



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

FILED

06/16/23

04:59 PM

R2301007

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

R.23-01-007
(Filed January 14, 2023)

**MOTION OF SAN LUIS OBISPO MOTHERS FOR PEACE FOR AN ORDER
COMPELLING FURTHER DATA REQUEST RESPONSES AND PRODUCTION
FROM PACIFIC GAS & ELECTRIC COMPANY; REQUEST FOR ORDER
SHORTENING TIME FOR RESPONSES AND REQUEST FOR SUPPLEMENTAL
TESTIMONY; [PROPOSED] ORDER**

Sabrina Venskus
Venskus & Associates, A.P.C.
603 West Ojai Avenue, Suite F
Ojai, California 93023
Phone: (213) 482-4200
venskus@lawsv.com

Counsel for San Luis Obispo Mothers for
Peace

Dated: June 16, 2023

Table of Contents

I.	INTRODUCTION.....	2
II.	BACKGROUND.....	2
III.	BURDEN OF PROOF.....	3
IV.	THE DATA REQUESTS ARE RELEVANT AND NOT OVERBROAD.....	3
	1. Data Requests 1-6.....	4
	2. Data Request 7.....	5
	3. Data Requests 8 and 10-11.....	5-6
	4. Data Requests 12-16.....	6-7
	5. Data Requests 24, 26-28.....	7
V.	THE DATA REQUESTS ARE NOT BURDENSOME.....	7
VI.	SLOMFP REQUESTS EXPEDITED REVIEW OF THIS MOTION.....	8
VII.	CONCLUSION.....	8

I. INTRODUCTION

Pursuant to Rules 10.1, 11.1, and 11.3 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, San Luis Obispo Mothers for Peace (SLOMFP), by and through its attorneys of record, Venskus & Associates, A.P.C., files this motion to compel further responses and production from Pacific Gas & Electric Company (PG&E).

Given the upcoming June 30th deadline for comments on the Phase 1, Track 2 April Ruling, SLOMFP respectfully requests that the Commission rule on this motion at the earliest opportunity.¹ Alternatively, SLOMFP requests that the time to file response and reply papers be shortened to 5 days respectively.² If this motion is granted, SLOMFP requests that PG&E be ordered to provide further responses and documents within 5 calendar days and that SLOMFP be permitted to file supplemental testimony incorporating said information and documents.

II. BACKGROUND

On May 25, 2023, SLOMFP sent 28 data requests to PG&E with a response date of June 6, 2023. PG&E responded on June 9, 2023. 19 of the 28 requests are at issue in this motion. The 19 requests at issue in this motion are Data Requests Nos. 1-8, 10-16 and 24, 26-28. PG&E's responses to these 19 requests consisted of either baseless objections or non-responsive answers. Of the 19 requests at issue in this motion, 14 of them contained a request for production of documents. SLOMFP has not received any documents in response to these requests.³

In compliance with Rule 11.3(a), SLOMFP and PG&E have met and conferred regarding the data requests that are the subject of this Motion. On June 12, 2023, SLOMFP's counsel requested a meet and confer telephone conference with PG&E and PG&E agreed to conduct a call on June 13, 2023, at 4:00 p.m. On the morning of June 13th, SLOMFP's counsel emailed a meet and confer letter to PG&E outlining the deficiencies in PG&E's answers. Throughout the telephone conference, PG&E would neither confirm nor deny that it had responsive documents. At the conclusion of the call, PG&E confirmed that it was standing by its initial answers and would not be further supplementing those answers or providing any additional documents.

¹ Commission Rules of Practice and Procedure, Rule 11.1(g)

² Commission Rules of Practice and Procedure, Rule 11.1(e)-(f). SLOMFP requests permission to file a reply.

³ See Appendix A.

SLOMFP was unable to resolve the outstanding issues during the meet and confer process. This motion was then filed.

