

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



December 9, 2021

Advice Letter 6361-E

Sidney Bob Dietz II
Director Regulatory Relations
c/o Megan Lawson
Pacific Gas and Electric Company
77 Beale Street, Mail Code B13U
P.O. Box 770000
San Francisco, CA 94177

Subject: PG&E Request to Update the 2020-22 Nuclear Decommissioning Trust Revenue Requirements and Approve the Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee in Compliance with Decision 21-09-003

Dear Mr. Dietz:

Advice Letter 6361-E is effective as of November 10, 2021.

Please see Appendix for more detail on Energy Division's technical review and findings.

Sincerely,

A handwritten signature in black ink, appearing to read "SB", written over a light blue horizontal line.

Simon Baker,
Director of Cost, Rates & Planning
Energy Division, California Public Utilities Commission

cc: PG&E Tariff Unit (PGETariffs@pge.com)
Stuart Rubio (SHR8@pge.com)
John L. Geesman (john@dicksongeesman.com)
Franz Cheng, CPUC Energy Division (Franz.Cheng@cpuc.ca.gov)
David Zizmor, CPUC Energy Division (David.Zizmor@cpuc.ca.gov)
Antonio Carrejo, CPUC Legal Division (antonio.carrejo@cpuc.ca.gov)

Appendix: Energy Division Technical Review and Findings

Background

The Diablo Canyon Nuclear Power Plant (DCPP) Units 1 and 2 is a 2,250 megawatt nuclear power facility, owned by Pacific Gas and Electric Company (PG&E), that has been in operation since 1985. The Nuclear Regulatory Commission (NRC) has jurisdiction over the licensing, safety, and operational aspects of all nuclear power plants in the United States as well as the radiological and technical aspects of decommissioning. However, the CPUC has jurisdiction related to electric cost issues, such as ratepayer funding of and disbursement from decommissioning trust funds.¹

Under all NRC operating licenses, once a nuclear plant ceases generating power, it must be decommissioned. Decommissioning is defined by federal regulation as the safe removal of a facility from service along with the reduction of residual radioactivity to a level that permits termination of the NRC operating license.² Decommissioning is intended to restore a nuclear facility to such a condition that it presents no risk to public health and safety or the environment. Decommissioning of DCPP will begin following its scheduled closure in 2025.³

In preparation for a plant's eventual decommissioning, all nuclear plant owners must maintain decommissioning trust funds to ensure sufficient amounts will be available to decommission their facilities. Every three years, the CPUC examines the amounts needed in the trusts to complete decommissioning in the Nuclear Decommissioning Cost Triennial Proceeding (NDCTP). That amount is called the Decommissioning Cost Estimate (DCE). The most recently approved DCE for DCPP Units 1 & 2 occurred on September 9, 2021 when the CPUC approved a \$3.899 billion DCE in Decision (D.) 21-09-003.

The Diablo Canyon Independent Safety Committee

The CPUC created the Diablo Canyon Independent Safety Committee (DCISC) in Decision (D.) 88-12-083 as part of the overall settlement of ratemaking issues for the Diablo Canyon Nuclear Power Plant (DCPP), which is owned and operated by Pacific Gas and Electric Company (PG&E). The DCISC is an independent, three-member committee responsible for monitoring the safety of PG&E's operation of DCPP. The DCISC's budget is paid out of PG&E's revenues and charged to PG&E's ratepayers.⁴ D.88-12-083 established the qualifications and procedures for appointment of members to the DCISC and defined the scope of the Committee's operations and responsibilities in its charter.⁵

On October 24, 2006, the DCISC submitted Application (A.) 06-10-024 proposing a restated DCISC charter which updated the scope and responsibilities of the Committee, member

¹ California Public Utilities Code, Section 8321, et seq.

² See 10 Code of Federal Regulations 50.2.

³ D.18-01-022, Ordering Paragraph 1.

⁴ D.88-12-083, Appendix C, Paragraph 16.

⁵ D.88-12-083, Appendix C, Attachment A.

qualifications and compensation, and conflict of interest guidelines, among other things. The CPUC adopted the restated charter in D.07-01-028 on January 25, 2007.

On September 9, 2021, the CPUC issued D.21-09-003, approving a settlement agreement in PG&E's 2018 NDCTP. In addition to updating the DCE for Diablo Canyon and determining the reasonableness of a variety of 2016-17 expenses, the approved settlement determined that the DCISC charter "should be amended to extend its oversight role on nuclear safety matters until all spent nuclear fuel has been transferred from the spent fuel pools to the [Independent Spent Fuel Storage Installation (ISFSI)]."⁶ Ordering Paragraph 3 of D.21-09-003 directs PG&E to "submit any Advice Letter(s) within 30 days of the effective date of this decision to implement the specific terms of the Settlement Agreement approved in this decision."

At a public meeting held on February 12, 2020, the DCISC adopted a Second Restatement of the Charter for the DCISC that had been proposed and discussed as part of that meeting's agenda.⁷

PG&E submitted AL 6361-E on October 11, 2021, providing "updated revenue requirements for [the Humboldt Nuclear Power Plant] and DCP in accordance with the terms of the decision" as well as the "Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee" which extends the DCISC's "oversight role on nuclear safety matters until all spent nuclear fuel has been transferred...to the ISFSI." The aforementioned Charter is the same one adopted by the DCISC on February 12, 2020.

Protest and Reply

AL 6361-E was protested by the Alliance for Nuclear Responsibility (A4NR) on October 28, 2021, within the 20-day protest period. In its protest, A4NR recommends "that the Commission require the following provision be added to the Second Restatement of the DCISC Charter: 'I.B(4) No person shall be eligible to serve more than two terms as a member of the [Diablo Canyon Independent Safety] Committee.'" A4NR did not object to any other provisions of the Charter, nor did it object to any other part of the advice letter.

PG&E filed a response to A4NR's protest on November 4, 2021. In that response, PG&E countered that while it "takes no position on the length of service that is appropriate for a DCISC member...[it] requests that the Protest be denied on the grounds that this advice letter process is an inappropriate forum for determining the matter [as the] sole purpose of Advice 6361-E is to implement the terms of the Settlement" which does not include "term limits" for DCISC members.

Discussion and Disposition

⁶ D.21-09-003, Appendix A - Settlement Agreement, section 9.4.

⁷ Diablo Canyon Independent Safety Committee Thirtieth Annual Report on the Safety of Diablo Canyon Nuclear Power Plant Operations July 1, 2019 - June 30, 2020, Exhibit H, *available at* <https://www.dcisc.org/download/library/annual-reports/30th-annual-report-10.pdf>.

A4NR’s protest argues that the Second Restatement of the DCISC Charter offered for adoption in AL 6361-E should include a clause limiting member service time to no more than two terms on the Committee. Though A4NR believes use of the DCISC’s Charter is “a good faith effort” on PG&E’s part, it nonetheless “believes the Commission should modify the proposed Charter to better meet the needs of the public as the Diablo Canyon plant accelerates its move into decommissioning.”⁸ A4NR’s term limit proposal is based on “the 7-year term limit the U.S. Nuclear Regulatory Commission applies to assignments of its resident safety inspectors to a particular plant.”⁹

The CPUC, however, agrees with PG&E that “this advice letter process is an inappropriate forum for determining”¹⁰ whether to add a term limit clause to the Charter. Section 9.4 of the settlement agreement approved by D.21-09-003 only states the Charter “should be amended to extend its oversight role on nuclear safety matters until all spent nuclear fuel has been transferred from the spent fuel pools to the [Independent Spent Fuel Storage Installation (ISFSI)];”¹¹ it makes no mention of term limits. Moreover, A4NR was a party to the settlement agreement and had ample opportunity to propose DCISC term limit language during settlement negotiations. Since the Second Restatement of the DCISC Charter included in AL 6361-E implements the terms of Section 9.4 of the settlement to which both PG&E and A4NR were parties, the CPUC will not expand the scope of those terms after the fact.

Based on the foregoing, Energy Division rejects A4NR’s protest and approves PG&E AL 6361-E.

