

Decision **PROPOSED DECISION OF ALJ NOJAN** (Mailed 6/26/2024)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric  
Company in the 2021 Nuclear  
Decommissioning Cost Triennial  
Proceeding. (U39E.)

Application 21-12-007

**DECISION GRANTING COMPENSATION TO ALLIANCE  
FOR NUCLEAR RESPONSIBILITY FOR SUBSTANTIAL  
CONTRIBUTION TO DECISION 23-09-004**

<b>Intervenor: Alliance for Nuclear Responsibility (A4NR)</b>	<b>For contribution to Decision (D.) 23-09-004</b>
<b>Claimed: \$241,530.55</b>	<b>Awarded: \$65,661.65</b>
<b>Assigned Commissioner: Darcie Houck</b>	<b>Assigned ALJ: Amin Nojan</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.23-09-004 adopts and approves the Settlement Agreement, dated December 16, 2022 between Pacific Gas and Electric Company, The Utility Reform Network, the Public Advocates Office at the California Public Utilities Commission, Alliance for Nuclear Responsibility, County of San Luis Obispo, Northern Chumash Tribal Council, DHK Associates, and Women's Energy Matters. The Decision also resolves disputed issues concerning radiation cleanup and refund of the balance in the Diablo Canyon Non-Qualified Trust.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>1</sup>:**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	February 17, 2022	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	March 16, 2022	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.23-01-007	A.21-01-004
6. Date of ALJ ruling:	June 14, 2023	August 19, 2021
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.23-01-007	A.21-01-004
10. Date of ALJ ruling:	June 14, 2023	August 19, 2021
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.23-09-004	Verified
14. Date of issuance of Final Order or Decision:	September 26, 2023	Verified
15. File date of compensation request:	November 6, 2023	Verified
16. Was the request for compensation timely?		Yes

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

**C. Additional Comments on Part I:**

#	Intervenor’s Comment(s)	CPUC Discussion
6, 10	On June 14, 2023 A4NR emailed to the R.23-01-007 ALJ (with cc to the R.23-01-007 service list) a copy of D.22-12-018, rendered in A.20-04-023, to correct the mistaken description in numbered paragraph 2 of the R.23-01-007 ALJ’s June 14, 2023 ruling. Regarding the requirements of § 1804(a)(2)(B) as applied to A.21-12-007, A4NR has not received and will not receive any funding from any grantors or contributors related to its participation in A.21-12-007.	Noted

**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’s Response to PG&E’s Application (at p. 4) identified deficiencies in the Humboldt Bay DCE’s outdated assessment of tsunami risk, and A4NR sponsored extensive testimony in A4NR-1 (at pp. 19 – 36) about the cost implications stemming from inadequate consideration of current information on sea level rise, offshore earthquakes, and properly calculated tsunami runup at the Humboldt Bay ISFSI.	The Settlement Agreement, which is Appendix A to D.23-09-004, notes A4NR-1’s position in Footnote 9. Settlement Agreement ¶ 3.7 requires an updated tsunami hazard assessment to be submitted with the 2024 NDCTP incorporating the most current information about sea level rise and tsunamigenic earthquakes benchmarked against the similar analysis performed for the SONGS ISFSI. The Settlement was adopted in its entirety by OP#1.	Verified
2. A4NR’s Response to PG&E’s Application (at pp. 3 – 4) identified illogical assumptions in the Diablo Canyon DCE concerning the length of time SNF will stay onsite, and significant	The Settlement Agreement, which is Appendix A to D.23-09-004, notes A4NR-1’s position in Footnote 8. Settlement Agreement ¶ 3.3 defers proposals addressing the assumed date DOE will commence picking up spent nuclear fuel, and the rate treatment of	Not Verified; The Settlement Agreement at 9 and D.23-09-004 at 12 state, “With respect to both DCPD (Diablo Canyon