III. BURDEN OF PROOF

“Any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved . . . if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence...”⁴

IV. THE DATA REQUESTS ARE RELEVANT AND NOT OVERBROAD

Despite PG&E’s assertion to the contrary, the data requests at issue in this motion are relevant. Relevant evidence “means evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action.”⁵

The Commission expects comments on the issues outlined in the April 2023 scoping ruling. The following issues are included among the issues in the April 2023 Scoping Ruling:

- “1. Whether operations at Diablo Canyon should be extended until October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2), or whether earlier retirement dates should be established. In making this determination the Commission will consider:
 - a. Whether the \$1.4 billion loan provided for by Chapter 6.3 of Division 15 of the Pub. Res. Code is terminated, or whether an extension of operations at Diablo Canyon is found to be not cost-effective, imprudent, or both”
 - c. Whether the costs of any upgrades necessary to address seismic safety, issues of deferred maintenance, or NRC conditions of license renewal are too high to justify;
 - d. Whether new renewable energy and zero-carbon resources that will be constructed and interconnected by the end of 2023 are an adequate substitute for Diablo Canyon, and will meet the state's planning standards for energy reliability⁶;
- Public Utilities Code (P.U.C.) Sec. 712.8(c)(2)(B) [“The commission shall review the reports and recommendations of the Independent Safety Committee for Diablo Canyon described in Section 712.1. If the Independent Safety Committee for Diablo Canyon's reports or recommendations cause the commission to determine, in its discretion, that the costs of any upgrades necessary to address seismic safety or issues of deferred maintenance that may have arisen due to the expectation of the plant closing sooner are too high to justify incurring, or if the United States Nuclear Regulatory Commission's conditions of license renewal require expenditures that are

⁴ Commission’s Rules of Practice and Procedure, Rule 10.1

⁵ Evidence Code Sec. 210

⁶ April 6, 2023 Scoping Ruling p. 5

too high to justify incurring, the commission may issue an order that reestablishes the current expiration dates as the retirement date, or that establishes new retirement dates that are earlier than provided in subparagraph (A) of paragraph (1), to the extent allowable under federal law, and shall provide sufficient time for orderly shutdown and authorize recovery of any outstanding uncollected costs and fees.”]

- P.U.C. Sec. 712.8(c)(2)(D) [“If the commission determines that 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 by the time of its decision, the commission may issue an order that reestablishes the current expiration dates as the retirement date, or that establishes new retirement dates that are earlier than provided in subparagraph (A) of paragraph (1), and shall provide sufficient time for orderly shutdown and authorize recovery of any outstanding uncollected costs and fees.”]⁷

SLOMFP’s data requests go to these very issues outlined in the April 6, 2023 Scoping Ruling.

1. Data Requests 1-6: Data Requests Nos. 1-5 requested documents (reports, analysis, calculations, data, modeling and metal sample stress testing) and responses with respect to embrittlement. PG&E did not provide any documents or meaningful response to these requests.⁸ PG&E claims that the requests relate to subject matter that is irrelevant and outside the scope of this proceeding and that the NRC has exclusive jurisdiction over power plant safety.⁹ To the contrary, the requested information and documents would have a tendency to prove or disprove the veracity and accuracy of and justifications for PG&E’s embrittlement calculations. Evidence of flawed embrittlement calculations would have a tendency to prove that additional *costs* are required to make upgrades necessary to address issues of deferred maintenance and that in turn these costs may be too high to justify ongoing operations.

PG&E made the same relevancy objection in response to Data Request No. 6 – which requested communications regarding Diablo Canyon Power Plant’s (DCPP) compliance with Upper Shelf Energy Specifications. This request is also relevant because communications concerning compliance and/or non-compliance with the upper shelf energy specifications go to the issue of whether the *costs* of any upgrades necessary to address seismic safety are too high to

⁷ April 6, 2023 Scoping Ruling p. 13

⁸ In response to Data Request No. 5 PG&E referenced documents on www.dcisc.org. That website contains letters from PG&E to the DCISC responding to the DCISC’s annual reporting. Those letters do not mention embrittlement.

⁹ Appendix A, pp. 1-3.

justify. Furthermore, the status of embrittlement, the embrittlement calculation methods utilized by PG&E and the status of upper shelf energy specification compliance may have a tendency to prove or disprove whether extending DCPD operations is *imprudent*. That embrittlement and upper shelf energy compliance may go to both the issues of safety *and* costs, as well as prudence, does not prevent embrittlement and upper shelf energy compliance from being relevant and therefore discoverable in the instant case.

The time frame in the data requests is narrowly tailored to the goal of yielding responsive documents and information. June 1, 2001 was selected for these requests because that would cover information in the year immediately preceding the date of the 2002 license renewal application (presumably when the application materials were being prepared) up through the present. It is reasonable to be requesting this embrittlement and upper shelf energy information prepared for each application, as well as any current materials on these subject matters.

