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R2301007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Implementing Senate Bill 846
Concerning Potential Extension of
Diablo Canyon Power Plant
Operations.

Rulemaking 23-01-007

**EMAIL RULING GRANTING EXTENSION REQUEST BY COALITION OF
CALIFORNIA UTILITY EMPLOYEES**

Dated May 3, 2023, at San Francisco, California.

/s/ EHREN D. SEYBERT

Ehren D. Seybert
Administrative Law Judge

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Subject: SB 846 OIR, R.23-01-007: E-Mail Ruling Granting Extension Request by Coalition of California Utility Employees

On April 28, 2023, the Coalition of California Utility Employees (CUE) submitted a request for an extension of time to respond to the assigned Administrative Law Judge's (ALJ's) April 20, 2023 ruling requesting comments served as testimony on statutory interpretation and issues of policy, and incorporating certain reports into the record of this proceeding (Phase 1: Track 2 April Ruling). Specifically, CUE requests the deadline for opening comments served as testimony be extended from June 7 to June 30, 2023, and the deadline for reply comments served as rebuttal testimony be extended from June 30 to July 28, 2023. The one exception to this request is for Question 4(b) of the Phase 1: Track 2 April Ruling be considered as part of the Phase 1: Track 2 Proposals. CUE states the proposed extension is necessary due to resource constraints.

In its request, CUE indicates San Luis Obispo Mothers For Peace and Women's Energy Matters oppose the extension request, while all other parties either support or do not oppose the proposed extension. CUE further states that while the Public Advocates Office at the Commission (Cal Advocates) supports CUE's proposal, Cal Advocates prefers testimony on Question 4(b) of the Phase 1: Track 2 April Ruling to be considered as part of the Phase 1: Track 2 Proposals due on June 9, 2023, on the basis that this issue is a better fit with the Phase 1: Track 2 Proposals. Cal Advocates' preference is unopposed.

On April 28, 2023, the assigned ALJ sent an e-mail to the R.23-01-007 service list establishing a deadline of May 1, 2023, for responses to CUE's extension request. No responses were received by the deadline or at the time of this e-mail ruling.

CUE's proposed extension request would provide all parties additional time to respond to the Phase 1: Track 2 April Ruling, includes proposed dates that align with the existing procedural schedule, and does not appear to impact the issuance of a Phase 1: Track 2 decision in this proceeding. Further, there is no indication that granting CUE's request would harm or prejudice any party in this proceeding. For these reasons, CUE's extension request is granted. Further, since Cal Advocates' proposal is unopposed, Question 4(b) of the Track 1: Phase 2 April Ruling will be considered as part of the Phase 1: Track 2 Proposals.

With these changes, the remainder of the Phase 1: Track 2 schedule is as follows:

Event	Date
Pacific Gas and Electric Company (PG&E) serves testimony on historical and forecast cost data (through 2030) for Diablo Canyon Nuclear Power Plant (Diablo Canyon), focusing on costs associated with likely or potential improvements that might reasonably be required as part of the United States Nuclear Regulatory Commission relicensing process. PG&E must also identify whether any of the forecast costs are expected to be recovered through the Department of Water Resources loan and from the United States Department of Energy Civil Nuclear Credit program.	May 19, 2023
<p>Phase 1: Track 2 Proposals: PG&E and interested intervenors submit proposals served as opening testimony addressing:</p> <ul style="list-style-type: none"> • New cost agreements/mechanisms pursuant to Public Utilities (Pub. Util.) Code Section 712.8(l)(2), including rate and revenue allocation • Whether and how the benefits of extended operations should be allocated among the load-serving entities and customers paying for extended operations • The Diablo Canyon extended operation cost recovery and approval process pursuant to Pub. Util. Code Section 712.8(h)(1) • Question 4(b) of the Phase 1: Track 2 April Ruling, which states: “Should additional guidance be provided on the use of any surplus ratepayer funds PG&E receives from Diablo Canyon in 2024, beyond what is provided in Pub. Util. Code Section 712.8(t)(1)? Why or why not?” 	June 9, 2023
PG&E and interested intervenors host a joint workshop to present Phase 1: Track 2 Proposals, and to answer any questions	June 13, 2023
Comments served as opening testimony on Phase 1: Track 2 April Ruling and PG&E’s historical and forecast cost data	June 30, 2023
<p>Phase 1: Track 2 June Ruling: Ruling issued noticing next Quarterly Joint Reliability Planning Assessment. In combination with the proposed definitions of terms in the Phase 1: Track 2 April Ruling, this assessment is anticipated to include data/information concerning proposed estimate(s) of the “new renewable energy and zero-carbon resources” that will be constructed and interconnected by the end of 2023. (See Pub. Util. Code Section 712.8(c)(2)(D).)</p>	June 2023
Public Participation Hearings	Late June – July 2023
Ruling issued noticing Fact Finding Report approved at the Diablo Canyon Independent Safety Committee’s (DCISC’s) June 28 - 29, 2023 public meeting. Comments served as amended testimony shall be limited to any new or revised recommendations provided by the DCISC.	July 3, 2023

