

Decision 25-06-062 June 26, 2025

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

Implementing Senate Bill 846 Concerning  
Potential Extension of Diablo Canyon Power  
Plant Operations.

Rulemaking 23-01-007

**DECISION GRANTING COMPENSATION TO  
ALLIANCE FOR NUCLEAR RESPONSIBILITY  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 23-12-036**

<b>Intervenor:</b> Alliance For Nuclear Responsibility (“A4NR”)	<b>For contribution to Decision (D.) 23-12-036</b>
<b>Claimed:</b> \$662,294.49	<b>Awarded:</b> \$319,085.71
<b>Assigned Commissioner:</b> Karen Douglas	<b>Assigned ALJ:</b> Nilgun Atamturk <sup>1</sup>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.23-12-036 conditionally authorizes extended operations at Diablo Canyon Nuclear Power Plant (DCPP) until October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2). The approval is subject to the following conditions: (1) the United States Nuclear Regulatory Commission continues to authorize DCPP operations; (2) the \$1.4 billion loan agreement authorized by SB 846 is not terminated; and (3) the Commission does not make a future determination that DCPP extended operations are imprudent or unreasonable. Additional processes are established for the Commission to continue to consider the prudence and cost-effectiveness of extended DCPP operations.
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<sup>1</sup> R.23-01-007 was reassigned from ALJ Ehren Seybert to ALJ Nilgun Atamturk on January 9, 2024.

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>2</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:	3/17/2023	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	3/20/2023	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	Verified
6. Date of ALJ ruling:	6/14/2023	Verified
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	Verified
10. Date of ALJ ruling:	6/14/2023	Verified
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.23-12-036	Verified
14. Date of issuance of Final Order or Decision:	12/15/2023	Verified
15. File date of compensation request:	2/13/2024	Verified
16. Was the request for compensation timely?		Yes

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

**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):**

<b>Intervenor's Claimed Contribution(s)</b>	<b>Specific References to Intervenor's Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
1. Scoping Memo Issue 1: A4NR contended that the Phase 1: Track 2 evidentiary record was insufficient to find extended operations of Diablo Canyon would be reasonable, prudent, and cost-effective.	<p>9/15/2023 A4NR Opening Brief, pp. 1-5; 9/29/2023 A4NR Reply Brief, pp. 2-3; A4NR-04 (served 8/8/2023, admitted 8/30/2023), p. 2, line 5 - p. 4, line 21; 11/7/2023 Oral Argument Transcript, p. 394, lines 6-8, 17-19.</p> <p>D.23-12-036 COL #16: "PG&amp;E's cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations."</p> <p>D.23-12-036 dicta at p. 48: "we find the Commission does not have sufficient information at this time to be able to determine whether extended operations at DCPD are 'too high to justify,' or 'not cost effective or imprudent, or both.' "</p> <p>D.23-12-036 dicta at p. 53: "the Commission is unable to determine whether DCPD extended operations are 'too high to justify,' or 'not cost effective or imprudent, or both.'"</p>	<p>Noted</p> <p>D.23-12-036 at 53 states, "...the Commission is unable to determine whether DCPD extended operations are "too high to justify," or "not cost effective or imprudent, or both." As of the date of this decision, we find the conditions set forth in Section 712.8(c)(2)(B) and Pub. Res. Code Section 25548.3(c)(5)(C) have not been met."</p>
2. Scoping Memo Issue 1: A4NR contended that the Draft CEC Cost Comparison Report required by Pub. Res. Code § 25233.2(a) was entitled to no weight in	<p>10/6/2023 A4NR Comments on Draft CEC Report, pp. 8-9.</p> <p>D.23-12-036 FOF #24: "The CEC's Draft Cost Comparison Report relies on PG&amp;E's May 19, 2023 testimony to forecast DCPD extended operations</p>	<p>Verified</p>

<p>the CPUC determination of cost-effectiveness because, among other flaws, it relied exclusively on a cost forecast PG&amp;E had already repudiated with a revision increasing PG&amp;E's estimate by \$2.8 billion.</p>	<p>costs, and does not reflect the costs associated with PG&amp;E's forthcoming license renewal application or any DCISC recommendations concerning seismic safety and deferred maintenance."</p> <p>D.23-12-036 FOF #26: "No party in this proceeding disputes that the omitted costs in PG&amp;E's May 19, 2023 testimony are relevant to the cost-effectiveness of DCPD extended operations."</p> <p>D.23-12-036 dicta at p. 58: "it is clear from the record in this proceeding that the CEC's report relies on PG&amp;E's May 2023 cost testimony in this proceeding, and therefore excludes several cost categories associated with actual DCPD extended operations. Given current available information, the CEC's report also does not reflect the costs associated with PG&amp;E's forthcoming license renewal application or any DCISC recommendations concerning seismic safety and deferred maintenance. PG&amp;E does not contest the relevancy of these omitted costs, but merely asserts the CEC is charged with performing the relevant cost-effective analysis. PG&amp;E's arguments are unpersuasive."</p>	
<p>3. Scoping Memo Issue 1.a.: A4NR contended that PG&amp;E had materially understated its forecast of Diablo Canyon extended operating costs.</p>	<p>9/15/2023 A4NR Opening Brief, p. 2; A4NR-01 (served 6/30/2023, admitted 8/30/2023), p. 34, lines 4-17; 11/7/2023 Oral Argument Transcript, p. 394, line 23 - p. 395, line 3.</p> <p>D.23-12-036 FOF #26: "No party in this proceeding disputes that the omitted costs in PG&amp;E's May 19,</p>	<p>Noted</p> <p>D.23-12-036 at 53 states, "...the Commission is unable to determine whether DCPD extended operations are "too high to justify," or "not cost effective or imprudent, or both." As of the date of</p>

	2023 testimony are relevant to the cost-effectiveness of DCPD extended operations.”	this decision, we find the conditions set forth in Section 712.8(c)(2)(B) and Pub. Res. Code Section 25548.3(c)(5)(C) have not been met.”
4. Scoping Memo Issue 1.a.: A4NR contended that PG&E had acknowledged that a substantial portion of Diablo Canyon’s extended operations fuel costs had not been identified in PG&E’s DOE grant application.	<p>9/15/2023 A4NR Opening Brief, p. 3, citing A4NR-03-C (admitted 8/30/2023), p. 6, line 6 - p. 7, line 4; A4NR-03 (served 7/28/2023, admitted 8/30/2023), p. 5, line 23 - p. 7, line 4.</p> <p>D.23-12-036 COL #16: “PG&amp;E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 COL #18: “It is reasonable for PG&amp;E to provide, in a single forecast analysis, any and all costs PG&amp;E expects to be recovered from utility ratepayers for DCPD extended operations.”</p>	<p>Noted</p> <p>D.23-12-036 at 49 states, “A4NR attempts to argue DCPD extended operations costs are “too high to justify”...A4NR’s argument, however, relies on broad cost categories — including costs authorized under SB 846, DOE reimbursements, authorized funding from DWR, as well as fuel costs — all of which are well beyond the scope of potential (let alone known) DCISC recommendations or NRC’s conditions of license renewal.”</p>
5. Scoping Memo Issue 1.a.: A4NR contended that PG&E disclosures to DOE indicated a similar omission of costs of incremental employee retention benefits from PG&E’s forecast of Diablo Canyon extended operating costs.	<p>9/15/2023 A4NR Opening Brief, p. 3, citing A4NR-03-C (admitted 8/30/2023), p. 7, lines 5-16; A4NR-03 (served 7/28/2023, admitted 8/30/2023), p. 7, lines 5-13.</p> <p>D.23-12-036 COL #16: “PG&amp;E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the</p>	<p>Noted</p> <p>D.23-12-036 at 53 states, “...the Commission is unable to determine whether DCPD extended operations are “too high to justify,” or “not cost effective or imprudent, or both.” As of the date of this decision, we find the conditions set forth in Section 712.8(c)(2)(B) and Pub. Res. Code</p>

