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<td>Palen Solar Power Project - Compliance</td>
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<td>7/30/2014</td>
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PRE-HEARING CONFERENCE

PALEN SOLAR ENERGY GENERATING SYSTEMS

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the matter of, )
) Docket No. 09-AFC-07C
Palen Solar Electric Generating )
Systems Amendment )

CALIFORNIA ENERGY COMMISSION

HEARING ROOM A

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

WEDNESDAY, July 23, 2014

1:00 P.M.

Reported by:

Peter Petty
APPEARANCES (*present via telephone)

COMMISSIONERS (AND THEIR ADVISORS) PRESENT:

Karen Douglas, Presiding Member

   Eli Harland, Her Advisor

   Jennifer Nelson, Her Advisor

Gabriel D. Taylor, Advisor to Commissioner Hochschild

   Eileen Allen, Commissioners’ Technical Advisor for Facility Siting

HEARING OFFICER:

Kenneth Celli, California Energy Commission

STAFF PRESENT:

Christine Stora, Project Manager

Jennifer Martin-Gallardo, Staff Counsel

Eric Knight

Blake Roberts, Public Advisor’s Office

PETITIONER PALEN SOLAR HOLDINGS:

Scott Galati, Esq., Galati & Blek, LLC

Matt Stucky, Abengoa Solar-Palen Solar Holdings

Andrea Grenier, Centerline

INTERVENORS

Center for Biological Diversity (CBD)

   *Lisa Belenky

   *Ileene Anderson

Basin & Range Watch

   *Kevin Emmerich
APPEARANCES (*present via telephone)

California River Indian River Tribes (CRIT)
*Winter King, Shute, Mihaly and Weinberger, LLP
*Nancy Jasculka

Californians for Renewable Energy (CURE)
*Tanya Gulesserian, Adams Broadwell, et al.

INTERESTED GOVERNMENT AGENCIES

National Parks Service
*Deborah “Dee” Bardwick, Office of the Solicitor

County of Riverside
*Tiffany North

PUBLIC:

Amy Howard
## INDEX

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Call to Order and Introduction</td>
<td>5</td>
</tr>
<tr>
<td>2. Public Comment</td>
<td>99</td>
</tr>
<tr>
<td>3. Closed Session</td>
<td>N/A</td>
</tr>
<tr>
<td>4. Adjournment</td>
<td>102</td>
</tr>
<tr>
<td>Reporter’s Certificate</td>
<td>103</td>
</tr>
<tr>
<td>Transcriber’s Certificate</td>
<td>104</td>
</tr>
</tbody>
</table>
PROCEDINGS

JULY 23, 2014 1:07 P.M.

COMMISSIONER DOUGLAS: This is a Prehearing Conference for the Palen Solar Electric Generating System,

Before we begin, I’ll start by introducing the Committee and then ask the parties to identify themselves for the record. My name is Karen Douglas. I’m the Presiding Member of this Committee.

To my left is our Hearing Officer, Ken Celli. To his left, Gabe Taylor, he is Commissioner Hochschild’s Advisor. And to my right is Eli Harland and Jennifer Nelson, my Advisors.

So, with that, we see the Public Adviser’s office is here, so Blake Roberts, hello Petitioner, could you please introduce yourselves for the record?

MR. GALATI: Scott Galati representing Palen Solar Holdings.

MR. STUCKY: And I am Matt Stucky with Palen Solar Holdings.

COMMISSIONER DOUGLAS: Thank you.

Staff please?

MS. MARTIN GALLARDO: This is Jennifer Martin Gallardo, representing staff.
MS. STORA: Christine Stora, Compliance Project Manager representing staff.

COMMISSIONER DOUGLAS: Thank you.

Intervenor Center for Biological Diversity.

MS. BELENKY: Yes, hi. This is Lisa Belenky representing the Center, and I believe Ileene is also on the phone.

MS. ANDERSON: Yes, I am. Good afternoon.

COMMISSIONER DOUGLAS: Good afternoon.

Intervenor Kevin Emmerich, Basin & Range Watch.

MR. EMMERICH: Yes, this is Kevin Emmerich, Basin & Range Watch.

COMMISSIONER DOUGLAS: Thank you.

Intervenor Alfredo Figueroa, are you on the phone?

All right, is anyone on the phone from CURE? Tanya Gulessarian or Elizabeth Klebaner?

MS. GULESSERIAN: Yes, Tanya Gulessarian on behalf of CURE.

