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Ratesetting

10/25/2012 Item 34

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

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| --- | --- |
| Order Instituting Investigation on the Commission’s Own Motion into the Rates, Operations, Practices, Services and Facilities of Southern California Edison Company and San Diego Gas and Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3. | Investigation\_\_\_\_\_\_\_\_\_ |

ORDER INSTITUTING INVESTIGATION REGARDING   
SAN ONOFRE NUCLEAR GENERATING STATION   
UNITS 2 AND 3

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**ORDER INSTITUTING INVESTIGATION REGARDING   
SAN ONOFRE NUCLEAR GENERATING STATION   
UNITS 2 AND 3**

# Introduction

We open this investigation to consolidate and consider issues raised by the extended outages of Units 2 and 3 at the San Onofre Nuclear Generating Station (SONGS). This includes determining whether to order the immediate removal effective today of all costs related to SONGS from the rates of Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E), with placement of those costs in a deferred debit account pending the return of one or both facilities to useful service or other possible action. It also includes considering appropriate rate treatment for all SONGS-related costs in other proceedings.

This investigation will consider the causes of the outages, the utilities’ responses, the future of the SONGS units, and the resulting effects on the provision of safe and reliable electric service at just and reasonable rates. Due to the size, location, ownership structure, and unique nuclear licensing requirements of SONGS, the unexpected outages raise particularly complex issues. These issues come before us in many proceedings. This investigation will consider these issues in a consolidated manner that is efficient for the utilities, parties and the Commission. To facilitate that objective, all costs incurred on and after January 1, 2012 that are associated with SONGS shall be tracked in a memorandum account. SCE and SDG&E shall each, within 30 days of today, file with the Energy Division Director and serve on the service list a Tier 1 advice letter to establish that account, including specified subaccounts.

Appeals to categorization shall be filed and served within 10 days. Comments on this investigation shall be filed and served within 30 days. SCE and SDG&E shall each, within 45 days of today, serve proposed testimony with its recommended rate adjustments.

# Background

The San Onofre Nuclear Generation Stations (SONGS) Units 2 and 3 are located adjacent to Camp Pendleton near San Clemente California. They are jointly owned by Southern California Edison Company (SCE), San Diego   
Gas & Electric Company (SDG&E), and the City of Riverside (with shares of 78%, 20% and 2% respectively).[[1]](#footnote-2) These units generate approximately 2,340 megawatts (MW) of baseload power, and they play a critical role in the reliability of the California electricity grid. SCE is the operator of these units.

Unit 2 steam generators were replaced in January 2010. Unit 3 steam generators were replaced in January 2011. Both units have been off-line since January 2012.

Unit 3 was taken offline on January 31, 2012, after station operators detected a leak in a steam generator tube. The Nuclear Regulatory Commission (NRC) was formally notified of the Unit 3 steam generator leak on the same day. Unit 2 was taken out of service on January 10, 2012 for a scheduled outage, which was expected to end March 5, 2012. However, on February 6, 2012, the first inspection of Unit 2 steam generators installed in 2010 showed accelerated wear requiring some tubes to be taken out of service.

On March 19, 2012, the NRC dispatched an Augmented Inspection Team to gather facts regarding the SONGS outages. On July 18, 2012, the NRC issued its report: “San Onofre Nuclear Generating Station – NRC Augmented Inspected Team Report.”[[2]](#footnote-3) The report provides background information that will be useful for this investigation, and a copy is attached. (Attachment A.) Among other things, the report identifies design flaws in the SONGS replacement steam generators.

On August 28, 2012, SCE announced plans to remove the nuclear fuel from the SONGS Unit 3 reactor. SCE intends to place the unit in a longer term safe shutdown mode.

Both units have now been out of service since January 2012. This presents many questions regarding the future operation of the units, along with the provision of safe and reasonable service at just and reasonable rates.

# Commission Jurisdiction

SCE and SDG&E are public utility companies under the Commission’s jurisdiction. The Commission regulates their rates, operations, practices, programs, and services, plus the reliability, safety, and adequacy of facilities, pursuant to Pub. Util. Code Sections 451, 454, 701, and other statutes.[[3]](#footnote-4) The Commission executes these responsibilities in a range of different proceedings. These include applications, investigations, rulemakings, and other forums as appropriate. Applications involve a range of matters including general rate cases (GRC), energy resource recovery account (ERRA) proceedings, special cost recovery proceedings (such as (a) the steam generator replacement program and (b) seismic safety programs), and others at the request of utilities or when ordered by the Commission.

Under Section 451, the Commission is responsible for ensuring safe and reliable service at just and reasonable rates:

All charges demanded or received by any public utility…shall be just and reasonable.

Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities…as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

Sections 455.5(a) and (f) address rate adjustments to eliminate the value of, and expenses related to, major facilities when they are out of service:

1. In establishing rates for any electrical, gas, heat, or water corporation, the Commission may eliminate consideration of the value of any portion of any electric, gas, heat, or water generation or production facility which, after having been placed in service, remains out of service for nine or more consecutive months, and may disallow any expenses related to that facility. Upon eliminating consideration of any portion of a facility or disallowing any expenses related thereto under this section, the Commission shall reduce the rates of the corporation accordingly and shall, for accounting purposes, record the value of that portion of the facility in a deferred debit account and shall treat this amount similar to the treatment of the allowance for funds used during construction. When that portion of the facility is returned to useful service…the corporation may apply to the commission for the inclusion of its value and expenses related to its operation for purposes of the establishment of the corporation's rates.

(f) For purposes of this section, an electric, gas, heat, or water generation or production facility includes only such a facility that the commission determines to be a major facility of the corporation…[[4]](#footnote-5)

Section 455.5(b) requires that utilities keep the Commission informed regarding outages of such facilities:

(b) Every electrical, gas, heat, and water corporation shall periodically, as required by the commission, report to the commission on the status of any portion of any electric, gas, heat, or water generation or production facility which is out of service and shall immediately notify the commission when any portion of the facility has been out of service for nine consecutive months.

Section 455.5(c) requires that the Commission, upon notification by the utility, take specific action and make rates associated with the facility subject to refund, in coordination with other proceedings:

(c) Within 45 days of receiving the notification specified in subdivision (b), the commission shall institute an investigation to determine whether to reduce the rates of the corporation to reflect the portion of the electric, gas, heat, or water generation or production facility which is out of service. For purposes of this subdivision,   
out-of-service periods shall not include planned outages of predetermined duration scheduled in advance. The commission's order shall require that rates associated with that facility are subject to refund from the date the order instituting the investigation was issued. The commission shall consolidate the hearing on the investigation with the next general rate proceeding instituted for the corporation.

Section 455.5(d) provides, upon a facility’s return to useful service, that a utility may apply for the inclusion of its value and associated operating expenses in rates:

(d) Upon being informed by the corporation that any portion of its electric, gas, heat, or water generation or production facility which was eliminated from consideration by the commission in establishing rates for being out of service for nine or more consecutive months pursuant to subdivision (a) or (b), has been restored to service and has achieved at least 100 continuous hours of operation, the commission may again consider that portion of the facility for purposes of establishing rates, and may adjust the corporation's rates accordingly without a hearing, except that a hearing is required on whether to include, for purposes of establishing rates, any additional plant value added.

Section 701 provides that:

The Commission may supervise and regulate every public utility in the State and may do all things, whether specifically designated in this part or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

# Discussion

SONGS Units 2 and 3 have been out of service since early 2012. Consistent with § 455.5(b), we expect to be notified soon by SCE and SDG&E that these units have experienced an unplanned outage of nine consecutive months.

Utility rates currently include recovery for SONGS costs of over   
$800 million in fixed costs (rate base), for which ratepayers provide a return to shareholders, and over $300 million in annual variable costs (operation and maintenance). They include costs related to the steam generator replacement program and seismic programs. The outages may result in more costs, including but not limited to the cost of investigations, studies, repairs, replacement power, litigation, and appearing in regulatory proceedings (before the NRC and this Commission).

Design flaws identified by NRC may have contributed to the accelerated wear and tear of the steam generators. If so, there may be questions about the degree to which the manufacturer may be responsible for expenses related to the shutdown. There may or may not be other sources of funds for some or all of the resulting costs (e.g., warranties, insurance, federal assistance). There are issues about how much cost, if any, should be paid by ratepayers and company owners. Therefore, it is in the public interest to undertake an investigation into the facts and circumstances of the SONGS outages for the purpose of exercising our statutory authority over rate recovery of associated utility costs, and to ensure safe and reliable service at just and reasonable rates.

Several rate-related proceedings have recently been decided or are currently pending before the Commission. These include GRC, ERRA and other proceedings such as but not limited to (these proceedings are open unless noted otherwise, and in some cases are joint proceedings):

1. SCE
   1. Application (A.) 10-11-015 (2012 test year GRC)
   2. A.11-04-001 (2010 ERRA compliance)
   3. A.12-04-001 (2011 ERRA compliance)
   4. A.11-08-002 (2012 ERRA forecast; D.12-07-007; closed)
   5. A.12-08-001 (2013 ERRA forecast)
   6. A.11-04-006 (Seismic Program Costs; D.12-05-004; closed) [[5]](#footnote-6)
   7. A.04-02-026 (Steam Generator Replacement;   
      D.05-12-040; D.11-05-035; closed)
   8. A.09-04-009 (Joint application for nuclear decommissioning cost recovery)
2. SDG&E
   1. A.10-12-005 (2012 test year 2012 GRC)
   2. A.11-06-003 (2010 ERRA compliance)
   3. A.11-09-022 (2012 ERRA forecast; D.12-07-006; closed)
   4. A.12-04-003 (ERRA trigger; D.12-08-007; closed)
   5. A.12-10-002 (2013 ERRA forecast)
   6. A.11-05-011 (Seismic Program Costs; D.12-05-004; closed)[[6]](#footnote-7)

