

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF CALIFORNIA

PRESIDENT ALICE REYNOLDS, in attendance

COMMISSIONERS KAREN DOUGLAS, JOHN REYNOLDS, in  
attendance

ADMINISTRATIVE LAW JUDGE EHREN SEYBERT, presiding



**FILED**

11/14/23

09:41 AM

R2301007

Implementing Senate Bill 846 ) ORAL ARGUMENT  
Concerning Potential Extension of )  
Diablo Canyon Power Plant )  
Operations. )  
 ) Rulemaking  
 ) 23-01-007

REPORTERS' TRANSCRIPT  
San Francisco, California  
November 7, 2023  
Pages 361 - 431  
Volume 5

Reported by: Shannon Ross Winters, CSR No. 8916  
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PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA  
SAN FRANCISCO, CALIFORNIA

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SAN FRANCISCO, CALIFORNIA

NOVEMBER 7, 2023 - 10:31 A.M.

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ADMINISTRATIVE LAW JUDGE SEYBERT: Let's go on the record. Good morning. This is the time and place set for the Oral Argument in Rulemaking 23-01-007 Concerning Senate Bill 846 and the Potential Extension of Diablo Canyon Nuclear Power Plant Operations.

I'm Ehren Seybert, the administrative law judge assigned to this proceeding. I'm joined by Commissioner Douglas, CPUC assigned Commissioner, President Reynolds, and Commissioner John Reynolds.

Before we start, I believe Commissioner Douglas has a few opening remarks; Commissioner?

COMMISSIONER DOUGLAS: Thank you, Judge Seybert, and good morning, everyone. I just have a few brief remarks. And, first, I'd like to express my appreciation to Judges Seybert and Doherty and the staff team who worked hard to help us have the time and space for this oral argument here in person today.

I'd also like to thank President Reynolds and Commissioner Reynolds for being here and participating today. I know that the parties have put a lot of care, time and attention into the documents filed in this proceeding and the written briefs and comments, and I

1 appreciate that, and I'm looking forward to hearing oral  
2 argument today. Thank you all for being here, and I'll  
3 turn this back to you, Judge Seybert.

4 ALJ SEYBERT: Thank you, Commissioner.

5 Ten parties have requested time for today's  
6 oral argument. The schedule and time limit for each  
7 speaker was emailed to the service list last Tuesday,  
8 October 31st. After all parties have presented, an  
9 opportunity will be provided for commissioners to ask  
10 questions.

11 Let's move to our first speaker, which is Tyson  
12 Smith representing Pacific Gas & Electric Company.

13 Mr. Smith, you have 10 minutes.

14 ARGUMENT BY MR. SMITH

15 Thank you. Good morning. My name is Tyson  
16 Smith, and I'm here today on behalf of PG&E. We first  
17 want to thank the Commission for the opportunity to  
18 present this morning as we recognize the many demands on  
19 your time as you consider the potential extension of  
20 Diablo Canyon. PG&E also appreciates the heavy lifting  
21 of assigned Commissioner Douglas, Administrative Law  
22 Judge Seybert, and Commission staff in their support of  
23 this ruling. With their guidance over the course of  
24 this past year, the parties have developed a strong  
25 record upon which the Commission can set new requirement

1 dates.

2           Since SB 846 was signed just over 14 months  
3 ago, there's been tremendous progress by PG&E, state and  
4 federal agencies and others: There's a loan agreement  
5 with the Department of Water Resources; the Federal  
6 Civil Nuclear Credit Program application and conditional  
7 award; the CPUC decision voiding the original retirement  
8 dates and Track 1 decision; a State Lands Commission  
9 lease extension; multiple expert reports by the CEC.

10           And we're very pleased to report that just this  
11 morning, PG&E filed its license renewal application with  
12 the NRC, achieving an important milestone on the path to  
13 extended operations. The proposed decision before you  
14 would cap off a year of progress by setting new  
15 retirement dates consistent with SB 846; however, some  
16 aspects of the PD are contrary to the statute and  
17 incompatible with its structure.

18           Those are the three topics we wanted to touch  
19 on today: The operating risk payment; the process  
20 around use of that payment for critical safety and  
21 customer purposes, and RA allocation concerns.

22           First, SB 846 establishes a carefully balanced  
23 approach to extending Diablo Canyon operations that  
24 reflects the range of stakeholder concerns, including  
25 the need, assurances of safety, and various customer

1     protections.

2             As one component of that balanced approach, the  
3     operator is authorized to recover all reasonable costs  
4     of operation, but in lieu of the cost of traditional  
5     rate of return, SB 846 instead establishes a fixed  
6     payment, which is reduced if the plant is out of service  
7     for an extended period, and a volumetric for operating  
8     risk payment that is awarded for each megawatt of  
9     generation. If the plant doesn't operate, the operator  
10    doesn't earn that payment.

11            Importantly, that payment cannot be paid out to  
12    shareholders. And, instead, to the extent not needed  
13    for Diablo Canyon, must be used for priority investments  
14    in the system such as: Accelerating interconnections;  
15    bringing zero carbon resources online; modernizing the  
16    electrical grid, and mitigating wildfire risk. This is  
17    already and by design a much more restrictive approach  
18    than traditional ratemaking.

19            The PD, however, would take the payment to PG&E  
20    intended for these customer and safety priorities and  
21    instead use it to offset costs. This outcome is  
22    contrary to statute and leads to nonsensical results.

23            In reaching its conclusion, the PD hangs its  
24    entire analysis on the single phrase, "to the extent not  
25    needed for Diablo Canyon," but the reference to the

1 needs of Diablo Canyon are there to address the  
2 reasonable concerns of PG&E.

3           The extended operations was not in the  
4 company's financial forecast, and that it may need cash  
5 to fund operations under some circumstances, including  
6 for activities that PG&E alone would be liable for as  
7 the operator of the plant; for example, the operating  
8 risk payment could provide a source of needed cash in a  
9 given year if forecast costs -- if actual costs exceed  
10 forecast costs.

11           Similarly, if there are transition costs that  
12 cannot be funded with either DWR loan proceeds or Civil  
13 Nuclear Credit Program funds, then PG&E could apply the  
14 operating risk payment. So the intent of that language  
15 is to make clear that the operating risk payment could  
16 be used by PG&E for Diablo Canyon in the event of  
17 unexpected circumstances, and that PG&E wasn't rigidly  
18 limited to the priority uses, if needed, for Diablo  
19 Canyon.

20           The proposed decision also errs in treating the  
21 operating risk payment as customer revenue, rather than  
22 as a cost. SB 846 expressly calls the payment "a cost  
23 of operation" that should be recovered from customers.  
24 It also refers to the payment as "compensation earned by  
25 PG&E" in lieu of the traditional rate of return. The PD

1 ignores this language and doesn't attempt to square its  
2 treatment of the payment with the text of the statute.

3 The PD would also disproportionately burden  
4 PG&E service territory customers, including CCA and  
5 direct access customers, and in doing so read entire  
6 sections out of the statute; this would be a mistake.  
7 Recall that \$6.50 per megawatt hour is paid by all CPUC  
8 jurisdictional customers and another paid just by PG&E  
9 service territory customers.

10 What this means is that PG&E service territory  
11 customers pay about three times what customers in  
12 southern California pay; yet the proposed decision would  
13 have those PG&E territory customers subsidize the cost  
14 for customers in southern California. That's the exact  
15 opposite of what the legislature intended.

16 At the same time, because a feature of SB 846  
17 is that excess revenues are credited to customers each  
18 year, the PD's treatment of the payment as revenue means  
19 that funds earmarked for public purposes instead would  
20 be siphoned off to reduce costs, effectively reading the  
21 "priority uses" section out of the statute entirely.

22 So the PD makes compounding mistakes: First,  
23 in having PG&E territory customers contribute more to  
24 the cost of the operation, and then in also taking away  
25 the benefit of that additional payment. This frustrates

1 the clear legislative intent that the payments be used  
2 on priority needs in PG&E's territory.

3 In contrast, the balanced approach put forth by  
4 the legislature and by PG&E, ensures that while PG&E  
5 territory customers pay more, they also benefit from the  
6 increased spending on critical work. The PD, therefore,  
7 should be revised to treat the operating risk payment as  
8 a cost of operation and ensure that PG&E territory  
9 customers receive the intended benefit of their  
10 additional contributions.

11 The second topic is a related one. Even though  
12 the PD would effectively eliminate funding for priority  
13 uses, it, nevertheless, goes on to establish an unwieldy  
14 and unnecessary annual application process around the  
15 uses of those funds for critical public priorities.  
16 SB 846, however, provides only that PG&E submit certain  
17 information for Commission review. SB 846 does not  
18 contemplate Commission approval of PG&E's investment  
19 plans for the risk payment, much less through an  
20 application process.

21 Where the legislature intends for the  
22 Commission to approve an application, it specifically  
23 refers to Commission review and approval or with respect  
24 to the plan, says that the Commission must review and  
25 either accept, modify or reject the plan.

1           To that end, PG&E proposed to submit a Tier 2  
2   advice letter that includes the amount of compensation  
3   earned, how it was spent, and PG&E's plan for  
4   prioritizing uses of the funding in the next year.  
5   That's all that's required by SB 846. It provides  
6   transparency for interested persons and the Commission  
7   and is an efficient use of resources. The Commission  
8   should eliminate the application process, and adopt the  
9   Tier 2 process put forth by PG&E.

10           The last topic involves the legislative finding  
11   that the state should act with urgency to bring online  
12   clean replacement generation. SB 846 specifically  
13   prohibits including Diablo Canyon energy capacity or  
14   other attributes and IRPs, resource stacks or preferred  
15   system plans; in other words, Diablo Canyon is an  
16   insurance policy that sits on top of the usual LSE  
17   obligations; however, allocating RA, as the PD does,  
18   allows LSEs to lean on Diablo Canyon and PG&E's supply  
19   portfolio and will slow procurement of replacement  
20   resources at least without other changes to the LSE's RA  
21   obligations.

