal testimony, page
6 5, and specifically Section B. Tell me when you're
7 there. I'll wait.

8 A Yes, I'm there.

9 Q Okay. In section B you address the issue of
10 SONGS 1 GE-Hitachi spent fuel storage costs.

11 A Yes.

12 Q So these costs are currently paid out of the
13 ERRA proceeding; is that right?

14 A They're approved through the forecaster
15 proceeding, yes, that's correct.

16 Q And Edison is -- sorry, SDG&E is proposing to
17 move the payment of those costs to the trust funds along
18 with this proposal to credit the DOE litigation proceeds
19 to the non-qualified trust; is that right?

20 A Yes, that's correct.

21 Q Now, historically SDG&E has refunded all DOE
22 litigation proceeds to its ratepayers in the year that
23 the money is received; right?

24 A That's correct. The following January, I
25 should say. It would be implemented into rates the

1 following January.

2 Q Within a year of having received it; is that
3 correct?

4 A Correct.

5 Q And spent nuclear fuel costs, not including the
6 ones that are mentioned in this section here, the
7 GE-Hitachi costs, those have been paid out of the
8 decommissioning trusts; right?

9 A That's correct. You're saying for Units 2 and
10 3?

11 Q Yes.

12 A That's correct. After September 20th, 2020.

13 Q And is it your view that the historical
14 practice of paying the costs of spent nuclear fuel
15 storage out of the trusts for the qualified trusts for
16 Units 2 and 3, but crediting the DOE litigation proceeds
17 to ratepayers through the ERRA, that that arrangement
18 was inequitable?

19 A That isn't that -- let me restate that, because
20 we never refunded any proceeds received for Units 2 and
21 3 back through ERRA. The only -- or back through NDAM,
22 which is the mechanism that we use to refund Unit 1
23 offsite spent fuel storage costs. So historically, we
24 have gotten authority through the ERRA to recover our
25 Unit 1 offsite spent fuel storage costs through the ERRA

1 and tracked them in the NDAM, which is a mechanism for
2 tracking those costs, and then refunding them back
3 through the same mechanism. For Units 2 and 3, because
4 we did not have the authority to pull those from our
5 costs, SDG&E used its own working cash to pay for those
6 costs, waited for DOE settlement, and then upon receipt
7 of the settlement would refund its own working cash for
8 those costs. So there was no refund through ERRA for
9 Units 2 and 3.

10 Q When you say "refund it's own working cash --"

11 A Yes.

12 Q -- please explain what that means.

13 A So basically SDG&E used its own working cash to
14 pay for all spent fuel management costs for Units 2 and
15 3 up until September of 2020. So we were out of pocket
16 for those costs. Once the DOE claim was settled for
17 that period, we would wait, and we would get the
18 proceeds. When we got those proceeds, we would
19 reimburse our own working cash for the costs that we had
20 paid previously.

21 Q And after the IRS Private Letter Ruling came
22 in, then SDG&E changed that practice?

23 A That's correct. It wasn't a prior Private
24 Letter Ruling, but it was associated with a certain
25 regulation. I'd have to look up what it was but, yes,

1 they clarified their guidance, and once that guidance
2 was clarified we had the authority to use our qualified
3 trust fund to pay for those costs.

4 Q So the status quo is that the qualified trust
5 pays the costs, and when the DOE litigation proceeds are
6 received, the full value net of litigation proceeds,
7 litigation costs, I'm sorry, goes back to SDG&E
8 ratepayers?

9 A We currently do not have a mechanism in place
10 for refunding DOE refunds. You know, we have a claim
11 outstanding, any future DOE refunds, our proposal is
12 that we would deposit them into the Unit 2 and 3
13 Non-qualified Trust and we would request Commission
14 approval through an advice letter process to get
15 approval for those refunds. But then we would propose
16 putting it back into the non-qualified trust.

17 Q Okay. Looking to page 7, you discuss the issue
18 of the NEIL dividends starting in Section E.

19 A Yes, yes.

20 Q And SDG&E indicates that it would be open, this
21 is line 20, to paying the premiums from the qualified
22 trust, but depositing the dividends into the
23 non-qualified trust; is that right?

24 A That's correct.

25 Q In your view, what would be the benefit to

1 putting the dividends into the non-qualified trust?

2 A My understanding is that we would need a
3 Private Letter Ruling in order to deposit funds into the
4 qualified trust, and we would not need any sort of
5 special ruling in order to deposit them into the
6 non-qualified trust. A Private Letter Ruling is a very
7 involved procedure that could take years to receive a
8 final decision on.

