

EXHIBIT 55

SW No. _____

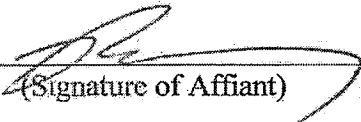
STATE OF CALIFORNIA – COUNTY OF SAN FRANCISCO

SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

Special Agent Reye Diaz, California Department of Justice, swears under oath that the facts expressed by him/her in this Search Warrant, and in the attached and incorporated statement of probable cause consisting of 35 pages, are true and that based thereon he/she has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED: YES [] NO [X] - Justification on page(s) _____

 1/23/15
(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF SAN FRANCISCO: proof by affidavit having been made before me by Special Agent Reye Diaz, that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

- _____ it was stolen or embezzled
- X _____ it was used as the means of committing a felony
- X _____ it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery
- X _____ it tends to show that a felony has been committed or that a particular person has committed a felony
- _____ it tends to show that sexual exploitation of a child, in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring
- _____ there is a warrant for the person's arrest;

SW 36694

YOU ARE THEREFORE COMMANDED TO SEARCH:

See attached Exhibit "A"(SEALED AS OUTLINED IN AFFIDAVIT).

FOR THE FOLLOWING PROPERTY:

See attached Exhibit "B"

SEARCH WARRANT (Page 2)

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 23 day of JANUARY, 2015, at 1:15 A.M./P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.


(Signature of Magistrate)

NIGHT SEARCH APPROVED: YES [] NO [X]
(Magistrate's Initials)

Judge of the Superior Court – San Francisco County Judicial District

Executed by _____
Date _____ Hour _____

Be advised that pursuant to California Penal Code sections 1539 and 1540, you may file a written motion in the court of the above-mentioned judge who issued the warrant, seeking return of the property seized pursuant to this warrant.

For further information concerning this search warrant, contact the officer whose name appears on the warrant, Special Agent Reye Diaz at (916) 916-997-5396 or at reye.diaz@doj.ca.gov

SEARCH WARRANT (Page 7)

FOR THE FOLLOWING PROPERTY:

EXHIBIT "B"

1. Any article of personal property tending to establish the identity of persons who have dominion and control over the premises and vehicles to be searched, including all keys to the described location and vehicles, rent receipts, utility bills, telephone bills, addressed mail, purchase receipts, sales receipts, and articles of personal property tending to show ownership of locations and vehicles including, but not limited to vehicle pink slips and vehicle registration. All personal property and documents used as means of identification, including but not limited to driver's license, credit cards, passports, social security cards, alien cards, California identifications and photographs relative to the person(s) found at the locations.

Any records, correspondence, or documentation between CHERRY, PEEVEY, [REDACTED] and others, tending to show ex parte communications, judge shopping, bribery, Obstruction of Justice or due administration of laws, favors or preferential treatment related to HECA, the CPUC 100 year anniversary dinner, the 2014 GRC, rate incentives and other matters coming before PUC stored on the following items from December 2009 until current and not limited to:

2. Any and all computer hardware which consists of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. Hardware includes (but is not limited to), any mother-boards, any data-processing devices (such as chips, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); and related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, automatic dialers, speed dialers, programmable mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

3. Any cellular phone or smartphone, and any electronic storage or Internet-connected device capable of storing information sought by this search warrant.

4. Any and all computer software which consists of any digital information which can be executed by a computer and any of its related components to direct the way they work, including programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communication programs. Including software used to test chips and software to direct laser equipment. Software can be stored in electronic, magnetic, optical, or other digital form.

5. Any and all computer-related documentation described as written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use computer hardware, software or other related items.

6. Any and all computer passwords and other data security devices designed to restrict access to or hide computer software, documentation or data, consisting of hardware, software

SEARCH WARRANT (Page 8)

or other programming code. Data security hardware may include encryption devices, chips and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt; compress, hide or "booby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

7. E-mail records (December 2009 until current), All stored electronic communications and any other files associated with the persons, address, user accounts, Any other records related to the above referenced names and user names, including but not limited to, correspondence, billing records, records of contact by any person or entity regarding the above referenced names and user names, and any other subscriber information.

8. Text Messages (December 2009 until current).

9. Diaries, Journals, address books, and Calendars, general correspondence from December 2009 until current to included records of meetings as well as general business related matters between and involving (any or all) CHERRY, PEEVEY, [REDACTED]

10. Any and all records, stored communication, and other files relating to the customer(s), account holder(s) or other entity (ies) associated in any way with Michael PEEVEY, Thomas [REDACTED]; Brian CHERRY, Including, without limitation, subscriber names, user names, screen names, or other identities, mailing addresses, residential addresses, business addresses, email addresses and any other contact information, telephone numbers or other subscriber number or identifier number, billing records, information about the length of service and the types of services the subscriber or customer utilized, and any other information, whether such records or other evidence are in electronic or any other form.

11. DISCLOSURE ORDER:

It is further ordered that affiant be allowed to share information with federal and state and criminal and civil law enforcement authorities who are also investigating this matter.

12. It is further ordered that a forensic technician, sworn or non-sworn, be granted authorization to examine, make duplicate images/copies of the above-mentioned electronic media and to determine if evidence of the offenses enumerated above are contained therein. Therefore authorization is given to make image/copies of the actual pre-requested data. Evidence copies of the items relating to these offenses will be created and retained for further proceeding and made available to the authorities

A. The above records and documents (Items 1-12) are seizable regardless of the medium on which they are stored, including, but not limited to, paper, microfilm, videotape, audiotape and electronic data storage devices (e.g., computers, telephone answering machines, facsimile machines, pocket computers, electronic address and appointment books, telephone dialers, telephones, cell phones, smart phones, portable memory devices, external hard drives, typewriters, watches, calculators, and pagers). The records and documents are also seizable

SEARCH WARRANT (Page 9)

even if not stored on the premises, so long as they can be accessed using equipment on the premises (e.g., e-mail and voice-mail). When the records and documents described above are an integral part of a file or other collection of records or documents, the entire collection of records and documents may be seized.

In many cases, forensic examination of computer systems requires special equipment or software, which is not feasible to bring to the location being searched. Additionally, forensic expertise, not available during the execution of the search warrant, may be required to bypass encryption and coded documents in order to retrieve evidence. Records containing evidence stored on disks, even though erased or deleted by criminal suspects, in many cases can be recovered via the use of special programs and equipment not available at the scene.

Many complex computer systems will not operate properly without the attached printers and peripherals. Many files require accompanying software in order to properly read the file and criminal suspects commonly hide records of their criminal enterprise by copying those records over commercially manufactured software. Many sophisticated computer systems require special instructions available only through the user manuals, which accompany the system. Due to these circumstances, authorization is given to seize these items along with any computer system encountered subject to the requested warrant.

As previously set forth, the actual search of a computer and related software in the controlled environment of a laboratory is a complicated process, which takes in excess of ten days to complete. It often takes weeks or months to complete. Authorization is therefore given for one hundred-twenty (120) days from the date of seizure to complete the search under controlled conditions.

B. In searching for data capable of being read, stored or interpreted by a computer, law enforcement personnel executing this search warrant will employ the following procedure:

1. Upon securing the premises, in the event there is a law enforcement personnel trained in searching and seizing computer data (the "computer forensic examiner") will make an initial review of any computer equipment and storage devices to determine whether these items can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve the data.

2. If no law enforcement personnel trained in searching and seizing computer data (the "computer forensic examiner") is on site, and/or the computer equipment and storage devices cannot be searched on-site in a reasonable amount of time, then the related items will be seized and reviewed later by a computer forensic examiner.

3. Therefore, if it is not practical to perform an on-site search or make an on-site copy of the data within a reasonable amount of time, then the computer equipment and storage devices will be seized and transported to an appropriate location for review. The computer equipment and storage devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein.

4. Any data that is encrypted and unreadable will not be returned unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offense

SEARCH WARRANT (Page 10)

specified in the attached affidavit, (2) a fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of the offense specified in the attached affidavit.

5. In searching the data, the computer forensic examiner may examine all of the data contained in the computer equipment and storage devices to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer forensic examiner may search for and attempt to recover "deleted", "hidden", or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein. The forensic examiner may search for indicia of ownership or use, including but not limited to user accounts and registration data for software.

6. If the computer forensic examiner determines that the computer equipment and storage devices are no longer necessary to retrieve and preserve the data, these items will be returned within a reasonable period of time from the date of seizure.

C. In order to search for data that is capable of being read or interpreted by a computer, the following items may be seized and searched, subject to the procedures set forth above:

1. Any computer equipment and storage device capable of being used to commit, further, or store evidence of the offense described in the attached affidavit;

2. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

3. Any magnetic, electronic, or optical storage device capable of storing data including but not limited to: floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, and personal digital assistants, and cellular phones;

4. Any documentation, operating logs, and reference manuals regarding the operation of the computer equipment, storage devices, or software;

5. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices, or data to be searched;

6. Any physical keys, encryption devices, dongles, and similar physical items that are necessary to gain access to the computer equipment, storage devices of data.

7. Any passwords, password files, test keys, encryption codes, or other information necessary to access the computer equipment, storage devices or data; and,

8. Investigating officers and those agents acting under the direction of the investigating officers are authorized to access all computer data to determine if the data contains "property," "records," and "information" as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the directions of the investigating officers, to access and preserve computer data.

SUPERIOR COURT OF CALIFORNIA

County of San Francisco

**SEARCH WARRANT RETURN
and
INVENTORY**

Search Warrant No.

Issuing Magistrate: Judge Linda COLFAX

Date warrant issued: 1/23/15

Date warrant executed: 1/27/2015

Location/Vehicles/Persons served and title:

1322 Verdugo Blvd., La Canada, CA & 34 Van Ripper Lane, Orinda, CA.

Manner of service: Served Search Warrant

I, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized: (See Attachment A).

I declare under penalty of perjury that the foregoing is true.

Date: 1/28/2015

Special Agent Reve Diaz AG#10
Affiant

[Handwritten signature] 1/28/15

[Handwritten signature]

Judge of the Court

Penal Code § 1537

ATTACHMENT "A"

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Page 1 of 2

DIVISION OF LAW ENFORCEMENT

Investigation No. B1-SF2014-00008

PROPERTY RECEIPT

Date: 1/27/15

Property Received From: PEEVET

Name: MICHAEL PEEVET Address: 1322 VERDUGO BLVD, LA CANADA, CA 91011

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

| Item No. | Description (include serial number) | Exact Location found (if applicable) |
|----------|---|--------------------------------------|
| 010-001 | RSG NOTES ON HOTEL BRISTOL STATIONARY | ROOM A: OFFICE DESK |
| 010-002 | CHASE BANK STATEMENT IN NAME OF MICHAEL PEEVET & CAROL LIU | ROOM A: OFFICE DESK |
| 010-003 | 6 DAY PLANNERS 2009-2014 | ROOM A: OFFICE DESK |
| 010-004 | CPUC EMPLOYEE ROSTER AS OF DEC. 2 2014 | ROOM A: OFFICE DESK |
| 010-005 | 2015 DAY PLANNER | ROOM A: OFFICE DESK |
| 010-006 | EMAIL FROM MARK TONG, 12/10/2009 | ROOM A: OFFICE DESK |
| 010-007 | 1-APPLE IMAC COMPUTER CO2K JQZTDNCR + KEYBOARD | ROOM A: OFFICE |
| 010-008 | 1-DELL X410 CPU TOWER G268W-MV283- JCFYF-M4KFM-XJ228 | ROOM A: OFFICE |
| 010-009 | 1-DELL DIMENSION C521 SN/00144371996084 | ROOM C: GARAGE |
| 010-010 | 1-DELL DIMENSION 2400 SN/00043549974161 | ROOM C: GARAGE |
| 010-011 | 1-APPLE IPHONE 5 IME: 99000227591858 | ROOM B: KITCHEN |
| 010-012 | 1-APPLE MACBOOK PRO #W8938H3E66D & POWER CORD | ROOM B: KITCHEN |

Receiving Individual (print or type)
REYR DIAZ AG #10

Receiving Individual (signature)


Witnessing Individual (print or type)
JAMES F. HIRT, SAS, LAFD

Witnessing Individual (signature)


STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Page 2 of 2

DIVISION OF LAW ENFORCEMENT

Investigation No. B1-SF2014-00008

PROPERTY RECEIPT

Date: 1/27/15

Property Received From:

PEEVY

Name: MICHAEL PEEVY Address: 1322 VERDUGO RD., LA CANADA, CA 91011

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

| Item No. | Description (include serial number) | Exact Location found (if applicable) |
|----------------|--|--------------------------------------|
| <u>010-013</u> | <u>1- THUMB DRIVE CNDA ATTACHED TO IBOOK PRO</u> | |
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Receiving Individual (print or type)
Rene DIAZ AG#10

Receiving Individual (signature)
[Signature]

Witnessing Individual (print or type)
SAS JAMES F. HIRT, SAS, FBI LA

Witnessing Individual (signature)
[Signature]

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Page 1 of 3

DIVISION OF LAW ENFORCEMENT

Investigation No: BLSF2014-00008

PROPERTY RECEIPT

Date: 1/27/15

Property Received From:

Name: Brian Cherry Address: 34 Van Ryppe Ln, Orinda CA

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

| Item No. | Description (include serial number) | Exact Location found (if applicable) |
|----------|---|--------------------------------------|
| 011-001 | Iphone 6 Serial # F17NP2EB45MC | kitchen counter |
| | model # M65W2LL/A | |
| 011-002 | Verizon Tablet model # WMV7A Serial # MV7A_31D25_422A SW version | kitchen back counter |
| | plus charger | |
| 001-003 | Apple Ipad Model # M6LW2LL/A Serial # DLXNQV0545VT | kitchen back counter |

Receiving Individual (print or type)

Julie Dun

Receiving Individual (signature)

Julie Dun

Witnessing Individual (print or type)

A. Nocera

Witnessing Individual (signature)

A. Nocera

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Page 2 of 3

DIVISION OF LAW ENFORCEMENT

Investigation No. BSF2004-00008

PROPERTY RECEIPT

Date: 1/27/15

Property Received From:

Name: Brian Cherry Address: 34 Van Riper Lane, Orinda CA

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

| Item No. | Description (include serial number) | Exact Location found (if applicable) |
|----------|--|---|
| 011-004 | 1 blue notebook - spiral containing misc notes | in basket on desk in family room |
| 011-005 | 1 purple file folder containing misc documents | - found in top drawer of blk file cabinet |
| 011-006 | HP Pavilion plotter w/ power cord serial # 4CE1080C3C model # p6710f | - desk in family room |
| 011-007 | 4 black floppy disk 3.5" 14 misc CDs/DVDs 1 thumbdrive | 2 blk box in family room hutch |

Receiving Individual (print or type)

Julie Dun

Receiving Individual (signature)

[Signature]

Witnessing Individual (print or type)

A. Nicora

Witnessing Individual (signature)

[Signature]

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Page 3 of 3

DIVISION OF LAW ENFORCEMENT

Investigation No. BI-SF2014-00008

PROPERTY RECEIPT

Date: 1/27/15

Property Received From:

Name: Brian Cherry Address: 34 Van Rippel Lane, Orinda, CA

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

| Item No. | Description (include serial number) | Exact Location found (if applicable) |
|----------|--|--------------------------------------|
| D11-008 | misc handwritten notes for on | found in PGE |
| | binder paper | blk folder on |
| | | back kitchen |
| | | counter |
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Receiving Individual (print or type)
Julie Dun

Receiving Individual (signature)


Witnessing Individual (print or type)
A Hoad


Witnessing Individual (signature)


EXHIBIT 56

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-008

To: RUTH HENRICKS
Prepared by: Walker Matthews
Title: Senior Attorney
Dated: 04/16/2014

Question 10:

10. Please admit you are not asking for a determination from the Commission whether SCE and SDG&E acted prudently, imprudently, negligently, recklessly, knowingly or maliciously in deploying the SGRP.

Response to Question 10:

Admitted

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-008

To: RUTH HENRICKS
Prepared by: Walker Matthews
Title: Senior Attorney
Dated: 04/16/2014

Question 16:

16. Please admit that the “extensive proceedings in this OII” you mention in your motion to adopt did not include an examination of whether SCE acted reasonably in connection with deploying the SRGs in the SRGP.

Response to Question 16:

SCE objects to this request on the grounds that the word “deploying” is vague and ambiguous in this context. Subject to and without waiving this objection, SCE responds as follows:

The extensive proceedings in this OII to date have not included an examination of whether SCE acted reasonably in replacing the steam generators at SONGS Units 2 and 3.

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-008

To: RUTH HENRICKS
Prepared by: Walker Matthews
Title: Senior Attorney
Dated: 04/16/2014

Question 17:

17. Please identify the SCE decision makers who were aware of that the [T]he AVB Design Team recognized that the design for the RSGs resulted in higher steam quality (void fraction) than previous designs and had considered making changes to the design to reduce the void fraction.

Response to Question 17:

SCE objects to this request on the ground that the phrase “higher steam quality (void fraction) than previous designs” is vague, ambiguous, and undefined. SCE further objects to this request to the extent it assumes the correctness of any statement in the MHI Root Cause Analysis. SCE does not admit the correctness of any implicit or explicit statement in the MHI Root Cause Analysis. SCE also objects to this request on the grounds that it seeks information that is confidential. Per ALJ Darling’s April 19, 2013, ruling on SCE’s Motion to Seal, “[i]dentification of specific personnel” comprises information properly designated as confidential in Commission proceedings.

SCE further objects to this request on the grounds that it is beyond the scope of the settlement agreement and not relevant to a determination of whether the settlement agreement should be approved by the Commission under Rule 12.1 of the Commission’s Rules of Practice and Procedure.

Southern California Edison
SONGS OII 1.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-008

To: RUTH HENRICKS
Prepared by: Walker Matthews
Title: Senior Attorney
Dated: 04/16/2014

Question 18:

18. Please explain steps the SCE decision makers (by name) went through to make sure the design for the RSGs that resulted in higher steam quality (void fraction) than previous designs was corrected.

Response to Question 18:

SCE objects to this request on the ground that the phrase “higher steam quality (void fraction) than previous designs” is vague, ambiguous, and undefined. SCE further objects to this request to the extent it assumes the correctness of any statement in the MHI Root Cause Analysis. SCE does not admit the correctness of any implicit or explicit statement in the MHI Root Cause Analysis. SCE also objects to this request on the grounds that it seeks information that is confidential. Per ALJ Darling’s April 19, 2013, ruling on SCE’s Motion to Seal, “[i]dentification of specific personnel” comprises information properly designated as confidential in Commission proceedings.

SCE further objects to this request on the grounds that it is beyond the scope of the settlement agreement and not relevant to a determination of whether the settlement agreement should be approved by the Commission under Rule 12.1 of the Commission’s Rules of Practice and Procedure.

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-008

To: RUTH HENRICKS
Prepared by: Walker Matthews
Title: Senior Attorney
Dated: 04/16/2014

Question 25:

25. Please explain if any independent party was retained to review the settlement to determine if it was fair and just.

Response to Question 25:

SCE did not retain an independent party to “review the settlement to determine if it was fair and just.” SCE does not have knowledge of any other settling party retaining an independent party to “review the settlement to determine if it was fair and just.”

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-009

To: RUTH HENRICKS
Prepared by: Emily Viglietta
Title: Attorney
Dated: 04/28/2014

Question 44:

44. Please provide the documents showing what action SCE's most senior executives took to address the AVB Design Team concern (as stated in the AVB Team Report) that the RSG design resulted in higher steam quality before the RSGs were installed in Units 2 and 3.

Response to Question 44:

SCE objects to this request on the ground that the phrase "higher steam quality" is vague, ambiguous, and undefined. SCE further objects to this request to the extent it assumes the correctness of any statement in the MHI Root Cause Analysis. SCE does not admit the correctness of any implicit or explicit statement in the MHI Root Cause Analysis.

SCE further objects to this request on the grounds that such request is beyond the scope of permissible discovery as delineated in the ALJs' April 24, 2014 ruling, which provided for discovery "related to the Agreement," and which concluded that "it is reasonable to refrain from continuing to work on aspects of the OII which may be resolved as a result of the pending Motion and Agreement." SCE further objects to this request on the grounds that the "AVB Team Report" is not defined or attached to the request.

