

## DOCKETED

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BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of: )  
 )  
Application for Certification for )  
the PUENTE POWER PROJECT ) Docket No. 15-AFC-01  
\_\_\_\_\_ )

COMMITTEE STATUS CONFERENCE

OXNARD PERFORMING ARTS CENTER

800 HOBSON WAY

OXNARD, CA 93030

TUESDAY, SEPTEMBER 27, 2016  
3:00 P.M.

Reported by:  
Martha Nelson

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APPEARANCES

COMMISSIONERS

Janea Scott, Presiding Member

Karen Douglas, Associate Member

ADVISERS

Rhetta deMesa, Adviser to Commissioner Scott

Matthew Coldwell, Adviser to Commissioner Scott

Jennifer Nelson, Adviser to Commissioner Douglas

Le-Quyen Nguyen, Adviser to Commissioner Douglas

Kristy Chew, Commissioners' Technical Adviser for Energy  
Facility Siting

HEARING OFFICER

Raoul Renaud, Hearing Officer

STAFF

Shawn Pittard, Staff Project Manager

Kerry Willis, Assistant Chief Counsel

Michelle Chester, Attorney

Matt Layton, Engineering Office

Chris Davis, Siting Office

Jonathan Fong, Environmental Office

PUBLIC ADVISER

Rosemary Avalos, Outreach Specialist

APPEARANCES (Cont.)

APPLICANT

Michael J. Carroll, Esq., Latham & Watkins, LLP

George Piantka, PE, NRG Energy, Inc

Dawn Gleiter, NRG

Anne Connell, AECOM

INTERVENORS

Chris Williamson, City of Oxnard

\*Ellison Folk, Shute, Mihaly & Weinberger LLP

Carmen Ramirez, Pro Tem Mayor City of Oxnard

\*Robert Sarvey

\*Shana Lazerow, California Environmental Justice Alliance

Brian Segee, Sierra Club, Environmental Defense Center,  
Environmental Coalition

OTHERS PRESENT

Sue Hughes, County of Ventura

Kerby Zozula, Ventura County Air Pollution Control District

Todd McNamee, Ventura County Department of Airports

PUBLIC COMMENT

Geneva Thompson, Wishtoya Foundation And Ventura Coastkeeper

Kitty Merrill, Ventura County Climate Hub

Steve Nash

APPEARANCES (Cont.)

PUBLIC COMMENT (Cont.)

Michael Stubblefield, Los Padres Chapter Sierra Club, Sierra Club  
California Energy Climate Committee

Daniel Chavez

Todd McNamee, Ventura County Department of Airports

Leslie Purcell

Mike Barber

Tom Cady

Shane Boston, Plumbers and Pipe Fitters Local Union 484

Shane McLaughlin

Abigail Beckert

Martin Rodriguez, Ironworkers Local 433

Dick Jaquez

Morgan Stiles

Maricela Morales, CAUSE, Central Coast Alliance United for  
Sustainable Energy,

Ron Whitehurst, Ventura County Climate Hub

Terry Howard

Rafael Escobedo, Plumbers and Steamfitters Local 44

Fred Ferro, Oxnard Chamber Of Commerce

Brett Levin

Elisabeth Lamar

Elena Semper

Mark Spellman, Oxnard Rotary Club

APPEARANCES (Cont.)

PUBLIC COMMENT (Cont.)

Angela Whitecomb

Elma Del Aguila, CAUSE

Rudy Zamora

Michael Wynn Song, PORTUS Port of Hueneme Business Alliance

Fred Main, Chambers of Commerce Alliance of Ventura and Santa Barbara Counties

Dr. Grace Chang

Jeremy Meyer

Nancy Lindholm, Oxnard Chamber of Commerce

Jan Dietrick, Ventura County Climate Hub

Tony Skinner, Tri-County Building and Construction Trades Council

Eileen Tracy

Raul Lopez

Brandon Yadegari

R.L. Miller

Noe Estrella

Lucas Zucker, CAUSE

Mike Stiles

Julie Pena

**I N D E X**

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| <b>Meeting Agenda</b>  |             |
| 1. Call to Order: Introductions  | 7           |
| 2. Hearing on Any Pending Motions  | --          |
| 3. Status Conference   | 18          |
| a. Committee feedback on the PSA   |             |
| b. Pending motions, petitions, or requests   |             |
| c. Case progress and schedule  |             |
| 4. 5:15 p.m. or later: Public Comment  | 63          |
| <p>Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.</p>   |             |
| 5. Possible Closed Session   | --          |
| <p>Committee closed session consideration of the following items:</p> <p>Puente Power Project, (15-AFC-01) and deliberation on matters for decision by the Committee such as Committee comments on the PSA, pending motions and scheduling.</p> <p>The Committee may adjourn to closed session in accordance with Government Code, section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct. The Committee may adjourn to a closed session at any point during the meeting and may conduct multiple closed sessions as necessary.</p> |             |
| Adjournment  | 148         |
| Reporter's Certificate   | 149         |
| Transcriber's Certificate  | 150         |
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P R O C E E D I N G S

SEPTEMBER 27, 2016 3:01 p.m.

COMMISSIONER SCOTT: Okay. Hello everyone and welcome. We're going to go ahead and get started. This is a Status Conference conducted by a Committee of the California Energy Commission, regarding the Puente Power Project.

The Energy Commission Chair has assigned a Committee of two Commissioners to conduct these proceedings. I am Commissioner Janea Scott and I am the Presiding Member of the Committee.

My advisers are Rhetta deMesa, who is to my right and Matt Coldwell, who is to her right. To my left is Commissioner Karen Douglas, who is the Associate Member on the Committee. And her adviser here with her is Jennifer Nelson. Kristy Chew to the left of Jennifer Nelson is the Commissioners' Technical Adviser for Facility Siting. And Raoul Renaud is the Hearing Officer assigned to this case. He's here to my left.

We do have Spanish translation available today. Headsets are available by the entrance. And I also want to let folks know if you want to make a public comment, please pick up a blue card and fill it out. You can get that from our Public Adviser,



1 who is over here to the right. Rosemary will wave,  
2 so folks can see who she is. That's how we know that  
3 you'd like to make a public comment.

4           So the Committee is here today to  
5 communicate with the parties about the status of the  
6 case. All communications among the parties of a  
7 substantive nature must be public. So we communicate  
8 during a public meeting such as this one, or we  
9 communicate in writing and post documents on the  
10 Commission website. Our purpose in coming here today  
11 is to provide feedback and ask questions of the  
12 Commission staff about the Preliminary Staff  
13 Assessment, or the PSA.

14           We also want to hear from the parties about  
15 the pending request to extend the schedule. And we  
16 will provide members of the public an opportunity to  
17 address the Committee during the public comment  
18 period. However, this is not a time for the  
19 Committee to make decisions about the case. We are  
20 only gathering information today.

21           I would like to ask the parties to please  
22 introduce themselves and their representatives at  
23 this time. And I will start with the Applicant. We  
24 need the Applicant's mics to be turned on, please?  
25 They're over here to the left, to my left.

1           MR. CARROLL: Good afternoon, Mike Carroll,  
2 with Latham & Watkins. We're outside counsel to the  
3 Applicant.

4           MR. PIANTKA: George Piantka, Senior  
5 Director, Environmental for NRG.

6           MS. GLEITER: Dawn Gleiter, I'm the Director  
7 of Sustainable Development for NRG's Western Region  
8 and the Puente Power Project Director.

9           MS. CONNELL: Anne Connell with AECOM,  
10 Environmental Consultant.

11           COMMISSIONER SCOTT: Terrific.

12           Now, I'd like to ask the staff to introduce  
13 themselves.

14           MR. PITTARD: Hello. My name is Shawn  
15 Pittard. I'm the Staff Project Manager. And with me  
16 is Kerry Willis, our Assistance Chief Counsel for  
17 Siting and Staff Counsel Michelle Chester. Also, in  
18 the audience tonight we have several staff from the  
19 Environmental and Engineering Office, who are here to  
20 provide support.

21           COMMISSIONER SCOTT: Excellent. I'd like to  
22 ask the Intervenors to introduce themselves, please?  
23 Or himself, please.

24           MR. WILLIAMSON: Good afternoon. I'm Chris  
25 Williamson representing the City of Oxnard. On the

1 call-in phone number is our attorney, Ellison Folk.  
2 She would certainly like to participate. And we also  
3 have in the audience our Mayor Pro Tem, Carmen  
4 Ramirez.

5 COMMISSIONER SCOTT: Terrific. Thank you  
6 very much.

7 And I mentioned at the beginning, our  
8 Public Adviser, Rosemary Avalos, is over here on my  
9 right.

10 Let me turn it to -- oh, I'm sorry, are  
11 there any other intervenors or other parties on the  
12 phone who would like to introduce themselves at this  
13 time?

14 HEARING OFFICER RENAUD: Let's unmute the  
15 phones, please?

16 COMMISSIONER SCOTT: On WebEx, if you are a  
17 party or an Intervenor, please introduce yourself.

18 MS. FOLK: Yes, so this is Ellison Folk for  
19 the City of Oxnard.

20 HEARING OFFICER RENAUD: Okay. We're going  
21 to work on getting your volume turned up and then  
22 we'll have you speak.

23 (Colloquy regarding audio issues.)

24 COMMISSIONER SCOTT: Okay. It sounds like  
25 we've got quite a bit of background noise, so we're

1 going to go ahead and mute the lines again.

2 Let me turn to see agencies, whether we have  
3 any agencies in person or on the phone. I heard that  
4 we have the Mayor Pro Tem. Would you like to  
5 introduce yourself? Please come up to the microphone  
6 so that folks will be able to hear you.

7 MAYOR PRO TEM RAMIREZ: Good afternoon  
8 Commissioners, staff, members of the audience and  
9 public, Carmen Ramirez, Mayor Pro Tem, City of  
10 Oxnard.

11 And I'm here once again, because you know  
12 our City is very attentive to your process here. And  
13 we have quite a few concerns and we would like to  
14 have you really pay very close attention to our  
15 concerns, which have been raised. As well as what  
16 the Coastal Commission just decided unanimously about  
17 three weeks ago, raising serious questions about the  
18 siting of this project -- the currently proposed  
19 site.

20 I would also like to invite up very briefly,  
21 Sue Hughes from the County of Ventura's Executive  
22 Office, to just mention a few things about the  
23 changing energy landscape in our county; if that  
24 would be okay? Sue Hughes.

25 COMMISSIONER SCOTT: Sure. Can I just

1 finish running through the introductions?

2 MAYOR PRO TEM RAMIREZ: Sure.

3 COMMISSIONER SCOTT: But I was going to get  
4 to county officials as well, so I just want to make  
5 sure if we had any other elected officials or  
6 representatives if you'd like to introduce  
7 yourselves, please do so?

8 (No audible response.)

9 Do we have anyone from the U.S. Fish and  
10 Wildlife Service or other agencies of the federal  
11 government, California Coastal Commission, how about  
12 other agencies of the State of California?

13 Okay, Native American tribes, Ventura County Air  
14 Pollution District, Los Angeles Regional Water  
15 Control Board?

16 Yes, please go ahead.

17 MR. ZOZULA: Hi. I'm Kerby Zozula, the  
18 Engineering Division Manager with the Ventura County  
19 APCD. I'm our contact for the Puente Power Project  
20 and our Air Pollution Control Officer, Mike Villegas  
21 won't be able to make it today. He's out of town on  
22 business.

23 COMMISSIONER SCOTT: Okay. Thank you.

24 Anyone from the Naval Base Ventura County,  
25 County of Ventura, any nearby towns or cities or

1 other agencies, now would be a terrific time.

2 And also for you, please?

3 MS. HUGHES: Hi. Good afternoon. I thank  
4 you for the opportunity. My name is Sue Hughes. I  
5 am a Senior Deputy Executive Officer in the County  
6 CEO's office. And invited by the City of Oxnard to  
7 speak to the efforts that are underway county-wide  
8 and across the three, what we call the tri-county  
9 efforts: San Louis Obispo, Santa Barbara and Ventura  
10 County.

11 We have undertaken for the past several  
12 months a feasibility study to determine the  
13 feasibility for a tri-county community choice  
14 aggregation project. Currently, all ten cities and  
15 the County unincorporated are participating in the  
16 feasibility study. In Ventura County, across the  
17 three counties there are 27 jurisdictions from San  
18 Louis Obispo, like I said, all the way to the  
19 southern part of Ventura County.

20 So we're looking at the feasibility of  
21 developing our own community choice energy. We're  
22 known as Central Coast Power, with a website up and  
23 running, in part because of the enthusiastic folks in  
24 the community that are looking for alternative ways  
25 then to be able to use renewable energy.

1           So we are on our way and just wanted you to  
2 be aware of what is going on in Ventura County.  
3 Thank you very much.

4           COMMISSIONER SCOTT: Thank you.

5           Now I'd like to go back and open up our  
6 WebEx lines in case there were any of the parties,  
7 the Intervenors or the agencies on the line who'd  
8 like to introduce themselves. If you would, please  
9 speak up now. We have unmuted the lines, so that you  
10 may introduce yourself. Again, from any of the  
11 agencies, intervenors.

12           MS. LAZEROW: Hi. This is Shana Lazerow on  
13 behalf of the California Environmental Justice  
14 Alliance.

15           COMMISSIONER SCOTT: Great. Thank you.

16           MS. FOLK: Hi. And this is Ellison Folk. I  
17 don't know if you heard me before. There was a lot  
18 of feedback on the line and I'm here for the City of  
19 Oxnard.

20           COMMISSIONER SCOTT: Okay. Welcome.

21           MR. SARVEY: And this is Bob Sarvey. I'm an  
22 Intervenor on the project.

23           COMMISSIONER SCOTT: Welcome.

24           Any other agencies, intervenors, or  
25 Applicant or staff on the line? Okay. Yes please.

1 MR. MCNAMEE: Todd McNamee, Department of  
2 Airports for the County of Ventura.

3 COMMISSIONER SCOTT: Okay, terrific. Thank  
4 you for being here.

5 Okay. So we will go ahead and mute the  
6 phone lines again. I just want to remind folks if  
7 you'd like to make a public comment you can get a  
8 blue card here from our Public Adviser, who's waving  
9 at you there. Just fill it out and that's how we  
10 know that you'd like to make a comment.

11 And at this time I will hand the conduct of  
12 the Status Conference over to Hearing Office Raoul  
13 Renaud.

14 HEARING OFFICER RENAUD: Thank you,  
15 Commissioner Scott.

16 COMMISSIONER SCOTT: Oh, I'm sorry. I  
17 realize that we've been joined by another party.

18 MR. SEGEE: No, I'm sorry. I came in late,  
19 Brian Segee for Intervenors Sierra Club,  
20 Environmental Defense Center, and Environmental  
21 Coalition.

22 COMMISSIONER SCOTT: Great. Welcome.

23 MR. SEGEE: Thank you.

24 HEARING OFFICER RENAUD: Okay. This Status  
25 Conference was scheduled in a notice dated September



1 9, 2016. This is the second Status Conference on the  
2 Puente Power Project Application for Certification  
3 Proceeding.

4 The Preliminary Staff Assessment, or the  
5 PSA, was issued on June 17, 2016. The Committee has  
6 reviewed the PSA and has some questions and comments  
7 about it. The California Coastal Commission Report  
8 was issued on September 12th, 2016. Other agencies  
9 and individuals have also submitted comments on the  
10 PSA. We will want to hear from Commission staff  
11 about any impact those reports and comments may have.

12 COMMISSIONER SCOTT: (Indiscernible)

13 HEARING OFFICER RENAUD: Okay is that  
14 better? Okay. Any -- we will want to hear from  
15 Commission staff about any impact those reports and  
16 comments may have on staff's ability to issue the  
17 Final Staff Assessment, or FSA, by the currently  
18 scheduled date of October 14, 2016.

19 In addition, we have a request from  
20 Intervener California Environmental Justice Alliance,  
21 to extend the schedule. We will discuss the schedule  
22 with the parties. After the Status Conference, the  
23 Committee may issue a Revised Scheduling Order.

24 The Committee is also looking forward to  
25 hearing from members of the public during the public

1 comment period, which is scheduled to begin at 5:15,  
2 but may start later if necessary.

3           If we're done with our other business and  
4 it's not yet 5:15 and there are people here who want  
5 to make a public comment, we'll go ahead and hear  
6 your comments at that time as well. But we guarantee  
7 that we'll still be here at 5:15 for people who come  
8 later.

9           Now in the notice we invited the parties to  
10 submit status conference statements. And we did  
11 received status conference statements from the  
12 Applicant, from Commission staff, City of Oxnard, Mr.  
13 Bob Sarvey, Environmental Defense Center. And we  
14 thank you for those.

15           The way we're going to proceed today than is  
16 that the Committee will first provide comments and  
17 some questions about the PSA, which will be directed  
18 to staff.

19           We'll then hear from the parties regarding  
20 the current status of the case. And we'll give each  
21 party an opportunity to address that individually.  
22 We will also offer California Environmental Justice  
23 Alliance the opportunity to provide any additional  
24 information regarding its request to extend the  
25 schedule. And we'll invite the parties to respond to

1 that request.

2 And eventually we will get to the public  
3 comments period. Those wishing to make a public  
4 comment during the public comment period should see  
5 the Public Adviser, Rosemary Avalos, over there and  
6 sign up.

7 And finally, as Commissioner Scott indicated  
8 and I'll repeat, we do have Spanish translation  
9 available today back there in the corner.

10 So just to repeat, we'll proceed with the  
11 Committee's questions and comments on the PSA,  
12 followed by parties discussion of the status of the  
13 case and the schedule, and the request to extend the  
14 schedule, and any other issues that the parties may  
15 wish to bring up.

16 You'll notice there are some snacks and  
17 refreshments over here. These have been provided by  
18 the Applicant as a convenience to the members of the  
19 public who may feel the need to refresh themselves or  
20 get a little more energy during this, what may turn  
21 out to be a long day. We typically try to keep  
22 working to be as efficient as possible and get as  
23 much business as we can get done during our time  
24 here. So these things are provided as a convenience,  
25 so that people don't need to leave to go have a meal.

1           So at 5:15, as I said -- well whenever we  
2 start the public comment period, we'll start it.  
3 Depending on the number of people we will probably  
4 determine a limit on the length of time for each  
5 comment, so that we can make sure everybody has an  
6 opportunity to speak. But at this point, it will  
7 likely be three minutes per person.

8           All right, so let's proceed first with the  
9 comments and questions on the PSA. And before we  
10 start on this let me just simply say that the  
11 Committee has reviewed the PSA, has noticed a few  
12 things that it's curious about and wants to bring  
13 those up. But these are in no way to be construed or  
14 considered as an opinion or any kind of pre-judgment  
15 on the part of the Committee. We're simply seeing  
16 some things that we would like to ask the staff about  
17 or ask that they try to provide more information  
18 about.

19           We'd also like to commend staff for  
20 providing a very thorough PSA. We unanimously felt  
21 that this was a -- you really tried to cover all the  
22 bases here. Whether or not people agree with the  
23 findings that's not what I'm talking about. I'm just  
24 talking about the effort that was obviously made to  
25 touch on every aspect of the review.

1           We also noticed that in many of the sections  
2 there are tables, which show the staff's view of the  
3 project's consistency with the applicable laws,  
4 ordinances, regulations and standards, which is what  
5 we call the LORS. And again these tables are a very,  
6 very useful way to convey some very important  
7 information. And they're -- it takes some extra work  
8 to put those together, but again we thank the staff  
9 for doing that.

10           In the Air Quality Section we just had one  
11 question and that's regarding the emergency generator  
12 readiness testing.

13           According to the PSA, it appeared that there  
14 was a -- the staff was recommending a Condition of  
15 Certification that would make sure that testing did  
16 not cause an exceedance of air pollution limits. And  
17 Applicant was proposing limiting testing to times  
18 other than start-up or shut-down. And we were  
19 curious as to know is there progress on resolving  
20 that or is that potentially something that may need  
21 to be adjudicated during the evidentiary hearings?