COMMISSIONER DOUGLAS: Great, thank you.

Welcome.

MS. GULESSERIAN: Thank you.

COMMISSIONER DOUGLAS: Is anyone on the phone from LIUNA, either Hidelberto Sanchez or Eddie Simmons?

LIUNA?
Okay, how about is anyone on the phone, or could you introduce yourselves? I know you’re on the phone, from Colorado River Indian Tribes?

MS. JASCULKA: And good afternoon, Commissioner, this is Nancy Jasculka and I’m Deputy Attorney General with the Colorado River Indian Tribe.

COMMISSIONER DOUGLAS: Great, thank you.

At this point, I will ask if there are agencies here, Federal Government agencies on the phone. I know we just heard from U.S. Fish and Wildlife Service. Any other Federal Government agencies on the phone?

MR. CELLI: Are they unmuted? Everyone is unmuted? Good, thanks.

MR. VAMSTAD: This is Michael Vamstad and I’m from Joshua Tree National Park.

COMMISSIONER DOUGLAS: Thank you.


COMMISSIONER DOUGLAS: Great. Anyone else from Federal Government agencies? What about State or local government agencies? I know we heard from Riverside County, Tiffany North. Any other State or local government agencies?

All right, I think we’re through with introductions, then. Go ahead.
HEARING OFFICER CELLI: Thank you, Commissioner Douglas.

I just want to acknowledge that Commissioner Hochschild is not here today, was unable to make it, but Gabriel Taylor, who is his Advisor, is at the podium with us today so I just wanted to make that clear.

I want to remind everybody -- yeah, you can go ahead now, Garrett, and start muting any unwanted noise from the phone -- I want to remind everyone we’ve noticed July 29th, 30th, and 31st as evidentiary hearing dates at the Palo Verde College Campus in Blythe, California.

We have also reserved Hearing Room B for August 4th, and we’re doing that just in case we have problems with the WebEx while we’re down in Blythe, so that if we need to take any additional evidence, telephonic testimony, we may have a more stable location and a better WebEx connection here, then we would take care of that on August 4th. So we reserved that date.

Today is a Pre-Hearing Conference. The Evidentiary Hearing that will start on the 29th will be limited to the following issues: Avian impacts, impacts to flying and invertebrate species which I have in parentheses as (“Insects”); curtailment provisions in the Bio section; Avian deterrent strategies; glint and
glare effects on aviation, which could be traffic or visual, depending; alternatives which would be PPA milestones status and economic feasibility issues; overriding considerations, which would include project benefits, natural gas consumption, and cultural resources mitigation limited to Condition Cul 1 as proposed by the various parties.

And as explained in the Notice, the basic purposes of today’s Pre-Hearing Conference is to assess the project’s readiness for hearings, to clarify areas of agreement or dispute, to identify witnesses and exhibits, to determine upon which areas parties need to question the other parties’ witnesses, and to discuss associated procedural matters.

To achieve these purposes, we require that any party seeking to participate at this conference, or present evidence, or question witnesses at future Evidentiary Hearings file a Pre-Hearing Conference Statement by July 21st, 2014. Timely Pre-Hearing Conference Statements were filed by all parties except Intervenors Californians for Renewable Energy and LIUNA.

Staff published its Supplemental Staff Assessment on June 23, 2014, which has been marked as Exhibit 2017. Staff’s Rebuttal Testimony was filed on July 18th, and is marked as Exhibits 2018 through 2028.
Petitioner’s Supplemental Testimony was timely filed on June 23rd, marked as Exhibits 1126 through 1166, and timely Rebuttal Testimony was filed by the Petitioner on July 18th, and marked for identification as Exhibits 1167 through 1193.

The Center for Biological Diversity’s Opening Supplemental Evidence was timely filed and marked as Exhibits 3091 through 3140, and that was on June 23rd. And then Rebuttal Evidence was timely filed and identified as Exhibits 3141 through 3149.

Basin and Range Watch timely filed its Opening Testimony identified as Exhibits 4001 through 4006. And Rebuttal Testimony as Exhibits 4007 and 4008.

Californians for Renewable Energy has not filed any exhibits, nor has LIUNA.

Intervenor CURE filed no Opening Testimony, but filed timely Rebuttal Testimony identified as Exhibit 6000.

