

SITE VISIT AND INFORMATIONAL HEARING
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

California Energy Commission
DOCKETED
11-AFC-1
TN # 2870
SEP 19 2012

In the Matter of:)
)
Application for Certification) Docket No.
for the Pio Pico Energy Center) 11-AFC-1
_____)

SOUTHWESTERN COLLEGE
HIGHER EDUCATION CENTER AT OTAY MESA
8100 GIGANTIC STREET
OTAY MESA, CALIFORNIA
MONDAY, MAY 16, 2011
4:18 P.M.

Reported and by:
Martha L. Nelson, CERT

APPEARANCES

COMMITTEE MEMBERS

Carla Peterman, Commissioner and Presiding Member

HEARING OFFICER AND ADVISORS

Raoul Renaud, Hearing Officer

Galen Lemei, Advisor to Commissioner Douglas

Saul Gomez, Advisor to Commissioner Peterman

STAFF, CONSULTANTS AND STAFF WITNESSES

Eric Solorio, Project Manager

Kevin Bell, Senior Staff Counsel

Lynn Sadler, Public Advisor

APPLICANT

David Jenkins, APEX Power Group, LLC

Melissa Foster, Stoel Rives, LLP

PUBLIC SPEAKERS:

Brandon Reed, City of Chula Vista

Michael King, APEX Power Group, LLC

Steve Hill, Sierra Research

John Markin, AIMS Corporation

David Wick

PROCEEDINGS

4:18 P.M.

COMMISSIONER PETERMAN: Hello. Good afternoon, and welcome back from the site visit. This hearing is being held in connection with the application for certification for the Pio Pico Energy Center.

I'm Commissioner Carla Peterman with the Energy Commission. I'm a presiding member on this project. And the associate member is Commissioner Karen Douglas who is not with us today, but we are joined by her Adviser, Galen Lemei, to the far right. To my left we have my Adviser, Saul Gomez. And to my immediate right we have our Hearing Officer, Raoul Renaud.

Welcome everyone here. We're going to have everyone introduce themselves in one second. But also, I'd like I say thank you very much to the public who is here, as well as representatives from the city and local area. And we'll ask that you introduce yourselves, as well. Also, thank you to Southwestern College for being our host here and for use of this lovely facility.

And with that, let me turn first to the applicant to the left and ask you to introduce yourselves.

MR. JENKINS: Thank you. My name is Dave Jenkins. I'm with APEX Power Group.

MS. FOSTER: Melissa Foster with Stoel Rives.

1 COMMISSIONER PETERMAN: Energy Commission staff?

2 MR. SOLORIO: Yes. Eric Solorio, Project Manager
3 for the Energy Commission

4 COMMISSIONER PETERMAN: To the back we have our
5 Public Adviser, Lynn Sadler. Please raise your hand. If
6 you have any questions and want to participate in this
7 hearing of future hearings on this project please contact
8 her in her office.

9 And do we have any representatives from the city
10 or local areas? Would you like to come up and introduce
11 yourself?

12 MR. REED: Sure. My name is Brendan Reed. I'm
13 with the City of Chula Vista.

14 COMMISSIONER PETERMAN: Thank you very much for
15 being here.

16 Before I turn the hearing over to the hearing
17 officer, I just wanted to say a couple of words about our
18 process in case this is your first time participating in one
19 of our power plant siting hearings.

20 The committee, myself and Commissioner Douglas,
21 our advisers, and the hearing officer, we work as a somewhat
22 quasi-judicial body in that we hear evidence about the site
23 and about the proposed project. We hear that evidence from
24 the applicant, as well as the Energy Commission staff.
25 However, all of our communications with both the applicant

1 and the staff are a part of the public record. We do not
2 interact and discuss this case with staff outside of this
3 environment, and the same with the applicant.

4 We use the record, including the public comment on
5 the record, to help us come to a decision on this case. And
6 we use that and not opinions or newspaper articles or
7 anything like that. And we take this role very seriously.
8 So I look forward to your participation and for the input
9 you add and for the information we'll start hearing today
10 and going forward.

11 And with that let me turn it over to Hearing
12 Officer Renaud.

13 HEARING OFFICER RENAUD: Thank you, Commissioner
14 Peterman.

15 Well, we're pretty much sticking to the agenda.
16 So we've accomplished a 3:00 p.m. site visit, which you can
17 see up there on those giant screens to your right. And
18 we're now into the 4:15 presentations and discussions. As
19 the hearing adviser, I will just give you a brief overview
20 of the siting proceeding before we turn to the presentation
21 from the applicant.

22 And one thing I want to check before I do that is
23 to ask if there's anyone participating by telephone who
24 would like to introduce themselves?

25 Lynn, do we have anybody?

1 MS. SADLER: Two.

2 HEARING OFFICER RENAUD: You don't have to, but if
3 you'd like to now would be the time to speak up.

4 (No response)

5 HEARING OFFICER RENAUD: Okay. Thank you.

6 If I could have the next slide please.

7 So the -- the Energy Commission has permitting
8 authority granted by state law over thermal power plants
9 that are 50 megawatts or greater. So that obviously applies
10 to this 300 megawatt proposed project. The commission is
11 considered the lead state agency for California
12 Environmental Quality Act review in ongoing clients, as
13 well. You may have heard of CEQA. That's what California
14 Environmental Quality Act is.

15 There are five members of the Energy Commission.
16 And in a power plant siting case the commission appoints two
17 commissioners to constitute a committee to oversee the
18 review of the application for certification and to prepare a
19 proposed decision, which would then be voted on by the full
20 commissioner -- in this case by the full commission. Excuse
21 me. In this case Commissioner Peterman has been appointed
22 the presiding member of the committee, and Commissioner
23 Douglas is the associate committee member.

24 Eventually the committee will, at the end of a
25 long analysis and hearing process, issue a presiding members

1 proposed decision, or PMPD, which will make a recommendation
2 to the full commission whether or not to approve, reject or
3 amend the proposed project.

4 If I could have the next slide.

5 Now the purpose of this proceeding is to provide
6 members of the public with an opportunity to learn about the
7 site and to -- and to learn about the project by coming
8 here. The Energy Commission's licensing process is a very
9 open process. We want it to be completely open and
10 transparent and available to the public. So we provide
11 notice of these hearings well in advance of the hearings.
12 We try to get the word out as best we can throughout the
13 community.

14 Every hearing that we hold provides an opportunity
15 for members of the public to address the commissioners, and
16 we will do so in this case starting at 5:15.