	<p>cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 COL #18: “It is reasonable for PG&amp;E to provide, in a single forecast analysis, any and all costs PG&amp;E expects to be recovered from utility ratepayers for DCPD extended operations.”</p>	<p>Section 25548.3(c)(5)(C) have not been met.”</p>
<p>6. Scoping Memo Issue 1.c.: A4NR contended that PG&amp;E’s cost forecast had understated costs of seismic upgrades by delaying commencement of the statutorily required update.</p>	<p>9/15/2023 A4NR Opening Brief, p. 5; 9/29/2023 A4NR Reply Brief, pp. 9-10; A4NR-01 (served 6/30/2023, admitted 8/30/2023), p. 3, line 21 - p. 5, line 18, p. 9, line 13 - p. 11, line 16; A4NR-02 (served 7/28/2023, admitted 8/30/2023), p. 4, line 17 - p. 8, line 3; A4NR-04 (served 8/8/2023, admitted 8/30/2023), p. 2, line 5 - p. 3, line 5; A4NR-05 (admitted 9/6/2023), part 3; 11/7/2023 Oral Argument Transcript, p. 394, lines 20-22.</p> <p>D.23-12-036 COL #16: “PG&amp;E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 48-49: “Absent any actual recommendations and conditions from the DCISC ..., it is not possible for the Commission to assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify.”</p> <p>D.23-12-036 Dicta at p. 50: “we find party proposals that assert DCPD extended operations are cost-effective</p>	<p>Noted</p>

	to be materially incomplete or inconclusive, and further highlight the uncertainty of costs presented in this proceeding.”	
7. Scoping Memo Issue 1.c.: A4NR contended that PG&E’s cost forecast had understated costs of addressing deferred maintenance issues by delayed commencement of its statutorily required independent consultant study and semantic opacity in its internal reviews.	<p>9/15/2023 A4NR Opening Brief, pp. 5-6; 9/29/2023 A4NR Reply Brief, pp. 10-11; A4NR-01 (served 6/30/2023, admitted 8/30/2023), p. 2, line 29 - p. 3, line 20, p. 8, lines 7-23, p.28, lines 9-31; A4NR-02 (served 7/28/2023, admitted 8/30/2023), p. 9, line 2 - p. 11, line 18; A4NR-04 (served 8/8/23, admitted 8/30/2023), p. 3, lines 6-12; p. 4, lines 5-21; 11/7/2023 Oral Argument Transcript, p. 394, lines 20 -- 22.</p> <p>D.23-12-036 COL #16: “PG&amp;E’s cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations.”</p> <p>D.23-12-036 Dicta at pp. 48-49: “Absent any actual recommendations and conditions from the DCISC ..., it is not possible for the Commission to assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify.”</p> <p>D.23-12-036 Dicta at p. 50: “we find party proposals that assert DCPD extended operations are cost-effective to be materially incomplete or inconclusive, and further highlight the uncertainty of costs presented in this proceeding.”</p>	Noted

<p>8. Scoping Memo Issue 1.c.: A4NR contended that PG&amp;E's cost forecast had understated likely costs of NRC license renewal conditions by relying on stale assumptions.</p>	<p>9/15/2023 A4NR Opening Brief, p. 5; 9/29/2023 A4NR Reply Brief, pp. 11-12; A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 6, line 13 - p. 7, line 16; A4NR-02 (served 7/28/2023, admitted 8/30/2023), p. 8, lines 5-25.</p> <p>D.23-12-036 COL #16: "PG&amp;E's cost forecast does not reflect all of the costs associated with DCPD extended operations, and therefore is not an adequate foundation upon which to evaluate the cost-effectiveness, prudence, or reasonableness of DCPD operations."</p> <p>D.23-12-036 Dicta at pp. 48-49: "Absent any actual recommendations and conditions from the ... NRC, it is not possible for the Commission to assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify."</p> <p>D.23-12-036 Dicta at p. 50: "we find party proposals that assert DCPD extended operations are cost-effective to be materially incomplete or inconclusive, and further highlight the uncertainty of costs presented in this proceeding."</p>	<p>Noted</p>
<p>9. Scoping Memo Issue 1.e.: A4NR contended that a six-month orderly shutdown estimate appeared reasonable, but actions on retirement dates should be shaped to maximize the ongoing value of the \$109.4 million already</p>	<p>9/15/2023 A4NR Opening Brief, pp. 7-8; 9/29/2023 A4NR Reply Brief, p. 14; A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 26, line 23 - p. 27, line 9; A4NR-02 (served 7/28/2023, admitted 8/30/23), p. 21, line 22 - p. 22, line 13.</p> <p>D.23-12-036 COL #23: "In the event earlier retirement dates for 115DCPD are approved or requested, PG&amp;E</p>	<p>Verified</p>



invested in decommissioning planning while maintaining flexibility for incremental adjustments, if needed.	<p>should be directed to explain whether and why there are any deviations from the six-month timeframe for an orderly shutdown of DCPD.”</p> <p>D.23-12-036 Dicta at p. 65: “We generally find PG&amp;E’s six-month estimate for an orderly shutdown of Diablo Canyon to be reasonable, but agree with A4NR that some additional adjustments may be warranted in the future. In the event PG&amp;E proposes to shutdown Diablo Canyon earlier than October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2) ... PG&amp;E shall explain whether there are any deviations from its six-month estimate in this proceeding and why.”</p>	
10. Scoping Memo Issue 1.e.: A4NR contended that the Commission’s ability to authorize “recovery of any outstanding uncollected costs and fees” under Pub. Util. Code § 712.8(c)(2)(B) would not be affected by the determination of “sufficient time for orderly shutdown.”	<p>A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 27, lines 10-12.</p> <p>D.23-12-036 Dicta at p. 65: “There is no need to establish further guidance at this time concerning the recovery of outstanding costs and fees. As noted by parties, the ability to recover outstanding uncollected costs and fees is not affected by the time needed for an orderly shutdown at DCPD ...”</p>	Verified
11. Scoping Memo Issue 2: A4NR contended that the Commission should proactively monitor the continued reasonableness of extended operating costs, which are statutorily terminable at any time if no longer justified.	<p>9/15/2023 A4NR Opening Brief, pp. 8-9; 9/29/2023 A4NR Reply Brief, p. 14; 11/7/2023 Oral Argument Transcript, p. 395, lines 16-18.</p> <p>D.23-12-036 COL #15: “It is well within the Commission’s authority, and in ratepayers’ best interest, to continue to evaluate the prudence and</p>	Noted

