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EVIDENTIARY HEARING FOR THE AMENDMENT TO THE PALEN SOLAR
ENERGY GENERATING SYSTEMS BEFORE THE CALIFORNIA ENERGY
COMMISSION

In the Matter of the:)
)
)
Palen Solar Energy Generating) Docket No.09-AFC-07C
Systems Amendment)

)

CEC HEADQUARTERS
1516 9TH STREET
HEARING ROOM B
SACRAMENTO, CA

1:50 P.M.

REPORTER: TIFFANY C. KRAFT, CSR
LIC. #12277

APPEARANCES

HEARING OFFICER:

Kenneth D. Celli, California Energy Commission

PANEL:

Commissioner Karen Douglas, California Energy Commission

Gabriel Taylor, Advisor to Commissioner Hochschild

Eileen Allen, Advisor at Large

PETITIONER/APPLICANT:

Scott Galati, Attorney for Palen Solar Holdings, LLC

Matthew Stucky, Abengoa Solar, Inc.

CEC STAFF:

Jennifer Martin-Gallardo, Attorney

Christine Stora, Compliance Project Manager

Alana Matthews, Public Advisor

INTERVENOR:

Center for Biological Diversity:

Lisa Belenky, Attorney; Ileana Anderson

Basin and Range Watch:

Kevin Emmerich

APPEARANCES CONTINUED

INTERVENOR:

Colorado River Indian Tribes

Sara Clark, Attorney

South Coast Air Quality Management District

John Yee, Roy Oliveras

Centerline

Scott Blek

FEDERAL GOVERNMENT AGENCIES

Office of the Solicitor; National Park Service

Deborah Bardwick, Aimee Howard

ALSO PRESENT

Marie Flemming

Garret Hering

Ken Waxlax

WITNESSES:

Ilene Anderson

Wendy Campbell

Gregory Darwin

Michael Garabedian, 245 Million Acres

Jacqueline Record

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SACRAMENTO, CALIFORNIA

FRIDAY, NOVEMBER 22, 2013

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COMMISSIONER DOUGLAS: Good afternoon, everybody.

Welcome to the Evidentiary Hearing on Air Quality for the proposed amendment to the Palen Solar Electric Generating System. My name is Karen Douglas. I'm the Presiding Member on this Committee.

On my left is our Hearing Officer, Ken Celli. To his left is Gab Taylor. He's advisor to Commissioner Hochschild. And to the far right here is Commissioners' Technical Advisor for Siting, Eileen Allen. One of my advisors may step in later, Jennifer Nelson or Eli Harland.

Let's see. If we could start by having the Petitioner introduce themselves, please.

MR. GALATI: Scott Galati representing Palen Solar Holdings.

MR. STUCKY: Matt Stucky with Abengoa Solar. We're a member of the Palen Solar Holdings.

COMMISSIONER DOUGLAS: Staff?

MS. STORA: Christine Stora, Compliance Project Manager.

MS. MARTIN-GALLARDO: Jennifer Martin-Gallardo, staff attorney.

1 MS. RECORD: Jacquelyn Record, Air Quality Staff.

2 COMMISSIONER DOUGLAS: Thank you. Let's go
3 through the intervenors now. We heard Ilene Anderson from
4 Center for Biological Diversity. Ilene, you're there. Is
5 Lisa Belinky there as well?

6 MS. BELINKY: Yes. This is Lisa Belinky with the
7 Center.

8 COMMISSIONER DOUGLAS: Great. Thank you.

9 HEARING OFFICER CELLI: I didn't get that.

10 COMMISSIONER DOUGLAS: Lisa Belinky with the
11 Center.

12 HEARING OFFICER CELLI: Got it.

13 COMMISSIONER DOUGLAS: And intervenor Kevin
14 Emmerich with Basin and Range Watch, are you on the line?

15 MR. EMMERICH: Hello. Kevin Emmerich, Basin and
16 Range Watch.

17 COMMISSIONER DOUGLAS: Welcome.

18 Intervenor Alfredo Figeroa, are you here?
19 Alfredo Figeroa, Californians for Reviewable Energy?

20 Okay. What about Intervenor Tonya Velicerian?
21 Or Elizabeth Kliboner with CURE? Doesn't sound like it.

22 Intervenor Roberto Sanchez or Eddie Simons with
23 LIUNA?

24 Or Intervenor Rebecca Loudbear with the CRIT?

25 MS. CLARK: This is Sara Clark from Colorado

1 River Indian Tribe.

2 COMMISSIONER DOUGLAS: Thank you. Welcome.

3 Our Public Advisor Alana Matthews is here.

4 And with that, let me ask if there are any
5 representatives of federal government agencies in the room
6 or on the phone?

7 MS. BARDWICK: Good afternoon. This is Deborah
8 Bardwick with the Office of the Solicitor representing
9 National Park Service.

10 COMMISSIONER DOUGLAS: Thank you.

11 Anyone else? Representative of federal --

12 MS. HOWARD: This is Aimee Howard with the
13 National Park Service.

14 COMMISSIONER DOUGLAS: Excellent. Welcome.

15 Anyone else from federal government agencies?

16 All right. Let me ask if there are any officials
17 representing Native American tribes or nation, besides the
18 Colorado River Indian tribes?

19 Are there any representatives of State or local
20 agencies in the room or on the phone?

21 Okay. So thank you all for that. And with that,
22 I'll turn this over to our Hearing Officer.

23 HEARING OFFICER CELLI: Thank you, Commissioner
24 Douglas. Can you all hear me okay?

25 Before we begin, did we have anyone from CRIT on

1 the line, from Colorado River Indian Tribes?

2 MS. CLARK: Yes. This is Sara Clark.

3 HEARING OFFICER CELLI: Okay. Hi, Sara Clark.

4 Ken Celli here.

5 I had a question regarding Exhibits 8015, -16,

6 -17, -18.

7 MS. CLARK: Yes.

8 HEARING OFFICER CELLI: My recollection was that
9 was a set of documents that had initially been filed and
10 docketed with a request for confidentiality and they were
11 later withdrawn. But I just need to account for them in
12 the record. Do we have that correct?

13 MS. CLARK: No. Those documents were submitted
14 with the request for confidentiality. But we had a ruling
15 that they could be treated confidential for purposes of
16 this proceeding.

17 HEARING OFFICER CELLI: Okay. So I actually
18 will need to have those identified so that we have them in
19 the exhibit list for everybody. So --

20 MS. CLARK: How would you like me to facilitate
21 that?

22 HEARING OFFICER CELLI: If you wouldn't mind
23 saying on the record the title of what exhibit 8015 --
24 these were all declarations; correct?

25 MS. CLARK: They're not official declarations.

1 We call them written statements, but yes.

2 HEARING OFFICER CELLI: If you can just title
3 each one the written statement so and so and just tell us
4 what they are. Go ahead.

5 MS. CLARK: So 8015 is the written statement of
6 Phillip Smith. P-h-i-l-l-i-p, Smith.

7 Exhibit 8016 is the written statement of Stacia
8 Bailey. That's spelled S-t-a-c-i-a. Bailey, B-a-i-l-e-y.

9 The third document, Exhibit 8017, is the written
10 statement of an anonymous CRIT member. The person who
11 provided the statement asked not to be identified by name.

12 And then the last Exhibit 8018 is the written
13 statement of Betty Cornelius. B-e-t-t-y.
14 C-o-r-n-e-l-i-u-s.

15 HEARING OFFICER CELLI: Okay. Thank you very
16 much.

17 MS. CLARK: You're welcome.

18 HEARING OFFICER CELLI: Another housekeeping
19 matter. As I asked the parties to provide any corrections
20 to the 10/28/2013 reporter's transcript.

21 Let me first go to the phones and ask CBD
22 whether -- Ms. Belinky, did you any corrections to the
23 transcript that you wanted to submit?

24 MS. BELINKY: Well, we actually have quite a few
25 corrections. Many of them are sort of line edits. I

1 didn't know how you want to go through those. I'm happy
2 to go through them with you.

3 HEARING OFFICER CELLI: What I need to do is I
4 need to provide those edits to California Reporting so
5 they can get us a cleaned up transcript for everybody. It
6 might be easiest if you have them if you could just e-mail
7 that to me.

8 MS. BELINKY: I'm not sure that I have them in a
9 format like that. I didn't -- you didn't say anything
10 about what format you wanted. And what I have are little
11 comments within the PDF because that's all I could do. If
12 you -- my understanding was you were going to be accepting
13 these corrections on the record today.

14 HEARING OFFICER CELLI: I will. So why don't you
15 just go ahead and tell us what those corrections are,
16 please.

17 MS. BELINKY: On page 21, it's just a small
18 correction. At line 3, it's the issue, not --

19 HEARING OFFICER CELLI: One minute, Ms. Belinky.
20 The court reporter -- it's very hard to hear you in the
21 room. Are you on a speaker phone?

22 MS. BELINKY: I can do this.

23 HEARING OFFICER CELLI: Much better. Thank you.

24 MS. BELINKY: Page 21, line 3, at the end of the
25 line there is an apostrophe it says "ssue." That is

1 supposed to be a separate word, issue.

2 On page 80 -- and I'm going by the PDF pages
3 because there were sections in here. So the page numbers
4 are problematic.

5 MS. CLARK: Can I interrupt for just one second?

6 This is Sara Clark.

7 Are you saying that we can't submit electronic
8 versions of this and you want us to read them all into the
9 record? It just seems a little inefficient.

