



**FILED**

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

**OR 125**

09:32 AM

A2310009

Application of Pacific Gas and Electric Company for Approval of Modifications to the Diablo Canyon Power Plant Employee Retention Program. (U39E)


Application 23-10-009  
(Filed October 9, 2023)

**ADMINISTRATIVE LAW JUDGE’S RULING ON CALIFORNIANS FOR GREEN NUCLEAR POWER, INC.’S NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

<b>Customer (party intending to claim intervenor compensation):</b> Californians for Green Nuclear Power, Inc. (CGNP)	
<b>Assigned Commissioner:</b> Karen Douglas	<b>Administrative Law Judge:</b> Nilgun Atamturk

**PART I: PROCEDURAL ISSUES**  
**(Completed by the party (“customer”) intending to claim intervenor compensation)**

<b>A. Status as “customer” (see Pub. Util. Code § 1802(b)):</b> The party claims “customer” status because the party is (check one):	<b>Applies (check)</b>
1. <b>Category 1</b> customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers.  In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.	<input type="checkbox"/>
2. <b>Category 2</b> customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.  A representative authorized by a customer must identify the residential customer(s)	<input type="checkbox"/>

<p>being represented and provide authorization from at least one customer. <i>See</i> D.98-04-059 at 30.</p>	
<p>3.  <b>Category 3</b> customer is a formally organized group authorized by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation. Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. <i>See</i> D.98-04-059, footnote at 3.</p>	
<p>The party’s explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding? <sup>1</sup>                  Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>                  If “Yes”, explain: Pursuant to the general statement of purpose found in CGNP’s Articles of Incorporation and the specific provision of its Bylaws cited above and appended below, CGNP represents both residential and small business customers on nuclear energy issues before California and Federal regulatory and oversight agencies, the Legislature, and Congress. Based upon its current membership rolls, more than sixty percent (&gt; 60%) of CGNP’s members are residential customers receiving bundled electricity service from Pacific Gas &amp; Electric Company (PG&amp;E). CGNP believes that both its residential and small business customer constituents share identical interests in this proceeding, namely, the setting of reasonable electric rates, insuring a reliable supply of reasonably-priced electricity to meet customer's needs 24/7, and adoption of reasonable terms of electric service.</p>	
<p><b>B. Conflict of Interest (§ 1802.3)</b></p>	<p><b>Check</b></p>
<p>1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>
<p><b>C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b></p>	<p><b>Check</b></p>
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference?                  Date of Prehearing Conference: October 22, 2021</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p>2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>

<sup>1</sup> See Rule 17.1(f).

timeframe normally permitted, or new issues have emerged)?	
CGNP participated in the prehearing conference on Monday, December 11, 2023	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION  
(Completed by the party (“customer”) intending to claim intervenor compensation)**

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>				
The party’s statement of the issues on which it plans to participate:				
<p>CGNP is an advocate for safe, reliable, cost-effective power in conformance with California environmental laws for the benefit of California ratepayers. As noted in D.20-07-032, a statutory basis for assessing energy affordability exists in Pub. Util. Code Section 739(d)(2), which expresses the intent that residential electric and gas rates are “low [and] affordable.” Additionally, Section 382 states that “all residents of the state should be able to afford essential electricity and gas supplies.” We apply scientific, engineering, and legal analyses to proposed implementations.</p>				
The party’s explanation of how it plans to avoid duplication of effort with other parties:				
In the interest of efficiency, CGNP will communicate with and strive to minimize any duplication of effort with the other similarly interested Parties.				
The party’s description of the nature and extent of the party’s planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).				
CGNP strongly participated in both oral and written evidentiary phases of A1608006 between 2016 - 2018 and in 2023, R1602007 during 2019, and R2301007 during 2023, raising many relevant issues pertaining to how the continued safe operation of Diablo Canyon Power Plant supports the interests of public safety, the environment, and the economic interests of ratepayers.				
<b>B. The party’s itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Mike Gatto	20	\$700.00	\$14,000.00	1
Gene Nelson, Ph.D.	50	\$200.00	\$10,000.00	2
<b>Subtotal: \$24,000.00</b>				
<b>OTHER FEES</b>				
[Person 1]				
<b>Subtotal: \$0.00</b>				
<b>COSTS</b>				
Zoom meetings		N/A	N/A	
Copying and Postage			\$200.00	
<b>Subtotal: \$200.00</b>				
<b>TOTAL ESTIMATE: \$24,200.00</b>				
<b>Estimated Budget by Issues:</b>				

CGNP anticipates that **100%** of its budget will advocate for the continued safe operation of Diablo Canyon Power Plant (DCPP) in support of an efficient and equitable DCPP Employee Retention Program.