22           And you don't actually need to tell us now  
23 if you don't have a ready answer, but if you do we'd  
24 be interested. Okay. Thank you.

25           (Audio issues.)

1           COMMISSIONER SCOTT:  Could you repeat that,  
2 because it's not coming through on the WebEx.

3           MR. LAYTON:  Good afternoon.  My name is  
4 Matt Layton.  I'm with the Energy Commission.

5           Emergency engines always pose a problem and  
6 so their impacts can be relative high, considered how  
7 small and how infrequently they run.  So a simple  
8 solution is just not to allow readiness testing to  
9 occur during the start up of the unit.

10          I don't think it's a problem for the  
11 Applicant, but I haven't seen the comments on that  
12 specific condition yet.  But we can try to model it.  
13 We can try to approach it in different ways.  I don't  
14 think it's a significant problem.

15          HEARING OFFICER RENAUD:  All right.  Thank  
16 you very much.

17          Okay, let's -- next in the Alternatives area  
18 just in general, in consideration of the Ormond Beach  
19 and Del Norte 5th Avenue's alternative sites, there  
20 were several areas where the PSA indicates that there  
21 was need for more information regarding, for example,  
22 the ability to get control of the site, determining  
23 whether or not there were potential archeological  
24 resources at the Del Norte 5th site.  And whether or  
25 not there was potential contamination at the Ormond

1 Beach site -- in general, just needing some  
2 additional information to complete the Alternatives  
3 Analysis.

4           Again, we're not particularly interested in  
5 your having an answer for us right now, but we simply  
6 wanted to indicate that it would be great if those  
7 areas could be fleshed out in the FSA.

8           MS. WILLIS: We're having a hard time  
9 hearing you.

10           HEARING OFFICER RENAUD: Okay. I sound so  
11 loud to myself up here, but okay.

12           (Colloquy to correct audio issues.)

13           HEARING OFFICER RENAUD: Should I repeat all  
14 of that or did you get it?

15           MS. WILLIS: No, I think we got it.

16           HEARING OFFICER RENAUD: You got it? Okay.  
17 There's always the transcript too. Okay, all right.

18           That reminds me. As long as I -- you may  
19 have heard me mention the transcript. There is a  
20 certified reporter over here taking a record of the  
21 entire proceeding. It will be transcribed into  
22 printed form and posted for public access on the  
23 Commission website under this project. So anybody  
24 wanted to look back and see what was said, or if you  
25 misheard something, we'll always be able to review

1 the transcript. Okay.

2 Now in the Land Use Section again  
3 considering the laws, ordinances, regulations and  
4 standards, or LORS, we noticed there didn't seem to  
5 be specific reference to some of the things one might  
6 be looking for in zoning such as set-back, building  
7 height, that sort of thing. We just wanted to make  
8 sure that those areas get addressed for the FSA.

9 Again, there was a LORS consistency table in  
10 that section and we really do appreciate that. It  
11 was very helpful. Thank you. All right.

12 Okay, Soil and Water Resources. This kind  
13 of raises one of the larger issues in the case, which  
14 is the issue of sea level rise, climate change,  
15 potential for impact on the proposed project.

16 We reviewed the Coastal Commission Report.  
17 And in light of the staff report in this area, the  
18 way the Committee sees it is that there doesn't seem  
19 to be a disagreement between staff and the Coastal  
20 Commission on the potential for sea level rise to be  
21 an issue, but you do come to different conclusions  
22 about it, which seems at least in part to be based on  
23 a determination that by staff that the project would  
24 not be critical infrastructure, but the Coastal  
25 Commission's determination that it is or would be



1 critical infrastructure.

2 We would be interested not today, but  
3 interested at the evidentiary hearings, in having the  
4 parties address that particular issue. That will be  
5 something the Committee will be very interested in  
6 receiving evidence on. It's not a question we're  
7 asking you to answer today, but wanted to raise the  
8 topic for the future.

9 When I'm done with my list, and we're  
10 talking about the status of the case, if you do want  
11 to clarify the way I expressed the Committee's read  
12 of it we'd like to hear that. But that sort of tells  
13 you the way we saw it. Okay.

14 All right, now in the -- also in Soil and  
15 Water Resources there's a response to a number of  
16 comments. And one is a response to a comment of  
17 Intervenor Environmental Defense Center. The comment  
18 states that the proposed project is not coastal  
19 dependent, because it does not require ocean water  
20 for cooling. And staff refers the reader to the Land  
21 Use Section for a response to that comment.

22 And I personally was not able to find that  
23 response. So again, if it's there maybe direct us to  
24 it or if it's not that's something you can certainly  
25 take care of for the FSA.

1           In the Traffic and Transportation area, a  
2 good deal of this is about air traffic. And that it  
3 indicated in the PSA that additional flight tracking  
4 data for Camarillo Airport and Point Mugu Naval Air  
5 Station would be reviewed.

6           I'm just curious to know for its impact on  
7 the schedule whether the data that you were seeking  
8 has been made available and you'll have a chance to  
9 get that into the FSA. Do you know? Or if not, just  
10 bear in mind that that's something we were looking  
11 for.

12           MR. PITTARD: Yes, our Supervisor, Jonathan  
13 Fong has indicated that yes we have the information.  
14 Yeah, Jonathan Fong has indicated that we do have the  
15 information.

16           HEARING OFFICER RENAUD: Thank you. Thanks  
17 Jon.

18           Okay. And finally, one more. In the  
19 Reliability Section, the discussion of flooding as a  
20 potential reliability issue, we didn't see any place  
21 that that actually focused specifically on sea level  
22 rise as a cause of potential flooding. We're curious  
23 to know if that is something that ought to be  
24 considered in terms of reliability. It is considered  
25 elsewhere, but in terms of reliability if that's

1 something that ought to be looked at.

2 Mr. Layton, are you coming up to for that  
3 one?

4 MR. LAYTON: I just want to make -- you're  
5 talking about the Reliability Section?

6 HEARING OFFICER RENAUD: Yes.

7 MR. LAYTON: Separately, not the Reliability  
8 section and discussion in Soil and Water?

9 HEARING OFFICER RENAUD: Right.

10 MR. LAYTON: Okay. We can make that clear.  
11 I understand your question. Thank you.

12 HEARING OFFICER RENAUD: All right. Good,  
13 thank you.

14 All right, well that's it. So I think  
15 everybody understood those things. And it's a pretty  
16 short list honestly for such a long document, so  
17 again good job.

18 All right. So our next thing is to hear  
19 from the parties regarding the status of the case.  
20 As I stated a number of parties did submit status  
21 conference statements and we have read those. But we  
22 would still like to hear from the parties regarding  
23 their opinion of the status of the case, how things  
24 are proceeding. And particularly from staff  
25 information about how any of the matters that are

1 being reviewed can affect the schedule, with respect  
2 to preparation of the FSA.

3 A couple of things that have happened quite  
4 recently, first was the issuance of the Coastal  
5 Commission Report. And second was the filing by  
6 Applicant of a project enhancement regarding outfall  
7 removal and beach restoration.

8 I think we would like to start with the  
9 Applicant, if we could, regarding the status of the  
10 case.

11 MR. CARROLL: Thank you, Mike Carroll with  
12 Latham & Watkins on behalf of the Applicant.

13 Since the beginning of the project review  
14 process, over a year ago, NRG has listened to input  
15 from agencies, intervenors and the public and has  
16 responded by making important changes to the project.  
17 If we could advance to the next image?

18 The image on screen is taken from -- the  
19 reverse one of it, thank you. The image on the  
20 screen is taken from the City of Oxnard's August  
21 31st, 2015 comments on the staff's Issues  
22 Identification Report for the project.

23 As you can see the City at that time  
24 expressed concerns regarding the cumulative impacts  
25 of the Puente Project when taken together with the

1 existing MGS Units 1 and 2 and the existing ocean  
2 outfall. The FC did not initially include demolition  
3 of MGS Units 1 and 2. It also proposed continued use  
4 of the ocean outfall for P3. The City's concerns in  
5 this respect were echoed by other parties and members  
6 of the public. Next image, please?

7 In response to these concerns, in November  
8 of 2015, NRG revised the project to include  
9 demolition of MGS Units 1 and 2, which is reflected  
10 in the visual simulation on the screen.

11 As was just mentioned more recently the  
12 California Coastal Commission, and the U.S. Fish and  
13 Wildlife Service, renewed concerns regarding the  
14 continued use of the existing outfall for the  
15 project. In response, NRG has redesigned the  
16 wastewater and stormwater management systems for P3,  
17 not only to eliminate ocean discharge from the  
18 project, but to also accommodate wastewater from  
19 existing MGS Unit 3 and stormwater from the entire  
20 MGS site.

21 This will allow elimination of all ocean  
22 discharges and removal of the existing outfall  
23 structure. A detailed description and analysis of  
24 this project enhancement was docketed with the CEC  
25 yesterday as was just mentioned. If we could we

1 advance to the next slide, please?

2 The simulation on the screen shows the view  
3 from the beach following development of P3 and  
4 removal of both MGS Units 1 and 2 and the outfall  
5 structure. If you can advance to the next screen?

6 This is a photograph of the existing image  
7 from the beach. Could we ask that the images on the  
8 screen be expanded to full screen? Just to make them  
9 more visible to the public. That's fine. Thank you  
10 very much.

11 This is the existing view from the beach of  
12 the current project site, if we could back up one  
13 image, please? Thank you. And move forward please,  
14 one image and one more image.

15 And this is the simulation, same view, from  
16 the beach with MGS Units 1 and 2 and also the outfall  
17 structure removed. The approved aesthetics relative  
18 to the baseline condition are obvious from these  
19 images. In addition, elimination of the ocean  
20 discharge, removal of the outfall structure, and  
21 restoration of the beach and the dunes in this area  
22 will create new habitat for resident and migratory  
23 birds and create enhanced beach access and  
24 recreational opportunities in this area.

25 Development of P3 at the proposed location  
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1 is the only way to ensure that these improvements  
2 will be achieved in a relative near term. In the  
3 absence of P3 at this location wastewater from MGS  
4 Unit 3, which is existing, and stormwater from the  
5 entire MGS site will continue to be discharged by the  
6 existing ocean outfall, which will continue to be  
7 illegal non-conforming use.

8           These enhancements reinforce the superiority  
9 of the proposed project location relative to  
10 alternative locations that have been analyzed. This  
11 enhancement is NRG's latest commitment to respond to  
12 the agencies, the interveners and the public, who  
13 have made comments on the project in a meaningful  
14 way.

15           I'd now like to briefly address some of the  
16 issues identified by the parties in their statements  
17 filed with the Committee on Friday. And I point out  
18 that all of these issues have been the subject of  
19 extensive discussion and analysis throughout the  
20 project review process.

21           First with respect to coastal hazards and  
22 sea level rise, this issue has been analyzed  
23 exhaustively in both these proceedings and in the  
24 CPUC proceedings, which culminated in approval of the  
25 contract between SCE and NRG.

1           The Coastal Commission also addressed this  
2 issue in its report and recommendations to the CEC.  
3 Much has been made of the Coastal Commission's  
4 recommendation that the CEC consider alternative  
5 upland sites for the project, which of course CEC  
6 staff has already done in the PSA. Given the focus  
7 of the Coastal Commission on maximum protection of  
8 coastal resources this recommendation is not  
9 surprising. If you could advance to the next slide,  
10 please?

11           By its own admission, the Coastal Commission  
12 recommendations were based on a highly conservative  
13 assessment of the risk of coastal hazards. Some of  
14 the quotes from the Coastal Commission's final report  
15 are on the screen.

16           Even with these conservative assumptions,  
17 the report concludes that the P3 project site would  
18 not be subject to flooding from even the 500 year  
19 event. Furthermore, it's important to note the  
20 qualified nature of the Coastal Commission's  
21 recommendations. It recommends relocation of the  
22 project only if an alternative site, that is both  
23 feasible and environmentally superior to the proposed  
24 site, is identified. These are determinations that  
25 the Coastal Commission properly leaves to the Energy



1 Commission.

2           Recognizing that such a site may not exist,  
3 the Coastal Commission Report includes alternative  
4 recommendations for making the project consistent  
5 with coastal policies at its proposed location. Next  
6 slide please.

7           The CEC staff has completed its own analysis  
8 of coastal hazards, which is also conservative, but  
9 not as extreme as that completed by the Coastal  
10 Commission. As indicated by the excerpts from the  
11 PSA on the screen CEC staff concludes that the risk  
12 over the life of the project from coastal hazards,  
13 including sea level rise, is not significant.

14           In addition to its extremely conservative  
15 assessment of coastal hazards, the Coastal  
16 Commission's qualified recommendation to relocate the  
17 project was based on an equally conservative  
18 determination that a portion of the project site  
19 constituted a wetland. This conclusion was based on  
20 applying a very broad definition of wetland to  
21 include any site where plants exist that are typical  
22 of a wetland regardless of how the plants came to be  
23 located there.

24           In the case of the Puente site, the  
25 determination was based on the presence of common

1 hydrophilic plants most likely introduced to the site  
2 by the historic storage of dredge spoils from the  
3 Edison Canal. Next slide please.

4           While conceding that a portion of the site  
5 may constitute a wetland under the Coastal  
6 Commission's overly expansive definition, the CEC  
7 staff accurately describes the nature of the project  
8 site in the PSA as indicated in the excerpt on the  
9 screen. Preserving this area, given its quality,  
10 does not justify relocating the project.

11           Furthermore, NRG has agreed to compensate  
12 for the loss of this acreage even though it disagrees  
13 with the wetland determination. In addition,  
14 restoration of the beach habitat that will be made  
15 possible by the removal of the ocean outfall more  
16 compensates for the loss of the area included within  
17 the project site.

18           With respect to air quality, the Ventura  
19 County APCD issued its PDOC on May 20th, 2016  
20 concluding that the project as proposed complies with  
21 all applicable air quality requirements. Some have  
22 continued to claim that the project should be subject  
23 to PSD review. That issue has been reviewed  
24 extensively and the bottom line is that the project  
25 does not trigger PSD review.

1           With respect to Alternative Sites, the  
2 Alternative Sites Analysis for this project is  
3 perhaps one of the most comprehensive ever conducted  
4 for a CEC project. At least eight alternative sites  
5 have been analyzed. The PSA contains a comprehensive  
6 analysis that focuses on two of the City's proposed  
7 sites that the staff found to be the most viable, as  
8 well as two options for reconfiguring the project  
9 site within the existing MGS facility.

10           The onsite configurations present a number  
11 of practical problems associated with project design  
12 and the phasing of P3 construction and demolition of  
13 MGS Units 1 and 2.

14           Furthermore, the only identified advantage  
15 associated with these alternatives is the  
16 preservation of the wetland that was just discussed.  
17 This clearly does not warrant the complete redesign  
18 of the project and redo much of the analysis,  
19 including the extensive Air Quality Analysis. Next  
20 slide, please?

21           With respect to the two offsite alternatives  
22 that were determined to be the most promising,  
23 neither is environmentally superior to the proposed  
24 project site and both have serious feasibility  
25 issues, including lack of site control and lack of

1 gas, water and transmission infrastructure. And as  
2 previously stated the offsite alternatives would not  
3 ensure removal of MGS Units 1 and 2, or the existing  
4 ocean outfall. Advance to the next slide please and  
5 to the final slide please.

6           With respect to Land Use the City has  
7 expressed concerns with what it regards as  
8 inconsistencies of local land use plans and policies,  
9 including a now expired moratorium on energy  
10 developments in the coastal zone and a recent  
11 amendment to the City's General Plan.

12           These are essentially the same arguments the  
13 City made when it opposed the McGrath Peaker Project,  
14 and which the Coastal Commission rejected, when it  
15 approved the project. The Coastal Commission  
16 responded in similar fashion to these arguments in  
17 its report on Puente. The bottom line is that the  
18 project is consistent with the currently applicable  
19 local coastal plan and coastal zoning ordinance.

20           With respect to Environmental Justice, some  
21 parties have expressed concern regarding the  
22 methodology used by NRG and the CEC to determine  
23 whether or not any EJ population exists in proximity  
24 of the project. We understand that staff is  
25 conducting an alternative environmental justice

1 analysis.

2           Regardless, with respect to which  
3 methodology is used, no one is disputing that there  
4 are EJ populations working and living in the relative  
5 vicinity of the project, although the nearest  
6 existing and proposed residential communities are  
7 primarily upscale waterfront developments. The  
8 important point is that the project will not result  
9 in adverse impacts to EJ communities, regardless of  
10 how that is defined.

11           Now we do have comments with respect to  
12 Schedule, but it sounds like the intent of the  
13 Committee is that we hold those comments. Or would  
14 you like to hear those at this point?

15           HEARING OFFICER RENAUD: No. We'd like to  
16 hear comments on the schedule at this time, as well.

17           MR. CARROLL: The project schedule has  
18 already been extended multiple times and has now  
19 extended over a year. The period for responding to  
20 data requests was extended by 90 days. The period  
21 for commenting on the Preliminary Determination of  
22 Compliance was extended by 30 days. And the period  
23 for commenting on the PSA was extended by 45 days.

24           In light of these extensions and the fact  
25 that, as I mentioned earlier, the issues that

1 currently appear to be in dispute have been issues  
2 that have been under discussion since the very outset  
3 of the review process and are unlikely to be resolved  
4 through further discussion with the parties. We see  
5 no basis for extending the Committee's current  
6 approved schedule beyond what may be needed to  
7 address the fact that the FDOC issuance has been  
8 delayed.

9           So what Applicant would propose, and what  
10 Applicant would be prepared to support in the way of  
11 a modified schedule, would be to maintain the current  
12 schedule that the Committee has approved as adjusted  
13 to reflect the fact that the FDOC is to be released  
14 on roughly October 13th, as we understand it. So all  
15 of the dates following the issuance of the FSA would  
16 be adjusted accordingly with the same time period  
17 between each milestone, with the dates being pushed  
18 out to reflect the delay in the issuance of the FDOC.

19           We think that the timeframes that have been  
20 proposed by the Intervenors for prehearing  
21 preparation, which would essentially insert a four-  
22 plus month period, as we understand it, between  
23 issuance of the FSA and evidentiary hearings to  
24 prepare briefs and witnesses and exhibits is  
25 extraordinary. I've never seen anything, a schedule

1 quite like that, in the context of an Energy  
2 Commission project and completely uncalled for.

3           So we are certainly opposed to those lengthy  
4 extensions that have been suggested by the  
5 intervenors. But understand that staff may need some  
6 additional time to complete the FSA, given the delay  
7 and the issuance of the FDOC. So again, our proposal  
8 is to maintain the Committee's schedule, adjusted as  
9 needed to reflect the delayed issuance of the FDOC.  
10 Thank you.

11           HEARING OFFICER RENAUD: Let me ask this.  
12 Do you see similar to FDOC that the project  
13 enhancement document, which was just filed, would  
14 warrant additional staff review time?

15           MR. CARROLL: We think that it does warrant  
16 staff review time, but we think that that review can  
17 be accomplished within the schedule of the Committee.

18           So in other words we think that with the  
19 review time that would be in the schedule between  
20 issuance of the FDOC and issuance of the FSA, that  
21 that would also provide time for staff to review the  
22 enhancement.

23           That's roughly six weeks from now. If we  
24 get the FDOC roughly two weeks from now and FSA  
25 roughly four weeks after that, that would give the

1 staff six weeks to analyze the enhancement, which we  
2 think is sufficient.

3           We tried to be very comprehensive in the  
4 assessment to provide the staff all the information  
5 it would need. And I would say that while the  
6 implications of the enhancements are very  
7 significant, the nature -- that the physical nature  
8 of the enhancements themselves are relatively  
9 straightforward, do not present any additional  
10 adverse impacts, but do in fact present a number of  
11 positive impacts relative to the baseline condition  
12 and the project as proposed without the enhancements.

