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

Order Instituting Rulemaking to Continue
Electric Integrated Resource Planning and
Related Procurement Processes.

R.20-05-003
(Filed May 7, 2020)

**REPLY COMMENTS OF
CALIFORNIANS FOR GREEN NUCLEAR POWER, INC. IN RESPONSE
TO THE PROPOSED DECISION OF ALJ FITCH MAILED DECEMBER
22, 2021**

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January 14, 2022

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I. AUTHOR'S VERIFICATION

The author below affirms under penalty of perjury that the information contained in this written testimony is true and correct, and is given in good faith to their best available knowledge, subject to modifications resulting from new findings.

/s/ Gene Alan Nelson, Ph.D. January 19, 2022

2. INTRODUCTION

Californians for Green Nuclear Power, Inc. (CGNP) is an independent nonprofit California corporation focused on preserving the ratepayer benefits, the environmental benefits, and the public safety benefits of the continued safe operation of nuclear power, and specifically, Diablo Canyon Power Plant (DCPP). CGNP believes the state will not

meet its statutorily mandated greenhouse-gas reduction goals if it removes from use the safe, large, reliable, cost-effective, and emission-free power plant that currently provides the equivalent of five Hoover Dams of clean power each year.

3. CGNP's REPLY COMMENTS

Several of the commenting parties urged the Commission to adopt the 2021 Preferred System Plan in the PD. Several regulated entities and trade associations submitted comments urging only minor changes to the PD.

Notably, the California Environmental Justice Alliance (“CEJA”) and Sierra Club submitted joint opening comments urging adoption of the PD, but changing certain aspects of the PD that CEJA and the Sierra Club believe would further the cause of environmental justice, for example, adopting stronger carbon-neutrality requirements (Sierra Club/CEJA Comments, p. 3) and adopting location-based (or location-specific) procurement requirements (Sierra Club/CEJA Comments, p.6).

While the Sierra Club alluded to the following concept, it did not provide the comprehensive context that is appropriate. To wit, Section 4 of the PD includes the state’s GHG Target for 2030. Buried in Section 4.2 (p. 108 of the PD) is the sentence, “Criteria pollutants were counted from generation within California only, and not from unspecified imports.” This sentence is troubling, since it contravenes the Federal Clean Air Act¹, California law,² and the spirit of the sundry statutes that require the PUC to clean up California’s grid.⁴ . If CGNP’s interpretation is correct, the Sierra Club and CEJA should have placed more overt emphasis on this sentence, as it appears to imply that California will adopt policies that allow for the import of dirty out-of-state power, which is obviously not the goal of California’s statutory scheme, and could result in harm to environmental-justice communities located outside the state near these dirty

¹ 42 U.S.C. §§ 7401 et seq.

² Cal. Pub. Util § 8340-41.

⁴ See also, *Union Elec. Co. v. EPA*, 427 U.S. 246 (1976)

“unspecified” sources of power.

4. CONCLUSION

CGNP agrees with the parties, like the Sierra Club and CEJA, which urged the Commission to modify the PD to take into consideration environmental-justice concerns. However, the Comments submitted by those parties allude to, but do not identify with sufficient particularity the major risk that Wyoming coal or other (petroleum-based) out-of-state power might end up replacing California’s extant emission-free sources of power, like Diablo Canyon Power Plant. This is not in the public interest, nor does it adhere to the statutory scheme, nor is it just and reasonable.

Dated: January 19, 2022

Respectfully submitted,

/s/ Gene A. Nelson, Ph.D.

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