



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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A2503015

Application of Pacific Gas and Electric Company to Recover in Customer Rates the Costs to Support Extended Operation of Diablo Canyon Power Plant from January 1 through December 31, 2026, and for Approval of Planned Expenditure of 2026 Volumetric Performance Fees (U39E).

Application 25-03-015

**CHIEF ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION FOR DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE
FOR CAUSE**

The Commission's Rules of Practice and Procedure, Article 9, Rules 9.2 - 9.8 (Rules) specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of motion for reassignment: peremptory challenge (Rule 9.2), prior service (Rule 9.3), and cause (Rule 9.4). The first two, peremptory challenge and prior service, are only available in proceedings categorized as adjudicatory or ratesetting.

On November 4, 2025, Californians for Green Nuclear Power, Inc. (CGNP) filed a Motion for Reassignment of the Proceeding Pursuant to Rule 9.4 to another ALJ (Motion). As provided in Rule 9.4(d), I am issuing a ruling on that Motion.

A properly supported motion seeking reassignment for disqualification of an ALJ for cause under Rule 9.4 must show that the assigned ALJ have either a financial interest in the subject matter in a proceeding or in a party to the

proceeding or a bias or prejudice in the proceeding. Finally, any such motion must be filed timely.

CGNP's Motion fails on both procedural and substantive grounds. First, to be timely under Rule 9.4(c), the Motion must be filed "no later than 10 days after the date the party discovered or should have discovered facts set forth in the declaration filed pursuant to this rule." Several of ALJ Chang's rulings within this proceeding that are cited to as proof of bias occurred more than 10 days prior to the filing of the Motion and thus the Motion is arguably untimely with respect to those claims. Second, Rule 9.4(b) requires that a "motion filed pursuant to this rule shall be supported by a declaration under penalty of perjury ... setting forth the factual basis for the motion..." The declaration attached to CGNP's Motion does not set forth the factual basis for the motion but instead utilizes the same declaration language specified for purposes of a peremptory challenge. Though I could arguably deny the CGNP Motion on procedural grounds, because of the serious charge of bias, I also address the substantive failure of the Motion.

In its Motion, CGNP does not identify any financial interest of assigned ALJ Jack Chang and thus our analysis reviews CGNP's claim that bias exists. CGNP's states, "Based on Jack Chang, Ph.D.'s recent publications, we have concerns that these denials may instead reflect a bias towards his preferred outcomes."¹ The Motion does not cite to specific publications or elaborate on what ALJ Chang's "preferred outcomes" in this case are or how ALJ Chang's recent publications point to bias in this proceeding, however based on the remainder of CGNP's Motion, it would appear that CGNP takes issues with rulings ALJ Chang has made in this proceeding to date.

¹ Motion at 4.

CGNP points to ALJ Chang's Ruling, dated July 18, 2025, denying CGNP's motion to late-file [Notice of Intent to claim Intervenor Compensation (NOI)]² as well as his ruling, issued on August 11, 2025, denying CGNP's motion for Leave to Late-Serve Direct Testimony as evidence of ALJ Chang's bias in the proceeding. CGNP's motions were denied on procedural grounds, not on substantive grounds related to issues in the proceeding. Timing requirements for NOIs are statutorily set and the Commission has no leeway in modifying the defined statutory timeline. Adverse rulings on motions are not sufficient justification for an assertion of bias when all parties were afforded the opportunity to file NOIs and serve testimony on the same timeline.

CGNP also cites ALJ Chang's Proposed Decision, issued October 31, 2025, as proof of bias. Specifically, CGNP points to ALJ Chang's denial of CGNP's motion to Amend the Scoping Memo³ in the Proposed Decision as the basis of ALJ Chang's bias. Scoping memos and their amendments are issued by the Assigned Commissioner in a given proceeding, and the failure to adopt proposed amendments to a scoping memo does not create a sufficient showing of bias per Rule 9.4.

CGNP asserts that ALJ Chang showed bias when he was allegedly discourteous to CGNP representative Gene Nelson during a tour of the Diablo Canyon Power Plant (DCPP). This alleged conduct is described in CGNP's *Comments on PG&E's Fall Update and the ALJ's Order Dated October 3, 2025* (CGNP

² CGNP's motion to late-file Its NOI for intervenor compensation was filed on July 7, 2025, which was seven days past the June 30, 2025 deadline to file NOIs, not one day late as referenced in its Motion for Reassignment.

³ CGNP filed a motion to amend the scoping memo, dated July 11, 2025, to include the issue of granting PG&E "a proposed \$100 million per year payment for providing the greatest amount of synchronous grid inertia (SGI) of any California power plant." (Motion at 3.)

Comments), dated, October 20, 2025, wherein CGNP claims that ALJ Chang stopped CGNP presentative Gene Nelson from responding to ALJ Chang's question regarding DCPD operations, with ALJ Chang allegedly indicating that "he wanted to hear the answer from PG&E instead."⁴ As PG&E is the operator of DCPD, I find ALJ Chang's desire to hear from PG&E regarding DCPD operations to be logical. I find this allegation is an insufficient basis for a disqualification of ALJ Chang from this proceeding for bias. In fact, Rule 9.6 (b) explicitly identifies that an ALJ's "past work experience, technical competence, or specialized knowledge of or has in any capacity expressed a view on a legal, factual or policy issue presented in the proceeding, except as provided in Rule 9.3" cannot constitute cause for disqualification.⁵

In addition to alleging bias, CGNP's Motion questions whether or not ALJ Chang meets the minimum qualifications of the CPUC ALJ Classification.⁶ Though CGNP's Motion to Disqualify was made under Rule 9.4, which focuses only on "bias" or "financial interest" and not qualifications, I am addressing this concern. Prior to his appointment, ALJ Chang's background and experience was independently reviewed by the CPUC Human Resources staff and found to meet the minimum qualifications required to serve as a CPUC ALJ. CGNP's Motion mistakenly interpreted a section which referenced the "practice of law" or "performing legal duties" as a requirement for an ALJ.⁷ CGNP's interpretation is

⁴ CGNP Comments at 6.

⁵ Rule 9.3 speaks to Prior Service, which CGNP does not allege here.

⁶ CGNP Comments at 4-6.

⁷ CGNP Comments at 5.

inaccurate- legal experience is one way of qualifying for the ALJ position, but not the exclusive means to qualify. CGNP's Motion fails on this ground as well.

Because CGNP failed on procedural grounds and failed to show bias, there is no basis in Rule 9.4 to disqualify ALJ Chang for cause. As a result, CGNP's Motion for Reassignment for Disqualification for Cause is denied.

Therefore, **IT IS RULED** that the Motion for Reassignment on Disqualification of Administrative Law Judge for Cause, filed by CGNP, is denied. This proceeding remains assigned to ALJ Jack Chang.

Dated: November 10, 2025, at San Francisco, California.

/s/ MICHELLE COOKE

Michelle Cooke
Chief Administrative Law Judge