Event	Date
Rebuttal testimony/reply comments structured as rebuttal testimony addressing: <ul style="list-style-type: none"> • Phase 1: Track 2 April Ruling and PG&E's historical and forecast cost data • Phase 1: Track 2 Proposals 	July 28, 2023
PG&E serves cost estimates as testimony for any new or revised recommended actions in the DCISC's June 28- 29, 2023 Fact Finding Report (as applicable)	July 31, 2023
Comments served as testimony regarding: <ul style="list-style-type: none"> • Phase 1: Track 2 June Ruling • Any new or revised recommendations provided by the DCISC 	August 8, 2023
Deadline to request evidentiary hearings and/or briefs. Any request for hearings/briefs must: (1) identify the specific facts in the case that are in dispute; (2) summarize prior efforts made to narrow the facts in dispute; and (3) explain whether a meet and confer process, and/or other dispute resolution alternatives, would be able to resolve the facts in dispute.	August 9, 2023
Ruling issued noticing the California Energy Commission's (CEC's) Diablo Canyon Cost-Effectiveness Evaluation	September 1, 2023
Evidentiary Hearings (if needed)	September 5-7, 2023
Opening Briefs (if needed)	September 15, 2023
Comments on the CEC's Diablo Canyon Cost-Effectiveness Evaluation	September 22, 2023
Reply comments on the CEC's Diablo Canyon Cost-Effectiveness Evaluation	September 29, 2023
Reply Briefs (if needed)	September 29, 2023
Proposed Decision(s)	October - November 2023

It is so ruled.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

Ehren D. Seybert (he/him/his)
Administrative Law Judge
California Public Utilities Commission

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Subject: [EXTERNAL] R.23-01-007 CUE Request for Extension of April Ruling deadlines

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Good morning ALJ Seybert and Parties to R.23-01-007:

Pursuant to Rule 11.6 of the Commission's Rules of Practice and Procedure, the Coalition of California Utility Employees requests an extension of the June 7 and June 30 testimony deadlines in response to Your Honor's April 20, 2023 ruling. CUE's request is due to the many competing deadlines and hearings in May and June for other proceedings that CUE's witness is working on full-time. Due to this resource constraint, CUE needs more time to adequately respond to the ruling. CUE proposes to consolidate the existing schedule's milestones to accommodate deadline extensions for the April 20 ruling so that opening comments served as testimony on Phase 1: Track 2 April Ruling and PG&E's historical and forecast cost data would be due on June 30, 2023, and rebuttal testimony on Phase 1: Track 2 proposal and reply comments served as testimony on Phase 1: Track 2 April Ruling would be due on July 28, 2023.

As required by Rule 11.6, CUE reached out to parties to the proceeding to seek feedback on CUE's proposed extensions. The results are as follows:

Support: Public Advocates Office, Southern California Edison, Pacific Gas & Electric, Californians for Renewable Energy

Do not object: Alliance for Retail Energy Markets, Direct Access Customer Coalition, County of San Luis Obispo, California Community Choice Association, Northern Chumash Tribal Council

Oppose: San Luis Obispo Mothers For Peace, Women's Energy Matters

In addition, while the Public Advocates Office responded that it supported CUE's proposal, the Public Advocates Offices prefers that testimony on Question 4(b) in the April Ruling be served on June 9.

Question 4(b) asks, "Should additional guidance be provided on the use of any surplus ratepayer funds PG&E receives from Diablo Canyon in 2024, beyond what is provided in Pub. Util. Code Section 712.8(t)(1)?" Although the Commission requested comments/testimony on this Question as part of its Phase 1: Track 2 April Ruling, the Public Advocates Office believes opening testimony on this item better fits with the Phase 1: Track 2 Proposals the Commission requested on June 9, 2023.

CUE and PG&E support the Public Advocates Office's preference. The County of San Luis Obispo and Northern Chumash Tribal Council do not object to it.

In sum, this request seeks the following changes to the schedule:

- Opening comments served as testimony in response to the April 20 Ruling to be due on June 30 (with the exception of Question 4(b) to be due on June 9).
- Reply comments served as rebuttal testimony in response to the April 20 Ruling to be due on July 28.

Thank you for your consideration of this request.

Rachael

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