Note that nuclear power currently produces 64% of the emission-free electricity generated in the United States. <http://www.pge.com/mybusiness/edusafety/systemworks/dcpp/nuclearfacts/>. Note also how Diablo Canyon provides the bulk of the electric power supporting the headline of the March 9, 2021 PG&E Press Release, "PG&E Surpasses California's 2020 Renewable Energy Goal; Electricity Delivered to Customers is More than 88% Greenhouse Gas-Free and Among the Cleanest in the Nation."

As noted below, the economic stakes in this Proceeding are significant. Non-emitting energy sources such as large hydroelectric power and DCPP's abundant (about five times the annual production of Hoover Dam or 14 times the annual production of Topaz Solar Plant,) and reasonably-priced electric power (slightly more than 4 cents/kWh), have helped to restrain the rise in California energy prices since DCPP began operation in 1984. However, as a consequence of climate change, annual production trends for California large hydroelectric production and large hydroelectric production in other river basins in the western U.S. has been declining since the 1980s. Based on geologic evidence, California is currently experiencing drought levels not seen in more than ten centuries.

Burning more fossil fuels to produce electricity as proposed by the Commission in other Proceedings will aggravate the loss of dispatchable large hydroelectric generation.

Nondispatchable California solar and wind are already causing very expensive curtailment of over 2.4 TWh / year, costing California ratepayers an estimated \$20 billion since 2018. The proposed incorporation of large amounts of Battery Electric Storage Systems (BESS) to reduce curtailment is not cost - effective as the battery storage of just 24 hours of California's average power consumption would cost about 500 billion dollars, more than twice California's current annual budget for **all** expenditures.

CGNP's Lead Counsel Mike Gatto [1] recently served four terms in the California Assembly, including chairing the Assembly Standing Committee that has oversight over California's Investor-Owned Utilities.

Doctor Nelson [2] possesses relevant scientific and engineering training and work experience related to nuclear power production. He possesses oral and written group presentation skills that have been refined via relevant work experience.

Both Gatto and Nelson have been long-term environmental advocates and have experience with the advantages and disadvantages of intermittent solar and intermittent wind power. While the production cost of Wyoming coal-fired generation is relatively low as a consequence of abundant fuel and lax environmental enforcement in Wyoming relative to California, the social cost of

carbon (SCC) and the cost to reliably transmit the power from Wyoming to California ratepayers yields power that is projected to be significantly more expensive than DCP's power in the 20 - year relicensing interval from 2025 to 2045.

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP  
(Completed by party (“customer”) intending to claim intervenor compensation)**

<b>A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:</b>	<b>Applies (check)</b>
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	✓
2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	✓
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding ( § 1804(b)(1)).	<input type="checkbox"/>
Commission’s finding of significant financial hardship made in proceeding number:	
<b>B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:</b>	
<p>The share of rate savings associated with the continued safe operation of Diablo Canyon Power Plant (DCPP) that would be received by CGNP’s members would be a minuscule fraction of this amount. To date, CGNP, which was founded in 2013, has been funded via a combination of modest donations and modest dues. Thus, we are largely dependent on Intervenor compensation to participate effectively in this and other CPUC Proceedings.</p> <p>If the carbon avoidance of nuclear power were properly credited in California at a social cost of \$36.00/ton, as is being implemented via New York State's Zero Emissions Credit (ZEC) program for upstate nuclear power plants, <a href="http://www.utilitydive.com/news/new-yorks-clean-energy-standard-is-a-key-step-toward-pricing-carbon-pollut/424741/">http://www.utilitydive.com/news/new-yorks-clean-energy-standard-is-a-key-step-toward-pricing-carbon-pollut/424741/</a> the economic benefits of continued safe operation of DCPP would be further enhanced.</p> <p>As an example, 13.96 million metric tons (MMT) of CO2 emissions associated with natural gas fired generation were avoided by DCPP in 2011. DCPP's operation would yield a 2011 social cost benefit of approximately \$552.8 million. There is adequate time to obtain the needed legislative support for this important California initiative.</p> <p>In order to insure California grid reliability after the planned shutdown of Diablo Canyon Power Plant in 2025, the Commission's June 24, 2021 Decision provided for procurement of the highly-polluting alternative of between 4,000 to 5,000 MW (2 1/2 Hoover Dams) of "unspecified imports" - a California legal euphemism which includes Wyoming coal - fired electricity.</p>	

Regrettably, CGNP anticipates that these unspecified imports will continue to be utilized to serve California load between 2025 and 2030 via the state of California sanctioned Western Energy Imbalance Market.

