

March 18, 2003

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Northern California Power Agency,)	
Petitioner,)	
)	
v.)	
)	
U.S. Nuclear Regulatory Commission and)	
United States of America,)	Case No. 03-1038
Respondents,)	
)	
and)	
)	
Pacific Gas and Electric Company,)	
Proposed Intervenor.)	
)	

MOTION OF PACIFIC GAS AND ELECTRIC COMPANY FOR LEAVE TO INTERVENE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, and Circuit Rule 15(b) of the United States Court of Appeals for the District of Columbia Circuit, Pacific Gas and Electric Company ("PG&E") hereby moves for leave to intervene as a party respondent in the captioned proceeding. In support of its motion, PG&E states as follows:

1. Petitioner Northern California Power Agency ("NCPA") is seeking review of a Memorandum and Order of the United States Nuclear Regulatory Commission ("NRC" or "Commission"). The Commission's Memorandum and Order, CLI-03-02, was issued February 14, 2003, in the matter of *Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-275-LT, 50-323-LT.

2. The Memorandum and Order relates to an NRC proceeding wherein PG&E seeks the Commission's authorization to transfer its licenses for the Diablo Canyon Power Plants, Units 1 and 2 (collectively, "DCPP") in connection with a comprehensive Plan of

Reorganization for PG&E filed under Chapter 11 of the United States Bankruptcy Code. Under the Plan, operating authority for DCPD will be transferred to a new limited liability company named Electric Generation LLC, and ownership of DCPD will be assigned to a wholly-owned subsidiary of Gen named Diablo Canyon LLC.

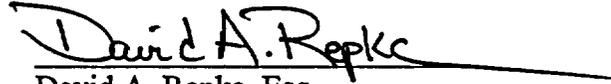
3. One issue raised by PG&E's application to NRC for transfer of the DCPD operating licenses involves the antitrust license conditions presently included in those NRC licenses. These conditions currently impose certain obligations on PG&E related to the generation and transmission of electricity.

4. In CLI-03-02, the Commission rejected on their merits the contentions raised by NCPA related to the ongoing vitality of the DCPD antitrust license conditions. The Commission reiterated its view of the antitrust authority conferred on the agency by Congress in the Atomic Energy Act of 1954 ("AEA"). The Commission held that it lacks authority to impose antitrust license conditions with respect to DCPD and instructed the NRC Staff not to include these antitrust conditions in any transferred license if it otherwise approves the PG&E license transfer application. The Commission denied all of NCPA's remaining requests for relief. On February 25, 2003, NCPA filed in this Court its Petition for Review.

5. PG&E is the owner and operator of DCPD and participated as the applicant in the proceedings below before the NRC. PG&E's operations and Plan of Reorganization are directly implicated by the proposed licensing action and would be directly affected should the Court suspend, enjoin, or set aside the NRC's order that is the subject of the Petition for Review. Accordingly, PG&E has its own direct and substantial interest in the case.

6. Counsel for NCPA and the NRC have indicated that they have no objection to PG&E's motion for leave to intervene.

Respectfully submitted,



David A. Repka, Esq.
Brooke D. Poole, Esq.
WINSTON & STRAWN
1400 L Street, N.W.
Washington, DC 20005-3502
(202) 371-5700

William V. Manheim, Esq.
Richard F. Locke, Esq.
PACIFIC GAS & ELECTRIC COMPANY
77 Beale Street, B30A
San Francisco, CA 94105

ATTORNEYS FOR PROPOSED
INTERVENOR
PACIFIC GAS & ELECTRIC COMPANY

Dated in Washington, District of Columbia
this 18th day of March, 2003

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Northern California Power Agency,)	
Petitioner,)	
)	
v.)	
)	
U.S. Nuclear Regulatory Commission and)	
United States of America,)	Case No. 03-1038
Respondents,)	
)	
and)	
)	
Pacific Gas and Electric Company,)	
Proposed Intervenor.)	

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, and Circuit Rule 26.1 of the United States Court of Appeals for the District of Columbia Circuit, Pacific Gas and Electric Company ("PG&E") hereby files this Disclosure Statement.

Intervenor PG&E is a corporation organized under the laws of the State of California, with its principal executive offices in San Francisco, California. PG&E is an operating public utility engaged principally in the business of providing electricity and natural gas distribution and transmission services throughout most of Northern and Central California. Effective January 1, 1997, PG&E and its subsidiaries became subsidiaries of Pacific Gas and Electric Corporation, an energy-based holding company organized under the laws of the State of California. On April 6, 2001, PG&E filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of California. On September 20, 2001, PG&E and its parent corporation jointly filed a Plan of Reorganization with the Bankruptcy Court. PG&E continues to operate its business as a debtor-in-possession subject to the jurisdiction of the Bankruptcy Court.

