

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

Implementing Senate Bill 846)	Rulemaking 23-01-007
Concerning Potential Extension of)	(Filed January 12, 2023)
Diablo Canyon Power Plant)	
Operations)	
)	
_____)	

**OPENING COMMENTS OF
SAN LUIS OBISPO MOTHERS FOR PEACE ON THE COMMISSION'S
ORDER INSTITUTING RULEMAKING TO CONSIDER POTENTIAL
EXTENSION OF DIABLO CANYON NUCLEAR POWER PLANT**

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For San Luis Obispo Mothers for Peace

Dated: February 20, 2023

Pursuant to Rule 6.2 of the Commission’s Rules of Practice and Procedure, San Luis Obispo Mothers for Peace (“SLOMFP”) respectfully submits these brief opening comments on the above-referenced Order Instituting Rulemaking (OIR).

Categorization

SLOMFP agrees that this proceeding is properly categorized as a rulemaking.

Public Participation Hearings

SLOMFP recommends that a public participation hearing (PPH) take place early in the process, but after the Prehearing Conference, and suggests the PPH occur in April, 2023.

Issues to be Considered

In addition to the issues already identified in the OIR at section 3.2, SLOMFP requests that environmental impacts and mitigation of extended operations of the Diablo Canyon Nuclear Plant be addressed in Phase 1 of this proceeding, which will further the purpose of Senate Bill 846 by assisting in the development of a record upon which the Natural Resources Agency can use to base its findings and recommendations. (Pub. Res. Code section 25548.2 (c)).

Evidentiary Hearing

SLOMFP objects to the preliminary determination that an evidentiary hearing is not necessary. SLOMFP strongly urges the Commission hold evidentiary hearings, in lieu of workshops, so as to have the most robust and accurate record possible with respect to the cost-effectiveness and prudence of keeping DCNPP open. Indeed, in Decision 22-12-005 which formally closed proceeding A.16-08-006, the Commission reasoned that establishing a second phase of A.16-08-006 was not the best approach, observing that:

“[I]t is not clear whether all of the parties in this proceeding intend to actively participate in the SB 846-specific issues that are expected to be the focus going forward, or the extent to which the record in this proceeding needs to be updated, given that party testimony was served prior to May 2017 and before the enactment of SB 846. Therefore,

this decision closes A.16-08-006. The Commission commits to opening a new rulemaking on an expedited schedule in accordance with the range of time-sensitive SB 846-related issues that will need to be monitored, considered, and addressed.”¹

There is no reason to believe that evidentiary hearings are any less necessary and relevant to determining cost-effectiveness and prudence of continued operations of the nuclear power plant in this proceeding than in the former proceeding A.16-08-006. A proposed alternative timeline to that set forth in the OIR’s Appendix A is provided below, the intent of which is to promote the efficient and fair administration of this proceeding.

Proposed Alternative Timeline

(proposed additions in **bold**; deletions in ~~strikethrough~~)

Event	Date
Prehearing Conference	March, 2023
Public Participation Hearings	April 2023
PG&E Files a Copy of its License Renewal Application, Status Updates on NRC’s License Renewal and any Changes to the Status of the Loan Provided for Under SB 846	15 days from submission of license renewal application to the NRC; 15 days from the NRC’s final determination concerning license renewal and/or any changes in the SB 846 Loan Agreement, or September 1, 2023, at the latest.
PG&E Files Proposal(s) for New Cost Agreements/Mechanisms Pursuant to Pub. Util. Code § 712.8(1)(2) (as needed)	April 2023
Ruling Issued Noticing the CEC’s 2024-2030 Electric Reliability Determination as well as the December 2022 and March 2023 Joint Reliability Planning Assessments	April 2023

¹ Decision Implementing Senate Bill 846 (D. 22-12-005), p. 24, [emphasis added].

Intervenor Comments on PG&E’s Proposal(s) for New Cost Agreements/Mechanisms (as needed)	May 2023
Intervenor Prepared Written Testimony	May 2023
Intervenor Comments on the CEC’s 2024-2030 Electric Reliability Determination as well as the December 2022 and March 2023 Joint Reliability Planning Assessments	May 2023
Rebuttal Testimony	June 2023
Proposed Decision on New Cost Agreements/Mechanisms (as needed)	June – August 2023
Ruling Issued Noticing Fact Finding Reports Approved at the DCISC’s February 15-16 and June 28-29, 2023 Public Meetings	June 2023
Evidentiary Hearings	July 2023
Comments on Fact Finding Reports Approved at the DCISC’s February 15-16 and June 28-29, 2023 Public Meetings	July 2023
Reply Comments on Fact Finding Reports Approved at the DCISC’s February 15-16 and June 28-29, 2023 Public Meetings	August 2023
Ruling Issued Noticing the CEC’s Diablo Canyon Cost-Effectiveness Evaluation	August 2023
Opening Briefs	August 2023
Ruling Issued Noticing Fact Finding Reports Approved at the DCISC’s September 13-14, 2023 Public Meeting	September 2023
Reply Briefs	September 2023
Comments on the CEC’s Diablo Canyon Cost-Effectiveness Evaluation, NRC License Status, and Fact Finding Reports	September 2023

Approved at the DCISC's September 13-14, 2023 Public Meeting	
Proposed Decision	October-November 2023
Intervenor Comments on Proposed Decision	November 2023
Final Decision	December 2023

Respectfully submitted,

Dated: February 20, 2023

/S/

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