22           That said, if there is RA allocation, it should  
23   be based on load share so that allocation is  
24   transparent, administratively efficient, and more in  
25   line with cost-causation principles for a base-load

1 generator. Moreover, any allocation must recognize the  
2 operational constraints of Diablo Canyon such as its  
3 routine planned outages, and should also account for the  
4 higher contribution of PG&E service territory customers.

5 Accordingly, the Commission should ensure that  
6 RA is not allocated during planned outages and should  
7 scope the necessary adjustments to consider the higher  
8 cost paid for by PG&E territory customers either in the  
9 Track 2 or Phase 2 of this proceeding or explicitly  
10 refer it to another proceeding.

11 Apart from those three issues, the record  
12 supports extending Diablo Canyon operations to 2030.  
13 First, there are no known costs of upgrades to address  
14 seismic safety, no issues of deferred maintenance, and  
15 no conditions of license renewal that would render the  
16 costs of operation too high to justify.

17 Second, the record shows that there will not be  
18 sufficient incremental resources online by the end of  
19 the year to adequately substitute for Diablo Canyon.  
20 And, third, Diablo Canyon's safety continues at all  
21 times to be overseen by the US Nuclear Regulatory  
22 Commission, including through the license renewal  
23 process that we initiated today. The record in this  
24 proceeding supports setting new retirement dates so that  
25 Diablo Canyon can continue to play a vital role in its

1 sharing statewide grid reliability.

2           Respectfully, some of the recommendations  
3 brought forward by intervenors and adopted in the PD are  
4 inconsistent with the clear legislative direction, but  
5 this is not the time to revise past legislative  
6 advocacy, but rather time to implement the legislature's  
7 clear direction and intent. Although, we recommend some  
8 changes to the PD to ensure it conforms with the  
9 statute, we support the determination that Diablo Canyon  
10 units should continue to operate until 2029 and 2030.  
11 Thank you.

12           ALJ SEYBERT: Thank you, Mr. Smith.

13           Our next speaker is Rachael Koss representing  
14 the Coalition of California Utility Employees.

15           ARGUMENT BY MS. KOSS

16           Good morning. My name is Rachael Koss. Thank  
17 you for the opportunity to speak today. I'm here on  
18 behalf of the Coalition of California Utility Employees.  
19 CUE is a coalition of labor unions whose members work at  
20 most of the electric and gas utilities, including nearly  
21 20,000 at PG&E and its contractors. About 450 of the  
22 these workers are at the Diablo Canyon Power Plant.

23           The proposed decision properly extends the  
24 operations of Diablo Canyon. Diablo is essential to  
25 Californians' energy and reliability and clean energy

1 goals. Diablo provides about 9 percent of the state's  
2 energy supply and 17 percent of its carbon-free supply.

3 The record shows that there are not adequate  
4 substitute resources for Diablo Canyon and the proposed  
5 decision correctly recognizes this. It is abundantly  
6 clear that Diablo Canyon must continue operating for the  
7 states electrical reliability and clean energy needs and  
8 the PD gets this right, but there are a few errors in  
9 the proposed decision, and I'll highlight a few here  
10 today.

11 First, the proposed decision would allocate  
12 Diablo's extended operations costs to load serving  
13 entities based on coincident peak demand. Customers  
14 that have the highest demand at peak times will pay a  
15 larger proportion of the costs. This is a logical and  
16 legal error. Diablo Canyon is not a peaking power  
17 plant. It is a base-load power plant that runs 24 hours  
18 a day, seven days a week. The costs of Diablo do not  
19 vary based on peak demand. Costs are incurred equally  
20 during on- and off-peak times. So the cost should be  
21 allocated based on an equal cents per kilowatt hour.

22 This approach is the correct approach for a few  
23 reasons: It's consistent with an SB 846 requirement  
24 that costs be recovered based on each customer's gross  
25 consumption of electricity, not on a customer's load

1 profile. It equitably and transparently distributes  
2 costs, which are incurred to serve the public interest,  
3 just like the DWR bond charge and the Wildfire Fund  
4 non-bypassable charge, and it is consistent with cost  
5 causation for the cost of a 24/7 base-load resource.

6 The PD's second error that I'll touch on has to  
7 do with what the PD calls "surplus ratepayer funds."  
8 There are two problems here. SB 846 authorizes PG&E to  
9 be compensated for continuing to operate Diablo Canyon  
10 through what the statute calls an "operating risk  
11 payment." SB 846 is very clear on what these funds can  
12 be used for and it limits the use of the funds.

13 They cannot be used to pay shareholders, and  
14 they have to be spent on several key public purpose  
15 priorities which are listed in statute such as  
16 accelerating interconnection and energization;  
17 accelerating decarbonization; improving worker and  
18 public safety; and improving grid reliability and  
19 resiliency.

20 Because of these explicit statutory conditions  
21 placed on operating risk payment funds, SB 846 only  
22 requires PG&E to submit an annual plan to the  
23 Commission, which explains how it will use the funds.  
24 This is appropriately done through an advice letter  
25 process, but the proposed decision would require PG&E to

1 file an application to use the funds. SB 846 does not  
2 ask the Commission to approve PG&E's plan; just to  
3 review it. The PD overreaches here.

4           There is a second problem with the PD's  
5 approach to surplus ratepayer funds. Remember, under  
6 SB 846, the operating risk payment is compensation for  
7 PG&E and it's collected separate from operations costs.  
8 SB 846 requires the operating risk payment to be spent  
9 on those listed critical, public purpose priorities, but  
10 the proposed decision would have those funds be used to  
11 offset Diablo operations costs before being used for  
12 those public purpose priorities.

13           This makes meaningless the statutory section  
14 requiring that operating risk payment to be spent on  
15 those priorities. If the PD's approach were  
16 implemented, there would never be money for these  
17 priorities. So this is plain legal error.

18           And then the last error I'll highlight today is  
19 the allocation of resource advocacy. This is  
20 inconsistent with SB 846 where the legislature found  
21 that extending operations of Diablo may be necessary  
22 because of increased electricity demand from  
23 electrification and uncertainty from extreme weather  
24 events and delays in new resources being built.

25           The legislature also found that California

1 needs to quickly bring online new, clean resources to  
2 support reliability and clean energy goals; so, in other  
3 words, the state needs to do more for electric  
4 reliability and clean energy. The state should do  
5 everything it can to get new resources online, but  
6 allocating Diablo's resource adequacy would do the exact  
7 opposite by reducing a load-serving entity's RA  
8 procurement requirements.

9 Allocating Diablo's RA would delay building and  
10 connecting new resources and worsen statewide  
11 reliability. Allocating Diablo's resource adequacy to  
12 load-serving entities is just really poor policy.

13 Thank you for the opportunity to speak today.

14 ALJ SEYBERT: Thank you, Ms. Koss.

15 Our next speaker is Marty Marion representing  
16 Californians for Green Nuclear Power.

17 Dr. Marion, do you have anything?

18 ARGUMENT BY MR. MARION

19 Well, thank you. We appreciate the opportunity  
20 to address the Commission today. CGNP is an  
21 independent, all volunteer, nonprofit association of  
22 scientists educated at top universities, considered to  
23 be specialists in their field, each with decades of  
24 experience in energy, nuclear power, and  
25 environmentalists. CGNP experts became involved before

1 the Commission because they wish to help Californians  
2 make wise decisions for the benefit of future  
3 generations.

4 Californians for Green Nuclear Power strongly  
5 endorses the Commission's October 26, 2023 Proposed  
6 Decision which permits Diablo Canyon's extended  
7 operations until at least 2030. Diablo Canyon safety  
8 and reliability produces around-the-clock electricity.  
9 According to a 2007 study published in the British  
10 medical journal, the Lancet: Nuclear power is the  
11 safest form of generation for electricity when measured  
12 on the basis of (inaudible) and are generated.

13 Diablo Canyon's risks are exaggerated by ]  
14 opponents to extended operation. As an example, CGNP  
15 provided a NRC reference to the Commission showing the  
16 risk of through-wall cracking of the pressure vessels  
17 was less than one part in one million per year for  
18 reactors significantly older than Diablo Canyon. The  
19 subject reactors will be undergoing a second  
20 re-licensing while Diablo Canyon is undergoing its  
21 initial re-licensing. Diablo Canyon is well-maintained  
22 and its staff are well-trained. Diablo Canyon is  
23 constructed to withstand any plausible earthquake in the  
24 vicinity of the plant. For example, the nearby 2003  
25 December 22 earthquake magnitude 6.6 in San Simeon

1 killed two in Paso Robles, but the Diablo Canyon plant  
2 operations were unaffected.

3 The Diablo Canyon Independent Safety Commission  
4 provides unique safety oversight. Several recent legal  
5 actions of plant opponents have been dismissed. On  
6 October 23 CGNP filed a motion summarizing many filings.  
7 The remaining lawsuit by plant opponents will likely be  
8 dismissed. The motion and details are found at CGNP's  
9 website.

10 Diablo Canyon's massive turbine generators help  
11 to stabilize California power in the face of both random  
12 and predictable perturbations caused by solar and wind  
13 generators turning on and off. Diablo Canyon is by far  
14 California's largest generator typically producing the  
15 equivalent of five Hoover Dams each year in a footprint  
16 of less than one square mile. Diablo Canyon power  
17 production is cost-effective. The California Energy  
18 Commission draft cost comparison estimates Diablo Canyon  
19 will produce power at a production cost of about 40  
20 megawatts, \$40 per megawatt an hour, or four cents per  
21 kilowatt hour for the period of 2023 through 2030 based  
22 upon the plant's nominal annual production of 18  
23 terawatt hours per year.

24 During extended operations the plant will not  
25 be eligible for rate recovery as its book value to PG&E

1 which will approximately be zero by late 2025  
2 eliminating the so-called above-market costs asserted by  
3 plant opponents and reducing ratepayer costs. CGNP also  
4 showed that according to PG&E's FERC Form 1 filings  
5 Diablo Canyon's historical power production costs from  
6 2016 to 2022 were about four cents per kilowatt hour.  
7 CGNP's filings in A.16-08-006 also projected modest  
8 future costs. Excuse me. SB 846 imposes only modest  
9 additional costs. And Diablo Canyon's low generation  
10 cost typically undercuts the cost of fossil-fired  
11 generation. During the extended operations coal and  
12 natural gas fuel costs are projected to outpace uranium  
13 fuel cost increases.

