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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 CONFERENCE

PUENTE POWER PROJECT

ART ROSENFELD HEARING ROOM

1516 NINTH STREET

SACRAMENTO, CA 95814

MONDAY, SEPTEMBER 18, 2017

9:33 A.M.

Reported by:

Peter Petty

**APPEARANCES**

COMMISSIONERS

Janea Scott, Presiding Member  
Karen Douglas, Associate Member

ADVISERS

Rhetta DeMesa, Adviser to Commissioner Scott  
Jennifer Nelson, Adviser to Commissioner Douglas  
Le-Quyen Nguyen, Adviser to Commissioner Douglas

HEARING OFFICER

Paul Kramer, Hearing Officer

CEC STAFF

Kerry Willis  
Michelle Chester  
Shawn Pittard  
Alana Mathews

APPLICANT

Michael Carroll, Attorney, Latham & Watkins, LLP

CITY OF OXNARD

Ellison Folk

SIERRA CLUB

Matthew Vespa

CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE

Shana Lazerow

CENTER FOR BIOLOGICAL DIVERSITY

Lisa Belenky

CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)

Joran Pinjuv

**APPEARANCES (cont'd)**

SOUTHERN CALIFORNIA EDISON

Tristan Reyes Close

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P R O C E E D I N G S

SEPTEMBER 18, 2017 9:33 A.M.

COMMISSIONER SCOTT: Good morning, everyone, this is Janea Scott, I'm the presiding member over the Puente Power Project. This is a Committee conference that we're having. Right now I am joined by the hearing officer Paul Kramer, my advisors Rhetta DeMesa and Matt Coldwell, Commissioner Douglas's advisors Le-Quyen Nguyen and Jennifer Nelson.

And then let me now ask the parties to please introduce themselves starting with the Applicant.

MR. CARROLL: Good morning, Michael Carroll with Latham & Watkins on behalf of the Applicant.

COMMISSIONER SCOTT: Good morning. Now let me turn to the Energy Commission staff to please introduce themselves.

MS. WILLIS: Good morning, Kerry Willis with Staff.

COMMISSIONER SCOTT: Good morning. Now I'll turn to the interveners starting with the City of Oxnard, please.

MS. FOLK: Good morning, Ellison Folk on behalf of the City of Oxnard.

COMMISSIONER SCOTT: Hi, good morning. How about the Environmental Coalition, Environmental Defense Center, and Sierra Club?

MR. VESPA: Good morning, Matt Vespa on behalf of those parties.

COMMISSIONER SCOTT: Hi, good morning. Do I have

1 intervener Bob Sarvey?

2       Okay. How about California Environmental Justice  
3 Alliance?

4       MS. LAZEROW: Good morning, this is Shana Lazerow on  
5 behalf of their behalf.

6       COMMISSIONER SCOTT: Hi, good morning. How about the  
7 Center for Biological Diversity?

8       MS. BELENKY: Good morning, this is Lisa Belenky on  
9 behalf of the Center for Biological Diversity.

10       COMMISISONER SCOTT: Good morning. How about Fighting  
11 for Informed Environmentally Responsible Clean Energy?

12       Do we have Dr. Chang? Okay, not yet. No problem.

13       And then let me turn to others. Do I have anyone from  
14 the California Independent System Operator?

15       MR. PINJUV: Yes. Good morning, Jordan Pinjuv from the  
16 ISO.

17       COMMISSIONER SCOTT: Hi, good morning. Anyone from the  
18 California Coastal Commission?

19       Okay. How about the U.S. Geological Survey?

20       All right. Do I have any state or federal wildlife  
21 agencies?

22       Do I have any other tribal, federal, state, or local  
23 officials who would like to introduce themselves? If so,  
24 please go ahead.

25       Okay. And I will also note that we have been joined by

1 our public advisor Alana Mathews.

2 So with that, let me turn the conduct of this hearing  
3 over to Hearing Officer Paul Kramer.

4 HEARING OFFICER KRAMER: Okay. Thank you. We've added  
5 a purpose to today's Committee conference as a carryover from  
6 last week's evidentiary hearing and that's the introduction  
7 of -- or the ruling on the admission of exhibits.

8 But first, we had a motion filed I think it was on  
9 Friday from the Center for Biological Diversity, and it was  
10 to strike the testimony of Dawn Gleiter and portions of the  
11 testimony of Mr. Sekhon from Southern California Edison.

12 Now I guess none of that was related to documents, so.  
13 But nonetheless, let's deal with that first.

14 Let's see, Ms. Belenky, Mr. Bundy filed with -- he's not  
15 on, right? So are you going to argue it?

16 MS. BELENKY: I can hopefully begin. I think that, you  
17 know, several of the other interveners also joined this  
18 motion and they may have something to say.

19 Basically just to reiterate several motions that were  
20 made earlier and it wasn't clear, possibly, how the Committee  
21 had considered them and not faithfully considered our motion.

22 So Dawn Gleiter did testify at the hearing but her  
23 testimony, there was no prefiled testimony, there was no  
24 statement about even what she would be testifying about. The  
25 order of June 20<sup>th</sup> said that all of the testimony was due by



1 August 30th, she didn't file any written testimony. So some  
2 questioned maybe she was on vacation but certainly others  
3 said there could have been testimony filed with the basic  
4 substance.

5 We feel that it was prejudicial to other parties because  
6 it went beyond the scope of what we believed would be  
7 discussed at the hearing. So we have again asked, you know,  
8 that it be stricken, that it was not within the scope of this  
9 hearing.

10 The second part of it is the portions of the testimony  
11 of Ranbir Sekhon who was speaking for Southern California  
12 Edison, particularly after the lunch hour there was a long  
13 soliloquy that we couldn't actually hear that well but it  
14 appeared to go into a lot of detail about the RFO process, et  
15 cetera, issues that had not been brought forward in a clear  
16 way, issues that were beyond the scope of what SCE's attorney  
17 who spoke first said would be the limit of their testimony at  
18 those hearings.

19 So that's, again, we're reiterating that motion, we want  
20 to be clear that these objections are substantive, we believe  
21 they go to the substance of the hearing and the point of  
22 having these additional evidentiary hearings, and that they  
23 are prejudicial to the other parties because we did not have  
24 a chance to prepare a response.

25 But I would like -- you know, if Ms. Folk or other

1 parties would like to -- who joined the motion would like to  
2 elaborate, I'd like them to have a chance as well.

3 MS. FOLK: Yes, this Ellison Folk, and I would just --  
4 I'd reiterate what Ms. Belenky said. And also I just want to  
5 point out there seems to be some kind of double standard here  
6 because a number of petitioners -- interveners, excuse me,  
7 tried to docket documents a week before or at least a week  
8 before the hearing in order to be able to rely on them at the  
9 hearing and were prevented from doing so except for the  
10 purpose of impeachment because all of the evidence was to  
11 have been filed by August 30<sup>th</sup>. And to then allow someone to  
12 come in with no written testimony and add additional evidence  
13 at the hearing is incredibly prejudicial because nobody's had  
14 an opportunity to respond to it. We weren't able to see it  
15 beforehand so we couldn't prepare for it.

