



PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

10/21/24

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R2301007

October 21, 2024

Agenda ID #23007
Ratesetting

TO PARTIES OF RECORD IN RULEMAKING 23-01-007

This is the proposed decision of Administrative Law Judge Nilgun Atamturk. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's December 5, 2024 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompcoordinator@cpuc.ca.gov.

/S/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:avs

Attachment

Decision PROPOSED DECISION OF ALJ ATAMTURK (Mailed 10/21/2024)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Rulemaking 23-01-007

**DECISION GRANTING COMPENSATION TO ALLIANCE FOR
NUCLEAR RESPONSIBILITY FOR SUBSTANTIAL
CONTRIBUTION TO DECISION (D.) 23-12-036**

Intervenor: Alliance For Nuclear Responsibility (A4NR)	For contribution to Decision (D.) 23-12-036
Claimed: \$662,294.49	Awarded: \$327,444.18
Assigned Commissioner: Karen Douglas	Assigned ALJ: Nilgun Atamturk ¹

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.23-12-036 conditionally authorizes extended operations at Diablo Canyon Nuclear Power Plant (DCPP) until October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2). The approval is subject to the following conditions: (1) the United States Nuclear Regulatory Commission continues to authorize DCPP operations; (2) the \$1.4 billion loan agreement authorized by SB 846 is not terminated; and (3) the Commission does not make a future determination that DCPP extended operations are imprudent or unreasonable. Additional processes are established for the Commission to
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¹ Rulemaking (R.) 23-01-007 was reassigned from ALJ Ehren Seybert to ALJ Nilgun Atamturk on January 9, 2024.

	continue to consider the prudence and cost-effectiveness of extended DCPD operations.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	3/17/2023	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	3/20/2023	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.23-01-007	Verified
6. Date of ALJ ruling:	6/14/2023	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.23-01-007	Verified
10. Date of ALJ ruling:	6/14/2023	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes

² All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-12-036	Verified
14. Date of issuance of Final Order or Decision:	12/15/2023	Verified
15. File date of compensation request:	2/13/2024	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
1. Scoping Memo Issue 1: A4NR contended that the Phase 1: Track 2 evidentiary record was insufficient to find extended operations of Diablo Canyon would be reasonable, prudent, and cost-effective.	<p>9/15/2023 A4NR Opening Brief, pp. 1 -5; 9/29/2023 A4NR Reply Brief, pp. 2 - 3; A4NR-04 (served 8/8/2023, admitted 8/30/2023), p. 2, line 5 - p. 4, line 21; 11/7/2023 Oral Argument Transcript, p. 394, lines 6 - 8, 17 - 19.</p> <p>D.23-12-036 COL #16: “PG&E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 dicta at p. 48: “we find the Commission does not have sufficient information at this time to be able to determine whether extended operations at DCPD are ‘too high to justify,’ or ‘not cost effective or imprudent, or both.’ ”</p>	<p>Noted</p> <p>D.23-12-036 at 53 states, “...the Commission is unable to determine whether DCPD extended operations are “too high to justify,” or “not cost effective or imprudent, or both.” As of the date of this decision, we find the conditions set forth in Section 712.8(c)(2)(B) and Pub. Res. Code Section 25548.3(c)(5)(C) have not been met.”</p>

	<p>D.23-12-036 dicta at p. 53: “the Commission is unable to determine whether DCPD extended operations are ‘too high to justify,’ or ‘not cost effective or imprudent, or both.’ “</p>	
<p>2. Scoping Memo Issue 1: A4NR contended that the Draft CEC Cost Comparison Report required by Pub. Res. Code § 25233.2(a) was entitled to no weight in the CPUC determination of cost-effectiveness because, among other flaws, it relied exclusively on a cost forecast PG&E had already repudiated with a revision increasing PG&E’s estimate by \$2.8 billion.</p>	<p>10/6/2023 A4NR Comments on Draft CEC Report, pp. 8 – 9.</p> <p>D.23-12-036 FOF #24: “The CEC’s Draft Cost Comparison Report relies on PG&E’s May 19, 2023 testimony to forecast DCPD extended operations costs, and does not reflect the costs associated with PG&E’s forthcoming license renewal application or any DCISC recommendations concerning seismic safety and deferred maintenance.”</p> <p>D.23-12-036 FOF #26: “No party in this proceeding disputes that the omitted costs in PG&E’s May 19, 2023 testimony are relevant to the cost-effectiveness of DCPD extended operations.”</p> <p>D.23-12-036 dicta at p. 58: “it is clear from the record in this proceeding that the CEC’s report relies on PG&E’s May 2023 cost testimony in this proceeding, and therefore excludes several cost categories associated with actual DCPD extended operations. Given current available information, the CEC’s report also does not reflect the costs associated with PG&E’s forthcoming license renewal application or any DCISC recommendations concerning seismic safety and</p>	<p>Verified</p>

	<p>deferred maintenance. PG&E does not contest the relevancy of these omitted costs, but merely asserts the CEC is charged with performing the relevant cost-effective analysis. PG&E's arguments are unpersuasive."</p>	
<p>3. Scoping Memo Issue 1.a.: A4NR contended that PG&E had materially understated its forecast of Diablo Canyon extended operating costs.</p>	<p>9/15/2023 A4NR Opening Brief, p. 2; A4NR-01 (served 6/30/2023, admitted 8/30/2023), p. 34, lines 4 - 17; 11/7/2023 Oral Argument Transcript, p. 394, line 23 - p. 395, line 3.</p> <p>D.23-12-036 FOF #26: "No party in this proceeding disputes that the omitted costs in PG&E's May 19, 2023 testimony are relevant to the cost-effectiveness of DCPD extended operations."</p>	<p>Noted</p> <p>D.23-12-036 at 53 states, "...the Commission is unable to determine whether DCPD extended operations are "too high to justify," or "not cost effective or imprudent, or both." As of the date of this decision, we find the conditions set forth in Section 712.8(c)(2)(B) and Pub. Res. Code Section 25548.3(c)(5)(C) have not been met."</p>
<p>4. Scoping Memo Issue 1.a.: A4NR contended that PG&E had acknowledged that a substantial portion of Diablo Canyon's extended operations fuel costs had not been identified in PG&E's DOE grant application.</p>	<p>9/15/2023 A4NR Opening Brief, p. 3, citing A4NR-03-C (admitted 8/30/2023), p. 6, line 6 - p. 7, line 4; A4NR-03 (served 7/28/2023, admitted 8/30/2023), p. 5, line 23 - p. 7, line 4.</p> <p>D.23-12-036 COL #16: "PG&E's cost forecast does not reflect all of the</p>	<p>Noted</p> <p>D.23-12-036 at 49 states, "A4NR attempts to argue DCPD extended operations costs are "too high to justify"...A4NR's</p>

