

BUSINESS MEETING
BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the Matter of:)
)
Business Meeting)
_____)



ORIGINAL

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

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WEDNESDAY, October 21, 2009

10:00 A.M.

Reported by:
Peter Petty CER**D-493

CEC

COMMISSIONERS PRESENT

Karen Douglas, Chair

James D. Boyd, Vice Chair

Jeffrey D. Byron (via telephone)

STAFF PRESENT

Melissa Jones, Executive Director

Jonathan Blee, Deputy Chief Counsel

Loreen McMahon, Public Advisor's Office

Harriett Kallemeyn, Secretariat

Eileen Allen

Mike Monasmith

Raoul Renaud

Valerie Hall

Sarah Pittiglio

Pippin Brehler (phonetic)

Also Present

Scott Frier

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

2 OCTOBER 21, 2009 10:05 a.m.

3 CHAIRPERSON DOUGLAS: Good morning. Welcome
4 to the California Energy Commission Business Meeting of
5 October 21st, 2009.

6 Please join me in the Pledge.

7 (Whereupon, the Pledge of Allegiance was
8 received in unison.)

9 CHAIRPERSON DOUGLAS: Good morning again,
10 everybody. Good morning, Commissioner Byron. Thank you
11 for joining us.

12 COMMISSIONER BYRON: My pleasure. Good morning.

13 CHAIRPERSON DOUGLAS: It is very early morning
14 for you. We will begin with the Consent Calendar, Item 1.

15 VICE CHAIR BOYD: I will move the Consent
16 Calendar.

17 COMMISSIONER BYRON: Good. I apologize for
18 asking, but who is present amongst the Commissioners there
19 at the dais?

20 CHAIRPERSON DOUGLAS: Commissioners Douglas and
21 Boyd are present.

22 COMMISSIONER BYRON: Okay, good. Well, I will
23 certainly second Commissioner Boyd's motion.

24 VICE CHAIR BOYD: Thank you, Commissioner.

25 CHAIRPERSON DOUGLAS: Please read the roll call.

1 MS. KALLEMEYN: Vice Chair Boyd - Aye;
2 Commissioner Byron - Aye; Chairman Douglas - Aye.

3 The motion carries.

4 CHAIRPERSON DOUGLAS: Item 2. Abengoa Mojave
5 Solar Project (09-AFC-05). Ms. Allen.

6 MS. ALLEN: Good morning, Chairman, Commissioner
7 Boyd and Commissioner Byron. On August 10th, 2009, the
8 Commission received an Application for Certification from
9 Mojave Solar LLC to construct and operate the Abengoa
10 Mojave Solar Project. The project site is located
11 approximately nine miles northwest of the community of
12 Hinkley in Unincorporated San Bernardino County,
13 approximately half way between the City of Barstow and the
14 community of Kramer Junction. This is near the Highway 395
15 Highway 58 intersection. The project is the solar electric
16 generating facility on approximately 1,700 acres. The
17 project would use solar parabolic trough technology and
18 would have a combined nominal electric output of 250
19 Megawatts. The sun would provide 100 percent of the power
20 supplied to the project through solar thermal collectors,
21 no supplementary fossil-based energy source such as natural
22 gas is proposed for the electrical power production. This
23 application was reviewed for data adequacy and, on
24 September 23rd, the Commission found the AFC inadequate and
25 adopted a list of deficiencies in nine areas. The

1 Applicant provided supplemental information on September
2 24th of this year in order for the AFC to be reviewed for
3 adequacy. Staff has completed its data adequacy review of
4 the AFC and we are asking that you find the project data
5 adequate now, and appoint a committee to oversee the
6 Abengoa Mojave Solar Project. As a side note, the
7 Applicant has provided a letter indicating a Power Purchase
8 Agreement is nearly finalized.

9 CHAIRPERSON DOUGLAS: Thank you, Ms. Allen. Can
10 we hear from the Applicant?

11 MR. FRIER: I am Scott Frier, the Chief Operating
12 Officer of Abengoa Solar, and we are delighted to be here
13 today.

