

**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 Irvine, CA)
Southern California Edison Company's (U338E) Application for a Reasonableness Determination of 2012 Costs Recorded in the San Onofre Nuclear Generating Station Memorandum Account (SONGSMA).	Application 13-01-016 (Filed January 31, 2013)
Application of Southern California Edison Company (U338E) for Inclusion of the Steam Generator Replacement Program Cost Permanently in Rates.	Application 13-03-005 (Filed March 15, 2013)
Application of San Diego Gas & Electric Company (U902E) for Inclusion of the Steam Generator Replacement Project Cost Permanently in Rates.	Application 13-03-014 (Filed March 18, 2013)
San Diego Gas & Electric Company's (U902E) Application for a Reasonableness Determination of 2012 Costs Recorded in the San Onofre Nuclear Generating Station Memorandum Account (SONGSMA).	Application 13-03-013 (Filed March 19, 2013)

**WOMEN'S ENERGY MATTERS
MOTION TO ENSURE PUBLIC ACCESS TO SAN ONOFRE HEARINGS**

May 10, 2013

Barbara George, Executive Director
Women's Energy Matters
P.O. Box 548
Fairfax CA 94978
415-755-3147
wem@igc.org

WOMEN'S ENERGY MATTERS
MOTION TO ENSURE PUBLIC ACCESS TO SAN ONOFRE HEARINGS

Women's Energy Matters (WEM), a party in this proceeding, respectfully makes this Motion To Ensure Public Access To Hearings in the Investigation of the San Onofre Nuclear Generating Station. Specifically, WEM requests that the Commission provide a good-quality webcast of the entire week of evidentiary hearings in this case, which are currently scheduled for May 13-17, 2013. We also retain and do not waive our rights, and the rights of others, to videotape the hearings pursuant to the Bagley-Keene Act, in order to maximize transparency in this case and provide public access, especially for people who live near the San Onofre nuclear plant, 450 miles away from the Commission's courtrooms. As we stated in an earlier discussion of this issue:

WEM is videotaping these meetings for many reasons, including their newsworthiness, historic value, and because interested members of the public in communities in Southern California who are most directly affected by the San Onofre Nuclear Generating Station have asked us to do so.

Background

Ecological Options Network (EON), on behalf of itself and WEM, sent a Courtesy Notice of Videotaping to the service list in this proceeding on Wednesday afternoon, May 8, 2013:

Dear Commissioner Florio, ALJ Darling and ALJ Dudney, and Service List,

Ecological Options Network in collaboration with Women's Energy Matters plans to videotape the Evidentiary Hearings in the SONGS Investigation (I1210013).

We will work with the ALJs and Commissioner to set up the most convenient locations for the camera(s), and avoid causing any disruptions.

Mary Beth Brangan
James Heddle
Co-Directors, EON

On Thursday, May 8, 2013, ALJ Dudney sent the following reply to the service list:

Dear Ms. Brangan,
CC: Service List for I.12-10-013; Commissioner Florio; Chief ALJ Clopton;
Terrie Prosper, Director of CPUC's News and Public Information Office

The evidentiary hearings will be transcribed by the CPUC's court reporters. Consistent with the ALJ Division's policy for all evidentiary hearings, we will not allow videotaping or audiotaping of these evidentiary hearings.

For more information on participating in this, or any other, proceeding at the CPUC please see the Public Advisor's website:

<http://www.cpuc.ca.gov/puc/aboutus/Divisions/CSID/Public+Advisor/>

Please direct any media inquiries to the CPUC's News and Public Information Office:

<<http://www.cpuc.ca.gov/PUC/news>><http://www.cpuc.ca.gov/PUC/news>

<<mailto:news@cpuc.ca.gov>>news@cpuc.ca.gov

ALJs Darling and Dudney

Late Thursday, WEM received an email from another party in the case, recommending that we file a motion to ask the Commission to webcast the hearings. The message noted:

The Commission has provided webcast coverage of GRC hearings in the past, and this proceeding is at least as important. Then EON could pick up the web feed.

Previous discussion of videotaping hearings in this case

In January this year, prior to ALJ Dudney's recent co-assignment to this proceeding, WEM discussed the need for videotaping and if possible webcasting hearings in this case, in our response to SCE's letter to the ALJ requesting that she deny our rights to videotape the January 8, 2013 PHC:

Date: Thu, 10 Jan 2013 11:02:46 -0800

To: wem@igc.org

From: Barbara George <wem@igc.org>

Subject: I.12-10-013 WEM's response to SCE letter

Cc: [service list]

Dear Mr. Weissman,

I wish you would have picked up the phone and asked me whether we had leave to videotape the prehearing conference. In fact ALJ Darling did approve that, and I offered to provide a courtesy notice to the service list. WEM has videotaped many meetings at the Commission, including hearings. Generally we try to provide 24 hrs. notice as the Commission has requested, but we were pressed for time preparing for this hearing - probably like yourselves - since it was so soon after New Years. (I was happy to see that SCE finally filed testimony late last night, although it was several hours after the deadline and you're attempting to have the bulk of it sealed.)

As you note, the CPUC has no written rules about videotaping. In the absence of such regulations, the Brown Act and Bagley-Keene apply, which clearly provide for videotaping if a decision-maker is present. In this case, the ALJ, the Commissioner, and advisers were in the room. We have always cooperated with staff in charge of the meeting, setting up the camera (or cameras) in locations that don't block anyone but still provide a view of participants' faces.

