

Decision 22-04-025 April 7, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of Southern California Edison Company (U338E) and San Diego Gas & Electric Company (U902E) to Find the 2014 SONGS Units 2 and 3 Decommissioning Cost Estimate Reasonable and Address Other Related Decommissioning Issues.

Application 14-12-007

**DECISION GRANTING COMPENSATION TO
ALLIANCE FOR NUCLEAR RESPONSIBILITY
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-04-019**

Intervenor: Alliance for Nuclear Responsibility (“A4NR”)	For contribution to Decision (D.) 16-04-019
Claimed: \$114,058.19	Awarded: \$114,179.54
Assigned Commissioner: Darcie Houck ¹	Assigned ALJ: Robert W. Haga

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.16-04-019 approved the \$4.411 billion decommissioning cost estimate for the San Onofre Nuclear Generating Station Units 2 and 3, reduced current ratepayer contributions to zero, and adopted requirements for future reporting and reasonableness reviews.
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¹ This proceeding was reassigned from President Batjer to Commissioner Houck on February 2, 2022.

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:	04/02/15	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	05/04/15; amended 08/13/15	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:	A.14-12-007	Verified
6. Date of ALJ ruling:	08/04/15, conditioned on 08/13/15 amendment	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:	A.14-12-007	Verified
10. Date of ALJ ruling:	08/04/15	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-04-019	Though A4NR claims compensation for D.16-04-019, the last decision in the proceeding was

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

	Intervenor	CPUC Verification
		D.20-03-035 which denied rehearing.
14. Date of issuance of Final Order or Decision:	Rehearing denied 03/30/20	Verified
15. File date of compensation request:	05/21/20	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
3, 6	08/13/15 Amendment to NOI was resubmittal of A4NR Articles of Incorporation and Bylaws due to formal CPUC record of earlier filing having been moved to State Archives in Sacramento and not readily accessible to ALJ	Verified

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. A4NR contested the reasonableness of the Joint Application's estimate of the length of time spent nuclear fuel will remain at the SONGS site (Protest, pp.1 – 5; PHC Statement, p. 1; Testimony -- Exhibit 38, pp. 2 – 7, 8 – 9; Opening Brief, pp. 2 – 7; Reply Brief, pp. 9 – 11). Although D.16-04-019 noted that no party offered an alternative date with a persuasive supporting analysis, A4NR's intervention created an informed evidentiary record on a vital topic comprising 29% of the Decommissioning Cost Estimate, served as an underpinning for ORA's opposition to adoption of a Decommissioning Cost Estimate	D.16-04-019 found the assumption that DOE will begin accepting spent nuclear fuel in 2024 "uncertain" (at p. 20) and quoted extensively from the Commission's earlier encounter with "this issue" in the prior NDCTP: "We find there is little more than speculation in the record to support the projected date when DOE [Department of Energy] will begin to accept SNF [Spent Nuclear Fuel] for long-term storage ... We agree that 2024 is optimistic ... However, the sooner the utilities can safely transfer SNF to DOE control the better. The longer the transfer to DOE is delayed, the higher	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
(discussed at p. 10 of D.16-04-019), and contributed to the pressures that prompted SCE to develop a strategic plan for alternatives to indefinite onsite storage for consideration in future NDCTPs.	the transfer and storage costs for SNF.” (at p. 18) D.20-03-005 (at p. 15), denying rehearing of D.16-04-019, makes clear that the Commission “did not rely on the [utility] testimony in question to make any finding regarding the truth of the matter (i.e., that the DOE will in fact begin removal in 2024). We relied on it only to understand why the utilities used 2024 as a preliminary benchmark...”	
2. A4NR contested the reasonableness of SCE’s avowed intent (and strong encouragement from TURN’s witness) to weaken the cleanup standard required by the SONGS easement granted by the U.S. Navy, despite the Joint Application’s assertion that cleanup to the standard prescribed by the Navy has already been fully funded in the decommissioning trusts (Protest, pp. 1, 5 – 8; PHC Statement, pp. 1 – 2; Testimony, Exhibit 38, pp. 9 – 14; Opening Brief, pp. 12 – 17; Reply Brief, pp. 16 – 17). In view of SCE’s previous success in enlisting the CPUC Executive Director to write a letter to the Navy complaining of the potential expense of removing SONGS subsurface structures, A4NR considers D.16-04-019’s reticence on the subsurface structures removal to be a significant product of its intervention.	D.16-04-019 pp. 19 – 20: “At this time, the potential sources of such reductions offered by TURN [specifically including ‘renegotiation of the site termination requirements in the lease with the U.S. Navy’] are not sufficiently certain to be incorporated into the Estimate.”	Verified
3. A4NR contested the reasonableness of the Joint Application’s request for a modified approach to Unit 2&3 reasonableness reviews, with a	D.16-04-019 Conclusion of Law #13: “The utilities’ request to accord a presumption of reasonableness to cost elements where the actual costs are no	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
rebuttable presumption of reasonableness for expenditures below a prior summary level forecast of costs in the Decommissioning Cost Estimate (Protest, pp. 8 – 10; PHC Statement, p. 2; Opening Brief, pp. 8 – 12; Reply Brief, pp. 12 – 16).	greater than the amount reflected in the Decommissioning Cost Estimate is summarily denied.” <i>See, also, Conclusions of Law #10 and #11.</i>	