10 HEARING OFFICER CELLI: It is entirely
11 inefficient actually.

12 Here's what I'm going to do. I'm sorry. I
13 thought it was clear I needed them submitted. And the
14 word "submitted" usually means someone is going to submit
15 written corrections.

16 So Ms. Belinky, I'm going to ask that you put
17 your corrections in some format that you could actually
18 post to the e-filing record and that we can get that to
19 the court reporter's --

20 MS. BELINKY: I would like -- that's fine. I
21 understood it would be done on the record today. I can
22 put them in a document and submit it. It will take me
23 some time -- additional time as well as the hearing is
24 going to take additional time. And we have a deadline for
25 our briefing. So I'm not sure when you want me to do this

1 by. I'm ready to do it right now on the record.

2 HEARING OFFICER CELLI: Can you do a photocopy
3 and fax --

4 MS. BELINKY: No one else has submitted anything.

5 HEARING OFFICER CELLI: Let me start with the
6 petitioner. Do you have corrections?

7 MR. GALATI: I do have corrections that we
8 docketed today. I have seven.

9 HEARING OFFICER CELLI: One minute.

10 Someone is speaking on the phone, and we're going
11 to need you to please be quiet so that we can have the
12 court reporter just hear one person talking at a time. So
13 right now the petitioner has the floor.

14 Go ahead, Mr. Galati.

15 MR. GALATI: I have seven corrections to the
16 first day of evidentiary hearings, and I can docket those
17 as soon as the hearing is finished or I can read them into
18 the record.

19 HEARING OFFICER CELLI: We'll accepted them as
20 docketed.

21 Staff?

22 MS. MARTIN-GALLARDO: We also have something that
23 we can docket after the hearing.

24 HEARING OFFICER CELLI: Okay. Thank you.

25 Mr. Emmerich, did you have any corrections to the

1 record on behalf of Basin and Range Watch?

2 MR. EMMERICH: We don't have anything written.
3 We were also a little confused by it. But there are some
4 corrections we have. I don't really have a list to read
5 right now.

6 HEARING OFFICER CELLI: Okay. That's fine.

7 Again, Mr. Emmerich, it's kind of hard to hear
8 you. We're going to need to you please -- if you're on a
9 speaker phone, it would be better if you could pick up
10 your hand set when you speak because it's hard to hear
11 you.

12 MR. EMMERICH: Unfortunately, I'm on a hand set.

13 HEARING OFFICER CELLI: Okay. Well, we'll just
14 have to keep it real quiet so the court reporter can hear
15 what you have to say.

16 So here's what I would ask that I'm going to ask
17 Basin and Range Watch and all of the parties to submit
18 your corrections to the record for the 10/28 reporter's
19 transcript by this coming Wednesday. This coming
20 Wednesday is November 27th. And you'll just post them as
21 you would with any document and e-file it. And that is
22 how we will take care of those reporter's transcript
23 corrections. I'll try to get those to California
24 Reporting on Wednesday.

25 So next I'd like to talk about today's agenda.

1 Today, we're here to -- okay. We have somebody from the
2 South Coast Air Quality Management District on the phone?

3 MR. YEE: Yes, we do. We have John Yee and Roy
4 Oliveras.

5 HEARING OFFICER CELLI: John Yee, Y-e-e?

6 MR. YEE: That's correct.

7 HEARING OFFICER CELLI:

8 MR. YEE: And the second person was Roy Oliveras,
9 O-l-i-v-a-r-e-s.

10 HEARING OFFICER CELLI: Thank you, Mr. Yee.

11 So today's agenda is that this is the last of the
12 evidentiary hearings for the Palen Solar Electric
13 Generating System's petition for amendment. Today we're
14 going to take evidence on air quality.

15 At the close of the evidence, we will take
16 people's motions regarding exhibits.

17 Following that, we will take public comment.

18 After that, the Committee may adjourn for a
19 closed session.

20 After the closed session, we would come back and
21 come back on the record and after that we will adjourn.

22 The way I'd like to proceed today is the way we
23 have been throughout this process by way of informal
24 hearing. The Committee would call witnesses to testify as
25 a panel on the topic at hand. Witnesses may only testify

1 on topics or issues within their expertise. The testimony
2 may include discussion among the panel without lawyers
3 asking questions. A dialog between the panel members will
4 be permitted to the extent it is efficiently providing
5 useful information to the Committee. Each party's expert
6 will be allowed to state their position without
7 interruption before the dialog ensues.

8 The Committee will guide the discussion. The
9 Committee may can questions of any witnesses at any time.
10 Parties may offer questions for the Committee to ask of
11 any witness after the experts' positions have been
12 established. The Committee may allow limited questions of
13 the panel by the parties at its discretion. The Committee
14 will establish limits as needed on the number of questions
15 a party may ask and the amount of time the line of
16 questioning may consume.

17 The party with the burden of proof may provide
18 final rebuttal testimony if the Committee deems it
19 necessary.

20 The Committee, in the interest of efficiently
21 conducting the evidentiary hearing, may curtail testimony
22 or examination of a witness if it becomes cumulative,
23 argumentative, or in any way unproductive.

24 At the close of testimony, the parties will move
25 exhibits marked for identification to be received into

1 evidence. At the close of evidence, we will take public
2 comment followed by the Committee going into closed
3 session.

4 So with that, I'm going to ask that the parties
5 have their witnesses now -- Petitioner, do you have a
6 witness here?

7 MR. GALATI: Yes, Mr. Celli. We have one witness
8 who is present and we have one on the telephone. He is
9 logged in under his name. You can see him there as Greg
10 Darwin. Gregory Darwin.

11 HEARING OFFICER CELLI: Okay.

12 MR. GALATI: And we have Matt Stucky, who will --
13 both those need to be sworn.

14 HEARING OFFICER CELLI: Mr. Stucky, I'm going to
15 ask you to move away from Mr. Galati a couple of chairs
16 there so there is a big gap between you. Why don't you
17 sit next to the second microphone. Thank you.

18 And staff, your witness?

19 MS. MARTIN-GALLARDO: Yes, we have Jacquelyn
20 Record.

21 HEARING OFFICER CELLI: Jacquelyn --

22 MS. MARTIN-GALLARDO: Record, R-e-c-o-r-d.

23 HEARING OFFICER CELLI: Okay. Stucky. Chris
24 Darwin.

25 MR. GALATI: Greg.

1 HEARING OFFICER CELLI: Greg Darwin.

2 Ms. Belinky, your witness?

3 MS. BELINKY: Ilene Anderson. She's also on the
4 phone.

5 HEARING OFFICER CELLI: Mr. Emmerich, do you have
6 any witnesses?

7 MR. EMMERICH: No, we don't.

8 HEARING OFFICER CELLI: That was a "no," for the
9 record.

10 Sara Clark, do you have any witnesses?

11 MS. CLARK: No, we do not, thanks.

12 HEARING OFFICER CELLI: Thank you.

13 Did Californians for Renewable Energy come on
14 line, Mr. Figueroa?

15 Anyone from CURE or LIUNA on the phone? Okay.

16 With that, then first let's swear the people who
17 are present in the room. If I can have Mr. Stucky,
18 Ms. Record, please stand and raise your right hand.

19 (Whereupon Mr. Stucky and Ms. Record were duly
20 sworn by the Hearing Officer.)

21 HEARING OFFICER CELLI: Thank you. You may be
22 seated.

23 Greg Darwin.

24 MR. DARVIN: Yes.

25 HEARING OFFICER CELLI: Are you on a hand set

1 telephone? It's very hard to hear you right now.

2 MR. DARVIN: Sorry. I'm on a hand set.

3 HEARING OFFICER CELLI: That's much better.

4 How ever you're talking in the phone, keep doing that.

5 MR. DARVIN: I will do so.

6 HEARING OFFICER CELLI: Thank you.

7 (Whereupon Mr. Darwin was duly sworn by the
8 Hearing Officer.)

9 MR. DARVIN: I do.

10 HEARING OFFICER CELLI: Thank you.

11 And Ilene Anderson, please rise and raise your
12 right hand. Can you hear me, Ms. Anderson?

13 MS. ANDERSON: I can. I had to take myself off
14 mute.

15 HEARING OFFICER CELLI: Okay. Great.

16 (Whereupon Ms. Anderson was duly sworn by the
17 Hearing Officer.)

18 MS. ANDERSON: I do.

19 HEARING OFFICER CELLI: Thank you. The witnesses
20 are all sworn.

21 Now, this is a little interesting twist because
22 we have people on the phone and people in the room. And
23 heretofore what we've done is had people sitting as a
24 panel speaking pretty much not simultaneously but
25 contemporaneously.

1 Mr. Galati, do you have any issues with regard to
2 air quality?

3 MR. GALATI: I just need to establish two things,
4 if I may, with an offer of proof.

5 HEARING OFFICER CELLI: Sure.

6 MR. GALATI: The offer of proof is Mr. Stucky
7 will say he agrees with the Final Staff Assessment, the
8 conditions, and the conclusions in the Final Staff
9 Assessment Part C.

10 And Mr. Darwin will make a few points about what
11 was filed last night in the testimony of Ilene Anderson.
12 She referred to some comments that were docketed as well.
13 He has a few points he can make about those, if the
14 Committee is interested.

15 That's all we have. I have my exhibits to move
16 in.

17 HEARING OFFICER CELLI: Really my question is so
18 are Petitioner and staff -- is there any issue between
19 Petitioner and staff?

