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STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

CALIF. ENERGY COMMISSION
SEP 23 1983
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BUSINESS MEETING

1516 NINTH STREET
1st FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA

WEDNESDAY, SEPTEMBER 21, 1983

10:22 A.M.

Reported by: Pat Petrilla

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COMMISSIONERS PRESENT

- Charles R. Imbrecht, Chairman
- Karen K. Edson, Commissioner
- Geoffrey D. Commons, Commissioner

EX OFFICIO

- Bill Foley
- Gordon F. Snow

STAFF PRESENT

- Randall Ward, Executive Director
- Bill Chamberlain, General Counsel
- Mickey Horn
- Ted Rauh
- Mike Langley
- Pat Conroy
- Sherry Liberty
- Linda Greule, Secretary
- Karen Mathies, Secretary

PUBLIC ADVISOR'S OFFICE

- Ernesto Perez
- Gary Heath

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P R O C E E D I N G S

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3 CHAIRMAN IMBRECHT: Okay. Will the meeting please
4 come to order. Commissioner Schweickart is absent on a
5 leave of absence, and Commissioner Gandara is absent on
6 Commission business, I believe, out of town. So we have a
7 quorum of Commissioners Edson, and Commons, and myself.

8 The first item is Commission consideration and
9 possible adoption of regulations implementing the Energy
10 Conservation Assistance Act. Commissioner Edson?

11 COMMISSIONER EDSON: I think I could introduce
12 that.

13 CHAIRMAN IMBRECHT: Fine.

14 COMMISSIONER EDSON: It was actually over two
15 years ago that the Commission took action to institute the
16 process for developing regulations for the Schools and
17 Hospitals Loan Program. It was then, as we recognized that
18 our loan funds were diminishing, there would be increased
19 competition for the money, and that it was important to
20 formalize the procedures by which the money was awarded and
21 appeals process by which applicants could petition for
22 reconsideration of Commission decisions.

23 What you have before you is essentially a
24 codification of the procedures the Commission uses in
25 evaluating loan applications and making awards of loan funds.

1 If you look on the second page of the notice of proposed
2 changes, it outlines the most significant additions to the
3 program, or changes to the program.

4 First, it eliminates loans solely for conducting
5 technical assistance audits, and this was done because of
6 legal office's opinion that they were not technically
7 permitted under provisions of the statute.

8 Second, it adds an appeals process which had never
9 before been formally developed and adopted. It also changes
10 the scoring so that it is based solely on simple payback.
11 This is a change consistent with the one that we made, I
12 think at the last business meeting regarding the Federal
13 Schools and Hospitals Grant Program.

14 Lastly, it provides some flexibility so that in
15 the event we want to supplement a project, primarily
16 financed by other sources, for example, third party
17 financed, we would be able to do it.

18 If you have any questions, Lisa Trankley is here
19 from the legal office, and I think she's prepared to
20 respond to any questions the Commission may have.

21 CHAIRMAN IMBRECHT: Commissioner Commons,
22 questions? Hearing none, do I --

23 COMMISSIONER EDSON: I move adoption of the
24 regulations.

25 CHAIRMAN IMBRECHT: It's been moved and seconded

1 by Commissioners Edson and Commons to adopt the regulations
2 implementing the Energy Conservation Assistance Act. Does
3 anyone wish to testify on this matter?

4 Again, without objection, the regulations will
5 be adopted unanimously.

6 The second item on the agenda is Commission
7 consideration and possible adoption of amendment to Section
8 1601 of the California Administrative Code of its Appliance
9 Efficiency Regulations to exclude heat pump systems which
10 do not use air flow fans. A stimulating issue.

11 EXECUTIVE DIRECTOR WARD: We have Mike Langley
12 and Gregg Wheatland with counsel, to assist us in this.
13 My understanding is that the magnitude of this unit's
14 production nationally is something less than 100 units.
15 Also that there is literally no way to test them in light
16 of our current standards, and so given the magnitude of the
17 production units, and the testing problem, that the
18 exemption is being requested and recommended by staff.