	<p>costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 COL #18: “It is reasonable for PG&E to provide, in a single forecast analysis, any and all costs PG&E expects to be recovered from utility ratepayers for DCPD extended operations.”</p>	<p>argument, however, relies on broad cost categories – including costs authorized under SB 846, DOE reimbursements, authorized funding from DWR, as well as fuel costs – all of which are well beyond the scope of potential (let alone known) DCISC recommendations or NRC’s conditions of license renewal.”</p>
<p>5. Scoping Memo Issue 1.a.: A4NR contended that PG&E disclosures to DOE indicated a similar omission of costs of incremental employee retention benefits from PG&E’s forecast of Diablo Canyon extended operating costs.</p>	<p>9/15/2023 A4NR Opening Brief, p. 3, citing A4NR-03-C (admitted 8/30/2023), p. 7, lines 5 - 16; A4NR-03 (served 7/28/2023, admitted 8/30/2023), p. 7, lines 5 - 13.</p> <p>D.23-12-036 COL #16: “PG&E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 COL #18: “It is reasonable for PG&E to provide, in a single forecast analysis, any and all costs PG&E expects to be recovered</p>	<p>Noted</p> <p>D.23-12-036 at 53 states, “...the Commission is unable to determine whether DCPD extended operations are “too high to justify,” or “not cost effective or imprudent, or both.” As of the date of this decision, we find the conditions set forth in Section 712.8(c)(2)(B) and</p>

	<p>from utility ratepayers for DCPD extended operations.”</p>	<p>Pub. Res. Code Section 25548.3(c)(5)(C) have not been met.”</p>
<p>6. Scoping Memo Issue 1.c.: A4NR contended that PG&E’s cost forecast had understated costs of seismic upgrades by delaying commencement of the statutorily required update.</p>	<p>9/15/2023 A4NR Opening Brief, p. 5; 9/29/2023 A4NR Reply Brief, pp. 9 – 10; A4NR-01 (served 6/30/2023, admitted 8/30/2023), p. 3, line 21 – p. 5, line 18, p. 9, line 13 – p. 11, line 16; A4NR-02 (served 7/28/2023, admitted 8/30/2023), p. 4, line 17 – p. 8, line 3; A4NR-04 (served 8/8/2023, admitted 8/30/2023), p. 2, line 5 – p. 3, line 5; A4NR-05 (admitted 9/6/2023), part 3; 11/7/2023 Oral Argument Transcript, p. 394, lines 20 – 22.</p> <p>D.23-12-036 COL #16: “PG&E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 48 – 49: “Absent any actual recommendations and conditions from the DCISC ..., it is not possible for the Commission to assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify.”</p> <p>D.23-12-036 Dicta at p. 50: “we find party proposals that assert DCPD extended operations are cost-</p>	<p>Noted</p>

	<p>effective to be materially incomplete or inconclusive, and further highlight the uncertainty of costs presented in this proceeding.”</p>	
<p>7. Scoping Memo Issue 1.c.: A4NR contended that PG&E’s cost forecast had understated costs of addressing deferred maintenance issues by delayed commencement of its statutorily required independent consultant study and semantic opacity in its internal reviews.</p>	<p>9/15/2023 A4NR Opening Brief, pp. 5 – 6; 9/29/2023 A4NR Reply Brief, pp. 10 – 11; A4NR-01 (served 6/30/2023, admitted 8/30/2023), p. 2, line 29 – p. 3, line 20, p. 8, lines 7 – 23, p.28, lines 9 – 31; A4NR-02 (served 7/28/2023, admitted 8/30/2023), p. 9, line 2 – p. 11, line 18; A4NR-04 (served 8/8/23, admitted 8/30/2023), p. 3, lines 6 – 12; p. 4, lines 5 – 21; 11/7/2023 Oral Argument Transcript, p. 394, lines 20 -- 22.</p> <p>D.23-12-036 COL #16: “PG&E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 48 – 49: “Absent any actual recommendations and conditions from the DCISC ..., it is not possible for the Commission to assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify.”</p> <p>D.23-12-036 Dicta at p. 50: “we find party proposals that assert DCPD extended operations are cost-effective to be materially incomplete</p>	<p>Noted</p>

	or inconclusive, and further highlight the uncertainty of costs presented in this proceeding.”	
8. Scoping Memo Issue 1.c.: A4NR contended that PG&E’s cost forecast had understated likely costs of NRC license renewal conditions by relying on stale assumptions.	<p>9/15/2023 A4NR Opening Brief, p. 5; 9/29/2023 A4NR Reply Brief, pp. 11 – 12; A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 6, line 13 – p. 7, line 16; A4NR-02 (served 7/28/2023, admitted 8/30/2023), p. 8, lines 5 – 25.</p> <p>D.23-12-036 COL #16: “PG&E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 48 – 49: “Absent any actual recommendations and conditions from the ... NRC, it is not possible for the Commission to assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify.”</p> <p>D.23-12-036 Dicta at p. 50: “we find party proposals that assert DCPD extended operations are cost-effective to be materially incomplete or inconclusive, and further highlight the uncertainty of costs presented in this proceeding.”</p>	Noted
9. Scoping Memo Issue 1.e.: A4NR contended that a six-month orderly shutdown	9/15/2023 A4NR Opening Brief, pp. 7 – 8; 9/29/2023 A4NR Reply Brief, p. 14; A4NR-01 (served 6/30/2023,	Verified

