

**M e m o r a n d u m**

<b>DOCKET</b>
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<b>DATE MAY - 5 2006</b>
<b>RECD MAY 18 2006</b>

To: Dick Ratcliff

Date : May 5, 2006

Telephone: 654-4701

From : **California Energy Commission Nick Bartsch, PAO**  
 1516 Ninth Street  
 Sacramento CA 95814-5512



**Subject:** Information regarding requests for audio access to the 4/27 and 5/1 evidentiary hearings on the SFERProject .

Per your request, here is the sequence of events, in chronological order—to the best of my and Laura Murphy’s recollection—regarding contacts between the PAO (Laura and I) and Mike Boyd, President of CARE, and Francisco Da Costa, Director of Environmental Justice Advocacy , about requesting call-in access to the two evidentiary hearings specified under “Subject”, above.

1. Wednesday, 4/26/06, about 6:30 p.m., Mike Boyd called on the PAO public phone line (916-654-4489) to notify us that he’s electronically filing an objection to the 4/27 evidentiary hearing taking place and requested us to docket and serve the objection on “Parties of Interest.” ( the latter request because of his “Intervenor with financial hardship” status). I told him that we’d take care of his requests after we receive the objection.  
 He also told me that he was in Detroit, Michigan on personal business and inquired if there’d be audio access to the 4/27 hearing. I told him that I did not see reference to such access on the hearing announcement (issued by the CEC Hearing Office), but would check with the Hearing Officer and Project Manager for The SFER Project in the morning, prior to the hearing, and let him know.. He left me his cell phone number, but also mentioned that he probably will not have time to call in to the hearing.
2. Thursday (4/27) morning, prior to the start of the hearing, I confirmed with Gary Fay and Bill Pfanner that, because of no advance request, no advance arrangements were made for a “conference call” setup that allows multiple parties to call in , listen and participate in the proceedings by phone.  
 (Pertinent information note: According to the CEC Business Office, conference - call access must be requested and arranged well in advance of the hearing, because such a number must be requested on a case-by-case basis from the phone company and must be set up on the Hearing Room A computer system prior to the beginning of the hearing. In addition, the parties arranging the hearing must have sufficient lead time to publicize the phone number. Consequently, the requests for a conference call arrangement should be made far enough in

advance to permit inclusion of such phone number in the hearing notice. To accommodate “last-minute” requests for call-in access, the CEC has a phone number (916-653-2405) that allows one caller at-a-time to listen in and participate in Hearing Room A proceedings. However, arrangements on the Hearing Room A computer to enable a designated phone line to gain such audio access must be made separately for each line calling in for access. Such arrangements should be made prior to the beginning of the hearing, because the process requires calling the designated number, which would disrupt the hearing.)

At the beginning of the 4/27 hearing, Bill Taylor (CEC Business Services technician) and I called Mike Boyd’s cell phone number from the Hearing Room A call-in number (see above) and left a message on his cell phone VM that a connection has been established between his cell phone and the Hearing Room phone to allow Mike Boyd to call in, listen to and participate in the proceeding. He did not call during the next 1 1/2 hours—while I remained at the meeting—and I understand from Bill Pfanner that he did not call during the rest of the hearing either.

3. On Sunday, 4/30 at 6:26 p.m., Mike Boyd left a message on the PAO phone VM (see Laura Murphy’s “Notes”, attached) that he would not be at the 5/1/06 Evidentiary Hearing on the SFER Project, but he might like to phone in to the proceeding. In addition, Francisco Da Costa e-mailed the PAO at 2:18 a.m. on 5/1 (see attached) and also called on Monday, 5/1 at 7:19 a.m. and left a message on the VM of the PAO public phone line that he’d like to have phone access to the 5/1 hearing and requested a phone number to call for such access. (Note: this same e-mail by Mr. Da Costa was also sent to us from Mike Boyd’s e-mail address (see attached) at 9:13 a.m. on 5/1.)
4. After arriving to work on 5/1, PAO Secretary Laura Murphy verified the call-in number (but not a “conference” number, since no requests were made sufficiently far enough in advance to allow CEC staff to set up and publicize the availability of such a “conference” line) and called Mr. Da Costa at about 9:30 a.m. with the call-in number. At the same time, I went down to Hearing Room A and, with the assistance of Bill Taylor, I connected Mr. Da Costa’s phone to the Hearing Room call-in line. At about 10:00 a.m., Mr. Da Costa called in and I gave him audio access to listen and participate in the hearing, as it just got under way.
5. After the hearing started, I returned to the PAO and was informed by Laura Murphy that, while I was in Hearing Room A arranging audio access for Mr. Da Costa, Mike Boyd called to say that he’d also like to call-in to the hearing. Laura gave him the call-in phone number.. When I learned from Laura about this request, I immediately called Mike Boyd and explained to him the limitations (one caller at a time) of the call-in number and that Mr. Da Costa was already on the line. I suggested that they could both have access to the hearing by taking turns on the phone line. Mr. Boyd responded by saying that that was OK, that he knew how to reach Mr. Da Costa and that they’ll work it out so both will be able to access the hearing.

#### Attachments

cc: Margret Kim  
Laura Murphy