16 And it's unclear to me why there was this different  
17 standard for oral testimony which is far more prejudicial to  
18 the parties who haven't seen it in advance than documentary  
19 evidence.

20 MR. VESPA: And this is Matt Vespa from Sierra Club, we  
21 agree with all the points that's just been made.

22 MS. LAZEROW: This is Shana Lazerow at CEJA. We of  
23 course strengthen the motion and agree with all of these  
24 points.

25 I also wanted to point out that with respect to

1 Ms. Gleiter, that the failure to file any advanced written  
2 testimony also prevented us from seeing what kind of  
3 foundation she could have for the testimony that she  
4 presented regarding demand response. And in fact when she  
5 was asked about the basics for her conclusions regarding  
6 feasibility of demand response, she acknowledged that the  
7 experience she had referred to did not actually include any  
8 experience with the terms of any demand response contracts or  
9 performance under demand response contracts. The substance  
10 of her testimony about performance of demand response had in  
11 fact no foundation.

12 Had she filed written testimony in advance, the parties  
13 would have been able to -- to proactively make that motion  
14 and save the Committee time, and admitting her testimony  
15 really would be prejudicial. Thanks.

16 HEARING OFFICER KRAMER: Anyone else besides  
17 Mr. Carroll? Staff, anything?

18 MS. WILLIS: Well, I'd like have the defense speak,  
19 then.

20 HEARING OFFICER KRAMER: Okay. Mr. Carroll?

21 MR. CARROLL: Thank you. We do intend to file a written  
22 response to the motion today but I'll summarize the arguments  
23 that we make in our written response.

24 The first and overriding is that there's not a  
25 procedural mechanism for seeking to renew or to seek

1 reconsideration decisions made by the hearing officer with  
2 respect to the admission of evidence during the course of a  
3 hearing. And both of these motions or objections remain.  
4 There was a motion made to strike the testimony of Mr. Sekhon  
5 that was ruled upon and denied by the hearing officer at the  
6 hearing. There were multiple objections made to allowing Ms.  
7 Gleiter to provide testimony without having previously filed  
8 written testimony, and those were also overruled.

9         And to the extent that there's any question because we  
10 don't have a transcript, although my recollection and my  
11 notes are very clear on both of those points, to the extent  
12 that there's any question about whether or not the rulings  
13 were specifically made, Section 20 -- Section 2011 -- I'm  
14 sorry, 1211.5(b) indicates that any request made during the  
15 course of the hearing, they're not acted upon by the hearing  
16 officer during the course of the hearing or prior to the  
17 conclusion of the hearing are denied. So again, our  
18 recollection is quite clear that these motions and objections  
19 were made and they were denied.

20         But even if they hadn't been specifically ruled upon by  
21 the hearing officer, they would be deemed denied pursuant to  
22 1211.5(b). And under those circumstances, there is no  
23 mechanism for asking the hearing officer of the Committee to  
24 revisit those decisions, and so those portions of the motion  
25 are inappropriate as a procedural matter. The appropriate

1 course of action which is included in the motion to strike is  
2 to seek a written order on those rulings from the hearing  
3 officer and then if they so choose, the interveners can  
4 appeal that written order to the full Commission. So  
5 procedurally, that's the appropriate course of action.

6 With respect to the substance, which it's somewhat  
7 premature to get into the substance because that would be  
8 addressed on the petition for review by the full Commission,  
9 but very briefly I would say what I -- in some extent, this  
10 is repeating what I said at the hearing, that the testimony  
11 for Mr. Sekhon that the interveners appear to be objecting to  
12 is related to the process of implementing an RFO for  
13 resources. And we find that it's somewhat ironic that the  
14 interveners would object to that since it was the  
15 interveners, a number of their witnesses, including  
16 Mr. Caldwell and others who advocated for an RFO as the only  
17 mechanism for determining what preferred resources were  
18 available and what the cost of those preferred resources  
19 might be, the interveners then presented two witnesses, the  
20 sole purpose of their testimony seemed to be that they  
21 participated in previous preferred resources RFOs that had  
22 gone very well and that their expectation is that the new RFO  
23 for preferred resources in Moorpark would go very well.

24 So in light of having put all those issues on the table,  
25 I don't understand how the interveners think there's a basis

1 for them objecting to a witness identifying some potential  
2 problems with the preferred resources RFO particularly when  
3 that witness comes from the entity that would be charged with  
4 running and implementing the RFO. So substantively  
5 Mr. Sekhon's testimony was squarely put on the table by the  
6 interveners.

7 And then finally with respect to Ms. Gleiter, as I said  
8 at the hearing and as we say in our draft written response,  
9 there's no requirement to file prepared written testimony  
10 advance -- in advance of providing oral testimony. In this  
11 particular case, most of the parties have provided prepared  
12 written testimony and I think that the interveners perhaps  
13 have got accustomed to that. But that is not a requirement  
14 to the regulations, it is not a requirement to any of the  
15 orders that have been issued in connection with this case.  
16 And to the contrary, both the regulations and the order make  
17 it very clear that the parties have the right to present both  
18 written testimony and oral testimony. And the prehearing  
19 conference statements, the order requiring prehearing  
20 conference statements indicate that the party should identify  
21 whether the testimony will be in writing or oral. Clearly,  
22 that indicates that there is a choice and it asks for a brief  
23 summary of testimony which was provided in this case.

24 So, again, the interveners seem to be creating  
25 prerequisite providing oral testimony that some -- or written

1 testimony be provided in advance which simply doesn't exist.  
2 So, again, I think the procedural issue is dispositive at  
3 this point and substantive arguments are premature. But  
4 since the interveners presented theirs, I wanted to just  
5 quickly touch on ours. And as I said, we will be filing a  
6 little bit later today a written response to the motion that  
7 generally consistent with what I just said. Thank you.

8 HEARING OFFICER KRAMER: So then are you proposing that  
9 we take this under submission subject to reviewing your  
10 response and then rule later?

11 MR. CARROLL: That would be my request, yes.

12 HEARING OFFICER KRAMER: Okay. Ms. Willis.

13 MS. WILLIS: Thank you. As I said during the hearing on  
14 Thursday that SCE was not a party and they were invited by  
15 the Committee to provide testimony because they contributed  
16 to the ISO study and they do have experience in the RFO  
17 process. The -- they are not subject to the same  
18 requirements, they weren't required to file a prehearing  
19 conference statement or any of the other requirements that  
20 the parties would normally be required to.

21 Reviewing just my notes because we don't have the  
22 transcripts yet, it did appear that the testimony of  
23 Mr. Sekhon was responsive to various comments made on timing  
24 of the RFO process. There was discussion about streamlining,  
25 and there was clearly a difference in the testimony of the

1 interveners as far as a shorter time period. I think  
2 Mr. Caldwell said certain energy efficiency and other  
3 preferred resources could meet certain deadlines. And so I  
4 think those issues were put into play when the interveners  
5 made those comments.

6 As far as Ms. Gleiter's testimony, staff was always  
7 clear on page 2 of the prehearing conference statement that  
8 was filed timely that she would be providing oral testimony  
9 and it provides a summary of that testimony. At that point  
10 in time, I would -- I would think that that would be the time  
11 for the parties to object, not following that. And once  
12 again, she also was responsive to some of these questions  
13 of -- of theoretical versus real world comments.