2. Data Requests No. 7 asked for PG&E's submissions and applications for NRC License Renewal.¹⁰ PG&E would neither confirm nor deny whether it had submissions and applications for the 2002 and/or 2009 application. The documents are relevant because they likely contain PG&E's embrittlement calculations and methods. As indicated above, the veracity and accuracy of and justifications for PG&E's embrittlement calculations and methods go to the issues of *cost and prudence*. Further, the submissions and applications may shed light on the breadth and scope of NRC review and consideration of the NRC license renewal and any potential imposed conditions, which goes to Scoping Ruling Question 1.c., as well as anticipated costs associated with license renewal itself. This information is especially important, since the decision in this proceeding is legislatively required to be made by the end of 2023, and the NRC decision on License Renewal is not expected until after 2023.

3. Data Requests Nos. 8 and 10-11 essentially asked for the executed loan agreement for the \$1.4 billion loan under the Department of Energy Civil Nuclear Credit program and any written responses PG&E submitted to the United States Department of Energy regarding PG&E's application to the Civil Nuclear Credit program.¹¹ During the meet and confer call, PG&E stated that costs under the loan agreement were not costs that would be recovered from ratepayers in this proceeding and that therefore, the terms of the loan agreement were

¹⁰ Appendix A p. 3

¹¹ Appendix A, pp. 3-5

outside the scope of the proceeding. It was PG&E's position that the application and the pro forma provided enough context. They do not. PG&E would neither confirm nor deny whether it had a copy of the loan agreement. Finally, PG&E claims that the Commission only required PG&E to provide the application, not the loan agreement or submissions related to the application. However, the April 6, 2023 Scoping Ruling merely states that PG&E must provide the application but does not limit the disclosure to the application only.¹² The documents requested are relevant because the terms of the loan will go to the issue of prudence as set forth in the Scoping Ruling. Moreover, PG&E clearly has the executed loan because PG&E referenced an executed loan agreement in its comments to a scoping memo in a related proceeding.¹³

4. *Data Requests Nos. 12-16* generally ask for documents and responses on the topics of loss of Loss of Load Expectations (LOLE), reliability assessments, the list of generating units and their fuel types in the summer peak and summer off-peak load flow models in the PG&E control area and identification of transmission projects that will be delayed or reassessed in the PG&E control area.¹⁴ PG&E claims that the requests seek documents and information outside the scope of this proceeding. This is false. The requests are relevant because they go to the issues of *reliability, new renewable energy and zero-carbon resources that will be constructed and interconnected by the end of 2023 and prudence.*

Generation and demand must be balanced in planning models. To solve the planning model, the reliability planning models must include the energy flows from DCPD because previously 0 MW was flowing in future transmission planning models anticipating DCPD retirement. Now, the model needs to reduce generation dispatch from other resources. Moreover, these studies may show that some transmission improvements are no longer needed due to the DCPD extension, and some transmission projects might be needed to accommodate the DCPD extension. Additionally, the information and documents may show that transmission upgrades might be needed to accommodate DCPD extension. PG&E must also inform the parties and the Commission of the impact of DCPD extension on transfers (imports and exports) within CAISO and outside CAISO geographic boundaries. If CAISO exports more due to DCPD extension, that

¹² April 6, 2023 Scoping Ruling p. 9

¹³ PG&E comments on Amended Scoping Memo and Ruling, p. 5 in A.16-08-006

¹⁴ Appendix A, pp. 5-6

should be included in the Loss of Load Expectation study. These new import and export values in CAISO impact the planning reserve margin and contingency reserves requirement studies.

PG&E stated that the California Independent System Operator (CAISO) would be able to respond to these questions and produce the requested documents. PG&E would neither confirm nor deny whether responsive studies and/or models were prepared on its behalf, nor whether it had responsive models or studies that were prepared by a third-party.

PG&E contends that the request is overbroad. The requests are not overbroad. The parties and Commission need to know if any transmission planning and operational planning studies have been done since the decision was taken to retire DCPD to the current date. These studies will show how the DCPD extension impacts the transmission system and other resources after 2025-2026.