There is also the potential for review of some or all of the $671 million authorized for the steam generator replacement program (SGRP).[[7]](#footnote-8) In particular, we authorized up to $671 million with the intention not to conduct an   
after-the-fact reasonableness review if the costs did not exceed $671 million. However, we also ordered:

If the SGRP cost exceeds [$671 million], or the Commission later finds that it has reason to believe the costs may be unreasonable regardless of the amount, the entire SRGP cost may be subject to reasonableness review.” (D.05-12-040, Ordering Paragraph 5.)

It is important that all relevant costs be properly treated. To do this, all SONGS costs and expenditures, including SRGP, should be tracked in a memorandum account for review by the Commission. This is the case whether or not the costs have been previously approved. Thus, pending conclusion of this investigation, we direct SCE and SDG&E to track all costs associated with SONGS Units 2 and 3 (and all related costs as explained below) that were or are incurred on or after January 1, 2012, in a memorandum account and, to the extent included in rates, collect these costs subject to refund.

SCE and SDG&E should each establish a memorandum account for this purpose, called the SONGS Outage Memorandum Account (SONGS OMA). SONGS OMA should contain subaccounts that separately identify:

1. existing SONGS fixed costs (e.g., capital costs in rate base)
2. revenue requirements for SONGS ratebase costs   
   (e.g., depreciation, return, taxes),
3. existing SONGS variable costs (e.g., fuel, operation, maintenance),
4. existing SONGS seismic safety program costs,
5. SGRP costs,
6. other existing SONGS costs,
7. outage investigation costs,
8. replacement generation costs,
9. safety-related program costs implemented pursuant to NRC findings or orders,
10. the cost of other energy products or services to provide reliable electric service during the period of the outage (including Demand Response programs),
11. the cost of other transmission upgrades or other system improvements to provide reliable electric service during the period of the outage (including substation or line related work),
12. other repair costs (separately identified as fixed and variable),
13. other routine operational costs,
14. regulatory costs,
15. litigation costs, and
16. any other costs related to SONGS.

The subaccounts should include reasonable and appropriate subdivisions as necessary to further identify costs and cost categories. The memorandum account should record all costs incurred beginning January 1, 2012 and thereafter with the exception of the SGRP subaccount. The SGRP subaccount should track all SGRP costs. SCE and SDG&E should file Tier 1 Advice Letters establishing the memorandum accounts within 30 days of this order.[[8]](#footnote-9)

This formal proceeding allows the Commission to exercise its regulatory oversight, responsibilities and duties in the best interests of ratepayers and the public. We will consider information and proposals by SCE, SDG&E, Commission staff and others regarding the rates, operations, practices, programs, services, and facilities of SCE and SDG&E as they relate to the outages of SONGS Unit 2 and 3, and as are necessary to promote the safety, health, comfort, and convenience of their patrons, employees, and the public. We will also do all things that are necessary and convenient to supervise and regulate matters under our jurisdiction in the public interest.

The investigation provides a forum to consider evidence and argument on the issues. It may result in directives to SCE and SDG&E that promote just and reasonable rates, services, and facilities in furtherance of the public interest. The Commission may enter orders on matters for which one or the other respondent may not be the proponent. SCE, SDG&E and the public are placed on notice that the evidence taken in this proceeding may be the basis for findings, conclusions, and Commission orders, and all SONGS related costs collected in rates from January 1, 2012 forward are subject to refund.

Accordingly, we open this Order Instituting Investigation (OII) pursuant, but not limited, to Pub. Util. Code §§ 451, 455.5 and 701, along with Rule 5.1 of the Commission’s Rules of Practice and Procedure (Rules). In addition to or as part of the memorandum account specified above, we direct the following ratemaking treatment in order to preserve the information, consolidate the data in one place, and provide a full opportunity to consider all reasonable options:

1. SCE and SDG&E shall each track all costs related to SONGS incurred on or after January 1, 2012 in a subaccount of SONGS OMA for subsequent review in this proceeding; this involves all SONGS-related ERRA entries including replacement energy and capacity resulting from the SONGS outages;
2. SCE and SDG&E shall each track all costs related to Huntington Beach and Demand Response specifically implemented to address loss of SONGS Units 2 and 3 capacity into a subaccount of SONGS OMA.
3. SCE and SDG&E shall each identify and track any and all excess energy sales foregone (actual or estimated) by SCE and SDG&E due to the loss of SONGS Units 2 and 3; the amount of the energy and the foregone revenue shall be reported to the Commission in a separate document submitted each time the SONGS OMA is reported to the Commission, in the monthly report noted below, or as directed by the Energy Division Director.

