ORIGINAL

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

BUSINESS MEETING

1516 NINTH STREET

FIRST FLOOR CONFERENCE ROOM

SACRAMENTO, CALIFORNIA

WEDNESDAY, JANUARY 9, 1985
10:20 AM

REPORTED BY: DAWN LOFTON

PAPERWORKS
1330 Broadway, Suite 809
Oakland, California 94612
415/763-9164

1 COMMISSIONERS PRESENT

2 Charles R. Imbrecht, Chairman

3 Arturo Gandara, Vice Chairman

4 Russell L. Schweickart, Commissioner

5 Geoffrey D. Commons, Commissioner

6 Barbara Crowley, Commissioner

7 EX-OFFICIO

8 Bill Foley

9 STAFF PRESENT

10 John Chandley, Counsel

11 Randall Ward, Executive Director

12 Ernesto Perez, Public Advisor

13 John Rozsa

14 Scott Matthews

15 Don Wallace

16 Lorri Gervais, Secretary

17 ALSO PRESENT

18 Jim Davies, Chevron U.S.A.

19 Michael Gardner, Kern River Cogeneration Company

20 Craig Friedberg, University of San Diego School of Law

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1 P R O C E E D I N G S

2 --oOo--

3 (Pledge of Allegiance)

4 COMMISSIONER GANDARA: Thank you. Let me
5 note that there are a few changes in the agenda. Item
6 1 is off the agenda. Item 2 is off the agenda, and
7 Item 6 is off the agenda. We will start with Item
8 Number 3. Okay, before we start with Item 3,
9 Commissioner Commons has a comment.

10 COMMISSIONER COMMONS: Mr. Chairman, rather
11 than to bring this forth to the Commission for
12 discussion today, I passed out a draft order concerning
13 where we may want to look at different ways of
14 addressing the peak load problem and concerning central
15 air conditioners. And it addresses a number of measure
16 that this Commission may want to look at ranging from
17 peak wattage control to zoning control, incentives for
18 reduced wattage. The Committee is not ready to bring
19 this forth to the Commission for discussion today for
20 two or three reasons. First, we're not sure that we
21 have the resources within--allocated within this work
22 plan to be able to accomplish what we're suggested.
23 Second is, I think its requires further discussion at
24 the Committee level and among other Commissioners
25 before we bring it forth to the Commission for

1 discussion. So, what I wanted to do was to pass this
2 out to the other Commissioners to review. The
3 Committee would like your comments; and then, based on
4 those comments, we'll make a decision as to whether we
5 should bring it back and forth to the Commission.
6 Thank you.
7 CHAIRMAN IMBRECHT: Fine. Thank you. I
8 apologize for my tardiness. I had a few calls to make.
9 The first item before us the Commission's
10 consideration. Actually, first item on the program
11 agenda is consideration of possible document changes to
12 the current Petroleum Industry Information Reporting
13 Act regulations. These changes will conform to the
14 Commission regulations to the requirements of Senate
15 Bill 1763, an act of last year, signed by the Governor
16 in September of 1984. Mr. Ward.
17 MR. WARD: Thank you Mr. Chairman. I
18 believe these changes have been available to the
19 Commission for some time. And, John Rozsa and Gary
20 Bateman of the General Counsel's Office are available
21 to answer any questions you have.
22 CHAIRMAN IMBRECHT: Mr. Rozsa.
23 MR. ROZSA: Mr. Chairman, as you pointed out,
24 these changes are the result of State Senate Bill 1763
25 which was signed by the Governor in September. Apart

1 from extending PIIRA for five years, we also made five
2 changes in PIIRA. The effect of these changes is to
3 improve the quality of the information collected under
4 PIIRA. These changes were negotiated with industry
5 representatives over a period of six months and, I'd
6 like to take this time to acknowledge the extensive
7 cooperation and forthrightness that the industry has
8 displayed in helping to negotiate these things and in
9 making PIIRA a success over the period that it's been
10 operating. The proposed regulations that are here are
11 virtual translations from the statutes. We've just
12 completed a 45-day public comment period. And, during
13 this time, we solicited comments both with a written
14 notice and also directly from the affected respondent.
15 We received comments from three parties--one, the
16 Department of Oil and Gas that suggested changes in the
17 designated fields for TUR recovery. These suggestions
18 were accepted and noticed on December 19, 1984.
19 Yesterday we received comments from Shell and from
20 Chevron. There is a representative from Chevron here
21 who would be willing to discuss those. The Shell
22 comments -- do you want to take up comments later on?
23 CHAIRMAN IMBRECHT: Let me understand that
24 you.... Are you saying that the Chevron comments in
25 the letter are not....

1 MR. ROZSA: I beg your pardon.

2 CHAIRMAN IMBRECHT: Those have been

3 incorporated or not?

4 MR. ROZSA: The Chevron comments have not

5 been adopted.

6 CHAIRMAN IMBRECHT: Have not been?

7 COMMISSIONER GANDARA: If I may comment, Mr.

8 Chairman, since the Committee has been dealing with

9 this. We receive the two comments--one from Chevron

10 and Shell yesterday. The comments from the Division of

11 Oil and Gas, previously mentioned, were incorporated

12 and changes. I certainly don't want to speak for

13 Chevron; I believe there is a representative here.

14 But, the information that I've had, up to now, is that

15 we -- previous regulations and, therefore, the current

16 form of the regulations do not make specific reference

17 to California refineries; although that has been the

18 intent and that has, in fact, been what has been

19 submitted in the past by the refineries. It's my

20 understanding that it's a rather minor issue with

21 respect to, really, whether we include that or not.

22 But, it becomes a possibly larger issue with respect to

23 the OAL requirements. Given the regulatory burdens

24 that we would have to go through to make these changes,

25 it's my understanding that it's a minor thing that,

1 really, if it's not broke, it's not fix it. But, I
2 understand that there will be no great problem with
3 Chevron if it were in fact -- if the regulations were
4 left as the way they've been for the past five or six
5 years. But, I don't know whether you have a card for
6 the Chevron rep, whether he wishes to speak or not.
7 CHAIRMAN IMBRECHT: I do not. But, in the
8 event...as the representative of Chevron, would you
9 care to testify, sir?
10 Mr. Davies: I agree with Mr. Gandara
11 concerning the minor technical point that there was one
12 reference....
13 CHAIRMAN IMBRECHT: Excuse me. Could you
14 please come forward and identify yourself for the
15 record.
16 JIM DAVIES: My name is Jim Davies from
17 Chevron U.S.A. The comments that I sent in to the
18 Commission were minor, more of a clarifying nature.
19 There was a reference to California only and, one of
20 the new changes for the recording of the 7082A. I
21 thought that if this was something that could be done
22 with no great problem, that it might make it a little
23 clearer in the regulations to have that reference
24 there. But, as I understand, it would require a
25 certain amount of....

1 CHAIRMAN IMBRECHT: A fairly involved
2 process.
3 MR. DAVIES: Yeah.
4 COMMISSIONER GANDARA: And, so, let me say
5 the intent is the same at the California refineries.
6 That's who's been collecting. That's who will continue
7 to collect and maybe when we go for in 19...that would
8 be in what 1989? We'll keep your comment on file and
9 and just add it. It's not a big thing one way or the
10 other. But, it simply, if you would defer, at least,
11 to our requirements that we have to meet, it would
12 certainly save us time and renoticing and a lot of
13 paperwork if we just left it the way is was.
14 MR. DAVIES: I'll defer until then.
15 COMMISSIONER GANDARA: Thank you very much
16 Mr. Davies. Let me give some comments with respect to
17 the other comments that we got from Shell. The Shell
18 comments basically indicated, again, as Mr. Rozsa
19 indicated in his opening remarks kind of a brief
20 appreciation for the process that we went through and,
21 that some were very supportive to our return to Pad
22 Five Basis for reports. And, they specifically had
23 comments in three areas. One, they wish the
24 clarification of the effective date of the new
25 requirement. The effective date of new requirement is

1 specifically laid in the statute and we called the
2 Shell representative and pointed this out to her. That
3 was--by Shell representative, I mean the author of the
4 letter. And, upon pointing out that the statute has
5 that clarification, they withdrew that particular
6 comment. The second comment was, again, the same
7 comment we just discussed with Mr. Davies. And then,
8 the third comment was a concern over whether the
9 effective date of the statute could be met February 15
10 of '85. And, they were recommending a period of sixty
11 to ninety days after adoption for the first report. I
12 think that's a reasonable request. However, again,
13 rather than to undertake these changes through OAL, the
14 OAL notice and so forth and all that that requires,
15 what I propose with the Commission's concurrence is
16 that to simply issue a Committee order indicating a
17 Commission acceptance of a later filing date or a delay
18 in the filing date for that. That would be fine. I
19 believe that the staff would appreciate getting this
20 data and one month's delay would clearly not be a
21 problem one way or the other.
22 CHAIRMAN IMBRECHT: Okay. Fine. I would
23 like simply second the comments may by Mr. Rozsa
24 relative to the very real experience and cooperation by
25 the major petroleum companies in California and the

1 Commission over the last year as the extension of the
2 PIIRA Act as a consideration in the legislative
3 process. I think that it is noteworthy that when PIIRA
4 was originally passed in 1980, observed from a
5 different vantage point at that time, there was, to say
6 the least, widespread and concerted opposition from
7 many elements of the industry. I think it's an
8 illustration of both how our staff has conducted itself
9 in terms of the operation of the Act and the
10 recognition of the power companies that the information
11 that has been generated has been of use, not only to us
12 and the people of the State, but also, to them as well.
13 And, the fact that with the passage of the extension
14 of the Act, all major petroleum companies were in
15 support of the change. There is further illustration,
16 as well, that this Commission and its staff is fully
17 capable of maintaining the proprietary nature of the
18 information as submitted; and I note that for
19 representatives of other industries who have similar
20 dealings with the Commission. Because, I think it's an
21 important point of precedence to remember. And, I
22 would like to say that I hope in the future, the level
23 of cooperation exhibited on this issue is something we
24 can emulate in our dealings and with other elements of
25 the business community in the future. With that said,