20 MR. GALATI: None.

21 HEARING OFFICER CELLI: Okay. You concur with
22 that?

23 MS. MARTIN-GALLARDO: Yes.

24 HEARING OFFICER CELLI: Okay. Then why don't you
25 have -- Mr. Stucky, if you would, please make that record.

1 MR. STUCKY: Okay. The Petitioner has reviewed
2 Final Staff Assessment Part C. We agree with the
3 conclusions and we accept the proposed Conditions of
4 Certification.

5 HEARING OFFICER CELLI: Thank you.

6 Now Mr. Darwin, you wanted to make some
7 comment -- or some testimony actually in this case?

8 MR. DARVIN: Yes. It had to do with the filing
9 last night with regards to some of the applicability of
10 the project's trigger in that PSD.

11 HEARING OFFICER CELLI: Please remember to speak
12 right into that phone.

13 MR. DARVIN: Speaking right into it. Sounds like
14 the connection maybe comes and goes. You fade in and out
15 as well. I'll do my best.

16 The applicability determination for PSD is based
17 primarily on whether the major source -- in our case the
18 major source would be either 100,000 tons of greenhouse
19 gas emissions and/or 250 tons of any criteria pollution
20 emissions. We're close to neither one of those
21 thresholds. PSE would not apply to the project in any
22 way, shape, or form.

23 As such, any formal impact analysis that needs to
24 be done under the PSE permitting guidelines for the Park
25 Service, specifically Joshua Tree, would not need to be

1 done. There is no regulatory avenue to do so.

2 HEARING OFFICER CELLI: There is no regulatory
3 what?

4 MR. DARVIN: There's no regulatory avenue to do
5 so. In other words, PSD requires certain analyses that
6 needs to be done, and we're not even close to triggering
7 the PSD permitting requirements on this project.

8 HEARING OFFICER CELLI: Anything further, sir?

9 MR. DARVIN: One last item had to do with I think
10 a comment that was made on the filing last night that it
11 was difficult to understand if natural gas would be used.
12 That is the only primary fuel we'll be using. And the
13 South Coast has established various monitoring
14 requirements and limits on the gas that we can use in the
15 boilers.

16 And that's my statement.

17 HEARING OFFICER CELLI: Thank you very much. And
18 you were able to get all that. I'm asking the court
19 reporter and she's nodding yes. Thank you.

20 Ms. Belinky, your -- actually, Ms. Ilene
21 Anderson, go ahead.

22 MS. ANDERSON: Hi. I just have three points to
23 reiterate from the testimony that I filed yesterday. And
24 one of those is I am still very confused if there is going
25 to be an additional updated assessment. It just sort of

1 seems to me that the process is a bit premature and
2 rushed, because seems like the final determination of
3 compliance should be received before the analysis is
4 actually completed.

5 Secondly, I wanted to bring to the staff and the
6 Committee's attention that a nearby solar project, the
7 Desert Sunlight Photovoltaic Project, actually has four
8 air quality monitoring stations surrounding their project
9 site on basically the north, east, south, and west sides.
10 And those data -- and in particular, my concern are the
11 PM10 emissions in the Valley. And those data sets are
12 available on the internet and also I entered them with the
13 exhibit numbers yesterday.

14 And I'm just concerned that here are data from
15 the local area that were not considered in the staff's
16 evaluation basically of base line emissions. Instead,
17 they're using air quality monitoring from Palm Springs and
18 Blythe, which are significant distances away from the
19 proposed project site.

20 And then my other concern is that it seems like
21 the avoidance and the mitigation measure for the air
22 quality impact are sort of the status quo. And now we've
23 had two projects that have moved forward with construction
24 projects in the same valley that have very similar types
25 of avoidance and mitigation measures for air quality and

1 yet they're still having problems with dust. And I'm
2 particularly concerned because this project is located so
3 close to the I-10 corridor where blowing dust could be
4 problematic for drivers along that stretch of the
5 interstate.

6 Additionally, I did also include some relatively
7 very recent information with regards to biological
8 resources. And I wanted to just briefly go over those.
9 And this was again based on new information that's come in
10 primarily from the Ivanpah State Project with regards to
11 impacts on birds as well as attractants to invertebrates,
12 i.e., insects that actually -- because these insects are
13 out there and being attracted to the project site because
14 of the activities that are going on there with regards to
15 light, et cetera, that that's actually attracting birds to
16 the project site. And so wanted to include those data so
17 that the Committee would have the latest and greatest
18 information on what's going on with these types of
19 anthropology.

20 HEARING OFFICER CELLI: Anything further,
21 Ms. Anderson?

22 MS. ANDERSON: No. Nothing -- no. That's it
23 today. Thank you very much.

24 HEARING OFFICER CELLI: Thank you.

25 Ms. Record, do you have a statement, please?

1 MS. RECORD: Yes, I do.

2 For this amendment, it's for the approved
3 project, Palen Solar Power Project, which is a Solar Power
4 trough technology to the proposed Palen Solar Electric
5 Generating System power tower technology.

6 Staff analysis evaluated the expected air quality
7 impacts from the emissions of criteria air pollutants for
8 both construction and operations of PSEGS. The primary
9 emission sources that are new to the project per power
10 plant unit are as follows:

11 There will be one 249 MMBtu per hour of auxiliary
12 boiler.

13 One 10.5 MMBtu per hour nighttime preservation
14 boiler.

15 A 617 horsepower diesel-fired emergency fire pump
16 Engine Tier 3 certification.

17 One 3,633 horsepower emergency generator, Tier 2
18 certification.

19 One wet surface air condenser unit.

20 In the common area, one 617 horsepower diesel
21 fire pump engine Tier 3.

22 One 398 horsepower diesel-fired emergency
23 generator, Tier 3.

24 And mobile emission sources, which will be
25 dedicated to mirror washing, light-duty trucks, and water

1 trucks.

2 If left unmitigated, the proposed modified
3 project's construction activities could contribute to a
4 level of significance for PM10, NOx, and ozone impacts.

5 Staff recommends condition certification AQSC-1
6 to AQSC-5 to mitigate to the potential impacts. The
7 proposed modified project's operational impacts would
8 contribute to existing violations of ozone and PM10
9 ambient air quality standards and are likely significant
10 if unmitigated.

11 Therefore, staff recommends condition
12 certification AQSC-6 to mitigate onsite vehicles'
13 emissions and conditions certification AQSC-7 to mitigate
14 the operating fugitive dust emissions to ensure that
15 potential ozone and PM10 impacts are mitigated to less
16 than significant over the life of the project.

17 Operations of the project would comply with
18 applicable South Coast AQMD rules and regulations,
19 including new source review, best available control
20 technology requirements, and requirements to opt into NOx
21 reclaim program to mitigate NOx emissions.

22 Staff recommends the inclusion of District's PDOC
23 conditions as adopted, conditions of certification AQ-1
24 through AQ-60.

25 The published Final Staff Assessment reflects the

1 South Coast AQMD preliminary determination of compliance
2 conditions from October 2013. These conditions may be
3 modified further when the Final Determination of
4 Compliance is published.

5 The Air District will be providing a comment
6 letter with some numerical changes to the text of the
7 document. No changes would be required to the conditions
8 of certification.

9 And we will submit those in writing, if that's
10 okay.

11 HEARING OFFICER CELLI: Okay.

12 MS. RECORD: And also staff has some changes to
13 the text, so if that's okay.

14 HEARING OFFICER CELLI: Changes to --

15 MS. RECORD: It will be like some calculation
16 errors, minor. They don't change any conclusions.

17 MS. STORA: This is Christine Stora, for the
18 record.

19 We're talking about text changes to the body of
20 the FSA, not the Conditions of Certification. So this is
21 just minor changes to the language in the FSA. It does
22 not affect the Conditions of Certification.

23 HEARING OFFICER CELLI: Thank you.

24 When is the -- do we know when the FDOC is
25 going -- actually don't we have someone from the Air

1 Quality --

2 MS. RECORD: South Coast.

3 HEARING OFFICER CELLI: South Coast on the phone.
4 That was John Yee and Roy Oliveras. And when are we going
5 to see an FDOC?

6 MR. YEE: This is John Yee with South Coast.

7 We are currently -- well, right now, the FDOC, we
8 have to wait until the 30-day public notice is finished
9 and 45-day EPA review. The EPA review will be the later
10 of the two. And that ends on December 3rd. And after we
11 consider all comments that are sent to us during that
12 period, including the ones from EPA and other parties that
13 are interested, then we can issue the FDOC shortly
14 thereafter. So sometime after December 3rd.

15 HEARING OFFICER CELLI: Is that December 3rd or
16 30th?

17 MR. YEE: Three.

18 HEARING OFFICER CELLI: Thank you.

19 Now, we've heard from everybody's witness at this
20 point. And I'm just going to ask -- I'm just going to go
21 around and ask the attorneys whether they have any
22 follow-up or additional questions, starting with
23 petitioner, Mr. Galati.

24 MR. GALATI: I just have -- Scott Galati. I just
25 have a follow-up question for staff of whether they could

1 address whether they thought it was important to use the
2 Desert Sunlight air quality monitoring data for purposes
3 of the evaluation.

4 MS. RECORD: Staff actually prefers to use ARB
5 monitoring sites or EPA monitoring sites. We get our data
6 specifically from those programs that are out there. And
7 so at this time, we probably wouldn't use the Desert
8 Sunlight also because it only has a year and a half's
9 worth. We usually go back five years' worth of data.