14 Diablo Canyon's prodigious generation is  
15 accomplished with minimal environmental harms. In  
16 contrast with alternative natural gas or coal-fired  
17 generation technologies for 24/7 reliable power, Diablo  
18 Canyon produces neither air nor water pollution. During  
19 five years of extended operation Diablo Canyon will  
20 prevent about 35 million metric tons of carbon dioxide  
21 emissions relative to natural gas or twice that if coal  
22 is used.

23 Unlike solar and wind Diablo Canyon doesn't  
24 require substantial fossil-fuel firming. Diablo Canyon  
25 utilizes the world's largest heat sink, the Pacific

1 Ocean, as its ultimate heat sink. Diablo Canyon's daily  
2 thermal inputs are comparable to the daily solar energy  
3 input to a few square miles of the Pacific Ocean.

4 The plant's technology excludes all but the  
5 smallest plankton, eggs, and larval forms from being  
6 entrained by the plant. The annual value of the  
7 entrained biota is around \$700. Typically, in one cubic  
8 meter of water taken in by Diablo there is one tiny  
9 organism about the size of a period or smaller. Many of  
10 the entrained organisms are consumed by filter feeders  
11 lining the four ten-by-ten foot cooling water intake  
12 tunnels. These filter feeders grow so vigorously that  
13 after about nine months the surfaces of the tunnels must  
14 be scraped off while each tunnel is temporarily closed.  
15 Diablo Canyon provides a unique combination of safe,  
16 abundant, reliable, cost-effective, and clean firm  
17 generation for the benefit of Californians.

18 Diablo Canyon's safe, reliable, and abundant  
19 power has significant economic value. A 2013 Cal Poly  
20 San Luis Obispo study estimated a billion dollar  
21 regional direct and indirect economic benefit for each  
22 year of Diablo Canyon's operation. Diablo Canyon is the  
23 largest regional private-sector employer. Many plant  
24 positions are head-of-household positions with good  
25 salary and benefits. Without Diablo Canyon our grid

1 reliability decreases increasing costs.

2           Lawrence Berkeley National Laboratory has a  
3 long-standing interest in grid reliability. The  
4 LBNL-Nexant team released their interruption cost  
5 estimator tool in 2018. Utilizing the default  
6 California values contained in the tool yields an  
7 average of only two hours of electric service  
8 interruptions per year costing the state \$7.55 billion,  
9 mostly productivity losses in medium and large corporate  
10 and industrial companies.

11           The Commission is reminded --

12           ALJ SEYBERT: Sorry to interrupt. Could you  
13 speak a little slower for everyone.

14           MR. MARINAK: Okay. Thank you.

15           The Commission is reminded of the multiple  
16 hundreds of billions of dollars in lost productivity  
17 associated with power crisis of 2000-2021. The  
18 LBNL-Nexant team showed the economic productivity per  
19 unit of electricity for California was \$15.60 per  
20 kilowatt in 2018. Thus, Diablo Canyon with its abundant  
21 power typically supports \$281 billion in economic  
22 activity per year.

23           CGNP has concerns regarding the reliability,  
24 safety, and cost-effectiveness of alleged Diablo Canyon  
25 alternatives such as virtual power plants and batteries.

1 In A.16-08-006 power plant opponents suggested a  
2 significant expansion of California pumped  
3 hydroelectricity to provide clean firm power. CGNP  
4 showed in their 2016 proposal -- their proposal failed  
5 cost-effectiveness and environmental criteria. CGNP has  
6 also shown that the almost 40-year-old Helms Pumped  
7 Storage system is being used an increasing fraction of  
8 the time for necessary ancillary services to stabilize  
9 grid voltage and grid frequency instead of bulk energy  
10 storage. This shift is likely the result of greater  
11 amounts of non-dispatchable solar and wind generation  
12 destabilizing the California grid. Batteries will  
13 likely be pressed into providing ancillary services to  
14 the grid as well instead of bulk energy storage.

15 Since 2017 CGNP raised safety concerns  
16 regarding battery electric storage systems. Battery  
17 fires are extremely difficult to extinguish. There have  
18 been several battery fires in Moss Landing. One recent  
19 battery fire there caused the emergency sirens to be  
20 sounded with residents urged to shelter indoors in place  
21 all day as a consequence of toxic fumes and smoke.  
22 Diablo Canyon has not had such safety problems during  
23 the past four decades.

24 Finally, Diablo Canyon's refueling intervals  
25 typically exceed 18 months or minimum of 13,150 hours of

1 operation. Thus, four-hour batteries will never be  
2 interchangeable with Diablo Canyon which just keeps  
3 running and running.

4 In summary, there are no cost-effective clean  
5 and firm replacements for Diablo Canyon. This is the  
6 central rationale for extending Diablo Canyon's  
7 operations at least until 2030 as described in the  
8 Commission's October 26, 2023, proposed decision.

9 Thank you.

10 ALJ SEYBERT: Thank you.

11 Our next speaker is Gregg Morris representing  
12 Green Power Institute.

13 ARGUMENT BY MR. MORRIS

14 Thank you, Judge Seybert. And thank you,  
15 Commissioners, for the opportunity to address you today.

16 Seven years ago PG&E and a group of  
17 collaborators came to the Commission with an application  
18 to shut down Diablo Canyon at the end of its current  
19 operating license. The reason for that application was  
20 not so much that there was any kind of problem with the  
21 power plant itself but rather because PG&E was losing  
22 so much of their customer base to the CCAs, they  
23 actually didn't need all the output of the power plant  
24 for their bundled customers. And it became not economic  
25 to continue to operate it as their own bundled customer

1 generator.

2 SB 846 was passed because there's a major  
3 concern that there will not be the kind of reliability  
4 that's needed to keep California grid operating once the  
5 power plant is shut down. SB 846 provides two off-ramps  
6 that either one of which as satisfied would allow the  
7 Commission to hold to its current decision of 2018 to  
8 shut down the power plant in 2024 and 2025. The first  
9 off-ramp is the cost too high to justify off-ramp  
10 induced by statute specifically tied to three items of  
11 cost that if too high would justify the non-extension of  
12 the power plant.

13 The first one is seismic upgrades. And you're  
14 by statute asked to look to the Diablo Canyon  
15 Independent Safety Commission committee for guidance on  
16 whether there are seismic upgrades needed. We don't see  
17 that the -- the Independent Safety Committee does not  
18 see the need at this point for any seismic upgrades.  
19 This power plant has been in the eyesight of people  
20 concerned about the seismicity at Diablo Canyon since it  
21 really began operating. It's had multiple studies  
22 including a fairly recent one. It's had multiple  
23 upgrades. Nothing's changed in 2024 and 2030. Until  
24 there's an identified need for upgrades, there's no cost  
25 there.

1           The second -- and also this is dependent on the  
2 Independent Safety Committee, but the second category of  
3 costs that could be too high are deferred maintenance.  
4 And to me that was a more likely to be triggered  
5 category than the seismicity. However, the Independent  
6 Safety Commission has not identified any -- at this  
7 point any deferred maintenance to be performed. And so  
8 we really have nothing there to worry about until there  
9 is something identified.

10           And finally, the third category of costs to be  
11 concerned about is license renewal costs. I'm happy to  
12 hear that PG&E has put in their application today. They  
13 had said it would be the end of the year. So this is  
14 almost two months early. And that's good for everybody.  
15 But until there's some kind of cost identified in order  
16 to re-license, there's really nothing to be done in  
17 terms of withdrawing the extension of the application.

18           I note that the fact that the legislature  
19 passed SB 846 indicates to me -- and I think to most  
20 people -- that they assume the current cost of operation  
21 in Diablo Canyon is per se reasonable. So if there's  
22 nothing done that's going to up that cost, then the  
23 costs are not too high.

24           The second potential off-ramp is whether there  
25 are adequate clean energy substitutes for Diablo Canyon.

1 That was a key component of the original application to  
2 shut it down since there had to be adequate clean energy  
3 alternatives. We've seen consistently in the IRP  
4 modeling that's been done that they're expecting a bump  
5 in greenhouse gas emissions if Diablo Canyon is shut  
6 down.

7 That's me. Sorry about that.

8 And indeed, because the Commission decided in  
9 2018 to accept that application and schedule the  
10 shut-down, the Commission has been working diligently to  
11 try and find and initiate those substitute powers. And  
12 indeed, in the 2021 IRP Order for New Capacity, there is  
13 a tranche for replacement of Diablo Canyon. We've just  
14 seen the two largest utilities in the state petition the  
15 Commission that they need at least two more years to  
16 initiate that power. They're already behind on the  
17 first tranche, which is pre-substitute tranche. I just  
18 don't -- I would like to see but I don't see that there  
19 is adequate substitutes that would allow us to do this.

20 I also note that if our -- I'm going to run out  
21 of time. Let me quickly if I could take another minute.  
22 I'm very concerned about the RA attributes from Diablo  
23 Canyon. There are several parties including PG&E that  
24 say they should not have at -- that the RA attributes  
25 should not be part of the RA market post 2024/2025. I

1 disagree with it strongly. I think that would cause a  
2 major disruption in the RA market if you had a -- the  
3 largest power plant in the state, which is a reliable  
4 power plant, operating and not having RA attributes.  
5 All of a sudden the need for the RA markets attributes  
6 would be diminished by Diablo Canyon.

7           We're in the process of completely changing the  
8 RA paradigm in 2025 to a slice of data framework. If  
9 you take the attributes of DCDP out and you then change  
10 the need for other reliable systems, I think it just  
11 would really be very hard on the RA market and to no  
12 good end. The clumsy provision in statute that  
13 prohibits Diablo Canyon from being looked at in the IRP  
14 modeling of the need for reliability is there to ensure  
15 that we'll have those substitutes available by the time  
16 2029/2030 comes around. It's not to prevent the use of  
17 those attributes today in today's market.