9 Q What has SDG&E's historical practice been for
10 these dividends?

11 A Our historical practice is that we apply the
12 credit back to the insurance cost line item, and any
13 future insurance costs would be netted against those
14 credits. It would reduce future insurance costs that
15 were being pulled from our trust.

16 Q And that did not require any sort of guidance
17 from the IRS; did it?

18 A No.

19 Q All right. So assuming that the choice was
20 between that practice and a future practice of putting
21 the dividends into the non-qualified trust, what would
22 be the benefit to putting the money into the
23 non-qualified trust?

24 A Our preference is to continue our current
25 practice, but if that current practice was not approved,

1 our next preference would be to put it into the
2 non-qualified trust.

3 Q Has SDG&E developed a forecast of future NEIL
4 dividends as part of its decommissioning cost
5 assumptions and cash flow modeling?

6 A We have not.

7 Q So any dividends that are received would be
8 used to reduce SDG&E's cost obligations to NEIL in the
9 future; is that right?

10 A That's correct.

11 Q And sitting here, you can't predict how much
12 value this might provide over time; can you?

13 A I don't think so. My understanding is it's --
14 it depends on a lot of factors that we have no control
15 over.

16 MR. FREEDMAN: Okay, great.

17 Okay. Thank you, Ms. Dalu. Those are all my
18 questions.

19 ALJ LAU: Ms. Dalu, actually I do have a couple
20 of questions.

21 THE WITNESS: Okay.

22 ALJ LAU: Just let me know if you don't feel
23 comfortable answering. I actually asked those questions
24 earlier of Edison, and so I believe you, as a financial
25 analyst, may just overall --

EXAMINATION

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BY ALJ LAU:

Q What are the benefits of funds being in the qualified trust in terms of tax benefits as opposed to being in the non-qualified?

A So I'm not a tax expert, but I can refer you to our testimony in SDG&E-04 under our testimony with Ragan Reeves, he's our tax expert. I'd be happy to read his testimony, but I wouldn't be able to provide it on my own. Let me just take a quick look at where that would be.

ALJ LAU: Let's go off the record.

(Off the record.)

ALJ LAU: Let's go back on the record. We're on the record.

THE WITNESS: So I'm in SDG&E-04 page 9.

BY ALJ LAU:

Q Okay.

A I would say if you look at line 11, it says amounts that are extracted from the qualified trusts -- actually, let me -- give me one moment to read through this before I make the statement. Can we go off the record?

ALJ LAU: Off the record.

(Off the record.)

1 ALJ LAU: On the record.

2 THE WITNESS: If I go to page 8, starting on
3 line 6, it says "Qualified trusts are tax-advantaged
4 trusts that must meet the requirements of IRC Section
5 468A and its related Treasury Regulations. The tax-
6 advantaged attributes include the ability of SDG&E to
7 deduct amounts contributed into qualified trusts. In
8 addition, the federal income tax rate for qualified
9 trusts, when investment gains are realized, is 20
10 percent instead of the federal corporate interest rate
11 of 21 percent."

12 BY ALJ LAU:

13 Q Okay, I guess it's unfair for me to, kind of,
14 ask you to kind of, in layman terms, explain.

15 So what are the tax advantages of the qualified
16 trusts? I know you've read it out. So I'm assuming
17 that in qualified trusts the utility doesn't have to pay
18 taxes on any proceeds that go into the qualified trust?

19 A So I believe they get a deduction for amounts
20 that are contributed. And then if you go to the next
21 page though, on page 9, it states -- on line 11 it says
22 "In addition, as amounts are extracted from the
23 qualified trusts, SDG&E is required to recognize such
24 amounts as taxable income."

25 So, just simple, I would say that contributions

1 to the trust are deductible; however, when you withdraw
2 the funds, they are taxable.

3 Q Okay.

4 A It looks like -- yes. So that's at a very high
5 level how I would explain it.

6 Q Whereas, for the non-qualified trusts --

7 A Let me just read that very quickly, please.

8 So it sounds like it's the opposite. If you go
9 to page 10 under Non-qualified Trusts, line 5, it says
10 "contributions paid into the non-qualified trust are not
11 deductible by SDG&E." And then if you go to line 10, it
12 says "As amounts are extracted from the non-qualified
13 trusts to reimburse the company, SDG&E is not required
14 to recognize such taxable income in its tax returns."