	<p>cost-effectiveness of continued DCP operations.”</p> <p>D.23-12-036 Dicta at pp. 57-58: “This decision finds it is well within the Commission’s authority and in ratepayers’ best interest to continue to evaluate the reasonableness and prudence of continued DCP operations, including ongoing evaluation of the cost-effectiveness of extended DCP operations.”</p> <p>D.23-12-036 Dicta at pp. 58-59: “Pub. Res. Code Section 25548.3(c)(5)(C) does not require the Commission to ... make a cost-effectiveness determination by the date of this decision.”</p>	
<p>12. Scoping Memo Issue 2: A4NR contended that the Commission should heed the DCISC comments in the Joint PHC Statement concerning post-2023 review of costs related to seismic upgrades and deferred maintenance and anticipate a multi-step decision process as to whether those costs are too high to justify incurring.</p>	<p>A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 27, line 23 - p. 28, line 31.</p> <p>D.23-12-036 COL #14: “Pub. Res. Code Section 25548.3(c)(5)(C) does not require the Commission to rely solely on the CEC’s Draft Cost Comparison Report or make a cost-effectiveness determination by the end of 2023, while the Commission has broad authority to ensure just and reasonable rates under Pub. Util. Code Section 451.”</p> <p>D.23-12-036 COL # 15: “It is well within the Commission’s authority, and in ratepayers’ best interest, to continue to evaluate the prudence and cost-effectiveness of continued DCP operations.”</p> <p>D.23-12-036 Dicta at pp. 57-58: “This decision finds it is well within the Commission’s authority and in</p>	<p>Verified, in part.</p> <p>D.23-12-036 at 62 states, “...we anticipate many of the DCISC’s recommendations concerning seismic safety and deferred maintenance may be available by the DCISC’s next public meeting...As a result, it is reasonable and timely to consider any costs associated with the DCISC’s recommendations as part of PG&amp;E’s 2024 DCP Extended Operations Cost Forecast application, rather than a separate advice letter filing.”</p>

	<p>ratepayers’ best interest to continue to evaluate the reasonableness and prudence of continued DCP operations, including ongoing evaluation of the cost-effectiveness of extended DCP operations.”</p> <p>D.23-12-036 Dicta at pp. 58-59: “Pub. Res. Code Section 25548.3(c)(5)(C) does not require the Commission to ... make a cost-effectiveness determination by the date of this decision.”</p>	
<p>13. Scoping Memo Issue 2: A4NR contended that, as a condition of the Commission’s Phase 1: Track 2 decision, PG&amp;E should be required to file with the Commission its estimate of costs associated with any upgrades necessary to address seismic safety or issues of deferred maintenance within 30 days of completion of the reports required by Pub. Res. Code §§ 25548.3(c)(13) and 25548.3(c)(14).</p>	<p>A4NR-01 (served 6/30/2023, admitted 8/30/23), p. 29, line 12-20; A4NR-02 (served 7/28/2023, admitted 8/30/23), p. 22, line 23 – p. 23, line 7.</p> <p>D.23-12-036 COL #12: “Absent any actual recommendations and conditions from the DCISC and NRC, it is not possible for the Commission to assess at this time whether associated, unknown costs render the extension of Diablo Canyon operations ‘too high to justify.’ ”</p> <p>D.23-12-036 COL #19: “It is reasonable to assume many of the DCISC’s recommendations concerning seismic safety and deferred maintenance will be available by the DCISC’s next public meeting on February 21-22, 2024.”</p> <p>D.23-12-036 Dicta at p. 62: “Since the DCISC is expected to have access to PG&amp;E’s license renewal application to the NRC, as well as PG&amp;E’s reports/assessments on seismic safety and deferred maintenance at Diablo Canyon, by</p>	Verified

	<p>the end of 2023, we anticipate many of the DCISC’s recommendations concerning seismic safety and deferred maintenance may be available by the DCISC’s next public meeting on February 21 and 22, 2024. As a result, it is reasonable and timely to consider any costs associated with the DCISC’s recommendations as part of PG&amp;E’s 2024 DCPD Extended Operations Cost Forecast application, rather than a separate advice letter filing. Further, since any recommendations by the DCISC are expected to help inform whether PG&amp;E’s 2024 DCPD Extended Operations Cost Forecast application contains activities and associated costs that are reasonable and needed, PG&amp;E shall ensure the DCISC has all the information it needs to make timely and informed recommendations.”</p>	
<p>14. Scoping Memo Issue 3: A4NR contended that the cost recovery process established by Pub. Util. Code Section 712.8 (h)(1) should also include cost forecasts for each remaining year of Diablo Canyon extended operations.</p>	<p>9/15/2023 A4NR Opening Brief, p. 10; 11/7/2023 Oral Argument Transcript, p. 395, lines 16-18.</p> <p>D.23-12-036 COL #18: “It is reasonable for PG&amp;E to provide, in a single forecast analysis, any and all costs PG&amp;E expects to be recovered from utility ratepayers for DCPD extended operations.”</p> <p>D.23-12-036 Dicta at pp. 57-58: “This decision finds it is well within the Commission’s authority and in ratepayers’ best interest to continue to evaluate the reasonableness and prudence of continued DCPD operations, including ongoing evaluation of the cost-effectiveness of extended DCPD operations. In support of this continued evaluation,</p>	Verified

	<p>PG&amp;E is directed to produce a complete and transparent forecast of DCPD operations through 2030 as part of its 2024 DCPD Extended Operations Cost Forecast application.”</p> <p>D.23-12-036 Dicta at p. 59:  “Additionally, we find it in ratepayers’ best interest to require PG&amp;E to produce a more comprehensive and transparent forecast of the costs associated with DCPD extended operations for Commission and party review, compared to what has been presented to date in this proceeding ... An upfront, transparent forecast of all anticipated DCPD costs through 2030 is also expected to provide a more comprehensive framework to aid parties and the Commission in determining whether the costs included in PG&amp;E’s annual DCPD Extended Operations Cost Forecast applications are reasonable and prudent.”</p>	
<p>15. Scoping Memo  Issue 4: A4NR contended that PG&amp;E’s equal-cent-per-kWh rate design proposal would violate the updated Electric Rate Design Principles adopted in D.23-04-040, and should be replaced by a capacity-focused, 12-month coincident peak method used for similar purposes in the Commission’s Cost</p>	<p>9/29/2023 A4NR Reply Brief, pp. 16-17.</p> <p>D.23-12-036 FOF #33: “System reliability is highly correlated with coincident peak and net peak demand.”</p> <p>D.23-12-036 FOF #34: “LSEs are familiar with the CAM process, and it is a proven mechanism for allocating costs among the LSEs in a large electrical corporation’s territory.”</p> <p>D.23-12-036 COL #27: “Ensuring system reliability is a key legislative</p>	Verified