In addition, we order the following:

1. SCE and SDG&E shall each file and serve, no less than seven days before a utility management final decision to proceed with a major project, a Tier 1 informational Advice Letter with the Energy Division Director before making any major capital expenditures related to SONGS. For this purpose, a major capital expenditure is any amount in excess of $10 million (total expenditure before allocation to SCE, SDG&E and City of Riverside).
2. SCE and SDG&E shall each track all expenditures in excess of those removed pursuant to § 455.5 in a separate subaccount of SONGS OMA. The recovery of amounts booked in this memorandum account shall be requested through a formal application filed by each utility with the Commission; and
3. SCE and SDG&E shall each file a monthly status report with the Commission’s Energy Division with service on the service list. The monthly report shall include an operational update for the units, description of any NRC actions, estimated replacement energy and capacity costs, estimated other operational expenses, estimated foregone revenues due to lost sales of excess energy, and any other information either utility believes is relevant that may impact the Commission’s consideration of safe and reliable service at just and reasonable rates, including any additional information directed by the Energy Division Director.

All costs tracked in the SONGS OMA are subject to audit by the Commission.

The Commission recognizes that SONGS Units 2 and 3 may be out of service for some time, and may or may not return to full service. This situation requires that the Commission consider long term options regarding each utility’s provision of safe and reliable electric service without SONGS. These long term resource issues are most appropriately considered in the Commission’s Long Term Procurement Planning (LTPP) proceeding (Rulemaking (R.) 12-03-014). While issues regarding long term planning without SONGS will be addressed in the LTPP, issues regarding short and medium term service and reliability should be part of this proceeding. Issues regarding costs for replacement power or expanded demand side management programs in the absence of SONGS should also be discussed as part of this proceeding.

# Preliminary Scoping Memo

Pursuant to Rule 7.1(c), we include a preliminary Scoping Memo to provide an initial determination of this proceeding’s scope, schedule, need for hearing, and other procedural matters. The determination of category may be appealed as described below.

## Issues

The general scope of this OII is to review the effect on safe and reliable service at just and reasonable rates on and after January 1, 2012 of the outages at SONGS Units 2 and 3. The issues include:

1. Whether or not rate adjustments should be made; if so, when they should start, the correct amount, and the correct accounting of these adjustments.
2. The reasonableness and prudency of each utility action and expenditure with respect to the steam generator replacement program and subsequent activities related thereto.
3. The reasonableness and prudency of each utility action and expenditures in securing energy, capacity and other related services to replace the output of SONGS during the outage.
4. The cost-effectiveness of various options for repairing or replacing one or both units of SONGS.
5. Any additional ratemaking issues associated with the above, including the availability of warranty coverage or insurance for any costs related to the SONGS outage.
6. The reasonableness and necessity of each SONGS-related operation and maintenance expense, and capital expenditure made, on and after January 1, 2012 reviewed within the context of the facts and circumstances of the extended outages of Units 2 and 3.

## Category

We determine that the category of this proceeding is ratesetting. (Rules 1.3(e) and 7.1(c).) This is consistent with the preliminary issues focusing on the economic consequences of the outages, repairs, source of replacement electricity, cost of replacement electricity, and cost responsibility. This determination may be appealed under the procedures stated in Rule 7.6.

## Need for Hearing

We expect disputed issues of material fact over which parties will seek to cross-examine others. Therefore, we preliminarily determine that a hearing will be needed. (Rule 7.1(c).)

## Schedule

Appeals of the categorization of this proceeding, if any, are to be filed and served within 10 days of the date this OII was issued. (Rule 7.6(a).) As required by our rules, an appeal shall state why the designated category is wrong as a matter of law or policy, and shall be served on the Commission’s General Counsel, Chief Administrative Law Judge, the President of the Commission, and the service list used for this OII. Responses to an appeal shall be filed within five days of the date an appeal is filed, and shall be served on appellant and all persons on the service list for this OII. (Rule 7.6(b).)

Responses to this OII may also be filed and served, and shall be filed and served within 30 days of the date this OII is issued. (Rule 5.2.) Responses shall state objections, if any, to the preliminary Scoping Memo regarding the issues, need for hearing, and schedule. Replies to responses may be submitted, and must be filed and served within seven days after the date of responses.

The assigned Commissioner shall set a prehearing conference (PHC) for as soon as practicable after responses to this order are filed. (Rule 7.2(a).) The assigned Commissioner and/or the assigned Administrative Law Judge (ALJ) may direct that the two respondent utilities provide background information before the PHC so all participants in the investigation have the same essential starting data (e.g., factual overview of SONGS 2 and 3; dates and causes of recent outages; status of investigation; current engineering and construction schedule to address outages; costs incurred to date with respect to the outages).