<p>uncertainty about the DCE’s calculation of storage costs (including DOE reimbursement). A4NR sponsored testimony in A4NR-1 (at pp. 16 – 20) addressing a change in PG&amp;E’s estimating practice for SNF times at both Diablo Canyon and Humboldt Bay, and challenged the long-term impacts on costs from PG&amp;E’s planned use of DOE litigation proceeds.</p>	<p>DOE spent nuclear fuel litigation/settlement proceeds to PG&amp;E’s 2024 NDCTP. Settlement Agreement ¶ 3.6 urges the Commission to directly engage a third-party consultant to review, among other things at decommission plants in the U.S., significant differences in forecasted costs for spent fuel management and treatment of DOE litigation proceeds. The Settlement was adopted in its entirety by OP#1.</p>	<p>Power Plant) and HBPP (Humboldt Bay Power Plant), proposals addressing the assumed date DOE (Department of Energy) will commence picking up spent nuclear fuel, and the rate treatment of DOE spent nuclear fuel (SNF) litigation/settlement proceeds are deferred to PG&amp;E’s 2024 NDCTP (Nuclear Decommissioning Cost Triennial Proceeding).”</p> <p>A4NR’s contributions here are deemed to not have informed the record of this proceeding in a manner that helps the Commission reach a decision, as the evaluation of contributions to this issue will be deferred to the future proceeding noted above.</p> <p>See CPUC comment in Part III.D [7].</p>
<p>3. A4NR sponsored extensive testimony in A4NR-2 (at pp. 3 – 42) challenging the efficacy of PG&amp;E’s Diablo Canyon Decommissioning Engagement Panel and</p>	<p>The Settlement Agreement, which is Appendix A to D.23-09-004, notes A4NR-2’s position in Footnote 11. Settlement Agreement ¶ 3.13 imposes formal requirements for PG&amp;E responsiveness to questions from DCDEP members or the public; enables</p>	<p>Not Verified; The Settlement Agreement at 12 and D.23-09-004 at 18 state, “Proposals for additional revisions to the DCDEP</p>

<p>recommending a detailed proposal for its replacement by a Community Advisory Board similar to those used in other states.</p>	<p>greater CPUC involvement in DCDEP member recruitment and selection; contemplates either PG&amp;E’s replacement of the DCDEP or revision of its membership categories; defers consideration of proposals for additional revisions to the DCDEP – expressly including A4NR’s proposal – until PG&amp;E’s 2024 NDCTP; and defers reasonableness review of DCDEP costs until the 2024 NDCTP. The Settlement was adopted in its entirety by OP#1.</p>	<p>(Diablo Canyon Decommissioning Engagement Panel), including A4NR’s proposal to eliminate the DCDEP and replace it with the Diablo Canyon Community Advisory Board (DCCAB), will be deferred for consideration until PG&amp;E’s 2024 NDCTP. DCDEP costs incurred through September 2024 will be reviewed for reasonableness in PG&amp;E’s 2024 NDCTP.”</p> <p>A4NR’s contributions here are deemed to not have informed the record of this proceeding in a manner that helps the Commission reach a decision, as the evaluation of contributions to this issue will be deferred to the future proceeding noted above.</p> <p><i>See</i> CPUC comment in Part III.D [7].</p>
<p>4. A4NR’s Response to PG&amp;E’s Application (at pp. 1 – 3) noted ambiguity about the specific release criteria PG&amp;E planned to</p>	<p>OP#5 provides: “PG&amp;E shall conduct a study on the cost differences between a 25-millirem cleanup standard and a 10-millirem cleanup standard. The study shall include both costs and benefits for</p>	<p>Not Verified; D.23-09-004 at 29-30 states, “A4NR has provided no credible evidence that</p>

<p>include in the License Termination Plan it anticipated beginning to assemble in 2025. A4NR sponsored extensive testimony in A4NR-1 (at pp. 3 – 15) challenging the effect on the Diablo Canyon DCE of PG&amp;E’s specification of a 25-millirem site release criterion rather than the 10-millirem standard used in New York, Massachusetts, Vermont, and Maine. This issue was the only one litigated by any party in evidentiary hearings and is the sole topic of A4NR’s Opening and Reply Briefs.</p>	<p>each standard, be they financial, environmental, or of another relevant nature. The study shall also include an analysis of how the deferral of the identification of a cleanup standard may impact decommissioning costs and Diablo Canyon Power Plant. PG&amp;E must submit its findings as part of its next Nuclear Decommissioning Triennial Proceeding filing.”</p>	<p>PG&amp;E’s deferral in identifying a specific (cleanup) standard will result in an increase in costs... we find A4NR’s contention that PG&amp;E’s failure to adopt a lower (cleanup) standard, as was done in other states, will result in public controversy and discontent to be speculative and unsupported by evidence in the record of this proceeding... A4NR contends that the DCDEP’s desire to repurpose the area requires “as pristine a restored site as possible”...it is unclear what uses would suffer from a 25 mrem (millirem) standard, or which would benefit from a lower standard...for the reasons stated, we find A4NR’s arguments regarding the additional cost that will result from PG&amp;E’s deferral of identifying a specific site release criteria to be unsupported by the record in the proceeding.”</p> <p>A4NR’s contributions here are</p>
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		<p>deemed to not have informed the record of the proceeding in a manner that helps the Commission reach a decision.</p> <p><i>See CPUC comment in Part III.D [7].</i></p>
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties: WEM</b>		Noted
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>A4NR coordinated with WEM in the preparation of A4NR-2 concerning the DCDEP, particularly the use of examples from other decommission sites to evaluate the efficacy of the DCDEP. A4NR was unique, however, in utilizing this information to formulate a detailed proposal for the replacement of the DCDEP by a Community Advisory Board drawn from these experiences.</p>		Noted

### PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p><b>a. Intervenor’s claim of cost reasonableness:</b> A4NR focused on issues with major cost implications for decommissioning (i.e., tsunami/sea level rise risk at the Humboldt Bay ISFSI; SNF storage costs at both Humboldt Bay and Diablo Canyon; and site release criteria to be used in the Diablo Canyon License Termination Plan) and the process PG&amp;E utilizes to invite transparent public input into the Diablo Canyon decommissioning process. Based on its past experience in PG&amp;E’s NDCTP process, A4NR recognized that progress on these issues is likely to require litigation across more than one NDCTP cycle to persuade PG&amp;E or the Commission of the merit of A4NR’s recommendations. Accordingly, A4NR approached A.21-12-007 as a seed-planting opportunity and, with an eye to efficiency, willingly settled all but one of its four primary issues. A4NR success in the next NDCTP on any one of these four topics will likely produce ratepayer benefits well in excess of the amount of the current compensation claim.</p>	<p>Noted, but <i>see</i> CPUC disallowances and adjustments in Section III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>
<p><b>b. Reasonableness of hours claimed:</b> PG&amp;E’s NDCTP is a major priority for A4NR every three years, and the inputs from the regular intervenors (i.e., A4NR, TURN, and WEM) on particular issues commonly extend over more than one cycle. Several of these issues have proven amenable to settlement after the evidentiary development resulting from 2 or more cycles of NDCTP litigation. The 487.85 hours expended by A4NR in A.21-12-007 are a reduction from the 804.89 hours worked in the prior NDCTP, A.18-12-008 (which also resolved by settlement), but have succeeded in establishing important obligations for PG&amp;E to address in the next NDCTP on issues with significant cost, environmental, safety, and public participation implications.</p>	<p>Noted, but <i>see</i> CPUC disallowances and adjustments in Section III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>
<p><b>c. Allocation of hours by issue:</b> Humboldt Bay ISFSI tsunami/sea level rise risk: 91.54 (18.8%); DOE SNF pickup and funding: 80.08 (16.4%); DCDEP effectiveness/suitability: 140.57 (28.8%); DCNPP site release criteria: 151.83 (31.1%); General (including claim preparation): 23.83 (4.9%).</p>	<p>Noted, totals 100%</p>



**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2023	34.14	\$745	D.22-12-020, ALJ-393 escalation for 2022, plus first 5% step increase, plus ALJ-393 escalation for 2023	\$25,434.30	2.61 [4, 7]	\$745.00 [1]	\$1,944.45
John Geesman	2022	204.38 <sup>2</sup>	\$715	D.22-12-020, ALJ-393 escalation for 2022, plus first 5% step increase	\$146,131.70	73.70 [4, 7]	\$715.00 [1]	\$52,695.50
John Geesman	2021	17.15 <sup>3</sup>	\$660	D.22-12-020	\$11,319.00	1.29 [7]	\$660.00	\$851.40
Rochelle Becker	2023	2.00	\$320	D.22-12-020, ALJ-393 escalation for 2022, plus first 5% step increase, plus ALJ-393 escalation for 2023	\$640.00	0.19 [5, 7]	\$320.00 [2]	\$60.80
Rochelle Becker	2022	86.01	\$305	D.22-12-020, ALJ-393 escalation for 2022, plus first 5% step increase	\$26,233.05	8.31 [5, 7]	\$305.00 [2]	\$2,534.55
Rochelle Becker	2021	0.45	\$280	D.22-12-020	\$126.00	0.11 [7]	\$280.00	\$30.80
David Weisman	2023	5.85	\$220	D.22-07-020, ALJ-393 escalation for 2022, plus first 5% step increase, plus ALJ-393 escalation for 2023	\$1,287.00	0.34 [6, 7]	\$220.00 [3]	\$74.80
David Weisman	2022	120.39	\$210	D.22-07-020, ALJ-393 escalation for 2022, plus first 5% step increase	\$25,281.90	12.03 [6, 7]	\$210.00 [3]	\$2,526.30
David Weisman	2021	0.99	\$195	D.22-07-020	\$193.05	0.30 [7]	\$195.00	\$58.50
<b>Subtotal: \$236,646.00</b>						<b>Subtotal: \$60,777.10</b>		

