

## DOCKETED

<b>Docket Number:</b>	15-AFC-02
<b>Project Title:</b>	Mission Rock Energy Center
<b>TN #:</b>	215153
<b>Document Title:</b>	Transcript of 12/19/16 Status Conference
<b>Description:</b>	N/A
<b>Filer:</b>	Cody Goldthrite
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	1/4/2017 12:55:33 PM
<b>Docketed Date:</b>	1/4/2017

CALIFORNIA ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of: )  
 ) Docket No. 15-AFC-02  
MISSION ROCK ENERGY CENTER )  
\_\_\_\_\_ )

CALIFORNIA ENERGY COMMISSION  
ART ROSENFELD HEARING ROOM, FIRST FLOOR  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

MONDAY, DECEMBER 19, 2016

2:00 P.M.

Reported by:  
Kent Odell

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COMMISSIONER

Karen Douglas, Presiding Member

Jennifer Nelson, Adviser to Commissioner Douglas

Le-Quyen Nguyen, Adviser to Commissioner Douglas

Janea Scott, Associate Member

Rhetta DeMesa, Adviser to Commissioner Scott

Matt Coldwell, Adviser to Commissioner Scott

Kristy Chew, Technical Adviser

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Susan Cochran, Hearing Officer

Paul Kramer, Assistant Chief Counsel/Chief Hearing Officer

STAFF

Galen Lemei, Staff Counsel

Mike Monasmith, Project Manager

Joseph Hughes, Air Quality

MISSION ROCK ENERGY CENTER

Samantha Neumyer, Ellison, Schneider & Harris, Attorneys for Applicant

Mitch Weinberg, Calpine

Barbara McBride, Calpine

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P R O C E E D I N G S

2:08 P.M.

SACRAMENTO, CALIFORNIA, MONDAY, DECEMBER 19, 2016

HEARING OFFICER COCHRAN: Good afternoon. We are about to start the status conference on application for certification on the Mission Rock Energy Center project. We have a separate WebEx teleconferencing meeting for those needing Spanish translation of our proceedings today. That meeting number is 924 708 205. You can follow the directions on the notice of this proceeding to obtain that Spanish translation. If you are here in Sacramento with us and need a headset in order to hear the interpreter, please visit the interpreter's table towards the back of the room. Today's meeting is being broadcast through our WebEx conferencing system and participants should be aware that they are being recorded.

COMMISSIONER DOUGLAS: All right. Good afternoon. This is a Status Conference of the Committee of the California Energy Commission regarding the Application for Certification for the Mission Rock Energy Center Project.

The Energy Commission has assigned a Committee of two Commissioners to conduct these proceedings. I'm Karen Douglas, the Presiding Member of the Committee. Commissioner Janea Scott is the Associate Member of the

1 Committee. And other folks working with the Committee  
2 include our Hearing Officer Susan Cochran, my Advisers who  
3 will be here, Jennifer Nelson and Le-Quyen Nguyen, and  
4 Commissioner Scott's Advisers, Rhetta DeMesa and Matt  
5 Coldwell.

6 Kristy Chew, the Technical Adviser to the  
7 Commission on Siting Matters. may come here. She's not here  
8 at the moment.

9 Alana Matthews with the Public Adviser's Office,  
10 are you here?

11 HEARING OFFICER COCHRAN: I don't see her.

12 COMMISSIONER DOUGLAS: I don't see the Public  
13 Adviser's Office right now. Okay.

14 So with that, I'll ask the parties to please  
15 introduce themselves, and their representatives, starting  
16 with Petitioner.

17 MS. NEUMYER: Good afternoon. Samantha Neumyer on  
18 behalf of the Applicant.

19 MR. WEINBERG: Good afternoon. Mitch Weinberg  
20 with Calpine, the Applicant.

21 COMMISSIONER DOUGLAS: All right.

22 MS. MCBRIDE: Barbara McBride with the Applicant.

23 COMMISSIONER DOUGLAS: Do I have everybody? Good.  
24 Thank you. Great.

25 Staff?

1 MR. MONASMITH: Mike Monasmith, Project Manager.  
2 With me today are a number of Staff from the Mission Rock  
3 team, if needed, to call on today.