⁸ A4NR Protest; October 28, 2021, p. 1.

⁹ *Id.* At 2.

¹⁰ PG&E Reply to A4NR Protest; November 4, 2021, p. 2.

¹¹ D.21-09-003, Appendix A - Settlement Agreement, section 9.4.

October 11, 2021

Advice 6361-E

(Pacific Gas and Electric Company U 39 E)

Public Utilities Commission of the State of California

Subject: Update to the 2020-2022 Nuclear Decommissioning Trust Revenue Requirements and Request for Approval of Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee in Compliance with Decision 21-09-003

Purpose

Pacific Gas and Electric Company (PG&E) hereby submits its updated 2020-2022 revenue requirement for nuclear decommissioning in accordance with Ordering Paragraph (OP) 3 of Decision (D.) 21-09-003. In addition, PG&E requests approval of the Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee (DCISC).

Background

On December 13, 2018, PG&E filed with the California Public Utilities Commission (CPUC or Commission) its 2018 Nuclear Decommissioning Cost Triennial Proceeding (NDCTP) Application (A).18-12-008. In A.18-12-008 PG&E requested, among other items, the authorization of a revised nuclear decommissioning revenue requirement effective January 1, 2020. On January 10, 2020, PG&E along with numerous other parties filed a Settlement Agreement (Settlement) in the proceeding, which Settlement, among other items, included adjustments to PG&E's proposed nuclear decommissioning revenue requirement.

D.21-09-003, issued September 10, 2021, accepted the Settlement's nuclear decommissioning revenue requirement for Humboldt Bay Power Plant Unit 3 (HBPP) but modified the Settlement with respect to the proposed nuclear decommissioning revenue requirement for Diablo Canyon Power Plant Unit 1 and Unit 2 (DCPP). The Decision ordered PG&E to file an advice letter within 30 days of the effective date of the Decision to implement the specific terms of the Settlement approved in the Decision.¹ This advice

¹ D.21-09-003, OP 3.

letter provides updated revenue requirements for HBPP and DCPD in accordance with the terms of the Decision.

Additionally, the Settlement concluded that it was reasonable to amend the DCISC Charter to extend its oversight role on nuclear safety matters until all spent nuclear fuel has been transferred from the spent fuel pools to the ISFSI.² This advice letter submits for Commission approval the Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee (Second Restatement), which makes that change.

Revenue Requirement

The Decision approved an estimated revenue requirement for HBPP of \$3.9 million, to be adjusted to reflect the actual December 31, 2020 nuclear decommissioning trust fund balances.³ The HBPP nuclear decommissioning trust fund market value as of December 31, 2020 was \$170.1 million. Updating PG&E's analysis using the December 31, 2020 trust fund balance results in a \$0 contribution to the HBPP nuclear decommissioning trust, and therefore a \$0 updated revenue requirement. In support of this advice letter, PG&E is providing workpapers for the HBPP Unit 3 annual funding calculations as Attachment 1.

The Settlement had proposed a DCPD fixed annual revenue requirement of \$112.5 million, inclusive of RF&U, to be recovered from customers over an eight-year period January 1, 2020 through December 31, 2027. However, the Decision instead adopted an annual revenue requirement of \$112.5 million to begin "no earlier than 90 days from the effective date of this decision, through no later than December 31, 2029."⁴ This modification of the Settlement results in no DCPD revenue requirement, and no associated nuclear decommissioning trust contribution, in 2020 and 2021. The 2022 DCPD revenue requirement will be \$112.5 million.

² D.21-09-003, Finding of Fact 66. The Commission approved the establishment of the DCISC in D. 88-12-083 for the purpose of assessing the safety of DCPD operations and suggesting any recommendations for safe operation.

³ In order to contribute to the tax qualified nuclear decommissioning trust, PG&E is required to obtain a new Internal Revenue Service (IRS) Schedule of Ruling Amounts using trust fund balances as of the most recent year-end. (Treas. Reg. §1.468A-3(h)(2)(vii)(D).

⁴ D.21-09-003, Finding of Fact 42.

The updated 2020-2022 annual nuclear decommissioning revenue requirements are as follows:

Annual Revenue Requirements (\$ millions)			
	2020	2021	2022
Diablo Canyon Power Plant Unit 1 and Unit 2 Nuclear Decommissioning	\$0	\$0	\$112.5
Humboldt Bay Power Plant Unit 3 Nuclear Decommissioning	\$0	\$0	\$0

Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee

As stated above, the Settlement contemplated that the DCISC Charter would be amended. Attachment 2 is a redlined version of the Second Restatement. In accordance with the terms of the Settlement, the Second Restatement provides that the DCISC will terminate its review of safety of operations upon further order of the CPUC or upon the date of successful completion of the transfer of all nuclear fuel from both Diablo Canyon Spent Fuel Pools to the ISFSI. Attachment 3 is a copy of the Second Restatement as adopted by the DCISC.

On behalf of the DCISC, PG&E requests that the Commission approve the Second Restatement.⁵

This submittal would not increase any current rate or charge, cause the withdrawal of service, or conflict with any rate schedule or rule.

Protests

*****Due to the COVID-19 pandemic, PG&E is currently unable to receive protests or comments to this advice letter via U.S. mail or fax. Please submit protests or comments to this advice letter to EDTariffUnit@cpuc.ca.gov and PGETariffs@pge.com*****

⁵ Note that the DCISC compensation rates in the Second Restatement do not reflect current compensation rates, which were most recently revised in PG&E Advice Letter 5797-E-A and reaffirmed in PG&E Advice Letter 6144-E.

Anyone wishing to protest this submittal may do so by letter sent via U.S. mail, facsimile or E-mail, no later than **November 1, 2021**, which is 21⁶ days after the date of this submittal. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Sidney Bob Dietz II
Director, Regulatory Relations
c/o Megan Lawson
Pacific Gas and Electric Company
77 Beale Street, Mail Code B13U
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-3582
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

⁶ The 20-day protest period concludes on a weekend; therefore, PG&E is moving this date to the following business day.

Effective Date

PG&E requests that this **Tier 2** advice submittal become effective on regular notice, **November 10, 2021**, which is 30 calendar days after the date of submittal.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the parties on the service list for **A.18-07-013** and **A.18-12-008**. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter submittals can also be accessed electronically at: <http://www.pge.com/tariffs/>.

/S/

Sidney Bob Dietz II
Director, Regulatory Relations

Attachments: Attachment 1: HBPP Unit 3 Annual Funding Calculations Workpapers

Attachment 2: Second Restatement Redlines

Attachment 3: Copy of the Second Restatement

cc: Service List A. 18-07-013 and A. 18-12-008



ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (U 39 E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Stuart Rubio

Phone #: (415) 973-4587

E-mail: PGETariffs@pge.com

E-mail Disposition Notice to: SHR8@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
 PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 6361-E

Tier Designation: 2

Subject of AL: Update to the 2020-2022 Nuclear Decommissioning Trust Revenue Requirements and Request for Approval of Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee in Compliance with Decision 21-09-003

Keywords (choose from CPUC listing): Compliance

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.21-09-003

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: N/A

Confidential treatment requested? Yes No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? Yes No

Requested effective date: 11/10/21

No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Sidney Bob Dietz II, c/o Megan Lawson
Title: Director, Regulatory Relations
Utility Name: Pacific Gas and Electric Company
Address: 77 Beale Street, Mail Code B13U
City: San Francisco, CA 94177
State: California Zip: 94177
Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx: (415)973-3582
Email: PGETariffs@pge.com

Name:
Title:
Utility Name:
Address:
City:
State: District of Columbia Zip:
Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

