

## **DECLARATION OF RONALD L. LITZINGER**

I, Ronald L. Litzinger, do hereby declare as follows:

1. I am President of Edison Energy. I joined Southern California Edison ("SCE") as an engineer in 1987, and over the years held various positions at SCE, Edison Mission Energy and Edison International. From January 2011 until the end of September 2014, I was President of SCE.

2. In March 2013, I was aware that Stephen Pickett, who was then Executive Vice President of External Relations at SCE, was traveling to Poland on a study tour organized by the California Foundation on the Environment and Economy ("CFEE"). I was also aware that Michael Peevey, who was then President of the California Public Utilities Commission ("CPUC" or the "Commission"), would be on the trip as well. Mr. Pickett informed me that President Peevey may ask for a briefing on the status of SCE's efforts to restart SONGS Unit 2, including SCE's efforts to obtain the Nuclear Regulatory Commission's approval to restart Unit 2, given concerns about system reliability during the summer of 2013. I agreed he could provide that briefing during the CFEE trip.

3. I did not expect that any other topic relating to SONGS would arise in this meeting, and I specifically did not expect that there would be any discussion between President Peevey and Mr. Pickett about a settlement of the SONGS Order Instituting Investigation ("OII"). Mr. Pickett was not given any authority to engage in any discussions with President Peevey about settlement of the OII. Moreover, SCE could not have and would not have negotiated a settlement of the SONGS OII with President Peevey. I understood at the time that if SCE decided to negotiate a settlement, it would have had to negotiate with one or more of the non-respondent parties to the SONGS OII and present the settlement to the Commission for approval.

4. On April 1, 2013, after he returned from Poland, Mr. Pickett reported to me, Edison International CEO Ted Craver, Edison International CFO Jim Scilacci, and Edison International General Counsel Robert Adler about what President Peevey had said about SONGS. Mr. Pickett reported that the communication was one-way: President Peevey was talking to Mr. Pickett about a framework for a possible resolution of the SONGS OII. I was concerned about Mr. Pickett's report for a number of reasons. Foremost among these reasons was that President Peevey's comments were premised on the assumption that SCE would permanently shut down SONGS. At this time, however, SCE was actively pursuing approval from the Nuclear Regulatory Commission to restart Unit 2. I believed that it was damaging and counterproductive to entertain President Peevey's ideas while SCE was pursuing restart. Another reason I was concerned was that SCE had not designated, and would not designate, Mr. Pickett as its representative to discuss settlement. Following the meeting, I told Mr. Pickett that he was not authorized to negotiate a settlement for SCE and that SCE was in "listen-only" mode.

5. I met with Mr. Pickett again on April 11, 2013, and Mr. Pickett confirmed that the meeting in Poland was a one-way communication in which President Peevey communicated to Mr. Pickett, and Mr. Pickett did not communicate anything of substance to President Peevey regarding resolution of the SONGS OII. I also reinforced the message that Mr. Pickett was not authorized to negotiate any SONGS settlement.

6. SCE announced the decision to shut down SONGS on June 7, 2013, and negotiations to settle the SONGS OII began around that time. I was part of the small group of executives that oversaw the SONGS settlement negotiations. Mr. Pickett was not part of that group and was not involved in the settlement negotiations. Edison International General Counsel Robert Adler was the executive with overall responsibility for overseeing the negotiations. SCE negotiated the SONGS settlement with San Diego Gas & Electric Co. ("SDG&E"), The Utility Reform Network, and the Office of Ratepayer Advocates. The SONGS settlement negotiated among those parties was signed on March 27, 2014.

7. While the settlement negotiations were ongoing, President Peevey would occasionally initiate an inquiry about the status of the negotiations. He made these inquiries at events and other meetings on unrelated topics. My response was always the same: I stated only that settlement negotiations were progressing. I did not describe anything that was being discussed in those negotiations, nor did I identify the parties who were negotiating.