<p>Allocation Mechanism (“CAM”).</p>	<p>rationale for the extension of DCPD operations.”</p> <p>D.23-12-036 COL #28: “Allocating the costs of DCPD extended operations, excepting those reserved solely for customers of PG&amp;E, based on an IOU’s share of a 12-month coincident peak load is fair and equitable.”</p> <p>D.23-12-036 Dicta at pp. 73-74: “Given that ensuring system reliability is a key legislative rationale for the billions of ratepayer dollars that may be spent to keep DCPD operating, it follows that allocating the costs of those extended operations based on an IOU’s share of a 12-month coincident peak load is fair and equitable.”</p>	
<p>16. Scoping Memo Issue 6: A4NR contended that Commission guidance on PG&amp;E’s use of any surplus performance-based fees beyond 2024 is outside the scope of the Phase 1: Track 2 proceeding.</p>	<p>9/15/2023 A4NR Opening Brief, pp. 10-11; 9/29/2023 A4NR Reply Brief, p. 21; 11/15/23 A4NR Opening Comments on PD, p. 10.</p> <p>D.23-12-036 FOF #63: “The Assigned Commissioner’s Scoping Memo and Ruling limited the consideration of additional guidance for the implementation of Section 712.8(s)(1) to the use of any surplus performance-based fees PG&amp;E receives for Diablo Canyon in 2024.”</p> <p>D.23-12-036 COL #65: “It is reasonable to adopt a general framework and guidance on the use of any surplus performance-based fees PG&amp;E receives for Diablo Canyon during extended operations, along with the opportunity for parties to comment on whether there should</p>	<p>Verified</p>

	<p>be any changes made post-2024 as part of Phase 2 of this proceeding.”</p> <p>D.23-12-036 Dicta at pp. 115-116: “as noted by PG&amp;E and A4NR, the Scoping Memo limits the provision of guidance on the use of surplus performance-based fees in this proceeding to calendar year 2024 ... in recognition of the specific language in the Scoping Memo, and in order to ensure due process, parties will be afforded an opportunity in Phase 2 of this proceeding to comment on whether any changes should be made on the use of surplus performance-based fees for the calendar years following 2024.”</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.	Noted
<b>c. If so, provide name of other parties:</b> TURN, SLOMFP, WEM, and CARE.		Noted
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>As indicated in A4NR’s timesheets, A4NR communicated privately with each of the above-identified parties during the proceeding. Where similar positions were advocated, the record indicates considerable differentiating nuances between parties. In the area with the greatest potential for overlap, PG&amp;E’s forecast of operating costs, A4NR did not seek to develop its own forecast (as TURN and SLOMFP did) but instead focused on intensive discovery – including public records requests to DWR and FOIA requests to DOE – to elicit PG&amp;E acknowledgment of material omissions in the methodology used for the PG&amp;E projections. Ultimately PG&amp;E made a 54% upward revision</p>		Noted; however, <i>See</i> Part III.D CPUC Comments, Disallowances and Adjustments [7].

	Intervenor's Assertion	CPUC Discussion
	of its estimate of extended operations costs, a result of complementary and non-duplicative efforts by the intervenors.	

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

#	Intervenor's Comment	CPUC Discussion
General	A4NR believes it has submitted a thorough and complete request under the applicable rules for the Commission's Intervenor Compensation Program. If the Commission has questions, or desires additional information, A4NR requests the opportunity to supplement this submittal accordingly.	Noted
2	D.23-12-036 at p. 45 cites A4NR's 10/6/2023 Comments on the Draft CEC Report, pp. 1-10, for its assertions "that the Draft Cost Comparison Report excludes almost all viable alternative resource options, preventing any meaningful comparison, while the DCPD cost forecast ignores a wide array of cost categories [ <i>sic</i> ] and updated costs identified in this proceeding. [footnote omitted]"	Noted
3, 4, 5, 6, 7, 8	<p>D.23-12-036 at p. 40 summarizes: "Citing to many of the same excluded cost categories as TURN, A4NR asserts PG&amp;E's cost forecast is materially misleading, and omits nearly \$2.2 billion in known costs. [footnote omitted] Additionally, A4NR contends PG&amp;E's cost forecast excludes, or improperly accounts for, over \$1 billion in previously identified prospective DOE reimbursements, authorized funding from the DWR, as well as fuel costs protected under Section 712.8(c)(1)(C). [footnote omitted]"</p> <p>D.23-12-036 at p. 40 cites A4NR-01 for raising "potential issues of seismic safety ... and the costs to comply with environmental review processes ... [footnote omitted]"</p> <p>D.23-12-036 at pp. 41-42 cites A4NR-02 and A4NR-04 in observing that "parties generally agree the DCISC does not yet have, or is still in the process of reviewing, the information necessary to perform the analyses required by Section 712.8(c)(2)(B). [footnote omitted] This includes the updated seismic study PG&amp;E is required to conduct pursuant to Pub. Res. Code Section 25548.3(c)(13), any updated</p>	Noted



#	Intervenor's Comment	CPUC Discussion
	seismic-related information included in PG&E's NRC license renewal application, as well as PG&E's revised maintenance schedule, which adds 200 activities previously removed as a result of the expected shutdown in 2024 and 2025. [footnote omitted]"	
10	D.23-12-036 at p. 65 cites A4NR-01 for noting that "the Commission's ability to authorize recovery of any outstanding uncollected costs and fees would not be affected by its determination of sufficient time for orderly shutdown. [footnote omitted]"	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></p> <p>A4NR's substantive contributions, identified in Part II.A. above, assisted the Commission in concluding that the R.23-01-007 record was inadequate to evaluate the cost-effectiveness, prudence, or reasonableness of extended Diablo Canyon operations. A4NR's criticisms of the misleading cost projections contained in PG&amp;E testimony helped trigger PG&amp;E's \$2.8 billion upward revision of that estimate. A4NR's identification of the PG&amp;E-caused void of information concerning potential costs related to seismic and deferred maintenance issues, and the dubious zero-cost assumptions for these items contained in even PG&amp;E's revised forecast, helped the Commission to see the necessity of a more comprehensive and transparent evaluation in 2024. A4NR's contributions were the product of six rounds of rigorous discovery, extensive written submittals to the record, and meticulous documentation – as well as significant engagement with the Diablo Canyon Independent Safety Committee and the Commission's Independent Peer Review Panel. As expressed in A4NR Comments, Testimony, Briefs, and Oral Argument, the results enabled the Commission to avoid unfounded findings of reasonableness, prudence, or cost-effectiveness when substantial financial discrepancies emerged from the evidence. A4NR's effective advocacy concerning these issues prevented ratepayers from being forced to provide PG&amp;E with a blank check to pay for unjustified costs of a multi-billion-dollar</p>	<p>Noted; however, <i>See</i> CPUC Comments, Disallowances and Adjustments in Part III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>

	CPUC Discussion
magnitude. The Commission should find the costs of A4NR's intervention reasonable in relationship to the value produced.	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>R.23-01-007 was, by far, the most demanding Commission proceeding A4NR has participated in since its efforts to modify the I.12-10-013 settlement resulted in D.14-11-040. In this time-intensive proceeding driven by statutorily-expedited deadlines, A4NR participated in the adjudication of every scoped cost issue and made the following submittals to the Phase 1: Track 2 record:</p> <ul style="list-style-type: none"> <li>• Opening Comments in Response to the OIR;</li> <li>• Reply Comments on the OIR;</li> <li>• Identified sections of the Joint PHC Statement;</li> <li>• Opening Comments/Testimony on Statutory Interpretation, Issues of Policy, and Certain Reports in the Record (A4NR-01 and A4NR-01C);</li> <li>• Reply Comments/Testimony on Statutory Interpretation, Issues of Policy, and Certain Reports in the Record (A4NR-02 and A4NR-02C);</li> <li>• Rebuttal Testimony on Phase 1: Track 2 Issues (A4NR-03);</li> <li>• Testimony on DCISC New or Revised Recommendations (A4NR-04);</li> <li>• Stipulated PG&amp;E Data Responses In Lieu of Cross-Examination (A4NR-05);</li> <li>• Response in Opposition to confidential designation by PG&amp;E for certain PG&amp;E Data Responses;</li> <li>• Opening Brief;</li> <li>• Reply Brief;</li> <li>• Comments on CEC Draft Cost Comparison Report;</li> </ul>	<p>Noted; however, <i>See</i> CPUC Comments, Disallowances and Adjustments in Part III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>

