
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

July 28, 2026

Agenda ID #24411
Ratesetting

~~TO PARTIES OF RECORD IN RULEMAKING 23-01-007:~~

~~This is the proposed decision of Administrative Law Judge Nilgun Atamturk. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's September 3, 2026 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.~~

~~Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.~~

~~/s/ MICHELLE COOKE~~

~~Michelle Cooke~~

~~Chief Administrative Law Judge~~

~~MLC:nd3~~

~~Attachment~~

Decision **PROPOSED DECISION OF ALJ ATAMTURK** (Mailed 7/28/2026)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

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

Rulemaking 23-01-007¹

**DECISION GRANTING COMPENSATION TO
SAN LUIS OBISPO MOTHERS FOR PEACE
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 23-12-036**

Intervenor: San Luis Obispo Mothers for Peace	For contribution to Decision (D.) 23-12-036
Claimed: \$481,535.11 ²	Awarded: \$ 179,345.45 180,080.45
Assigned Commissioner: Karen Douglas	Assigned ALJ: Nilgun Atamturk

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision Conditionally Approving Extended Operations At Diablo Canyon Nuclear Power Plant Pursuant To Senate Bill 846
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812³:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		

¹ R.23-01-007 was filed on January 12, 2023.

² The correct total request is \$481,536.91.

³ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
1. Date of Prehearing Conference:	March 17, 2023	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	April 17, 2023	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.23-01-007	Verified
6. Date of ALJ ruling:	June 28, 2023	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.23-01-007	See Part I.C
10. Date of ALJ ruling:	June 28, 2023	See Part I.C
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, See Part I.C
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-12-036	Verified
14. Date of issuance of Final Order or Decision:	December 15, 2023	Verified
15. File date of compensation request:	February 13, 2024	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
1.		San Luis Obispo Mothers for Peace (SLOMFP) filed a Notice of Intent to Claim Intervenor Compensation (NOI) on April 17, 2023, in this proceeding. We issued a ruling on June 28, 2023 (2023 Ruling), finding that

#	Intervenor's Comment(s)	CPUC Discussion
		SLOMFP had “made a preliminary showing of significant financial hardship but must provide additional information in a request for intervenor compensation, as set forth” in the Ruling. SLOMFP filed this request for intervenor compensation on February 13, 2024 without the additional information requested by the 2023 Ruling. On November 14, 2025, SLOMFP filed a supplement to this request for intervenor compensation (2025 Supplement), which provided the additional information regarding SLOMFP’s significant financial hardship. Based on the information provided in the 2025 Supplement, we find that SLOMFP has demonstrated a significant financial hardship pursuant to § 1802(h) and is therefore eligible to receive intervenor compensation for its work in this proceeding.

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. General: SLOMFP fully participated in this proceeding. SLOMFP: filed opening comments on the Order Instituting Rulemaking; joined in a jointly filed Prehearing Conference Statement; attended the Prehearing Conference: successfully compelled PG&E to provide additional data responses and documents; filed prepared opening comments and opening testimony of 7 highly qualified experts and top in their field; filed reply testimony supporting the	<u>Legal Standard and Authorities</u> The Commission has held that if an intervenor has made a contribution to discussion, or if issues or recommendations were raised by the intervenor, but not addressed or adopted the Commission Decision, the Commission may still find the intervenor made a substantial contribution to the Decision. (D.15-11-035 [The actual Decision to which the intervenor contributed, D.1412082, addresses the intervenor’s arguments, but decides against its position, yet the Commission found the intervenor made a substantial contribution to the proceedings]; see also D.07-05-051 [“[the intervenor’s]	Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
testimony of WEM, UNCS/NRDC while rebutting testimony of GPI, CGNP, PG&E and CCUE; successfully motioned the ALJ for ordering an evidentiary hearing and briefing; attended the evidentiary hearing and cross-examined multiple witnesses leading to a more robust record and ferreting out vagueness and incorrect statements made by PG&E; prepared and filed opening and reply briefs; prepared and filed comments on the Draft CEC Cost Comparison Report; attended the Commission meeting on this proceeding and prepared and filed comments on the proposed decision, some of which were incorporated into the final decision. These actions contributed to a robust record and fully informed decision making of the Commission. The evidentiary record was made more robust and the Commission benefited from SLOMFP's participation. SLOMFP provided unique perspectives that enriched the Commission's deliberations and the record allowed the Commission to understand the consequences of its decision.	participation informed the record and our decision-making and, in areas where we did not adopt its position, we benefited from its analysis and discussion.”]; see also D.08-04-004 at 4-6, D.19-10-019 at 3-4, D.03-03-031 at 6, and D.05-06-027 at 5 [Failure to adopt a party's position on an issue does not mean the party has not made a substantial contribution. What matters is whether the party provided a unique perspective that enriched the Commission's deliberations and the record or whether the party's discussion of the issues allowed the Commission to understand the consequences of its decision.].) <u>Citations to the Record:</u> (ALJ Seybert's June 26, 2023 E-Mail Ruling Granting Motion to Compel; SLOMFP Testimony [Exhs. SLOMFP-01 through SLOMFP-08]; PG&E Data Request Responses to SLOMFP June 9, 2023 [Exh. SLOMFP-09]; SLOMFP's Opening Comments on OIR; Joint Prehearing Conference Statement; SLOMFP's Request for Evidentiary Hearing and Briefing; Reporter Transcripts from September 5-7 Evidentiary Hearing; SLOMFP Opening Brief dated September 18, 2023; SLOMFP Reply Brief dated September 29, 2023; Comments of SLOMFP on Draft CEC Cost Comparison Report dated October 6, 2023; SLOMFP Comments on Proposed Decision Dated November 15, 2023.) (SLOMFP's Comment on OIR re: adjusting schedule re: evidentiary	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	hearing and briefing) <u>Citations to Decision:</u> (E.g. Decision pp. 8-9 and Decision citations identified below.)	
2. SLOMFP substantially contributed to this proceeding by being one of the only parties to substantively participate in the cross-examination of witnesses during the evidentiary hearing. Said cross-examinations by SLOMFP's representatives led to additional facts becoming part of the record, and further ferreted out incorrect and vague written testimony submitted by PG&E (impeached PG&E witnesses and/or obtained PG&E witness testimony that supported SLOMFP's witness testimony and factual and legal positions) which in turn contributed to the robustness of the record and the Commission benefited from the addition of this material to the record and SLOMFP's analysis of the same.	<u>Legal Standard and Authorities</u> [See No. 1 above.] <u>Citations to the Record, include, but are not limited to:</u> (Reporter's Transcript, Vol. 2, p. 210, lines 19 through 24 [Where Commissioner Douglas stated "I really want to express my appreciation to all of the parties for the work they have done in helping develop a comprehensive record under the expedited time frame of this proceeding, and I'm looking forward to hearing what all of you have to present to us over the course of these hearings."].) (Reporter's Transcript, Vol. 2, p. 218, lines 10 through 22 [Where PG&E admitted, on cross-examination by SLOMFP, that no study by any government agency in California between January 2018 and January 2022 concluded that California needs Diablo Canyon versus similar reliability].) (Reporter's Transcript, Vol. 3, at pp. 287, line 16 through p. 292, line 5 [Where PG&E's expert, on cross-examination by SLOMFP, would not refute that the estimate of the cost of Unit 1 pressure vessel repair/replacement by SLOMFP witness	Noted Verified Verified Noted. PG&E's expert does not back down from saying that SLOMFP's estimate for the cost of repair is speculative.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	Dr. Macdonald was reasonable].) (Reporter's Transcript, Vol. 3, at p. 317, lines 20 through 24 [Dr. Bird's experience and credibility].) (Reporter's Transcript, Vol. 3, at pp. 310, line 20 through p. 315, line 1; Vol. 3 Transcript at p. 308, line 20 through p. 310, line 19. [Need for SHHAC Seismic Assessment Studies].) (Reporter's Transcript, Vol. 3, at pp. 296 through 300 [foundation for Unit 1 pressure vessel repair/replacement needs and related costs].) (Reporter's Transcript, Vol 3., at pp. 323 through 325; [Where SLOMFP pressed PG&E on its refusal to admit that it has "deferred maintenance"].) (Reporter's Transcript, Vol. 2, pp. 230 through 242 [energy reliability with inclusion of 4000MW].) (Reporter's Transcript at Vol.2, p. 220, lines 7 through 23 [Discussing PG&E's previous statements and admissions regarding the cost-effectiveness of Diablo Canyon].) (SLOMFP Opening Brief pp. 15, 22, 28 through 31, and 36.) <u>Citations to Decision</u> (Decision p. 52 and Decision citations identified below.)	Noted. The witness does not verify Bird's experience. Noted. PG&E's witness does not say there is a need for this study. Noted. The relevant portion here regards when a capsule was last tested. Verified. PG&E says they have no deferred maintenance, just corrective. Noted. Reliability is not mentioned, and this mostly clarifies weather terminology. Noted. Cost-effectiveness is not mentioned. Noted Noted. However, the Decision states here that "SLOMFP's arguments are without merit" regarding their point that "a capably managed utility

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
		would not choose to extend operations at DCPD and, therefore, continued DCPD operations are imprudent."
3. SLOMFP substantially contributed to the issue of Burden of Proof and Standard of Proof to be utilized in this proceeding. In its Opening Brief, SLOMFP advocated that PG&E should have the burden of proof in this proceeding as the quasi-applicant. In its Reply Brief, SLOMFP rebutted PG&E's position that the burden of proof was shared equally by the parties by providing additional detail, legal argument and authority in support of the position that PG&E carries the burden of proof and that the Commission had authority to alter the normal allocation of the burden of proof based on a number of factors set forth in prior commission decisions and the rules of evidence. In its Reply Brief, SLOMFP also advocated for a standard of proof under the Preponderance of Evidence Standard and criticized PG&E's application of the	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record:</u> (SLOMFP Reply Brief pp. 8 through 10.) (SLOMFP Reply Brief pp. 20 through 21 [e.g. "SLOMFP strongly urges that, given the evidence weighing heavily against it, the March 2023 CEC Report cannot constitute "sufficient information," nor a preponderance of the evidence in these proceedings. ..." and "PG&E implies that the March 2023 CEC Report alone constitutes a preponderance of the evidence. This cannot be so. Preponderance of the evidence means 'in terms of probability of truth, e.g., such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth'."].) (October 26, 2023, Proposed Decision [Failing to identify the party with the burden of proof or the applicable standard of proof.] (SLOMFP Comments on Proposed Decision pp. 1-3.) <u>Citations to Decision:</u> (Decision pp. 11-12, 125 [Conclusions	Noted Noted Noted Noted. See PD at 60: "PG&E has the burden of proof in demonstrating all DCPD extended operation forecast costs, as identified above, are just and reasonable."