4 MR. LEMEI: And Galen Lemei, Staff Counsel.

5 COMMISSIONER DOUGLAS: Great. Thank you very  
6 much.

7 Are there any public agencies, representatives  
8 from federal, state or local government agencies in the room  
9 or on the phone today?

10 Any representatives of Native American tribes or  
11 nations?

12 Elected or appointed officials, go ahead and speak  
13 up if you're on the phone.

14 Anyone from the City of Santa Paula in the room or  
15 on the phone?

16 Ventura County? Ventura County Air Pollution  
17 Control District or other nearby cities or towns?

18 All right, at this time I'll hand over the conduct  
19 of the proceeding to the Hearing Officer Susan Cochran.

20 HEARING OFFICER COCHRAN: Thank you, Commissioner  
21 Douglas.

22 This status conference is being held to discuss  
23 the schedule of the proceedings and to discuss some of the  
24 substantive issues that have been raised by the parties'  
25 filings. These proceedings are based on the Application for

1 Certification filed by Mission Rock Energy, LLC, a  
2 subsidiary of Calpine, on December 30, 2015. The Applicant  
3 is asking for a license to build a new power plant on land  
4 currently used for recreational vehicle and boat storage.

5 On August 12, 2016, the Committee filed its  
6 Scheduling Order, which can be found on our electronic  
7 docket at Transaction Number 212756. One requirement of the  
8 Scheduling Order was for the Applicant and Staff, also known  
9 as parties, to file monthly Status Reports. The Committee  
10 would like to thank the parties for their timely filings.

11 Based on those filings the Committee has  
12 identified a couple of issues to be discussed. First, air  
13 credits for the permit to operate from the Air Pollution  
14 Control District; the Phase 1 Interconnection Study by the  
15 California Independent System Operator, which I'll call CAL-  
16 ISO; delivery of potable water by the City of Santa Paula;  
17 outstanding discovery requests and objections; and then  
18 finally, the schedule for these proceedings.

19 So the first issue that I identified was air  
20 credits. In its third Status Report filed on October 1st,  
21 2016, Staff indicated that the Ventura County Air Pollution  
22 Control District, this I'm going to shorthand to District,  
23 had stated that the Applicant needs to identify with an  
24 option to buy appropriate Emissions Reduction Credits, ERCs,  
25 before the District could issue the Preliminary

1 Determination of Compliance. The Preliminary Determination  
2 of Compliance is one of a couple of studies by non-Energy  
3 Commission entities that are needed before the staff can  
4 complete and publish the Preliminary Staff Assessment.

5 So the first question I have is: What is the  
6 current status of obtaining the necessary emissions  
7 reduction credits? And I open that up to either Applicant  
8 or Staff.

9 MR. HUGHES: Well, I would defer that to the  
10 Applicant because they would know best where they're at in  
11 the process of obtaining those ERCs.

12 This is Joseph Hughes, Air Quality Staff with the  
13 Energy Commission.

14 HEARING OFFICER COCHRAN: Thank you.

15 MS. NEUMYER: This is Samantha Neumyer on behalf  
16 of the Applicant.

17 First of all, we'd like to thank the Committee for  
18 holding this status conference. We know it's a busy time of  
19 year, and we really appreciate the chance to have your time  
20 and be able to speak about the project.

21 Second, with regards to the ERCs issues, we are  
22 working with the Air District to identify a list of  
23 potential ERCs. And that's pretty much the status update  
24 that we have at this time, is we are working with the Air  
25 District on this issue.



1 HEARING OFFICER COCHRAN: Thank you very much.

2 Which leads to the next question: Now my  
3 understanding is that the Air District won't issue the  
4 Preliminary Determination of Compliance until the credits  
5 are identified; is that correct?

