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CALIFORNIA ENERGY COMMISSION

In the Matter of:)
) Docket 16-SPPE-01
POMONA REPOWER PROJECT)
-----)

NOTICE OF PUBLIC SITE VISIT AND
INFORMATION HEARING

City of Pomona
City Council Chambers
505 South Garey Avenue
Pomona, California

WEDNESDAY, MAY 18, 2016

5:00 P.M.

Reported by
Martha Nelson

APPEARANCESHEARING OFFICER

Raj K. Dixit

COMMISSIONERS

Janea A. Scott, Presiding Member

ADVISERS

Le-Quyen Nguyen, for Commissioner Douglas

Rhetta DeMesa, for Commissioner Scott

Kristy Chew, Technical Adviser for Facility
Sittings

Paul Kramer, Acting Public Adviser

CEC STAFF

Chris Davis, Siting Officer Manager

Lisa M. DeCarlo, Staff Counsel

APPLICANT

Scott Valentino, Project Developer, ASUS,
AltaGas

George Munoz, Plant Manager

John Carrier, CH2M Hill

Tom Andrews, Sierra Research

Matt Ross, Public Relations

Kristen Castanos, Esq., Stoel Rives LLP

Melissa Foster, Esq., Stoel Rives LLP

PUBLIC SPEAKERS

Bhaskar Chandan, South Coast Air Quality
Management District

Christian Aviles, South Coast Air Quality
Management District

I N D E X

	<u>Page</u>
Proceedings	4
Applicant Presentation	14
Staff Presentation	20
Public Adviser Presentation	29
Public Comment	36
Adjourn	38
Reporter's Certification	39
Transcriber's Certification	40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
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P R O C E E D I N G S

MAY 18, 2016

5:00 P.M.

COMMISSIONER SCOTT: Welcome, hello everyone. I am Janea Scott and I am a Commissioner with the California Energy Commission. I'm glad to have all of you here with us today.

This is an informational hearing conducted by a committee of the California Energy Commission regarding the proposed -- am I coming through on the WebEx?

MR. KRAMER: So far, yes.

COMMISSIONER SCOTT: Okay, great.

So this is an informational hearing conducted by a committee of the California Energy Commission regarding the proposed Pomona Repower Project. The Energy Commission has assigned a committee of two Commissioners to conduct these proceedings. I am the presiding member of the committee, and Commissioner Karen Douglas will serve as the associate member for this committee.

In addition, I would also like to introduce you to Rhetta DeMesa to my left, who is my adviser; Le-Quyen Nguyen, who is here on my right, she's an adviser to Commissioner Douglas; Kristy Chew, who is

1 the Commissioners' technical advisor for facility
2 sitings, she's here in the audience and she's also
3 pinch hitting along with Paul Kramer; if you are a
4 member of the public and you have questions about
5 the process; and Raj K. Dixit, who is the hearing
6 officer to my right.

7 As the Energy Commission committee members
8 for this application for a proposed small power
9 plant exemption, I am here to listen to the
10 applicant, the public, and the staff about the
11 issues, questions, and concerns that you all have
12 with the application. Commissioner Douglas and I
13 will ultimately weigh all the evidence and issues at
14 hand to issue a determination to grant or deny the
15 proposed exemption. So your concerns and input are
16 important and they help us to make the most informed
17 decision possible.

18 With that, I'd now like to ask the parties
19 to please introduce themselves and their
20 representatives at this time, and we will start with
21 the applicant.

22 MR. VALENTINO: Scott Valentino, AltaGas.

23 MS. CASTANOS: Kristen Castanos with Stoel
24 Rives. I'm counsel to AltaGas.

25 MR. DAVIS: I'm Chris Davis, Siting Office

1 Manager for the Energy Commission.

2 COMMISSIONER SCOTT: Let me just -- Is that
3 everyone on the applicant side?

4 MR. DAVIS: Oh, sorry.

5 COMMISSIONER SCOTT: Okay, now let's turn to
6 staff. Go ahead, Chris.

7 MR. DAVIS: Chris Davis, Energy Commission.

8 MS. DECARLO: Lisa DeCarlo, Energy
9 Commission staff attorney.

10 COMMISSIONER SCOTT: And let me ask whether
11 or not we have any agencies here. Do we have any
12 elected officials or representatives from the
13 federal government? If so, please come up to one of
14 the mics to introduce yourself. Okay.