	CPUC Discussion
<ul style="list-style-type: none"> <li>• Motion Requesting Official Notice of Newsom/CEC installed storage announcement and data base;</li> <li>• Oral Argument;</li> <li>• Opening Comments on PD;</li> <li>• Reply Comments on PD;</li> <li>• Response to Applications for Rehearing.</li> </ul> <p>In addition to reductions of other case-related hours from its Claim, A4NR does not seek compensation for time associated with its several <i>ex parte</i> communications or the preparation of its Response to Applications for Rehearing. Notably, A4NR did not request evidentiary hearings and was the only active party not to request briefing – in the belief that the parties’ Comments/Testimony had been sufficiently explanatory to properly inform a Commission decision. Nevertheless, when the Commission determined that briefs were desired, A4NR submitted an Opening Brief summarizing the evidence and a Reply Brief primarily focused on arguments made in PG&amp;E’s Opening Brief. Wherever possible, A4NR attempted to streamline its participation in R.23-01-007 in recognition of the priority the Commission places on efficiency.</p> <p>It was imperative, and reasonable, for A4NR to begin its preparation in 2022 when Governor Newsom publicly announced his plan to pursue extension of the existing Diablo Canyon retirement dates. A4NR accurately recognized that this policy sea change would require substantial evaluation of the incremental costs necessary to operate each unit for an additional five years. The June 2022 DCISC meeting, in which A4NR participated, began a compilation of the list of likely candidates for new investment, and these considerations predictably became prominent features of SB 846. Knowledge gained from these focused efforts in 2022 established the foundation for the A4NR contributions on cost issues identified in Part II.A. above.</p> <p>Consistent with Pub. Util. Code Sections 1801 and 1802(a), A4NR seeks compensation for its reasonable “costs of preparation for and participation in” the R.23-01-007 proceeding, and Rule 14.4(d) expressly authorizes compensation requests to include reasonable costs incurred prior to the formal start of a proceeding. The \$2.8 billion magnitude of forced revision to PG&amp;E’s original estimate of \$5.2 billion in ratepayer costs for the five-year Diablo Canyon extension confirms the reasonableness of the scale of effort mounted by A4NR in 2022 and</p>	

	CPUC Discussion
2023. The success of that effort helped to prevent what would have been unfounded Commission conclusions in D.23-12-036 about the Diablo Canyon extension's reasonableness, prudence, or cost-effectiveness. Accordingly, the Commission should find A4NR's hours reasonable and proportionate to the cost exposure faced by ratepayers statewide in this proceeding.	
<b>c. Allocation of hours by issue:</b>  A4NR's compensation request documents 1,101.67 hours, allocated as follows: (1) Seismic Upgrade Costs Issues, 270.353 hours, 24.54%; (2) Deferred Maintenance Costs Issues, 238.402 hours, 21.64%; (3) NRC Relicensing Costs Issues, 116.36 hours, 10.56%; (4) PG&E Estimated Costs Issues, 162.225 hours, 14.73%; (5) Reliability Need & Benefits Issues, 210.69 hours, 19.12%; (6) General Issues, 85.54 hours, 7.76%; and (7) Claim Preparation, 18.1 hours, 1.64%.	Noted; totals 100%

**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	610.66	\$745.00	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$454,941.70	305.33 [4, 7]	\$745.00 [1]	\$227,470.85
John Geesman	2022	177.68	\$715.00	D.24-01-044	\$127,041.20	72.38 [4, 6, 7]	\$715.00	\$51,751.70
Rochelle Becker	2023	55.00	\$320.00	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$17,600.00	27.50 [7]	\$320.00 [2]	\$8,800.00
Rochelle Becker	2022	38.71	\$305.00	D.24-01-044	\$11,806.55	12.42 [5, 6, 7]	\$305.00	\$3,788.10.
David Weisman	2023	132.76	\$220.00	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$29,207.20	66.38 [5, 7]	\$220.00 [3]	\$14,603.60

CLAIMED						CPUC AWARD		
David Weisman	2022	43.76	\$210.00	D.24-01-044	\$9,189.60	13.39 [5, 6, 7]	\$210.00	\$2,811.90
Subtotal: \$649,786.25						Subtotal: \$309,226.15		
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 \$
John Geesman travel (at one-half hourly rate)	2023	9.00	\$372.50	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$3,352.50	9.00	\$372.50 [1]	\$3,352.50
Rochelle Becker travel (at one-half hourly rate)	2023	8.00	\$160.00	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$1,280.00	0.00 [8]	\$160.00 [2]	\$0.00
David Weisman travel (at one-half hourly rate)	2023	8.00	\$110.00	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$880.00	0.00 [8]	\$110.00 [3]	\$0.00
Subtotal: \$5,512.50						Subtotal: \$3,352.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2024	13.25	\$372.50	D.24-01-044, ALJ-393 escalation, plus second 5% step increase. Potential COLA addressed in Comment 1 below.	\$4,935.63	13.25	\$372.50 [1]	\$4,935.63
John Geesman	2023	.6	\$372.50	D.24-01-044, ALJ-393 escalation, plus second 5% step increase.	\$223.50	0.60	\$372.50 [1]	\$223.50

CLAIMED						CPUC AWARD		
David Weisman	2024	4.25	\$110.00	D.24-01-044, ALJ-393 escalation, plus second 5% step increase. Potential COLA addressed in Comment 1 below.	\$467.50	4.25	\$120.00 [3]	\$510.00
Subtotal: \$5,626.63						Subtotal: \$5,669.13		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Geesman travel to 6/28/2023-6/29/2023 DCISC mtg.	Round-trip plane ticket from San Francisco to San Luis Obispo (\$437.80); two nights hotel (\$325.13); airport parking (\$75).			\$837.93	\$837.93		
2.	Becker/ Weisman SF hotel rooms for 11/7/2023 oral argument	Holiday Inn Rm. 2324 (\$265.59) and Rm. 2405 (\$265.59).			\$531.18	\$0.00 [8]		
Subtotal: \$1,369.11						Subtotal: \$837.93		
TOTAL REQUEST: \$662,294.49						TOTAL AWARD: \$319,085.71		
<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. 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.</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 <sup>3</sup>		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
John Geesman		June 28, 1977		74448		No		

<sup>3</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

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

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
1	Certificate of Service
2	Time Records of John Geesman
3	Time Records of Rochelle Becker
4	Time Records of David Weisman
5	Spreadsheet Verification of Calculations
6	Travel Receipts
Comment 1	The 2024 rates for claim preparation identified above for Geesman and Weisman are those approved by the Commission for 2023. If a COLA is adopted for 2024, A4NR requests that it be applied to its 2024 hours.