Advice 6361-E
October 11, 2021

Attachment 1

HBPP Unit 3 Annual Funding Calculations Workpapers

Pacific Gas & Electric Company
Nuclear Decommissioning
Humbolt Bay Unit 3

Line No.	2015 NDCTP			2018 NDCTP [2]			2018 NDCTP [2]		
	Period	\$M		Period	\$M		Period	\$M	
1	Contribution (\$M)								
2	Annual Contribution	\$ 62.360		Annual Contribution	\$ 3.791		Annual Contribution	\$ (13.929)	
3	Total Contribution	\$ 187.079		Total Contribution	\$ 11.374		Total Contribution	\$ (27.859)	
4									
5	Nuclear Decom Trust (\$M)								
6	<u>As of 12/31/2015</u>			<u>As of 12/31/2017</u>			<u>As of 12/31/2020</u>		
6	CPUC-Qualified	\$ 190.660		CPUC-Qualified	\$ 148.126		CPUC-Qualified	\$ 166.893	
7	CPUC Non-Qualified	\$ 0.396		CPUC Non-Qualified	\$ 0.359		CPUC Non-Qualified	\$ 0.579	
8	FERC-Qualified	\$ 1.487		FERC-Qualified	\$ 1.890		FERC-Qualified	\$ 2.624	
9	Total Market Value	\$ 192.543		Total Market Value	\$ 150.375		Total Market Value	\$ 170.095	
10									
11	EROA Assumptions (%)								
11		EROA (%)	Wtd		EROA (%)	Wtd		EROA (%)	Wtd
12	Equity Return (Pre-tax & fee)	7.7%		Equity Return (Pre-tax & fee)	8.12%		Equity Return (Pre-tax & fee)	8.12%	
13	Equity Fees	0.1%		Equity Fees	0.1%		Equity Fees	0.1%	
14	Dividend Rate	2.3%		Dividend Rate	2.2%		Dividend Rate	2.2%	
15	Turnover Rate	11.2%		Turnover Rate	10.6%		Turnover Rate	10.6%	
16	Equity Tax Rate	<u>27.1%</u>		Equity Tax Rate	<u>27.1%</u>		Equity Tax Rate	<u>27.1%</u>	
17	Equity Return (After-tax & fee)	6.8%	0.4%	Equity Return (After-tax & fee)	7.3%	0.4%	Equity Return (After-tax & fee)	7.3%	0.4%
18									
19	Fixed Income Return (Pre-tax & fee)	3.6%		Fixed Income Return (Pre-tax & fee)	3.2%		Fixed Income Return (Pre-tax & fee)	3.2%	
20	Fixed Income Fees	0.1%		Fixed Income Fees	0.1%		Fixed Income Fees	0.1%	
21	Fixed Income Tax Rate	<u>20.7%</u>		Fixed Income Tax Rate	<u>20.7%</u>		Fixed Income Tax Rate	<u>20.7%</u>	
22	Fixed Income Return (After-tax & fee)	2.8%	2.6%	Fixed Income Return (After-tax & fee)	2.4%	2.3%	Fixed Income Return (After-tax & fee)	2.4%	2.3%
23									
24	6/94 Portfolio WA Return (Pre-tax&fee)	3.8%		6/94 Portfolio WA Return (Pre-tax&fee)	3.5%		6/94 Portfolio WA Return (Pre-tax&fee)	3.5%	
25	6/94 Portfolio WA Return (Post-tax&fee)	3.0%		6/94 Portfolio WA Return (Post-tax&fee)	2.7%		6/94 Portfolio WA Return (Post-tax&fee)	2.7%	
26	Equity Rampdown	-1.0%		Equity Rampdown	-1.0%		Equity Rampdown	-1.0%	
27									
28									
29	Remaining Decommissioning Cost (\$M) [1]								
29		<u>Period</u>	<u>2014\$</u>		<u>Period</u>	<u>2018\$</u>		<u>Period</u>	<u>2018\$</u>
30	PG&E Labor	2017-2030	\$ 70.152 21%		2018-2033	\$ 89.898 33%		2018-2033	\$ 89.898 33%
31	Materials	2017-2030	3.216 1%		2018-2033	1.361 0.5%		2018-2033	1.361 0.5%
32	Contract Labor	2017-2030	165.052 50%		2018-2033	136.675 50%		2018-2033	136.675 50%
33	Burial Costs	2017-2030	27.468 8%		2018-2033	20.946 8%		2018-2033	20.946 8%
34	Other	2017-2030	65.541 20%		2018-2033	24.323 9%		2018-2033	24.323 9%
35			\$ 331.428 100%			\$ 273.203 100%			\$ 273.203 100%
36									
37	Remaining Decommissioning nominal								
37		<u>Period</u>	<u>Nominal \$</u>		<u>Period</u>	<u>Nominal \$</u>		<u>Period</u>	<u>Nominal \$</u>
38	PG&E Labor	2017-2030	\$ 90.385 23%		2018-2033	\$ 112.552 35%		2018-2033	\$ 112.552 35%
39	Materials	2017-2030	3.402 1%		2018-2033	1.382 0.4%		2018-2033	1.382 0.4%
40	Contract Labor	2017-2030	190.412 49%		2018-2033	152.221 48%		2018-2033	152.221 48%
41	Burial Costs	2017-2030	34.770 9%		2018-2033	24.630 8%		2018-2033	24.630 8%
42	Other	2017-2030	72.197 18%		2018-2033	28.706 9%		2018-2033	28.706 9%
43			\$ 391.165 100%			\$ 319.491 100%			\$ 319.491 100%
44									
45									
46	Decommissioning Cost Escalation Factors								
46			<u>Simple Average</u>		<u>Simple Average</u>		<u>Simple Average</u>		<u>Simple Average</u>
47	PG&E Labor	2015-2030	2.91%		2019-2033	3.30%		2019-2033	3.30%
48	Equipment and Materials	2015-2020	1.64%		2019-2020	2.50%		2019-2020	2.50%
49	Contract Labor	2015-2030	3.07%		2019-2033	3.23%		2019-2033	3.23%
50	Burial Costs	2015-2018	5.00%		2019	5.00%		2019	5.00%
51	Other	2015-2030	1.97%		2019-2033	2.20%		2019-2033	2.20%

Notes

[1] Period 2018-2033 remaining decommissioning costs include Nov, 2017 to August, 2018 actual disbursements from NDT and Sept-Dec, 2018 forecast spend

[2] All demolition and restoration activities associated with decommissioning HBPP, except for spent fuel disposal and ISFSI decommissioning, are anticipated to be completed by 2020. Spent fuel storage activities are forecast to continue to the end of 2033.

Privileged and Confidential - Attorney Client Privilege

Pacific Gas and Electric Company
2018 NDCTP HBPP Unit 3 - Costs

2018 - 2033 COSTS SUBJECT TO ESCALATION
Updated Nuclear Decommissioning Cashflow \$2018