1 Commissioner Gandara, are you prepared to offer a
2 motion?
3 COMMISSIONER GANDARA: Nods -- Yes.
4 CHAIRMAN IMBRECHT: Moved by Commissioner
5 Gandara. Seconded by Commissioner Schweickart that the
6 regulations as presented be adopted to conform to the
7 regulations. Is there anyone else who wishes to be
8 heard on this matter? Fine. Is there objection to
9 unanimous roll call? Okay. Ayes: 5; Nos: None. The
10 motion's carried.
11 The next item to come before us is Commission
12 ratification of the December 19, 1984 decision to
13 accept the Application for Certification for the
14 Sycamore Cogeneration Project. Mr. Ward.
15 MR. WARD: Yes. As you recall, there was
16 mechanical consideration to, simply, reaffirm the
17 Commission's decision of December 19. Scott Matthews
18 can go back over the reason for the necessity that this
19 be agendized once again.
20 MR. MATTHEWS: As you recall, when we were
21 before you on the 19th, the ten-day noticing
22 requirement had not been met and only a nine-day notice
23 was met. On the 19th, you made a decision to
24 preliminary accept the docket based upon our
25 recommendation that the AFC contained sufficient

1 information to substantially comply with the
2 regulation.
3 CHAIRMAN IMBRECHT: Any questions? Fine.
4 I'll move that we ratify the action of December 19,
5 1984. Does anyone else wish to be heard on this
6 matter? You're objecting my ratification?
7 (LAUGHTER)
8 MR. GARDNER: No, sir. I do have procedural
9 question, perhaps, following the vote. I'm curious
10 about when the regulatory clock starts -- whether it's
11 today or your previous tentative. Thank you.
12 CHAIRMAN IMBRECHT: I can state that for you
13 very clearly. It starts today.
14 COMMISSIONER SCHWEICKART: It was stated very
15 clearly.
16 CHAIRMAN IMBRECHT: I'm sorry. What is the
17 problem, Mr. Chandley?
18 MR. CHANDLEY: I think that's an easy way
19 out. But, it's subject to challenge, I think, either
20 way. We have a situation where we can be caught coming
21 or going. In fact, on the 19th of December, you agreed
22 to a process by which you would indicate your accept-
23 ance of the document at that time and then bring it
24 back for further ratification at this meeting in order
25 to take care of any problems having to do with the

1 adequacy of the notice. But acceptance actually
2 occurred on that day. And, according to the statute,
3 the clock is entitled to run. At this time, the clock
4 has run from the date of acceptance. Now, as I
5 understood it -- I was present -- but, I understood
6 that your action at that time, you indicated that you
7 would have a clock again on that date. Is that
8 correct?
9 CHAIRMAN IMBRECHT: That is correct.
10 MR. CHANDLEY: ...on December 19th? We,
11 therefore, prepared an order to that affect. That's
12 been my understanding.
13 CHAIRMAN IMBRECHT: Mr. Gandara and I, I
14 guess, spoke out of a similar failure in memory on that
15 point. I don't recall that; let me inquire of the
16 applicants. How strongly do you feel about the two
17 weeks in question?
18 MR. GARDNER: It's not so much a matter of
19 the two weeks. Although, obviously, we would like to
20 have the project certified as rapidly as is possible.
21 I think where it does play a potentially significant
22 role for the Commission is that your regulations
23 require the Committee to hold an informational hearing
24 within 45 days of acceptance of the application. And,
25 my understanding is that there is potentially some

1 difficulty in identifying Committee membership today.
2 So, it might put some pressure on you to take an action
3 on appointing a committee and noticing the
4 informational hearing if, in fact, the clock is running
5 since December 19.
6 CHAIRMAN IMBRECHT: I believe I have the
7 authority to sign an order to notice the informational
8 hearing.
9 MR. GARDNER: I don't question that at all.
10 CHAIRMAN IMBRECHT: Absent the appointment of
11 the Committee themselves.
12 MR. GARDNER: Then, certainly then the
13 Commission, I think, could appoint the new commissioner
14 -- whoever that may be -- as presiding member and focus
15 on a second Committee member today. A second committee
16 member could, then, chair that informational hearing.
17 Then, there would be no subsequent hearings for some
18 time; because we'd be in the data request stage of the
19 process.
20 CHAIRMAN IMBRECHT: I don't believe that
21 there's a problem with that, frankly.
22 MR. GARDNER: Okay. The only reason I raised
23 the point was you do have a time constraint of holding
24 that first hearing within 45 days of the date of
25 acceptance. The applicant will go with go with either

1 date. I agree with Mr. Chandley that, to some extent,
2 you are caught--no matter what you....
3 CHAIRMAN IMBRECHT: The applicant will agree
4 with either date. That seems to me that....
5 MR. CHANDLEY: In that case, my preference
6 would be to set it today. Because, I think it causes
7 the fewest problems.
8 CHAIRMAN IMBRECHT: Certainly. Because, in
9 essence, the applicant, then is waiving any future
10 objections to using today as a starting date.
11 MR. CHANDLEY: Alright. We will amend the
12 order as appropriate.
13 CHAIRMAN IMBRECHT: Fine. And that also
14 ensures we don't have trouble with the 45-day issue?
15 MR. CHANDLEY: Right.
16 CHAIRMAN IMBRECHT: Thank you very much, Mr.
17 Gardner.
18 COMMISSIONER GANDARA: There's really an
19 olive branch out there, isn't there?
20 CHAIRMAN IMBRECHT: Huh?
21 COMMISSIONER GANDARA: Really olive branches
22 all over the place.
23 CHAIRMAN IMBRECHT: That's right. You have
24 to give the speaker credit for the total opportunity of
25 the ear. I certainly am sensitive to that. We've got

1 a motion to ratify. Is there objection to unanimous
2 roll call. Hearing none -- aye's: five; no's: none.
3 The ratification is approved and the application has
4 been accepted as of today, January 9, 1985.
5 Commissioner Commons.
6 COMMISSIONER COMMONS: Did you have a second
7 on that?
8 CHAIRMAN IMBRECHT: Yes, Commissioner
9 Gandara. Item 5 will be put over to the next business
10 meeting. That's the consideration and designation of a
11 Commission Committee. We will have some additional
12 discussions and also any decision of the Governor as to
13 the new appointment to the Commission and those
14 considerations in making a recommendation at our next
15 business meeting.
16 COMMISSIONER SCHWEICKART: Are you telling me
17 something?
18 CHAIRMAN IMBRECHT: I think it's something
19 you know. But.... The next item before us is Item 7,
20 which is a contract for $150,000 with Stone and Webster
21 Management Consultants to develop a transmission system
22 evaluation process which will enable the Energy
23 Commission to evaluate the California transmission
24 system adequacy to support the utilities' long-range
25 supply planning. In addition, this project will

1 evaluate the in-state transmission bulk and area
2 transmission systems to adequately accommodate the
3 development of three alternative energy resource areas.
4 Mr. Ward.
5 MR. WARD: As you'll recall, this item was
6 before the Commission, I believe the December 19
7 hearing date as well. There were some concerns
8 expressed about some of the issues that were going to
9 be looked by Stone and Webster during the course of
10 this contract. Those issues have now been clarified;
11 and, I understand that there is general agreement
12 between the Commissioners that had originally been
13 concerned and the staff, as well. If you have any
14 questions or would like an outline of the proposed
15 contract, Bill Durkee from the Siting and Environmental
16 Division is available to do that.
17 CHAIRMAN IMBRECHT: Are there Commission
18 questions for Mr. Durkee? Mr. Ward, at least from my
19 perspective, accurately stated the situation. Hearing
20 none. Is there any member of the public who wishes to
21 testify on this matter? I believe -- at least I hope
22 -- that some of the concerns that have been expressed
23 to me over the course of the last several months by
24 various parties have been resolved as a result of
25 refinement of work responsibilities in this contract.

1 COMMISSIONER GANDARA: I'll move it.

2 CHAIRMAN IMBRECHT: I hear a motion to move
3 by Commissioner Gandara, seconded by myself. Is there
4 objection to unanimous roll call?

5 COMMISSIONER SCHWEICKART: I'd like to...Mr.
6 Chairman, I'd like to abstain.

7 CHAIRMAN IMBRECHT: Alright. Aye's: four.
8 No's: none. One abstention. The motion is carried.
9 The contract is approved. The next item before us is a
10 contract for $10,000, with the United States Bureau of
11 Land Management to study alternative routes for the
12 Geothermal Public Power Line in order to avoid
13 potential adverse effects on the endangered bald eagle.
14 You may speak to that, as Presiding Member, briefly.
15 In essense, we have a very sensitive area throughout
16 much of the planning region for the geothermal public
17 power line from an environmental perspective. One of
18 the interesting side issues of the case is the fact
19 that the proposed routes encompass substantial portions
20 of purported nesting and breeding areas for our
21 nation's symbol, the bald eagle. And, as a
22 consequence, we have endeavored to work with the Bureau
23 of Land Management to evaluate some of the conclusions
24 as to the likelihood of the route impacting the eagle
25 or having a negative impact, I should say, upon the

1 anticipated life expectancy. Mr. Ward, do you have
2 anything to add? I think it's pretty straightforward.
3 MR. WARD: Yes, Mr. Chairman. I think that
4 appropriately outlines the issue and it's also my
5 understanding that this is an addendum to an existing
6 study. So, we're actually--my sense is--receiving
7 additional benefit over and above, simply, the cost to
8 the Energy Commission as voting the contract to BLM.
9 CHAIRMAN IMBRECHT: Okay. I will move the
10 contract. Seconded by Commissioner Gandara. Are
11 there're any questions or anyone who wish to testify on
12 this matter? Is there objection to unanimous roll
13 call? Hearing none -- aye's: five; no's: none. The
14 contract is approved. We have three items on the
15 Consent Calendar, today: a no-cost time extension and
16 amendment to the contract with Lawrence Berkeley
17 Laboratory for the--to extend the term of the agreement
18 and modify the due dates of deliverables, and that is,
19 obviously, the contract relative to evaluation of
20 petroleum violation escrow account funding expenditure
21 proposed. The second item on the Consent Calendar is
22 Commission approval of a Memorandum of Understanding
23 with the Department of Consumer Affairs for the
24 transfer of three contracts supporting the Insulation
25 Quality Standards. And this, of course, relates to