10 MR. GALATI: Just won't follow-up.

11 HEARING OFFICER CELLI: Please.

12 MR. GALATI: And the air monitoring that was done
13 at Desert Sunlight was specifically during their
14 correction activities, correct?

15 MS. BELINKY: Oh, yes, correct.

16 MR. GALATI: So it wouldn't represent the
17 background in and around the Chuckwalla Valley, would it?

18 MS. BELINKY: That is correct.

19 HEARING OFFICER CELLI: I wonder if you could say
20 that, because I wasn't clear whether you said "would" or
21 "wouldn't." Can you restate that, Ms. Record?

22 MS. BELINKY: Sorry. Wouldn't.

23 HEARING OFFICER CELLI: The question was --

24 MS. RECORD: Okay. The Desert Sunlight most
25 likely would not best represent the background in the area

1 currently.

2 HEARING OFFICER CELLI: Very clear. Thank you.

3 Staff, any questions?

4 MS. MARTIN-GALLARDO: I do have two or three
5 questions.

6 HEARING OFFICER CELLI: Go ahead.

7 MS. MARTIN-GALLARDO: Following up on that, the
8 Desert Sunlight data, am I correct in understanding that
9 that is not -- that data, those data areas that -- the
10 areas from which they're collecting the data, that's not
11 on the ARB's accepted list of sites from which you can get
12 that monitoring data?

13 MS. RECORD: That is correct.

14 MS. MARTIN-GALLARDO: Okay.

15 HEARING OFFICER CELLI: I'm just going to ask for
16 Ms. Martin-Gallardo, if you can, in the spirit of our
17 informal hearings, if you could rather than lead your
18 witness with "yes" or "no" questions, if you could ask her
19 open narrative questions so we can get a little more data,
20 that would be appreciated.

21 MS. MARTIN-GALLARDO: Sure. Sure.

22 HEARING OFFICER CELLI: Thanks.

23 MS. MARTIN-GALLARDO: Do you believe that the
24 avoidance and mitigation measures that you have provided
25 in the conditions of certification will address the

1 impacts that you identified in the FSA?

2 MS. RECORD: Staff believes that the mitigation
3 measures suggested in staff assessment would appropriately
4 mitigate to the fullest extent feasible.

5 MS. MARTIN-GALLARDO: No further questions.

6 HEARING OFFICER CELLI: Thank you.

7 Ms. Belinky, any questions of any witness?

8 MS. BELINKY: Yes. I think I have just two
9 questions. And one of them is for staff. You said that
10 the Desert Sunlight is not the background. But I'm trying
11 to understand what you mean by that, the Desert Sunlight
12 project is quite nearby and it's certainly in this area.
13 What is it that you meant by saying it was not the
14 background?

15 HEARING OFFICER CELLI: Ms. Record, that was to
16 you.

17 MS. RECORD: Yes, Ms. Belinky.

18 For the background values, we normally like to
19 use the past five years' worth of data to get a good idea
20 of what the background is. So the project's current
21 environment is the background value. We like to get as
22 much data as possible to get the maximum background.

23 MS. BELINKY: It answers to some extent, but I'm
24 still unclear. If you had -- if you know about this
25 data --

1 MS. RECORD: No, I did not. It sounds very
2 specific to the project. I'm guessing they were required
3 to -- also, too, this Desert Sunlight I don't believe is a
4 CEC project. So I'm unaware of what exactly the
5 construction background that's going on on the site. I'm
6 actually unaware of the project.

7 MS. BELINKY: Thank you. Are you aware that this
8 project is listed as one of the cumulative projects in the
9 area?

10 MS. RECORD: Okay. I do briefly remember seeing
11 that, but it was actually out of my six-mile buffer
12 radius. So that's why I didn't analyze it.

13 MS. BELINKY: I see. Okay. And are you aware --
14 were you aware of issues with PM10 in this valley --

15 MS. RECORD: Yes.

16 MS. BELINKY: -- from the construction of these
17 projects?

18 MS. RECORD: The area is actually a
19 non-attainment. So that means that the background is
20 above the air quality standards.

21 MS. BELINKY: Yes. But are you were you aware of
22 the specific problems that have occurred with construction
23 of projects -- large scale solar projects in this area?

24 HEARING OFFICER CELLI: Perhaps, Ms. Belinky --
25 Ms. Belinky, if you could perhaps specify what problems

1 you are talking to so she can address those directly.

2 MS. BELINKY: Well, she said she wasn't aware.

3 So, for example, we have in the record -- Ms. Anderson
4 provided last night an article called "Solar Threatened

5 Biofuels, about some of the impacts of higher levels of
6 PM10 in the area on agricultural crops.

7 MS. RECORD: I have not seen that. Was that
8 docketed today?

9 MS. BELINKY: It was docketed yesterday.

10 MS. RECORD: Oh.

11 HEARING OFFICER CELLI: Actually it was docketed
12 today because it came in after 7:00 p.m. last night. The
13 way that the docket works is anything that comes in 5:00
14 p.m. goes into the next day.

15 MS. ANDERSON: Just to let you know, I had it all
16 docketed, despite the problems with the system before 5:00
17 yesterday.

18 HEARING OFFICER CELLI: Okay. Go ahead, Ms.
19 Belinky. The questions are with you.

20 MS. BELINKY: Well, I already asked the question
21 and she said she was not aware of it --

22 HEARING OFFICER CELLI: Anything further?

23 MS. BELINKY: -- in that document which was
24 Exhibit 3087.

25 Well, I do have one other question. And I wasn't

1 sure who was speaking, but they were talking about the
2 trigger for the prevention of significant deterioration
3 and the 100,000 tons limit on the GHG being the trigger
4 for that.

5 However, I did want to understand -- now that is
6 also saying it may revise some of the analysis, specifically
7 some of the calculations. So are any of those
8 calculations that may be revised related to the greenhouse
9 gas emissions?

10 HEARING OFFICER CELLI: That question was to Mr.
11 Darwin, I believe.

12 MS. BELINKY: I think it was to staff. I'm not
13 sure who --

14 MS. RECORD: I can actually answer that.

15 This is Jacquelyn Record. We will not be
16 adjusting any greenhouse gas emissions or calculations or
17 any values. Those will not be changing.

18 MS. BELINKY: Can you tell us which values may be
19 changing?

20 MS. RECORD: Do you want me to do the ones that I
21 found myself?

22 HEARING OFFICER CELLI: Just do the ones --

23 MS. RECORD: One that will be changing, Ms.
24 Belinky, in Air Quality Table 9, PSEG's operations annual
25 emissions for PM10. They will -- for the subtotal of

1 on-site emissions I had 40 something. And I need -- it
2 was a calculation error from previous emissions I didn't
3 update. They need to be 23.85 for PM 10. And then for
4 PM2.5, those need to go to 5.67.

5 MS. STORA: Sorry for interrupting. This is
6 Christine Stora.

7 Can you please indicate for the record which page
8 numbers you're talking about and which document?

9 MS. RECORD: Sure. This is in the Final Staff
10 Assessment, page 4.1-22. Previously, there was 47.52 for
11 PM10 subtotal of on-site emissions. That now needs to be
12 23.85. So for Air Quality Table 9. And for PM2.5 --

13 MS. BELINKY: I'm sorry. I'm catching up with
14 what page it was on --

15 MS. RECORD: 4.1 --

16 MS. BELINKY: -- PM10.

17 MS. RECORD: -- it's on page 4.1-22.

18 MS. BELINKY: Yes.

19 MS. RECORD: And then PM10 column, and then it's
20 for the row that says "subtotal of on-site emissions."
21 There was previously 47.52 tons per year. That is an
22 error. It should be 23.85 tons per year.

23 MS. BELINKY: We must be looking at two different
24 places because that's not what it says on the chart I'm
25 looking at. Okay. Maybe I was on the wrong page. Okay.

1 Here. 47.25 should actually be 23.85?

2 MS. RECORD: Yes.

3 MS. BELINKY: That's a pretty big change.

4 MS. RECORD: Decrease, uh-huh. And then PM --

5 MS. BELINKY: What does that represent, that
6 decrease?

7 MS. RECORD: Those are the mass emissions on an
8 annual basis for the entire project the operations on
9 site.

10 MS. BELINKY: I'm just trying to understand
11 how -- what made you change the number?

12 MS. RECORD: Oh, I just want to clarify these are
13 typographical errors. Nothing changed.

14 MS. BELINKY: I don't know how that could be a
15 typographical error because it still doesn't add up to
16 what's in the column.

17 HEARING OFFICER CELLI: That would be
18 argumentative.

19 MS. BELINKY: What kind of error it is?

20 Well, I think, first of all, this was only
21 provided on the first of the month. And already there are
22 corrections. We're trying to understand what is it that
23 the staff is saying.

24 HEARING OFFICER CELLI: Okay. Go ahead and ask
25 your question.

1 MS. BELINKY: I asked how did the change come
2 about, the number on the page is 47.52.

3 MS. RECORD: Uh-huh.

4 MS. BELINKY: How did you get a new number?

5 MS. RECORD: I calculated it incorrectly
6 previously.

7 MS. BELINKY: You re-calculated.

8 MS. RECORD: Yes. I noticed the error on those
9 two columns. So for PM10 and PM2.5.

10 MS. BELINKY: And for PM2.5

11 MS. RECORD: It previously said 11.16, and it
12 should be if you calculate all -- so the auxiliary boiler,
13 nighttime preservation, and so on, you should get 5.67.