13           So we think that the analysis should be  
14 relatively straightforward and we tried to be very  
15 complete and comprehensive in the filing that was  
16 submitted yesterday.

17           HEARING OFFICER RENAUD: Okay, thank you.

18           Now, let's turn to staff, status of the case  
19 and schedule comments.

20           MR. PITTARD: Thank you, Mr. Renaud. I have  
21 a couple of comments.

22           One, you've seen our Preconference  
23 Statement. One thing I want to point out there, and  
24 something Mr. Carroll mentioned was a separate  
25 environmental justice section. We'll be creating a



1 section in the FSA that will -- in the past and in  
2 the PSA, environmental justice was covered in it  
3 seemed like in the Executive Summary and also then in  
4 the Socio-Economic Section where we showed the  
5 demographics. We've had considerable comment on this  
6 topic and we think that it merits its own section in  
7 the FSA.

8           We'll be looking -- and Eric if you want to  
9 correct me at any point and time or opine in, please  
10 join us -- but we'll be looking at CalEnviroScreen.  
11 And we've been analyzing it to see how it can assist  
12 us in our analysis and what its limits are as well.  
13 So that will be discussed in our FSA section. Any  
14 questions?

15           Okay. And also as we noted that we're  
16 looking at -- there are three things that we need to  
17 complete our FSA. And they are of course the FDOC  
18 and the -- which we now have this outfall project  
19 change from the Applicant that we're taking a look  
20 at. We got that yesterday. And then we also need to  
21 coordinate with the California Department of Fish and  
22 Wildlife to get their comments on this project. So  
23 those are the three items that are outstanding. And  
24 the items that we will need in order to complete our  
25 analysis.

1           In terms of the schedule, I don't know that  
2 -- on August 26th, we received a transmission line  
3 refinement from the Applicant that our transmission  
4 system engineers have been looking at. And they are  
5 in contact with NRG's engineers asking some questions  
6 about this refinement.

7           Something that frankly we didn't really  
8 appreciate until a discussion on Friday is that it  
9 appears there is a new point of first interconnection  
10 associated with this that we hadn't really  
11 appreciated. So that's something, another thing that  
12 we're going to be looking at and asking questions,  
13 where we'll have questions about.

14           So that is the other item on our list of  
15 things that need to be complete in order to complete  
16 the FSA.

17           HEARING OFFICER RENAUD: Good. Eric?

18           ERIC: (Indiscernible)

19           HEARING OFFICER RENAUD: Does staff have an  
20 estimate of when the FSA could be prepared by? Is  
21 the current October 14th date still feasible?

22           MR. PITTARD: I would say not. Not without  
23 this information. There would be several sections  
24 that would not be affected, some of the engineering  
25 sections in particular. But for the most part we'll

1 need to -- every subject area will need to take a  
2 look at this project enhancement. This has been  
3 proposed. And so yeah, more sections are affected by  
4 this than not.

5 And two, as part of looking at this new  
6 project enhancement, we've had it for a day. And so  
7 we did have -- we anticipated that this would be  
8 coming, Applicant did mention it of course at the  
9 September 9 Coastal Commission meeting and we  
10 anticipated that they were moving in that direction.

11 But we're going to need a chance to look at  
12 that document and determine if we have even questions  
13 of the Applicant, if we need to issue some data  
14 requests.

15 Yeah, and in addition, our typical agency  
16 coordination efforts that we would need to do. And  
17 the Staff Counsel reminds me and 1,000 pages of  
18 comments that we're reviewing. Yeah.

19 HEARING OFFICER RENAUD: I'm sorry?

20 MR. PITTARD: We've received over 1,000  
21 pages of comments on the PSA. And staff is working  
22 through them. Granted a lot of them are attachments,  
23 but we do read everything that is filed.

24 HEARING OFFICER RENAUD: All right, very  
25 good. So you're not able to give us a ballpark

1 estimate on the FSA without receiving some additional  
2 documents; is that about right?

3 MR. PITTARD: Yeah. That's pretty much it.  
4 I mean we're not saying that the Applicant's proposal  
5 isn't possible. I would look to our Soil and Water  
6 people and say, "Am I accurately characterizing that  
7 there may be more?" We don't know yet if there's  
8 more information that we need. And so that would be  
9 the unknown that we're looking at right now.

10 HEARING OFFICER RENAUD: Okay. So let me  
11 pin you down there. When will you know what more  
12 information you might need? And I'll tell you I'm  
13 not giving you a hard time --

14 MR. PITTARD: No. I appreciate that.

15 HEARING OFFICER RENAUD: -- I'm asking,  
16 because the Committee is probably going to want each  
17 party to propose a revised schedule. And we want to  
18 give you a date by which to do that, but I don't want  
19 to make that date before you have the information you  
20 need to be able to tell us.

21 MR. PITTARD: Got you. Yeah, we'll consult  
22 with our staff here --

23 HEARING OFFICER RENAUD: All right.

24 MR. PITTARD: -- the specialist in this area.  
25 Can we do that for just a moment?

1 HEARING OFFICER RENAUD: Well, I think maybe  
2 we'll move on and come back to you. Would that be  
3 all right?

4 MR. PITTARD: Okay. Yes.

5 HEARING OFFICER RENAUD: If you're done,  
6 other than that.

7 MR. PITTARD: Good. Thank you, Renaud.

8 HEARING OFFICER RENAUD: Okay. Thanks.

9 Okay. Next we received a status conference  
10 statement from the City of Oxnard. Would you care to  
11 give us any further information on schedule?

12 MR. WILLIAMSON: I would defer to attorneys  
13 on the phone I believe.

14 HEARING OFFICER RENAUD: Okay. Can we  
15 unmute the attorney for City of Oxnard?

16 MS. FOLK: Hi. Can you hear me now?

17 HEARING OFFICER RENAUD: Yes.

18 MS. FOLK: Okay. Yes, so this is Ellison  
19 Folk. And well we do have a couple of comments I  
20 just want to make, in part in response to NRG's  
21 essentially arguments that it made just now.

22 And we do have real concerns about the  
23 information that's in the Preliminary Staff  
24 Assessment and with respect to Sea Level Rise. I  
25 think it's not quite accurate to say that the Coastal

1 Commission and staff came to the same conclusion  
2 around the threat from sea level rise, because the  
3 Commission's Analysis shows a greater threat from sea  
4 level rise. And the Coastal Commission staff did use  
5 the approach that's recommended by the State of  
6 California for evaluating sea level rise, whereas the  
7 staff assessment relies on a preliminary draft model  
8 that's based more on global sea level rise estimates.

9           And while the Coastal Commission's approach  
10 is conservative, I think the one thing we know from  
11 looking at sea level rise over the past five-ten  
12 years is that it's worse than we anticipated and a  
13 conservative approach is warranted.

14           On Alternative Sites, I will say that we are  
15 concerned about the fact that the Preliminary Staff  
16 Assessment did not even look at the most feasible  
17 alternative, which is the inland project that Calpine  
18 is sponsoring. And I understand that's not an NRG  
19 project specifically, but if the goal here is to meet  
20 a particular need, which is the local capacity  
21 requirements, than it shouldn't really matter who's  
22 providing that energy.

23           And then finally on Land Use, we were  
24 concerned that there was nothing in the Preliminary  
25 Staff Assessment about consistency with the City's

1 General Plan amendments, which had been adopted prior  
2 to release of the staff assessment. And so the  
3 project is inconsistent with those General Plan  
4 amendments. The Coastal Commission did not address  
5 them, because they have not yet been put into the  
6 LCP. But the General Plan still governs land use in  
7 the City.

8           And so with respect to schedule, I'd say a  
9 couple of things. One, we've just heard today is  
10 that the Final Staff Assessment is going to include a  
11 number of new sections and analyses that we have not  
12 yet seen. And one of those would be a land use  
13 consistency issue. We just heard there'd be a  
14 separate environmental justice discussion. There's  
15 going to be a new discussion of the transmission  
16 lines. It sounds like many of the sections will have  
17 to be revised to address the proposal to eliminate  
18 the outfall.

19           And you know one thing I'll say about the  
20 outfall and elimination of (indiscernible), the  
21 discharge canal, is the City supports eliminating  
22 that, but I want to say that I don't think it should  
23 -- it's fair to look at it as a project enhancement.  
24 That outfall has been discharging water over State  
25 lands without a lease for decades. And that actually

1 is a trespass. And so elimination of that outfall is  
2 something that should happen regardless of whether  
3 this project is approved.

4           And then after the elimination of the  
5 outfall, it's not just an issue where staff needs to  
6 get information, it's also the public should be able  
7 to get more information about that proposal. And  
8 what the impacts of it would be, because the proposal  
9 is not to discharge to the City's municipal  
10 wastewater system, but to discharge it back into the  
11 canal. And so we just want to know what the  
12 environmental impacts of that might be and what the  
13 effect of doing that is. And should be able to get  
14 information about that before the project goes to the  
15 evidentiary hearings.

16           And so in part, that's why we added some  
17 additional time to the schedule that we requested.  
18 In total, I think it's an additional month that would  
19 be added prior to the evidentiary hearings in terms  
20 of additional time for preparing testimony, because  
21 the Final Staff Assessment is going to be the first  
22 place we see a lot of this information.

23           HEARING OFFICER RENAUD: All right. Thank  
24 you. Go ahead, did you have more?

25           MS. FOLK: No, that's it. I do think given  
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1 that the proposal for the elimination of the outfall  
2 was just submitted we would like the opportunity to  
3 do some data requests on that.

4 HEARING OFFICER RENAUD: Okay. Thank you  
5 for that. Let's see. Let me check one thing. All  
6 right, thank you.

7 All right, next Mr. Sarvey if you're on the  
8 line and would like to address the Committee  
9 regarding the status of the case and schedule, we'd  
10 like to hear from you.

11 Unmute the phones. Mr. Sarvey, are you  
12 there? We're not hearing you if you're there.

13 MR. SARVEY: Can you hear me now?

14 HEARING OFFICER RENAUD: Yes.

15 MR. SARVEY: Okay, good. My major issue now  
16 is the project enhancement, the outfall removal, and  
17 beach restoration. I have a couple of questions I  
18 have about that, which could probably be handled with  
19 informal talk with the Applicant or it may require a  
20 data request, if that's possible.

21 And as I explained my issues with the  
22 outfall is the underground infrastructure that is  
23 involved in the outfall. So I would want to know  
24 more about that.

25 Are you wanting to discuss the issues I

1 raised in the preconference statement here? Or do  
2 you just want to talk about the schedule?

3 HEARING OFFICER RENAUD: Well, we have the  
4 status conference statement, we read it. And we're  
5 aware of the issue you raised, but if there's  
6 anything additional you'd like to tell the Committee,  
7 particularly as it affects the schedule we'd  
8 certainly like to hear from you.

9 MR. SARVEY: Okay. Sure.

10 Well, as I told you a lot of the parties  
11 have issues with the demolition of the Mandalay units  
12 in the AFC. And this isn't the only application that  
13 this issue has surfaced in.

14 And I was hoping for some direction from the  
15 Committee today. And if I don't get it I'm going to  
16 file a Motion for Summary Adjudication of the issue,  
17 just as it was done in Alamos. So that could delay  
18 the schedule somewhat.

19 And I have an issue with the Applicant and  
20 staff's proposal to demolish the Mandalay units to  
21 ground level. And as I said, I support removing the  
22 underground portion of the Mandalay units as they  
23 will be exposed in the future due to sea level rise.  
24 And underground infrastructure will be a hazard and  
25 an obstruction of the public access. I was hoping

1 the Committee would give us some direction on that  
2 today.

3 As far as the schedule goes I support the  
4 one that's been advocated by CJ. And that's all I  
5 have to say. Thank you.

6 HEARING OFFICER RENAUD: All right. Well,  
7 just on the demolition issue I can tell you I'm not  
8 sure if you knew or not, I think you might, that  
9 demolition is being viewed as part of the project in  
10 this case and has been reviewed by staff. And I  
11 don't know about Alamitos, but that's the status of  
12 it in this case.

13 MR. SARVEY: Well, the same status as in the  
14 Alamitos case. And like I said, I'll be filing a  
15 motion if I don't get some direction here today.  
16 Thank you.

17 HEARING OFFICER RENAUD: Okay. Thank you.

18 Next, let's see, Mr. Segee. Have I got that  
19 -- did I pronounce that correctly? Thank you.

20 MR. SEGEE: You've got it right. Thank you.

21 HEARING OFFICER RENAUD: And you're  
22 representing who today, please?

23 MR. SEGEE: Intervenors Environmental  
24 Defense Center, Sierra Club, and Environmental  
25 Coalition.

1 HEARING OFFICER RENAUD: Thank you.

2 MR. SEGEE: And I would just make the pitch  
3 that we put both in our PSA comments, and in the  
4 status statement that we submitted last Friday, that  
5 there's been both changes to the project and changes  
6 to the surrounding circumstances that are fundamental  
7 in nature.

8 And so we're advocating for actually the PSA  
9 to be re-circulated. Otherwise you have these major  
10 aspects of the project, including the issue of the  
11 City of Oxnard, what it's done to the LORS, the  
12 changes to the project. There's very fundamental  
13 aspects that otherwise are not going to receive  
14 public notice and comment. And so I was just  
15 reiterate that call that we made in the comments in  
16 the status report.

17 And then I understand the Applicant's  
18 frustration about the different extensions of time.  
19 But the different extensions of time, the length of  
20 this time from our perspective, all these delays  
21 reflect the fact that this project is so problematic  
22 and is really fundamentally problematic. And so it's  
23 taking a long time because more issues keep being  
24 uncovered.

25 And another aspect that wasn't included in  
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1 the PSA was the Coastal Commission in the 30413(d)  
2 Report, which I think the significance is pretty  
3 difficult to overstate where you have a state agency  
4 saying -- the state agency in charge of coastal  
5 protection that normally has much broader and  
6 stronger powers except in this unique power plant  
7 context under the Warren-Alquist Act saying this is  
8 the wrong place for this project, because of coastal  
9 flooding. It's the wrong place for the project,  
10 because of environmentally-sensitive habitats.  
11 Weighing in from those environmental perspectives --  
12 that's a significant issue.

13           And it's -- I'm not even sure how to  
14 describe, but it's odd for me to hear a critique of a  
15 state agency as being too conservative. You just  
16 have to look at what's happening with climate and  
17 weather; 500-year storms are not 500-year storms  
18 anymore. You see it in just the last month:  
19 Louisiana, Iowa. All around our presumptions are  
20 being proven wrong by the rapidity of climate change  
21 and the way it's impacting our natural environment  
22 and our human communities.

23           And so we need to be conservative here.  
24 There shouldn't be any other way, so that's all I  
25 have for my comments now. Thank you.

1 HEARING OFFICER RENAUD: All right. Thank  
2 you.

3 And Intervenor California Environmental  
4 Justice Alliance, I believe you're on the phone,  
5 Ms. Lazerow? Anything, comments and particularly a  
6 focus on the schedule and the status of the case,  
7 please?

8 MS. LAZEROW: Yes. Thank you. Can you hear  
9 me?

10 HEARING OFFICER RENAUD: Yes.

11 MS. LAZEROW: Wonderful. Our comments on  
12 the side of the case largely echo those of the other  
13 intervenors. The landscape is changing significantly  
14 around this project and the sister agency analyses  
15 really do need to be taken into account.

16 The fact that staff is going to put together  
17 an Environmental Justice Section is very much  
18 appreciated.

19 And we really are going to need time to work  
20 with that and to work with all of the new  
21 information. And so we did request a more extended  
22 schedule. And I think knowing that there is now a,  
23 what is it, a 77-page project modification that we  
24 haven't had a chance to look at yet in addition to  
25 new sections coming with the PSA.

1           We certainly at the hearing at the meeting  
2 in Oxnard over the summer had asked for a re-  
3 circulated PSA before the FSA comes up. And I really  
4 feel that would be a more prudent approach, given the  
5 scope of changes that are occurring. If we're going  
6 to be seeing an FSA, rather than a re-circulated PSA,  
7 I would ask for a really generous amount of time and  
8 the opportunity for data requests on the new  
9 information now.

10           HEARING OFFICER RENAUD: Okay. Thank you.

11           Okay. Let's turn back to staff. We asked  
12 if you could maybe give us a rough idea of when you  
13 might have the information you need to suggest a new  
14 schedule; anything for us?

15           MR. PITTARD: Yeah, our data requests coming  
16 up a lot from all the parties right now. And we know  
17 that the discovery period is closed. But staff may  
18 have data requests for the Applicant on this new --  
19 the change in design related to the outfall. I'm  
20 wondering if it would be of value to hold a public  
21 workshop on this change and give the parties a chance  
22 to come together and just really work through it?

23           HEARING OFFICER RENAUD: It sounds good to  
24 the Committee. That's really your call, but if that  
25 would help facilitate things and help people get the

1 information they are looking for, I would encourage  
2 it.

3 MR. PITTARD: And I would also like to note  
4 that in our Pre-Conference Statement, we did suggest  
5 again as we have before, that we hold an FSA  
6 workshop. It would be to help -- to hold a public  
7 workshop to walk the parties through the changes in  
8 our PSA to the FSA to highlight those. And the  
9 purpose of that would be to facilitate the review by  
10 other parties, to help them to point out and  
11 highlight the changes in the document.

12 HEARING OFFICER RENAUD: And just to clarify  
13 that is a workshop conducted by staff, not involving  
14 the Committee?

15 MR. PITTARD: It would be a staff workshop  
16 that would say follow maybe two weeks after the  
17 publication of FSA. It might give parties a change  
18 to read the document and then come together and we  
19 could walk through it, because we have a lot of  
20 responses to comments. We'd like to direct people to  
21 those places in the document.

22 HEARING OFFICER RENAUD: Okay, so just  
23 hypothetically if the Committee were to ask staff and  
24 everyone to suggest a revised schedule by ballpark, a  
25 week from Friday, whatever that is, would that be too



1 soon or too late? Would that be more time than you  
2 need, less time?

3 MR. PITTARD: Yeah. Well, the question that  
4 you're asking is at that time would we be able to  
5 propose a revised schedule --

6 HEARING OFFICER RENAUD: Yes.

7 MR. PITTARD: -- as opposed to asking us  
8 what the schedule would be now?

9 HEARING OFFICER RENAUD: Yeah. You've told  
10 us that you can't do revised schedule, because you  
11 don't have all the information.

12 MR. PITTARD: Yeah, absolutely we can do  
13 that. We can absolutely do that next week.

14 HEARING OFFICER RENAUD: Would you be able  
15 to do it in less than that's about ten calendar days;  
16 is that about right?

17 (Colloquy between staff.)

18 MR. PITTARD: We could do something by  
19 Wednesday or Friday of next week. Our staff is  
20 already working to kind of formulate their data  
21 requests. And that timeframe could work for us.

22 HEARING OFFICER RENAUD: All right. Thank  
23 you.

24 Okay, I guess I have one question for the  
25 Applicant then. We've heard pretty much universal

1 interest in the ability to do data requests on the --  
2 what I'll call the outfall part of the project; any  
3 response to those requests from the Applicant?

4 MR. CARROLL: Again, our view is that the  
5 modifications to the project, the proposed  
6 modifications to the project are relatively  
7 straightforward and we understand that staff has not  
8 had much time to review the submission. Our feeling  
9 is that once they've had that opportunity there will  
10 be a few questions.

11 Having said that, we're not opposed to  
12 providing an opportunity for data requests and we  
13 would be prepared to respond to those as long as that  
14 was provided within the context of the schedule that  
15 we previously proposed. And I think that that can be  
16 done. So in other words we wouldn't have to push the  
17 schedule out, but we would insert into that schedule  
18 that we said we were prepared to support, an  
19 opportunity for data requests and responses.