14 MS. CONWAY: Hi, Commissioners. My name is Shane
15 Conway. I am Applicant's legal counsel with Ellison,
16 Schneider and Harris.

17 CHAIRPERSON DOUGLAS: Very good. Well, are there
18 questions or comments from Commissioners?

19 VICE CHAIR BOYD: I have no questions.

20 CHAIRPERSON DOUGLAS: I would just like to
21 encourage you to be as quick in your responses to staff and
22 work as collaboratively to staff as you possibly can as you
23 move through this process. I understand that you are among
24 the projects that are hopeful that we will be able to move
25 you through our process on time to meet the deadline for

1 Stimulus. Is that correct?

2 MR. FRIER: Yes. We are applying, have applied
3 for a Federal Loan Guarantee and have been already engaged
4 with staff to help coordinate the Federal permitting
5 process with the CEC process, so we are very hopeful that
6 we will meet all the timelines and we are working hard to
7 do that, and I would like to, as well, thank the staff.
8 They have been very reactive, and particularly Craig
9 Hoffman, who has been fabulous to work with.

10 CHAIRPERSON DOUGLAS: All right, well you are
11 among the last, if not the last, to get in the door, and it
12 just means that there is a high hill of a climb in terms of
13 how quickly you have to be able to respond, and how
14 thoroughly and comprehensively you are able to provide
15 information and move forward in the process. So I hope
16 that we -- we very much look forward to working with you,
17 we are very pleased that you are here, but it will be a
18 very intensive process in the months to come.

19 MR. FRIER: We look forward to the challenge and
20 I think we are up to it, and certainly the staff has shown
21 us that they are ready, willing, and capable to help us
22 with that process. Just one clarification. The Power
23 Purchase Agreement has actually been signed, the client has
24 just asked us not to disclose their name until they have
25 the opportunity to make the press announcement. The press

1 announcement is due on the 26th, so it has been signed.

2 CHAIRPERSON DOUGLAS: Very good, thank you.

3 VICE CHAIR BOYD: That is very good.

4 CHAIRPERSON DOUGLAS: Is there a motion on data
5 adequacy?

6 VICE CHAIR BOYD: I move --

7 COMMISSIONER BYRON: Could I ask a question or
8 two first, please?

9 CHAIRPERSON DOUGLAS: Absolutely. Commissioner
10 Byron, please.

11 COMMISSIONER BYRON: Of staff, Ms. Allen, I do
12 not have the information in front of me, but we have no
13 deficiencies of any kind. Is that correct?

14 MS. ALLEN: That is right. The nine deficient
15 areas have been remedied.

16 COMMISSIONER BYRON: And was there any concern
17 with regard to a transmission interconnection for this
18 project application?

19 MS. ALLEN: Nothing significant.

20 COMMISSIONER BYRON: Okay, I would like to
21 reiterate my concern about schedule. In the Siting
22 Committee, we have reviewed a very aggressive schedule for
23 these ARRA projects, I should say these projects seeking
24 ARRA funding, and I certainly want to underscore the
25 Chairman's comments. My understanding is that we will be

1 keeping track of these projects on the schedule, on the
2 Web, and we will all know immediately, as soon as we are
3 off track with regard to the ability to respond to data
4 requests and hold the workshops necessary to get to the
5 final staff analysis as quickly as possible. So I
6 encourage the Applicant, as well, we very much want this to
7 be successful and on schedule, but I think that will be
8 very challenging.

9 MR. FRIER: Thank you, sir. We will heed that --

10 COMMISSIONER BYRON: Having said that, I would be
11 more than happy to move Item 2 for data adequacy.

12 VICE CHAIR BOYD: And I would be more than happy
13 to second more motion, Commissioner Byron.

14 CHAIRPERSON DOUGLAS: All right, we are ready for
15 the vote.

16 MS. KALLEMEYN: Vice Chair Boyd - Aye;
17 Commissioner Byron - Aye; Chairman Douglas - Aye.

18 The motion carries.

19 CHAIRPERSON DOUGLAS: Very well. Item 2B,
20 possible appointment of a siting committee for the Abengoa
21 Mojave Project. I have Commissioner Levin presiding and
22 Commission Boyd, associate.