1 Assembly Bill 3497, which was also an act of last year
2 or actually decided last year, but enacted the
3 beginning of this year. The third item is ratification
4 of the decision made at the December 12th business
5 meeting to award $74,800 in Federal Solar Energy and
6 Energy Conservation Bank funds at the two identified
7 projects. I will move the Consent Calendar.
8 Commissioner Gandara, I assume, will second it. Does
9 anyone wish to address any of the items? Commissioner
10 Commons.
11 COMMISSIONER COMMONS: Yes. I'd like to have
12 the LBL item separated.
13 CHAIRMAN IMBRECHT: Can you give me some
14 indication as to why.
15 COMMISSIONER COMMONS: Well, two or three
16 reasons. First of all, I believe when this item
17 originally came before as a sole source contract, the
18 only reason it was made a sole source was of the
19 urgency of time. And, we do not have the ability to
20 have the contract delayed and we had to go out to an
21 RFP. And, my understanding is that this would be a
22 second extension. And so, I would want a clarification
23 as to why we would be having an extension on something
24 that the only reason we didn't go out to an RFP was
25

that we did not have a fund. The second thing is, I'm asking that on the agenda....

CHAIRMAN IMBRECHT: Before we take on, let's just do this. I'm going to withdraw my motion. I'm going to remake it. And without objection, I'll remake the motion to approve the other two items on the Consent Calendar--Items B and C. Seconded by Commissioner Gandara. Does anyone wish to be heard on Items B or C--the Memorandum of Understanding with Consumer Affairs and Ratification of the Solar Energy and Energy Conservation Bank fund approvals. Is there objection to unanimous roll call? Hearing none -- aye's: five; no's: none. Those two items are approved. Now, in order to put the extension before us, I move that as a separate motion. Seconded by Commissioner Gandara, I again, assume that we approve the no-cost time extension. That motion is now properly before us. Commissioner Common.

COMMISSIONER COMMONS: I want to have an understanding as to why that has occurred. The second item concerning it is, I understand now, that the Budget Commmittee has sent to LBL proposals that are to be considered and with dollar amounts. And, I'd like to ask that we--when this contract originally came forward, I stated at that time that after the review of

1 those items, that it would be my intent to bring it
2 back before the full Commission and I'd like to do so
3 now. And, I'd like to have that item agendized for
4 review at our next business meeting.
5 CHAIRMAN IMBRECHT: You would like which item
6 agendized? I'm sorry.
7 COMMISSIONER COMMONS: I believe the Budget
8 Committee has made recommendations which have been
9 forwarded to LBL on various proposals that are to be
10 considered and the dollar amounts that are to be
11 allocated to each of those. I would like, as I had
12 stated originally when the contract was approved, that
13 it would most likely be that I would ask that action be
14 ratified, modified or otherwise adopted by this
15 Commission. And, I would like to have that placed on
16 the agenda for hearing at our next business meeting.
17 CHAIRMAN IMBRECHT: As I understand it, you
18 only have objection to one action that was taken, is
19 that correct?
20 COMMISSIONER COMMONS: Well, I think there
21 were three items that I'm specifically concerned. One
22 is the time of use, second is the incentives and third
23 is the Santa Monica program. Our office has not
24 reviewed each and every of the proposals that have been
25 submitted. But, those are three that we have submitted

1 to the Budget Committee and those are at least three
2 that....
3 CHAIRMAN IMBRECHT: I understand. I would
4 just like to suggest that we--if you notify me before I
5 send out or approve the agenda, we'll--agendize those
6 particular items that you have concern about. I don't
7 think there is any need to notice all the remainder of
8 them. And, I understand that you do have concerns
9 about those. As I have tried to indicate to you, the
10 only reason that, as you know, each of those items were
11 approved and sent forward. But, there was a difference
12 in dollars attached to it than what you originally
13 recommended. The rationale of the Budget Committee,
14 very simply, is that it is our view or certainly, my
15 view--I'll let Commissioner Gandara speak for himself-
16 -that it's unrealistic to expect that the legislature
17 and the administration is likely to approve any single
18 PBA funding proposal that, in essence, consumes 15% to
19 30% of the total funds. I simply cannot imagine a
20 circumstance under which a case can be made in
21 competition of all the other state agencies that an
22 individual proposal from the Energy Commission would be
23 allocated $30 million out of, say, a $110 million
24 settlement. And so, our decision was that, yes, those
25 recommendations have merit. But, the question was

1 attaching, from our perspective, a realistic total
2 funding recommendation for them. With the recognition,
3 as well, that in each instance, those are proposals
4 that have--I should say with the exception of the Santa
5 Monica proposal--are items that while we all, I think,
6 support conceptually, have not yet been actually
7 applied in actual practice. And, the further
8 conclusion was that it was likely that the Legislature
9 and the Department of Finance would suggest that such
10 proposal would be implemented on a partial basis and an
11 evaluation be made as to their relative success and
12 merits before substantial additional sums would be
13 committed to. And, I have to say to in all candor,
14 Commissioner Commons, I mean, that's exactly what I
15 would explain if you want to continue to go forward
16 with an agendized discussion of this. I honestly don't
17 understand the--where we're going to lead with that,
18 other than a expenditure of time of the Commission.
19 COMMISSIONER COMMONS: Well, Mr. Chairman, I
20 have no objection to your statement that we may want to
21 limit the item as to agenda and you and I can discuss
22 this privately. But, at least, now I'd like the
23 opportunity that we agendize it and we may reduce it
24 after we have our discussion.
25

1 CHAIRMAN IMBRECHT: I think the reasons for
2 the proposed no-cost time extension are fairly
3 succinctly outlined on the memorandum that was
4 presented to us. That was the reason you wanted this
5 item separated. Do you....
6 COMMISSIONER COMMONS: Well, let me--I do
7 have a few questions. My understanding is that
8 -- well, let me ask it this way. Where is LBL and
9 where is the process at this time? I understand....
10 CHAIRMAN IMBRECHT: It's nearly complete and
11 we expect the final draft report to be presented to the
12 Commission the first of February.
13 COMMISSIONER COMMONS: Is there not a
14 Governor's task force that will be meeting at some time
15 to make a review. The process, very simply, is this.
16 The report is a document that will be made available
17 both to the administration and to all members of the
18 Legislature. I suspect that each recipient will find
19 different uses for it and that we'll find different
20 levels of comfort and distress as a result of the
21 conclustions that are reached. The task force of the
22 Department of Finance or the Governor's task forcer, as
23 you refer to it, will, in essence, make recommendations
24 as to expenditures just as the Department of Finance
25 compiles the budget for the Governor and make

1 recommendations to the Legislature when he presents his
2 budget document to the Legislature. In turn, the
3 Legislature, will, I presume, use the report to
4 evaluate the administation's recommendations and make
5 additions or deletions to those recommendations just as
6 is commonly the practice in a budget crisis.
7 COMMISSIONER COMMONS: When would that task
8 force be meeting?
9 CHAIRMAN IMBRECHT: I honestly do not know.
10 I would suggest to you that the likelihood is that,
11 pending notification of, monies will actually flow to
12 California this spring; that it would meet some time
13 prior to the March change letters that would be
14 submitted by the Governor to the Legislature.
15 COMMISSIONER COMMONS: Alright, then, if this
16 Commission wanted to....
17 CHAIRMAN IMBRECHT: That task force is
18 chaired by the Director of the Department of Finance.
19 And, obviously, it meets at his call.
20 COMMISSIONER COMMONS: Alright. But then,
21 now, the group has gone out and has held the public
22 hearings--LBL--and has solicited additional proposals?
23 MR. WALLACE: That's correct.
24 COMMISSIONER COMMONS: And, we have how many
25 of those proposals were there?

1 MR. WALLACE: Approximatley 550.

2 COMMISSIONER COMMONS: Approximately 550?

3 MR. WALLACE: That's correct.

4 COMMISSIONER COMMONS: And, this time

5 extension is to assess those 550?

6 MR. WALLACE: The time extension is actually

7 more than just assessing the 550. It's a recognition

8 of the fact that the amount of time originally

9 envisioned in the overall process is still what we're

10 asking for in the process. It is still what we're

11 asking for in the contract. It's being revised because

12 there was a delay in approval of the contract with LBL

13 due to some interaction with the Department of Energy.

14 COMMISSIONER COMMONS: My concern, Mr.

15 Chairman, is that apparently the fact that we did not

16 have access time is actually the case--that we have to

17 move forward. And, you're suggesting the task force is

18 going to be moving forward with or without the

19 information. And, I do not believe it's this

20 Commission's fault that there was any delay in the

21 contracting procedure. I would be concerned that

22 the....

23 CHAIRMAN IMBRECHT: It certainly was not. I

24 can tell you exactly what generated the delay.