5. Data Requests Nos. 24, 26-28: generally concerned sources of generation, load and reserve margins, including but not limited to all forecasts and actual performances. Contrary to PG&E's assertion¹⁵, the requests are relevant. PG&E is proposing to spend \$1.4 billion on operating a nuclear facility it had previously agreed to shut down. To ascertain whether that is a prudent expenditure, both the Commission and the parties need to know what PG&E has considered in deciding to expend those funds. These data requests all go to this issue. For example, Data Requests 27 and 28 go to aging equipment and the cost of maintenance and operation of the aging reactor. Thus, the requests are all relevant.

PG&E has also objected to the breadth of these requests. The timeframe in these requests (2015) is not overly broad because it is narrowly tailored to include information shortly after PG&E made the decision to close the plant, up through and including PG&E's plan to reopen the plant.

V. THE DATA REQUESTS ARE NOT BURDENSOME

PG&E claims that the requests are burdensome. Common sense dictates that the very act of responding to a data request would impose at least some burden on the answering party. Yet, the permitted scope of discovery in Commission proceedings would be turned on its head if a party could avoid responding to a data request simply because the act of responding imposes a burden on it. Indeed, PG&E has not claimed that the requests are *unduly* burdensome. Nor has

¹⁵ Appendix A, pp. 7-9

PG&E explained the nature of any burden. For example, before making these objections, PG&E had not even tried to quantify how time-consuming it would be to respond to the request.

VI. SLOMFP REQUESTS EXPEDITED REVIEW OF THIS MOTION

Given the looming June 30th deadline for opening comments filed as testimony on Phase 1, Track 2, SLOMFP respectfully requests that the Commission rule on this motion at the earliest opportunity.¹⁶ Alternatively, SLOMFP requests that the time to file response and reply papers to the instant motion be shortened to 5 days respectively.¹⁷ Should the Commission grant this motion, SLOMFP requests that PG&E be ordered to provide further responses and data production within 5 calendar days and that SLOMFP be permitted to file supplemental testimony, if necessary, should SLOMFP experts be hamstrung in finishing their written testimony because of a delay in receiving responses to the data requests..

VII. CONCLUSION

SLOMFP requests the Commission grant this motion and order the relief requested herein. Should the motion be granted, SLOMFP also requests permission to file supplemental testimony, if necessary, pending a review PG&E's response and production.

Respectfully submitted,

Venskus & Associates, A.P.C.

Dated: June 16, 2023

/s/ Sabrina Venskus
Sabrina D. Venskus
Venskus & Associates, A.P.C.
603 West Ojai Avenue, Suite F
Ojai, California 93023
Phone: (213) 482-4200
venskus@lawsv.com

Counsel for San Luis Obispo Mothers for
Peace

¹⁶ Commission Rules of Practice and Procedure, Rule 11.1(g)

¹⁷ Commission Rules of Practice and Procedure, Rule 11.1(e)-(f)

APPENDIX A
(Meet and Confer Letter Containing SLOMFP Data Requests
and PG&E'S Answers Thereto)



Venskus & Associates
A PROFESSIONAL CORPORATION

603 WEST OJAI AVE., SUITE F
OJAI, CALIFORNIA 93023
TEL: 805-272-8628

1055 WILSHIRE BLVD., SUITE 1996
LOS ANGELES, CALIFORNIA 90017
TEL: 213-482-4200

June 13, 2023

SENT VIA ELECTRONIC E-MAIL

Maria V. Wilson
Law Department
300 Lakeside Dr.
Oakland, CA 94612
(415) 732-9883
maria.wilson@pge.com

Case Coordination
RegRelCpucCases@pge.com

Thomas Jarman
Regulatory Case Mgr.
(415) 973-7157
TAJ8@pge.com

Jennifer Post
Chief Counsel
Jennifer.Post@pge.com

Lillian Rafii
300 Lakeside Dr.
Oakland, CA 94612
Lillian.rafii@pge.com

Rhett Kikuyama
Energy Policy And
Procurement
77 Beale Street
San Francisco, CA 94105
(925) 759-7661
r2k3@pge.com

**DATA REQUEST: San Luis Obispo Mothers for Peace (“SLOMFP”) No. 1-27
California Public Utilities Commission Proceeding: R.23-01-007**

Date of Request: May 25, 2023

Responses Due: June 6, 2023

Responses Served: June 9, 2023

To PG&E:

PG&E has failed to produce many of requested documents and has also provided deficient responses to many of the data requests. The deficiencies are set forth below.