17 The process also involves -- provides members of
18 the public with an opportunity to participate as a legal
19 party in the case, and we'll learn more about that in just a
20 little while. In this case currently there are two parties,
21 and they basically are the applicant and the Energy
22 Commission staff. But there could be further parties, known
23 as interveners, by -- if they file a petition to intervene.

24 If you are a member of the public and want to
25 speak during the public comment period, please see the

1 public adviser in the back of the room and fill out a blue
2 card. And that will -- those blue cards will then come up
3 here, and then we'll be able to call you in turn.

4 At this point I will turn the -- turn the mike
5 over to Eric Solorio who is the Energy Commission staff
6 project manager to discuss the issues of local, state and
7 federal coordination. Thank you.

8 MR. SOLORIO: Thank you, Raoul.

9 HEARING OFFICER RENAUD: Thank you.

10 MR. SOLORIO: The Energy Commission has in-lieu
11 permitting authority. And essentially what that means is
12 that when an applicant wants to develop a power plant they
13 come to us for all of their local and state and regional
14 permits, whereas outside of the Energy Commission a
15 developer would normally need to go see the local county or
16 city, Department of Fish and Game, Regional Water Quality
17 Board, etcetera.

18 So although we have an in-lieu permitting
19 authority we make every effort to work very closely with
20 local, regional, state, and federal agencies to make sure
21 that the project complies with the laws, ordinance,
22 regulations and standards that we refer to as LORS. And we
23 work with those agencies to also incorporate the
24 requirements that they would otherwise impose on the project
25 had they had authority over it.

1 The next slide please.

2 HEARING OFFICER RENAUD: All right. Before -- hit
3 the -- hit the switch right here. I think that's it. All
4 right.

5 Before we turn to the applicant's presentation
6 there's one thing I wanted to point out. We alluded to this
7 earlier. But this -- we now have a court reporter present
8 in the room. And so everything that's said in here is being
9 taken down and will be put into the form of a written
10 transcript which will be available to the public. So just
11 so you know that whatever you say will become part of the
12 record in this case.

13 And this is -- this is why we said earlier that if
14 you have a comment or something you want to say to the
15 commissioners concerning the case the time to do it would be
16 in this room where it will then become part of the public
17 record. All right. Thank you.

18 I think now we can turn to a presentation by the
19 Pio Pico Energy Center, LLC.

20 MR. JENKINS: Thank you. Presiding Member
21 Peterman, Advisers, Staff, on behalf of the Pio Pico Energy
22 Center project I'm pleased that the building process is now
23 underway. What I'd like to do over the next few minutes is
24 give you an overview of the project. And I presume that we
25 will hold questions and answers until the 5:15 time period,

1 is that correct, or will we entertain questions as my
2 presentation unfolds?

3 HEARING OFFICER RENAUD: I think it would be fine
4 to have questions during it. But at 5:15 or after we have
5 to have a public comment period; and that will provide
6 people the noticed opportunity to speak.

7 MR. JENKINS: Very good. Thank you. First slide
8 please.

9 Well, an underlying question that folks often ask
10 is how did this project come about. Well, as a result of
11 California Public Utilities Commission and SDG&E studies
12 recently it's come to be known that there's a deficit for
13 peaking power needs in this area. And this arises not only
14 from just the overall natural growth and demand, but also in
15 the continuing increase in renewable power resources.

16 As far as how the project shaped up to be what it
17 is technology-wise, the ability to meet peaking power demand
18 and load-following capabilities is best approached through
19 the use of a readily available fuel, a clean burning fuel,
20 in this case natural gas. And gas turbines in turn tend to
21 be the most efficient mechanism for using that fuel. So
22 hence the technology, which I'll talk about here in a
23 moment.

24 With this combination of the latest combustion
25 turbines we're able to present a project to the grid that is

1 about ten percent on average higher efficiency than prior
2 generations of gas turbine technology.

3 Getting a little bit more into the specifics of
4 the project, as it's been mentioned, this will be a 300
5 megawatt combustion turbine project. It consists of three
6 100 megawatt LMS100 units as provided by General Electric.
7 They will be licensed to run up to 4,000 hours per year per
8 unit. And an important point we get often asked is the
9 CAISO and SDG&E in some spirit of cooperation will actually
10 dispatch these units. We, as operators, will not. And the
11 agreement that we have with SDG&E to provide is through a
12 long-term, that being a 20-year, power purchase agreement.
13 So it gives the project a long-term financial viability.

14 Another aspect about this technology in this
15 project in particular is the unit's ability for a very quick
16 startup and for very responsive load-following capability,
17 which again is very important for the load changes and to
18 support swings in renewable power resources.

19 Another question we get often asked is why this
20 particular site. Well, as I noted a little bit on the tour
21 this particular site is near a high-density customer demand
22 base. It's also near existing natural gas infrastructure
23 nearby 230K V electrical lines. And also we have existing
24 sewer and water resources available adjacent to the site.
25 And last but not least, the project site is heavy

1 industrial.

2 This next slide presents the project milestones,
3 and I'd like to work from the bottom up in this case. Under
4 our power purchase agreement with SDG&E this project shall
5 be online by May of 2014. And so working back from that,
6 with an approximate 16 month to 2 year construction phase,
7 we'd like to start construction around the 4th quarter of
8 2012. In advance of that, a financial closing around 3rd
9 quarter of 2012. And then working yet in advance of that we
10 would need final government approvals around the 2nd quarter
11 of 2012.

12 Next slide please.

13 As far as some of the salient environmental
14 attributes of this project, this project will efficiently
15 use water through the use of a hybrid wet/dry cooling
16 technology. And we will primarily target recycled water for
17 this purpose, not only for cooling but for process water.
18 As I think Eric will discuss as one of the issues here
19 momentarily, we do plan, if needed, to use potable water in
20 the interim whereby recycled water may not be available as
21 construction and initial operations commence.

22 Another important environmental attribute of this
23 project has to do with emission reduction credits. I think
24 it's important to know that all of our emission reduction
25 credits come from locally generated sources, not some source

1 in distant counties or air sheds.

2 Another attribute is that the plant by nature of
3 its design and engineering is it will have very low noise
4 levels. And I think as I noted on the tour, given the
5 existing infrastructure we will have very minimal linears
6 for electric, gas, water, sewer, etcetera.

7 This final slide, I would like to note some of the
8 more significant community benefits as we see them. During
9 the 16 month or so construction period we will have an
10 average construction worker load of about 148 workers, and
11 that will peak at about 248. They're fairly significant
12 numbers. During operations, the 20-year cycle, we will
13 employ 12 full-time jobs. What I have not noted here is
14 the operations will require commodities from local sources,
15 and that will present other jobs, as well, which were not
16 captured here.