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
standard to the evidence. SLOMFP then provided comment on the Proposed Decision ("PD") pointing out that the PD did not articulate the standard of proof and burden, as it must, and recommending that the PD be revised to explicitly identify which party has the burden of proof and the applicable standard of proof. The revised proposed decision adopted SLOMFP's recommendations. While the Decision failed to place the burden of proof on PG&E, it did adopt SLOMFP's definition of the preponderance of evidence standard and articulated which party has the burden of proof. Accordingly, the record was made more robust and informed by and the Commission benefited from SLOMFP's analysis and discussion of the issue.	of Law Nos. 1 and 2 – setting out the burden and standard of proof in this proceeding].)	Verified
4. SLOMFP made a substantial contribution on the issue of the proper legal interpretation of SB 846 and PUC Section 451. SLOMFP was one if not the only party to provide considerable authority on the applicable canons of statutory construction and	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record include, but are not limited to:</u> SLOMFP's Verified Opening Comments on Phase 1, Track 2 Issues. pp. 2 through 3 [Definition Of "Too High To Justify"].)	Noted Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
the impact of Commission's constitutional authority on how SB 846 must be interpreted. The Decision referenced and/or adopted some of these discussions and/or authority.	(SLOMFP Opening Brief, pp. 5 through 9 [Legal Framework – e.g. “As such, in no way does the plain language of SB 846 constrain the CPUC’s discretion to make its own determination on reliability.”].)	Noted. This precise quote does not appear in the cited, however, this is the gist of what is cited.
For example, in its Opening Brief, SLOMFP provided a detailed discussion of the legal framework of SB 846 and its three “off-ramps” against the backdrop of the CPUC’s statutory authority as a constitutional agency. SLOMFP advocated for the position that Commission must not interpret SB 846 as limiting its constitutional authority - so as to avoid statutory repeal by implication.	(Exh. SLOMFP-03 - Opening Testimony of Peter Bradford[e.g., Discussing PUC Section 451, the definition of prudence, predetermination of prudence and the importance of making timely prudence determinations early in the process].)	Noted
SLOMFP also explained, through the testimony of Peter Bradford - a former Commissioner for the New York and Maine Public Utilities Commissions, and a former Commissioner for the NRC – the proper interpretation of PUC Section 451 and its applicability in this proceeding in that analyzing prudence <i>before</i> approval of a utility’s acts was essential.	(SLOMFP Reply Brief, pp. 5 through 8 [PG&E Mischaracterizes The Statutory Framework And CPUC’s Discretion Under SB 846]; see also <i>Id.</i> at p. 5, fn 2 [citing “Brief Of The State Of California As Amicus Curiae In Support Of Respondents, <i>San Luis Obispo Mothers For Peace v. United States Nuclear Regulatory Commission et. al.</i>, (9th Cir. No. 23-852) (September 5, 2023) (“Attorney General Amicus”), at pp. 15 and 19.”].)	Noted
In its Reply Brief, SLOMFP rebutted PG&E’s position that SB 846 requires that the Commission <i>must</i> extend	(SLOMFP Comments on Proposed Decision, pp. 4-6 [The PD Acknowledges the Commission’s Mandatory Review under P.U.C. § 451, But Does Not Make the Required Findings that Extended Operations Are Reasonable and Prudent.]; <i>Id.</i> at 6 through 7 [The PD Contains an Interpretation of S.B. 846 That Impermissibly Repeals By Implication the Commission’s Unique Constitutional Authority and Broad Statutory Authority].) (SLOMFP Comments on Draft CEC Cost Comparison Report dated	Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
operations at DCP. SLOMFP introduced evidence that even the state Attorney General indicated that SB 846 <i>does not predetermine the outcome of any state agency decision</i> and SB 846 conferred upon the Commission express authority to shorten the extension of operations. SLOMFP also pointed out that the express language of SB 846 only requires the Commission to consider the <i>potential</i> of extension of operations and make a determination no later than December 31, 2023 on whether to authorize extended operations. Using principles of statutory interpretation, SLOMFP's Reply Brief pushed back against PG&E's mischaracterization that the CEC reporting provided a <i>statutory and thus the only basis</i> for the Commission's decision on issues of cost and/or reliability. SLOMFP explained how the relevant portion of the statute only states the Commission shall <i>review</i> the reports of CEC in making its decision and that there is no language in SB846 mandating that the CPUC take any CEC determination as the basis of its decision and in fact, the	September 26, 2023.) <u>Citations to Decision</u> (Decision, p. 35 [SLOMFP's definition of "Too High To Justify"].) (Decision, p. 45 "SLOMFP and WEM highlight that this is a draft version of the report, and therefore should not be relied upon."].) (Decision, p. 46 [Where Commission expressly agrees with SLOMFP's definition of "too high to justify" and cites to the same authority proffered by SLOMFP in doing so.].) (Decision, pp. 46 through 53 [Discussion of interplay between PUC Section 451 and SB 846]; see also <i>Id.</i> at 47 ["In enacting SB 846, the Legislature affirmed the Commission's broad statutory mandate in Section 451 by requiring the Commission to ensure extended DCP operations are cost-effective and prudent."]; see also <i>Id.</i> at 48 ["Therefore, to 'harmonize the [Legislature's] enactment' of the phrase 'too high to justify' in Section 712.8(c)(2)(B) with the statutory framework of the Public Utilities Code and SB 846 itself, the Commission interprets the phrase as requiring it to assess whether the specific types of costs identified in Section 712.8(c)(2)(B) (<i>i.e.</i>, the cost of upgrades to address seismic safety or deferred maintenance concerns identified by the DCISC, or the cost of PG&E complying with NRC license renewal conditions for DCP), are justified, or reasonable, under the Commission's established	Noted. SLOMFP has a similar position as SBUA when defining "too high to justify" but also provides historical perspective. Noted. SLOMFP has a similar position as WEM. Noted. While "the Commission agrees with SLOMFP that the 'plain and commonsense meaning' of the statutory language is clear," it also "must not be understood in 'isolation.'" D.23-12-036 at 46.

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language assumes a collaboration between the CPUC and the CEC, with the CPUC's final authority controlling. SLOMFP also pointed out the CEC report was in draft form and the CEC is not even mentioned in PUC Section 712(c)(2)(B) "Too High to Justify" but <i>DCISC</i> is. SLOMFP continued to advocate for the proper legal interpretation of the interplay between SB 846 and PUC Section 451 in its Comments on the Proposed Decision. SLOMFP argued that it would be legal error for the Commission to approve extended operations while simultaneously finding that the Commission does not have enough evidence to make a determination on whether any of the "off ramps" applied. SLOMFP explained, citing evidence and legal authority, that the Commission could not legally authorize extended operations at all without making a finding, supported by substantial evidence, that said extension was prudent. Additionally, in its Comments on the PD, SLOMFP continued to advocate that adoption of PG&E's position that SB 846 <i>directs</i> the Commission to authorize extended	reasonableness and prudence review standard. In accordance with Pub. Res. Code Section 25548.3(c)(5)(C) and the Commission's overarching responsibility to determine whether extended operations of DCCP will result in just and reasonable rates, it follows that the Legislature intended for the Commission to apply the same, established prudence and reasonableness standard to the Commission's review of the two specific types of costs identified in Section 712.8(c)(2)(B)."].) (Decision, p. 58 [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].) (Decision, p. 59 [Referencing mandatory review under PUC Section 451 in a discussion of future costs and prudence review].) (Decision pp. 125 through 127, Conclusion of Law No. 5 [Conditional Approval of Operations subject to future cost and prudence review]; Conclusion of Law No. 11 ["The review required in Pub. Util. Code Section 712.8(c)(2)(B) and Pub. Res. Code Section 25548.3(c)(5)(C) is consistent with the Commission's reasonableness and prudence standard."]; Conclusion of Law No. 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	Verified The Decision does not mention Section 451's mandatory review at this citation. Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
operations would work a "repeal by implication" on the Commission's constitutional powers and statutory authority. The Decision adopts several of SLOMFP's positions on statutory interpretation of SB 846 and PUC Section 451. The Decision contains discussion of the Commission's mandatory review under PUC Section 451, implicitly based on SLOMFP's advocacy and evidence. An inference that is supported by the Decision's adoption of SLOMFP expert Peter Bradford's standard of prudence under PUC Section 451 (as is detailed further below.) While, the Commission's ultimate decision in this case was to <u>conditionally</u> approve extended operations subject to a further cost and prudence review, SLOMFP's discussion of the legal framework and interpretation of SB 846 and its interplay between § 451 provided a unique perspective that enriched the Commission's deliberations and the record and also allowed the Commission to understand the consequences of its decision, ultimately resulting in the Commission	Section 451."]; Conclusion of Law No. 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 DCPD operations."].)	

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issuing a <u>conditional decision</u>, which is unique in and of itself. A reason able inference can be drawn that mandatory early and ongoing prudence review under § 451 is one reason why the Decision conditionally approved operations subject to future cost and prudence review. The Commission also made a finding that SB 846 did not require the Commission to solely rely on CEC Reporting when making a determination under PRC Section 25548.3(c)(5)(C), which was SLOMFP's position.		
5. SLOMFP substantially contributed to the issue of cost-effectiveness by advocating that PG&E's statements and the CPUC's finding of fact in A16-08-006 that operating DCPD beyond 2025 would not be cost-effective still applied today. Through testimony of expert Dr. Cooper, SLOMFP introduced evidence of: the cost of regulatory compliance; providing \$/MWH as the standard measure cost-effectiveness; providing a cost-comparison between aging nuclear reactors such as Diablo and	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record:</u> (SLOMFP Opening Brief, pp. 9-14) (Exh. SLOMFP-04 - Dr. Cooper Opening Testimony, [including, but not limited to ultimate conclusion of opinion at p. 1, line 23 through p. 2, line 10 and <i>Id.</i> at p. 29, lines 8-15, and attachment MNC 3-6. [Dr. Cooper found that the cost of operations of aging nuclear reactors like DCPD is effectively \$70/MWH, after laying comprehensive and detailed foundation for his expert opinion throughout the applicable chapter of testimony.] (Exh. SLOMFP-04 – Dr. Cooper Opening Testimony [after laying	Noted Noted Noted Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
renewable and clean energy resources; total system costs of aging nuclear reactors such as Diablo, and alternative renewable and clean energy resources. SLOMFP also rebutted other parties' allegations of a lower \$/MWH for extended operations of DCPD. While the Decision did not ultimately adopt the \$/MWH figure of Dr. Cooper, SLOMFP's analysis contributed to the robustness of the evidentiary record and allowed the Commission to benefit from SLOMFP's analysis and discussion of the issue and the evidence provided. It should be noted that the Decision points out that SLOMFP was the only party to advance the position that there was a sufficient evidence to decide the question of cost-effectiveness, thus acknowledging that SLOMFP provided a unique perspective on this central issue, which therefore demonstrates substantial contribution..	comprehensive and detailed foundation for his opinion throughout the applicable chapter of testimony, providing ultimate conclusion of expert opinion at p. 19, lines 21 through 27 and attachment MNC 2.4, 2.5, 2.11, 2.14 and 2.17. [Dr. Cooper testimony that three renewable energy and zero carbon alternatives had a price/MWH significantly lower than aging nuclear reactors like DCPD, namely efficiency, solar and wind with long duration storage and that three firm resources are competitive in terms of price/MWH with aging nuclear reactors like DCPD, namely efficiency.].) (Exh. SLOMFP-08 – Reply Testimony of Mark Cooper, [e.g. p. 16 where Cooper rebutted GPI's calculation of \$66/MWH and citing and explaining Cooper's prepared Attachment MNC-R-10].) (Exh. SLOMFP-08 – Reply Testimony of Mark Cooper, pp. 5-8. [Failed Economics of DCPD].) Dr. Cooper estimated the total system costs of aging reactors like Diablo Canyon to be between \$110 and \$130/MWH as shown on Cooper Attachment MNC 2.17 This is similar to the \$141/MWH for post-2025 operations that PG&E calculated in the 2018 A.16-08-006 proceeding. <u>Citations to Decision:</u> (Decision pp. 43-44, and 49-50 [Where the Commission discussed Dr. Cooper's Cost Comparison and its prior Decision	Noted Noted Noted, however "Citations must include the referenced document's name, date, and page/portion(s)." Intervenor Compensation Program Guide at 20. Noted, however "The majority of SLOMFP's arguments hinge on