Data Request No. SLOMFP 1 Please provide the following DOCUMENTS: All reports, analysis, calculations, data, modeling and metal sample stress testing RELATED TO embrittlement of Diablo Canyon Power Plant Units 1 and 2 from January 1, 2001 to present.

ANSWER 001 PG&E objects to this data request on grounds that it is overbroad, burdensome, irrelevant to and outside the scope of the proceeding. The Nuclear Regulatory Commission (NRC) has

exclusive jurisdiction over the safe operations of Diablo Canyon, including embrittlement of Units 1 and Unit 2.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost and prudence.

Data Request No. SLOMFP 2 Please provide the following DOCUMENTS: All reports, analysis, calculations, data, modeling and metal sample stress testing RELATED TO embrittlement at other Nuclear Power Plants that PG&E utilized as a replacement of, or alternative to, embrittlement analysis of Diablo Canyon Power Plant from January 1, 2001 to present.

ANSWER 002 PG&E objects to this data request on grounds that it is overbroad, burdensome, irrelevant to and outside the scope of the proceeding. The Nuclear Regulatory Commission (NRC) has exclusive jurisdiction over the safe operations of Diablo Canyon, including embrittlement of Units 1 and Unit 2.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost and prudence.

Data Request No. SLOMFP 3 Please provide responses to the following requests: 1) State the justification for using embrittlement data from another nuclear power plant reactor that may not have the same metallurgical specifications to analyze embrittlement at Diablo Canyon Power Plant. 2) State why this substitution, replacement or alternative was deemed necessary and why it was deemed sufficient to meet CFR requirements.

ANSWER 003 PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of the proceeding. The NRC has exclusive jurisdiction over the safe operations of Diablo Canyon, including embrittlement of Units 1 and Unit 2.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost and prudence.

Data Request No. SLOMFP 4: Please provide the following DOCUMENTS: All reports, analysis, calculations, data, modeling and metal sample stress testing REGARDING Diablo Canyon Power Plant's compliance with Upper Shelf Energy Specifications from January 1, 2001 to present.

ANSWER 004 PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of the proceeding. The NRC has exclusive jurisdiction over the safe operations of Diablo Canyon, including embrittlement of Units 1 and 2.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost and prudence.

Data Request No. SLOMFP 5 Please provide the following DOCUMENTS: All COMMUNICATIONS between PG&E and the Diablo Canyon Independent Safety Committee REGARDING embrittlement modeling, calculations and metal sample testing from January 1, 2001 to present.

ANSWER 005 PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of the proceeding. The NRC has exclusive jurisdiction over the safe operations of Diablo Canyon, including embrittlement of Units 1 and 2. Subject to and without waiving that objection, PG&E responds that information provided to or presented to the Diablo Canyon Independent Safety Committee can be found at www.dcisc.org or by direct request to the DCISC.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not irrelevant. It goes to information that will impact the issues of cost and prudence. Moreover, Requesting Party has visited the website cited in the response. The only conceivable documents that the response could be referencing are letters from PG&E to the DCISC responding to the DCISC's annual reporting. Those letters do not mention embrittlement modeling, calculations and metal sample testing from January 1, 2001 to present.

Data Request No. SLOMFP 6 Please provide the following DOCUMENTS: All COMMUNICATIONS between PG&E and another person, agency or entity REGARDING Diablo Canyon Power Plant's compliance with Upper Shelf Energy Specifications from January 1, 2001 to present.

ANSWER 006 PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of the proceeding. The NRC has exclusive jurisdiction over the safe operations of Diablo Canyon, including embrittlement of Units 1 and 2.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost and prudence.

Data Request No. SLOMFP 7: Please provide the following DOCUMENTS: All PG&E's submissions and applications for NRC License Renewal from January 1, 2001 to present.

ANSWER 007 PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of the proceeding. PG&E has been directed by the NRC to submit a new license renewal application by December 31, 2023.

REASON WHY FURTHER RESPONSE REQUIRED: The response does not deny the existence of a 2002 and/or 2009 application. Those applications and supporting materials likely contain PG&E's embrittlement calculation methods. The accuracy of PG&E's embrittlement calculation methods go to cost/prudence of extending plant operations. This request includes a request for all submissions (including any letters) to the NRC re: license renewal.