6 MS. MCBRIDE: I've had discussions with the  
7 Ventura County Air Pollution Control District. And  
8 basically their rule requires that you surrender the ERCs  
9 prior to getting the ATC. And so we've had discussions of  
10 what exactly identify means prior to getting the PDOC, so  
11 we're working that through with the Air District to make  
12 sure that we have the proper timing of the identification of  
13 the ERCs.

14 HEARING OFFICER COCHRAN: Okay. So is there any  
15 update on when we might see the issuance of the Preliminary  
16 Determination of Compliance?

17 MS. MCBRIDE: He didn't give me a specific date.  
18 We've been working back and forth on questions that he has  
19 had. I know he's out until the end of the year, so I would  
20 suspect nothing until the first couple of weeks of January.  
21 But we've been working through it so it hasn't -- we are  
22 working on it.

23 HEARING OFFICER COCHRAN: Okay. Thank you.

24 Staff, did you have anything you wanted to say  
25 about that? You don't have to.

1 MR. MONASMITH: This is Mike Monasmith.

2 I don't know if there's anything additional beyond  
3 that. As we indicated in our last Status Report, actually,  
4 our last two Status Reports, it was undetermined when the  
5 PDOC could be filed. And we have no new information from  
6 the District that would shed light on that date.

7 HEARING OFFICER COCHRAN: Okay. Thank you very  
8 much.

9 MR. LEMEI: I guess the only thing that I would  
10 add as Staff Counsel, this is Galen speaking, is that it is  
11 our view that the Preliminary Determination of Compliance is  
12 a necessary document in order for Staff to issue its  
13 Preliminary Staff Assessment.

14 So at this point, discovery issues aside, our  
15 position is that we do need that document before we can  
16 issue the Preliminary Staff Assessment.

17 HEARING OFFICER COCHRAN: Okay. Thank you very  
18 much.

19 Turning now to the Interconnection Study, which is  
20 another non-Energy Commission document, in the December 1  
21 Staff Status Report it indicates the California ISO is  
22 preparing a Phase 1 Transmission Interconnection Study,  
23 which is due in January. Is this information still correct,  
24 and how does this affect the issuance of the Preliminary  
25 Staff Assessment?

1 MR. MONASMITH: That is our -- this is Mike  
2 Monasmith, Project Manager.

3 That information is still correct. We still  
4 anticipate receiving the Phase 1 Study in mid-January from  
5 CAL-ISO. We have not heard anything that would have us  
6 doubt that date. We know that both the PDOC and the Phase 1  
7 Study are both necessary components of a complete PSA. In  
8 order to complete the Transmission System Engineering  
9 section, we would need that Phase 1 Study, plus at least 21  
10 days to 30 days after that in order to complete the PSA.

11 So we feel that is on schedule, in terms of  
12 outstanding outside agency documents that we need.

13 HEARING OFFICER COCHRAN: Okay. And I'm not going  
14 to call on you. So if you want to say something, just wave  
15 your hand or throw something at me.

16 Mr. Weinberg?

17 MR. WEINBERG: Yeah. Mitch Weinberg, Applicant.

18 I'll just add, my last conversation with the ISO  
19 indicated they were on schedule. And we are anticipating  
20 receiving that Phase 1 Study report in January. So I have  
21 no info that says their schedule is slipping or expecting  
22 anything else.

23 HEARING OFFICER COCHRAN: Okay. Thank you very  
24 much.

25 The next issue that has come across is potable

1 water. On December 2nd, 2016, a resolution of the City of  
2 Santa Paula was filed, and that can be found at TN 214619.  
3 This resolution was adopted on October 17, 2016 by the City  
4 Council and states that the City will not be providing  
5 potable or recycled water to the project. And I know that  
6 in the Application for Certification that the City had been  
7 identified as the potable water source.

