

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)

Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.

Investigation 03-01-012
(Filed January 16, 2003)

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)

**REPLY BRIEF OF THE OFFICE OF RATEPAYER ADVOCATES
RESPONDING TO THE SAN LUIS OBISPO MOTHERS FOR PEACE
REVISED PETITION TO MODIFY DECISION 88-12-083, APPENDIX C**

I. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

The April 28, 2003 Administrative Law Judges' Ruling Transferring Petition Between Proceedings, adopted a schedule proposed in the April 23, 2003 Stipulation Agreement (Stipulation) among Pacific Gas and Electric Company (PG&E), San Luis Obispo Mothers for Peace (SLOM4P), Diablo Canyon Independent Safety Committee (DCISC), Office of Ratepayer Advocates (ORA), California Energy Commission (CEC) and The Utility Reform Network (TURN). Pursuant to that schedule, ORA hereby submits its Reply Brief.

SLOM4P requests that the Commission modify Appendix C of CPUC D.88-12-083 to add an additional public member to the DCISC; revise the nomination process for DCISC membership; and require active community outreach by the DCISC, including the recording of videotaping and broadcasting of meetings. ORA supports these requests. SLOM4P also proposes that the DCISC have an office in San Luis Obispo. ORA takes no position on this proposal at this time.

II. BACKGROUND

On May 20, 2003, the SLOM4P filed a Revised Petition to Modify Decision 88-12-083. Submission of the Revised Petition was agreed to in a Stipulation entered into by Pacific Gas and Electric Company, SLOM4P, DCISC, ORA, CEC and TURN, dated April 23, 2003.¹ The parties to the Stipulation also agreed that “[i]nterested parties may file reply briefs responding to the M4P supplemental brief on June 20, 2003.”² On April 28, 2003, ALJs Cooke and Wong issued a Ruling stating, “The San Luis Obispo Mothers for Peace shall

¹ Stipulation at 4.

² Id.

update its petition by filing a supplemental brief on May 23, 2003 in A.02-11-017, et al.”³ The Ruling also stated that reply briefs should be filed on June 20, 2003.

SLOM4P’s Revised Petition asks that the Commission modify Appendix C of the Commission’s Decision (D.) 88-12-083 to add an additional public member to the DCISC; revise the nomination process for DCISC membership; require the DCISC to have an office in San Luis Obispo County and require active community outreach by the DCISC, including the videotaping and broadcasting of meetings.⁴

III. DISCUSSION

A. Adding An Additional Qualified Public Member To The DCISC Would Improve Local Involvement

SLOM4P requests that the “DCISC should consist of at least one member from the San Luis Obispo public to represent the affected community.”⁵ SLOM4P also refines the required background of DCISC nominees: “persons with knowledge, background and experience in *nuclear safety issues* in the field of nuclear power facilities.”⁶ SLOM4P also requests that a fourth member be added to the DCISC.⁷

SLOM4P is correct that public members sit on the California Energy Commission and the California Coastal Commission to ensure that the public interest is represented. ORA supports the addition of a qualified public member to the DCISC as a means both of adding expertise and improving local involvement. The addition of a fourth member will increase DCISC expenses, so the DCISC’s funding will probably need to be augmented to cover those costs.

³ Administrative Law Judges’ Ruling, p. 2.

⁴ SLOM4P Revised Petition, Attachment A.

⁵ SLOM4P Revised Petition, Attachment A at I.2.e.

⁶ SLOM4P Revised Petition, Attachment A at I.2.c (emphasis added).

⁷ SLOM4P Revised Petition, Attachment A at I.1.

B. Revising The Nomination Process Would Enhance The DCISC's Credibility

SLOM4P requests that the nomination process for DCISC committee members be modified to eliminate direct involvement by the Dean of Engineering of the University of California at Berkeley and PG&E, substituting an open request for nominations.⁸ There was never a good reason for permitting PG&E to nominate members to what is supposed to be an *Independent* Safety Committee regarding Diablo Canyon. Removing PG&E from the direct nomination process would enhance the credibility of the DCISC. Refining the background requirements for nominees, as discussed in II.A above, will eliminate any concerns about the qualifications of nominees.

While well intended, there is also no reason to ask the Dean of Engineering of the University of California at Berkeley to nominate candidates for the DCISC. An open request for nominations will cast the widest possible net for potential nominees, and still permit PG&E and the Dean of Engineering to offer their own nominees, if they so choose. ORA supports SLOM4P's request.

C. The Commission Should Act To Improve The DCISC's Community Outreach, Including Ordering PG&E To Pay For The Videotaping Of DCISC Meetings

SLOM4P requests that the DCISC "shall actively involve the community, including, but not limited to, assuring that DCISC meetings are videotaped and broadcast."⁹ As ORA stated in its testimony in the PG&E Test Year 2003 rate case, ORA has been informed that PG&E's Governmental/Public Affairs office near Diablo Canyon had been funding the videotaping of DCISC meetings for later broadcast on a local cable access channel.¹⁰ PG&E apparently terminated

⁸ SLOM4P Revised Petition, Attachment A at I.2.

⁹ SLOM4P Revised Petition, Attachment A at II.G.

¹⁰ ORA Results of Generation Operations Report for Pacific Gas and Electric Company, April
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funding in January 2003, at a cost savings of approximately \$2000 per meeting, citing budget constraints. Considering the small amount of money involved and the value to the community, ORA recommends that the Commission order PG&E to resume funding the videotaping of DCISC meetings. PG&E opposed ORA's recommendation, referring to it as "[u]nfunded [h]igher [p]erformance."¹¹

ORA feels compelled to include discussion of this subatomic-level expenditure in its Results of Generation Operations Report since it was the result of interaction with members of the San Luis Obispo community. Broadcasting DCISC meetings on the local cable access channel is a low-cost and efficient means of providing the public information on Diablo Canyon and the DCISC, especially for members of the public who cannot attend meetings during normal work hours. PG&E is given sponsorship credit during broadcasts, so the company can even get "a return on its investment." ORA supports SLOM4P's request.

IV. CONCLUSION

For the foregoing reasons, ORA supports the proposals of the SLOM4P in Appendix C to add an additional public member to the DCISC; revise the nomination process for DCISC membership; and require active community

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11, 2003 at 3B-14.

¹¹ Exh. PG&E-19, Ratemaking Policy, at 1A-13, Item 56.

outreach by the DCISC, including the videotaping and broadcasting of meetings. The DCISC's funding should be augmented to cover increased costs resulting from the modifications.

Respectfully submitted,
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By: /s/ LAURA J. TUDISCO

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June 20, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document
**REPLY BRIEF OF THE OFFICE OF RATGEPAYER ADVOCATES
RESPONDING TO THE SAN LUIS OBISPO MOTHERS FOR PEACE REVISED
PETITION TO MODIFY DECISION 88-12-083, APPENDIX C in A.02-11-017 et al.**

A copy has been e-mailed on all known parties of record who have provided e-mail addresses. In addition, all parties have been served by first-class mail.

Executed in San Francisco, California, on the **20th** day of **JUNE, 2003**.

/s/ JACQUELINE GORZOCH

JACQUELINE GORZOCH