14 HEARING OFFICER KRAMER: Okay. Thank you. Anything  
15 further from you, Ms. Belenky, as the maker of the motion?

16 Let me ask, you say that all the others joined in it.  
17 I -- unless I missed it, there was no filing to that effect,  
18 just a statement and a motion itself. Is that -- is that the  
19 place from which we take knowledge that all the other  
20 interveners have joined in your motion?

21 MS. BELENKY: This is Ms. Belenky. Yes.

22 Yes, it's stated in the motion. And then I believe  
23 several of them have reiterated that today.

24 I don't have anything else. I -- as far as arguing,  
25 particularly if Mr. Carroll is providing something written



1 today. I can perhaps -- I need see that study.

2 HEARING OFFICER KRAMER: Okay. So we'll take it under  
3 submission. And our expectations are that we may rule at any  
4 point after we receive Mr. Carroll's filing. We're not  
5 expecting another round of written filings. So just so you  
6 know.

7 So then let's move --

8 MS. REYES CLOSE: Hearing Officer Kramer. Hello.

9 HEARING OFFICER KRAMER: Yes.

10 MS. REYES CLOSE: This is Tristan Reyes from Southern  
11 California Edison. I was made aware that this might come up  
12 this morning so I just called in. I apologize. If I may be  
13 given an opportunity to speak.

14 HEARING OFFICER KRAMER: Certainly. Go ahead.

15 MS. REYES CLOSE: So I just -- I just want to make one  
16 correction to something that -- on one of the counsels of  
17 interveners said which is that Mr. Chinn has stated the  
18 limitations of Edison's testimony during his direct  
19 statement. But I just to clarify that Mr. Chinn stated the  
20 limitations of what he was prepared to speak about, and  
21 Mr. Sekhon never got the opportunity to present what he was  
22 going to speak about because the questioning had started and  
23 there was more of a back and forth flow. So we just let it  
24 go.

25 But if he had, he would have stated that, you know, the

1 whole purpose of his participating in this was that he is  
2 our, you know, we brought him in as someone who can speak to  
3 liability issues and DER procurement related issues and  
4 timing issues of that related procurement. So that is the  
5 whole reason why he was there and that's why, you know, we  
6 were asked to present a witness who could speak to those  
7 issues.

8 I just wanted to correct that even though he wasn't  
9 allowed to -- not allowed, I'm sorry, he didn't have the  
10 opportunity to present a statement, you know, that is what he  
11 was there to do. So what Mr. Chinn stated was limited to his  
12 testimony only.

13 I just wanted to make that one correction, please. So.

14 HEARING OFFICER KRAMER: Didn't you -- didn't you also  
15 make statements --

16 MS. REYES CLOSE: I just want to respond to that. Yeah.

17 HEARING OFFICER KRAMER: No, hold a second.

18 Didn't you also, Ms. Reyes Close, make your own  
19 preliminary statement? Could they have been referring to  
20 that as well? And my --

21 MS. REYES CLOSE: I'd say I -- yes. I did. That's  
22 correct. I did state that the witnesses would be making  
23 statements and that what they -- you know, what they were  
24 going to provide to, you know, all of the parties with the  
25 information they were prepared to speak about. So that's

1 basically what I had stated. I can't remember what else I  
2 said. I'm sorry.

3 HEARING OFFICER KRAMER: Yeah. And I'm really looking  
4 forward to the transcript, too, because your audio was a  
5 little bit fuzzy in the room.

6 But just as an aside, this morning I see in my e-mail  
7 that we've received a rough draft of the transcript so we'll  
8 be going over that and getting that out in the time that we  
9 had promised.

10 But we want to --

11 MS. BELENKY: And, again, this is Lisa Belenky from the  
12 Center. I do --

13 HEARING OFFICER KRAMER: Well, Ms. Folk wanted to go.  
14 She wanted to say something.

15 MS. BELENKY: I'm sorry. I didn't -- I couldn't hear  
16 that. Sorry.

17 HEARING OFFICER KRAMER: Okay. Go ahead, Ellison. And  
18 then Ms. Belenky.

19 MS. FOLK: Yes. So just in response. I think.  
20 Mr. Kramer, you probably caught that Ms. Reyes Close did make  
21 a statement about the limits about the testimony for both of  
22 the witnesses, and it was -- we can let a transcript, but my  
23 memory is specifically related to just the CAISO study.

24 And then, yeah, this goes back to our original issue  
25 which is all of this testimony was presented without any

1 written testimony in advance. And so that's just really  
2 prejudicial to the parties in order, you know, in terms of  
3 their ability to prepare and ask effective questions. And if  
4 the whole purpose of this is to bring out information, allow  
5 the parties to test the statements of the other people  
6 presenting evidence, then there really should be an  
7 opportunity to see the testimony in advance.

8 HEARING OFFICER KRAMER: Okay. Ms. Belenky. And then  
9 we'll take it under submission.

10 MS. BELENKY: Yes. And I just wanted to clarify now  
11 that we're at this stage that we would request a written  
12 ruling about these motions, these written motions and a  
13 written ruling from the Committee at this time. And it is  
14 within the five business days under 20 CCR 1215(a), so there  
15 should be no problem with seeking a written rule.

16 HEARING OFFICER KRAMER: Okay. Now when you refer to  
17 these motions, are you speaking of anything beyond the motion  
18 that your party filed?

19 MS. BELENKY: I believe this -- I -- these motions which  
20 were an attempt to clarify what had happened at the hearing  
21 which motions -- yeah. These motions, the written motion.

22 MS. WILLIS: So her motion. Yes.

23 HEARING OFFICER KRAMER: Okay. Is that your motion or  
24 are you talking about some motions that were made at the  
25 hearing?

1 MS. BELENKY: I'm talking about this written motion  
2 right now.

3 HEARING OFFICER KRAMER: Okay. Okay. That's --

4 MS. BELENKY: I'm calling two motions because there's  
5 two different parts of it, I guess.

6 HEARING OFFICER KRAMER: Yeah. Okay.

7 MS. BELENKY: Sorry about that.

8 HEARING OFFICER KRAMER: Okay. Yeah, just want to be  
9 clear.

10 MS. FOLK: Can I --

11 HEARING OFFICER KRAMER: Okay.

12 MS. FOLK: I just want to -- can I -- this is Ellison  
13 Folk again. I just want to make one more point about the  
14 nature of the Committee's original order allowing for  
15 testimony on the CAISO study. If one looks at the June 20th  
16 order, it specifically says testimony responding to the study  
17 is due on August 30th. So it doesn't distinguish between  
18 written or oral testimony, and I think that's important  
19 because the limits -- and the idea was to avoid I think some  
20 of what has happened in the past with some of these hearings  
21 is, you know, information coming in, you know, on the day of  
22 the hearing or the last minute. So.

23 MR. CARROLL: May I --

24 MS. FOLK: I think to allow for oral testimony without  
25 any advance written testimony is contrary to the order and

1 it's an order that we, the interveners, all abided by.