8 Is that position -- is that still the position of  
9 the City? Number one.

10 And number two, what options are there, then,  
11 regarding potable water if the City refuses to deliver?

12 MS. NEUMYER: So the site is currently within the  
13 service territory for the City of Santa Paula and is  
14 currently receiving existing potable water service at the  
15 site. At this point we believe denying water to the Mission  
16 Rock Project, as proposed in the resolution, would be  
17 inconsistent with the City's obligations to serve.

18 However, if the Committee directs and if needed,  
19 we can also look into alternative potential water sources,  
20 as well, for example, trucking in water.

21 MR. WEINBERG: But --

22 MS. NEUMYER: And we have one more thing to add

23 MR. WEINBERG: Yeah. Well, I just going to add  
24 that the exclusive use of potable water onsite is for  
25 domestic, the eyewash stations, bathrooms, kitchen, so the

1 volumes are de minimis. If some other means were required,  
2 trucking in, keeping a tank, that would be possible.

3 HEARING OFFICER COCHRAN: So that I understand  
4 that then, all of the cooling water then would be recycled  
5 water?

6 MR. WEINBERG: Just to clarify, there is no  
7 cooling water.

8 HEARING OFFICER COCHRAN: I'm sorry, process  
9 water.

10 MR. WEINBERG: Yeah, the process water would be  
11 recycled. That's correct. That's for NOx control.

12 HEARING OFFICER COCHRAN: Okay. And the reclaimed  
13 water source is not the City of Santa Paula, correct?

14 MS. NEUMYER: Correct.

15 HEARING OFFICER COCHRAN: Does anyone else want to  
16 say anything about water?

17 MR. MONASMITH: I can say that Staff is preparing  
18 our last set of data requests, which we plan to file later  
19 this week on the 22nd. One of those questions could include  
20 an alternative. We've asked the question previously. We  
21 asked the question in Data Request Set 1, and it was  
22 objected to. We may ask the question a second time, now  
23 that the City has, in Resolution 7007, indicated they would  
24 not provide reclaimed water to the project. We may be  
25 asking the Applicant to identify an alternative source of

1 processed water, as well as an alternative source of potable  
2 water.

3 HEARING OFFICER COCHRAN: Which leads nicely then  
4 into my discussion about discovery requests.

5 The Status Reports from both the Applicant and the  
6 Staff, as well as other filings in the docket, indicate that  
7 there have been several discovery requests from Staff and  
8 objections from Applicant. And I understand that the  
9 parties have proposed to extend the discovery period and  
10 are, in fact, acting as though the discovery period has  
11 already been extended beyond the November 14, 2016 deadline  
12 set in the August Scheduling Order.

13 To get a better handle on this then, what subject  
14 matters have outstanding data requests? How much additional  
15 time for discovery is needed?

16 Before Mr. Monasmith just mentioned the December  
17 22nd water-focused discovery requests, there was an  
18 indication that there were Cultural Resources data responses  
19 expected in early February, and so are those still on track?

20 And then finally, no one has actually made a  
21 discovery motion or actually moved to extend the discovery  
22 deadline, but let's talk a little bit about what a discovery  
23 deadline might look like for this case.

24 MR. MONASMITH: I'll go first. Mike Monasmith,  
25 Project Manager.

1           We had indicated in both our Status Report 3 filed  
2 on November 1st and Status Report 4 filed on December 1st  
3 that we felt if outstanding responses were received from the  
4 Applicant, that we could see discovery concluding on January  
5 3rd, 2017. But that, again, was predicated on the notion  
6 that all the outstanding responses would be forthcoming.

7           They have not been. And I know that the Applicant  
8 is working on those. But we have outstanding data responses  
9 to receive in Traffic and Transportation, in Socioeconomics.  
10 Both have to do with the linear facilities, both the  
11 workforce that's going to be required to construct those  
12 linear facilities, as well as peak workforce traffic and  
13 construction traffic related to those construction for the  
14 linear facilities.

