

ALJ/ES2/fzs 6/2/2023



FILED

06/02/23

9:11 AM

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

**ADMINISTRATIVE LAW JUDGE'S RULING INCORPORATING JOINT
AGENCY RELIABILITY PLANNING ASSESSMENT INTO THE RECORD OF
THE PROCEEDING, AND MODIFYING THE SCHEDULE FOR
CONSIDERATION OF THE RELIABILITY PLANNING ASSESSMENT**

This ruling makes available to parties and incorporates into the record of this proceeding the May 2023 report by the California Energy Commission (CEC) and the California Public Utilities Commission (Commission), entitled *Joint Agency Reliability Planning Assessment – SB 846 Second Quarterly Report (Reliability Planning Assessment)*, included as Attachment A to this ruling. In addition, this ruling modifies the schedule for party consideration of the Reliability Planning Assessment.

1. Reliability Planning Assessment

The Reliability Planning Assessment addresses the requirement for electric system reliability reporting in Senate Bill (SB) 846 (Stats. 2022, Ch. 239), focusing on the status of demand and supply during summer 2023.¹ As indicated in the April 6, 2023 *Assigned Commissioner's Scoping Memo and Ruling* (Scoping Memo), and the April 20, 2023 *Administrative Law Judge's Ruling Requesting Comments*

¹ California Public Resources Code Section 25233(a). The Reliability Planning Assessment does not include an assessment of five- and 10- year forward projections.

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), the Reliability Planning Assessment also provides an estimate of the new resources that are expected to be constructed and interconnected by the end of 2023.² This information is anticipated to be helpful in party and Commission consideration of whether “new renewable energy and zero-carbon resources that are adequate to substitute for the Diablo Canyon powerplant and that meet the state’s planning standards for energy reliability have already been constructed and interconnected” at the end of 2023.³

2. Comments Served as Testimony on Reliability Planning Assessment

At the time the Scoping Memo was issued it was not clear when the Reliability Planning Assessment would be available for party consideration. As a result, the current schedule indicates the Reliability Planning Assessment will be noticed sometime in June 2023 (identified in the Scoping Memo as the ‘Phase 1: Track 2 June Ruling’), with comments served as testimony on the Reliability Planning Assessment due by August 8, 2023.⁴

Since the Reliability Planning Assessment is now available, and since the deadline for opening comments structured as testimony on the Phase 1: Track 2 April Ruling has been extended to June 30, 2023,⁵ there appears to be adequate time for parties to consider the attached Reliability Planning Assessment alongside written responses to the Phase 1: Track 2 April Ruling. This approach

² Scoping Memo at 14; Phase 1: Track 2 April Ruling at footnote 4; and Reliability Planning Assessment at 3-6. Note that the Reliability Planning Assessment refers to new projects as being “online” rather than “constructed and interconnected.”

³ California Public Utilities (Pub. Util.) Code Section 712.8(c)(2)(D).

⁴ Scoping Memo at 14-15.

⁵ See May 3, 2023 Assigned Administrative Law Judge’s *E-Mail Ruling Granting Extension Request by Coalition of California Utility Employees*.

also has efficiency benefits, since the Reliability Planning Assessment provides new project estimates that may help inform party responses to the Phase 1: Track 2 April Ruling.

Therefore, parties may consider the Reliability Planning Assessment, included as Attachment A to this ruling, as part of their responses to Phase 1: Track 2 April Ruling.⁶ In addition to the questions posed in the Phase 1: Track 2 April Ruling, parties may also comment on any other issue presented in the Reliability Planning Assessment. Since parties are provided an earlier opportunity for comment on the Reliability Planning Assessment, the August 8, 2023, comments served as testimony shall be limited to consideration of any new or revised recommendations provided by the Diablo Canyon Independent Safety Committee. No other changes are made to the Phase 1: Track 2 proceeding schedule.

IT IS RULED that:

1. The Reliability Planning Assessment included as Attachment A to this ruling is hereby incorporated into the record of this proceeding.
2. Parties may consider the Reliability Planning Assessment included as Attachment A as part of, and following the current schedule for, responses to the April 20, 2023, *Administrative Law Judge's 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).

⁶ Opening comments served as testimony on the Phase 1: Track 2 April ruling are due by June 30, 2023; reply comments served as testimony are due by July 28, 2023.

3. The August 8, 2023, comments served as testimony shall be limited to consideration of any new or revised recommendations provided by the Diablo Canyon Independent Safety Committee.

Dated June 2, 2023, at San Francisco, California.

/s/ EHREN D. SEYBERT

Ehren D. Seybert
Administrative Law Judge

Attachment A