15 ALJ LAU: Okay, all right. Thank you. That's
16 all my questions.

17 THE WITNESS: Okay.

18 ALJ LAU: Mr. Trial, do you have any redirect?

19 MR. TRIAL: Yes, your Honor. Just some minor
20 questions. Maybe one or two.

21 ALJ LAU: Let's go off the record.

22 (Off the record.)

23 ALJ LAU: Let's go back on the record.

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REDIRECT EXAMINATION

BY MR. TRIAL:

Q Ms. Dalu, could you turn to TURN Exhibit 21,
please.

A Yes.

Q In particular, could you go to the SONGS Unit 3
page, the last page.

A Yes.

Q In the far right column it's all zeros in that
column. Can you tell me why?

A I don't know.

Q Is there a SONGS non-qualified trust for the --

A There is not, thank you. I apologize. There
is no non-qualified trust for Unit 3.

MR. TRIAL: Thank you.

Your Honor, that's all my questions.

ALJ LAU: Okay. Thank you, Ms. Dalu. You're
excused from the witness stand.

I believe we finished the witness
cross-examination portion of our evidentiary hearing.
It's now 3:45. Why don't we take a 15-minute break and
come back at 4:00 o'clock and we will address exhibits.
Off the record.

(Off the record.)

ALJ LAU: Back on record.

1 So we have finished all of the
2 cross-examination for the witnesses today, and now we
3 are here to take motions.

4 Mr. Jerman, do you have any motions for -- you
5 know, maybe regarding the proceeding schedule?

6 MR. JERMAN: Yes, your Honor. I will make a
7 motion to extend the deadlines for post-hearing briefs.
8 We move to extend the deadline for submitting opening
9 briefs to March 3rd. It's currently set at February
10 17th in the scoping memo, and we move to extend the
11 deadline for submitting reply briefs to March 24th.
12 That deadline is currently March 17th. The grounds for
13 that motion are that there was a one-week continuance in
14 the hearing dates, and also many of the issues in the
15 proceeding remain contested. And I can also represent,
16 your Honor, that that motion is unopposed by the
17 parties.

18 ALJ LAU: Thank you, Mr. Jerman. That sounds
19 reasonable to me.

20 So I will make an oral ruling that the
21 proceeding schedule will now be adjusted such that the
22 opening briefs are due on March 3rd, and reply briefs
23 are due on March 24th.

24 So now I am ready to take motions for entry of
25 exhibits into evidence.

1 MR. JERMAN: So, your Honor, SCE -- well, would
2 you like us to move the individual party exhibits?
3 Because I can represent that the parties have stipulated
4 to admission of all the exhibits with the exception of
5 six exhibits, which are four TURN exhibits and two
6 Public Watchdog exhibits.

7 ALJ LAU: Can you specify which exhibits are
8 the excluded ones from the stipulation?

9 MR. JERMAN: Yes, your Honor.

10 So the exhibits that are not covered by the
11 stipulation to admit all the hearing exhibits are
12 TURN-4, TURN-7-C, TURN-12-C, TURN-17. And Public
13 Watchdogs exhibits are not numbered, but the first
14 exhibit is titled "Sworn Affidavit of Nina J. Babiarz,"
15 and the second contested Public Watchdogs exhibit is an
16 e-mail, and the first line of the e-mail reads
17 "Regarding Question about SONGS Incidental Contact."]

18 ALJ LAU: And Mr. Langley and Ms. Babiarz can
19 attest to this. Did we mark and identify those two
20 exhibits that Mr. Jerman talked about? One was an
21 affidavit from Ms. Babiarz. Did we mark and identify
22 that one?

23 MR. JERMAN: No, we did not. You're referring
24 to the first day of the hearing when we marked and
25 identified exhibits?

1 ALJ LAU: Right.

2 MR. JERMAN: No, we did not mark and identify
3 either of the Public Watchdog exhibits.

4 MR. LANGLEY: Your Honor, we would like to
5 introduce those exhibits because we believe they
6 directly impeach Mr. Bauder's testimony yesterday.

7 MS. BABIARZ: And I have a specific reference
8 to those comments related to these two exhibits with
9 regard to impeachment.

10 ALJ LAU: Okay. Let me mark and identify
11 these.

12 First let's go off the record.

13 (Off the record.)

14 ALJ LAU: Let's go back on record.

15 At this moment, I'd like to mark and identify
16 two exhibits, two additional exhibits.

17 The first exhibit will be Exhibit PW-04 titled
18 Sworn Affidavit of Nina -- Nina J. Babiarz.

19 MS. BABIARZ: That's correct.

20 (Exhibit PW-04 was marked for
21 identification.)