2018 - 2033 COSTS
Updated Nuclear Decommissioning Cashflow Nominal Dollar

Line No

	Year	PG&E Labor	Equipment & Materials	Contractor Labor	Burial	Other	Yearly Total	PG&E Labor	Equipment & Materials	Contractor Labor	Burial	Other	Yearly Total
1	2017						90,687,340						90,687,340
2	2018	8,784,576	562,308	64,260,437	16,577,205	502,814	90,687,340	8,784,576	562,308	64,260,437	16,577,205	502,814	90,687,340
3	2019	8,072,778	729,057	34,169,764	1,000,000	5,668,907	49,640,506	8,339,180	746,307	35,300,783	1,050,000	5,804,394	51,240,664
4	2020	5,904,731	69,394	4,375,466	-	1,629,317	11,978,908	6,300,873	72,914	4,674,888	-	1,712,800	12,761,476
5	2021	5,567,477	-	2,387,663	-	1,180,059	9,135,199	6,137,046	-	2,639,577	-	1,272,156	10,048,780
6	2022	5,567,477	-	1,792,133	-	1,065,560	8,425,170	6,339,569	-	2,049,171	-	1,176,635	9,565,375
7	2023	5,567,477	-	1,769,953	-	1,063,427	8,400,857	6,548,775	-	2,092,417	-	1,201,641	9,842,832
8	2024	5,567,477	-	1,703,413	-	1,048,502	8,319,392	6,764,884	-	2,081,617	-	1,210,959	10,057,461
9	2025	5,567,477	-	1,703,413	-	1,048,502	8,319,392	6,988,125	-	2,151,351	-	1,236,753	10,376,229
10	2026	5,567,477	-	2,307,816	-	1,159,909	9,035,202	7,218,733	-	3,010,876	-	1,396,894	11,626,503
11	2027	5,567,477	-	1,769,953	-	1,054,898	8,392,328	7,456,952	-	2,381,895	-	1,296,725	11,135,572
12	2028	5,567,477	-	1,736,683	-	1,051,701	8,355,861	7,703,031	-	2,410,041	-	1,319,427	11,432,499
13	2029	5,567,477	-	1,736,683	-	1,051,701	8,355,861	7,957,231	-	2,484,029	-	1,346,343	11,787,603
14	2030	5,567,477	-	1,736,683	-	1,051,701	8,355,861	8,219,820	-	2,558,550	-	1,373,405	12,151,774
15	2031	5,567,477	-	1,750,264	-	1,073,088	8,390,829	8,491,074	-	2,655,915	-	1,429,080	12,576,069
16	2032	5,567,477	-	4,838,519	-	1,812,090	12,218,086	8,771,279	-	7,563,145	-	2,461,266	18,795,690
17	2033	326,191	-	8,636,655	3,368,692	2,860,850	15,192,388	530,856	-	13,906,407	7,003,269	3,964,234	25,404,765
18	2034	-	-	-	-	-	-	-	-	-	-	-	-
19	2035	-	-	-	-	-	-	-	-	-	-	-	-
20	2036	-	-	-	-	-	-	-	-	-	-	-	-
21	2037	-	-	-	-	-	-	-	-	-	-	-	-
22	Total	89,898,000	1,360,759	136,675,498	20,945,897	24,323,026	273,203,180	112,552,003	1,381,529	152,221,100	24,630,474	28,705,526	319,490,633

Notes

2018 expenses include Nov, 2017 to August, 2018 actual disbursements from NDT and Sept-Dec 2018 forecast spend

Privileged and Confidential - Attorney Client Privilege

**Pacific Gas and Electric Company
2018 NDCTP HBPP Unit 3
Escalation Rates from Base Year, 2018**

Line No.	Year	PG&E Labor	Materials	Contract Labor	Burial Costs	Other
1	2017	1.0000	1.0000	1.0000	1.0000	1.0000
2	2018	1.0000	1.0000	1.0000	1.0000	1.0000
3	2019	1.0330	1.0237	1.0331	1.0500	1.0239
4	2020	1.0671	1.0507	1.0684	1.1025	1.0512
5	2021	1.1023	1.0771	1.1055	1.1576	1.0780
6	2022	1.1387	1.1030	1.1434	1.2155	1.1042
7	2023	1.1763	1.1284	1.1822	1.2763	1.1300
8	2024	1.2151	1.1531	1.2220	1.3401	1.1549
9	2025	1.2552	1.1773	1.2630	1.4071	1.1795
10	2026	1.2966	1.2018	1.3046	1.4775	1.2043
11	2027	1.3394	1.2265	1.3457	1.5513	1.2292
12	2028	1.3836	1.2515	1.3877	1.6289	1.2546
13	2029	1.4292	1.2768	1.4303	1.7103	1.2802
14	2030	1.4764	1.3022	1.4732	1.7959	1.3059
15	2031	1.5251	1.3277	1.5174	1.8856	1.3317
16	2032	1.5754	1.3538	1.5631	1.9799	1.3582
17	2033	1.6274	1.3809	1.6102	2.0789	1.3857
18	2034	1.6811	1.4084	1.6586	2.1829	1.4135
19	2035	1.7366	1.4367	1.7086	2.2920	1.4422
20	2036	1.7939	1.4656	1.7600	2.4066	1.4717
21	2037					

3.30% 2.50% 3.23% 5.00% 2.20%

Line No.	Year	PG&E Labor	Materials [1]	Contract Labor	Burial Costs	Other
1	2017					
2	2018					
3	2019	0.0330	0.0237	0.0331	0.0500	0.0239
4	2020	0.0330	0.0264	0.0342	0.0500	0.0267
5	2021	0.0330	0.0251	0.0347	0.0500	0.0255
6	2022	0.0330	0.0240	0.0343	0.0500	0.0243
7	2023	0.0330	0.0230	0.0339	0.0500	0.0233
8	2024	0.0330	0.0219	0.0337	0.0500	0.0221
9	2025	0.0330	0.0210	0.0335	0.0500	0.0213
10	2026	0.0330	0.0208	0.0330	0.0500	0.0210
11	2027	0.0330	0.0205	0.0315	0.0500	0.0207
12	2028	0.0330	0.0204	0.0312	0.0500	0.0206
13	2029	0.0330	0.0202	0.0307	0.0500	0.0204
14	2030	0.0330	0.0199	0.0300	0.0500	0.0201
15	2031	0.0330	0.0196	0.0300	0.0500	0.0198
16	2032	0.0330	0.0197	0.0301	0.0500	0.0199
17	2033	0.0330	0.0200	0.0301	0.0500	0.0202
18	2034	0.0330	0.0199	0.0301	0.0500	0.0201
19	2035	0.0330	0.0201	0.0301	0.0500	0.0203
20	2036	0.0330	0.0201	0.0301	0.0500	0.0204

[1] Materials: The materials and equipment escalator for HBPP is based on 98.1% materials weight and 1.9% heavy equip.

Privileged and Confidential - Attorney Client Privilege

**Pacific Gas & Electric Company
Nuclear Decommissioning
Humbolt Bay Unit 3**

Line
No

1	<u>Scenario Sensitivity & Results:</u>		
2	Contribution Amt.	(\$13.929376)	
3	Next Contributions End	12/31/2022	
4	Current Contrib End	12/31/2019	
5	extend 3 yr contrib ? (input # of yrs)	3	
6			
7	<u>Inputs (In Blue):</u>		<u>Notes</u>
8			
9	Model Starting Year	2021	
10			
11	Trust Balance		
12	CPUC Qualified Mkt Value(\$M)	\$ 166.893	12/31/2020 NDT Asset Map
13	FERC Qualified Mkt Value(\$M)	\$ 2.624	12/31/2020 NDT Asset Map
14	Total	\$ 169.516	
15	Nonqualified Mkt Value (\$M)	\$ 0.579	12/31/2020 NDT Asset Map
16			
17	Equity (\$M)	\$ 42.064	12/31/2020 NDT Asset Map
18	Fixed Income	\$ 125.747	12/31/2020 NDT Asset Map
19	Beginning Cash (\$M)	\$ 2.284	12/31/2020 NDT Asset Map
20	Total	\$ 170.095	
21			
22	Cost of portfolio at 12/31/2020 (\$M)	\$ 136.637	
23	Beginning cost/market	81%	< Actual Assets Cost/Market Value
24	Cost to Equity Ratio	22%	
25			
26			
27	Equity	8.12%	Weighted average 70% US Equity and 30% Non-US Equity
28	Equity Fee	0.10%	
29	After Fee	8.02%	
30	Dividend yield	2.2%	
31	Appreciation rate	5.87%	
32			
33	Expected Fixed Income Return	3.19%	
34	Fixed Income Fee	0.10%	
35	Total Fix Inc return (after fee)	3.09%	
36			
37	Equity Turnover Percentage	10.6%	
38			
39	Equity Ramp Down:	-1.00%	
40	Equity Allocation 2018	6.00%	Callan asset-liability study supports this asset allocation
41	Fixed Income + Cash Allocation	94.00%	
42			
43	Dividend tax rate	27.1%	< IRS
44	Capital gain tax rate	27.1%	< IRS
45	Fixed Income Tax Rate	20.7%	< IRS
46			