8. On May 2, 2014, R.O. Nichols, SCE's Senior Vice President for Regulatory Affairs, and I had a meeting with President Peevey and Commissioner Florio for the purpose of providing an update on SCE's preferred resources pilot. In the meeting, President Peevey stated he was pleased with the SONGS settlement. President Peevey stated that I probably knew he had talked to Mr. Pickett in Poland. President Peevey waved a set of handwritten notes, but did not give me the notes to read. I said I was aware that a conversation took place but that Mr. Pickett was not authorized to speak on behalf of SCE. President Peevey told me that the settlement was missing a provision to address the greenhouse gas impacts of the SONGS retirement, and he asked SCE to make a voluntary contribution to the University of California ("UC"), specifically UCLA, for greenhouse gas research. President Peevey stated the contribution should total \$25 million over five years, with \$4 million a year coming from SCE and \$1 million a year coming from SDG&E.

9. My recollection is that, to avoid engaging on the topic, I told President Peevey that we would get back to him. I made a point not to respond to President Peevey's suggestion that the settlement should include a contribution to the UC. To the best of my recollection, Mr. Nichols remained silent.

10. After this meeting, I called Commissioner Florio and said that, even though the substantive communication about SONGS at the May 2 meeting was one-way (from President Peevey to Mr. Nichols and me), SCE was considering filing an ex parte notice. I recall Commissioner Florio stating he agreed Mr. Nichols and I were in listening mode and did not say anything substantive regarding SONGS in the May 2 meeting. Commissioner Florio stated that he did not think it would be a problem for SCE nevertheless to file an ex parte notice, but that he wanted to check with President Peevey. Commissioner Florio then called me back and said he had spoken with Carol Brown, President Peevey's Chief of Staff, and they had concluded SCE should not file an ex parte notice because the company was in listening mode. Following that call, SCE concluded that an ex parte notice was not required, and I informed Commissioner Florio of SCE's decision not to file a notice.

11. On May 14, 2014, the Commission held an evidentiary hearing regarding the proposed SONGS settlement. Before the hearing began, President Peevey asked to meet with

me. I went to his office and met with him. Commissioner Florio was also present. During the meeting, which involved non-SONGS topics as well, President Peevey raised the issue of SCE making a contribution to UC for greenhouse gas research. I stated I could not engage in a substantive conversation on that topic.

12. After May 14, 2014, hearing I received several calls on my cell phone from President Peevey but did not take the calls and speak with him. I finally spoke to President Peevey on the phone on June 5, 2014. President Peevey again raised the issue of SCE making a voluntary contribution to UC for greenhouse gas research. I again told President Peevey that I could not respond. President Peevey stated that he was getting nowhere with me. President Peevey expressed frustration and demanded to meet with Mr. Craver.

13. On June 11, 2014, I received from Mike Hoover, SCE's Director of State Energy Regulation, a handwritten letter from President Peevey attaching letters written by public officials to the CPUC urging the CPUC to support greenhouse gas research. I understand from Mr. Hoover that President Peevey had called Mr. Hoover to his office, raised the issue of SCE making a contribution to UC for greenhouse gas research, and asked Mr. Hoover to deliver the letters to me. I also received additional letters via U.S. mail from other officials in the following weeks.

14. On June 17, 2014, President Peevey was part of a group of 20-25 people who attended a meeting at SCE organized by the Coalition for Environmental Protection, Restoration and Development; the meeting concerned electric system needs relating to goods movement and transportation usage, and was unrelated to SONGS. During a break in the meeting, President Peevey restated his demand to meet Mr. Craver. I understand that President Peevey met with Mr. Craver that day. Mr. Craver has told me that President Peevey initiated a conversation about a UC contribution and that Mr. Craver responded that, on advice of counsel, he could not engage in a substantive conversation on that topic with President Peevey.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Rosemead, California on April 29, 2015.

  
Ronald L. Litzinger