22 ALJ LAU: The next exhibit is PW-04 (sic),
23 which is titled Question About SONGS Incidental Contact.

24 (Exhibit PW-05 was marked for
25 identification.)

1 ALJ LAU: Mr. Langley and Ms. Babiarz, can you
2 let us know when these exhibits were served?

3 MR. LANGLEY: Last Thursday, your Honor.

4 ALJ LAU: And the date of last Thursday is
5 January 19th; is that correct?

6 MR. LANGLEY: Yes, it is.

7 ALJ LAU: Okay. Thank you.

8 Mr. Jerman, did you -- during -- when we were
9 off the record, you mentioned that there were four
10 additional exhibits that TURN agreed to -- not TURN.
11 Excuse me -- A4NR agreed to withdraw; is that correct?

12 MR. JERMAN: Well, it was three exhibits. But
13 that's correct that A4NR agreed to withdraw them as part
14 of our meet and confer. And those three exhibits are:
15 A4NR-X-03, A4NR-X-04, and A4NR-X-08.

16 ALJ LAU: And --

17 MR. GEESMAN: I can confirm that, your Honor.

18 ALJ LAU: Thank you, Mr. Geesman.

19 And so other than those three withdrawn
20 exhibits and Exhibit TURN-04, Exhibit TURN-07-C, Exhibit
21 TURN-12-C, Exhibit TURN-17, Exhibit PW-04, and Exhibit
22 PW-05, do parties stipulate to entering all other
23 exhibits that are on the exhibit list into evidence?

24 MR. JERMAN: Yes, your Honor.

25 ALJ LAU: Any objections?

1 (No response.)

2 ALJ LAU: Hearing none, I am entering into
3 evidence all exhibits that are on the master exhibit
4 list circulated today with the exception of the three --
5 with the exception of the three A4NR exhibits that are
6 withdrawn and Exhibit TURN-04, Exhibit 7-3 -- TURN-07 --
7 excuse me. With the exception of TURN-04, Exhibit
8 TURN-07-C, Exhibit TURN-12-C, Exhibit TURN-17. As well
9 as PW-04 and PW-05.

10 (Master Exhibit List, excepting TURN-04,
11 TURN-07-C, TURN-12-C, TURN-17, PW-04, and
12 PW-05 was received into evidence.)

13 ALJ LAU: Mr. Freedman, did you want to make a
14 motion for entering TURN-04, TURN-07-C, TURN-12-C, and
15 TURN-17 into the evidentiary record?

16 MR. FREEDMAN: Sure, your Honor. TURN would
17 move Exhibit TURN-04, 7-C, 12-C, and 17 into the record
18 at this time.

19 ALJ LAU: Do any other parties have objections
20 to entering those exhibits into the record?

21 MR. JERMAN: SCE objects, your Honor.

22 ALJ LAU: On what grounds?

23 MR. JERMAN: On 4, 7-C, and 12-C, it's the same
24 grounds. Those are responses to data requests that SCE
25 sponsored, but the standard for responding to data

1 requests is different from the standard to admit
2 evidence in a hearing. And Mr. Freedman did not use
3 those exhibits in the hearing, did not lay a foundation
4 for them. And therefore SCE witnesses did not have the
5 opportunity to address those exhibits in oral testimony.

6 And let me make one clarification on Exhibit 4.
7 Mr. Freedman did use that exhibit today, but he only
8 used the first response -- I'm sorry -- only the last
9 response in that exhibit. So that is a compilation
10 exhibit that has three responses to data requests, and
11 he used only the last response, which is titled Data
12 Request 18-A through C.

13 So for that exhibit only, SCE would object to
14 admission of the first two data requests that were part
15 of that exhibit.

16 And then lastly the fourth TURN exhibit we
17 object to is Exhibit-17. And that was the -- an excerpt
18 of a settlement in the PG&E NDCTP. And as your Honor
19 ruled, the foundation had not been ruled for that
20 exhibit as well.

21 And the specific issue there was that there was
22 no testimony as to what SCE agreed to in this
23 stipulation; what SCE did not agree to in that
24 stipulation; and its relevance to the matters of this
25 proceeding. So for those reasons we object to admission

1 of TURN Exhibits-04, 07-C, 12-C, and 17.

2 ALJ LAU: Mr. Jerman, I -- so for 12-C, was it
3 ever used? Was it the same grounds that it was not
4 used?

5 MR. JERMAN: Yes. Yes. Yeah, let me make that
6 clear, your Honor. 4, 07-C, and 12-C, were not used
7 with the exception of the data request response at the
8 very end of Exhibit-04.