18           Allocation of those credits should be  
19 proportional to the allocation of cost. If a particular  
20 LSE is providing 10 percent of the costs of the  
21 facility, give them 10 percent of the RA attributes.

22           And I'd just like to close by saying that for  
23 sure not all the information is in, but we have to make  
24 a decision now. But fear not the decision is  
25 irreversible. If we find later on there's reasons to --

1 that either of the off-ramps are satisfied or the DWR  
2 loan doesn't come through, the facility can be shut down  
3 within about six months. And I think this is not a  
4 permanent decision and we ought to go forward with what  
5 we have and continue to look at all the aspects.

6 Sorry for taking more time than my allocation.  
7 Thank you for the opportunity.

8 ALJ SEYBERT: Thank you, Mr. Morris.

9 Our next speaker is Linda Seeley representing  
10 San Luis Obispo Mothers for Peace.

11 Ms. Seeley, you have ten minutes.

12 ARGUMENT BY MS. SEELEY

13 Thank you. My name is Linda Seeley, and I'm  
14 the spokesperson for San Luis Obispo Mothers for Peace.  
15 Thank you very much for allowing me to speak this  
16 morning.

17 In this proceeding San Luis Obispo Mothers for  
18 Peace have demonstrated that the continued operation of  
19 the Diablo Canyon nuclear plant until 2030 is completely  
20 unjustified. Indeed, it increases blackout risks and  
21 discourages deployment of renewable energy in  
22 California.

23 Our energy -- our expert energy witness Rao  
24 Konidena, formerly Midcontinent ISO principle advisor,  
25 has demonstrated this fact well. Mr. Konidena shows

1 that California has more than enough power for grid  
2 reliability without the 2,200 megawatts of Diablo even  
3 and especially during extreme heat events.

4 He has also demonstrated that because Diablo is  
5 based-load power and must operate 24/7, it curtails both  
6 the dispatch of more flexible resources like renewable  
7 energy and those resources -- and those recession markup  
8 production notwithstanding procuring orders. It thereby  
9 increases the danger of blackouts and the cost to  
10 California consumers and taxpayers.

11 We now have more than 80 -- 8,500 megawatts of  
12 energy storage capacity with more being added each year,  
13 plus up to 5,000 megawatts of demand response which is  
14 more than sufficient to ensure grid liability. ]

15 Even if we focus only on have already been and  
16 constructed and interconnected by the end of 2023 as  
17 does the ALJ's proposed decision, the evidence shows  
18 that California has at least 1022 megawatts of excess  
19 capacity by the end of the -- this year 2023. We don't  
20 need Diablo Canyon at the end of this year.

21 California continues to add renewables every  
22 year and is projected to have at least 6,000 megawatts  
23 more by 2026, three times the capacity of Diablo. We  
24 are gravely concerned about recent events relating to  
25 the condition of the Unit 1 reactor pressure vessel.

1           A reactor pressure vessel must be periodically  
2 tested for embrittlement of the wells, a condition that  
3 increases over time in aging reactors.

4           If a reactor goes into emergency shut down  
5 because of any number of circumstances, an embrittled  
6 pressure vessel can shatter like glass.

7           Conservative estimates put the cost of  
8 replacing or repairing the reactor vessel at between  
9 \$250 and \$500 million. Not to mention the trillions of  
10 dollars in losses if there were a major release of  
11 radiation from a shattered pressure vessel.

12           For the past 20 years, PG&E has disregarded  
13 evidence that the Unit 1 pressure vessel is undergoing  
14 embrittlement that already could have reached a  
15 dangerous level. With NRC's repeated turning of a blind  
16 eye, PG&E has also failed to do any follow-up  
17 inspections since the early 2000s including removal and  
18 testing of samples from inside the pressure vessel and  
19 beltline weld inspections.

20           Together, with Friends of the Earth, we  
21 petitioned the NRC commissioners to address this serious  
22 matter. Our petition was supported by a detailed  
23 technical analysis on Unit 1 by Dr. Digby MacDonald, a  
24 world renowned expert on this topic and a professor at  
25 the University of California at Berkley. Dr. MacDonald

1 recommended that the Unit 1 reactor vessel should be  
2 inspected immediately, and that it should not be allowed  
3 to operate again until its embrittlement condition has  
4 been evaluated.

5           The status of Unit 1 should be a matter of  
6 grave concern to the CPUC and to all Californians  
7 because of several things. Instead of inspecting the  
8 Unit 1 pressure vessel in the current refueling outage  
9 by removing and testing Capsule B as requested by the  
10 NRC staff, Senator John Laird, Assemblywoman Dawn Addis,  
11 and demanded by the San Luis Obispo Mothers for Peace  
12 and Friends of the Earth, PG&E has declared that it  
13 cannot be done until 2025. But this is just one more in  
14 a series of multiple excuses given by PG&E and accepted  
15 by a lenient NRC over the past 15 years.

16           PG&E has been postponing this testing since  
17 2007 when it was first scheduled, and PG&E has known  
18 since 2010 that two reactor core barrel posed an  
19 impediment to the removal of Capsule B.

20           In 2010, PG&E promised to resolve the problem  
21 and remove Capsule B in 2012 only to request another  
22 exemption until 2022, and PG&E completely skipped  
23 removing the capsule in 2022, because it thought that  
24 Diablo Canyon would be closing in two years.

25           Now, PG&E is kicking the can down the road

1 again to a time that conveniently falls after the  
2 State's self-imposed deadline for deciding whether to  
3 continue operating Diablo Canyon.

4 Finally, while the legislature and the CPUC  
5 have been relying on the NRC to ensure the safe  
6 operation of Diablo Canyon past the reactors' '24, '25  
7 license expiration dates, the NRC itself appears to be  
8 bending to State requests rather than protecting the  
9 public.

10 In a recent brief to the Ninth Circuit Court of  
11 Appeals, the NRC stated that:

12 Both PG&E and the NRC have been responding  
13 to changing circumstances of significant  
14 public interest beyond their respective  
15 controls.

16 The circumstances beyond their respective  
17 controls can only be one thing, the passage of SB 846.  
18 It is extremely unwise for the State to look to the NRC  
19 to guard its citizens against the dangers of continuing  
20 to operate Diablo Canyon beyond '24, '25. That  
21 responsibility has devolved to the State.

22 In other words, the CPUC has now unwittingly  
23 taken on the de facto responsibility of doing the NRC's  
24 job. An immense task.

25 San Luis Obispo Mothers for Peace urges you to

1 think very carefully about the facts. The continued  
2 operation of Diablo Canyon cannot be a political  
3 decision. It must be 100 percent based on two things:

4 First and foremost, the health and safety of  
5 all Californians; and secondly, whether or not Diablo's  
6 power is needed on the grid. Diablo Canyon is built in  
7 an active earthquake zone with seismic studies that have  
8 been -- not been updated since 2015.

9 Our seismic expert, Dr. Peter Bird of UCLA has  
10 outlined in his testimony that the faults running  
11 directly under the plant are very likely vertical thrust  
12 faults. Put it together. No inspection of the Unit 1  
13 pressure vessel since 2002. Active earthquake faults  
14 directly under the plant. Couple those conditions with  
15 the fact that we don't even need the power from Diablo  
16 Canyon, and you can easily reach your decision that your  
17 grandchildren will thank you for, and I thank you for  
18 this today.

19 ALJ SEYBERT: Thank you, Ms. Seeley.

20 Let's go off the record.

21 (Off the record.)

22 ALJ SEYBERT: Let's go back on the record.

23 Our next speaker is John Geesman representing  
24 the Alliance for Nuclear Responsibility.

25 Mr. Geesman, you have 10 minutes.

1 ARGUMENT BY MR. GEESMAN

2 Thank you, your Honor, and thank you,  
3 Commissioners, for the opportunity to address you.

4 I am John Geesman representing the Alliance for  
5 Nuclear Responsibility.

6 You do not have an adequate record to find the  
7 extension of Diablo Canyon retirement dates to be  
8 consistent with just and reasonable rates.

9 We recommend that you make use of the  
10 discretionary authority granted to you in SB 846 and  
11 retain the existing retirement dates for now.

12 Based on new renewable and zero carbon  
13 resources that have already come online, you can  
14 postpone an ultimate decision on extension until after  
15 you've considered the cost information that the PD says  
16 is coming in the first quarter of 2024.

17 Three of the four critical CPUC reviews  
18 required by SB 846 are currently missing. As the PD  
19 acknowledges, you have an inadequate record on costs.

20 PG&E has inexcusably slow-walked the  
21 commencement of two statutorily required reports in  
22 order to box you in against a December 31st deadline.

23 Perhaps even worse, between May 12th and  
24 July 28th, PG&E increased its ratepayer cost forecast by  
25 56 percent from \$5.2 billion to 8.1 billion. You should

1 regard that as a red flag large enough to be visible  
2 from outer space. And TURN says that PG&E is still  
3 hiding about \$2.1 billion.

4 Using PG&E's current numbers, this is a \$9.5  
5 billion financial commitment when you include the  
6 1.4 billion forgivable loan from the State General Fund.

7 The Diablo Canyon extension would be the  
8 largest public commitment to a single energy project in  
9 state government history, and the largest commitment to  
10 a single capital project of any kind since high-speed  
11 rail.

12 Customer financial resources are not unlimited,  
13 and taxpayer resources aren't either. You need to  
14 prioritize. As we accelerate the transition away from  
15 fossil fuels, our climate policies will not earn nor  
16 will they deserve sufficient public support unless  
17 government decision makers conspicuously demonstrate  
18 that they are meticulous about evaluating costs and  
19 making rational, well-informed choices.

20 The extraordinary responses in the past three  
21 years to your procurement orders provide protection  
22 against PG&E's attempt to stampede your decision making.  
23 You want to make good use of those successes.

