STATUS CONFERENCE

BEFORE THE

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT

COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the:	)	
	)	
Application for Certification for the Hidden Hills Solar Electric Generating System	)	Docket No. 11-AFC-02
	)	
	)	

California Energy Commission
DOCKETED
11-AFC-02
TN # 2879
SEP 19 2012

CALIFORNIA ENERGY COMMISSION

HEARING ROOM A

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

MONDAY, JUNE 4, 2012

1:00 p.m.

Reported by:
John Cota
Contract No. 170-09-002

COMMITTEE MEMBERS PRESENT

Karen Douglas, Presiding Member

Carla Peterman, Associate Member

HEARING OFFICER, ADVISORS PRESENT

Kenneth Celli, Hearing Officer

Jim Bartridge, Advisor to Commissioner Peterman

Galen Lemei, Advisor to Commissioner Douglas

Eileen Allen, Commissioners' Technical Adviser

CEC STAFF PRESENT

Richard Ratliff, Staff Counsel

Kerry Willis, Staff Counsel

Mike Monasmith, Project Manager

OFFICE OF THE PUBLIC ADVISER

Jennifer Jennings, Public Adviser

APPLICANT

Jeff Harris, Attorney
Ellison, Schneider and Harris, LLP

Clay Jensen
BrightSource Energy

Susan Strachan
Strachan Consulting, LLC

INTERVENORS

Ileene Anderson (via WebEx)
Center for Biological Diversity

Jack Prichett (via WebEx)
Old Spanish Trail Association

Cindy MacDonald (via WebEx)

ALSO PRESENT

Dana Crom
Joshua Hart (via WebEx)
County of Inyo

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

2 1:09 p.m.

3 PRESIDING MEMBER DOUGLAS: Good afternoon and
4 welcome everybody to the status conference for the Hidden
5 Hills Solar Energy Generating Systems Project. I am the
6 Presiding Member in this case and we are joined by
7 Commissioner Peterman who is next to the Hearing Officer.
8 Hearing Officer Ken Celli is on my left, Commissioner
9 Peterman to his left, and Jim Bartridge, Commissioner
10 Peterman's advisor is to her left. My advisor, Galen
11 Lemei, should be joining us shortly.
12 I wanted to see quickly, are there any -- well,
13 let me ask the parties to introduce themselves starting with
14 the applicant.
15 MR. HARRIS: Good morning, this is Jeff Harris on
16 behalf of the applicant.
17 MR. JENSEN: Clay Jensen on behalf of BrightSource
18 Energy.
19 MS. STRACHAN: Susan Strachan, permitting
20 consultant for BrightSource Energy.
21 PRESIDING MEMBER DOUGLAS: Thank you. And staff?
22 MR. RATLIFF: Dick Ratliff, staff counsel. With
23 me is Mike Monasmith and Kerry Willis, who is also staff
24 counsel.
25 PRESIDING MEMBER DOUGLAS: Thank you. And then

1 from the intervenors. For the intervenors, Jon Zellhoefer,
2 are you on the line?
3 (No response.)
4 PRESIDING MEMBER DOUGLAS: Old Spanish Trail, Jack
5 Prichett?
6 MR. PRICHETT: Yes, I am on the line.
7 PRESIDING MEMBER DOUGLAS: Great. And I think we
8 verified that Ileene Anderson is on the line?
9 MS. ANDERSON: Yes, that's correct.
10 PRESIDING MEMBER DOUGLAS: Great, thank you.
11 MS. ANDERSON: Good afternoon.
12 PRESIDING MEMBER DOUGLAS: Thank you. Good
13 afternoon to you. Are there any representatives of public
14 agencies on the phone or in the room today?
15 (No response.)
16 MS. CROM: Dana Crom, Deputy County Counsel, Inyo
17 County. And Joshua Hart, Planning Director for Inyo County
18 is on the phone.
19 PRESIDING MEMBER DOUGLAS: Thank you. And
20 intervenor Cindy MacDonald, are you participating today?
21 (No response.)
22 PRESIDING MEMBER DOUGLAS: It doesn't sound like
23 it. Okay. The Public Adviser is in the room, Jennifer
24 Jennings, and we will -- I guess maybe when she gets on the
25 phone, the intervenor, can identify herself. Or we can

occasionally give her a chance to note that she is here.

Anyway, with that I will turn this over to the Hearing Officer.

HEARING OFFICER CELLI: Thank you, Commissioner Douglas, and good afternoon, Commissioner Peterman. Kenneth Celli on behalf of the Committee. Today's status conference on the proposed Hidden Hills Solar Energy Generation Systems was scheduled in a notice dated April 18th, 2012.

The purpose of today's conference is to hear from the parties regarding the status of the Hidden Hills Solar Energy Generating System, or HHSEGS as we call it. We are going to ask about the status of the Application for Certification, which we refer to as an AFC and to help resolve any procedural issues as well as to assess the scheduling of future events in this proceeding.

We will first provide the applicant an opportunity to summarize their view of the status of the case and scheduling, followed by staff, followed by Intervenor Zellhoefer if he calls in. Actually today we are going to go a little bit out of order at the request of Mr. Prichett so we will handle the cultural first and see if he has any questions or comments and then we will -- so he can leave early. And then we'll hear from Intervenor Zellhoefer, the Center for Biological Diversity, which is Ileene Anderson today, and if Cindy MacDonald calls in then we'll hear from

1 Cindy MacDonald. And then after we go around and hear from
2 all of the parties on the status of the case we will open up
3 the podium and the phones for general public comment.
4 The Committee acknowledges that staff published
5 the PSA on 5/24/12, that's May 24th, which was a week
6 earlier than their projected June 1st, 2012 publication
7 date. So I want to thank Mr. Monasmith and the staff for
8 getting the PSA out on time, we greatly appreciate that.
9 The PSA was complete except for the cultural section, which
10 is due out on June 15th.
11 And the Committee will want to know whether the
12 FSA is on track for August 1st, 2012 and we will hear from
13 staff about that in a moment.
14 We received status reports from the applicant and
15 staff and Cindy MacDonald. The applicant's report indicates
16 a resolution of a number of cultural issues pending comments
17 from staff.
18 Staff reported that the issues regarding
19 development along Tecopa Road were resolved, but Cindy
20 MacDonald disagreed with that in her status report. Staff
21 also indicated that the parties were unable to achieve
22 complete resolution of Inyo County's concerns so we are
23 grateful to have Dana Crom here today and we'll hear about
24 that. The Committee is very interested in hearing more
25 about all these issues.