9 ALJ LAU: Mr. Freedman, do you have any
10 responses to Mr. Jerman?

11 MR. FREEDMAN: Yes. I do, your Honor. On
12 January 17th, TURN provided reduced cross-examination
13 estimates to the parties in this case. And this
14 reduction was accompanied by the explanation that the
15 reduction was due to the fact that TURN intends to enter
16 data responses from both utilities into the record in
17 lieu of cross.

18 In a January 20th e-mail to Edison's counsel,
19 Mr. Jerman, we stated an intention to seek admission of
20 a significant number of Edison data responses in lieu of
21 cross-examination and invited Mr. Jerman to discuss any
22 concerns with TURN. In response to TURN's January 17th
23 and 20th e-mail's, Edison raised no concerns.

24 TURN provided ample advanced notice both as to
25 its intent to enter data requests into the record in

1 lieu of cross, and then provided the specific materials
2 to Edison prior to the hearings.

3 And in circulating these exhibits to the
4 parties, TURN also indicated that it intends to seek
5 admission of some of the exhibits in lieu of
6 cross-examination. Mr. Jerman raised no concerns about
7 the admission of these data responses until after the
8 relevant witnesses had completed their appearance.

9 Now Edison objects at the very end of hearings
10 in an effort to sandbag TURN's showing. Edison's
11 objection is a bad-faith effort to deny TURN its due
12 process rights to enter in the evidentiary record data
13 responses provided by Edison.

14 Had TURN known that Edison would object to the
15 entry of any data responses not used during
16 cross-examination, we would not have agreed to reduce
17 our cross-examination time. It is standard practice in
18 PUC hearings to allow intervenors to enter data
19 responses by the applicants into the record. This
20 practice reduces the amount of hearing time required,
21 and the Commission typically encourages intervenors to
22 take this route as a way to reduce the time spent on
23 hearings.

24 Here Edison is selectively applying its own
25 principle. There are many other Edison data responses

1 included in TURN's cross-examination exhibits that were
2 not specifically used during cross-examination. Edison
3 isn't objecting to those. It wants to suppress the
4 admission of certain of its own data responses that are
5 damaging to its showing in the proceeding.

6 These responses contained in these exhibits
7 were the result of TURN's review of Edison's rebuttal
8 testimony in which Edison raised an array of new
9 arguments. TURN has no opportunity to submit additional
10 offered testimony after Edison's rebuttal. So our only
11 opportunity to submit additional materials into the
12 record is through hearing exhibits.

13 Denying TURN the opportunity to enter these
14 data responses into the record would be manifestly
15 unfair and prevent TURN from engaging in a diligent
16 review of claims made in Edison's rebuttal testimony.

17 With respect to the specific exhibits,
18 Mr. Jerman is wrong about TURN-04. It was used with
19 Mr. Bauder. During cross-examination, we asked him to
20 confirm items that were referenced in Edison's response
21 to TURN Data Request-02, Question-09. We asked him to
22 confirm that Edison proposes to use the nonqualified
23 trust balances for purposes other than spent fuel
24 management costs. And we used another one of the data
25 responses in that packet in our cross with Mr. Perez.

1 Exhibit TURN-07-C contains an Edison response
2 to a TURN data request asking about Mr. Bauder's
3 rebuttal testimony. We want to enter it in lieu of
4 cross. Had we known Edison would have objected to its
5 admission, we would have crossed Mr. Bauder on this
6 topic.

7 Exhibit TURN 12-C contains an Edison response
8 to a TURN data request that wasn't used directly with
9 Mr. Bilovsky. But the material is critical because it
10 highlights Edison's changed expectations regarding the
11 permit schedule, and it was provided in response to a
12 TURN request.

13 With respect to Exhibit TURN-17, the PG&E
14 settlement agreement, we would agree to withdraw this
15 exhibit at this time.

16 If your Honor agrees with Edison's unusual
17 argument that every data request to be entered into the
18 record must be used in connection with specific
19 cross-examination of a witness, something Edison did not
20 indicate it would do until this moment, TURN would then
21 move to recall Mr. Bauder and Mr. Bilovsky so we can
22 conduct cross-examination on these materials. And we'd
23 be open to scheduling an additional hearing date for
24 this purpose.