15 Any representatives from the State of
16 California or elected officials? Okay.

17 How about any local? Would you please come
18 up to the microphone to introduce yourself.

19 MR. CHANDAN: We are from the South Coast
20 Air Quality Management District. My name is Bhaskar,
21 B-h-a-s-k-a-r, last name Chandan, C-h-a-n-d-a-n, and
22 we are from the permitting group.

23 COMMISSIONER SCOTT: Okay.

24 MR. AVILES: The engineer from South Coast
25 AQMD, Christian Aviles.

1 COMMISSIONER SCOTT: Great, thank you.

2 How about any Native American tribes? All
3 right.

4 Anyone from Los Angeles County? City of
5 Pomona? Or any other nearby towns, cities, or other
6 agencies that would like to introduce themselves at
7 this time? Okay.

8 Let me see. So thank you very much for
9 introducing yourselves. At this time I would like to
10 hand the conduct of this hearing over to our hearing
11 officer, Raj Dixit.

12 HEARING OFFICER DIXIT: Thank you,
13 Commissioner Scott.

14 This site visit and informational hearing
15 have been designed to inform members of the public
16 about the proposed project and also about the Energy
17 Commission's small power plant exemption process, or
18 SPPE is the abbreviation.

19 The purpose of today's hearing is to provide
20 information about the proposed Pomona Repower
21 Project, which for brevity I'll just call the
22 Project from here on out.

23 Also, we will describe the Commission's
24 process in reviewing the application, provide
25 information on opportunities for the public to

1 participate in this process and to comment on any
2 aspect of the proposed project.

3 Also, to inform the committee, the parties
4 and the community about the Project, about its
5 progress to date in the application process and any
6 perceived issues that need resolution, and to meet
7 and confer about the project schedule.

8 If we could have progress on the slides,
9 please, to the agenda slide. Thank you.

10 This is today's agenda. You've already had
11 the site visit. I'll describe the Commissioners'
12 role and then next applicant will describe the
13 Pomona Repower Project itself.

14 After that, Energy Commission staff will
15 explain the SPPE process, the issues they've
16 identified at this juncture, and their proposed
17 schedule for the SPPE proceedings.

18 Following that, the public adviser, or our
19 stand-in for the public adviser will describe the
20 services available from the public adviser's office
21 to support public participation in this process.

22 Finally, we'll take any questions or
23 comments from the public and/or any agencies
24 present.

25 Next slide. Thank you.

1 The California Energy Commission, a state
2 agency, has the exclusive jurisdiction to license or
3 certify modifications to existing power plants that
4 increase their capacity by 50 megawatts or more, and
5 the Commission is the lead agency for CEQA,
6 California Environmental Quality Act, review and
7 compliance.

8 Next slide, please. Okay.

9 The Public Resources Code does allow for an
10 SPPE, a small power plant exemption, to be granted
11 for a modification to an existing power plant to add
12 generating capacity not to exceed 100 megawatts,
13 which is what the applicant in this case is seeking.
14 The current San Gabriel cogeneration facility
15 produces 44.5 megawatts.

16 Notice of today's site visit and
17 informational hearing was mailed to all parties,
18 adjoining land owners, interested governmental
19 agencies, and other individuals. It was also posted
20 on the Energy Commission's website.

21 Next slide, please.

22 Today's hearing is the first in a series of
23 formal committee events that will extend over the
24 next six months or so. This committee will
25 eventually hold evidentiary hearings and issue a

1 presiding member's proposed decision, or PMPD,
2 containing recommendations for the full five member
3 Energy Commission to either approve or deny an
4 exemption for the proposed project.

5 Next slide, please.

6 It is important to emphasize the law
7 requires that the committee's proposed decision be
8 based solely on the evidence contained within the
9 public record. To ensure that this happens and to
10 preserve the integrity and impartiality of the
11 Commission's SPPE process, the Commission's
12 regulations and the California Administrative
13 Procedure Act expressly prohibit any private off-
14 the-record contacts concerning substantive matters
15 between the participants in this proceeding and the
16 Commissioners or this committee, their advisers, and
17 of course, me as the hearing officer.

18 This prohibition against off-the-record
19 communications between the parties and the committee
20 is known as the ex parte rule, ex parte being Latin
21 for one-sided. This means that all contacts between
22 interested parties and the committee regarding any
23 substantive matter must occur in the context of a
24 public discussion such as today's event or in the
25 form of a written communication that is distributed

1 to all parties. The purpose of the ex parte rule is
2 to provide full disclosure to all participants of
3 any information that may be used as a basis for the
4 committee's future decision on this project.