**Pacific Gas and Electric Company
2018 NDCTP HBPP Unit 3
Cash Flow**

Line No	Year	AT ROR Q	YE Bal Before +/-	Tax from Liquidation	Withdrawal (at YE)	Contrib. (at YE)	Remaining Assets
1	2021	1.0000	175.3	-7.0	10.049	-13.929	144.3
2	2022	1.0257	148.0	-0.4	9.565	-13.929	124.1
3	2023	1.0255	127.3	-0.3	9.843	0.000	117.2
4	2024	1.0252	120.1	-0.3	10.057	0.000	109.8
5	2025	1.0250	112.6	-0.2	10.376	0.000	101.9
6	2026	1.0247	104.5	-0.2	11.627	0.000	92.6
7	2027	1.0245	94.9	0.0	11.136	0.000	83.7
8	2028	1.0245	85.8	0.0	11.432	0.000	74.4
9	2029	1.0245	76.2	0.0	11.788	0.000	64.4
10	2030	1.0245	66.0	0.0	12.152	0.000	53.8
11	2031	1.0245	55.1	0.0	12.576	0.000	42.6
12	2032	1.0245	43.6	0.0	18.796	0.000	24.8
13	2033	1.0245	25.4	0.0	25.405	0.000	0.0
14	2034	1.0245	0.0	0.0	0.000	0.000	0.0
15	2035	1.0245	0.0	0.0	0.000	0.000	0.0
16	2036	1.0245	0.0	0.0	0.000	0.000	0.0
17	2037	1.0245	0.0	0.0	0.000	0.000	0.0

Pacific Gas and Electric Company
 2018 NDCTP HBPP Unit 3
 Calculation of Contributions (\$M)
 Beg Cash

Line No.	Year	2.284 Start>																
		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
1	Equity Allocation BOY	Russell	6.00%	5.00%	4.00%	3.00%	2.00%	1.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2	Bond Allocation	1 - equity allocation - cash	94.00%	95.00%	96.00%	97.00%	98.00%	99.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
3			100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
4																		
5	Starting Total Balance		170.10	144.30	124.11	117.17	109.81	101.94	92.61	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)
6																		
7	Equity Return																	
8	Beginning yr Cost index	cost/market ratio x BOY price index	22	22	22	22	22	22	141	149	158	167	177	187	198	210	222	235
9	Beginning yr Price index	index x appreciation rate	100	106	112	119	126	133	141	149	158	167	177	187	198	210	222	235
10	Cost/Market ratio	given	22%	21%	19%	18%	17%	16%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
11																		
12	Beginning cost	cost/market ratio x market	9.19	1.49	0.97	0.65	0.38	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13	Beginning market	equity allocation x total balance	42.06	7.22	4.96	3.52	2.20	1.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14	Dividend Yield	given	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%
15	Dividend Income	beg. market value * dividend yield	0.90	0.16	0.11	0.08	0.05	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16	Dividend Tax Rate	given	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%	27.1%
17	Dividend Tax	dividend income * dividend tax rate	0.24	0.04	0.03	0.02	0.01	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18																		
19	Appreciation rate	given	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%	5.87%
20	Appreciation	beg. market value * appreciation rate	2.47	0.42	0.29	0.21	0.13	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21	Turnover rate	turnover rate	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%	10.6%
22	Sales Turnover	turnover rate * (beg mv + appreciation)	4.70	0.81	0.55	0.39	0.25	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
23	Turnover/Cos of Sales	beg. market value * turnover rate	0.97	0.16	0.10	0.07	0.04	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24	Realized capital gain	sales - cost of sales	3.73	0.65	0.45	0.32	0.21	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
25	Capital Gain Tax Rate	given	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%
26	Capital gain tax	realized capital gain * capital gain tax rate	1.01	0.18	0.12	0.09	0.06	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
27	Ending After tax gains		2.12	0.36	0.25	0.17	0.11	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28	After-tax return on equity			5.00%	4.96%	4.93%	4.90%	4.88%	0.00%	0.00%	0.00%	0.00%						
29																		
30	Fixed Income Return																	
31	BOY Balance Allocated to Bonds - Fixed Income Principal		125.75	137.09	119.15	113.66	107.62	100.92	92.61	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)
32	Interest on Fixed Income (Bonds)	beg. principal * Fixed inc rate	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%
33	Interest income	beg. principal * Fixed inc rate	3.88	4.23	3.68	3.51	3.32	3.11	2.86	2.58	2.29	1.99	1.66	1.31	0.77	0.00	0.00	0.00
34	Fixed Income Tax Rate		21%	21%	21%	21%	21%	21%	21%	21%	21%	21%	21%	21%	21%	21%	21%	21%
35	Income tax	Interest income * Fixed Inc tax rate	0.80	0.88	0.76	0.73	0.69	0.64	0.59	0.53	0.47	0.41	0.34	0.27	0.16	0.00	0.00	0.00
36	After-tax investable cash (gain)	Income-income tax	3.08	3.35	2.92	2.78	2.63	2.47	2.27	2.05	1.82	1.58	1.32	1.04	0.61	0.00	0.00	0.00
37	EOY Balance - principal+gain	principal + gain	128.82	140.44	122.06	116.44	110.25	103.39	94.88	85.79	76.18	65.96	55.13	43.59	25.40	0.00	0.00	0.00
38	After tax return on Fixed Income			2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%	2.45%
39																		
40	Year		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
41	Beginning year Total assets		170.10	144.30	124.11	117.17	109.81	101.94	92.61	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)
42	End of year cash		9.71	4.10	3.43	3.14	2.86	2.57	2.27	2.05	1.82	1.58	1.32	1.04	0.61	(0.00)	(0.00)	(0.00)
43	End of year equity base		39.83	6.83	4.70	3.33	2.08	0.97	-	-	-	-	-	-	-	-	-	-
44	gain		125.75	137.09	119.15	113.66	107.62	100.92	92.61	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)
45	End year investable, before contrib/withdraw		175.29	148.02	127.28	120.13	112.56	104.46	94.88	85.79	76.18	65.96	55.13	43.59	25.40	(0.00)	(0.00)	(0.00)
46	Assurance Letter Return on	Pre-reallocation total return		2.57%	2.55%	2.52%	2.50%	2.47%	2.45%	2.45%	2.45%	2.45%						
47																		
48		Withdrawal	(10.05)	(9.57)	(9.84)	(10.06)	(10.38)	(11.63)	(11.14)	(11.43)	(11.79)	(12.15)	(12.58)	(18.80)	(25.40)	-	-	-
49		New Contribution	(13.93)	(13.93)	-	-	-	-	-	-	-	-	-	-	-	-	-	
50	Net adjustments		(23.98)	(23.49)	(9.84)	(10.06)	(10.38)	(11.63)	(11.14)	(11.43)	(11.79)	(12.15)	(12.58)	(18.80)	(25.40)	-	-	
51	New Investable Base		151.31	124.52	117.43	110.07	102.18	92.83	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)	
52																		
53	Initial next year equity target		7.57	4.98	3.52	2.20	1.02	-	-	-	-	-	-	-	-	-	-	
54	Initial next year fixed inc target		143.74	119.54	113.91	107.87	101.16	92.83	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)	
55	Equity purchase (if positive)		(32.26)	(1.85)	(1.18)	(1.13)	(1.06)	(0.97)	-	-	-	-	-	-	-	-	-	
56	Purchase or sell equity?																	
57	(if negative, equity sale needed)	SELL	(32.62)	(1.87)	(1.19)	(1.13)	(1.06)	(0.97)	-	-	-	-	-	-	-	-	-	
58	(Cap gain tax on equity sale)		(7.0083)	(0.4070)	(0.2619)	(0.2532)	(0.2399)	(0.2208)	-	-	-	-	-	-	-	-	-	
59	Proceeds to add to fix inc		25.61	1.46	0.92	0.88	0.82	0.74	-	-	-	-	-	-	-	-	-	
60																		
61	Final next year equity start		7.22	4.96	3.52	2.20	1.02	-	-	-	-	-	-	-	-	-	-	
62	Final next year fixed inc start		137.09	119.15	113.66	107.62	100.92	92.61	83.74	74.36	64.39	53.81	42.55	24.80	-	-	-	
63	End of year investable		144.30	124.11	117.17	109.81	101.94	92.61	83.74	74.36	64.39	53.81	42.55	24.80	-	-	-	
64																		
66	Next year target Equity base		7.22	4.96	3.52	2.20	1.02	-	-	-	-	-	-	-	-	-	-	
67	Next year target Fix inc base		137.09	119.15	113.66	107.62	100.92	92.61	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)	
68	Total investable assets		144.30	124.11	117.17	109.81	101.94	92.61	83.74	74.36	64.39	53.81	42.55	24.80	(0.00)	(0.00)	(0.00)	