1 And we also received the PSA and the Committee
2 would like to hear from staff whether the unmitigable
3 impacts so far which were declared in Traffic, Land Use and
4 Visual, may change subject to further negotiation as well as
5 the status of unresolved matters in Biology, Socioeconomics,
6 Worker Safety, Fire Protection and TSE, Transmission Systems
7 Engineering. So with that we will hand it over first to
8 Mr. Harris for the applicant.
9 MR. HARRIS: Thank you, good morning. Appreciate
10 the opportunity to be here. I love these status
11 conferences; you can see my prior comments on that. It's a
12 great opportunity to see you folks. Appreciate the chance
13 to be before the Committee.
14 We can address individual questions about issues.
15 I thought I'd just kind of give you a quick update on where
16 we are in our review of the Preliminary Staff Assessment,
17 which is out.
18 So not surprisingly, we are currently reviewing
19 the PSA. The one thing I can say for certain is that it is
20 long. It's 1159 pages long. I guess I do have to comment
21 that the length of some of the conditions, to me, is
22 surprising, having done this for about 20 years. I think
23 the Bio conditions alone run 49 pages single spaced. It
24 used to be unusual to see conditions that were even a page
25 long and I think what we have seen now is sort of a massive

1 reversal of that trend. And that's something that looks to
2 be of concern to us. Very prescriptive, lots of detail. We
3 are going to want to talk to staff about some of those
4 conditions for sure.
5 I said it's 1159 pages, but it's still growing, as
6 you know. The cultural section is still outstanding. We
7 are actually still waiting to hear back from the cultural
8 staff regarding the results of the response to Data Requests
9 127 and 128, and specifically the concurrence of the staff
10 about one of the sites, whether it's culturally significant.
11 That's a really critical piece of staff feedback
12 we need because that will determine whether the switchyard
13 and the gas line return to the common area or whether they
14 would go to the new area in Nevada. We are really agnostic,
15 and if anything, probably have a slight preference for that
16 to be back in the common area. But be that as it may, we
17 still need the staff's feedback on that. So in addition to
18 the document outstanding we still need some substantial
19 feedback on that issue.
20 I do want to note the result here is that we have
21 a bifurcated PSA. The lagging item in this case hopefully
22 didn't drive the entire schedule but it certainly had some
23 effect on the schedule for sure. We had sort of very
24 sheepishly, and that's probably reflected in the transcript,
25 suggested the possibility of bifurcation but didn't push

1 hard on that because we know that that was not the
2 Committee's preference and we appreciate that.
3 But that's where we did end up. We ended up with
4 a bifurcated PSA and I'm glad to report that the world did
5 not end. I'll give Mr. Ratliff a chance later to rebut that
6 and maybe suggest that the bifurcated PSA resulted in the
7 solar eclipse we had two weeks ago. But other than that the
8 world seemed to go forward with the bifurcated PSA. I think
9 that's an important data point for the Committee for future
10 consideration.
11 Some of the sections are reportedly in good shape,
12 and I use "reportedly" decidedly there. I have not read all
13 of the sections, as you might imagine at this point but
14 several of our folks have. It might even be the majority of
15 them are in good shape. And by that I don't mean we accept
16 them, the analysis or the conditions, but I think they are
17 in relatively good shape and won't take a lot of time to go
18 through. And one member of our team in particular has given
19 us a very good report on a lot of the sections that you
20 would expect to be sort of non-contro -- but that review is
21 ongoing as well.
22 Other sections of the PSA are going to require
23 extensive dialogue with staff and the other parties. We're
24 looking forward to that dialogue. We're hopeful that we can
25 reach understanding on some of these issues but there is a

1 long way to go on several of the sections.
2 I think I'll stop with the PSA at that and just
3 make ourselves available to answer any questions you might
4 have.
5 HEARING OFFICER CELLI: Thank you. Staff, the
6 first question is how are we doing on the June 15th date and
7 how are we doing on the August 1st date as well? Go ahead,
8 Mr. Ratliff.
9 MR. RATLIFF: Dick Ratliff, staff counsel. I am
10 told that we are going to meet the June 15 date for the
11 Cultural Resources section and I have no new information
12 about the August 1st date. I think it's a very, a very
13 aggressive date to try to meet given the kinds, the nature
14 of the issues in this case. But that is still the date that
15 we will try to put out that document.
16 HEARING OFFICER CELLI: Thank you. Any further
17 comment from the staff at all regarding the PSA? Any
18 further information the Committee needs?
19 MR. MONASMITH: Just to -- Mike Monasmith, Project
20 Manager. Just to let you know that as far as public comment
21 periods go, the PSA public comment period will conclude on
22 July 6th. And then the SSA, the Supplemental Staff
23 Assessment, which will be the document that comes out on the
24 15th of June which will contain the Cultural Resources Staff
25 Assessment, that will have its own 30 day comment period

1 which will conclude on July 16th.
2 So we will have all response to comments by mid-
3 July and then obviously striving to respond to those
4 comments, updating the sections and meeting the August 1
5 Final Staff Assessment publication goal deadline that we set
6 for ourselves and we continue to adhere to.
7 HEARING OFFICER CELLI: Thank you.
8 MR. RATLIFF: Two additional things, if I may.
9 HEARING OFFICER CELLI: Go ahead.
10 MR. RATLIFF: First of all, we are aware that
11 Ms. MacDonald has filed a number of comments that we have
12 not responded to but we intend to. Right now our intent is
13 to respond in the FSA.
14 Secondly, regarding the length of the document and
15 the length of the conditions. The staff is trying to gain a
16 capacity for succinctness and we are going to work on that.
17 This document in some cases is too long, we realize that,
18 and could be shorter. Part of the reason it is not as
19 short, or it is as long as it is I should say, is because of
20 the effort to get it out, it reduced the amount of time that
21 we had for editing. So there's always a crossover between
22 the -- I think the quality of a document and the time in
23 which everything has to be pulled together.
24 So I think -- we hope to improve in that regard.
25 The time lines on the FSA don't allow me to promise that we

1 will. But it also is worth bearing in mind that this is a
2 very large project with a great number of rather complicated
3 issues. It is not a 300 megawatt gas-fired power plant on a
4 24 acre site in an industrial area that has a fairly
5 restricted number of issues. It has a great number of
6 issues, some of which are rather novel and which we are
7 still trying to get a good understanding of. This increases
8 the complexity of the staff's task and the length of any
9 analysis that it does.
10 And secondarily, the conditions reflect that as
11 well. And we can improve on those conditions I know and so
12 the point is well-taken. But often the conditions gain
13 complexity by virtue of the fact that the staff is trying to
14 provide conditions in a framework where it is important to
15 avoid deferred mitigation in the process of doing those
16 conditions. And often this adds to the complexity and
17 length and verification procedures for the conditions. And
18 I think you should keep that in mind when you hear the
19 criticism about staff's lengthy document.
20 HEARING OFFICER CELLI: Thank you for those
21 comments. I just would say, I'm sure the Commissioners will
22 correct me if I'm wrong, but no one really cares about the
23 length so much as it is an accurate reflection of the
24 understanding of the parties or that it accomplishes the
25 goal of the condition as needed.