25 Thank you.

1 ALJ LAU: Before I --

2 Mr. Jerman, I'll let you respond.

3 But before you respond, I do have to note that
4 Mr. Freedman did throughout the hearing said that there
5 was going to be a consensus of admitting cross-exhibits
6 in lieu of cross-examination of the witnesses. And I
7 did not hear any objection from you or from
8 Ms. Mitchell. So that will be, sort of, something I'm
9 thinking about.

10 So, Mr. Jerman, if you have any response to
11 that.

12 MR. JERMAN: Yes. Thank you, your Honor. Just
13 let me say that there was no agreement to stipulate to
14 admission of specific data requests in lieu of
15 cross-examination.

16 Other parties asked us to do that and proposed
17 admission -- stipulated admission of specific exhibits,
18 and we did that with A4NR for example. That did not
19 happen here so there was no specific agreement.

20 ALJ LAU: Okay. I will rule on the matter.
21 Because these are data responses from Edison, I will
22 admit and receive into evidence TURN-04, TURN-07-C, and
23 TURN-12-C.

24 (Exhibit TURN-04 was received into evidence.)

25 ///

1 (Exhibit TURN-07-C was received into
2 evidence.)

3 (Exhibit TURN-12-C was received into
4 evidence.)

5 ALJ LAU: So as far as Public Watchdogs, if you
6 want, do you have a motion to enter into evidence PW-04
7 and PW-05?

8 MR. LANGLEY: Yes, your Honor. We move to
9 admit PW-04 and PW-05.

10 ALJ LAU: Do parties have any objections to
11 PW-04 and PW-05?

12 I think if you do, please introduce yourself
13 before you speak and take one at a time.

14 MR. TRIAL: Yes, your Honor. This is Allen
15 with SDG&E. We object to PW-04. It is a sworn
16 affidavit by Nina Babiarz. It's hearsay. Complete
17 hearsay. It's about a phone conversation that allegedly
18 occurred with Eric Swanson of the Nuclear Regulatory
19 Commission. That individual was not at the hearings to
20 cross to see if that phone conversation even occurred.

21 Secondarily, the topic of the conversation --
22 alleged conversation is about what the Nuclear
23 Regulatory Commission issued in its reports. So under
24 the Best Evidence Rule, we already have the report and
25 the conclusions for the Nuclear Regulatory Commission.

1 So it should not be admitted.

2 ALJ LAU: Any other parties have any
3 objections?

4 MR. JERMAN: Yes, your Honor. This is Ryan
5 Jerman with Southern California Edison. I agree with
6 the objection that Mr. Trial just stated.

7 I would also add that the affidavit was
8 executed in October of 2018. So it was certainly
9 available well before the hearing. Could have been
10 provided with Public Watchdogs direct testimonies that
11 were submitted in September, and certainly could have
12 been used and pre-identified as a cross-exhibit at the
13 hearing and used for cross purposes. But they chose not
14 to do that.

15 So we join San Diego Gas & Electric's objection
16 to admission to Public Watchdogs-04.

17 And, your Honor, in light of your rulings on
18 admission of TURN Exhibits-04, 07-C, and 12-C, we will
19 not -- SCE will not object to admission of Public
20 Watchdogs-05.

21 ALJ LAU: Okay. Let me handle PW-04 first.

22 I agree with Mr. Trial that this is hearsay,
23 and this exhibit was not used during evidentiary
24 hearing. So I will rule to not receive PW-04 into
25 evidence.

1 Let me go off the record.

2 (Off the record.)

3 ALJ LAU: Let's go back on the record.

4 MR. PARKER: Your Honor, I would also like to
5 make a point. And that is that Mr. Bauder said this was
6 a one-of-a-kind event that stood alone and then
7 mentioned a very similar event on July 22nd and then
8 said the two events were completely different.

9 Those are prior inconsistent statements and
10 these pieces of evidence document that inconsistency.
11 Because he essentially made an admission that there was
12 the prior event on July 22nd. And what this evidence
13 says is that they were both unsecured load events
14 meaning they were essentially the same event.

15 ALJ LAU: I am just going to interject. I'm
16 going to uphold my ruling because this affidavit was not
17 used to impeach Mr. Bauder. And so since this document
18 was not used -- and I agree with Mr. Trial that this is
19 hearsay that I will uphold my ruling to not enter PW-04
20 into evidence.

21 Let us move on to PW-05. I heard that
22 Mr. Jerman is not objecting to it entering into
23 evidence.

24 Are there any objections from parties to enter
25 PW-05 into evidence?

1 MR. TRIAL: Your Honor, this is Allen from
2 SDG&E. I don't object to entering the exhibit into
3 evidence.

4 However, I will note that it is a response to a
5 question that is not there. So there's no foundation
6 for the question. We don't know what the question was.
7 We only have a response.

