

BUSINESS MEETING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
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Business Meeting )  
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**DOCKET**  
**BUS MTG**

DATE July 01 2009

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CALIFORNIA ENERGY COMMISSION  
HEARING ROOM A  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, JULY 1, 2009

10:00 A.M.



**ORIGINAL**

Reported by:  
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COMMISSIONERS PRESENT

Karen Douglas

Jeffrey D. Byron

Arthur H. Rosenfeld

STAFF AND CONTRACTORS PRESENT

Melissa Jones, Executive Director

William Chamberlain, Chief Counsel

Harriet Kallemeyn, Secretariat

Bill Pennington

Sylvia Bender

Eileen Allen

Ken Koyama

Mike Gravely

Melanie Mulcher

Jeff Harris

PUBLIC ADVISER

Elena Miller

ALSO PRESENT:

Patrick L. Splitt, App-Tech, Inc.

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

2 10:00 A.M.

3 CHAIRPERSON DOUGLAS: Good morning, welcome to the  
4 California Energy Commission Business meeting July 1<sup>st</sup>, 2009.

5 Please join me for the Pledge of Allegiance.

6 (Whereupon the Pledge of Allegiance was  
7 recited in unison.)

8 CHAIRPERSON DOUGLAS: Before we begin we have one  
9 change to the agenda, Item 9 will go to the July 15<sup>th</sup>  
10 Business Meeting.

11 Item 1, Consent Calendar.

12 COMMISSIONER ROSENFELD: I move the consent calendar.

13 COMMISSIONER BYRON: Second.

14 CHAIRPERSON DOUGLAS: All in favor?

15 (Ayes.)

16 CHAIRPERSON DOUGLAS: That item's approved.

17 Item 1, Almond 2 Power Plant. Ms. Allen.

18 MS. ALLEN: Good morning, Commissioners, I'm Eileen  
19 Allen, Manager of the Siting and Compliance Office.

20 On May 11<sup>th</sup>, 2009 the Turlock Irrigation District, or  
21 TID, submitted an AFT for the proposed Almond 2 Power Plant  
22 which is a 176 megawatt gas-fired peaker facility to be  
23 located in Ceres, in Stanislaus County, about five miles  
24 south of Modesto.

25 On June 5<sup>th</sup> the staff filed a recommendation that the

1 Commissioners find the AFC inadequate in six areas and the  
2 Commission adopted staff's recommendation at the June 17<sup>th</sup>  
3 business meeting.

4 On June 9<sup>th</sup>, TID filed an AFC supplement which addressed  
5 the information deficiencies in all six areas.

6 The staff filed a revised recommendation on June 29<sup>th</sup>,  
7 recommending that the Commission find the AFC adequate,  
8 which brings us up to date.

9 We recommend that you approve the Executive Director's  
10 June 29<sup>th</sup> recommendation of data adequacy and we are  
11 requesting the appointment of a committee for the Almond 2  
12 project.

13 Please let me know if you have any questions.

14 MS. WHITE: Thank you, Ms. Allen.

15 Can we hear from the applicant?

16 MR. HARRIS: Yeah, Jeff Harris on behalf of the  
17 applicant and to my right is Randy Basinger, the Assistant  
18 General Manager for Tower Supply Management.

19 We just want to thank the staff for their hard work and  
20 to give us data adequate, and we're looking forward to  
21 working with them on this important project which is really  
22 going to help the district integrate its renewable resources  
23 into its overall quota. So thank you.

24 CHAIRPERSON DOUGLAS: Thank you. Any questions?

25 COMMISSIONER BYRON: No.

1 CHAIRPERSON DOUGLAS: Is there a motion?

2 COMMISSIONER BYRON: Madam Chair, I move that we  
3 approve Item 2a and find the application for certification  
4 of the Almond 2 Power Plant as data adequate.

5 COMMISSIONER ROSENFELD: Second.

6 CHAIRPERSON DOUGLAS: All in favor?

7 (Ayes.)

8 CHAIRPERSON DOUGLAS: At this point then we move to  
9 appoint a Siting Committee and I recommend that we have  
10 Commissioner Levin presiding and Commissioner Douglas as  
11 associate.

12 COMMISSIONER BYRON: Oh, I'll move that one.

13 COMMISSIONER ROSENFELD: And I'll second.

14 CHAIRPERSON DOUGLAS: All in favor?

15 (Ayes.)