20 And I would just say that I think that is  
21 appropriate under the circumstances. And with  
22 respect to this project enhancement, with respect to  
23 the Revised Environmental Justice Analysis, both of  
24 which have been identified as bases for extending the  
25 schedule, I think when the Applicant or the staff

1 steps up and responds to comments from the public and  
2 agrees to conduct additional analysis or make  
3 significant modifications to the project, it's not  
4 appropriate. And it sends the wrong signal frankly  
5 to both the Applicant and to the staff to then punish  
6 them by protracted extensions of the schedule.

7           So while we appreciate that there is some  
8 need to review changes that occur to the project, we  
9 think that the length of that additional review needs  
10 to be tempered in recognition of the fact that these  
11 are things that -- in the case of the outfall  
12 removal, the Applicant; in the case of the Revised  
13 Environmental Justice Analysis, the staff -- have  
14 agreed to do in response to public comments.

15           So I would just ask that the Committee keep  
16 that in mind when evaluating the extensions. But  
17 we're not opposed to data requests on the enhancement  
18 as long as they can be fit within the schedule.

19           With respect to the workshops we're also not  
20 opposed to an FSA workshop. Again, we think that  
21 that can be accommodated within the schedule that we  
22 indicated we were supportive of earlier.

23           We would be opposed to and frankly don't  
24 see the need for also a workshop on the project  
25 enhancements. We think that any questions associated

1 with that can be addressed through data requests and  
2 wouldn't see any need to hold both a public workshop  
3 on the removal of the outflow structure and then an  
4 additional public workshop on the FSA. So we don't  
5 see any need for that.

6 But again, we would be supportive of data  
7 requests on the outflow removal enhancement. We  
8 would be supportive of an FSA workshop provided that  
9 they are fit within the schedule that we are prepared  
10 to support. And we think that that certainly can be  
11 accomplished.

12 HEARING OFFICER RENAUD: All right. Thank  
13 you.

14 I just want to respond to one thing you said  
15 and it's about adjusting the schedule. When a  
16 Committee issues a Revised Scheduling Order it  
17 represents a very thorough effort by the Committee to  
18 accommodate the reasonable, what it views as  
19 reasonable requests from various parties. A lot of  
20 compromise is involved and it's by no means intended  
21 to punish anybody. You did use the word punish, you  
22 probably didn't mean it that way, but it's not.

23 It's an effort to make sure that our process  
24 is viewed as fair and open to everybody concerned.

25 MR. CARROLL: And let me be clear. I

1 certainly did not mean to intend that anyone would  
2 intentionally punish the Applicant. What I was  
3 referring were sort of the natural consequences of  
4 extensions of the schedule that in effect do cause  
5 harm to the Applicant. So I wasn't suggesting  
6 anything other than that.

7 HEARING OFFICER RENAUD: Very well. Thank  
8 you.

9 Mr. Davis, I see you at the mic. Mr. Davis  
10 is with the Energy Commission staff.

11 MR. DAVIS: Chris Davis, I'm the Siting  
12 Office Manager.

13 In the context of the discussion about data  
14 requests, our data response period is usually 30  
15 days. Will the Applicant be able to commit to  
16 responding to the data requests in a more timely  
17 fashion, because obviously a 30-day response time  
18 would through the schedule out of whack.

19 MR. CARROLL: Yes, absolutely. And I think  
20 we would be prepared to commit to cutting that in  
21 half and responding to any data requests within 15  
22 days or sooner -- as soon as possible, but no later  
23 than 15 days following issuance of the data requests.

24 And obviously if we can get a heads up as to  
25 what the data requests are before they're issued in

1 the formal written process, that'll expedite matters  
2 as well.

3 HEARING OFFICER RENAUD: All right. Thank  
4 you.

5 Let me just check with all of the parties,  
6 see if anybody has anything further on case status or  
7 schedule? We make sure the phones are unmuted in  
8 case anyone on the phone, any party on the phone,  
9 wishes to address that, anyone?

10 Yes, Mr. Williamson?

11 MR. WILLIAMSON: Thank you. Just FYI for  
12 all parties, it's come to my attention that the new  
13 FEMA maps that we thought were going to be released  
14 in September, unless someone knows differently  
15 they're not going to be by this Friday. It might be  
16 October. I don't have a -- I don't know of a firm  
17 date. There is a meeting scheduled for people in --  
18 public works type people in Ventura County in  
19 October, with the FEMA Regional Office about the  
20 release of the new maps. But that's all the  
21 information they gave us.

22 Those maps could be critical to your FSA  
23 analysis.

24 HEARING OFFICER RENAUD: Okay. Thank you.

25 I think I may have heard someone on phone

1 starting to speak?

2 MS. FOLK: Yes. This is Ellison Folk again  
3 for the City of Oxnard.

4 I don't know if this is necessary at this  
5 point, but I did want to respond just to this idea  
6 that additional time needed to evaluate changes in  
7 the project were somehow punishing NRG. In fact,  
8 some of these modifications that they've made,  
9 they've known were concerns of the City and members  
10 of the public for quite a while. And in fact the  
11 first five, I think that was shown, was something  
12 indicating the City's concern about the outfall from  
13 August of 2015 and certainly that concern pre-dates  
14 August of over a year ago.

15 So the changes are being made late in the  
16 process when they should have come in with the  
17 project that addressed these things. And so if there  
18 is delay now, it's not the fault of the public or the  
19 City. And we should have an opportunity to get  
20 information about those things.

21 HEARING OFFICER RENAUD: All right. Thank  
22 you. Any other party on the phone wants to address  
23 anything about schedule or status? No?

24 Mr. Williamson, did I cut you off? No,  
25 you're good. Okay.

1           Do I hear another voice? Mr. Sarvey, are  
2 you trying to speak?

3           MR. SARVEY: No. No, I'm not.

4           HEARING OFFICER RENAUD: All right. Thank  
5 you.

6           COMMISSIONER SCOTT: Okay. It is time for  
7 public comment. I do want to reiterate that we will  
8 also be here at 5:15 in case folks come a little bit  
9 later to hear comment. But I don't want the folks  
10 whom I have blue cards from to have to wait until  
11 5:15 to make their comments. So I'm going to give  
12 our folks just a minute to bring up the timer. We'll  
13 have three minutes per speaker. And once we see that  
14 come up, I will get started with the public comments.

15           And again, we will also be here at 5:15 to  
16 do public comment as well.

17           All right, so my first comment is Geneva  
18 Thompson. Would you please come up to the microphone  
19 right here?

20           And as she's making her way up, if you are  
21 in the room and you'd like to make a public comment,  
22 you do that by picking up one of these blue cards  
23 which is with our public advisor and then she'll  
24 bring that blue card up to me and that's how we know  
25 that you'd like to speak. Welcome. Oh, I need you



1 to get right into the microphone so everyone can hear  
2 you, please?

3 MS. THOMPSON: Hello, good afternoon. Thank  
4 you so much for the opportunity to speak on the  
5 Puente Power Project and this PSA.

6 My name is Geneva Thompson and I am here  
7 representing Wishtoyo Foundation and its Ventura  
8 Coastkeeper. Wishtoyo Foundation's mission is to  
9 protect the Chumash and indigenous cultural resources  
10 and natural resources.

11 Today I wish to address the reasons we  
12 oppose this power project, because of the impact that  
13 it has on Chumash cultural and natural resources.

14 To comment specifically on the PSA, our  
15 first concern is in regards to how the project's  
16 analysis of the project's impact on cultural  
17 resources. The second concern is -- and it sounds  
18 like it will be already addressed with further  
19 research on the project's impact on the environmental  
20 justice communities. And lastly, we are concerned  
21 about the analysis of the environmental impacts and  
22 how it relates to the land, air and waters as  
23 connected to the Chumash natural cultural resources.

24 So first our concern in regards to how the  
25 project's impact on cultural resources have been

1 analyzed. We request that when analyzing the  
2 cultural resources of the project that all Chumash  
3 tribes, groups, clans and bands are consulted with.  
4 Each Chumash tribe, group, band and clan can provide  
5 important information in regards to the cultural  
6 resources of the specific project area. This will  
7 ensure that adequate and meaningful consultation with  
8 all Native Americans is done properly.

9 We also request that when analyzing cultural  
10 resources in this project area that the best  
11 available technology and frequently implemented  
12 practices of specially trained forensic canines and  
13 ground penetrating radar are utilized to identify the  
14 location of all Native American burials and cultural  
15 resources. This will ensure that cultural resources  
16 are identified before construction begins. And that  
17 preferred mitigation measures of avoidance and  
18 preservation in place can be successfully utilized as  
19 required by law.

20 We just submitted an eComment the other day  
21 that provides a lot more information about the  
22 specially trained forensic canines and the success  
23 that those have been utilized to find Native American  
24 burial and cultural resources.

25 The second concern is Wishtoyo is concerned

1 about the addition of another power project that will  
2 further degrade the coastal line and have cumulative  
3 effects on the economically and politically  
4 marginalized communities here in Oxnard. But as you  
5 all are saying that you will be doing more research  
6 on EJ communities then I want to thank you for that.

7 Lastly, the Chumash are a maritime culture  
8 and have significant connections to the coastline.  
9 This project will affect the viewscape of the ocean  
10 and hinder the Chumash view of the Channel Islands.  
11 The Channel Islands are important to the Chumash  
12 people and the central place to the Chumash people's  
13 creation story. And so having access to that  
14 viewscape to be connected with the coastline and be  
15 connected with the water is hugely important for the  
16 Chumash people.

17 The pollution associated with the project  
18 poses a threat to the terrestrial and aquatic  
19 habitats and impacting the animals and plants that  
20 are important to the Chumash people.

21 Wishtoyo asks that further research of the  
22 environmental impacts associated with the air and  
23 water pollution, and how those impacts affect natural  
24 cultural resources for Chumash people.

25 COMMISSIONER SCOTT: Sorry, can I ask you to  
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1 please wrap up?

2 MS. THOMPSON: Oh yes, for course.

3 And in conclusion Wishtoyo opposes this  
4 project, because not all Chumash tribes, groups,  
5 clans were consulted, the best available technology  
6 wasn't utilized to study the impacts of the project  
7 on cultural resources, and there hasn't been enough  
8 research on the impacts the project will have on the  
9 Chumash natural cultural resources.

10 Thank you so much for your time. And I'll  
11 be happy to answer any questions.

12 COMMISSIONER SCOTT: Thank you very much.

13 MS. THOMPSON: Thank you so much.

14 COMMISSIONER SCOTT: Our next public  
15 commenter is Kitty Merrill. And after Kitty Merrill  
16 will be Steve Nash.

17 MS. MERRILL: Good afternoon. I'm a long-  
18 time resident of Oxnard. I've been living here for  
19 about 30 years and I appreciate the environment that  
20 we have. To that end, I am also a Unitarian  
21 Universalist with the Church of Ventura. And one of  
22 our faith principles is the seventh principle, the  
23 interconnectedness of all things.

24 We need to keep that in mind as we're making  
25 these decisions. We need to look to our environment,

1 see the changes that are going on, and realize that  
2 we're not in charge of the ripple effect any more.

3           Yesterday was record heat. I don't know  
4 what tomorrow's going to bring. But I think that as  
5 we're moving toward creating a fossil fuel-based  
6 system of generating power, we're just not thinking  
7 about where the world is now and where it's going to  
8 be continuing to go.

9           I'm also glad to be part of the Community  
10 Advisory Group for the Central Coast Power that Sue  
11 Hughes was mentioning earlier. And that's a very  
12 exciting option. It's something that I'm especially  
13 proud of the possibility that we're looking at making  
14 sustainable energy choices possible for people who  
15 may not have a house with a place to put solar panels  
16 or may not have the budget to put solar panels on.

17           And I think those kinds of initiatives are  
18 happening around the state. And we need to support  
19 them by not just infilling with the same old  
20 technology. Thank you.

21           COMMISSIONER SCOTT: Thank you. Next I have  
22 Steve Nash. And Steve is followed by Michael  
23 Stubblefield.

24           MR. NASH: Thank you. And welcome back  
25 Commissioners Janea Scott and Karen Douglas, to our

1 beautiful little town, with probably the best  
2 coastline in all of Southern California. I'll start  
3 by reading the end of my statement, because I want to  
4 make sure that I get it in.

5           From Oxnard's Energy Action Plan, Figure 2-  
6 2:2010 total electricity use kWh per in Oxnard, is  
7 4,550 kWh. Ventura County is 6,377 kWh and  
8 California is 7,127 kWh. So Oxnard per capita is 71  
9 percent of the County, 64 percent of the State, so  
10 tell me, how can anyone say this Peaker should be  
11 located in Oxnard? It just makes no sense whatever.

12           Solar energy in the Tri-County region is  
13 about to cross a major threshold: 1 gigawatt of solar  
14 power is already installed. I would love to see  
15 1.262 -- yeah, 1.262 gigawatts installed.

16           On the Central Coast, the three county  
17 governments as well as 24 city governments are in the  
18 first phase of exploring community choice energy and  
19 will finish a Tri-County study in late 2016 that will  
20 suggest how this program can work in our region. And  
21 yet, here comes NRG and Edison and the CEC telling us  
22 that well, who cares about community choice? You're  
23 going to accept this power plant no matter what the  
24 community itself wants.

25           So I think you can see my button. I love

1 Oxnard. What I don't love is the legacy of my  
2 community having a superfund site, three coastal  
3 power plants, potentially a fourth one. What I don't  
4 like is out-of-area government entities, out-of-state  
5 energy companies coming in and ignoring local control  
6 of land use. How does that benefit my community?

7           So I urge you to really listen to what the  
8 community is saying, you know? And I hope that you  
9 read all of the comment letters or at least scan  
10 them. It's a bit of a slog, but I've done it and  
11 what I found is NRG's response is, "Well, that's not  
12 our opinion." Rather than saying, "This is why you  
13 need this power plant in this configuration at this  
14 location, at this time."

15           And I don't think we need it, so please do  
16 not approve 3P. Thank you.

17           COMMISSIONER SCOTT: Thank you.

18           I have Michael Stubblefield followed by  
19 Daniel Chavez, Jr. And just a reminder to folks  
20 again, if you'd like to make a public comment pick up  
21 a blue card from our Public Adviser and she'll bring  
22 it up to me. That's how I know.

23           Please go ahead.

24           MR. STUBBLEFIELD: Chair, Members, staff.  
25 NRG representatives, my name is Mike Stubblefield.

1 I'm here on behalf of the local Los Padres Chapter of  
2 the Sierra Club, of which I am the long-time Air  
3 Quality Chair. I'm also a member of the statewide  
4 Sierra Club California Energy Climate Committee. So  
5 I'm here in both capacities.

6 I was a little concerned when I heard your  
7 overview of where we're at thus far. That there was  
8 no mention of a letter, which I'm sure you all should  
9 have received and looked at as well as NRG, but I'm  
10 sure you must have seen it.

11 It was an analysis of the emissions, the  
12 projected emissions portfolio of the plant, which was  
13 done of the plant, the proposed plant itself, but  
14 because of state and federal laws it should have also  
15 included the cumulative emissions of the Edison  
16 Peaker, as well as the two remaining smaller pieces  
17 of the current Mandalay Generating Station that would  
18 still be running, so that you'd really have three or  
19 four depending on how you want to count, plants in  
20 such close proximity to one another that the only way  
21 you can do a legal analysis of the emissions  
22 portfolio is to include everything.

23 You can't just look at the emissions from  
24 the new plant and ignore the emissions from the other  
25 plants. I mean two of them are just feet away.



1 One's maybe 100 yards away, but they're all really  
2 close together. And conceivably, they could all be  
3 running at one time. And if you've read the  
4 analysis, like I have, you would also know that there  
5 is no possible way that you can run those three  
6 existing plants plus this one, and pass muster.

7 So that's a fatal flaw that's got to be  
8 addressed before this thing can ever happen. Thanks  
9 very much.

10 COMMISSIONER SCOTT: Thank you.

11 HEARING OFFICER RENAUD: Thank you very  
12 much. Let me just clarify. You are with the Sierra  
13 Club Las Padres Chapter?

14 MR. STUBBLEFIELD: Yes, sir. And I'm also a  
15 member of the Statewide Energy Climate Committee, but  
16 I'm a local resident. I live here.

17 HEARING OFFICER RENAUD: Okay. And I just  
18 want to suggest, just for procedural purposes, that  
19 the Sierra Club Las Padres Chapter is an Intervenor  
20 party in the case?

21 MR. STUBBLEFIELD: Yes, we are.

22 HEARING OFFICER RENAUD: You'll have the  
23 opportunity to present evidence during the  
24 evidentiary hearing. If that's a topic you'd like to  
25 present evidence on we welcome it.

1 MR. STUBBLEFIELD: And we will, yes.

2 Probably our EDC attorney will, on our behalf.

3 HEARING OFFICER RENAUD: Yes. I'm sure he  
4 will. And all comments responded to in the FSA too.

5 MR. STUBBLEFIELD: I just wanted to make  
6 sure you guys and NRG and everyone who's here in the  
7 audience was aware of that --

8 HEARING OFFICER RENAUD: Yes. You will see  
9 a response.

10 MR. STUBBLEFIELD: -- because it's a serious  
11 obstacle.

12 HEARING OFFICER RENAUD: Thank you.

13 MR. STUBBLEFIELD: All right. Thank you.

14 COMMISSIONER SCOTT: I have Daniel Chavez,  
15 Jr. please and followed by Todd McNamee.

16 MR. CHAVEZ: Good afternoon Commission,  
17 members of the audience, Applicants and City staff.  
18 So I am a candidate for the City of Oxnard as a  
19 Council Member, but most importantly I'm a born and  
20 raised resident of the City of Oxnard.

21 So along the campaign trail any elected  
22 official will agree that you hear a lot of concerns  
23 from residents and community members. And there  
24 seems to be some confusion. I get asked the question  
25 where do I stand on this fourth power plant. But

1 when I come to these proceedings or review paperwork,  
2 it shows that it's not a fourth power plant, instead  
3 that it's actually just knocking down two and  
4 building up a peaker. So if there I can get some  
5 clarification in regards to that, that would be  
6 helpful in the term of is this a fourth power plant  
7 or are they replacing two power plants and building a  
8 smaller unit? This is a confusion that is throughout  
9 the entire City, so some clarification on that would  
10 be very helpful to the many residents of the City of  
11 Oxnard.

12           The next question is how many power plants  
13 does the City of Oxnard have right now? And then, if  
14 this project was approved how many power plants will  
15 we have after the approval?

16           So we see, in this presentation that there  
17 is a removal of the outfall, which means additional  
18 beach space, and I believe as presented by the NRG,  
19 that will have more recreational activities. Which  
20 is a concern for myself and many other residents,  
21 because we feel that another power plant, a fourth  
22 power plant, will take away that recreational space  
23 on our beaches. We are the largest in Ventura  
24 County, but we do have a lot of low-income,  
25 hardworking residents. And we don't want to feel

1 that we're being taking advantage of.

2 So if I can just get some clarifications to  
3 that. Is this an actual additional power plant that  
4 would bring us up to a fourth power plant or is this  
5 replacing two power plants that are on the Mandalay  
6 and being replaced with a smaller unit?

7 I would also like to know, there is some  
8 rumors going around that the Ormond Beach Power Plant  
9 is supposed to be decommissioned in 2020. So if I  
10 can get some clarification on that and what the  
11 projected future for the Ormond Beach Power Plant  
12 what is going to happen? Is it going to still stand  
13 or is it going to be knocked down? Thank you.

14 COMMISSIONER SCOTT: Thank you.

15 I have Todd McNamee next, and then Leslie  
16 Purcell.

17 MR. MCNAMEE: Good afternoon. Thank you for  
18 the opportunity to comment. I did submit written  
19 comments earlier this month, but based on when I  
20 heard about 1,000 pages of public comments, I want to  
21 make sure these aren't lost.