<p>estimate appeared reasonable, but actions on retirement dates should be shaped to maximize the ongoing value of the \$109.4 million already invested in decommissioning planning while maintaining flexibility for incremental adjustments, if needed.</p>	<p>admitted 8/30/23), p. 26, line 23 – p. 27, line 9; A4NR-02 (served 7/28/2023, admitted 8/30/23), p. 21, line 22 – p. 22, line 13.</p> <p>D.23-12-036 COL #23: “In the event earlier retirement dates for 115DCPP are approved or requested, PG&E should be directed to explain whether and why there are any deviations from the six-month timeframe for an orderly shutdown of DCPD.”</p> <p>D.23-12-036 Dicta at p. 65: “We generally find PG&E’s six-month estimate for an orderly shutdown of Diablo Canyon to be reasonable, but agree with A4NR that some additional adjustments may be warranted in the future. In the event PG&E proposes to shutdown Diablo Canyon earlier than October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2) ... PG&E shall explain whether there are any deviations from its six-month estimate in this proceeding and why.”</p>	
<p>10. Scoping Memo Issue 1.e.: A4NR contended that the Commission’s ability to authorize “recovery of any outstanding uncollected costs and fees” under Pub. Util. Code § 712.8(c)(2)(B) would not be affected by the determination of “sufficient time for orderly shutdown.”</p>	<p>A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 27, lines 10 – 12.</p> <p>D.23-12-036 Dicta at p. 65: “There is no need to establish further guidance at this time concerning the recovery of outstanding costs and fees. As noted by parties, the ability to recover outstanding uncollected costs and fees is not affected by the time needed for an orderly shutdown at DCPD ...”</p>	<p>Verified</p>

<p>11. Scoping Memo Issue 2: A4NR contended that the Commission should proactively monitor the continued reasonableness of extended operating costs, which are statutorily terminable at any time if no longer justified.</p>	<p>9/15/2023 A4NR Opening Brief, pp. 8 – 9; 9/29/2023 A4NR Reply Brief, p. 14; 11/7/2023 Oral Argument Transcript, p. 395, lines 16 – 18.</p> <p>D.23-12-036 COL #15: “It is well within the Commission’s authority, and in ratepayers’ best interest, to continue to evaluate the prudence and cost-effectiveness of continued DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 57 – 58: “This decision finds it is well within the Commission’s authority and in ratepayers’ best interest to continue to evaluate the reasonableness and prudence of continued DCPD operations, including ongoing evaluation of the cost-effectiveness of extended DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 58 – 59: “Pub. Res. Code Section 25548.3(c)(5)(C) does not require the Commission to ... make a cost-effectiveness determination by the date of this decision.”</p>	<p>Noted</p>
<p>12. Scoping Memo Issue 2: A4NR contended that the Commission should heed the DCISC comments in the Joint PHC Statement concerning post-2023 review of costs related to seismic upgrades and deferred maintenance and anticipate a multi-step decision process as to whether those costs are too high to justify incurring.</p>	<p>A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 27, line 23 – p. 28, line 31.</p> <p>D.23-12-036 COL #14: “Pub. Res. Code Section 25548.3(c)(5)(C) does not require the Commission to rely solely on the CEC’s Draft Cost Comparison Report or make a cost-effectiveness determination by the end of 2023, while the Commission has broad authority to ensure just and reasonable rates under Pub. Util. Code Section 451.”</p>	<p>Verified, in part.</p> <p>D.23-12-036 at 62 states, “...we anticipate many of the DCISC’s recommendations concerning seismic safety and deferred maintenance may be available by the DCISC’s next public</p>

	<p>D.23-12-036 COL # 15: “It is well within the Commission’s authority, and in ratepayers’ best interest, to continue to evaluate the prudence and cost-effectiveness of continued DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 57 – 58: “This decision finds it is well within the Commission’s authority and in ratepayers’ best interest to continue to evaluate the reasonableness and prudence of continued DCPD operations, including ongoing evaluation of the cost-effectiveness of extended DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 58 – 59: “Pub. Res. Code Section 25548.3(c)(5)(C) does not require the Commission to ... make a cost-effectiveness determination by the date of this decision.”</p>	<p>meeting...As a result, it is reasonable and timely to consider any costs associated with the DCISC’s recommendations as part of PG&E’s 2024 DCPD Extended Operations Cost Forecast application, rather than a separate advice letter filing.”</p>
<p>13. Scoping Memo Issue 2: A4NR contended that, as a condition of the Commission’s Phase 1: Track 2 decision, PG&E should be required to file with the Commission its estimate of costs associated with any upgrades necessary to address seismic safety or issues of deferred maintenance within 30 days of completion of the reports required by Pub. Res. Code §§ 25548.3(c)(13) and 25548.3(c)(14).</p>	<p>A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 29, line 12 – 20; A4NR-02 (served 7/28/2023, admitted 8/30/23), p. 22, line 23 – p. 23, line 7.</p> <p>D.23-12-036 COL #12: “Absent any actual recommendations and conditions from the DCISC and NRC, it is not possible for the Commission to assess at this time whether associated, unknown costs render the extension of Diablo Canyon operations ‘too high to justify.’ ”</p> <p>D.23-12-036 COL #19: “It is reasonable to assume many of the</p>	<p>Verified</p>

	<p>DCISC’s recommendations concerning seismic safety and deferred maintenance will be available by the DCISC’s next public meeting on February 21-22, 2024.”</p> <p>D.23-12-036 Dicta at p. 62: “Since the DCISC is expected to have access to PG&E’s license renewal application to the NRC, as well as PG&E’s reports/assessments on seismic safety and deferred maintenance at Diablo Canyon, by the end of 2023, we anticipate many of the DCISC’s recommendations concerning seismic safety and deferred maintenance may be available by the DCISC’s next public meeting on February 21 and 22, 2024. As a result, it is reasonable and timely to consider any costs associated with the DCISC’s recommendations as part of PG&E’s 2024 DCP Extended Operations Cost Forecast application, rather than a separate advice letter filing. Further, since any recommendations by the DCISC are expected to help inform whether PG&E’s 2024 DCP Extended Operations Cost Forecast application contains activities and associated costs that are reasonable and needed, PG&E shall ensure the DCISC has all the information it needs to make timely and informed recommendations.”</p>	
<p>14. Scoping Memo Issue 3: A4NR contended that the cost recovery process established by Pub. Util. Code Section 712.8 (h)(1) should also include cost</p>	<p>9/15/2023 A4NR Opening Brief, p. 10; 11/7/2023 Oral Argument Transcript, p. 395, lines 16 - 18.</p> <p>D.23-12-036 COL #18: “It is reasonable for PG&E to provide, in a</p>	<p>Verified</p>