Subject to and without waiving these objections, SCE responds as follows:
See documents posted at <http://www.songscommunity.com/document-library-new.asp>

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-009

To: RUTH HENRICKS
Prepared by: Emily Viglietta
Title: Attorney
Dated: 04/28/2014

Question 45:

45. Is it true that SCE executives decided not to present the RSG design to the NRC under 10 CFR 50.59.

Response to Question 45:

SCE objects to this request on the ground that such request is beyond the scope of permissible discovery as delineated in the ALJs' April 24, 2014 ruling, which provided for discovery "related to the Agreement," and which concluded that "it is reasonable to refrain from continuing to work on aspects of the OII which may be resolved as a result of the pending Motion and Agreement." Subject to and without waiving such objection, SCE states that documents relating to the screening and evaluation to determine the need for an NRC license amendment are posted at <http://www.songscommunity.com/document-library.asp>.

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-009

To: RUTH HENRICKS
Prepared by: Emily Viglietta
Title: Attorney
Dated: 04/28/2014

Question 48:

48. Please identify the senior SCE executives who participated in the decision not to obtain a license amendment for the SRGs installed under the RSGP prior to implementing the proposed changes made by the RSGP.

Response to Question 48:

SCE objects to this request on the grounds that it seeks information that is confidential. Per ALJ Darling's April 19, 2013, ruling on SCE's Motion to Seal, "[i]dentification of specific personnel" comprises information properly designated as confidential in Commission proceedings. SCE further objects to this request on the grounds that such request is beyond the scope of permissible discovery as delineated in the ALJs' April 24, 2014 ruling, which provided for discovery "related to the Agreement," and which concluded that "it is reasonable to refrain from continuing to work on aspects of the OII which may be resolved as a result of the pending Motion and Agreement." Subject to and without waiving such objections, SCE states that documents relating to the screening and evaluation to determine the need for an NRC license amendment are posted at <http://www.songscommunity.com/document-library.asp>.

Southern California Edison
SONGS OII I.12-10-013

DATA REQUEST SET Ruth Henricks-SCE-009

To: RUTH HENRICKS
Prepared by: Emily Viglietta
Title: Attorney
Dated: 04/28/2014

Question 49:

49. Please provide the most explanatory writing showing why SCE executives decided to not obtain a license amendment from the NRC for the SRGs installed under the RSGP.

Response to Question 49:

SCE objects to this request on the ground that such request is beyond the scope of permissible discovery as delineated in the ALJs' April 24, 2014 ruling, which provided for discovery "related to the Agreement," and which concluded that "it is reasonable to refrain from continuing to work on aspects of the OII which may be resolved as a result of the pending Motion and Agreement." Subject to and without waiving such objection, SCE states that documents relating to the screening and evaluation to determine the need for an NRC license amendment are posted at <http://www.songscommunity.com/document-library.asp>.

EXHIBIT 57

| Date | Atty | Task | Description | Time Spent |
|---------|---------------|----------|---|------------|
| 4/11/13 | Matt Freedman | PHASE 1 | Communication/coordination with CUE and World Business academy re: data requests and confidential testimony | 0.25 |
| 4/12/13 | Matt Freedman | RSG | Review of SCE SGRP application and drafting of TURN protest | 2.00 |
| 4/14/13 | Matt Freedman | RSG | Drafting/editing of TURN protest to SDG&E SGRP application | 1.50 |
| 4/14/13 | Matt Freedman | RSG | Drafting/editing of TURN protest to SCE SGRP application | 1.50 |
| 4/14/13 | Matt Freedman | # | Drafting of TURN response to SCE motion to strike and defer testimony | 2.00 |
| 4/15/13 | Matt Freedman | # | Final edits to TURN response to SCE motion to strike and defer testimony | 0.50 |
| 4/17/13 | Matt Freedman | # | Review of SCE data request to TURN | 0.25 |
| 4/21/13 | Matt Freedman | GP | Review of ALJ rulings on various motions and consolidating various applications | 0.50 |
| 4/21/13 | Matt Freedman | PHASE 1A | Review/edits to TURN data requests to SCE and SDG&E (replacement power costs) | 0.25 |
| 4/22/13 | Matt Freedman | # | Review of SCE rebuttal testimony, SDG&E rebuttal testimony, rebuttal testimony by other parties | 1.25 |
| 4/23/13 | Matt Freedman | # | Review of draft responses to SCE DR to TURN | 0.25 |
| 4/25/13 | Matt Freedman | PHASE 1A | Review/edits to TURN data request #4 to SDG&E | 0.25 |
| 4/25/13 | Matt Freedman | # | Review of SCE and SDG&E data responses | 0.50 |
| 4/30/13 | Matt Freedman | LEGAL | Review of ALJ/Florio ruling on legal issues set forth in scoping memo | 0.50 |
| 4/30/13 | Matt Freedman | PHASE 1A | Discussion with Mitchell Shapson (DRA) re: Phase 1 issues -- replacement power costs | 0.25 |
| 5/1/13 | Matt Freedman | # | Review, edits to TURN response to SCE DR#1 | 0.75 |
| 5/1/13 | Matt Freedman | PHASE 1A | Discussion with Kevin Woodruff re: rebuttal testimony, evidentiary hearings and case issues | 0.50 |
| 5/2/13 | Matt Freedman | GP | Review of ALJ Dudney ruling re: possible changes to Phase 1 schedule/scope, communication with Kevin Woodruff re: ALJ ruling, drafting response to ALJ ruling | 0.25 |
| 5/3/13 | Matt Freedman | PHASE 1A | Discussion with SCE (Henry Weissman) re: TURN data responses, communication with Kevin Woodruff and response to SCE clarifying TURN data responses | 0.50 |
| 5/3/13 | Matt Freedman | PHASE 1A | Review/edits to Woodruff rebuttal testimony re: SCE ERRA application | 0.25 |
| 5/6/13 | Matt Freedman | PHASE 1 | Hearing prep -- distribution of TURN exhibit list, review of SCE data responses, review of SCE rebuttal testimony, communication with TURN witnesses re: hearing issues | 1.75 |
| 5/6/13 | Matt Freedman | PHASE 1A | Review of ALJ ruling re: deferment of replacement power cost issues, communication with Kevin Woodruff, review of SCE data response to TURN DR9 (replacement power) | 0.75 |
| 5/7/13 | Matt Freedman | # | Edits and review of TURN revised response to SCE DR#1 | 0.50 |
| 5/7/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings -- review of testimony, exhibits, drafting of cross-examination | 6.00 |
| 5/8/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings -- review of testimony, exhibits, drafting of cross-examination | 3.50 |
| 5/9/13 | Matt Freedman | PHASE 1 | Review, edits, formatting of TURN response to AN4R discovery request | 0.50 |
| 5/9/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings -- review of SCE testimony and exhibits | 2.50 |
| 5/10/13 | Matt Freedman | # | Review of ALJ ruling on SCE motion to strike, review additional exhibits submitted by SCE (SCE-10, 11, 12, 13) | 1.50 |
| 5/12/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings -- cross prep for Perez (SCE) | 1.50 |
| 5/13/13 | Matt Freedman | EH | Attendance at evidentiary hearings | 5.25 |
| 5/13/13 | Matt Freedman | PHASE 1 | Review of hearing transcript, preparation of cross-examination for Snow, Worden, Fisher | 2.00 |
| 5/14/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings | 1.25 |
| 5/14/13 | Matt Freedman | EH | Attendance at evidentiary hearings | 5.00 |
| 5/15/13 | Matt Freedman | EH | Attendance at evidentiary hearings | 5.00 |
| 5/15/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings -- cross prep, review of TURN exhibits, discussion with Bill Marcus re: hearings and appearance | 2.50 |
| 5/16/13 | Matt Freedman | PHASE 1 | Preparation for evidentiary hearings -- transcript review, cross prep, exhibit organization | 1.00 |
| 5/16/13 | Matt Freedman | EH | Attendance at evidentiary hearings | 6.00 |
| 5/17/13 | Matt Freedman | EH | Attendance at evidentiary hearings | 6.25 |
| 5/17/13 | Matt Freedman | PHASE 1 | Meeting with SDG&E (Jim Walsh, Mike DeMarco) to discuss SDG&E cost accounting issues | 0.50 |
| 5/20/13 | Matt Freedman | PHASE 1 | Review of hearing transcripts from previous week | 1.00 |
| 5/31/13 | Matt Freedman | SETT | Discussion with Henry Weissman (SCE) re: possible settlement, summary of conversation for TURN attorneys and consultants | 0.50 |
| 6/4/13 | Matt Freedman | GP | Review of ALJ ruling re: schedule changes, communication with Kevin Woodruff re: case strategy | 0.25 |
| 6/6/13 | Matt Freedman | PHASE 1 | Review of SCE Ex. 35 and communication with SDG&E re: comparable exhibit | 0.50 |
| 6/10/13 | Matt Freedman | PHASE 1 | Review of SCE data responses, follow-up with SCE re: missing responses | 0.50 |
| 6/10/13 | Matt Freedman | # | Review of SDG&E SONGS report, review of SDG&E errata exhibit, edits to TURN DR#6 to SDG&E | 0.50 |
| 6/11/13 | Matt Freedman | PHASE 2 | Review of SCE response to TURN DR#11 | 0.50 |
| 6/11/13 | Matt Freedman | PHASE 1A | Review/Edits to TURN DR#7 to SDG&E | 0.25 |
| 6/13/13 | Matt Freedman | PHASE 1A | Review/edits to TURN DR#8 to SDG&E | 0.25 |
| 6/13/13 | Matt Freedman | PHASE 1A | Review/edits to TURN DR#12 to SCE | 0.25 |
| 6/17/13 | Matt Freedman | PHASE 1A | Review of SDG&E responses to TURN DR6, TURN DR7 including CD attachments | 0.50 |
| 6/17/13 | Matt Freedman | PHASE 1A | Correspondance with SDG&E re: TURN DR#8 | 0.25 |
| 6/18/13 | Matt Freedman | PHASE 1A | Meeting with SDG&E (by phone) to discuss TURN access to NEIL policy and claim information, post-meeting followup with Kevin Woodruff | 0.50 |
| 6/18/13 | Matt Freedman | PHASE 1A | Review of SCE responses to TURN DR#9 | 0.25 |
| 6/18/13 | Matt Freedman | GP | Call w/ World Business Academy and A4NR to discuss case strategy and coordination | 0.50 |
| 6/19/13 | Matt Freedman | PHASE 2 | Review of CPUC precedents re: abandoned plant for shutdown generation units | 1.00 |
| 6/19/13 | Matt Freedman | SETT | Settlement meeting with SCE (Henry Weissman) in person to discuss issues | 1.50 |
| 6/24/13 | Matt Freedman | PHASE 1A | Follow up with SCE and SDG&E re: data responses | 0.25 |
| 6/25/13 | Matt Freedman | PHASE 1A | Review of SCE responses to DRA DR1 re: replacement power costs | 0.50 |
| 6/26/13 | Matt Freedman | PHASE 1 | Review of hearing transcripts, initial outline of opening brief on 2012 expenses | 3.50 |
| 6/26/13 | Matt Freedman | SETT | Discussion with Tom Long re: SONGS settlement issues | 0.25 |
| 6/27/13 | Matt Freedman | PHASE 1 | Drafting of opening brief on 2012 expenses | 6.00 |
| 6/28/13 | Matt Freedman | PHASE 1 | Drafting of opening brief on 2012 expenses | 4.00 |
| 6/28/13 | Matt Freedman | PHASE 1 | Discussion with Bill Marcus re: AFUDC, cash working capital issues | 0.25 |
| 6/28/13 | Matt Freedman | SETT | Discussion with Bill Marcus re: SCE settlement issues | 0.25 |
| 7/1/13 | Matt Freedman | SETT | Meeting with SCE (Henry Weissman) to discuss settlement issues | 1.50 |
| 7/3/13 | Matt Freedman | PHASE 1 | Review of opening briefs filed by other parties, initial outline for TURN reply brief | 3.00 |
| 7/3/13 | Matt Freedman | SETT | Discussion with SCE (Henry Weissman) and development of issue matrix | 0.75 |
| 7/7/13 | Matt Freedman | PHASE 2 | Review of CPUC legal precedents on abandoned plant, canceled projects | 3.00 |
| 7/8/13 | Matt Freedman | PHASE 1 | Drafting of reply brief | 4.50 |
| 7/9/13 | Matt Freedman | PHASE 1 | Review of reply briefs submitted by other parties | 0.50 |
| 7/9/13 | Matt Freedman | PHASE 1 | Drafting of reply brief | 3.00 |

| Date | Atty | Task | Description | Time Spent |
|----------|---------------|----------|--|------------|
| 7/9/13 | Matt Freedman | PHASE 1A | Discussion with Kevin Woodruff re: testimony | 0.25 |
| 7/9/13 | Matt Freedman | SETT | Development of TURN settlement position | 0.75 |
| 7/10/13 | Matt Freedman | PHASE 1A | Review, edits, coordination regarding Woodruff Phase 1 reply testimony | 1.75 |
| 7/10/13 | Matt Freedman | PHASE 1A | Review/edits to TURN data requests to SDG&E and SCE re: replacement power costs in 2012 | 0.25 |
| 7/10/13 | Matt Freedman | SETT | Development of TURN settlement position matrix | 1.00 |
| 7/11/13 | Matt Freedman | SETT | Discussion of SONGS settlement strategy with TURN legal staff | 0.50 |
| 7/12/13 | Matt Freedman | EH | Preparation for, and attendance at, Phase 2 PHC | 1.75 |
| 7/16/13 | Matt Freedman | PHASE 1A | Review of SCE response to TURN DR#13 | 0.25 |
| 7/16/13 | Matt Freedman | SETT | Discussion with Bill Marcus re: TURN settlement positions, revision to settlement matrix | 1.25 |
| 7/17/13 | Matt Freedman | SETT | Meeting with SCE (Henry Weissman) to discuss settlement | 1.50 |
| 7/24/13 | Matt Freedman | PHASE 1A | Review of SCE and SDG&E rebuttal testimony on replacement power costs | 1.50 |
| 7/25/13 | Matt Freedman | PHASE 1A | Review of original SCE testimony in A.04-02-026 regarding cost effectiveness methodology for SGRP | 0.50 |
| 7/25/13 | Matt Freedman | PHASE 1A | Review/edits to TURN DRs to SDG&E and SCE re: replacement power costs | 0.50 |
| 7/26/13 | Matt Freedman | PHASE 1A | Coordination discussion with DRA (Mitchell Shapson) re: Phase 1A hearings | 0.50 |
| 7/26/13 | Matt Freedman | GP | Coordination discussion with A4NR re: SONGS OII, settlement and Phase 2/3 | 0.50 |
| 7/29/13 | Matt Freedman | PHASE 1A | Preparation of TURN exhibit/witness list, review of exhibit/witness lists provided by IOUs, compilation of relevant materials for Phase 1A hearings | 1.00 |
| 7/30/13 | Matt Freedman | PHASE 1A | Preparation of cross-estimates, review of cross-estimates by other parties, other preparations for Phase 1A hearings | 0.75 |
| 8/1/13 | Matt Freedman | PHASE 1A | Communication w/Kevin Woodruff re: errata, review of final testimony exhibits, review of July 10th errata testimony | 1.25 |
| 8/2/13 | Matt Freedman | PHASE 1A | Review of Woodruff cross notes, preparation of cross examination for SCE/SDG&E, organization of cross exhibits | 2.50 |
| 8/2/13 | Matt Freedman | PHASE 2 | Review of SCE and SDG&E motions for interim rate adjustments, drafting of TURN response to motions | 2.50 |
| 8/4/13 | Matt Freedman | PHASE 1A | Preparation of cross for SCE and SDG&E witnesses | 3.50 |
| 8/5/13 | Matt Freedman | EH | Participation at SONGS Phase 1A evidentiary hearings | 5.50 |
| 8/5/13 | Matt Freedman | PHASE 1A | Review of transcripts, prep for hearings | 1.50 |
| 8/6/13 | Matt Freedman | EH | Participation at SONGS Phase 1A evidentiary hearings | 5.50 |
| 8/14/13 | Matt Freedman | SETT | Preparation for settlement meeting with SCE, settlement meeting with SCE (Henry Weissman) at TURN's office | 2.00 |
| 8/16/13 | Matt Freedman | SETT | Discussion with DRA (Joe Como) re: possible settlement strategy and coordination | 0.50 |
| 8/21/13 | Matt Freedman | PHASE 1A | Review of transcripts and evidentiary materials for briefing, drafting of opening brief on Phase 1A issues | 5.00 |
| 8/22/13 | Matt Freedman | PHASE 1A | Drafting of opening brief on Phase 1A issues | 5.00 |
| 8/23/13 | Matt Freedman | PHASE 1A | Drafting of opening brief on Phase 1A issues | 4.50 |
| 8/23/13 | Matt Freedman | SETT | Discussions with SCE (Henry Weissman), DRA (Scott Logan) and SDG&E (Lee Schevrin) re: settlement | 0.50 |
| 9/3/13 | Matt Freedman | PHASE 2 | Review/edits to TURN DR#15 to SCE | 0.25 |
| 9/4/13 | Matt Freedman | PHASE 2 | Communication with Bill Marcus re: Phase 2 testimony | 0.25 |
| 9/9/13 | Matt Freedman | PHASE 2 | Review/edits to draft Marcus testimony on Phase 2 issues | 2.50 |
| 9/10/13 | Matt Freedman | PHASE 2 | Preliminary review of Phase 2 testimony served by other parties | 0.75 |
| 9/10/13 | Matt Freedman | GP | Drafting of ex parte notice for Commissioner Florio meeting | 0.50 |
| 9/10/13 | Matt Freedman | PHASE 1A | Review of opening briefs on Phase 1A issues | 1.50 |
| 9/10/13 | Matt Freedman | PHASE 2 | Edits/drafting of TURN data request #1 to AREM/DACC re: use of decommissioning trust fund | 0.25 |
| 9/10/13 | Matt Freedman | GP | Ex parte meeting with Commissioner Florio and his staff re: SONGS issues | 0.25 |
| 9/10/13 | Matt Freedman | PHASE 2 | Edits/review of Marcus Phase 2 testimony, discussions with Bill Marcus re: testimony | 2.25 |
| 9/11/13 | Matt Freedman | PHASE 1A | Legal research on precedents relating to "replacement power costs" | 2.50 |
| 9/11/13 | Matt Freedman | PHASE 1A | Drafting of Phase 1A reply brief | 3.50 |
| 9/12/13 | Matt Freedman | PHASE 1A | Drafting of Phase 1A reply brief | 2.50 |
| 9/13/13 | Matt Freedman | PHASE 1A | Review of Phase 1A reply briefs filed by other parties | 1.50 |
| 9/16/13 | Matt Freedman | SETT | Updating of TURN settlement matrix, drafting of initial TURN-DRA counterproposal | 0.50 |
| 9/16/13 | Matt Freedman | SETT | Meeting with DRA (Linda Cerizawa, Truman Burns, Scott Logan) to discuss settlement options and TURN-DRA counterproposal | 1.50 |
| 9/17/13 | Matt Freedman | SETT | Drafting of initial TURN-DRA counterproposal | 2.00 |
| 9/18/13 | Matt Freedman | SETT | Edits to TURN-DRA counterproposal, communications with DRA, Bill Marcus, SCE re: settlement issues and coordination | 1.50 |
| 9/19/13 | Matt Freedman | SETT | Review/edits to revised TURN-DRA settlement proposal | 0.50 |
| 9/20/13 | Matt Freedman | SETT | Meeting with DRA (Mark Pocta and Truman Burns) to finalize TURN-DRA settlement proposal, final edits and distribution to SCE/SDG&E | 1.50 |
| 9/23/13 | Matt Freedman | SETT | Settlement meeting with DRA, SCE, and SDG&E | 2.00 |
| 9/30/13 | Matt Freedman | PHASE 2 | Preparation of exhibit list, review of exhibit lists prepared by other parties, initial organization of hearing materials, communication with Bill Marcus re: hearings | 0.75 |
| 9/30/13 | Matt Freedman | SETT | Review of SCE/SDG&E settlement counteroffer | 0.50 |
| 10/1/13 | Matt Freedman | PHASE 2 | Review of testimony and preparation of cross-examination estimates | 1.50 |
| 10/1/13 | Matt Freedman | SETT | Attendance at settlement meeting with SCE, DRA and SDG&E | 1.50 |
| 10/2/13 | Matt Freedman | SETT | Research on legal precedents relating to replacement power and abandoned plant | 1.25 |
| 10/2/13 | Matt Freedman | PHASE 2 | Review and distribution of TURN response to SDG&E DR#1 | 0.50 |
| 10/3/13 | Matt Freedman | PHASE 2 | Hearing preparation | 1.50 |
| 10/4/13 | Matt Freedman | PHASE 2 | Preparation of cross-examination for hearings | 4.00 |
| 10/4/13 | Matt Freedman | PHASE 2 | Various hearing prep activities, communication with SDG&E counsel re: cross estimates | 0.50 |
| 10/5/13 | Matt Freedman | PHASE 2 | Preparation of cross-examination for hearings | 2.00 |
| 10/6/13 | Matt Freedman | PHASE 2 | Preparation of cross-examination for hearings | 1.50 |
| 10/7/13 | Matt Freedman | EH | Participation in evidentiary hearings | 5.50 |
| 10/8/13 | Matt Freedman | EH | Participation in evidentiary hearings | 5.00 |
| 10/8/13 | Matt Freedman | PHASE 2 | Preparation for evidentiary hearings | 0.75 |
| 10/9/13 | Matt Freedman | EH | Participation in evidentiary hearings | 6.00 |
| 10/9/13 | Matt Freedman | PHASE 2 | Preparation of cross-examination for hearings | 1.00 |
| 10/9/13 | Matt Freedman | PHASE 2 | Legal research on abandoned plant and CWIP disallowance precedents | 0.50 |
| 10/10/13 | Matt Freedman | EH | Participation in evidentiary hearings | 6.25 |
| 10/10/13 | Matt Freedman | PHASE 2 | Meeting with Bill Marcus to prepare for cross-examination | 1.00 |
| 10/10/13 | Matt Freedman | SETT | Meeting with DRA to discuss settlement issues | 0.50 |
| 10/11/13 | Matt Freedman | GP | Ex-parte meeting (by phone) with Sepideh Khosrowjah (Commissioner Florio) | 0.25 |