23 COMMISSIONER BYRON: I would move Item 2B.

24 VICE CHAIR BOYD: I will second the motion.

25 CHAIRPERSON DOUGLAS: We are ready for the vote.

1 MS. KALLEMEYN: Vice Chair Boyd - Aye;
2 Commissioner Byron - Aye; Chairman Douglas - Aye.

3 The motion carries.

4 CHAIRPERSON DOUGLAS: Thank you.

5 MS. CONWAY: Thank you.

6 MR. FRIER: Thank you.

7 CHAIRPERSON DOUGLAS: Item 3. Genesis Solar
8 Energy Project, 09-AFC-8.

9 MS. JONES: Madam Chairman?

10 CHAIRPERSON DOUGLAS: Yes.

11 MS. JONES: Actually, Item 3 has been pulled and
12 will be heard at the November 4th Business Meeting.

13 CHAIRPERSON DOUGLAS: That is right. I knew that
14 and did not write it down. Thank you.

15 Item 4. Southeast Regional Energy Center,
16 06-AFC-6. Possible adoption of the Committee Order
17 Terminating Proceedings for the Southeast Regional Energy
18 Center (formerly City of Vernon) Project. Mr. Renaud.

19 MR. RENAUD: Good morning, Chair Douglas,
20 Commissioner Boyd, Commissioner Byron. This AFC was filed
21 in 2006; the Applicant was the City of Vernon. It was to
22 be a 943 Megawatt natural gas-fired power plant. The
23 Applicant has recently determined to withdraw its
24 application, which is its right under our regulations, the
25 Committee has approved the withdrawal of the AFC, and

1 recommends that the Commission adopt that.

2 CHAIRPERSON DOUGLAS: Any questions?

3 COMMISSIONER BYRON: None.

4 VICE CHAIR BOYD: I will move approval of the
5 recommendation to drop the application.

6 COMMISSIONER BYRON: Second.

7 MS. KALLEMEYN: Vice Chair Boyd - Aye;
8 Commissioner Byron - Aye; Chairman Douglas - Aye.

9 The motion carries.

10 CHAIRPERSON DOUGLAS: Thank you. Item 5.
11 National Association of State Energy Officials. Possible
12 approval of Contract 400-09-06 for \$59,670 with National
13 Association of State Energy Officials for renewal of the
14 Energy Commission's membership at \$19,890 per year for
15 three years. Ms. Hall.

16 MS. HALL: Good morning, Commissioners. This is
17 Valerie Hall with the Efficiency and Renewable Energy
18 Division. I am here today to bring before you a contract
19 for the membership with NASEO. This is an important
20 organization that the Commission has belonged to for a
21 little while and continues to provide valuable
22 opportunities for state energy officials to get together
23 and to discuss energy issues, to work together
24 collaboratively to help certain programs move forward. It
25 has recently been very valuable in providing information

1 and providing a forum for discussion regarding the American
2 Recovery and Reinvestment Act, and provides a number of
3 valuable services to California. So I am here today
4 seeking approval of this contract for membership with the
5 organization for the next three years.

6 CHAIRPERSON DOUGLAS: Thank you. Can you tell
7 me, how long have we been members with NASEO?

8 MS. HALL: Off the top of my head, I do not
9 recall, but it has been for several years, I believe.

10 CHAIRPERSON DOUGLAS: A number of years.

11 MS. HALL: Yeah.

12 VICE CHAIR BOYD: Longer than I have been here.

13 MS. HALL: Yes.

14 CHAIRPERSON DOUGLAS: Any other questions,
15 Commissioners.

16 COMMISSIONER BYRON: None.

17 VICE CHAIR BOYD: If no question, I will move
18 approval of recommendation of this item.

19 COMMISSIONER BYRON: And I will second Item 5.

20 CHAIRPERSON DOUGLAS: Okay, we are ready for the
21 vote.

22 MS. KALLEMEYN: Vice Chair Boyd - Aye;
23 Commissioner Byron - Aye; Chairman Douglas - Aye.

24 The motion carries.

25 CHAIRPERSON DOUGLAS: Thank you, Ms. Hall.

1 MS. HALL: Thank you.

2 CHAIRPERSON DOUGLAS: Item 6. US Geological
3 Survey. Possible approval of Contract 500-09-012 for
4 \$449,684 with the US Geological Survey to determine
5 greenhouse gas emissions released from soil due to
6 intentional flooding of cornfields in the Sacramento Delta.
7 Ms. Pittiglio.