<p>forecasts for each remaining year of Diablo Canyon extended operations.</p>	<p>single forecast analysis, any and all costs PG&E expects to be recovered from utility ratepayers for DCPD extended operations.”</p> <p>D.23-12-036 Dicta at pp. 57 – 58: “This decision finds it is well within the Commission’s authority and in ratepayers’ best interest to continue to evaluate the reasonableness and prudence of continued DCPD operations, including ongoing evaluation of the cost-effectiveness of extended DCPD operations. In support of this continued evaluation, PG&E is directed to produce a complete and transparent forecast of DCPD operations through 2030 as part of its 2024 DCPD Extended Operations Cost Forecast application.”</p> <p>D.23-12-036 Dicta at p. 59: “Additionally, we find it in ratepayers’ best interest to require PG&E to produce a more comprehensive and transparent forecast of the costs associated with DCPD extended operations for Commission and party review, compared to what has been presented to date in this proceeding ... An upfront, transparent forecast of all anticipated DCPD costs through 2030 is also expected to provide a more comprehensive framework to aid parties and the Commission in determining whether the costs included in PG&E’s annual DCPD Extended Operations Cost Forecast</p>	
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	<p>applications are reasonable and prudent.”</p>	
<p>15. Scoping Memo Issue 4: A4NR contended that PG&E’s equal-cent-per-kWh rate design proposal would violate the updated Electric Rate Design Principles adopted in D.23-04-040, and should be replaced by a capacity-focused, 12-month coincident peak method used for similar purposes in the Commission’s Cost Allocation Mechanism (“CAM”).</p>	<p>9/29/2023 A4NR Reply Brief, pp. 16 - 17.</p> <p>D.23-12-036 FOF #33: “System reliability is highly correlated with coincident peak and net peak demand.”</p> <p>D.23-12-036 FOF #34: “LSEs are familiar with the CAM process, and it is a proven mechanism for allocating costs among the LSEs in a large electrical corporation’s territory.”</p> <p>D.23-12-036 COL #27: “Ensuring system reliability is a key legislative rationale for the extension of DCPD operations.”</p> <p>D.23-12-036 COL #28: “Allocating the costs of DCPD extended operations, excepting those reserved solely for customers of PG&E, based on an IOU’s share of a 12-month coincident peak load is fair and equitable.”</p> <p>D.23-12-036 Dicta at pp. 73 - 74: “Given that ensuring system reliability is a key legislative rationale for the billions of ratepayer dollars that may be spent to keep DCPD operating, it follows that allocating the costs of those extended operations based on an IOU’s share of a 12-month coincident peak load is fair and equitable.”</p>	<p>Verified</p>

<p>16. Scoping Memo Issue 6: A4NR contended that Commission guidance on PG&E’s use of any surplus performance-based fees beyond 2024 is outside the scope of the Phase 1: Track 2 proceeding.</p>	<p>9/15/2023 A4NR Opening Brief, pp. 10 – 11; 9/29/2023 A4NR Reply Brief, p. 21; 11/15/23 A4NR Opening Comments on PD, p. 10.</p> <p>D.23-12-036 FOF #63: “The Assigned Commissioner’s Scoping Memo and Ruling limited the consideration of additional guidance for the implementation of Section 712.8(s)(1) to the use of any surplus performance-based fees PG&E receives for Diablo Canyon in 2024.”</p> <p>D.23-12-036 COL #65: “It is reasonable to adopt a general framework and guidance on the use of any surplus performance-based fees PG&E receives for Diablo Canyon during extended operations, along with the opportunity for parties to comment on whether there should be any changes made post-2024 as part of Phase 2 of this proceeding.”</p> <p>D.23-12-036 Dicta at pp. 115 – 116: “as noted by PG&E and A4NR, the Scoping Memo limits the provision of guidance on the use of surplus performance-based fees in this proceeding to calendar year 2024 ... in recognition of the specific language in the Scoping Memo, and in order to ensure due process, parties will be afforded an opportunity in Phase 2 of this proceeding to comment on whether any changes should be made on the use of surplus performance-based fees for the calendar years following 2024.”</p>	<p>Verified</p>
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Noted
c. If so, provide name of other parties: TURN, SLOMFP, WEM, and CARE.		Noted
d. Intervenor's claim of non-duplication: As indicated in A4NR's timesheets, A4NR communicated privately with each of the above-identified parties during the proceeding. Where similar positions were advocated, the record indicates considerable differentiating nuances between parties. In the area with the greatest potential for overlap, PG&E's forecast of operating costs, A4NR did not seek to develop its own forecast (as TURN and SLOMFP did) but instead focused on intensive discovery - including public records requests to DWR and FOIA requests to DOE - to elicit PG&E acknowledgment of material omissions in the methodology used for the PG&E projections. Ultimately PG&E made a 54% upward revision of its estimate of extended operations costs, a result of complementary and non-duplicative efforts by the intervenors.		Noted; however, See Part III. D CPUC Comments, Disallowances and Adjustments [7].

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
General	A4NR believes it has submitted a thorough and complete request under the applicable rules for the Commission's Intervenor Compensation Program. If the Commission has questions, or	Noted

#	Intervenor's Comment	CPUC Discussion
	desires additional information, A4NR requests the opportunity to supplement this submittal accordingly.	
2	D.23-12-036 at p. 45 cites A4NR's 10/6/2023 Comments on the Draft CEC Report, pp. 1 - 10, for its assertions "that the Draft Cost Comparison Report excludes almost all viable alternative resource options, preventing any meaningful comparison, while the DCPD cost forecast ignores a wide array of cost categories [sic] and updated costs identified in this proceeding. [footnote omitted]"	Noted
3, 4, 5, 6, 7, 8	<p>D.23-12-036 at p. 40 summarizes: "Citing to many of the same excluded cost categories as TURN, A4NR asserts PG&E's cost forecast is materially misleading, and omits nearly \$2.2 billion in known costs. [footnote omitted] Additionally, A4NR contends PG&E's cost forecast excludes, or improperly accounts for, over \$1 billion in previously identified prospective DOE reimbursements, authorized funding from the DWR, as well as fuel costs protected under Section 712.8(c)(1)(C). [footnote omitted]"</p> <p>D.23-12-036 at p. 40 cites A4NR-01 for raising "potential</p>	Noted