2 HEARING OFFICER KRAMER: Uh --

3 MS. WILLIS: We know. That's -- that's what was done.

4 HEARING OFFICER KRAMER: Yeah.

5 MR. CARROLL: Mr. Kramer, just with respect to which  
6 motions or objections the interveners are requesting that the  
7 Committee issue written orders on, I just want to be clear  
8 that the -- that those are the motions and/or objections that  
9 were made at the hearing. And the regulations provide for  
10 request that a written order on those rulings made at the  
11 hearing based on the motions and objections made at the  
12 hearing can be requested but there's no basis for filing a  
13 follow-up written motion with additional arguments and asking  
14 that the hearing officer of the committee reconsider its  
15 previous decisions.

16 So it's not appropriate, there's no mechanism for  
17 renewing these motions or objections or asking for you to  
18 reconsider them. So the written orders that you're being  
19 requested by the interveners to provide are written orders  
20 based on your rulings at the hearing based on the motions and  
21 the objections that were made at the hearing.

22 MS. BELENKY: This is Lisa Belenky. I -- I actually  
23 feel like we're now getting into a -- some confusion about  
24 form over substance. This is actually a continuation of the  
25 same hearing. So I don't think that there should be any

1 problem with the clarity here. We have these motions about  
2 these two sets of testimony, we would like a written ruling  
3 on them.

4 HEARING OFFICER KRAMER: Mr. Carroll, to the extent you  
5 think their written motion adds to what they requested at the  
6 hearing, please call that out in your response today. From  
7 my memory, it's -- it's -- they're basically making the same  
8 or very similar request and unless there's some distinction  
9 we're missing, it's actually probably easier for us to rule  
10 on this written request than it is to -- to rule on less  
11 precise words spoken and, you know, not available to everyone  
12 yet on the transcript.

13 MR. CARROLL: Well, I will try to do what you just  
14 asked, although without a transcript it's difficult for me to  
15 identify. And I agree with you that on its face they appear  
16 similar, and I also agree with you that it might be easier  
17 for the Committee to rule based on the written motion, but  
18 that's not what the regulations provide for, they provide for  
19 a written order on the ruling made in response to the, as you  
20 described it, less precise motions and objections that were  
21 made during the hearing.

22 And so I -- I just think we need to do this properly and  
23 appropriately under the -- the regulations, and the written  
24 orders really should be written orders based on the rulings  
25 made at the hearing in response to the motions and objections

1 made at the hearing and not some subsequent clarification  
2 even if, you know, substantively very similar that's made in  
3 writing.

4 But we'll make that point in our written reply. I just  
5 think it's important for us to be very precise and adhere to  
6 the regulations strictly in a case like this.

7 OFFICER HEARING KRAMER: Okay.

8 MS. FOLK: Can I -- can I just make one last response  
9 which is one, we now -- we made our motion before we had an  
10 opportunity to hear Ms. Gleiter's testimony.

11 And with respect to Mr. Sekhon's, I think being able to  
12 review the transcript will facilitate seeing why it was  
13 outside the scope of what we were told he would testify to  
14 and really outside the scope of what the hearing was supposed  
15 to be about.

16 MS. REYES CLOSE: So Ms. Folk, what were you -- what is  
17 your position on what Mr. Sekhon -- what -- what he was --

18 HEARING OFFICER KRAMER: Okay.

19 MS. REYES CLOSE: -- going to testify to. So I just  
20 feel like --

21 HEARING OFFICER KRAMER: Let me stop you there.

22 MS. REYES CLOSE: -- to be fair --

23 HEARING OFFICER KRAMER: Let me stop you there.

24 We're --

25 MS. FOLK: The results of the --



1 MS. REYES CLOSE: Sorry, I just -- I want -- because I  
2 actually look back at my notes and I did not say that he  
3 was -- I did not state what he was there to testify to so I  
4 just want to be clear, I just want to make that correction  
5 that's all.

6 HEARING OFFICER KRAMER: Okay. That was --

7 MS. FOLK: Okay. So I don't, you know --

8 HEARING OFFICER KRAMER: All right. Hold on. Hold on.  
9 That was Ms. Reyes Close just speaking.

10 We're going to take this under submission. We're  
11 finding that we have enough now to do that.

12 So we're going to move on to the admission of exhibits.  
13 Look for -- well, look for an answer from us whatever form it  
14 takes. We're not quite sure yet, but we'll figure that out.

15 So let's move on to the admission --

16 MS. BELENKY: I just -- I'm sorry, this is Lisa Belenky.  
17 I do -- even if -- even if Mr. Carroll's argument were  
18 correct, which I'm not saying it is, this would still be  
19 within the five calendar days of the hearing date that we had  
20 and we're asking for a written ruling.

21 HEARING OFFICER KRAMER: You're repeating --

22 MS. BELENKY: So.

23 HEARING OFFICER KRAMER: -- a point that you made  
24 earlier, so let's move on.

25 MS. BELENKY: Yes. I just want to make sure that's not

1 lost in the shuffle. Thank you.

2 HEARING OFFICER KRAMER: Okay. Exhibits. From the  
3 Applicant, we have just one exhibit, Number 1151. That was  
4 the expert declaration of Brian Theaker.

5 I presume, Mr. Carroll, you're offering that into  
6 evidence?

7 MR. CARROLL: Yes, please.

8 HEARING OFFICER KRAMER: Any objections from any party?

9 MS. WILLIS: No objection.

10 MR. VESPA: I just have -- oh, did someone want to  
11 speak?

12 HEARING OFFICER KRAMER: No. Go ahead, Mr. Vespa.

13 MR. VESPA: Yeah, I just had one point to make and this  
14 is something I discovered on Friday. Mr. Theaker in his  
15 testimony made comments about Elwood not retiring according  
16 to the PUC ruling. And the PUC ruling he attached was issued  
17 in April and it's been superseded by three sets of revisions  
18 all of which were available prior to the filing of  
19 Mr. Theaker's testimony. And the revisions more clearly  
20 opened -- the door opened to recontracting of Elwood. They  
21 still reject the Elwood contract but they would allow Elwood  
22 to potentially be considered in the future.

23 So I just wanted to make that point and, you know, we  
24 can bring this up in briefing around the reliability of his  
25 testimony and we did file the most recent proposed decision

1 Friday for the Commission to be aware of.

2 HEARING OFFICER KRAMER: You know that's --

3 MR. VESPA: So I just wanted to --

4 HEARING OFFICER KRAMER: Okay. That's --

5 MR. VESPA: -- brief that -- brief that now.

6 HEARING OFFICER KRAMER: That's actually not the latest  
7 decision in some lines because we noticed that the Commission  
8 basically suspended that proceeding for about six months, I  
9 want to say. Did you notice that? There was an order  
10 adopted at a Commission meeting.

11 MR. VESPA: Well typically --

12 MS. FOLK: Statistically extended the time.

13 MR. VESPA: Yeah, so there --

14 MS. FOLK: [Unintelligible] time.

15 MR. VESPA: So there are holds that could happen on  
16 particular decision which what -- which is what happened with  
17 the PD. And over the course of that period, redlines can  
18 occur with an original PD. So what they end up voting on  
19 might be slightly different than what came out originally.  
20 And so that's what happened here.