1 So I just -- you have got enough standards and
2 hoops you have to jump over. I think we shouldn't just
3 invent one that says, you know, here is an artificial
4 designated length that conditions should be or not. I think
5 that like everything else we do it's case-by-case. We
6 presume that that language is in there because it needs to
7 be, and if not the other parties and the applicant will show
8 us otherwise.
9 With that I am going to skip over to Jack
10 Prichett. Before I do, Jack, let me just ask. Cindy
11 MacDonald, are you on the phone?
12 (No response.)
13 HEARING OFFICER CELLI: Not yet? Okay. Let's
14 hear from Jack Prichett.
15 MS. MacDONALD: Yes I am. Sorry, I had it muted.
16 HEARING OFFICER CELLI: Is this Cindy?
17 MS. MacDONALD: Can you hear me?
18 HEARING OFFICER CELLI: Yes.
19 MS. MacDONALD: Yes, I'm here.
20 HEARING OFFICER CELLI: Thank you for being here.
21 I am going to -- I just wanted to check in and make sure
22 you are here. We are going to hear from Jack Prichett first
23 then we'll come around and get to you next, okay?
24 MS. MacDONALD: Thank you.
25 HEARING OFFICER CELLI: You want to stay in there

1 and only mute your phone if you have a crying baby or a
2 barking dog in the background or something like that, a
3 helicopter passing overhead.
4 MS. MacDONALD: Okay, thanks.
5 HEARING OFFICER CELLI: Thanks. Now, Jack
6 Prichett.
7 MR. PRICHETT: Yes.
8 HEARING OFFICER CELLI: Go ahead, you had some
9 comments.
10 MR. PRICHETT: Yes, one question and one comment.
11 The question is on the notice that I received it said that
12 the Cultural Resources Assessment will be released on or
13 before June 15th. I take it from what Mike Monasmith just
14 said that it probably is going to be June 15th. Is that --
15 should I count on that date?
16 HEARING OFFICER CELLI: I see shaking heads in the
17 affirmative over at staff. Go ahead, Mr. Monasmith.
18 MR. MONASMITH: Yes, that is -- it will be on or
19 before the 15th. We are going to try to get it out earlier
20 that week. We would like to try to release it on Wednesday.
21 But again, that's just a factor of internal review. We are
22 really trying to get it out as soon as possible to increase
23 possible response, comments period, which would then -- the
24 30 day comment period would accord the release. So that it
25 gives us more time to respond to comments in July, which

1 will be a very busy month for us. So we are trying to get
2 it out before the 15th but it will be out by the 15th.
3 MR. PRICHETT: Understand that. I'm just thinking
4 of the 30 day comment period. So if you get it out on the
5 14th or the 13th then the 30 day clock will start right away
6 for the public comment; is that right?
7 HEARING OFFICER CELLI: Yes.
8 MR. PRICHETT: Okay. And my comment is this. As
9 some of you know, I was able to obtain a copy through a non-
10 disclosure agreement of the CH2M Hill report submitted by
11 the applicant on Cultural Resources and mentioning the Old
12 Spanish Trail by name. I have read through that. There is
13 only one mention of the status of the Old Spanish Trail as a
14 National Historic Trail, it's mentioned at one point, and I
15 don't believe there are any mentions of the National
16 Historic Trails Act which established the Old Spanish Trail
17 as a national historic trail. And I based a good part of my
18 case on that law and cited some of the relevant points in my
19 report.
20 So my comment and my request is that I want the
21 staff in their assessment to be sure and address directly
22 and in particular the issues raised by the fact that it's a
23 National Historic Trail and address specifically the
24 provisions and the applicability of the National Historic
25 Trails Act. So you will find the citation of the Act and

1 where to find it online and all that in my report. But I
2 want those issues -- I think they must be addressed
3 specifically and not simply ignored as the applicant did.
4 That is my comment.
5 HEARING OFFICER CELLI: Thank you, Mr. Prichett.
6 And just to keep things in context now. We are -- this is
7 our, I don't know, fifth or sixth status conference that we
8 have had. And a status conference is not an evidentiary
9 hearing. We are going to probably have evidentiary hearings
10 I think in September was the projected time frame. And we
11 will likely have that somewhere down in the area, the
12 vicinity of Tecopa or where the site will be.
13 But it will be important at that time that you
14 submit whatever evidence you have, including the report that
15 you submitted now. So even though it has been docketed and
16 people have read it, I'm sure it's going to be commented in
17 the cultural section, they will comment on it, we haven't
18 taken any evidence as yet. So I just wanted to be clear
19 about that.
20 MR. PRICHETT: All right. Thanks for the
21 clarification.
22 HEARING OFFICER CELLI: And thank you for your
23 participation. Anything further, Mr. Prichett?
24 MR. PRICHETT: No, that's it. And I appreciate
25 your letting me get on early. I do have to get to another

1 meeting but thank you very much.
2 HEARING OFFICER CELLI: Okay.
3 MR. HARRIS: Before he leaves -- I guess I don't
4 want to leave it hanging out there that we didn't address
5 that Act. It is in the AFC. It's in one of the
6 accompanying reports and we'd be happy to point out where
7 that information is. I also find myself in sort of the
8 unusual position of defending the work of somebody in a
9 confidential document so I have to kind of stop. But I
10 guess I take issue with the characterization.
11 HEARING OFFICER CELLI: Noted. And he did
12 acknowledge that there was at least the comment it was
13 acknowledged as a National Historic Trail.
14 You know, you do raise an important point, though,
15 that I hope we can find a way to resolve well before our
16 prehearing conference, which is confidential documents. We
17 want to do everything we can to limit or not have
18 confidential documents in the record at all. It really is
19 problematical with respect to our public process and making
20 a record that we can have a decision that relies on evidence
21 that is in the record. So I'm sure the parties can discuss
22 that but that's a really, that's a point that bears
23 emphasis.
24 So that was Mr. Prichett. Let's go to -- is Jon
25 Zellhoefer, are you on the phone, Jon, Mr. Zellhoefer?