19 CHAIRMAN IMBRECHT: Any questions from members of
20 the Commission?

21 COMMISSIONER EDSON: I have one very brief question.
22 Is there any reason to think that we are exempting something
23 that is -- well, let me put it this way. We already exempt
24 certain types of devices used in mobile homes and recrea-
25 tional vehicles. Is there any reason to think that we're

1 exempting something greater in scope with this exemption?

2 MR. LANGLEY: I don't believe so, no.

3 CHAIRMAN IMBRECHT: Okay. Do I hear a motion?

4 COMMISSIONER COMMONS: So moved.

5 CHAIRMAN IMBRECHT: Moved by Commissioner Commons,
6 seconded by Commissioner Edson that we adopt the amendment
7 providing the exclusion for heat pump systems which do not
8 use air flow fans from our appliance efficiency regulations.
9 Is there objection to a unanimous roll call? Hearing none,
10 that will be the order.

11 The third item, proposed Commission approval of an
12 amendment to the 1980 memorandum of understanding between
13 the California Energy Commission and the California Depart-
14 ment of Transportation, and it specifies work that will be
15 completed by the Department in the Liquid Fuels Conservation
16 Program which was transferred to CalTrans under the 83/4
17 state budget.

18 EXECUTIVE DIRECTOR WARD: This has been a process
19 that's been going on since the budget was enacted, that --
20 directing the transfer of certain elements of that program
21 to the Department of Transportation. It's my understanding
22 staff at the Department of Transportation and at the
23 Energy Commission has worked out something that appears to
24 be mutually agreed to at the staff level.

25 Pat Conroy is here to offer any -- or answer any

1 questions that you have about the technical nature of the
2 memorandum of understanding. I'd also like to say that Pat
3 will be leaving us in the near-term, providing this
4 memorandum of understanding is agreed to. He's been a
5 valuable asset to our staff, and we hate to lose him, but
6 we see a lot of positive results from the transfer of this
7 to Transportation where the work can be continued.

8 So, we shouldn't look at it as a loss, but a gain
9 to the Department of Transportation.

10 CHAIRMAN IMBRECHT: Thank you. We certainly
11 share those sentiments. Are there any questions?

12 COMMISSIONER EDSON: I do have a question. I
13 think one of the pieces of work we began under this
14 program that has produced the potential for a long-term
15 pay off is the energy impact quantification work, and as
16 I read the MOU, there is no certainty, really, that that
17 work will be continued at all. Am I understanding that
18 correctly?

19 MR. CONROY: As a matter of fact, the amendment
20 to the memorandum of understanding strengthens the current
21 language on CalTrans working with the Commission on the
22 energy impact quantification and the biennial report
23 process. It's referred to there that there will be input
24 into the 1985 CEC Biennial Report, and we will be using the
25 transportation energy models that are now just being

1 completed by the CEC and doing some of the alternative
2 analysis. But there is also quite a bit of interest at
3 the Transportation Lab pursuing that.

4 COMMISSIONER EDSON: So there is an amendment to
5 this MOU?

6 MR. CONROY: Well, no. What is before you is an
7 amendment to an existing MOU.

8 COMMISSIONER EDSON: Oh, I see. So you're saying
9 that this provides certainty that CalTrans will provide
10 input into the Biennial Report process using that model
11 work that is being done?

12 MR. CONROY: It states there, it implies that such
13 input will occur. Certainty is a stronger word than I'd
14 use, there are two longer range --

15 COMMISSIONER EDSON: Me too.

16 MR. CONROY: -- longer range initiatives that I
17 intend to pursue in this area. The first and more directly
18 to your concern Assemblyman Bill Leonard has shown interest
19 in pursuing some specific transportation energy mandates
20 for the state. I'm going to work with management of both
21 agencies to generate some formal support and involvement in
22 that process, and in that process we may be able to get
23 some specific and more formal coordination among the agencies.

24 CHAIRMAN IMBRECHT: Was there any --

25 MR. CONROY: There's no question we have the tools

1 there to do the work.