#	Intervenor's Comment	CPUC Discussion
	<p>issues of seismic safety ... and the costs to comply with environmental review processes ... [footnote omitted]"</p> <p>D.23-12-036 at pp. 41 - 42 cites A4NR-02 and A4NR-04 in observing that "parties generally agree the DCISC does not yet have, or is still in the process of reviewing, the information necessary to perform the analyses required by Section 712.8(c)(2)(B). [footnote omitted] This includes the updated seismic study PG&E is required to conduct pursuant to Pub. Res. Code Section 25548.3(c)(13), any updated seismic-related information included in PG&E's NRC license renewal application, as well as PG&E's revised maintenance schedule, which adds 200 activities previously removed as a result of the expected shutdown in 2024 and 2025. [footnote omitted]"</p>	
10	<p>D.23-12-036 at p. 65 cites A4NR-01 for noting that "the Commission's ability to authorize recovery of any outstanding uncollected costs and fees would not be affected by its determination of sufficient time for orderly shutdown. [footnote omitted]"</p>	Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>A4NR’s substantive contributions, identified in Part II. A. above, assisted the Commission in concluding that the R.23-01-007 record was inadequate to evaluate the cost-effectiveness, prudence, or reasonableness of extended Diablo Canyon operations. A4NR’s criticisms of the misleading cost projections contained in PG&E testimony helped trigger PG&E’s \$2.8 billion upward revision of that estimate. A4NR’s identification of the PG&E-caused void of information concerning potential costs related to seismic and deferred maintenance issues, and the dubious zero-cost assumptions for these items contained in even PG&E’s revised forecast, helped the Commission to see the necessity of a more comprehensive and transparent evaluation in 2024. A4NR’s contributions were the product of six rounds of rigorous discovery, extensive written submittals to the record, and meticulous documentation – as well as significant engagement with the Diablo Canyon Independent Safety Committee and the Commission’s Independent Peer Review Panel. As expressed in A4NR Comments, Testimony, Briefs, and Oral Argument, the results enabled the Commission to avoid unfounded findings of reasonableness, prudence, or cost-effectiveness when substantial financial discrepancies emerged from the evidence. A4NR’s effective advocacy concerning these issues prevented ratepayers from being forced to provide PG&E with a blank check to pay for unjustified costs of a multi-billion-dollar magnitude. The Commission should find the costs of A4NR’s intervention reasonable in relationship to the value produced.</p>	<p>Noted; however, <i>See</i> CPUC Comments, Disallowances and Adjustments in Part III. D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>
<p>b. Reasonableness of hours claimed:</p> <p>R.23-01-007 was, by far, the most demanding Commission proceeding A4NR has participated in since its efforts to modify the I.12-10-013 settlement resulted in D.14-11-040. In this time-intensive proceeding driven by statutorily-expedited deadlines, A4NR participated in the adjudication of every scoped cost issue and made the following submittals to the Phase 1: Track 2 record:</p>	<p>Noted; however, <i>See</i> CPUC Comments, Disallowances and Adjustments in Part III. D. After the adjustments</p>

	CPUC Discussion
<ul style="list-style-type: none"> • Opening Comments in Response to the OIR; • Reply Comments on the OIR; • Identified sections of the Joint PHC Statement; • Opening Comments/Testimony on Statutory Interpretation, Issues of Policy, and Certain Reports in the Record (A4NR-01 and A4NR-01C); • Reply Comments/Testimony on Statutory Interpretation, Issues of Policy, and Certain Reports in the Record (A4NR-02 and A4NR-02C); • Rebuttal Testimony on Phase 1: Track 2 Issues (A4NR-03); • Testimony on DCISC New or Revised Recommendations (A4NR-04); • Stipulated PG&E Data Responses In Lieu of Cross-Examination (A4NR-05); • Response in Opposition to confidential designation by PG&E for certain PG&E Data Responses; • Opening Brief; • Reply Brief; • Comments on CEC Draft Cost Comparison Report; • Motion Requesting Official Notice of Newsom/CEC installed storage announcement and data base; • Oral Argument; • Opening Comments on PD; • Reply Comments on PD; • Response to Applications for Rehearing. <p>In addition to reductions of other case-related hours from its Claim, A4NR does not seek compensation for time associated with its several <i>ex parte</i> communications or the preparation of its Response to Applications for Rehearing. Notably, A4NR did not request evidentiary hearings and was the only active party not to request briefing - in the belief that the parties' Comments/Testimony had been sufficiently explanatory to properly inform a Commission decision. Nevertheless, when the Commission determined that briefs were desired, A4NR submitted an Opening Brief summarizing the evidence and a Reply Brief primarily focused on arguments made in PG&E's Opening Brief. Wherever possible, A4NR attempted to streamline its participation in R.23-01-007 in recognition of the priority the Commission places on efficiency.</p>	<p>and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>

	CPUC Discussion
<p>It was imperative, and reasonable, for A4NR to begin its preparation in 2022 when Governor Newsom publicly announced his plan to pursue extension of the existing Diablo Canyon retirement dates. A4NR accurately recognized that this policy sea change would require substantial evaluation of the incremental costs necessary to operate each unit for an additional five years. The June 2022 DCISC meeting, in which A4NR participated, began a compilation of the list of likely candidates for new investment, and these considerations predictably became prominent features of SB 846. Knowledge gained from these focused efforts in 2022 established the foundation for the A4NR contributions on cost issues identified in Part II. A. above.</p> <p>Consistent with Pub. Util. Code Sections 1801 and 1802(a), A4NR seeks compensation for its reasonable “costs of preparation for and participation in” the R.23-01-007 proceeding, and Rule 14.4(d) expressly authorizes compensation requests to include reasonable costs incurred prior to the formal start of a proceeding. The \$2.8 billion magnitude of forced revision to PG&E’s original estimate of \$5.2 billion in ratepayer costs for the five-year Diablo Canyon extension confirms the reasonableness of the scale of effort mounted by A4NR in 2022 and 2023. The success of that effort helped to prevent what would have been unfounded Commission conclusions in D.23-12-036 about the Diablo Canyon extension’s reasonableness, prudence, or cost-effectiveness. Accordingly, the Commission should find A4NR’s hours reasonable and proportionate to the cost exposure faced by ratepayers statewide in this proceeding.</p>	
<p>c. Allocation of hours by issue:</p> <p>A4NR’s compensation request documents 1,101.67 hours, allocated as follows: (1) Seismic Upgrade Costs Issues, 270.353 hours, 24.54%; (2) Deferred Maintenance Costs Issues, 238.402 hours, 21.64%; (3) NRC Relicensing Costs Issues, 116.36 hours, 10.56%; (4) PG&E Estimated Costs Issues, 162.225 hours, 14.73%; (5) Reliability Need & Benefits Issues, 210.69 hours, 19.12%; (6) General Issues, 85.54 hours, 7.76%; and (7) Claim Preparation, 18.1 hours, 1.64%.</p>	<p>Noted; totals 100%</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2023	610.66	745	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	454,941.70	313.84 [4, 7]	\$745.00 [1]	\$233,810.80
John Geesman	2022	177.68	715	D.24-01-044	127,041.20	72.01 [4, 6, 7]	\$715.00	\$51,487.15
Rochelle Becker	2023	55.00	320	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	17,600.00	30.25 [7]	\$320.00 [2]	\$9,680.00
Rochelle Becker	2022	38.71	305	D.24-01-044	11,806.55	12.73 [5, 6, 7]	\$305.00	\$3,882.65
David Weisman	2023	132.76	220	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	29,207.20	71.73 [5, 7]	\$220.00 [3]	\$15,780.60
David Weisman	2022	43.76	210	D.24-01-044	9,189.60	13.23 [5, 6, 7]	\$210.00	\$2,778.30
Subtotal: \$649,786.25						Subtotal: \$317,419.00		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman travel (at	2023	9.00	372.50	D.24-01-044, ALJ-393 escalation,	3,352.50	9.00	\$372.50 [1]	\$3,352.50

