

Citizens' Oversight Projects (COPs)

CitizensOversight.org

Contact:

Ray Lutz / raylutz@citizenoversight.org

619-820-5321



CPUC RESTRICTS PUBLIC ACCESS TO SAN ONOFRE HEARINGS

Hearing to receive minimal coverage to ease Edison embarrassment

San Diego and Orange County Activists to be actively involved in the hearings

May 10, 2013 (SAN FRANCISCO) -- The California Public Utilities Commission (CPUC) will conduct formal evidentiary hearings next week (May 13-17, 2013) in the investigation into the events surrounding the January 31, 2012 emergency shutdown, subsequent outage, and possible permanent decommissioning of the San Onofre Nuclear Generating Station.

The Unit 3 reactor released radioactive steam from a broken steam generator tube, caused by excessive and dangerous vibrations in newly purchased and installed steam generators. The utility admitted that they analyzed the steam generators for vibrations along one axis but not the other. The big question on the table will be whether their customers will pick up the tab for their mistake, or if company shareholders must foot the bill, just like any other private sector firm.

A number of activist groups from San Diego and Orange Counties joined forces as the "Coalition to Decommission San Onofre," (CDSO) sponsored by Citizens Oversight, a 501c3 Delaware corporation with offices in California. As a party to the proceedings, CDSO submitted extensive rebuttal testimony with significant issues that would corner the utility into having to admit that the plant is a financial loser, but that testimony was stricken by the Administrative Law Judge Melanie Darling as being "untimely." The group will still be on hand to cross-examine witnesses from Southern California Edison, San Diego Gas and Electric, experts, and other witnesses. This is just Phase 1 of a multi-phase process, and CDSO will likely be able to submit similar testimony during the other phases.

"We must continue to apply pressure so they will see the insanity of trying to restart these troubled reactors," said Ray Lutz, an engineer and member of the coalition.

Normally, since such meetings are open to the public, anyone can video record and view the hearings on the Internet. Many meetings are web-cast so anyone with a computer can participate. This is especially important in this case, as the hearings are being held at a location 450 miles away from millions of anxious residents who live near the troubled plant. Such openness has been the case in prior evidentiary hearings, so there is no new precedent to set here.

Such openness is not to be the case, however, at this important meeting. Instead of providing a real-time web-cast to demonstrate that the hearings are open and transparent, the ALJs opted to send the opposite

message, and have declined to provide a webcast or videotape the meeting, and may even kick out anyone who threatens to use a recorder in the room. One can only imagine how threatening a camera can be if you are used to working behind closed doors and in smoke filled rooms.

This move comes just as the CPUC's \$1.4 billion budget and cozy relationship with utilities is questioned by the state legislature.

Womens Energy Matters (WEM) -- another party to the proceeding -- in collaboration with Ecological Options Network (EON) -- which has covered the San Onofre outage in detail -- issued a courtesy notice to Commissioner Florio and the Administrative Law Judges Melanie Darling and Kevin Dudney regarding the intention to videotape. WEM subsequently filed a formal motion to webcast the meeting, but the motion was denied by ALJs Dudney and Darling.

In their ruling, the ALJs asserted that seats in the room for the public and a written transcription provides sufficient transparency. However, it is necessary to travel to San Francisco to witness the proceeding and then to make special requests for transcriptions which cost \$2 per page and take 2 - 4 weeks for delivery, or CDs containing the transcript can be ordered for \$20.

Citizens' Oversight and the CDSO believe that the ALJ ruling states that the CPUC will not themselves provide a webcast or video recording, as the ruling did not state explicitly that no members of the public could record the meeting. Any member of the public that might be so bold as to bring in a cell phone that has video-recording capability may confront a paradigm of information control that is long gone in the age of the Internet. This paradigm stands in opposition to the Bagley-Keene Open Meetings Act and common sense.

Unfortunately, this is only the tip of the iceberg in terms of how the regulatory agency tends to favor the needs of the utility over transparency and public participation. The utilities have billions of ratepayer dollars, a phalanx of attorneys and public relations experts, and over time, have helped to evolve the culture of procedures that clearly favors utility profits over the needs of the community. No web-cast coverage of the meetings means the Commission can continue their cozy relationship with the utilities, and Edison can escape embarrassment and humiliation over the disastrous billion-dollar design mistakes that ratepayers are currently on the hook to pay.

We hope the CPUC will do the right thing and open this regulatory process up to the public. The internet and prevalence of video coverage may be the best thing that ever happened to our democracy.

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