16 CHAIRPERSON DOUGLAS: And I did have to vote for it in  
17 order for that to be approved. So thank you very much,  
18 we've got our committee.

19 MR. HARRIS: Thank you.

20 CHAIRPERSON DOUGLAS: Item 3, El Dorado Irrigation  
21 District, possible approval of grant PIR-08-040 for \$197,950  
22 to El Dorado Irrigation District to better regulate water  
23 flows, reduce energy demand, increase efficiency, create  
24 energy storage, implement hydroelectric generation and  
25 integrate renewable energy expansion in the district.

1           Mr. Koyama. And before we move through the PIER  
2 contracts I'll just say briefly that we have exemptions or  
3 believe that we are working with Finance to proceed in one  
4 case, without needing an exemption for all of these  
5 contracts. Thank you.

6           MR. KOYAMA: Thank you, Commissioners. I'm Ken Koyama;  
7 I'm the Manager of the Energy Generation Research Office in  
8 the Research and Development Division.

9           This project and the next four are, again, part of our  
10 renewable energy secured community solicitation. This  
11 particular project, with El Dorado Irrigation District, is  
12 for the District to develop a plan that will allow them to  
13 save energy, integrate additional renewable energy  
14 resources, support the electric grid by improved efficiency  
15 in management tools and techniques and, hopefully, be a  
16 model for other water agencies in the State.

17           They plan to -- the plan will address peak demand  
18 generation load shifting, peak and off-peak period energy  
19 savings for more energy efficient operations of their  
20 equipment, energy load shifting from additional system water  
21 storage, system-wide energy load reductions obtainable  
22 through coordinated operations, and other activities to  
23 reduce their energy use within the District.

24           And we request your approval of this particular  
25 project.

1 CHAIRPERSON DOUGLAS: Questions?

2 COMMISSIONER ROSENFELD: I move the item.

3 COMMISSIONER BYRON: Second.

4 CHAIRPERSON DOUGLAS: All in favor?

5 (Ayes.)

6 CHAIRPERSON DOUGLAS: Item 3 is approved, thank you.

7 Item 4, County of Alameda, possible approval of grant  
8 PIR-08-039 for \$1,983,555 to Alameda County for a smart grid  
9 demonstration with wind, solar thermal and large-scale  
10 energy storage integration at the Santa Rita Jail.

11 Mr. Koyama.

12 MR. KOYAMA: Well, this project has a match funding of  
13 \$2,279,000. It will demonstrate a smart grid system that's  
14 going to integrate renewable energy resources at the Santa  
15 Rita Jail. They'll have the -- they'll demonstrate the  
16 commercial implementation of a SERTS, super grid combined  
17 with renewables and large-scale distributed energy storage.

18 It will enable effective interface to local utility  
19 grids, reduce peak loads by using diverse distributed energy  
20 resources, reduce air emissions, improve grid reliability  
21 through dispatchable renewable energy, and increase grid  
22 efficiency and security through monitoring, and diagnostic,  
23 and automation capabilities, and research of communications  
24 and control technologies.

25 We again request your approval of this particular

1 project.

2 COMMISSIONER ROSENFELD: I move the item.

3 COMMISSIONER BYRON: I'll second. I think it merits  
4 comment, Mr. Koyama, all these projects look really  
5 interesting and I just don't have any questions regarding  
6 any of them. And I think you'll find we'll probably have no  
7 problem with these projects.

8 MR. KOYAMA: Great.

9 CHAIRPERSON DOUGLAS: Thank you. All in favor?

10 (Ayes.)

11 CHAIRPERSON DOUGLAS: That item's approved.

12 And these projects all moved through the R&D Committee,  
13 as well.

14 And Item 6, UC Irvine. Possible approval of grant PIR-  
15 08-033 for 948 --

16 MS. JONES: Excuse me, Chairman, Item 5.

17 CHAIRPERSON DOUGLAS: Oh, did I miss Merced? I'm  
18 sorry. We will not skip Item 5; we'll go straight to Item  
19 5, UC Merced. Possible approval of grant PIR-08-036 for \$1  
20 million with UC Merced to develop an operational model to  
21 help UC Merced scale up its renewable energy integration  
22 strategy and achieve zero net energy goals.

23 Mr. Koyama.

24 MR. KOYAMA: Thank you. This again is a project that  
25 will have matched funded of \$1,062,000 that will match our

1 \$1 million funds.