14 HEARING OFFICER CELLI: Ms. Record, I'm going to
15 ask that when Ms. Belinky is asking you a question, you
16 not speak until she finishes asking the question because
17 the court reporter can't get two people talking at once,
18 especially with this bad telephone problem we're having
19 so --

20 MS. RECORD: Yes. Okay.

21 HEARING OFFICER CELLI: -- please try to be
22 conscious of that.

23 Go ahead, Ms. Belinky.

24 MS. BELINKY: Okay. Thank you.

25 On the PM2.5, I think I understand what you're

1 saying if you just add the -- on the 2.5, if you just
2 re-add that column, it was incorrectly added and should
3 have been 5.67.

4 But on the PM10, that does not appear to be
5 accurate. So I'm trying to understand -- or perhaps it
6 is. So you're saying it's now 23.85. So you re-added
7 those columns, is that what you've done?

8 MS. RECORD: Correct.

9 MS. BELINKY: Okay. And are any other staff
10 available to tell us what the other corrections that they
11 anticipate?

12 HEARING OFFICER CELLI: Was the question is there
13 any other staff here to, what, Ms. Belinky?

14 MS. BELINKY: To let us know what other
15 corrections are anticipated?

16 HEARING OFFICER CELLI: Is this your only
17 witness?

18 MS. MARTIN-GALLARDO: Yes. This is staff's only
19 witness.

20 HEARING OFFICER CELLI: According to
21 Ms. Martin-Gallardo, this is the only staff witness here,
22 Ms. Belinky.

23 MS. BELINKY: Okay. So my question for staff is
24 are there any other corrections that you anticipate
25 making?

1 MS. MARTIN-GALLARDO: Not at this time.

2 HEARING OFFICER CELLI: And that was Ms. -- the
3 attorney for staff, Ms. Martin-Gallardo.

4 MS. BELINKY: Thank you.

5 HEARING OFFICER CELLI: Did you have any further
6 questions?

7 MS. BELINKY: I do not have any questions at this
8 time. Thank you.

9 HEARING OFFICER CELLI: Thank you, Ms. Belinky.

10 Mr. Emmerich, do you have any questions for any
11 witnesses?

12 MR. EMMERICH: Can you hear me okay?

13 HEARING OFFICER CELLI: Not very well. You sound
14 very muffled. Can you try to do your best to speak
15 clearly into the phone loudly?

16 MR. EMMERICH: I'll try. I'll try to keep this
17 question as brief as I can.

18 There have been -- I brought this up at
19 workshops, but I didn't really get an adequate answer.
20 And it's not really addressed in the air quality FSA. So
21 I'm asking for clarification on most of the -- the most
22 severe dust blackout days where we've seen incidents on
23 Desert Sunlight and the Genesis Project, there is severe
24 incidents happened during very high wind.

25 I brought this up, and I was told that there

1 would not be a construction curtailment mitigation for
2 fugitive dust on windy days because it would be difficult
3 to determine where the winds are blowing on the whole
4 project site. However, if the winds are really severely
5 blowing, would not curtailment of construction on that day
6 mitigate fugitive dust emissions? I guess that question
7 would be for staff or for the applicant. Thank you.

8 HEARING OFFICER CELLI: Okay. Did everyone get
9 that? The question is had to do with curtailment on windy
10 days of construction, and would that further mitigate for,
11 I guess, fugitive dust.

12 Let's hear from staff first, I guess.

13 Ms. Record.

14 MS. RECORD: Yes. This is, Ms. Record.

15 Right. Currently, we have AQSC 4. It's a dust
16 plume response requirement that is based on observations
17 of plumes moving on site or off site. And there's a
18 specific mechanism -- step by step mechanism of how these
19 plumes are to be -- are to not actually leave the site.
20 I'm unaware of the blackout though. I don't know how if
21 that would help.

22 HEARING OFFICER CELLI: Perhaps any of staff's
23 witnesses? Mr. Stucky?

24 MR. GALATI: I don't have any witness that will
25 answer it, other than we think the Conditions of

1 Certification call for what to do when there are plumes.

2 HEARING OFFICER CELLI: Did you get all that, Mr.
3 Emmerich?

4 MR. EMMERICH: Yeah, I got a lot of that. I just
5 believe that they're not really answering the question.
6 If there is a lot of wind and very consistent and it's
7 consistent throughout the region known as Chuckwalla
8 Valley, it would seem to me like curtailment for that day
9 would reduce the emissions. Why is that so complicated?

10 HEARING OFFICER CELLI: Ms. Record, if you can
11 answer that.

12 MS. RECORD: Okay. Actually, I do have a
13 follow-up. So step three, there is a temporary shut down
14 requirement for the project if they are causing emissions
15 within one hour of the original determination of the plume
16 being significant. Or if there is any visible plume after
17 all the rest of the mitigation has been tried and if there
18 still is something, there is a requirement to temporarily
19 shut down.

20 HEARING OFFICER CELLI: Go ahead, Mr. Emmerich.
21 Anything further?

22 MR. EMMERICH: No, I don't. Thank you.

23 HEARING OFFICER CELLI: Thank you.

24 Lastly, the Colorado River Indian Tribes, any
25 questions?

1 MS. CLARK: No questions. Thank you.

2 HEARING OFFICER CELLI: Okay. Then at this time,
3 I just want to ask if anybody -- did you have any or
4 staff, did you need to ask anything of the air quality
5 people?

6 MR. GALATI: No.

7 HEARING OFFICER CELLI: Everybody is saying no.
8 Okay.

9 Then is there a motion by the Petitioner?

10 MR. GALATI: Yes I would like to move Exhibit
11 1003, 1007, 1018, 1021, 1041, 1043, 1045, 1054, 1056,
12 1057, and 1079 into the record.

13 HEARING OFFICER CELLI: Okay. The motion to move
14 those exhibits into the record, is there any objection
15 from the staff?

16 MS. MARTIN-GALLARDO: No objection.

17 HEARING OFFICER CELLI: CBD, any objection to
18 those exhibits being received into evidence?

19 MS. BELINKY: No objection.

20 HEARING OFFICER CELLI: Basin and Range Watch,
21 Mr. Emmerich, any objection to those exhibits being
22 received?

23 MR. EMMERICH: No.

24 HEARING OFFICER CELLI: Colorado River Indian
25 Tribes, any objection?

1 MS. CLARK: No.

2 HEARING OFFICER CELLI: Okay. Then the motion is
3 granted. Exhibits 1003, 1007, 1018, 1021, 1041, 1043,
4 1045, 1054, 1056, 1057, 1079 are received into evidence.

5 (Whereupon the above-referenced exhibits were
6 received into evidence by the Hearing Officer.)

7 HEARING OFFICER CELLI: Staff, do you have a
8 motion?

9 MS. MARTIN-GALLARDO: Yes. Staff would first
10 like to mark for -- as exhibits FSA Part C, filed November
11 1st as Exhibit 2013.

12 Staff's comment letter to the South Coast, which
13 was docketed on November 18th, regarding the comment
14 letter to South Coast regarding the PDOC as Exhibit Number
15 2014.

16 And I'm not sure how to handle the next ones. We
17 are anticipating today a comment letter from South Coast
18 on our FSA Part C. When that's received, I think it would
19 be helpful to have that also in the record as Exhibit
20 Number 2015.

21 HEARING OFFICER CELLI: And what about the FDOC?

22 MS. MARTIN-GALLARDO: Perhaps we should add that
23 as Exhibit 2016.

24 So with all of those marked, I have a couple of
25 others to add and move all of them into the record.

1 HEARING OFFICER CELLI: Please go ahead.

2 MS. MARTIN-GALLARDO: We have existing Exhibit
3 Number 2006, the PDOC; 2008, and then 2013, 2014, 2015,
4 and 2016.

5 HEARING OFFICER CELLI: Any objection from the
6 petitioner to the admission of those exhibits?

7 MR. GALATI: No objection, although I think we
8 should just leave the record open for the FDOC since it's
9 not created.

10 HEARING OFFICER CELLI: Well, the question I have
11 about that is how long do we leave this record open? If
12 the schedule currently has a December 9th PMPD publication
13 date, are you asking the Committee to hold off on
14 publishing the PMPD until the FDOC comes out?

15 MR. GALATI: No. I'm asking you -- you can go
16 forward with maybe this comment letter on the Final Staff
17 Assessment or some communication from the district that
18 the PDOC represents a fair and accurate calculation of the
19 Determination of Compliance can go forward.

20 If you are going to wait for the FDOC, I do think
21 you need to wait for that before you take final action.
22 But I don't think you need to wait for that for your PMPD.

23 HEARING OFFICER CELLI: And they're suggesting
24 December 3rd, 2013, which would be short of PMPD
25 publication date.

1 So I think it's reasonable to leave these place
2 holders open. And I can't imagine anybody -- well, I can
3 imagine. But let's hear from the other parties I guess.

4 CBD, is there any objection to the admission of
5 Exhibits 2006, 2008, 2013, through 2016 inconclusive?

6 MS. BELINKY: Yes. We object to admitting actual
7 evidence that hasn't been presented, which is the comment
8 they are expecting from South Coast and the actual FDOC.
9 I don't believe they should be admitted as evidence when
10 they are not actually provided.

11 HEARING OFFICER CELLI: Very well. Then we will
12 just leave the record open until we receive Exhibits 2013
13 through 2016 -- or is it just 2015 and 2016?