24 The October 26th report from the Governor's  
25 office made the day before he met with Xi Jinping is a

1 watershed. He announced that since 2020, we have added  
2 4,922 megawatts of main play utility-scale storage to  
3 the CAISO grid, and then another 1,894 megawatts will  
4 come online by year end. Translated into net-qualifying  
5 capacity, that's 6.5 gigawatts for new storage versus  
6 2.2 gigawatts for Diablo Canyon. Nearly a three-to-one  
7 ratio.

8           What about the energy to charge those  
9 batteries? According to CAISO's monthly performance  
10 reports, metered renewables production soared by 42  
11 percent in the last three years from 4.8 terawatt hours  
12 in September of 2020 to 6.9 terawatt hours in  
13 September 2023. That's well in excess of the 1.6  
14 terawatt hours Diablo Canyon can produce at 100 percent  
15 capacity.

16           The Governor's announcement corroborates the  
17 earlier assessments in your record. As the CDC report  
18 said last February:

19                   The analysis shows that under the current  
20 resource adequacy planning standard, the  
21 CPUC's procurement orders are sufficient to  
22 eliminate shortfalls through 2030.

23           Southern California Edison's more recent Slice  
24 of Day study through 2028 came to a similar conclusion  
25 crediting -- and I am quoting:

1                   The Commission's decisive action in  
2                   D.21-06-035 and D.23-02-040.

3                   Now, let's be clear. The planning standard  
4 does not address so-called extreme events like heat  
5 waves or wildfires that fall outside the once in ten  
6 years criterion adopted by NERC. These episodic  
7 occurrences are short duration, and grid managers have  
8 long agreed that they're best addressed with contingency  
9 resources. Those are resources that might not formally  
10 qualify for resource adequacy status, but they can be  
11 mobilized quickly for short-term use.

12                  Diablo Canyon is unsuitable as a contingency  
13 resource. It can't ramp up and down fast enough.  
14 Compare the five-year strategic reliability reserve  
15 created in 2022 at the cost of \$3.4 billion. That  
16 appropriation supports more than twice the capacity of  
17 the Diablo Canyon extension at about 35 percent of the  
18 cost.

19                  Extension advocates will have a hard time  
20 showing that Diablo Canyon is a cost effective solution  
21 to any problem an extension might address.

22                  PG&E told DOE that Diablo Canyon had more than  
23 \$2.1 billion in above-market costs in the most recent  
24 five years recorded. You already know that, because  
25 Diablo Canyon is perennially a major component of the

1 PCIA.

2 Does anybody think Diablo's cost profile is  
3 likely to improve in its twilight years? A Diablo  
4 Canyon extension should be regarded as a very last  
5 resort, and there is a regulatory dystopia awaiting you  
6 once the enticements to PG&E and SB 846 kick in.

7 First, there's the ratepayer-funded, regularly  
8 replenished liquidated damages account that functions as  
9 an annual \$300 million in-prudence allowance charging  
10 customers for replacement power costs even when caused  
11 by PG&E in prudence. Then there's the 15 percent  
12 forgiveness cushion each year for PG&E's failure to meet  
13 the prior year's cost forecast.

14 As SB 846 proclaims twice, these assaults on  
15 the reasonable manager standard are made -- and I am  
16 quoting:

17 In acknowledgment of the greater risk of  
18 outages in an older plant that the operator  
19 could be held liable for.

20 Those words are a warning that should strike  
21 fear into the hearts of all those concerned about the  
22 cost of electric service. We all know what's coming.

23 Is this the best use of \$9.5 billion? What is  
24 the residual value of that investment in 2030 after five  
25 years of life support for an obsolescent plant that

1 until recently was scheduled for the scrap heap.

2 Is a Diablo Canyon extension consistent with  
3 it, or a repudiation of the least cost best fit  
4 procurement philosophy? Would such an investment lead  
5 anywhere, or would it just be a financial dead-end?

6 Compare a Diablo Canyon extension to the widely  
7 heralded 2022, '23 CAISO Transmission Plan, which will  
8 support more than 40 gigawatts of new resource  
9 development. That has an estimated cumulative cost of  
10 \$7.3 billion, 18 times the resources at just 77 percent  
11 of the cost of a Diablo Canyon extension.

12 What about next year's transmission plan, which  
13 the CAISO says will enable the addition of 70 gigawatts  
14 of new resources by 2033? Would \$9.5 billion be better  
15 spent on transmission?

16 Remember, customer resources and taxpayer  
17 resources are not unlimited. You have to prioritize.

18 You know the value of transparency, and the PD  
19 is just wrong to hide a potential Diablo charge as an  
20 invisible component of the public purpose programs on  
21 customer bills. Even PG&E admitted that the Diablo  
22 Canyon extension deserves a separate line item. We  
23 should proudly own the choices we make, not attempt to  
24 conceal them.

25 Because PG&E has kept decommissioning on a

1 parallel track with this proceeding and spent more than  
2 \$100 million doing so, you have the time to develop a  
3 sufficient record to support an informed decision about  
4 costs; and if you still don't have an adequate record  
5 when the Unit 1 retirement date comes up next November,  
6 a one-year incremental extension then would be a lot  
7 more prudent than a five-year lock in now.

8           Sophisticated institutions try to structure  
9 their major financial commitments in increments, and  
10 they keep a keen eye on the off ramps. They certainly  
11 don't allow themselves to be stampeded as PG&E is trying  
12 to do to you right now.

13           Read the law, look at the numbers, consider the  
14 alternatives. You've got the time to do this right.

15           Thank you very much. ]

16           ALJ SEYBERT: Thank you, Mr. Geesman.

17           Our next speaker is Wayne Parker representing  
18 the Public Advocates Office. Mr. Parker, you have 10  
19 minutes.

20                           ARGUMENT BY MR. PARKER

21           Thank you, Judge Seybert. Good morning. My  
22 name is Wayne A. Parker, P-a-r-k-e-r. I am the attorney  
23 assigned to represent the Public Advocates office at the  
24 California Public Utilities Commission, hereinafter  
25 referred to as Cal Advocates in the subject proceeding.

1 I wish to thank you, President Reynolds, Commissioner  
2 Douglas, Commissioner Reynolds, and Judge Seybert for  
3 having us here today and for the Commission's work on  
4 this vital proceeding.

5 To begin, Cal Advocates supports the proposed  
6 decision issued on October 26, 2023. The proposed  
7 decision sets three conditions for extended operations  
8 at the Diablo Canyon Power Plant until October 2029.

9 These include: Number one, the Nuclear  
10 Regulatory Commission continues to authorize the Diablo  
11 Canyon Power Plant operations; Number two, the \$1.4  
12 billion loan agreement authorized by SB 846 is not  
13 terminated; and, Number three, this Commission does not  
14 make a future determination that extended operations at  
15 the Diablo Canyon Power Plant are either imprudent or  
16 unreasonable.

17 As drafted, the PD adopts the necessary  
18 extension in the service life of the Diablo Canyon Power  
19 Plant while allowing both a reasonable degree of  
20 flexibility for various contingencies and supporting  
21 California's long-term goal of ensuring resource  
22 adequacy. Cal Advocates supports the proposed decision  
23 and urges the Commission to vote the proposed decision  
24 out without any major amendments.

25 Extending the service life of the Diablo Canyon

1 Power Plant will provide California ratepayers with a  
2 form of clean reliability insurance in the form of  
3 adequate energy generation resources with on-site  
4 greenhouse gas emissions.

5 The proposed decision also acknowledges the  
6 importance of the resource adequacy attributes of the  
7 Diablo Canyon Power Plant; whereas PG&E had argued that  
8 these resource adequacy benefits should not be  
9 recognized for the extension. The PD states, and I  
10 quote: "Resource adequacy benefits constitute a  
11 substantial financial value and are already attributed  
12 to the Diablo Canyon Power Plant operations."

13 The Commission understands that ratepayers who  
14 will be paying for extended operations at the Diablo  
15 Canyon Power Plant should realize the financial benefits  
16 of extended operations.

17 Allowing Diablo Canyon to account for the  
18 Commission's Resource Adequacy Program will be a  
19 critical ratepayer benefit. The record clearly shows  
20 how expensive the cost of resource adequacy have already  
21 become. While future resource adequacy prices cannot be  
22 known with certainty, it is likely that allowing Diablo  
23 Canyon to account for the Commission's Resource Adequacy  
24 Program will avoid significant revenue requirements.

25 If the Commission does not allow Diablo Canyon

1 Power Plant to count for resource adequacy during the  
2 extension, load-serving entities would need to purchase  
3 even more resource adequacy from other resources,  
4 potentially at very high prices.

5 The flexibility found in the proposed decision  
6 further includes contingencies, what Cal Advocates would  
7 call "off-ramps." In the event that there are  
8 unfavorable developments associated with the Nuclear  
9 Regulatory Commission's re-licensing of the Diablo  
10 Canyon Power Plant or the anticipated loan authorized  
11 under SB 846. These off-ramps protect California  
12 ratepayers' interest by addressing two of the major  
13 drivers of PG&E's cost uncertainty with respect to  
14 extending the service life of this facility.

15 Finally, the PD rejects a proposal from PG&E to  
16 collect a new Diablo Canyon Power Plant revenue stream  
17 without spending those revenues as authorized by SB 846.  
18 Cal Advocates calls this "the volumetric fee," unquote,  
19 revenue, and estimates the total at well over \$200  
20 million per year.

21 PG&E and Cal Advocates agree that SB 846  
22 authorizes PG&E to collect this volumetric fee revenue;  
23 however, PG&E proposed not to spend the volumetric fee  
24 revenue on its expenses for Diablo Canyon Power Plant  
25 extended operations even though SB 846 expressly

1 prevents PG&E from spending the volumetric fee revenue  
2 on other programs unless it is, quote, "not needed,"  
3 unquote, for Diablo Canyon.

4 This morning PG&E argued that this volumetric  
5 fee revenue may be needed for when or if costs exceed  
6 forecast levels; however, SB 846 already addresses this  
7 matter by allowing for PG&E costs to exceed forecasts by  
8 15 percent without any Commission reasonableness review.