22 So my name is Todd McNamee, Director of  
23 Airports for the County of Ventura. And the proposed  
24 location of P3 creates a hazard aviation that doesn't  
25 currently exist, based on the high-velocity thermal

1 plume that is projected from this plant. It's not  
2 compatible with the Oxnard Airport operations. And  
3 I'm concerned that the mitigation measure TRANS-7  
4 does not adequately mitigate the measure and further,  
5 it restricts access to the airport.

6 This high-velocity plume based on the  
7 modeling that's been done goes up to 3 or 4,000 feet,  
8 1.8 miles off the departure end of the runway for  
9 Oxnard Airport. And it's when I say 3 or 4,000 feet,  
10 that's at a velocity that would be considered  
11 something that causes severe turbulence and could be  
12 a hazard to aviation safety.

13 And as it exists now, there are plenty of  
14 airplanes that continue to fly over that existing  
15 site, even though we try our best to spread the word  
16 not to. And so I don't think that TRANS-7 is going  
17 to adequately address that concern.

18 Further restricting access, you essentially  
19 installing a 4,000-foot invisible tower as we try to  
20 restore airline service at Oxnard Airport, things  
21 like that do not help us attract service back to that  
22 airport to serve our Community of Oxnard and Ventura  
23 County with airlines.

24 So I just wanted to make sure those comments  
25 weren't lost in that 1,000 pages or so and that your

1 consumers are aware. Thank you.

2 COMMISSIONER SCOTT: Thank you.

3 Next is Leslie Purcell.

4 MS. PURCELL: Good afternoon, Commission.

5 So I would just like to say a couple of things. I  
6 hadn't really prepared remarks, but I also would like  
7 an answer to the question that was raised about  
8 exactly how many power plants are there. It's a  
9 little unclear. I know there are two there now. I  
10 think the peaker plant and the big plant down there  
11 going towards Ventura, right on the beach.

12 And the big plant is huge. It's an eye  
13 sore. It belches some kind of steam at night  
14 sometimes I've seen and presumably in the daytime  
15 too. So and we've got you know the other power  
16 plants down this way. So I think that's something  
17 the public would like to know.

18 In terms of the presentation, I think that  
19 it's very nice that they're talking about the outfall  
20 being cleaned up and restored and the beach as well.  
21 And it sounds like, listening to the City attorney,  
22 that that should be happening anyway. And if they've  
23 been trespassing for years without a proper permit, I  
24 don't know why we can't use some leverage. If they  
25 can clean that up and restore it, let's just go ahead

1 and do it and don't have it connected to having a new  
2 power plant built.

3           Maybe I don't understand the actual  
4 engineering dynamics, but it sounds like we could  
5 probably have that done. And as far as taking down a  
6 couple of the older power plants whether it's a trade  
7 to have the new one to take down the old ones, I  
8 would like to reiterate we need more clean energy,  
9 whether its solar. You know in Southern California,  
10 we've got solar. Let's just do it. And we've got  
11 wind a lot of the time both on and offshore. And  
12 there's wave technology. There are many, many things  
13 that could be done. We could have solar roofs  
14 practically everywhere and we would not need these  
15 new power plants.

16           And I think that the public would be highly  
17 in favor of that. The community choice energy  
18 movement is gaining a lot of strength and it's been  
19 proven to work in certain places: Marin County and I  
20 know Lancaster now is doing it now, L.A. is looking  
21 into it, Ventura, Santa Barbara. So let's go for the  
22 clean and green. Thank you.

23           COMMISSIONER SCOTT: Thank you.

24           Go ahead, Raoul.

25           HEARING OFFICER RENAUD: All right, I just  
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1 wanted to say one thing, because both the past  
2 speaker and the gentleman before her asked for  
3 information regarding the layout, the number of  
4 projects and so on.

5 We have our Public Adviser's Office at the  
6 Energy Commission, Rosemary Avalos is standing there.  
7 One of her functions is to help members of the public  
8 obtain information about the projects that are under  
9 review by the Energy Commission. So I would refer  
10 you to her and she can assist you in getting answers  
11 to the questions you've asked. Thank you.

12 COMMISSIONER SCOTT: Great.

13 Next I have Mike Barber.

14 MR. BARBER: Good afternoon.

15 COMMISSIONER SCOTT: Good afternoon.

16 MR. BARBER: My name's Mike Barber. I'm a  
17 46-year-plus resident in the Oxnard community. I'm a  
18 retired ironworker out of Los Angeles 433, 50-year  
19 member. And I actually worked on building three of  
20 these plants right here in Ventura County and a co-  
21 gen peaker plant.

22 On these peaker plants, when you drive by,  
23 most people in this community don't even know they're  
24 on or they're running. They're so quiet and out of  
25 the way, so I'm really here to support this project



1 with NRG.

2           And NRG offers a lot to this community  
3 besides just power. They support a lot of community  
4 events, like the Salsa Festival, the Strawberry  
5 Festival. And as a Board Member for the Boys and  
6 Girls Club, they really stepped up and helped our  
7 clubs. In fact, I was instrumental in opening a club  
8 in the poorest community in Ventura County, Nyeland  
9 Acres. And NRG came out there and purchased an  
10 inspirational playground for our kids out there. And  
11 they just love it. They've really been a help for  
12 our community. I think they're a valued partner and  
13 I'd like to see them stay in this community.

14           And as I was waiting to speak I talked to a  
15 -- I heard that lady right before me about solar. I  
16 just put solar on my house. And with my solar, you  
17 can see the graph. About 8:00 o'clock we start  
18 making electricity. And it runs until about 5:30 or  
19 6:00 o'clock and then it tapers off. So solar  
20 doesn't provide electricity 24 hours a day. That's  
21 why we need the peaker plants.

22           So my last point, at Ormond Beach there's a  
23 1,000 plus megawatt plan. Mandalay it's a 500.  
24 These two are going to go away. They're going to be  
25 torn down by NRG. And it's going to be replaced by

1 262 megawatts. That's a huge reduction in the  
2 generation that's going to go on in this county.  
3 Thank you.

4 COMMISSIONER SCOTT: Thank you.

5 I do not have any more blue cards here with  
6 me. So I'm going to ask the folks to please put the  
7 timer back up and then let's go to the WebEx to see  
8 whether we have any public comments on the WebEx.

9 (Audio feedback and echo from WebEx.)

10 COMMISSIONER SCOTT: I'm sorry. Let's see  
11 if we can get the volume up or the echo is gone, just  
12 give me a thumbs up from over there when you're  
13 ready. You're ready? Okay. Let's try going back to  
14 the WebEx. We are now open for public comments from  
15 the WebEx, so if you'd like to make a comment, you  
16 can either use the -- use kind of a handraising  
17 feature then they'll know to call on you and unmute  
18 your line and we can go from there.

19 So if you'd like to make a public comment  
20 from the WebEx, now is your opportunity. And of  
21 course we'll be back at 5:15 As well. Go ahead and  
22 just speak up. I'm getting a thumbs up that we can  
23 hear you if you'd like to make a comment from the  
24 WebEx?

25 (No audible response.)

1           Okay. It looks like right now we don't have  
2 any public comment on the WebEx or the phone lines.  
3 So what we're going to do is go ahead and take a  
4 break until 5:15, at which point we will gather right  
5 back here right on time at 5:15 to hear any  
6 additional public comment that we may have at that  
7 time.

8                           (Off the record at 4:42 P.M.)

9                           (On the record at 5:15 P.M.)

10           COMMISSIONER SCOTT: Okay, everyone. We are  
11 going to go ahead and get started, so please take  
12 your seats. I'm going to ask the staff and others to  
13 please come on back to their seats as well.

14           If you are in the room and you would like to  
15 make a comment, please see our Public Adviser. She  
16 will provide you with a blue card and then bring  
17 those up to me. That's how we know that you'd like  
18 to make a public comment, so feel free to check in  
19 with her if you have not yet already.

20           And we are going to begin with Tom Cady and  
21 after Tom Cady, we'll have Shane Boston.

22           COMMISSIONER SCOTT: Hi.

23           MR. CADY: Hi, there. Good evening, my name  
24 is Tom Cady.

25           COMMISSIONER SCOTT: Oh, wait. Give me just  
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1 one second.

2 Can you guys bring the timer back up,  
3 please? We'll have three minutes for each of the  
4 commenters, just so that we can keep track of the  
5 time.

6 Oh, start over though at three. Thank you,  
7 okay. Please go ahead.

8 MR. CADY: Good evening. My name is Tom  
9 Cady and I'm a retired Assistant Police Chief from  
10 the City of Oxnard. And I'm about a 45-year resident  
11 of Oxnard. And I think from my experience in living  
12 here I understand the importance of reliable energy.  
13 The Puente Power Plant will help continue that  
14 reliability.

15 I know that some time in the future, we're  
16 going to suffer from a regional disaster of some kind  
17 and I've worked in places when we've lost power. And  
18 when we lose power it makes it much more difficult  
19 for public safety, both police and fire response, I  
20 know I was in Santa Barbara when they lost power,  
21 because of a fire. And Downtown ground to a halt,  
22 just from traffic trying to move. And if it goes on  
23 for days I am concerned that Ventura County, being a  
24 smaller county and if there's a regional disaster,  
25 resources are going to go to the multi-million people

1 in more urban areas. And I'm not sure where we're  
2 going to fit in the response area.

3 Having some independence, some reliable  
4 power in our area I think is critical, and we're  
5 going to be sorry if it's not here. And so I think  
6 we need to evaluate that potential for addressing our  
7 needs and our independence in the case of a disaster.

8 Additionally, the power plant will generate  
9 revenue in terms of taxes and payroll that will  
10 benefit our city. Our city has spent the last couple  
11 of years talking about the economic challenges they  
12 face, pushing a business out that's going to generate  
13 a number of dollars in tax revenue that will go to  
14 schools and county services and city services  
15 including public safety is an important element in  
16 our community.

17 And so I would hope that the recommendation  
18 is to side with the Public Utilities Commission and  
19 support the Puente Project. So thank you very much  
20 for your attention.

21 COMMISSIONER SCOTT: Thank you.

22 Next I have Shane Boston, followed by  
23 Charles McLaughlin.

24 MR. BOSTON: Good evening. My name is Shane  
25 Boston. I am the Business Manager of Plumbers and

1 Pipe Fitters Local Union 484.

2 COMMISSIONER SCOTT: Can I ask you to get  
3 just a little closer to your mic?

4 MR. BOSTON: My name is Shane Boston, I am  
5 the Business Managers of Plumbers and Pipe Fitters  
6 Local 484. I am here in support of this project as I  
7 represent 360 plus plumbers, pipefitters and  
8 apprentices in Ventura County. Also, I am a 51-year  
9 resident of Ventura County.

10 Right now we're just coming out of a  
11 recession that started way back in 2007 where we had  
12 at times almost 40 percent unemployment in our local  
13 union. This project is absolutely crucial for my  
14 members being that this project is under a PLA it  
15 guarantees that local workers and apprentices will be  
16 used. PLAs guarantee that local hiring is a priority  
17 and it sets guidelines for hiring local workers and  
18 apprentices first. It's an obligation of the  
19 contract.

20 Contrary to what some people may think  
21 academic research studies have found that PLAs help  
22 deliver a project on time and on budget, reduce cost  
23 overruns on public and private projects. They reduce  
24 construction injuries and promote apprenticeship  
25 training for rewarding careers for our young men and

1 women. This also keeps our tax dollars in the  
2 community.

3 As far as the impacts on the environment, I  
4 believe the State of California has the most  
5 stringent laws when it comes to using fossil fuels.  
6 I really don't see this as an issue.

7 My family's been in Ventura County since the  
8 mid-1800s. I'm a direct descendant of Don Armando  
9 Olivas, the Olivas Adobe is right down the street  
10 from this power plant.

11 I would never support anything that I  
12 thought would be detrimental to our environment or be  
13 a danger to the well-being of the citizens of our  
14 community. Part of this project is to tear down the  
15 power plants that are already there at Mandalay and  
16 Ormond Beach and to restore the wetlands.

17 To me this is a no-brainer and I stand in  
18 support of this project. Thank you.

19 COMMISSIONER SCOTT: Thank you.

20 I have Charles McLaughlin, followed by  
21 Abigail Beckert.

22 MR. MCLAUGHLIN: Thank you. My name is  
23 Charles McLaughlin, I'm a resident of Oxnard, a  
24 business owner and on the Board of the Ventura County  
25 Taxpayers Association.

1           Taking a look at NRG we know they are a  
2 private enterprise. They are their owned property  
3 basically with an infrastructure that reaches out to  
4 over 200,000 people -- benefits to 200,000 people in  
5 the City of Oxnard.

6           The idea that there will be four power  
7 plants, the math doesn't work. You only have really  
8 two, you add one and you take away and that gives you  
9 two power plants and two peaker plants that are in  
10 compliance with the EPA.

11           The NRG produces something like \$2.5 million  
12 in property taxes to the City of Oxnard plus  
13 approximately \$5 million in sales tax. That's about  
14 \$7 million a year for the City of Oxnard. That money  
15 is used.

16           Please fire attorneys for the City, and now  
17 that the City is investing another half a million  
18 dollars in fighting this project, which we'd have to  
19 ask the City Council Members how are they going to  
20 make this money up? Who's going to make it up next?  
21 Are they going to ask the citizens of Oxnard to  
22 increase the taxes, so that they can pick up the  
23 other \$7 million a year? I doubt very seriously.

24           So in summation, private enterprise,  
25 infrastructure on their own property benefitting over



1 200,000 people in the City of Oxnard with electricity  
2 and energy. And produces income for the City.

3 You have to support this project. Thank  
4 you, very much.

5 COMMISSIONER SCOTT: Thank you.

6 I have Abigail Beckert followed by Martin A.  
7 Rodriguez.

8 MS. BECKERT: Good afternoon and thank you  
9 for giving me this opportunity to speak with you. My  
10 name is Abigail Beckert and I'm a senior at  
11 California State University Channel Islands.

12 Companies like NRG are good for our  
13 community. They work tirelessly to ensure that they  
14 provide good power to thousands of Venturans.  
15 Especially on hot days like today where all of us are  
16 trying to find somewhere cool, which is especially  
17 hard when the only place on campus with air  
18 conditioning is the library.

19 It is comforting to know that we have a  
20 power plant in our county that can provide us with  
21 energy and jobs, which is something that is extremely  
22 pressing to me as a graduating senior.

23 As a college student I've heard the argument  
24 from both sides on this project. And it is clear  
25 that Oxnard and Ventura County need this new power

1 plant. I have learned in my studies about the strict  
2 environmental policies that keep energy producers in  
3 California in check. It is refreshing to see NRG  
4 take imitative to use technology for this project  
5 that fits our state's strict regulations while at the  
6 same time being able to ensure power to our  
7 community.

8 I understand the frustrations from my fellow  
9 students in the audience today, but we need to put  
10 our emotions aside and focus on the facts at hand.  
11 Passing this Puente Project will provide cleaner  
12 energy production and reduce emissions that meet our  
13 state's regulations. As we grow into working members  
14 of this great community, we all need to ensure that  
15 we have power that we can rely on for our daily  
16 needs. We can't take the gamble and say power isn't  
17 important when all of us are guilty of using so much  
18 of it in our daily lives.

19 Tonight I ask the Commission to focus on  
20 what the power needs will be, not only for Ventura  
21 County of today, but for the Ventura County of the  
22 future, for my future, and for the future of  
23 generations to come. Thank you.

24 COMMISSIONER SCOTT: Thank you.

25 I have Martin A. Rodriguez followed by Dick  
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1 Jaquez.

2 MR. RODRIGUEZ: Good afternoon, thank you  
3 for this opportunity. My name's Martin Rodriguez.  
4 I'm a Business Agent for the Ironworkers Local 433  
5 and President of the Tri-County Building Trades.

6 Yes, I do represent the construction  
7 industry, but that's not what this is just about.  
8 It's about I live here as well in Ventura County,  
9 been here since 1990 and decided to stay here, it's a  
10 beautiful place. But we're in a unique loop in this  
11 county as well as Santa Barbara where we are in the  
12 process of not being able to have a reliable energy  
13 source.

14 I am in the business of providing the power  
15 through construction projects throughout the state.  
16 We have 3,300 megawatts of social energy being  
17 constructed in the Mojave Desert. Some of it's  
18 reliable, but some we are having problems with, with  
19 the technology. There's one of the largest ones that  
20 might be taken offline. This is where our  
21 environmental community is wanting to go, but it's  
22 not a proven product yet. It is not reliable.

23 On these facts alone I'd say we support this  
24 project and get it pushed through. And get it built,  
25 so we can rest easy and have a community that can

1 have reliable power. Thank you.

2 COMMISSIONER SCOTT: I have Dick Jaquez  
3 followed by Morgan Stiles.

4 MR. JAQUEZ: Good evening. My name is Dick  
5 Jaquez and I was an educator here for 30 years in the  
6 high school system and I was an elected official on  
7 the school board for 12. And I've lived here all my  
8 life, which I don't know if anybody will beat me  
9 tonight, but that's about 70 -- well let's just say 7  
10 decades. And during that time I was a youngster when  
11 this project, the original project, went up.

12 Most of us here tonight are concerned with  
13 this project, you know, left and right as always.  
14 We'll hear tonight, many perceived disadvantages of  
15 this project. I fear that this has become a social  
16 issue instead of an energy project, which I was  
17 hoping that would happen.

18 The unsightly -- well the pollution -- this  
19 project, as far as I understand, the pollution will  
20 be reduced as we all know from 1,800 to 252  
21 megawatts. This is air emissions and greenhouse  
22 gases. The unsightly previous structures that are  
23 still up there will be demolished by the Applicant.  
24 If they don't demolish that it'll be up there until  
25 supposedly the water comes up every two years. It'll

1 be up there for a million years.

2 And the amount of water used is going to go  
3 down approximately 80 percent. So to me, I think  
4 that's a heck of a project for Oxnard.

5 In addition, they've been talking about the  
6 amount of money that it will generate. That's going  
7 to generate some jobs, good jobs, that everybody  
8 talks about bringing to Oxnard. They don't anything  
9 about it and they're against it. And the amount of  
10 money we're going to get is over \$7 million every  
11 year for 20 or whatever amount. And we need that,  
12 because we don't have any parks or we don't have any  
13 services in this city and this thing would help our  
14 kids. And that's one way we would actually help our  
15 kids for sure.

16 Let me go real quick here, I'm out of time.  
17 And just for maybe your knowledge, being the center  
18 of energy in California is what I'm looking for this  
19 city to be. It's not a bad image for this city. It  
20 would help us in every manner, form or shape. We  
21 need this project in many ways.

22 They talk about the pollution on the coast.  
23 As you know, Santa Barbara has some issues, Ventura  
24 has some issues with oil, the oil spills, we've had  
25 oil for the 70 years that I've been here right

1 underneath us now. And yes, we have a spill or two,  
2 but it's taken care of quickly. Santa Monica has  
3 piers etcetera. They get along all right, they have  
4 their problems but they fix them.

5 And also I was just going to say that the  
6 information that I got from the UCLA -- what was the  
7 name of it -- the UCLA -- anyways, the UCLA Health  
8 Policy Research was that Ventura County is the 8th  
9 healthiest county out of 57. Let's see if we can get  
10 to Number 1 with this project.

11 COMMISSIONER SCOTT: Thank you.

12 I just remind folks also that if you are in  
13 need of translation, our translators are over here on  
14 the right, waving to you. And if you'd like to make  
15 a public comment and haven't got your blue card in,  
16 Rosemary who's also over to my right, can help you  
17 with that.

18 So Morgan Stiles please followed by Maricela  
19 Morales.

20 MS. STILES: Hello, good evening. My name  
21 is Morgan Stiles and I'm a life-long resident of  
22 Ventura County. I'm also a Cal State Channel Island  
23 student, but most importantly I'm a mother. Being a  
24 mom of three I depend on reliable and efficient  
25 energy.