The notice setting the PHC may set a date for the filing and service of PHC statements. PHC statements, if any, should state with specificity the party’s recommendations for anything necessary to complete the assigned Commissioner’s Scoping Memo, plus anything else necessary to reasonably proceed with this investigation. For example, PHC statements should, to the extent feasible, include the party’s recommended exact proposed wording for issues, specific dates for the schedule, and necessary detail for hearing (to the extent known at that time). Moreover, to the extent it is possible for parties to agree on issues, schedule and other matters for the Scoping Memo, parties should employ their best efforts to prepare a joint PHC Statement.

We expect respondents and parties will advise the Commission at the PHC regarding the most efficient way to proceed. We leave the details of process and schedule to the assigned Commissioner or ALJ’s.

The first matter, however, is whether or not, pursuant to § 455.5, to reduce rates and by how much. We direct SCE and SDG&E to produce their proposals within 45 days of the date of this order. These proposals should be in the form of proposed testimony. Each proposal should clearly show the amount of SONGS costs in current rates, the amount to be removed, the effective date, and any other information necessary for the Commission to fully implement a just and reasonable rate adjustment pursuant to § 455.5.

The adopted schedule is summarized in Attachment B. The adopted schedule may be changed by the assigned Commissioner or ALJ as necessary to promote efficient and equitable development of the record in this proceeding. It is anticipated that this proceeding shall be resolved within 18 months of the date the Scoping Memo is issued. (*See* § 1701.5.)

# Service and Official Service List

A service list has been established for this proceeding, a copy of which is attached (*see* Attachment C) and posted on the Commission’s website. The service list is composed of all persons on the official service lists for:

* A.11-04-006 (SCE SONGS seismic safety program costs)
* A.10-11-015 (SCE GRC)
* A.10-12-005 (SDG&E GRC)
* A.09-04-009 (Joint application of SCE and SDG&E for nuclear decommissioning cost recovery)[[9]](#footnote-10)
* R.12-03-014 (Long-Term Procurement Rulemaking)
* R.11-10-023 (Resource Adequacy Rulemaking)
* A.11-04-001 (SCE 2010 ERRA compliance)
* A.12-04-001 (SCE 2011 ERRA compliance)
* A.11-08-002 (SCE 012 ERRA forecast)
* A.12-08-001 (SCE 2013 ERRA forecast)
* A.11-06-003 (SDG&E 2010 ERRA compliance)
* A.11-09-022 (SDG&E 2012 ERRA forecast)
* A.12-04-003 (SDG&E ERRA trigger)
* A.12-10-002 (SDG&E 2013 ERRA forecast)
* A.11-05-011 (SDG&E Seismic Program Costs)

We also serve this order on the City of Riverside.[[10]](#footnote-11)

At the present time, all persons shall be entered on the official service list for this proceeding as “information only,” with the exception of SCE, SDG&E, and those in state service. SCE and SDG&E are respondents, and are entered in the party category. State service participants from prior lists shall remain in the state service category.

Persons in the information only category may seek party status by making an oral motion at the PHC or hearing, by filing a written motion, or as otherwise directed by the ALJ. (*See* Rule 1.4(a)(3) and (4).) Commission practice is to allow only one person to formally represent each party. (*See* Commission’s form for “Addition/Change to Service List.”[[11]](#footnote-12)) To assist with efficient execution of this practice, motions for party status should clearly identify the lead person to be placed in party status, plus the names with other necessary information (e.g., e‑mail addresses) for anyone else to be placed into (or remain in) information only.[[12]](#footnote-13)

In addition, any person not on the official service list contained in Attachment C may request addition to the category of state service or information only by making that request to the Process Office. (*See* Rule 1.9(f).) The request should be sent to the Commission’s Process Office by e-mail (Process\_Office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA  94102). The request must include an e-mail address to receive service of electronically served documents. (*See* Rule 1.10(b).) It is the responsibility of each person to notify the Process Office of his or her current postal service mailing address, current electronic-mail address, and any changes or corrections. (Rule 1.9(e).) A person may ask to be removed from the state service or information only portions of the service list at any time by request to the Process Office.

All pleadings in this proceeding shall be served on the official service list, including all those in the information only category (as periodically updated on the Commission’s website). The Commission encourages electronic filing and   
e-mail service in this investigation. Information about electronic filing may be found at <http://www.cpuc.ca.gov/PUC/efiling>. E-mail service is governed by Rule 1.10. The electronic copy should be in Microsoft Word or Excel formats to the extent possible. E‑mail service of documents must occur no later than 5:00 p.m. on the date that service is scheduled to occur. Those persons using e‑mail service must also serve a paper copy on the ALJ. (*See* Rule 1.10(e).) Questions about the Commission’s filing and service procedures should be directed to the Commission’s Docket Office by telephone at (415) 703-2121, by e‑mail at [efile-help@cpuc.ca.gov](mailto:efile-help@cpuc.ca.gov), or by letter to Docket Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