8 (Crosstalk.)

9 MS. BABIARZ: -- interject that we're offering
10 this as an impeachment as per the judge's direction
11 earlier this week specifically with regard to
12 Mr. Bauder's testimony with regard to the NRC
13 certificate of compliance.

14 And it indicates specifically two things. That
15 Mr. Bauder constantly consistently used interchangeably
16 the term "incidental contact" for scratches and gouges.
17 And this document clearly states by the NRC Division 4
18 regional administrator's gotten words that incidental
19 contact is a term that the NRC used to reference the
20 inspection to refer to the mechanism by which the
21 canisters were scratched and gouged and not to be
22 interchanged -- be using it to -- interchangeably for
23 the damage that was done in scratches and gouges.

24 ALJ LAU: Let me interject. Since no parties
25 object to PW-05 into evidence, PW-05 is received into

1 evidence.

2 (Exhibit PW-05 was received into evidence.)

3 ALJ LAU: And I will note that if these
4 exhibits were intended to be used for impeachment, that
5 counsel should have brought this to the attention of
6 Mr. Bauder during his cross-examination.

7 I don't believe that there are any other
8 motions regarding exhibits -- or entering exhibits into
9 evidence that have not been addressed.

10 Let me know, Parties, if there are anything
11 regarding entering exhibits into evidence that I have
12 not addressed.

13 (No response.)

14 ALJ LAU: All right. Thank you.

15 Now I am ready to take motions for confidential
16 treatment of exhibits. Do parties want to make a motion
17 to make any exhibits confidential?

18 MR. TRIAL: Yes, your Honor. This is Allen
19 with SDG&E. I would move a motion for protection of
20 SDG&E-02-C and SDG&E-03-C. Both exhibits are testimony
21 that have affidavits attached signed by Vice President
22 Estella de Llanos stating the reasons for the
23 protection. And to summarize: It's the protection of
24 information includes confidential contract terms and
25 market-sensitive information.

1 ALJ LAU: And does that include -- that's the
2 wrong thing. Never mind.

3 Give me a moment.

4 Are there any objections?]

5 (No response.)

6 ALJ LAU: Hearing no objections, I will grant
7 confidential treatment of SDG&E-2 and SDG&E-2C and
8 SDG&E-3C.

9 Mr. Allen -- Mr. Trial, did I get those
10 exhibits correct?

11 MR. TRIAL: Yes, you did, your Honor. Thank
12 you.

13 ALJ LAU: Thank you.

14 Mr. Jerman, do you have any motions to make?

15 MS. MITCHELL: Your Honor, this is
16 Ms. Mitchell. I will be addressing the motion for
17 confidential protection on behalf of Southern California
18 Edison.

19 ALJ LAU: Okay.

20 MS. MITCHELL: SCE moves for the confidential
21 protection of SCE -- excuse me. Exhibit SCE-03C,
22 Exhibit SCE-03C E, SCE-03 E2, SCE-04C, SCE-04C E,
23 SCE-09C, SCE-09C E.

24 ALJ LAU: Okay.

25 (Crosstalk.)

1 MS. MITCHELL: My apologies, your Honor. Each
2 of those exhibits has a declaration attached attesting
3 to the confidentiality of the materials addressed in
4 those exhibits. At a high level the basis for the
5 confidentiality is -- references to either contractual
6 provisions or contractual cost with various vendors,
7 especially the decommissioning general contractor known
8 as Decommissioning Solutions, Holtec International, and
9 TN Americas.

10 Each of those contracts has specific
11 confidentiality provisions requiring the protection of
12 information associated with those contracts. The other
13 category of information addressed in these exhibits I've
14 referenced are contingency and cost-estimating
15 information relating to the DGC agreement. And, again,
16 the basis is further explored in the declarations that
17 are attached to each of those exhibits.

18 Finally, your Honor, there are several exhibits
19 from the other parties that have been designated
20 confidential in reliance upon either SCE's testimony
21 that is confidential or discovery documents that were
22 identified as confidential.

23 And I'll read each of those exhibits, and if
24 parties disagree with the exhibit list that I have, from
25 their perspective that is confidential, please do speak

1 up, but I have a list from A4NR of Cross-Exhibit 19C,
2 Cross-Exhibit 22C, Cross-Exhibit 42C, Cross-Exhibit 43C,
3 Cross-Exhibit 44C, Cross-Exhibit 45C, and Cross-Exhibit
4 46C.