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?³	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes, on two of the three major issues raised by A4NR.	Verified
c. If so, provide name of other parties: ORA (as the Public Advocate's Office was known in this proceeding) and Donna Gilmore held similar positions on the reasonableness of spent fuel storage assumptions; ORA, TURN, and UCAN on the reasonableness of SCE/SDG&E's requested modifications to reasonableness review standards.		Verified
d. Intervenor's claim of non-duplication: On the issues where the above-identified parties had similar positions, A4NR communicated early with the others and brought a unique perspective to each topic. For example, on spent fuel storage assumptions A4NR took the position that the utilities' unreasonable assumptions that DOE would accept deliveries as early as 2024 could leave the decommissioning trusts under-funded and raised significant intergenerational equity questions—neither ORA nor Gilmore went this far—and A4NR's testimony and briefing were by far the most detailed on this topic. On the issue of the utilities' proposed revision to the reasonableness review process for decommissioning costs, A4NR focused principally on the ramifications of SCE's attempt to shift the burden-of-proof		Verified

³ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
	and the creation of gaming opportunities, while UCAN addressed balancing accounts, TURN proposed a reconfigured milestone accounting system, and ORA offered a more generalized critique. D.16-04-019's summary disposition of the utility proposal and the language used indicates this coordinated effort was well-received.	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor's claim of cost reasonableness: Given the volume of documents included in the SCE/SDG&E filing, and the extensive discovery required to obtain admissible evidence on the substantive issues that were the focus of A4NR's intervention, the costs of A4NR's participation in the proceeding were easily exceeded by the benefits likely to be achieved in future DCE filings. SCE has launched an expert review process to develop a strategic plan assessing offsite alternatives for SNF storage because of the obvious unsustainability of the current plan. SCE has materially reduced the costs attributable to substructure removal, and is no longer seeking to ensnare the Commission in being an accessory to the evasion of Navy cleanup standards that have been paid for by ratepayers since 1988. And, SCE has been ordered to conform to traditional standards of reasonableness review rather than continue to attempt to devise burden-shifting, easily gamed alternatives that would shield it and SDG&E from accountability. Similar to the efforts of other intervenors and ORA, these contributions were prophylactic and aimed at the future. D.16-04-019 estimates the SONGS 2&3 decommissioning to be a \$4.4 billion endeavor, and the ratepayer protections to which A4NR contributed in the proceeding can be reasonably expected to produce savings many times the cost of A4NR's participation.</p>	Noted
<p>b. Reasonableness of hours claimed: A4NR expended 256.7 hours on the proceeding, materially less than the hours deemed fully compensable for UCAN (338.75 in D.17-01-028) and TURN (492.25 in D.17-01-027). This case involved the first post-shutdown NDCTP proceeding for SONGS 2&3 and established an important template for future Commission oversight of SONGS decommissioning costs even though the Commission made no reductions in the DCE submitted by SCE and SDG&E (which, as filed, was \$107 million less than the previously</p>	Noted