CLAIMED						CPUC AWARD		
one-half hourly rate)				plus second 5% step increase.				
Rochelle Becker travel (at one-half hourly rate)	2023	8.00	160	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	1,280.00	0.00 [8]	\$160.00 [2]	\$0.00
David Weisman travel (at one-half hourly rate)	2023	8.00	110	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	880.00	0.00 [8]	\$110.00 [3]	\$0.00
Subtotal: \$5,512.50						Subtotal: \$3,352.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2024	13.25	372.50	D.24-01-044, ALJ-393 escalation, plus second 5% step increase. Potential COLA addressed in Comment 1 below.	4,935.63	13.25	\$385.00 [1]	\$5,101.25
John Geesman	2023	.6	372.50	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	223.50	0.60	\$372.50 [1]	\$223.50
David Weisman	2024	4.25	110	D.24-01-044, ALJ-393	467.50	4.25	\$120.00 [3]	\$510.00

CLAIMED					CPUC AWARD		
				escalation, plus second 5% step increase. Potential COLA addressed in Comment 1 below.			
Subtotal: \$5,626.63					Subtotal: \$5,834.75		
COSTS							
#	Item	Detail		Amount	Amount		
1.	Geesman travel to 6/28/2023 - 6/29/2023 DCISC mtg.	Round-trip plane ticket from San Francisco to San Luis Obispo (\$437.80); two nights hotel (\$325.13); airport parking (\$75).		837.93	\$837.93		
2.	Becker/ Weisman SF hotel rooms for 11/7/2023 oral argument	Holiday Inn Rm. 2324 (\$265.59) and Rm. 2405 (\$265.59).		531.18	\$0.00 [8]		
Subtotal: \$1,369.11					Subtotal: \$837.93		
TOTAL REQUEST: \$662,294.49					TOTAL AWARD: \$327,444.18		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>							

CLAIMED		CPUC AWARD	
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
John Geesman	June 28, 1977	74448	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time Records of John Geesman
3	Time Records of Rochelle Becker
4	Time Records of David Weisman
5	Spreadsheet Verification of Calculations
6	Travel Receipts
COMMENT 1	The 2024 rates for claim preparation identified above for Geesman and Weisman are those approved by the Commission for 2023. If a COLA is adopted for 2024, A4NR requests that it be applied to its 2024 hours.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] John Geesman (Geesman) 2023 & 2024 Hourly Rates	D.24-04-039 previously approved the 2023 rate of \$745 for Geesman in the role of Attorney - Level V. In Part III.C, A4NR requests "if a COLA is adopted for 2024, A4NR requests that it be applied to its 2024 hours." A4NR is also requesting a 5% step increase added into the calculation of Geesman's 2024 rate, however, Geesman has already been awarded two step increases in the role of Attorney - Level V, and is not eligible to receive another step increase in this same role.

³ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Item	Reason
	<p>For Geesman’s 2024 hourly rate, the Commission applies the annual escalation methodology adopted in Resolution ALJ-393, which is a percent change of 4.07%. With a 2023 rate of \$745 previously established for Geesman, and based on the escalation factor of 4.07%, a 2024 rate of \$775 is calculated, rounded to the nearest five dollars.</p> <p>However, the maximum compensation allowed for the role of Attorney - Level V is \$773.67 in 2024. Therefore, we adopt a 2024 rate of \$770 (rounded to the nearest allowable five dollar increment) for Geesman.</p>
[2] Rochelle Becker (Becker) 2023 Hourly Rate	D.24-04-039 previously approved the 2023 rate of \$320 for Becker.
[3] David Weisman (Weisman) 2023 & 2024 Hourly Rates	<p>D.24-01-044 previously approved the 2023 rate of \$220 for Weisman.</p> <p>In Part III.C, A4NR requests “if a COLA is adopted for 2024, A4NR requests that it be applied to its 2024 hours.”</p> <p>For Weisman’s 2024 hourly rate, the Commission applies the annual escalation methodology adopted in Resolution ALJ-393, which is a percent change of 4.07%. With a 2023 rate of \$220 previously established for Weisman, and based on the escalation factor of 4.07%, a 2024 rate of \$230 is calculated, rounded to the nearest five dollars.</p> <p>A4NR is also requesting a 5% step increase added into the calculation of Weisman’s 2024 rate. This would be the second step increase for Weisman in the Expert – Communication Specialist - Level III role. Adding this 5% step increase to the \$230 rate calculated above equals a 2024 rate of \$240, rounded to the nearest five dollars, and is adopted.</p>
[4] Geesman 2022 & 2023 Hours	The Commission compensates efficient effort that contributes to the proceeding’s outcomes; however, the Commission also disallows inefficient participation that is not contributory to the underlying issues. The hours listed below do not meet the definition of