1 (No response.)
2 HEARING OFFICER CELLI: Okay, not hearing anything
3 from Mr. Zellhoefer let's hear from Ileene Anderson with the
4 Center for Biological Diversity.
5 MS. ANDERSON: Yes, thank you. I guess my only
6 comment is I too am wading through the PSA right now and
7 obviously haven't made it all the way through that document.
8 But with regards to the length, as sort of
9 burdensome as it is to go through all those different
10 sections, you know. I want to acknowledge as well that, you
11 know, the analysis and the conditions, they have to be
12 rigorous because this project is basically being developed
13 on relatively intact natural open space. And with that
14 comes the issues of having a thorough review and a
15 recognition of all of the impacts that this project is going
16 to have, not only on biological resources, which of course
17 is what I am most concerned about but also with all of the
18 resources out there in this undeveloped area. So I
19 recognize that it has to be a long PSA.
20 HEARING OFFICER CELLI: Thank you. Anything
21 further, Ms. Anderson?
22 MS. ANDERSON: No, I think that's it for right
23 now.
24 HEARING OFFICER CELLI: Thank you. Let's go to --
25 we have heard from Mr. Prichett so Cindy MacDonald, you have

1 the floor, go ahead.
2 MS. MacDONALD: I'm here. Okay, I am not exactly
3 clear of what I'm supposed to be doing but I believe it is
4 to do a general overview of the status on where we are with
5 the project; is that correct?
6 HEARING OFFICER CELLI: That's right. This is
7 not, we are not taking evidence. We are having a conference
8 just to sort of see where the parties are and how things are
9 progressing. I want to acknowledge that I did receive your
10 email this morning.
11 MS. MacDONALD: Okay.
12 HEARING OFFICER CELLI: The email was sent to me
13 saying that there were certain areas that were not covered
14 in the PSA vis-a-vis your comments, Ms. MacDonald. Were you
15 on the phone when Mr. Monasmith acknowledged, or I think it
16 was Mr. Ratliff said that they acknowledged that there were
17 sections that were not addressed in the PSA, the Preliminary
18 Staff Assessment, that will be addressed in the Final Staff
19 Assessment. Did you hear that part?
20 MS. MacDONALD: No, I did not. But that's kind of
21 a little different than what's in my email and what I was
22 referring to but thank you for that update. Okay.
23 HEARING OFFICER CELLI: Okay. Go ahead, though.
24 MS. MacDONALD: With regards to -- pardon me?
25 HEARING OFFICER CELLI: Go ahead.

1 MS. MacDONALD: With regards to where I'm kind of
2 at with the status of the project. I am kind of in the same
3 spot that the CEC staff was that resulted in the publication
4 of the PSA being lengthier than was originally proposed.
5 And that, if my understanding is correct, one of the reasons
6 why it's posting was delayed so long was because there was a
7 lot of information that CEC staff was asking for from the
8 applicant that had not been provided.
9 As hopefully people are aware, I also submitted a
10 rather extensive analysis, comments, recommendation to the
11 CEC and staff in early March. I did appreciate the
12 applicant acknowledging that they intend at some point in
13 time to address those issues that I've raised. But as it
14 currently stands the majority of those issues were not
15 addressed either through applicant response in any form or
16 through the PSA, what I have been able to go through, which
17 is most of it.
18 The email you are referring to specifically states
19 that -- like there's two sections that I am aware of,
20 immediately aware of. In socioeconomics CEC staff said that
21 there were no public comments received, which obviously I
22 had an entire section on. And then in the water section
23 under public comments they -- CEC staff addressed the public
24 comments from the Amargosa Conservancy in Nye County and
25 Inyo County but none were addressed for me.

1 So with respect to the status of where I am at
2 with the project. I too am kind of on hold waiting for
3 somebody to start addressing the questions that I have had.
4 As it stands there is still a significant amount of issues
5 in all the different departments that I would like to, to at
6 least discuss and try to get some sort of resolution on
7 before I can really go much further.
8 HEARING OFFICER CELLI: First of all I acknowledge
9 I read your comments, that study that you submitted. That
10 was some time ago now. And I know that all of the parties
11 have received it. Staff has stated that they intend to
12 respond to those comments but it looks like it's not going
13 to make it into print until the FSA comes out. Now let me
14 ask staff. You've got a couple of workshops set up, right?
15 What are the dates on the upcoming workshops?
16 MR. RATLIFF: The 14th of this month in Pahrump
17 and then on the 27th and 28th in Bishop.
18 HEARING OFFICER CELLI: That's excellent, in
19 Bishop. It's really great, these are great opportunities
20 for the public to participate and for the parties to work
21 these things out. So, Ms. MacDonald, you're going to have,
22 I hope you're going to be able to make the one at least in
23 Pahrump on the 14th.
24 MS. MacDONALD: The one in Pahrump is -- I
25 actually -- the original schedule that was being proposed

1 was the 13th and 14th, a two day workshop was going to be in
2 Pahrump near the site. But apparently it has been revised
3 to the 14th, which I will only be able to make for a few
4 hours. And then the Bishop, apparently they decided Bishop
5 would be the two day workshop. That's too far away for my
6 work schedule.
7 Additionally, I have attended other workshops and
8 that also has been kind of a source of concern. Now it's
9 good to know that they will be addressed in the Final Staff
10 Assessment. But like one of them I brought up was possible
11 mirrors glowing in the dark at one of the workshops that
12 staff and applicant said they'd address and I didn't see
13 that addressed yet. So I am kind of not really clear what
14 bringing stuff up in workshops, how that gets resolved.
15 Because I ask questions and then people are going to get
16 back to me.
17 Anyway, setting that aside, I did have a question
18 about the Final Staff Assessment. If it is going to be
19 published approximately August 1st, how long is the public
20 comment or review period on that?
21 HEARING OFFICER CELLI: Mr. Ratliff, are you going
22 to respond to that?
23 MR. RATLIFF: Typically there is a 30 day comment
24 period on the, on the FSA.
25 MS. MacDONALD: Okay. And that will apply to this

1 one as well?
2 HEARING OFFICER CELLI: Sure.
3 MS. MacDONALD: Okay.
4 MR. RATLIFF: And I would add that subsequent to
5 that intervenors typically file testimony for the hearing.
6 So it is not -- certainly the 30 day comment period is not
7 the last opportunity for any of the intervenors to make the
8 points they want to make and get responses from them. So I
9 think there will be other opportunities as well.
10 MS. MacDONALD: Thank you.
11 HEARING OFFICER CELLI: And in that regard,
12 Ms. Mac --
13 MS. MacDONALD: Thank you.
14 HEARING OFFICER CELLI: Ms. MacDonald, I know you
15 have been speaking and in communication with Jennifer
16 Jennings. I would encourage you to continue to do that
17 because she is a great resource and she can help you with
18 our process so that you understand what your opportunities
19 are to make a difference and when and how and all of that.
20 So it's a good idea to continue to use, to take advantage of
21 Jennifer Jennings the Public Adviser.
22 MS. MacDONALD: Okay, thank you.
23 HEARING OFFICER CELLI: Anything further,
24 Ms. MacDonald?
25 MS. MacDONALD: Was the status report kind of

1 projected to be also developed for the middle of this month
2 as consistent with the rest of the status reports, since the
3 Commission requested them?
4 HEARING OFFICER CELLI: Yes.
5 MS. MacDONALD: Okay, thank you.
6 HEARING OFFICER CELLI: Thank you.
7 MS. MacDONALD: I think that's it.
8 HEARING OFFICER CELLI: Okay. Ms. Jennings, if
9 you would approach the podium.
10 MS. JENNINGS: Thank you. I would just like to
11 make a comment because this comes up in a lot of the cases.
12 Is that when someone submits comments as she did, 200 pages
13 of comments and questions in March, I think there needs to
14 be a better explanation or some explanation for why that is
15 not reflected in the Preliminary Staff Assessment that is
16 issued in May. So if you wouldn't mind asking the staff
17 that. I mean, leaving it to the Final Staff Assessment, I
18 think when comments are submitted that early, is
19 inappropriate.
20 HEARING OFFICER CELLI: Let me -- I actually --
21 well, I don't want to dig it out because it is so big. But
22 I have the PSA and I remember that there was a table in the
23 PSA. There was sort of a comments table that showed who
24 provided comments and in what subject areas the comments
25 were in, if I have that picture in my mind right. And I