1           Everything I do for my kids when I get home  
2 from school or work depends on energy. Making them  
3 dinner, washing their clothes, charging the computer  
4 my son uses every night to do homework and study  
5 football plays, and lighting the bedside table where  
6 my daughter and I read before bed. None of that  
7 would be possible without the energy that projects  
8 like this one provide for Ventura County families.

9           I need energy to maintain my family's  
10 quality of life and I hope that this project gets  
11 approved, so that other families like mine can have  
12 the energy they need to function too.

13           COMMISSIONER SCOTT: Thank you.

14           I have Maricela Morales followed by Ron  
15 Whitehurst, thank you. And I'm going to -- we'll  
16 hand this to our Public Adviser too, to make sure  
17 that it gets entered into the record.

18           MS. MORALES: Good evening, Commissioners  
19 Douglas and Scott, my name is Maricela Morales,  
20 Executive Director of CAUSE working on the California  
21 Central Coast for social, economic and environmental  
22 justice. I too am a mom of a two-year-old boy. I'm  
23 a resident of Oxnard, and appointed alternate to the  
24 California Coastal Commission, and a former  
25 Councilmember and Mayor of the City of Port Hueneme.

1 CAUSE is a member of the California Environmental  
2 Justice Alliance.

3 We have been working with Oxnard youth,  
4 Latino and low-income residents, the City of Oxnard  
5 and other community groups for the past two years to  
6 focus the attention of public decision-makers on the  
7 grave environmental injustice of this Oxnard fossil  
8 fuel power plant project.

9 The fossil fuel energy project perpetuates a  
10 decades-long pattern of repeatedly siting polluting  
11 fossil fuel power plants in Oxnard to supply regional  
12 energy. And California public regulatory agencies  
13 seem complicit, whether intentionally or  
14 unintentionally, with profit-driven energy companies,  
15 to choose continuously Oxnard as the region's  
16 scapegoat for dirty fossil fuel projects.

17 We worked to raise these issues with the  
18 CPUC, in the future they will take into account  
19 environmental justice. But they told us that you,  
20 the CEC, are the ones that it in their power this  
21 time to do the right thing.

22 Earlier this month, we spoke before the  
23 California Coastal Commission, who unanimously voted  
24 against the location of this power plant.

25 In the time since this project was proposed,



1 California has moved forward. The State Legislature  
2 passed SB 350, to move our utilities towards 50  
3 percent renewable; SB 32; AB 197, to ensure direct  
4 onsite emissions reductions in frontline communities  
5 like Oxnard. Yet, as California moves forward, and  
6 makes headlines across the world, Oxnard we see the  
7 opposite. We see another fossil fuel power plant  
8 proposed for our coast.

9           Enough is enough. Stop making Oxnard the  
10 region's Sacrifice Zone. NRG justifies putting more  
11 power plants on the Oxnard coast by taking into  
12 account the Mandalay power plant, which is set to be  
13 shut down. So it needs to be reevaluated in terms of  
14 the emissions based on the new plant.

15           So as California moves forward towards a  
16 clean energy, Oxnard deserves to be at the forefront  
17 of progress with clean energy projects, and not at  
18 the tail-pipe end of fossil fuel plants and  
19 environmental racism.

20           After disproportionately bearing the burden  
21 for the entire region's fossil fuel energy production  
22 for more than half a century, we deserve real  
23 alternatives for this project. Thank you.

24           (Applause.)

25           COMMISSIONER SCOTT: Thank you.

1 I'd like to ask Ron Whitehurst please,  
2 followed by Terry Howard.

3 MR. WHITEHURST: My name is Ron Whitehurst.  
4 I'm with the Ventura County Climate Hub. And I would  
5 like to talk about Central Coast power -- power to  
6 the people.

7 So this is a committee tri-aggregation where  
8 the counties of Ventura, Santa Barbara and San Luis  
9 Obispo will be purchasing their power. And the focus  
10 of what they will be purchasing is renewable energy.  
11 We're not interested in the dirty power from the  
12 power plant that is proposed for the Oxnard shore  
13 here. We will be looking for solar, wind,  
14 geothermal, whatever is clean and reasonably  
15 affordable.

16 So the way it looks like it will shake out  
17 is that the residents of Oxnard will be suffering the  
18 local pollution effects of these power plants to  
19 produce power that will be sold in Nevada where  
20 they're using relatively dirty coal. And so it looks  
21 good on Nevada's books that they are buying  
22 relatively clean energy from natural gas, but the  
23 residents of Oxnard will be breathing the air that is  
24 being dirtied by this fossil fuel using power plant.

25 And we just heard the audit of the CPUC that  
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1 came out Thursday that tells what we've been  
2 observing all along, the process is flawed. That the  
3 PUC is taking care of the utilities that it's  
4 supposed to be governing or regulating. This is a  
5 classic case of regulatory capture where the  
6 regulators are taken over by the utilities that  
7 they're supposed to regulate. So they don't follow  
8 the state rules as far as letting out contracts, as  
9 far as monitoring contracts, and as far as all these  
10 other aspects of letting contracts out.

11           So we should not be here tonight if we had  
12 good process from the CPUC. So I ask that you reject  
13 this proposal. It's a bad place. It's a more  
14 polluting industry for a Hispanic community, so  
15 significant racial justice issues here. We don't  
16 need the power and this is not the way to produce it.  
17 We need to keep the fossil fuel energy resources in  
18 the ground where they'll be resources for making  
19 plastic or something, but I ask you to reject this  
20 proposal. Thank you.

21           COMMISSIONER SCOTT: Thank you.

22           I have Terry Howard followed by Rafael U.  
23 Escobedo.

24           MR. HOWARD: Good evening, two hard acts to  
25 follow. I'm a resident of Mandalay Bay, have been

1 for 16 years. Myself and my neighbors are real happy  
2 with the way things have gone so far. We like having  
3 the partner, they've been a great partner, they  
4 support a lot of things that go on in the community.  
5 We support the project.

6 And one of the things I haven't heard here  
7 today is that California is about to go into a  
8 renaissance in terms of broadband build-outs for our  
9 new 5G infrastructure. That's going to require a lot  
10 of power in a lot of different directions to keep our  
11 kids, educated, to keep our businesses running. The  
12 Internet of things is on the way, it's coming, it  
13 requires a lot of energy. We need our plants and we  
14 need to have the security of knowing that if  
15 something is down, it's not down long.

16 So I ask you to approve this project. Thank  
17 you very much.

18 COMMISSIONER SCOTT: Thank you.

19 I have Rafael U. Escobedo followed by Fred  
20 Ferro.

21 MR. ESCOBEDO: Good evening, my name is  
22 Rafael U. Escobedo. I'm a lifelong resident of  
23 Ventura County and a member of Plumbers and  
24 Steamfitters Local 44 Ventura.

25 I support the Puente Power Plant in Mandalay  
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1 Bay, because we need reliable energy that we so  
2 desperately need. And it will generate good-paying  
3 jobs for our building trades that will go back into  
4 our local economies. I ask you to please support  
5 this project. Thank you.

6 COMMISSIONER SCOTT: Thank you.

7 I have Fred Ferro followed by Brett Levin.

8 MR. FERRO: Good evening Commissions and  
9 staff, my name is Fred Ferro. I currently Chair the  
10 Board of Directors of the Oxnard Chamber of Commerce.  
11 I have owned businesses in Oxnard for over 30 years  
12 and I am a resident of the County.

13 Many individuals here today will be asking  
14 you to use alternative locations for this project  
15 before you. The location at Mandalay is already fit  
16 for a power plant structure. In fact, it's plumbed  
17 and wired if you will, to the Grid and thus requires  
18 less hassle, costs, etcetera to get to it.

19 Any alternative site would be requiring  
20 power lines to be moved or new construction of them  
21 through our city and possibly even through prime  
22 agricultural land at total greater project costs.

23 Puente would also fit in with the existing  
24 nature of the area there at the beach already. Like  
25 it or not there are existing institutional and

1 industrial projects in the area. We're not talking  
2 about converting pristine land.

3 California Resources Corp. and DECORP are  
4 both energy producers that hold permits currently in  
5 the area, very close to Puente. All three produce  
6 energy safely under very strict regulations set by  
7 the state. They have caused no major harm to the  
8 environment or the community.

9 This Puente Project will reduce the  
10 freshwater use compared to the current units. And it  
11 also will reuse stormwater reducing runoff. NRG has  
12 done research on where is the best location to fit  
13 this project while accomplishing the task of fitting  
14 power needs of this area. And also while removing  
15 the existing outfall structure on a time-certain  
16 basis.

17 I ask that the Energy Commission review  
18 these points and understand that this is the best  
19 location at Puente, at Mandalay, for reliable  
20 affordable power for Oxnard's businesses and its  
21 residents. Thank you.

22 I have Brett Levin followed by Elisabeth  
23 Lamar.

24 MR. LEVIN: Hi, there. I am requesting that  
25 you reject this proposal.

1           The July 2015 Brief by CA Environmental  
2 Justice Alliance shows that Edison improperly favored  
3 NRG in awarding the Puente Project based on corporate  
4 cronyism. It does not make electrical service safer  
5 or more reliable. It is unreasonable for many  
6 reasons and should be denied.

7           We want to see the CA Energy Commission  
8 verify the demand forecast for Ventura County. Using  
9 statements by CAISO, C-A-I-S-O, is inappropriate,  
10 long-term forecasting is not their job. Planning  
11 should reflect developments from SB 350 Energy  
12 Efficiency Programs and expansion of distributed  
13 energy generation from community-choice energy no  
14 later than 2017. Oxnard can be an example of  
15 renewable energy for the nation. The state must help  
16 Ventura County expand renewable energy and energy  
17 efficiency.

18           There is no need for Oxnard to be the site  
19 of the last gas-fired power plant in the state.  
20 Oxnard is in the top ten percent most environmentally  
21 burdened cities in the state. It is unacceptable for  
22 NRG to push for an unnecessary project for the reason  
23 that there is already industrial blight at the site.

24           If trustworthy forecasting justifies demand,  
25 Edison must do a new request for offers for only

1 necessary renewable energy and energy efficiency. I  
2 think that's a point that needs to be emphasized,  
3 that energy efficiency and renewable energy are  
4 amazing opportunities in moving forward with our  
5 energy needs. So they should ask the Ventura County  
6 Regional Energy Alliance to review the evaluation of  
7 proposals in a public hearing.

8 Edison has been dishonest and devious in  
9 order to be able to award the project to NRG.  
10 Edison's initial position was that no new plant was  
11 needed, because of declining demand. It continues to  
12 decline. Edison is not following their 2014 long-  
13 term procurement plan.

14 The SoCal Regional Energy Network identified  
15 over 200 megawatts of projects that do not use fossil  
16 fuels and are ready to deploy. Edison ignored other  
17 options. Edison let over 600 megawatts of renewable  
18 contracts expire in the first six months of 2015.  
19 Edison received hundreds of megawatts of renewable  
20 proposals, but only selected 13 megawatts.

21 Edison chose Orange County to demonstrate a  
22 300 megawatt renewable energy project where there are  
23 less people and less solar potential. Why not  
24 demonstrate renewables in Ventura County as well as  
25 Orange County? So Edison gets to charge ratepayers



1 for maintenance of the 220 kilovolt circuits to  
2 Mandalay site and wants them to stay in use.  
3 Maintenance service is highly profitable and Edison  
4 does not want to lose the profit center from  
5 Mandalay.

6 So and most importantly, Edison set a  
7 deadline for offers that gave only 90 days over the  
8 holidays, which was not enough time to encourage  
9 projects for renewables and energy efficiency. So  
10 this was all set up by Edison as it appears to me.  
11 So thank you very much.

12 COMMISSIONER SCOTT: Thank you.

13 I'd like to have Elisabeth Lamar please,  
14 followed by Elena Semper.

15 MS. LAMAR: I'm Elisabeth Lamar, I'm a  
16 resident of Oxnard.

17 I just want to say there's no future in  
18 fossil fuels and also this plant really in a terrible  
19 location. With sea-level rise it makes no sense to  
20 put it here. That's why Coastal Commission voted  
21 unanimously to deny this project.

22 So I really hope that you think very hard  
23 about this decision, because this is our planet and  
24 we are connected in what we do. So thank you, have a  
25 good night.

1           COMMISSIONER SCOTT: Thank you.

2           I have Elena Semper followed by Mark  
3 Spellman. And as you're walking up, let me just  
4 remind folks, if you want to make a comment please be  
5 sure to reach out to our Public Adviser. She's not  
6 there right this second, but she does have the blue  
7 cards on her desk and she'll get those to me. And  
8 that's how I know that you'd like to make a public  
9 comment.

10           Please, go ahead.

11           MS. SEMPER: Hi. My name is Elena Semper.  
12 I am a long-time Valley resident. I came up here,  
13 because I had heard about this and I suffered a lot  
14 in the methane blowout.

15           I'm in between jobs, I'm an executive  
16 assistant. And when I heard about what happened in  
17 Santa Barbara I dashed down there to see if I could  
18 help the wildlife. By then a few hundred had already  
19 died, dolphins, birds. The amount of people that  
20 have lost their lives due to fossil fuels is just  
21 overwhelming. It's shocking that anyone would even  
22 consider gas and oil at this point.

23           I am a trained climate reality leader. I  
24 also attended the United Nations Conference of the  
25 Parties in Paris. I met energy experts around the

1 world. We are so behind the times here in Southern  
2 California, why any person or any parent especially  
3 would opt for dirty unsafe energy for clean is beyond  
4 my comprehension. We have the political will. We're  
5 just dumbed down by advertising.

6 We need to think long-term. These short-  
7 term fixes don't work. There are no safe fossil  
8 fuels. You know, you cannot extract, inject,  
9 transport produce without leaks, without spills. New  
10 pipes become old pipes. Oversight doesn't work. You  
11 can't hire enough Big Brother, because it's not  
12 profitable.

13 So I'm asking you to please, don't let this  
14 proceed. I'm strongly against it, obviously. I  
15 wouldn't have come all the way from Los Angeles, but  
16 as heartbreaking as it was to see those animals  
17 covered in oil -- and everyone has a dog and cat,  
18 most people do at home -- why can't we think that's  
19 your pet? You know, it deserves to live just like  
20 everyone else and it doesn't have to die. And your  
21 lights aren't going to go out at home. That's a fallacy  
22 and not only that, solar is creating more jobs than  
23 coal now, so let's get with the times.

24 Let's help kids have a chance. You know, we  
25 had ours, let's not mess up the next generation.

1 We're putting 110 million tons of global warming,  
2 heat trapping pollution in our atmosphere daily.  
3 Isn't that enough?

4 Thank you so much for your time and your  
5 consideration.

6 COMMISSIONER SCOTT: Thank you.

7 I have Mark Spellman followed by Angela  
8 Whitecomb.

9 MR. SPELLMAN: Good evening, thank you. my  
10 name is Mark Spellman. I'm the immediate past  
11 president of the Oxnard Rotary Club and I'm the Vice  
12 Chair with the Oxnard Chamber of Commerce. I work in  
13 Downtown Oxnard right here with Laser Broadcasting, a  
14 large Spanish-operated and owned radio station group.  
15 And I'm a long-time homeowner and resident of Ventura  
16 County.

17 When I first heard of this project and I  
18 heard it was called Puente I understood "bridge."  
19 It's a bridge to renewable energy, because I strongly  
20 feel that this council should recognize that NRG has  
21 been a good partner to our Oxnard community.

22 NRG offers good, high-paying jobs to our  
23 area's constituents and goes above and beyond to be  
24 active in supporting many of our community nonprofit  
25 organizations including the Boys and Girls Club. As

1 someone said earlier, the Puente Project before you  
2 will provide much-needed city revenue -- \$2.8 million  
3 in property tax and \$5 million in sales tax. This is  
4 much needed in this community.

5           And at the same time I believe that this  
6 Puente Project offers a flexible efficient approach  
7 to meet our power needs. While at the same time it  
8 tackles the improvements to climate change by  
9 creating power quickly with more efficiency by using  
10 renewable energy coupled with normal electrical power  
11 generation.

12           Puente will reduce water consumption as said  
13 before by upwards to 80 percent compared to the  
14 current units. Plus Puente's approval will also lead  
15 to the demolition to those two existing power plants  
16 on Mandalay Beach. That's very important. I hope  
17 that you decide to follow the Public Utilities  
18 Commission recommendation and support this project.

19           Thank you for your time.

20           COMMISSIONER SCOTT: Thank you.

21           I have Angela Whitecomb followed by Elma Del  
22 Aguila.

23           MS. WHITECOMB: Good afternoon. My name is  
24 Angela Whitecomb. I am a mother of two, I own a  
25 construction company here in the City of Oxnard. And

1 I am on the Parks and Rec Commission for the City of  
2 Oxnard.

3 I don't know if you're aware of this, but  
4 the beaches here in Oxnard are considered part of our  
5 parks. We don't have a lot of parks in Oxnard. And  
6 I have listened to everybody come up and we're all  
7 very seduced by that mighty green dollar. You know,  
8 they're going to tear down those plants. They're  
9 going to build parks. They're going to help us build  
10 museums. They're going to do all these wonderful  
11 things. And all we have to do is sacrifice our  
12 beach.

13 And I think, "Golly, you know, I'm fighting  
14 so hard to build a beautiful community for my  
15 children." And, you know, I am construction worker,  
16 so yeah I get real excited every time there's  
17 something new being built. But is it worth it? Is  
18 it worth it for my kids?

19 You know, you look at Ormond Beach. We're  
20 trying to pass that and make that something that can  
21 be nationally recognized. We're on the forefront of  
22 using -- you know, renewing our water, reusing  
23 wastewater. We have a beautiful wastewater treatment  
24 plant that we spent a fortune on trying to make this  
25 city a green city. That is the focus that this city

1 has been moving forward.

2           And yes, I would love to have NRG take down  
3 those plants and make our beaches beautiful. But why  
4 do they have to build their new fossil fuel plant --  
5 yes it's quicker, yes it's cleaner, but is it the  
6 best solution? I don't think so. And why does it  
7 have to be on the beach? I just don't get it. The  
8 common sense to me, it's just not there.

9           And so I would really like you to maybe, you  
10 know, I hate say take it back to the drawing board,  
11 because I know that's expensive. And I know a lot of  
12 time and energy has been built into this and I know a  
13 lot of people are very passionate about it. But we  
14 need to look to the future and the future is  
15 renewables. And we want to be setting the pace, not  
16 holding on to the tailcoats.

17           So please do what you can to help our little  
18 city out. It's growing, I know, but we want to be  
19 better. We don't want to be the industrial capital.  
20 We want to be the renewable capital. So thank you  
21 for your time and have a good evening.

22           COMMISSIONER SCOTT: Thank you.

23           I have Elma Del Aguila followed by Rudy  
24 Zamora.

25           MS. DE AGUILA: Hi, my name's Elma Del  
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1 Aguila and I'm a senior here at Channel Islands High  
2 School in Oxnard.

3 Now, I've lived here my entire life, all 17  
4 years of it. But not just that, my mom has lived  
5 here for over 40 years, my dad over 30 years, and the  
6 fact is that this is our community, our city.

7 Now, two years ago I went and spoke at the  
8 first hearing we had for the Puente Power Project.  
9 And the fact is, is that that first hearing, so many  
10 community members came and spoke out against the  
11 Puente Project that the Fire Marshall told us that we  
12 and reached the building's capacity. And that we  
13 couldn't fit that many people, so we had to wait  
14 outside to speak for our community.

15 And time and time again, we've had people  
16 come out and say, "No, we don't want more pollution  
17 in our community. No, we don't want to be having to  
18 deal with not only three power plants, but a toxic  
19 waste site." And yet NRG doesn't know when to stop.  
20 They don't realize that our community doesn't want to  
21 be polluted.