21 And so for example, the ALJ issued decision in April,  
22 there were some several holds, there was a revision that was  
23 filed in May. You know, that would then be the decision the  
24 PUC would vote on, and the most recent revision of this  
25 decision came out at the end of August. And so --

1 HEARING OFFICER KRAMER: Okay, but that was --

2 MR. VESPA: It's all --

3 HEARING OFFICER KRAMER: All right. You're test --

4 MR. VESPA: But that's what I --

5 HEARING OFFICER KRAMER: Okay. You're testifying,  
6 basically.

7 MR. VESPA: Exactly.

8 HEARING OFFICER KRAMER: And this isn't the time -- and  
9 this isn't the time for that.

10 MR. VESPA: Okay.

11 MS. LAZEROW: If I --

12 MR. VESPA: It --

13 MS. LAZEROW: This is Shana Lazerow. If I may address  
14 the one statement that you made, Hearing Officer Kramer. The  
15 fact that the Commission voted to extend its deadline for  
16 render a final decision --

17 MR. CARROLL: I object -- I object to any further  
18 discussion of this. These are -- this is testimony being  
19 provided by counsel after the close of the evidentiary  
20 hearing. If they wanted to present a witness who could speak  
21 to the status of Elwood contract and they wanted to provide  
22 additional documentary evidence pertaining to the Elwood  
23 contract, they could have done that.

24 Keeping the Elwood project open was part of their  
25 alternative proposal to the Puente Project and they were very

1 aware of it and very free --

2 HEARING OFFICER KRAMER: Okay.

3 MR. CARROLL: -- to submit whatever --

4 HEARING OFFICER KRAMER: Mr. Carroll --

5 MR. CARROLL: -- testimony they wanted to.

6 HEARING OFFICER KRAMER: Mr. Carroll, hold on. All

7 right.

8 MR. CARROLL: Yeah.

9 HEARING OFFICER KRAMER: Do you have any objections to  
10 the exhibit, Mr. Vespa? That's the question, not are  
11 there -- not that he referred to the latest documents in his  
12 testimony. Any objections --

13 MR. VESPA: Well --

14 HEARING OFFICER KRAMER: -- to Mr. Theaker's coming into  
15 evidence?

16 MR. VESPA: I guess I would just --

17 HEARING OFFICER KRAMER: You -- if you want to --

18 MR. VESPA: You know --

19 HEARING OFFICER KRAMER: -- make a point, you do that by  
20 the introduction of evidence somewhere else, but you don't --  
21 we don't add an asterisk to his exhibit saying there's a  
22 later attachment that he could have put in.

23 MS. LAZEROW: In fact, there's a rule of evidence that  
24 the relevance of testimony based on a superseded document is  
25 a core and valid objection. And I think that that would be

1 an objection that we would lodge.

2 HEARING OFFICER KRAMER: Overruled.

3 Okay. Any other objections to the entry into  
4 evidence -- I thought this was a simple question -- of  
5 Exhibit 1151?

6 Hearing none, 1151 is admitted.

7 [Applicant Exhibit 1151 admitted]

8 HEARING OFFICER KRAMER: Then we have from Staff we have  
9 2031 we talked about last week and that was admitted. That  
10 was the CalEviroscreen 3.0 data graphic. So that was  
11 admitted last week at agreement of the parties.

12 The remaining Staff exhibit is 2032, that was the  
13 declaration and resume from Mark Hesters.

14 Any objections to that? Hearing none, that's admitted.

15 [Staff Exhibit 2032 admitted]

16 HEARING OFFICER KRAMER: Then we have City of Oxnard's  
17 exhibits. 3074 was a duplicate so that's -- that's not on  
18 the list. But then we have 3075 which -- through 3090. And  
19 that's -- all appears to be Mr. Caldwell's testimony and  
20 various attachments to that testimony.

21 Any objections to the admissions of those exhibits?

22 MS. FOLK: Can I -- this is Ellison Folk. If there are  
23 no objections to those exhibits, I did want to move the entry  
24 of TN221160 as Exhibit 3091. This is a document we docketed  
25 last week which is the California ISO Planning Standards that

1 is cited in Mr. Theaker's testimony.

2 HEARING OFFICER KRAMER: Okay. Yeah, I was going to  
3 raise that later. So, okay, 221160. Then that's 3091.

4 And then while you're at it, you also had the PowerPoint  
5 that Mr. Caldwell that we played to -- with his testimony.  
6 Did you want that to be an exhibit?

7 MS. FOLK: Sure.

8 HEARING OFFICER KRAMER: Okay. So that's 221155, and  
9 that will be 3092.

10 So with those additions, do we have any objections to  
11 the admission of the city's exhibits?

12 MS. WILLIS: Staff would object to the 3091. It was  
13 filed while we were actually in hearings.

14 And then I also have a question about 221163 and 221150,  
15 they were offering those as exhibits.

16 HEARING OFFICER KRAMER: Are those currently identified  
17 as exhibits?

18 MS. WILLIS: No. They were filed during hearings and  
19 the day before.

20 HEARING OFFICER KRAMER: Okay. So did you hear the  
21 numbers, Ms. Folk.

22 MS. FOLK: Yeah. Hold on, I need to look at -- I know  
23 one of them was the Santa Paula Battery Station Project,  
24 we're not going to move to enter that. That would be the  
25 221163, I'm guessing.

1 And then --

2 MS. WILLIS: It was a draft report on SB350. There was  
3 no foundation for that one.

4 MS. FOLK: Oh, that's -- we're not moving to enter that  
5 one.

6 On the Cal ISO, the 221160, that's specifically referred  
7 to in Mr. Theaker's testimony and we want it to be docketed  
8 because his testimony conflicts with what's in that document.

9 HEARING OFFICER KRAMER: Now when you say conflicts, you  
10 say he mischaracterized it or?

11 MS. FOLK: Yes.

12 HEARING OFFICER KRAMER: And --

13 MS. FOLK: I mean, he cites to the document, it's not --  
14 that's what it is.

15 HEARING OFFICER KRAMER: Okay. Ms. -- does your  
16 objection remain in light of that?

17 MS. WILLIS: Well, it's typical when it's the day of the  
18 hearing and then we're suddenly getting a document in the  
19 record. We don't -- we didn't have a chance to review it at  
20 that point in time either. So it -- talk about --

21 MS. FOLK: Well, I might find out --

22 MS. WILLIS: -- prejudice --

23 MR. VESPA: Yeah.

24 MS. FOLK: Sorry.

25 MR. VESPA: I mean, this is Matt that spoke. You know,



1 we're getting oral testimony, we -- from witnesses had never  
2 filed written testimony. And this is a document that  
3 Mr. Theaker himself cites.

4 HEARING OFFICER KRAMER: Okay. We've decided to let in  
5 3091. Any objections to the others? Hearing none, then they  
6 will all come in.