5 Next slide, please.

6 MR. KRAMER: Actually, hold on a second.
7 We've lost the telephones so let me have them call
8 you back.

9 HEARING OFFICER DIXIT: All right.

10 MR. KRAMER: You were not broadcasting at
11 all. There is one staff listening for what it's
12 worth.

13 HEARING OFFICER DIXIT: Okay.

14 MR. KRAMER: Okay, go ahead.

15 HEARING OFFICER DIXIT: Thank you.

16 The Energy Commission staff is a party to
17 these proceedings in the same way that the applicant
18 or intervenor is a party. Even though the staff and
19 the committee members are both part of the Energy
20 Commission, we are completely separate entities for
21 purposes of these proceedings. The ex parte rule is
22 binding on the Energy Commission staff in the same
23 way that it is binding on the application or
24 intervenors.

25 Additional opportunities for the parties and

1 governmental agencies to discuss substantive issues
2 with the public may occur in public workshops to be
3 held by the Commission staff at locations near the
4 site or at the Energy Commission in Sacramento. The
5 committee will not attend staff workshops if there
6 are any.

7 Information regarding other communication
8 between the parties and governmental agencies is
9 contained in written reports or letters that
10 summarize such communications. These reports and
11 letters are posted on the website of the Commission
12 and made available to the public. Information
13 regarding hearing dates and any other events in this
14 proceeding will also be posted on the Commission's
15 website.

16 COMMISSIONER SCOTT: I think one more slide,
17 please.

18 HEARING OFFICER DIXIT: One more slide
19 again, please. One further, please. Previous. Thank
20 you.

21 The SPPE process is a public proceeding in
22 which members of the public and any interested
23 organizations are encouraged to actively participate
24 and express their views on matters relevant to the
25 proposed project. The committee is interested in

1 hearing from this community on any aspect of this
2 project, so members of the public may be eligible to
3 intervene in this proceeding.

4 We encourage you to file petitions to
5 intervene as soon as possible in order to allow you
6 full participation. Our stand-in for the public
7 adviser will assist members of the public, and the
8 public adviser in Sacramento will assist any members
9 of the public who wish to become intervenors in this
10 SPPE proceeding.

11 We will now ask the parties to make their
12 presentations in the following order.

13 First the applicant, AltaGas Pomona Energy,
14 Incorporated, will describe the proposed project and
15 will explain its plans for modifying the project
16 site.

17 Then Commission staff will provide an
18 overview of the Commission's SPPE process and they
19 will explain its role in reviewing this proposed
20 project and will discuss its issues identification
21 report.

22 After that, we'll discuss staff's proposed
23 schedule.

24 Finally, we'll hear a little bit from our
25 stand-in for the public adviser to explain the

1 public adviser's role in supporting public
2 participation and outreach.

3 Upon completion of these presentations,
4 we'll invite any interested agency or member of the
5 public to offer comments and ask questions.

6 I believe it is now time for the applicant's
7 presentation.

8 MR. VALENTINO: Good evening. Once again, my
9 name is Scott Valentino, I'm here on behalf of the
10 applicant as the project developer.

11 First I'd like to thank Commissioner Scott
12 and the Energy Commission staff for making the trip
13 down to Pomona this afternoon.

14 As you guys know, we've completed the site
15 tour, so this presentation will probably go fairly
16 quickly. I will be available to ask questions as we
17 get through it.

18 The first slide is simply a quick overview
19 of the project. Probably didn't mention, but this
20 project was acquired by AltaGas in January of 2015.
21 When we first evaluated this project it was looked
22 at as a repowering opportunity.

23 The existing San Gabriel cogeneration
24 facility is still operating. It's a 44.5 megawatt
25 facility that you saw the cogeneration, so it has

1 the gas turbine and heat recovery steam generator
2 still capable of producing distilled water for the
3 city as well.

4 It's located at 1507 Mount Vernon Avenue,
5 which is the site of the old paper mill. We drove
6 around the site and industrial area. AltaGas owns
7 about two acres of that property and there is
8 adjacent industrial property on all sides.

9 The technology we're proposing is a GE
10 LMS100 fast start, simple cycle peaking facility,
11 pretty common to be permitted recently in
12 California, as you guys are aware.

13 Our schedule right now, on completion of the
14 SPPE we're expecting demolition to take roughly 3
15 months or so and construction roughly 16 months.
16 We're looking at a total schedule of about 19 months
17 from mobilization to completion.