14 MS. STORA: Yes. It's just 2015 and 2016.

15 HEARING OFFICER CELLI: So therefore, 2006, 2008,
16 2013, and 2014 are received into evidence. And we'll
17 leave the record open pending 2000 -- Exhibits 2015 and
18 2016. Any objection to that motion, CBD?

19 MS. BELINKY: No.

20 HEARING OFFICER CELLI: No objection.

21 Mr. Emmerich, any objection?

22 MR. EMMERICH: No.

23 HEARING OFFICER CELLI: And Ms. Clark, any
24 objection?

25 MS. CLARK: No.

1 HEARING OFFICER CELLI: Okay. CBD, you have --
2 the record should reflect the Exhibits 2006, 2008, 2013,
3 and 2014 are received into evidence.

4 (Whereupon the above-referenced exhibits were
5 received into evidence by the Hearing Officer.)

6 HEARING OFFICER CELLI: CBD, you have a motion?

7 MS. BELINKY: Yes. We have several air quality
8 exhibits. And then I have other exhibits, though we
9 should probably do them separately.

10 The air quality exhibits are 3066, 3067, 3068,
11 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077,
12 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, and
13 3087. We'd like to move all of those into the record as
14 air quality.

15 HEARING OFFICER CELLI: Petitioner, any objection
16 to those exhibits being received?

17 MR. GALATI: No.

18 HEARING OFFICER CELLI: Staff, any objection?

19 MS. MARTIN-GALLARDO: No objection.

20 HEARING OFFICER CELLI: Basin and Ranch Watch,
21 any objection?

22 MR. EMMERICH: No objection.

23 HEARING OFFICER CELLI: CRIT, any objection?

24 MS. CLARK: No.

25 HEARING OFFICER CELLI: Those exhibits 3066,

1 3067 -- let's just say 3066 through 3087 inconclusive are
2 received.

3 (Whereupon the above-referenced exhibits were
4 received into evidence by the Hearing Officer.)

5 HEARING OFFICER CELLI: Basin and Range Watch did
6 not have any exhibits, nor did CRIT.

7 So now, Ms. Belinky, you said you had some other
8 motion you wanted to bring with regard to exhibits?

9 MS. BELINKY: Yes. We have additional exhibits.

10 The Exhibit 3065, which was docketed just a few
11 days after the hearing, relates to a question that arose
12 at the hearing when we were accepting alternative and
13 biological resources and Ilene Anderson submitted
14 clarification.

15 And number 3091 is a map that was produced by the
16 applicant, or petitioner, and relates to issues that we
17 had raised regarding project description and alternatives.
18 Both of those we would like to have admitted in the
19 proposed alternatives and biological resources.

20 And then we have three other exhibits which are
21 additional updated information about impacts to biological
22 resources. And those are 3088, 3089, and 3090.

23 HEARING OFFICER CELLI: Okay. I need you to
24 identify --I understand 3065 is Ms. Anderson's comments
25 regarding alternatives and 3091 is a map. What is 3088,

1 3089, and 3090? Can you tell me what those are, please?

2 MS. BELINKY: Sure. 3088 is a recent article
3 about additional impacts that they're finding at the site,
4 the plant. Particularly, as Ms. Anderson had mentioned,
5 there was testimony there is new evidence that perhaps
6 certain birds are actually being attracted to the power
7 tower.

8 Number 3088 also discusses -- that was 3088.

9 3089 is the updated report from the ISEG project
10 on additional bird mortalities and other impacts.

11 And 3090 is an article about the attracting birds
12 towards the project.

13 So one is on this so-called funnel effect, which
14 is like an environmental trap. And the 3089 is about
15 specific birds that are believed to be attracted to
16 the project.

17 HEARING OFFICER CELLI: Okay. Let me make sure I
18 have this, birds attracted.

19 MS. BELINKY: I can send you -- I have a new
20 updated list. I can send you the Word document.

21 HEARING OFFICER CELLI: That's fine. I just want
22 to be able to say for the record what we're talking about.

23 So the Exhibit 3088 is an article regarding avian
24 morality at Ivanpah.

25 3089 is an updated report regarding ISEG's bird

1 mortality -- is that an Energy Commission report?

2 MS. BELINKY: It is a report to the compliance
3 report, yes.

4 HEARING OFFICER CELLI: And then 3090 is an
5 article regarding birds being attracted to -- are you
6 saying solar towers?

7 MS. BELINKY: Yes. To the ISEG plant.

8 HEARING OFFICER CELLI: Any objection to the
9 admission of Exhibits 3065, 3088 through 3091 inclusive,
10 Petitioner?

11 MR. GALATI: We don't mind all of those coming
12 in. We'd like the Committee to note that as it has done
13 in the past, when you let news articles in, you give them
14 the appropriate hearsay weight they deserve.

15 HEARING OFFICER CELLI: Of course.

16 Any objection from staff?

17 MS. MARTIN-GALLARDO: No.

18 HEARING OFFICER CELLI: Any objection from Basin
19 and Range Watch?

20 MR. EMMERICH: No.

21 HEARING OFFICER CELLI: Any objection from
22 Colorado River Indian Tribes?

23 MS. CLARK: No.

24 HEARING OFFICER CELLI: Thank you. Then exhibits
25 3065, 3088, 3089, 3090, 3091 are received into evidence.

1 (Whereupon the above-referenced exhibits were
2 received into evidence by the Hearing Officer.)

3 HEARING OFFICER CELLI: And ladies and gentlemen,
4 then I -- go ahead, Mr. Galati, you had a question?

5 MR. GALATI: I didn't want you to go to public
6 comment. I had some housekeeping.

7 HEARING OFFICER CELLI: Before I go to the public
8 comment and to housekeeping, I wanted to close the record
9 on air quality. So can I excuse the witnesses? Is there
10 anybody who needs anything further on air quality?
11 Petition?

12 MR. GALATI: No.

13 HEARING OFFICER CELLI: Staff?

14 MS. MARTIN-GALLARDO: No.

15 HEARING OFFICER CELLI: CBD?

16 MS. BELINKY: No.

17 HEARING OFFICER CELLI: Basin and Range Watch,
18 Mr. Emmerich?

19 MR. EMMERICH: No.

20 HEARING OFFICER CELLI: Colorado River Indian
21 Tribes?

22 MS. CLARK: No.

23 HEARING OFFICER CELLI: Thank you. I'm going to
24 excuse the witnesses.

25 And you had a question, Mr. Galati. Go ahead.

1 MR. GALATI: Yes. At the evidentiary hearing
2 when I had made a motion for the administrative notice
3 portions of the rights record, I could not point
4 specifically to the rights record. I asked for the
5 decision in the Presiding Member's Proposed Decision. I
6 do not need the Presiding Member's Proposed Decision, but
7 I would like to have administrative notice of Exhibit 55,
8 which was one piece of testimony.

9 HEARING OFFICER CELLI: What is Exhibit 55?

10 MR. GALATI: Exhibit 55 is a piece of rebuttal
11 testimony that talked about fire needs and calculations
12 performed in the rice project.

13 HEARING OFFICER CELLI: So that was -- that's not
14 in the PSPP. That wasn't in the Palen Solar Power Plant
15 project. That was in Rice.

16 MR. GALATI: Correct.

17 HEARING OFFICER CELLI: One moment.

18 (Discussion by members off record.)

19 HEARING OFFICER CELLI: Okay. Let's hear, is
20 there any objection from staff to the Committee taking
21 official notice of Exhibit 55 from the Rice -- what is the
22 Rice? Do you happen to know what Rice's --

23 MR. GALATI: Rice Solar Energy Project 09-AFC-10.

24 HEARING OFFICER CELLI: Okay. So the request is
25 for official notice of Exhibit 55, which was, I take it,

1 admitted in the Rice matter?

2 MR. GALATI: Correct. It was admitted and relied
3 on. But when going through the final decision, it didn't
4 summarize the numbers. It just referred to them. So in
5 order for me to point to the numbers, I need Exhibit 55.
6 The final decision did rely on it.

7 HEARING OFFICER CELLI: Okay. So what you just
8 said gives me some concern. If I go into the record, am I
9 going to find Exhibit 55? Or do I have to have you give
10 me more specificity what that document is?

11 MR. GALATI: It's a very specific stand-alone
12 document called Exhibit 55. And it is the rebuttal
13 testimony of Wesley Alston.

14 HEARING OFFICER CELLI: Okay. Any objection,
15 staff?

16 MS. MARTIN-GALLARDO: No.

17 HEARING OFFICER CELLI: CBD?

18 MS. BELINKY: I guess I'm not sure what it is. I
19 haven't seen it. No, I guess not. It's very -- extremely
20 unusual for testimony -- I mean, if it's testimony but not
21 testified in a different proceeding and that person isn't
22 here. So I just -- as a procedural matter, I don't
23 understand it.

24 HEARING OFFICER CELLI: But do you object to it?

25 MS. BELINKY: If it's testimony -- I do object

1 because testimony needs to be in this matter. And I mean,
2 otherwise, maybe we can bring in testimony that was
3 presented in other matters. I've always been informed we
4 couldn't do that. If we wanted to rely on testimony, it
5 had to be in this matter. So I'm quite confused as to
6 what the procedure would be to bring in such matter.