1 thought it included Cindy MacDonald but maybe,
2 Mr. Monasmith, you can give us the details on that.
3 MR. MONASMITH: It definitely did. You know, most
4 of those were filed before she was, you know, filed for and
5 granted intervenor status. Not that that would make a
6 difference but it is somewhat of a subtle difference.
7 Many of her points -- first of all, Cindy
8 MacDonald's comments were excellent and we continue to be
9 impressed by her input and participation and we are by no
10 means overlooking or understating or undervaluing her input.
11 For instance, the comments that she provided on
12 the bloom boxes and distributed generation found its way
13 into our alternatives analysis, where we have an extensive
14 appendix that talks about different technologies and
15 distributed generation is one of those. And that was
16 influenced in part by some of the input we received from
17 Cindy. Likewise her comments on water. While she submitted
18 specific questions, those came a little later in the
19 proceeding as opposed to those from Amargosa Conservancy and
20 others who we had gone through and responded to.
21 But I just want to make sure that it is clearly
22 understood that there will be an accounting for all of
23 Cindy's comments and we don't want to diminish those at all.
24 Workshop comments as well. The one on the glowing mirrors,
25 I thought we had resolved that during the workshop.

1 But, again, we will continue to work with her and
2 any other specifics that she has. And if her level of
3 participation at one of the PSA workshops later this month
4 is not able to happen we will obviously work with her on a
5 one-to-one basis to make sure through the Public Adviser
6 that her comments are being addressed and will find their
7 way into the FSA.
8 HEARING OFFICER CELLI: That's great. I do
9 appreciate that.
10 MS. MacDONALD: Um.
11 HEARING OFFICER CELLI: Go ahead, Ms. MacDonald.
12 MS. MacDONALD: Yeah, Mike, I wanted to say thank
13 you. And thank you, Jennifer, for that because this has
14 been a little frustrating. And I also understand my
15 position. I am aware of the volume of information that I
16 have presenting to the CEC, the amount of questions. I am
17 trying to not limit it to just that. For example, I also
18 had submitted the air quality things to the Great Basin
19 Unified Pollution Control District. So, you know, I am also
20 trying to use other avenues to address my questions,
21 increase my understanding, resolve issues.
22 But the point I am trying to make here is, due to
23 the volume of questions, you know, I don't want to place
24 other people, like in these workshops, in a compromising
25 position where they too have questions and issues that they

1 are waiting to possibly explore. And then with the volume
2 of my issues, basically hogging up all the time, taking up
3 all the time from everybody else.
4 So I would like to see some sort of resolution
5 where at least to some -- to a majority of an extent that
6 the volume of this information can be addressed by somebody,
7 somewhere, without cutting into other people's public
8 opportunities or comment periods as well. I just wanted
9 that noted, okay.
10 HEARING OFFICER CELLI: And that's very kind of
11 you and appreciate your taking other people into
12 consideration. But you're a party. As an intervenor you're
13 a party. And you have rights and you have every right to
14 take up as much time as you need to, to make sure that all
15 of your questions are answered and to be satisfied with the
16 kinds of results that you have.
17 Because it is really on you, Ms. MacDonald, to
18 make sure that all of these issues that you raise get to the
19 Committee. And so, you know, you don't get points for being
20 polite. You get points for getting your issues across and
21 communicating them. So I just want to encourage you that no
22 one is going to look down at you for doing the things you
23 need to in order to, you know, make the case that you need
24 to make.
25 MS. MacDONALD: Okay, thank you for that. So is

1 there any alternative besides just the public workshops in
2 Bishop and Pahrump that I could utilize?
3 HEARING OFFICER CELLI: You bet. There is going
4 to be an evidentiary hearing and that's when you are going
5 to be putting your evidence on.
6 MS. MacDONALD: Okay.
7 HEARING OFFICER CELLI: That's when you get to
8 cross-examine other people's witnesses and you can, you
9 know, try to impeach their evidence if you think you can.
10 So that is essentially like a court proceeding. We have --
11 MS. MacDONALD: And that's where I can get
12 questions answered?
13 HEARING OFFICER CELLI: Well, your questions
14 probably -- your first point should be Jennifer Jennings.
15 MS. MacDONALD: Okay.
16 HEARING OFFICER CELLI: But mostly what I was
17 trying to say is that the evidentiary hearing is your
18 opportunity to get all of your evidence in. So that's --
19 MS. MacDONALD: Okay, thank you.
20 HEARING OFFICER CELLI: That's coming up. But I
21 would use Jennifer as your starting point. And you should
22 be in communication with staff and applicant as needed,
23 other parties.
24 MS. MacDONALD: All right. Well how do I get
25 evidence if I can't get questions or information? If I

1 can't get a response from the questions that I've asked or
2 information pertaining to the issues I've raised. How do I
3 get that evidence?
4 HEARING OFFICER CELLI: There again I am going to
5 refer you to Jennifer Jennings on that. She is going to --
6 there's a lot of ways to skin that cat. And she can help
7 you --
8 MS. MacDONALD: Okay, thank you, I'll leave it at
9 that.
10 HEARING OFFICER CELLI: So anything further from
11 Ms. MacDonald?
12 MS. MacDONALD: No, that'll do, thank you so much.
13 HEARING OFFICER CELLI: Thank you. Okay, anything
14 further from -- there's going to be some questions from the
15 podium but I just wanted to know if there was anything from
16 the applicant or staff? Go ahead.
17 MR. HARRIS: Yeah, if I could, a couple things.
18 On this issue of comments and responses. I guess I want to
19 remind folks or maybe let folks know that this is a
20 Commission certified regulatory program, it's not CEQA per
21 se. And so while people are used to analogies of 30 day
22 comments here, 45 day comments there. What governs a
23 comment period in this case are your siting regulations.
24 It's not the CEQA provisions, it's your siting regulations.
25 And the Commission's practice is to allow 30 days; I think

1 that's the right practice. But I guess I want to remind
2 people that it is a practice. CEQA requires responses to
3 comments on draft documents. CEQA does not require pre-
4 document submittal comment response. I think the staff has
5 really gone above and beyond in responding to anything to
6 date because this is the first document in the setting.
7 And don't misunderstand me, I think it's good to
8 get these issues on the table as soon as possible, get them
9 resolved. And they're almost always communication issues so
10 I don't want to discourage that kind of thing. But I guess
11 I want to caution the Commissioners in particular about the
12 possibility of setting up a circumstance where you
13 substantially delay documents to do something you don't even
14 do in the traditional CEQA process, which is pre-answer
15 responses to comments. I think that's an important thing to
16 keep in mind. And I really don't want it to become an end-
17 run on discovery. Discovery is closed in this proceeding
18 and it shouldn't become that.
19 And I guess I want to say one more thing about
20 burdens of proof. Applicant bears the burden of proof, no
21 doubt. That's our obligation. We have to provide
22 sufficient information to satisfy the Commission's siting
23 requirements and show you that we have a project that you
24 can approve. That's the case with our affirmative case, we
25 have to let you know what our case is.