18 The SPPE filing has this, but we're talking
19 about during peak period about 140 construction
20 jobs, and if we maintain the schedule, commissioning
21 would begin in first quarter of 2019.

22 Some of the economic benefits. Property
23 taxes, putting a new facility down are expected to
24 increase to Los Angeles County by about \$1.1
25 million.

1 [Primary Audio malfunction]

2 [Backup Audio used through end of hearing]

3 And then we mentioned that we're going to
4 utilize most of the existing infrastructure in
5 place, which primarily would be (inaudible) would be
6 a 66kb Simpson transmission line connected to SCE's
7 Ganesha Simpson transmission line.

8 One of the major project benefits is that
9 we'd be switching from potable recycled water. Just
10 so you guys are aware, we're basically more than
11 doubling the size of the facility but reducing
12 potable water use by about 80 percent for the plant.
13 It also provides a use for the city's excess
14 recycled water right now, a major industrial use, so
15 it's a big project benefit.

16 Project components. I mentioned one GE
17 LMS100 PA compression turbine generator, evap
18 coolers on the inlet air system, and then interstage
19 cooling and water injection to control NOx. There's
20 a multi-fan draft cooling tower which is wet-
21 cooled utilizing recycled water.

22 We will need two fuel gas compressors at the
23 site with a new gas compressor pressure control
24 station. And then we'll add one water storage tank.
25 And as I mentioned earlier, there's one 166kV

1 interconnection to the Simpson transmission line.

2 I think we pointed out that all of the
3 infrastructure for supply and discharge lines
4 already exist, so very minimal offsite construction.

5 This next slide is kind of an equipment
6 layout or project site layout. It's kind of hard to
7 see but it has the major layout of the equipment, so
8 if you're looking at the top of the slide, that was
9 the part of the plant we were facing from visually
10 from the bus. As you can see, the gas turbine layout
11 with the stack to the most northern part of the
12 picture. And then horizontally, you see in the back
13 part the maintenance facility, which you couldn't
14 see from the tour but it was in the back at the
15 property line. So it's a fairly rectangular site
16 with a triangle carved out that we take on the
17 northwest side of the site.

18 This is just an overview of the repowering
19 project, and you can see that we'll be working with
20 some of our neighbors to secure laydown space and
21 staging space adjacent to the site.

22 One last thing I mentioned on the site in
23 that last slide was that you did see that there's a
24 rail spur, so we'll be looking at alternative ways
25 for delivering major equipment to the site either

1 via rail or truck, whichever makes the most sense
2 and has the least impact to the community.

3 This is just an overview or a side view of
4 the elevations, the tallest elevation being the new
5 exhaust stack, which is 90 feet. The existing
6 exhaust stack is 70 feet at the facility, so we're
7 talking about only incremental 20 feet from the
8 existing facility.

9 And north of the site, the south elevations
10 again. You'll see the tallest most meaningful impact
11 is the stack. Everything else is the exact
12 dimensions but roughly half of that.

13 This is a view the existing San Gabriel
14 facility, which you guys were looking at and a view
15 of the new repower facility with the LMS100 and
16 ancillary equipment.

17 And I think we didn't see every KOP but we
18 showed you two of the key observation points on the
19 way to the site. There's a couple of additional ones
20 included in here, but this is KOP1, which was from
21 West 2nd Street looking north across the railroad
22 tracks. And then we showed a simulation from that
23 KOP of the repower project. Very minimal visual
24 impacts.

25 KOP2 was from Holt Avenue and North Currier

1 Street. This was the first one we looked at by the
2 church. It was hard to see from there and it's hard
3 to see the visual. And then you see the existing
4 view, we've circled it. I think this is more
5 articulated than what we saw. That's the next one,
6 I'm sorry. This is from West Holt Avenue. This is
7 the second one we looked at. And then you see the
8 repower project circled there as well. Very
9 difficult to see.

10 So with that, I just wanted to provide some
11 key project contacts for everyone.

12 Once again, I'm Scott Valentino, I'm the
13 project developer.

14 George Munoz is the plant manager and will
15 be available to address questions as well. And then
16 we have members of our consultant team, John Carrier
17 for CH2M Hill; Tom Andrews from Sierra Research on
18 the air side; and Matt Ross is here from (inaudible)
19 Consulting and the public relations side; and
20 Kristen Castanos and Melissa Foster from Stoel Rives
21 as our legal counsel.