8 MS. PITTIGLIO: Good morning, Commissioners.
9 This is Sarah Pittiglio. I am with the PIER Environmental
10 Group. This project is part of a larger project funded by
11 DWR for \$12 million. They are looking at land subsidence
12 on the islands in the Delta and to protect the levees, and
13 it began in 2008. But this project that the CEC is funding
14 will focus on the intentional flooding of large areas of
15 the Delta that occurs to provide winter areas for migratory
16 birds. But the flooding may have significant impacts on
17 the timing and abundance of greenhouse gas fluxes from the
18 soils since flooded soils are known to release a lot of
19 nitrous oxide and methane, which are really potent
20 greenhouse gases. So this study will provide an
21 opportunity to compile field data and eventually model
22 greenhouse gas fluxes from flooded soils in the Delta,
23 which are unique, high carbon soils, which will provide
24 needed data for ARB's inventory, but it will also provide
25 information needed to support carbon credit protocols, and

1 also to support farm and regional scaled greenhouse gas
2 mitigation decisions by characterizing the role of winter
3 flooding on greenhouse gas fluxes. I am happy to answer
4 any questions that you have.

5 CHAIRPERSON DOUGLAS: My understanding is that
6 the Sacramento Delta is a very significant potential source
7 of greenhouse gas emissions on a statewide basis. Do you
8 have -- or can you give us some perspective on just the
9 sale of the potential issue of the Delta?

10 MS. PITTIGLIO: Well, yeah. Like I said, there
11 is a huge potential issue. No one has really done a lot of
12 field work looking at the greenhouse gas fluxes, and the
13 soils are really high carbon content, which provides ample
14 food for bacteria that produce greenhouse gases, and also
15 nobody has really looked at methane and nitrous oxide,
16 which are 20 and 200 times more potent than CO₂ and the
17 resources agency also has a new interest in looking at
18 wetlands in the Bay Delta area, and looking at their
19 greenhouse gas potential. And also, the ARB's inventory is
20 lacking a lot of essential data on these fluxes, as well.

21 CHAIRPERSON DOUGLAS: So if I understand this
22 project correctly, we are looking at the ability of
23 sequestering the greenhouse gases in these soils through
24 farm practices, essentially. Correct?

25 MS. PITTIGLIO: Yeah, correct. We are trying to

1 figure out how they could change their practices and
2 flooding of their fields so that they could reduce the
3 emissions, yeah.

4 CHAIRPERSON DOUGLAS: Other questions,
5 Commissioners?

6 VICE CHAIR BOYD: Well, I will just comment.
7 Since we discussed this in the Research Committee, which
8 happens to be yourself and me, the rationale for our being
9 involved in this, and having the PIER Program involved in
10 this is that any changes in the water management regime in
11 California has the potential to affect hydroelectricity
12 generation, and thus effect electricity supply, and thus we
13 follow the situation very closely, which is basically why
14 we follow so much of climate change here at the Commission,
15 because there is always a ripple effect to what we need to
16 do for electricity generation, everything from the
17 consequences of climate change increasing, heat increasing,
18 air conditioning increasing load to ramifications on the
19 water system, which will affect the hydroelectricity upon
20 which we depend fairly substantially. So that is the
21 reason we are so deeply involved in studies like this. I
22 just thought I would remind us all of that fact.

23 MS. PITTIGLIO: Thanks.

24 COMMISSIONER BYRON: Commissioner, I appreciate
25 that background. I would be more than happy to move the

1 item.