1 In terms of alternatives to our projects. We have
2 got to show you that they are less-than-significant, we
3 don't need the alternatives. If somebody wants to disagree
4 with us on that point and put forth an alternative like a
5 new road, for example, that party bears the burden of proof.
6 And that is in Section 1723.5 of the Commission's
7 regulations.
8 I bring it up not so much to lecture on the law,
9 which is what it sounds like and I apologize, but to point
10 out that there isn't an applicant burden to respond to each
11 and every comment that comes along about possible
12 alternatives that people might think up. They have got the
13 obligation, the burden of proof on those things and if they
14 want to provide that, that's fine.
15 But I do think what sets me on the edge of my
16 chair is the suggestion that we are somehow not answering
17 questions that we are obligated to respond to. We don't
18 bear the burden of proof on those issues.
19 HEARING OFFICER CELLI: Thank you. I wanted to
20 kind of go back to the PSA. There's discussion regarding
21 Biological Resources, what isn't complete in the PSA right
22 now. It looks like there's additions to Desert Kit Fox,
23 American Badger, Burrowing Owl. Verification of state
24 waters and desert wash plant communities. These are
25 typically -- I can't ever remember having a Biological

1 Resources section that was really ever ready to go by the
2 time we got to evidentiary hearings. Because there's
3 always, there seem to be these subsequent surveys that have
4 to come in. The Committee was --
5 And also I received the Socioeconomic and Fiscal
6 Impacts. This is staff's document, right? I left you a
7 message, Mr. Monasmith, because there was one section that
8 said something like 34 cents and I have the feeling it meant
9 to be .43 million dollars or something like that. So I'm
10 hoping that that can get cleared up.
11 What was remarkable in your status conference,
12 though, was the Land Use comments and we have Ms. Crom here
13 that we'll hear from in a moment. But there were a couple
14 of things. One was the comment that Cindy MacDonald made
15 that they -- I took it that the setbacks were inadequate or
16 that there was some impact having to do with land use and
17 Tecopa Road.
18 And then you mentioned in your status conference
19 that there were unresolved issues with regard to the County
20 of Inyo. And the Committee is very interested in knowing
21 what those issues are and what progress is being made. Has
22 there been an amendment to the general plan yet by the
23 applicant? Those kinds of questions we're interested to
24 know what kind of progress has been made in this regard. So
25 let's hear from Ms. Crom, please.

1 MS. CROM: Yeah, I was going to say it might be
2 best to start with me.
3 With respect to the general plan amendment. We do
4 not have an application as of today for a general plan
5 amendment or a zoning change. However, I will say that
6 counsel for BrightSource and myself have been working on the
7 reimbursement agreement and I believe we are about 99.9
8 percent there and I would anticipate that we will have that
9 application and the agreement signed by probably week's end
10 or the beginning of next week. And I am looking at Clay
11 because I think he would be able to verify that. So we
12 would anticipate that the request for the general plan
13 amendment and the zoning change will be started soon.
14 The other unresolved areas most likely fall into
15 the socioeconomic, what we would call Title 21 issues. We
16 have received, although the socioeconomic report that you
17 just referenced has not be docketed yet. So I wanted to not
18 share it and get comments on it until we know that it's
19 official. But we are --
20 HEARING OFFICER CELLI: I actually have it as
21 docketed.
22 MS. CROM: Yeah. It hasn't posted.
23 HEARING OFFICER CELLI: Oh, okay.
24 MS. CROM: And for that reason I haven't been able
25 to send it to my experts. But we are, like everyone else,

1 going through the PSA and that report and we will be
2 commenting on both of those.
3 The setback requirements. I know that Josh Hart
4 is on the phone. The setback requirements obviously differ
5 depending upon what zone, what the zoning is for that
6 particular area. It's 50 feet under the current zoning, 25
7 feet, I believe, under what we anticipate will be the
8 requested zoning in the application. However, there are
9 some concerns about right-of-ways that were raised by
10 Mr. Wilson, our Interim Public Works Director and then some
11 questions that were raised on glint and glare with respect
12 to passing motorists.
13 So I don't know if that's what we are discussing
14 but I think that was the basis for the County's request in
15 its letter for the setbacks. And Josh, you might want to
16 jump in if you have anything to add.
17 MR. HART: Unless there are any questions I think
18 that provides a good overview.
19 HEARING OFFICER CELLI: So does the County have a
20 position right now with regard to what they would use for
21 purposes of reviewing the general plan amendment if one
22 comes through? What documents that they would rely on and
23 what the position of the County is yet?
24 MS. CROM: Well, I believe that where we are is we
25 believe that we can rely on the Presiding Member's Decision

1 or recommendation for purposes of the environmental document
2 to process the general plan amendment. I know that at one
3 point Jeff had suggested possibly relying on the FSA.
4 Because we do not have an application in hand,
5 I'll be honest with you, we haven't had any additional
6 discussions as to what environmental document we would be
7 relying on. And once we have that application I'll be happy
8 to sit down with the applicant's counsel and my boss and
9 Josh and decide exactly where in the processing phase we
10 would be and what documents we would rely on.
11 HEARING OFFICER CELLI: I know that several status
12 conferences ago I asked Mr. Ratliff, how are we going to
13 resolve this problem of the land use issue. And we talked
14 about, is it even possible to put out an FSA or even a PMPD
15 without, you know, some resolution of the question at the
16 county level and staff said there was no precedent for that.
17 Really, my sense was that the options are either the County
18 can find a way to make it work, otherwise the Committee will
19 probably be in a position of being requested to find an
20 override. And then we're curious to know how the County is
21 about that.
22 MS. CROM: Well obviously an override is not
23 something that we want and does not appeal to our senses.
24 However, I think that given that we will be, we anticipate
25 having an application soon, and where we are with respect to