22 If there's any questions I'll be happy to
23 address them.

24 HEARING OFFICER DIXIT: I have an out of
25 curiosity question. Are you aware of who granted the

1 permit for the current San Gabriel facility?

2 MS. CASTANOS: The City of Pomona. The
3 current project is permitted under a conditional use
4 permit by the City.

5 HEARING OFFICER DIXIT: Thank you very much.
6 If staff is ready to go forward.

7 MR. DAVIS: Yes. I am Chris Davis, I am the
8 siting office manager at the Energy Commission and
9 I'm filling in for Project Manager Lon Payne,
10 Leonidas Payne.

11 The goal in the small power plant exemption
12 process is to analyze the project for any impacts to
13 the environment from the transmission system, and if
14 there are any impacts identified by staff, to
15 identify mitigation that would relegate those
16 impacts to a level of less than significant.

17 The first thing that staff does in a small
18 power plant exemption process is issue data
19 requests, and we did that on April 27th, and I'll
20 talk more about that in a minute.

21 The second thing that we do is issue an
22 issue identification report, and again I'll talk
23 more about what is important about that report and
24 what staff has found so far coming up.

25 If needed, we hold an issue resolution

1 workshop. That would depend in large part on
2 responses to staff's data requests from the
3 applicant. If there are any areas where staff
4 doesn't understand the information or it didn't
5 quite cover staff's question, that kind of thing. If
6 there's any issues to be worked out between the two
7 parties, and if there are any intervenors that get
8 involved.

9 And then staff will produce a draft initial
10 study or negative declaration, probably more likely
11 a mitigated negative declaration. And that would be
12 the public's first opportunity to comment.

13 There will be a 30-day comment period on
14 that draft initial study, mitigated negative
15 declaration, and those comments that we receive from
16 the public, from intervenors, from the applicant,
17 from agencies would then be responded to in the
18 final initial study, and again probably likely a
19 mitigated negative declaration, a recommendation
20 that staff would make which would be staff's
21 testimony to be considered by the committee in
22 writing the presiding member's proposed decision.

23 Staff's role doesn't end there, but the
24 committee really begins to take a more prominent
25 role at that point.

1 There will be a prehearing conference,
2 staff's testimony, testimony of the applicant. We
3 would discuss whether there are any issues of
4 disagreement and try to resolve them. If there are
5 any issues that need to be litigated in the
6 evidentiary hearings if there are any areas where
7 there's disagreement between the parties.

8 Then the evidentiary hearings would be held.
9 The committee writes its proposed decision, which
10 there is another 30-day public comment period at
11 that point.

12 Comments will be taken, by the way,
13 throughout the process. People can submit comments
14 to the Energy Commission through the website, and
15 those are accepted at any time.

16 The committee writes the presiding member's
17 proposed decision and after the 30-day comment
18 period that will go to the full Commission for a
19 decision.

20 And the difference between a small power
21 plant exemption and a regular application for
22 certification submitted to the Energy Commission is
23 that when the full Commission acts, usually that is
24 a license, that's a permit that is in lieu of all
25 other permits from local regional state agencies and

1 federal agencies to the point permitted by law.

2 With a small power plant exemption the
3 exemption issued by the Commission would be the CEQA
4 document that could be used by the City of Pomona,
5 by other agencies, Los Angeles Regional Water
6 Quality Control Board, etcetera, for issuing the
7 permits for the project itself.

8 Staff analysis process is next. I mentioned
9 data requests that were submitted on April the 27th.
10 Staff had questions in the following areas: air
11 quality, biological resources, hazardous materials
12 management. Staff had questions in the area of
13 socioeconomics, traffic and transportation,
14 transmission system engineering, visual resources
15 plume analysis in this case, waste management and
16 water resources.

17 Staff has also prepared an issue
18 identification report, which I'll talk about a
19 little more in a minute, and that includes staff's
20 proposed schedule.

21 Staff also is here to facilitate
22 participation by other agencies, by the public. Of
23 course the public adviser is at the Commission to
24 help the public participate and anybody that wants
25 to become an intervenor to participate at that

1 higher level if they desire.

2 Staff will, as I mentioned, produce a draft
3 initial study and then a final initial study, both
4 of which include a negative declaration or a
5 mitigated negative declaration.

6 Next slide, please.

7 This just shows kind of a pictorial
8 representation of how the process works with
9 intervenors and the public commenting, the staff
10 receiving comments, applicant and local, state, and
11 federal agencies all contributing to the decision.