25

1 COMMISSIONER COMMONS: I think we're all
2 aware of what the cause of the delay. My concern is
3 that if the task force may be moving or the Legislature
4 or any body, the public input into this process may not
5 be receiving fair or due consideration. And, if we're
6 voting to delay and give LBL additional time, that we
7 would, I think, be contributing to that.
8 CHAIRMAN IMBRECHT: Well, I honestly don't
9 think that reflects the situation. Obviously, with 550
10 proposals presented, considering the response to some
11 of our hearings, that suggests to me that there was
12 very good dissemination. I might say that Mr. Perez
13 certainly assisted in that and did a very good job in
14 informing the public, to the best of my knowledge, as
15 to the implications of this evaluation and the
16 importance of various groups submitting if they chose
17 to participate and, ultimately, benefits of the funding
18 allocations. My frank assessment is that the
19 likelihood of when or date as to when the task force or
20 the administration will meet will be dictated almost
21 exclusively by the question of when the dollars are
22 actually freed-up to begin the flow in Washington.
23 That remains an open issue at this juncture. It
24 depends largely upon the actions of Congressman Dingel
25 as I understand it and his response to DOE's proposal

1 to, in essence, recapture PVA funds as a deficit
2 reduction method, which I have already on behalf of the
3 administration, written to him and opposed those--that
4 position of the Department of Energy. My expectation
5 is, from a lot of consultation, including the
6 Governor's representation in Washingtion, is it's
7 highly unlikely DOE's recommendations will be accepted
8 by Congress. But, as to when Congress will take the
9 necessary action to actually free the dollars is,
10 obviously, anybody's best guess. We're hopeful that it
11 will occur in time for this year's budget cycle.
12 COMMISSIONER COMMONS: Well, my sole and only
13 concern is that the process by which we went out to the
14 public and have solicited the some 550 proposals, is
15 that there not be deliberations within the State at all
16 attributable to any delay that we would allow in a
17 contract. And, that's my only consideration. And, I
18 don't understand from your responses--and maybe what I
19 should do is ask you, Don. What is the status of those
20 550 and how is that affected by this delay? This
21 contract, from what I could understand, was supposed to
22 have been completed November 15th.
23 MR. WALLACE: The original contract called
24 for the conclusion as of December 31st with the final
25 product approximately November 15th. That's correct.

1 That was a date, as I understand it, that was
2 originally put together because it would have provided
3 an opportunity for the decisions of the task force to
4 be included in the Governor's budget on January 10th.
5 What we have now is an opportunity for the next window
6 in the budget process that will be approximately March
7 1st. And, due to the original delay of getting the
8 contract approved, we shifted the timeframe for the
9 evaluation on the State agencies' proposals as well as
10 those from the general public, so that the same amount
11 of work is being done -- well, actually it's been
12 compressed a little bit. We've had to take about two
13 weeks out of the overall evaluation time. But, the
14 evaluation is underway. LBL has taken an opportunity
15 to review the 550 proposals from the general public.
16 They've made some recommendations on those that they
17 feel are unique. We're not covered under State agency
18 proposals and which they feel should be further
19 evaluated which is what their charge under the
20 contract. And, they are proceeding to provide full and
21 thorough evaluation of all of the State agency and
22 those public proposals.
23 COMMISSIONER COMMONS: My question is, is
24 this delay in the contract that's being proposed
25

1 -- would that cause that this information would not get
2 into, mixed up in the process?
3 CHAIRMAN IMBRECHT: No. Absolutely not.
4 Absolutely not. The other thing is, Commissioner
5 Commons, that occurred, obviously, is that no one
6 anticipated a year and a half ago that DOE stimulated,
7 principally, as I understand it by the Office of
8 Management and Budget, would have taken a position
9 -- which they did -- which was, in essence, to embargo
10 the funds that are already collected from the oil
11 companies. And that, frankly, generated the delay and
12 disbursement to the States and is the issue that I just
13 mentioned a moment ago that, I think, is likely to be
14 resolved in our favor and in the favor of other states.
15 But, has not yet been resolved and is in the hands of
16 the Congress at this juncture. And, I am quite
17 confident, though I have not expressly asked this
18 question of Mr. Huff, the Director of Finance; but, I
19 am quite confident that there would be no intention of
20 administration to convene a task force absent the
21 results of this contract.
22 COMMISSIONER COMMONS: I guess, so long as
23 neither the Legislature or task force...
24 CHAIRMAN IMBRECHT: I can't imagine....
25

1 COMMISSIONER COMMONS: ...convenes the
2 meeting, I would have no objection to the extension.
3 My only consideration here is....
4 CHAIRMAN IMBRECHT: Well, we can't control.
5 I mean....
6 COMMISSIONER COMMONS: Sure.
7 CHAIRMAN IMBRECHT: The task force,
8 obviously, is not a public process any more than the
9 budget assembly by the Governor is a public process.
10 So, there's nothing we can do in that context. The
11 legislative consideration of what ultimately emanates
12 from the Governor and the Department of Finance is a
13 recommendation, obviously, of the full public
14 consideration.
15 COMMISSIONER COMMONS: Alright. The other
16 question I have is, what information is available to my
17 office -- now that we have this -- is there a draft
18 final report or what do we have?
19 MR. WALLACE: We have nothing from LBL at
20 this juncture and will not really have anything until
21 the first of February, which is when we will have
22 the.... It will be a preliminary draft and it's what
23 we will disseminate to the task force and expect them
24 to utilize to make their decisions in coming up with a
25 Governor's program of expenditures for these funds.

1 COMMISSIONER COMMONS: That draft final
2 report, though, will include the assessment of the 550?
3 MR. WALLACE: That's correct. It will be
4 pretty much a final document. The only thing is, it
5 won't be polished. It will have all of the evaluation
6 completed. It will just be the final assembly and
7 typing in a nice neat fashion that will need to be
8 done.
9 CHAIRMAN IMBRECHT: Just for your
10 information, Commissioner Gandara and I met, along with
11 staff with the LBL people two weeks ago--three weeks
12 ago, something of that nature--and reviewed work in
13 progress. There are a couple of extremely thick
14 notebooks that have detailed evaluations of all of the
15 proposals--both those which were generated by other
16 state agencies, our own, and those which came from the
17 public process. Commissioner Gandara and I, each,
18 suggested fairly substantial changes in the formatting
19 the presentation of the information to ensure that it
20 is in a intelligible format for non-energy oriented
21 people who will, ultimately, be making many of these
22 decisions. And, also, that it was succinctly enough
23 presented that it was going to be a useful document,
24 both to the members of the Governor's task force, as
25 well as members of the Legislature. And, it is our

1 understanding that those suggested formatting changes
2 will be incorporated in the February 1st draft.
3 COMMISSIONER COMMONS: Will all
4 Commissioners' offices receive a copy of that.
5 CHAIRMAN IMBRECHT: Absolutely.
6 COMMISSIONER COMMONS: I guess the other
7 thing that I would have to say is that there are 550
8 proposals from these agencies.
9 CHAIRMAN IMBRECHT: Now, that's general
10 public.
11 COMMISSIONER COMMONS: General public. In
12 terms of what I want to put on the agenda is a very
13 narrow subset. It's only those proposals emanating
14 from the Energy Commission which I think is appropriate
15 for us to look at. But, not that proposals from the
16 general public, in terms of what the structure is,
17 there's apparently a task force that has that job nor
18 do I think it's appropriate for us to review other
19 agencies.
20 CHAIRMAN IMBRECHT: Just to reiterateratе.
21 We approved each of the proposals that you submitted to
22 go forward to LBL. We just didn't give them $30
23 million apiece on the grounds that I stated earlier.
24 It's highly unlikely, in my judgement, that the
25 administration or the.... Can you imagine,

1 Commissioner Commons, what the response would be from
2 other State agencies if the Energy Commission in
3 control of this contract, in essence, went forward with
4 proposals that consumed all or the vast bulk of the
5 dollars?
6 COMMISSIONER COMMONS: Well, I think you
7 increased one, Mr. Chairman, and decreased two. You
8 increased one substantially. Why don't we limit what
9 we put on the agenda....
10 CHAIRMAN IMBRECHT: I think the only one we
11 increased was the incentives. That was at your
12 request, and the result of all the appliance standards
13 discussions we've had over the last six weeks.
14 COMMISSIONER COMMONS: Well, let's discuss it
15 at the next meeting. Let's limit the agenda item, so
16 we don't have these 550 -- just to those.
17 CHAIRMAN IMBRECHT: Is there objection to
18 extension of the contract of the contract and the
19 motion before us? Hearing none -- aye's: five; no's:
20 none. The extension is approved. Are there any
21 additions or corrections to the minutes? Hearing none
22 -- approved as presented. Are there Policy Committee
23 reports? Commissioner Crowley.
24 COMMISSIONER CROWLEY: The Legislative
25 Committee has met to consider potential 1985

1 legislation. There was one proposal that was
2 sufficently developed to be taken up today and that
3 will be discussed by Commissioner Gandara. The other
4 items all fell into the categories of being premature,
5 or could be resolved by regulation or administration
6 action, or should be reviewed by the Policy Committee
7 for consideration for a two-year bill. Thus, we
8 referred all the items that were proposed to the
9 appropriate Policy Committee and they will be dealt
10 with at that level and in the modes that are
11 appropriate. So, at this time, I would like to defer
12 to Commissioner Gandara who will present his item.
13 COMMISSIONER GANDARA: Just let me clarify,
14 Commissioner Crowley. My understanding was that was a
15 Committee proposal or not?
16 COMMISSIONER CROWLEY: I understood it was
17 your proposal.
18 COMMISSIONER GANDARA: Okay, fine. We'll
19 present it as my proposal, then. I've proposed before
20 the Legislative Policy Committee and I would do so
21 before this Commission that we sponsor legislation that
22 was supported by the Commission last year which gives
23 the Energy Commission the authority to elect its own
24 chair and vice-chair. Such legislation was introduced
25 last year. The Commission supported and it was never

really taken up by the Chair of the Committee who introduced it, (NAME INAUDIBLE), at the time. I propose that the Commission introduce the very same bill--the very same wording. I don't see any reason to change it. It's very simple. And, that I would hope, as I said the last time around, that there be no imputation whatsoever that that would result in any changes here. Nor is it directed in any current, past or future Chairs or anything like that. I just think it's a fine democratic procedure that we should undertake. The Commission should elect its own chair. If there's a second to my motion, I'll be glad to discuss it further. But, I think it has important policy ramifications. But....

COMMISSIONER CROWLEY: I'd be glad to second the motion for discussion.