And Intervenor Colorado River Indian Tribe, which we refer to in these proceedings as CRIT, identified its Opening Testimony as Exhibits 8028 through 8035, and identified Exhibit 8036 as Rebuttal Evidence.

We’re getting a -- Garrett, can you figure out who that is? Thanks.
For you on the phone, folks, Garrett is helping us out on the WebEx, so if I’m talking to Garrett, he’s with staff and he’s helping out.

So all CRIT’s evidence was timely filed.

As to the procedure for today, today’s Agenda is divided into seven parts. First, the Committee is going to ask some questions that rise from a new round of evidence and handle any housekeeping matters; second, we will discuss the order of the topics at the hearings; third, we will discuss the parties’ Exhibit List; fourth, we will discuss the parties’ Witness Lists; Fifth, we will discuss the informal process that the Committee will utilize in the conduct of the Evidentiary Hearings; sixth, we will discuss the Briefing Schedule; and seven, we will provide an opportunity for public comment. So that is the way we’re going to proceed today.

I just want to make sure, okay, I need you to unmute Basin and Range Watch, I need you to unmute Ileene Anderson and Lisa Belenky, I need you to unmute Tanya Gulesserian, Winter King, and keep going, I think there was somebody else from CRIT, I think that’s everyone.

So you know, I’m just going to -- I don’t have a way of knowing whether Alfredo Figueroa or anyone from
LIUNA has decided to show up late on the phone, so if you wouldn’t mind tracking that the parties we need to hear from, and you need to be unmuted at all times, are Basin Range Watch, Tanya Gulesserian, Lisa Belenky, Ileene Anderson, and Winter King.

Okay, so what I want you to do is I’m going to have you unmute everybody and I’m going to just check and see if Alfredo -- so everybody who is on the phone, is Alfredo Figueroa on the telephone? Or anyone from Californians for Renewable Energy? Please speak up now.

Okay, is there anyone from LIUNA, Laborers International Union of North America? Okay, thanks Garrett. You can go back and just make sure those people I told you to stay unmuted stay unmuted, okay?

Thank you. So with Item 1 on our Agenda, the first question, Ms. Belenky, you asked the Committee to take official notice of the CAISO website and I actually clicked through to that hyperlink, that URL that was provided in your Pre-Hearing Conference Statement, and I’m not sure what it is because I don’t really know what the relevance is yet of that website. But I’m not sure it’s the kind of thing we want to take official notice of. It’s probably better if you actually take screenshots of the pages that you want and put those in as evidence.
And the reason I’m saying that is because websites are subject to change. So, Ms. Belenky, would you care to comment on that, please? Ms. Belenky, are you on the phone?

MS. BELENKY: I was muted, I got confused. Yes, I can do that. I will go back and check the testimony and see exactly which part of the database was used and see if we can find a way to download it and set in there for separate exhibits if that is what the Committee would prefer.

HEARING OFFICER CELLI: That would be great, thank you. The other, I don’t think there’s a problem, if there is we’ll handle it at the Evidentiary Hearing, if there’s an objective to taking official notice of the other two websites. But I just couldn’t figure that one out. So thank you for that verification.

As to the Petitioner, we have a note that the Petitioner -- or we need to know whether the Petitioner has agreed to provide the information sought by staff with regard to gas consumption. Mr. Galati, my sense from reading the Pre-Hearing Conference, or the evidence as it came in, is that there is not going to be a change to gas consumption. But why don’t you clarify that for us?

MR. GALATI: Yeah, there’s not going to be a
change to gas consumption. And if you look at the
exhibit in our Opening Testimony, I don’t know the
number right now, we state that clearly. And then we
answered staff’s questions in our Rebuttal Testimony.

HEARING OFFICER CELLI: Okay. Go ahead, Ms.
Martin-Gallardo.

MS. MARTIN-GALLARDO: Yes. I can provide a
little bit of information as far as staff’s position.
They have reviewed the Responses in Rebuttal Testimony
and at this time do agree that it’s not possible to
determine whether or not the P-6 facility will require a
change in the amount of natural gas proposed by the
Applicant to be used each year because the tower
technology is in its early stages of development, and
staff believes that it will have to be built and
operated for a limited amount of time, before the
Applicant could verify the adequacy of the amount of
natural gas.

HEARING OFFICER CELLI: Okay. I just want to be
clear to everybody that we’re not taking this off the
table, this is still a subject for the Evidentiary
Hearing, I was just really asking whether the questions
that staff had asked in their Opening Testimony was
answered, and I get the sense that it was.