9 The PD's rejection of PG&E's proposed  
10 volumetric fee in favor of Cal Advocates'  
11 recommendations is another major ratepayer protection.  
12 Cal Advocates supports the proposed decision and urges  
13 the Commission to vote the proposed decision out without  
14 any major amendments. Thank you for your time.

15 ALJ SEYBERT: Thank you.

16 Our next speaker is Matthew Freedman  
17 representing The Utility Reform Network.

18 Mr. Freedman, you have 10 minutes.

19 ARGUMENT BY MR. FREEDMAN

20 Thank you, your Honor, Commissioners. Matt  
21 Freedman on behalf of TURN.

22 We generally support the proposed decision with  
23 some modifications that we'll talk about today in  
24 comments. Today I want to address three issues: First,  
25 the Commission is asked, how can it determine whether

1 the costs of Diablo Canyon extended operations are too  
2 high to justify? Second, how can the Commission prevent  
3 the volumetric payment that's been discussed from  
4 becoming a pure slush fund for PG&E shareholders? And,  
5 three, how to fairly allocate the costs and benefits of  
6 operation.

7 First, SB 846 directs the Commission to  
8 determine whether the costs of extended operation for  
9 Diablo Canyon are too high to justify or not  
10 cost-effective or imprudent. Well, the proposed  
11 decision correctly finds that there is insufficient  
12 information in this case to make that determination.

13 The cost forecast provided by PG&E in this  
14 proceeding is incomplete, and it will soon be superceded  
15 by entirely new forecasts in separate cost recovery  
16 applications. Since the costs are a rapidly moving  
17 target, it's just not possible to assess whether the  
18 costs of extended operations are reasonable. Any  
19 cost-effectiveness evaluation needs to consider the  
20 market value of Diablo Canyon energy and attributes  
21 along with other resource options.

22 No such evaluation has occurred in this  
23 proceeding or in the Energy Commission's cost comparison  
24 report. In the absence of any reasonable basis to  
25 determine that extended operations are cost-effective,

1 the Commission simply can't make any relevant findings  
2 at this point in this proceeding.

3 PG&E made a very incomplete and problematic  
4 showing regarding the cost of extended operations at  
5 Diablo Canyon. The initial cost forecast presented in  
6 their direct testimony excluded about half of the cost  
7 that PG&E actually plans to recover from its customers.

8 When TURN asked PG&E to provide additional  
9 information on the missing costs early in the  
10 proceeding, PG&E objected and refused to give us any  
11 information. Only after we submitted testimony  
12 identifying a wide range of omitted cost categories, did  
13 PG&E decide that they needed to address the issue, and  
14 they agreed that they do intend to seek recovery of all  
15 of the cost categories identified by TURN.

16 In short, PG&E admits that it underestimated  
17 future costs of extended operations by about \$5 billion  
18 through 2030.

19 Now, it's rare for TURN to actively identify  
20 additional ratepayer costs that PG&E doesn't include in  
21 its own forecast. We're not arguing these costs are  
22 reasonable, but, rather, that PG&E is hiding the ball  
23 with respect to the cost it intends to collect from  
24 ratepayers.

25 The proposed decision correctly recognizes that

1 PG&E has not incorporated all of these costs into its  
2 forecasts and directs all of the cost related to Diablo  
3 Canyon to be included in any future cost recovery  
4 application. This is a critical directive to ensure  
5 that costs will be considered in a single forum, rather  
6 than being spread out among many different proceedings.

7 A key concern with the inadequacy of the cost  
8 forecast is that PG&E may be engaging in a classic bait  
9 and switch strategy. Their goal in this proceeding is  
10 to persuade the Commission that Diablo Canyon will be a  
11 relatively inexpensive way to generate power through  
12 2030 and to provide a blank check to accomplish that.

13 PG&E acknowledges the forecast presented here  
14 has no enduring value. It's going to be replaced by new  
15 forecasts in the future. It's merely illustrative.

16 In a series of future proceedings to address  
17 actual cost recovery, PG&E retains the right to submit a  
18 much higher revenue requirement and to include new  
19 categories of costs that were never referenced in this  
20 proceeding.

21 Now, you don't need to wait to know whether my  
22 concern is well-founded; it's already happened. Since  
23 the submission of reply briefs in this case, PG&E  
24 already filed a new application for recovery of employee  
25 retention costs through 2030. This application forecast

1 costs that are 20 percent higher than the forecast of  
2 those same costs that PG&E provided to TURN in this  
3 case.

4 So only a few months apart, there's been a 20  
5 percent increase in the amount of money being requested.  
6 And TURN anticipates that PG&E's future cost  
7 applications will also experience substantial amounts of  
8 escalation for core operating costs that were not  
9 envisioned in this proceeding.

10 Why is this important? Because PG&E is arguing  
11 in its testimony and briefs that the Commission has only  
12 one opportunity to review the cost-effectiveness and  
13 prudence of extended operations, and that's right now in  
14 this case and never again except under very limited and  
15 extreme circumstances.

16 The proposed decision correctly rejects PG&E's  
17 attempts to foreclose future Commission evaluations as  
18 to whether extended operations are cost-effective or  
19 prudent. The Commission must affirm its authority in  
20 this case and its specific authority under existing law  
21 to conduct an ongoing review of the cost-effectiveness  
22 Diablo Canyon.

23 And it can only be performed once we see the  
24 actual cost of operating the units. And to the extent  
25 that Diablo Canyon is not cost-effective at any point in

1 the future, the Commission has to retain the right order  
2 an orderly retirement.

3 Now, with respect to the volumetric fee --  
4 you've heard comments from PG&E and from Public  
5 Advocates -- the law authorizes PG&E to collect a  
6 volumetric fee of \$13 per megawatt hour over the period  
7 of extended operations. It's about \$275 million a year  
8 or \$1.4 billion dollars by 2030.

9 TURN provided the most extensive testimony in  
10 briefing on this issue in this proceeding; far more than  
11 PG&E. PG&E barely addressed topic. Our concerns really  
12 are that PG&E should not be able to use this money as a  
13 slush fund to protect its shareholders from liability,  
14 to support the re-prioritization of unrelated spending  
15 authorized in a general rate case or in any other manner  
16 that would benefit its shareholders. The fact that PG&E  
17 devoted most of its oral argument to this topic  
18 validates our concern as to their true motivation.

19 And TURN's testimony in brief highlight a  
20 number of ways these funds could be used to benefit  
21 shareholders in violation of statute: It could be used  
22 to backfill under-spending on approved operating  
23 expenses to enable re-prioritization of general rate  
24 case authorized funds for other purposes; it could be  
25 used to reimburse shareholders for over-spending on

1 general rate case approved expenses that would otherwise  
2 be absorbed by the shareholders; it could be used to  
3 cover over-spending due to poor management and imprudent  
4 operations. PG&E actually pointed to some of these  
5 potential examples in their oral argument just a few  
6 minutes ago.

7 Well, the Commission must establish clear  
8 direction in this proceeding regarding the processes by  
9 which spending these funds will be reviewed and the  
10 types of activities that can be supportive.

11 In the future the Commission has to provide  
12 regular, advanced direction on the permissible use of  
13 these funds, and the categories of work that should be  
14 given priority.

15 PG&E's proposed approach is quite different.  
16 They just want the Commission to provide input on its  
17 spending. Input that they will carefully consider, but  
18 they want to be the decision-maker, and they want to  
19 deny the Commission any meaningful role in overseeing  
20 \$1.4 billion of ratepayer money.

21 To the extent these funds are not used to cover  
22 Diablo Canyon costs, they should be used to displace  
23 shareholder equity capital in rate-based investments  
24 related to wildfire mitigation and customer connection  
25 and energization. The use of these funds to offset

1 shareholder equity capital would be treated as  
2 contributions in aid of construction to reduce rate base  
3 to eliminate shareholder return and avoid the need for  
4 depreciation.

5 Well, PG&E doesn't like this idea. Just the  
6 same way they don't like the idea that the Commission  
7 should tell them what to do with the money. And the  
8 proposed decision validates TURN's concerns and rebuffs  
9 PG&E's efforts to have its managers and its shareholders  
10 control key determinations to how this money will be  
11 spent. It requires annual applications by PG&E. It  
12 clarifies that PG&E may be sanctioned for using its  
13 funds to enrich its shareholders, and it allows other  
14 parties to make alternative proposals for how to spend  
15 the funds.

16 The proposed decision directs these funds first  
17 be applied to the cost of extended operations at Diablo  
18 Canyon. We agree with this approach. The best and  
19 highest use of these funds is to benefit ratepayers, and  
20 it's consistent with statute.

21 One concern we have is the stacking order of  
22 the volumetric payments, the production tax credits and  
23 the market revenues off of the plant. We believe that  
24 ensuring that these payments, the volumetric payments,  
25 are put first in the stack would mean that excess money

1 associated with revenues from the plant could be then  
2 returned to PG&E customers as envisioned by statute.

3 I think fundamentally you need to consider: Is  
4 this ratepayer money or is it shareholder money?

5 If you think it's ratepayer money, the PD gets  
6 it right. If you really think it's shareholder money  
7 that they can do whatever they want with, well, that's  
8 PG&E's position.

9 The last two topics, cost allocation and  
10 benefit allocation, we generally support an  
11 equal-cents-per-kilowatt-hour approach for allocating  
12 costs. We think that is consistent with the rationale  
13 for continuing to operate the plant.

14 We have a compromise proposal from the one  
15 that's in the proposed decision where capacity cost  
16 could be allocated using the 12-month coincident peak  
17 demand allocator and energy costs using an  
18 equal-cents-per-kilowatt-hour allocator.

19 On benefit allocation, we support the  
20 allocation of the resource adequacy credits and the  
21 greenhouse gas credits; however, we don't think that the  
22 greenhouse gas credits should be tradable. We're  
23 worried that entities might want to take those  
24 greenhouse gas credits, sell them outside the state  
25 where they could potentially be double-counted and used

1 as part of resource-shuffling exercise. We'll put that  
2 all in our comments.