7 [City of Oxnard Exhibits 3075 to 3092 admitted]

8 HEARING OFFICER KRAMER: And then so that -- going back,  
9 that takes me to Sierra Club, Environmental Coalition,  
10 Environmental Defense Center 4045 was Damon Franz's  
11 testimony. 4046 is Matt Owens' testimony. And then the  
12 exhibits go -- we have the resume of Andy -- Andy Schwartz is  
13 4047. And some other documents all the way through 4055.

14 Do we have any objections to any of those documents?

15 MS. WILLIS: Just some clarif --

16 MR. CARROLL: And just --

17 MS. WILLIS: Oh, I'm sorry.

18 MR. CARROLL: Just to be clear -- just to be clear  
19 because I'm primarily working off from TN numbers as opposed  
20 to exhibit numbers, that does not include 221189 that was  
21 filed on September 15<sup>th</sup>; is that correct?

22 MS. WILLIS: That was going to be my question.

23 MR. VESPA: Well, I would -- it does not, but I would  
24 like to include that. I mean, Mr. Theaker does refer to a  
25 proposed decision from the PUC. So --

1 HEARING OFFICER KRAMER: Okay, hold on a --

2 MR. VESPA: -- this actually -- this is actually the  
3 decision that was before the PUC.

4 HEARING OFFICER KRAMER: Okay. Well, let's do the  
5 add-ons in a minute. So it's on in the list that I -- I  
6 asked about, Mr. Carroll.

7 With that knowledge, do you have any objections to 4045  
8 through 4055?

9 MS. WILLIS: Staff would object just based on the fact  
10 that during the -- they were late filed and during the  
11 prehearing conference, I believe that your ruling was that  
12 they could be used for impeachment purposes only.

13 HEARING OFFICER KRAMER: They being which ones?

14 MS. WILLIS: Anything that was filed after the 30<sup>th</sup> of  
15 August. You know --

16 HEARING OFFICER KRAMER: Do you know which ones those  
17 are?

18 MS. WILLIS: -- and starting at --

19 MR. VESPA: You know, this is --

20 MS. WILLIS: Starting at 4-0 -- I'm sorry. Starting at  
21 4049 all the way down to 4055 were filed on 9/7. And  
22 obviously this P -- proposed PUC decision, the third version,  
23 was filed after the hearing was over on Friday.

24 HEARING OFFICER KRAMER: So you would request that those  
25 be limited to for the purpose of impeachment, then?

1 MS. WILLIS: Yes.

2 HEARING OFFICER KRAMER: Okay. So the propo --

3 MR. VESPA: Well --

4 HEARING OFFICER KRAMER: The proposal is 4049 to 4055  
5 will be admitted for the purpose of impeachment.

6 MR. VESPA: Can I -- can I respond to that?

7 HEARING OFFICER KRAMER: Yes.

8 MR. VESPA: Yeah, you know, I think some -- first of  
9 all, I don't think the -- I think the ruling was a little  
10 more open-ended when we had discussed this previously. And,  
11 you know, Mr. Kramer, I think as you discussed several times  
12 at the hearing, you know, a lot of this is just about getting  
13 a fuller record of information about what assumptions are to  
14 understand what's going on. And so, you know, not all these  
15 documents were here for impeachment but they were to better  
16 understand the underpinnings of the study.

17 For example, the demand for [unintelligible] version  
18 which is TN221078, you know, I have some questions. Does  
19 [unintelligible] know about that? It was to better  
20 understand the low AE forecast. It's not impeaching it, but  
21 it's just so we can know what exactly is assumed. So I don't  
22 think this should be limited to impeachment.

23 HEARING OFFICER KRAMER: Well --

24 MR. CARROLL: And I would say, a ruling -- this issue  
25 was argued at the prehearing conference, it was taken under

1 submission and it was ruled upon by the Committee following  
2 the closed session. So, again, if the interveners are  
3 unhappy with the ruling of the hearing officer, then they can  
4 appeal that to the full Commission, but this is not a time to  
5 revisit decisions that have already been made.

6 HEARING OFFICER KRAMER: Okay. Well --

7 MR. VESPA: From what I recall, I did seek some  
8 clarification on impeachment back then and Mr. Kramer from  
9 what I recall you had said it would -- we would just see what  
10 would happen and how they were used.

11 HEARING OFFICER KRAMER: Okay. Well and when I use the  
12 phrase impeachment, I mean questioning to illustrate  
13 questions to other witnesses. I think, you know, maybe  
14 it's -- I guess you see clarifying as not as adverse, if you  
15 will, to what the witness is saying. So why we don't we --  
16 why don't we use the phrase, then, limited for the purpose of  
17 illustrating questions that were asked of the witnesses.  
18 Does that work?

19 MS. FOLK: Can I ask a question --

20 HEARING OFFICER KRAMER: No. Let me ask --

21 MS. FOLK: -- on that?

22 HEARING OFFICER KRAMER: Let me get an answer to my  
23 question first.

24 MR. CARROLL: Well, this is --

25 MS. FOLK: It goes to that.

1 MR. CARROLL: This is Mike Carroll. I think, you know,  
2 we don't have it yet, but we will have a transcript from the  
3 prehearing conference in which the ruling that was made at  
4 that time will be very clear. And I don't know why we -- I  
5 don't understand the mechanism or why we would revisit that  
6 ruling. So I have no objection to the admission of these  
7 exhibits, these being the ones that have been documented as  
8 of the prehearing conference subject to the ruling made by  
9 the hearing officer at the prehearing conference.

10 HEARING OFFICER KRAMER: Okay. Does anybody else object  
11 to that approach?

12 MS. FOLK: I will say one thing which is why -- I don't  
13 understand why we're even having this conversation if people  
14 can bring in all testimony the day of the hearing. The  
15 documents should all be permitted to be part of the record.

16 MR. CARROLL: Your motion will -- your motion on that  
17 issue will be ruled upon. Our motion on this issue has  
18 already been ruled upon.

19 HEARING OFFICER KRAMER: Okay. All right. Time out.

20 MS. FOLK: Just finding out the --

21 HEARING OFFICER KRAMER: Okay. Planning on -- or the  
22 intent of the Committee is to take in 4045 to 4048, they're  
23 just admitted.

24 [Sierra Club, Environmental Coalition, Environmental  
25 Defense Center Exhibits 4045 to 4048 admitted]

1 HEARING OFFICER KRAMER: And then 4049 to 4055 are  
2 admitted subject to the ruling -- rulings made at the  
3 prehearing -- well, technically it wasn't a prehearing  
4 conference the Committee Conference on February --  
5 September 12th.

6 [Sierra Club, Environmental Coalition, Environmental  
7 Defense Center Exhibits 4049 to 4055 admitted]

8 MR. VESPA: And that is with the clarification of maybe  
9 a broader view of what impeach means?

10 HEARING OFFICER KRAMER: Perhaps. Yeah. We'll see what  
11 the -- we'll see what the transcript shows us.

12 Okay. Next is from the Center for Biological -- or,  
13 Mr. Vespa, you were proposing to add that later version of  
14 the Elwood proposed decision at the PUC.