17 Another community benefit, we -- the project will
18 provide property and sales tax revenue, something I think
19 the county commerce can certainly appreciate. It will also
20 go to support the East Otay Mesa Community Funding District
21 for primarily sheriff protection, and also for fire
22 protection.

23 And the last bullet I have here -- it's hard to
24 characterize the order of these but this is significant --
25 this project will promote local, I want to stress local, but

1 also to some extent regional grid reliability and power
2 quality.

3 And with that I'll turn it back over to -- to you,
4 Raoul, unless we have questions at this point.

5 HEARING OFFICER RENAUD: Any questions? Any
6 questions from members of the audience concerning the
7 applicant's presentation?

8 Commissioner?

9 COMMISSIONER PETERMAN: I have a question.

10 HEARING OFFICER RENAUD: Sure.

11 COMMISSIONER PETERMAN: Thank you. I have a few
12 follow-up questions, starting with the point about local
13 reliability. What's the heat rate on this plant?

14 MR. JENKINS: I'm going to look to our head
15 engineer, Mr. Mike King.

16 MR. KING: Okay. Heat rates can be expressed in a
17 lot of different ways. But on --

18 COMMISSIONER PETERMAN: Can you use the
19 microphone?

20 HEARING OFFICER RENAUD: You need to go over to a
21 microphone.

22 COMMISSIONER PETERMAN: Could you identify
23 yourself, as well --

24 MR. KING: Yes.

25 COMMISSIONER PETERMAN: -- for the record? Thank

1 you.

2 MR. KING: Yes. I'm Mike King with --

3 (Feedback from microphone.)

4 HEARING OFFICER RENAUD: We're going to have to do
5 something about the -- we're going to need to do something
6 about the setup for the conference call.

7 MR. JENKINS: Mike, you can -- you can share this
8 mike.

9 HEARING OFFICER RENAUD: Yes.

10 MR. KING: That's a good idea.

11 MR. JENKINS: You might turn the mike on if you
12 want to start up again.

13 MR. KING: Yes. I'm Mike King with APEX Power
14 Group and the Pio Pico Energy Center. And heat rates can be
15 expressed in a lot of different ways.

16 In our application we quoted and provided a heat
17 balance on a lower heating value basis, which is basically
18 the same basis that they sell combustion turbines. So I
19 actually -- I actually don't have it memorized in that same
20 methodology, but basically it's about a 9,000 btu per
21 kilowatt hour net heat rate, and that's on a higher heating
22 value basis. And that -- when Dave made the comment that
23 it's ten percent more efficient than traditional peaker
24 units, the best traditional peaker units, a comparable
25 number would be 10,000 btu per kilowatt hour for those that

1 are existing, and this is going to be closer to 9,000.

2 COMMISSIONER PETERMAN: Thank you. I was just
3 trying to get a sense. Because I know one of the concerns
4 with local reliability is having plants that provide
5 inertia, and I'm just trying to get a sense of how this
6 plant compares. Because even though it's more efficient,
7 that can also be a negative in terms of providing that --
8 some of that local reliability.

9 MR. KING: Okay.

10 COMMISSIONER PETERMAN: And so is this the best --
11 so my second question -- you might as well stay up there
12 because you'll probably be the one to answer it. Is this
13 the best available simple-cycle technology?

14 MR. KING: It's absolutely the best available
15 simple-cycle technology.

16 COMMISSIONER PETERMAN: And my third question, I
17 don't recall if the slide said it will be operating up to
18 4,000 hours or expected 4,000 hours. So I think it was
19 4,000 hours; right?

20 MR. KING: That's correct.

21 COMMISSIONER PETERMAN: Missing almost 50 percent,
22 which seems a fairly high capacity factor for a peaker,
23 could you comment on that?

24 MR. KING: Yeah. Again, this is a highly
25 efficient peaker. And it's anticipated, as SDG&E tries to

1 incorporate more renewables into their mix, when the wind
2 stops blowing or the sun stops shining these units are
3 available to start and run.

4 So I don't think we or SDG&E know for sure that it
5 will dispatch that high. We anticipate in early years it
6 might be somewhat less than that. And then we could go that
7 high somewhere in the 20-year period.

8 COMMISSIONER PETERMAN: Okay. And then just one
9 final question, which I think might be for you, but you made
10 the point on one of the slides that in terms of the
11 environmental condition there are no nearby neighbors. And
12 did you check for sensitive receptors in other countries?

13 MR. JENKINS: No, we did not.

14 COMMISSIONER PETERMAN: I would venture to say
15 that's -- I'm interested generally in all sensitive
16 receptors, and so something to explore going forward. And
17 those are all my questions.

18 HEARING OFFICER RENAUD: Any other questions?
19 Okay. Thank you very much. And so now we'll turn to a
20 presentation by --

21 COMMISSIONER PETERMAN: He has a question.

22 MR. REED: I have a question.

23 HEARING OFFICER RENAUD: Oh, I'm sorry. Excuse
24 me. Yeah. Go ahead, Brendan, please. Just come on up here
25 and grab one of these mikes. Identify yourself.

1 MR. REED: Sure. Again, my name is Brendan Reed.
2 I'm with the City of Chula Vista. We are the neighboring
3 jurisdiction just north of the project site.

4 I had just wanted a little more clarification.
5 The project proponents talked about local emission reduction
6 credits. I was wondering, you know, what are -- what is
7 considered local? Is that just being in San Diego County?

8 MR. JENKINS: Yes.

9 HEARING OFFICER RENAUD: All right. Any further
10 questions from the applicant -- or for the applicant? Okay.
11 Thank you.

12 Then let's move on to the staff presentation,
13 Eric.

14 MR. SOLORIO: Thank you.

15 HEARING OFFICER RENAUD: You're on slide seven.

16 MR. SOLORIO: I'm going to go ahead and provide an
17 overview of the Energy Commission's licensing process. As
18 the hearing officer mentioned earlier, it is a judicatory
19 process where essentially staff is presenting evidence and
20 testimony. And the far majority of that is included in the
21 final staff assessment which is an environmental document.

22 So our process begins with the point that we
23 receive an application for certification, and we'll commonly
24 refer to that as an AFC. And the staff takes that AFC and
25 does a data adequacy review. And that review essentially

1 looks for whether or not the AFC has -- meets the minimum
2 requirements to accept as complete. Those requirements are
3 established in Title 20 of California Code and Regulations.