<sup>2</sup> Timesheets submitted by A4NR indicate Geesman's hours total 216.60 for 2022.

<sup>3</sup> Timesheets submitted by A4NR indicate Geesman's hours total 4.93 for 2021.

CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2023	11	\$372.50	D.22-12-020, ALJ-393 escalation for 2022, plus first 5% step increase, plus ALJ-393 escalation for 2023	\$4,097.50	11.00	\$372.50 [1]	\$4,097.50
John Geesman	2022	0.74	\$357.50	D.22-12-020, ALJ-393 escalation for 2022, plus first 5% step increase	\$264.55	0.74	\$357.50 [1]	\$264.55
David Weisman	2023	4.75	\$110	D.22-07-020, ALJ-393 escalation for 2022, plus first 5% step increase, plus ALJ-393 escalation for 2023	\$522.50	4.75	\$110.00 [3]	\$522.50
<b>Subtotal: \$4,884.55</b>						<b>Subtotal: \$4,884.55</b>		
<b>TOTAL REQUEST: \$241,530.55</b>						<b>TOTAL AWARD: \$65,661.65</b>		

\*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

\*\*Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate

#### ATTORNEY INFORMATION

Attorney	Date Admitted to CA BAR <sup>4</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
John L. Geesman	June 28, 1977	74448	No

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

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

<sup>4</sup> 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
3	Time Records of Rochelle Becker
4	Time Records of David Weisman
5	Spreadsheet verification of calculations

#### D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] John Geesman (Geesman) 2022 & 2023 Hourly Rates	D.24-01-044 approved the 2022 hourly rate of \$715 for Geesman. D.24-04-039 approved the 2023 hourly rate of \$745 for Geesman.
[2] Rochelle Becker (Becker) 2022 & 2023 Hourly Rates	D.24-01-044 approved the 2022 hourly rate of \$305 for Becker. D.24-04-039 approved the 2023 hourly rate of \$320 for Becker.
[3] David Weisman (Weisman) 2022 & 2023 Hourly Rates	D.24-01-044 approved the 2022 hourly rate of \$210 and 2023 hourly rate of \$220 for Weisman.
[4] Geesman 2022 & 2023 Hours	<p>Section 1801.3(f) provides that the Commission should administer the Intervenor Compensation Program “in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.”</p> <p>Therefore, the following hours are disallowed from Geesman’s 2022 hours because they are deemed unproductive/excessive for the work performed:</p> <ul style="list-style-type: none"> <li>• 2/15/22-2/16/22, “attend DCISC Zoom mtg.” 11.25 hours are claimed in these entries, which is deemed excessive as Becker claimed a total of 9.75 hours for the same task. 1.50 hours are disallowed.</li> <li>• 11/15/22, “participate in evidentiary hearing.” 1.90 hours are claimed in this entry, which is deemed excessive as the record shows the evidentiary hearing lasted approximately 1.00 hour. 0.90 hours are disallowed.</li> </ul>