MS. MARTIN-GALLARDO: That’s correct.
HEARING OFFICER CELLI: Okay, thank you. Also, there was a question from staff to the Petitioner about the accelerated construction schedule. Can you bring us up to date on that, Ms. Martin-Gallardo?

MS. MARTIN-GALLARDO: I think that Mr. Galati may want to start as far as how they have changed their phasing schedule, but staff has reviewed that phasing schedule and can speak to any questions the Committee has on those changes.

HEARING OFFICER CELLI: Okay. Well, let’s hear about that, then, Mr. Galati.

MR. GALATI: Exhibit 1166 responds to the schedule question by proposing revising the phasing since we will not be able to build both towers on the timeline originally contemplated. In 1166, we explain that and we explain that we are willing to move forward and build the first project and take it conditioned -- excuse me, the first westernmost phase. And so we revised the phasing plan. If you remember, the Commission already had a phasing plan that they evaluated and it was one that would allow us to build both power blocks first and then build a solar field later, so that would allow us to time our Desert Tortoise clearance fencing and activities in a way that large projects need to do.
We’ve now revised that phasing plan to not do it that way, to build the westernmost unit, the Gen-Tie Line, the access road, the linear facilities, the common area, and the construction lay down area, all as part of Phase 1.

And Phase 2 would be the easternmost unit, and we’ve agreed to take -- we’ve proposed a Condition of Certification called PD-1, which is in 1166, which says we would not commence construction of that easternmost phase until we filed an amendment and got approval from the Commission to incorporate thermal energy storage into that easternmost unit. So we believe that the impacts of the entire project have been evaluated and with phase 2 being foreseeable, and the first phase we believe that this has basically reduced the impacts in half.

We also proposed in 1166, in accordance with that Revised Phasing Plan, there were three conditions that needed to change. The first condition was Biology 29. Biology 29 includes the mitigation acreage, the acres of disturbance. We’ve revised that to reflect the current phasing.

The second was Soil and Water 3 which basically authorized an X amount of construction for both projects on a yearly basis and on a total basis for water, and
what we did was we reduced that proportional to the acreage so that now half of the construction water can be used for Phase 1, roughly, and half could be used for Phase 2, and then we also had an operational restriction how much you could use, well, that was for both units, so we cut that in half as well.

And actually, I apologize, I think those are the only two that changed as a result of the phasing. So that’s what 1166 is, and 1167 is the plan, and 1168 is a construction schedule with Kraft to show what Phase 1 will look like.

HEARING OFFICER CELLI: Okay.

MR. GALATI: So we believe we’ve answered staff’s questions because staff’s questions were primarily aimed at the PPA with the earlier date, and as we said, it’s improbable for us to be able to make that date.

HEARING OFFICER CELLI: Right. And I wasn’t really sure how we were going to fit that whole question into the evidentiary hearing anyway, but is staff satisfied that the question posed in staff’s 2017, I think it was marked, were satisfied?

MR. MARTIN-GALLARDO: Yes.

HEARING OFFICER CELLI: Okay. Thank you, then.

The next question, this is to anyone, with
regard to the -- we saw some complaints come through in
terms of the evidence so far, and that has been marked
for identification, regarding complaints from what
looked like, if not the FAA, then some sort of
subsidiary of the FAA, people saying, you know, “We’re
flying over and we couldn’t see,” and I thought there
were two of them, at least, of complaints.

But I wanted to know whether there were any
comments received directly from the FAA related to
PSEGS.

MS. MARTIN-GALLARDO: I do have Traffic and
Transportation staff here. I do not believe so, but
they can verify that, perhaps.

HEARING OFFICER CELLI: Because I don’t think we
did. I didn’t see anything like that.

MS. MARTIN-GALLARDO: They’re shaking their
heads --

HEARING OFFICER CELLI: He’s shaking his head --

MS. MARTIN-GALLARDO: -- that’s right.

HEARING OFFICER CELLI: -- in the negative, no.

Okay. And we did receive some evidence, I think from
Basin and Range Watch, regarding the Solar Glare Hazard
Analysis Tool, the SGHAT, I guess you would call it, S-
G-H-A-T. But I don’t think I saw anything in the record
that such an analysis was done at ISEGS. Does anyone
know if we’re going to see any of that modeling tool, the Solar Glare Hazard Analysis Tool used at Ivanpah?