4 Once the applicant -- the application is
5 determined to be complete -- well, let me also note, that
6 determination is actually made by the -- the full commission
7 at a business meeting. And that was made at the April 20th
8 business meeting where the commission found the application
9 to be complete.

10 So from that day forward staff enters a discovery
11 period which is 180 days. So in the discovery period we
12 start with an issues identification report which we
13 generated and filed. We'll go over those issues today.
14 Those issues are essentially what staff notes at the outset
15 as potentially requiring an extraordinary amount of
16 attention or some extra effort to solve or things that can
17 possibly affect the schedule. So the issues we've
18 identified so far are the ones we've seen now, but we may
19 find more issues going forward. So we have filed the issues
20 ID report.

21 And the next thing that staff will be filing are
22 data requests. So essentially the applicant has met the
23 minimum threshold. However, staff is going to need more
24 information in different technical areas and disciplines in
25 order to conduct their engineering and environmental review.

1 During the discovery period we will notice and
2 hold public workshops. The reason we do that is to give the
3 public access to the process. And also, as noted earlier,
4 it is an adjudicatory process and staff can not engage the
5 applicant or the committee on substantive matters unless
6 it's done in a public forum. So we'll notice a workshop.

7 We'll show up to a place like this or council
8 chambers or whatever the venue happens to be, and we'll
9 engage in discussions. It could be anything from clarifying
10 or trying to understand engineering issues or environmental
11 impacts, to negotiating or discussing mitigation measures.
12 During those workshops there -- there are always multiple
13 times on the agenda for the public to make comments or ask
14 questions of staff or the applicant.

15 Once staff has obtained enough information and
16 completed its environmental analysis we then issue a
17 preliminary staff assessment, and we make that available for
18 public comment. The preliminary staff assessment, as well
19 as the final staff assessment, are the equivalent of an
20 environmental impact report under CEQA. The Energy
21 Commission is a certified regulatory program, and this is
22 our equivalent document.

23 So generally we allow about 30 days for public
24 comments. Any public comments that staff receives, written
25 public comments on the PSA, are then addressed in writing in

1 the final staff assessment.

2 Whenever staff publishes a document like the
3 preliminary staff assessment or the final assessment it is
4 submitted to our docket unit, logged in the official files,
5 if you will. And later when we enter the next item on the
6 slide above, evidentiary hearing process, staff then submits
7 documents from the docket log as evidence.

8 So during the evidentiary hearing decision process
9 the committee will hold evidentiary hearings. And
10 essentially the applicant is free to agree with staff's
11 conclusions in the document or disagree and make their own
12 case. For example, staff may conclude in the staff
13 assessment that there are significant impacts to water
14 resources. The applicant may disagree. And we both have an
15 opportunity during these hearings to make our case to the
16 committee. And the committee will then take that evidence
17 and testimony under consideration and they will issue what's
18 called a presiding members proposed decision. We also refer
19 to it as a PMPD. That decision document is published, made
20 available to the public, and public comments are solicited.

21 Following the PMPD -- the PMPD will go to the full
22 commission for a decision. The full commission is free to
23 adopt the PMPD as is or modify it or reject it.

24 The next slide please.

25 So here is essentially a flowchart of the process

1 that I just described. On the left you will see parties
2 that are involved and at what stage we are. You see the
3 dotted line across the screen. The AFC has been accepted.
4 Discovery has started. We're in the that second ink bar.
5 And we've -- we've filed the issues ID report. And we will
6 be filing our data request this week, which will be our
7 first round to request information from the applicant. So
8 being that I've just walked through this process, we'll move
9 to the next slide.

10 One of the things that we do in the environmental
11 document is to make sure that the project complies with
12 laws, ordinances, regulations and standards, which we refer
13 to as LORS. The project must comply with LORS at the end of
14 the day. So we will be sure to condition it or modify the
15 project to the point where it does comply.

16 In the engineering and environmental analysis the
17 core to that process is to identify environmental impacts
18 and mitigation measures that can reduce those impacts to
19 levels that are less than significant. That process also
20 includes evaluating alternatives to the proposed project
21 that can also avoid or lessen environmental impacts. It's a
22 key requirement of CEQA that the decision makers are
23 presented with feasible alternatives to what's being
24 proposed in front of them.

25 And through our process, the Energy Commission,

1 our mitigation measures essentially are what we call
2 conditions of certification. So in the environmental
3 document generally each technical section will have its own
4 list of conditions that either mitigate the impacts from
5 staff's point of view or will bring the project into
6 compliance with LORS.

7 Facilitate public and agency participation. I
8 mentioned earlier, we work closely with local, state,
9 regional, and federal agencies to ensure that we have a
10 consistent review. The air district, for example, will
11 issue their own permit, but our staff works closely with
12 them to evaluate impacts on air quality.

13 Lastly, in the final staff assessment staff also
14 generally makes a recommendation to the committee whether or
15 not we think the project should be approved as proposed or
16 approved with modifications or the project should be denied.
17 It's important to point out that whatever recommendation
18 staff makes it is just that, a recommendation. At the end
19 of the day the committee makes the decisions, and the full
20 commission following them. And that also goes with -- that
21 goes for the final staff assessment. We may determine that
22 there's an impact or a mitigation measure is proper, but the
23 committee is free to reach their own conclusion.

24 Next slide please.

25 So this is -- once again, this slide talks about

1 the evidentiary hearing and decision process. We do conduct
2 hearings. The PMPD is issued. The PMPD is mandated to
3 contain certain findings, and those findings are just
4 highlighted on this slide here, the environmental impacts,
5 impacts to public health, and compliance on the engineering
6 side, compliance with LORS. And the most important thing
7 is -- well, one of the most important things is the
8 committee -- the PMPD recommends whether or not the project
9 should be approved. That's followed by the final decision.

10 And if the project is approved and it goes to
11 construction, then the Energy Commission monitors the
12 project through its compliance unit. And there's a pretty
13 arduous process to comply with all the conditions of
14 certification. And then we monitor the project through the
15 life of the project and do regular site visits.

16 HEARING OFFICER RENAUD: If I may here, I'll step
17 in. I'll just give you a little more detail about what the
18 hearing process is like. As the hearing officer, I
19 participate in these hearings along with one or both
20 commissioners. They're about the closest thing to court
21 that we have. It's not court. It's an administrative law
22 proceeding. But we have witnesses. We have people sworn in
23 under oath. We have stenographic reporting. And we have
24 lawyers asking questions and cross-examining witnesses. And
25 all of this is designed to get all the evidence into the

1 record, the applicant's evidence, as well as staff's and any
2 interveners, it all gets put into the record through the
3 evidentiary hearing process.