CHAIRMAN IMBRECHT: Alright. The motion is properly before us. Commissioner Gandara, anything you want to add or.... I think we all...

COMMISSIONER GANDARA: Well, no, if anybody else has any comments, you know, then I would respond to those.

CHAIRMAN IMBRECHT: Commissioner Commons.

COMMISSIONER COMMONS: I'm a little ambivalent on this one. Two years ago, I was opposed

1 to this and let me state the nature of my problem. I
2 think it's very good for an organization to elect its
3 own chair and vice-chair. I think an organization
4 flows in a smoother sense. At the same time, by
5 nature, for example, when you came on board, I believe
6 you were the first appointee of the new Governor. And,
7 I think an organization also flows smoother when its
8 Chairman is representative of the Governor that's in
9 place. I believe this Commission will have at the end
10 of the Governor's first term, four or five members that
11 would be appointed by him. He may not run for
12 election; we may have a new governor up for re-
13 election. We may have a new governor in the process
14 and then, we'd be back in the situation that we were
15 before. And, that would be the downside. Clearly, the
16 Commission would have the authority under this to
17 elect, as the Chairman, the person that was appointed
18 by a governor who might be a minority representative.
19 If I were on the Commission at such a time, that would
20 be my intent and I would hope that other Commissioners
21 would feel the same. In terms of the operation of the
22 Commission, I think it does give the Commission,
23 probably, on balance, more protection to have a chair
24 that's responsible to the people that sit here because
25 there is more responsiveness. And, I think it makes it

1 easier for all Commissioners to get along with each
2 other. It happens in the case of you, Mr. Chairman, I
3 think you've been particularly easy to get along with
4 and the process has been very fair. That doesn't mean
5 that all chairmen in the future would have your own
6 personal demeanor. Maybe your experience in the
7 legislature has made that to be such. So, my tendency
8 would be to support it.
9 CHAIRMAN IMBRECHT: Thank you for the
10 comment. There are a few members of the Legislature
11 that I don't think have tempered their behavior at all.
12 (LAUGHTER)
13 COMMISSIONER COMMONS: Well, I do have the
14 caveat that I think that if we were to support this
15 that the other concern is a real one. And, we should
16 help that. Because, I think it's a real problem for
17 this Commission to operate when there is not a Chairman
18 that represents the Governor. I would actually--if I
19 were to write the Legislation myself, is that you'd
20 elect your own Chair, but the Chair would be someone
21 that does represent the Governor. That would be my own
22 personal preference.
23 CHAIRMAN IMBRECHT: And, in essence, dictate
24 the results of the election. I guess, if it were a
25 circumstance where I was....

1 COMMISSIONER COMMONS: Theoretically, this
2 year I'd have a choice of two. Then, I'd have three
3 and then four and then five.
4 CHAIRMAN IMBRECHT: I will state very simply
5 as I've said last time -- I don't want to make a big
6 thing of this. I understand the point very well.
7 think that ultimately this is a prerogative and issue
8 that is one that the Governor is going to personally
9 decide. I don't feel at liberty to support something
10 that compromises his prerogatives and powers as he
11 understood them and enjoyed them when he took office.
12 And so, therefore, I cannot support this proposal,
13 absent since, from the Governor, that he finds this to
14 be an appropriate change. Anyone else wish to address
15 the issue? Commissioner Schweickart.
16 COMMISSIONER SCHWEICKART: I think having
17 been around for a while and sat through transition, my
18 own way of viewing this is that the--fundamentally--the
19 issue is that of what one sees a Commission as being.
20 Does one see a so-called independent commission? That
21 is, one composed of people who do not serve pleasure
22 appointments, but rather, serve term appointments. As,
23 in fact, an independent commission which reports to the
24 Governor and Legislature, but is not--let me say,
25 directly responsive to them in the same way that a

1 department would be. Or, does one see the commission
2 more as representing or directly accountable to the
3 current elected administration,as opposed to--or
4 representing it, even--as opposed to be, in fact,
5 independent? It's my own belief and it is my sense of
6 proper organizational design in these matters that the
7 independent commission concept is what was intended in
8 setting up the Energy Commission. And, I believe that
9 that is appropriate in matters such as energy where you
10 have fundamental issues which go well past, not only
11 the term of any one governor or any one term of the
12 governor, but even all of the legal terms available to
13 the governor. Or, are we limited in California?
14 CHAIRMAN IMBRECHT: Nods -- No.
15 COMMISSIONER SCHWEICKART: We're limited to
16 two? We don't have any limit on.... Okay, well
17 someone could be elected beyond the horizon of the
18 Energy Commission's twenty year forecast.
19 CHAIRMAN IMBRECHT: Earl Warren is an example
20 of a free term, elected governor....
21 COMMISSIONER SCHWEICKART: Well, let me say
22 that it is likely that the issues that the Commission
23 deals with and will be dealing with go beyond the term
24 of any administration which will make the appointments.
25 So, I, myself, view the Commission as an independent

1 body appointed by whatever governor happens to be in
2 power at the moment and confirmed by the Senate. And,
3 I think that the elected chairmanship from within the
4 body, then, more fairly represents that independent
5 Commission concept. However, if one feels that there
6 should be more direct political accountability to the
7 current administation -- whatever that current
8 administration may be -- then, I would suggest that
9 that would shape the view the other way and that the
10 chairman should be, in fact, designated. So, I think
11 it's almost a political science question of what should
12 a commission be. My own leaning, though, it, frankly,
13 doesn't count here; and I will abstain from any vote on
14 this. My own leaning is that it should be, in fact,
15 toward the independent. I believe that is appropriate
16 for long-range issues such as energy and especially
17 facility siting.
18 CHAIRMAN IMBRECHT: Fine. There's one
19 further thing I neglected to mention is that I think,
20 to some extent, this issue -- I think you correctly
21 stated the one and the contrast -- I think to some
22 extent that the current Warren Alquist statute
23 reflected legislature consideration of this issue at
24 the time and an effort to try to balance those
25 competing interests. And, since this issue was raised

1 last time around, I've had a chance to talk to a few
2 long-time members of the Legislature who were
3 participants at the time of the Warren Alquist Act
4 passage. And, they have, in essence, suggested to me
5 that that was the debate that occurred at that point in
6 time. But, in any case, I'll leave it there.
7 Commissioner Gandara, did you have anything you wanted
8 to add?
9 COMMISSIONER GANDARA: Well, I wanted to
10 respond to some of the comments that have been made by
11 the -- I don't know if Commissioner Crowley wish to
12 make any comments.
13 COMMISSIONER CROWLEY: Oh, all I was thinking
14 as we -- as I listen to this is that you all have
15 background in this. And, I'm looking at this afresh
16 and I have to say that, from my point of view, this
17 appears to me to be one of those things that isn't
18 broken and I really don't see a great need to fix.
19 Maybe that's just because of my limited background.
20 But, I do believe that's how I feel about this.
21 COMMISSIONER GANDARA: It appears that it is
22 clear, then, how the Commission will vote on this.
23 However, I still do wish to articulate my point of
24 philosophy--at least some responses to the issues that
25 have been raised. I think the issues to whether the

1 Governor wishes to change it or not, I would say, let's
2 have the bill--let's place the bill before him. He,
3 then, has a choice. He, then, has a choice as to
4 whether he wishes to continue it that way or whether he
5 wishes to place an arm's length relationship between
6 himself and the Energy Commission. But, with respect
7 to one of Commissioner Commons' comments, let me
8 indicate that he did vote to support this proposal last
9 time around. And, I do believe that it is a question
10 of how one views the role of the Commission. And,
11 simply because of that, let me indicate that in my
12 view, the appropriate role is one of an arm's length
13 relationship. It is an independent Commission; the
14 Governor appoints his commissioners; and he takes his
15 chances. My feeling is that he is likely to choose
16 someone that is in reasonable congruence with his or
17 her views and that once confirmed by the Senate, that
18 he takes his chances as to what the decisions are that
19 that Commission will make. And, I do think that there
20 is a terrible opportunity for a lot of confusion and, I
21 think, conflict of interest. Our current statute
22 provides that the Chair and Vice-Chair are elected for
23 two-year terms.
24 CHAIRMAN IMBRECHT: Designated for two-year
25 terms.

1 COMMISSIONER GANDARA: Deisgnated for two-
2 year terms. Correct. And, what that implies to me is
3 that even at that, the Governor takes his chances with
4 the Chair or Vice-Chair that he designates them for two
5 years. And because it is a two-year term that Chair or
6 Vice-Chair, then, take positions which are according to
7 his own views, his own responsibilities different from
8 those of the administration. Then, the Governor is
9 stuck with that appointment for two years. And, he has
10 an opportunity--after two years--to change that. So,
11 to me, in the whole scheme of things, there is implicit
12 a statement of that kind of independence. I, for
13 example, and do not wish to suggest that I would differ
14 from the point of view indicated earlier, for example,
15 the letter you indicated you wrote to OMB Director,
16 Stockman or to Secretary (NAME INAUDIBLE) with respect
17 to the PVA resolution as to whether they ought to be
18 directed toward reducing the deficit. I, for example,
19 find that very, very troublesome from the point of view
20 of a Commission that when you would say that on behalf
21 of the administration. I don't believe that any
22 Commissioner or any Chair of this Commission should be
23 acting on behalf of the administration. I believe that
24 should be an arm's length relationship--very clear and
25 very simple. There is a portion of our statute that