Data Request No. SLOMFP 8 Please provide the following DOCUMENTS: A copy of the executed loan agreement mentioned on page 5 of PG&E's October 7, 2022 Comments on Assigned Commissioner and Assigned Administrative Law Judge Amended Scoping Memo and Ruling in A.16-08-006.

ANSWER 008: PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of this proceeding.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not irrelevant because the terms of the loan will go to prudence and costs, including costs to the ratepayer.

Data Request No. SLOMFP 10 Please provide the following DOCUMENTS: A copy of the executed loan agreement for the \$1.4 billion loan under the Department of Energy Civil Nuclear Credit program referenced on page D.6-9 of the 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 (R.23-01-007)

ANSWER 010: PG&E objects to this data request on grounds that is vague. Subject to and without waiving that objection, PG&E responds that no such document exists.

REASON WHY FURTHER RESPONSE REQUIRED: PG&E must advise how this request is vague. The agreement is referenced by the ALJ on page D.6-9 in the ruling requesting comments in this proceeding. PG&E must explain how it does not have an executed copy of this agreement. PG&E must provide any copy of the agreement it does have.

Data Request No. SLOMFP 11 Please provide the following DOCUMENTS: A copy of any written responses made by PG&E to requests for additional information by the U.S. Department of Energy REGARDING PG&E's application to the Civil Nuclear Credit program.

ANSWER 011 PG&E objects to this data request on grounds that it is irrelevant and outside the scope of this proceeding. Subject to and without waiving that objection, PG&E responds that the Commission considered and rejected similar requests for information in the Assigned Commissioner's Scoping Memo and Ruling, dated April 6, 2023, in which it required only that PG&E produce to parties, who

execute an NDA, its September 2, 2022 application for certification by the DOE as an eligible bidder in the DOE Civil Nuclear Credit program (p. 9).

REASON WHY FURTHER RESPONSE REQUIRED: PG&E is wrong. The ruling actually states “In addition, and in order to provide timely consideration of the relevant cost information above, PG&E is directed to provide its September 2, 2022 application for certification by the DOE as an eligible bidder in the DOE Civil Nuclear Credit program upon request by any party in this proceeding that has or obtains the appropriate non-disclosure agreement.” So the ruling does not say that PG&E must *only* provide the application.

Data Request No. SLOMFP 12 Please provide the following DOCUMENTS: All reports, analysis, calculations, data, and load flow (summer peak and summer off-peak) modeling results RELATED TO the Loss of Load Expectation (LOLE) reliability assessment of retirement of Diablo Canyon Power Plant Units 1 and 2 from January 1, 2015 to present.

ANSWER 012 PG&E objects to the request for production of documents related to any LOLE assessment as overbroad, unduly burdensome and not likely to lead to admissible evidence in this proceeding. Subject to and without waiving that objection, PG&E clarifies that PG&E does not conduct Loss of Load Expectation (LOLE) studies solely related to the retirement of Diablo Canyon Power Plant.

REASON WHY FURTHER RESPONSE REQUIRED: PG&E has failed to explain why this request is overbroad, burdensome or irrelevant. The request is relevant because it goes to reliability. Moreover, PG&E has not indicated whether LOLEs have been conducted on DCPD by third parties or whether LOLEs have been conducted at DCPD as part of *any* study, not just solely DCPD. How is PG&E planning to accommodate the energy flows from DCPD if the extension is granted? Who is going to conduct transmission planning studies to dispatch down generators that must be accommodated to balance the supply from DCPD in load flow models? Who is going to run transmission studies that determine the transmission upgrades needed to accommodate the DCPD energy if the extension is granted and how will these be performed? What is PG&E's plan to run transfer capability studies to accommodate flows from DCPD? How would those transfer capability studies be included in the Loss of Load Expectation study? Is CAISO responsible for these transmission studies or PG&E?

Data Request No. SLOMFP 13 Please provide the following DOCUMENTS: The list of generating units and their fuel types in the summer peak and summer off-peak load flow models for study years in the time frame 2018-2032 for the PG&E Control Area that were either redispatched or their generation backed down to accommodate output of Diablo Canyon Power Plant Units 1 and 2.