2 It's intended for UC Merced to incorporate a one  
3 megawatt solar generation system, a 300 kilowatt pilot  
4 plasma gasification system that converts waste streams into  
5 energy, energy efficiency improvements on the campus, of the  
6 chilling plant, thermal energy storage, of their science and  
7 engineering building, and an integrated model to evaluate  
8 scenarios of intermittent renewable energy generation,  
9 dispatchable renewable energy generation and storage in  
10 order to identify an optimal generation strategy.

11 Request your approval of this project as well.

12 COMMISSIONER BYRON: I will comment on this one, if I  
13 may.

14 CHAIRPERSON DOUGLAS: Please.

15 COMMISSIONER BYRON: This is -- I believe UC Merced is  
16 our newest UC campus and I understand that they are growing  
17 and have plans to grow significantly, particularly during  
18 these kinds of financially challenging times it seems more  
19 people are going to college.

20 And the goal for achieving that zero energy is pretty  
21 significant and difficult to do in that kind of low-growth  
22 environment.

23 So I think this project represents a great opportunity  
24 for a UC campus to both manage that expectation and the load  
25 growth in a way that does not take away expansion and choice

1 for how they build out the campus.

2 But I think it will be a great experiment. And this is  
3 a significant project and I'll hope for good results and  
4 good news coming out of this as to how other campuses and  
5 facilities can go forward and grow in a real mindful way to  
6 keeping their net energy growth to zero or close to zero.  
7 And I think it's a significant project.

8 So I'll move it.

9 COMMISSIONER ROSENFELD: And I'll second it.

10 CHAIRPERSON DOUGLAS: All in favor?

11 (Ayes.)

12 CHAIRPERSON DOUGLAS: That item's approved.

13 And Item 6, UC Irvine. Possible approval of grant PIR-  
14 08-033 for \$948,903 with UC Irvine to develop an energy  
15 infrastructure roadmap for renewable energy integration to  
16 achieve 100 percent renewable energy for its campuses.

17 Mr. Koyama.

18 MR. KOYAMA: Thank you. This again is a project that  
19 will integrate several renewable energy technologies. UC  
20 Irvine will actually emphasize a lot of their transportation  
21 projects in this particular program.

22 They will have one megawatt of TD, a 24/7 production of  
23 renewable hydrogen, a 300 kilowatts of electricity for using  
24 per kilowatt electricity for sustainable transportation.  
25 They'll incorporate electric vehicles with plug-in and all

1 electric vehicles, a battery EV charging station, and energy  
2 storage to use off-peak renewable energy so that they will  
3 have it available for their electric vehicles.

4 We request your approval of this project as well.

5 COMMISSIONER BYRON: I move the item.

6 COMMISSIONER ROSENFELD: Second.

7 CHAIRPERSON DOUGLAS: All in favor?

8 (Ayes.)

9 CHAIRPERSON DOUGLAS: Item 7, UC Davis. Possible  
10 approval of grant PIR-08-035 for \$1,994,322 with UC Davis to  
11 demonstrate a zero net energy community smart grid system.

12 Mr. Koyama.

13 MR. KOYAMA: This will take place at a facility called  
14 West Village. It will house about 2,000 students, with 340  
15 homes, an education center, a ten-acre recreational field  
16 complex, and a village square with neighborhood-serving  
17 retail services.

18 West Village's goal is to be a zero net energy  
19 community and they'll integrate energy-reducing renewables,  
20 both passive and active energy efficiency devices, demand  
21 response, distributed solar photovoltaic, distributed solar  
22 thermal fuel cells.

23 Again, energy storage, smart grid technology, a biogas  
24 digester, biomethane upgrade system, and biofuels for  
25 transportation.

1 This is a very all-encompassing project. We request  
2 your approval for this as well.

3 COMMISSIONER ROSENFELD: This also went through the R&D  
4 Committee, so I move the item.

5 COMMISSIONER BYRON: Second.

6 CHAIRPERSON DOUGLAS: All in favor?

7 (Ayes.)

8 CHAIRPERSON DOUGLAS: Item 8 is Portland State  
9 University. Possible approval of special terms and  
10 conditions to Contract 500-08-024 for \$1,213,787 with  
11 Portland State University to comply with Oregon law and  
12 ensure the confidentiality of data.

