

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



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Application of Pacific Gas and Electric Company (U 39 E) and Pacific Generation LLC for Approval to Transfer Certain Generation Assets, for a Certificate of Public Convenience and Necessity, for Authorization to File Tariffs and to Issue Debt, and for Related Determinations.

Application 22-09-018  
(Filed September 28, 2022)

**MOTION FOR PARTY STATUS OF CALIFORNIA HYDROPOWER REFORM COALITION, AMERICAN WHITEWATER, CALIFORNIA OUTDOORS, CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, CALIFORNIA TROUT, INC., FOOTHILL CONSERVANCY, FRIENDS OF THE RIVER, SOUTH YUBA RIVER CITIZENS LEAGUE, AND TROUT UNLIMITED**

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November 29, 2022

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HYDROPOWER REFORM COALITION

*CHRC et al.'s Motion for Party Status  
Pacific Gas & Electric Company's A.22-09-018*

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**I. Introduction**

In accordance with Section 1.4 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, California Hydropower Reform Coalition (“CHRC”), American Whitewater, California Outdoors, California Sportfishing Protection Alliance, California Trout, Inc., Foothill Conservancy, Friends of the River, South Yuba River Citizens League, and Trout Unlimited (collectively, “Movants”) respectfully move for party status in the proceeding on the “Application of Pacific Gas and Electric Company (U 39 E) and Pacific Generation LLC for Approval to Transfer Certain Generation Assets, for a Certificate of Public Convenience and Necessity, for Authorization to File Tariffs and to Issue Debt, and for Related Determinations” (“Application”), which was filed on September 28, 2022.

The Application (p. 1) seeks Commission approval to allow Pacific Gas and Electric Company (“PG&E”) “to transfer substantially all of its non-nuclear generation assets to Pacific Generation, a new PG&E subsidiary, which will facilitate a sale of up to 49.9% of the equity

interests in Pacific Generation (the “Minority Equity Interests”) to one or more third party investors (“Minority Investor(s)”) (collectively, the “Proposed Transaction”).” As described below, Movants should be granted party status because they have considerable knowledge and expertise relevant to, and protectable interests in, the regulation and operation of PG&E’s hydroelectric projects, or “Generation Assets”, that are included in the Proposed Transaction.

## **II. Interests in this Proceeding**

### **A. Description of Movants’ Qualifications**

Movants are active participants and stakeholders in regulatory proceedings related to PG&E’s hydroelectric projects, including licensing proceedings before the Federal Energy Regulatory Commission (“FERC”). Many are signatory to various Relicensing Settlement Agreements related to PG&E’s hydroelectric projects and/or members of the Ecological Resource Committees created by those agreements for the development of implementation plans and adaptive management measures. In cases where the terms of those agreements have been incorporated into the FERC licenses and other regulatory permits, Movants have unique standing to participate in post-licensing implementation matters before FERC and other jurisdictional agencies.

Through their participation in regulatory proceedings before FERC and other agencies, Movants have gained expert knowledge regarding the operation and regulation of PG&E’s hydroelectric projects and of the rivers and public trust resources affected by those projects. They also represent the interests of ratepayers and the beneficial users of rivers where PG&E’s projects are located. Movants will provide valuable information, important perspectives, and contribute to this proceeding in a manner that is in the public interest.

Brief descriptions of CHRC and its member organizations seeking party status are provided below.

**1. California Hydropower Reform Coalition**

The California Hydropower Reform Coalition (“CHRC”) is an unincorporated association formed in 1997 for the purpose of protecting, enhancing, and restoring California rivers affected by hydropower projects by means of collaboration, legal and technical advocacy, and involvement of affected stakeholders. CHRC’s Steering Committee, which functions as the Governing Board, consists of American Rivers, American Whitewater, California Outdoors, California Sportfishing Protection Alliance, California Trout, Foothill Conservancy, Friends of the River, and Trout Unlimited. CHRC has estimated that its member organizations have, as dues-paying members, more than 15,000 ratepayer customers of PG&E.

CHRC represents its members in rulemaking, ratemaking, and other proceedings that generally affect PG&E’s hydropower system:

CHRC will intervene or participate as appropriate on behalf of general members (including the individual members of non-profit organizations) in adjudicatory or other proceedings that generally affect the accomplishment of the CHRC’s mission. These include rate or other similar proceedings before the California Public Utilities Commission or the Federal Energy Regulatory Commission, or litigation addressing matters of general applicability in federal or state courts.

CHRC member organizations participate in ongoing relicensing, license implementation, and license surrender proceedings before FERC for individual hydropower projects owned by PG&E. CHRC is likely to be the only participant in this proceeding that participates in most if not all of the proceedings pending before FERC under Federal Power Act Part I for PG&E’s hydropower generation assets.