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

<b>Item</b>	<b>Reason</b>
[1] John Geesman (Geesman) 2022, 2023 & 2024 Hourly Rates	<p>Upon further review, we note that A4NR failed to identify Geesman as a consultant, instead of a full-time staff member of A4NR. The Commission requested supplemental documentation be submitted by A4NR to confirm the rate charged by Geesman.</p> <p>Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant's billed rate is below the floor for a given experience level.<sup>4</sup> Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)).</p> <p>A4NR has confirmed that Geesman serves A4NR under contract on a contingency basis where the consultant has not billed or collected compensation for the work performed until final award is given. Given this contingency, we therefore utilize the reasonable rates established by Resolution ALJ-393 based on Geesman's experience. Given the 2022 Attorney V rate range is \$506.38 to \$719.10 with a median of \$626.38, we find the requested 2022 hourly rate of \$715.00 to be reasonable and we apply it here.</p>

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<sup>4</sup> D.07-01-009, D.08-04-010, and ALJ Resolution ALJ-235.

Item	Reason
	<p>Given the 2023 Attorney V rate range is \$534.32 to \$747.04 with a median of \$654.32, we find the requested 2023 hourly rate of \$745 to be reasonable for Geesman and we apply it here. We apply one-half of Geesman’s 2023 hourly rate of \$745.00 adopted above for a 2023 preparation rate of \$372.50.</p> <p>Given the 2024 Attorney V rate range is \$560.95 to \$773.67 with a median of \$680.95, we find the requested 2024 hourly rate of \$745 to be reasonable for Geesman and we apply it here. We apply one-half of Geesman’s 2024 hourly rate of \$745.00 adopted above for a 2024 preparation rate of \$372.50.</p> <p>The award made herein for the consultant’s contribution shall be passed through in full to the consultant. Additionally, the rates approved here are specific to work in this proceeding, as they are established in accordance with the Commission’s policy on consultant compensation and the contract terms between the consultant and intervenor, and the understanding that the consultant has not billed or collected compensation for the work performed until final award is given.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants, to adhere to the Commission’s policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, A4NR did not provide all the documentation pertaining to the contract terms between A4NR and Geesman in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
[2] Rochelle Becker (Becker) 2023 Hourly Rate	D.24-04-039 previously approved the 2023 rate of \$320 for Becker.
[3] David Weisman (Weisman) 2023 & 2024 Hourly Rates	<p>D.24-01-044 previously approved the 2023 rate of \$220 for Weisman.</p> <p>In Part III.C, A4NR requests “if a COLA is adopted for 2024, A4NR requests that it be applied to its 2024 hours.”</p> <p>For Weisman’s 2024 hourly rate, the Commission applies the annual escalation methodology adopted in Resolution ALJ-393, which is a percent change of 4.07%. With a 2023 rate of \$220 previously</p>



Item	Reason
	<p>established for Weisman, and based on the escalation factor of 4.07%, a 2024 rate of \$230 is calculated, rounded to the nearest five dollars.</p> <p>A4NR is also requesting a 5% step increase added into the calculation of Weisman’s 2024 rate. This would be the second step increase for Weisman in the Expert – Communication Specialist - Level III role. Adding this 5% step increase to the \$230 rate calculated above equals a 2024 rate of \$240, rounded to the nearest five dollars, and is adopted.</p>
[4] Geesman 2022 & 2023 Hours	<p>The Commission compensates for efficient efforts that contribute to the proceeding’s outcomes; however, the Commission also disallows inefficient participation that does not contribute to the underlying issues. We identify the following activities below where it is unclear how the efforts contributed to the decision-making process.</p> <p>Geesman’s claimed 2022 hours:</p> <p>Seismic Upgrade Cost Issues:</p> <ul style="list-style-type: none"> <li>9/5/22: “draft A4NR letter to President Reynolds re: PG&amp;E past shunning of IPRP” – 1.40 hours</li> <li>10/6/22: “Prep for, attend and participate in IPRP meeting” – 2.97 hours</li> </ul> <p>General Issues:</p> <ul style="list-style-type: none"> <li>9/5/22: “review Japanese procedures for nuclear plant restarts” – 2.75 hours</li> <li>12/26/22: “review REACH assessment of Diablo Canyon site as offshore wind port” – 0.70 hours</li> <li>12/27/22: “review REACH report on Diablo Canyon suitability for offshore wind infrastructure” – 1.37 hours</li> <li>12/28/22: “research Diablo Canyon wind port development opportunities” – 0.25 hours</li> </ul> <p>Seismic Upgrade Cost Issues/Deferred Maintenance Cost Issues:</p> <ul style="list-style-type: none"> <li>9/10/22: “review A4NR testimony in A.12-11-009 and A.15-02-023” – 2.17 hours</li> </ul>

Item	Reason
	<p>Seismic Upgrade Cost Issues/PG&amp;E Estimated Costs Issues:</p> <ul style="list-style-type: none"> <li>9/13/22: “email w. clients re: GTCC storage site, DWR seismic letter, increase in uranium prices, Bruce Gibson (IPRP member) inquiry, Newsom historical statements on Diablo Canyon at CSLC” – 0.36 hours</li> </ul> <p>Seismic Upgrade Cost Issues/General Issues:</p> <ul style="list-style-type: none"> <li>9/20/22: “CSLC lease extension, BART vintage technology parallel” – 0.08 hours</li> </ul> <p>NRC Relicensing Costs Issues/PG&amp;E Estimated Costs Issues:</p> <ul style="list-style-type: none"> <li>10/20/22: “email w. clients re: SSC replacements, transcripts of Matosantos statements to legislature” – 0.09 hours</li> </ul> <p>Seismic Upgrade Cost Issues/Deferred Maintenance Costs Issues/NRC Relicensing Costs Issues/ PG&amp;E Estimated Costs Issues/Reliability Need and Benefits Issues:</p> <ul style="list-style-type: none"> <li>12/14/22: “attend DCDEP webinar on SB 846 implementation” – 1.70 hours</li> </ul> <p>Geesman’s claimed 2023 hours:</p> <p>Reliability Need and Benefits Issues:</p> <ul style="list-style-type: none"> <li>1/6/23: “review Diablo Canyon factual description filed by Pub. Adviser in CEC reliability docket” – 0.20 hours</li> <li>1/31/23-2/1/23: “draft Comments on CEC reliability workshop” – 8.08 hours</li> </ul> <p>PG&amp;E Estimated Costs Issues:</p> <ul style="list-style-type: none"> <li>2/6/23: “prepare for and participate in PG&amp;E accounting meet-and-confer” – 1.33 hours</li> <li>2/23/23: “review transcript of PG&amp;E quarterly earnings call” – 0.88 hours</li> <li>3/19/23: “research statutory issues governing DCTRMA vs. DCEOBA for nuclear fuel financial commitments” – 4.43 hours</li> </ul>

Item	Reason
	<ul style="list-style-type: none"> <li>• 4/25/23: “review PD on rate design principles” – 0.65 hours</li> <li>• 4/29/23: “research required extension of existing ISFSI permit from CCC” – 1.67 hours</li> <li>• 10/26/23: “draft public records request to DWR” – 0.45 hours</li> </ul> <p>General Issues:</p> <ul style="list-style-type: none"> <li>• 3/6/23: “review video of Resources Agency public session” – 0.14 hours</li> <li>• 5/12/23: “review Resources Agency's report on Diablo Canyon land uses” – 0.83 hours</li> <li>• 8/25/23-8/26/23: “draft A4NR correspondence w. County” – 8.95 hours</li> <li>• 10/30/23: “email w. ALJ re: oral argument” – 0.02 hours</li> <li>• 11/2/23: “email w. ALJ re: remote viewing of oral argument” – 0.05 hours</li> </ul> <p>Seismic Upgrade Cost Issues:</p> <ul style="list-style-type: none"> <li>• 5/1/23: “email w. SLOMFP counsel re: request to IPRP” – 0.06 hours</li> <li>• 5/15/23: “draft letter to CSLC re: Diablo Canyon lease extension and scope of required seismic update for impacts on plant reliability” – 2.33 hours</li> <li>• 5/16/23: “email w. CSLC re: Diablo Canyon lease extension” – 0.05 hours</li> <li>• 5/18/23: “email w. CSLC re: Diablo Canyon lease extension” – 0.04 hours</li> <li>• 5/31/23: “Zoom mtg. w. Lt. Gov. staff re: seismic conditions in CSLC lease” – 0.23 hours</li> <li>• 6/5/23: “attend CSLC mtg. on Diablo Canyon lease approval w. seismic update conditions” – 2.70 hours</li> </ul>