Item	Reason
	<p>substantial contribution for being a reasonable cost or fee described in the context of Pub. Util. Code § 1802(j).</p> <p>We disallow 13.84 of Geesman’s claimed 2022 hours, as the tasks performed below did not substantially contribute to the Commission’s decision-making process:</p> <ul style="list-style-type: none"> • 9/5/22: “draft A4NR letter to President Reynolds re: PG&E past shunning of IPRP” - 1.40 hours • 9/5/22: “review Japanese procedures for nuclear plant restarts” - 2.75 hours • 9/10/22: “review A4NR testimony in A.12-11-009 and A.15-02-023” - 2.17 hours • 9/13/22: “email w. clients re: GTCC storage site, DWR seismic letter, increase in uranium prices, Bruce Gibson (IPRP member) inquiry, Newsom historical statements on Diablo Canyon at CSLC” - 0.36 hours • 9/20/22: “CSLC lease extention, BART vintage technology parallel” - 0.08 hours • 10/6/22: “Prep for, attend and participate in IPRP meeting” - 2.97 hours • 10/20/22: “email w. clients re: SSC replacements, transcripts of Matosantos statements to legislature” - 0.09 hours • 12/14/22: “attend DCDEP webinar on SB 846 implementation” - 1.70 hours • 12/26/22: “review REACH assessment of Diablo Canyon site as offshore wind port” - 0.70 hours • 12/27/22: “review REACH report on Diablo Canyon suitability for offshore wind infrstructure” - 1.37 hours • 12/28/22: “research Diablo Canyon wind port development opportunities” - 0.25 hours <p>We note that the 2022 timesheet entries for Geesman reflect 177.68 hours. Minus the disallowance of 13.84 hours, Geesman’s hours now total 163.84.</p> <p>We disallow 40.05 of Geesman’s claimed 2023 hours, as the tasks performed below did not substantially contribute to the Commission’s decision-making process:</p>

Item	Reason
	<ul style="list-style-type: none"> • 1/6/23: “review Diablo Canyon factual description filed by Pub. Adviser in CEC reliability docket” – 0.20 hours • 1/31/23-2/1/23: “draft Comments on CEC reliability workshop” – 8.08 hours • 2/6/23: “prepare for and participate in PG&E accounting meet-and-confer” – 1.33 hours • 2/23/23: “review transcript of PG&E quarterly earnings call” – 0.88 hours • 3/6/23: “review video of Resources Agency public session” – 0.14 hours • 3/19/23: “research statutory issues governing DCTRMA vs. DCEOBA for nuclear fuel financial commitments” – 4.43 hours • 4/25/23: “review PD on rate design principles” – 0.65 hours • 4/29/23: “research required extension of existing ISFSI permit from CCC” – 1.67 hours • 5/1/23: “email w. SLOMFP counsel re: request to IPRP” – 0.06 hours • 5/12/23: “review Resources Agency's report on Diablo Canyon land uses” – 0.83 hours • 5/15/23: “draft letter to CSLC re: Diablo Canyon lease extension and scope of required seismic update for impacts on plant reliability” – 2.33 hours • 5/16/23: “email w. CSLC re: Diablo Canyon lease extension” – 0.05 hours • 5/18/23: “email w. CSLC re: Diablo Canyon lease extension” – 0.04 hours • 5/31/23: “Zoom mtg. w. Lt. Gov. staff re: seismic conditions in CSLC lease” – 0.23 hours • 6/5/23: “attend CSLC mtg. on Diablo Canyon lease approval w. seismic update conditions” – 2.70 hours • 6/16/23: “review SLOMFP motion to compel discovery” – 0.40 hours • 7/7/23: “review SLOMFP brief to 9th Circuit on timely-application ruling” – 1.07 hours • 7/31/23: “review CEC order initiating reliability proceeding and DWR Investment Plan for Extreme Events” – 0.67 hours • 8/17/23: “email w. SLOMFP counsel re: phone call” – 0.02 hours • 8/25/23-8/26/23: “draft A4NR correspondence w. County” – 8.95 hours

Item	Reason
	<ul style="list-style-type: none"> • 9/7/23: “review video of Senate Energy hearing on reliability” - 1.17 hours • 10/14/23: “review video of PG&E presentations to DCISC on seismic update and deferred maintenance reviews, draft A4NR memo to IPRP” - 2.03 hours • 10/26/23: “draft public records request to DWR” - 0.45 hours • 10/30/23: “email w. ALJ re: oral argument” - 0.02 hours • 11/2/23: “email w. ALJ re: remote viewing of oral argument” - 0.05 hours • 11/9/23: “attend and participate in IPRP meeting” - 1.60 hours <p>We note that the 2023 timesheet entries for Geesman reflect 610.66 hours. Minus the disallowance of 40.05 hours, Geesman’s hours now total 570.61.</p>
<p>[5] Disallowance of Hours Claimed on Timesheet</p>	<p>We disallow the hours listed below as the tasks performed did not substantially contribute to the Commission’s decision-making process:</p> <p><u>Rochelle Becker</u></p> <ul style="list-style-type: none"> • 12/14/22: “view remotely DCDEP meeting on SB 846 implementation” – 1.70 hours <p>We note that the 2022 timesheet entries for Becker reflect 38.71 hours. Minus the disallowance of 1.70 hours, Becker’s hours now total 37.01.</p> <p><u>David Weisman</u></p> <ul style="list-style-type: none"> • 9/13/22: “research and locate transcript of Newsom speech at June 2016 CSLC meeting re: Diablo seismic” – 0.25 hours • 12/1/22: “research and compile CVs and published papers of potential California seismic experts” – 0.80 hours • 12/14/22: “view DCDEP webcast on SB 846 implementation” – 1.70 hours