22 I have a best friend, and she has asthma  
23 every day, when we run in PE. She has to take a  
24 breath from her inhaler. How do think that's going  
25 to get any better by adding another power plant?



1 How?

2 Now, I know you look now and you think,  
3 "This room isn't filled? What community is she  
4 talking about?" Just because you can't see them,  
5 doesn't mean that they're not here. I am standing  
6 here not just for me, but for my parents, my sisters,  
7 my friends, my entire family. And all we're trying  
8 to do is make our community better.

9 This isn't an issue on energy reliability.  
10 This is an issue on environmental racism. If you go  
11 to Malibu you aren't going to find three power plants  
12 and a toxic waste site. And they're not planning on  
13 adding a fourth one in Malibu. If you go to Santa  
14 Monica, like someone said earlier, sure they've got  
15 their problems and they fix them. But do their  
16 problems include three power plants and a toxic waste  
17 site? They don't.

18 The reason why? Because we're a community  
19 of color. We're a community filled with low-income  
20 families and NRG thinks that they can use our  
21 community as a dumping ground, a place where no one  
22 wants their dirty little projects that'll -- they  
23 think is the only way to bring energy into our  
24 community.

25 We need to look for new reusable energy.

1 And Puente isn't it. We've got to stop adding  
2 pollution and start adding solutions to our  
3 community. Please oppose this project if you care  
4 about humanity, about people in general. Thank you.

5 COMMISSIONER SCOTT: Thank you.

6 I have Rudy Zamora followed by Michael Wynn  
7 Song.

8 MR. ZAMORA: Good evening. My name is Rudy  
9 Zamora, I'm a lifelong resident of Oxnard and a  
10 father of seven. I'm also a member of Local 44  
11 Plumbers and Pipefitters.

12 In 2007 during the recession, I was one of  
13 the 40 percent that was unemployed that Mr. Shane  
14 Boston mentioned. I had to travel to other states  
15 and work on their infrastructure projects. Their  
16 communities reaped the financial benefit from all the  
17 construction workers and housing, the food industry.

18 And now that I'm back, a lot of friends that  
19 I made over there, they're also happy with the  
20 projects that were left behind. Coal power, power  
21 houses are kind of a thing of the past, so gas is the  
22 wave of the future. They're happy with the upgrades  
23 that they've received.

24 I'm speaking in support of this project,  
25 because I would like to work on infrastructure

1 projects here at home. And if you guys could see it,  
2 approve it, thank you.

3 COMMISSIONER SCOTT: Thank you.

4 I have Michael Wynn Song followed by Fred  
5 Main.

6 MR. WYNN SONG: Good evening Members of the  
7 Commission, staff and NRG. My name is Michael Wynn  
8 Song. I'm a resident of Ventura County for the past  
9 18 years and I actually live about two miles down  
10 from the plant there. I live in Mandalay Beach, just  
11 in front of the Embassy Suites Hotel.

12 I'm also the Director of PORTUS, a business  
13 alliance group in Port Hueneme, of 20 plus port-  
14 related businesses in the community there. I'm also,  
15 as Mark Spellman is, a Vice Chair at the Oxnard  
16 Chamber of Commerce. I'm on the Land Use Committee  
17 and on the Executive Committee. I'm also the Senior  
18 Vice President for Glovis America. We're located on  
19 the Navy Base in Port Hueneme.

20 As a member of the Port Hueneme business  
21 community it's vital that this project get approved.  
22 Our port is home to thousands of jobs and also houses  
23 our largest county employer, the naval base Ventura  
24 County.

25 Our company, Glovis America, actually leases  
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1 land on the Navy Base. We started out in 1998 with a  
2 skeleton crew of less than ten employees and we've  
3 grown to over 300 today.

4 We need efficient electricity every day to  
5 do our jobs and make sure the Central Coast major  
6 import, export center stays running. The project is  
7 an exceptional opportunity to modernize an aging  
8 power generating facility with an up-to-date and less  
9 negatively-impactful one.

10 Furthermore, it will keep jobs and much  
11 needed sources of revenue here in Oxnard. Whether  
12 we're talking about 2 million a year or 7 million a  
13 year for a city that is cash-strapped this is very  
14 needed revenue.

15 The Puente Power Project is using efficient  
16 technology that will be able to meet our power needs  
17 while creating a climate change friendly environment,  
18 a reduction in emissions, 80 percent reduction in  
19 potable water use, flexible, fast start system.

20 I ask that the California Energy Commission  
21 support this project and I'm speaking on behalf of  
22 the business centers in Port Hueneme. Thank you for  
23 your time.

24 COMMISSIONER SCOTT: Thank you.

25 I have Fred Main followed by Dr. Grace

1 Chang. And as you're walking up, let me just remind  
2 folks again, if you'd like to make a public comment  
3 please be sure to see our Public Adviser who is  
4 waving over there at you, get her a blue card, she'll  
5 get those to me and that's how we know you'd like to  
6 make a comment.

7 Please, go ahead.

8 MR. MAIN: Thank you. Good evening, my name  
9 is Fred Main. I'm appearing today on behalf of the  
10 Chambers of Commerce Alliance of Ventura and Santa  
11 Barbara Counties. The Chamber Alliance represents 11  
12 chambers in the two-county region. The combined  
13 economic impact of the Alliance is a significant  
14 portion of the employers and representing those  
15 employees in Ventura County, representing a cross-  
16 section of manufacturing service, technology and  
17 agricultural companies.

18 The Chamber Alliance appears today in  
19 support of the Puente Power Project and requests your  
20 positive reconsideration of it. As has been stated  
21 it will replace existing generation with much more  
22 flexible generation, which is very important to the  
23 businesses of the region, so that they have power  
24 guarantees. It will ensure the power as part of an  
25 overall Grid for the businesses. And provides

1 flexibility as we move into alternative sources of  
2 power that the Grid can respond appropriately when  
3 the sun isn't shining or the wind's not blowing.

4 We all look forward to alternative revenue  
5 sources, but natural gas generation is a clean  
6 transition. And I recommend your positive  
7 consideration of the project. Thank you.

8 COMMISSIONER SCOTT: Thank you.

9 I have Dr. Grace Chang followed by Jeremy  
10 Meyer.

11 DR. CHANG: Good evening. My name is Grace  
12 Chang. I'm a professor at UC Santa Barbara and I'm a  
13 mother of two as well. I raised two sons here in  
14 Ventura County.

15 And recently I was traveling with my sons in  
16 a wealthy suburb of New Jersey and we saw a sign that  
17 said, "NRG." We checked it out and found out that  
18 indeed it was NRG. It was the corporate headquarters  
19 of NRG and we thought how convenient that the  
20 corporate headquarters of NRG is located over 2,700  
21 miles away from the area that they have been  
22 polluting for decades now through their toxic power  
23 plants; 2,700 miles away from where Oxnard residents  
24 are facing the proposed siting of yet another dirty  
25 NRG power plant in their communities where there are

1 also landfills and a superfund site being hosted as  
2 well as constant dousing of pesticides in  
3 agricultural fields that are near schools where young  
4 children are attending.

5           So I came up with a new name for the P3  
6 Project. It's Parasitic, Predatory and Poisonous,  
7 PPP. I say that because it's in recognition of the  
8 fact that Oxnard is having to shoulder the entire  
9 burden of producing energy for this region, going all  
10 the way up to Goleta and UCSB where my students  
11 attend. And meanwhile they are also having to  
12 shoulder the burden of all of the impacts of the  
13 toxic racism that are produced by those plants.

14           Now, CEC and NRG have taken to using the  
15 term "environmental justice communities," which I  
16 suppose is a small nod to understanding that these  
17 communities are low-income, they are immigrant, and  
18 they are people of color. But it's not enough just  
19 to use that term. It's not enough to use basically  
20 what is a euphemism for targets and victims of toxic  
21 environmental racism.

22           Instead, the people who have come to these  
23 hearings over and over again -- and the student who  
24 spoke earlier is correct that very often in the prior  
25 hearings we had a much greater turnout -- it is

1 getting exhausting to try to turn out communities to  
2 these hearings when we're not being heard. And we're  
3 being denied the ability to say, "No, we do not want  
4 these toxic plants in our communities, around our  
5 children and our youth and our elders. All of us."

6           So the people and youth of Oxnard want  
7 something more than euphemisms, they want something  
8 more than double speak. They don't want pat answers.  
9 They don't even want a pat on the back. What they  
10 want are answers and accountability.

11           So reviewing some of the comments that were  
12 submitted in response to the Preliminary Staff  
13 Assessment I have several questions that I think need  
14 to be addressed before this project goes any further.

15           The first one is why are existing units  
16 being considered at all? Why are they even on the  
17 table in the discussion, okay? They have already  
18 been -- it is mandated that they are supposed to be  
19 decommissioned by 2020. And they keep entering the  
20 conversation, because clearly NRG is using it as a  
21 threat, as an implied threat that if they don't get  
22 their way they won't remove those plants. They'll  
23 just abandon them here for the people of Oxnard to  
24 clean up, yet again.

25           The second question is why are they allowed



1 to --

2 COMMISSIONER SCOTT: I'm going to need to  
3 ask you to wrap up, please?

4 Dr. CHANG: Excuse me?

5 COMMISSIONER SCOTT: To wrap up, please?  
6 Your time is up.

7 Dr. CHANG: Okay.

8 The last question is why can't we just wait  
9 and see whether all of these alternative sustainable  
10 renewable energy initiatives that have just taken  
11 effect can really make a difference instead of  
12 allowing NRG to buy off greenhouse gas emission  
13 credits, so that they can get away with not complying  
14 with regulations?

15 Instead of allowing them to play that game,  
16 which is a very foul game by the way, why can't we as  
17 a community, as a Commission, as a public agency that  
18 is responsible for protecting vulnerable populations,  
19 why can't we see whether some of these regulations  
20 that are in existence already can take effect and we  
21 can have some renewable energy alternatives? Thank  
22 you, very much.

23 COMMISSIONER SCOTT: Thank you.

24 I have Jeremy Meyer, followed by I think  
25 it's Nancy Lindholm.

1           MR. MEYER: Good evening, Commissioners. My  
2 name is Jeremy Meyer. I am a resident of Oxnard and  
3 Port Hueneme for over 18 years. My daughter was born  
4 and raised here.

5           Personally and professionally I oversee the  
6 health at Child Development Resources of over 1,200  
7 preschool children and their families. And so I get  
8 to see how many of them have asthma. How many of  
9 them have respiratory allergies. And the numbers are  
10 increasing annually and it's quite a significant  
11 number.

12           Of course, I'm talking about the most  
13 disadvantaged families below the poverty line in most  
14 cases, which is about half the poverty line  
15 effectively in other states, very poor. And these  
16 are the families that live in the areas where the  
17 pollution from our existing power plants and this  
18 proposed power plant flow to mostly, due to our  
19 northwest prevailing winds.

20           The air quality in our county is very poor  
21 already, which surprised me quite a bit. Allergy  
22 rates are very high generally due to some of the  
23 geology of our area, how wind flow works here, but  
24 also of course the pesticides and a variety of other  
25 polluting sources.

1           Personally, my house runs on 100 percent  
2 solar power. It would have cost \$100 a month on  
3 average at least to power it from Edison. I pay 60  
4 bucks a month, I didn't buy the system, I didn't pay  
5 anything upfront. I just buy cheaper power. They  
6 take care of the system. It's incredibly reliable,  
7 more reliable than Edison, no blackouts from my  
8 solar. And next year there'll be battery backups, so  
9 that when Edison does go down my house won't.

10           And I'm not unique. I don't have a huge  
11 roof. I don't have any special factors. It's just a  
12 simple matter of I took the opportunity that was  
13 offered by one of many solar companies that are  
14 producing more and more solar here, both in for  
15 residents, for school districts, huge jobs for school  
16 districts, government facilities, the military,  
17 private enterprise as well.

18           And that's just solar. Wind has tremendous  
19 potential. There's tremendous movement. There's  
20 federal work on increasing wind sources and  
21 increasing the use of wind and other renewable  
22 sources.

23           If a fossil fuel plant is needed and it's  
24 decided that it absolutely must happen it can  
25 definitely be located inland in another spot that is

1 not prime coastland. We don't need a ocean water  
2 cooled power plant anymore. That was why it was  
3 here. Now it doesn't need to be here, so when 2020  
4 arrives and these plants go down we don't need to  
5 have another one going on for 50 years.

6 Ongoing leaks are a part of the natural gas  
7 plants and distribution. It's just inevitable. It's  
8 constant and ongoing and the damaging particulate  
9 matter is quite high through natural gas. It is very  
10 much a fossil fuel.

11 So please think long term, think about our  
12 future generations here, and reject this proposal.

13 Thank you.

14 COMMISSIONER SCOTT: Thank you.

15 I have Nancy Lindholm followed by Jan  
16 Dietrick.

17 MS. LINDHOLM: Good evening. My name is  
18 Nancy Lindholm. I'm the CEO of the Oxnard Chamber of  
19 Commerce and before I get started on my prepared  
20 remarks I just wanted to make sure that all of you  
21 are familiar with the site of this project. It  
22 happens to be located in one of the most affluent  
23 areas of Oxnard with the highest property values that  
24 we have, so I'm not sure that really supports the  
25 comments of environmental racism or something.

1           At any rate I was hoping to play this really  
2 cool video that the Convention and Visitors Bureau  
3 has on their website to show you more of Oxnard than  
4 probably you've been hearing about. Specifically,  
5 there have been many comments today and at previous  
6 hearings about environmental justice and Oxnard being  
7 unfairly burdened.

8           Detractors from this project will lead you  
9 to believe that Oxnard is an industrial town and has  
10 a disproportionate amount of dirty industry here  
11 affecting our quality of life. In fact, Oxnard is  
12 home to a large and thriving tourism industry  
13 including our beach and our harbor.

14           As the CEO of the Oxnard Chamber I see  
15 firsthand how our retailers and restaurants thrive  
16 from the visitors to our city. This vibrant tourism  
17 environment successfully coexists with the current  
18 facility at Mandalay Beach and will do so with the  
19 Puente Project as well.

20           So if you have a chance, check out that  
21 really cool video at [visitoxnard.com](http://visitoxnard.com). Thank you.

22           COMMISSIONER SCOTT: Thank you. And please  
23 feel free if you'd like to send that to the docket.  
24 Our Public Adviser can help explain how to do that if  
25 you'd like.

1 I have Jan Dietrick followed by Tony  
2 Skinner.

3 MS. DIETRICK: Welcome back to Oxnard. I  
4 live over in Ventura, but I'm active with the Ventura  
5 County Climate Hub and other climate-related  
6 organizations. And that's where I'm basically coming  
7 from is how do we most aggressively, ambitiously  
8 mobilize to stop greenhouse gas emissions?

9 So when I heard the Coastal Commission had  
10 made a decision that the siting on the beach wasn't  
11 good, well that should be honored. I mean, that's  
12 what the city's been asking for all along based on  
13 very sound arguments.

14 When the audit came out Thursday about the  
15 Public Utilities Commission's lack of transparency  
16 and other problems not being attentive to a review of  
17 cases, wasting money, and just being lax is the word  
18 that we see in the news, there we go. We've been  
19 saying for two years that we didn't trust their  
20 process, all right? So that is another reason for me  
21 to be saying let's start over.

22 Edison was -- their awarding of the contract  
23 -- their request for offers was questionable, okay?  
24 Let's just start over.

25 Now, we have Central Coast Power, which the

1 County has come and announced to you formally, we're  
2 waiting for our feasibility study. This is about  
3 local power. This is about us saying we want a high  
4 proportion of renewable resources in our energy. Do  
5 you understand, community choice energy is about  
6 local control? Let's honor that.

7           New technology also employs more people than  
8 fossil fuel technology. And where is your agency in  
9 demonstrating this? You have that data. You know  
10 that that labor will be better in the end following  
11 the models of Sonoma Clean Power, Marin Clean Energy.  
12 They all have requirements in their local utility  
13 purchasing to honor -- to hire union, okay? -- and a  
14 whole page of requirements for respect for local  
15 labor and development of sustainable local labor.

16           Then I mean there's many co-benefits that  
17 the people, many people here do not seem to be  
18 educated about, and it's really your job in my view.  
19 I mean you have all these IEPRs and all these things  
20 that all you wonks talk among yourselves. And you're  
21 not obviously educating the people here about the way  
22 we can go forward as leaders in our community with  
23 renewable energy.

24           How about the context of SB 32 and the  
25 beefing up of Title 24 year by year until we're using

1 80 percent less energy in our structures than we are  
2 now? I mean, we don't need dirty energy to meet the  
3 future energy needs. I'm totally sure that Central  
4 Coast Power will be able to develop especially with  
5 distributed generation -- how about that -- and with  
6 conservation. Thanks a lot.

7 COMMISSIONER SCOTT: Thank you.

8 I have Tony Skinner followed by Eileen  
9 Tracy.

10 MR. SKINNER: Good evening. My name is Tony  
11 Skinner and I'm the Executive Secretary Treasurer of  
12 the Tri-County Building and Construction Trades  
13 Council. I represent thousands of union trades  
14 people in Ventura, Santa Barbara and San Luis Obispo  
15 Counties and am here tonight in support of the  
16 project.

17 The construction sector of the labor market  
18 in Ventura County has never recovered from the crash  
19 of '08. In fact, in the most recent report provided  
20 by the Economic Development Collaborative of Ventura  
21 County it was reported for the month of September  
22 2016 construction actually was down 6,600 jobs from  
23 the pre-recession high. And this is with two major  
24 hospital projects under construction.

25 The men and women I represent need this



1 project. The Puente Power Plant will be covered  
2 under a project labor agreement with the building  
3 trades on both the construction and demolition that  
4 will promote local hire for the residents of Oxnard  
5 and all of Ventura County, as it is more cost  
6 effective for contractors to hire local people rather  
7 than pay the extra expense of lodging and food for a  
8 project of this duration.

9 This can be seen by what happened when we  
10 built the peaker plant at the same location for  
11 Southern California Edison a few years ago. Unlike  
12 other areas of the state, a project of this size will  
13 really impact the local economy by pulling the best-  
14 trained, well paid union trades men and women to  
15 work.

16 We are ready to man this project for NRG and  
17 ask for your approval. Thank you.

18 COMMISSIONER SCOTT: Thank you.

19 I have Eileen Tracy followed by Raul Lopez.

20 MS. TRACY: Members of the Committee, my  
21 name is Eileen Tracy and I'm here to ask you to  
22 oppose the project.

23 I haven't been here a very long time, but  
24 I've heard some really well-informed speakers giving  
25 you all the great reasons why you should deny it. So

1 there's not much that I can add, but I will try my  
2 best anyways.

3           You may not know that Oxnard has been  
4 designated by the state officially, as a  
5 disadvantaged community -- argument number one.

6           And if you look at the weather in Malibu and  
7 the weather in Oxnard they are identical. But when  
8 you think of Malibu and then you think of Oxnard  
9 different pictures come to mind. But we would like  
10 Oxnard to be more like Malibu.

11           And I also am really in favor of renewable  
12 energy. These old-fashioned dirty old plants, really  
13 are a thing of the past. And I know the people on  
14 Wall Street who invest in it, really want to keep it  
15 around for a long time, but even they could invest in  
16 solar energy and other renewable energy plants.

17           So I hope while you're down here you get a  
18 chance to drive up Harbor Boulevard and check these  
19 plants out, because when you go there you see on your  
20 left these ugly old plants. They look like something  
21 from some bad movie that you wouldn't want to see.  
22 And then on your right, and it's visible for miles  
23 and miles, you see these ugly transmission lines.

24           Just ask yourself, do the members of this  
25 community, the residents, really deserve this ugly

1 mess when it's no longer needed? Renewable energy is  
2 the thing of the future, fossil fuel is so yesterday.  
3 So I'm giving you a minute back, because I'm not  
4 going to say anything else. But please, consider all  
5 the remarks you've heard today. Thank you.