15           We also have, as you mentioned, Cultural Resources  
16 Data Request number 115 which has to do with -- which we had  
17 some workshops on. And we have worked out research design  
18 for the built environment, which we, our staff, has okayed  
19 the research design. And the Applicant began working on  
20 that around November 9th. So we're anticipating the  
21 response to that Data Request number 115 on February 9th.  
22 So that would be an outlier date for us at this point in  
23 terms of data requests.

24           If we filed Data Request Set 2A, which we plan to  
25 do this Thursday, it would be consistent of a Noise and

1 Vibration question that has to do with when the operation  
2 would be -- when the CT, when the combustion turbines, would  
3 be operating for purposes of renewables, as well as for  
4 purposes of battery recharging. And as well, we're going to  
5 ask about some water questions.

6 And we also have one question on project  
7 description which has to do with the pull and tension sites,  
8 their location on the valley floor. We need to understand  
9 if that's going to be within the right of way or not.

10 So those are the three topics that we will be  
11 asking questions of. Those would be then due January 22nd.  
12 So those are the outliers in terms of topics and dates,  
13 February 9th and January 22nd.

14 HEARING OFFICER COCHRAN: Okay.

15 MR. LEMEI: This is Galen speaking.

16 If I -- and thank you, Mike, for providing that.

17 If I can just back up a little bit and address the  
18 threshold question of where we are procedurally right now?

19 Ms. Cochran, as you noted, the Scheduling Order  
20 and the regulatory deadline for discovery closing passed in  
21 mid-November. The Staff and Applicant, in their resolution  
22 to discovery issues in the -- mostly over the summer and  
23 perhaps early fall, agreed to, and memorialized in their  
24 mutual discovery filings, a day-for-day slip in the  
25 discovery period as to account for information provided



1 after the normally required time frames. But Staff  
2 acknowledges that any ultimate adjustment to the discovery  
3 period or allowance, under the good cause standard in  
4 section 1716 of Title 20, would need to be blessed by the  
5 Committee.

6           Rather than file a motion for that, as these  
7 discovery issues were being resolved we thought it was  
8 better to address the extension of discovery in a forum such  
9 as this. We had originally anticipated this would happen a  
10 little bit earlier than it did. But because both the  
11 Applicant and Staff were proceeding in good faith and in  
12 mutual agreement, we weren't overly concerned that that --  
13 with that nicety.

14           In addition to the outstanding information that  
15 Mike Monasmith identified, there are a number of very  
16 specific discovery issues where there was agreement at a  
17 workshop between Staff and Applicant for an outstanding  
18 discovery issue to be resolved in a particular way. That at  
19 least delayed, if not obviated, the need for a motion to  
20 compel given that, for example, for Cultural there was an  
21 agreement, rather than move to compel on our original  
22 request, there was an agreement in substance to proceed  
23 through sort of an iterative mechanism in order for Staff to  
24 get the information they needed.

25           There was similar agreements for outstanding

1 information on, I've got a partial list in front of me,  
2 Traffic and Transportation, Soil and Water, Worker Safety,  
3 and Socio, I think. Mike can speak to a more complete list.  
4 My understanding is that there are a number of specific  
5 pieces of information that were agreed to by Applicant that  
6 have not yet been provided and that, you know, we might have  
7 hoped that they would be provided by now. We understand  
8 that they haven't been. We are not overly concerned, as  
9 long as the schedule is adjusted to account for those  
10 delays.

11 HEARING OFFICER COCHRAN: Ms. Neumyer?

12 MS. NEUMYER: I just want to discuss a little bit  
13 some of the outstanding data requests that we've been  
14 discussing here today.

15 Data Request Set 1A, which I believe Mr. Monasmith  
16 and Mr. Lemei referred to, there are certain topic areas,  
17 Air Quality, Socioeconomics, Soil and Water Resources,  
18 Traffic and Transportation, Hazardous Materials Management,  
19 we have the data request set response prepared and ready to  
20 file, in large part. One thing we were waiting on  
21 confirmation from CEC Staff was whether a certain piece of  
22 that needed to be filed under confidential designation. We  
23 have that clarification now, so we will be filing that  
24 supplemental response this week.