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	in A16-08-006].) (Decision pp. 43 through 44, and 49 [“SLOMFP is the only party to argue there is sufficient evidentiary record demonstrating DCPD extended operations are not cost-effective.”].)	purported extended operation costs that are either unsubstantiated, undefined, or not specifically tied to Diablo Canyon.” D.23-12-036 at 49-50.
6. SLOMFP substantially contributed on the issue of cost of extended operations by addressing the issue of aging equipment and specifically the extraordinary problems with the Unit 1 reactor pressure vessel which nuclear expert Dr. MacDonald testified would likely need to be replaced at an estimated cost of hundreds of millions of dollars. While the Decision did not ultimately adopt SLOMFP's position on this issue, SLOMFP's expert testimony contributed to the robustness of the evidentiary record and legal argument assisted the Commission in evaluating cost-effectiveness points. It should be noted that the Decision explicitly acknowledges that SLOMFP was the only party to argue there was a	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record:</u> (SLOMFP Opening Brief pp. 14-15.) (Exh. SLOMFP-07 –Dr. MacDonald Testimony, e.g. pp.1-11 [Where Dr. Macdonald laid factual and evidentiary foundation for his opinion that there are significant embrittlement issues with the Unit 1 reactor pressure vessel and this key plant component is already past its fracture toughness limits and will likely need to be replaced if extended operations are authorized by the Commission. Dr. Macdonald provided a conservative cost estimate between \$250 and \$500 Million to replace the vessel and provided foundation for that estimate].) (SLOMFP Reply Brief, pp. 24-26 [rebutting CGNP's mischaracterization of Dr. Macdonald's testimony].) <u>Citation to Decision:</u> (Decision pp. 40, 43 and 49-50 [Where the Commission discussed Dr. Macdonald's Unit 1 pressure vessel	Noted Noted Noted, however, most of the 11 pages cited do not deal with costs and mainly discuss issues irrelevant to the cost of extended operations at DCPD. Noted Noted, however “The majority of SLOMFP's arguments hinge on

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
sufficient record to decide the question of cost-effectiveness, which demonstrates substantial contribution.	embrittlement analysis and opinions].) (Decision pp. 43-44, and 49 ["SLOMFP is the only party to argue there is a sufficient evidentiary record demonstrating DCPD extended operations are not cost-effective."].)	purported extended operation costs that are either unsubstantiated, undefined, or not specifically tied to Diablo Canyon." D.23-12-036 at 49-50. Also, Dr. Macdonald's testimony "often focuses almost exclusively on nuclear safety issues to be overseen by the NRC, with little to no information on the associated potential costs." <i>Id.</i> at 50, fn. 144.
7. SLOMFP substantially contributed to the issue of cost of extended operations by being the only party to describe the regulatory compliance procedures associated with NEPA, the Clean Water Act and State Water Board Once Through Cooling section 316(b) policy requiring mitigation and associated costs therewith, and Federal Consistency Review Under the California Coastal Act in the context of costs of extended operations. SLOMFP analysis was	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record:</u> (Ex. SLOMFP-01 Verified Opening Comments of SLOMFP on Phase 1, Track 2 Issues, at pp. 3-7 [NEPA, CWA and Federal Coastal Act Consistency Analysis].) (SLOMFP Opening Brief, pp. 31 through 32.) (SLOMFP Comments on PD, pp. 14 through 15.) <u>Citations to the Decision:</u> (Decision, p. 40, fn 107 [citing "Ex. SLOMFP-01 at 3-7; Ex. SLOMFP-02 at 5-19; Ex. SLOMFP-06 at 2-12; Ex.	Noted Noted Noted Noted, however this requested change to the Proposed Decision was not incorporated into the final Decision. Noted, however "SLOMFP points to

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
discussed in the Decision, made the record more robust and said analysis provided a unique perspective that enriched the Commission's deliberations. SLOMFP's discussion and evidence also allowed the Commission to understand the consequences of its decision.	SLOMFP-07 at 3-12; Ex. A4NR-01 at 2-5."].) (Decision, p. 43 through 44 [fn 122-124 citing Ex. SLOMFP-08 at 5-7 and 16-29, Ex. SLOMFP-07 at 11, Ex. SLOMFP-01 at 3-7.) (Decision p. 50.)	'substantial' costs associated with environmental permitting but does not attempt to estimate these costs or prove why they would make extended operations at DCPD fail to be cost-effective." <i>Id</i> at 50.
8. SLOMFP substantially contributed to the issue of costs of extended operations by advocating that costs should include the costs of a Level 3 SHHAC and by providing evidence of the cost of aging components and deferred maintenance. SLOMFP argued that if Commission was inclined to make a finding on "too high to justify" it should consider Dr. Bird's testimony, including testimony that a proper seismic assessment would likely reveal higher seismic hazards and in turn higher upgrade costs, as well as evidence that existing deferred maintenance will result in additional significant costs of extended operations. SLOMFP argued that deferred maintenance raises	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record:</u> (SLOMFP Opening Brief. pp. 27 through 30 [Discussing evidence on need for and cost outcomes of a seismic upgrade assessment and the cost implications of deferred maintenance].) (Exh. SLOMFP-02, Opening Testimony of Dr. Peter Bird, e.g. pp. 4 through 6, 18].) Vol. 3 Transcript at p. 310, line 20 through p. 315, line 1.; Vol. 3 Transcript at p. 308, line 20 through p. 310, line 19.) Exh SLOMFP-06, Opening Testimony of Samuel Miranda, [laying foundation for opinion and expert conclusion at pp. 8 through 9 that Deferred maintenance of DCPD raises costs of equipment repair and replacement; see also specifically p.3].) <u>Citations to Decision</u>	Noted Noted Noted Noted Noted, however "At the time of this

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
the cost of extended operations. SLOMFP's analysis and legal argument contributed to the robustness of the evidentiary record and said analysis provided a unique perspective that enriched the Commission's deliberations. SLOMFP's discussion and evidence also allowed the Commission to understand the consequences of its decision	(Decision, p. 40, fn 107 [citing "Ex. SLOMFP-01 at 3-7; Ex. SLOMFP-02 at 5-19; Ex. SLOMFP-06 at 2-12; Ex. SLOMFP-07 at 3-12; Ex. A4NR-01 at 2-5."].) (Decision, pp. 35, 43-44, 46 through 50 [e.g. "SLOMFP urges the Commission to consider potential updates to the DCPD seismic assessment, additional maintenance activities identified by PG&E which SLOMFP argues should be considered "deferred maintenance," as well as purported embrittlement issues with Diablo Canyon's Unit 1 pressure vessel."].)	decision there are no recommendations from the DCISC for seismic safety upgrades or deferred maintenance activities associated with extended Diablo Canyon operations." <i>Id</i> at 48. Further, it is in the DCISC's purview to determine what seismic assessments are necessary, so if they choose not to do a SSHAC Level 3 study then it should not be included in estimating the cost of extended operations. <i>See Id.</i> (citing § 712.8(c)(2)(B)).
9. SLOMFP substantially contributed to the issue of prudence of extending operations by being the only party to substantively address the issue in-depth. Through expert testimony from Peter Bradford, a former Public Utilities Commissioner in two states and a former NRC Commissioner, SLOMFP advanced a specific standard to be used in a prudency analysis.	<u>Legal Standard and Authorities</u> [See above No. 1] <u>Citations to the Record:</u> (SLOMFP Opening Brief pp. 16 through 24.) (Exh. SLOMFP-03 - Peter Bradford Opening Testimony; see also <i>Id.</i> at p. 7, lines 1 through 40 and <i>Id.</i> at p. 9, line 20 through p., 10, line 19.) (Exh. SLOMFP-05 – Rao Konidena Opening testimony, pp. 32 through 37 [Showing how Nuclear crowds out renewables and going to the component of prudency review articulated by	Noted Noted Noted, however the first citation discusses Maine's PUC standard of prudence in 1985. Noted, however prudency nor Bradford's testimony is mentioned in this

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
The Decision adopted the prudence standard advanced by expert Bradford. SLOMFP was the only party to advocate for the inclusion of environmental, societal, and human life costs associated with a nuclear accident into the analysis of whether extending operations would be prudent – as was discussed by Expert Peter Bradford and briefed by SLOMFP. In its Comments on the Proposed Decision, SLOMFP successfully advocated that the scope of future prudency review should not be hamstrung by principles of res judicata or collateral estoppel after the Proposed Decision initially included a prohibition on arguments considered in this proceeding from being considered in future prudency review. This restriction was subsequently deleted from the adopted Decision. While the Decision ultimately <u>conditionally</u> approved extended operations subject to future cost and prudency review, ongoing prudency review was based in part on Bradford's testimony that it is essential for prudency	Bradford that analyzes whether the desired result will be achieved through approval.].) (Exh. SLOMFP-04, Corrected Mark Cooper Opening Testimony at p. 17, line 19 through p., 18, line 22; see also <i>Id.</i> at p. 17 citing Cooper Attachment MNC 2.11. [Nuclear is not “green power” and going to the component of prudency review articulated by Bradford that analyzes whether the desired result will be achieved through approval.] (Opening Brief, p. 18 [the Desired result of this proceeding is providing adequate renewable and zero-carbon power supply at the lowest possible cost, not just to the ratepayer but to the taxpayer].) (SLOMFP's Comments on the Proposed Decision, pp. 7 through 8.) (Exh. SLOMFP-03 – Opening Testimony of Peter Bradford, [for example, at p. 9, lines 11 through 17; see also Exh. SLOMFP 03 – Opening Testimony of Peter Bradford, Attachment A, Articles, <i>When the Unthinkable is Deemed Impossible: Reflections on Fukushima</i>, Bulletin of the Atomic Scientists, March 20, 2016.].) (SLOMFP Reply Brief, pp. 15 through 18; see also <i>Id.</i> at 16 [“While health and safety risks are largely the province of the NRC, the economic manifestations of those risks are very much the responsibility of the CPUC. The CPUC can make reasonable assumptions about the costs of environmental clean-up. Similarly, the CPUC may make reasonable assumptions about the human costs of an accident such	citation. Noted, however prudency nor Bradford's testimony is mentioned in this citation. Noted Noted Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
review under PUC Section 451 to be conducted and determined <i>before</i> the utility's action is approved as well as on an <i>ongoing</i> basis. Furthermore, SLOMFP's evidence contributed to the robustness of the record and SLOMFP's analysis provided a unique perspective that enriched the Commission's deliberations. SLOMFP's discussion and evidence also allowed the Commission to understand the consequences of its decision.	as life, well-being and displacement. The CPUC can take judicial notice of the fact that an accident at a nuclear power plant can have much graver consequences cost-wise than an accident at a solar power, hydro power, or wind power facility."].) <u>Citation to Decision</u> (Decision p. 35 ["SLOMFP also provides a historic overview of how prudence has been considered in utility regulation, and highlights Pub. Res. Code Section 25548.3(c)(5)(C) as requiring early and continuing review by the Commission concerning the prudence of decisions relating to extending the operating life of Diablo Canyon."].) (Decision, p. 44 [Where Decision acknowledges SLOMFP's argument that the desired result of the proceeding is to "produce...renewable and zero-carbon power supply at the lowest possible cost"].) (Decision, p. 47, fn. 139 ["<i>See, e.g., Application of San Diego Gas & Elec. Co. (U902e) for Authorization to Recover Costs Related to the 2007 S. California Wildfires Recorded in the Wildfire Expense Memorandum Acct. (Wema), Order Denying Rehearing of Decision (D.) 17-11-033, D.18-07-025, at 4 (July 12, 2018); see also Ex. SLOMFP-03 at 9-10 (citations omitted) (summarizing Commission's Prudent Manager Standard).</i>"].)(Emphasis added.) (Decision, pp. 35, 44, 48, 128 [Conclusion of Law No. 21 [Any subsequent DCPD prudency review by	Noted, however SLOMFP's historical analysis of prudence was not a substantial contribution to the Decision. Further, the Decision does not adopt that the code section cited requires early and continuing review. Noted, however the cite does not discuss the "desired result of the proceeding." See also Scoping Memo on April 6, 2023, at 2.1.2.1d. Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	the Commission should focus on updated information.].)	Noted
10. SLOMFP substantially contributed to the issue of reliability by proffering the testimony of expert witness Rao Konidena – having over 20 years of experience in the fields of energy transmission, storage and renewable energy, grid supply and grid demand – that by the end of 2023 the state has enough renewable and clean energy resources to be an adequate substitute for DCP. Based Mr. Konidena's testimony, SLOMFP provided definitions for all applicable terms contained in PUC section 712.8(c)(2)(D) (SB 846) and raised novel points on the issue of reliability including but not limited to: shortages only during limited summer hours, nuclear plants crowding out renewable resources and identifying errors in the CEC reporting. Thus, as a result of SLOMFP's advocacy, a more robust record on the issue of reliability was available for the decision makers to review and thus, informed their	<u>Legal Standard and Authorities</u> [See No. 1 above.] <u>Citations to the Record</u> (Opening Brief, pp. 33-40.) (Reply Brief, pp. 18-24.) (Exh. SLOMFP-05 – Rao Konidena Opening Testimony; [for example, see p. 6, lines 4-8 [reliability standard]; p. 5, lines 21-22; p. 26, lines 5-8; p. 27, lines 5 – 6 [New Zero-Carbon Resources]; pp.4-6, 27-30 [New Renewable Energy]; pp. 3-4, 24-26, 33-36 [numerous deficiencies in methodology and assumptions with respect to the March 2023 CEC Report]; pp. 6, 16-17 [California has operational reserves problem not a planning reserves problem]; pp. 18-19 [Recent examples of nuclear plant retirements in organized markets similar to CAISO demonstrate there should be no reliability concerns with retirement of DCP in 2024/2025].) <u>Decision</u> (Decision pp. 18-20, 22 - 23, 28, 30.) (Decision p. 18 [WEM and SLOMFP suggest 2016 or 2018 could serve as the point of demarcation, based on events that occurred in A.16-08-006].) (Decision, p. 20 [Cal Advocates, UCS/NRDC, and SLOMFP support use	Noted Noted Noted Noted Noted Noted Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
decision-making and indeed, allowed the Commission to understand the consequences of its decision.	of the 0.1 loss-of-load expectation (LOLE) probabilistic metric for evaluating energy reliability, e.g. citing Ex. SLOMFP-05 at 6.)].) (Decision p. 23 [“SLOMFP argues California’s current capacity shortages occur in only a limited set of hours during the summer months, making it more of an operating reserves problem not addressable through continued operation of DCP.61 In addition, SLOMFP argues: (1) continued operation of Diablo Canyon impedes the development of other low or zero-carbon alternatives; (2) contingency reserves can address the capacity shortfalls in 2025-2026; (3) other technologies and policies are needed to support a 21st century electricity system; (4) there are several deficiencies in the CEC’s March 2023 Report including, among others, a purported failure to vet the operating reserve assumptions, as well as failure to include the 4,000 MW procurement order in D.23-02-040.”, citing Exh. SLOMFP -05 Opening Testimony of Rao Konidena].) (Decision p. 28 [Discussing SLOMFP’s evidence and analysis].)	Noted, however “while SLOMFP observes the greatest reliability risk is currently limited to only a certain set of hours during the summer months, it should be noted that DCP is a baseload resource that is capable of operating during higher risk hours.” D.23-12-036 at 28. Noted, however the decision discusses how SLOMFP misunderstands “how planning and operating concepts are addressed in the IRP proceeding.” <i>Id.</i> Further, “SLOMFP and WEM point to different technologies, ... as being viable and