2 VICE CHAIR BOYD: I will second.

3 CHAIRPERSON DOUGLAS: We are ready for the vote.

4 MS. KALLEMEYN: Vice Chair Boyd - Aye;

5 Commissioner Byron - Aye; Chairman Douglas - Aye.

6 The motion carries.

7 MS. PITTIGLIO: Thank you.

8 CHAIRPERSON DOUGLAS: Thank you, Ms. Pittiglio.

9 Item 7. Minutes. Approval of the October 7, 2009 Business
10 Meeting Minutes.

11 VICE CHAIR BOYD: Move approval.

12 COMMISSIONER BYRON: I believe I can second this.

13 VICE CHAIR BOYD: Yes, you can.

14 CHAIRPERSON DOUGLAS: I believe we all can vote
15 on this one.

16 MS. KALLEMEYN: Vice Chair Boyd - Aye;

17 Commissioner Byron - Aye; Chairman Douglas - Aye.

18 The motion carries.

19 CHAIRPERSON DOUGLAS: Item 8. Are there any

20 Commission committee presentations or discussion?

21 COMMISSIONER BYRON: Commissioners, I just want
22 to mention where I am. I am in a little town that is
23 midway between Nánjīng and Shànghǎi in the Jǐnzhōu province
24 here in China, called Wúxī, a little town of about 6
25 million people, it is rather extraordinary. We toured

1 today the largest photovoltaic manufacturing facility in
2 the world. I think you may know I am also here with the
3 President Peevey and a delegation of legislators and it is
4 quite astounding to see what is going on in China. This is
5 a very high technology and science-oriented city that is
6 geared around renewable technologies. And, of course, I
7 tried to get President Peevey to join me tonight on this
8 call into the meeting, but he elected not to join us, but
9 it is a rather amazing time here in China and they are not
10 -- there is no shortage of technology that would inhibit my
11 ability to join you for the meeting today.

12 CHAIRPERSON DOUGLAS: Well, we are very very
13 pleased that you were able to join us for the meeting today
14 and really interested in hearing more about what you learn
15 on this trip.

16 VICE CHAIR BOYD: I might mention that yesterday
17 I had the privilege of representing the Commission in the
18 Governor's Office at a joint meeting with the Governor of
19 Baja, at which meeting there was execution of three
20 Memorandums of Understanding between the State of
21 California and Baja, one of which was energy, but with a
22 particular emphasis on renewable energy, and an exchange of
23 information about the production, and use, and potential
24 development of energy production facilities in the regioned
25 border, as well as an indication of sharing information on

1 the efficiency conservation and, in particular, renewables
2 development. The area in Baja -- some areas in Baja have
3 great potential for renewable development. The Governor of
4 Baja yesterday announced that they had just put in an
5 operation there for a 10 Megawatt wind plant, but the areas
6 in northern Baja have potential for thousands of megawatts
7 of wind. So it was a significant accomplishment for
8 California and Baja, who have been talking about
9 negotiating doing an exchange like this for over two years.
10 Baja has just not too long ago created an electricity
11 Commission -- I am sorry, an Energy Commission -- patterned
12 quite a bit after this Commission, and possibly in the
13 future there will be an opportunity for a greater sharing
14 of resources and information back and forth across the
15 border. It was fairly significant, driven out in today's
16 press by another story about prisoners, but nonetheless, we
17 had our moment in the sunshine yesterday, so it worked out
18 well.

19 COMMISSIONER BYRON: Good.

20 CHAIRPERSON DOUGLAS: All right, thank you for
21 that report. And I did read about it, although I think it
22 was only the e-mail traffic and not in the press. I have
23 not had a chance to see if it got picked up. We will move
24 on to Item 9. Chief Counsel's Report. And I guess I will
25 say that, while it is not effective until our current Chief

1 Counsel actually does retire on November 4th, I believe,
2 Jonathan Blee, a long time attorney for the Energy
3 Commission, will be acting in the capacity of Chief Counsel
4 as we move forward with the Chief Counsel search, and we
5 thank Mr. Blee for stepping up to assist us as we move
6 forward. And, Mr. Blee, could you please provide the
7 Chief Counsel' Report?