ANSWER 013 PG&E objects to the request for documents as irrelevant and outside the scope of the proceeding. Subject to and without waiving that objection, PG&E responds that PG&E has no such responsive documents in its possession and clarifies that CAISO transmission planning studies for the timeframe of 2018-2032 do not consider whether generating units are re-dispatched or their generation backed down to accommodate output of Diablo Canyon Power Plant. PG&E further clarifies that SLOMFP may obtain CAISO models, including summer peak models, from the CAISO through the execution of a relevant Non-Disclosure Agreement with CAISO, and details concerning access to CAISO models are available at <https://www.caiso.com/rules/Pages/ContractsAgreements/Default.aspx>.

REASON WHY FURTHER RESPONSE REQUIRED See reason stated for Data Request No. 12.

Data Request No. SLOMFP 14 Please provide responses to the following requests: According to CAISO 2012-2013 ISO Transmission Plan, “The absence of DCPD results in avoiding several overloads on the PG&E bulk system during off-peak load conditions (i.e., Westley-Los Banos 230 kV and Gates-Midway 230 kV line overloads).” Source - Page 169, <http://www.caiso.com/Documents/BoardApproved2012-2013TransmissionPlan.pdf> 1) Does extension of DCPD cause overloads on the PG&E bulk system during off-peak load conditions? 2) If so, which transmission lines will be overloaded and by what percentage?

ANSWER 014 PG&E objects to this data request as irrelevant and outside the scope of the proceeding. Subject to and without waiving the foregoing objection, PG&E clarifies that the 2012-2013 CAISO Transmission Plan is outdated, and the resources studied as part of the 2012-2013 CAISO Transmission Planning Process are not reflective of those energy generation and/or storage resources that exist in the CAISO energy market or transmission projects completed as of today.

REASON WHY FURTHER RESPONSE REQUIRED See reason stated for Data Request No. 12.

Data Request No. SLOMFP 15 Please provide responses to the following requests: According to CAISO 2012-2013 ISO Transmission Plan, CAISO states this referring to the Diablo Canyon Special Protection Scheme (SPS) “The need for this SPS is clearly evident and hence the recommendation is to have this SPS in-service all the time.” Source - Page 201, <http://www.caiso.com/Documents/BoardApproved2012-2013TransmissionPlan.pdf> 1) Does extension of DCPD remove the need for the Diablo Canyon SPS? 2) What impact does DCPD extension have on other SPS in PG&E bulk system?

ANSWER 015 PG&E objects to this data request as irrelevant and outside the scope of the proceeding. Subject to and without waiving the foregoing objection, PG&E clarifies that it expects the SPS will remain in place for any extended operations of DCPD and PG&E has not studied the potential removal of the SPS at DCPD.

REASON WHY FURTHER RESPONSE REQUIRED See reason stated for Data Request No. 12.

Data Request No. SLOMFP 16 Please provide responses to the following request: 1) Which transmission projects in the time frame 2018-2032 for the PG&E Control Area will be either delayed or re-assessed for reliability, economic and policy reasons to accommodate output of Diablo Canyon Power Plant Units 1 and 2?

ANSWER 016 PG&E objects to this data request as irrelevant and outside the scope of the proceeding. Subject to and without waiving the foregoing objection, PG&E clarifies that PG&E has not conducted any such analysis to determine whether “transmission projects in the time frame 2018-2032 for the PG&E Control Area will be either delayed or re-assessed for reliability, economic and policy reasons to accommodate output of Diablo Canyon Power Plant Units 1 and 2” and further clarifies that any such assessment would be performed by CAISO.

REASON WHY FURTHER RESPONSE REQUIRED See reason stated for Data Request No. 12.

Data Request No. SLOMFP 24 Please provide the following DOCUMENTS: All reports, analysis, calculations, data, modeling and studies prepared by PG&E or on PG&E's behalf of sources of generation and load from January 1, 2015 to present, including but not limited to analysis RELATED TO:

- a) cost
- b) quantity
- c) cost associated with meeting load at all time (firming costs)
- d) avoided cost and value
- e) integration cost
- f) potential storage costs
- g) Efficiency
- h) Solar
- i) Solar hybrid (solar + battery)
- j) Wind
- k) Wind hybrid (wind + battery)
- l) Standalone Batteries
- m) Nuclear power
- n) Natural gas combined cycle
- o) Carbon capture and storage

ANSWER 024 PG&E objects to this data request on grounds that it is vague, overbroad, burdensome, irrelevant and outside the scope of this proceeding.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost, prudence and reliability.