1 says that, 'no Commissioner shall serve in any other
2 public position or shall be appointed to any other
3 public position.' What that tells me is that--and I
4 believe it has been violated, not just in the current
5 situation, but I believe in past situations as well-
6 -where the Chairman of the Energy Commission would be
7 "the Governor's energy advisor". I think that is an
8 inappropriate role for the Chair of the Commission to
9 take. I believe it does not provide him with the kind of
10 independence that should be serve the leadership of the
11 Commission. It does seem to me, for example, that in the
12 federal government, if the Chairman of the NRC were to say
13 that he acted on behalf of the administration that that
14 -- of course, is a very different statute and I accept
15 that -- but, I think that that more clearly points out the
16 distinction between an independent Commission and one which
17 is not. On the other hand, I would accept from the political
18 science point of view, that if the desire is to have the
19 head of an energy function represent the administration,
20 then we ought to have an Energy Department. It ought to
21 be one or the other, but not both. And, I believe that
22 appointments that the Governor makes to many bodies, for
23 example, like WEIB, many bodies to represent him in the
24 task force and so forth, ought to be from members of the
25 executive branch, not the members of independent

1 commissions. I believe that very strongly. And, I do see
2 it as a role of the Commission. It's not directed toward
3 any chairman--past, present or future. I just happen to
4 think that it places the Commissioner, the Chair, the Vice-
5 Chair in a situation of a potential conflict of interest.
6 I don't think it's in accordance with, at least, part of
7 the statute. And, I do think, at least in my own instance,
8 I've acted that way when I was inadvertently appointed by
9 the previous Governor to another position. When I became
10 aware of that portion of the statute, I was made aware of
11 it. I resigned from that position, simply because I felt
12 that I wanted to be in accordance with that portion of the
13 statute. It does seem to me, however, that given the
14 statement the Commissioners have made, there's no sense
15 beating a dead horse. But, that the proposal is not to
16 preclude any options. The proposal opens options. It
17 does not preclude the Governor's most recent appointee
18 from being elected Chair. Each of the Commissioners can
19 weigh and balance both the relationship they wish to have.
20 They can, then, also balance the seniority, the experience
21 that the Commissioners have, their sitting on the
22 Commission. And, they can also balance the responsiveness
23 that their elected Chairs or Vice-Chairs should have to
24 the rest of the Commission. I think it simply is a situation
25 of good government, good administration; and, I think it

1 appropriately points out that arm's length relationship
2 that a Commission with major regulatory functions and
3 siting and other areas really ought to have the entire
4 scheme of things. And again, it does not preclude any
5 options. What it does, it opens up options. To me, there
6 is no danger in that. And, to place the issue in
7 legislation, if the Governor doesn't wish to change it,
8 he can veto it. If the Governor does wish to also change
9 it, then he can simply sign it. But, I do think the
10 Commission would be making a very important statement about
11 how it would view itself--how it views the relationship
12 it feels it ought to have within its own collegial body,
13 how it views the relationship it ought to have with respect
14 to an executive branch administration. And, I would have
15 felt the same way. Since I've been on the Commission, it
16 has nothing to do with whatever administration happens to
17 be currently. And, I for one, would live with the situation
18 where, for example, if the next election were to result in
19 a change and there would, then, be four Commissioners of
20 the current administration on the Commission. And, under
21 my proposal, if they wish to do so, they could elect a
22 Chair for two years of the composition of the present
23 appointee. Now, to me, that's okay too. Because when
24 that Chair goes to speak before the legislature--goes to
25 speak before public bodies, he can legitimately claim that

1 he represents the Commission. I think that we have have
2 problem here that, in fact--with all due respect, Mr.
3 Chairman and to the previous Chair--that no Chair of this
4 Commission has ever been able to go before the public and
5 say he represents the Commission. If he is not elected
6 by this body, he represents a decision made at some previous
7 point in time by the Governor. And, I think that places
8 him or her in a difficult situation as to what or who he
9 represents. So, from my point of view, I think it's real
10 important to clarify, at least, the desire to the
11 Commmission to place him before the Governor's office.
12 And, if he wishes no change, that clearly will be what
13 will occur. But, suffice to say, I would still--we do have
14 a motion. I would still like to vote on it. And, I regret
15 that the support we had for this proposal last year seems
16 to have withered. But, nonetheless, I would have thought
17 that given that the likelihood is that it would have far
18 less of a potential of a change, that it would have picked
19 up support. But, in any case, that's the way it is.
20 CHAIRMAN IMBRECHT: Well, I'm just going to say,
21 again, respect all the things you've had to say. I think
22 that from a textbook standpoint, many of your points are
23 accurate. I think from a practical and real standpoint,
24 however, I don't think that they are reflective of reality,
25 in all honesty. And, I think that would be true of any

1 administration in the context of the simple give-and-take
2 that goes into how an organization is operated and the
3 method by which it receives it's life sustenance in the
4 context of dollars and allocations of funds--all those
5 other considerations. The only other thing I would just
6 note that, I think, needs to be said for the record is
7 that when you make a reference to conflict of interest,
8 that is a, I think, well-defined from a legal standpoint
9 term that carries with it implications--more than
10 implications. But, direct reference to conflict in terms
11 of financial interests and I assume that you're not making
12 any allegation or suggestion that there is a legal conflict
13 of interest in that context. But more, the context of the
14 issue or management conflict. Commissioner Commons.
15 COMMISSIONER COMMONS: I think there are a few
16 additional points I'd like to make on the issue. The first
17 is that we're a Commission that's been in transition. And,
18 if we were to have elected Chairman and, for example, let's
19 say, that we had elected to continue Commissioner
20 Schweickart as our Chairman, then in a month when we had
21 three Commissioners from the current administration, we
22 would have not have done what we've been doing in the past
23 two years -- which is been rolling through a transition.
24 I think what would happen is we would have much more abrupt
25 and major changes. One of the reasons are terms are

1 staggered is to have the changes occur so and not to have
2 abrupt policy changes, abrupt administrative changes, and
3 to allow for a transition. And, in essence, we have a new
4 Executive Director who was supported by you and by the
5 other Commissioners. We've had a lot of transitional
6 changes. The Commission is not acting as abruptly as it
7 might under the alternative proposal. Second is, we've
8 been a very successful Commission the past year. We worked
9 reasonably well together. We've, in the past six months,
10 we've done a pretty good job. We certainly did an excellent
11 job at the Legislature and we also did an excellent job
12 in terms of working with the Governor in getting those
13 items that we got through the Legislature signed. I think
14 if we had not had a Chairman that had not been selected
15 by Governor, I think that would occur with any governor.
16 It would make it much more difficult during that period
17 when we didn't have such a Chairman to be successful. I
18 think it would create more problems. Also, I'm not sure
19 that it's healthy for a Commission to have to choose a
20 Chairman on a 3:2 vote, which sometimes can occur. And,
21 at least, this way we know who our Chairman is and it's
22 maybe not our choice and there're some disadvantages of
23 that. But, be that as it may. There could be, I think a
24 stronger argument made that our Vice-Chairman--who the
25 Governor really doesn't know so well--that that person

1 could be selected by us. And, if there was a feeling on
2 that, I would not object to that. I don't think I could
3 support the Chairman portion.
4 CHAIRMAN IMBRECHT: Is there any such feeling?
5 Okay. Does anyone else wish to be heard on this item?
6 Alright. Would you please call the roll.
7 (ROLL CALL BY SECRETARY GERVAIS)
8 CHAIRMAN IMBRECHT: Aye's: one: No's: three.
9 One abstention. The motion is defeated. Let me just say,
10 Commissioner Gandara, that if this is any solice to you,
11 I will make a personal pledge to you to raise this issue and
12 I have not in all candor had a chance to raise it with the
13 Governor or his Chief of Staff. But, I will raise it and
14 solicit their viewpoint and I will try to fairly represent
15 the contrasting perspective and, obviously, contrast us
16 with the PUC or the presence established. I think that
17 the overall fabric of State government there are, I believe
18 the PUC and the ALRB are the only two independent regs
19 that elect their own chair. We and the State Water Resources
20 Control Board both have designated Chairs and maybe a
21 -- I'm trying to think of how workers' comp work. I don't
22 recall. In any case, there're examples of both.
23 COMMISSIONER COMMONS: Unemployment insurance
24 is appointed and I believe workers' comp is also appointed.
25 CHAIRMAN IMBRECHT: By the Governor?

1 COMMISSIONER COMMONS: Yeah.

2 CHAIRMAN IMBRECHT: Alright, further Policy
3 Committe Reports. I believe -- Mr. Chandley, General
4 Counsel. I believe -- I can report to you that I had a
5 very interesting conversation with the Attorney General
6 last evening. And, I believe we got our contract problems
7 resolved. Mr. Chamberlain will be happy with the returns.
8 Executive Director.

9 MR. WARD: Yes, Mr. Chairman, two things I'd
10 like to bring your attention to -- a memo from Ross Deter,
11 Chief of Siting, with carbon copies to all Commissioners
12 that as the siting application filing forecast is rather
13 significant, it's just something I think we'd all be
14 interested in in terms of siting workloads for the remainder
15 of '85.