In this case WEM's videographers brought one camera, and other parties and members of the public and the press also videotaped. Is there some reason SCE is only objecting to WEM's videos?

WEM is videotaping these meetings for many reasons, including their newsworthiness, historic value, and because interested members of the public in communities in Southern California who are most directly affected by the San Onofre Nuclear Generating Station have asked us to do so. In filings and public comments, WEM and have others asked the Commission to hold as many as possible of the hearings and other meetings and workshops in this proceeding in Southern California where community members would be better able to attend. The community was very grateful to have the OII finally approved at the Irvine meeting.

We understand that our coalition allies are assembling the technology to webcast future hearings that are held in the Bay Area. We are very fortunate to live in a time when this is possible, because there are also many people in other states, Japan, and Europe who feel that the hearings in this proceeding will have a lasting impact on the future of nuclear power, and thereby the survival of our species, as well as the utilities' rates, California's economy, and the reliability of our electric system. WEM has also been contact by members of the press who are deeply interested in knowing what happens here as soon as possible.

While we understand that SCE and its suppliers might find some of this embarrassing, WEM believes that It's in the interests of everyone, including the utilities, the Commission, and of course the public and the press - to make this proceeding as transparent as possible. This will assist everyone to learn from past mistakes and be better able to fulfill the responsibility to provide a safe, reliable electricity system at just and reasonable rates.

Barbara

* * * * *

Barbara George

(c) 415-755-3147

wem@igc.org

www.womensenergymatters.org

From: "Weissmann, Henry" <Henry.Weissmann@mto.com>

To: "md2@cpuc.ca.gov" <md2@cpuc.ca.gov>

CC: Barbara George <wem@igc.org>, Russ Worden
<Russell.Worden@sce.com>,
"Russell. Archer" <Russell.Archer@sce.com>
Subject: I.12-10-013
Date: Tue, 8 Jan 2013 16:56:52 +0000

Dear ALJ Darling:

Late yesterday afternoon, Women's Energy Matters (WEM) served notice that it intends to record a video of the prehearing conference in I.12-10-013. There has been no prior notice or motion for leave to video the proceedings.

Although we are not aware of any Commission rule governing recording of proceedings, California Rule of Court 1.150 prohibits the recording of judicial proceedings without prior court permission. The rule further requires that a request to record must be filed at least five court days in advance. The rule directs the court to consider 18 specific factors, as well as any other relevant factor, in ruling on such requests. Moreover, when recording is allowed, the rules govern the placement of the recording equipment, its operation, and related matters. Other courts, such as federal courts, prohibit recording altogether. See, e.g., Central District Local Rule 83 - 6.

In this context, WEM's unilateral decision to conduct a video recording of the prehearing conference is inappropriate. Accordingly, SCE objects to WEM's proposed video recording and respectfully requests that Your Honor rule that such recording may not occur in this proceeding absent prior authorization upon a showing of good cause.

Henry Weissmann, counsel for SCE

Discussion

California's Bagley-Keene Act provides for videotaping of public meetings:

Cal. Gov. Code § 11124.1.(a): Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

ALJ Dudney's email mentioned an "ALJ policy" against videotaping all evidentiary hearings. WEM is unaware of such a policy; we checked the public advisor's website referenced in the ALJ's email but found nothing regarding videotaping, we also found no such policy when we used the Commission's search engine for the whole cpuc.ca.gov

website, and we also rechecked the Rules of Practice, which is silent on this issue. We request that the Commission provide us with a copy of this policy, including the date and methodology by which it was adopted, any authority cited, and a URL showing where it is posted.

In his January 8 email, SCE's counsel acknowledged that he, too, is unaware of a Commission rule regarding videotaping. He cited a rule for outside courts, but we are all aware that the Commission has its own rules and it is a mistake to assume that outside rules apply to these proceedings.

In any case, the ALJ did not send a response to Mr. Weissman's January email to the service list, and the transcript of the 1-8-13 PHC reveals no ruling on videotaping. Multiple parties, including EON, videotaped the PHC.

Transcripts are inadequate as a substitute for videotaping

ALJ Dudney's email mentions, "The evidentiary hearings will be transcribed by the CPUC's court reporters." While transcripts are certainly important, they are a poor substitute for videotaping. First of all, there is a substantial per-page charge for transcripts; while WEM and other parties with financial hardship designation receive them free of charge, there is an expectation that we would not distribute them to others.

Further, while the court reporters transcribe everything "on the record," they do not transcribe many other significant interactions that take place "off the record" at the hearings.

Finally, videotaping provides a wealth of information that is impossible to obtain any other way except for being physically present.

Thus, transcripts fail to provide full public access to the hearings.

Relief Requested

WEM's preference would be for the Commission to webcast the hearings in this case. At the same time, pursuant to the provisions of the Bagley-Keene Act, we affirm and do not waive our right or the rights of other parties, the public, and the media, to videotape or webcast the May 13-17, 2013 hearings, and other hearings in this case, in order to provide transparency and public access to these very important proceedings.

Dated: May 10, 2013

Respectfully Submitted,

/s/ Barbara George

Barbara George, Executive Director
Women's Energy Matters
P.O. Box 548
Fairfax CA 94978
415-755-3147
wem@igc.org