Item	Reason
	<ul style="list-style-type: none"> <li>• 11/9/23: “attend and participate in IPRP meeting” – 1.60 hours</li> </ul> <p>Seismic Upgrade Cost Issues/Deferred Maintenance Costs Issues/NRC Relicensing Costs Issues/ PG&amp;E Estimated Costs Issues/Reliability Need and Benefits Issues:</p> <ul style="list-style-type: none"> <li>• 6/16/23: “review SLOMFP motion to compel discovery” – 0.40 hours</li> <li>• 8/17/23: “email w. SLOMFP counsel re: phone call” – 0.02 hours</li> </ul> <p>NRC Relicensing Costs Issues:</p> <ul style="list-style-type: none"> <li>• 7/7/23: “review SLOMFP brief to 9th Circuit on timely-application ruling” – 1.07 hours</li> </ul> <p>Reliability Need and Benefits Issues:</p> <ul style="list-style-type: none"> <li>• 7/31/23: “review CEC order initiating reliability proceeding and DWR Investment Plan for Extreme Events” – 0.67 hours</li> <li>• 9/7/23: “review video of Senate Energy hearing on reliability” – 1.17 hours</li> </ul> <p>Seismic Upgrade Cost Issues/Deferred Maintenance Cost Issues:</p> <ul style="list-style-type: none"> <li>• 10/14/23: “review video of PG&amp;E presentations to DCISC on seismic update and deferred maintenance reviews, draft A4NR memo to IPRP” – 2.03 hours</li> </ul> <p>We remind A4NR that the burden of proof is on the intervenor to show that each of the hours claimed was spent productively to make a substantial contribution to the decision. <i>See</i> Part III.D CPUC Comments, Disallowances and Adjustments [7].</p>
[5] Becker’s and Weisman’s 2022 & 2023 Hours	<p>The Commission compensates for efficient efforts that contribute to the proceeding’s outcomes; however, the Commission also disallows inefficient participation that does not contribute to the underlying issues. We identify the following activities below where it is unclear how the efforts attributed to the decision-making process:</p> <p><u>Becker’s claimed 2022 hours included:</u></p>

Item	Reason
	<p><u>Seismic Upgrade Cost Issues/Deferred Maintenance Costs Issues/NRC Relicensing Costs Issues/ PG&amp;E Estimated Costs Issues/Reliability Need and Benefits Issues:</u></p> <ul style="list-style-type: none"> <li>• 12/14/22: “view remotely DCDEP meeting on SB 846 implementation” — 1.70 hours</li> </ul> <p><u>Weisman’s claimed 2022 hours included:</u></p> <p><u>Seismic Upgrade Cost Issues:</u></p> <ul style="list-style-type: none"> <li>• 9/13/22: “research and locate transcript of Newsom speech at June 2016 CSLC meeting re: Diablo seismic” — 0.25 hours</li> <li>• 12/1/22: “research and compile CVs and published papers of potential California seismic experts” — 0.80 hours</li> </ul> <p><u>Seismic Upgrade Cost Issues/Deferred Maintenance Costs Issues/NRC Relicensing Costs Issues/ PG&amp;E Estimated Costs Issues/Reliability Need and Benefits Issues:</u></p> <ul style="list-style-type: none"> <li>• 12/14/22: “view DCDEP webcast on SB 846 implementation” — 1.70 hours</li> </ul> <p><u>Weisman’s claimed 2023 hours included:</u></p> <p><u>PG&amp;E Estimated Costs Issues:</u></p> <ul style="list-style-type: none"> <li>• 2/3/23: “research and locate transcript of Newsom speech at June 2016 CSLC meeting re: Diablo seismic” — 0.10 hours</li> <li>• 5/12/23: “attend via Zoom Coastal Commission on ISFSI spent fuel permit extension” — 0.58 hours</li> </ul> <p><u>NRC Relicensing Costs Issues</u></p> <ul style="list-style-type: none"> <li>• 5/3/23: “review Mothers for Peace petition to 9th circuit court to vacate NRC exemption” — 0.07 hours</li> </ul> <p><u>Seismic Upgrade Cost Issues:</u></p> <ul style="list-style-type: none"> <li>• 11/9/23: “attend IPRP meeting via Webex with CPUC, PGE and IPRP members/staff” — 1.60 hours</li> </ul>

Item	Reason
	<p>We remind A4NR that the burden of proof is on the intervenor to show that each of the hours claimed was spent productively to make a substantial contribution to the decision. <i>See</i> Part III.D CPUC Comments, Disallowances and Adjustments [7].</p>
<p>[6] Disallowance of Hours Prior to Implementation of SB 846</p>	<p>In 2022, Geesman requested compensation for 177.68 hours. We disallow 32.92 hours that were recorded prior to the enactment of Senate Bill 846 (i.e., prior to September 2, 2022). Since R.23-01-007 was opened to implement specific provisions of Senate Bill 846, it is not reasonable to award intervenor compensation for time spent on issues that are not clearly tied to the underlying legislation. Further, prior to the enactment of Senate Bill 846, A4NR would have no way of knowing what issues to address or how to focus its time and resources.</p> <p>In 2022, Becker requested compensation for 38.71 hours. As noted above, we disallow 13.87 hours that were recorded prior to the enactment of Senate Bill 846 (i.e., prior to September 2, 2022).</p> <p>In 2022, Weisman requested compensation for 43.76 hours. As noted above, we disallow 16.97 hours that were recorded prior to the enactment of Senate Bill 846 (i.e., prior to September 2, 2022).</p>
<p>[7] Disallowance of Hours – Internal Duplication</p>	<p>A4NR’s claim totals nearly 1,058.00 (non-Intervenor Compensation Claim Preparation and travel fee/cost) hours, which is far greater than the hours claimed by any other intervenor in this proceeding who are claiming contribution to D.23-12-036. For reference, Women’s Energy Matters claimed a total of 457.00 hours, The Utility Reform Network claimed 311.00 hours, and Green Power Institute claimed 273.00 hours. Additionally, almost 25% of the hours claimed by A4NR’s internal staff relate to reviewing internal documents, internal discussions/strategizing, and editing each other’s work, while A4NR often had more than one attorney reviewing the same issues in testimonies, comments, and briefs.</p> <p>A4NR is reminded that the Commission awards compensation for efficient efforts that contribute to proceeding outcomes, and that A4NR’s work should be sufficiently streamlined to prevent an excess of hours claimed. In the past, the Commission has disallowed inefficient activities and applied reductions to intervenor hours that reflect excessive internal duplicative efforts, such as “numerous internal communications, review of each other’s documents, working on the same materials, engaging in the same tasks and participating in the same events.” (<i>See</i> D.12-03-024 at 24-25).</p>