Data Request No. SLOMFP 25 Please provide the following DOCUMENTS: All load projections for the entire 24 cycle from January 1, 2015 to present.

ANSWER 025 PG&E objects to this data request on grounds that it is vague, overbroad, burdensome, irrelevant and outside the scope of this proceeding.

REASON WHY FURTHER RESPONSE REQUIRED: The request is not overbroad or burdensome and PG&E has not explained why it would be. Nor is the request irrelevant. It goes to information that will impact the issues of cost, prudence and reliability.

Data Request No. SLOMFP 26 Please provide the following DOCUMENTS: All analysis prepared by CAISO from January 1, 2015 to present or load and reserve margins, including but not limited to all forecasts and actual performances.

ANSWER 026 PG&E objects to this data request on grounds that it is vague, overbroad, burdensome, irrelevant and outside the scope of this proceeding. Subject to and without waiving that objection, PG&E refers SLOMFP to the CAISO with requests for CAISO information.

REASON WHY FURTHER RESPONSE REQUIRED: If PG&E has these reports, those reports must be produced.

Data Request No. SLOMFP 27 Please provide the following DOCUMENTS: Studies conducted by PG&E of the environmental impact, including all scenarios considered, with respect to ongoing operations of Diablo Canyon Nuclear Power Plant.

ANSWER 027 PG&E objects to this data request on grounds that it is irrelevant to and outside the scope of this proceeding. Subject to and without waiving that objection, PG&E responds that PG&E will submit an environmental report to the NRC as required in connection with its license renewal application no later than December 31, 2023.

REASON WHY FURTHER RESPONSE REQUIRED: If PG&E has any studies, those reports must be produced now. If PG&E does not have any studies, it must produce them as they are obtained.

Data Request No. SLOMFP 28 Please provide responses to the following requests:

- 1) Specify which analyses in the CLB show that PTS will not cause any cracking in DCPD during extended operations
- 2) Identify the manufacturer, and dates of forging for the DCPD reactor vessels. Compare the DCPD vessels in terms of operation, i.e., in effective full power years (EFPYs).
- 3) Identify other vessels, in other plants, of similar composition and age, and possibly in the same heat.

ANSWER 028 PG&E objects to this data request on grounds that it is vague, irrelevant and outside the scope of the proceeding. The NRC has exclusive jurisdiction over the safe operation of Diablo Canyon, including the current licensing basis and aging of plant equipment.

REASON WHY FURTHER RESPONSE REQUIRED: There is no explanation of how this request is vague. Nor is the request irrelevant because it goes to costs and prudence. If PG&E has responsive documents, those documents must be produced.

Please provide complete responses and all responsive documents no later than close of business today, June 13, 2023 or our office will be forced to file a motion to compel. We look forward to resolving these issues at the meet and confer telephone call scheduled for 4:00 p.m. today.

Sincerely,

A handwritten signature in black ink that reads "Jason Sanders". The signature is written in a cursive, slightly slanted style.

Jason Sanders, Esq.

APPENDIX B
([PROPOSED] ORDER GRANTING MOTION TO COMPEL)

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

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

R.23-01-007
(Filed January 14, 2023)

**[PROPOSED] RULING GRANTING SAN LUIS OBISPO MOTHERS FOR PEACE’S
MOTION TO COMPEL FURTHER DATA REQUEST RESPONSES AND
PRODUCTION FROM PACIFIC GAS & ELECTRIC COMPANY; REQUEST FOR
ORDER SHORTENING TIME FOR RESPONSES AND SUPPLEMENTAL
TESTIMONY**

On June 16, 2023, San Luis Obispo Mothers for Peace (SLOMFP) submitted a Motion to Compel Further Data Request Responses and Production From Pacific Gas & Electric Company; Request For Order Shortening Time For Responses; and Request for Supplemental Testimony.

Having considered SLOMFP’s motion to compel pursuant to Rules 10.1, 11.1 and 11.3, the Commission hereby grants SLOMFP’s motion.

IT IS HEREBY RULED that: SLOMFP’s motion is granted, and PG&E is directed to provide further responses and produce responsive documents to SLOMFP Data Requests 1-8, 10-16 and 24, 26-28 within 5 calendar days of this order.

SLOMFP is permitted to file any supplemental testimony on or before July 14, 2023.

Dated: _____

Administrative Law Judge