4 A lot of this environmental analysis, of course,
5 is done by scientists and so some of the scientists become
6 the witnesses. And the scientists go to court and can be
7 questioned and cross-examined. And we make sure the
8 evidence is fully tested and everyone has a full opportunity
9 to explore the opinions of the -- that are set forth in the
10 -- in the various evidentiary documents.

11 So as a result of the evidentiary hearing process
12 we wind up with an extensive record. And the record is set
13 forth in the docket, which is contained at the Energy
14 Commission and can be viewed either there or on the
15 commissioner website. It's typically hundreds of documents.
16 It can run to thousands of documents.

17 The decision, the PMPD that's issued by the
18 committee is based on that record and only on that record.
19 It can not be based on anything that's not in the record.

20 And in connection with that we have a rule which
21 is called the ex parte rule. And what it requires, again,
22 is that all discussion about the project involving the
23 decision makers take place on the record in a public forum,
24 such as this one, so that -- so that's in the record and can
25 become part of the decision, if needed. So we require thus

1 that any communications with the committee, that is with the
2 decision maker, be done in a public setting or public forum
3 or recorded in a document and placed in the docket. That
4 way we make sure that there is no question that the entire
5 hearing and evidentiary process has been open, above board,
6 transparent, and so forth.

7 The process, as Eric said, the timeline is a 12-
8 month process. Often there are delays in getting
9 information and so on, which can end up with the process
10 taking longer than 12 months. In other cases, if everything
11 goes smoothly it's 12 months or less. At any rate, the
12 outcome is the presiding members proposed decision, which
13 then is released to the public and there's a comment period.

14 And then we hold another hearing which members of the
15 public can come and question and discuss the PMPD with the
16 commissioners.

17 So I think now we have a presentation from the
18 Energy Commission Public Adviser, represented today by Lynn
19 Sadler, who will describe the ways that the public can
20 participate in our process.

21 MS. SADLER: Next slide. Next. Next.

22 MR. SOLORIO: It's not working.

23 MS. SADLER: Testing.

24 MR. SOLORIO: Once again.

25 MS. SADLER: Test. There we go. Okay.

1 I'm Lynn Sadler. I'm the assistant public
2 adviser. And the public adviser at the Energy Commission is
3 an independently appointed attorney whose job is to help the
4 public understand this process. You've just heard a little
5 bit about it and it's -- it could be sort of overwhelming if
6 you wanted to participate. And the public adviser also
7 recommends the best ways to become involved, and also then
8 assist the public during this process in being successful in
9 the proceedings.

10 Next slide please.

11 So to start with one of the things that the public
12 adviser does is outreach to the public. We send notices to
13 city and county officials from the area, Native American
14 governments, and then broad categories of civic leaders and
15 schools and hospitals, leaders in the community that might
16 care about this.

17 We also purchased advertisements in English and in
18 Spanish in this particular case but in other neighborhoods
19 it might be just in English or it might be in English and
20 some other language. And we also request public service
21 announcements on websites from different groups. And we
22 also contact local television and radio, as we have here
23 today, and we do that in both English and Spanish in this
24 particular case.

25 Next slide please.

1 So there are two ways that the public can get
2 involved. The first level is the easiest, and that's just
3 going what's called public comment. And that is verbal
4 comments at public meetings. And if you want to make a
5 comment there's blue cards in the back, and we ask you just
6 to fill that out and we give it to the hearing officer, and
7 then you make your -- they'll call you up to make your
8 comments, or you can provide written comments or statements
9 that are sent to the dockets unit. You can also send them
10 to the public adviser's office and we'll send them to the
11 docket's unit, if you like.

12 Public comment is considered by the commissioners
13 and it's part of the record, but it's not considered
14 evidence and it can't be the sole basis of a decision. So
15 if you would like to become more involved -- next slide
16 please -- you might want to go to the second level of
17 participation which is called intervening. And if you would
18 like to intervene you file a petition to the commission
19 asking permission to intervene, and if you're approved you
20 become a party to this proceeding. And that word, party,
21 has a lot of really fun meanings.

22 In this particular case what it means is that you
23 have as an intervener the same rights and responsibilities
24 as staff and the applicant. You become a peer in this
25 process. You do not need to be or have an attorney to

1 intervene, but it is helpful to have the public adviser's
2 office, the public adviser specifically who is an attorney,
3 help you with this process because it is a little bit
4 confusing if you've never done it before.

5 And one of the things that the public adviser's
6 office encourages folks to do is intervene as early in the
7 case as possible. So if you're interested in intervening
8 and you think you might want to do that, please let me know
9 on your way out. I won't hold you to it, but it just gives
10 us a sense of how to proceed.

11 Next slide please.

12 So the things that you can do are sign up to
13 receive notice of upcoming events. If you signed in on the
14 back table and gave us your email we'll sign you up on the
15 list serve for you so that you'll get information as it
16 becomes available, or you can go to the website and sign up
17 yourself. You could submit written comments, provide oral
18 comments. You can attend public events like this. You can
19 do that in person, by WebEx, or by conference call. Non-
20 English speaking participants are welcome. And we also make
21 special accommodations for people with disabilities. We
22 work very hard to make sure as many people as possible that
23 want to can participate.

24 So the most important thing to know is that is the
25 website. That's what it looks like. Over on the left side

1 there's a quick link called Public Adviser's Office, and
2 under that you can find all kinds of information. You can
3 find a guide that's on paper, it's this thick, and it tells
4 you every step of the way and has samples of -- of forms
5 that you would need if you were an intervener. I think if
6 you really felt like it you could probably find any
7 information you needed about participating. Or you can
8 simply find our phone number or email address and notify us.

9 Next please.

10 So if you'll notice on this particular page, over
11 on the right it says List Serve. And that's the most
12 important little section of that web page where -- you know,
13 that's where you sign up so that you can get notice when
14 documents become available and you can read them, and it
15 also lets you know when hearings are scheduled, the address
16 for listing in a WebEx, conference calls, whichever.

17 Next slide please.

18 (Conference call telephone rings.)

19 MS. SADLER: That's not a good sign, I don't
20 think.

21 So Jennifer Jennings is the public adviser. I'm
22 the assistant public adviser. We're there to help you, and
23 please give us a call. Thank you.