| Date | Atty | Task | Description | Time Spent |
|----------|---------------|---------|---|------------|
| 10/11/13 | Matt Freedman | GP | Drafting of ex-parte notice regarding meeting with Sepideh Khosrowjeh | 0.25 |
| 10/11/13 | Matt Freedman | EH | Participation in evidentiary hearings | 2.25 |
| 10/11/13 | Matt Freedman | PHASE 2 | Post-hearing organization of case materials | 0.50 |
| 10/11/13 | Matt Freedman | SETT | Preparation for, and attendance at, settlement meeting with DRA, SCE and SDG&E | 2.75 |
| 10/17/13 | Matt Freedman | SETT | Discussion of SONGS settlement status with TURN legal team | 0.25 |
| 10/20/13 | Matt Freedman | SETT | Review of SCE settlement revenue requirement model update, correspondence with SCE and Bill Marcus re: modeling issues | 0.75 |
| 10/30/13 | Matt Freedman | SETT | Meeting with ORA to discuss settlement counter-offer and strategy | 0.75 |
| 10/31/13 | Matt Freedman | SETT | Review/analysis of TURN/ORA settlement offer, communication with Bill Marcus, SCE/SDG&E re: settlement issues | 0.50 |
| 11/1/13 | Matt Freedman | SETT | Preparation for, and attendance at, settlement meeting with ORA, SCE and SDG&E | 2.50 |
| 11/7/13 | Matt Freedman | SETT | Review of SCE/SDG&E settlement offer, attendance at settlement meeting with SCE/SDG&E/ORA | 2.50 |
| 11/8/13 | Matt Freedman | SETT | Review of revised SCE SONGS model and analysis of various settlement options | 0.50 |
| 11/13/13 | Matt Freedman | SETT | Call with ORA to discuss settlement status, call with SCE to discuss settlement status | 1.00 |
| 11/14/13 | Matt Freedman | PHASE 2 | Review of case materials/transcripts and development of outline for Phase 2 opening brief | 3.25 |
| 11/15/13 | Matt Freedman | PHASE 2 | Review of case materials/transcripts and development of outline for Phase 2 opening brief | 3.75 |
| 11/17/13 | Matt Freedman | PHASE 2 | Review of case materials/transcripts and development of outline for Phase 2 opening brief | 4.25 |
| 11/18/13 | Matt Freedman | PHASE 2 | Research/drafting of Phase 2 opening brief | 6.00 |
| 11/19/13 | Matt Freedman | PHASE 2 | Research/drafting of Phase 2 opening brief | 6.00 |
| 11/19/13 | Matt Freedman | PHASE 1 | Review/analysis of Phase 1 PD | 1.00 |
| 11/20/13 | Matt Freedman | PHASE 2 | Drafting Phase 2 opening brief | 5.50 |
| 11/21/13 | Matt Freedman | PHASE 2 | Drafting Phase 2 opening brief | 6.00 |
| 12/5/13 | Matt Freedman | RSG | Discussion with Friends of the Earth (Damon Moglen) re: coordination on Phase 3 issues | 0.50 |
| 12/6/13 | Matt Freedman | PHASE 1 | Review of Phase 1 PD | 0.75 |
| 12/7/13 | Matt Freedman | PHASE 1 | Review of Phase 1 PD, drafting opening comments | 4.00 |
| 12/8/13 | Matt Freedman | PHASE 2 | Drafting of TURN Phase 2 reply brief | 6.00 |
| 12/8/13 | Matt Freedman | PHASE 2 | Legal research on precedents identified in SCE/SDG&E opening briefs | 1.50 |
| 12/8/13 | Matt Freedman | PHASE 2 | Review of Phase 2 opening briefs submitted by other parties | 3.00 |
| 12/9/13 | Matt Freedman | PHASE 2 | Drafting of TURN Phase 2 reply brief | 5.25 |
| 12/9/13 | Matt Freedman | PHASE 1 | Final review/edits to TURN opening comments on Phase 1 PD | 0.25 |
| 12/13/13 | Matt Freedman | PHASE 2 | Final review/edits to TURN Phase 2 reply brief | 1.00 |
| 12/15/13 | Matt Freedman | PHASE 1 | Review of opening comments on PD filed by other parties, drafting of TURN reply comments | 1.50 |
| 12/16/13 | Matt Freedman | PHASE 1 | Review of reply comments filed by other parties | 0.50 |
| 1/10/14 | Matt Freedman | GP | Ex-parte discussion with Sepideh Khosrowjeh re: SONGS Phase 1 PD | 0.25 |
| 1/10/14 | Matt Freedman | GP | Drafting of ex-parte notice for Khosrowjeh meeting | 0.25 |
| 1/13/14 | Matt Freedman | GP | Drafting of ex-parte notice for Florio meeting | 0.25 |
| 1/13/14 | Matt Freedman | GP | Ex-parte meeting with Commissioner Florio | 0.50 |
| 1/13/14 | Matt Freedman | SETT | Discussion with SDG&E (Lee Schavrein) re: settlement | 0.25 |
| 1/14/14 | Matt Freedman | SETT | Settlement meeting with SDG&E | 1.50 |
| 1/14/14 | Matt Freedman | PHASE 1 | Review of agenda for all-party meeting on Phase 1 PD. Review of transcript, ALJ rulings, SCE testimony and other documents for development of outline in response to Agenda questions circulated by Commissioner Sandoval's office. | 2.00 |
| 1/15/14 | Matt Freedman | PHASE 1 | Final preparation for all-party meeting | 0.50 |
| 1/15/14 | Matt Freedman | EH | Participation in all-party ex-parte meeting on Phase 1 PD | 2.50 |
| 1/15/14 | Matt Freedman | SETT | Discussion with ORA re: settlement developments | 0.50 |
| 1/16/14 | Matt Freedman | SETT | Correspondence with SDG&E, ORA and TURN staff re: settlement issues | 0.75 |
| 1/17/14 | Matt Freedman | SETT | Communication with Lee Schavrein (SDG&E) re: settlement issues | 0.25 |
| 1/22/14 | Matt Freedman | SETT | Meeting with ORA (telephone - Linda Serizawa and SONGS team) to discuss settlement developments | 0.50 |
| 1/27/14 | Matt Freedman | SETT | Settlement meeting (in person) with SDG&E | 1.50 |
| 1/28/14 | Matt Freedman | SETT | Discussion with Joe Como (ORA) re: SONGS settlement, drafting of settlement communications to ORA staff and SCE/SDG&E | 0.50 |
| 2/4/14 | Matt Freedman | SETT | Drafting settlement communications to SCE/SDG&E | 0.50 |
| 2/4/14 | Matt Freedman | SETT | Meeting with ORA (in-person) to discuss settlement issues | 1.00 |
| 2/5/14 | Matt Freedman | SETT | Conversation with SCE (Henry Weissman) re: settlement issues | 0.50 |
| 2/6/14 | Matt Freedman | SETT | Conversation with SDG&E (Lee Schavrein) re: settlement issues | 0.25 |
| 2/7/14 | Matt Freedman | SETT | Communications with SCE re: settlement issues | 0.25 |
| 2/11/14 | Matt Freedman | SETT | Review of revised SCE settlement model and assumptions | 0.75 |
| 2/18/14 | Matt Freedman | SETT | Call to SDG&E (Lee Schavrein) re: settlement issues | 0.50 |
| 2/20/14 | Matt Freedman | SETT | Review of updated SCE settlement model | 0.50 |
| 2/21/14 | Matt Freedman | SETT | Review of SCE/SDG&E models, development of TURN/ORA settlement proposal and drafting of description for ORA/TURN review | 2.50 |
| 2/24/14 | Matt Freedman | SETT | Additional review of SCE/SDG&E models, development of TURN/ORA settlement proposal | 1.00 |
| 2/25/14 | Matt Freedman | SETT | Finalizing settlement proposal analysis, email to ORA and TURN staff with summary | 1.25 |
| 2/25/14 | Matt Freedman | SETT | Review of SDG&E settlement model, communication with SDG&E re: anomalous results | 0.75 |
| 2/26/14 | Matt Freedman | SETT | Discussion with ORA (phone) re: joint TURN/ORA settlement offer | 0.50 |
| 2/26/14 | Matt Freedman | SETT | Review of revised SDG&E settlement model and analysis of various scenarios | 0.50 |
| 2/26/14 | Matt Freedman | SETT | Discussion with Tom Long re: settlement issues and case strategy | 0.50 |
| 2/26/14 | Matt Freedman | SETT | Meeting with SDG&E (phone) to discuss settlement model concerns, discussion with Bill Marcus re: model issues | 0.75 |
| 2/26/14 | Matt Freedman | SETT | Discussion with Bob Finkelstein re: depreciation issues in settlement offers | 0.25 |
| 2/26/14 | Matt Freedman | SETT | Communication with SCE re: settlement issues | 0.25 |
| 2/27/14 | Matt Freedman | SETT | Review and preparation of TURN/ORA settlement offer, distribution to SCE/SDG&E | 1.00 |
| 2/28/14 | Matt Freedman | SETT | Settlement call with SCE, SDG&E and ORA | 0.75 |
| 3/3/14 | Matt Freedman | SETT | Settlement meeting (in-person) with SCE, SDG&E and ORA; Post-meeting debrief with ORA | 1.50 |
| 3/5/14 | Matt Freedman | SETT | Analysis of Settlement options; preparation of ORA-TURN settlement counteroffer | 1.50 |
| 3/6/14 | Matt Freedman | SETT | Settlement meeting (in-person) with SCE, SDG&E and ORA. | 1.50 |
| 3/6/14 | Matt Freedman | SETT | Review of settlement issues with TURN legal staff | 0.50 |
| 3/10/14 | Matt Freedman | SETT | Review/analysis of SCE/SDG&E settlement offer, settlement communications with SCE/SDG&E re: next meetings, communication with ORA re: settlement issues | 0.50 |

| Date | Atty | Task | Description | Time Spent |
|---------|---------------|------|---|------------|
| 3/11/14 | Matt Freedman | SETT | Development of alternatives for litigation sharing formula | 1.25 |
| 3/11/14 | Matt Freedman | SETT | Settlement meeting (by phone) with SCE, SDG&E and ORA | 0.50 |
| 3/12/14 | Matt Freedman | SETT | Analysis of settlement scenarios re: litigation cost sharing; meetings with ORA, TURN attorneys re: litigation sharing issues; drafting of ORA/TURN settlement counteroffer | 2.50 |
| 3/13/14 | Matt Freedman | SETT | Preparation for, and attendance at, settlement meeting (in person) with SCE, SDG&E and ORA | 2.50 |
| 3/17/14 | Matt Freedman | SETT | Review, analysis and edits to draft settlement agreement | 2.50 |
| 3/18/14 | Matt Freedman | SETT | Settlement meeting (in person) with SCE, SDG&E and ORA re: settlement documents | 3.50 |
| 3/18/14 | Matt Freedman | SETT | Review, analysis, and edits to draft settlement document; review/markup of revised settlement document provided by SCE | 2.75 |
| 3/19/14 | Matt Freedman | SETT | Discussions with ORA and Bill Marcus re: various settlement provisions, drafting of alternative language | 1.50 |
| 3/19/14 | Matt Freedman | SETT | Settlement meeting (by phone) with SCE, SDG&E and ORA | 0.75 |
| 3/19/14 | Matt Freedman | SETT | Review/markup of latest settlement agreement draft | 1.75 |
| 3/20/14 | Matt Freedman | SETT | Settlement meeting (by phone) with SCE, SDG&E and ORA | 1.50 |
| 3/20/14 | Matt Freedman | SETT | Review of settlement materials pre-meeting | 0.50 |
| 3/21/14 | Matt Freedman | SETT | Settlement meeting (by phone) with SCE, SDG&E and ORA | 1.00 |
| 3/21/14 | Matt Freedman | SETT | Review of latest settlement drafts and other case materials | 1.25 |
| 3/24/14 | Matt Freedman | SETT | Review of latest settlement draft, exchange of emails with settling parties, meeting (by phone) with SCE, SDG&E and ORA to discuss latest revisions to settlement | 2.50 |
| 3/25/14 | Matt Freedman | SETT | Review/edits to new settlement draft and PVRR comparisons; review of prior case materials | 2.00 |
| 3/26/14 | Matt Freedman | SETT | Settlement call with SCE, SDG&E and ORA | 1.50 |
| 3/26/14 | Matt Freedman | SETT | Review of revised settlement documents, settlement summary, PVRR calculations, phone calls/emails with SDG&E re: PVRR issues, 2012 O&M costs; phone calls with SCE and ORA to discuss various settlement issues | 5.50 |
| 3/27/14 | Matt Freedman | SETT | Attendance at settlement conference | 1.50 |
| 3/28/14 | Matt Freedman | SETT | Discussion with ORA re: next steps and settlement implementation issues | 0.25 |
| 3/31/14 | Matt Freedman | SETT | Review/edits to draft joint settlement motion; Discussion with SCE re: motion issues | 2.25 |
| 3/31/14 | Matt Freedman | SETT | Review of Michael Aguirre data request to TURN re: settlement, conversations with SCE and TURN staff re: Aguirre data request | 0.75 |
| 4/1/14 | Matt Freedman | SETT | Review of data request and email by Mike Aguirre re: settlement, communication with SCE and TURN staff re: responses | 0.75 |
| 4/2/14 | Matt Freedman | SETT | Review of latest draft of settlement motion | 0.50 |
| 4/2/14 | Matt Freedman | SETT | Coordination with SCE/SDG&E re: ex-parte meetings with Commission offices | 0.25 |
| 4/2/14 | Matt Freedman | SETT | Review of PVRR materials, phone call with Mike Aguirre, discussions with Mark Toney and communication to TURN staff re: Aguirre issues | 1.75 |
| 4/3/14 | Matt Freedman | SETT | Coordination with SCE/SDG&E re: ex-parte meetings with Commission offices | 0.25 |
| 4/3/14 | Matt Freedman | SETT | Review of settlement motion, execution of settlement agreement | 0.50 |
| 4/8/14 | Matt Freedman | SETT | Review of Henricks opposition to joint settlement motion | 0.25 |
| 4/9/14 | Matt Freedman | SETT | Drafting response to Ruth Henricks data request #1 to TURN | 0.75 |
| 4/9/14 | Matt Freedman | SETT | Review of Common Interest Agreement between SCE, ORA, TURN, SDG&E | 0.25 |
| 4/9/14 | Matt Freedman | SETT | Discussions with Joint Parties, CalPIRG and AARP re: SONGS settlement | 0.50 |
| 4/9/14 | Matt Freedman | GP | Ex-parte meeting with Commissioner Peevey to discuss SONGS settlement | 0.50 |
| 4/10/14 | Matt Freedman | SETT | Discussion with Tom Long re: TURN response to Ruth Henricks data request #1, edits to TURN response | 0.25 |
| 4/10/14 | Matt Freedman | GP | Drafting of ex-parte notice for meeting with Commissioner Peevey | 0.25 |
| 4/11/14 | Matt Freedman | SETT | Final review/edits to TURN response to Ruth Henricks data request | 0.25 |
| 4/11/14 | Matt Freedman | SETT | Review of Henricks data request #2 to TURN/SCE | 0.25 |
| 4/11/14 | Matt Freedman | SETT | Review of CDSO response to settlement motion | 0.25 |
| 4/14/14 | Matt Freedman | SETT | Preparation for ex-parte meetings with Commissioner offices on settlement | 0.50 |
| 4/14/14 | Matt Freedman | GP | Ex-parte meeting with Commissioner Peevey's office (Carol Brown, Brian Stephens, Scott Murtishaw) and ORA, SCE, SDG&E | 0.75 |
| 4/14/14 | Matt Freedman | GP | Ex-parte meeting with Commissioner Picker's office (Nick Chasset, Charlotte Teurkheurst) and ORA, SCE, SDG&E | 0.50 |
| 4/14/14 | Matt Freedman | GP | Ex-parte meeting with Commissioner Florio's office (Commissioner Florio, Rachel Peterson, Sepideh) and ORA, SCE, SDG&E | 0.50 |
| 4/14/14 | Matt Freedman | GP | Ex-parte meeting with Commissioner Peterman's office (Julie Fitch) and ORA, SCE, SDG&E | 0.50 |
| 4/14/14 | Matt Freedman | SETT | Discussion with SCE, SDG&E, ORA re: response to Aguirre data requests and motion to compel | 0.50 |
| 4/15/14 | Matt Freedman | SETT | Discussion with SCE re: response to Henricks data request and draft motion to compel | 0.25 |
| 4/15/14 | Matt Freedman | SETT | Preparation of response to Henricks data request -- review of email communications and other written materials, drafting of supplemental response | 0.50 |
| 4/15/14 | Matt Freedman | SETT | Internal TURN discussions re: Henricks motion to compel and data requests | 0.50 |
| 4/15/14 | Matt Freedman | SETT | Review of final Henricks motion to compel | 0.25 |
| 4/21/14 | Matt Freedman | SETT | Initial drafting of TURN response to A4NR data request #1 | 0.50 |
| 4/21/14 | Matt Freedman | SETT | Review of CDSO request for settlement clarifications | 0.25 |
| 4/22/14 | Matt Freedman | SETT | Drafting TURN response to Henricks DR#2 | 1.50 |
| 4/23/14 | Matt Freedman | SETT | Edits and drafting of TURN responses to A4NR data request #1; Edits to TURN responses to Henricks DR#2; Discussion (phone) with Henry Weissman re: discovery issues; Discussion (phone) with Bob Finkelstein re: discovery issues | 1.50 |
| 4/24/14 | Matt Freedman | SETT | Meeting with SCE and ORA to discuss settlement issues | 0.50 |
| 4/24/14 | Matt Freedman | SETT | Review of ALJ ruling setting hearing and requesting supplemental information | 0.25 |
| 4/25/14 | Matt Freedman | SETT | Drafting TURN response to Henricks motion to compel | 0.50 |
| 4/28/14 | Matt Freedman | SETT | Initial review of WEM DR#1 to TURN | 0.25 |
| 4/30/14 | Matt Freedman | SETT | Review of draft responses to ALJ questions, meeting with SCE, SDG&E, ORA and FOE to discuss draft responses, discussion with Bill Marcus re: sponsoring responses | 2.25 |
| 5/1/14 | Matt Freedman | SETT | Review of SCE/SDG&E/TURN/ORA responses to ALJ questions, correspondence with settling parties | 0.75 |
| 5/4/14 | Matt Freedman | SETT | Review of Henricks Data Request #3 to TURN; communication with SCE, ORA, TURN staff re: DR; review of ALJ ruling setting hearing | 0.25 |
| 5/6/14 | Matt Freedman | SETT | Discussion with SCE (Henry Weissman) re: settlement issues | 0.50 |
| 5/7/14 | Matt Freedman | SETT | Review of updated SDG&E PVRR analysis | 0.50 |
| 5/7/14 | Matt Freedman | SETT | Review of WEM response to motion for settlement approval; drafting responses to WEM data request #1 to TURN | 1.50 |
| 5/7/14 | Matt Freedman | SETT | Correspondence with SCE, SDG&E, TURN consultant re: May 14 settlement hearing | 0.50 |
| 5/7/14 | Matt Freedman | SETT | Review of responses to settlement motion by CDSO, A4NR, CLECA, CUE | 1.25 |