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
		preferred alternatives to DCP, but both parties fail to demonstrate whether these installed technologies are already available, will serve as an adequate substitute for Diablo Canyon, and meet the state's planning standards for reliability." <i>Id</i> at 30.

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocates Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	In part.	Verified
c. If so, provide name of other parties: WEM, CARE, TURN and A4NR.		Noted
d. Intervenor's claim of non-duplication: SLOMFP consulted and worked with other parties by communicating with parties such as WEM, TURN, CARE and A4NR to avoid duplication of efforts in developing strategy in this proceeding and as a result, SLOMFP chose to limit its advocacy to the three off ramps of SB846, specifically issues of energy reliability and resources, whether costs of DCNPP were "too high to justify," and cost-effectiveness and prudence of extending DCNPP operations. SLOMFP did not expend time on opening testimony concerning the establishment of new cost agreements/mechanisms or how to allocate the benefits of extended operations. SLOMFP was the only party to produce substantive evidence and significant legal argument with citation to legal		Noted

	Intervenor's Assertion	CPUC Discussion
authority on the issue of prudence, and advanced unique arguments not mentioned by other parties on the issue of DCNPP costs and reliability. SLOMFP's coordination with other parties to ensure non-duplication of efforts resulted in SLOMFP providing conceptually different unique perspectives on several nuances within the main issues of SB 846 off-ramps as articulated in the ALJ's scoping memo and OIR.. This resulted in, at most, efforts that supplemented, completed or contributed to the recommendations and positions of some other parties. If the Commission finds there was some form of duplication of efforts on the issues of costs or reliability, said duplication was slight and inevitable. Similarly, SLOMFP had to review the briefs filed by other intervenors in order to ensure that SLOMFP would not duplicate points and authorities raised by those parties in further briefing (e.g., reviewing opening briefs to ensure reply brief does not duplicate efforts, and to determine if reply brief is even necessary.) This review of other parties pleadings and briefs are evidenced by the time entries from the Venskus firm and some discreet reviews by experts of briefing and testimony relevant to their expertise. See also comments in General Claim of Reasonableness sections (a) and (b).		

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: SLOMFP fully participated in this proceeding [see section II.A.1 through 10, supra]. SLOMFP's participation was effective. (Ibid.) The actual costs of participation were \$481,535.11. The benefits achieved for the ratepayers through SLOMFP's participation are a robust ongoing and/or future cost-effectiveness and prudence review, which will be invaluable to California's rate-payers as it may ultimately result in deadlines for extended operations being moved forward to an earlier date, which in turn will clear the path for renewable energy and clean energy to provide low-cost energy to California's ratepayers. Thus, SLOMFP's participation is far exceeded by the potential savings to the rate payers. Alternatively, should the ongoing cost-effectiveness and prudence review result in the need for repair or replacement of the	After the adjustments made to this claim, the remainder of the claimed costs are reasonable. See Part III.D.

	CPUC Discussion
pressure vessel, aging equipment or addressing deferred maintenance, that too, will far exceed the cost of SLOMFP's participation. PUC Section 1801.3 and D.98-04-059.	
b. Reasonableness of hours claimed: SLOMFP chose not to offer intervenor testimony on the issues of establishment of new cost agreements/mechanisms or how to allocate the benefits of extended operations as it was concluded that such testimony could be entirely duplicative of other parties' testimony. Attorney hours were delegated according to level of attorney's experience and abilities. Ms. Venskus, lead attorney in this case for SLOMFP, was responsible for delegating work. Venskus' time was mostly spent managing the litigation, formulating strategy with client and experts; communicating high-level aspects of the case with experts and client; briefing strategy and drafting; reviewing, evaluating and approving all substantive filings and testimony prior to issuance by SLOMFP. Venskus was also responsible for conducting the cross-examination at the evidentiary hearings and attending and presenting SLOMFP's position at ex parte meetings. All other attorney-level work was delegated to associate attorney Jason Sanders at a lesser cost, for tasks such as issuing and responding to discovery, drafting motions and responses to oppositions, assisting in legal research and drafting of briefs and comments, editing of briefs and comments, assisting in preparation for CPUC meetings and conferences, cross-examination exhibit identification and preparation; coordinating schedules with experts to ensure timely submittals; coordinating ex parte meetings; and some factual and legal direction to advocates. The following tasks and work were largely delegated to advocates Linda Seeley and Jill ZamEk: seek out and secure experts for this case; factual research for evidentiary record; obtaining necessary documents for evidentiary record in this case; responding to questions from attorneys regarding history of DCNPP and federal proceedings relevant to costs associated with DCNPP for purposes of expert testimony and briefing; keeping apprised of the CPUC's DCISC ongoing activities, proceedings and findings relative to this case (see discussion above regarding central role of DCISC in this proceeding) and report back to attorneys regarding same, and CEC ongoing activities, proceedings and findings relative to this case (see discussion above regarding central role of CEC joint reliability reports in this proceeding) and reporting back to attorneys re same. In lead attorney Venskus' professional opinion, this division of labor and delegation of tasks and responsibilities would result in the	After the adjustments made to this claim, the remainder of the claimed hours are reasonable. See Part III.D.

	CPUC Discussion
most efficient use of resources to produce the most effective product and result. Venskus & Associates spent some time reading briefs and testimony and ensuring the testimony from other parties was only provided to the appropriate SLOMFP expert. As noted above, this helped SLOMFP avoid duplication of efforts with other parties. Venskus & Associates minimized the time it spent reviewing briefing and testimony of other parties. However, as noted above, statutory interpretation was an issue that touched on all of SLOMFP's issues (including costs, prudence and reliability). Thus, it was imperative that this work be performed by the attorneys at Venskus & Associates and that the attorneys devote the time to properly inform the Commission of the correct interpretation of the interplay between SB 846 and PUC Section 451. In the opinion of the managing attorney Venskus, statutory interpretation cannot be segregated from the underlying issues and therefore, in Venskus' professional opinion, it is reasonable to utilize the percentage allocation framework adopted by SLOMFP herein. Additionally, SLOMFP's representatives did not bill for all of their time spent in this matter, including time for various phone calls, drafting emails and attending expert and/or client meetings. Ms. Venskus and Mr. Sanders did not bill for all of their time spent reviewing filings by other intervenors. Ms. Venskus and Mr. Sanders did not bill for a large majority of their time communicating with each other regarding this case. Thus, the number of hours claimed by SLOMFP is estimated to be less than actually spent and otherwise compensable. <u>PLEASE TAKE NOTE</u> that because the Rules of Professional Responsibility, e.g. Rule 1.6 and other California law prohibit attorneys from disclosing attorney-client communications, Venskus & Associates have redacted some substantive information from some of Venskus' and Sanders' time-records in order to maintain attorney-client confidentiality. Where advocates Seeley and ZamEk were involved in attorney-client communications, the detail of these time-entries have also been redacted where, in Ms. Venskus' professional opinion, the information is privileged and cannot be waived. This is especially important since the Commission's Decision in this phase of the proceeding is a <i>conditional</i> approval, and further proceedings in this case are to commence this year; some of the detail in the time-entries in this phase of the proceeding implicate further proceedings and must be shielded from opposing parties such as PG&E. as well as some Attorney Client Work Product Privilege (California Code of Civil Procedure	

	CPUC Discussion
Section 2018.030). NOTWITHSTANDING the legally-justified redactions, the Commission should compensate SLOMFP for all of this time, as it was reasonably and necessarily spent. Some of SLOMFP’s time was spent on ex parte-communications, which included arranging for the meetings, drafting the necessary papers and attending the meetings which should be deemed compensable. (PUC Sections 1802 and 1803.)	
c. Allocation of hours by issue: Total Hours for all SLOMFP Representatives on substantive issues = Cost-Effectiveness/Prudence = 489.1 or 46%; Too High to Justify = 281.2 or 26% Whether New and Interconnected Renewable Energy and Zero-Carbon Resources are Sufficient to State’s Needs and Standards for Energy Reliability (“Reliability”) = 295.8 or 28% As noted above, this method of allocation time is based on SLOMFP’s lead counsel Venskus’s professional opinion and experience that it would be unreasonable and largely inaccurate to segregate attorney time spent on underlying legal research and interpretation; general case preparation and other foundational litigation work (pre-hearings; comments; delegation; communications; strategic planning and developing of the case; etc.) from the underlying issues to which all such attorney work pertains (i.e. the three SB 846 “off-ramps” of cost-effectiveness and prudence; costs of NRC relicensing, deferred maintenance, aging components and seismic hazards as too high to justify, and energy reliability and zero-carbon resources).	Noted, however intervenors cannot combine several issues in one timesheet entry and must allocate issues within each task. <i>See</i> example in the Intervenor Compensation Program Guide at 25-26.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Sabrina Venskus [Attorney]	2023	217.7	\$650.00	2/1/2023 Proposed Decision for Contribution to D.22-12-005	\$141,505.00	81.40 [9, 13]	\$650.00 [2]	\$52,910.00