MS. MARTIN-GALLARDO: I believe that staff has addressed that in their Rebuttal Testimony in a segment discussing that. Eric Knight is coming up to discuss that.

HEARING OFFICER CELLI: Mr. Knight, hello.

MR. KNIGHT: I believe that tool presently only addresses PV facilities.

HEARING OFFICER CELLI: Okay, not towers, all right. So in any event, at this time we don’t have any such evidence that’s proposed to be in the record?

MR. KNIGHT: No.

HEARING OFFICER CELLI: Okay. Will staff have representatives from the USFWS available to testify at the Evidentiary Hearing?

MS. MARTIN-GALLARDO: No, unfortunately, Fish and Wildlife Service, they are not able to testify. In the past, they have been able to attend and provide comment and perhaps there’s a Fish and Wildlife person who can give more detail on that.

HEARING OFFICER CELLI: You know what? We’ll hold off on that until we get to comment. I just wanted to know whether you’re going to call anybody and the answer is no?
MS. MARTIN-GALLARDO: Correct.

HEARING OFFICER CELLI: Now, Mr. Galati, Exhibit 1151 has attached to it a resolution from the CPUC, and then attached to that are attachments that say “redacted,” a PPA was redacted. And the Committee is very interested in seeing, or wonder whether the Petitioner would be willing to put into evidence the PPA. And the reason the Committee wants to see it, a redacted PPA, but enough of it to see what the milestones are in the PPA.

I mean, what we have in that resolution is a table that just shows when it needs to be operational and the Committee was interested in knowing what all the milestones were.

MR. GALATI: I don’t know the answer to that question. I haven’t reviewed that PPA to determine if it has such milestones or if it has the commercial operational date. I thought that the issue was can you come on in time with your current schedule, of which we now told you one of the PPAs, it’s improbable, so we’re actually telling you we’re not going to build that easternmost unit because of that. So we basically have one PPA that we’re trying to satisfy with the commercial operation date of December 2017 -- excuse me, June 2017 -- July? I’ll have to look, I think it’s July 2017.
HEARING OFFICER CELLI: So what the Committee would like to see would be, if you would, is a redacted version of the PPA. We understand that a lot of it is privileged, and all that the Committee wants to see are any things mentioning deadlines, “We have to do such and such by X date.” The date information is very important to the Committee, and we would request that, if you would, we would leave the record open and allow you to put that into evidence.

MR. GALATI: Yeah, can I answer the Committee once I talk to my client to see what -- because I’m working as usual with half the knowledge and not that much wisdom.

HEARING OFFICER CELLI: Okay. I will make a note to get back to this. But staying with Petitioner, I didn’t see any evidence in the record so far that looked at the comparative costs of construction for photovoltaic or a trough technology compared to the solar power tower technology, and I’m just asking whether it’s in there and I didn’t see it, or whether it’s coming, or what.

MR. GALATI: No, it’s not in there and it’s not coming. We’re not making an economic infeasibility argument, we’re making an infeasibility argument, as you know, economics is one possible way to be infeasible,
we’re making an infeasibility argument that that project
does not meet the project objectives and doesn’t come on
line in time, and that is our argument on infeasibility, not economics.

HEARING OFFICER CELLI: Very clear. Now, the
parties have had a chance to workshop, I think there was
at least one workshop since the PMPD was published --
one, right?

MS. MARTIN-GALLARDO: Two.

HEARING OFFICER CELLI: Two workshops, okay. So
the question I have right now is, are there any topic
area for which testimony would be submitted by
Declaration only and we don’t need live witnesses? Have
the parties come to any agreement on any topic areas
that we can --

MS. MARTIN-GALLARDO: I would say I have two
questions, one with the Revised Phasing Plan, staff is
uncertain whether the Committee needs to hear any
testimony on storage because a new Amendment would have
to be filed in order to discuss storage issues and
obviously it would be addressed and analyzed at that
time of a new Amendment.

HEARING OFFICER CELLI: Right.

MS. MARTIN-GALLARDO: So we question whether or
not we even need to have a storage discussion at this
Evidentiary Hearing. Natural gas, again, I don’t think that staff is in any disagreement with PSH on that issue. I do believe that the other issues we will need to have live witnesses for.

HEARING OFFICER CELLI: Okay, and just to be clear, the storage came up in the context of benefits of the project, so it was really not so much like project description as it came up in the context of override and project benefits.