25 For data request set two, which was filed on

1 December 2nd, relating to two subject areas, potential  
2 alternative pipeline routes for the gas line and an  
3 estimated amount of the minimum amount of fill that will be  
4 used on the project site, we see no issues with those data  
5 requests at this time. And we will be preparing responses.  
6 And we believe we do not need additional time for those, as  
7 well.

8           Lastly, for Soil and Water Resources, we have been  
9 engaged in several discussions with CEC Staff at the  
10 workshop, for example, to discuss the information that Staff  
11 has requested leading to issues regarding potential flooding  
12 and that kind of analysis of the site. We are working to  
13 provide information, as agreed to with Staff. And we will  
14 be providing that soon, as well.

15           So we do think it's important to acknowledge  
16 that -- acknowledge -- I'm sorry. We think it's important  
17 to acknowledge that we do appreciate that Staff has been  
18 working with us on these issues. And we are thankful for  
19 the flexibility in terms of the increased timelines for  
20 responding.

21           I believe in Staff's Status Report that they had  
22 proposed a close of discovery period on January 3rd, 2017. I  
23 don't know if that's the date that Staff is still proposing,  
24 but that is a date that we do not object to.

25           HEARING OFFICER COCHRAN: So, Staff, do you

1 have -- Ralph, if you could pull up the schedule that's in  
2 the tray and share the screen so everyone can see it please?

3 MR. LEMEI: If I can respond? That is the date  
4 that we proposed in our December 1st Status Conference.  
5 That was an anticipation of issues being resolved and  
6 information being provided, which has not yet been provided.

7 So I think that Staff would propose a somewhat  
8 later date to account for the information that's outstanding  
9 and the fact that the last discovery piece is now being  
10 proposed to come in on January -- or February 3rd.

11 MR. MONASMITH: February 9th.

12 MR. LEMEI: Or February 9th. I'm sorry. I'm not  
13 sure if that agreement had been reached when the November  
14 status -- or when the December Status Conference was  
15 filed -- or prepared.

16 But where were we, on what we're hoping for?

17 MR. MONASMITH: I think that Staff felt that we  
18 would like to have a minimum amount of time following the  
19 filing of the last data response by the Applicant to review  
20 and to make sure that there is nothing that is still  
21 outstanding that Staff needs to understand or appreciate  
22 before we begin our quick analysis and try to publish a PSA.  
23 Two weeks to three -- you know, to 21 days, I think, minimum  
24 following the last filed data response by the Applicant for  
25 conclusion of discovery would make me more comfortable than

1 to stick with the January 3rd date.

2 HEARING OFFICER COCHRAN: And to be clear, the  
3 Committee appreciates that Staff and Applicant have worked  
4 together and are trying to work through their discovery  
5 issues. And so don't read by my questions that we were  
6 necessarily averse to your having agreed amongst yourselves.

7 But in the interest of moving this matter through,  
8 I do think we need to have some sort of realistic deadline  
9 because then a series of other dates would then follow from  
10 that. And you can see that originally the discovery was  
11 closing right as the PSA was to be published, and then the  
12 rest of the dates flowed from that. That's not where we  
13 are. That's not our reality at this point.

14 So if we said that discovery were to close  
15 February 23rd, I don't even know what day of the week that  
16 is, but that's about two weeks after your last -- your  
17 Cultural response, your Cultural Resources responses are  
18 due. Is that a sufficient amount of time?