CLAIMED						CPUC AWARD		
				and ALJ-393.				
Sabrina Venskus [Attorney]	2024	0.8	\$685.00	2/1/2023 Proposed Decision for Contribution to D.22-12-005 and ALJ-393 [Authorizing first of two 5% annual step increases in experience Level V rounded to nearest \$5 increment].	\$548.00	0.00 [10]	\$685.00 [2]	\$0.00
Jason Sanders [Attorney]	2023	244.3	\$535.00	2/1/2023 Proposed Decision for Contribution to D.22-12-005 and ALJ-393.	\$130,700.50	98.55 10 0.05 [11, 13]	\$490.00 [3]	\$48,289.50 <u>49,024.50</u>
Rachael Andrews [Kimball] [As Paralegal]	2023	6.6	\$180.00	2/1/2023 Proposed Decision for Contribution to D.22-12-005 and ALJ-393.	\$1,188.00	3.05 [13]	\$180.00 [4]	\$549.00
Dr. Digby Macdonald [Nuclear expert, Not Otherwise Classified]	2023	95	\$378.55	ALJ-393 and Attachment 2	\$35,962.25	25.65 [13]	\$375.00 [5]	\$9,618.75
Peter Bradford [Expert - Former Chair of New York and Maine Regulatory Commission and professor of Nuclear Law and Policy at Vermont Law School and Yale	2023	93.8	\$378.55	ALJ-393 and Attachment 3	\$35,507.99	22.00 [13]	\$375.00 [5]	\$8,250.00

CLAIMED						CPUC AWARD		
School of the Environment Prudence and Cost Effectiveness]								
Rao Konidena (Grid Reliability Expert: Energy supply and grid reliability needs)	2023	98.9	\$378.55	ALJ-393 and Attachment 4	\$37,438.59	89.05 [13]	\$375.00 [5]	\$33,393.75
Samuel Miranda (Nuclear Engineer: and Costs Raised By Use of Aging Equipment)	2023	34	\$378.55	ALJ-393 and Attachment 5	\$12,870.70	6.80 [13]	\$375.00 [5]	\$2,550.00
Mark Cooper (Utility Economics Expert: Costs of nuclear compared to renewables, distribution differences that make renewables more reliable	2023	121.5	\$378.55	ALJ-393 and Attachment 6	\$45,993.83	24.30 [13]	\$375.00 [5]	\$9,112.50
Dr. George Peter Bird [Seismology]	2023	30.4	\$378.55	ALJ-393 and Attachment 7	\$11,507.92	6.10 [13]	\$120.00 [6]	\$732.00
Diane Curran [Compliance with Federal NRC Regulatory Process With Respect to Costs]	2023	2.5	\$378.55	ALJ-393 and Attachment 8	\$946.38	0.50 [13]	\$375.00 [5]	\$187.50
Jill Zamek [Advocate]	2023	28.2	\$125.00	D1810017; ALJ-393 and Attachment 9	\$3,525.00	11.80 [12, 13]	\$125.00 [7]	\$1,475.00
Linda Seeley [Advocate]	2023	92.4	\$125.00	D1810017; ALJ-393 and	\$11,550.00	42.80 [13]	\$125.00 [8]	\$5,350.00

CLAIMED						CPUC AWARD		
				Attachment 10				
Subtotal: \$469,244.16						Subtotal: \$ 172,418.00 173,153.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Sabrina Venskus [Attorney]	2023	1.6	\$325.00	½ of 2023 rate of \$650.00 [2/1/2023 Proposed Decision for Contribution to D.22-12-005 awarding 2023 rate of \$535.00] and ALJ-393.	\$520.00	0.96 [14]	\$325.00 [2]	\$312.00
Sabrina Venskus [Attorney]	2024	9.3	\$342.50	½ of 2024 rate of \$685. [2/1/2023 Proposed Decision for Contribution to D.22-12-005 awarding 2023 rate of \$535.00] and ALJ-393 [Authorizing first of two 5% annual step increases in experience Level V rounded to nearest \$5 increment].	\$3,185.25	5.58 [14]	\$342.50 [2]	\$1,911.15
Jason Sanders [Attorney]	2023	10.2	\$267.50	½ of 2023 rate of \$535.00 [2/1/2023 Proposed Decision for Contribution to D.22-12-005 awarding 2023 rate of \$535.00] and ALJ-393.	\$2,728.50	6.12 [14]	\$245.00 [3]	\$1,499.40
Jason Sanders	2024	20.7	\$280.00	½ of 2024 rate	\$5,796.00	12.42	\$255.00	\$3,167.10

CLAIMED						CPUC AWARD		
[Attorney]				of \$560.00 [2/1/2023 Proposed Decision for Contribution to D.22-12-005 awarding 2023 rate of \$535.00] and ALJ-393 [Authorizing first of two 5% annual step increases in experience Level V rounded to nearest \$5 increment].		[14]	[3]	
Rachael Andrews [Kimball]	2023	.7	\$90.00	½ of 2023 rate of \$180.00 [2/1/2023 Proposed Decision for Contribution to D.22-12-005 awarding 2023 rate of \$535.00] and ALJ-393.	\$63.00	0.42 [14]	\$90.00 [4]	\$37.80
Subtotal: \$12,290.95 ⁴						Subtotal: \$6,927.45		
TOTAL REQUEST: \$481,535.11 ⁵						TOTAL AWARD: \$179,345.45 <u>180,080.45</u>		
*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award. **Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate								
ATTORNEY INFORMATION								

⁴ The correct subtotal for Intervenor Compensation Claim Preparation is \$12,292.75.

⁵ The correct total request is \$481,536.91.

CLAIMED			CPUC AWARD
Attorney	Date Admitted to CA BAR ⁶	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Sabrina Venskus	2002	219153	No.
Jason Sanders	2008	257362	No.
Rachael Andrews [Kimball]	2012 ⁷	310421	No.

C. Attachments Documenting Specific Claim and Comments on Part III:⁸

Attachment or Comment #	Intervenor’s Description/Comment
1	Certificate of Service
2	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Dr. Digby Macdonald
3	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Peter Bradford
4	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Rao Konidena
5	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Samuel Miranda
6	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Dr. Mark Cooper
7	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Dr. George Peter Bird
8	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Diane Curran
9	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Linda Seeley
10	Information Justifying San Luis Obispo Mothers for Peace’s Request to Set New Rate for Expert Jill Zamek
11	Timesheets for All SLOMFP’s representatives

⁶ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

⁷ Kimball was admitted to the State Bar of California on June 29, 2016.

⁸ Attachments are not included in final Decision.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Guidance Regarding Compliance with the Intervenor Compensation Program Requirements	We remind SLOMFP to include “a citation to the specific portion of the CPUC’s order or decision indicating that the CPUC has adopted in whole or in part your contentions or recommendations. Citations must include the referenced document’s name, date, and page/portion(s).” <i>See</i> Intervenor Compensation (IComp) Program Guide at 20.
[2] Venskus’ 2023 and 2024 Hourly Rates	SLOMFP has confirmed that Venskus is a consultant. 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.⁹ 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)). SLOMFP has confirmed that per the terms of the confidential contract between SLOMFP and Venskus’ employer, Venskus & Associates APC, Venskus has been hired on a contingency rate basis, meaning that Venskus has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Based on a review of the contract terms and Venskus’ experience as a Legal – Attorney – Level V, we approve an hourly rate of \$650 for 2023 and \$685 for 2024. We apply one-half of Venskus’ adopted 2023 and 2024 hourly rates for an intervenor compensation preparation rate of \$325.00 and \$342.50. The award determined herein for Venskus’ contribution in this proceeding shall be paid in full to Venskus, and no portion of this part of the award shall be kept by SLOMFP. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until the final award is given. We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the

⁹ D.07-01-009, D.08-04-010, and Resolution ALJ-235.

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	contract, 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, SLOMFP did not provide all the documentation pertaining to the contract terms between SLOMFP and Venskus in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[3] Sanders’ 2023 and 2024 Hourly Rates	SLOMFP has confirmed that Sanders is a consultant. 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.¹⁰ 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)). SLOMFP has confirmed that per the terms of the confidential contract between SLOMFP and Sanders’ employer, Venskus & Associates APC, Sanders has been hired on a contingency rate basis, meaning that Venskus has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Based on a review of the contract terms and Sanders’ experience as a Legal – Attorney – Level IV, we approve an hourly rate of \$490.00 for 2023, and \$510.00 for 2024. We apply one-half of Sanders’ adopted 2023 and 2024 hourly rate an intervenor compensation preparation rate of \$245.00 and \$255 respectively. The award determined herein for the consultant’s contribution in this proceeding shall be paid in full to Sanders, and no portion of this part of the award shall be kept by SLOMFP. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until the final award is given. We reiterate that it is the responsibility of the intervenor to be

¹⁰ D.07-01-009, D.08-04-010, and Resolution ALJ-235.

Item	Reason
	forthcoming about engaging consultants and the terms of the contract, 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, SLOMFP did not provide all the documentation pertaining to the contract terms between SLOMFP and Sanders in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[4] Andrews’ 2023 Hourly Rate	SLOMFP has confirmed that Andrews is a consultant. 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.¹¹ 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)). SLOMFP has confirmed that per the terms of the confidential contract between SLOMFP and Andrews’ employer, Venskus & Associates APC, Andrews has been hired on a contingency rate basis, meaning that Andrews has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Based on a review of the contract terms and Andrews’ experience as a Legal – Paralegal – Level III, we approve an hourly rate of \$180 for 2023. We apply one-half of Andrews’ adopted 2023 hourly rate an intervenor compensation claim preparation rate of \$90.00. The award determined herein for Andrews’ contribution in this proceeding shall be paid in full to Andrews, and no portion of this part of the award shall be kept by SLOMFP. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until the final award is given.

¹¹ D.07-01-009, D.08-04-010, and Resolution ALJ-235.

Item	Reason
	We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, 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, SLOMFP did not provide all the documentation pertaining to the contract terms between SLOMFP and Andrews in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[5] Experts' 2023 Hourly Rates	SLOMFP has confirmed that Dr. Macdonald, Bradford, Konidena, Miranda, Cooper, and Curran (Experts) are consultants. 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.¹² 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)). SLOMFP has confirmed that per the terms of the contract between the Experts and Venskus & Associates APC, the Experts have been hired on a contingency rate basis, meaning that the Experts have agreed to defer their consulting fees contingent upon receipt of this Intervenor Compensation award. Based on a review of the contract terms and the Experts' experience as Experts – Not Otherwise Classified – Level V, we approve an hourly rate of \$375.00 for 2023. The award determined herein for the Experts' contribution in this proceeding shall be paid in full to the Experts, and no portion of this part of the award shall be kept by SLOMFP. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work

¹² D.07-01-009, D.08-04-010, and Resolution ALJ-235.

Item	Reason
	performed until the final award is given. We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, 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, SLOMFP did not provide all the documentation pertaining to the contract terms between SLOMFP and the Experts in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[6] Bird's 2023 Hourly Rate	SLOMFP has confirmed that Bird is a consultant. 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.¹³ 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)). SLOMFP has confirmed that per the terms of the contract between Bird and Venskus & Associates APC, Bird has been hired on a contingency rate basis, meaning that Bird has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Based on a review of the contract terms and the Bird's experience, we approve an hourly rate of \$120 for 2023. The award determined herein for Bird's contribution in this proceeding shall be paid in full to Bird, and no portion of this part of the award shall be kept by SLOMFP. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until the final award is given.

¹³ D.07-01-009, D.08-04-010, and Resolution ALJ-235.