## **2. American Whitewater**

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 50,000 supporters, 6,500 dues-paying members, and 100 local-based affiliate clubs. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. It is the primary advocate for the preservation and protection of whitewater rivers throughout the United States and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. It routinely participates in regulatory proceedings on PG&E hydroelectric projects across California to advance its organizational and members' interests in ensuring wild and free-flowing rivers stay that way, restoring natural functions to developed rivers, and protecting public access to rivers for recreation.

## **3. California Outdoors**

California Outdoors is a trade association representing 50 professional river outfitters who provide professionally guided river trips throughout the state of California. Professional outfitters provide an opportunity for people who do not possess the requisite skill, experience, and/or appropriate equipment to access the river and safely navigate its waters. California Outdoors has a vested interest in the future operation and regulation of hydroelectric projects currently owned by PG&E.

## **4. California Sportfishing Protection Alliance**

California Sportfishing Protection Alliance ("CSPA") is a 501(c)(3) non-profit, public benefit fishery conservation organization incorporated in 1983 to protect, restore, and enhance the state's fishery resources and their aquatic ecosystems. CSPA works to ensure that public fishery resources are conserved to enable public sport fishing activity. As an alliance, CSPA

represents over one thousand members that reside in California. Since its inception, CSPA has actively involved in the conservation of the fishery resources throughout the state in proceedings before local, state, and federal government entities. CSPA has a vested interest in ensuring PG&E hydroelectric projects are regulated in a manner that protects rivers and beneficial uses of rivers while also providing safe and reliable energy generation.

**5. California Trout, Inc.**

California Trout, Inc. (“CalTrout”) is a 501(c)(3) non-profit conservation organization that for 50 years has been dedicated to the protection and restoration of wild trout, steelhead, salmon, and their waters throughout California. CalTrout works collaboratively with state and federal resource agencies, municipalities, Native American tribes, private landowners, and other conservation partners. It represents recreational fishing interests and broad conservation values in various informal and formal proceedings to ensure that existing environmental policies and statutes are met for the protection of water quality, instream flows, and native fish and aquatic resources. Its work includes a decades-long effort to protect and restore the Eel River and its native fish populations in Northern California. CalTrout has a vested interest in ensuring PG&E hydroelectric projects are regulated in a manner that protects rivers and beneficial uses of rivers while also providing safe and reliable energy generation.

**6. Foothill Conservancy**

Foothill Conservancy is a 501(c)(3) California non-profit corporation incorporated in 1990 whose mission is to restore, protect, and sustain the natural and human environment in central Sierra counties. Many of its nearly 300 members live in the central Sierra and recreate on the Mokelumne River, and it strives to protect the Wild and Scenic attributes of this important resource for human, fish, and wildlife needs. Its members include PG&E ratepayers. Foothill

Conservancy also is party to the binding settlement agreement it negotiated with PG&E during the relicensing of the Mokelumne River Project (FERC No. 137). Foothill Conservancy has a vested interest in ensuring PG&E's hydroelectric projects are regulated in a manner that protects and sustains the Sacramento and San Joaquin River watersheds, their fish, wildlife and human inhabitants, and the state's power supply. It seeks to ensure that the Proposed Transaction will not incentivize changes to existing operations that prioritize generation over protection of the constituents Foothill Conservancy represents.

**7. Friends of the River**

Friends of the River ("FOR") is a non-profit 501(c)(3) organization headquartered in Sacramento, California, working to protect, preserve, and restore California rivers and streams for both environmental and recreational purposes. FOR has approximately 3,500 members in California. The Proposed Transaction will potentially affect FOR's vested interests in many of the watersheds across the state.

**8. South Yuba River Citizens League**

The South Yuba River Citizens League ("SYRCL") is a membership-based public benefit 501(c)(3) organization, with over 3,000 members and nearly 1,000 active annual volunteers supporting the mission to protect and restore the Yuba River watershed. SYRCL has been the leading advocate for the protection of water quality, river health and watershed restoration within the Yuba watershed, where PG&E's Drum Spaulding Project (P-2310) is located. It administers a large water quality monitoring program that has been collecting water quality data throughout the watershed for over twenty years. It has also led the development of several science-based monitoring restoration projects, including the Hammon Bar Project and the Long Bar Project on the lower Yuba River, and is a partner on four other restoration projects on the lower Yuba

River. SYRCL has a longstanding history of advocacy, collaboration, and action on issues in the Yuba River watershed, including reintroduction of salmonids to the upper Yuba River watershed, lower Yuba River flows, physical habitat along the lower Yuba River, and others. SYRCL has a vested interest in ensuring PG&E hydroelectric projects are regulated in a manner that protects the Yuba River watershed while also providing safe and reliable energy generation