19 MR. LEMEI: If I may, there's, you know, a lot --  
20 most of the information that we've talked about and  
21 everything that we've asked for is important. But we  
22 mentioned a couple of pieces that were coming in from the  
23 outside or that were going to be filed from the outside.  
24 And one of the documents that we have not yet mentioned  
25 relates to Soil and Water. And I'm going to get the -- I've

1 heard it referred to as a Clovis [sic], but I'm not sure,  
2 given --

3 HEARING OFFICER COCHRAN: CLOMR.

4 COMMISSIONER DOUGLAS: CLOMR.

5 MR. LEMEI: CLOMR, that's right. Thank you.

6 HEARING OFFICER COCHRAN: Conditional Letter of  
7 Map Revision.

8 MR. LEMEI: Thank you, Hearing Officer. Much  
9 appreciated.

10 So in our, forgive me for not remembering if it  
11 was Data Request Set 1 or Set 1A, Staff requested specific  
12 information about the potential impacts of the infill  
13 proposed in the flood plain and how that would affect water  
14 flows in the event of a flood and how that specifically was  
15 going to be designed and engineered. And after an objection  
16 and a workshop, a very productive workshop, the agreement  
17 that I remember in principle was that we were going to allow  
18 for the FEMA process to proceed, allow that CLOMAR to be  
19 prepared. And then once that -- and rather than  
20 independently ask Staff to give the data to us that was  
21 separately going to FEMA, allow that document to be  
22 prepared, at which point we would then potentially have the  
23 information we need for our environmental assessment.

24 I see Applicant's Counsel nodding, so I'm hopeful  
25 that I'm not mischaracterizing our agreement in principle.

1           We haven't discussed when that document is going  
2 to be prepared. Because from my perspective, if February  
3 were to pass and we were not to have that document, then I  
4 would be concerned about discovery closing, based on that  
5 outstanding information.

6           HEARING OFFICER COCHRAN: Well, and it's always  
7 possible then to seek to reopen discovery or to allow  
8 discovery on a limited basis.

9           I think the concern that I'm expressing on behalf  
10 of the Committee is that if we were to have interveners,  
11 they would still be subject to the same schedule. And so  
12 that's part of the reason why we try to commit these bright  
13 lines, is so that everyone has the same rules applying to  
14 them, Staff, Applicant, and then any other parties who may  
15 seek to join in our merry little process.

16           So with that in mind, would February 23rd,  
17 assuming that is a working day and not some Sunday at the  
18 end of February -- that is a holiday? I'm being told it's a  
19 holiday. Excellent. So February 24th?

20           MR. MONASMITH: That would be fine. Thank you.

21           HEARING OFFICER COCHRAN: With the understanding  
22 that we could then --

23           COMMISSIONER DOUGLAS: That's President's Day.

24           (Colloquy Between Hearing Officer and Commissioners)

25           HEARING OFFICER COCHRAN: Okay, so sometime in

1 late February, about two weeks after February 9th. We'll  
2 figure it out. But with the understanding, again, that  
3 there could be an extension or reopening, depending upon  
4 what happens with the CLOMR/LOMR process that you're going  
5 through with FEMA.

6 MR. LEMEI: Okay. Sounds good. Thank you.

7 HEARING OFFICER COCHRAN: Because ultimately your  
8 CLOMR will result in an actual Letter of Map Revision.

9 And then that leads us then to the discussion of  
10 the Preliminary Staff Assessment, which is reliant not only  
11 on the close of discovery, but also on receipt of the other  
12 documents that we've discussed. The Interconnection Study  
13 sounds as though it's going to be ready in the next month-  
14 ish, but we have not an idea about what's happening with the  
15 Preliminary Determination of Compliance from the Air  
16 District. Is that where we are?

17 MR. MONASMITH: Yes, that's correct.

18 HEARING OFFICER COCHRAN: And the Preliminary  
19 Determination of Compliance affects, at a minimum,  
20 Greenhouse Gas, Air Quality and Public Health.

21 MR. MONASMITH: Correct.

22 HEARING OFFICER COCHRAN: And maybe Alternatives,  
23 who knows, but some pretty significant portions of the  
24 Preliminary Staff Assessment.

25 At a minimum, after discovery closes what would



1 Staff's ideal world look like for the amount of time you  
2 would have to review the last discovery responses? Assuming  
3 that we get the other documents, how long would it then take  
4 to prepare the Preliminary Staff Assessment, or that just  
5 too far out, given the unknowns we still have?