| Date | Atty | Task | Description | Time Spent |
|----------|---------------|------|--|------------|
| 5/12/14 | Matt Freedman | SETT | Discussion with SCE re: response to Henricks data requests, drafting of TURN response to Henricks Data Request #3, various communications with settling parties re: upcoming hearings | 1.50 |
| 5/13/14 | Matt Freedman | SETT | Review of case materials in preparation for SONGS evidentiary hearing, discussions with Bill Marcus re: testimony | 1.50 |
| 5/14/14 | Matt Freedman | SETT | Meeting with SCE, SDG&E, ORA to prepare for evidentiary hearing on settlement | 2.00 |
| 5/14/14 | Matt Freedman | SETT | Meeting with Bill Marcus to prepare for hearing | 1.25 |
| 5/14/14 | Matt Freedman | EH | Participation in settlement evidentiary hearing | 3.00 |
| 5/15/14 | Matt Freedman | EH | Review of transcript from settlement hearing | 0.75 |
| 5/16/14 | Matt Freedman | SETT | Meeting with SCE to discuss AFUDC issues relating to settlement | 1.00 |
| 5/20/14 | Matt Freedman | SETT | Review of/edits to draft joint reply to comments on settlement | 1.50 |
| 5/21/14 | Matt Freedman | SETT | Review of/edits to draft joint reply to comments on settlement | 1.00 |
| 5/22/14 | Matt Freedman | SETT | Review of reply comments on SONGS settlement by various parties | 0.75 |
| 5/23/14 | Matt Freedman | SETT | Review of various motions for official notice filed by Henricks | 0.50 |
| 5/27/14 | Matt Freedman | SETT | Communication with SCE re: Henricks motion for official notice | 0.25 |
| 6/3/14 | Matt Freedman | SETT | Communication with SCE/SDG&E/ORA re: settlement issues | 0.25 |
| 6/5/14 | Matt Freedman | SETT | Review of recent correspondence between settling parties re: discovery issues, preparation for June 16th meeting, and other topic | 0.50 |
| 6/6/14 | Matt Freedman | SETT | Internal TURN communications re: June 16 community meeting | 0.25 |
| 6/9/14 | Matt Freedman | SETT | Communication w/Friends of the Earth re: June 16 community meeting | 0.25 |
| 6/10/14 | Matt Freedman | SETT | Call with SCE, SDG&E and other settling parties to discuss June 16 Community Meeting issues; Post-call discussion with Mark Toney and Mindy Spatt re: TURN participation at Community Meeting; Written request to SCE and SDG&E for additional information | 1.75 |
| 6/11/14 | Matt Freedman | SETT | Review of communications re: June 16 meeting, Drafting notice to service list of TURN participation | 0.25 |
| 6/12/14 | Matt Freedman | SETT | Review and editing of TURN materials for June 16 community meeting | 0.75 |
| 6/14/14 | Matt Freedman | SETT | Review of materials by SCE and ORA for June 16 community meeting | 0.50 |
| 6/17/14 | Matt Freedman | SETT | Communications with TURN staff (Mark Toney, Mindy Spatt) re: June 16 community meeting | 0.50 |
| 7/9/14 | Matt Freedman | SETT | Review of case correspondence, communications re: ORA audit of SONGS costs | 0.25 |
| 7/15/14 | Matt Freedman | SETT | Meeting with SCE (Henry Weissman) to discuss settlement developments and next steps | 0.50 |
| 7/16/14 | Matt Freedman | SETT | Review of ex-parte notices sent by CDSO, A4NR | 0.25 |
| 8/4/14 | Matt Freedman | SETT | Review of Ruth Henricks motion to reopen record and memo of Robert Budnitz | 0.50 |
| 8/5/14 | Matt Freedman | SETT | Review of Ruth Henricks declaration in support of motion to reopen record | 0.25 |
| 8/7/14 | Matt Freedman | SETT | Review of draft response to Henricks motion seeking to reopen record, edits to draft | 0.75 |
| 8/8/14 | Matt Freedman | SETT | Communication with Bill Marcus re: settlement issues | 0.25 |
| 9/3/14 | Matt Freedman | SETT | Review of service list communications including SCE letter to NRC re: SONGS closure | 0.25 |
| 9/5/14 | Matt Freedman | SETT | Review of Assigned Commissioner Ruling re: Settlement modifications and analysis of proposed changes | 1.50 |
| 9/8/14 | Matt Freedman | SETT | Discussion with SCE (Henry Weissman) re: ACR proposing settlement modifications | 0.50 |
| 9/8/14 | Matt Freedman | SETT | Discussion with ORA (Greg Heiden) re: ACR proposing settlement modifications | 0.25 |
| 9/8/14 | Matt Freedman | SETT | Discussion with FOE (Larry Chaset) re: ACR proposing settlement modifications | 0.25 |
| 9/8/14 | Matt Freedman | SETT | Discussion with Bill Marcus re: ACR proposing settlement modifications | 0.25 |
| 9/8/14 | Matt Freedman | SETT | Discussion with UCAN (Don Kelly) re: Assigned Commissioner ruling proposing settlement modifications | 1.00 |
| 9/9/14 | Matt Freedman | SETT | Discussion with SDG&E re: ACR proposing settlement modifications | 0.50 |
| 9/9/14 | Matt Freedman | SETT | Internal TURN discussion re: potential settlement modifications | 0.50 |
| 9/10/14 | Matt Freedman | SETT | Review of revised settlement draft; email to settling parties providing feedback and recommendations | 0.75 |
| 9/11/14 | Matt Freedman | SETT | Discussion with SCE (Henry Weissman) re: draft settlement modifications | 0.50 |
| 9/12/14 | Matt Freedman | SETT | Discussion with ORA re: settlement issues | 0.25 |
| 9/15/14 | Matt Freedman | SETT | Review of comments on settlement modifications filed by WEM, Henricks, A4NR, and CDSO; Review of Henricks objection to official notice | 1.00 |
| 9/16/14 | Matt Freedman | SETT | Discussion with ORA re: settlement modifications and procedural issues | 0.50 |
| 9/16/14 | Matt Freedman | SETT | Meeting with SCE and ORA to discuss settlement modifications, review of AFUDC impacts | 0.75 |
| 9/16/14 | Matt Freedman | SETT | Discussion with SCE re: settlement issues | 0.50 |
| 9/17/14 | Matt Freedman | SETT | Correspondence with settling parties re: settlement modifications | 0.50 |
| 9/18/14 | Matt Freedman | SETT | Additional correspondence with Settling Parties re: modifications and CPUC filing | 0.50 |
| 9/19/14 | Matt Freedman | SETT | Communications with settling parties re: settlement conference issues | 0.50 |
| 9/22/14 | Matt Freedman | SETT | Communications with settling parties re: settlement conference issues | 0.50 |
| 9/23/14 | Matt Freedman | SETT | Participation in settlement conference | 0.50 |
| 9/23/14 | Matt Freedman | SETT | Final review and execution of amended settlement and accompanying filing by the settling parties | 0.75 |
| 9/24/14 | Matt Freedman | SETT | Review of Henricks, A4NR filings re: settlement | 0.25 |
| 9/29/14 | Matt Freedman | SETT | Discussion with SDG&E re: settlement process issues | 0.50 |
| 9/30/14 | Matt Freedman | SETT | Discussion with SCE (Henry Weissman) re: settlement process issues | 0.50 |
| 10/1/14 | Matt Freedman | SETT | Review of draft SONGS tariff changes required to implement settlement | 0.25 |
| 10/9/14 | Matt Freedman | SETT | Review/analysis of PD approving settlement | 1.75 |
| 10/10/14 | Matt Freedman | SETT | Communication with SCE re: PD | 0.25 |
| 10/13/14 | Matt Freedman | SETT | Analysis of settlement impacts on post-2014 ratepayer costs using PVRRs developed by SCE and SDG&E | 1.00 |
| 10/16/14 | Matt Freedman | SETT | Discussion with SCE re: PD and oral argument; review/edits to draft pleading re: oral argument, communication with SDG&E re: pleading | 0.75 |
| 10/17/14 | Matt Freedman | GP | Final review and signoff on joint pleading re: oral argument | 0.25 |
| 10/21/14 | Matt Freedman | SETT | Review of SDG&E data on revenue requirements and estimated customer refunds; conference call with SDG&E to discuss data | 0.75 |
| 10/23/14 | Matt Freedman | GP | Review of CDSO motion for stay of proceeding; communication with ORA re: CDSO motion | 0.25 |
| 10/23/14 | Matt Freedman | SETT | Review of draft settling party opening comments on Darling/Dudney PD | 0.50 |
| 10/27/14 | Matt Freedman | SETT | Additional review of SDG&E SONGS implementation data | 0.50 |
| 10/28/14 | Matt Freedman | GP | Review of revised opening comments of settling parties on Darling/Dudney PD | 0.25 |
| 10/29/14 | Matt Freedman | GP | Review of revised comments on PD by settling parties; review of opening comments filed by other parties | 1.00 |
| 10/29/14 | Matt Freedman | SETT | Development of TURN outline for oral argument, meeting with settling parties (by phone) to discuss oral argument coordination | 1.00 |
| 10/30/14 | Matt Freedman | SETT | Drafting oral argument | 3.00 |
| 10/31/14 | Matt Freedman | EH | Attendance/participation at oral argument | 1.25 |
| 10/31/14 | Matt Freedman | EH | Preparation for oral argument | 1.00 |
| 10/31/14 | Matt Freedman | SETT | Review and edits to draft settling party reply comments on PD | 0.75 |

| Date | Atty | Task | Description | Time Spent |
|-----------------------------|---------------|-------|---|---------------|
| 11/2/14 | Matt Freedman | SETT | Review of additional edits to Settling party reply comments on PD | 0.25 |
| 11/3/14 | Matt Freedman | SETT | Review of additional edits to Settling party reply comments on PD | 0.25 |
| 11/19/14 | Matt Freedman | SETT | Review of revisions to Darling/Dudney PD | 0.50 |
| 11/20/14 | Matt Freedman | SETT | Review of SDG&E implementing advice letter, meeting with SDG&E and ORA to review draft AL | 1.25 |
| 12/1/14 | Matt Freedman | SETT | Additional review of draft SCE/SDG&E implementing Advice Letters | 1.5 |
| 12/16/14 | Matt Freedman | SETT | Review of CDSO and Ruth Henrix protests to SCE and SDG&E implementation Advice Letters | 1 |
| 12/18/14 | Matt Freedman | AFR | Review of Henricks Application for rehearing of D.14-11-040 | 0.5 |
| 12/18/14 | Matt Freedman | AFR | Discussion with SCE (Henry Weissman) about joint response to Henricks AFR | 0.25 |
| 12/31/14 | Matt Freedman | AFR | Review/edits to draft joint response to Henricks AFR | 0.75 |
| 12/31/14 | Matt Freedman | AFR | Communication with SCE and settling parties re: joint response to Henricks AFR | 0.25 |
| 1/15/15 | Matt Freedman | COMP | Preparation of compensation request | 3 |
| 1/16/15 | Matt Freedman | COMP | Preparation of compensation request | 3.5 |
| 1/19/15 | Matt Freedman | COMP | Preparation of compensation request | 4 |
| 1/20/15 | Matt Freedman | COMP | Preparation of compensation request | 2.5 |
| 1/21/15 | Matt Freedman | COMP | Preparation of compensation request | 2 |
| Total: Matt Freedman | | | | 547.25 |
| <u>Attorney: Tom Long</u> | | | | |
| 1/4/13 | Tom Long | GP | Review SCE draft PHC statement and prep e-mail to Matt with my analysis re sched, scope | 0.50 |
| 2/25/13 | Tom Long | LEGAL | Meet w/Matt re retroactive R/m issues raised by SCE | 0.25 |
| 2/28/13 | Tom Long | LEGAL | Rev and analyze retro r/m case cited by SCE and prep e-mail to Matt re responding to it | 0.50 |
| 6/26/13 | Tom Long | SETT | Discuss w/Matt initial settlement discussions w/SCE | 0.25 |
| 10/3/13 | Tom Long | RSG | Research re utility liability for vendor mistakes and prep e-mail to Matt re same | 0.50 |
| 10/4/13 | Tom Long | RSG | Respond to Matt's e-mail re SCE cases re vendor liability | 0.25 |
| 10/4/13 | Tom Long | GP | Discuss w/Bob, Matt potential m/disqualify Ferron re reliance on investor meetings | 0.25 |
| 10/11/13 | Tom Long | SETT | Discuss settlement strategy w/Matt | 0.25 |
| 1/16/14 | Tom Long | SETT | Meet w/Matt re latest developments in negotiations | 0.25 |
| 2/26/14 | Tom Long | SETT | Discuss issues re insurance, arbitration proceeds w/Matt | 0.50 |
| 2/26/14 | Tom Long | SETT | Rev Matt's draft stlmt offer and prep e-mail in response | 0.50 |
| 3/12/14 | Tom Long | SETT | Discuss w/Matt TURN proposal for settlement offer | 0.25 |
| 4/10/14 | Tom Long | SETT | Rev and edit draft response to DRs from Ruth Henricks, and discuss same with Matt | 0.50 |
| 4/23/14 | Tom Long | SETT | Rev and edit MF draft response to Henricks DR # 2 | 0.50 |
| 4/24/14 | Tom Long | SETT | Rev and edit MF draft response to Henricks m/compel | 0.25 |
| Total: Tom Long | | | | 5.50 |
| Grand Total | | | | 825.58 |

| No | Date | Description | Time |
|----|------------|--|------|
| 1 | 3/26/2013 | Peevey provides "framework for a possible resolution of the OII" was made by Mr. Peevey to Mr. Pickett | |
| 2 | 5/3/2013 | Discussion with SCE (Henry Weissman) re: TURN data responses | 0.5 |
| 3 | 5/31/2013 | Discussion with Henry Weissman (SCE) re: possible settlement, summary of conversation for TURN attorneys and consultants | 0.5 |
| 4 | 6/19/2013 | Settlement meeting with SCE (Henry Weissman) in person to discuss issues | 1.5 |
| 5 | 6/26/2013 | Discussion with Tom Long re SONGS settlement issues | ,25 |
| 6 | 7/1/2013 | Meeting with SCE (Henry Weissman) to discuss settlement issues | 1.5 |
| 7 | 7/3/2013 | Discussion with SCE (Henry Weissman) and development of issue ma | 0.75 |
| 8 | 7/17/2013 | Meeting with SCE (Henry Weissman) to discuss settlement | 1.5 |
| 9 | 8/14/2013 | Preparation for settlement meeting with SCE, settlement meeting with SCE (Henry Weissman) at TURN's office | 2 |
| | 8/16/2013 | Discussion with DRA (Joe Como) re: possible settlement strategy and coordination | 0.5 |
| 10 | 8/23/2013 | Discussions with SCE (Henry Weisman), DRA (Scott Logan) and SDG&E (Lee Schevrin) re settlement | 0.5 |
| 11 | 9/16/2013 | Meeting with DRA (Linda Cerizawa, Bruman Burns, Scott Logan) to discuss settlement options and TURN-DRA counterproposal | 1.5 |
| 12 | 9/18/2013 | Edits to TURN-DRA counterproposal, communications with DRA, Bill Marcus, SCE re: settlement issues and coordination | 1.5 |
| 13 | 9/20/2013 | Meeting with DRA (Mark Pocta and Truman Burns) to finalize TURN-DRA settlement proposal final edits distribution to SCE/to SCE and SDG&E | 1.5 |
| 14 | 9/23/2013 | Settlement meeting with DRA, SCE and SDG&E | 2 |
| 15 | 9/30/2013 | Review of SCE/SDG&E settlement counteroffer | 0.5 |
| 16 | 10/1/2013 | Attendance at settlement meeting with SCE, DRA and SDG&E | 1.5 |
| 17 | 10/10/2013 | Meeting with DRA to discuss settlement issues | 0.5 |
| 18 | 10/11/2013 | Ex-parte meeting (by phone) with Sepideh Khosrowjah (Commissioner Florio) | 0.25 |
| 19 | 10/11/2013 | Preparation for and attendance at, settlement meeting with DRA, SCE, SDG&E | 2.75 |
| 20 | 10/20/2013 | Review of SCE settlement revenue requirement model update, correspondance, with SCE and Bill Marcus re: modeling issues. | 0.75 |
| 21 | 10/30/2013 | Meeting with ORA to discuss settlement counte-offer and strategy | 0.75 |
| 22 | 10/31/2013 | Review/analysis of TURN/ORR settlement offer, communication with Bill Maracus, SCE/SDG&E re settlement issues | 0.5 |
| 23 | 11/1/2013 | Preparation for, and attendance at, settlement meeting with ORA, SCE and SDG&E | 2.5 |
| 24 | 11/7/2013 | Review of SCE/SDG&E settlement offer, attendance at settlement meeting with SCE/SDG&E/ORR | 2.5 |
| 25 | 11/13/2013 | Call with ORR to discuss settlement status, call with SCE to discuss settlement status | 1.0 |
| 26 | 1/10/2014 | Ex-parte discussion with Sepideh Khosrowjah re: SONGS phase 1 PD | 0.25 |

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| 27 | 1/13/2014 | Ex-parte meeting with Commissioner Florio | 0.5 |
| 28 | 1/13/2014 | Discussion with SDG&E (Lee Schevren) re settlement | 0.25 |
| 29 | 1/14/2014 | Settlement meeting with SDG&E | 1.5 |
| 30 | 1/15/2014 | Discussion with ORA re settlement developments | 0.5 |
| 31 | 1/16/2014 | Correspondence with SDG&E, ORA and TURN staff re: settlements issues | 0.75 |
| 32 | 1/17/2014 | Communication with Lee Schavrein (SDG&E) re: settlement issues | 0.25 |
| 33 | 1/22/2014 | Meeting with ORA (telephone-Linda Serizawa and SONGS team) to discuss settlement developments | 0.5 |
| 34 | 1/27/2014 | Settlement meeting (in person) with SDG&E | 0.5 |
| 35 | 1/28/2014 | Discussion with Joe Como (ORA) re: SONGS settlement, drafting of settlement communications to ORA staff and SCE/SDG&E | 0.5 |
| 36 | 2/4/2014 | Drafting settlement communications to SCE/SDG&E | 0.5 |
| 37 | 2/4/2014 | Meeting with ORA (in-person) to discuss settlement issues | 0.5 |
| 38 | 2/5/2014 | Conversation with SCE (Henry Weissman) re: settlement issues | 0.5 |
| 39 | 2/6/2014 | Conversation with SDG&E (Lee Schvrein) re: settlement issues | 0.25 |
| 40 | 2/7/2014 | Communicatioins with SCE re: settlements issues | 0.25 |
| 41 | 2/18/2014 | Call to SDG&E (Lee Schavrein) re: settlement issues | 0.5 |
| 42 | 2/26/2014 | Discussion with ORA (phone) re: joint TURN/ORA settlement proposal | 0.5 |
| 43 | 2/26/2014 | Discussion with Tom Long re: settlement issues and case strategy | 0.5 |
| 44 | 2/26/2014 | Communication with SCE re: settlement issues | 0.25 |
| 45 | 2/27/2014 | Review and preparation of TURN/ORA settlement offer; distribution to SCE/SDG&E | 1 |
| 46 | 2/28/2014 | Settlement call with SCE, SDG&E and ORA | 0.75 |
| 47 | 3/3/2014 | Settlement meeting (in-person) with SCE, SDG&E and ORA; Post-meeting debrie with ORA | 1.5 |
| 48 | 3/6/2014 | Settlement meeting (in-person) with SCE, SDG&E and ORA | 1.5 |
| 49 | 3/10/2014 | Review/analysis of SCE/SDG&E settlement offer, settlement communications with SCE/SDG&E re: next meetings; communication with ORA re: settlement issues | 0.5 |
| 50 | 3/11/2014 | Settlement meeting (by phone) with SCE, SDG&E and ORA | 1.25 |
| 51 | 3/13/2014 | Preparation for, and attendance at, settlement meeting (in person) with SCE, SDG&E and ORA | 2.5 |
| 52 | 3/18/2014 | Settlement meting (in person) with SCE, SDG&E and ORA re: settlements documents | 1.5 |
| 53 | 3/19/2014 | Settlements meeting (by phone) with SCE, SDG&E and ORA | 0.75 |
| 54 | 3/20/2014 | Settlement meeting (by phone) with SCE, SDG&E and ORA | 1.0 |
| 55 | 3/21/2014 | Settlement meeting (by phone) with SCE, SDG&E and ORA | 1.0 |
| 56 | 3/24/2014 | Review of latest settlement draft, exchange of emails with settling parties, meeting (by phone) with SCE, SDG&E and ORA to discuss latest revisions to settlement | 2.5 |
| 57 | 3/26/2014 | Settlement call with SCE, SDG&E and ORA | 1.5 |

| | | | |
|----|-----------|---|-----|
| 58 | 3/26/2014 | Review of revised settlement documents, settlement summary, PVRR calculations, phone calls/emails with SDG&E re: PVRR issues; 2012 O&M costs; phone calls with SCE and ORA to discuss various settlement issues | 5.5 |
|----|-----------|---|-----|

50.5

EXHIBIT 58



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

FILED
10-29-14
04:59 PM

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 October 25, 2012)

And Related Matters.