Advice 6361-E
October 11, 2021

Attachment 2

Second Restatement Redlines

TERMINATES REVIEW OF SAFETY OF OPERATIONS
UPON SUCCESSFUL TRANSFER OF ALL FUEL TO WITHIN THE
INDEPENDENT SPENT FUEL STORAGE INSTALLATION

**SECOND RESTATEMENT OF THE CHARTER FOR THE
DIABLO CANYON INDEPENDENT SAFETY COMMITTEE**

I. Formation and Membership of the Committee.

A. Composition and Responsibility of the Committee.

(1) An Independent Safety Committee (the "Committee") shall be established consisting of three members, one each appointed by the Governor of the State of California, the Attorney General and the Chair of the California Energy Commission ("CEC"), respectively, serving staggered three-year terms. The Committee shall review Diablo Canyon Nuclear Power Plant ("Diablo Canyon") operations for the purpose of assessing the safety of operations and suggesting any recommendations for safe operation and shall terminate its review in accordance with Section III. Safety of operations shall mean activities in connection with generation of electricity by Diablo Canyon and/or the operation of the Diablo Canyon Spent Fuel Pools and related support systems and the Diablo Canyon Independent Spent Fuel Storage Installation ("ISFSI"), including the transport of nuclear fuel to and from Diablo Canyon's Spent Fuel Pools and the storage of nuclear fuel within the Spent Fuel Pools and the transport and storage of nuclear fuel to and within the ISFSI or elsewhere at Diablo Canyon. Neither the Committee nor its members shall have any responsibility or authority for plant operations, and they shall have no authority to direct Pacific Gas & Electric Company ("PG&E") personnel. The Committee shall

TERMINATES REVIEW OF SAFETY OF OPERATIONS
UPON SUCCESSFUL TRANSFER OF ALL FUEL TO WITHIN THE
INDEPENDENT SPENT FUEL STORAGE INSTALLATION

conform in all respects to applicable federal laws, regulations and Nuclear Regulatory Commission ("NRC") policies.

B. Appointment of Committee Members.

(1) Candidates for Committee membership shall be selected from those persons responding to an open request for applications. The California Public Utilities Commission ("CPUC") shall provide for public comment on qualified applicants by posting on the CPUC's homepage (www.cpuc.ca.gov) a link to information concerning the name of each qualified applicant, along with a summary of his or her qualifications and a statement identifying any potential conflict of interest, an Applicant's Application for Nomination shall address those items enumerated in Section I.C. The President of the CPUC shall provide to the appropriate appointing authority a list of not more than three qualified candidates as alternatives to the reappointment of that authority's designated Committee member whose term is expiring. The incumbent member, if he or she consents, shall be deemed an additional candidate. Each subsequent appointment shall be for a three-year term.

(2) Should a Committee member not complete the appointed term, the authority who appointed that member shall appoint a replacement to serve for the unexpired portion of the term from the most recent list of candidates selected by the President of the CPUC in accordance with the appointment procedures set forth herein.

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(3) The President of the CPUC shall review each application to assess the applicant's qualifications, experience and background, including any conflict of interest and comment received from the public, and shall propose as candidates only persons with knowledge, background and experience in the field of nuclear power facilities and nuclear safety issues who demonstrate they have no conflict of interest as set forth in Section I.C. The CPUC Energy Division shall prepare, circulate for public comment and place on the CPUC's public agenda a resolution ratifying the President's selection of not more than three qualified candidates and an incumbent member.

C. Conflict of Interest.

(1) No person shall serve as a member of the Committee if he or she has received ~~\$500250~~.00 or more in income (as defined in Government Code Section 82030, but excluding dividends or interest from stocks or bonds) or gifts (as defined in Government Code 82028) from PG&E or an affiliated company within twelve months prior to the start of his or her original term, or if he or she has, at the time of the commencement of service, an investment (as defined in Government Code Section 82034) worth ~~\$21~~,000.00 or more in PG&E or any affiliated company. In addition, no member of the Committee shall make, participate in making, or in any way attempt to use his or her official position to influence any action of the Committee in which he or she knows or has reason to know that he or she has a financial interest. The provisions of the Political Reform Act, including implementing regulations and rulings, as applied to

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Government Code Section 87100 shall be used to determine whether a member has a conflict of interest.

(2) Members of the Committee shall file a Statement of Economic Interest at the same time and in the same manner as designated employees of the CPUC must file under the Political Reform Act and CPUC Conflict of Interest Code. Members of the Committee shall disclose any investment in or income from the following:

- (a) An electric corporation subject to the jurisdiction of the CPUC, including any parent, subsidiary or affiliated business entity;
- (b) A business entity that regularly supplies natural gas, nuclear fuel, fuel oil or other forms of energy to an electric corporation subject to CPUC jurisdiction;
- (c) Any business entity that has done more than \$10 million of work on the design, construction, engineering or operation of the Diablo Canyon power plant.

Copies of the members' Statements shall be available for public inspection.

(3) No person shall serve as a member of the Committee if he or she has a prior history of supporting or opposing PG&E as a witness or intervenor in nuclear licensing or CPUC proceedings associated with Diablo Canyon.

D. Commencement of Term.

(1) The list of candidates shall be submitted to the appointing authorities on or before January 1 of each year. Appointments shall be made by March 1 of each year. Each Safety Committee term shall commence on July 1 of the year of appointment. If any such

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deadline is missed, the relevant action shall be taken or shall occur at the earliest possible date thereafter.

(2) In accordance with Government Code Section 1302, a Committee member shall continue to discharge his or her duties until reappointed or replaced.

E. Exercise of Powers.

(1) The Chair of the CEC and the President of the CPUC shall exercise their powers after consultation with their respective commissions in public session.

II. Scope of Committee Operations.

A. Receipt of Reports and Records.

(1) The Committee shall have the right to receive on a regular basis such of the following operating reports and records of Diablo Canyon as the Committee may request. Such reports and records shall be provided quarterly as available:

- (a) Automatic scrams while critical;
- (b) Significant events;
- (c) Safety system actuations;
- (d) Forced outage rate;
- (e) Collective radiation exposure;
- (f) Industrial safety loss time accident rate;
- (g) NRC public reports and evaluations of Diablo Canyon; and

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- (h) Such other reports pertinent to safety as may be produced in the course of operations and may be requested by the Committee.

B. Annual Site Inspection.

(1) The Committee shall have the right to conduct ~~an annual~~ examinations of the Diablo Canyon site. If the Committee requires additional information regarding a specific issue the Committee may request such information and, upon proper notice to PG&E, conduct a site visit to investigate that issue.

(2) PG&E shall cooperate with the Committee in arranging times for the Committee's visits to the site and shall be responsible for ~~e~~nsuring the cooperation of PG&E employees and contractors in providing information and access to the plant and facilities of PG&E and to pertinent records. Any such site visit must comply with all applicable federal laws, regulations and NRC policies, including laws, regulations and policies governing screening of persons who may participate in site inspections.

C. Committee Reports and Recommendations.

(1) The Committee shall prepare an annual report, and such interim reports as it deems appropriate, which reports shall include any recommendations of the Committee. The report shall be submitted first to PG&E, and PG&E shall respond in writing within 45 days. PG&E's response shall be made part of the report which shall then be submitted to the CPUC, the Governor, the Attorney General and the CEC. The CPUC, the Governor, the Attorney

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General and the CEC, or any one of them, may file a request pursuant to 10 CFR Sec. 2.206 for the Director of Nuclear Reactor Regulation to institute a proceeding to require PG&E to adopt any safety recommendation made by the Committee. PG&E is free to oppose any such recommendation before the NRC.