	CPUC Discussion
approved DCE according to D. 16-04-019 at p. 17). A significant level of effort was required of each of the intervenors to create a well-informed evidentiary record for the Commission's decision. As did the other intervenors on other issues, A4NR made substantial contributions to the Commission's consideration of the length of time spent nuclear fuel will remain onsite, the diminishing cost of compliance with the fully-funded subsurface structure removal provisions of the Navy easement, and the appropriate assignment of burden of proof in decommissioning cost reasonableness reviews. Due to the emphasis they received in this proceeding, these topics will each be major aspects of the NDCTP review process in the future.	
c. Allocation of hours by issue: Spent Nuclear Fuel storage, 36.7% (94.09 hours); removal of subsurface structures, 27.1% (69.46 hours); future reasonableness review process, 28.5% (73.02 hours); other, 7.8% (20.08 hours) (percentages sum to 100.1 due to rounding).	Noted

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2016	30.51	\$580.00	D.18-10-050	\$17,695.80	30.51	\$580.00	\$17,695.80
John Geesman	2015	150.13	\$570.00	D.18-10-050	\$85,574.10	150.13	\$570.00	\$85,574.10
John Geesman	2014	3.12	\$570.00	D.18-10-050	\$1,778.40	3.12	\$570.00	\$1,778.40
Rochelle Becker	2016	6.51	\$140.00	D.18-10-050	\$911.14	6.51	\$140.00	\$911.14
Rochelle Becker	2015	3.2	\$140.00	D.18-10-050	\$448.00	3.2	\$140.00	\$448.00
Rochelle Becker	2014	0.74	\$140.00	D.18-10-050	\$103.60	0.74	\$140.00	\$103.60
David Weisman	2016	3.21	\$125.00	D.18-10-050	\$401.25	3.21	\$125.00	\$401.25

CLAIMED						CPUC AWARD		
David Weisman	2015	7.28	\$85.00	D.18-10-050	\$618.80	7.28	\$85.00	\$618.80
David Weisman	2014	1.8	\$85.00	D.18-10-050	\$153.00	1.8	\$85.00	\$153.00
Subtotal: \$107,684.09						Subtotal: \$107,684.09		
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 \$
Rochelle Becker travel	2016	8	\$70.00	D.18-10-050	\$560.00	8	\$70.00	\$560.00
Rochelle Becker travel	2015	3	\$70.00	D.18-10-050	\$210.00	3	\$70.00	\$210.00
David Weisman travel	2016	8	\$62.50	D.18-10-050	\$500.00	8	\$62.50	\$500.00
David Weisman travel	2015	5.5	\$42.50	D.18-10-050	\$233.75	5.5	\$42.50	\$233.75
Subtotal: \$1,503.75						Subtotal: \$1,503.75		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
John Geesman	2020	10.5	\$307.50	Res. ALJ-357 (see Comment 1 below)	\$3,228.75	10.5	\$317.50 [1]	\$3,333.75
John Geesman	2015	1.33	\$285.00	D.18-10-050	\$379.05	1.33	\$285.00	\$379.05
Rochelle Becker	2020	1.2	\$75.00	D.19-09-049 and Res. ALJ-357 (see Comment 1 below)	\$90.00	1.22	\$80.00 [2]	\$97.60

CLAIMED						CPUC AWARD		
David Weisman	2020	3.5	\$70.00	D.18-10-050 and Res. ALJ-357 (see Comment 1 below)	\$245.00	3.5	\$72.50 [3]	\$253.75
Subtotal: \$3,942.80						Subtotal: \$4,064.15		
COSTS								
#	Item		Detail		Amount	Amount		
1.	Becker/ Weisman travel receipts		See Attachment 5		\$927.55	\$927.55		
Subtotal: \$927.55						Subtotal: \$927.55		
TOTAL REQUEST: \$114,058.19						TOTAL AWARD: \$114,179.54		
<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. Intervenor’s 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>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ⁴		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
John Geesman		06/28/77		74448		No		

