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<td><strong>Project Title:</strong> Carlsbad Energy Center - Compliance</td>
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<td><strong>TN #:</strong> 204322</td>
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In the matter of: ) Docket No. 07-AFC-06C
CARLSBAD ENERGY CENTER )
POWER PROJECT AMENDMENTS )

STATUS CONFERENCE
(CLOSED SESSION)

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

FRIDAY, APRIL 17, 2015
9:00 A.M.

Reported by:
Peter Petty
APPEARANCES

Commissioners (and their advisors) Present:

Karen Douglas, Presiding Member
Andrew McAllister, Associate Member
Jennifer Nelson, adviser to Commissioner Douglas
Le-Quyen Nguyen, advisor to Commissioner Douglas
Pat Saxton, his advisor
Eileen Allen, Commissioners’ Technical Advisor for Facility Siting

Hearing Officer:

Paul Kramer

Staff Present:  (* present via telephone)

John Hilliard
Shawn Pittard, Public Advisor’s Office

Petitioner—Carlsbad Energy Center, LLC:

*Jonathan Kendrick, Locke, Lord, LLP

Also Present

Susan Cochran (Hearing Adviser assisting Mr. Kramer)

City of Carlsbad:

*Allan J. Thompson, Attorney at Law
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HEARING OFFICER KRAMER: Okay, this is Paul Kramer, the Hearing Advisor for the Carlsbad Amendments Committee.

In the room here at Hearing Room A, the Rosenfeld Hearing Room at the Energy Commission, we have our Presiding Member, Commissioner Karen Douglas, Eileen Allen who is the Commissioners’ Technical Advisor on Siting Matters, our Hearing Reporter, Jennifer Nelson, Commissioner Douglas’s Advisor, John Hilliard from the Staff, Shawn Pittard for the Public Advisor’s Office, and Susan Cochran who has been helping me with the WebEx and audio visual issues.

I see we have a couple people on the telephone, one is Jonathan Kendrick. Did you want to identify yourself or say anything, sir?

MR. KENDRICK: Yeah, good morning. This is Jonathan Kendrick with Locke, Lord, counsel for the project owner, Carlsbad Energy Center, LLC.

HEARING OFFICER KRAMER: Okay, thank you. Then we have one other person on the call, who is not identified. If you want to identify yourself? I’m not going to bother to go through our regular roster
of people because I can tell by looking who is there. So the other person who is on the phone, if you want to identify yourself -- you don’t have to, but please go ahead.

MR. THOMPSON: No, no, that’s all right, I’m not bashful, Paul. This is Allan Thompson.

HEARING OFFICER KRAMER: Hi, Allan. Okay, the first order of business is to conduct hearings on any pending motions. We really don’t have anything to talk about today, though, because one motion that is pending, but was argued at the evidentiary hearings was Mr. Sarvey’s motion to require that the project pay an AFC level of fees, and the Committee had taken that under submission already.

The other one was just filed this week and that was Mr. Simpson’s motion to require the Petition to modify the existing Amendment Petition and delay issuance of a Proposed Decision; it’s simply too early to do anything with that, we just got it this week, it would be unfair to have the parties argue it, so we’re expected that the parties, should they choose to respond to that, will respond to that in the normal timeframe. And then we’ll get around to ruling on it after the expiration of that timeframe.

I got an email request from Ms. Siekmann
yesterday, she realized that she forgot to identify her opening -- it might have been her rebuttal testimony. Anyway, it was TN 203851, she forgot to identify that as an exhibit. So if I had more of the parties on the line, I might think about trying to resolve that, but since I just heard about it yesterday and not enough people are here, we’ll have to resolve that at some later time. But I’ll just note that’s a request that I received. And basically it was her opening testimony, but it also included her exhibit list and I think it’s fair to say we’ll be asking the parties at some point in the future if they have any objection to bringing that in as an exhibit.

That then takes us to public comment and I have to ask, but I don’t see anybody on the list or in the room, but would anybody wish to make a public comment on this proceeding?

MR. THOMPSON: Paul, this is Allan. I’d like to follow-up briefly on Kerry Siekmann’s exhibit number. Briefs are due I think next week on the 22nd and 23rd, and I’d like to reference that. Will we have a number before briefs are due?

HEARING OFFICER KRAMER: Okay, if you’d like, I’ll put a number on it and I’ll just call it
identified for the time being, not necessarily admitted, we’ll resolve that later.

MR. THOMPSON: That would be great.

HEARING OFFICER KRAMER: Okay. Anybody else want to make a public comment? Okay, hearing none, the Committee is going to go in closed session pursuant to Government Code Section 11126(c)(3) which allows a State body, including a delegated committee such as this to hold a closed session to deliberate on a decision to be reached in a proceeding the State body is required by law to conduct.

I supposed there’s a remote possibility we might have something to announce at the end of this closed session, so we’re going to keep the Court Reporter around, and in case we have more complicated words than the usual no comment words to report at the end of the closed session, we, I think because of time constraints, we’ll probably -- so we can’t predict exactly when we’ll be back, but I think as a practical matter, we have to finish by 11:30 because of some scheduling issues. But we will leave the WebEx line open -- oh, okay, then what we’re going to do is we’re going to definitely set a time for you so you don’t have to hang around and keep listening, we’ll say we’ll be back right around 11:30 to report
anything, or simply to report that we finished the closed session and we’re adjourning.

And we will likely have, just so you know, we’re probably going to have a second closed session in a few weeks as we get closer to finishing up the Presiding Member’s Proposed Decision. But if we pick a date today, we’ll announce that. If not, we’ll of course have another formal notice of that Committee Conference.

So with that, we are going into closed session. Thank you.

(Off the record at 9:09 a.m.)

(On the record at 11:30 a.m.)

HEARING OFFICER KRAMER: It’s 11:30. This is Paul Kramer, Hearing Advisor for the Carlsbad Committee. We’re back on the record and I’m here to report that the Committee completed its closed session at about 11:10 this morning, but because we set a time specific to come back to report to you, I’m doing that now.

And my report is simply that the Committee has no decisions to announce today. In the future there will be, of course, the Presiding Member’s Proposed Decision may come out, as well as a ruling on the pending motions that I mentioned earlier. And
we are intending to have another Committee Conference in closed session on May 1st in the afternoon, I believe it will start at about 1:00, but we’ll be putting out a formal notice of that, so please consult that for the details including the WebEx conference calling information.

And again, unless we say otherwise, we really don’t think it would be productive for any of the parties to come here, certainly not those who are down in San Diego, because the purpose will largely be, again, to hold a closed session.

So with that, the Committee Conference is adjourned, and we thank you.

(Adjourned at 11:32 a.m.)
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 21st day of April, 2015.

PETER PETTY
CER**D-493
Notary Public
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 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 21st day of April, 2015.

Karen Cutler
Certified Transcriber
AAERT No. CET**D-723