The gas issue, I’m going to ask the other parties because we raised it, we said we were going to have here testimony on it if we needed to, and I just want to see if the other parties, where they’re at with regard to the gas issue. Basin and Range Watch, Mr. Emmerich, are you there? Can you hear me?

MR. EMMERICH: Yes.

HEARING OFFICER CELLI: Okay, so right now Applicant and staff seem to believe that there’s no need to take any evidence on the question of the usage of gas and I just wanted to know whether you intended to put in evidence or call witnesses on that question.

MR. EMMERICH: No, we did not.

HEARING OFFICER CELLI: Okay. Lisa Belenky from Center for Biological Diversity?

MS. BELENKY: Yes, we did have a couple of
questions about the natural gas. I think I put it in our Pre-Hearing Conference Statement. I think we put 10 minutes, but I hate to drive someone to hearings for an amount of time for 10 minutes of questions.

HEARING OFFICER CELLI: Well, so did you want to cross staff witnesses or Petitioner witnesses on that?

MS. BELENKY: Primarily the Petitioner would just be clarifying what they’re actually proposing.

HEARING OFFICER CELLI: Okay, and as I recall, wouldn’t that be Matt Stucky and Charles Turlinski on the gas question?

MR. GALATI: That’s correct and what we’re proposing is the same thing we’ve been proposing.

HEARING OFFICER CELLI: Okay.

MR. GALATI: We haven’t changed natural gas consumption, air quality, or anything. The question, as you remember, came up because Ivanpah came in with an amendment and we were asked, “Hey, if they need an amendment, do you?” And the answer to that is no.

HEARING OFFICER CELLI: Right.

MS. BELENKY: Okay, well, I’ll talk to my client and double-check, but I think we should be able to pull that off.

HEARING OFFICER CELLI: Well, you know, one of the things I do believe is that Mr. Turlinski and Mr.
Stucky will be there throughout the three days of hearings, and they’re nodding in the affirmative over at the Petitioner’s table, so they’re available. And because we noticed that, we would certainly give you the opportunity to ask them questions on that, Ms. Belenky.

MS. BELENKY: You know, it may have been a little bit of confusion because in the context of the idea of potentially having storage, then there would be additional gas usage, and something that we had looked at. And so there may be a little bit of overlap in those two pieces. Now, with this new proposal by the company which I’m slightly confused about and would like to have some clarification today, what is the project description? What is the actual application at this time? And what are we actually going to hearing over?

HEARING OFFICER CELLI: Those are great questions, those are the perfect segue into my next group of questions, but before I get to it, I just want to check in with CRIT and ask Winter King whether she had any interest in witnesses dealing with the gas issue.

MS. KING: Yeah, so I think we’re in a similar situation to Center for Biological Diversity. We had put in our Pre-Hearing Conference Statement that we had some sort of minimal questions about the natural gas
issue, but it sounds like the Petitioner’s witnesses on that issue are going to be there, so I guess I would like to just keep open the possibility of asking some questions. It wouldn’t take much time as long as they’re already going to be there.

HEARING OFFICER CELLI: That’s fine and since, again, as we noticed it, let’s leave that on the table and we will continue. I was really looking to see if there was anything that everybody unanimously thought we could basically say “we will submit it on our written testimony,” but it doesn’t really sound like that.

MS. GULESSERIAN: This is Tanya Gulesserian from CURE. We proposed to submit our witnesses’ testimony by Declaration; in fact, there was a Declaration attached and this is on, you know, the hours of construction and types of construction skills involved. And I didn’t read that there was any crossed plans for our witness, so I would propose, if there is no objection, that we submit it by Declaration if that’s acceptable.

HEARING OFFICER CELLI: Well, you know, it did come in in rebuttal and so the other parties didn’t even -- we’re necessarily --

MS. GULESSERIAN: Right --

HEARING OFFICER CELLI: -- aware of --

MS. GULESSERIAN: -- in the Pre-Hearing
Conference Statements.

HEARING OFFICER CELLI: Right. I’m trying to remember the name of your witness, Ms. Gulessarian.


HEARING OFFICER CELLI: Okay, William Perez. And he was going to testify about the number of jobs and sort of the specialties that were required by this project, as I recall. Do I have that right?

MS. GULESSERIAN: Yes. Yes, hours of construction and the types and number of construction skills involved.

HEARING OFFICER CELLI: And that would fall under overrides and the benefits of the project, I imagine.