15 MR. VESPA: Yes.

16 HEARING OFFICER KRAMER: So let's -- so your next number  
17 would be 4046 -- 56.

18 MR. VESPA: Yeah.

19 HEARING OFFICER KRAMER: Do you happen to have the TN  
20 number at the tip of your tongue there on that?

21 MR. VESPA: Yeah, I'm looking at it now. It's 221189.

22 HEARING OFFICER KRAMER: Okay. Does anybody object to  
23 that document coming into the record?

24 And this was the Version 3, correct?

25 MR. VESPA: This is the most up-to-date version of what

1 the Commission would potentially vote on, yes.

2 HEARING OFFICER KRAMER: Because I think in the  
3 background materials for the late August Public Utilities  
4 Commission meeting there were at least two versions of the  
5 decision; is that right?

6 MR. VESPA: No. There's revision -- they've only had  
7 one before at any given time and that decision has been  
8 modified since it was initially issued in April. And the one  
9 Mr. Theaker attached in his testimony was the initial  
10 decision which has now been superseded. So this would be as  
11 currently presented what the Commission would potentially  
12 vote on.

13 HEARING OFFICER KRAMER: Okay.

14 MR. VESPA: There's only been one version.

15 HEARING OFFICER KRAMER: Okay. All right. Any  
16 objections to the admission of that document?

17 MR. CARROLL: I -- this is Mr. Carroll. I don't object  
18 to the admission of the document with the caveat that I don't  
19 necessarily agree with any of the characterizations that have  
20 been provided during the course of this proceeding about what  
21 that document is or how it relates to the previous document.  
22 I don't -- I just don't know that everything that Mr. Vespa  
23 has said about it may be true, but just with the caveat that  
24 we don't necessarily know any of that to be true or all of  
25 that to be true.

1 I don't object to the admission of the document. I  
2 mean, I would point out that that sets a new standard for  
3 evidence coming in that was actually docketed while the  
4 hearings were in progress. But we don't object to that.

5 HEARING OFFICER KRAMER: Okay. Yeah, we don't object  
6 just on principle all the time.

7 Okay. Next is from Center for Biological Diversity.  
8 Starts with 7034 testimony of Dr. Doug Karpa. We have some  
9 cost models at 7035. The Clean Coalition comments are 7036.  
10 And the link to Battery Storage Study for the PacifiCorp IRP  
11 is 7037. A link to I think it's been called the Hitachi  
12 Study regarding lifetime predictions for batteries, 7038.  
13 There's a Markandya & Wilkinson study about electricity  
14 generation and health is 7039. And an article, Nunes, et al,  
15 Asthma Cost and Social Impact is 7040.

16 Any objection to any of those exhibits?

17 MS. WILLIS: Staff would have the same objection and  
18 the -- as the previous as far as that they were late filed.  
19 And I do believe that the prehearing conference -- at the  
20 Committee Conference the ruling was that they could be  
21 admitted for purposes only to the extent of impeachment but  
22 not as fact or entrance as testimony. And clearly 7040 was  
23 used with Mr. Karpa as testimony. So we would -- we would  
24 actually move to exclude 7040 totally.

25 MS. BELENKY: Actually --



1 MS. WILLIS: And --

2 MS. BELENKY: I'm sorry.

3 MS. WILLIS: I'm sorry, I'm not completed.

4 And then the other 7037 to 7039 just with the same  
5 limitations as the Environmental Coalition's work.

6 MS. BELENKY: This is Lisa Belenky. The 7040 was  
7 clearly used to impeach the witness of the Applicant, Brian  
8 Theaker. And I believe so was 7039. I mentioned both during  
9 that interchange. That was the purpose of them and that is  
10 how they came in.

11 MR. CARROLL: And so -- this is Mr. Carroll again -- we  
12 don't have any objections to 7034, 7035, and 7036 consistent  
13 with what was stated earlier with respect to the EDC  
14 exhibits. I believe 7037, 7038, 7039, and 7040 were all  
15 subject to previous ruling by the Committee at the Committee  
16 Conference so we don't have any objection to those coming in  
17 subject to that previous ruling. Essentially the same  
18 position that we have with respect with the EDC documents  
19 that were similarly situated.

20 HEARING OFFICER KRAMER: Okay. Anyone else?

21 MS. BELENKY: Yes.

22 HEARING OFFICER KRAMER: Go ahead.

23 MS. BELENKY: We're not sure what that ruling was,  
24 people have different interpretations of this word impeach  
25 now. But yes, this is Lisa Belenky, these four documents I

1 understood were coming in to impeach testimony of other  
2 witnesses. And we did talk about also the PacifiCorp  
3 document, the -- we talked about the cost, the operation and  
4 maintenance cost, the batteries, Dr. Karpa did mention that  
5 it came -- there was some back and forth. Again, without the  
6 transcript, it's hard to know exactly what he said. And  
7 certainly these last two were used to impeach.

8 I did have one question --

9 HEARING OFFICER KRAMER: Okay. Well, let's --

10 MS. BELENKY: -- for you --

11 HEARING OFFICER KRAMER: Is it about these exhibits or?

12 MS. BELENKY: -- when you finish that.

13 It's about the exhibits, the numbering. But we can talk  
14 about that some other time. Because my prehearing statements  
15 got exhibit numbers because in one of the other matters I  
16 have been part of, the hearing officer wanted them to have --  
17 to have exhibit numbers. And I understand you don't. But it  
18 would require shifting all the other numbers around. So I  
19 would just probably leave it the way it is.

20 HEARING OFFICER KRAMER: Well, did you propose that it  
21 be an exhibit?

22 MS. BELENKY: My -- I -- I put exhibit numbers on my  
23 prehearing conference statements, yes, in the past. And I'm  
24 afraid that that's now created confusion. One of the other  
25 hearing officers wanted our -- our prehearing conference

1 statements to have exhibit numbers. And I didn't realize you  
2 didn't.

3 HEARING OFFICER KRAMER: Well, it depends. If it has  
4 substantive testimony, then. For example, if you look at  
5 9001, the statement from ISO, I think that has the resumes of  
6 the two witnesses. So that's why that's on here. But if  
7 yours doesn't have --

8 MS. BELENKY: Well, let's just leave the numbers the way  
9 they are, then.

10 HEARING OFFICER KRAMER: Okay. But are you saying that  
11 you want your prehearing statement to be in for a reason  
12 similar to that? Or does it --

13 MS. BELENKY: No.

14 HEARING OFFICER KRAMER: Okay.

15 MS. BELENKY: I don't believe the second one -- I don't  
16 believe they have -- we attached all of the resumes, et  
17 cetera, to the actual testimony, I believe, not to the  
18 prehearing conference statement.

19 HEARING OFFICER KRAMER: Okay.

20 MS. BELENKY: I just don't know if we want to renumber  
21 everything right now. It might be easier to leave it the way  
22 it is.

23 HEARING OFFICER KRAMER: Oh, so you might have put the  
24 exhibit number in the title of your prehearing statement, is  
25 that what you're worried about?

1 MS. BELENKY: Yes. And on my exhibit list I had it.

2 HEARING OFFICER KRAMER: Oh.

3 MS. BELENKY: And that's why -- otherwise, the other  
4 numbers will change. Or we can just leave the numbers as  
5 they are and some of them are just prehearing conference  
6 statements.