D. Confidentiality of Information

(1) In the course of review of Diablo Canyon operations, Committee members may receive confidential information. Federal law restricts disclosure of certain information; accordingly, Committee members shall seek approval of the NRC for access to such information and shall comply with all laws, regulations and policies applicable to access to, possession and use of such information. The Committee is subject to the California Public Records Act (Government Code Section 6250 et seq.). To the extent that PG&E believes that ~~other~~ information sought by the Committee, not ~~otherwise~~ regulated by the Atomic Energy Act, is confidential under the California Public Records Act and/or constitutes confidential business information, the disclosure of which might injure PG&E in its business, PG&E ~~shall~~may so designate that information and the basis on which PG&E believes the information is exempt from disclosure. ~~If the Committee receives a demand for disclosure of - i~~Information so designated by PG&E, the Committee shall notify PG&E and lawfully object and defend any rights the Committee may have to non- disclosure of the confidential information. ~~shall be treated as confidential and not disclosed outside the Committee unless a majority of the~~

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~~Committee challenges the propriety of the claim of confidentiality by vote taken within 30 days of designation.~~ A dispute between the Committee and PG&E on a claim of confidentiality shall promptly be submitted to binding arbitration. Committee members and all persons who receive confidential information in the course of or as a result of the Committee's activities shall have a duty to maintain the confidentiality of that information and, in addition to complying with the requirements of federal and state law and regulations, shall execute a confidentiality agreement prior to receiving any confidential information.

(2) The Committee may contract for services, including the services of consultants and experts, to assist the Committee in its safety review. Disclosure of PG&E information or records to any such person shall be governed by the provisions of this agreement in the same manner as disclosure to members of the Committee. No disclosure of confidential information shall be made to any person who does not have a need to receive the information in order to assist the Committee in its safety review. Nor shall such disclosure be made to any person known to have a conflict of interest.

(3) This provision shall not preclude the Committee from submitting relevant information to the NRC or to the CPUC, the Governor, the Attorney General, or the CEC to the extent permitted by federal law. Prior to the disclosure of any confidential information, however, the Committee shall give PG&E notice of its intention to do so and an opportunity to designate specific documents or information which should not be publicly disclosed and to seek to prevent public disclosure by the entity to which disclosure is made.

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E. Compensation of the Committee

(1) Members of the Committee shall be compensated in an amount established by the CPUC commensurate with fees PG&E pays for similar services. Each member shall receive ~~an~~ \$108,000.00 annual retainer and, in the event a member performs more than 40 hours of work on Committee business between July 1 and the following June 30, such hours shall be compensated at \$2500.00 per hour. PG&E shall file annually, on April 1, a report updating commensurate fees for comparable services and concurrent with that report, an advice letter with proposed revisions to the compensation levels.

(2) The fees and expenses of the Committee and its contractors shall be paid by PG&E and PG&E shall be entitled to recover those amounts through its cost-of-service rates. An authorized Committee budget not exceeding \$673,077.00 for calendar year 1996, with a 1.5% annual escalation for every year thereafter, has been established, which includes all costs, member compensation, travel expenses, contracting fees, staff salaries and audit expenses.

Funds provided for the fees and expenses of the Committee and its contractors which remain unspent and uncommitted on December 31 of a calendar year will be returned to PG&E to be applied as a credit to its cost-of-service rates. The compensation of Committee members, which is included in the budget, is tied to the fees paid by PG&E for similar services. Therefore, the rate of change in the budget could differ from the rate of change in the compensation paid to committee members.

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(3) The Committee and its contractors shall keep accurate books, records and accounts, which shall be open to inspection and audit by the CPUC or its designee and by PG&E. Such audit shall include review of the reasonableness of fees and expenses and review for conflict of interest.

F. Public Outreach

(1) The Committee shall undertake public outreach in the affected community, including, but not limited to, assuring that the Committee meetings are conducted in accordance with the Bagley—Keene Open Meeting Act and videotaped and broadcast. To the extent that public outreach results in an increase in costs associated with the Committee, beyond any annual authorized funding level, the Committee's budget shall be increased by the same amount and PG&E shall be entitled to recover that amount through a CPUC-determined increment to PG&E's cost-of-service rates.

(2) The Committee shall undertake outreach concerning matters within its purview with other review committees established by the CPUC (e.g., the Independent Peer Review Panel for Seismic Studies at Diablo Canyon Power Plant) and by PG&E (e.g., the Diablo Canyon Decommissioning Engagement Panel) including, but not limited to, providing advanced copies of its public meeting agendas and, upon request, copies of its non-confidential documents and reports.

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III. Termination of Committee's Review of Diablo Canyon Operations.

(1) The Committee will terminate its review of safety of operations upon further order of the CPUC or upon the date of successful completion of the transfer of all nuclear fuel from both the Diablo Canyon Spent Fuel Pools to the ISFSI. The Committee will then prepare and submit a final annual or an interim report and terminate its activities within twelve months after such order or date.

Advice 6361-E
October 11, 2021

Attachment 3

Copy of the Second Restatement

**DIABLO CANYON INDEPENDENT SAFETY COMMITTEE
("DCISC")**

FEBRUARY 12, 2020

MOTION

SUMMARY

At a public meeting duly held on February 12-13, 2020, in Avila Beach CA, following consideration of Item XII D on the Agenda concerning approval of an application and/or other communication to the California Public Utilities Commission regarding a Second Restatement of the DCISC's Charter to provide for a continued role following Diablo Canyon Nuclear Power Plant's cessation of electricity generating operations for the DCISC to review nuclear fuel-related issues and to terminate that review upon completion of the safe transfer of all nuclear fuel to the Independent Spent Fuel Storage Installation;

Upon a motion made and seconded, the Committee voted to:

(1) Approve the text presented at the February 12, 2020, public meeting of the Second Restatement of the Charter for the Diablo Canyon Independent Safety Committee as the DCISC's proposal for a Second Restated Charter; and

(2) Direct Committee Counsel to provide the adopted proposed Second Restatement to CPUC Energy Division staff with a recommendation to pursue the most expeditious avenue to bring the adopted proposed Second Restatement to the attention of the Administrative Law Judge in the 2018 Nuclear Decommissioning Cost Triennial Proceeding for a procedure to be found for consideration of its approval by the Commission.

I certify that the foregoing motion was duly introduced, seconded and adopted at a public meeting of the Diablo Canyon Independent Safety Committee held on February 12, 2020, the following Members voting favorably thereon:

Dr. Peter Lam, Member and Chair
Dr. Per F. Peterson, Member and Vice-Chair
Dr. Robert J. Budnitz, Member


Robert R. Wellington
DCISC Legal Counsel

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**SECOND RESTATEMENT OF THE CHARTER FOR THE
DIABLO CANYON INDEPENDENT SAFETY COMMITTEE**

I. Formation and Membership of the Committee.

A. Composition and Responsibility of the Committee.

(1) An Independent Safety Committee (the "Committee") shall be established consisting of three members, one each appointed by the Governor of the State of California, the Attorney General and the Chair of the California Energy Commission ("CEC"), respectively, serving staggered three-year terms. The Committee shall review Diablo Canyon Nuclear Power Plant ("Diablo Canyon") operations for the purpose of assessing the safety of operations and suggesting any recommendations for safe operation and shall terminate its review in accordance with Section III. Safety of operations shall mean activities in connection with generation of electricity by Diablo Canyon and/or the operation of the Diablo Canyon Spent Fuel Pools and related support systems and the Diablo Canyon Independent Spent Fuel Storage Installation ("ISFSI"), including the transport of nuclear fuel to and from Diablo Canyon's Spent Fuel Pools and the storage of nuclear fuel within the Spent Fuel Pools and the transport and storage of nuclear fuel to and within the ISFSI or elsewhere at Diablo Canyon. Neither the Committee nor its members shall have any responsibility or authority for plant operations, and they shall have no authority to direct Pacific Gas & Electric Company ("PG&E") personnel. The Committee shall conform in all respects to applicable federal laws, regulations and Nuclear Regulatory Commission ("NRC") policies.