12 Next slide, please.

13 Energy Commission staff works closely with a
14 number of agencies. In this case the City of Pomona,
15 we've talked to them within the last week or so.
16 Well, emailed back and forth. Fire department,
17 planning department.

18 The Los Angeles County is involved, South
19 Coast Air Quality Management District, and we have a
20 couple here from the District tonight. Los Angeles
21 Regional Water Quality Control Board. The state
22 Energy Commission works a lot with the California
23 Department of Fish and Wildlife, also Caltrans and
24 Cal/OSHA.

25 And federal agencies include the EPA,

1 Environmental Protection Agency, and U.S. Fish and
2 Wildlife Service. It looks like a lot of biological
3 type resources when those folks get involved. In
4 this case (inaudible).

5 As I mentioned earlier, the committee
6 conducts hearings to create an evidentiary record
7 after staff has done its job, and issues a proposed
8 decision. The full Commission issues a final
9 decision.

10 In terms of appeals, people can ask for the
11 decision to be reconsidered by the Energy Commission
12 and appealed to the California State Supreme Court.

13 Next slide, please.

14 Again, a pictorial representation of how the
15 process works and who all contributes to the
16 evidence that is considered by the committee in the
17 writing of the proposed decision.

18 Next slide, please.

19 Issue identification report informs
20 participants of potentially significant issues that
21 staff believes it will encounter, provides an early
22 focus. This is not limiting. It is possible while
23 staff is doing its research that new issues will
24 arise that we may not be aware of at this point.

25 And what makes a significant issue in a

1 power plant process might result from a project
2 might be an issue that's difficult to mitigate. It
3 might be something that might draw out the process
4 and make it take longer than expected. Or there
5 might be conflicts between the parties about
6 appropriate findings for the project.

7 Staff's potential issue areas.

8 Next slide, please.

9 Staff has evaluated the SPPE applicant,
10 small power plant exemption, and has found potential
11 issues, as I mentioned, with air quality,
12 transmission system engineering. Discovery is not
13 yet complete and we are certainly open to and
14 interested in other parties identifying any issues
15 that we are not aware of at this point.

16 In air quality -- next slide -- the issue is
17 basically insufficient offsets for air quality
18 mitigation. One aspect of the problem is the
19 application describes a methodology that would be
20 used to minimalize cumulative effects, but the
21 application does not include the analysis itself
22 because a final project list had not been provided
23 by the South Coast Air Quality Management District
24 at the time the SPPE application was submitted. The
25 reason that's identified as a potential issue is

1 that's out of the control of the applicant and
2 hopefully will be received timely.

3 Staff believes these air quality issues
4 could potentially delay the review process or
5 prevent staff from being able to conclude that the
6 project would not have a substantial adverse impact
7 on the environment.

8 Staff has issued air quality requests to
9 address these issues and the applicant will provide
10 responses. They have asked for extra time to provide
11 some responses but have committed to responding to
12 most of staff's data requests by May 27th.

13 In the area of transmission system
14 engineering, the California Independent System
15 Operator Phase I and Phase II interconnection
16 studies are not available at this time for staff to
17 review, and that Phase I study, staff uses that to
18 determine the potential need for downstream
19 transmission facilities.

20 That is, a 100 megawatt facility is being
21 put in where a 40-some megawatt facility is now, so
22 that may cause bigger wires to be needed,
23 transmission lines that can carry more current, and
24 so staff needs to identify whether or not that is
25 the case.

1 And if the studies do show that the project
2 might cause overloads, which would require
3 reconducting, putting up heavier transmission lines
4 to carry more current, then a general CEQA analysis
5 could be required and the environmental analysis
6 then could make things take longer.

7 Staff has submitted data requests along
8 these lines and responses are expected by May 27th,
9 although again this is one of those items that's out
10 of control of the applicant, so if it is delayed
11 that could be something that would cause the process
12 to go on longer.

13 Next, staff's proposed schedule.

14 Staff prepared and submitted a proposed
15 schedule on May 6th. The schedule is subject to
16 several external factors, including staff's ability
17 to meet scheduled deadlines and basically have the
18 information we need to complete our analysis and
19 propose mitigation.

20 The applicant's timely response to
21 information. And of course in some cases, as
22 mentioned, that depends on them being able to get
23 the information to pass to us.

24 Required actions or comments by associated
25 agencies and resolution of identified issues are

1 other things that could draw out the schedule.