5 In addition from TURN, TURN Exhibit TURN-1C,
6 which is the Direct Testimony of Mr. Kinosian, and
7 Exhibit TURN-03C, which are confidential attachments to
8 Mr. Kinosian's testimony; Exhibit TURN-06C, Exhibit
9 TURN-7C, Exhibit TURN-10C, and Exhibit TURN-12C.

10 I'll just pause there to confirm that I've
11 accurately captured the confidential designations from
12 A4NR and TURN with respect to their various exhibits,
13 and then I'll address the basis.

14 ALJ LAU: Mr. Freedman, do you agree with the
15 list of exhibits that Ms. Mitchell just listed?

16 MR. FREEDMAN: I do, and I would thank
17 Ms. Mitchell for saving me the time.

18 ALJ LAU: And, Mr. Geesman, do you agree with
19 the list that Ms. Mitchell listed?

20 MR. GEESMAN: Yes. She's accurately stated
21 them.

22 ALJ LAU: Ms. Mitchell, can you continue with
23 the basis.

24 MS. MITCHELL: Thank you, Mr. Freedman,
25 Mr. Geesman, and your Honor.

1 The basis for the confidential information that
2 is found in each of those identified exhibits from A4NR
3 and TURN is the same basis that is found in the
4 declaration attached to Exhibit SCE-03C.

5 Again, various provisions or costs associated
6 with vendor contracts as well as contingency and
7 cost-estimating information pertaining to the DGC
8 agreement.

9 ALJ LAU: All right. Parties, do we have any
10 objections to the confidential treatment of the exhibit
11 that Ms. Mitchell just listed including the Edison SCE
12 exhibit sponsored by SCE, and A4NR exhibit sponsored by
13 A4NR, and TURN exhibits, which are sponsored by TURN.

14 (No response.)

15 ALJ LAU: All right. Hearing no objections I
16 will grant confidential treatment to following exhibits:
17 SCE-3C, SCE-3C E, SCE-3C E2; SCE-4C, SCE-4C E, SCE-09C,
18 SCE-9C E; A4NR-X-19C, A4NR-X-22C, A4NR-X-42C,
19 A4NR-X-42C, A4NRk-X-43C, A4NR-X-44C, A4NR-X-45C,
20 A4NR-X-46C; and, lastly, TURN-1C, TURN-3C, TURN-6C,
21 TURN-7C, TURN-10C, TURN-12C.

22 Are there any other motions that I have not
23 addressed that need to be brought to my attention?

24 (No response.)

25 ALJ LAU: All right. Are there any other

1 matters that we should address before we adjourn?

2 (No response.)

3 ALJ LAU: All right. That sounds good.

4 I did get the common briefing outline that was
5 served to parties today.

6 To my understanding, this is an outline that
7 parties all stipulated to; so I do wish and hope that
8 when parties draft their opening briefs, they follow the
9 common briefing outline.

10 I believe I addressed that there are no more
11 other matters to address during this evidentiary
12 hearing; so I will conclude the evidentiary hearing, and
13 we are now adjourned. Off the record.

14 (At the hour of 4:46 p.m., this matter having
15 been submitted upon receipt of reply briefs,
16 the Commission then adjourned.)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING
I, JASON STACEY, CERTIFIED SHORTHAND REPORTER
NO. 14092, IN AND FOR THE STATE OF CALIFORNIA DO
HEREBY CERTIFY THAT THE PAGES OF THIS TRANSCRIPT
PREPARED BY ME COMPRISE A FULL, TRUE, AND CORRECT
TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN
THIS MATTER ON JANUARY 26, 2023.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.
EXECUTED THIS FEBRUARY 02, 2023.




JASON A. STACEY
CSR NO. 14092

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BEFORE THE PUBLIC UTILITIES COMMISSION
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EXECUTED THIS FEBRUARY 02, 2023.



KARLY POWERS
CSR NO. #13991

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BEFORE THE PUBLIC UTILITIES COMMISSION
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I, SHANNON ROSS, CERTIFIED SHORTHAND REPORTER
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SHANNON ROSS WINTERS
CSR NO. 8916

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BEFORE THE PUBLIC UTILITIES COMMISSION
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CERTIFICATION OF TRANSCRIPT OF PROCEEDING
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EXECUTED THIS FEBRUARY 02, 2023.


TAMARA DAWSON
CSR NO. 11497

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