



**FILED**

09/06/19  
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2020. (U39M.)

Application 18-12-009

**ADMINISTRATIVE LAW JUDGES' RULING DENYING  
MOTION TO STRIKE TESTIMONY OF  
ALLIANCE FOR NUCLEAR RESPONSIBILITY**

On July 29, 2019, Pacific Gas and Electric Company (PG&E) filed a motion to strike the prepared testimony of Alliance for Nuclear Responsibility (A4NR), specifically, the prepared testimony of John Geesman which was served to the parties on July 26, 2019 (Motion to Strike). PG&E states that A4NR's testimony essentially seeks reconsideration of the Commission's prior decisions<sup>1</sup> to retire the Diablo Canyon Nuclear Power Plant (DCNPP) at the end of its current operating licenses and PG&E asserts that the testimony is inappropriate and outside the scope of the proceeding.

PG&E also filed a separate motion on the same day requesting a shortened response time of seven days for parties to file a Response to its motion to strike as well as a shortened response time to the motion requesting the shortened response time. A4NR filed a Response on July 31, 2019 opposing the motion for a shortened response time.

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<sup>1</sup> D.19-04-040 and D.18-01-022.

Responses were filed by Women's Energy Matters (WEM) on August 7, 2019 and by Jan Reid, A4NR and The Utility Reform Network (TURN) on August 13, 2019. The above parties oppose PG&E's motion to strike and state that the testimony is within the scope of the proceeding. In addition, WEM, A4NR, and TURN add that A4NR's testimony addresses the cost effectiveness of continuing to operate DCNPP.

A Response was also filed by the Coalition of California Utility Employees (CUE) on August 13, 2019 in support of PG&E's motion to strike. CUE states that the Commission should not entertain A4NR's attempt to change the 2024/2025 closure date of DCNPP.<sup>2</sup>

We reviewed A4NR's testimony as well as the issues and arguments raised by parties and provide the following guidance with respect to the scope of the proceeding as determined in the assigned Commissioner's Scoping Memorandum and Ruling on March 8, 2019.

The scope of this general rate case (GRC) includes determination of the reasonableness of PG&E's proposed O&M and capital costs relating to the operation of DCNPP from 2020 to 2022. However, we find that issues relating to the proper shutdown or closure date of DCNPP are better raised in a Petition for Modification of D.18-01-022 and thus these issues shall not be considered and addressed in this GRC. Accordingly, this proceeding will assume that DNCPP will continue to operate within this GRC period. Any relevant decision pursuant to a petition to modify D.18-01-022, as described above, shall be incorporated in the decision for this proceeding.

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<sup>2</sup> D.18-01-022 OP 1 at 59.

With respect to PG&E's motion to strike, we find that the motion should be denied without prejudice. PG&E may renew its motion to strike during evidentiary hearings, pursuant to the guidance provided in this ruling.

Although PG&E seeks to strike the entire testimony of A4NR, the testimony contains various statements that may be relevant to the proceeding despite A4NR's conclusion that an earlier retirement or shutdown of DCNPP is necessary. As provided in TURN's Response, the proposed disallowances in A4NR's testimony concern cost effectiveness of DCNPP in light of available alternatives.

We also deny PG&E's motion for a shortened response time as being moot since parties have already filed Responses to PG&E's motion to strike.

**IT IS RULED that:**

1. The motion by Pacific Gas and Electric Company to strike the testimony of the Alliance for Nuclear Responsibility is denied without prejudice;
2. Pacific Gas and Electric Company's motion for a shortened response time to its motion to strike the testimony of the Alliance for Nuclear Responsibility is denied; and
3. Issues relating to the proper shutdown or closure date of the Diablo Canyon Nuclear Power Plant are better raised in a Petition for Modification of Decision 18-01-022.

Dated September 6, 2019, at San Francisco, California.

/s/ ELAINE C. LAU  
Elaine C. Lau  
Administrative Law Judge

RAFAEL L. LIRAG  
Rafael L. Lirag  
Administrative Law Judge