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B. Appointment of Committee Members.

(1) Candidates for Committee membership shall be selected from those persons responding to an open request for applications. The California Public Utilities Commission ("CPUC") shall provide for public comment on qualified applicants by posting on the CPUC's homepage (www.cpuc.ca.gov) a link to information concerning the name of each qualified applicant, along with a summary of his or her qualifications and a statement identifying any potential conflict of interest, an Applicant's Application for Nomination shall address those items enumerated in Section I.C. The President of the CPUC shall provide to the appropriate appointing authority a list of not more than three qualified candidates as alternatives to the reappointment of that authority's designated Committee member whose term is expiring. The incumbent member, if he or she consents, shall be deemed an additional candidate. Each subsequent appointment shall be for a three-year term.

(2) Should a Committee member not complete the appointed term, the authority who appointed that member shall appoint a replacement to serve for the unexpired portion of the term from the most recent list of candidates selected by the President of the CPUC in accordance with the appointment procedures set forth herein (3) The President of the CPUC shall review each application to assess the applicant's qualifications, experience and background, including any conflict of interest and comment received from the public, and shall propose as candidates only persons with knowledge, background and experience in the field of nuclear power facilities

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and nuclear safety issues who demonstrate they have no conflict of interest as set forth in
Section

I.C. The CPUC Energy Division shall prepare, circulate for public comment and place on the CPUC's public agenda a resolution ratifying the President's selection of not more than three qualified candidates and an incumbent member.

C. Conflict of Interest.

(1) No person shall serve as a member of the Committee if he or she has received \$500.00 or more in income (as defined in Government Code Section 82030, but excluding dividends or interest from stocks or bonds) or gifts (as defined in Government Code 82028) from PG&E or an affiliated company within twelve months prior to the start of his or her original term, or if he or she has, at the time of the commencement of service, an investment (as defined in Government Code Section 82034) worth \$2,000.00 or more in PG&E or any affiliated company. In addition, no member of the Committee shall make, participate in making, or in any way attempt to use his or her official position to influence any action of the Committee in which he or she knows or has reason to know that he or she has a financial interest. The provisions of the Political Reform Act, including implementing regulations and rulings, as applied to Government Code Section 87100 shall be used to determine whether a member has a conflict of interest.

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(2) Members of the Committee shall file a Statement of Economic Interest at the same time and in the same manner as designated employees of the CPUC must file under the Political Reform Act and CPUC Conflict of Interest Code. Members of the Committee shall disclose any investment in or income from the following:

- (a) An electric corporation subject to the jurisdiction of the CPUC, including any parent, subsidiary or affiliated business entity;
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- (c) Any business entity that has done more than \$10 million of work on the design, construction, engineering or operation of the Diablo Canyon power plant.

Copies of the members' Statements shall be available for public inspection.

(3) No person shall serve as a member of the Committee if he or she has a prior history of supporting or opposing PG&E as a witness or intervenor in nuclear licensing or CPUC proceedings associated with Diablo Canyon.

D. Commencement of Term.

(1) The list of candidates shall be submitted to the appointing authorities on or before January 1 of each year. Appointments shall be made by March 1 of each year. Each Safety Committee term shall commence on July 1 of the year of appointment. If any such deadline is missed, the relevant action shall be taken or shall occur at the earliest possible date thereafter.

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(2) In accordance with Government Code Section 1302, a Committee member shall continue to discharge his or her duties until reappointed or replaced.

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(1) The Chair of the CEC and the President of the CPUC shall exercise their powers after consultation with their respective commissions in public session.

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A. Receipt of Reports and Records.

(1) The Committee shall have the right to receive on a regular basis such of the following operating reports and records of Diablo Canyon as the Committee may request. Such reports and records shall be provided quarterly as available:

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- (g) NRC public reports and evaluations of Diablo Canyon; and
- (h) Such other reports pertinent to safety as may be produced in the course of operations and may be requested by the Committee.

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(2) PG&E shall cooperate with the Committee in arranging times for the Committee's visits to the site and shall be responsible for ensuring the cooperation of PG&E employees and contractors in providing information and access to the plant and facilities of PG&E and to pertinent records. Any such site visit must comply with all applicable federal laws, regulations and NRC policies, including laws, regulations and policies governing screening of persons who may participate in site inspections.

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a result of the Committee's activities shall have a duty to maintain the confidentiality of that information and, in addition to complying with the requirements of federal and state law and regulations, shall execute a confidentiality agreement prior to receiving any confidential information.

(2) The Committee may contract for services, including the services of consultants and experts, to assist the Committee in its safety review. Disclosure of PG&E information or records to any such person shall be governed by the provisions of this agreement in the same manner as disclosure to members of the Committee. No disclosure of confidential information shall be made to any person who does not have a need to receive the information in order to assist the Committee in its safety review. Nor shall such disclosure be made to any person known to have a conflict of interest.

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(3) The Committee and its contractors shall keep accurate books, records and accounts, which shall be open to inspection and audit by the CPUC or its designee and by PG&E. Such audit shall include review of the reasonableness of fees and expenses and review for conflict of interest.

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(1) The Committee shall undertake public outreach in the affected community, including, but not limited to, assuring that the Committee meetings are conducted in accordance with the Bagley–Keene Open Meeting Act and videotaped and broadcast. To the extent that public outreach results in an increase in costs associated with the Committee, beyond any annual authorized funding level, the Committee's budget shall be increased by the same amount and PG&E shall be entitled to recover that amount through a CPUC-determined increment to PG&E's cost-of-service rates.

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**PG&E Gas and Electric
Advice Submittal List
General Order 96-B, Section IV**

AT&T
Albion Power Company

Alta Power Group, LLC
Anderson & Poole

Atlas ReFuel
BART

Barkovich & Yap, Inc.
California Cotton Ginners & Growers Assn
California Energy Commission

California Hub for Energy Efficiency
Financing

California Alternative Energy and
Advanced Transportation Financing
Authority
California Public Utilities Commission
Calpine

Cameron-Daniel, P.C.
Casner, Steve
Cenergy Power
Center for Biological Diversity

Chevron Pipeline and Power
City of Palo Alto

City of San Jose
Clean Power Research
Coast Economic Consulting
Commercial Energy
Crossborder Energy
Crown Road Energy, LLC
Davis Wright Tremaine LLP
Day Carter Murphy

Dept of General Services
Don Pickett & Associates, Inc.
Douglass & Liddell

East Bay Community Energy Ellison
Schneider & Harris LLP Energy
Management Service
Engineers and Scientists of California

GenOn Energy, Inc.
Goodin, MacBride, Squeri, Schlotz &
Ritchie

Green Power Institute
Hanna & Morton
ICF

IGS Energy
International Power Technology

Intertie

Intestate Gas Services, Inc.
Kelly Group
Ken Bohn Consulting
Keyes & Fox LLP
Leviton Manufacturing Co., Inc.

Los Angeles County Integrated
Waste Management Task Force
MRW & Associates
Manatt Phelps Phillips
Marin Energy Authority
McKenzie & Associates

Modesto Irrigation District
NLine Energy, Inc.
NRG Solar

OnGrid Solar
Pacific Gas and Electric Company
Peninsula Clean Energy

Pioneer Community Energy

Public Advocates Office

Redwood Coast Energy Authority
Regulatory & Cogeneration Service, Inc.
SCD Energy Solutions
San Diego Gas & Electric Company

SPURR
San Francisco Water Power and Sewer
Sempra Utilities

Sierra Telephone Company, Inc.
Southern California Edison Company
Southern California Gas Company
Spark Energy

Sun Light & Power
Sunshine Design
Tecogen, Inc.
TerraVerde Renewable Partners
Tiger Natural Gas, Inc.

TransCanada
Utility Cost Management
Utility Power Solutions
Water and Energy Consulting Wellhead
Electric Company
Western Manufactured Housing
Communities Association (WMA)
Yep Energy