MS. GULESSERIAN: Correct.

HEARING OFFICER CELLI: So let me just go through the parties and see whether they want to have the ability to cross-examine Mr. Perez. Petitioner?

MR. GALATI: No. We would prefer to have him be there if at all possible if the Committee has any questions for such a witness.

HEARING OFFICER CELLI: Okay. We’ll get to the Committee. Staff?

MS. MARTIN-GALLARDO: No.

HEARING OFFICER CELLI: Mr. Emmerich, the
question is do you need the presence of William Perez
for cross-examination. And his testimony is relevant to
the work force and the kind of workers that would be
there.

MR. EMMERICH: Actually, no.

HEARING OFFICER CELLI: Ms. Belenky?

MS. BELENKY: We have asked to cross-examine all
witnesses on the overriding issues and I don’t think at
this time we’re prepared to waive our rights.

HEARING OFFICER CELLI: Okay, that’s fine. So
since I’m not going to have unanimity here, Ms.
Gulesserian, I believe we need to have Mr. Perez present
at the hearing.

MS. GULESSERIAN: Okay.

HEARING OFFICER CELLI: Okay?

MS. GULESSERIAN: If we can talk about a
particular day when we’re going to go over -- have
hearings on overriding considerations, that would be
wonderful.

HEARING OFFICER CELLI: Yeah, right now
tentatively we’re sort of looking at override being
towards the end of the testimony, but it all depends on
whose witnesses are available when, so we’re going to
have to work that out today, which is where we’re
getting to.
So thanks for bringing that up, Ms. Gulesserian, because I did forget about that one. But, yeah, the consensus is I guess we need to have Mr. Perez there.

Ms. Martin-Gallardo?

MS. MARTIN-GALLARDO: Yes, before we leave the discussion of natural gas and which witnesses need to be available, would everyone be amenable to having our natural gas witness available by telephone -- given that nobody has indicated a desire to cross-examine them?

HEARING OFFICER CELLI: Who is that witness?

MS. MARTIN-GALLARDO: Yeah, Shahab Khoshmashrab.

HEARING OFFICER CELLI: Okay, any objection from the Petitioner?

MR. GALATI: No.

HEARING OFFICER CELLI: Mr. Emmerich, any objection to having Shahab Khoshmashrab testify by telephone regarding gas issues?

MR. EMMERICH: No.

HEARING OFFICER CELLI: Ms. Belenky, do you have any objection to telephonic testimony from the gas witness for staff?

MS. BELENKY: No, and we don’t have any objections to anyone testifying by telephone.

HEARING OFFICER CELLI: Okay, thank you. And Winter King, do you have any objection to the telephonic
testimony of any witnesses? Let’s start that.

MS. KING: No.

HEARING OFFICER CELLI: Okay, thank you. Well then, Mr. Khoshmashrab can testify by telephone and then, as these things come up, we’ll have others.

Although I did have a concern because it seems to me that the feasibility, the alternatives issues are going to be very important to the Committee, and that the staff had asked for Mr. Vidaver and Mr. Hesters to appear telephonically, and I was going to ask whether the Petitioner wanted them in person for purposes of cross-examination.

MR. GALATI: No, we’re fine with them testifying telephonically.

HEARING OFFICER CELLI: Okay. And I’m going to ask Basin and Range Watch. Mr. Emmerich, everyone -- well, not everyone, at least Winter King for CRIT and CBD have said that they have no objection to anybody testifying by telephone. Is that the same case with you? Are you okay, or shall I say do you have any objection to parties testifying by telephone?

MR. EMMERICH: No, we have no objection to that, that’s good.

HEARING OFFICER CELLI: And I’m asking any witnesses, really. Just for clarification sake, Mr.
Emmerich, so you don’t have any objection to any
witnesses testifying by telephone?

    MR. EMMERICH: No.

HEARING OFFICER CELLI: Okay, thank you. And
then, Ms. Gulesserian, do you have any objection to
witnesses testifying by telephone?

    MS. GULESSERIAN: No, I do not.

HEARING OFFICER CELLI: Okay, thank you.

    MR. GALATI: The Petitioner doesn’t have any
objection to any witness for any subject area testifying
by telephone either.

    HEARING OFFICER CELLI: Okay, that’s good
because then we don’t have to ask that, I don’t think,
from anybody, I got them all.

    MS. MARTIN-GALLARDO: Staff agrees.

