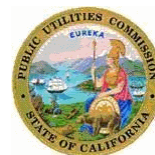


**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED

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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, 2017.

Application No. 15-09-001
(Filed September 1, 2015)

U 39 M

**PACIFIC GAS AND ELECTRIC COMPANY'S (U39M)
RESPONSE TO MOTION TO EXCLUDE BY ALLIANCE
FOR NUCLEAR RESPONSIBILITY**

WILLIAM V. MANHEIM
STEVEN W. FRANK

Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-6976
Facsimile: (415) 973-5520
E-Mail: SWF5@pge.com

Dated: June 23, 2016

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

**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, 2017.

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**PACIFIC GAS AND ELECTRIC COMPANY'S (U39M)
RESPONSE TO MOTION TO EXCLUDE BY ALLIANCE
FOR NUCLEAR RESPONSIBILITY**

Pacific Gas and Electric Company (PG&E) hereby responds to the June 8, 2016 “Motion to Exclude by Alliance for Nuclear Responsibility” in the above-captioned matter.^{1/} The Alliance for Nuclear Responsibility (A4NR) “objects to the entry, consideration and receipt of [nine identified passages of testimony] since each of the cited materials conveys and constitutes legal opinion and/or reaches conclusions as to matters of law.”^{2/} The following is a representative example of the passages that A4NR would exclude: “The issues raised by TURN and A4NR are outside the scope of and not relevant to the issues to be addressed in this proceeding or in the next GRC which will set rates for the period 2020-2022.”^{3/}

A4NR’s motion should be denied. The identified passages do not constitute legal argument that should be saved for parties’ legal briefs. Rather, these passages set forth PG&E’s threshold position on whether issues should be addressed in this GRC. Such positions belong in testimony and should not wait for legal briefs. When a party first explains its position in briefs,

1/ This response is timely served pursuant to Rule 11.1(e) of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission).

2/ A4NR Motion, p. 2.

3/ A4NR Motion, p. 2 (passage number 2).

other parties can be disadvantaged. This is because others can then lose a fair opportunity to contest that position through contrary and competing evidence and legal argument.^{4/}

With respect to A4NR's comment that these passages "are not sponsored by witnesses with any apparent expertise or training in the law,"^{5/} PG&E concurs. The statements of qualification for PG&E witnesses Wan, Maggard and Harbor neither offer, nor imply, any legal qualifications.^{6/}

For the above reasons, A4NR's motion to exclude these passages should be denied. Instead, the Commission should pursue A4NR's "procedural alternative," which is "to indicate that it is accepting the proffered testimony as mere lay opinions."^{7/} By pursuing this alternative path - as A4NR itself concedes -- "A4NR's rights would be preserved."^{8/}

Respectfully Submitted,

WILLIAM V. MANHEIM
STEVEN W. FRANK

By: /s/ Steven W. Frank

STEVEN W. FRANK

Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-6976
Facsimile: (415) 973-5520
E-Mail: SWF5@pge.com

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4/ See discussion at page 8 of the A4NR Motion.

5/ A4NR Motion, p. 3.

6/ Exhibit (PG&E-13).

7/ A4NR Motion, p. 8.

8/ Id.