1 the PSA and the anticipated FSA, that we will have the
2 documents that we will be able to use to process it, process
3 the request.
4 Now of course we are acting under CEQA so we are
5 going to have other time lines that we have to comply with,
6 notice requirements and public hearings. Which is why we
7 sent the applicant the letter that we did, I believe in
8 February, setting out the time frame. And obviously because
9 we don't have a general plan application at this point we
10 are somewhat behind on processing it. But obviously the
11 County will process it as quickly as it can.
12 HEARING OFFICER CELLI: But we still have this
13 chicken and the egg problem of dealing with a PMPD, writing
14 a PMPD as if the PMPD were already written, kind of problem.
15 MS. CROM: And it may be that we can agree that we
16 can, we can process it off of the FSA. Again, that's a
17 discussion that I think we need to have and I have had some
18 brief discussions with Mr. Ratliff on that. But again, I'll
19 be honest with you, I wasn't going to devote a lot of my
20 resources to it until I actually had an application to
21 process.
22 HEARING OFFICER CELLI: Understood. Mr. Ratliff,
23 did you have anything to add?
24 MR. RATLIFF: Well, obviously the County has to
25 have a CEQA document to take the actions necessary to

1 conform their general plan and zoning. The CEQA document
2 that the County can rely on is the document or documents
3 referred to by the Energy Commission under 25519(c). In our
4 view it would be appropriate to use either the FSA or the
5 PMPD or both to take this action.
6 And those governments that have in the past used
7 those documents to conform their ordinance, I think in my
8 recollection, always did so after the PMPD came out. So the
9 PMPD may have to reach the same kinds of conclusions that
10 the FSA would about conformity, with the realization that
11 very late in the process there would be a change in the
12 general plan and zoning that would make the project, bring
13 the project into conformity with local, local law.
14 HEARING OFFICER CELLI: So really the FSA is going
15 to have to be written in a way that enables the Committee to
16 be able to address each of those issues as would the Board
17 of Supervisors.
18 MR. RATLIFF: I think the FSA is going to say,
19 obviously it has to say, as does the PSA, that the project
20 does not conform with local land use requirements. The FSA
21 will say that as well. Unless the County should act only on
22 the FSA and not on the PMPD as they suggested they might
23 prefer, the PMPD would presumably reach the same conclusion
24 because there is an obvious lack of conformity at the
25 current moment. But that would not prevent the final

1 decision from reflecting conformity and avoid and override.
2 HEARING OFFICER CELLI: All right. Mr. Harris,
3 did you have a comment on Land Use?
4 MR. JENSEN: This is Clay with BrightSource; just
5 make a few comments. And Ms. Crom characterized the
6 agreement process that paves the way for the application.
7 We have actually been working back and forth for
8 quite a while on the terms of that agreement. And simply
9 calling it a reimbursement agreement, which is the title of
10 the document, is an understatement. There's a lot that goes
11 into the formation of the thought process and how this might
12 work that has to go into that because it covers
13 indemnification as well, which you can imagine with the
14 overlap between the processes, fully grasping on both sides
15 what that might look like.
16 So I think, and Ms. Crom has stated correctly,
17 that we refrained from finalizing the exact method by which
18 we'll go about doing this until the application was in at
19 the request of Inyo County. Frankly, they told us that they
20 didn't want to talk about it until the application was in
21 their hands so they had something to react to. So we have
22 got the application filled out, we are 99.9 percent there in
23 agreement on the reimbursement indemnification agreement.
24 And I think that by working through this agreement
25 for the last month or two we have come to a more common

1 ground on how this relationship might work out. That's our
2 opinion. But we feel, we have a sense of how the parties
3 will work together under the agreement that will help pave
4 the way for the process.
5 So our goal is to have that application in as
6 quickly as possible. Hopefully the next week or two. Once
7 that goes in we'll immediately follow it up with a very
8 lengthy process discussion where we'll come back with a
9 joint recommendation I think that we can, we can agree
10 cooperatively on how best to process the applications.
11 HEARING OFFICER CELLI: I appreciate that. And I
12 am hoping that, I am sure that the County of Inyo will be at
13 the workshops that are going to be up in Bishop. And it
14 would certainly great at our next status conference, which
15 is in July, I forgot what date, I'll look it up, the 9th of
16 July, it would be great if we could have some movement in
17 this area.
18 This is clearly going to be an issue that concerns
19 the Committee greatly and we would like to see the parties
20 create as much resolution in this area as they can so that
21 the Committee isn't hanging out there trying to figure out
22 what the parties really want to do. We'd rather have an
23 unequivocal statement from the parties as to a resolution of
24 the problem.
25 The only other thing I have left in my notes, I

1 have Transmission Systems Engineering that appears to be --
2 you know, we're at the mercy of CAISO, I think, in that
3 regard. There is nothing new, right? And Mr. Monasmith is
4 shaking his head that that's the case.
5 And Visual there is nothing really new there.
6 So with that is there anything further from
7 applicant before we get to public comment?
8 MR. JENSEN: I just realized that we have gotten
9 to where we are without us thanking staff for the issuance
10 of the PSA. A tremendous volume of work and amount of
11 information contained in the report and we appreciate the
12 staff's effort in getting that out early. Unfortunately
13 that meant most of us worked through the holiday weekend
14 reviewing it because we couldn't put it down. But that's
15 good, that's a good thing to do, some good reading. So we
16 appreciate that. As we go through it we develop questions
17 but we appreciate you getting it out.
18 MR. HARRIS: You say you couldn't put it down or
19 couldn't pick it up?
20 (Laughter.)
21 HEARING OFFICER CELLI: Anything further, staff?
22 MR. MONASMITH: We wanted to -- we'll obviously
23 report back to the Committee at the status conference in
24 July on the PSA workshops and we hope -- we know we'll get a
25 lot of work completed by then. I don't see any more status

1 reports that the Committee is expecting from parties. Is
2 that correct? Are those through now until or do you still
3 want monthly status reports?
4 HEARING OFFICER CELLI: Really I don't think that
5 we need them, only because up until now it's all about when
6 is the PSA going to come out. And the fact that the PSA is
7 now out, the parties have something to talk about in
8 workshops. You actually have some clay to work with there.
9 I think that you are going to, I don't think it's necessary.
10 And if it is later maybe we would put out such an order.
11 But I think that if it appears that there is a
12 delay in the FSA the Committee is going to want to know that
13 as early as possible. So that really is the only thing that
14 I think merits a status report at this time.
15 ASSOCIATE MEMBER PETERMAN: Hearing Officer, I'll
16 note that I believe Ms. MacDonald inquired about the June
17 status report. So you might want to refer to if that one is
18 going to happen or if not make it clear to her as to why.
19 HEARING OFFICER CELLI: Yeah, thanks for raising
20 that, Commissioner Peterman.
21 Ms. MacDonald, I wanted to, I acknowledge that you
22 did ask about a status report. We did not notice, it's
23 probably my oversight, but it is not in the notice. And so
24 I don't think a status report is necessary for the next one
25 or two status reports. We'll know in July how we are doing