13 Mr. Gravely.

14 MR. GRAVELY: Good morning, Chairman and Commissioners,  
15 I'm Mike Gravely from the R&D Division.

16 This item was brought before the Commission in January.  
17 It's a research area where we're looking at the behavioral  
18 research and better understanding of consumer behavior and  
19 how to encourage consumers to participate in our efficiency,  
20 demand response, and greenhouse gas reduction programs.

21 It's based on data that hasn't previously been  
22 collected and we're leveraging a considerable amount of  
23 research that Portland is doing, also. They're recognized  
24 nationally as an expert in this field and we continue to use  
25 them because of that.

1           This particular case, when we got into the actual  
2 signing of the contract, there were some administrative  
3 issues with terms and conditions that they negotiated with  
4 our legal department that has to do with being an agency of  
5 Oregon they have to follow some Oregon law, and it has to do  
6 with some of the confidentiality agreements they signed to  
7 get the data.

8           And our Commission legal and their legal have worked  
9 out new terms and conditions and since it's not standard,  
10 we're moving it back for your information and for your  
11 approval to move forward with these modifications.

12           We consider them administrative, only, and they don't  
13 affect the research, to our knowledge, at all. So I'm  
14 requesting your approval.

15           CHAIRPERSON DOUGLAS: Any questions?

16           COMMISSIONER BYRON: Mr. Gravely, who's with you here  
17 at the table.

18           MR. GRAVELY: Oh, I'm sorry. Introduce yourself.

19           MS. MULCHER: (Phonetic) Melanie Mulcher, staff  
20 counsel.

21           COMMISSIONER ROSENFELD: Wrong mike.

22           MS. MULCHER: Melanie Mulcher, staff counsel.

23           COMMISSIONER BYRON: Ms. Mulcher, I had a question with  
24 regard to Oregon State law and the way they handle  
25 confidentiality data.

1           If I understood, having read these revised terms and  
2 conditions the -- I'm sure I'll get it wrong so I won't go  
3 into great detail.

4           My question is how do they deal with their investor-  
5 owned utilities' efforts to make data confidential in the  
6 State of Oregon.

7           MS. MULCHER: I'm not certain exactly how Oregon deals  
8 with those particular problems, but their confidentiality  
9 provisions are similar to ours.

10          COMMISSIONER BYRON: Okay, so they will have no problem  
11 holding the IOU data from California as confidential.

12          MS. MULCHER: They should be able to do that.

13          COMMISSIONER BYRON: Okay, thank you.

14          CHAIRPERSON DOUGLAS: Other questions?

15          COMMISSIONER ROSENFELD: This all sounds pretty  
16 familiar, I move the item.

17          COMMISSIONER BYRON: Second.

18          CHAIRPERSON DOUGLAS: All in favor?

19          (Ayes.)

20          COMMISSIONER BYRON: Commissioners, this seems to be  
21 college day here at the Commission.

22          I was reminded, I believe the Portland State University  
23 is the Pilots, and UC Davis of course is the Aggies, and  
24 Irvine are the Anteaters. But I'm afraid I don't know what  
25 UC Merced is. Does anyone know?

1 CHAIRPERSON DOUGLAS: I do not remember what UC Merced  
2 is.

3 COMMISSIONER ROSENFELD: I'm sure I don't know.

4 CHAIRPERSON DOUGLAS: Well, let's ask staff to please  
5 report to us in the next business meeting so that we are all  
6 informed.

7 And it is good to see that with these PIER projects,  
8 particularly some of the projects at the UCs that we are  
9 part of, helping to keep our universities state of the art  
10 in terms of their renewable energy, and integration and  
11 energy use. Thank you very much.

12 Moving onto -- ah, Item 9 has been moved to the next  
13 business meeting.

14 Item 10, approval of the June 24, 2009 business meeting  
15 minutes.

16 COMMISSIONER ROSENFELD: I move the minutes.

17 COMMISSIONER BYRON: Second.

18 CHAIRPERSON DOUGLAS: All in favor?

19 (Ayes.)

20 CHAIRPERSON DOUGLAS: The minutes are approved.

21 Item 11, are there any Commission/Committee  
22 presentations or discussion, or anything to report?

23 Hearing none, Item 12, Chief Counsel's report.

24 MR. CHAMBERLAIN: Yes, Madam Chair, we have a need for  
25 a brief closed session regarding a potential litigation

1 matter.