Item	Reason
	We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, 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, SLOMFP did not provide all the documentation pertaining to the contract terms between SLOMFP and Bird in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[7] Zamek’s 2023 Hourly Rate	SLMOFP requested a 2023 hourly rate of \$125.00 for Zamek. Review of Zamek’s rate justification in Attachment 10 verified 40-plus years of experience as an advocate for SLOMFP and a bachelor’s degree. Based on ALJ-393, we find that Zamek falls within the classification of Advocate – Not Otherwise Classified – Level V with a 2023 rate range of \$122.35 - \$221.13. We find the rate of \$125.00 reasonable and adopt it here.
[8] Seeley’s 2023 Hourly Rate	SLMOFP requested a 2023 hourly rate of \$125.00 for Seeley. Review of Seeley’s rate justification in Attachment 9 verified 30-plus years of experience as an advocate for SLOMFP, a bachelor’s degree, and a master’s degree. Based on ALJ-393, we find that Seeley falls within the classification of Advocate – Not Otherwise Classified – Level V with a 2023 rate range of \$122.35 - \$221.13. We find the rate of \$125.00 reasonable and adopt it here.
[9] Venskus’ 2023 Reductions for vague entries, and administrative/ clerical work.	<u>Vague Timesheet Descriptions (14.00 hours reduced)</u> SLOMFP’s submitted timesheet for Venskus’ 2023 work included 24 entries for 14.00 hours of communications where the topic or issue being discussed was not disclosed. Most of these timesheet entries were for internal communications labeled with “REDACTED for Attorney-Client Privilege”, or something similar. While the Commission respects SLOMFP not wanting to violate this privilege, SLOMFP must provide more detailed task descriptions to demonstrate how the time spent substantially contributed to the decision-making process. If SLOMFP wanted to keep the topics of the conversations confidential, SLOMFP could have filed this information under seal. However, it is unclear why conversation topics or simply identifying the issues being

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	discussed require confidential treatment. Regardless, because the Commission cannot determine how these hours were spent, what issues were discussed, or how this time contributed to the decision-making process, we reduce these timesheet entries for being vague. <u>Administrative/Clerical (8.00 hours reduced)</u> The Commission does not compensate attorneys for time spent on clerical or administrative tasks, as such work is considered subsumed within professional fees. In line with this policy, we reduce 8.00 hours for time associated with the following entries: • February 28, 2023: “Analyze and comment on PHC meet and confer schedule and draft email to client [REDACTED for Attorney-Client Privilege]” • March 2, 2023: “Analyze and comment on PHC meet and confer schedule and draft email to client [REDACTED for Attorney-Client Privilege]” • April 11, 2023: “Draft strategy, timing, expert delegation, time estimate vis a vis scoping ruling and schedule” • May 4, 2023: “draft email to experts re meeting” • June 20, 2023: “draft email to Diane Curran and Peter Bradford re: status of expert testimony; next steps and timeline and request for telephonic meeting” • June 29, 2023: “draft email to Jason re preparing filing of testimony” • June 30, 2023: “Review all final testimony for completeness and proper filing form prior to pdf-a by paralegal” • July 5, 2023: “call with Jason re division of labor on reviewing opening testimony of other parties” • July 6, 2023: “draft responses to Diane Curran questions re various issues, including level of timekeeping detail, experts, non-duplication of efforts with A4NR” • July 13, 2023: “draft email to all experts regarding timing of reply testimony and schedule of drafts, comments, final testimony, etc.” • September 11, 2023: “meeting with JS to discuss division of labor and work on opening brief outline and arguments and deadlines; motion to extend deadline to brief case” • September 19, 2023: “meeting with JS re status of opening brief and continued division of labor”
[10] Venskus’	SLOMFP submitted a timesheet entry for 0.80 hours of Venskus’

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2024 Reductions for work performed after the issuance of the decision	work on January 4, 2024. Since the Decision was issued on December 15, 2023, this work could not have substantially contributed to the decision-making process. We therefore find it reasonable to reduce this time sheet entry.
[11] Sanders' 2023 Reductions for vague entries, administrative/ clerical work, and work performed after the issuance of the decision.	<u>Vague Timesheet Descriptions (19.00 hours reduced)</u> Sanders' 2023 timesheet included 22 entries for 19.00 hours of communications and research where the topic or issue being discussed is not disclosed. Most of these timesheet entries were labeled with "REDACTED for Attorney-Client Privilege", or something similar. While the Commission respects SLOMFP not wanting to violate this privilege, SLOMFP must still provide more detailed task descriptions to demonstrate how the time spent substantially contributed to the decision-making process. If SLOMFP wanted to keep the topics of the conversations confidential, SLOMFP could have filed this information under seal. However, it is unclear why conversation topics or simply identifying the issues being discussed require confidential treatment. Regardless, because the Commission cannot determine how these hours were spent, what issues were discussed, or how this time contributed to the decision-making process, we reduce these timesheet entries for being vague. <u>Administrative/Clerical (21.7020.20 hours reduced)</u> The Commission does not compensate attorneys for time spent on clerical or administrative tasks, as such work is considered subsumed within professional fees. In line with this policy, we reduce 21.70 hours for time associated with the following entries: • February 24, 2023: "Analyze EPA complaint filing options, FCWA and CACWA once through cooling provisions, SWRCB OTC policy and amendment and staff report, calendar relevant dates, download latest mitigation fee payment for Diablo"¹⁴ • March 30, 2023: "Review CPUC website for expert hourly rates" • April 7, 2023: "Analyze Scoping Ruling, websites of CSLC, CNRA and CCC to determine status of upcoming hearings" • April 21, 2023: "Draft Request addition to service list" • April 21, 2023: "Draft expert retainer and draft template email"

¹⁴ [As discussed in Part IV, we only reduce 1.15 hours, or half of the time claimed, for this task.](#)

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	explaining retainer and rate selection and upcoming deadlines for expert - send both to SV for review and approval.” • April 24, 2023: “Draft expert retainer agreements and emails to experts” • April 26, 2023: “Draft correspondence to client [REDACTED for Attorney-Client Privilege] draft emails to other experts regarding retainer.” • April 27, 2023: “review and finalize retainers, draft emails to client [REDACTED for Attorney-Client Privilege]” • April 28, 2023: “Finalize retainers, call with client re: same, email experts who have not signed retainer. Draft retainer for Peter Bird” • May 5, 2023: “Email Peter Bird re: status of retainer” • May 8, 2023: “Revise Bird retainer send to client for approval” • June 12, 2023: “Analyze and respond to email from PG&E requesting emails and phone numbers for disclosure to setup disclosure of confidential material and provide PG&E with final two expert disclosure certificates” • June 19, 2023: “Draft email to experts requesting response as to whether they have been able to access the documents” • June 26, 2023: “Calendar requirements set forth in ALJ scoping memo” • July 5, 2023: “call with Sabrina Venskus re: division of labor on reviewing opening testimony of other parties [REDACTED for Attorney-Client Privilege]” • July 6, 2023: “Communications with PG&E and Digby Macdonald re: NDA and Data Requests” • July 14, 2023: “Finalize data request nos. 31-37 and serve on PG&E”¹⁵ • July 14, 2023: “Further analysis of PUC Public Advocate Office testimony, locate NDAs and submit to office with request to disclose confidential version of testimony” • July 18, 2023: “Merge NDA and respond to SCE via email requesting copy of confidential version of opening testimony” • July 25, 2023: “Contact DCISC and request copy of June 28-June 29 Fact Finding Report” • August 10, 2023: “Analyze recent CPUC Rulings in this proceeding and upload to server” • August 17, 2023: “Schedule conference call with experts, our

¹⁵ [As discussed in Part IV, we only reduce 0.35 hours, or half of the time claimed, for this task.](#)

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	office and the client re: evidentiary hearing” • August 17, 2023: “Communicate with Daniel Wasserman re: CEC notification and docket, access and review the same and register in preparation of reviewing CEC cost effectiveness report” • August 18, 2023: “Analyze Ruling re: Evidentiary hearing and transmit ruling to experts and requested their availability” • August 21, 2023: “Coordinate strategy meeting amongst client and experts re: witness lists and discuss the same with managing attorney” • August 23, 2023: “Coordinate strategy meeting amongst client and experts re: witness lists and discuss the same with managing attorney” • August 24, 2023: “Correspond with parties and SLOMFP experts regarding availability for cross-examination, call with managing attorney regarding same.” • September 1, 2023: “Communications with CPUC and parties regarding schedule for September 5th Evidentiary Hearing” • September 7, 2023: “Analyze CPUC and CEC portals for evidence of CEC Cost-Effectiveness Evaluation as the schedule indicates that was to be submitted into the record on 9/1” • October 10, 2023: “review ALJ ruling setting oral argument and forward to assistant with direction to upload to server and calendar deadlines” • October 30, 2023: “Draft CoS and draft emails to service list re: Advanced Notice” • November 21, 2023: “Review docket office email and Resubmit Comments on Proposed Decision at request of docket office” • November 30, 2023: “Analyze Voting Meeting Recording and determined that DCCP extension item will be held until the December 14th meeting and draft email to managing attorney and client re same” • December 8, 2023: “Analyze email from CPUC, Analyze agenda for December 14th and notice of RSD.” <u>Work After Final Decision (2.10 hours reduced)</u> SLOMFP submitted a timesheet entry for 2.10 hours of Sanders’ work on December 27, 2023. Since the Decision was issued on December 15, 2023, Sanders’ work could not have substantially contributed to the decision-making process. We therefore find it reasonable to disallow this time sheet entry.

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[12] Zamek's 2023 Reductions	<u>Attending Commission Voting Meeting (3.00 hours reduced)</u> SLOMFP requested 3.00 hours for Zamek's attendance at the Commission's December 14, 2023, voting meeting where the Commission approved the Decision at issue. Since parties to proceedings are not allowed to comment at Commission voting meetings per ALJ-412, Rule 4(c), Zamek's attendance could not have substantially contributed to the decision-making process. We therefore find it reasonable to reduce all requested time for attending that Commission Voting Meeting.
[13] 2023 Reductions of requested hours due to inadequate showing of "substantial contribution," including excessive, inefficient, and unreasonable requested compensation	Pub. Util. Code § 1802(j) states that a substantial contribution means that the intervenor "has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer." The courts have addressed the requirement of substantial contribution in, for example, TURN v. CPUC 166 Cal.App. 4th 522 (2008), stating at 11: "[T]o be eligible for compensation, the statute requires that the customer have made a 'substantial contribution' to the PUC's proceedings, as the PUC determines. "'Substantial contribution' means that, in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision...." In evaluating whether SLOMFP made a substantial contribution here, the Commission also evaluates whether the hours claimed were commensurate with the contributions claimed by the intervenor. For the reasons set forth below, the Commission reduces SLOMFP's claimed hours to reasonably reflect the hours necessary to prepare the documents and undertake the work performed that resulted in the substantial contribution provided. SLOMFP submitted hundreds of pages of testimony and exhibits that often focused on issues that were outside the scope of the proceeding, including nuclear safety issues that are under the purview of the Nuclear Regulatory Commission (NRC) and are outside of the Commission's jurisdiction. As noted in footnote 144 of D.23-12-036, the decision states that "It should be noted that SLOMFP submitted hundreds of pages