# Public Advisor

Any person or entity interested in participating in this investigation who is unfamiliar with the Commission’s procedures should contact the Commission’s Public Advisor in San Francisco by telephone at (415) 703-2074 or (866) 849-8390, or by e-mail at [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov). The Public Advisor’s office in Los Angeles may be reached by telephone at (213) 576-7055 or (866) 849-8391, or by e‑mail at [public.advisor.la@cpuc.ca.gov](mailto:public.advisor.la@cpuc.ca.gov). The TTY number is (866) 836-7825. Written communication may be sent to Public Advisor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

# Intervenor Compensation

Any party that expects to claim intervenor compensation for its participation in this investigation shall file its notice of intent to claim intervenor compensation no later than 30 days after the PHC. (*See* Rule 17.1.) Parties are strongly encouraged to use the standardized form attached to the Intervenor Compensation Program Guide, which may be found at: <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/index3.htm>. Questions may be directed to the Commission’s Public Advisor.

# *Ex Parte* Communications

Communications with decision makers and advisors in this rulemaking are governed by Article 8 of the Rules of Practice and Procedure. (Rule 8.1, *et seq*.) Specifically, Rule 8.3(c) states that *ex parte* communications in ratesetting proceedings are subject to the restrictions stated in Rule 8.3, and the reporting requirements set forth in Rule 8.4.

**IT IS ORDERED** that:

1. In accordance with Public Utilities Code §§ 451, 455.5 and 701, and Rule 5.1 of the Commission’s Rules of Practice and Procedure, the Commission institutes this Order Instituting Investigation. This investigation shall obtain information on the outages at the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. It shall investigate the causes, each utility’s responses, the future of the SONGS units, and the resulting effect on the provision of safe and reliable electric service at just and reasonable rates. The Commission shall determine whether to adjust rates due to the outages and shall issue orders, as necessary and appropriate, based on this investigation to address ratemaking and other matters under our jurisdiction.
2. Southern California Edison Company and San Diego Gas & Electric Company are respondents to this Investigation, and shall be subject to Commission orders in this matter, unless determined otherwise by the Commission.
3. All revenues collected in recovery of costs on and after January 1, 2012 related to San Onofre Generating Station Units 2 and 3 are subject to refund. All Steam Generator Replacement Program costs, and rates collected in recovery of those costs, are subject to reasonableness review and refund.
4. Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) shall take the following actions:
5. SCE and SDG&E shall, after a meet and confer session with Commission staff and within 30 days of the date this order is issued, each file and serve a Tier 1 advice letter to establish a San Onofre Nuclear Generating Station (SONGS) Outage Memorandum Account (OMA). Each utility shall track in SONGS OMA all SONGS costs and expenditures incurred on and after January 1, 2012, and the revenues collected in recovery of those costs; except Steam Generator Replacement Program (SGRP) costs and revenues collected in recovery of those costs, which shall track all SGRP costs from SGRP inception. Each utility shall also track in SONGS OMA all costs, expenditures, and related revenues on and after January 1, 2012 for other costs incurred as a result of the outages (e.g., replacement power, repairs, litigation). SONGS OMA shall contain at least the following subaccounts (subject to adjustment at the direction of the Energy Division Director): existing fixed costs, revenue requirements for SONGS, existing variable costs, existing seismic safety program costs, SGRP costs, other existing costs, outage investigation costs, replacement generation costs, safety-related program costs pursuant to Nuclear Regulatory Commission findings or orders, other product and service costs, cost of transmission upgrades or other system improvements related to the outages, repair costs, other routine operational costs, regulatory costs, litigation costs, other costs.
6. SCE and SDG&E shall each track costs recorded in the Energy Resource Recovery Account (ERRA) that are incurred on and after January 1, 2012 in a subaccount of SONGS OMA for subsequent review in this proceeding; this involves all ERRA entries including replacement energy and capacity resulting from the SONGS outages;
7. SCE and SDG&E shall each track all costs related to Huntington Beach and Demand Response specifically implemented to address loss of SONGS Units 2 and 3 capacity in a subaccount of SONGS OMA.
8. SCE and SDG&E shall each identify and record any and all excess energy sales foregone (actual or estimated) by SCE and SDG&E due to the loss of SONGS Units 2 and 3; the amount of the energy and the foregone revenue shall be reported to the Commission in a separate document submitted each time the SONGS OMA is reported to the Commission, in a monthly report, or as directed by the Energy Division Director.
9. SCE and SDG&E shall each file and serve, no less than five days before a utility management final decision to proceed with a major project, a Tier 1 informational Advice Letter with the Energy Division Director before making any major capital expenditures related to SONGS. For this purpose, a major capital expenditure is any amount in excess of   
   $10 million (total expenditure before allocation to SCE, SDG&E and City of Riverside).
10. SCE and SDG&E shall each track all expenditures in excess of those removed pursuant to § 455.5 in a separate subaccount of SONGS OMA. The recovery of amounts booked in this memorandum subaccount shall be requested through a formal application filed by each utility with the Commission; and
11. SCE and SDG&E shall each file a monthly status report with the Commission’s Energy Division, with service on the service list. The monthly report shall include an operational update for the units, description of any Nuclear Regulatory Commission actions, estimated replacement energy and capacity costs, estimated other operational expenses, estimated foregone revenues due to lost sales of excess energy, and any other relevant information that either utility believes is relevant and which may impact the Commission’s consideration of safe and reliable service at just and reasonable rates, including any additional information directed by the Energy Division Director.
12. SCE and SDG&E shall, within 45 days of the date of this order (unless changed by the assigned Commissioner or Administrative Law Judge), each serve proposed testimony. The testimony shall state each utility’s proposed rate adjustments, pursuant to Public Utilities Code § 455.5, due to the outages at San Onofre Nuclear Generation Station Units 2 and 3, inclusive of a clear showing of the amount of SONGS costs in current rates, the amount to be removed, the effective date, and any other information necessary for the Commission to make an informed decision to fully implement a just and reasonable rate adjustment pursuant to Pub. Util. Code § 455.5.

