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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.)
_____(U 39 M))

Application 18-12-009
(Filed December 13, 2018)

**ALLIANCE FOR NUCLEAR RESPONSIBILITY'S RESPONSE
TO MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39M)
TO SHORTEN TIME FOR RESPONSES TO MOTION TO STRIKE TESTIMONY
OF ALLIANCE FOR NUCLEAR RESPONSIBILITY**

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I. INTRODUCTION.

Pursuant to Rule 11.1 of the California Public Utilities Commission (“Commission” or “CPUC”) Rules of Practice and Procedure, the Alliance for Nuclear Responsibility (“A4NR”) respectfully submits its Response to the July 29, 2019 Motion of Pacific Gas and Electric Company (“PG&E”) to Shorten Time for Responses to Motion to Strike Testimony of Alliance for Nuclear Responsibility (“Motion to Strike Testimony”). By this filing, A4NR waives any objection to the two-day deadline suggested by PG&E for responding to the separate motion to shorten time itself.

PG&E has not shown good cause for shortening time to respond to the Motion to Strike Testimony to seven days, and the Commission would be better served by allowing A4NR (and any other interested party) to utilize the full 15 days afforded by Rule 11.1(e) in order to prepare an adequate response.

II. DISCUSSION.

Rather than meet and confer with A4NR about a mutually agreeable schedule for A4NR’s response to the Motion to Strike Testimony, PG&E has elected instead to unilaterally seek a reduction in the time available under Rule 11.1(e) from 15 days to seven. Without support, PG&E asserts that this “would benefit all parties” and “should not be burdensome to the parties.”¹ The premise of PG&E’s request for shortened time is that “a significant amount of work could be avoided”² if A4NR’s testimony is determined to be outside the scope of this

¹ PG&E Motion to Shorten Time for Responses to Motion to Strike Testimony, p. 2.

² *Id.*

proceeding. Of course, a work avoidance statement can always be made about any motion to strike testimony, yet Rule 11.1 does not automatically truncate the response time allowed for motions to strike testimony. Instead, discretion is appropriately vested in the Administrative Law Judges.

In this instance, PG&E's rebuttal testimony is not due under the proceeding's schedule until September 5, 2019 – 23 days after the August 13, 2019 response deadline ordinarily provided by Rule 11.1(e). Hearings are not scheduled to commence until September 23, 2019.

Moreover, A4NR's testimony does not raise novel issues likely to catch PG&E by surprise. The very first issue identified in the March 8, 2019 Assigned Commissioner's Scoping Memo and Ruling is "Whether or not the proposed revenue requirements, proposed costs, and proposed recovery mechanisms for TY 2020 are just and reasonable and whether these should be adopted by the Commission."³ A4NR's testimony contests whether PG&E has met its burden of proof that certain Diablo Canyon-related portions of the proposed revenue requirements satisfy this standard in light of the magnitude of above-market costs and reduced bundled load acknowledged in PG&E data responses. PG&E has known of A4NR's pursuit of this topic since a February 26, 2019 meet-and-confer telephone call with A4NR on said data responses. As discussed in A4NR's testimony, this is subject matter that can reasonably be expected to be continuously monitored by a prudent manager of a utility supply portfolio.

Under the circumstances, PG&E's inference that it has deferred "a significant amount of work" waiting for disposition of its Motion to Strike Testimony either strains credulity or implies

³ Assigned Commissioner's Scoping Memo and Ruling, p. 3.

recklessness. It should not be weaponized to deprive A4NR (and any other interested party) of its right under Rule 11.1 to an adequate amount of time to respond to PG&E's Motion to Strike Testimony.

III. CONCLUSION.

Speaking only for itself, A4NR would find it burdensome – especially in light of its concurrent engagement with PG&E in the Diablo Canyon decommissioning case, A.18-12-008 – to sacrifice more than half of the time otherwise afforded by Rule 11.1(e). PG&E's Motion to Strike Testimony is complex and interweaves several ongoing Commission proceedings. A4NR needs the ordinary 15 days to provide the well-researched response that the Commission deserves.

Respectfully submitted,

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