6 MR. MONASMITH: Well, we indicated in Status  
7 Report 4 that we filed on December that we were comfortable  
8 with a PSA date of PDOC plus 45. I understand my Cultural  
9 Resources staff are fine with February 23rd in order to  
10 complete the analysis that they need to do, if they are to  
11 receive --

12 HEARING OFFICER COCHRAN: Okay.

13 MR. MONASMITH: -- Data Request number 115 on the  
14 9th of February. That's the outlier at this point. So it  
15 would be PDOC plus 45. We would feel comfortable, the Air  
16 Quality staff, Public Health, Alternatives, that we need to  
17 all have -- be dependent upon that document. That would be  
18 our preference.

19 HEARING OFFICER COCHRAN: Okay. So then, so that  
20 I'm clear, rather than have a schedule like what we have  
21 here where there are sort of generally specific -- generally  
22 specific, that's a good term -- generally specific  
23 guideposts, you'd prefer to see a schedule that said things  
24 like PDOC plus 45, PSA plus 30, et cetera, rather than  
25 saying late December, mid-December?

1 MR. MONASMITH: I think we're fine with discovery  
2 concluding on December 23rd. But in terms of the PSA and  
3 the ability to put that document out there. Barring a  
4 bifurcation, which Staff never welcomes, we would like to  
5 have 45 days after the PDOC is issued to put the PSA out.

6 HEARING OFFICER COCHRAN: Any comments from the  
7 Applicant?

8 MS. NEUMYER: Well, I think you always hear from  
9 the Applicant that PDOC plus 30 is a little bit more ideal.  
10 I think in this case a lot of it will depend, as usual, upon  
11 when the PDOC is published.

12 I think at this point we are confident that we  
13 will be responsive in getting Staff the information that  
14 they need on time. And I believe in this case most of the  
15 information will be readily available to Staff well in  
16 advance of the publication of the PDOC. So I don't know if  
17 that 45 days after the PDOC publication is entirely  
18 necessary in this case.

19 But again, we're willing to work with Staff on  
20 timing, as with all issues, and we're open to dates.

21 HEARING OFFICER COCHRAN: Okay. Anything else on  
22 schedule? No?

23 Is there anything else, any other issues that you,  
24 as the parties, believe require the Committee's attention?  
25 This is a status conference, so it's a little bit looser

1 than -- anything else that requires Committee attention or  
2 action that we should be looking for?

3 MS. NEUMYER: Not from the Applicant. Again, we  
4 thank you for your time today.

5 MR. LEMEI: And I don't believe from Staff. Also,  
6 thank you for your time.

7 HEARING OFFICER COCHRAN: Thank you. So then we  
8 are now at the public comment portion of today's agenda.

9 Is there anyone here in Sacramento who would like  
10 to speak to the Committee? Come to the dais please.

11 Is there anyone online who would like to speak  
12 regarding what they've heard today at this status  
13 conference? You are now all un-muted, unless you've muted  
14 yourself. Going once? Going twice?

15 Mr. Kramer, is there anyone on the Spanish  
16 translation meeting who would like to speak?

17 MR. KRAMER: In fact, nobody has logged into that.

18 HEARING OFFICER COCHRAN: Thank you very much.

19 With that, I think we can close public comment.

20 COMMISSIONER DOUGLAS: All right. Well, we'd like  
21 to thank everybody.

22 And we're adjourned.

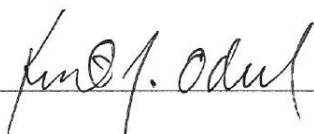
23 (The meeting concluded at 2:42 p.m.)  
24  
25

**REPORTER'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 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 4th day of January, 2017.



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Kent Odell  
CER\*\*00548

## CERTIFICATE OF TRANSCRIBER

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 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.

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



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MARTHA L. NELSON, CERT\*\*367

January 4, 2017