Item	Reason
	<p>We note that the 2022 timesheet entries for Geesman reflect 216.60 hours. Minus the disallowance of 2.40 hours, Geesman’s 2022 hours now total 214.20.</p> <p>Public Participation Hearings (PPH) provide members of the public, who are not parties to the proceeding, an opportunity to address their comments and concerns to the Commission. As such, the Commission does not compensate Intervenors for PPH-related hours (<i>See</i> D.04-09-050 at 12).</p> <p>Therefore, the following hours are disallowed from Geesman’s 2023 hours as non-compensable:</p> <ul style="list-style-type: none"> <li>• 1/27/23, 1.50 hours, “monitor remote PPH.” A4NR claimed a total of 2.50 hours in this entry, 1.50 hours are disallowed.</li> <li>• 2/1/23, 0.57 hours, “phone call w. client re: 1/31/23 PPH debrief.” A4NR claimed a total of 0.57 hours in this entry, 0.57 hours are disallowed.</li> </ul> <p>We note that the 2023 timesheet entries for Geesman reflect 34.14 hours. Minus the disallowance of 2.07 hours, Geesman’s 2023 hours now total 32.07.</p>
[5] Becker 2022 & 2023 Hours	<p>The following hours are disallowed from Becker’s 2022 hours because they are deemed unproductive/excessive for the work performed:</p> <ul style="list-style-type: none"> <li>• 11/15/22, “attend and monitor remote evidentiary hearing.” 1.90 hours are claimed in this entry, which is deemed excessive as the record shows the evidentiary hearing lasted approximately 1.00 hour. 0.90 hours are disallowed.</li> </ul> <p>We note that the 2022 timesheet entries for Becker reflect 86.01 hours. Minus the disallowance of 0.90 hours, Becker’s 2022 hours now total 85.11.</p> <p>The following hours are disallowed from Becker’s 2023 hours as non-compensable as they are PPH-related:</p> <ul style="list-style-type: none"> <li>• 2/1/23, 0.57 hours, “conference call w/ Geesman+Becker re: PPH issues.” A4NR claimed a total of 0.57 hours in this entry, 0.57 hours are disallowed.</li> </ul> <p>We note that the 2023 timesheet entries for Becker reflect 2.00 hours. Minus the disallowance of 0.57 hours, Becker’s 2023 hours now total 1.43.</p>

Item	Reason
<p>[6] Weisman 2022 &amp; 2023 Hours</p>	<p>The following hours are disallowed from Weisman’s 2022 hours because they are deemed unproductive/excessive for the work performed:</p> <ul style="list-style-type: none"> <li>• 11/15/22, “evidentiary hearing.” 1.90 hours are claimed in this entry, which is deemed excessive as the record shows the evidentiary hearing lasted approximately 1.00 hour. 0.90 hours are disallowed.</li> </ul> <p>We note that the 2022 timesheet entries for Weisman reflect 120.39 hours. Minus the disallowance of 0.90 hours, Weisman’s 2022 hours now total 119.49.</p> <p>The following hours are disallowed from Weisman’s 2023 hours as non-compensable as they are PPH-related:</p> <ul style="list-style-type: none"> <li>• 1/31/23, 2.50 hours, “attend + monitor in-person PPH in San Luis Obispo.” A4NR claimed a total of 2.50 hours in this entry, 2.50 hours are disallowed.</li> <li>• 2/1/23, 0.57 hours, “conference call w/ Geesman+Becker re: PPH issues.” A4NR claimed a total of 0.57 hours in this entry, 0.57 hours are disallowed.</li> </ul> <p>We note that the 2023 timesheet entries for Weisman reflect 5.85 hours. Minus the disallowance of 3.07 hours, Weisman’s 2023 hours now total 2.78.</p>
<p>[7] Lack of Substantial Contribution</p>	<p>A4NR does not meet substantial contribution standards of Section 1802(j) or Section 1802.5 regarding all comments related to DOE SNF pickup and funding, DCDEP effectiveness/suitability, and DCNPP (Diablo Canyon Nuclear Power Plant) site release criteria, as A4NR’s arguments regarding these issues were deemed to not have had a considerable impact on the proceeding in a manner that helped the Commission reach a decision. The issues related to DOE SNF pickup and funding have been deferred to a future proceeding (2024 Nuclear Decommissioning Cost Triennial Proceeding), and as such, the evaluation of A4NR’s contributions on this issue should also be deferred to that proceeding.</p> <p>The Commission compensates efficient effort that contributes to the proceeding’s outcomes; however, the Commission also disallows inefficient participation that is not contributory to the underlying issues.</p> <p>The following hours are disallowed for each individual listed below:</p> <p><b><u>John Geesman</u></b></p> <p>In 2023, Geesman claimed a total of 31.53 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site</p>