## **9. Trout Unlimited**

Trout Unlimited (“TU”) is a national, 501(c)(3) non-profit corporation dedicated to conserving, protecting and restoring America’s trout and salmon and their watersheds. Founded in 1959, TU today has more than 300,000 members and supporters, organized into more than 400 local chapters. It is governed by a 26-member Board of Trustees, while its conservation agenda is directed by a 36-member National Leadership Council. TU fulfills its mission through a strategic blend of education, outreach, advocacy, and on-the-ground projects that restore and protect stream habitats, water quality, and trout and salmon populations, and sustain and enhance fishing opportunities. TU has more than 10,000 dues paying members in California, with offices in Emeryville, Truckee, and Ft. Bragg. TU’s members fish in and work to protect many of the rivers within which PG&E’s hydroelectric projects are located. TU and its members have a considerable interest in the conservation, protection, and restoration of those rivers and fisheries, and their interests are likely to be affected by the outcome of this proceeding.

### **B. Description of Movants’ Interests**

The Application (p. 22) asserts that the Proposed Transaction “advances the public interest by increasing the financial health of PG&E and the Customer Credit Trust, and has no negative impact on reliability or rates.” It later states there will be *no impact* to safety and system reliability “[b]ecause PG&E will operate and maintain the generation assets, using the same



processes and personnel as today, and with the same safety and risk programs and oversight ....”  
*Id.* at 23.

As indicated above, Movants participate in regulatory and collaborative proceedings to advance the public’s interest in the protection of California’s rivers and beneficial users of rivers from the adverse effects of hydroelectric projects. They also seek to ensure such projects are operated safely and reliably for power generation and other beneficial uses. Movants are collectively engaged in formal and informal proceedings related to at least twenty hydroelectric projects owned and operated by PG&E that contribute to system reliability but also impact watershed interests across the state, including those on the Tule, North Fork Kings, San Joaquin, Mokelumne, Eel, Yuba, Bear, North Fork Feather, and Pit Rivers. The Proposed Transaction could potentially affect Movants’ interests and advocacy in pending regulatory proceedings and in the ongoing implementation of existing permits and agreements for PG&E’s hydroelectric Generation Assets.

In addition to its members’ participation in proceedings for individual PG&E projects, CHRC previously participated in the Commission’s Investigation I.02-04-026, initiated in 2002, for PG&E’s Plan for Reorganization under Chapter 11 of the Bankruptcy Code. CHRC is a party to the Settlement Agreement, which was modified and approved by the Commission in Decision 03-12-035 (Dec. 18, 2003), that resolved that Investigation and related proceedings. Under that Settlement Agreement, PG&E agreed to conserve and protect approximately one hundred forty thousand (140,000) acres of watershed lands owned by PG&E for a broad range of beneficial public values, referred to as the “Land Conservation Commitment.” According to the Application (p. 40), the Proposed Transaction would include the transfer of PG&E’s ongoing obligations under the Land Conservation Commitment to Pacific Generation.

Through their participation in this ratemaking proceeding, Movants seek to (1) clarify the Proposed Transaction’s list of hydroelectric “Generation Assets” versus “Excluded Assets” and confirm the scope and terms of the proposed transfer is in the public interest and protective of Movants’ interests as explained herein; (2) ensure that any successor to PG&E’s interest in the hydroelectric Generation Assets under the Proposed Transaction is adequately capitalized, qualified, and pledged to assume and fully comply with all relevant regulatory, contractual, environmental and other legal obligations related to ownership and operation of those Generation Assets without increased cost or risk to ratepayers; and (3) ensure that any approval of the Proposed Transaction pursuant to the Public Utilities Code clearly delineates responsibility for and is conditioned on PG&E and/or its successor’s compliance with relevant obligations for ownership and operation of the hydroelectric Generation Assets.

Movants intend to closely monitor this proceeding, participate in discovery as necessary, and provide input and recommendations on issues affecting the future of PG&E’s hydroelectric Generation Assets, in order to protect their organizational and membership interests. Movants will closely coordinate their efforts to avoid repetitive filings and other duplication of effort.

**III. Notice**

Movants consent to “email only” service and request that the following representatives be added to the service list as set forth below:

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Movants also respectfully request that the following individual be added to the electronic service list in the Information Only category:

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**IV. Conclusion**

Movants' participation in this proceeding will not prejudice any party and will not delay the schedule or broaden the scope of the issues in the proceeding. For the reasons stated above, Movants respectfully requests that the Commission grant this Motion for Party Status filing.

Dated: November 29, 2022

Respectfully submitted,



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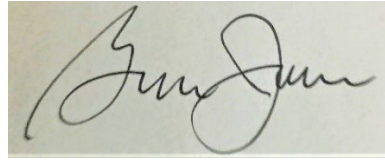
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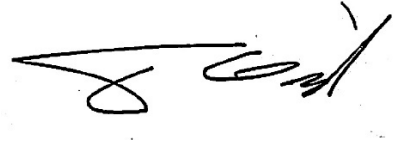
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