Pacific Gas and Electric Corporation, PG&E's parent corporation, is the only publicly held corporation owning ten percent or more of PG&E's stock.

Respectfully submitted,

A handwritten signature in black ink that reads "David A. Repka". The signature is written in a cursive style and is positioned above a solid horizontal line.

David A. Repka, Esq.
WINSTON & STRAWN
1400 L Street, N.W.
Washington, DC 20005-3502
(202) 371-5700

ATTORNEY FOR
PACIFIC GAS AND ELECTRIC
COMPANY

Dated in Washington, District of Columbia
this 18th day of March 2003

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Northern California Power Agency,)
Petitioner,)
)
v.)
)
U.S. Nuclear Regulatory Commission and)
United States of America,)
Respondents,) Case No. 03-1038
)
and)
)
Pacific Gas and Electric Company,)
Proposed Intervenor.)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the "MOTION OF PACIFIC GAS AND ELECTRIC COMPANY FOR LEAVE TO INTERVENE" and a "CORPORATE DISCLOSURE STATEMENT" in the captioned proceeding have been served as shown below by deposit in the United States mail, first class, this 18th day of March, 2003.

Robert C. McDiarmid
Ben Finkelstein
Spiegel & McDiarmid
1333 New Hampshire Avenue, N.W.
Washington, DC 20036

John F. Cordes, Solicitor
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001

Laurence G. Chaset
Public Utilities Commission of
the State of California
505 Van Ness Avenue, Room 5131
San Francisco, CA 94102

David Effross
Public Utilities Commission of
the State of California
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

Gregory Heiden
Public Utilities Commission of
the State of California
505 Van Ness Avenue, Room 5024
San Francisco, CA 94102

Scott Steffen, Esq.
Assistant General Counsel
Modesto Irrigation District
P.O. Box 4060
Modesto, CA 95352

George A. Fraser, General Manager
Northern California Power Agency
180 Cirby Way
Roseville, CA 95678

Steven M. Kramer
Carla J. Urquhart
Milbank, Tweed, Hadley & McCloy LLP
1825 I Street, N.W., Suite 1100
Washington, DC 20006

Wallace L. Duncan, Esq.
James D. Pembroke, Esq.
Michael R. Postar, Esq.
Lisa S. Gast, Esq.
Sean M. Neal, Esq.
Peter J. Scanlon, Esq.
Derek A. Dyson, Esq.
Duncan, Weinberg, Genzer & Pembroke, P.C.
1615 M Street, N.W., Suite 800
Washington, DC 20036-3203

James C. Feider
Director, Electric Department
City of Redding
777 Cypress Avenue
Redding, CA 96049-6071

Grant Kolling
Senior Assistant City Attorney
City of Palo Alto
P.O. Box 10250
Palo Alto, CA 94303

Rick Coleman, General Manager
Trinity Public Utility District
P.O. Box 1216
Weaverville, CA 96093-1216

Harrison Call
Call Company
130 S. Cloverdale Blvd.
P.O. Box 219
Cloverdale, CA 95425

Edwin F. Feo
Milbank, Tweed, Hadley & McCloy LLP
601 South Figueroa Street, 30th Floor
Los Angeles, CA 90017

James H. Pope, Chairman
Maury A. Kruth, Executive Director
Transmission Agency of Northern California
P.O. Box 15129
Sacramento, CA 95851-0129

William C. Walbridge, General Manager
M-S-R Public Power Agency
P.O. Box 4060
Modesto, CA 95352

James H. Pope
Director of Electric Utility
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Roger VanHoy
Assistant General Manager, Electric Resources
Modesto Irrigation District
P.O. Box 4060
Modesto, CA 95352

Roland D. Pfeifer, Esq.
Assistant City Attorney
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Girish Balachandran
Assistant Director of Utilities
City of Palo Alto
P.O. Box 10250
Palo Alto, CA 94303

Sheldon L. Trubatch, Esq.
Law Offices of Sheldon L. Trubatch
4222 River Road, NW, #1
Washington, DC 20016

Robert K. Temple, Esq.
2524 N. Maplewood Avenue
Chicago, IL 60647

James B. Lindholm, Jr.
County Counsel for the County of
San Luis Obispo
County Government Center, Rm 386
San Luis Obispo, CA 93408

A handwritten signature in black ink that reads "David A. Repka". The signature is written in a cursive style with a long horizontal line extending to the right.

David A. Repka, Esq.
Counsel for Pacific Gas
& Electric Company