3 I want to thank you for your time and the  
4 opportunity to address our concerns.

5 ALJ SEYBERT: Thank you, Mr. Freedman.

6 Our next speaker is Tim Lindl, representing  
7 California Community Choice Association. Mr. Lindl, you  
8 have seven minutes.

9 ARGUMENT BY MR. LINDL

10 Good morning President Reynolds,  
11 Commissioner Douglas, Commissioner Reynolds.

12 The PD does a very important thing for  
13 ratepayers if the Commission decides to extend Diablo  
14 Canyon's life, and that is to allocate the resource  
15 adequacy capacity from the plant, saving Californians  
16 \$2 billion on their electric bills. That number is not  
17 an exaggeration. Even a lawyer can do the math here.  
18 The capacity in California is now worth \$15 per kilowatt  
19 month; that's double what it was one year ago. The  
20 price is based on contracts that have actually been  
21 executed on load-serving entities over the past couple  
22 of years in terms of how much capacity is worth here.

23 Diablo Canyon's total net qualifying capacity  
24 is 2,280 megawatts, so 1140 per unit. Converting and  
25 multiplying those numbers equals a capacity value of

1 over \$400 million per year from this plant. And that  
2 number is conservative. No load-serving entity in the  
3 state of California right now can buy system RA for \$15  
4 per kilowatt month. So \$2 billion is the low range of  
5 the value of this issue.

6 Addressing this type of situation is the exact  
7 reason the legislature passed SB 846 to address the  
8 potential shortfall in capacity stemming from very  
9 aggressive greenhouse gas reduction goals that require  
10 new resources on one hand, and on the other hand,  
11 aggressive electrification goals, which will increase  
12 the need for capacity.

13 Those two ingredients are a recipe for maxing  
14 out the state's capacity markets in the near term as we  
15 face down obstacles building and interconnecting new  
16 resources, and that's exactly where we are. The  
17 proposed decision cites Decision 23-02-040, which  
18 recognized the state is far too close to parity in  
19 supply and demand for it to be comfortable when it comes  
20 to reliability.

21 The price for capacity in the state is  
22 skyrocketing. Any resource adequacy staff member at the  
23 Commission will tell you that load-serving entities are  
24 having a hard time meeting their system RA requirements.

25 We can debate the causes of that and what to do

1 about it in the RA and the IRP dockets, but we should  
2 all be able to agree on one thing: Pretending two  
3 gigawatts of capacity does not exist and increasing  
4 customers' rates by \$400 million per year will not help  
5 the situation.

6 And it's not just CalCCA and the proposed  
7 decision saying as much. I've practiced before this  
8 Commission for 15 years, and I can count on one hand the  
9 number of times I've seen CalCCA, Southern California  
10 Edison, San Diego Gas & Electric, Cal Advocates, TURN,  
11 the Direct Access Customer Coalition and the Green Power  
12 Institute agree on something, but all of these parties  
13 agree on allocating RA capacity.

14 They also agree on allocating GHG attributes.  
15 Those attributes cannot be used in the Integrated  
16 Resource Plan docket for load-serving entities to meet  
17 their GHG goals, but they can be used in the CEC's Power  
18 Source Disclosure Program. Adopting the PD does not  
19 change that fact. ]

20 There is a demand for reporting those GHG  
21 attributes in that program. There's an existing process  
22 for allocating those GHG attributes that PG&E already  
23 has. There's no reason not to allocate those GHG  
24 attributes.

25 The PD issue and the capacity allocation issue

1 is exactly right. Customers that pay for resources  
2 should benefit from those resources. That's how it's  
3 done now. For example, value of Diablo's capacity  
4 attributes are monetized through the RA matter and the  
5 power charge indifferent adjustment. That value is then  
6 conveyed back to customers through their PCIA rate. So  
7 if it's a PCIA rate or benchmark or if it's sold  
8 already, it's valued as selling price. Either way  
9 customers get the value of capacity. But SB 846 changed  
10 all of that. It says we're no longer going to refer  
11 Diablo's cost through the power charge indifference  
12 adjustment. So that means there's no way to monetize or  
13 cap the value of the capacity to ratepayers. Only  
14 energy is monetized under SB 846 through CAISO revenues.

15 So the only way for customers to benefit from  
16 Diablo's capacity is to do (indecipherable) capacity  
17 back to the LSE. And there's a really easy way to do  
18 it, the PD way. You build on the existing process for  
19 RA. You build on the existing CL aging process for CHD  
20 attributes.

21 Earlier PG&E suggested that this could impact  
22 the state's zero-carbon goals. However, the PD draws  
23 the right extension between the RA program and the  
24 Integrated Resource Plan Program. RA optimizes  
25 short-term procurement of the existing (indecipherable).

1 RA does not result in new resources being built in  
2 California. It's the IRP process that drives longevity.  
3 IRP determines the right balance of safe, reliable, and  
4 cost-effective generation to meet the state's new gas  
5 goals. There's no reason not to allocate already.  
6 Doing so will not impact clean energy goals.

7           TURN, CUE, and PG&E also discussed ratemaking  
8 in the sense per kilowatt hour rates for both the cost  
9 and the benefits from the plant. Both are proposed  
10 (indecipherable) and Cal CCA in this case and work  
11 backwards for benefits allocation building off the  
12 existing 1097 mechanism to allocate RA. It's a proven  
13 mechanism.

14           Under can allocation of cost is based on a  
15 12-month of peak demand. The benefits are allocated  
16 based on that. Cost should be as well. Cal CCA agrees  
17 with the PD on this point. System reliability is highly  
18 correlated with coincident peak and that peak demand.  
19 The (indecipherable) recognize that correlation.

20           And lastly, PG&E suggested -- has suggested  
21 throughout this proceeding that there's legislative  
22 intent for Diablo Canyon to be a kind of insurance  
23 policy. I have to admit after six months of litigating  
24 this case I'm still not sure what that means exactly,  
25 but I do know that treating it as an insurance policy

1 does not lower anyone's bills. There's no statutory  
2 language on insurance policies. There's no bill  
3 analysis that mentions insurance policies. If this was  
4 an insurance policy, Commissioners, I would argue that  
5 it's time to make a claim on that policy. The state is  
6 facing unaffordability crisis. I don't think anybody  
7 performing in this state should not be exercising every  
8 option and insurance claim that it might have to  
9 reducing rates.

10 If Diablo Canyon's life is extended, the PD  
11 should be adopted. Doing so will save customers  
12 billions.

13 Thank you.

14 ALJ SEYBERT: Thank you.

15 And our last speaker today is Dan Douglass  
16 representing the Alliance for Energy Markets and Direct  
17 Access Customer Coalition.

18 Mr. Douglass, you have seven minutes.

19 ARGUMENT BY MR. DOUGLASS

20 Thank you very much. President Reynolds,  
21 Commissioner Douglas, Commissioner Reynolds, ALJ  
22 Seybert, thank you for the opportunity to speak today.

23 Being the last to speak enables one to be a  
24 better listener. You have the ability to let all others  
25 share their thoughts and ideas, listen carefully, and

1 evaluate what they have said and what they believe. And  
2 while trying to be a better listener, I came to the  
3 conclusion that those who spoke in favor of the proposed  
4 decision have the stronger argument. Put simply, the  
5 need for Diablo has been clearly demonstrated. Further,  
6 we believe the proposed decision correctly addresses the  
7 many peripheral issues that are at play in this  
8 proceeding.

9 My remarks today are on behalf of the Alliance  
10 for Retail Energy Markets which includes many of the  
11 state's largest energy service providers, or ESPs, and  
12 also on behalf of the Direct Access Customer Coalition  
13 or DACC. DACC members are a regulatory alliance as the  
14 state's educational, commercial, and industrial  
15 customers that use direct access for all or part of  
16 their load. AREM and DACC support the proposed decision  
17 as written and urge its approval by the Commission.

18 AREM and DACC is focused primarily on the issue  
19 of the allocation of the resource adequacy and  
20 greenhouse gas attributes that stem from the continued  
21 operation of Diablo Canyon. In that regard, AREM and  
22 DACC has made three recommendations. First, that the  
23 Commission should allocate the RA benefits associated  
24 with Diablo Canyon in the same way that the cost  
25 allocation mechanism, or CAM, capacity is allocated.

1 Second, that the greenhouse gas free attributes  
2 associated with the extended operation of Diablo Canyon  
3 should be offered to all LECs proportionally to the  
4 revenues generated by the LEC's customers through the  
5 statewide non-bypassable charge. And third, because the  
6 extension of Diablo is fundamentally to address  
7 reliability. The non-bypassable charges should be  
8 allocated and charged in a manner consistent with  
9 capacity. Cal CCA and AREM DACC have recommended that  
10 the allocation of cost to rate classes should use the  
11 12-month coincident peak method which the proposed  
12 decision adopts.

13 Returning to the issue of allocations, AREM and  
14 two other parties have argued that the language of  
15 Senate Bill 846 prevents such allocations. AREM, DACC,  
16 Cal CCA, SoCal Edison, Green Power Institute, and others  
17 have rebutted this claim by pointing out that both  
18 legislative history and express language in the statute  
19 shows the legislature intended per such allocations.  
20 And in its reply brief The Utility Reform Network stated  
21 that -- and I quote -- "TURN supports the allocation of  
22 RA benefit to LECs that contribute to the cost of DCCP  
23 extended operations."

24 The opponents of allocations relied on language  
25 in SB 846 that prohibits Diablo Canyon attributes from

1 being used and adopted and liberated resource plan for  
2 portfolios, resource stacks, or preferred system plants.  
3 However, as AREM, DACC, and the other parties named  
4 previously who went to great pains to explain the use of  
5 Diablo IRP plans has nothing whatsoever to do with its  
6 use for RA and greenhouse gas compliance.

