

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



June 19, 2003

Docket Office
California Public Utilities Commission
505 Van Ness Avenue, Room 2001
San Francisco, California 94102

Re: A.02-11-017

Dear Docket Clerk:

Enclosed for filing in the above-entitled matter are the original and five copies of the **“COMMENTS OF THE CALIFORNIA ENERGY COMMISSION IN SUPPORT OF THE MOTHERS FOR PEACE PETITION TO MODIFY DECISION 88-12-083 AND REVISE APPENDIX C.”** This filing has been served on all parties on the service list for this proceeding. We request that the extra copy of this document be file-stamped and returned for our records. Enclosed is a stamped, self-addressed envelope for your convenience. Thank you for your attention to this matter.

Very truly yours,

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Enclosures

cc: Service List A.02-11-017

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, To Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003.

(U 39 M)

Application 02-11-017
(Filed November 8, 2002)

Application of Pacific Gas and Electric Company Pursuant to Resolution E-3770 for Reimbursement of Costs Associated with Delay in Implementation of PG&E's New Customer Information System Caused by the 2002 20/20 Customer Rebate Program.

(U 39 E)

Application 02-09-005
(Filed September 6, 2002)

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IN SUPPORT OF THE MOTHERS FOR PEACE PETITION
TO MODIFY DECISION 88-12-083
AND REVISE APPENDIX C**

June 19, 2003

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Pursuant to the April 28, 2003 ruling by Chief Administrative Law Judge Michelle Cook and Administrative Law Judge John S. Wong, the California Energy Commission (CEC) respectfully offers these comments on the supplemental brief filed on May 23, 2003, by the Mothers for Peace (M4P).

The May 23, 2003 brief requests that the California Public Utilities Commission (CPUC or Commission) modify Decision (D.) 88-12-083, relative to the Diablo Canyon Independent Safety Committee (DCISC).

Under that Decision, the Chairman of the CEC appoints one of the three members of the DCISC. Accordingly, the CEC has an interest in the composition and operation of the DCISC.

I. Composition of the Candidate Pool

Appendix C of D.88-12-083 established the DCISC. Currently, as mandated by the Decision, committee members are selected from a pool of candidates who are jointly nominated (emphasis added) by the President of the CPUC, the Dean of Engineering of the University of California at Berkeley and Pacific Gas and Electric (PG&E). In practice, it is unclear whether these candidates must be acceptable to all three entities. The “joint nomination” implies that they must.

Under the M4P Petition, committee members would be selected from a list of candidates nominated by the Commission, through open requests for nominations. In addition, a provision for public comment would be created. (The same process would be used for replacement of members.)

The approach suggested by the Petition avoids any perceived or potential conflicts of interest and also has the advantage of assessing public opinion as to the candidates.

II. Expertise of Committee Members

Appendix C, at 2.c., requires candidates to have knowledge, background, and experience in the field of nuclear power facilities (emphasis added). Under

the M4P Petition, candidates would be required to have knowledge, background, and experience in nuclear safety issues in the field of nuclear power facilities. Since the whole purpose of the DCISC is to assess the safety of operations at Diablo Canyon and suggest recommendations for safe operation, it appears eminently reasonable that the DCISC members have a background not just in nuclear plant operations, but in nuclear safety issues at nuclear plants.

III. Addition of a Public Member

The M4P Petition would enlarge the three-member committee to four members, to include “at least one member from the San Luis Obispo public to represent the affected community.” This member would be selected by the President of the CPUC. The inclusion of a public member is comparable to the composition of the CEC, which includes a Commissioner from the public at large.¹ The CEC supports this request.

IV. Establishment of an Office and Staff in San Luis Obispo

The M4P Petition requests that the decision be modified to require the DCISC to have an office and local staff in San Luis Obispo. The M4P Petition also requests that the DCISC “actively involve” the community. The DCISC currently maintains a presence in Monterey and a website (www.dcisc.org). Having a local presence seems a reasonable enough requirement, since the purpose of the DCISC is to assess the safety of operations at Diablo Canyon and suggest recommendations for safe operation. Theoretically, this could be done

¹ Of the CEC’s five commissioners, one member is appointed from the public at large, but is not required to have any specific energy expertise. Public Resources. Code section 25201.

from anywhere. On the other hand, nuclear facilities, at least those situated in a populated area, are qualitatively different from other power facilities in terms of potential harm to employees and nearby residents. Those residents have an important stake in ensuring that the nearby plant is safely operated and are much more likely to participate in the DCISC process if there is a local staff to assist them, and if there is a mandate to involve the local community.

SUMMARY

For the reasons noted above, the CEC believes that all aspects of the M4P Petition should be granted.

Respectfully submitted,

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June 19, 2003

CERTIFICATION OF SERVICE

I, **Chester Hong**, certify that I have served copies of the “**COMMENTS OF THE CALIFORNIA ENERGY COMMISSION IN SUPPORT OF THE MOTHERS FOR PEACE PETITION TO MODIFY DECISION 88-12-083 AND REVISE APPENDIX C**” to be served on all parties by e-mailing/ mailing a properly addressed copy, by first class mail with postage prepaid, on or before **June 19, 2003**, to all parties identified on the service list provided by the California Public Utilities Commission.

Dated: June 19, 2003, at Sacramento, California.

CHESTER HONG

DECLARANT

(Service Lists attached to original only)