7 HEARING OFFICER CELLI: Any objection from Basin
8 and Range Watch?

9 MR. EMMERICH: No, we don't.

10 HEARING OFFICER CELLI: Any objection from
11 Colorado River Indian Tribes?

12 MS. CLARK: I would concur with Lisa's comments.

13 HEARING OFFICER CELLI: Okay. Then here's what I
14 would just say, and I'll hear from the parties. That our
15 Regulations 1212 -- Section 1212 of Title 20 allows
16 hearsay to be admitted, but it does -- specifically
17 precludes a finding based on the hearsay. So the hearsay
18 is admissible to supplant -- or not to supplant, rather,
19 to support other competent evidence, but in itself is not
20 sufficient to support the finding. So this testimony
21 would be hearsay. So I'm inclined to admit it with the
22 admonition that this is hearsay that in itself would not
23 support a finding.

24 MR. GALATI: This was testimony under oath under
25 declaration of penalty of perjury in front of this very

1 Commission and in front of one of the Commissioners who is
2 sitting in the room.

3 This testimony, because I don't want to surprise
4 anybody, I will tell you exactly what it is. There is a
5 number that was added up in Rice. And I wanted to tell
6 you where that number came from so you could see where it
7 was added up. The Committee didn't put it in the final
8 decision. They just gave the total number. If you're
9 fine with that total number, so am I. I thought it would
10 be more specific to tell you and this is how they got to
11 it. The only way to do that was not in the PMPD. It was
12 in the testimony, which was given before the Commission
13 under oath.

14 We just allowed in newspaper articles. Now
15 granted, given hearsay, we also allowed in confidential
16 documents. So I'm actually giving you a document that
17 somebody testifying under penalty of perjury before you
18 on.

19 HEARING OFFICER CELLI: Understood. All of that
20 goes to the weight of the testimony. But the testimony is
21 hearsay, as are those articles and probably a lot of other
22 evidence we've taken in.

23 So at this time, the Committee would admit or
24 rather take official notice of Exhibit 55 from the Rice
25 AFC, which is 09-AFC-10.

1 Anything further from any of the parties on any
2 of this? Because this was actually -- we're now into
3 housekeeping. So was there anything further from the
4 Petitioner?

5 MR. GALATI: No. And we've docketed that for you
6 as well.

7 HEARING OFFICER CELLI: Thank you.

8 Staff?

9 MS. MARTIN-GALLARDO: This just raises at issue.
10 As we draft our opening briefs, there was no question
11 whether or not you actually needed to take official notice
12 of the final decision issued in the PSPP case, or if
13 that's actually part of this whole thing. So I will just
14 say that we would be asking for you to take official
15 notice of your final decision in this case.

16 HEARING OFFICER CELLI: The Committee will
17 certainly take official notice of the underlying Palen
18 Solar Power Plant. Okay.

19 Anything further, CBD?

20 MS. BELINKY: We do have one further thing, which
21 is the staff and the petitioner filed additional COCs in
22 the last few weeks. And it's very hard for us to
23 understand some of the things in there. And I'm
24 particularly concerned that we're being asked to respond
25 but we don't know how they reached these agreements. And

1 there appear to be statements made in there that are not
2 accurate and may require additional testimony.

3 So we are really trying to understand given --
4 and this goes also to the question from the Committee for
5 briefing. Given that the Committee has asked about things
6 like curtailment as the mitigation measure and how they
7 should structure a Technical Advisory Committee and
8 facilitate public transparency, there seems to be a lot of
9 assumptions about what is going to be the structure of
10 these post approval -- assuming there is an approval --
11 actions.

12 And the new COCs that we saw that were agreed to
13 actually raised more questions about them rather than --
14 actually rather than resolve some of our issues with these
15 questions. And so we are very concerned about this whole
16 effort to defer discussion about mitigation measures, how
17 they would be developed, and what would be the parameters
18 of those measures to a later time after a decision is
19 made.

20 It isn't improper -- clearly, it isn't proper
21 under CEQA. And it's also very confusing to us even what
22 is now being proposed. Because the questions from the
23 Committee specifically mention curtailment. Nothing in
24 the COC mentioned curtailment or other measures or metrics
25 or et cetera. So we seem to have a very big gap between

1 the Committee's questions and what is in the record.

2 HEARING OFFICER CELLI: Well, if I may just kind
3 of address the issue with regard to the joint conditions
4 of certification. The Committee asked at the evidentiary
5 hearing for the parties to provide in one place an
6 agreed-upon set of conditions so that we knew where to
7 look to see where it was that at least the staff and
8 applicant agreed.

9 And in that list, Ms. Belinky, I'm sure you've
10 seen there's a couple of references to "disputed." And the
11 way I was going to deal with those disputed conditions
12 basically would be to look into the record to see if there
13 are any conditions offered by the parties and what they
14 contain. So if, for instance, I noted that the FSA would
15 contain workers safety seven but that that joint statement
16 shows worker safety seven is disputed. So I'm not seeing
17 that -- that's not new testimony. What that is is a
18 refinement of, as far as I can tell, what the conditions
19 are that the two parties, the applicant and staff, agreed
20 to and would be willing to jointly file.

21 Now, you are -- we welcome and encourage your
22 briefing any objections and problems you have with these
23 conditions. I mean, that's really important. That's the
24 reason we do the briefs. We want to see what your
25 position is on those things. So that's -- you're welcome

1 to do that in your briefs. So I don't know if I'm helping
2 you or making you more confused.

3 MS. BELINKY: Well, I think that certainly
4 answers the question of where -- how to address the COC,
5 the new revised COCs that staff and applicant have filed.

6 However, it does not address how that may or may
7 not relate to the questions from the Committee. And the
8 questions from the Committee, specifically Question 3 and
9 Question 4, would go specifically to measures that are
10 post-decisional and have not been discussed in hearings.

11 Curtailment was not raised as a matter that was
12 discussed on a factual level during hearing. The TEAC was
13 referred to in a very general way. And certainly that has
14 different issues.

15 But I just see that there is still a very large
16 gap here between what the Committee is asking for in
17 briefing and what we have in the FSA and in the record
18 regarding what will happen to develop mitigation measures.
19 And the Center has raised this repeatedly that it is not
20 clear what is going to be -- what is even being proposed,
21 that this is something that is being proposed to be done
22 after the decision. And we're having, quite frankly,
23 trouble understanding what it is the Committee is asking
24 for on this record.

25 HEARING OFFICER CELLI: Okay. Well, you know,

1 everybody is going to be reading the record and finding
2 what they find in there. But I actually don't see any
3 correlation between the conditions submitted. Those
4 conditions -- the joint conditions were submitted not in
5 response to the request for briefing. As far as I can
6 see, it has nothing to do with the request for briefs.
7 But you go ahead and actually put those concerns in the
8 brief, and we will -- and that's where we'll be looking
9 for that.

10 MS. BELINKY: I think that there's -- I don't
11 know if you have read these conditions. So I have no
12 idea.

13 It appears that staff is negotiating with the
14 applicant behind closed doors changing conditions. We are
15 not in part of this, and we are just getting these COCs
16 after the fact. At the same time, one of the Committee's
17 questions directly goes to the COCs.

18 MR. GALATI: May I just please address that
19 because --

20 HEARING OFFICER CELLI: This is Mr. Galati. Go
21 ahead.

22 MR. GALATI: Yes, thank you.

23 You know we have done this before. What happens
24 is staff comes out with a staff assessment and has a set
25 of conditions in it. We put in our opening testimony how

1 we want those conditions to change. Not all parties do
2 that, by the way. But the applicant generally does.

3 Staff then in their rebuttal testimony says we
4 like these and we agree with those changes or we don't
5 agree with these other changes. So there becomes another
6 document that has further revisions.

7 Then we come to evidentiary hearing. And
8 sometimes at evidentiary hearing, based on conversations
9 or discussions, the Committee or the Panel agrees that
10 some other changes should be made.

11 What you have in front of us is what you asked us
12 to do, which was I think -- and we've done it in the past.
13 We did a stipulation. There was no negotiations of those
14 conditions outside of all of those public settings. You
15 can follow and trace -- and you should have been
16 tracing -- the changes to the conditions up until
17 evidentiary hearing. We had no obligation to put together
18 a clean set. We did it for the convenience of the
19 Committee. There is two stipulations.

20 The second stipulation, while doing that, we
21 actually discussed language at the evidentiary hearing,
22 but we didn't agree on whether it's an "or" or "but" or a
23 comma or "and."

24 In that case, staff or I proposed the language to
25 capture what we talked about. And then to make it

1 absolutely clear there was no negotiation, we put every
2 change that wasn't already written in the front of the
3 stipulation. Some were cleanup, and some were all of
4 those so that everybody could follow. If there is any
5 negotiation going on, you'll see it on the first page,
6 which were clean up or we didn't agree on the very
7 specific language.

8 We do this in other projects. I think it's
9 helpful. And ultimately the Committee will decide whether
10 our conditions, whether to do it or not, and we'll check
11 that. And they'll write a PMPD, and that will have the
12 full suite of conditions.

13 As far as the questions asked, I don't think they
14 had anything to do with the conditions. I think they had
15 to do with whether the Committee wants to think about
16 adding new conditions and under what circumstances would
17 those be for briefing those.

18 HEARING OFFICER CELLI: Thank you.

19 Again, Ms. Belinky, we'll see what -- the
20 Committee is very interested in hearing what you have to
21 say about the conditions in your brief.

22 MS. BELINKY: Yes, we will be providing responses
23 on the conditions separately from the brief.

24 Anyway, I do think that the question is unclear
25 and the question requires -- particularly Question 3

1 requires factual analysis because this issue was not
2 raised by the Committee before hearing. We did not
3 address this factual question. And I believe that that is
4 a problem. And I will certainly put that in my brief.