Item	Reason																																			
	<p>We also note that there were multiple tasks listed in timesheets where it was unclear how the efforts contributed to the decision-making process (<i>See</i> CPUC Comments, Disallowances and Adjustments in Part III.D., items [4] and [5].) For the internal duplication, excessive hours claimed, and various tasks in timesheets that were deemed to have not significantly contributed to the decision making process, we disallow 50% of the total hours above for A4NR’s staff members Geesman, Becker, and Weisman for 2022 and 2023.</p> <table><tr><th>Name</th><th>Year</th><th>Hours Requested<sup>5</sup></th><th>Hours Disallowed</th><th>Hours Awarded</th></tr><tr><td>Geesman</td><td>2022</td><td>144.76</td><td>72.38</td><td>72.38</td></tr><tr><td>Geesman</td><td>2023</td><td>610.66</td><td>305.33</td><td>305.33</td></tr><tr><td>Becker</td><td>2022</td><td>24.84</td><td>12.42</td><td>12.42</td></tr><tr><td>Becker</td><td>2023</td><td>55.00</td><td>27.50</td><td>27.50</td></tr><tr><td>Weisman</td><td>2022</td><td>26.79</td><td>13.39</td><td>13.39</td></tr><tr><td>Weisman</td><td>2023</td><td>132.76</td><td>66.38</td><td>66.38</td></tr></table>	Name	Year	Hours Requested <sup>5</sup>	Hours Disallowed	Hours Awarded	Geesman	2022	144.76	72.38	72.38	Geesman	2023	610.66	305.33	305.33	Becker	2022	24.84	12.42	12.42	Becker	2023	55.00	27.50	27.50	Weisman	2022	26.79	13.39	13.39	Weisman	2023	132.76	66.38	66.38
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[8] Disallowance of Claimed Travel Fees & Costs	<p>Per the IComp program guide at 21, intervenors must demonstrate their participation was “productive, necessary, and needed for a fair determination of the proceeding.”</p> <p>Becker and Weisman’s participation and in-person attendance at the 11/7/23 oral argument in San Francisco was inefficient. As stated in the October 9, 2023 Ruling Setting Oral Argument, each party was limited to a single speaker.</p> <p>A4NR was represented by Geesman at this oral argument, and his in-person attendance and participation was sufficient in terms of A4NR’s contribution. Additionally, a listen-in telephone line for this oral argument was provided, which Becker and Weisman could have utilized instead of attending in-person and claiming travel costs.</p> <p>Becker and Weisman both claimed 8.00 hours of travel time each to attend this oral argument; these hours are disallowed. Becker and Weisman also claimed \$531.18 in total for hotel costs to attend this oral argument; this amount is also disallowed.</p>																																			

<sup>5</sup> The hours requested here apply, as relevant, prior disallowances made above in item [6].

**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
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	No

If not:

<b>Party</b>	<b>Comment</b>	<b>CPUC Discussion</b>
A4NR	<p>A4NR states the Revised PD (Proposed Decision) miscalculates the 2024 hourly rate awarded to John Geesman as determined under Resolution ALJ-393. A4NR states the Revised PD erroneously conflates Geesman’s 2024 rate with his 2023 rate, without applying the ALJ-393 escalation of 4.07% to his 2024 rate. A4NR states that applying this escalation to the \$745 rate approved for Geesman by the Revised PD for 2023 would produce a 2024 rate of \$775.32.</p> <p>A4NR states that the rate of \$699.03, identified on the Commission website as the upper end of the 2021 Attorney V rate range – the base year for the (Resolution) ALJ-393 methodology – and applying the published escalation percentages for 2022, 2023, and 2024 produces an upper limit to the 2024 authorized Attorney V rate of \$785.08. A4NR also states the Revised PD makes no adjustment for the request in their compensation claim that Geesman’s 2024 rate reflect a second 5% step increase. A4NR reiterates its request for a second step increase in the calculation of Geesman’s 2024 rate, and notes that “recognizing that its size will be constrained by the \$785.08 upper limit to the 2024 authorized Attorney V rate.”</p>	<p>As outlined in Part III.D [1] of this Proposed Decision, supplemental documentation submitted to the Commission by A4NR confirms that Geesman performed work for A4NR as a consultant under contract on a contingency basis.</p> <p>Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant’s billed rate is below the floor for a given experience level (pursuant to D.07-01-009, D.08-04-010, and ALJ Resolution ALJ-235), and we therefore utilize the reasonable rates established by Resolution ALJ-393. The 2024 rate of \$745 awarded to Geesman in this Proposed Decision is an appropriate reflection of his experience level as it pertains to the Attorney – V role, adheres to the guidelines for awarding rates set forth by Resolution ALJ-393, and is therefore affirmed.</p> <p>Additionally, the Commission did not mathematically err in calculating the maximum compensation allowed for the role of Attorney - Level V in 2024. Resolution ALJ-393 verifies</p>



Party	Comment	CPUC Discussion
	A4NR requests that the Revised PD be modified to ultimately reflect a 2024 Rate for Geesman of \$785, and that “calculating the correct 2024 hourly rate is important because of the role that past precedent often plays in future Commission compensation decisions.”	the “high” (or “upper” end, as A4NR describes) end of the rate range for the role of Attorney – V in 2024 is \$773.67, not \$785.08, as A4NR contends.

### **FINDINGS OF FACT**

1. Alliance for Nuclear Responsibility has made a substantial contribution to D.23-12-036.
2. The requested hourly rates for Alliance for Nuclear Responsibility’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$319,085.71.

### **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 \$319,085.71.
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 April 28, 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 June 26, 2025, at Sacramento, California.

ALICE REYNOLDS

President

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners

Commissioner Matthew Baker  
recused himself and did not  
participate in the vote of this item.

## APPENDIX

### Compensation Decision Summary Information

<b>Compensation Decision:</b>	D2506062	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2312036		
<b>Proceeding(s):</b>	R2301007		
<b>Author:</b>	ALJ Atamturk		
<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	2/13/2024	\$662,294.49	\$319,085.71	N/A	See Part III.D, CPUC Comments, Disallowances and Adjustments.

### 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 <sup>6</sup>	745 plus any COLA	2024	\$745.00
John	Geesman	Attorney <sup>6</sup>	745	2023	\$745.00
John	Geesman	Attorney <sup>6</sup>	715	2022	\$715.00
Rochelle	Becker	Advocate	320	2023	\$320.00
Rochelle	Becker	Advocate	305	2022	\$305.00
David	Weisman	Advocate <sup>7</sup>	220 plus any COLA	2024	\$240.00
David	Weisman	Advocate <sup>7</sup>	220	2023	\$220.00
David	Weisman	Advocate <sup>7</sup>	210	2023 <sup>8</sup>	\$210.00

(END OF APPENDIX)

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<sup>6</sup> A4NR has identified Geesman as a consultant. *See* item [1] in Part III.D.

<sup>7</sup> The hourly rates adopted here for Weisman are in the role of Expert — Communications Specialist — III.

<sup>8</sup> A4NR lists the year as 2023 here, however, per the hourly rate requested for Weisman above in Part III.B, this rate is requested for 2022.