7 HEARING OFFICER KRAMER: Okay. So the prehearing -- you  
8 don't need the prehearing conference statement to be an  
9 exhibit, to be clear, then, right?

10 MS. BELENKY: I don't. No.

11 HEARING OFFICER KRAMER: Okay. Great. We'll leave it  
12 as is, then. Okay.

13 So then the ruling is that 7034 through 7036 are in,  
14 admitted.

15 [Center for Biological Diversity  
16 Exhibits 7034 through 7036 admitted]

17 HEARING OFFICER KRAMER: 7037 through 7040 are admitted  
18 subject to the Committee Conference ruling previously.

19 [Center for Biological Diversity  
20 Exhibits 7037 through 7040 admitted]

21 HEARING OFFICER KRAMER: Last we have -- we treated the  
22 ISO as if they are a party and they're not. But, you know,  
23 part of this is just the limitations of our electronic filing  
24 system. But we have -- so unless somebody objects to giving  
25 them credit for having produced the report, I just propose

1 to -- to act as if for this purpose they're a party and  
2 they're introducing Exhibits 9000 which was the study, and  
3 then 9001 which was their prehearing statement as I mentioned  
4 a minute ago. It's only on here because -- because it has  
5 some, you know, some evidentiary value because it contained  
6 the resumes of the two witnesses.

7 So any objections to 9000 or 9001?

8 Okay. Those are admitted.

9 [ISO Exhibits 9000 and 9001 admitted]

10 HEARING OFFICER KRAMER: And there's a lot of moving  
11 parts to this puzzle that I think that is the sum total of  
12 exhibits that are -- were in limbo.

13 Unless somebody else has some others in mind, I think  
14 we're done with that.

15 Does anybody have any others?

16 Okay. So ultimately, these asterisks, if you will,  
17 subject to the Committee Conference ruling will be -- they'll  
18 be -- the details of that will be incorporated into the cover  
19 page that I've shared with you once before, a draft, that  
20 goes on top of the exhibit list when it goes into the  
21 decision. And that's one of the many things you'll be able  
22 to comment on, you know, when a proposed decision comes out.

23 So with that -- I've got my pages scrambled. We then  
24 move into -- we then move into public comment.

25 MS. BELENKY: Mr. Kramer, I just wanted to clarify.

1 This is Lisa Belenky. You said you already have a draft of  
2 the transcript from the hearing on Thursday. So is there a  
3 target date for that transcript? And also from the Committee  
4 Conference since apparently there's some confusion about what  
5 was stated then as well. Do you have a target date for those  
6 transcripts?

7 HEARING OFFICER KRAMER: Yeah. I -- I believe we put it  
8 in the schedule. I think it was probably the end of this  
9 week, but whatever the schedule says.

10 MS. BELENKY: Okay.

11 HEARING OFFICER KRAMER: But we want a --

12 MS. BELENKY: You don't expect --

13 HEARING OFFICER KRAMER: We want to clean it up. It  
14 might be a little sooner. But, you know, I haven't looked at  
15 it. So I don't know if there are lots of unintelligibles,  
16 for instance, which we sometimes get in our drafts, that  
17 forces us to go back and, you know, strain our ears to try to  
18 make out the words and fill them in. And that may add some  
19 time. That may make it more likely towards the end of the  
20 period we promised. So we'll see. Just don't know.

21 MS. BELENKY: And the Committee Conference is -- I don't  
22 remember that transcript being on the schedule.

23 HEARING OFFICER KRAMER: Yeah, I'm not sure it was. I  
24 don't know if that one's in yet. It's of course shorter, so  
25 it shouldn't take that much time to turn around. But I just

1 don't have an ETA on that for you.

2 MS. BELENKY: Okay. Thank you.

3 HEARING OFFICER KRAMER: Okay. So with that, I guess  
4 the other thing we should do to close up on Thursday's  
5 hearing is to close the record on all topics.

6 And thank you all for your participation. Last week we  
7 all had to leave in -- because some of you left, we had to go  
8 on to public comment and some of you were able to leave  
9 early. But we didn't have much chance to say thank you for  
10 your participation. I think generally the quality of the  
11 debate and the objections and the discussions of the  
12 objections was -- was improved from our standpoint,  
13 certainly, from February and July, and we appreciate your --  
14 your help in that regard.

15 And with that, we're going to move on to public comment  
16 portion of today's Committee Conference, where members of the  
17 public and other interested persons may speak up to three  
18 minutes on -- about this project matter appearing on this  
19 agenda.

20 Everybody in the room is from the Commission so we don't  
21 have any public comment here. Do we have any people on the  
22 telephone who want to make a public comment?

23 Looks like everyone is on muted so please speak up.

24 Okay. Hearing none, we'll close public comment, then.

25 Hold on a second.

1 [Colloquy between Committee members]

2 HEARING OFFICER KRAMER: Okay. We're about to go into  
3 closed session. And, you know, as we have been lately, we  
4 try to pick a time certain for everyone to come back and hear  
5 a report out. So even if we finish early, we're going to try  
6 to be back -- we'll be back here at 1:00 to -- we're not  
7 expecting any reports but you never know.

8 So we're going to adjourn to closed session pursuant to  
9 Government Code Section 11126, subdivision (C)(3) which  
10 allows a body such as this to hold a closed session to  
11 deliberate on a decision to be reached in a proceeding we  
12 were required by law to conduct.

13 So we will see you back here in the room and on the Web  
14 Ex at no earlier than 1 p.m. Even if we finish early, we  
15 will come back then for your convenience and ours.

16 Thank you.

17 [Off the record at 10:36 a.m.]

18 [On the record at 1:00p.m.]

19 COMMISSIONER SCOTT: Greetings, everybody. This is  
20 Commissioner Janea Scott on the Puente Power Plant. And let  
21 me turn this over to Paul Kramer, our hearing officer.

22 HEARING OFFICER KRAMER: Okay. So we completed a closed  
23 session and we have nothing to report out except that the  
24 Committee is going to continue today's conference until this  
25 Thursday, September 21, 2017, beginning at 9:30 a.m. We were



1 able to get the same room, the second floor fishbowl. And  
2 that's for the primary purpose of continuing Committee  
3 deliberations in closed session.

4 So again, the usual stipulation. Looks like everybody  
5 took it to heart, don't come here to Sacramento just for it  
6 because the public portion of the meeting will be relatively  
7 brief.

8 And just -- I misspoke slightly earlier. I  
9 misunderstood on my e-mail headlines. It appears that we're  
10 not going to be getting the draft of the minutes from last  
11 Thursday until this afternoon. But we do have the 12<sup>th</sup> in-  
12 house so we're reviewing that right now. We'll get it filed  
13 in the docket as soon as we can.

14 So with that, we're adjourned. Thank you.

15 (Whereupon, the proceedings for the day concluded  
16 at 1:02 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 16th day of March, 2017.



MARTHA L. NELSON, CERT\*\*367

**TRANSCRIBER'S CERTIFICATE**

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 transcribed by me, a certified transcriber.

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 6th day of August 2017.



Jill Jacoby  
Certified Transcriber  
AAERT No. CER CET 633