



# Implementing Senate Bill 846 Concerning the Potential Extension of Diablo Canyon Power Plant Operations Rulemaking (R.) 23-01-007

## What is this Rulemaking about?

The California Public Utilities Commission (CPUC) adopted an Order Instituting Rulemaking on January 12, 2023, to implement provisions of Senate Bill (SB) 846 requiring the CPUC to consider the potential extension of power plant operations at the PG&E owned and operated Diablo Canyon Nuclear Power Plant. Diablo Canyon Units 1 and 2 are currently licensed by the U.S. Nuclear Regulatory Commission (NRC) to operate until November 2, 2024, and August 26, 2025, respectively. As directed by SB 846, the CPUC must consider whether to extend Diablo Canyon operations by up to five years and through no later than October 31, 2029 (Unit 1), and October 31, 2030 (Unit 2).



## Background

PG&E has operated Diablo Canyon, a two-unit, 2,240 megawatt nuclear power plant in San Luis Obispo County, since 1985. In 2018, the CPUC approved Decision (D.) [18-01-022](#), a modified settlement agreement between PG&E and nine interested parties, to retire the plant when its NRC licenses expire in 2024 and 2025. On September 2, 2022, Governor Newsom signed SB 846 into law. In December 2022, in accordance with SB 846, the CPUC approved [D.22-12-005](#), which invalidated the CPUC's previous retirement order for Diablo Canyon, ordered PG&E to take actions necessary to preserve the option of extended operations at Diablo Canyon, and established cost-tracking mechanisms for those extended operations.

## Proceeding Schedule

This proceeding has two phases:

**Phase 1, Track 1** addresses funding for the Diablo Canyon Independent Safety Committee.

- On July 5, 2023, the CPUC issued a [proposed decision](#) on Phase 1, Track 1 issues.

**Phase 1, Track 2** examines whether operations at Diablo Canyon should be extended, considers the development of cost recovery mechanisms and processes for extended operations, and whether and how to allocate the associated benefits of extended operations.

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- SB 846 requires that the CPUC make a determination on extended operations by no later than December 31, 2023 (Public Utilities Code section [712.8\(c\)\(2\)\(A\)](#)).

**Phase 2** will consider whether PG&E should provide upfront reasonable manager showings for CPUC review and approval, determine the process for Diablo Canyon cost review and true-up to actual costs and market revenues for the prior year, and establish the process for submittal and review of an annual compensation report and spending plan. Phase 2 will not commence until Phase 1 concludes and the issues under consideration may be amended if necessary.

### Public Participation Hearings

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Two remote public participation hearings (PPHs) will be held at 2 p.m. and 6 p.m. on July 25, 2023, to provide opportunities for the public to communicate directly with the CPUC on issues raised in this rulemaking. Members of the public can watch a live video broadcast of the hearing at <https://www.AdminMonitor.com/ca/cpuc> or participate by phone (toll free) by dialing 1-800-857-1917 and then entering passcode 1765767#. Further information is available at <https://www.cpuc.ca.gov/pph/>.

### Other Ways to Participate

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**Subscribe** to receive documents in [R.23-01-007](#) at <http://subscribecpuc.cpuc.ca.gov/fpss/Default.aspx>

**Submit comments** electronically to the CPUC using the “Add Public Comment” button on the “Public Comment” tab of the Docket Card for [R.23-01-007](#) at: [apps.cpuc.ca.gov/c/R2301007](https://apps.cpuc.ca.gov/c/R2301007). You can also review other public comments related to this Rulemaking. The public may submit multiple public comments throughout the proceeding.

**To view the rulemaking and all formal filings** in this proceeding, including proposed decisions when issued, go to [apps.cpuc.ca.gov/p/R2301007](https://apps.cpuc.ca.gov/p/R2301007) and select the “Documents” tab at the top of the page.

Find more information about the CPUC and its programs and services at: <https://www.cpuc.ca.gov/>.

### The Public Advisor’s Office

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The Public Advisor’s Office provides information for the public to get involved in proceedings at <https://www.cpuc.ca.gov/PAO/>. You can also contact them at:

- E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)
- Phone: 1-866-849-8390 or 1-415-703-2074
- TTY: 1-866-836-7258 or 1-415-703-5282
- Mail: CPUC Public Advisor’s Office, 505 Van Ness Avenue, San Francisco, CA 94102

Please reference R.23-01-007 in any communications you have with the CPUC regarding this matter.