2 CHAIRMAN IMBRECHT: Was there any discussion with
3 CalTrans relative to the issue that Commissioner Edson
4 raised?

5 MR. CONROY: They -- we have raised it with
6 middle management at CalTrans. Again, we were waiting to
7 pursue a formal tie into the Biennial Report with the Bill
8 Leonard initiatives, possibly. Again, the language in the
9 document before you is fairly strong, and the interest is
10 fairly great at CalTrans that I don't -- I would say it's
11 probably going to happen anyway.

12 CHAIRMAN IMBRECHT: In terms of continuing and
13 completing the work, but --

14 MR. CONROY: In terms of actually completing the
15 energy impact quantification, using the computer tools that
16 are there, and developing documents useful to the Commission
17 in looking at the transportation sector, my sense is that
18 that will happen regardless of any Leonard initiatives.

19 COMMISSIONER EDSON: I don't have any interest
20 in rejecting the memorandum of understanding, but I do think
21 that is some of the most innovative work we've done here,
22 and it really is key to energy demand forecasting. I think
23 that if there is a method, somebody ought to find some way
24 to convey that importance to the --

25 CHAIRMAN IMBRECHT: I was going to suggest that I

1 direct Randy to have that conversation with Director
2 Trombatore of CalTrans.

3 Do I hear a motion to adopt the MOU? Moved by
4 Commissioner Edson, seconded by Commissioner Commons. Is
5 there objection to a unanimous roll call? Hearing none,
6 that will be the order, along with the addendum of the
7 direction to the Executive Director.

8 The fifth item is a contract with the State
9 Department of Housing and Community Development for
10 \$100,000 to allow HCD to visit local enforcement agencies
11 to evaluate building plan checking procedures, inspect
12 construction projects to evaluate Energy Building Code
13 compliance by builders, and three, to notify --

14 COMMISSIONER EDSON: We're on Item 5?

15 CHAIRMAN IMBRECHT: Pardon?

16 COMMISSIONER EDSON: Are we on Item 5?

17 CHAIRMAN IMBRECHT: Item 5, yes. The LEA's of
18 violations and the need to take corrective actions. I think
19 this is a very important contract based upon some conversa-
20 tions I've had recently as to the lack of enforcement in
21 some corridors, and certainly this is an effort that will
22 at least move us down the road to understanding what the
23 magnitude of the problem may or may not be.

24 I would suggest, by the way, in the context of
25 this that you have some conversations with John Worsley of

1 the Building Standards Commission, who I believe also can
2 provide us with some relevant information as to outreach
3 he's had with local building officials on the issue.

4 COMMISSIONER EDSON: I would just note that this
5 is an annual contract that we've had with HCD for I'm not
6 sure how many years, so --

7 MR. LANGLEY: Four or five now.

8 CHAIRMAN IMBRECHT: Okay. Are there any questions?

9 COMMISSIONER EDSON: I'll move the contract.

10 CHAIRMAN IMBRECHT: Moved, seconded by Commissioner
11 Commons. Is there objection to a unanimous roll call?
12 Hearing none, that will be the order. This is a nice clean
13 meeting today, isn't it.

14 Item 6 is a contract for reporting services for
15 Commission public hearings for \$50,000.

16 EXECUTIVE DIRECTOR WARD: It's my understanding
17 that we extended the existing contract by virtue of the
18 fact that the budget was late in being enacted and sorted
19 out, so they went through a comprehensive RFP process, and
20 the contractor is the low bidder by some significance.

21 CHAIRMAN IMBRECHT: What is the term of the
22 contract? It runs until -- through this fiscal year?

23 EXECUTIVE DIRECTOR WARD: June 30, '84, so we
24 will be going through, theoretically, another RFP process
25 this spring.

1 CHAIRMAN IMBRECHT: All right, fine. Questions?
2 Moved by Commissioner Commons, seconded by Commissioner
3 Edson. Without objection, the contract is approved.

4 Item 7, a contract with Berkeley Solar Group for
5 \$35,000 to obtain further upgrades of the DOE 2.1 building
6 use analysis computer programs on our Data General Computer,
7 et cetera. Would you care to make a presentation?

8 MR. HORN: Mickey Horn from Commission staff.
9 This contract is primarily to give us access to the -- not
10 the developmental version of DOE 2, but the production
11 version. We have a Data General computer in-house, and
12 Berkeley Solar Group is the only one available that can
13 make developmental versions available to us on our in-house
14 computer.