24 HEARING OFFICER RENAUD: All right. Thank you.
25 Are there any questions of the public adviser? All right.

1 Before we hold one of these informational hearings
2 we ask the committee asks the staff to prepare an issues
3 identification report, which is a document giving kind of
4 staff's first impressions from review of the AFC, what
5 issues the staff sees might become controversial. It's by
6 no means limiting, but this is kind of the first impression.
7 So I'll turn it over to Eric to describe the issues
8 identification report.

9 MR. SOLORIO: Thank you, Raoul. I actually have
10 similar information, some of it similar, some of it
11 different than what Lynn just went over. But that precedes
12 the issue ID slides that I'll -- that I'll get to. So I'm
13 going to just elaborate a bit on the public participation
14 and sources of info.

15 So again, the public process is open. One of the
16 primary venues for participation is workshops and hearings
17 like this hearing today. Those hearings are typically
18 noticed. We try to notice about 14 days in advance. The
19 regulations require a minimum of ten days. We also have
20 mailing lists. You can add your name to the mailing list
21 and get notified of any notice that goes out, or the list
22 server that's noted on the slide, as well.

23 I'd like to also just mention that there are hard
24 copies of the PowerPoint presentation in the back on the
25 table. So all the contact information is there.

1 The application for certification is available at
2 the libraries listed on the slide. Essentially, they are
3 all the libraries we could find in the area, San Diego, Otay
4 Mesa, Nestor Branch, Lincoln Acres Branch, Eastlake Branch,
5 Civic Center Branch in Chula Vista, South Chula Vista
6 Library, and Bonita Sunnyside Branch.

7 The project documents are available on the project
8 web page in the Energy Commission's website. And also at
9 the docket's unit, they have every document that's filed in
10 the case. You can contact them directly. I will make every
11 effort to post all of the documents that are filed with the
12 docket unit on our project website.

13 Next slide please.

14 This is the page for the Pio Pico Energy Center.
15 One of the slides I think the public adviser showed you was
16 generally the power plant program slide. But if you select
17 this project it will take you to this page. On the top left
18 where you see the gray column, the gray tabs on the left,
19 Project Proceeding, one of those tabs in the middle says
20 Documents and Reports. If you click on that tab that will
21 take you to a bunch of links to the PDFs of all the
22 documents in this case.

23 Go to the next slide.

24 So the public participation methods are to submit
25 a written comment, either on the AFC that's been filed or

1 the process, anything you may be concerned with. Become a
2 formal cooperating agency; that's really for other agencies,
3 not necessarily members of the public. But as the public
4 adviser mentioned, you can provide oral comments at public
5 meetings. I'll kind of skip to the last bullet.

6 I recommend if you really want to make your voice
7 heard file a written comment on the staff documents, either
8 the PSA or the FSA, that's -- that would be the final staff
9 assessment. If you file a written comment on the
10 preliminary staff assessment we're required to address your
11 comment in writing in the final staff assessment. So it may
12 make you feel like your comment was actually heard and
13 addressed if you submit it in writing.

14 Participation at public workshops, again, you can,
15 you know, step up to the microphone during these workshops
16 and ask whatever questions you want.

17 The intervener process, the public adviser already
18 addressed that.

19 Next slide please.

20 So staff's issues identification report, the
21 hearing officer just spoke of that, it's to inform
22 stakeholders of potentially significant issues that staff
23 believes we're likely to encounter in the project. And it's
24 also meant to provide early focus for stakeholders to
25 address those issues, as well as the applicant, of course,

1 trying to get ahead of them. The issues identification
2 report is not limiting. Staff and other cooperating
3 agencies, sister agencies that we were working with, or
4 stakeholders may identify other additional significant
5 issues as the process moves forward.

6 Generally the criteria that we use to establish
7 whether that issue needs to be identified as significant is
8 whether or not it results in an impact that may be difficult
9 to mitigate, whether or not it -- the project may not comply
10 with one of the LORS I mentioned earlier, and then,
11 additionally, conflicts that may arise between parties about
12 the appropriate finding for conditions. We may just have a
13 disagreement from the very start on a conclusion of whether
14 it's an impact or a mitigation measure. And these are the
15 kind of things we want to point out to not just
16 stakeholders, but also to the committee that's presiding
17 over the case.

18 The next slide please.

19 So this project so far has been relatively clean,
20 so to speak, in that we only have two issues that we've
21 identified after reviewing the application for
22 certification. Those two issues are in the areas of water
23 resource and transmission system engineering.

24 Next slide.

25 So with water resources staff's concern is

1 essentially the timing of the Otay Water District being able
2 to install the recycled water pipeline that the project is
3 proposing to get their recycled water from. So we wanted to
4 point that out now because it does bring a certain level of
5 uncertainty into the process in our review. We have
6 contacted the water district and we are in the process of
7 setting up some conference calls and meeting with them to
8 start addressing that issue agency to agency.

9 Next slide.

10 Transmission system engineering. I want to note
11 that this issue has been resolved since the issues ID report
12 was filed, but I'll go ahead and -- since we're here, and
13 the report has been docketed and posted to the web, I'll
14 address it. So when the application for certification came
15 in it did not include a copy of the Phase 1 study. And
16 generally, for members of the public, that study looks at
17 the additional load this power plant would add to the
18 transmission grid and impacts to the network that would
19 result from that, and not just impacts but what upgrades are
20 required to address those impacts. So that information is
21 contained in the Phase 1 study. I understand that Phase 2
22 is underway right now.

23 In order for staff to do a proper CEQA analysis
24 it's important for us to know if there's going to be a need
25 to add new transmission towers somewhere on the grid or a

1 re-conductor somewhere, etcetera, in order for us to address
2 those environmental impacts that might arise from those
3 improvements. The applicant has since filed comments on
4 staff's issues ID report, and they plan to file the Phase 1
5 study next week with an application for confidentiality. So
6 the issue has been resolved from our standpoint.

7 Next slide.

8 So this is staff's proposed schedule. And again,
9 we are following our 12-month permitting process. You can
10 see the schedule begins with the AFC being determined to be
11 data adequate on April 20th, which took place at the
12 business meeting. And this takes us essentially through two
13 rounds of data requests and a workshop or two. And then
14 we'll be publishing our preliminary document and the final
15 document. And I have confirmed with the San Diego Air
16 Pollution Control District and they have provided us with
17 the preliminary determination of compliance, as well as the
18 final, according to these timelines.

19 The to-be-determined items 16 through 20 are left
20 that way because those are out of staff's control and up to
21 the hearing officer and the committee to decide.

22 But that's it for the schedule.

23 HEARING OFFICER RENAUD: Yeah. And as I
24 indicated, we came for 12 months or less, which would get us
25 into next April. And assuming staff and the applicant can

1 hold to that schedule that's what we would do.