2 CHAIRPERSON DOUGLAS: Very good, we'll do that.

3 Item 13, Executive Director's report.

4 MS. JONES: Good morning, Commissioners. I'll give you  
5 three quick updates on our ARRA activities.

6 Our SEP application was approved earlier this week  
7 which means we'll be moving forward with that, and we're in  
8 the process of developing the guidelines, as you know.

9 The Block Grant application, we submitted it and then  
10 DOE gave an extension to all the applicants, with a filing  
11 date of August 10<sup>th</sup>. So we are continuing to improve the  
12 Block Grant application and will then submit it.

13 And then, finally, we are going to be meeting with the  
14 Ad Hoc Committee, I believe it's tomorrow, and we're  
15 fleshing out programs and have begun the actual drafting of  
16 guidelines. And we'll be putting forward guidelines in mid-  
17 July, at a workshop here at the Commission.

18 CHAIRPERSON DOUGLAS: Thanks.

19 COMMISSIONER BYRON: Ms. Jones, I've seen an e-mail  
20 this morning from a colleague at another state's energy  
21 commission. Are these competitive or can we share  
22 information with them with regard to our applications.

23 MS. JONES: We can share information about our  
24 applications.

25 COMMISSIONER BYRON: Okay, good. Thank you.

1 CHAIRPERSON DOUGLAS: Thank you for that report.

2 Let's see, Public Adviser's report.

3 MS. MILLER: Good morning, Commissioners. There's  
4 no -- nothing to report from the Public Adviser's Office.

5 CHAIRPERSON DOUGLAS: Is there any public comment?

6 Patrick Splitt.

7 MR. SPLITT: Good morning, Commissioners, I'm Pat Split  
8 from App-tech, in Santa Cruz. And I'd just like to start  
9 off by mentioning that the UC Santa Cruz's mascot is the  
10 banana slug.

11 COMMISSIONER BYRON: Oh, of course.

12 CHAIRPERSON DOUGLAS: Are you able to help us with the  
13 UC Merced mascot?

14 MR. SPLITT: No, I was trying to think. I'm going to  
15 run home and Google it as soon as I get a chance.

16 So I'm going to just make a few comments in the delay  
17 of the 2008 standards and which I'm, of course, glad to see  
18 that it happened. And I'm hoping in the six-month period we  
19 can actually do something to fix some of the pieces that  
20 were dangling.

21 In particular, with regard to the computer programs, I  
22 just heard yesterday that Anita came down to the vendor for  
23 the non-res program, that they wanted -- the Commission  
24 wanted them to lock the form output so that they could not  
25 be word processed because someone was afraid that people

1 were cheating.

2 But that really shows a total lack of understanding of  
3 what is really going on with these programs. And for that  
4 particular program there are a bunch, tons of forms that get  
5 printed out and there are sections here with all kinds of  
6 information that's supposed to be filled out.

7 This is for -- this happens to be a lighting form,  
8 we're supposed to identify our controls, control locations,  
9 spaces controlled, all that. None of that can be input in  
10 the program, it's impossible, the program can't do that. It  
11 only spits out a blank page, which is useless.

12 So the only way to get that information in there is to  
13 word process it.

14 So the problem isn't that people are wordprocessing,  
15 the problem is that the program doesn't do it.

16 And so what I would like to recommend, and there are a  
17 lot of other problems like this with the software, so I'd  
18 like to recommend that before we finalize all these programs  
19 that the Commission set up some type of a study group or  
20 review panel of users, people who actually use or try to use  
21 the program at least, to go over what's proposed and make  
22 suggestions on how to make it more useful.

23 Another reason for trying to get the computer to  
24 actually do all this stuff is that right now, if I save my  
25 file away and then pull it up a year later, none of the

1 information that would have been word processed in there  
2 isn't in the file. Everything that has to do with  
3 compliance should be in this one file so I can call it up  
4 and remember what it was, or I can send it to a building  
5 official, if they want, and they'll see everything.

6 I mean, it's just common sense and it's ridiculous that  
7 it's been going on all these years and we can't get these  
8 things taken care of.

9 So anyway, that's recommendation one, that I'd like to  
10 see you set up some sort of a little panel of some of the  
11 users, maybe building officials to sort of go over on the  
12 user side, usability of the performance forms to try to make  
13 them work a little better.

14 Another thing that has to do with standards, that I've  
15 been complaining about for years, and years, and years are  
16 there are a lot of rules that you put on the books that once  
17 they're on the books that's the end of it. There's nobody  
18 in charge of following up to see whether anybody enforces  
19 it, it just goes away and people just assume that it's all  
20 working.

