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# SPIEGEL & MCDIARMID

GEORGE SPIEGEL (1919-1997)  
ROBERT C. MCDIARMID  
ROBERT A. JABLON  
JAMES N. HORWOOD  
FRANCES E. FRANCIS  
DANIEL I. DAVIDSON  
THOMAS C. TRAUGER  
JOHN J. CORBETT  
CYNTHIA S. SOGORAD  
GARY J. NEWELL  
SCOTT H. STRAUSS  
BEN FINKELSTEIN  
LISA G. DOWDEN  
RISE J. PETERS  
PETER J. HOPKINS  
DAVID E. POMPER  
WILLIAM S. HUANG  
MATTHEW W. WARD  
JEFFREY A. SCHWARZ

1350 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005-4798

WWW.SPIEGELMCD.COM

Telephone 202.879.4000

Facsimile 202.393.2866

E-mail INFO@SPIEGELMCD.COM

Direct Dial (202) 879-4097  
EMAIL MEG.MEISER@SPIEGELMCD.COM

## ASSOCIATES

DAVID B. LIEB  
PABLO O. NÜESCH  
ANDREA G. LONIAN  
LARISSA A. SHAMRAJ  
STEPHEN C. PEARSON\*  
ALLISON L. DRIVER  
TRACY E. CONNOR\*\*  
\*MEMBER OF THE BAR OF NEW YORK  
\*\*MEMBER OF THE BAR OF NEW YORK

## OF COUNSEL

ALAN J. ROTH  
LEE C. WHITE  
SANDRA J. STREBEL  
MARGARET A. MCGOLDRICK  
MARK S. HEGEDUS  
P. DANIEL BRUNER  
BARRY M. SMOLER  
MARGARET A. MEISER

## GOVERNMENT AFFAIRS DIRECTOR

KENNETH A. BROWN  
(NOT A MEMBER OF THE BAR)

September 18, 2002

### Via Overnight Courier

Cathy A. Catterson, Clerk  
United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103-1526

Re: California Public Utilities Commission and County of San Luis Obispo v. U.S.  
Nuclear Regulatory Commission, Case No. 02-72735

Dear Ms. Catterson:

Enclosed for filing please find the original and four copies of the Motion to Intervene of the Northern California Power Agency filed in the above-captioned case. Attached to the Motion is NCPA's Certificate of Interest. NCPA is a governmental entity that does not issue stock, and so is not required to file a corporate disclosure statement.

Please date-stamp the enclosed duplicate originals and return them in the enclosed, self-addressed, stamped envelope. Thank you for your assistance in this matter.

Sincerely,



Meg Meiser

MM  
Enclosures

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

CALIFORNIA PUBLIC UTILITIES  
COMMISSION AND COUNTY OF SAN  
LUIS OBISPO, Petitioners

v.

NO. 02-72735

U.S. NUCLEAR REGULATORY  
COMMISSION, Respondent

**MOTION TO INTERVENE OF THE NORTHERN  
CALIFORNIA POWER AGENCY**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and Circuit Rules 26.1 and 47.4, the Northern California Power Agency ("NCPA") hereby seeks leave to intervene in the above-captioned proceeding. NCPA seeks to intervene as a non-aligned party, but wishes to reserve the right to change its alignment as more information becomes available. In support of this motion, NCPA states as follows:

On August 23, 2002, the California Public Utilities Commission and County of San Luis Obispo ("Petitioners") filed a petition in this court for review of the following order of the U.S. Nuclear Regulatory Commission ("NRC"):

- *In the Matter of PACIFIC GAS AND ELECTRIC CO., (Diablo Canyon Power Plant, Units 1 and 2), Docket No. CLI-02-16, 55 NRC --- (June 25, 2002).*

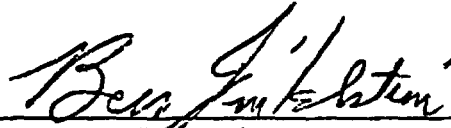
NCPA is a public agency created pursuant to the laws of California, and engaged in the generation and transmission of electric power and energy. NCPA was created by a joint powers agreement dated July 19, 1968, as amended, entered pursuant to Chapter 5, Division 7, Title 1 of the California Government Code commencing with Section 6500. The Cities of Alameda, Biggs,

Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Port of Oakland, Redding, Roseville, Santa Clara, Ukiah, Turlock Irrigation District and Truckee Donner Public Utility District are members of NCPA. Association of Bay Area Governments, Bay-Area Rapid Transit, Lassen Municipal Utility District, Placer County Water Agency, Plumas-Sierra Rural Electric Cooperative, and the Cities of Davis and Santa Barbara are associate members of NCPA. NCPA is not a nongovernmental corporate party and does not issue stock, so it is not subject to the corporate disclosure statement requirement of Rule 26.1 of the Federal Rules of Appellate Procedure. NCPA's Certificate of Interest is attached.

NCPA was a party to and actively participated in the proceedings before the Commission in the underlying docket. Further, the interests of NCPA and its customers may well be affected by any ruling in this proceeding. No other party can adequately represent the interests of NCPA in this matter.

Wherefore, NCPA respectfully requests leave to intervene in the above-captioned proceeding.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ben Finkelstein", written in dark ink over a horizontal line.

Robert C. McDiarmid

Daniel I. Davidson

Ben Finkelstein

Lisa G. Dowden

Attorneys for the Northern California Power  
Agency

Law Offices of:

Spiegel & McDiarmid

Suite 1100

1350 New York Avenue, NW

Washington, DC 20005-4798

(202) 879-4000

September 18, 2002

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CALIFORNIA PUBLIC UTILITIES  
COMMISSION AND COUNTY OF SAN  
LUIS OBISPO, Petitioners**

**v.**

**NO. 02-72735**

**U.S. NUCLEAR REGULATORY  
COMMISSION, Respondent**

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**CERTIFICATE OF INTEREST OF THE NORTHERN  
CALIFORNIA POWER AGENCY**

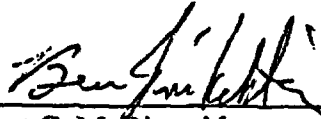
Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rules 26.1 and 47.4, Counsel for Intervenor Northern California Power Agency ("NCPA") hereby certifies the following:

1. The full name of the party represented by me is the Northern California Power Agency.
2. NCPA is the real party in interest.
3. NCPA is a public agency created pursuant to the laws of California, and engaged in the generation and transmission of electric power and energy. NCPA was created by a joint powers agreement dated July 19, 1968, as amended, entered pursuant to Chapter 5, Division 7, Title 1 of the California Government Code commencing with Section 6500. NCPA is not a nongovernmental corporate party and does not issue stock, so it is not subject to the corporate disclosure statement requirement of Rule 26.1 of the Federal Rules of Appellate Procedure.

4. Spiegel & McDiarmid is the law firm appearing for NCPA. The partners who appeared before the Agency on behalf of NCPA or who are expected to appear in this Court are:

Robert C. McDiarmid  
Daniel I. Davidson  
Ben Finkelstein  
Lisa G. Dowden

Respectfully submitted,



---

Robert C. McDiarmid  
Daniel I. Davidson  
Ben Finkelstein  
Lisa G. Dowden

Attorneys for the Northern California Power  
Agency

Law Offices of:  
Spiegel & McDiarmid  
Suite 1100  
1350 New York Avenue, NW  
Washington, DC 20005-4798  
(202) 879-4000

September 18, 2002

## CERTIFICATE OF SERVICE

I hereby certify that I have on this 18th day of September, 2002, caused the foregoing document to be served upon the following persons by first class mail:

<b>Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555-0001</b>	<b>Lawrence J. Chandler, Esq. Office of the General Counsel Mail Stop – O-15 D21 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 e-mail: ljc@nrc.gov; ogclt@nrc.gov</b>
<b>Edwin F. Feo, Esq. Milbank, Tweed, Hadley &amp; McCloy LLP 601 South Figueroa Street, 30<sup>th</sup> Floor Los Angeles, CA 90017 e-mail: efeo@milbank.com</b>	<b>Richard F. Locke, Esq. William V. Manheim, Esq. Pacific Gas &amp; Electric Company 77 Beale Street B30A San Francisco, CA 94105 e-mail: rfl6@pge.com; wvm3@pge.com</b>
<b>James H. Pope, Chairman Maury A. Kruth, Executive Director Transmission Agency of Northern California P.O. Box 15129 Sacramento, CA 95851-0129</b>	<b>Steven M. Kramer, Esq. Carla J. Urquhart, Esq. Milbank, Tweed, Hadley &amp; McCloy LLP 1825 I Street, N.W., Suite 1100 Washington, DC 20006 e-mail: skramer@milbank.com; curquhart@milbank.com</b>
<b>William C. Walbridge, General Manager M-S-R Public Power Agency P.O. Box 4060 Modesto, CA 95352</b>	<b>Wallace L. Duncan, Esq. James D. Pembroke, Esq. Duncan, Weinberg, Genzer &amp; Pembroke, P.C. 1615 M Street, NW, Suite 800 Washington, DC 20036-3203 e-mail: ndr@dwgp.com</b>
<b>James H. Pope Director of Electric Utility City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050</b>	<b>James C. Feider Director, Electric Department City of Redding 777 Cypress Avenue Redding, CA 96049-6071</b>

<p><b>Roger VanHoy</b>  Assistant General Manager, Electric Resources  Modesto Irrigation District  P.O. Box 4060  Modesto, CA 95352</p>	<p><b>Grant Kolling, Esq.</b>  Senior Assistant City Attorney  City of Palo Alto  P.O. Box 10250  Palo Alto, CA 94303</p>
<p><b>Roland D. Pfeifer, Esq.</b>  Assistant City Attorney  City of Santa Clara  1500 Warburton Avenue  Santa Clara, CA 95050</p>	<p><b>Rick Coleman, General Manager</b>  Trinity Public Utility District  P.O. Box 1216  Weaverville, CA 96093-1216</p>
<p><b>Girish Balachandran</b>  Assistant Director of Utilities  City of Palo Alto  P.O. Box 10250  Palo Alto, CA 94303</p>	<p><b>Harrison Call</b>  Call Company  130 S. Cloverdale Blvd.  P.O. Box 219  Cloverdale, CA 95425</p>
<p><b>David A. Repka, Esq.</b>  <b>Brooke D. Poole, Esq.</b>  Winston &amp; Strawn  1400 L Street, NW  Washington, DC 20005  e-mail: drepka@winston.com;  bpoole@winston.com</p>	<p><b>Scott Steffen, Esq.</b>  Assistant General Counsel  Modesto Irrigation District  P.O. Box 4060  Modesto, CA 95352</p>
<p><b>Gary M. Cohen, Esq.</b>  <b>Arocles Aguilar, Esq.</b>  <b>Laurence G. Chaset, Esq.</b>  Public Utilities Commission of the State of California  505 Van Ness Avenue, Room 5131  San Francisco, CA 94102  e-mail: coh@cpuc.ca.gov;  aro@cpuc.ca.gov; lau@cpuc.ca.gov</p>	<p><b>Robert K. Temple, Esq.</b>  <b>Sheldon L. Trubatch, Esq.</b>  Offices of Robert K. Temple, Esq.  2524 N. Maplewood Avenue  Chicago, IL 60647  e-mail: nuclaw@mindspring.com;  strubatch.nuclaw@starpower.net</p>
<p><b>James B. Lindholm, Jr., Esq.</b>  <b>Timothy McNulty, Esq.</b>  <b>Stacy Millich, Esq.</b>  Office of the County Counsel for the County of San Luis Obispo  County Government Center  1050 Monterey Ave., Room 386  San Luis Obispo, CA 93408  e-mail: jlindholm@co.slo.ca.us</p>	



  
Meg Meiser

Law Offices of:  
Spiegel & McDiarmid  
1350 New York Avenue, NW  
Suite 1100  
Washington, DC 20005-4798  
(202) 879-4000