2 At this point you see the informational
3 hearing and site visit is in the middle there,
4 that's today, the 18th.

5 Data responses are expected on the 27th of
6 this month, although again the applicant has
7 identified several that may take longer to provide.

8 Our proposed date for a workshop, if needed,
9 would be middle of June.

10 And then tentative dates for a draft initial
11 study, the 1st of July workshop, then on July 13th.
12 Again, there's a 30-day comment period.

13 And then a final initial study, and the
14 comment period would then stretch to August 1 of
15 2016.

16 And then the rest of the schedule and those
17 dates are of course in the control of the committee.

18 And just the prehearing conference is a
19 tentative date that staff has put up there but we're
20 not nearly there yet so that remains to be seen.

21 And that is staff's presentation.

22 MR. KRAMER: We're now to the public
23 adviser's presentation. I'm Assistant Chief Counsel
24 Paul Kramer standing in for Alana Mathews who is our
25 public adviser.

1 Next slide, please.

2 And the public adviser, she is an
3 independently appointed attorney who helps the
4 public understand the process, recommend the best
5 way to be involved, and assists in the successful
6 participation in the proceedings.

7 One point to make, though, is that she is
8 not allowed to give legal advice or be an advocate
9 for a party, she simply explains the process on how
10 somebody can participate.

11 She has conducted outreach. Because she's
12 not here I can't tell you precisely which of these
13 various methods that she uses that she has chosen
14 for this particular case, so I'll leave it at that.

15 Next slide.

16 Again, we've said it several times today but
17 it bears repeating. Public participation is
18 important in this process. One way is through public
19 comment.

20 Next slide.

21 They're considered by the Commissioners with
22 all of the evidence. They help inform the
23 Commissioners, staff, and the rest of the parties of
24 the public's concerns.

25 And that's especially useful at this point

1 where we're just starting (inaudible). If there's a
2 concern that staff didn't have on their radar,
3 they'll hear it today, it will go on their radar
4 (inaudible).

5 They help us understand concerns again. It's
6 a fine legal point, but by themselves public
7 comments are not considered evidence in our
8 proceedings. They can support other kinds of
9 evidence that's properly admitted as such but just
10 standing alone a public comment cannot be enough to
11 support a Commission finding on any particular
12 point.

13 Next slide.

14 The ways to make public comments would be by
15 filling out a blue card. Because Ms. Mathews was
16 called away at the last minute we don't actually
17 have blue cards with us today but I think we're
18 going to orally ask anybody who wants to make a
19 public comment to identify themselves and we'll let
20 them make their comments.

21 Relatively new to the Energy Commission is
22 we have an electronic commenting system on our
23 website, so you can go to the web. I'll show you in
24 a few minutes, but you can go to the web page for
25 this particular project, click on a link, and you'll

1 be put into the middle of our commenting system
2 where the information about this project will be
3 filled in and all you have to do is type in your
4 name and some other information and your comment and
5 it will be filed and received and distributed to
6 everybody that's involved in the case and has asked
7 to receive information.

8 Another way to do it is the written comments
9 that are given to the public adviser, in this case
10 one of us on the committee today or you could mail a
11 document and the address is there on the screen.

12 Next slide.

13 A more formal level of participation is
14 called intervention. That makes you a party to the
15 proceedings. You can present evidence, you can cross
16 examine the other parties' witnesses.

17 Anybody can do that. You don't have to be a
18 lawyer, you don't have to have a lawyer. The lawyers
19 will tell you that it helps to have a lawyer and in
20 most cases that's true, but it's not required.

21 The public adviser can help you prepare a
22 petition to intervene, she has the forms that are
23 available for your assistance.

24 The committee will then consider the
25 petition and wait a little while to see if any party

1 is going to object, usually about 15 days, and they
2 try to rule on those within 30 days after they're
3 filed.

4 Next slide.

5 So here's how you use our website, a real
6 quick tutorial.

7 You go to energy.ca.gov and you click on
8 power plants.

9 Next slide.

10 And you'll see on the page an alphabetical
11 list of power plants. In this case it's not really
12 easy to see but the Pomona Repower Project is in
13 purple right there on the opposite side of the arrow
14 on the right. So you click on that and -- next --
15 you'll be at the project's page that I referred to
16 earlier.

17 You'll see on the right side there's a box
18 that says original proceeding. The first link is to
19 submit Amy comment. There's also one for e-filing.
20 That's generally for parties, so for an intervenor
21 you would use that.

22 You can also see a log of all the documents
23 that have been file in this proceeding so far, it's
24 called our document log.