5 HEARING OFFICER CELLI: Thank you.

6 Anything further from Basin and Range Watch?

7 MR. EMMERICH: No, we have nothing further.

8 Thank you.

9 HEARING OFFICER CELLI: Sara Clark, anything
10 further?

11 MS. CLARK: No, thank you.

12 HEARING OFFICER CELLI: Thank you, all very much.

13 Then the air quality and these evidentiary
14 hearings at this time then are closed. The record is
15 closed.

16 We are going to next go to public comment. And
17 after that, we will -- are going to have to address the
18 closed session.

19 Going to -- first of all, I have here Alana --
20 I'm drawing a blank.

21 MS. MATTHEWS: Matthews.

22 HEARING OFFICER CELLI: Matthews. Alana Matthews
23 is the Public Advisor for the California Energy
24 Commission. She's here.

25 Do we have any members of the public who are

1 present that wish to make a comment?

2 MS. MATTHEWS: Yes, we do. I have a card for
3 you, Mr. --

4 HEARING OFFICER CELLI: Garabedian?

5 MR. GARABEDIAN: Yes.

6 HEARING OFFICER CELLI: Mr. Garabedian, I'm going
7 to need you to have a microphone. If you could please
8 come to one of these microphones -- actually, there is a
9 hand held right there. Pick that up and speak into that
10 up if you don't mind. 245 million Acres.

11 MR. GARABEDIAN: Thank you. Is this on?

12 HEARING OFFICER CELLI: I'll bring you over here
13 then and put you next to one of these microphones so you
14 can be heard by everybody. Please speak right into that
15 microphone. Thank you. It's on.

16 MR. GARABEDIAN: I'll leave it on.

17 Thank you, Mr. Hearing Examiner.

18 Michael Garabedian here today representing
19 Committee for 245 Million Acres. Well, the Emperor has no
20 clothes. The applicant is in this gathering seeking for
21 this tower of technology green washed clothing.

22 I would have some sympathy for the applicant
23 struggling with this particular gathering tower of
24 technology, except for that maybe eventually the applicant
25 will sue the suppliers or consultants or engineers over

1 this technology for misrepresentation or deceptive
2 business practices or fraud. Maybe investors will sue the
3 applicant.

4 But for the Committee, I assume the Committee has
5 the contracts for these types of arrangements the
6 applicant has. And I wonder if they say, well, we are not
7 making any guarantee this technology will work or we are
8 not taking no position on whether the science will support
9 using the land use for this technology.

10 So if the Energy Commission goes with this, the
11 question in my mind is what would the position of the
12 Energy Commission be in the public? What would it's
13 public commission be? Would it be enabling an unworkable
14 technology? Would it be trying to bring some life into a
15 dying technology, kind of like CPR when do not resuscitate
16 is what's needed?

17 Most likely, the solar gathering tower, this
18 type -- this particular type is one of many energy
19 technologies over the decades that didn't work.

20 So the Energy Commission shouldn't be
21 experimenting with this particular projects technology.
22 Energy shouldn't be -- shouldn't be in the business of
23 promoting unproven technologies. So don't put another one
24 like this out on the ground. Not this one. And don't
25 green wash this project or this solar tower gathering

1 technology.

2 Thank you.

3 HEARING OFFICER CELLI: Thank you, Mr.

4 Garabedian.

5 Ms. Matthews, do we have any other -- she's

6 indicating there is no one here from members of the

7 public.

8 So now I'm going to go to the phones. And first

9 I'm going to see if there are any public agencies, people

10 from public agencies that wish to make a comment starting

11 with the South Coast Air Quality Management District. Did

12 you wish to make any comment?

13 It appears they're no longer on the line. Okay.

14 Who else do we have? Deborah Bardwick, did you

15 wish to make a comment?

16 MS. BARDWICK: I have no comment. Thank you.

17 HEARING OFFICER CELLI: Aimee Howard? Okay.

18 MS. HOWARD: I have no comment. Thank you.

19 HEARING OFFICER CELLI: I'm going to continue

20 down the list. I know that Charles Turlinski is with the

21 petitioner. Kristy Cordare is not on the phone. Elaine

22 Harland is with us. Greg Darvin was a witness. Ilene

23 Anderson was a witness. Ken Waxlax. Mr. Waxlax, did you

24 wish to make a comment?

25 MR. WAXLAX: I don't at this time, although it

1 appears in other parts of the country and the world this
2 technology does work.

3 HEARING OFFICER CELLI: Okay. Thank you for your
4 comment, Mr. Waxlax.

5 Kevin Emmerich is a party. Lisa Belinky is a
6 party. Marie Flemming is with petitioner. Sara Clark is
7 a party. Scott Blek, Wendy Campbell appears to have hung
8 up.

9 Is there anyone else on the phone who would like
10 to make a public comment? Please speak up if you wish to
11 make a comment.

12 I have one call-in user. Do you wish to make a
13 comment at this time? Hearing none, then we would go to
14 the next part of today's hearing -- I'm sorry? Say again.

15 MS. CAMPBELL: Can you hear me?

16 HEARING OFFICER CELLI: Yes, I can. Please speak
17 up.

18 MS. CAMPBELL: This is Wendy Campbell.

19 HEARING OFFICER CELLI: I'm sorry. Excuse me.
20 But it's hard to hear you. So I'm going to need to ask
21 you --

22 MS. CAMPBELL: I took it off speaker phone. Can
23 you hear me now?

24 HEARING OFFICER CELLI: Much better. Please
25 state your name and spell it again.

1 MS. CAMPBELL: Wendy Campbell, C-a-m-p-b-e-l-l.

2 HEARING OFFICER CELLI: Go ahead. We can hear
3 you fine now.

4 MS. CAMPBELL: Oh, good.

5 Well, I actually went on the field trip out to
6 see the site. I talked a lot to Mr. Charles Turlinski,
7 and I've been reading a lot about it. And you know, I
8 just -- from everything I've read, I agree with that other
9 person from the public. I didn't quite get his name. I
10 really don't think it's a good project yet because it
11 hasn't been proven yet. Even the Ivanpah Solar Project
12 has been proven to kill a lot of birds. And apparently,
13 the pacific flyway goes right over the Palen project. So
14 this could be very disastrous for the birds. And this is
15 supposed to be a green project. It doesn't look like a
16 green project where it's, like, keeping all that land. It
17 doesn't -- you know, it kills birds. I mean, what's green
18 about it, except that it's renewable because of the sun.

19 But I just don't think it seems like a really
20 good real true green project, except that it uses the sun.
21 But in this case, it's not green because it's killing
22 birds. It's taking up a lot of acreage. Miles and miles
23 of it. I don't think it's a green project. And also it's
24 really unreliable. I know because I found out that since
25 it's unreliable, it does use back up from the fossil fuel

1 so why not just use the fossil fuels? Why not just have
2 the oil pipeline come through from Canada, our friendly
3 neighbor up north, and you know, it's much more
4 controllable in the pipeline than on a ship or something.
5 So just because the project is solar doesn't mean it's
6 green. So I say thumbs down to this project.

7 HEARING OFFICER CELLI: Thank you very much for
8 your comments. Appreciate that, Ms. Campbell.

9 MS. CAMPBELL: Thank you.

10 HEARING OFFICER CELLI: That is everybody on the
11 phone. And everybody who's here. So now we've heard all
12 the public comment for today.

13 What was going to happen, ladies and gentlemen,
14 was that the Committee was going to go into a closed
15 session pursuant to 11126 of the Government Code.
16 However -- and those of you who are on the phone,
17 Commissioner Hochschild isn't here today. And so strictly
18 for the purpose of having a closed session, the Committee
19 is going to continue this evidentiary hearing to Monday at
20 2:00. I will post a notice on the internet on the web.
21 We'll put one on the door.

22 I will have of a new Web Ex number. In fact, I'm
23 going to give it. I'm going to say it on the web now.
24 The new Web Ex meeting will be meeting number -- that's
25 the wrong meeting. Well, ladies and gentlemen, what's

1 going to happen is we will post within a matter of an hour
2 or so a notice for the closed session. So what that means
3 is this. The Committee will go into deliberations. We
4 would go on the record, take any public comment if anybody
5 wants to make a public comment, and that would be at about
6 2:00 in the afternoon on Monday. After that, the
7 Committee would adjourn into a private deliberations for
8 as long as they need to.

9 At the close of the deliberations, they will come
10 back out on the record and say we have concluded our
11 closed session. There is nothing to report. And the
12 meeting will be adjourned.

13 So I'm telling you all of that because it's not
14 something that most people would want to probably come
15 down here for. But it will be on Web Ex and you can
16 listen in on Web Ex. So look for this notice on the
17 internet today. I'll put it up tonight for the closed
18 session only.

19 Other than that, we have concluded the
20 evidentiary hearing, and I will turn it over to
21 Commissioner Douglas to adjourn.

22 COMMISSIONER DOUGLAS: I'd like to thank
23 everyone. We are not actually adjourning. We're just
24 continuing the hearing until Monday. So thank everyone.
25 With that, we will leave this room and come back on

1 Monday.

2 (Whereupon the hearing recessed at 3:26 PM)

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CERTIFICATE OF REPORTER

I, TIFFANY C. KRAFT, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, Tiffany C. Kraft, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of November, 2013.

TIFFANY C. KRAFT, CSR, RPR
Certified Shorthand Reporter
License No. 12277