

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

Order Instituting Investigation on the  
Commission's Own Motion into the Rates,  
Operations, Practices, Services and Facilities of  
Southern California Edison Company and San  
Diego Gas and Electric Company Associated  
with the San Onofre Nuclear Generating  
Station Units 2 and 3.

Investigation 12-10-013  
(Filed Oct. 25, 2012)

And Related Matters.

Application 13-01-016  
Application 13-03-005  
Application 13-03-013  
Application 13-03-014

**THE COALITION TO DECOMMISSION SAN ONOFRE JOINS RUTH  
HENRICKS' OBJECTION TO ORDER SETTING EVIDENTIARY HEARING  
ON 14 MAY 2014 AND THE FAILURE OF THE CPUC TO SET A PUC RULE 7.2  
PREHEARING CONFERENCE AND MOTION TO STRIKE**

Raymond Lutz  
raylutz@CitizensOversight.org

THE COALITION TO DECOMMISSION SAN ONOFRE (CDSO)  
Citizens Oversight, Inc.  
771 Jamacha Rd, #148  
El Cajon, CA 92019  
Telephone: (619) 820-5321

May 8, 2014

## **CDSO JOINING HENRICKS OBJECTION**

On May 6, 2014, counsel for Ruth Henricks, a party to the SONGS OII proceeding I.12-10-013, submitted the document entitled "Ruth Henricks' Objection To Order Setting Evidentiary Hearing On 14 May 2014 And The Failure Of The CPUC To Set A PUC Rule 7.2 Prehearing Conference."

The Coalition to Decommission San Onofre (CDSO) hereby joins with HENRICKS in this objection, and the text of that document is hereby incorporated by reference.

Unfortunately, we are witnessing an almost obscene abortion of the investigation into the unprecedented failure at SONGS which resulted in abandonment of the plant. The actions of SCE must be presumed to be imprudent absent any attempt on their part to defend their actions. Instead of the important Phase 3 investigation, the Commission now proposes a half-day hearing, which is being held apparently only to be able to say that a hearing was held, and nothing more. Meanwhile, the proposal means that \$3.3 billion will be inappropriately charged to the unwitting energy customer. The bailout of SCE for its imprudent management should not occur, and we demand that if the utility wishes to settle, that all parties should be included and the process guided by a set of constraints, and probably using the services of a magistrate judge.

## **INCLUDING OUR FORMER "OPPOSITION" DOCUMENT**

As we have already filed an objection to the process, we will refer to that here to make sure all our issues are preserved in our objection. That document was entitled "The Coalition To Decommission San Onofre's Opposition To Joint Motion Of Southern California Edison Company (U 338-E), San Diego Gas & Electric Company (U 902-E), The Utility Reform Network, The Office Of Ratepayer Advocates, Friends Of The Earth, And The Coalition Of California Utility Employees For Adoption Of Settlement Agreement"<sup>1</sup> because it probably should have been called an "objection" rather than "opposition." With that correction in mind, we incorporate all the language of that document by reference.

## **MOTION TO STRIKE ALL TESTIMONY AND DOCUMENTS NOT INCLUDED IN SCOPE OF THE EVIDENTIARY HEARING**

It seems the scope of the half-day evidentiary hearing will be restricted to the proposed settlement document which the proponents say is not open for any modification, which is included as Attachment 1 to the "Joint Motion Of Southern California Edison Company (U 338-E), San Diego Gas & Electric Company (U 902-E), The Utility Reform Network, The Office Of Ratepayer Advocates, Friends Of The Earth, And The Coalition Of California Utility Employees For Adoption Of Settlement Agreement," (the "Motion to Adopt"). In particular, the hearing scope apparently does not include the larger questions posed by the Motion to Adopt, and in particular, the "Proposed Findings of Fact" included in the Motion to Adopt.

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<sup>1</sup> Available at <http://www.copswiki.org/Common/M1421>

CDSO moves to strike all testimony and documents not included in scope of the evidentiary hearing scheduled for May 14, 2014. A request for clarification has been submitted by counsel for HENRICKS regarding the scope. If the hearings do not include the full scope of the proposed Motion to Adopt and other attachments, including documents submitted during ex-parte meetings between the settling parties and the Commission, then we hereby move to strike the entire Motion to Adopt, as well as all other documents associated with it, such as charts and graphs distributed, except for Attachment 1, the actual proposed settlement agreement.

Also, we continue to be disturbed that documents distributed in ex parte meetings, particularly if these documents are not part of the evidentiary hearing. The ex-parte meeting of December 19, 2013 was not properly notified in advance, and only after ALJ Darling sent an email notice of the violation on December 23, 2013, was the notice of the illegal meeting distributed to the service list on December 24, 2013.

Additionally, the ex parte meetings of April 17th and April 29th, between the settling parties and the Commission are disturbing, and we hereby object to these and any further ex parte meetings, apparently to set the stage for this \$3.3 billion bailout.

Indeed, we feel that the scope should properly include all these documents because the "Motion to Adopt" is what will be put forward for consideration by the Commission, and so to exclude portions of it from the evidentiary hearing makes little sense. We are working to generate our witness and cross-examination requirements for the evidentiary hearing, but we really cannot do so until these questions are resolved.

Respectfully submitted,

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Raymond Lutz  
Coalition to Decommission San Onofre  
A project of Citizens Oversight, Inc.