6 COMMISSIONER SCOTT: Thank you.

7 I have Raul Lopez followed by Brandon  
8 Yadegari.

9 MR. LOPEZ: How are you guys doing today?  
10 My name is Raul Lopez. I'm a lifelong resident of  
11 Oxnard. My family has been here since the '40s, both  
12 my grandparents were vrassettos, (phonetic) they  
13 helped build the agricultural industry in the State  
14 of California. And I have three beautiful children  
15 that I raise here. We spend at least one to two days  
16 a week at the beach.

17 Now, I've heard a lot of proponents. I've  
18 heard a lot of opponents. I don't have a stake in  
19 whether you guys show up or not. The only stake I  
20 have is my kids. Are they going to be breathing  
21 another plume of smoke? I take my kids to the beach  
22 in Ventura sometimes, just because we don't to deal  
23 with looking at what's sitting on our coast here.

24 Now, I heard somebody not understand the  
25 term "environmental racism," well since my family's

1 been here -- and I can tell you that the people that  
2 live in Mandalay absolutely do not represent a  
3 majority of people that live here in the City of  
4 Oxnard. (Audience applause.)

5 Now, besides that, I will tell you that my  
6 family, both my parents, worked for strawberry fields  
7 their entire lives. I picked strawberries at 11, 12,  
8 13 years old. I am one of those people that was  
9 breathing in pesticides then going to the beach and  
10 breathing in plumes of smoke. You know, I can only  
11 run a half a block right now. It might be because of  
12 the gut, but who knows? You know what I mean?

13 I'm just here to implore you, to even look  
14 at those comment cards you have and look at the  
15 proponents. If the proponents have some stock in  
16 gains whether it's money, jobs, contracts, think  
17 about that please. I have no stake except for the  
18 children that I walk to the beach every weekend.

19 And I'm here to tell you that I have over  
20 300 family members that live here in Oxnard and most  
21 of them are right now, picking a fruit that you'll  
22 probably have on your plate later this evening or  
23 tomorrow evening. The point is don't think that just  
24 because they are not here that they do not care.  
25 They are busy. They are working. Maybe some of the

1 affluent bosses and affluent people can be here and  
2 that's great. I'm just grateful that I can be here.

3 But one, think about the proponents for  
4 this, because we can't just dangle a \$7 million  
5 carrot and then dangle another carrot that says we'll  
6 remove these two plants that are supposed to be gone  
7 anyway. They're mandated to be gone. So I'd like  
8 you guys to think about those things very, very  
9 deeply before you take into account the size of this  
10 room, because all my family members would say the  
11 same thing as me.

12 One, affluence does not represent the  
13 population of Oxnard; two, having to deal with  
14 pesticides and plumes of smoke, that does and that's  
15 a shame. So I really hope that you guys think about  
16 what I've said here. Thank you. And I hope you make  
17 the right decision.

18 COMMISSIONER SCOTT: Thank you.

19 I have Brandon Yadegari followed by R.L.  
20 Miller.

21 MR. YADEGARI: Good evening, first I just  
22 want to say thanks to the Committee in front of me,  
23 because I've been to a lot of different types of  
24 committee meetings and the governing body usually  
25 isn't as respectful and attentive as you've been

1 tonight.

2           So my family has been here in Oxnard for  
3 over 40 years since my mom's side of the family  
4 immigrated here illegally from Mexico. Since that  
5 point they've more or less been dependent on  
6 manufacturing jobs and the like. I myself, come -- I  
7 just graduated UC Santa Barbara, so I'm used to a  
8 pretty academic environment where we're trying to  
9 like build big lofty goals and trying to build  
10 sustainable futures for different communities.

11           And so I'm used to conversations about  
12 topics like this going pretty differently. And I've  
13 been pretty sad to see so many business interests  
14 tonight speak so fervently, supposedly in favor of  
15 this project offering this false choice between jobs  
16 and reliable energy and a community that would go  
17 without it if this project isn't approved.

18           But those people that came tonight, I don't  
19 think are representative of the community here in  
20 Oxnard, the one that I know, the one that my family  
21 has been here for so long in. We look around at  
22 who's here, who's spoken. And I don't think the  
23 representative of what is a two-thirds community  
24 that's made up of Latinos, the majority of which are  
25 working class.

1           Most of them can't be here tonight. They  
2 are busy feeding families, they are still picking up  
3 kids from soccer practice over at the fields off of  
4 5th. They're cooking dinners and they don't have the  
5 time or the luxury to be here to speak in opposition.  
6 And as Dr. Chang said earlier, they're exhausted.  
7 We're exhausted.

8           I think we're at a really important turning  
9 point. We see the possible decommissioning of Dos  
10 Pueblos right up the coast. We see a number of  
11 initiatives at the state level and the possibility  
12 after Inauguration Day for a national push for a  
13 completely renewable economy by mid-century talking  
14 about over 500 million solar panels being installed  
15 across the country.

16           And I would just really hope that this  
17 Committee can consider alternatives that look more  
18 like that, that aren't based on making a community  
19 that's been at the butt-end of a lot of deals, the  
20 butt-end of another. So I just hope that you can  
21 consider what you've heard tonight as representative  
22 of people that haven't been able to be here. Thank  
23 you for your time and your attention.

24           COMMISSIONER SCOTT: Thank you.

25           I have R.L. Miller followed by Noe Estrella.

1 MS. MILLER: Good afternoon, my name is R.L.  
2 Miller. I am a resident of Ventura County. I am also  
3 the Chair of the California Democratic Party's  
4 Environment Caucus. And I'm here to talk about the  
5 politics, which are very simple. The California  
6 Democratic Party, I'm just pulling this up on my  
7 phone here, opposes all new fossil fuel  
8 infrastructure projects.

9 I put that in the platform by the way and it  
10 is in there, because we simply do not have the time  
11 to be building this kind of stuff. This is not a  
12 bridge except as a bridge to nowhere. The California  
13 Democratic Party wants to produce 100 percent of  
14 California's electricity from renewable and  
15 sustainable sources. This is not it. We cannot  
16 build this project.

17 Again, this is the California Democratic  
18 Party. The National Democratic Party actually went  
19 further and says that, "Wind and solar must take  
20 priority over natural gas projects."

21 In addition, you've heard truly touching  
22 testimony from people in the community of Oxnard that  
23 this project constitutes environmental racism. I ask  
24 that you respect the wishes of the City of Oxnard and  
25 the people who live here and say no to any more



1 fossil fuel infrastructure. Thank you.

2 COMMISSIONER SCOTT: Thank you.

3 I have Noe Estrella next and then Lucas  
4 Zucker.

5 MS. ESTRELLA: Hi, my name's Noe Estrella  
6 and I have been in Oxnard since I was seven years old  
7 and I'm 43 today, so it's kind of a long time. I've  
8 traveled halfway around the world and I've been all  
9 over the place and seen lots of different  
10 communities. I'm grateful to each and every one of  
11 you that's here right now.

12 I know that the task that's before you is  
13 huge. I have a great amount of faith in each and  
14 every one that you guys put your careers, your  
15 education and more importantly, your experience, to  
16 the ultimate test. And let's take this all the way.  
17 No more fossil fuels. We stand with Standing Rock  
18 today. We've had Nardcore shows, which are local  
19 punk rock shows out of Silver Strand.

20 You want to talk affluence, you want to talk  
21 money, these are people that have been here a long  
22 time. These are the children of the long-ago  
23 establishers of wealthy economy of our area who stand  
24 united. So those people that were here saying that  
25 they were representing us as a people, I have to say

1 absolutely not. Nothing about them to me, states I  
2 am one of you.

3           They haven't walked our streets. They  
4 haven't gone to our beaches and seen our homeless  
5 people there. It is a mess, you guys. I'm out there  
6 cleaning every day. I'm picking up the trash. We  
7 have a wonderful facility in Hueneme you guys should  
8 go visit. Our poop in Hueneme creates the finest  
9 wines in California and Napa Valley, it's called  
10 humanure. The Hueneme Power Plant is state of the  
11 art. You guys probably had something to do with  
12 that.

13           I was also a -- I had an internship with  
14 NOAA talking to the children from 5th through 12th  
15 grade about the importance of the environment. You  
16 guys' is the job that you chose, isn't that your  
17 leading cause is taking what Tesla taught us and  
18 pushing aside what Edison tried to steal from Tesla  
19 and making the most of it.

20           I call upon you guys right now to take that  
21 initiative. We have two power plants there that are  
22 supposed to be decommissioned. Why don't we turn  
23 that into wave energy? You guys have \$7 million to  
24 play with. That would be a scientist's paradise,  
25 right? Let's show these guys here that are

1 interested in their bottom dollar how their bottom  
2 dollar can go further, like seven generations out.

3 Let's have them think that way instead of  
4 right now tax deductions, whatever's going to make  
5 them comfortable. But let's take this larger and  
6 show them how they want to make their pockets fatter?  
7 Well, how about we go seven generations out fatter?  
8 And how about we stop living on the interest of our  
9 children and start living on the well-being of all of  
10 us, because that's where the real wealth is. And our  
11 health is wealth.

12 And I know that we can do it. I know that  
13 it's a challenge before us. As California, we have a  
14 leading world influence on all of this. So you guys  
15 could be rock stars if you play the cards right. And  
16 I beg that each of you take that inside of you and  
17 follow your higher selves, because I know we can do  
18 it.

19 And I'm here. I'll volunteer. Whatever you  
20 want me to do, let's just all get on the same page  
21 and we can do it together. Thank you, guys.

22 COMMISSIONER SCOTT: Thank you.

23 I have Lucas Zucker followed by Mike Stiles,  
24 please.

25 MR. ZUCKER: Good evening. My name's Lucas  
CALIFORNIA REPORTING, LLC  
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1 Zucker, I'm the Policy and Communications Director at  
2 CAUSE. We've had over the last couple of years,  
3 hundreds of community members come out to this  
4 building to speak about their personal experiences,  
5 give their personal testimonies. And as some of the  
6 other speakers have mentioned folks are exhausted.  
7 Folks are exhausted from speaking and feeling like  
8 it's falling on deaf ears. And so today I don't want  
9 to offer any personal testimonies, but I want to make  
10 a couple of technical points instead, which I know is  
11 extra exciting.

12           So we all know and this Commission has  
13 accepted that Oxnard is an environmental justice  
14 community, a disadvantaged community. So then it  
15 comes down really to a couple of issues. Is there a  
16 serious negative impact on that disadvantaged  
17 community? And are there viable alternatives?

18           And if there's a serious negative impact and  
19 there are viable alternatives then obviously it's  
20 something that we want to avoid.

21           So the analysis of alternatives has  
22 basically accepted NRG's assessment that other places  
23 to stick places to stick power plants are  
24 inconvenient in this area. We'd have to buy some new  
25 land or build some new power lines. There's really

1 been no meaningful assessment of alternatives to  
2 building a gas-fired power plant itself, to  
3 renewables, energy efficiency, energy storage.

4           And we know that renewable energy and these  
5 other alternatives didn't really get a fair shake in  
6 the original RFO, because it was lumped in with the  
7 L.A. requests. And the landscape since then has  
8 totally changed since the original Edison RFO. We  
9 have had SB 350. We've had SB 32, AB 197. And I  
10 really believe if Edison was required to do another  
11 RFO to seek alternative energy like they're doing  
12 right now in affluent Orange County, it's hard to  
13 imagine we wouldn't get a renewable energy  
14 alternative to this project.

15           Second, NRG justifies a lack of  
16 environmental impact on Oxnard by using fuzzy math.  
17 They include the decommissioning of the old Mandalay  
18 Power Plant in the description of this project  
19 despite the fact that this plant is already required  
20 to be shut down to comply with state environmental  
21 standards whether this project is built or not.

22           So by including the shut-down of Mandalay in  
23 their calculations NRG is able to effectively hide  
24 the new emissions from Puente. If the CEC accepts  
25 this logic you are essentially telling the people of

1 Oxnard that continuing to burden us with pollution is  
2 acceptable, because Oxnard is already polluted.

3 As California moves to a clean energy  
4 future, Oxnard deserves to see less pollution in the  
5 air, children and family members breathe. We deserve  
6 a meaningful analysis from the CEC, real alternatives  
7 to this project, and a review of this power plant  
8 based on the emissions that the power plant itself  
9 will actually produce. Thank you.

10 COMMISSIONER SCOTT: Thank you.

11 I have Mike Stiles followed by Julie Pena.  
12 And I just want to remind folks if you'd like to make  
13 a comment, please see our Public Adviser. She's  
14 waving at you from over there near the exit and fill  
15 out a blue card. She'll get those to me and that's  
16 how I know you want to comment.

17 Please, go ahead.

18 MR. STILES: Good evening, thank you guys  
19 for your time. You know, I came here with my wife  
20 tonight to support her. And I had no intention of  
21 speaking and the fact of the matter is, is I didn't  
22 really know a whole lot about what was going on  
23 tonight. But I've been sitting back and listening to  
24 everybody's side of the story.

25 I'm a lifetime Ventura County resident. I

1 grew up, I was born and raised in Oxnard. I've been  
2 here my whole life. I've spent years and years out  
3 in the surf, surfing waves and doing what other  
4 people do here in Oxnard.

5           One of my favorite surf spots was right  
6 maybe a hundred feet off south of the power plant.  
7 You know, a nice sandbar would build up right there  
8 when the swells would come. Me and my buddies we'd  
9 be out there, and we'd do that day after day, year  
10 after year, whenever the surf was good. You know, I  
11 haven't turned green yet. I haven't been polluted  
12 yet.

13           I grew up on Oxnard shores and Silver Strand  
14 Beach. I'm also a member of the Nardcore community  
15 that lady spoke of, but you know what? Here's the  
16 thing, and this thing just has seemed to get so  
17 politicized with charges of racism and everything  
18 else. I think it's everything but that. You know,  
19 90 percent of the population is predominantly white  
20 over on the beach area, which is closest to the power  
21 plant. I haven't heard anybody complaining about it,  
22 honestly. I think it's just getting ridiculous,  
23 myself.

24           It seems like a good deal. They're going to  
25 tear down an old unworthy power plant and put a new

1 one with better emissions that's better for the  
2 environment. It's going to create a lot of revenue  
3 for the City, that the City needs it. You know, the  
4 last time I checked the police department was going  
5 broke. There's a lot of things going on here and it  
6 seems like you're going to improve the area. It's  
7 going to be up to California standards, which are  
8 probably the best in our country.

9           And like why wouldn't we do it? It just  
10 doesn't make sense. It's going to provide a lot of  
11 money. It's going to provide a lot of jobs and I'm  
12 all for it. Thank you guys for hearing me out.

13           COMMISSIONER SCOTT: Thank you.

14           I have Julie Pena next.

15           MS. PENA: Shame on those that don't value  
16 our -- that don't see the value, the environmental  
17 value of our coastline. My name is Julie Pena and I  
18 am a resident of Oxnard Shores, the predominantly  
19 white neighborhood. You don't see them all here  
20 either for or against this. They're mostly  
21 unconcerned.

22           Fifty years ago, the population of this city  
23 was totally different from what it is now. Fifty  
24 years ago, because you couldn't grow anything on the  
25 sand it was worthless. So our powers that be, people



1 that were in power, the City Council, people that  
2 were in power at that time and residents didn't care  
3 that we had landfills and that we had  
4 industrialization on our beach. It wasn't recognizes  
5 as a value.

6 This is 2016. The population of the City of  
7 Oxnard has changed. It's not all primarily  
8 agricultural residents and workers. We're  
9 professionals. We're educated individuals. And we  
10 value our coastline. That's something that hasn't  
11 been mentioned here, the value of our coastline.

12 I understand -- I'm very involved with the  
13 City of Oxnard -- I understand that the City need  
14 money and we could certainly use the \$7 million of  
15 revenue that a plant like this would bring to our  
16 city. All we're saying is not on our beach. My  
17 understanding is that the City of Oxnard has offered  
18 other locations to NRG. They find it more  
19 profitable, of course, to use this site.

20 Dear Commissioners, please keep in mind that  
21 state officials, city officials and residents have  
22 voiced their opposition to this plant. Please  
23 consider that. Thank you.

24 COMMISSIONER SCOTT: Thank you.

25 And so I do not have any more blue cards.

1 We're going to turn to the -- I'm sorry, okay so we  
2 one more coming. Why don't we turn to the WebEx and  
3 see if we have one comment while I'm waiting for the  
4 next blue card to come up? Do we have any comments  
5 on the WebEx? I'm looking to the computer team.

6 I think you can indicate that you'd like to  
7 make a comment by raising your hand and that's how  
8 they'll know to unmute you, so that you can make a  
9 comment. Or if you are on the phone, please feel  
10 free to just speak up.

11 No? No comment?

12 UNIDENTIFIED SPEAKER: No.

13 COMMISSIONER SCOTT: Are you sure?

14 UNIDENTIFIED SPEAKER: I think this is about  
15 the end of it.

16 COMMISSIONER SCOTT: Okay. It sounds like I  
17 don't have any comments on either the WebEx or the  
18 phone. Are you all sure that you don't want to make  
19 a comment? You're more than welcome to. Okay, just  
20 making sure.

21 All right, well I want to say thank you so  
22 much to everyone for attending our status conference  
23 this afternoon. And I will turn to my Associate  
24 Member to say something.

25 COMMISSIONER DOUGLAS: Hi. I wanted to  
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1 join the Presiding Member in thanking everybody who  
2 has been here tonight. We understand that whenever  
3 we come to town, it is both an opportunity and  
4 something of an imposition on your family time and  
5 kid time and the logistics of everyday life. And so  
6 again, everyone who came here took time out of their  
7 schedules and their personal lives to make a public  
8 comment, because you had something that you wanted to  
9 articulate. And I thank all of you for doing that  
10 and for your engagement in this process.

11 And I think Commissioner Scott and I  
12 couldn't help but notice some level of anxiety  
13 expressed among some speakers about there were more  
14 people in other meetings or something like that. And  
15 I just wanted to say one of the -- well first of all,  
16 we have a record that includes comments made in all  
17 of the meetings and written comments as well as oral  
18 comments at meetings.

19 And in addition to that, one of the best and  
20 worst parts of the Energy Commission process that you  
21 are experiencing is that you see a lot of us. You  
22 see us at the informational hearing. You see staff  
23 leading workshops. You see us -- you know, it's  
24 somewhat unusual to see us for a status conference.  
25 For those of you who had the opportunity to listen

1 into that, it probably was not fascinating. But  
2 you'll see us again for evidentiary hearings that may  
3 in fact be more than one day. And you'll see us  
4 again after we issue a proposed decision and we have  
5 a PMPD hearing.

6 And so I think that none of us necessarily  
7 expect to see the same number of people every meeting  
8 and maybe just bear that in mind. We appreciate each  
9 and every one of you who did come tonight and did  
10 speak. And we expect to see more people no doubt,  
11 and some of the same people and some different people  
12 in other meetings and that's great. And for people  
13 who can't get here in person, please encourage them  
14 to submit comments in writing and those go into our  
15 record as well.

16 So again I appreciate everyone's  
17 participation.

18 COMMISSIONER SCOTT: I really echo  
19 everything that you just heard from Commissioner  
20 Douglas. And also just as a reminder, two folks that  
21 we have -- you're able to submit written comments to  
22 us as well. And we see all of those, those come into  
23 the docket. They are a part of the record and we see  
24 those too, so if there's ever an opportunity where  
25 there's a meeting like this, it's opened up and

1 you're not able to come in person, please feel free  
2 to send the comments to us in writing. And we get  
3 those and read those and see those as well.

4           So thank you very much for taking the time  
5 to come this evening. So we are now adjourned.

6                           (Adjourned at 6:43 p.m.)

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CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of October, 2016.



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MARTHA L. NELSON

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Myra Severtson  
Certified Transcriber  
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