16 CHAIRMAN IMBRECHT: Do we have that in our...?

17 MR. WARD: Yes. It's a memo, dated January 8th.
18 It's not in your binders. No, it is not. But, it has
19 been received by all your offices. Secondly, the Governor's
20 budget, once public, we'll be providing a detailed
21 breakdown of what was approved in the Commission's budget
22 in the interim; because it is a confidential document, as
23 you mentioned earlier with regard to the Governor's
24 proposal. I'd be happy to make the Chief of Administrative
25 Services available to each of you to go over some of the

1 things that had been approved with the caveat that they
2 should not be discussed generally until the public release
3 of that document.
4 CHAIRMAN IMBRECHT: I might indicate, as well,
5 that on a couple of items where we not successful pending
6 further resolution of our fund status, that I have sent
7 -- I think it's fair to say, a strongly worded letter to
8 the Director of Finance which is available for any of you
9 to review, in essence, putting them on notice that we have
10 every intention of pursuing some of those items in the
11 March change process just as we did last year. I believe,
12 frankly, this will be the last fiscal year that we will
13 be faced with any problems of that nature.
14 MR. WARD: One final thing, Commissioner. I
15 have had numerous comments from the staff thanking the
16 Commission and the Executive Office for the presentation
17 at the Christmas party; and, it was enjoyed by many. And,
18 those of you that couldn't attend should also be aware
19 that there were many people that enjoyed it. Thank you.
20 COMMISSIONER CROWLEY: Mr. Chairman. If I may,
21 under--apparently, under Section 1102B of the Commission's
22 regulations, we are allowed to, by resolution, to set the
23 time and place of the Commission's meeting. I wonder if,
24 at this time, we might ask the Executive Director to
25 agendize such a resolution for the following meeting. And,

1 I would like to suggest every other Wednesday. We're sort
2 of aimed that way, now. And, the only one with which there
3 is a problem would be the very final meeting of the year,
4 which would be the 25th of December. So, we're all home-
5 free until then.
6 CHAIRMAN IMBRECHT: There's no conflict of
7 holidays other than that?
8 COMMISSIONER CROWLEY: Other than that, there
9 isn't.
10 CHAIRMAN IMBRECHT: Alright fine. Please add
11 that to the agenda.
12 COMMISSIONER CROWLEY: But, in any event, I'd
13 like to bring that to the attention of the Executive
14 Director, if I may.
15 CHAIRMAN IMBRECHT: Okay.
16 COMMISSIONER COMMONS: I have a statement on
17 that topic.
18 CHAIRMAN IMBRECHT: Commissioner Commons, yes.
19 COMMISSIONER COMMONS: At the next Commission
20 meeting, there's, at 1:00, there's a matter that we've
21 discussed in Executive Session that's going to be going
22 before the Personnel Board at that time; and, if there's
23 a way we could, either, have a late lunch or an extended
24 lunch so I could testify on that matter, I would appreciate
25 that.

1 CHAIRMAN IMBRECHT: We'll certainly that--no
2 question. In fact, we'll try to hold the agenda down that
3 day so, perhaps, we can get out in advance as is the case
4 today. Alright, is there anyone from the public who wishes
5 to comment on any item before the Commission today? Mr.
6 Perez.
7 MR. PEREZ: Thank you. To contribute your effort
8 to pare down the next agenda, I was wondering if you had
9 an opportunity to consider the memo that I delivered to
10 your office yesterday.
11 CHAIRMAN IMBRECHT: I have and I want to discuss
12 it with you privately before taking any action on it.
13 MR. PEREZ: Okay.
14 CHAIRMAN IMBRECHT: I saw it late yesterday
15 afternoon and was consumed with a few other
16 responsibilities yesterday. I would like to take up an
17 item that's not on our agenda, with the permission of the
18 General Counsel. I think that this can be accommodated.
19 I have copies of a resolution which I'd like to offer to
20 the Commission.
21 COMMISSIONER GANDARA: Can we turn to the
22 previous issue?
23 CHAIRMAN IMBRECHT: Sure.
24 COMMISSIONER GANDARA: I was confused by what
25 is going to be the intended resolution of that? Because,

1 you said you're going to discuss it with Mr. Perez. Now,
2 it seems to me, then, that is the decision going to be
3 reached before we close the required ten-day noticing
4 period. As I understand it now, Crockett is scheduled for
5 the next business meeting. Right?
6 MR. PEREZ: Crockett is, I think, tentatively
7 scheduled for January 23. The actual notice has not yet
8 been distributed.
9 COMMISSIONER GANDARA: So, I mean, I don't mind
10 sort of deferring it for your discussion, Mr. Perez. But,
11 it seems to me that not knowing what the disposition is
12 that, then, it would be an issue. Because, if it's not
13 noticed or continued to be noticed, it would be taken on
14 and off and we have a lot of people who requested the
15 hearing.
16 CHAIRMAN IMBRECHT: I understand the
17 implications with the general public. I'm certainly not
18 going to compromise it in any sense. And, I have every
19 intention of resolving this matter, either, today or
20 tomorrow before the agenda goes out. But, I do think it's
21 appropriate for me to discuss it with the Public Advisor.
22 I think the statute is very clear that I direct the Public
23 Advisor as the Chairman of the Commission and this is a
24 matter that only came to my attention, as I said, late
25 yesterday afternoon. And, I, frankly, want an opportunity

1 to discuss it with him and understand his arguments before
2 I reach a decision. I've had....
3 MR. PEREZ: Excuse me, Vice-Chairman Gandara.
4 I would certainly like to clarify that my willingness to
5 meet with the Chairman does not reflect that
6 characterization of the statute you just referred to. That
7 statute refers to authority to direct the Public Advisor
8 according to wishes of the full Commission. My willingness
9 to meet with you in order to discuss this item is based
10 upon an unstated assumption that you are already sensitive
11 to the timings of issues related to getting a timely notice
12 out for a business meeting. If you choose to schedule the
13 item in Crockett as requested by those residents. But, I
14 would want to clarify, on the record, my difference of
15 opinion with respect to that statutory provision.
16 CHAIRMAN IMBRECHT: I have a very clear dif-
17 ference of opinion on that. There is no question about that.
18 COMMISSIONER GANDARA: There's also...well, I
19 guess the issue, to me, Mr. Chairman, is that I'm not even
20 sure that that's relevant.
21 CHAIRMAN IMBRECHT: I don't think it is at this
22 point.
23 COMMISSIONER GANDARA: What's relevant is the
24 time and setting of a business meeting and with an item
25 before it. And, that's certainly is the prerogative of

1 the full Commission. So, I mean, again, my willingness to
2 go along with your pursuing this discussion is based on
3 the assumption that we will grant the request. If it
4 isn't, then I'd like to discuss it. Because I'm opposed
5 to it, I don't see any problems with it. But, I think
6 it's the prerogative of the full Commission to decide where
7 and when it wishes to hold business meetings or meetings
8 for whatever purpose or nature desired. I don't wish to
9 delegate that to you, Mr. Perez. In other words, unless
10 it's going to be, at least, in accordance with what I'm
11 used to.
12 COMMISSIONER COMMONS: Point of information.
13 CHAIRMAN IMBRECHT: Commissioner Commons.
14 COMMISSIONER COMMONS: Could you please clarify
15 what we're discussing.
16 CHAIRMAN IMBRECHT: We're discussing the -- to
17 put it very bluntly to you -- the location of the hearing
18 that we'll consider whether or not the application for the
19 Crockett siting case should be accepted by the Commission.
20 And, let me simply indicate to you, Commissioner Gandara,
21 that I don't have any intention of overruling wishes of
22 the majority of the Commission or anything like that. Nor,
23 do I, obviously, have the power. I think it is my
24 responsibility to set items for the agenda, generally.
25 As, I tried to indicate a moment ago, this matter just

1 came to my attention late yesterday afternoon. I think
2 that there are some substantial precedent considerations
3 and there are also some cost implications associated with
4 this that need to be flushed out before we reach a decision.
5 And, I had every intention, since you are Presiding Member,
6 to discuss this with you as well after I had answers to a
7 few of my questions. I do not believe that Mr. Perez'
8 memorandum addresses those issues. And, I think that they
9 are appropriate areas for me to inquire about in my role
10 as Chairman of the Commission with responsibilities of
11 oversite of the total management of this institution. And,
12 that is the essence of the level of inquiry that I feel
13 the responsibility to conduct before making a decision.
14 I have not made up my mind on it. And, quite candidly, if
15 I were pressed on it today, I would probably go the other
16 way only because I was being pressed on it. I am very
17 much open to your perspective on it and Mr. Perez'. I've
18 had a very, very brief conversation with the Executive
19 Director on this and that's the extent of my level of
20 information about it. And, ...
21 COMMISSIONER GANDARA: I don't have any problems
22 with that. But, ...
23 CHAIRMAN IMBRECHT: I might say...well, I
24 understand, Mr. Perez, in terms of your responsibility and
25 service to the Commission, I think the way the statute is

1 set up is designed to ensure that you and other major
2 officers of the Commissioner have a reporting link to the
3 Commission. And, I think that's terms of the office, just
4 as the General Counsel or the Executive Director report,
5 in essence to....
6 MR. PEREZ: We have a serious difference of
7 opinion on that point. And, my sense of responsibility
8 requires me to say that there is no other officer in the
9 Commission who is appointed by the Governor and the
10 relationship network that you've just described. And, I
11 feel very responsible to the full Commission, regardless
12 of who happens to be sitting in those seats, to state
13 openly and on the record the perception that I have of the
14 statute under which I perform. I've stated it very clearly
15 and I stand available for further instruction from the
16 full Commission pursuant to that statutory provision.
17 COMMISSIONER GANDARA: Mr. Chairman, before we
18 digress into another issue, here, which I really don't
19 want to get into is, why -- let me suggest this, why don't
20 we reconvene to a time certain. Unless, you're willing
21 to stipulate now that Crockett is off the next agenda for
22 sure. If Crockett is off the next agenda for sure, then
23 it means that the discussions will lead to some setting
24 of the next hearing. Because, my concern would not arise,
25 but for the fact that no further action would result it

1 being in the next agenda. See, that's the problem that I
2 have. No further action by the Commission means that it
3 is on the next agenda.
4 CHAIRMAN IMBRECHT: No. It does not mean that.
5 I means that I can withdraw it from the agenda if I am
6 convinced after consultation with you that that's the
7 appropriate course of action to take. And after we have....
8 COMMISSIONER GANDARA: But, if I don't persuade
9 you, then it'll be on the agenda. And, I would like the
10 opportunity for the other Commissioners make the decision
11 that it should not be on the agenda.
12 CHAIRMAN IMBRECHT: Let me suggest to you that
13 I would consult, likewise, with the other members of the
14 Commission to ensure that I have the support of a majority
15 of the Commission on whatever decision is ultimately taken.
16 COMMISSIONER GANDARA: I would like the
17 opportunity to persuade the other members of the Commission
18 of my point of view -- whichever one it is.
19 CHAIRMAN IMBRECHT: You can have (INAUDIBLE)
20 more....
21 COMMISSIONER GANDARA: Now, wait a minute. Wait
22 a minute. Wait a minute. And that, I may not have if,
23 in fact, this decision is reached on the Two-By-Two/Noah's
24 Ark routine.
25