C. Attachments Documenting Specific Claim and Comments on Part III: (*Intervenor completes; attachments not attached to final Decision*)

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time Records of John Geesman
3	Time Records of Rochelle Becker

⁴ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
4	Time Records of David Weisman
5	Becker/Weisman travel expenses
6	Spreadsheet Verification of Calculations
Comment 1	If the Commission adopts a 2020 COLA for hourly rates, A4NR requests that it be applied to 2020 hours instead of the Res. ALJ-357 rates reflected in this claim.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	We now adopt a 2020 rate of \$635 for John Geesman. This rate includes the 2020 standard 2.55% COLA and rounding to the nearest \$5. 2017-\$580 + 2.14% COLA= \$590 2018-\$590 + 2.30% COLA= \$605 2019-\$605 + 2.35% COLA= \$620 2020-\$620 + 2.55% COLA= \$635
[2]	We now adopt a 2020 rate of \$160 for Rochelle Becker. This rate includes the 2020 standard 2.55% COLA and rounding to the nearest \$5. 2017-\$140 + 2.14% COLA= \$145 2018-\$145 + 2.30% COLA= \$150 2019-\$150 + 2.35% COLA= \$155 2020-\$155 + 2.55% COLA= \$160
[3]	We now adopt a 2020 rate of \$145 for David Weisman. This rate includes the 2020 standard 2.55% COLA and rounding to the nearest \$5. 2017-\$125 + 2.14% COLA= \$130 2018-\$130 + 2.30% COLA= \$135 2019-\$135 + 2.35% COLA= \$140 2020-\$140 + 2.55% COLA= \$145

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
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Alliance for Nuclear Responsibility has made a substantial contribution to D.16-04-019.
2. The requested hourly rates for Alliance for Nuclear Responsibility's representatives, as adjusted herein, are 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 \$114,179.54.

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 shall be awarded \$114,179.54.
2. Within 30 days of the effective date of this decision, Southern California Edison Company and San Diego Gas & Electric Company shall pay Alliance for Nuclear Responsibility their respective shares of the award, based on their California-jurisdictional electric revenues for the 2015 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric revenue data shall be used. 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 August 4, 2020, 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 waived.

This decision is effective today.

Dated April 7, 2022, at San Francisco, California.

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN R.D. REYNOLDS

Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2204025	Modifies Decision?	No
Contribution Decision(s):	D1604019		
Proceeding(s):	A1412007		
Author:	ALJ Haga		
Payer(s):	Southern California Edison Company and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Alliance for Nuclear Responsibility	5/21/2020	\$114,058.19	\$114,179.54	N/A	See CPUC Adjustments, noted above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
John	Geesman	Attorney	\$570	2014	\$570
John	Geesman	Attorney	\$570	2015	\$570
John	Geesman	Attorney	\$580	2016	\$580
John	Geesman	Attorney	\$590	2017	\$590
John	Geesman	Attorney	\$605	2018	\$605
John	Geesman	Attorney	\$620	2019	\$620
John	Geesman	Attorney	\$635	2020	\$635
Rochelle	Becker	Expert	\$140	2014	\$140
Rochelle	Becker	Expert	\$140	2015	\$140
Rochelle	Becker	Expert	\$140	2016	\$140
Rochelle	Becker	Expert	\$145	2017	\$145
Rochelle	Becker	Expert	\$150	2018	\$150
Rochelle	Becker	Expert	\$150	2019	\$155
Rochelle	Becker	Expert	\$155	2020	\$160
David	Weisman	Expert	\$85	2014	\$85
David	Weisman	Expert	\$85	2015	\$85
David	Weisman	Expert	\$125	2016	\$125
David	Weisman	Expert	\$130	2017	\$130
David	Weisman	Expert	\$130	2018	\$135

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
David	Weisman	Expert	\$135	2019	\$130
David	Weisman	Expert	\$140	2020	\$145

(END OF APPENDIX)