15 Right now the only option we have is to run those
16 at LBL. That's the purpose of the contract. There are also
17 some other portions of the DOE 2 computer program that have
18 to be put on our Data General. One is a program that
19 converts the hourly output to a format that's compatible
20 with the different utility price structures.

21 The other work that would be done on the Berkeley
22 Solar Group contract is to make available to us on our
23 in-house computer the simplified calculation method, and
24 the preprocessor that's under development now for the
25 Nonresidential Building Standards Project.

1 MR. RAUH: I'd like to add, also, briefly, that
2 the Conservation Division is not the only organization
3 within the Commission that uses this particular program,
4 and it's part of the Commission's overall strategy to more
5 effectively and fully employ the Data General. These kinds
6 of updates are to allow the Assessments Division, as it
7 uses this program, and other elements within the Conservation
8 Division that are using it to evaluate other programs to
9 use the most current state of the art.

10 CHAIRMAN IMBRECHT: This is ultimately a cost
11 savings effort.

12 MR. RAUH: That's right.

13 CHAIRMAN IMBRECHT: Because once we have it on our
14 own computer, then we avoid the necessity of going to outside
15 contractors for the work.

16 MR. RAUH: That's correct.

17 CHAIRMAN IMBRECHT: Questions?

18 COMMISSIONER EDSON: Move the contract.

19 CHAIRMAN IMBRECHT: Moved by Commissioner Edson,
20 seconded by Commissioner Commons. Without objection, the
21 contract will be approved.

22 I don't believe we have the minutes available.

23 COMMISSIONER EDSON: I think we skipped an item,
24 Item No. 4?

25 CHAIRMAN IMBRECHT: Oh, I'm sorry. In my haste

1 to move through this, Item 4, we'll return to. A contract
2 with PERS to provide a four to six hour training program
3 to instruct Energy Commission personnel. This is relative
4 to the "Golden Handshake". Sherry, would you like to make
5 a presentation? This is the issue that we had before us
6 two weeks ago.

7 MS. LIBERTY: Thank you. The concerns expressed
8 by the Commissioners at the last meeting involved why there
9 was such extensive training involved, and why the publication
10 fees were so high.

11 Following your last meeting, I met with the staff
12 of the Public Employees Retirement System and have
13 renegotiated the contract for the administrative fees. One
14 of the things that we have done is eliminated all need for
15 training costs. The Public Employees Retirement System is
16 acknowledging the fact that we're in a very difficult
17 staffing situation here at the Energy Commission, and for
18 that reason has agreed to take on the responsibilities
19 that would normally be assumed by our staff at no extra fee
20 because of the relatively small number of employees who
21 will be taking advantage of the "Golden Handshake" here,
22 compared to other departments, they didn't feel that it
23 was necessary for us to have anyone internally trained.

24 So, we've been able to eliminate that \$987 out of
25 this contract. In addition, while I was there, I found out

1 for us why they had all those fixed costs, which seemed,
2 you know, exorbitantly high to you last time. One of the
3 things I've been able to find out is that this was not a
4 budgeted program for the Public Employees Retirement System.
5 It was not included in their budget, and for that reason,
6 they are required by the Department of Finance to recover
7 all costs associated with the administration of this program.

8 What they did is took all the activities involved
9 in it, and it includes things like administrative,
10 legislative and legal analysis of the original bills, and
11 all the work done on the development of the bill by their
12 staff and rolled all those costs into one, prorated it out
13 by the number of departments that they felt would be taking
14 advantage of the "Golden Handshake" which was 10, and they
15 have fixed fees for each of the departments participating
16 in the "Golden Handshake".

17 These fixed fees would actually be higher if they
18 applied it to the departments who have actually taken
19 advantage of it. They thought there would be 10, there
20 are only 7 departments right now. So the fees that we're
21 paying are for our share of the graphic artist's time, the
22 printing cost time, all that kind of thing.

23 EXECUTIVE DIRECTOR WARD: I might mention that
24 one of the questions I asked is how pervasive this problem
25 was within other state agencies, and there were conversations

1 that took place with the Department of Finance, and it's
2 my understanding that the fiscal problems facing PERS are
3 -- border on some similarity to the fiscal problem facing
4 the Energy Commission, as does Finance's involvement in
5 this part of the process.