Item	Reason
	<p>release criteria. We disallow 100% of these hours, and with the disallowances noted here and above in item [4], Geesman’s 2023 hours now total 2.61.</p> <p>In 2022, Geesman claimed a total of 142.90 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. We disallow 100% of these hours, and with the disallowances noted here and above in item [4], Geesman’s 2022 hours now total 73.70.</p> <p>In 2021, Geesman claimed a total of 3.64 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. We disallow 100% of these hours. Geesman claimed a total of 4.93 hours in 2021. Minus the disallowances here, Geesman’s 2021 hours now total 1.29.</p> <p><b><u>Rochelle Becker</u></b></p> <p>In 2023, Becker claimed a total of 1.81 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. We disallow 100% of these hours, and with the disallowances noted here and above in item [5], Becker’s 2023 hours now total 0.19.</p> <p>In 2022, Becker claimed a total of 77.70 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. We disallow 100% of these hours, and with the disallowances noted here and above in item [5], Becker’s 2022 hours now total 8.31.</p> <p>In 2021, Becker claimed a total of 0.34 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. Becker claimed a total of 0.45 hours in 2021. Minus the disallowances here, Becker’s 2021 hours now total 0.11.</p> <p><b><u>David Weisman</u></b></p> <p>In 2023, Weisman claimed a total of 5.51 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. We disallow 100% of these hours, and with the disallowances noted here and above in item [6], Weisman’s 2023 hours now total 0.34.</p> <p>In 2022, Weisman claimed a total of 108.36 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site release criteria. We disallow 100% of these hours, and with the disallowances noted here and above in item [6], Weisman’s 2022 hours now total 12.03.</p> <p>In 2021, Weisman claimed a total of 0.69 hours associated with the issue areas of DOE SNF pickup, DCDEP effectiveness/suitability, and DCNPP site</p>

Item	Reason
	release criteria. Weisman claimed a total of 0.99 hours in 2021. Minus the disallowances here, Weisman’s 2021 hours now total 0.30.

**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))**

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

Party	Comment	CPUC Discussion
Alliance for Nuclear Responsibility (A4NR)	<p>A4NR filed Opening Comments to the Proposed Decision (PD) granting compensation to A4NR for substantial contribution to Decision (D.) 23-09-004. A4NR argues that the narrative identified by the PD in Comment [7] in Part III.D, as applied to A4NR’s claimed contributions #'s 2, 3, and 4 in Part II.A, are factually and legally mistaken.</p> <p>A4NR claims the Commission inserted Ordering Paragraph 5 into D.23-09-004 that required PG&amp;E to conduct a study on the cost differences between a 25-millirem cleanup standard and a 10-millirem cleanup standard. A4NR argues this “outcome” fully satisfies the statutory definition of “substantial contribution” in Pub. Util. Code Section 1802(j), which states that a contribution results when the Commission “has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.” A4NR states they were the only party to litigate this issue during the proceeding, and Ordering Paragraph 5 is directly attributable to A4NR’s efforts.</p> <p>A4NR also argues that the PD errs in deferring consideration of their hours related to the issues of</p>	<p>Pursuant to Section 1801.3(d), the Commission must determine that the intervenor’s presentation and participation constituted a “substantial contribution” to the proceeding. This term is defined in Section 1802(j) to mean that in the judgement of the Commission, the presentation substantially assisted the Commission in making its decision because the decision adopted in whole or in part one or more factual, legal, or policy contentions advanced by the intervenor.</p> <p>The Legislature has further provided that the Commission is to avoid</p>