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

**RUTH HENRICKS' COMMENT REGARDING ALJS'
9 OCTOBER 2014 PROPOSED DECISION APPROVING SETTLEMENT
AGREEMENT AS AMENDED AND RESTATED BY SETTLING PARTIES**

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29 October 2014

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**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 October 25, 2012)

And Related Matters.

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

**RUTH HENRICKS' OPENING COMMENT REGARDING ALJS'
9 OCTOBER 2014 PROPOSED DECISION APPROVING SETTLEMENT
AGREEMENT AS AMENDED AND RESTATED BY SETTLING PARTIES**

SUMMARY

Ms. Henricks offers comments¹ on the ALJs 9 October 2014 proposed decision, which ratifies the CPUC's (Via ORA) plan (the "Plan") to relieve SCE from legal duties to show: (1) why the defective replacement steam generators' costs should be placed permanently in rates;² (2) whether SCE acted reasonably in obtaining and deploying the defective steam generators so that it is just and reasonable to impose the damage they caused on ratepayers, pursuant to Pub. Util. Code § 451; and (3) whether to remove all costs related to the San Onofre plant from SCE and SDG&E's rates. The replacement steam generators at San Onofre failed causing the premature end to the San Onofre plant.

¹ The Comments are made Pursuant to CPUC Rules of Practice and Procedure Rule 14.3.

² Decision 5-12-040 pp. 3-4 (After completion of the SGRP, SCE will be required to file an application for inclusion of the costs thereof permanently in rates, regardless of whether the costs exceed \$680 million)

The question the CPUC was charged with answering was whether SCE acted unreasonably. If SCE did not act reasonably, then ratepayers under Pub. Util. Code § 451 cannot be made to pay because the failed steam generators and the damage they caused were not reasonably incurred.

The CPUC has denied a hearing on the issue of whether the costs incurred for the replacement steam generators and the loss of the plant were reasonable, the CPUC has denied the most fundamental precepts of due process rights under both the California and United States Constitutions: "governmental action determining the rights or obligations of numerous specified persons is invalid unless the mandates of *due process* are satisfied." *Due Process and the Administrative State* 72 Calif. L. Rev. 1044, 1050. The CPUC (ORA), SCE, and SDG&E made the Plan with TURN, the entity to which the CPUC has bestowed the greatest amount of intervenor compensation:³

| INTERVENOR | NUMBER OF AWARDS | AMOUNT CLAIMED | AMOUNT AWARDED | PERCENTAGE AWARDED OF AMOUNT CLAIMED |
|-----------------------------------|------------------|----------------|----------------|--------------------------------------|
| The Utility Reform Network | 124 | \$13,430 | \$12,690 | 94% |
| Utility Consumers' Action Network | 22 | 3,416 | 2,964 | 87 |
| Disability Rights Advocates | 21 | 1,624 | 1,341 | 83 |

The forces behind the Plan combined to form it and to carry it out raising the specter of "regulatory capture:"

[O]nce a regulatory agency (like the CPUC) becomes too intertwined with the industry, it not only fails its regulatory role, but also essentially **promotes the industry's policy**, and therefore, "regulatory capture" ensues. Unfortunately then, the regulatory agency neither will be able nor will be inspired to fulfill its obligations, rendering it ineffective in protecting the public. Capturing This

³ Table 2, 23 July 2013 California State Auditor Report (2012-118) Intervenor Compensation Audit Concerning the Intervenor Compensation Program (program) administered by the CPUC, <https://www.bsa.ca.gov/pdfs/reports/2012-118.pdf>. Ms Henricks requests Official Notice be taken of facts that are known to the CPUC and verified in the state audit that are beyond dispute.

Watchdog? Consumer Financial Protection Bureau Keeping the Special Interests
Out of Its House, 40 W. St. U. L. Rev. 1

SCE used its backdoor access to Commissioners Peevey and Florio to keep the OII off the CPUC agenda for at least five months. On 21 June 2012, the CPUC was set to consider Item 30 “New Order Instituting Investigation” (OII) to obtain information on the recent outages at the San Onofre Nuclear Generating Stations units 2 and 3.” (21 June 2012 CPUC Public Agenda, Cover Page and Page 28)

On 19 June 2012, SCE Senior VP for Regulatory Affairs Lee Starck sent an email to MPI@cpuc.ca.gov (Michael Peevey) with a letter dated 19 June 2012 urging the CPUC to “defer issuance of the proposed OII.” (19 June 2012 SCE email and letter to Peevey)

The record shows Peevey and Florio honored SCE; its Agenda Changes for 21 June 2012 provides “ITEM NO: 30, HELD TO: 8/2/12, HELD BY: Peevey, REASON: Further Review.” (21 June 2012 Agenda Changes)

The 2 August 2012 CPUC Agenda had as Item 5 the New Order Instituting Investigation continued from 21 June 2012. (2 August 2012 CPUC Agenda) It was again deferred: the Agenda Changes for 2 August 2012 for Item 5 provided: “ITEM NO: 5, HELD TO: 8/23/12, HELD BY: Florio, REASON: Further Review.” (2 August 2012 Agenda Changes) The CPUC agendas for 23 August 2012, 13 September 2012, 27 September 2012, and the 11 October 2012 did not have items for the San Onofre OII. (See, CPUC agendas for 23 August 2012, 13 September 2012, 27 September 2012, and 11 October 2012)

The CPUC’s accommodating postponements did not end with the tardy OII issued in October 2012. On 28 January 2013, ALJ Darling and Commissioner Florio **set aside** for later consideration in a “Phase 3” what the CPUC proclaimed in October 2012 was **the purpose** of the San Onofre Order of Investigation (OII) to wit, determination of the “causes of the SG⁴ damage.” (28 January 2013 Ruling p.4)

⁴ The SG refers to Replacement Steam Generators.

During the interval the CPUC provided, the Utilities, CPUC (ORA), and TURN pieced together in secret the Plan to end the investigation. The ALJs not only stalled the investigation, they even held off discovery of the identities of those responsible for obtaining and deploying the defective steam generators. The ALJs delayed ruling for six months on Ms. Henricks' July 2013 motion to discover those identities, and then denied it on 7 January 2014. (7 January 2014 Ruling p. 1)

There was another ALJ-imposed delay. With the steam generators installed, the plant returned to commercial operation in February 2011. (February 2011 to February 2013). A motion was brought and granted to require SCE to file the application to put the costs permanently in rates, as required by the 2005 decision authorizing the replacement. However, the ALJs again employed delay to relieve SCE of its legal duty to show why the replacement costs should even be in rates, with this reasoning:

However, the request to include the SGRP cost reasonableness review in Phase 1 of the OII should be denied because it is **premature** and would disrupt the orderly accumulation of evidence of SCE's actions and expenses at SONGS as set forth in the Scoping Memo. (21 February 2013 Ruling p. 3)

The ALJs inverted priorities: they put "orderly accumulation of evidence of SCE's expenses" ahead of finding who and what was responsible for obtaining and deploying the defective steam generators. The ALJs finished off the aborted investigation on 24 April 2014 when it stopped all "work on aspects of the OII," claiming to do so was "in the best interests of ratepayers" while the CPUC considered the Plan. (24 April 2014 Ruling p. 7) In parallel, the CPUC secretly stopped the work of its own investigative consultant (Dr. Budnitz) (See 31 December 2013 Budnitz Invoice). Were the reasons put forward (premature, saving, orderliness) real, or were they used to conceal another purpose: to relieve SCE from accountability?

The Sine Qua Non, the absolutely essential condition of the approval, is the claim that "The primary result of the settlement is ratepayer refunds and credits of approximately \$1.3 billion." (Proposed Decision p. 3) The key date for "reducing ratepayer costs and calculation of

refunds” is 1 February 2012, according to the proposed decision. (Proposed decision p. 5) The “capital-related revenue collected thereafter is refunded to ratepayers.” (Proposed Decision p. 5) Then comes the fine print: there is no actual refund:

Refunds due to ratepayers will be credited to each utility’s under-collected Energy Resource Recovery Account balance upon adoption of the settlement by the Commission to reduce otherwise approved rate increases.” (Proposed Decision p. 6)

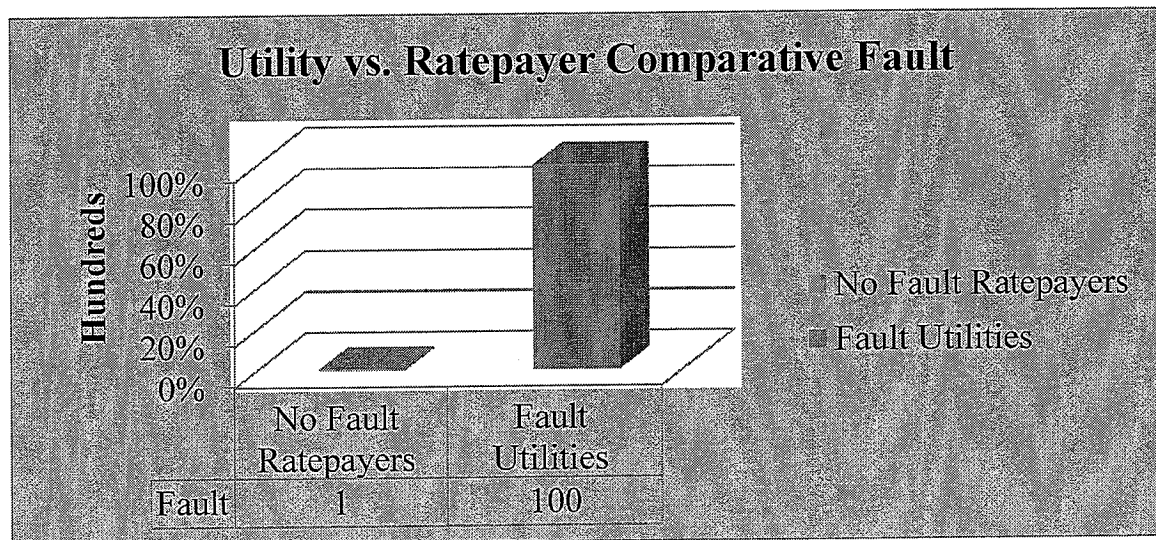
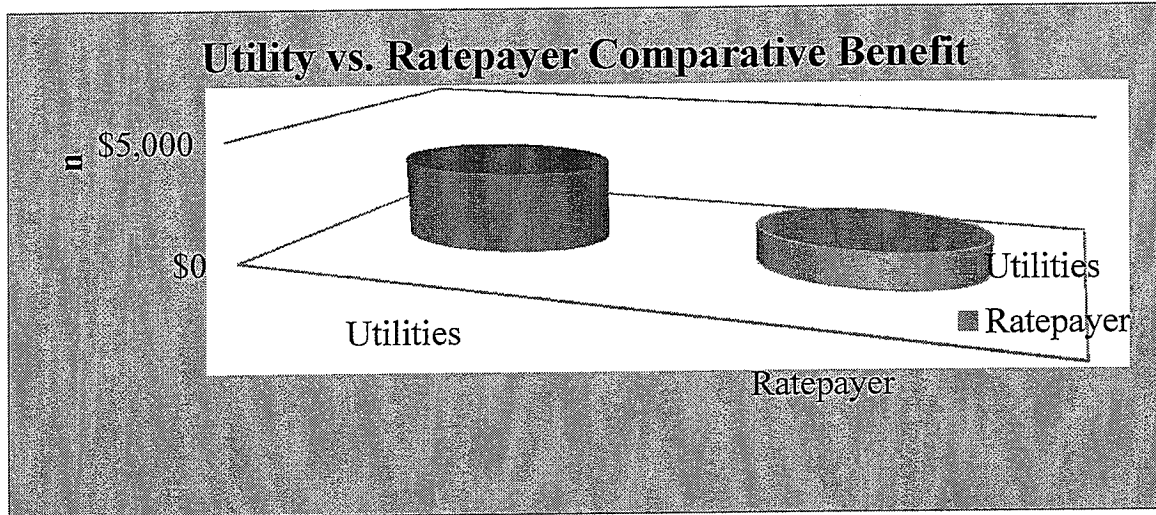
The “refunds” are defined to mean a reduction in the amount due for “otherwise approved rate increases” in “future ERRA proceedings.” (Proposed Decision pp. 6, 71) Moreover, SCE told its investors \$467 million in the Energy Resource Recovery Account was related to the San Onofre plant. (27 March SONGS OII Settlement Agreement Investor Teleconference slides p. 6) SCE’s report to investors undermines any claim ratepayers will recover \$1.3 billion from SCE: “SCE **does not expect** implementation of rate recoveries and rate refunds contemplated by the Settlement Agreement will have **a material impact on future net income.**” (27 March 2014 SCE Form 8-K p. 4)

The refund “mechanism” does not a refund make. The refund is a phantom. It is so small, it is not expected to even have a material impact on SCE’s income. The linchpin through the end of the axle-tree needed to keep the wheel of approval in place is missing. Trading the investigation for a phantom recovery is not a good bargain for ratepayers, and is reason alone to revise the Proposed Decision to reject it.

The proposed decision also ignores the fundamental question of whether killing the SCE investigation in exchange for the claimed 70% - to - 30% split is right, fair and just. In other words, does SCE’s conduct in deploying the defective steam generators that caused a permanent outage of the San Onofre power plant warrant the corporations—SCE and SDG&E—receiving a total of \$3,298,600,000 (or 70% of the \$4,708,200,000 they sought)?⁵ There is no substantial evidence that supports this division of benefits and burdens. *The Utility Reform Network v.*

⁵ See Exhibit A-5 and A-6 to the Plan (“Settlement Agreement”).

Public Utilities Com. (2014) 223 Cal. App. 4th 945, 959, as the benefit and responsibility charts illustrate:



The CPUC was charged with a simple fiduciary duty to find out whether ratepayers should pay for the damages caused by the defective replacement steam generators. Ratepayers repose trust and confidence in their CPUC Commissioners and ALJs to perform their duties. *People ex rel. Harris v. Rizzo* (2013) 214 Cal. App. 4th 921, 950. An impartial, unbiased adjudicator is an essential element of procedural due process. U.S. Const., amend. XIV, § 1; Cal.

Const., art. I, § 7 (due process clauses); *Marshall v. Jerrico, Inc.* (1980) 446 U.S. 238, 242; *Morrissey v. Brewer* (1972) 408 U.S. 471, 489; *Goldberg v. Kelly* (1970) 397 U.S. 254, 271.

ALJs are offended by the suggestion of collusion. However, the investigation is postponed for months by Commissioners Florio and Peevey. After it was announced in October 2012 it was delayed and put aside into a phase III, that was never reached. During the interval secret meetings with the CPUC's ORA from which was excluded Ms. Henricks.⁶ An agreement is reached to trade a refund mechanism but no concrete refund for dropping the investigation. The requirement that there be at least one settlement conference is evaded. The settlement is presented as a huge victory in which ratepayers are falsely led to believe they are to receive a refund. Meanwhile the CPUC's expert consultant report laying out an exact plan for investigating and discovering who and what caused the defective steam generators is buried. The public reports that were supposed to be filed by the utilities are withheld from the public file. The same two Commissioners who delayed the start of investigation issued immediate press releases helping to push momentum behind the settlement.

The evidentiary hearing on a \$5 billion issue is limited to 3 hours. A request to the ALJs to put any ex parte communications they had with the utilities is met by an outburst from Mr. Peevey: "Shut up, Shut up, I don't have to answer your G..dam questions!" Meanwhile the same two commissioners are required to recuse themselves in another OII before the Commission for participating in a judge shopping scandal. PG&E has self-confessed that it was regularly involved in improper communications⁷ with Mr. Peevey (and staff) and Mr. Florio regarding sensitive PUC business, i.e.

⁶ Ms. Henricks was and is in favor of a principled settlement based upon good faith negotiations, contrary to the belief stated by the ALJs in the proposed decision.

⁷ 15 September 2014 Pacific Gas And Electric Company's Notice of Improper Ex Parte Communications filed in Application 13-12-012.

----- Original message -----

From: "Cherry, Brian K"
Date: 01/14/2014 5:26 PM (GMT-08:00)
To: "Brown, Carol A."
Subject:

As long as ALJ Wong has the case (which Florio confirms), we are ok with what Mike wants to do on the assignment. Can you get it done ASAP please ?.

From: Florio, Michel Peter [mailto:MichelPeter.Florio@cpuc.ca.gov]
Sent: Friday, January 17, 2014 1:18 PM
To: Cherry, Brian K
Subject: RE: GT& S Case Assigned

I'm horrified! He still has not produced a PD for Semptra's PSEP/TCAP after much prodding and cajoling-- we are considering asking that another ALJ be assigned to finish for him. Plus he may retire any day, and uses that as a threat to deflect any direction. Sepideh spoke to John Wong and he said he's just too overloaded, which we didn't know. John is a true workhorse so it must be true. If I were you I would bump him-- you really can't do any worse! Even a brand new ALJ would at least work hard and try -- you'll get neither from him... Keep me posted and I'll do what I can on this end....

On Jan 27, 2014, at 3:36 PM, "Brown, Carol A." <carol.brown@cpuc.ca.gov> wrote:

Wong and peterman

From: Cherry, Brian K
Sent: 1/27/2014 3:38:14 PM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: OK

Thank you. Thank you. Thank you.

Brian K. Cherry
PG&E Company
VP, Regulatory Relations
77 Beale Street
San Francisco, CA. 94105
(415) 973-4977

These startling facts are red flags or "storm warnings" putting the parties on "inquiry notice" that an investigation, discovery, and an evidentiary hearing is needed to

determine if the Plan to kill the investigation was the product of collusion rather than good faith negotiation. The ALJs did not permit the inquiry. *Deveny v. Entropin, Inc.*, (2006) 139 Cal. App. 4th 408, 428. See, *Consumer Defense Group v. Rental Housing Industry Members*, (2006) 137 Cal. App. 4th 1185, 1186; *Walk Haydel & Assocs. v. Coastal Power Prod. Co.*, 934 F. 4 Supp. 209, 211, (E.D. La. 1996); *Shelton v. Pargo, Inc.*, 582 F.2d 1298, 1300 (4th Cir. N.C. 1978); *In re GMC Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 776 (3d Cir. Pa. 1995); *Commercial Union Ins. Co. v. Ford Motor Co.*, 640 F.2d 210, 211, 1981 U.S. App. LEXIS 20155, 1 (9th Cir. Cal. 1981) *Chevron Corp. v. Donziger*, 2014 U.S. Dist. LEXIS 28253, 1 (S.D.N.Y. 2014); *Dacotah Mktg. & Research, L.L.C. v. Versatility, Inc.*, 21 F. Supp. 2d 570, 572; (E.D. Va. 1998); *Greshko v. County of Los Angeles* (1987) 194 Cal. App. 3d 822, 836; *Continental Cas. Co. v. Westerfield*, 961 F. Supp. 1502, 1503 (D.N.M. 1997); 49 UCLA L. Rev. 991, 993.