Thus, all the potential rate savings proposed by CGNP far outweigh the benefits its members would receive if the Commission were to adopt CGNP’s recommendations in this proceeding. This rationale should form the basis for the Commission’s finding with respect to CGNP’s demonstration of financial hardship.

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC  
ASSERTIONS MADE IN THIS NOTICE  
(The party (“customer”) intending to claim intervenor compensation  
identifies and attaches documents)**

<b>Attachment No.</b>	<b>Description</b>
1	Certificate of Service
2	Amended Bylaws of Californians for Green Nuclear Power, Inc. adopted by a supermajority of its Board members on January 13, 2017. CGNP is also supplying additional federal and state documentation supporting its status as a nonprofit educational organization. In addition, the current practices and procedures of the California Secretary of State (SOS) that serve to document amendments to an organization's Articles of Incorporation and CGNP's efforts to timely implement those changes are appended following CGNP's Articles of Incorporation. This document was accepted in CPUC Proceeding R1608006 on February 9, 2017.

**ADMINISTRATIVE LAW JUDGE RULING**

<b>1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by Californians for Green Nuclear Power, Inc. (CGNP) has demonstrated the intervenor’s status as a “customer” pursuant to § 1802(b)(1)(C).</b>	<input checked="" type="checkbox"/>
<b>2. Californians for Green Nuclear Power, Inc. is required to provide information in support of the intervenor’s statements of financial hardship.</b>  CNGP is directed to state if during the years 2023 and 2024, it has received contributions or grants from (1) an entity (either commercial, government or non-profit) participating in the energy industry or market or (2) from a group or organization closely affiliated with such entity or (3) an individual that has decision-making powers in such entities; purposes of the funding; names of the contributors or grantors; and amounts of the contributions or grants. CNGP is also required to provide its annual income and expense statement for the year 2023 and for the year 2024 (if readily available).  This line of inquiry is a part of the Commission’s broader effort to make sure the	<input checked="" type="checkbox"/>

<p>intervenor continue to maintain eligibility to claim intervenor compensation and are not funded by significant economic interests in the Commission proceedings.</p> <p>Answers to this ruling are due within 30 days of the date of the issuance of the ruling and must be formally filed as a Supplement to the Notice of Intent to Claim Intervenor Compensation. Information the filer considers confidential may be submitted under seal, pursuant to Rules 11.1 and 11.4 of the Commission Rules of Practice and Procedure.<sup>2</sup> Technical questions regarding compliance with the ruling may be directed to the Intervenor Compensation Program coordinator at <a href="mailto:Icompcoordinator@cpuc.ca.gov">Icompcoordinator@cpuc.ca.gov</a>.</p>	
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**IT IS RULED** that:

1. California for Green Nuclear Power, Inc. has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. Within 30 days of the date of the issuance of this ruling California for Green Nuclear Power, Inc. is required to provide additional information as set forth in Section 2, above, of this ruling.	<input checked="" type="checkbox"/>

Dated April 15, 2025, at San Francisco, California.

/s/ NILGUN ATAMTURK

Nilgun Atamturk  
Administrative Law Judge

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<sup>2</sup> Instructions on how to submit confidential documents can be found on the Commission website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov); Proceedings and Rulemakings; [CPUC Efile Quick-Start Guide](https://www.cpuc.ca.gov/-/media/cpuc-website/proceedings-and-rulemaking/documents/electronic-filing-guide_2023.pdf) at [https://www.cpuc.ca.gov/-/media/cpuc-website/proceedings-and-rulemaking/documents/electronic-filing-guide\\_2023.pdf](https://www.cpuc.ca.gov/-/media/cpuc-website/proceedings-and-rulemaking/documents/electronic-filing-guide_2023.pdf).