Party	Comment	CPUC Discussion
	<p>spent nuclear fuel (SNF) and Diablo Canyon Decommissioning Engagement Panel (DCDEP) effectiveness. A4NR states the PD is silent on the Settlement Agreement’s recommendation that an independent consultant compare how other decommissioning plants address SNF issues and the disposition of Department of Energy (DOE) litigation proceeds related to delayed spent fuel pickup. A4NR states the PD discounts the Settlement Agreement’s provisions imposing formal requirements for PG&amp;E responsiveness to questions from DCDEP members or the public. Regarding both issues, A4NR states that the Commission’s approval of the Settlement Agreement should be considered to be an adoption in part of “one or more factual contentions, legal contentions, or specific policy or procedural recommendations” presented by A4NR’s testimony.</p> <p>A4NR states the Commission’s encouragement of settlements would be undermined if participants faced concessions on individual issues that would be financially penalized without regard to the larger merit of an overall settlement. A4NR argues the Commission’s review for substantial contribution to a settlement agreement should follow “the same holistic approach as its review of the settlement agreement itself.”</p> <p>A4NR further argues that even the partial resolution of the SNF and DCDEP issues in the Settlement Agreement reflect a substantial contribution from A4NR, and the agreed-upon deferral of further resolution to the 2024 Nuclear Decommissioning Cost Triennial Proceeding (NDCTP) does not diminish that contribution when considered as a precipitator of the overall Settlement Agreement. A4NR argues that D.24-04-032 recently compensated the intervenor Agricultural Energy Consumers Association (AECA) fully for hours spent on an adopted rate design settlement despite that settlement’s express</p>	<p>awarding fees for unproductive, unnecessary, or duplicative presentations of interests that are adequately represented. Intervenors must demonstrate that participation is “productive, necessary, and needed for a fair determination of the proceeding”. (Section 1801.3(f) and D.98-04-059 at 31-33.) On the other hand, fees may be awarded for participation that “materially supplements, complements, or contributes to the presentation of another party,” if the intervenor’s participation makes a substantial contribution to the decision. (Section 1802.5).</p> <p>Ordering Paragraph 5 in D.23-09-004 directs PG&amp;E to conduct a study on the cost differences between a 25-millirem cleanup standard and a 10-millirem cleanup standard. Ordering Paragraph 5 goes on to state, “PG&amp;E is to submit its findings as part of its next NDCTP filing, where the Commission may choose</p>



Party	Comment	CPUC Discussion																					
	<p>deferral of four significant issues to a future rate application.</p> <p>Lastly, A4NR states that they accept the disallowances identified in Part III.D of the PD in Comments [4], [5], and [6], and revised its claimed hours in Part III.B. A4NR’s revised claimed hours for Part III.B are as follows:</p> <table border="1" data-bbox="418 625 1065 892"> <thead> <tr> <th>Attorney/Expert</th> <th>Year</th> <th>Hours</th> </tr> </thead> <tbody> <tr> <td>Geesman</td> <td>2022</td> <td>214.20</td> </tr> <tr> <td>Geesman</td> <td>2023</td> <td>32.07</td> </tr> <tr> <td>Becker</td> <td>2022</td> <td>85.11</td> </tr> <tr> <td>Becker</td> <td>2023</td> <td>1.43</td> </tr> <tr> <td>Weisman</td> <td>2022</td> <td>119.49</td> </tr> <tr> <td>Weisman</td> <td>2023</td> <td>2.78</td> </tr> </tbody> </table> <p>(Note: A4NR’s did not provide any revised hours for 2021 or any revised hours related to the preparation of their intervenor compensation claim.)</p>	Attorney/Expert	Year	Hours	Geesman	2022	214.20	Geesman	2023	32.07	Becker	2022	85.11	Becker	2023	1.43	Weisman	2022	119.49	Weisman	2023	2.78	<p>to revisit the issue.” Furthermore, as noted above in Part II.A #4, D.23-09-004 at 29-30 states, “it is unclear what uses would suffer from a 25 mrem (millirem) standard, or which would benefit from a lower standard... we find A4NR’s arguments regarding the additional cost that will result from PG&amp;E’s deferral of identifying a specific site release criteria to be unsupported by the record in the proceeding.” Therefore, although A4NR raised the issue for consideration, its contributions on this matter did not develop the record in a manner that would allow the Commission to adopt a decision. In fact, the directive for PG&amp;E to conduct a study reflects the absence of a substantial record on this matter and is consistent with the denial of compensation to A4NR on this item.</p> <p>The Settlement Agreement adopted in A.21-12-007 notes A4NR’s position in this proceeding regarding the SNF issue area as</p>
Attorney/Expert	Year	Hours																					
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Party	Comment	CPUC Discussion
		<p>follows: "...A4NR's litigation position is that PG&amp;E's assumptions about the date the DOE will pick up spent nuclear fuel at DCPD and HBPP are erroneous." However, both D.23-09-004 and the Settlement Agreement state, "With respect to both DCPD and HBPP, proposals addressing the assumed date DOE will commence picking up spent nuclear fuel, and the rate treatment of DOE spent nuclear fuel litigation/settlement proceeds are deferred to PG&amp;E's 2024 NDCTP."</p> <p>A4NR also acknowledges this in their claim for contribution to DCDEP, stating above in Part II.A, "The Settlement Agreement... defers proposals addressing the assumed date DOE will commence picking up spent nuclear fuel, and the rate treatment of DOE spent nuclear fuel litigation/settlement proceeds to PG&amp;E's 2024 NDCTP."</p> <p>Furthermore, the Settlement Agreement adopted in A.21-12-007 notes A4NR's position</p>