2 I think Commissioner Peterman has some questions
3 about issues in the case for applicant and for staff. So
4 let's go back and discuss some of those.

5 COMMISSIONER PETERMAN: Thank you. One question
6 pertaining to -- I noticed that there are some private
7 prisons around the site. And to -- how are they considered
8 in terms of sensitive receptors? Are they considered the
9 equivalent to residential?

10 HEARING OFFICER RENAUD: Come forward, sir.

11 COMMISSIONER PETERMAN: Also, if staff has a
12 response as well, that's fine.

13 MR. SOLORIO: Well, I just want to add some
14 clarification, and that is that there are two state prisons
15 nearby and one planned private prison that will come.

16 COMMISSIONER PETERMAN: Thank you for the
17 clarification.

18 MR. JENKINS: I apologize, Commissioner. I'm not
19 really quite sure how we considered the state and the local
20 prison. I will say that we did not consider the to-be-
21 planned prison because it's not in existence. That was the
22 one that's planned for across, to the north.

23 MS. FOSTER: And I would like to add to that that
24 the nearest sensitive receptors are the residences that are
25 approximately a mile -- single-family or small residences

1 about a mile from the site. And the two prisons are further
2 away from the proposed site than those residences.

3 HEARING OFFICER RENAUD: I noticed the gentleman
4 back here in the yellow shirt -- I'm sorry, blue shirt,
5 nodding vigorously in answer to the question. I -- did
6 you -- would you care to speak up on this? Introduce
7 yourself.

8 MR. HILL: Hi. My name is Steve Hill, and I'm
9 with Sierra Research. We are the environmental consultants
10 who prepared the risk assessment.

11 Let me clarify. The answer is a little bit more
12 than just to consider a sensitive receptor or not. All
13 residential receptors are considered to be sensitive
14 receptors. We estimated the impact at the point of maximum
15 impact, which is a bit distant from the facility actually.
16 The residences -- the nearest residences were identified.
17 The prisons were not included as nearest residences. And
18 then the impacts were calculated at all of the -- all of the
19 locations in the vicinity, including the prisons. So
20 they've been treated as -- in the same way as any other
21 residential receptor would be.

22 MR. JENKINS: Thank you, Steve.

23 COMMISSIONER PETERMAN: Thank you. That
24 clarification helps. And again, just to reiterate my point
25 earlier, I was interested in learning more about what

1 sensitive receptors there might be across the border but
2 within three miles. Is that something staff will be looking
3 at?

4 MR. BELL: I'm sorry, ma'am. Could you repeat
5 that question?

6 COMMISSIONER PETERMAN: I'm interested in all
7 sensitive receptors within our three miles. And so one
8 question I have is if sensitive receptors across the border
9 in Mexico would also be considered in your staff analysis?

10 MR. BELL: That's certainly something that staff
11 is going to take a look at as the information becomes
12 available, yes.

13 COMMISSIONER PETERMAN: Thank you.

14 HEARING OFFICER RENAUD: I'll just add, I think
15 the question of impacts, environmental impacts, and
16 particularly public health impacts within a three mile
17 radius of the project are always of interest to the
18 committee and to the full commission. And whether they are
19 occurring in this country or in a neighboring country,
20 they -- the committee will need -- will want to hear either
21 if those impacts were considered or that there is some legal
22 reason that they can not or should not be.

23 COMMISSIONER PETERMAN: Well said.

24 HEARING OFFICER RENAUD: All right. Thank you.
25 Okay.

1 Well, it's -- it happens to be 5:15. I think
2 we're -- oh, okay. Let me -- one more thing.

3 We -- of course, the proposed schedule is also
4 something the committee asks the staff to prepare for this
5 hearing. But we also asked the applicant to prepare a
6 response to the issues identification and to the schedule.
7 I'm wondering if the -- the applicant has -- wants to say
8 anything in response to either or both copies.

9 MR. JENKINS: Well, regarding the issue number two
10 on the transmission, I think Eric spoke very, very well the
11 impact. We do plan to file that Phase 1 report under a
12 confidential status next week, so I think that will resolve
13 that.

14 In regard to the water, I want to make it clear
15 that we don't know for sure that the recycled water will not
16 be available. And I think that staff is likely looking at
17 that as if we have planned for the potential if it's not.
18 We're working very diligently with Otay Water District to
19 get resolution around this and would recognize it as --
20 certainly as a legitimate concern.

21 As for schedule, I believe the schedule as
22 presented by staff fits in very nicely, fits in at least
23 adequately, I'd say nicely with the overall project
24 milestone schedule that we have toward the target contract
25 date of May 2014.

1 MR. SOLORIO: Can I just --

2 HEARING OFFICER RENAUD: Sure.

3 MR. SOLORIO: And with regard to the water issue,
4 I just wanted to point out that the AFC proposes to use
5 recycled water, but it notes that it will use -- the project
6 will use potable water until recycled water is available.
7 So the staff is faced with which do you analyze; do you
8 analyze 20 years worth of potable water or, you know, 20
9 years worth of recycled, or both? So that's an issue.

10 In addition to that, the project -- this cooling
11 system is a hybrid system, which means it has some wet-
12 cooling cells. And the commission has dealt with wet
13 cooling, with, we say, potable water being used for wet
14 cooling with a lot of the solar projects that came through.
15 And ultimately the solar projects converted to dry cooling
16 and recycled water. So it's an issue from a policy
17 standpoint, as well as the environmental analysis
18 standpoint. Hopefully we get it resolved.

19 It really seems like more of a financing issue for
20 the district at this point. My understanding is the
21 district has completed its environmental review on the
22 upgrades in terms of installing new water lines. They have
23 construction drawings ready to go out to bid. Right now
24 it's more the timing of financing.

25 And in terms of the schedule that staff has

1 proposed, there are two rounds of data requests there. And
2 so I just want to note that, you know, according to the regs
3 the applicant has 30 days to submit data responses for each
4 data request. So as long as we have timely data responses
5 we should be able to adhere to the schedule and have a final
6 document published at the end of October.

7 HEARING OFFICER RENAUD: Yes. And I'll -- and
8 I'll add to that that the schedule really is very important
9 to the committee. We really do want to get the process done
10 within the 12 months. So we do ask that the parties let us
11 know immediately if there appears to be any problem that is
12 resulting in slippage on that schedule and we'll see what we
13 can do to help you get on track with that. Okay.