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	of testimony and exhibits in this proceeding concerning safety-related technical, operational, and license renewal issues overseen by the NRC. (See Ex. SLOMFP-01; SLOMFP-02; Ex. SLOMFP-06; Ex. SLOMFP-07; Ex. SLOMFP-28; and Ex. SLOMFP-29.) While this proceeding is scoped to consider the potential <i>costs</i> of NRC's conditions of license renewal (see Scoping Memo at 8-9), SLOMFP's underlying testimony often focuses almost exclusively on nuclear safety issues to be overseen by the NRC, with little to no information on the associated potential costs." We conclude that most of this work did not assist the Commission in its decision making process. <u>We find the hours claimed excessive given the final products and the limited influence they had on the decision, and we make the following reductions below.</u> As stated above and as reflected in all recent decisions on intervenor compensation, making a substantial contribution in and of itself does not entitle an intervenor to all its claimed fees and costs. For comparison, we also note that SLOMFP claimed approximately \$482,000 for its work in this phase, almost three times the amount TURN requested for the same work in this phase (\$175,000). <u>(A) Excessive Hours Drafting Documents (121.10 hours reduced)</u> <u>Opening Testimony of Dr. Digby Macdonald (51.40 hours reduced)</u> SLOMFP claimed 73.40 hours for work on the Opening Testimony of Dr. Digby Macdonald. This work included reviewing DCISC reports, internal communications, drafting the testimony, editing the testimony, reviewing data, analyzing literature, and working on a motion to file late. We find SLOMFP's claimed hours to be excessive for the 11 pages of substantive work product produced and therefore find it reasonable to reduce 51.40 hours. <u>Reply Brief (45.40 hours reduced)</u> SLOMFP claimed 92.40 hours for work on their Reply Brief. This work included analyzing other parties' opening briefs, internal communications, drafting the brief, research, communications with other parties, revising the brief, and preparing the brief's exhibits. We find SLOMFP's claimed hours to be excessive for the 23.5 pages of substantial work product produced and therefore

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	find it reasonable to reduce 45.40 hours. <u>Comments on the California Energy Commission’s 9/26/23 Draft Report (8.30 hours reduced)</u> SLOMFP claimed 9.30 hours for work on their Comments on the California Energy Commission’s (CEC) 9/26/23 Draft Report. This work included drafting the comments, reviewing the CEC report, reviewing the draft comments, internal communications, communications with other parties, and finalizing the comments. We find SLOMFP’s claimed hours to be excessive for the one half page of substantial work product produced and therefore find it reasonable to reduce 8.30 hours. <u>Comments on the Proposed Decision (16.00 hours reduced)</u> SLOMFP claimed 46.00 hours for work on their Comments on the Proposed Decision. This work included analyzing the proposed decision, drafting the comments, internal communications, researching, redlining the proposed decision, editing the comments, and analyzing the evidentiary record. We find SLOMFP’s claimed hours to be excessive for the 15 pages of substantial work product produced and therefore find it reasonable to reduce 16.00 hours <u>Reductions by Representative for Excessive Hours Drafting Documents</u> • Venskus: 31.10 hours reduced • Sanders: 18.75 hours reduced • Andrews: 1.45 hours reduced • Dr. Macdonald: 46.55 hours reduced • Bradford: 6.90 hours reduced • Konidena: 9.85 hours reduced • Seeley: 6.50 hours reduced <u>(B) Limited Substantial Contributions to the Cost-Effectiveness/Prudence Issue (294.35 Hours Reduced)</u> SLOMFP claimed 489.15 hours for their work on the “Cost-Effectiveness/Prudence” issue. We break these two issues down individually based on SLOMFP’s claimed contributions in Part II.A. <u>Cost-Effectiveness</u> SLOMFP provides multiple points on how it substantially

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	contributed to the issue of Cost-Effectiveness. See above at II.A.5-7. The Decision does take note that “SLOMFP is the only party to argue there is sufficient evidentiary record demonstrating DCPD extended operations are not cost-effective.” D.23-12-036 at 49. However, the Decision does not rely on those arguments and states that the majority of them “hinge on purported extended operation costs that are either unsubstantiated, undefined, or not specifically tied to Diablo Canyon.” <i>Id.</i> at 49-50. <u>Prudence</u> SLOMFP’s contentions on the prudence of continued operations at DCPD are identified above in Part II.A.9. SLOMFP did partially contribute to D.23-12-036 regarding prudence in two ways. First, the Decision adopts the “Prudent Manager Standard” put forward by Bradford, one of SLOMFP’s experts. <i>Id.</i> at 47. SLOMFP also successfully advocated for removing language regarding the focus of subsequent prudence review from the PD in what became Conclusion of Law (COL) 21. Yet the Decision only partially adopted SLOMFP’s requested change of deleting the whole COL, and instead only removed the second half in the final decision. Outside of these two instances, SLOMFP did not substantially contribute to the decision-making process regarding prudence. Further, SLOMFP fails to point out in Part II.A.9 that its overall stance on prudence was that “a capably managed utility would not choose to extend operations at DCPD and, therefore, continued DCPD operations are imprudent.” <i>Id.</i> at 51-52. The Decision ultimately stated that SLOMFP’s arguments on this issue “are without merit.” <i>Id.</i> at 52. Therefore, we find that SLOMFP’s contributions on the “Cost-Effectiveness/Prudence” issue were limited and are not commensurate with the 489.15 hours claimed. Additionally, the Commission did not adopt most of SLOMFP’s work and much of their participation failed to enrich the proceeding. For the reasons set forth above, the Commission applies an 80% reduction to SLOMFP’s remaining hours spent on the “Cost-Effectiveness/Prudence” issue to reasonably reflect the hours necessary to perform the work that resulted in the substantial contribution provided. <u>Reductions by Representative for the Cost-Effectiveness/Prudence Issue</u> • Venskus: 41.60 hours reduced

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	• Sanders: 42.10 hours reduced • Andrews: 1.05 hours reduced • Dr. Macdonald: 18.25 hours reduced • Bradford: 64.90 hours reduced • Cooper: 97.20 hours reduced • Curran: 1.00 hours reduced • Zamek: 6.70 hours reduced • Seeley: 21.55 hours reduced <u>(C) Limited Substantial Contributions to the Too High to Justify Issue (170.05 Hours Reduced)</u> SLOMFP claimed 281.25 hours for their work on the “too high to justify” issue. SLOMFP provides two main contentions in Part II.A as to how they substantially contributed to the issue of “too high to justify.” <u>Definition of “Too High to Justify”</u> SLOMFP claimed in Part II.A.4 that they helped the Commission come to a definition of “too high to justify.” The Decision did agree “with SLOMFP that the ‘plain and commonsense meaning’ of the statutory language is clear.” <i>Id.</i> at 46. The Decision then states that “the plain and commonsense meaning of the statutory language must not be understood in ‘isolation,’ but, instead, must be determined ‘in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment.’” <i>Id.</i> at 46-47 (citation omitted). While SLOMFP’s expert Bradford does briefly discuss the statutory framework in SLOMFP Exhibit 03, the Decision, however, does not rely on it. Thus, SLOMFP only partially contributed to the Decision when it came to how to define “too high to justify.” <u>Part II.A.8: Seismic Assessment and Maintenance Costs</u> SLOMFP claimed in II.A.8 that if the Commission were to decide whether the continued operations of DCPP are “too high to justify,” the Commission should use the following information: (1) the costs of conducting an updated and “proper seismic assessment,” (2) the higher upgrade costs that such assessment would reveal, and (3) “evidence of the cost of aging components and deferred maintenance.” The Decision does not recommend conducting a “proper seismic assessment” and finds it is in the DCISC’s purview to determine what seismic assessments are necessary. Additionally, since there were “no recommendations

Item	Reason
	from the DCISC for seismic safety upgrades or deferred maintenance activities associated with extended Diablo Canyon operations,” the Commission cannot “assess whether associated, unknown costs render the extension of Diablo Canyon operations too high to justify.” <i>Id.</i> at 48-49. It is also important to note that most of SLOMFP’s recommendations on whether the costs of continued operations at DCPD are “too high to justify” are based on Bird’s testimony in SLOMFP Exhibit 02. However, the Decision finds that Bird’s testimony “often focuses almost exclusively on nuclear safety issues to be overseen by the NRC, with little to no information on the associated potential costs.” <i>See Id.</i> at 50, fn. 144. The Decision also found SLOMFP’s evidence of potential costs at DCPD to be speculative. <i>Id.</i> at 48-50. Therefore, we find SLOMFP’s contributions on the “too high to justify” issue were limited and are not commensurate with the 281.25 hours claimed. Additionally, the Commission did not adopt most of SLOMFP’s work in whole or in part, and much of their participation failed to enrich the proceeding. For the reasons set forth above, the Commission applies an 80% reduction to SLOMFP’s remaining hours spent on the “too high to justify” issue to reasonably reflect the hours necessary to perform the work that resulted in the substantial contribution provided. <u>Reductions by Representative for the Too High to Justify Issue</u> • Venskus: 41.60 hours reduced • Sanders: 42.10 hours reduced • Andrews: 1.05 hours reduced • Dr. Macdonald: 4.55 hours reduced • Miranda: 27.20 hours reduced • Bird: 24.30 hours reduced • Curran: 1.00 hours reduced • Zamek: 6.70 hours reduced • Seeley: 21.55 hours reduced
[14] Excessive Intervenor Compensation Preparation Hours	SLOMFP requested 42.50 hours of compensation for preparing its NOI (11.80 hours in 2023) and Intervenor Compensation Claim (30.70 hours in 2024). This is excessive for a claim of this scale. We therefore find it reasonable to reduce 40% of SLOMFP’s preparation hours, which breaks down as follows:

Item	Reason
	• 2023 Venskus: 0.64 hours • 2024 Venskus: 3.72 hours • 2023 Sanders: 4.08 hours • 2024 Sanders: 8.28 hours • 2023 Andrews: 0.28 hours
[15] Intervenor Responsibility for Transparency and Accuracy in Compensation Requests	The Commission takes this opportunity to remind all intervenors that they bear the burden of providing accurate, complete, and honest information in all compensation requests. The Commission relies on intervenors' good faith representations, particularly regarding consultant agreements and payments, as it does not have the resources to review every contract or non-standard arrangement in detail. Intervenor compensation is funded by ratepayers, and the Commission takes seriously any effort to mislead or obscure the financial basis for a claim. Although no violation of Rule 1.1 has been found in this instance, we remind intervenors that under Rule 1.1, intent to deceive is not required for a violation, misstatements may still be actionable. Dishonest or misleading claims not only risk denial of compensation but may also subject the intervenor to penalties. The Commission has clear authority to audit intervenors' books and records to verify the basis for any award. Intervenors must therefore ensure full transparency regarding actual time spent on issues, consultant fees, payment arrangements, and the actual disbursement of funds. Failure to meet this obligation undermines the integrity of the compensation process and may lead to denial of claims or further enforcement action.
Other Comments	Upon closer review of the consultant contracts that were filed under seal, we find that the hourly rates that SLOMFP is requesting for the consultants' time exceed the actual rates and compensation the consultants would receive under the contract terms. The Intervenor Compensation Program is funded by ratepayers and is intended to reimburse reasonable costs of participation rather than generate profit from outsourced consultant services. As established in D.07-01-009, D.08-04-010, and Resolution ALJ-235, the rate requested by an intervenor must not exceed the actual rate billed by the consultant.