6 So this is consistent with statewide application,
7 even though it appears high, I think it's the best we can
8 hope for.

9 CHAIRMAN IMBRECHT: Okay.

10 COMMISSIONER COMMONS: So moved.

11 CHAIRMAN IMBRECHT: Moved by Commissioner Commons.

12 COMMISSIONER EDSON: I just have a question. I
13 have two memos in my file here. One is on this issue, the
14 other deals with \$121,000.

15 EXECUTIVE DIRECTOR WARD: The service fees memo
16 is simply for your information and I'll let Sherry explain
17 that to you, but it's not part of the action that you're
18 taking today.

19 COMMISSIONER EDSON: I see.

20 MS. LIBERTY: One of the things that's a require-
21 ment of the -- of our participation in the early retirement
22 program is that we do an actuarial equivalent of the two
23 years of extra service that the employees will be getting
24 by opting out to retire early, and we have a fee that we
25 have to pay to the Public Employees Retirement System,

1 equivalent to what the people are getting in extra money
2 over the years of their retirement for those two years extra
3 credit. That's figured on a formula provided to us by the
4 Public Employees Retirement System, and this is the fee that
5 was approved for us by the Department of Finance in order
6 for us to participate in the "Golden Handshake", and it's
7 still seen as a savings, overall, to the State of California
8 even if we have -- and to the Commission, even if we have
9 to pay this \$121,000 plus the administrative fees by having
10 these folks retire.

11 CHAIRMAN IMBRECHT: I understand.

12 COMMISSIONER EDSON: That goes into PERS
13 immediately?

14 MS. LIBERTY: Well, what they've done is in order
15 to make the impact on the departments less, they're allowing
16 us to prorate it over a two-year period so that we're
17 covering it under two fiscal years. So we're actually
18 splitting it, half this fiscal year and half next.

19 COMMISSIONER EDSON: I'm curious about the formula
20 but we don't need to go into that here.

21 MS. LIBERTY: I can provide you with a copy of
22 the formula --

23 CHAIRMAN IMBRECHT: Moved by Commissioner Commons,
24 seconded by Commissioner Edson. Without objection,
25 unanimously adopted.

1 We're back again to what I said -- I don't believe
2 we have minutes for approval today.

3 Commission Policy Committee Reports. There's none
4 on legislation that I'm aware of. Commissioner Commons?

5 COMMISSIONER COMMONS: I have two or three reports.

6 CHAIRMAN IMBRECHT: Fine.

7 COMMISSIONER COMMONS: On the CFM Committee,
8 we're going to -- the Committee is going to float two
9 draft orders for comment by other Commissioners, staff, and
10 participants. One is on the survey forms which will be
11 submitted to the Commission for the second business meeting
12 in October, and the second is on the draft set of modifica-
13 tions which include both utility and staff requests.

14 What we're going to do is, rather than proposing
15 an order, we're going to send out a draft order and elicit
16 comment from other Commissioners and the utilities on
17 those proposals.

18 Second is next week there will be a joint workshop
19 from the Utility Conservation and Load Management Committee
20 with the PUC, and the focus of that workshop will be on
21 load management programs, and that will be here at 10:00 a.m.
22 next Tuesday. Commissioner Calvo will be representing the
23 PUC at that workshop.

24 Third is following the joint workshop of the Fuels
25 Planning Committee and the CFM Committee in Los Angeles on

1 fuel prices, staff has come up with their fuel price
2 forecasts for oil prices through the year 2004, and let me
3 announce what those are.

4 The overall increase is just under 2.1 percent
5 to approximately \$43.50 over the period. The precise
6 breakout is during 1984, there will be a zero percent real
7 increase in oil prices. From 1984 to 1989, an escalation
8 of one percent per year. From 1989 to 1986 (sic), an
9 escalation of 2.3 percent per year. And from 1996 to 2004,
10 2.5 percent per year.