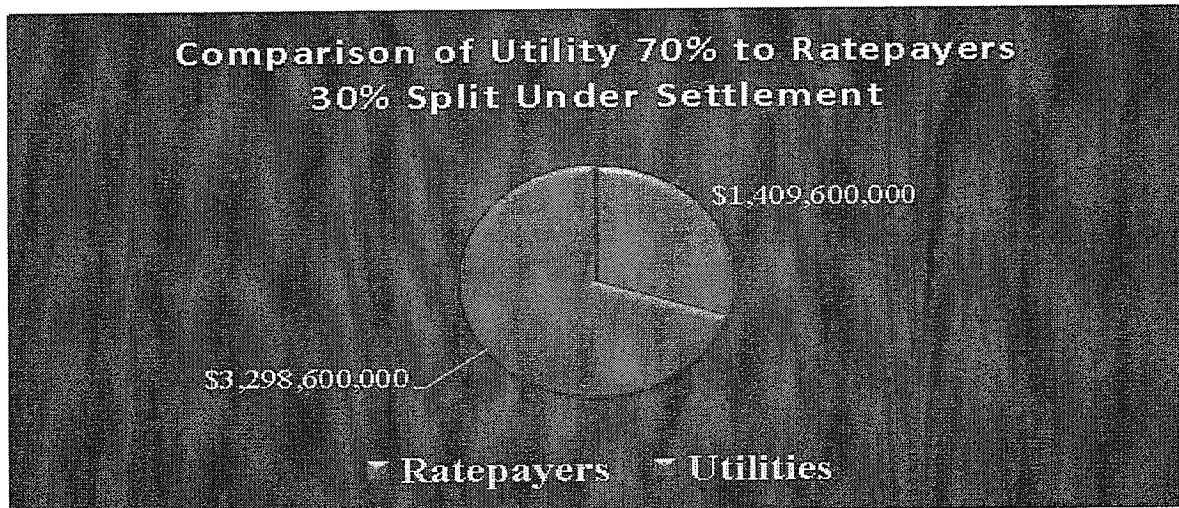
Further, steam generators costing hundreds of millions of dollars engineered to last forty years do not fail in two years without someone's negligence. On its face, the principle of *res ipsa loquitur* applies. In Latin, the phrase *res ipsa loquitur* means "the thing speaks for itself." *The Law of Falling Objects: Byrne v. Boadle and the Birth of Res Ipsa Loquitur*, 59 Stan. L. Rev. 1065. The most widely accepted interpretations of *res ipsa loquitur* include (1) that it creates a permissible inference of negligence for a jury in situations where a plaintiff can only show that an injurious event occurred. *The Law of Falling Objects: Byrne v. Boadle and the Birth of Res Ipsa Loquitur*, 59 Stan. L. Rev. 1065, 1066.

Thus, contrary to the proposed decision's argument that the utilities could, by filing their paperwork ipso facto make out a prima facie case of reasonableness, the utilities should have been placed in a position of showing why they were *not* at fault. Thus, there is no substantial evidence to support a finding the Agreement to End Investigation is reasonable in light of the whole record, is consistent with law, and is in the public interest. CPUC Rules of Practice and Procedure Rule 12.1(d).

PROPOSED DECISION MISSES KEY POINTS

The Proposed Decision does not resolve the key issues. There is no substantial basis supporting a finding the case against SCE is only worth the refund mechanism. There is no substantial evidence in the record showing the value of the refund mechanism. In addition, there is no substantial evidence showing a 30% utility/70% ratepayer allocation is fair because there is no evidence showing the value of the ratepayer case since the CPUC wasted two years blocking any effort to get answers to that question.

The question left unanswered is, does SCE's conduct in deploying the defective steam generators that caused a permanent outage of the San Onofre power plant (San Onofre) warrant the corporations -- SCE and SDG&E -- receiving a total of \$3,298,600,000 (or 70% of the \$4,708,200,000⁸ they sought)?



There are two basic parts of the damage caused by the defective steam generators: (1) the costs of the steam generators; (2) the unamortized costs of the plant rendered inoperable by the defective steam generators. If SCE's negligent acts caused the forced closure of San Onofre under California law, SCE—not ratepayers—should pay. *Natural Soda Products Co. v. Los Angeles* (1943) 23 Cal. 2d 193, 201. In negligence cases, the measure of damages is the amount

⁸ See Exhibit A-5 and A-6 to the Plan ("Settlement Agreement").

which will compensate for all the detriment proximately caused thereby, whether it could have been anticipated or not. Cal Civ. Code § 3333. So too here, the costs should be borne by SCE and not ratepayers.

Without a sufficient record of fact (as the one missing here), it is not *possible* to assess whether the proposed 70% for utilities and 30% for ratepayers is just and reasonable.

A. Res Ipsa Loquitur

The harm of a permanent San Onofre outage caused by SCE's defective replacement steam generators would not have happened unless someone at SCE was negligent. The defective steam generators were under SCE's control. Ratepayers did not in any way contribute to the failure of the RSG. On these facts, the legal principle *Res Ipsa Loquitur* (these facts speak for themselves) provides a basis for finding SCE acted negligently or unreasonably. CACI Jury Instruction § 417.

B. Negligence Per Se

There are other grounds suggesting SCE acted unreasonably in deploying defective steam generators at San Onofre. For example, SCE may have engaged in *per se* negligence. A safety license amendment was required for modifications, additions, removals, or design changes resulting in more than a minimal increase in the likelihood of (1) a safety malfunction; or (2) an accident; or (3) the consequences of malfunction important to safety. 10 CFR 50.59 (1-iv) The Proposed Decision takes Official Notice of a letter from an Nuclear Regulatory Commission (NRC) investigator closing an inquiry into whether SCE cooperated.⁹

Ms. Henricks is herein requesting Official Notice be taken of the 2 October 2014 Nuclear Regulatory Commission Inspector General Report "NRC QVERSIGHT OF LICENSEE'S USE

⁹ . Ms. Henricks objects to the taking of Official Notice of this hearsay statement that was nothing more than a letter. At the same time, the ALJs did not take judicial notice of Judicial Opinion of the Atomic Safety and Licensing Board Judges.

OF 10 CFR 50.59 PROCESS TO REPLACE SONGS' STEAM GENERATORS (OIG CASE NO. 13-006)” which reported: “The former Regional Administrator told OIG that ** the licensee's evaluation He said that knowing what they know now, "the steam generators as designed were basically unlicensable. We wouldn't approve them." (p. 25) SCE modified, added to and made design changes without a safety license amendment under 10 CFR 50.90; 10 CFR 50.59. The modifications, additions and design changes were a substantial factor in bringing about the permanent closing of San Onofre. SCE was perforce negligent. CACI Cal. Jury Instruction § 418.

C. Negligence

There are additional grounds for finding SCE acted negligently and unreasonably. SCE officials decided not to submit the RSG to the NRC for review. While they were being built, SCE discovered the RSG had design flaws. SCE may well have decided to not make the design changes in order to avoid review by the NRC under 10 CFR §§ 50.59, 50.90. Two engineers who worked on the RSG project for SCE and its manufacturer Mitsubishi Heavy Industries (MHI), Boguslaw Olech and Tomoyuki Inoue, admitted avoidance of NRC approval was a major premise of the RSG project: “At SONGS, the major premise of the steam generator replacement project was that it would be implemented under the 10 CFR 50.59 rule, that is, without prior approval by the US Nuclear Regulatory Commission (USNRC).” (January 2012 NEI, Article p. 2)

D. Let Dr. Budnitz Finish His Work

A sufficient record does not exist for evaluating these theories of SCE negligence. A record is required *before* any allocation can be determined just and reasonable as required by Cal. Pub. Util. Code § 451. While the issue can be resolved by settlement, it cannot be settled when a “record has not been created.” (See CPUC 5 September 2014 Ruling, p. 15) CPUC expert Dr. Robert Budnitz has outlined an investigative plan that would provide a basis for assessing what would be a just and reasonable split between ratepayers on one side, and SDG&E and SCE on the other. Dr. Budnitz suggests inquiry should be made to answer the following questions: (1)

What error(s) led to the tube failure(s)? (2) At what stage were those errors made? (3) Who made those errors? (4) What might have been done, and by whom, and at what stage, to have averted those errors? (5) What arrangements in place elsewhere, technical or administrative or both, that were successful in averting these errors somehow didn't work adequately for the SONGS RSGs? (Dr. Robert Budnitz' 1 December 2013 Report, p. 4).

CONCLUSION

The Proposed Decision put the utilities first and ratepayers second. It ignores the CPUC's hired expert's opinion that certain questions need to be answered as part of the investigation. There is no way to assess a reasonable split as to who (utility corporate shareholders or the innocent ratepayers) should bear the burdens of this colossal and costly debacle.

REQUEST FOR OFFICIAL NOTICE

Ms. Henricks has requested that Official Notice of the following writings which are cited in Ms. Henricks' Comment on the 9 October 2014 Proposed Decision.

| No. | Document | Comment pages | Request for Official Notice |
|-----|--|---------------|---|
| 1. | 31 December 2013 Budnitz Invoice | 5 | Exhibit 2 to 5 August 2014 Declaration of Michael J. Aguirre in Support of Motion to Reopen the Record filed with the CPUC |
| 2. | 27 March 2014 SCE Form 8-K | 6, 39 | 13 May 2014 Request for Official Notice, pp. 56-62; 23 May 2014 Request for Official Notice, pp. 127-132 |
| 3. | January 2012 NEI, Article | 17, 24 | Exhibit 4 to Declaration of Michael J. Aguirre served on parties, but rejected for filing by ALJ Darling according to legal analyst in CPUC Docket Office |
| 4. | MHI Root Cause Report ¹⁰ | 17, 24 | 8 May 2014 Request for Official Notice |
| 5. | Dr. Robert Budnitz' 1 December 2013 Report | 18 | Exhibit 4 to 5 August 2014 Declaration of Michael J. Aguirre in Support of Motion to Reopen the Record filed with the CPUC |

¹⁰ The ALJs did not provide copies of the NRC writings that they purported to take Official Notice of. (See 11 September 2014 Ruling p. 4-5). Unlike Ms. Henricks, who provided a copy of the Root Cause Report she requested be Officially Noticed.

| | | | |
|---|--|----------------|--|
| 6 | 20 March 2012 Atomic Power Review | 23, 30, 31 | Exhibit 2 to Declaration of Michael J. Aguirre served on parties, but rejected for filing by ALJ Darling according to legal analyst in CPUC Docket Office. |
| 7 | 13 May 2013 US NRC Atomic Safety and Licensing Board | 16, 23, 30, 31 | 8 May 2014 Request for Official Notice |

The record should reflect that on 5 September 2014, SCE filed an “ex parte” communication with the CPUC attaching an NRC investigator’s letter of 28 July 2014. In what appears to be a coordinated action, the ALJs **on their own motion** took Official Notice of hundreds of pages of documents citing to websites sources, they declined to take Official Notice of the writings proffered by Ms. Henricks. This proceeding will be the subject of appellate review. Ms. Henricks includes references to the writings in the Comment in order to preserve the record for appellate purposes. Ms. Henricks will request the appellate court to review the taking of Official Notice and the denial of Official Notice. (See 5 September 2014 SCE ex parte).

Ms. Henricks objects to the official notice the ALJs took on 11 September 2014 of what was called the “NRC Notice of Closure of Investigation (OI 4-2012-038) (July 28, 2014). Closure of Investigation into claims SCE employee(s) willfully failed to provide complete and accurate information to NRC inspectors after claims not substantiated. <http://pbadupws.nrc.gov/docs/ML1423/ML14237A162.pdf>. This document is a letter from an investigator about an unidentified investigation and is not properly the subject of Official Notice.

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Ms. Henricks requested Official Notice for the limited purpose of supporting the claim there was a reasonable basis to order an investigation, discovery, and evidentiary hearing on the whether SCE acted unreasonably in obtaining and deploying the replacement steam generators, and further, whether imposing the damages would be unjust and unreasonable and therefore not permitted under the law.

Respectfully Submitted,

Dated: 29 October 2014

By: /s/ Michael J. Aguirre

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**APPENDIX
PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Finding of Facts

1. SCE did not obtain a license amendment under 10 CFR 50.90 in connection with the replacement steam generators.
2. SCE had admitted its agent, Mitsubishi Heavy Industries (MHI), “made errors” in designing the RSG generators. (Settlement Agreement 3.23)
3. The CPUC did not conduct or permit ratepayer advocates to conduct an investigation of, obtain discovery about, or did it hold an evidentiary hearing about who and what caused the replacement steam generators to fail.
4. On 27 March 2012, the CPUC through ORA issued a press release which stated in pertinent part that ORA signed a comprehensive settlement agreement with SCE, SDG&E, and TURN that will prevent the utilities from charging customers, who were served by the defunct San Onofre Nuclear Generating Station (SONGS), for defective steam generators.
5. TURN issued a news releases on 27 March 2014 announcing the parties had reached a settlement and stating the ratepayers would receive funds of \$1.4 billion.
6. SCE reported its earnings went up after SCE announced the closing of San Onofre. [R.T. 2778-2779]
7. SCE stock price went up after the “settlement” was announced. SCE represented to its shareholders on the day the agreement was announced that “SCE **does not expect** implementation of rate recoveries and rate refunds contemplated by the Settlement Agreement will have a **material impact on future net income.**” (27 March 2014 SCE Form 8-K p. 4)
8. CPUC President Peevey declined to put on the record whether he had ex parte communications with SCE officials about the “settlement” while it was under discussion.
9. The Non-settling Parties were limited during the evidentiary hearing to a total of 75 minutes to examine all of the Settling Parties concerning the proposed agreement.
10. The ALJ stayed the proceedings while the agreement was being considered.

Findings of Law

1. License amendments are required for changes in nuclear power plants that materially affect safety under 10 C.F.R. § 50.59.
2. The CPUC has a fiduciary duty to assure itself a settlement agreement represents an arm's-length transaction entered without self- dealing or other potential misconduct under *Kullar v. Foot Locker Retail, Inc.*, (2008) 168 Cal. App. 4th 116, 129.
3. The Commission cannot adopt a settlement that imposes unreasonable rates because to do so is unlawful under California Public Utilities Code § 451.
4. The Commission cannot adopt a settlement if in the light of the whole record, it is not reasonable, consistent with law, and in the public interest under Rule 12.1(d).
5. In approving a settlement, the Commission must receive and consider enough information about the nature and magnitude of the claims being settled to make an independent assessment of the reasonableness of the terms to which the parties have agreed.
6. In considering a settlement the Commission is called upon to consider and weigh the nature of the claim in determining whether the proposed settlement is reasonable.

7. The Commission may not finally approve the settlement agreement until provided with sufficient information to assure itself that the terms of the agreement are indeed fair, adequate and reasonable. *Kullar v. Foot Locker Retail, Inc.*, (2008) 168 Cal. App. 4th 116, 133-134; *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499-500.

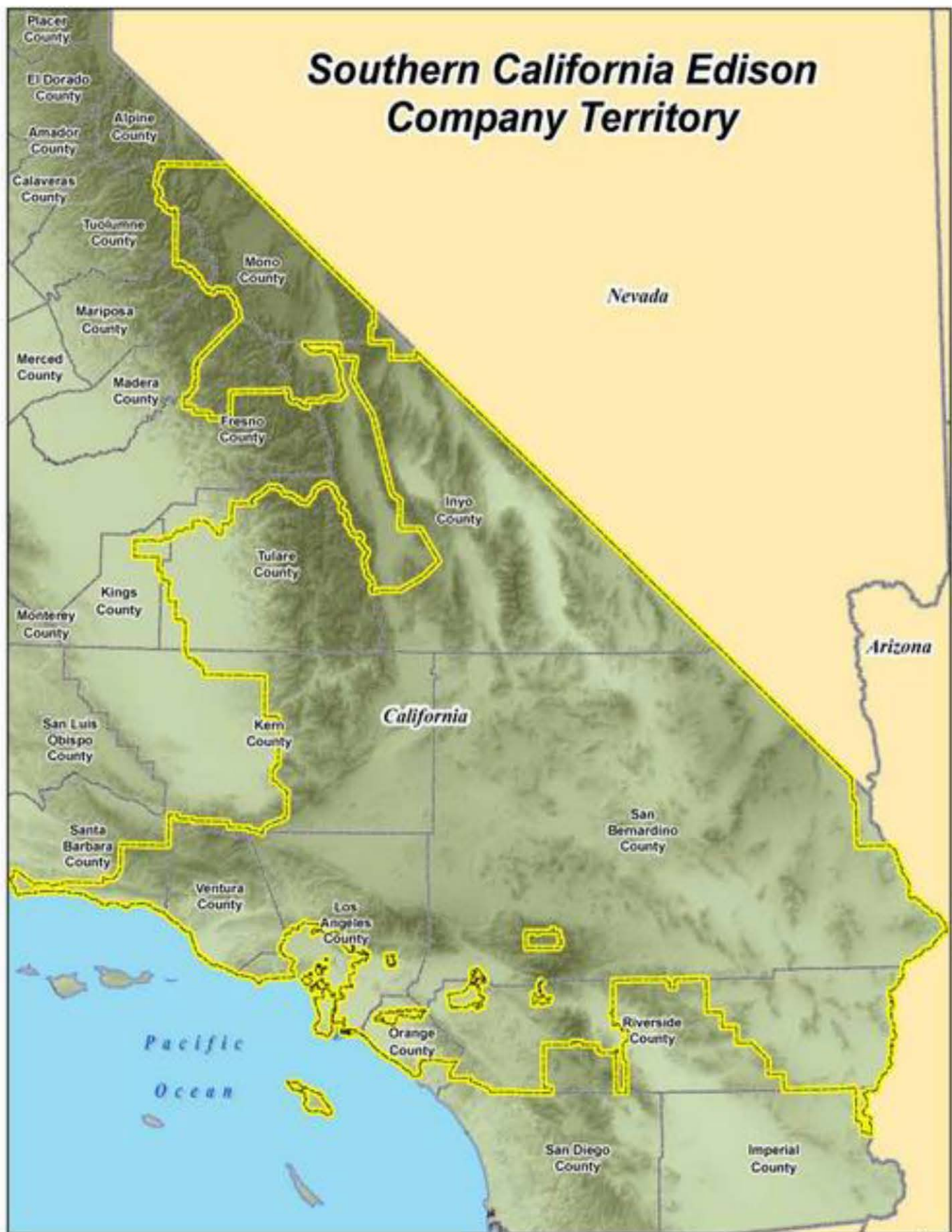
8. A principal is responsible to third persons for the negligence of his agent in the transaction of the business of the agency, including wrongful acts committed by such agent in and as a part of the transaction of such business, and for his willful omission to fulfill the obligations of the principal. Cal Civ Code § 2338; *Jameson v. Gavett* (1937) 22 Cal App 2d 646; *Gonzales v. Robert Hiller Constr. Co.* (1960) 179 Cal App 2d 522.

9. Operating a steam generators at a nuclear power station without a license amendment under 10 CFR 50.59 is negligence per se. See Holmes, *The Common Law*, 120-129; Morris, *The Relation of Criminal Statutes to Tort Liability*, 46 Harv. L. Rev. 453.; *Ramirez v. Plough, Inc.*, 6 Cal. 4th 539, 547.

10. Making ratepayers pay for the damage caused by the defective steam generators without providing ratepayers an investigation, discovery and an evidentiary hearing is a violation of state and federal procedural due process rights.

11. Before a settlement can be approved by the Commission, the settling parties are required to invite the non-settling parties to at least one bona fide, good faith settlement conference. CPUC Rule of Practice & Procedure 12.1(b).

EXHIBIT 59



Mapping Prepared by:
Operations Support Business Unit
Real Properties Division
Survey and Mapping Section

 Southern California Edison Company Territory

25

MILES



EXHIBIT 60

AG cites possible felony crime in raid on ex-utility boss

Warrant indicates notes involving San Onofre may have been among items seized

By [Jeff McDonald](#) ([/staff/jeff-mcdonald/](#)) 12:05 p.m. Jan. 30, 2015



Michael Peevey, when he was at the helm of the California Public Utilities Commission *AP*

State agents seized bank statements, computers, miscellaneous files and a host of other materials from the Los Angeles area home of former California Public Utilities Commission President Michael Peevey this week, indicating a public-corruption case is growing more serious.

According to the search warrant and an inventory of materials seized by Attorney General's office investigators, Peevey is suspected of committing at least one felony offense.

The 13-page document, obtained by U-T Watchdog on Friday, shows state agents executed a search warrant Tuesday at the La Cañada Flintridge home Peevey shares with his wife, state Sen. Carol Liu.

"It is further ordered that affiant be allowed to share information with federal and state and criminal and civil law enforcement authorities who are also investigating this matter," the records state.

The records show agents took an iMac computer, a MacBook Pro, three Dell computers, a thumb drive and six day planners.

They also seized "RSG notes on Hotel Bristol stationery," which may be a reference to replacement steam generators — the fatally flawed project that led to the premature decommissioning of the San Onofre nuclear power plant on San Diego County's north coast.