21 And this is especially true in the non-residential  
22 side. The residential side works fairly well, it's the non-  
23 res side where all the problems are.

24 So I'll just give two examples. There's been a minimum  
25 tank installation requirement for indirect and solar tanks.

1 As far as I can remember, I mean I've been around here for  
2 like, I guess, 30 years or something, it's always been  
3 there.

4 And you go to a manufacturer and they have never heard  
5 about it. You look in the literature, the R values aren't  
6 given anywhere. And a lot of them aren't meeting the  
7 minimums. And especially there's a lot of new equipment.

8 CHAIRPERSON DOUGLAS: Mr. Splitt?

9 MR. SPLITT: Yes.

10 CHAIRPERSON DOUGLAS: I'd like to ask, we generally ask  
11 people to keep your comments to three minutes and we've  
12 about gotten there. But I know that you've got a number of  
13 things that you'd like to convey, so if you can especially  
14 highlight your recommendations and main points for us, that  
15 would be helpful.

16 MR. SPLITT: Well, what I'd really like and what I've  
17 been trying to do is to meet with someone outside of this  
18 meeting so that we can discuss this unofficially, because I  
19 don't really like standing up here talking, I'd rather just  
20 try to get something done instead of fighting about it. So  
21 I'd like to see if we can do that.

22 So anyway, I'll just go onto my final point, which is  
23 that I've been complaining in the previous adoption cycle  
24 that the process was wrong. The way that things are set up,  
25 everything, individually, the life cycle cost, the manual,

1 the computer calculations are all individual entities. And  
2 especially the problems you had with your residential manual  
3 still isn't done. How could that be? How could you adopt  
4 regulations without knowing how to do these things?

5 How could you put a regulation in the code requiring  
6 that an algorithm be met before a residential program can  
7 comply, when nobody knew whether it would work?

8 So my suggestion is that you should come up for the  
9 next version of the code combining everything in one element  
10 together, so everything that has to do with any feature that  
11 you're adding, the procedures, the manuals, the forms, the  
12 calculations, it all has to be working before you approve  
13 it.

14 So once you approve something, it's done.

15 Also, this would then put the onus on whoever's  
16 proposing that these changes be made to do all this work, so  
17 you wouldn't then have to hire all these consultants and  
18 spend millions of dollars to do these calculations, you  
19 should make it pay as you go and have the proponent of  
20 whatever feature it is do it. That would save a lot of  
21 money. And I think in this day and age you're supposed to  
22 be saving a lot of money.

23 So I'll just leave it there. But I really would like  
24 to meet and discuss this further with you and other folks.

25 COMMISSIONER ROSENFELD: Thank you, Pat. You've

1 certainly got my attention and you certainly should, it  
2 seems to me, be meeting with -- I notice Bill Pennington is  
3 here taking notes and listening.

4 Bill, do you have some solutions to suggest to Pat?

5 MR. PENNINGTON: Well, sort of regardless of what Pat  
6 says about how open we are to his comments, we're very open  
7 to his comments, and we continue to be open to his comments.  
8 And we would be glad to meet with him to discuss this  
9 further and to consider how we could take his comments into  
10 account in the next round of standards.

11 COMMISSIONER ROSENFELD: Now, he has some concerns  
12 about the computer program, so this round of standards, not  
13 being able to input that. The data parameters and the  
14 computer not having a memory to retain them.

15 MR. PENNINGTON: Right.

16 COMMISSIONER ROSENFELD: Is that going to get solved  
17 before January -- December 31<sup>st</sup>?

18 MR. PENNINGTON: Yes, we'll work on that.

19 MR. SPLITT: That wouldn't require any changes to  
20 algorithms or anything, so it's just a matter of deciding --

21 COMMISSIONER ROSENFELD: Input and output, and memory.  
22 Okay, well, I hope you guys will be working together.

23 MR. SPLITT: Okay, thank you.

24 MR. PENNINGTON: Thank you.

25 COMMISSIONER ROSENFELD: Thank you, Pat.

**REPORTER'S CERTIFICATE**

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, an electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF,

I have hereunto set my hand this 14th day of July, 2009.

A handwritten signature in cursive script, reading "Barbara Little", written over a horizontal line.

Barbara Little  
Electronic Reporter