Item	Reason
	<p>We note that the 2022 timesheet entries for Weisman reflect 43.76 hours. Minus the disallowance of 2.75 hours, Weisman’s hours now total 41.01.</p> <ul style="list-style-type: none"> • 2/3/23: “research and locate transcript of Newsom speech at June 2016 CSLC meeting re: Diablo seismic” – 0.10 hours • 5/3/23: “review Mothers for Peace petition to 9th circuit court to vacate NRC exemption” – 0.07 hours • 5/12/23: “attend via Zoom Coastal Commission on ISFSI spent fuel permit extension” – 0.58 hours • 11/9/23: “attend IPRP meeting via Webex with CPUC, PGE and IPRP members/staff” – 1.60 hours <p>We note that the 2023 timesheet entries for Weisman reflect 132.76 hours. Minus the disallowance of 2.35 hours, Weisman’s hours now total 130.41.</p>
<p>[6] Disallowance of Hours Prior to Implementation of SB 846</p>	<p>In 2022, Geesman requested compensation for 177.68 hours. We disallow 32.92 hours that were recorded prior to the enactment of Senate Bill 846 (i.e., prior to September 2, 2022). Since R.23-01-007 was opened to implement specific provisions of Senate Bill 846, it is not reasonable to award intervenor compensation for time spent on issues that are not clearly tied to the underlying legislation. Further, prior to the enactment of Senate Bill 846, A4NR would have no way of knowing what issues to address or how to focus its time and resources.</p> <p>In 2022, Becker requested compensation for 38.71 hours. As noted above, we disallow 13.87 hours that were recorded prior to the enactment of Senate Bill 846 (i.e., prior to September 2, 2022).</p> <p>In 2022, Weisman requested compensation for 43.76 hours. As noted above, we disallow 16.97 hours that were recorded prior to the enactment of Senate Bill 846 (i.e., prior to September 2, 2022).</p>
<p>[7] Disallowance of Hours – Internal Duplication</p>	<p>A4NR’s claim totals nearly 1,058.00 (non-Intervenor Compensation Claim Preparation and travel fee/cost) hours, which is far greater than the hours claimed by any other intervenor in this proceeding who are claiming contribution to D.23-12-036. For reference, Women’s Energy Matters claimed a total of 457.00 hours, The</p>

Item	Reason																																			
	<p>Utility Reform Network claimed 311.00 hours, and Green Power Institute claimed 273.00 hours. Additionally, over 245 hours claimed by A4NR’s internal staff relate to reviewing internal documents, internal discussions/ strategizing, and editing each other’s work, while A4NR often had more than one attorney reviewing the same issues in testimonies, comments, and briefs.</p> <p>A4NR is reminded that the Commission awards compensation for efficient efforts that contribute to proceeding outcomes, and that A4NR’s work should be sufficiently streamlined to prevent an excess of hours claimed. In the past, the Commission has disallowed inefficient activities and applied reductions to intervenor hours that reflect excessive internal duplicative efforts, such as “numerous internal communications, review of each other’s documents, working on the same materials, engaging in the same tasks and participating in the same events.” (See D.12-03-024 at 24-25).</p> <p>For the internal duplication and excessive hours claimed, we disallow an additional 45% of the total hours above for A4NR’s staff members Geesman, Becker, and Weisman for 2022 and 2023.</p> <table border="1" data-bbox="459 1136 1416 1463"> <thead> <tr> <th>Name</th> <th>Year</th> <th>Hours Requested⁴</th> <th>Hours Disallowed</th> <th>Hours Awarded</th> </tr> </thead> <tbody> <tr> <td>Geesman</td> <td>2022</td> <td>130.92</td> <td>58.91</td> <td>72.01</td> </tr> <tr> <td>Geesman</td> <td>2023</td> <td>570.61</td> <td>256.77</td> <td>313.84</td> </tr> <tr> <td>Becker</td> <td>2022</td> <td>23.14</td> <td>10.41</td> <td>12.73</td> </tr> <tr> <td>Becker</td> <td>2023</td> <td>55.00</td> <td>24.75</td> <td>30.25</td> </tr> <tr> <td>Weisman</td> <td>2022</td> <td>24.04</td> <td>10.81</td> <td>13.23</td> </tr> <tr> <td>Weisman</td> <td>2023</td> <td>130.41</td> <td>58.68</td> <td>71.73</td> </tr> </tbody> </table>	Name	Year	Hours Requested ⁴	Hours Disallowed	Hours Awarded	Geesman	2022	130.92	58.91	72.01	Geesman	2023	570.61	256.77	313.84	Becker	2022	23.14	10.41	12.73	Becker	2023	55.00	24.75	30.25	Weisman	2022	24.04	10.81	13.23	Weisman	2023	130.41	58.68	71.73
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<p>[8] Disallowance of Claimed Travel Fees & Costs</p>	<p>Per the IComp program guide at 21, intervenors must demonstrate their participation was “productive, necessary, and needed for a fair determination of the proceeding.”</p> <p>Becker and Weisman’s participation and in-person attendance at the 11/7/23 oral argument in San Francisco is deemed to be unproductive and did not contribute to this proceeding. As stated</p>																																			

⁴ The hours listed here apply, as relevant, prior disallowances made above in items [4, 5, and 6].

Item	Reason
	<p>in the October 9, 2023 Ruling Setting Oral Argument, each party was limited to a single speaker. A4NR was represented by Geesman at this oral argument, and his in-person attendance and participation was sufficient in terms of A4NR’s contribution. Additionally, a listen-in telephone line for this oral argument was provided, which Becker and Weisman could have utilized instead of attending in-person and claiming travel costs.</p> <p>Becker and Weisman both claimed 8.00 hours of travel time each to attend this oral argument; these hours are disallowed. Becker and Weisman also claimed \$531.18 in total for hotel costs to attend this oral argument; this amount is also disallowed.</p>

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (see § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
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B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Alliance for Nuclear Responsibility has made a substantial contribution to D.23-12-036.
2. The requested hourly rates for Alliance for Nuclear Responsibility’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is \$327,444.18.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Alliance for Nuclear Responsibility is awarded \$327,444.18.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Alliance for Nuclear Responsibility the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 28, 2024, the 75th day after the filing of Alliance for Nuclear Responsibility's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at Sacramento, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2312036		
Proceeding(s):	R2301007		
Author:	ALJ Nilgun Atamturk		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Alliance for Nuclear Responsibility	2/13/2024	\$662,294.49	\$327,444.18	N/A	See Part III.D, CPUC Comments, Disallowances and Adjustments.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
John	Geesman	Attorney	745 plus any COLA	2024	\$770.00
John	Geesman	Attorney	745	2023	\$745.00
John	Geesman	Attorney	715	2022	\$715.00
Rochelle	Becker	Advocate	320	2023	\$320.00
Rochelle	Becker	Advocate	305	2022	\$305.00
David	Weisman	Advocate ¹	220 plus any COLA	2024	\$240.00
David	Weisman	Advocate ¹	220	2023	\$220.00

(END OF APPENDIX)

¹ The hourly rates adopted here for Weisman are in the role of Expert - Communications Specialist – III.