14 MR. JENKINS: Very good. Thank you.

15 HEARING OFFICER RENAUD: All right. Well, the
16 committee will issue a scheduling order within the next
17 several days which will set forth the schedule. It will be
18 in the form of an order. That is something that the
19 committee is requiring that the parties abide by. I suspect
20 it will mostly resemble the proposed schedule. And we'll
21 continue to monitor progress towards the meeting of those
22 milestones.

23 Unless there are any further questions from the
24 commissioner or commissioners or advisers regarding these
25 presentations, our -- we noticed the public comment period

1 to begin at 5:15. And so we're in pretty good shape for
2 sticking with that time.

3 We ask the first of the -- Lynn, do we have any
4 members of the public here who have filled out a blue card?

5 MS. SADLER: We do not.

6 HEARING OFFICER RENAUD: All right.

7 MS. SADLER: We have two people on the phone.

8 HEARING OFFICER RENAUD: All right. And we also
9 have telephone participation in most of our hearings,
10 including this one.

11 So let me ask those on the telephone, if you would
12 like to speak now this is the public comment period, please
13 state your name and go ahead.

14 (No response)

15 HEARING OFFICER RENAUD: Apparently not. Okay.
16 You're certainly welcome to listen. We welcome members of
17 the public listening in on our proceedings, as well, and we
18 do provide that also as an opportunity for remote
19 participation. In fact, we've had participants call in from
20 Europe to comment on projects. So it really is a way to
21 widen the involvement in the case.

22 So let me ask now if there's anyone who has not
23 filled out a blue card, anyone here who would like to come
24 up and say anything, government officials, representatives
25 of the applicant, anyone else who's here? Please. Yes.

1 Brendan from the city. Why don't you just take this one
2 from me.

3 MR. REED: Thank you. Again, my name is Brendan
4 Reed, the City of Chula Vista. And thank you again to the
5 California Energy Commission for coming down, and to the
6 South Bay Area for this important hearing.

7 The city will be most likely filing a formal
8 comment letter mainly dealing with visual and air quality
9 impacts to the Otay Valley Regional Park, as well as our
10 residential areas that will be sort of across the Otay
11 Valley.

12 I think one of the key points, though, that we --
13 I did hear today is even though on the drive out to the site
14 we passed a number of other power generating statements.
15 And what's happening is a lot of time we're getting clusters
16 of them in communities. And what's important to, I know,
17 our residents, is that mitigation for those impacts happens
18 locally. Even if it's done in San Diego County, having it
19 done 55 miles away in Oceanside doesn't really benefit our
20 local employees, our local residents that, again, are in
21 South Bay and are dealing with the impacts directly every
22 day.

23 COMMISSIONER PETERMAN: Thank you.

24 HEARING OFFICER RENAUD: Yes. Thank you for your
25 comment.

1 Let me ask once again if we've got anyone on the
2 phone who wishes to speak? Just go ahead and start if you
3 do. No. Okay.

4 Anyone in the room change their mind and want to
5 say something? All right. Yes, yes. Please come forward,
6 sir.

7 COMMISSIONER PETERMAN: Please state your name as
8 well.

9 MR. MARKIN: My name is John Markin, and I'm with
10 the AIMS Corporation as one of the CBO offices in
11 California. And I -- we worked on this Otay Mesa Power
12 Plant over there. And just to mention, the exterior
13 lighting at night partly was an issue that got resolved
14 there. But the existing prisons, the lights from those
15 prisons are much more brighter than anything else in the
16 area. And with the sensitive receptors, I know it was at
17 least two miles from that Otay Mesa Plant to the border, but
18 you're talking three miles. But I'm just trying to help
19 there. That was it.

20 HEARING OFFICER RENAUD: Great.

21 COMMISSIONER PETERMAN: Thank you very much.

22 HEARING OFFICER RENAUD: Great. Thank you for
23 your comment.

24 Anyone else? Sir.

25 MR. WICK: My name is David Wick. I represent the

1 property owner on which the site is going to be built. And
2 as you noticed in your field trip out there today, we're
3 doing a lot of construction in the area. And I wanted to
4 address the recycled water line that we chatted about a
5 moment ago. That's a 24-inch line that goes from the top of
6 O'Neal Canyon which is about a half mile north of the
7 intersection of Calzada De La Fuente and Alta Road. We have
8 just finished building that line, and we're in the process
9 of getting it accepted by Otay Water District. We are in
10 the process of entering into a reimbursement agreement with
11 the Otay Water District to extend that line from that corner
12 of Calzada De La Fuente and Alta Road further south a
13 quarter-of-a-mile to Paseo De La Fuente. And so that will
14 probably be done, built in the ground by February of 2012.

15 Now the rest of the line goes all the way to Sanyo
16 Road (phonetic). It goes all the way down to Alta Road and
17 Otay Mesa Road, then west to Sanyo Road, and then down Sanyo
18 Road to Airway. That's the part that the Otay Water
19 District currently forbids to award that contract.

20 I would hope that the applicant can work with Otay
21 Water District. And I'm sure that they would be amenable to
22 charging the line down to Paseo De La Fuente, pending the
23 balance of the line being built since that portion has been
24 built by us in the present time period. So the plant
25 actually will physically have recycled pipe 24 inch in the

1 ground in front of it. It's just depending on the Otay
2 Water District charging the line up to that point. So I
3 just wanted to bring clarity to the issue.

4 COMMISSIONER PETERMAN: Thank you very much.

5 HEARING OFFICER RENAUD: Thank you very much.

6 Anyone else? No more comments? All right.

7 Well, the final thing on our agenda would -- to
8 see if Commissioner Peterman has any closing remarks.

9 COMMISSIONER PETERMAN: Thank you all for your
10 participation and for your -- especially the public, for
11 your comments. And we look forward to working with you
12 throughout the schedule and through the next phases of this
13 project and this hearing.

14 MR. LEMEI: And I just wanted to say briefly on
15 behalf of Commissioner Douglas that she also looks forward
16 to participating in this process and regrets not being able
17 to be here today. We'll be working with this case
18 attentively and look forward to engaging in all of it with
19 all of you. Thank you.

20 HEARING OFFICER RENAUD: All right. Thank you.

21 And this meeting is adjourned.

22 (Thereupon the California Energy Commission,
23 Pio Pico Energy Center Informational Hearing
24 Adjourned at 5:26 p.m.)

25

CERTIFICATE OF REPORTER

I, MARTHA L. NELSON, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Informational Hearing; that I thereafter transcribed it into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of May, 2011.

MARTHA L. NELSON - CERT 00367

CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

May 18, 2011

MARTHA L. NELSON - CERT 00367