8 MR. BLEES: Yes, thank you, Chairman Douglas,
9 Vice Chair Boyd and Commissioner Byron. First, I
10 appreciate this opportunity to serve my colleagues on the
11 Commission in a somewhat new way, and I will certainly do
12 my best to justify the trust you have placed in me for as
13 long as I might be sitting in this chair. Today, I am
14 acting Acting Chief Counsel because Mr. Chamberlain is
15 attending a meeting of the Board of Directors of the
16 Western Electricity Coordinating Council. He will be there
17 tomorrow and Friday, as well.

18 VICE CHAIR BOYD: Coeur d'Alene, Idaho, I think I
19 heard is the location. Is that correct?

20 MR. BLEES: He tends not to inform his jealous
21 staff of the prime locations.

22 VICE CHAIR BOYD: Sorry, Bill, to have given it
23 away. But another WECC member told me where they were
24 meeting. In any event, it is probably snowing anyway.

25 MR. BLEES: The only thing I have to report today

1 is the very pleasant duty of introducing the most recent
2 member of our legal staff, Mr. Pippen Brehler (phonetic).

3 MR. BREHLER: Good morning, Commissioners.

4 VICE CHAIR BOYD: Welcome to the Commission.

5 MR. BREHLER: Thank you. It is my great pleasure
6 to be here.

7 MR. BLEES: Pippen received an undergraduate
8 degree in Environmental Engineering in 1994. He spent five
9 years as an Enforcement Engineer with a local government
10 Department of Environment in Michigan, and then spent two
11 more years as an engineer with the Detroit Edison Company
12 in the Electric Utility. While he was working as an
13 engineer, he began attending law school at night. He
14 eventually graduated from the University of Michigan Law
15 School and, immediately after law school, spent a year as
16 Clerk to the Chief Justice of the Michigan Supreme Court,
17 then, unusually, he was asked by the Chief Justice to serve
18 a second term as her Clerk, which he did. He then spent
19 four years at a local law firm in Walnut Creek here in
20 California, his practice was primarily civil litigation on
21 federal and state environmental laws, eminent domain, land
22 use, and real estate law. We feel very fortunate to have
23 him here, given this outstanding background and, related to
24 the good fortune, I want to thank Gina Tosi-Smith, the
25 Manager of the Personnel Office, and Kim Wilson, one of her

1 staff, who were instrumental in helping us negotiate some
2 of the trickier rapids and shoals of the system that
3 enabled us to bring Piven on. Phippen is going to be
4 spending most of his time, at least initially, working on
5 efficiency standards, both appliance and building standards
6 in some of the other areas that we are branching out into
7 more recently, and because of his engineering background,
8 we are confident that he will be an excellent successor to
9 Bill Stack, who unfortunately is continuing the legal
10 office retirement of our Bills. He will be following Mr.
11 Chamberlain in about a month. Thanks.

12 VICE CHAIR BOYD: Well, welcome. And it is good
13 to see somebody from the Big Ten, rather than continue the
14 rivalry of the Pack 10 or 12, or whatever we are now.

15 CHAIRPERSON DOUGLAS: Welcome. You are joining
16 an outstanding legal department and we look forward to
17 working with you.

18 MR. BREHLER: Thank you. I can tell that already
19 and I am looking forward to the real big game between the
20 highest --

21 CHAIRPERSON DOUGLAS: All right, Item 10.
22 Executive Director's Report.

23 MS. JONES: I have nothing to report this
24 morning.

25 CHAIRPERSON DOUGLAS: All right, is there a

1 Public Advisor's Report?

2 MS. McMAHON: Good morning. The Public Advisor's
3 Office has nothing to report today.

4 CHAIRPERSON DOUGLAS: Very well. Is there any
5 public comment? Seeing none, we will be adjourned. Thank
6 you again, Commissioner Byron, for joining us and we look
7 forward to seeing you when you get back.

8 VICE CHAIR BOYD: We will let you get back to
9 your small sleepy village somewhere in China.

10 COMMISSIONER BYRON: Thank you, Commissioners.

11 VICE CHAIR BOYD: Enjoy.

12 COMMISSIONER BYRON: See you next week.

13 (Whereupon, at 11:28 a.m., the business meeting was
14 adjourned.)

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CERTIFICATE OF REPORTER

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I, PETER PETTY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Business Meeting; that it was thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of October, 2009.


PETER PETTY