1 and whether we are going to make the August 1st date.
2 I recall that there was an August date that I was
3 hoping, if everyone goes well and an FSA publishes, that we
4 would probably cancel. Because once the FSA comes out I
5 don't know that there would be a need for a status report.
6 The next thing that is going to happen after that is a
7 prehearing conference, which is the daddy of all status
8 conferences.
9 MR. MONASMITH: We currently have an August 16th
10 status conference that's noticed but we have no status
11 reports in July -- June, July or August at this point.
12 HEARING OFFICER CELLI: Right. So is that clear,
13 Ms. MacDonald?
14 MS. MacDONALD: So essentially -- pardon me?
15 HEARING OFFICER CELLI: What I'm saying is there
16 is no need for a status conference between now and August.
17 MS. MacDONALD: Okay.
18 HEARING OFFICER CELLI: I'm sorry, not a status
19 conference, strike that.
20 MS. MacDONALD: Or status reports.
21 HEARING OFFICER CELLI: A status report.
22 MS. MacDONALD: So I have no, I have no, no avenue
23 to express the issues that remain unresolved for me now.
24 HEARING OFFICER CELLI: No, that's not true.
25 MS. MacDONALD: I had an avenue at the start of

1 this conference and now I have no avenue.
2 HEARING OFFICER CELLI: No, that's --
3 MS. MacDONALD: Am I understanding that correctly?
4 HEARING OFFICER CELLI: No, you are not
5 understanding it correctly, let me clarify that for you. We
6 are going to have at least one more status conference and so
7 you will be able to be on the phone or in person and
8 communicate with the Committee that way.
9 MS. MacDONALD: Okay.
10 HEARING OFFICER CELLI: And we are going to have
11 -- so we'll have the status conferences that are currently
12 scheduled and noticed but we do not need to have status
13 reports beforehand, we can gather that information at the
14 status conference itself verbally.
15 MS. MacDONALD: Okay.
16 HEARING OFFICER CELLI: So that's --
17 MS. MacDONALD: All right. So like now, now would
18 be a good time to start bringing up some of the issues
19 that's in the Preliminary Staff Assessment. Did I
20 understand that correctly?
21 HEARING OFFICER CELLI: Yes. So I did receive
22 your status report. We read it and acknowledged it. But
23 what is going to happen is we are going to have a status
24 conference in July and there would not be a --
25 MS. MacDONALD: Right.

1 HEARING OFFICER CELLI: -- need for a status
2 report before that. And then at that time you can raise the
3 issues that you need to.
4 MS. MacDONALD: All right. But this is a status
5 conference now. Was the May submission that wasn't posted,
6 was that to be exclusively for this one? Because I do
7 believe I had stated in there that I was going to refrain
8 from all the additional concerns I had until I reviewed the
9 PSA.
10 HEARING OFFICER CELLI: Okay.
11 MS. MacDONALD: So -- but the PSA -- at the time I
12 submitted the May one -- I guess my first question is, was
13 the May one exclusive to prior the PSA publication? I mean,
14 was it supposed to deal with the PSA information or was it
15 not?
16 MR. MONASMITH: Hearing Officer Celli, could I
17 make a suggestion, please, on this regard because I feel
18 partly responsible for many of Cindy's comments that may
19 have come in. I wanted to make sure that they were
20 accounted for.
21 Perhaps the Public Adviser, myself and Cindy could
22 work through all the comments that she has provided to date,
23 I think there' five separate letters, all of which were
24 docketed. So we make sure that all those comments are
25 accounted for. Then she would be able to file her PSA

1 comments for all those except for Cultural Resources on July
2 6th, and she would file her PSA comments with us, and then
3 Cultural Resources would be on July 16th. And that would be
4 her avenue in which to file her comments.
5 And we can make sure that everything that she has
6 filed prior to the PSA's publication as well as questions
7 that she would have or comments or suggestions on the PSA
8 itself are embodied in one document that she files on the
9 6th of July. And I would work with Jennifer in the Public
10 Adviser's Office to make sure that that is taken care of so
11 she doesn't feel that her issues are getting lost between
12 the cracks.
13 HEARING OFFICER CELLI: Thank you for that.
14 MS. MacDONALD: Thank you. At least I was
15 presented -- thank you for presenting at least one option
16 because I do have issues.
17 HEARING OFFICER CELLI: That's great. And also,
18 again, you will be able to meet face to face with
19 Mr. Monasmith on the 14th of June and you can talk then,
20 Ms. MacDonald.
21 MS. MacDONALD: Okay, thank you. I appreciate
22 resolving that.
23 HEARING OFFICER CELLI: Thank you.
24 So with that, is Jon Zellhoefer on the line?
25 Mr. Zellhoefer? No?

1 (No response.)
2 HEARING OFFICER CELLI: Okay. Is there anything,
3 Commissioner Douglas?
4 PRESIDING MEMBER DOUGLAS: No.
5 HEARING OFFICER CELLI: Commissioner Peterman?
6 PRESIDING MEMBER PETERMAN: No.
7 HEARING OFFICER CELLI: Okay. At this time then
8 we are going to take public comment. I am looking around
9 the room, there is nobody today, Ms. Jennings, that appears
10 to be a member of the public or is there? Do we have
11 someone who wishes to make a comment?
12 MS. JENNINGS: He does not wish to make a comment.
13 Mr. Ross representing the Southern Inyo Fire Protection
14 District was intending to arrive. He was driving from
15 Fresno and I think he's been unavoidably delayed.
16 HEARING OFFICER CELLI: That's too bad. It's
17 raining here, I can only imagine what's going on in the --
18 MS. JENNINGS: But otherwise I don't think anyone
19 wants to make a public comment in the room.
20 HEARING OFFICER CELLI: Okay, thank you,
21 Ms. Jennings. Is there anyone on the telephone who would
22 like to make a public comment at this time? Go ahead and
23 speak up. I have Mr. Taylor, Mike Conway, Joshua Hart and
24 Jay Leyva. These are all people associated, I think, with
25 either the applicant or staff. And Eric Knight with staff.

1 Cindy MacDonald. I have one, two, three, four -- I have
2 Eileen Anderson is still on the line. Is there anyone else,
3 a member of the public who would like to make a comment at
4 this time?
5 (No response.)
6 HEARING OFFICER CELLI: Okay, hearing none then I
7 am going to hand the status conference back to Commissioner
8 Douglas for adjournment.
9 PRESIDING MEMBER DOUGLAS: I would like to just
10 end this by thanking all the parties, particularly staff for
11 getting the PSA out on time. Even though, obviously, it
12 didn't contain the cultural section it's still a major step
13 forward and so I really appreciate it.
14 And with that, we look forward to our next meeting
15 and we are adjourned.
16 (The Status Conference adjourned at 2:08 p.m.)
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CERTIFICATE OF REPORTER

I, JOHN COTA, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Status Conference; that it was thereafter transcribed.

I further certify that I am not of counsel or attorney for any of the parties to said conference or in any way interested in the outcome of said conference.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of June, 2012.

JOHN COTA

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.

June 11, 2012

RAMONA COTA, CERT**478