7 As the proposed decision states no language in  
8 SB 846 forbids the allocation of RA benefits to LECs.  
9 The language cited by PG&E regards the use of DCP  
10 attribute for RIP purposes, but that is not the same  
11 thing as allocating the RA compliance benefits of DCP  
12 extended operations.

13 A fundamental principle of CPUC decision-making  
14 has been the customer should receive benefits equivalent  
15 to the costs they've been charged. As SCE points out,  
16 it's reasonable to do so to ensure the customers receive  
17 the value they are paying for and to minimize the  
18 substantial cost of extended operations.

19 Finally, as noted previously because the  
20 extension of Diablo fundamentally is to address  
21 reliability, the non-bypassable charges should be  
22 allocated and charged in a manner consistent with  
23 capacity. AREM and DACC support the Cal CCA proposal  
24 which provides that Diablo cost should be allocated  
25 among customer classes using each customer class's

1 contribution to 12-month coincident peak. This is also  
2 the approach used currently to develop AMSL charges.

3 Now, PG&E on the other hand recommends that  
4 those costs should be recovered through an equal cents  
5 per kilowatt hour rate applicable to all customers. The  
6 utility complains -- claims -- excuse me -- that the  
7 equal cents per kilowatt hour design is simpler and  
8 promotes transparency and fairness. Now, while it may  
9 be simpler, it most certainly is not appropriate in this  
10 case nor does it promote fairness. As the proposed  
11 decision states, this is an exceptional case where the  
12 legislature believes DCPD is of the utmost important to  
13 maintaining system reliability which is highly  
14 correlated with coincident peak and net peak demand, not  
15 with energy consumption. The PD thus correctly follows  
16 cost causation principles by adopting net coincident  
17 peak approach to allocating costs.

18 Thank you for the opportunity to speak last and  
19 thank you for the opportunity to share with you the  
20 positions of the Alliance for Retail Energy Markets and  
21 the Direct Access Customer Coalition.

22 ALJ SEYBERT: Thank you. That concludes party  
23 argument today.

24 Let's go off the record.

25 (Off the record.)

1 ALJ SEYBERT: Okay. Let's go back on the  
2 record.

3 Commissioner Reynolds.

4 COMMISSIONER REYNOLDS: Thank you, Judge  
5 Seybert.

6 I have one question directed at PG&E. I  
7 welcome any additional feedback from Cal CCA or DACC.  
8 It's focused on resource adequacy. I think -- you know,  
9 I've got a degree of confusion about the difference  
10 between the position that PG&E's taking on resource  
11 adequacy benefits for Diablo Canyon in this case versus  
12 the position that PG&E has taken in other proceedings  
13 and PCIA proceedings where PG&E successfully argued that  
14 utility-owned generation resources, legacy resources  
15 were built on behalf of all customers that PG&E served  
16 at that time and that as a consequence all the customers  
17 who were served by PG&E at that time should continue to  
18 pay above-market costs or secure the below-market  
19 benefits of those resources.

20 So I would like to hear from PG&E what changed  
21 between their position taken for those resources in that  
22 proceeding versus the position they're taking on Diablo  
23 Canyon here.

24 ALJ SEYBERT: Introduce yourself.

25 MR. SMITH: Tyson Smith on behalf of PG&E.

1 Thank you for your question, Commissioner Reynolds.

2 I think the issue here is that Diablo Canyon  
3 and the need to extend Diablo Canyon is a recognition of  
4 the fact that sufficient replacement resources have not  
5 been built since 2018 when Diablo Canyon was originally  
6 slated to be retired. I think the concern that we have  
7 with our allocation without otherwise increasing our  
8 obligations elsewhere is it slows the procurement of new  
9 resources or could slow the procurement or recontracting  
10 with existing resources. I think that's exactly the  
11 opposite of the urgency that the legislature intended in  
12 SB 846 to go forward and procure resources.

13 Not allocating Diablo Canyon RA doesn't change  
14 system reliability. The resource is still there, but if  
15 you -- the RA program is a compliance program. If you  
16 give people additional resources toward that program,  
17 then they're not going to have to go and procure RA  
18 themselves. So it's not tied to the old PCIA framework.  
19 It's rather tied to the recognition in SB 846 that  
20 there's urgent need to develop replacement resources.  
21 And now allocating RA without otherwise increasing RA  
22 compliance requirements will slow that effort.

23 COMMISSIONER REYNOLDS: I appreciate that's the  
24 position. I still remain a little confused about the  
25 shift. I welcome any additional comments from some of

1 the parties who advocated for an RA allocation.

2 MR. LINDL: Thank you, your Honor. Tim Lindl  
3 for Cal CCA.

4 I don't think there has been any shift. I  
5 don't think there has been any changes. The purpose of  
6 the Commissions's stance on the PCIA has been all  
7 customers who pay for resources should benefit from the  
8 resource. That's one reason the matter exists. That's  
9 why we have customers' PCIA rates essentially being  
10 discounted by the value of the capacity for Diablo  
11 Canyon.

12 On the point that Mr. Smith just made, this  
13 will not result in additional procurement if you don't  
14 allocate these benefits. It will not result in any new  
15 resources being built in the state of California. We're  
16 just going to increase the costs with no increase in  
17 reliability whatsoever. The point of RA is not to build  
18 new resources. Again, that's the IRP. There are no  
19 more resources to be built. The RA market is completely  
20 maxed out. There's no ounce of capacity contracted for  
21 at this point in time. So I don't see how this would  
22 increase reliability at all.

23 COMMISSIONER REYNOLDS: Thank you both.

24 No further questions from me.

25 MR. GEESMAN: John Geesman on behalf of the

1 Alliance for Nuclear Responsibility.

2 We are one of the two other parties that  
3 embraced PG&E's position on allocation of resource  
4 adequacy attributes. And in our judgment PG&E has a  
5 statutory construction correct. The other parties,  
6 those advocating allocation, have the policy  
7 consideration correct, but in our judgment the statute  
8 prevents you from being able to accomplish that.

9 COMMISSIONER REYNOLDS: Thank you.

10 ALJ SEYBERT: Mr. Morris.

11 MR. MORRIS: Hi. Gregg Morris for Green Power  
12 Institute. Just a quick response to your question.

13 I -- we've seen from both the response to the  
14 various IRP procurement orders from the CEC reports that  
15 the development of renewable energy is sort of at the  
16 maximum capacity of the industries to provide new power.  
17 I don't see any way that allowing RA credits to continue  
18 to be issued for Diablo power post extension would in  
19 any way suppress the development of clean energy.

20 Thank you.

21 MR. DOUGLASS: Thank you, Commissioners.  
22 Again, Dan Douglass for the Alliance for Retail Energy  
23 Markets and the Direct Access Customer Coalition.

24 I have to dissent from Mr. Geesman 's  
25 statements that the position to not allocate RA is

1 contained in the statute. Quite simply there is nothing  
2 in the statute that prevents the allocation of RA with  
3 greenhouse gas benefits. Rather, there's clearly that  
4 there is language in both the statute as well as in the  
5 legislative history that indicates that the legislature  
6 clearly anticipated that there would be allocations.  
7 This proposed decision has it right, and it should be  
8 approved as drafted.

9 Thank you.

10 ALJ SEYBERT: Any further questions or  
11 comments?

12 PRESIDENT REYNOLDS: Just a question for PG&E.

13 I assume that your position is similar on the  
14 greenhouse gas attributes to RA and that you would take  
15 the position of issue allocated; is that correct? ]

16 MR. SMITH: I think that's generally our  
17 perspective. Again, I think the position we have taken  
18 on RA is that they're going to allocated and the  
19 requirements need to be increased, so we can accommodate  
20 that possibility within our position.

21 For GHG, I don't think we feel as strongly that  
22 it has an adverse impact on the market; nevertheless, we  
23 don't believe that allocation is appropriate, but we  
24 don't have a -- we don't believe that that is contrary  
25 to the intent of the statute necessarily.

1           PRESIDENT ALICE REYNOLDS: Okay. Thank you.

2           ALJ SEYBERT: Thank you.

3           So, it looks like we have no further questions.

4 I then want to close by thanking everyone for attending  
5 today's oral argument, especially the commissioners, our  
6 court reporters, our IT and support staff.

7           I would also like to thank all the parties,  
8 including those that could not be here today, for all  
9 their work and corporation throughout this proceeding.

10           This proceeding was conducted on an expedited  
11 set schedule and regularly required parties to consider  
12 new and updated information as it became available.

13           It would not have been possible to publish a  
14 timely, proposed decision for Commission's consideration  
15 without the continued efforts for all the parties.

16           Comments on the proposed decision are due next  
17 Wednesday, November 15th. I look forward to reviewing  
18 them.

19           This concludes today's oral arguments. Off the  
20 record.

21           (At the hour of 12:11 p.m., this matter  
22 having been concluded, the Commission then  
23 adjourned.)

24           ]

25           \* \* \* \* \*

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF CALIFORNIA

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A handwritten signature in black ink that reads "Lisa Welch". The signature is written in a cursive style with a horizontal line underneath the name.

LISA WELCH  
CSR NO. 10928

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SHANNON ROSS WINTERS  
CSR NO. 8916

<b>\$</b>	<b>1022</b> 389:18	<b>2023</b> 363:2 377:5 378:21 383:8 389:16,19 396:13 401:6	<b>5</b>
<b>\$1.4</b> 401:11 409:8 410:20	<b>1097</b> 417:12	<b>2024</b> 384:8,23 394:16	<b>5,000</b> 389:13
<b>\$100</b> 400:2	<b>10:31</b> 363:2	<b>2024/2025</b> 386:25	<b>56</b> 394:25
<b>\$13</b> 409:6	<b>1140</b> 413:24	<b>2025</b> 379:1 384:8 387:8 391:13	<b>6</b>
<b>\$15</b> 413:18 414:3	<b>12-month</b> 412:16 417:15 420:11 422:1	<b>2026</b> 389:23	<b>6,000</b> 389:22
<b>\$15.60</b> 381:19	<b>12th</b> 394:23	<b>2028</b> 396:24	<b>6.5</b> 396:5
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