11 The staff is going to be looking at two elements
12 here. One is, in the forecast, there is the assumption
13 that there will be no major oil price shocks. That assump-
14 tion is going to be reviewed, and the impact of an oil price
15 shock on future oil prices is going to be looked at.

16 Second is in the workshop it was pretty much the
17 unanimous opinion of all of the parties that one specific
18 oil price forecast is not the way that we can go and plan
19 the energy program for the State of California and we must
20 look at ranges. So staff is going to concentrate, and
21 meet with various oil companies, engineering companies,
22 utilities in trying to get an assessment of what that
23 range ought to be and its impact in terms of the Electricity
24 Report, and the -- I guess eventually the CFM.

25 The significance of the fossil fuel prices to the

1 Commission, of course, is the cost-effectiveness of various
2 conservation programs, and renewable advanced energy
3 system programs are significantly affected by this. Also,
4 the overall economy of the State of California, and the
5 cost of -- and the overall demand level for utilities in
6 the state is affected by the price of the various products.

7 The staff is also going to be looking at the
8 natural gas and coal, and in the area of coal, we'll
9 probably have a preliminary estimate rather than a forecast
10 at this time.

11 The forecast on the world oil prices will be
12 reviewed next March, but as of this time, unless there is
13 some significant change, it's expected by both Committees
14 that this is the number -- these are the numbers that will
15 be used as the basis by the staff of the Commission in
16 developing the Electricity Report and making the estimates
17 of demand.

18 CHAIRMAN IMBRECHT: Thank you. Barring, of course,
19 acts of God, or the Ayatollah, that's very accurate.

20 General Counsel's report.

21 MR. CHAMBERLAIN: We have nothing today.

22 CHAIRMAN IMBRECHT: Executive Director?

23 EXECUTIVE DIRECTOR WARD: A couple of things.

24 Tomorrow at 10:00 o'clock we're going to be starting the
25 budget process, we'll be going over the general budget policy

1 that I think some of you have already heard, and then going
2 by divisions through the proposals and increments of change,
3 and listening to your comments, and then hopefully
4 finalizing our information the first part of next week
5 for submittal to the Resources Agency and Department of
6 Finance.

7 Secondly, I have selected the division chief for
8 Administrative Services. He will be here on September 3rd.
9 His name is Rick Donaldson, formerly of the California
10 Transportation Commission, and previous to that, the
11 Department of Finance, and has, I think, very good creden-
12 tials, and I assume will be taking some of the workload
13 off of both Kent and myself in that area.

14 Third, I think it's proper to mention that this
15 will be the last business meeting for someone who has
16 assisted all of you for a number of years, Karen Mathies,
17 our Secretariat, and I wanted to note that.

18 SECRETARY MATHIES: Didn't we do this once?

19 (Laughter)

20 SECRETARY MATHIES: I'm really going now.

21 CHAIRMAN IMBRECHT: We'll miss you nonetheless,
22 Karen. Thank you for your service.

23 EXECUTIVE DIRECTOR WARD: And that concludes my
24 remarks. Thank you.

25 CHAIRMAN IMBRECHT: Okay, thank you. I would

1 just in following up on the budget issues, as the Presiding
2 Member of the Budget Committee, would urge the other
3 Commissioners, if they have specific concerns as to what
4 has been presented to them, to call them to my attention
5 this afternoon, if possible.

6 Is there any member of the public that has any
7 item they wish to address the Commission on? Hearing none,
8 a new record. The meeting is adjourned.

9 (Thereupon the business meeting of the California
10 Energy Resources Conservation and Development Commission was
11 adjourned at 10:50 a.m.)

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1 REPORTER'S CERTIFICATE

2

3 THIS IS TO CERTIFY that I, Patricia Petrilla, Reporter,
4 have duly reported the foregoing proceedings which were
5 held and taken in Sacramento, California, on Wednesday,
6 September 21, 1983, and that the foregoing pages constitute
7 a true, complete and accurate transcription of the afore-
8 mentioned proceedings.

9 I further certify that I am not of counsel or
10 attorney for any of the parties to said hearing, nor in any
11 way interested in the outcome of said hearing.

12

13

Patricia A. Petrilla

14

Reporter

15 Dated this 23rd day of September, 1983.

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