25 When we get to the point of being ready for

1 hearings there will be an exhibit list. And both the
2 document log and the exhibit list are clickable
3 links, so if you want to see a document you just go
4 click on it and it'll open up in your computer and
5 everything is configured for you. So that's one way
6 to keep an eye on a case if you're a member of the
7 public and to see what's going on is to occasionally
8 look at the document log.

9 There's another way that requires a little
10 less effort on your part.

11 Next slide.

12 That would be to sign up for what we call
13 Listserv, and that's something you do on your own.
14 We can know who's on the list but actually it takes
15 us a bit of work. So you sign yourself up, you take
16 yourself off when you're done. But what happens is
17 every time a document is filed in the case you'll
18 get an email saying that such-and-such titled
19 document. Again, it will be a clickable link and
20 you'll be able to just click on that to go see the
21 document.

22 So we try to provide some of the data.
23 There's a title for the document, there's a
24 description, and we're trying to make it so that
25 those give you a clue as to what the document is and

1 you can decide it's not even worth clicking on it,
2 but that's up to you.

3 And there's a link to sign up for the
4 Listserv on the Pomona page.

5 You can also, again, submit written
6 comments, provide oral comments at events like
7 today.

8 Let me just say for the record that if you
9 make comments at a staff workshop, those are
10 generally not transcribed so nobody on the committee
11 will see those so if you wanted to put it in the
12 record for the committee to see, you want to make it
13 at a committee event, your comment, or use the e-
14 commenting system or send in a written comment.

15 You can attend our events in person or via
16 WebEx, which can be attended either using computer
17 audio, or if you don't want to use your computer you
18 can just call in, there's a telephone number we give
19 in our notices.

20 We welcome non-English speakers and we have
21 contact information here for our coordinator for the
22 disabled who will make special accommodations.

23 Next slide.

24 Here is Alana Mathews, our public adviser's
25 contact information. We have a handout on the table

1 outside the room here which I believe has this slide
2 and several others so if you don't want to write
3 this down you can take one of those handouts.

4 And this PowerPoint, by the way, along with
5 the applicant's will be put into our docket probably
6 tomorrow when we get back to the office, so you
7 could look it up here and via the website.

8 Next slide.

9 Again one more time. Our workshops and
10 hearings are open to the public. That's committee
11 hearings and staff workshops are noticed at least
12 ten days in advance.

13 We have a paper mailing list which is really
14 kind of going the way of the dinosaurs these days.
15 Most everybody signs up for the Listserv gets an
16 email. You're going to get it quicker. And the paper
17 mailing lists that we maintain do not receive notice
18 of the filing of every document, they just receive
19 notice of the major events. I'm not even sure if
20 staff workshops (inaudible). They still may, but the
21 Listserv is going to get you more use.

22 The application is at least a binder's worth
23 of materials. There's a copy at the local library
24 here in Pomona but it's also available on our
25 website in convenient little separate files so it's

1 easy to digest only those that you want. Or you
2 could contact our dockets (inaudible) receive a
3 copy.

4 That's it. Questions?

5 COMMISSIONER SCOTT: Thank you very much,
6 Paul, for that education.

7 I think we are now on to the public comment
8 part of our proceeding today, and so as Paul
9 mentioned, we don't have any blue cards but if
10 there's anyone in the audience here in the room that
11 would like to make a comment, this is your
12 opportunity. Please feel free to come up to either
13 one of these microphones here. We are here and ready
14 to listen.

15 Okay. I would like to also turn to our
16 WebEx, and Paul, do we have any folks on the WebEx
17 or on the phone who would like to make a public
18 comment?

19 MR. KRAMER: I've unmated the only person
20 who might possibly, but he's a member of the staff.

21 COMMISSIONER SCOTT: Okay. So the phone
22 lines are unmated and if you are on a phone line and
23 would like to make a public comment, now is your
24 opportunity, please speak up.

25 Okay. Hearing none, I believe, Raj, should I

1 turn it back over to you or are we now adjourned?

2 HEARING OFFICER DIXIT: As the hearing
3 officer of this proceeding on behalf of the Energy
4 Commission, I pronounce the proceedings adjourned as
5 of 6:01 p.m. Thank you.

6 COMMISSIONER SCOTT: Thank you all for
7 taking the time this evening.

8 (ADJOURNED AT 6:01 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 25th day of May, 2016.



MARTHA L. NELSON

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.



MARTHA L. NELSON, CERT**367

May 25, 2016