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Milestone: Pro-Nuclear Group Earns Intervenor Status in Diablo Canyon Proceedings

April 10, 2017 by [Rod Adams](#) [1 Comment](#)

<http://www.theenergycollective.com/rodadams/2402028/milestone-pro-nuclear-group-earns-intervenor-status-diablo-canyon-proceedings>

<http://www.tinyurl.com/CGNP-Eligibility>



A real milestone in pro nuclear advocacy has been reached. For the first time in a long time, perhaps the first time ever, a group of citizens who strong support the continued operation of a nuclear power plant has become an intervenor {with the right to claim compensation for costs] in the legal proceedings that will determine the fate of a particular plant.

Peter Allen, a California Public Utilities Commission Administrative Law Judge, has issued a landmark ruling that grants Californians for Green Nuclear Power (CGNP) official status as a public interest intervenor in PUC proceedings related to Pacific Gas & Electric's (PG&E) effort to close Diabale Canyon as soon as it has been fully depreciated.

This ruling declares that CGNP has provided satisfactory evidence to the judge that it is a group organized for the purposes of representing residential and small business commercial electricity customers. It also declares that CGNP has provided evidence that individual members of the group will receive individual benefits that are dwarfed by the costs associated with competently participating in the PUC's legal proceedings.

The combination of those two rulings make CGNP eligible to file claims for compensation for reasonable costs – lawyer fees, direct travel, etc. – associated with the Diablo Canyon closure rate cases.

IT IS RULED that Californians for Green Nuclear Power has satisfied the eligibility requirements of § 1804(a). Californians for Green Nuclear Power has made a preliminary showing of significant financial hardship subject to providing additional information in a claim filed pursuant to §1804(c). Californians for Green Nuclear Power is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.

Dated April 5, 2017, at San Francisco, California.

Signed: Peter V. Allen, Administrative Law Judge

Gene Nelson, the Central Coast Government Liaison for CGNP provided the following statement upon receipt of the ruling.

Californians for Green Nuclear Power, Inc. (CGNP) received this emailed notice from the California Public Utilities Commission (CPUC) earlier today. CGNP is pleased that the CPUC Administrative Law Judge (ALJ) issued this affirmative ruling for the benefit of California ratepayers and for the environment. CGNP anticipates active participation in the upcoming CPUC oral evidentiary hearings (Cross-Examination) which starts on 19 April 2017.

CGNP should be congratulated for its tenacity in working through a process that is not particularly friendly. It was created by lawyers, possibly with the intent of making it difficult for inexperienced citizen groups with members who are mostly technical experts, academics and former public servants without much legal training. The initial documents supporting the final decision were filed nine months ago, in August 2016.

As my Navy buddies might say, Bravo Zulu, CGNP. Keep pressing forward!

The post [Milestone: Pro-nuclear group earns intervenor status in Diablo Canyon proceedings](#) appeared first on [Atomic Insights](#).

COMMENTS

[BobMeinetz](#)

Today 18:07

Thanks for encouragement, Rod. As you know, this is half the battle.

By California law, any group which makes a “substantial contribution” to a matter before CPUC is entitled to intervenor compensation. But before 2015, when Michael Peevey was Commission president, an informal “Peevey Rule” denied compensation to any group which *did not prevail* in a dispute with utilities, stacking the deck securely in favor of utilities.

How? Independent attorneys with experience in utility law are not only expensive, but unwilling to gamble their hard effort on only the possibility of getting paid. PG&E’s staff attorneys arrive at their San Francisco headquarters every day, secure in the knowledge their salary is covered whether they prevail, or not.

Attorneys familiar with PG&E’s application are divided on whether the “Peevey Rule” is still in effect. And although the Chief Administrative Law Judge is selected by California’s State Bar, the commission’s 42

administrative law judges who sit on proceedings are hired by the Commission itself. So Jerry Brown appoints the Commission, and the Commission hires the judges who review cases – creating a situation where our Anti-Nuclear Governor Brown rules by fiat, challenged only by an illusion of justice.

This week Judge Allen announced he would rule on CGNP’s Motion to Dismiss the proceedings “at the beginning of hearings”, revealing the ruling has been pre-determined (hearings are unnecessary on a dismissed application), and adding to suspicions the fix is in on Diablo Canyon. Preparations for a legal challenge to this nonsense are already underway.

<http://www.tinyurl.com/CGNP-Eligibility>

Additional Comments

[Ike Bottema](#)

April 10, 2017 22:05

Perhaps congratulations are too early at this point but best wishes to CGNP!

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[Kgothier](#)

April 10, 2017 22:24

Hopefully, the judge will also rule, as requested by CGNP, that PG&E comply with the Coastal Act, CEQA and adopted Local Coastal Plans, fully disclose all adverse impacts at local public hearings, and secure the mandated Coastal Development Permit from the County, before the CPUC takes an unauthorized action to effectively “change the existing development.”