Also, they took a roster of utilities commission employees as of Dec. 2, 2014, which Peevey had at his home for some reason as he neared departure from his post.

Ratepayers in San Diego County and Southern California are covering \$3.3 billion out of \$4.7 billion in shutdown costs as a result of faulty steam generators that leaked in 2012 and prompted the plant to close for good in 2013.

Agents also searched the Northern California home of former Pacific Gas & Electric executive Brian Cherry, who was fired last year after a series of incriminating emails were released publicly.

Agents seized an iPhone, iPad and Verizon tablet computer from Cherry's home in Orinda, east of San Francisco, on Tuesday.

They also took control of personal notebooks, four floppy discs, 14 miscellaneous compact discs or DVDs and one thumb drive, the records show.

Last summer, emails released to the city of San Bruno under the California Public Records Act appeared to show Peevey maintained unusually close ties to executives from companies he was in charge of regulating.

San Bruno sought the emails after a PG&E gas pipeline exploded within its borders, leveling an entire neighborhood and killing eight people.

Since then, additional emails have surfaced between Peevey and executives at Southern California Edison, the majority owner of the failed San Onofre power plant.

U-T Watchdog reported in January (<http://www.utsandiego.com/news/2015/jan/10/regulators-hobnobbing-with-utilities-questioned/>) that Peevey regularly traded emails and accepted private meeting invitations from Edison executives and other utility officials, and acceded to requests they made to him privately. One called him “such a dear” and “a great friend.”

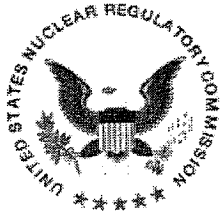
Peevey, who worked as president of Edison before he was named president of the California Public Utilities Commission in 2002, stepped down as the state’s top utility regulator Dec. 31.

Neither he or Cherry has commented publicly on the search warrants.

Sen. Liu issued a press release Wednesday urging her colleagues in the Legislature to stand up for environmental justice.

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EXHIBIT 61



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

March 6, 2013

Edmund Baumgartner, Esquire
Corporate Counsel
Mitsubishi Nuclear Energy Systems, Inc.
1001 19th Street North Suite 2000
Arlington, VA 22209

SUBJECT: MITSUBISHI HEAVY INDUSTRIES – REQUEST FOR WITHHOLDING ROOT
CAUSE ANALYSIS AND SUPPLEMENTAL TECHNICAL EVALUATION REPORT
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Baumgartner:

In a February 14, 2013, letter to you, the NRC requested Mitsubishi Heavy Industries (MHI) to provide the MHI document "Root Cause Analysis Report for tube wear identified in the Unit 2 and Unit 3 Steam Generators of San Onofre Nuclear Generating Station," and a redacted version of that document. You provided the requested documents in a letter (ML13057A012) dated February 25, 2013, and requested that certain information contained within the root cause analysis (RCA) and a supplemental technical evaluation report (STER), provided as a supplement to the RCA, be withheld from public disclosure pursuant to 10 CFR 2.390. Redacted versions of the RCA and STER documents were provided as Enclosures 4 and 6 of your letter, respectively (ML13057A013 and ML13057A014).

Mitsubishi Heavy Industries stated in affidavits dated February 22, 2013, that it considered certain information within MHI's RCA and STER to be proprietary and confidential and requested that the information be withheld from public disclosure pursuant to 10 CFR 2.390. A summary of the key points in the affidavits is as follows:

1. The information has been held in confidence by MHI.
2. The information describes unique design, manufacturing, experimental, and investigative information developed by MHI and not used in the exact form by any of MHI's competitors.
3. The information was developed at significant cost to MHI.
4. The RCA is MHI's organizational and programmatic root cause analysis, which is a sensitive, internal document of the type that MHI and others in the industry do not make public, because its purpose is to set forth a critical self-appraisal, with the benefit of hindsight, containing information and analyses that are the result of candid assessments performed by MHI.
5. MHI provided the information to the NRC voluntarily in confidence.

Mr. Edmund Baumgartner

- 3 -

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1.0 Executive Summary

On January 31, 2012, after the replacement steam generators (RSGs) supplied by MHI had been operating for approximately 11 months, SONGS Unit 3 was brought into an unplanned shutdown due to primary to secondary leakage of approximately 82 gallons/day in one RSG. The direct cause of the leakage was determined to be tube to tube wear in the free span section of the U-bend region of the RSG, leading to a leak from one of the tubes in that region.

SONGS Unit 2 was in a refueling outage when the event occurred in Unit 3. During the normally scheduled outage inspections of the Unit 2 RSGs, tube wear was discovered in the vicinity of the retainer bars in the U-bend region of both RSGs. This wear was determined to have been caused by random vibration of the retainer bars.

It was determined that all four RSGs experienced higher than expected tube wear. This wear is comprised of: (i) tube to tube wear in the tube free-span sections between the Anti-Vibration-Bars (AVBs) located in the U-bend region observed almost exclusively in Unit 3; (ii) tube to AVB wear, observed at discrete tube to AVB intersections, with no wear indications in the tube free-span sections (the tube to AVB wear indications are short in length, and are associated with small tube motions); (iii) tube to Tube Support Plate (TSP) wear; and (iv) retainer bar to tube wear. One RSG experienced minor tube wear from a foreign object, which has since been removed.

MHI, working in conjunction with SCE personnel and other industry experts, determined the mechanistic causes of the tube wear. MHI formed a team composed of personnel from MHI and its U.S. subsidiary, plus outside consultants, to perform the Root Cause Analysis (RCA) of the tube wear identified in the SONGS Unit 2 and Unit 3 RSGs. The two wear mechanisms that produced the deepest wear are evaluated in this report. They include:

1. Tube to tube wear in the in-plane direction due to fluid-elastic instability (FEI)
2. Retainer bar to tube wear due to turbulence induced vibration (also referred to as random vibration) and the low natural frequency of the retainer bar

Additionally, because many tubes exhibit it, this report also addresses a third wear mechanism:

3. Tube-to-AVB wear caused by turbulence induced vibration (also referred to as random vibration).

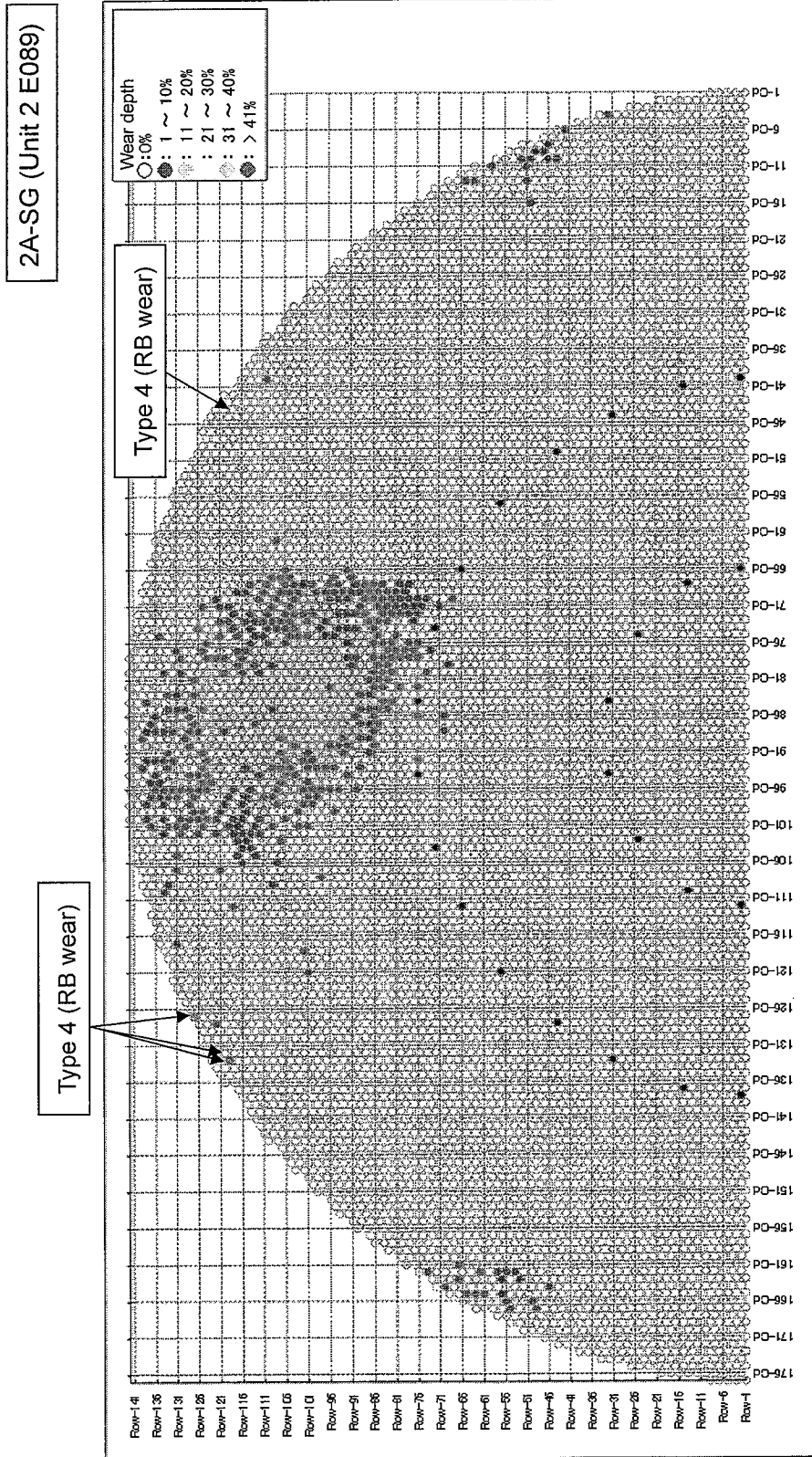


Fig 3.1-1 (1/2) All Unit 2 U-bend tube indications
(Type 1 TTW, Type 2 Tube-to-AVB and Type 4 Retainer Bar to Tube)



2B-SG (Unit 2 E088)

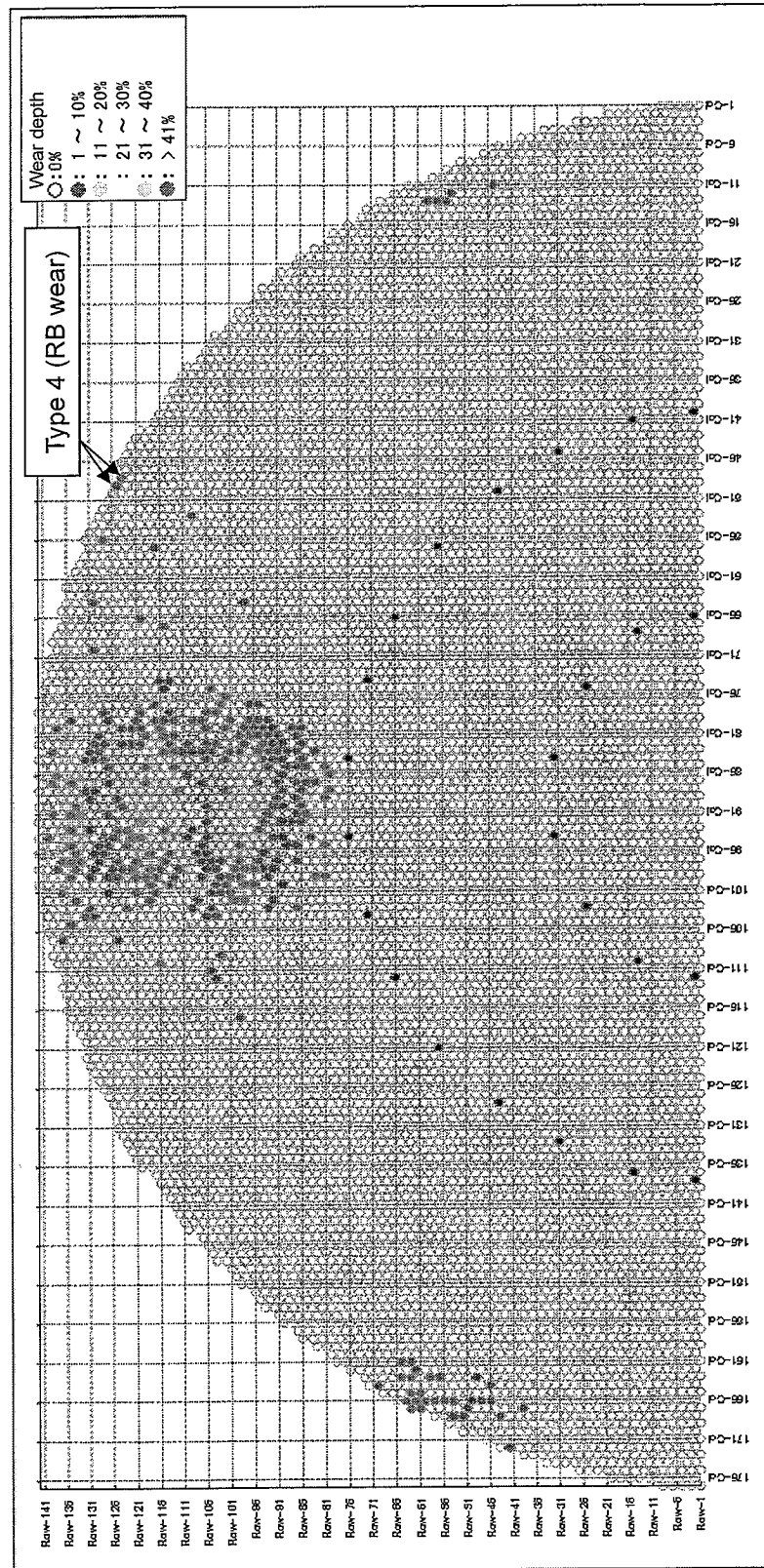


Fig 3.1-1 (2/2) All Unit 2 U-bend tube indications
(Type 1 TTW, Type 2 Tube-to-AVB and Type 4 Retainer Bar to Tube)



3A-SG (Unit 3 E089)

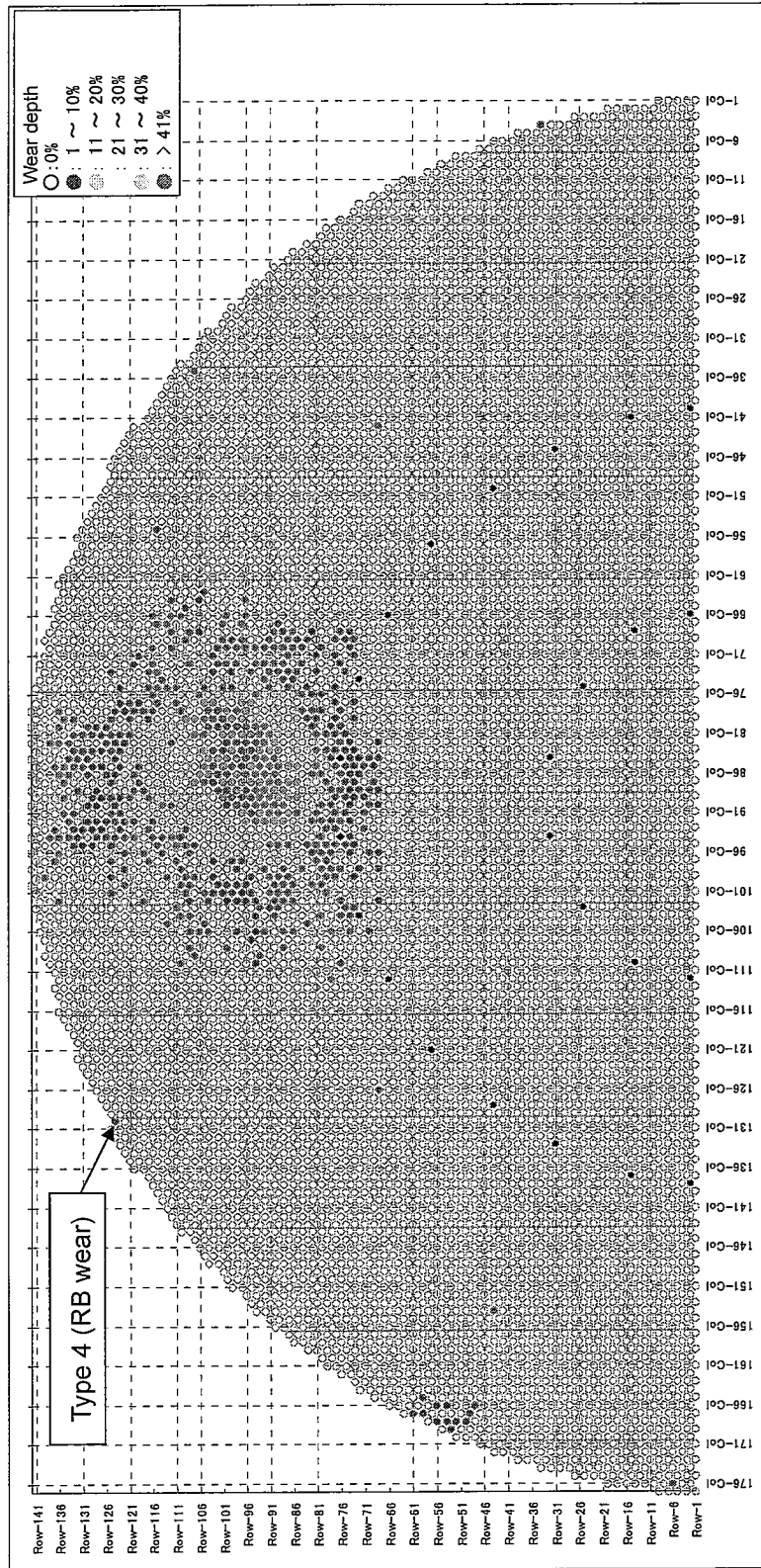


Fig 3.1-2 (1/2) All Unit 3 U-bend tube indications
(Type 1 TTW, Type 2 Tube-to-AVB and Type 4 Retainer Bar to Tube)

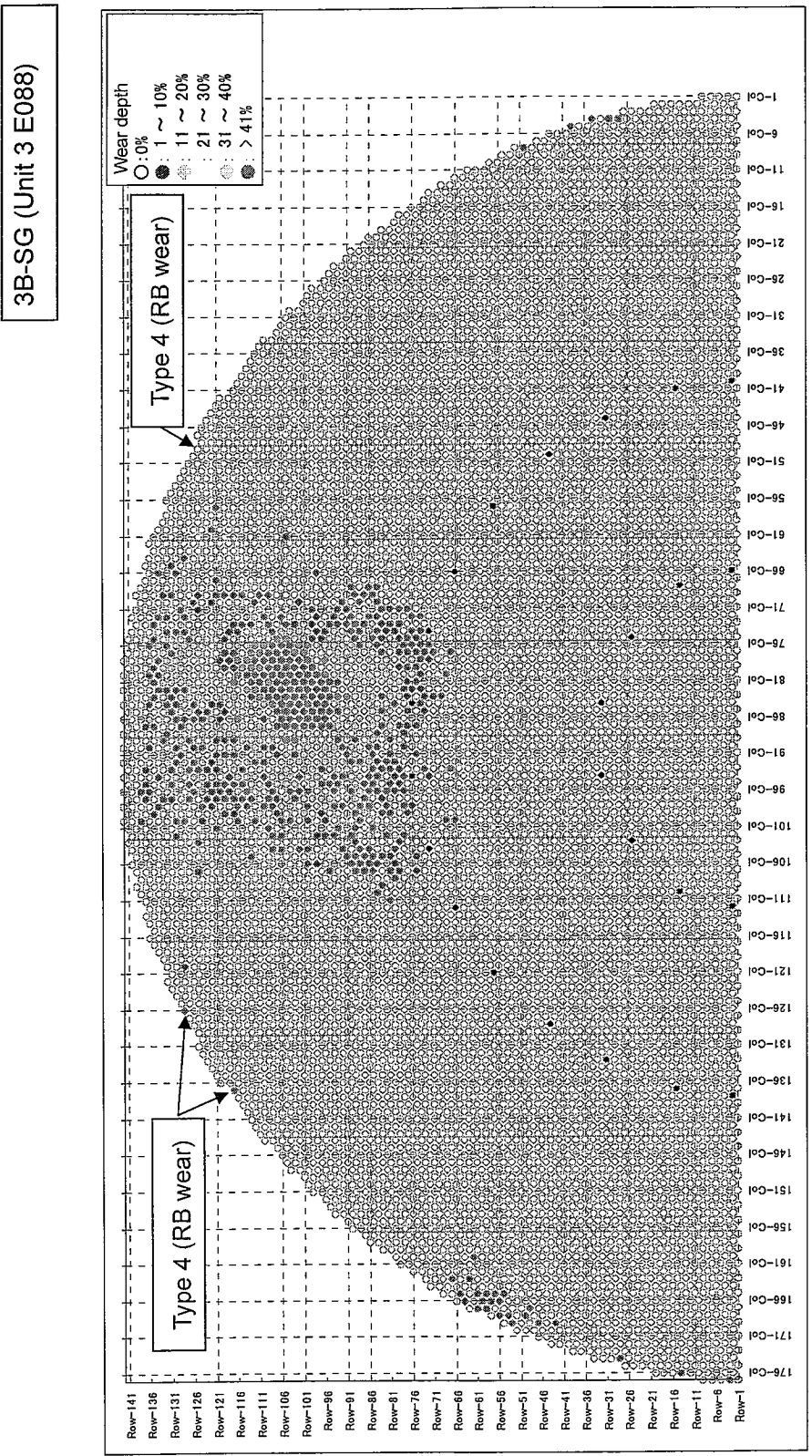


Fig 3.1-2 (2/2) All Unit 2 U-bend tube indications (Type 1 TTW, Type 2 Tube-to-AVB and Type 4 Retainer Bar to Tube)

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[(34/68)

Document No. L5-04GA588(0)



3.2 Tube-to-AVB Wear Experience in Other Large CE-Plant RSGs

Tube wear patterns similar to those observed at SONGS were reported at the Plant-A large U-bend steam generators that were replacements for CE manufactured OSGs (See NRC ADAMS ML11270A015 and ML093230226). The Plant-A steam generators were designed by another vendor. They are slightly smaller than the SONGS steam generators but have U-bend tubes, flat bar AVBs, and BEC type TSPs, that are similar to the SONGS RSGs, except SONGS features a 12 AVB design and Plant-A has an 8 AVB design.