5. The preliminarily scope of issues is as stated in the body of this order.

6. The category of this proceeding is ratesetting. This determination may be appealed under the procedures stated in Rule 7.6 of the Commission’s Rules of Practice and Procedure.

7. It is preliminarily determined that hearing is needed.

8. Unless changed by the assigned Commissioner or Administrative Law Judge, the schedule stated in the body of this order and summarized in Attachment B is adopted. It is the Commission’s intent to resolve this proceeding within 18 months of the date the Scoping Memo is issued.

9. The Executive Director shall perform service of this order on each person on the official service list. The official service list for this proceeding (*see* Attachment C) is composed of everyone on the service lists for: Application   
(A.) 11-04-006, A.10-11-015, A.10-12-005, A.09-04-009, Rulemaking (R.) 12-03-014, R.11-10-023, A.11-04-001, A.12-04-001, A.11-08-002, A.12-08-001, A.11-06-003, A.11-09-022, A.12-04-003, A.12-10-002, and A.11-05-011. The official service list shall also include the City of Riverside. Southern California Edison Company and San Diego Gas & Electric Company, as respondents to this proceeding, are entered into the party category. State service participants from prior service lists are continued in the state service category for this proceeding. All others are included in the information only category for this proceeding. Persons may seek party status by oral motion at the prehearing conference or hearing, by written motion, or as directed by the Administrative Law Judge.

10. A person expecting to file an intervenor compensation claim for participation in this proceeding shall file a notice of intent to claim intervenor compensation no later than 30 days after the date of the prehearing conference, or as otherwise directed by the Administrative Law Judge.

11*. Ex parte* communications in this proceeding are subject to the restrictions and reporting requirements stated in Article 8 of the Commission’s Rules of Practice and Procedure (Rule 8.1, *et seq*.).

This order is effective today.

Dated , at San Francisco, California

**ATTACHMENT B**

**ATTACHMENT B**

**ADOPTED SCHEDULE**

|  |  |  |
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| **LINE NO** | **ITEM** | **DATE** |
| 1 | Appeal of categorization | Filed and served within 10 days of date OII issued |
| 2 | Response to appeal of categorization | Filed and served within five days of appeal |
| 3 | SCE and SDG&E each file Tier 1 Advice Letters to establish SONGS OMA | Filed and served within 30 days of date OII issued |
| 4 | Response to OII (regarding issues, need for hearing, schedule) | Filed and served within 30 days of date OII issued |
| 5 | Reply to Response to OII | Filed and served within seven days of response to OII |
| 6 | If directed by assigned Commissioner or ALJ, SCE/SDG&E file and serve background information | To be determined |
| 7 | SCE and SDG&E proposed testimony on rate adjustment pursuant to PU Code § 455.5 (date, amount) | Served within 45 days of date OII issued |
| 8 | Ruling to set Prehearing Conference | To be set by ruling as soon as practicable after responses |
| 9 | Prehearing Conference | Early 2013 |
| 10 | Scoping Memo | Shortly after PHC |
| 11 | Investigation Concluded | Within 18 months of the date of the Scoping Memo |