Item	Reason
	Because the consultants have agreed to specific terms, (which we do not disclose here as the contracts were filed under seal), the requested compensation in this claim do not accurately reflect the actual cost of the consultants' services. Compensating SLOMFP the full request would result in an overpayment with the remaining balance retained by SLOMFP, instead of covering the consultant's actual fees. Therefore, we have adjusted this award accordingly. We remind SLOMFP that any compensation request for consultant services must strictly align with actual contract terms. Intervenor compensation is intended to cover the true costs of participation and is not a mechanism for generating profit retained by the intervenor.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	No

If not:

Party	Comment	CPUC Discussion
<u>Party</u>	<u>Comment</u>	<u>CPUC Discussion</u>
<u>SLOMFP</u>	<u>SLOMFP argues that “The [Proposed Decision’s] PD’s claim of vague billing entries is based on a misapplication of the attorney-client privilege.” “The topics of the redacted conversations are included in Column F of SLOMFP’s timesheet. Column F describes the issues to which the time descriptions pertain, namely</u>	<u>Rule 17.4(b)(2) requires that each time entry clearly identify the specific task performed. The vague timesheet entries identified by the PD did not provide enough information so that the Commission could clearly identify what task was being performed by SLOMFP. While we appreciate that SLOMFP identified each time record entry with the issue(s) the task addressed as Rule</u>

	<u>Cost-Effective/Prudence, Too-High-to-Justify and Reliability.”</u>	<u>17.4(b)(3) and (4) requires, this was not enough to make the timesheet entries in question any less vague. For example, a timesheet entry with a task description of: “zoom meeting with client re: [REDACTED for Attorney-Client Privilege]” lacks the necessary detail to determine its relevance or value to the proceeding, and does not comply with program requirements.</u> <u>Further, the attorney-client privilege does not shield SLOMFP from meeting the minimum standards for time records set by Rule 17.4. If SLOMFP was concerned that its submitted timesheets without redactions would have violated its attorney-client privilege, then SLOMFP could have filed them under seal pursuant to Rule 11.4.</u>
<u>SLOMFP</u>	<u>SLOMFP argues that the PD should be revised, and 121.10 hours reduced for excessive time drafting documents should be awarded. “The length of a document has no bearing on the question of substantial contribution and bears little to no relevance on the length of time spent preparing the work product.” SLOMFP argues “that writing persuasively and with brevity for the benefit of the reader often takes considerable time and effort.”</u>	<u>Section 1801.3(b) states that it is the intent of the legislature that the intervenor compensation program be administered to encourage “effective and efficient participation of all groups that have a stake in the public utility regulation process.” We find that SLOMFP did not meet this standard and no changes to the PD are necessary and the hours awarded here are reasonable and proportionate to the contributions provided.</u>
<u>SLOMFP</u>	<u>The PD should be revised to grant additional compensation for substantial compensation because “the implication that SLOMFP’s time was excessive when compared to TURN’s time is inapt.”</u> <u>“While TURN touched on prudence and cost-effectiveness, it was not the focus of their participation. Nor did TURN utilize anywhere close to</u>	<u>Section 1801.3(b) states that it is the intent of the legislature that the intervenor compensation program be administered to encourage “effective and efficient participation of all groups that have a stake in the public utility regulation process.” We therefore are unconvinced by SLOMFP’s arguments that it deserves full compensation based on the amount of testimony and evidence it submitted on an</u>

	<u>the same number of experts or submit anywhere close to the same amount of testimony and evidence on the issues of prudence and cost-effectiveness as did SLOMFP.” SLOMFP also compared the background of its experts and stated that TURN did not provide any experts that provided similar experience and testimony.</u>	<u>issue.</u> <u>Section 1801.3(d) states that intervenors are compensated for making a substantial contribution to a proceeding. We therefore find that we cannot award SLOMFP full compensation solely because it hired highly qualified experts or because those experts have unique backgrounds. Accordingly, we find no changes to the PD are necessary and the hours awarded here are reasonable and proportionate to the contributions provided.</u>
<u>SLOMFP</u>	<u>“The PD essentially imposes a double penalty on SLOMFP by further docking SLOMFP an additional 294.35 hours for a perceived limited contribution on the issues of cost-effectiveness and prudence. This is a double penalty because the PD already proposes to deduct 121.10 hours for ‘excessive time’ spent on SLOMFP’s purported limited contributions”</u>	<u>The PD implemented measures to not impose “a double penalty” on SLOMFP’s requested time. As stated above, “the Commission applies an 80% reduction to SLOMFP’s <i>remaining</i> hours” in the reductions for limited contributions to the cost-effective and prudence issues. The “remaining” in this reduction indicates that all timesheet entries related to prior reductions were accounted in the 294.35 hours reduced for limited contributions to the cost-effectiveness and prudence issue.</u> <u>SLOMFP requested 489.15 hours on the cost-effectiveness and prudence issue. Eighty percent of SLOMFP’s original request is well above the nearly 300 hours reduced in the PD.</u>
<u>SLOMFP</u>	<u>SLOMFP argues that the 294.35 hours reduced for limited contributions to the prudence and cost-effectiveness issues should be reversed because “no other intervenor has had their time reduced expressly or implicitly based upon the degree of their success on the issues of prudence and cost- effectiveness.” “Thus, the Commission is not reviewing the</u>	<u>Section 1801.3(b) states that it is the intent of the legislature that the intervenor compensation program be administered to encourage “effective and efficient participation of all groups that have a stake in the public utility regulation process.” Section 1802(j) states that the Commission can only award <i>reasonable</i> advocate and expert fees when it determines that an intervenor has made a substantial contribution.</u>

	<u>parties’ evidence and analysis on the issues of prudence and cost-effectiveness in an equitable, consistent and uniform manner.”</u>	<u>Thus, while we did find that SLOMFP’s work on the prudence and cost-effectiveness issues were substantial contributions, we also found that the amount of compensation requested by SLOMFP on these issues were not reasonable for the limited contributions made. As stated above in Part III.D, the amount awarded to SLOMFP on the prudence and cost-effectiveness issue “reasonably reflect the hours necessary to perform the work that resulted in the substantial contribution provided.” We therefore find that no changes to the PD are necessary.</u>
<u>SLOMFP</u>	<u>The PD mistakenly mischaracterizes legal work as clerical work. SLOMFP requests that all time be given back for attorney work that included timesheets with task descriptions including discussing the division of labor, discussing a motion to extend deadlines, contract drafting and reviewing, finalize data requests, and serving data requests. SLOMFP argues that these are legal tasks and cannot be assigned to a clerk. SLOMFP requests all tasks reduced for being clerical be reinstated.</u> <u>SLOMFP does make one exception that that the PD should give partial time for Venskus’ February 24, 2023, task with the description of: “Analyze EPA complaint filing options, FCWA and CACWA once through cooling provisions, SWRCB OTC policy and amendment and staff report, calendar relevant dates, download latest mitigation fee payment for Diablo”.</u>	<u>We remind SLOMFP that the reductions in question were because “The Commission does not compensate attorneys for time spent on clerical or <i>administrative</i> tasks, as such work is considered subsumed within professional fees.”¹⁶ Administrative work, in its nature, deals with the management, planning, and organizing of a company, which we agree with SLOMFP is not clerical. We do, however, find that the drafting of contracts for consultants and discussing the division of labor are managerial functions and therefore are administrative. Accordingly, this type of work is not compensated when conducted by attorneys.</u> <u>SLOMFP also argues that some of the work identified as clerical could not have been completed by a clerk. Clerical work was defined in D.24-01-015 as “the time spent on setting up a file, service list issues, filing, calendaring, etc.” We therefore find that dealing with deadlines and scheduling is clerical in nature and is not compensated when conducted by an</u>

¹⁶ Supra Part III.D (emphasis added).

		<u>attorney.</u> <u>Finally, we remind SLOMFP that “Time records must not combine hours for several specific tasks in one timesheet entry.”¹⁷</u> <u>Two timesheet entries identified by SLOMFP in its comments on the PD for Sanders on February 24, 2023, and July 17, 2023 do just that.</u> <u>Since it is unclear how much time on the February task on substantive work (analyzing documents) compared to administrative and clerical work (analyzing filing options, downloading, and calendaring), we find it reasonable to award SLOMFP 1.15 hours, or one-half of the 2.3 hours claimed on the February 24 timesheet entry.</u> <u>For the July entry, serving a data request is inherently a clerical task that does not need to be done by an attorney and is subsumed within their professional fees. The other task in this entry is for finalizing a data request. While the term finalizing could mean that Sanders was making substantive edits to the final version of the data request, it could also mean that Sanders was making formatting edits to meet company style guides among other potential clerical tasks. We find it reasonable based on the context of Sanders’ entry, that this was not a clerical task and award SLOMFP 0.35 hours, or half of the 0.70 hours requested, for Sanders’ July 14, 2023, timesheet entry in question.</u>
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¹⁷ Intervenor Compensation Program Guide at 25 (citing Rule 17.4(b)(2)).

FINDINGS OF FACT

1. San Luis Obispo Mothers for Peace has made a substantial contribution in some aspects to D.23-12-036.
2. The requested hourly rates for San Luis Obispo Mothers for Peace'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 \$~~179,345.45~~180,080.45.

CONCLUSION OF LAW

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

ORDER

1. San Luis Obispo Mothers for Peace is awarded \$~~179,345.45~~180,080.45.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay San Luis Obispo Mothers for Peace 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 75th day after the filing of San Luis Obispo Mothers for Peace's request, and continuing until full payment is made.
3. The Motion of San Luis Obispo Mothers for Peace (SLOMFP) for Leave to File Under Seal the confidential version of its supplement to SLOMFP's Intervenor Compensation Claim, dated August 30, 2024, is granted. The information submitted by SLOMFP is confidential and shall remain under seal. This information shall not be disclosed or made accessible to anyone other than Commission staff, the assigned Commissioner, the assigned Administrative Law Judge, or the Law and Motion Judge.

~~4. The comment period for today's decision is not waived.~~

This decision is effective today.

Dated _____, at ~~Sacramento~~ [San Marcos](#), California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2312036		
Proceeding(s):	R2301007		
Author:	ALJ Atamturk		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
San Luis Obispo Mothers for Peace	February 13, 2024	\$481,535.11 ¹⁴ <u>18</u>	\$179,345.45 <u>180,080.45</u>	N/A	See Part III.D, CPUC Comments, Disallowances, and Adjustments

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Sabrina	Venskus	Consultant/ Attorney ¹⁵ <u>19</u>	\$650	2023	\$650.00
Sabrina	Venskus	Consultant/ Attorney	\$685	2024	\$685.00
Jason	Sanders	Consultant/ Attorney ¹⁶ <u>20</u>	\$535	2023	\$490.00
Jason	Sanders	Consultant/ Attorney	\$560	2024	\$510.00
Rachael	Andrews [Kimball]	Consultant/ Paralegal ¹⁷ <u>21</u>	\$180	2023	\$180.00
Digby	Macdonald	Consultant/ Expert ¹⁸ <u>22</u>	\$378.55	2023	\$375.00

¹⁴18 The correct total request is \$481,536.91.

¹⁵19 Venskus is a contractor as discussed in Part III.D [2].

¹⁶20 Sanders is a contractor as discussed in Part III.D [3].

¹⁷21 Andrews is a contractor as discussed in Part III.D [4].

¹⁸22 Macdonald is a contractor as discussed in Part III.D [5].

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Peter	Bradford	Consultant/ Expert ¹⁹²³	\$378.55	2023	\$375.00
Rao	Konidena	Consultant/ Expert ²⁰²⁴	\$378.55	2023	\$375.00
Samuel	Miranda	Consultant/ Expert ²¹²⁵	\$378.55	2023	\$375.00
Mark	Cooper	Consultant/ Expert ²²²⁶	\$378.55	2023	\$375.00
George Peter	Bird	Consultant/ Expert ²³²⁷	\$378.55	2023	\$120.00
Diane	Curran	Consultant/ Expert ²⁴²⁸	\$378.55	2023	\$375.00
Jill	Zamek	Advocate ²⁵²⁹	\$125	2023	\$125.00
Linda	Seeley	Advocate ²⁶³⁰	\$125	2023	\$125.00

(END OF APPENDIX)

¹⁹²³ Bradford is a contractor as discussed in Part III.D [5].

²⁰²⁴ Konidena is a contractor as discussed in Part III.D [5].

²¹²⁵ Miranda is a contractor as discussed in Part III.D [5].

²²²⁶ Cooper is a contractor as discussed in Part III.D [5].

²³²⁷ Bird is a contractor as discussed in Part III.D [6].

²⁴²⁸ Curran is a contractor as discussed in Part III.D [5].

²⁵²⁹ Zamek is classified as an Advocate – Not Otherwise Classified – Level V for 2023.

²⁶³⁰ Seeley is classified as an Advocate – Not Otherwise Classified – Level V for 2023.

Summary report: Litera Compare for Word 11.14.1.3 Document comparison done on Fri 9/11/2026 5:37:06 p.m.	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: Litera ORIGINAL R2301007 SLOMFP IComp PD.docx	
Modified filename: Litera MODIFIED R2301007 SLOMFP IComp PD.docx	
Changes:	
<u>Add</u>	47
Delete	55
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	1
Table Delete	1
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	104