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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

**CHIEF ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION FOR REASSIGNMENT**

By motion filed July 2, 2015, the Coalition to Decommission San Onofre filed a motion asking, among other things, for recusal of the assigned Administrative Law Judge for alleged conflict of interest. The motion also involves discovery and a request to compel the release of documents. This ruling only addresses the portion of the motion regarding recusal of the assigned judge, which I address as if it were filed under Rule 9.4 requesting reassignment of the judge for cause.

In this regard, the motion observes that Judge Darling has taken the following actions:

- On April 14, 2015, Judge Darling issued a ruling directing Southern California Edison Company (SCE) to produce

information regarding communications involving possible settlement of this investigation.

- On June 26, 2015, Judge Darling sent an e-mail to the service list requesting more information from SCE.
- As reflected in e-mails dated December 5, 2012, Judge Darling engaged in a telephonic meeting with SCE executive Russell Worden on December 4, 2012, regarding SCE's interface with MHI, the terms of their arbitration agreement, what root causes MHI may have performed, and SCE's efforts to learn the root causes regarding the replacement steam generators.

The Coalition asserts that the December 5, 2012, e-mails raise factual questions regarding whether improper *ex parte* communications involving the judges in the proceeding occurred, and asserts that the investigation into sanctions for SCE's possible violations of the *ex parte* rules creates a conflict of interest for Judge Darling.

The Coalition does not identify any provision of law or order or rule of the Commission that Judge Darling may have violated, and none is apparent. To the extent that the December 4, 2012, communications were *ex parte* communications as defined by Rule 8.1(c), they are permitted pursuant to Rule 8.3(c) subject to the reporting requirement of Rule 8.4. SCE filed notice of the communication on December 7, 2012.

The Coalition does not identify any self-interest on Judge Darling's part that might be in conflict with her professional interest or the public interest in investigating SCE's possible violations of the *ex parte* rules, and none is apparent.

Pursuant to Rule 9.4(e) and after consulting with President Picker on this matter, I hereby deny the motion for reassignment.

IT IS SO RULED.

Dated July 10, 2015, at San Francisco, California.

 /s/ KAREN V. CLOPTON
Karen V. Clopton
Chief Administrative Law Judge