Party	Comment	CPUC Discussion
		<p>in this proceeding regarding the DCDEP issue area as follows: “...A4NR also challenges the efficacy of the Diablo Canyon Decommissioning Engagement Panel (“DCDEP”) and makes several recommendations for improvement.”</p> <p>However, both D.23-09-004 and the Settlement Agreement state, “Proposals for additional revisions to the DCDEP, including A4NR’s proposal to eliminate the DCDEP and replace it with the Diablo Canyon Community Advisory Board, will be deferred for consideration until PG&amp;E’s 2024 NDCTP.”</p> <p>Consideration of substantial contribution toward an issue will be evaluated when the issue is resolved in a Commission decision.</p> <p>The burden of demonstrating substantial contribution is the responsibility of the intervenor. A mere fact of appearance on behalf of certain interests does not entitle an intervenor to full compensation. If this were the case, no</p>

Party	Comment	CPUC Discussion
		<p>substantial contribution would be needed. On the issues noted above, A4NR did not provide analyses that informed the final decision or other representatives' contributions to the final decision.</p> <p>A4NR goes on to argue that D.24-04-032 compensated the intervenor AECA fully for hours spent on an adopted rate design settlement despite that settlement's express deferral of four significant issues to a future rate application. Commission decisions are not precedential in nature. We also note that claims and contributions are evaluated individually and not on a categorical basis.</p> <p>A4NR concedes and accepts the disallowances levied in items [4], [5], and [6] in Part III.B, and the revised hours proposed by A4NR in their comments reflect the disallowances levied in the aforementioned item numbers in Part III.B. Additionally, while A4NR requests to amend their claimed hours, no</p>

Party	Comment	CPUC Discussion
		<p>amended claim was filed by A4NR.</p> <p>Given the totality of the circumstances described above, we find the reduction of hours to A4NR’s claimed contributions to the SNF (assessed in Part III.D, item [7] as DOE SNF pickup), DCDEP (assessed in Part III.D, item [7] as DCDEP effectiveness/suitability), and site release (assessed in Part III.D, item [7] as DCNPP site release criteria) issue areas noted above to be reasonable, as compared to the value A4NR brought to this proceeding.</p>

**FINDINGS OF FACT**

1. Alliance for Nuclear Responsibility has made a substantial contribution to D.23-09-004.
2. The requested hourly rates for Alliance for Nuclear Responsibility’s representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$65,661.65.

**CONCLUSION OF LAW**

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

**ORDER**

1. Alliance for Nuclear Responsibility is awarded \$65,661.65.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Alliance for Nuclear Responsibility the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 20, 2024, the 75<sup>th</sup> day after the filing of Alliance for Nuclear Responsibility's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2309004		
<b>Proceeding(s):</b>	A2112007		
<b>Author:</b>	ALJ Amin Nojan		
<b>Payer(s):</b>	Pacific Gas and Electric Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Alliance for Nuclear Responsibility	11/06/2023	\$241,530.55	\$65,661.65	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments section above.

**Hourly Fee Information**

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
John	Geesman	Attorney	2023	\$745.00	\$745.00
John	Geesman	Attorney	2022	\$715.00	\$715.00
John	Geesman	Attorney	2021	\$660.00	\$660.00
Rochelle	Becker	Advocate	2023	\$320.00	\$320.00
Rochelle	Becker	Advocate	2022	\$305.00	\$305.00
Rochelle	Becker	Advocate	2021	\$280.00	\$280.00
David	Weisman	Advocate	2023	\$220.00	\$220.00
David	Weisman	Advocate	2023 <sup>1</sup>	\$210.00	\$210.00
David	Weisman	Advocate	2023 <sup>2</sup>	\$195.00	\$195.00

**(END OF APPENDIX)**

<sup>1</sup> A4NR lists the year as 2023 here, however, the hourly rate requested here and above in Part III.B coincide with the year 2022.

<sup>2</sup> A4NR lists the year as 2023 here, however, the hourly rate requested here and above in Part III.B coincide with the year 2021.