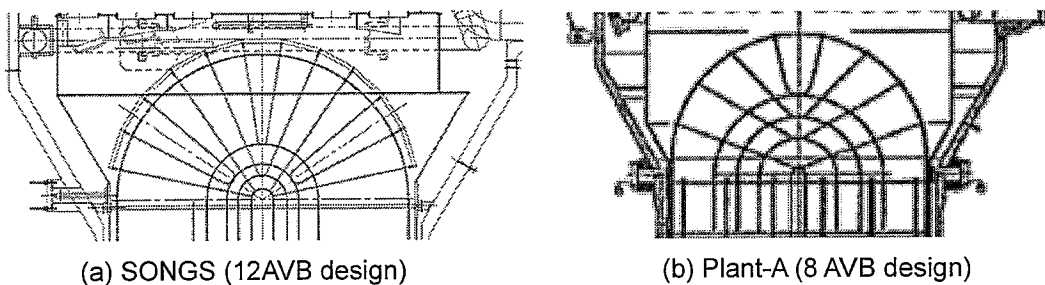


Fig.3.2.1-1 Comparison between 12 and 8 AVB Design

The Plant-A inspection results show a wear pattern with many tubes in the center of the U-bend that have tube-to-AVB wear similar to that found in the SONGS steam generators. Figure 3.2.1-2 shows the tubes with tube-to-AVB wear identified at Plant-A during the first inspection following installation of the RSGs and Figure 3.2.1-3 shows the tubes with tube-to-AVB wear identified at Plant-A during the second cycle inspection. Note that the locations of the Plant-A indications are very similar to those for SONGS shown in Figs. 3.1-1 and 3.1-2.

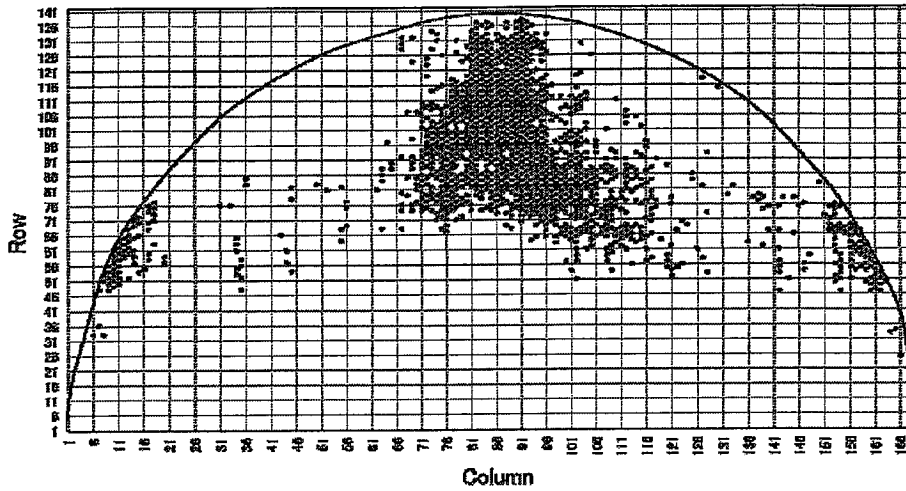
Figure 3.2.1-4 compares the total number of tube-to-AVB wear indications for Plant-A, SONGS Unit 2, and SONGS Unit 3 as a function of time and Figure 3.2.1-5 shows the average wear depths for the three plants (six RSGs) as a function of time. As can be seen from these figures, the total number of indications and average wear depth at Plant-A are comparable to that at SONGS.

Figure 3.2.1-5 suggests that the tube-to-AVB wear depths at Plant-A have reached a plateau. The reason for such a plateau is unclear. It may be indicative of the type of tube vibration mechanism or an effect of the support condition. But it is clear that the number of tubes with tube-to-AVB wear at Plant-A is growing (refer to Fig. 3.2.1-2 and 3.2.1-3).

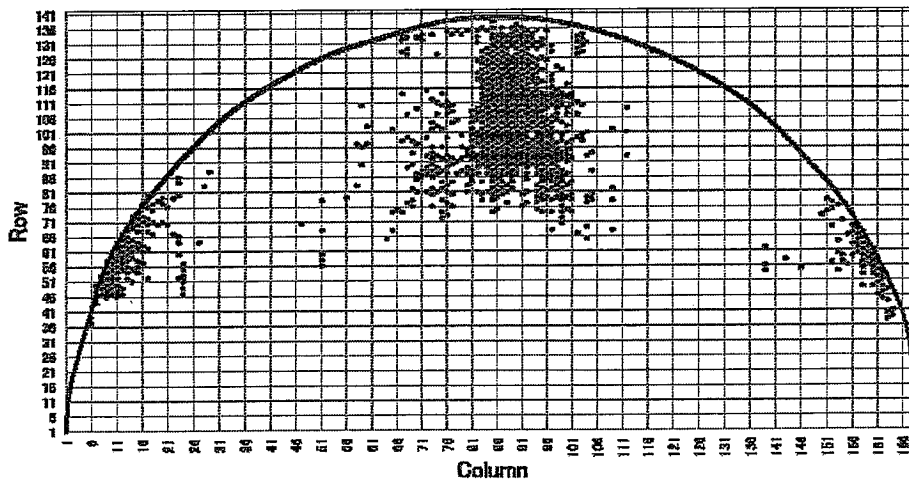
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(a) 2A-SG



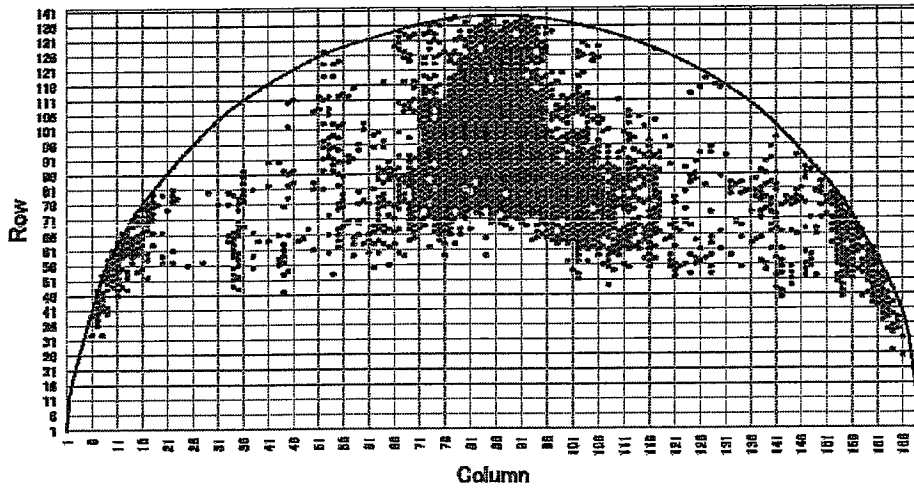
(b) 2B-SG

Fig. 3.2.1-2 Plant-A Tubes with AVB Indications at first inspection
(based on information from NRC ADAMS ML11270A015 and ML093230226)

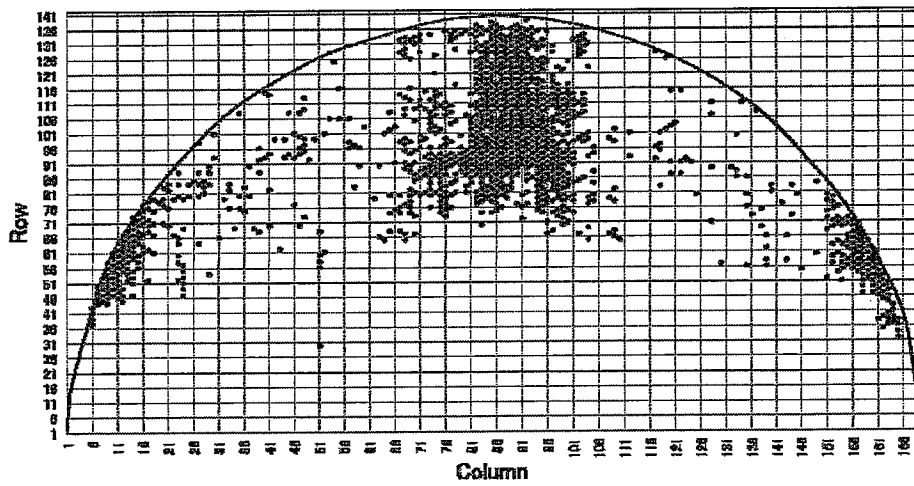
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Document No. L5-04GA588(0)



(a) 2A-SG



(b) 2B-SG

Fig.3.2.1-3 Plant-A Tubes with AVB Indications at second inspection
(based on information from NRC ADAMS ML11270A015 and ML093230226)

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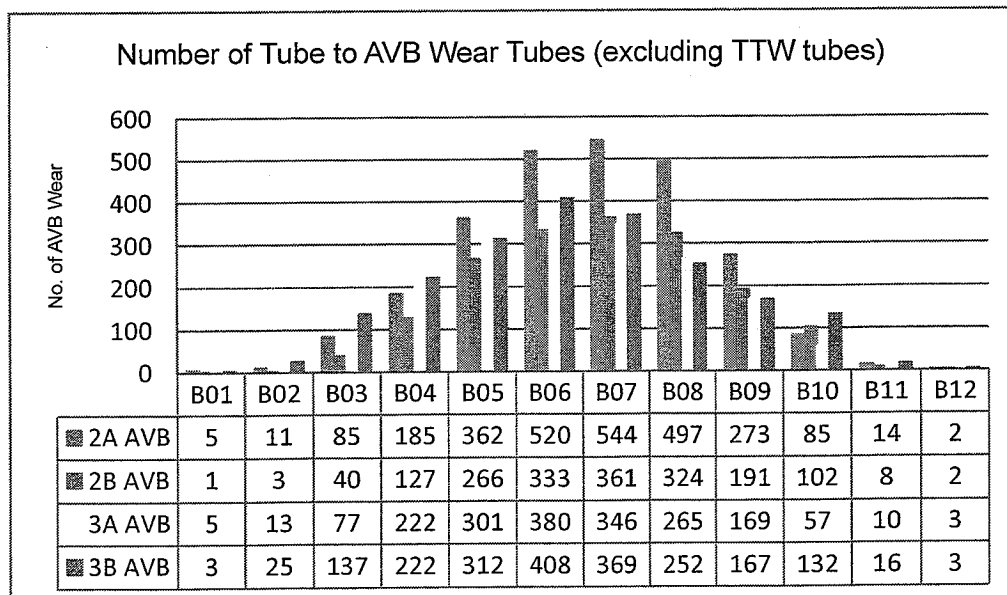
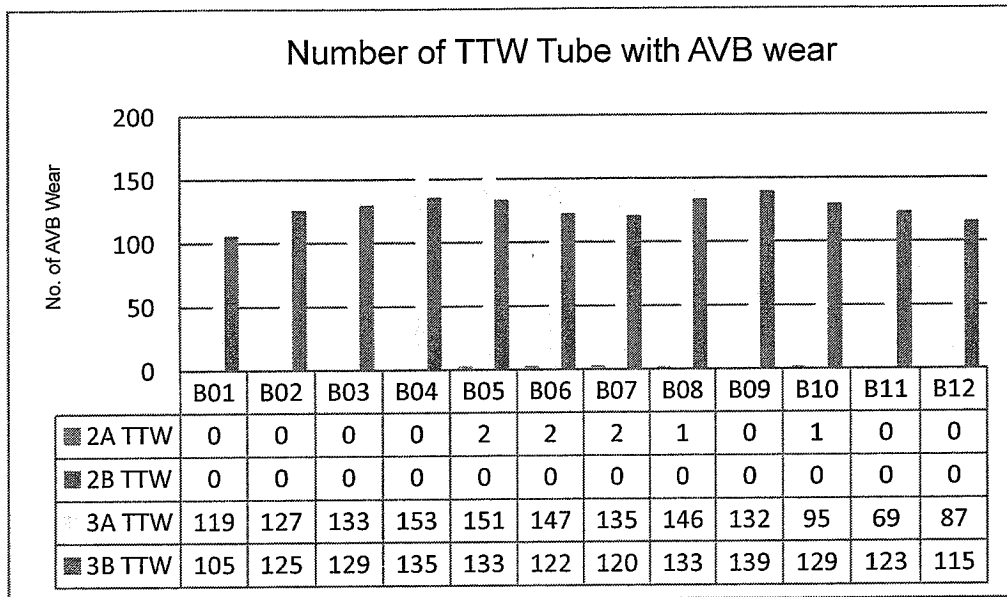
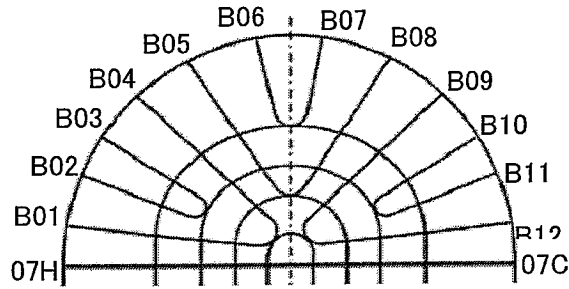


Figure 3.5-1 AVB Tube Wear Number Comparison

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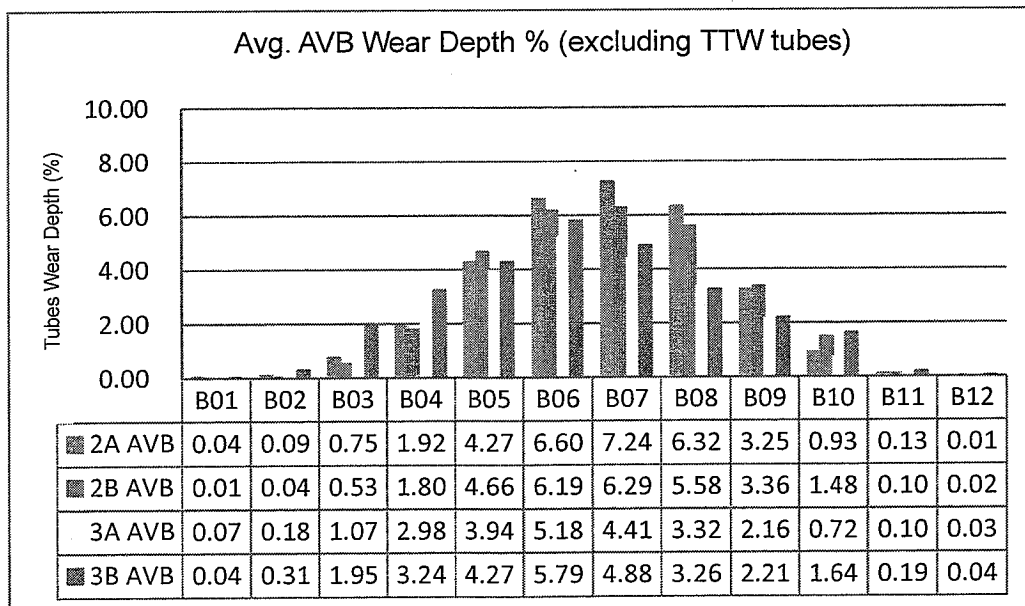
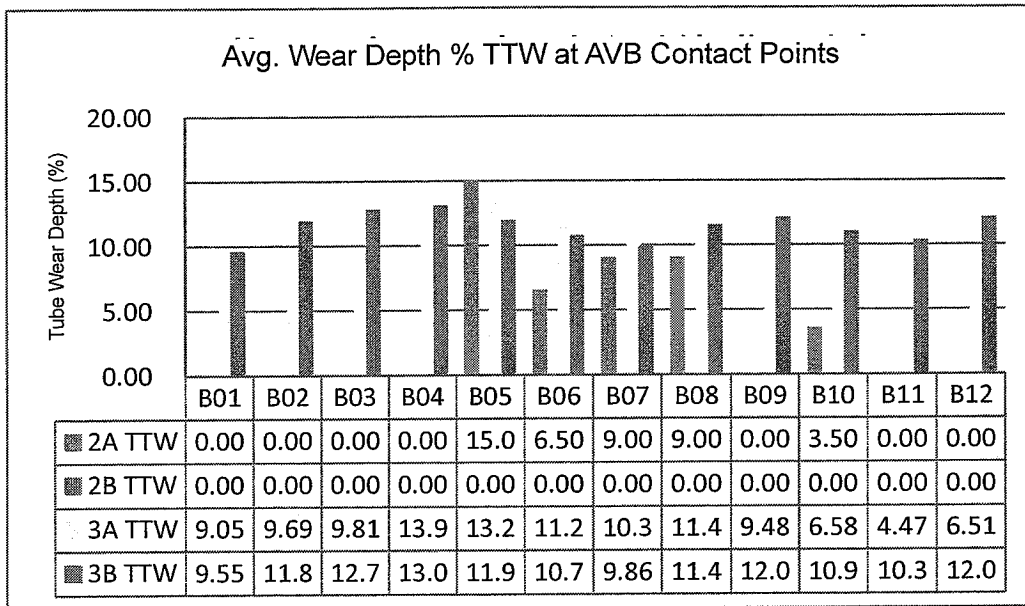
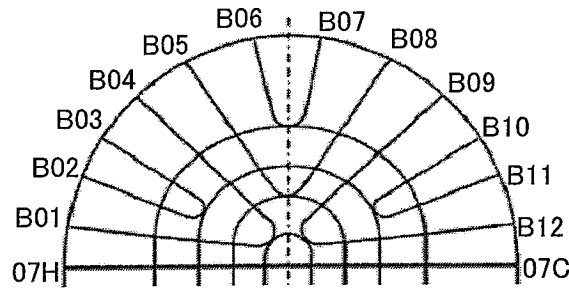


Figure 3.5-2 Tube Wear Depth Comparison

Non-proprietary Version

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Document No.L5-04GA588(0)



3.6 Conclusion

MHI concludes that under the secondary thermal-hydraulic conditions such as in the SONGS SGs, certain tube-to-AVB minimum contact force is required to prevent tubes from vibrating and eventually causing wear at AVB intersections.

According to the manufacturing dimensional tolerance analysis, the average contact force in the Unit 3 SGs was found to be smaller than the average contact force in the Unit 2 SGs, as shown in Fig. 2.3.3-3. Therefore, it is concluded that the contact forces of Unit 3 were more likely to be insufficient to prevent turbulence induced (random) vibration of tubes and the Unit 3 SGs were more susceptible to turbulence induced (random) vibration, as shown in Figs. 3.2.1-4 and 3.2.1-5.

EXHIBIT 62

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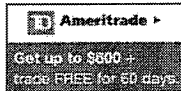
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