1 COMMISSIONER COMMONS: Why don't we get back
2 together at 3:00 this afternoon.
3 CHAIRMAN IMBRECHT: The Noah's Ark routine.
4 That's a new one.
5 COMMISSIONER COMMONS: Why don't we get back
6 together at 3 or 4 for 15 minutes?
7 CHAIRMAN IMBRECHT: I don't think that's
8 necessary. Mr. Gandara, we're not going to compromise
9 your viewpoint in the slightest. And, you really shouldn't
10 have any concern about that. And, I really think this is
11 a total tempest in the teapot.
12 (BRIEF INTERRUPTION -- TAPE CHANGE)
13 CHAIRMAN IMBRECHT: Commissioner Gandara.
14 COMMISSIONER GANDARA: No. No. You were
15 speaking, Mr. Chairman.
16 CHAIRMAN IMBRECHT: Well, I--you've heard what
17 I said on that. I think this is a tempest in a teapot; and,
18 I just don't think it's necessary to spend any more time
19 on it, frankly. Alright....
20 COMMISSIONER GANDARA: So, what does that mean?
21 What are we going to do?
22 CHAIRMAN IMBRECHT: What it means is that I'm
23 going to discuss this with you. I'm going to discuss it
24 Mr. Perez. If I take a contrary viewpoint from your own,
25 before taking action, I will ensure that I have the support

1 of the remainder of the Commission; and, I will give you
2 ample notice and opportunity to extend your persuasive
3 efforts on the other members of the Commission to the
4 extent -- the only deadline we have is 5:00, Thursday.
5 Alright?
6 COMMISSIONER GANDARA: Fine.
7 CHAIRMAN IMBRECHT: So that you'll know that
8 that's when--I'll sign it at 5:00, Thursday, one way or
9 the other. Alright?
10 COMMISSIONER GANDARA: Very good.
11 CHAIRMAN IMBRECHT: Enough said. Now, then. I
12 had a resolution that I wanted to offer. I thought I was
13 going to end this meeting on a nice, harmonious note. And,
14 I hope that....
15 COMMISSIONER GANDARA: Can we have an Executive
16 Session before we end the meeting, then?
17 CHAIRMAN IMBRECHT: Sure. Let's take care of
18 this one first. I do not claim (INAUDIBLE) as would be
19 evident. In some respects, I don't make any sense at all,
20 only in terms of a couple of items in this resolution,
21 which I approach with a certain sense of humor. But, I
22 think it's a resolution, obviously, ...
23 COMMISSIONER SCHWEICKART: Do I get to vote on
24 that?
25

1 COMMISSIONER COMMONS: Was he elected by a
2 majority?
3 CHAIRMAN IMBRECHT: Actually, the way this has
4 been prepared, doesn't look like you did get a chance.
5 COMMISSIONER SCHWEICKART: I think I want to
6 make some amendments.
7 (LAUGHTER)
8 CHAIRMAN IMBRECHT: I might say that in the
9 future--and I respect the secretary. I understand she's
10 ill today. But, I think it's appropriate that the clerk
11 read resolutions for the Commission, rather than a member
12 of the Commission. In this case, I will quickly try to
13 get through this.
14 This is a resolution to commend Russell L.
15 Schweickart for his service as Chairman and a member of
16 the California Energy Commission from August 1979 to
17 January of 1983. Whereas, Russell L. Schweickart served
18 as -- and, this is a motion; I might add, as well -- served
19 as Chairman of the California Energy from August 1979 to
20 January -- I'm sorry. I misstated January 1985 -- to
21 January 1983, and continued to serve as a Commissioner
22 until January 1985;
23 Whereas, Russell L. Schweickart previously
24 distinguished himself in service to the State of California
25

1 by serving as Assistant for Science and Technology to
2 Governor Edmund G. Brown, Jr.;
3 Whereas, Russell L. Schweickart proposed the
4 Methanol Vehicle Demonstration Program comprised of nearly
5 600 cars and two buses that have travelled over seven
6 million miles, giving California the nation's largest fleet
7 of pure alcohol vehicles to test clean alternative
8 transportation fuels;
9 Whereas, Russell L. Schweickart played a leading
10 role in the design and adoption of California's energy
11 efficiency standards for buildings and appliances, that
12 wil save California ratepayers billions in lower utility
13 bills and reduce the need for expensive power plant
14 construction;
15 Whereas, Russell L. Schweickart has strongly
16 promoted the development of preferred energy resources in
17 California, resulting in installed capacity of 600 MW of
18 wind turbines, 1,200 MW of small hydroelectric, 30 MW of
19 solar electric, 225 MW of biomass, and 900 MW of
20 cogeneration in the state;
21 Whereas, Russell L. Schweickart promoted the
22 application of advanced computer and communication
23 technology to load management and pricing of electricity,
24 as well as substituting telecommunications for
25 transportation;

1 Whereas, Russell L. Schweickart directed
2 California's response to the 1979 gasoline supply
3 disruption -- talk to you about that one -- by administering
4 the emergency fuel allocation program which distributed
5 over two million barrels of oil products to essential
6 emergency services, farmers, truckers and commercial
7 fishermen;
8 Whereas, Russell L. Schweickart participated in
9 the creation and implementation of numerous innovative
10 conservation programs, including: the Residential
11 Conservation Service, that has provided one million free
12 home energy audits to assist families in reducing their
13 utility bills; the state's residential conservation tax
14 credit; the Institutional Conservation Program, that
15 helped 500 school districts and hospitals reduce their own
16 energy bills of $22 million a year; and the Utility Systems
17 Program, that provided energy reduction surveys performed
18 by utilities for 165,000 California businesses;
19 Whereas, Russell L. Schweickart promoted the
20 development and refinement of California's ability to
21 accurately forecast future electricity demand, thus
22 preventing the need for unnecessary and costly power plant
23 construction;
24 Whereas, Russell L. Schweickart presided over
25 the siting approvals for two power plants and, during his

1 term as Chairman and Commissioner, 13 power plants
2 totalling over 1,400 MW were approved;
3 Whereas, Russell L. Schweickart presided over
4 the development of the 1983 Biennial Report on energy
5 policy to the Governor and the Legislature, entitled
6 "Securing California's Energy Future," that pioneered
7 California's policies on responding to oil supply
8 disruption;
9 Whereas, Russell L. Schweickart for three years
10 rode his bicycle to work, thereby saving California 30
11 barrels of oil;
12 (LAUGHTER)
13 I'd like to see the documentation on that one.
14 COMMISSIONER SCHWEICKART: Let me say, only
15 three!
16 CHAIRMAN IMBRECHT: Therefore, it is resolved
17 that the members of the California Energy Commission convey
18 their wholehearted thanks to Russell L. Schweickart for
19 his tireless service to the people of California, for his
20 leadership in facing and finding meaningful solutions to
21 California's energy challenges, and for his vision of an
22 energy future which will be more affordable and secure for
23 generations to come.
24 COMMISSIONER SCHWEICKART: With minor amend-
25 ments.

1 CHAIRMAN IMBRECHT: Yes, with minor amendments.
2 I will so move. Is there a second.
3 COMMISSIONER CROWLEY: Nods -- Yes.
4 CHAIRMAN IMBRECHT: Seconded by Commissioner
5 Crowley. Is there discussion?
6 COMMISSIONER SCHWEICKART: I'll register an
7 abstention.
8 CHAIRMAN IMBRECHT: We're going to have a Noah's
9 Ark vote here? Does anyone wish to be heard on this item?
10 Is there objection to unanimous roll call? Aye's: four;
11 No's: none; one abstention. The resolution is adopted.
12 It will be prepared for formal presentation at a later
13 date. And, I know now why you go by "Rusty"; because
14 Russell L. Schweickart is a tongue-twister is you say it
15 fifteen times in a row.
16 COMMISSIONER SCHWEICKART: I would request at
17 this time that my comments be reserved for the 23rd of
18 January.
19 CHAIRMAN IMBRECHT: That'll save us a transcript
20 at that time, anyway. Alright fine. I don't think there's
21 anything else before the Commission. We'll recess for an
22 Executive Session and upon conclusion of the Executive
23 Session, we'll have adjournment. I'm sorry. Excuse me.
24 Yes, sir.
25

1 MR. FRIEDBERG: Good morning. My name is Craig
2 Friedberg. I'm a student at the University of San Diego
3 and a monitor for the Energy Commission for the Center for
4 Public Interest Law. I'd just like to ask very quickly,
5 what is the basis of the Executive Session that you're
6 calling for?
7 COMMISSIONER GANDARA: Personnel. Personnel
8 issues.
9 MR. FRIEDBERG: Are you -- for personnel issues?
10 COMMISSIONER GANDARA: Nods -- Yes.
11 MR. FRIEDBERG: Okay. Thank you
12 CHAIRMAN IMBRECHT: Who do you represent?
13 MR. FRIEDBERG: The Center of Public Interest
14 Law, located in San Diego, established by the University
15 of San Diego School of Law.
16 COMMISSIONER SCHWEICKART: Welcome back.
17 Haven't seen you in about three years.
18 MR. FRIEDBERG: Well, I don't know who was on
19 here last year. We've had at least one of our members
20 here that is monitoring the Energy Commission at, pretty
21 much, every one of the general meetings.
22 CHAIRMAN IMBRECHT: I've been on the Commission
23 for nearly two years. I don't ever recall such monitoring.
24 (The Commission then retired into the Executive
25 Session to discuss personnel matters. At the conclusion

of the Executive Session, the meeting was adjourned at 1:00 PM.)

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REPORTER'S CERTIFICATE

THIS IS TO CERTIFY that I, Dawn Lofton, Reporter, have duly reported the foregoing proceedings which were had and taken in Sacramento, California, on Wednesday, January 9, 1985, and that the foregoing pages constitute a true, complete and accurate transcription of the aforementioned proceedings.

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

Dawn Lofton
Reporter

Dated this 22nd day of January, 1985.