**(END OF ATTACHMENT B)**

**ATTACHMENT C**

**Service List**

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| **\*\*\*\*\*\*\*\*\*\*\*\*\*\* PARTIES \*\*\*\*\*\*\*\*\*\*\*\*\*\***   Rochelle Becker  Executive Director  ALLIANCE FOR NUCLEAR RESPONSIBILITY  PO BOX 1328  SAN LUIS OBISPO CA 93406  (858) 337-2703  rochelle@a4nr.org  For: Alliance for Nuclear Responsibility \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Rashid A. Rashid  Legal Division  RM. 4107  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-2705  rhd@cpuc.ca.gov  For: DRA   Alvin S. Pak  SAN DIEGO GAS & ELECTRIC COMPANY  101 ASH STREET, HQ12C  SAN DIEGO CA 92101-3017  (619) 696-2190  APak@SempraUtilities.com  For: San Diego Gas & Electric Company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Gloria M. Ing  Attorney At Law  SOUTHERN CALIFORNIA EDISON COMPANY  2244 WALNUT GROVE AVE. / PO BOX 800  ROSEMEAD CA 91770  (626) 302-1999  gloria.ing@sce.com  For: Southern California Edison Company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **\*\*\*\*\*\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*\*\*\*\*\*\***   Robert A. Barnett  Administrative Law Judge Division  RM. 2208  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-1504  rab@cpuc.ca.gov | Truman L. Burns  Division of Ratepayer Advocates  RM. 4205  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-2932  txb@cpuc.ca.gov   Eric Greene  Energy Division  AREA 4-A  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-5560  eg1@cpuc.ca.gov   Sepideh Khosrowjah  Executive Division  RM. 5202  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-1190  skh@cpuc.ca.gov   Scott Logan  Division of Ratepayer Advocates  RM. 4108  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-1418  sjl@cpuc.ca.gov   Robert M. Pocta  Division of Ratepayer Advocates  RM. 4205  505 Van Ness Avenue  San Francisco CA 94102 3298  (415) 703-2871  rmp@cpuc.ca.gov   **\*\*\*\*\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*\*\*\*\*\***   Patricia Borchmann  1141 CARROTWOOD GLEN  ESCONDIDO CA 92026  (760) 580-7046  patricia.borchmann@yahoo.com   CALIFORNIA ENERGY MARKETS  425 DIVISADERO STREET, SUITE 303  SAN FRANCISCO CA 94117  (415) 963-4439  cem@newsdata.com |
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**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*SERVICE LIST\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

City of Riverside  
C/O Scott C. Barber  
City Manager  
3900 Main Street, 7th Floor  
Riverside, CA 92501

1. The City of Riverside is a municipal utility not under the California Public Utilities Commission’s (Commission’s) jurisdiction. [↑](#footnote-ref-2)
2. <http://www.nrc.gov/info-finder/reactor/songs/ML12188A748.pdf>. [↑](#footnote-ref-3)
3. All statutory citations are to the Public Utilities Code unless noted otherwise. [↑](#footnote-ref-4)
4. The Commission has determined major facilities to be: “For electric utilities, a ‘major generation or production facility’ for purposes of the requirements of Pub. Util. Code   
   § 455.5 includes any generation plant or facility with nameplate capacity of   
   50 megawatts (MW) or more, or that represents at least one percent (1%) of an electric utility's retained generation system capacity, whichever is smaller. System capacity includes the utility's ownership share in jointly-owned and out-of-state facilities.” (Decision (D.) 07-09-021 at 8.) [↑](#footnote-ref-5)
5. Costs up to $50.1 million are entered into the Base Revenue Requirement Balancing Account, recoverable in a subsequent ERRA compliance filing. Costs in excess of   
   $64.0 million may be recorded, but require reopening the proceeding. Costs for Energy Division Director Review may be entered into an Energy Division Director’s Review Memorandum Account, recoverable in a subsequent ERRA compliance filing. [↑](#footnote-ref-6)
6. Costs up to $12.8 million are entered into one of two balancing accounts. Costs in excess of $12.8 may be recorded in a SONGS Seismic Research Memorandum Account (SRMA), with recovery subject to review for reasonableness and prudence. Costs for Energy Division Director Review may be entered into the SONGS SRMA. [↑](#footnote-ref-7)
7. The original authorization of $680 million (D.05-12-040) was reduced to $671 million. (D.11-05-035.) [↑](#footnote-ref-8)
8. The Energy Division Director may specify more or other subaccounts (or subdivisions of subaccounts). The Director may also consolidate or eliminate subaccounts or subdivisions. We expect each utility to propose clear, accurate and correct accounts and accounting treatment to accomplish the required purpose. Before filing the Tier 1 advice letter, each utility should meet and confer with Commission staff to explain proposals and address issues or concerns, if any. We expect each utility and Energy Division to use their best efforts to resolve all necessary accounting matters for efficient and timely disposition of the Tier 1 advice letter. [↑](#footnote-ref-9)
9. Consolidated with A.09-04-007 (Pacific Gas and Electric Company nuclear decommissioning cost recovery). [↑](#footnote-ref-10)
10. We include the City of Riverside in the information only category. The City may determine whether or not it wishes to monitor this investigation (by continuing in the information only category), participate in this investigation (by filing a motion for party status), or be removed from the information only portion of the service list. [↑](#footnote-ref-11)
11. *See* <http://docs.cpuc.ca.gov/published/service_lists/sl_index.htm>. [↑](#footnote-ref-12)
12. This is also true for state service. That is, for example, one person representing the Commission’s Division of Ratepayer Advocates may be identified for entry into the party category, with others listed in the state service category. [↑](#footnote-ref-13)