HEARING OFFICER CELLI: Okay. Unless the
parties that didn’t show up today show up, and then they
can probably raise that objection, but I think that
today was their day to have that heard, so we’ll cross
that bridge if we have to come to it.

    So if you wouldn’t mind taking a moment, Mr.
Galati, just to confer with your client and I want to
get back to that PPA question, what the Committee is
asking for is a redacted PPA for purposes of
establishing all of the timeline deadlines within the
MR. GALATI: Can we take a second and go outside? I would like to, I guess, while I have the floor, I just want to clarify the Notice of the room change, just to remind you to remember for the Evidentiary Hearings, the Notice said Room 101.

HEARING OFFICER CELLI: Yes.

MR. GALATI: We ultimately changed for the benefit of the parties and the Committee in a better room, which is 123 and 124, and we’ll have a sign on the door saying we’re in 123 and 124, but I certainly didn’t want any of the parties being late because of the Notice saying Room 101, and it is Room 123/124.

HEARING OFFICER CELLI: And my recollection was that isn’t that just right across the way? It’s right near there, so it shouldn’t be a problem.

MR. GALATI: Yeah, it is near, I just didn’t….  

HEARING OFFICER CELLI: Thank you. I’ll make a note, I’ll post some sort of memorandum to that effect.

MR. GALATI: Thank you.

HEARING OFFICER CELLI: Room change. So if you wouldn’t mind just taking about five minutes or less on that, we would appreciate it. At this time, ladies and gentlemen, I’m not going to go off the record, we’ll stay on the record, but people on the phone, you should
be aware that the Petitioner and the Petitioner’s
entourage, like four people, went outside to discuss the
question of whether they’d be willing to submit a
redacted PPA. And so that’s what we’re waiting to hear
on and that’s why there’s no activity happening right
now.

But for the rest of you who are on the phone,
the other parties, we’re about to talk about the order
in which we will be taking evidence and I guess I’m just
going to have to wait for the Petitioner to get back
before I can launch into this, too. So hang in there
and let’s take a five-minute break. So we will go off
the record for five minutes. It’s ten to two, we will
resume at five to two.

(Recess at 1:47 p.m.)
(Reconvene at 1:53 p.m.)

HEARING OFFICER CELLI: It’s five of, so thanks.
We’ll hear from the Petitioner on the question of
whether the Petitioner is willing to put in that
redacted PPA.

MR. GALATI: The answer to the question is yes,
we’ll try. Let me understand -- make sure everybody
understands we’re under a Confidentiality Agreement with
PG&E, and in order to resolve that, we are going to need
to propose to PG&E what we’re going to docket and how
we’re going to redact it, and whether we can get that
into the record.

Now, I just wanted to be real clear because what
we’re going to propose to PG&E is just a redacted
version of the PPA, so there would be nothing in the PPA
except milestones.

HEARING OFFICER CELLI: Correct.

MR. GALATI: What I can tell you from talking to
the client is that all of the milestones have different
cure provisions except the one we gave you, which was
COD. So I’m not sure that would be that helpful to the
Committee to know that, if we missed a particular
milestone by a month, we could cure that one. But I can
tell you we cannot cure the commercial operation date.
To avoid the confidentiality issues we found public
documents with that date in it, and we docketed those.
But we will have the conversation with PG&E and, you
know, it’s a long document, it will be mostly black
except for milestone provisions. Is that acceptable --
if they say yes?

HEARING OFFICER CELLI: Yes, that’s exactly what
we’re looking for. So thank you for that.

MR. GALATI: Now, and just -- it will be one PPA
because the second PPA it’s improbable we’re going to be
able to meet those timelines, which we’ve said in our
testimony, so it will be one Power Purchase Agreement.

HEARING OFFICER CELLI: Thank you. But that’s the 2017, the one that had a COD date of 2017?

MR. GALATI: Correct, that’s correct, and I know that in our testimony, or in those exhibits which I don’t have in front of me right now, there is the correct date and I believe it’s July 1, 2017, but we’ll have to double-check whether it’s June 30th.

HEARING OFFICER CELLI: Okay. Thank you very much. And then, Ms. Belenky, we’re back on the record and you had a question, so go ahead.

MS. BELENKY: Yeah, I guess before we get to the point of people talking about exactly how much time they want to cross-examine which witness, it appears that there is a different proposal on the table, a different project being described, and a different project that is going to be the subject of the hearing.

There is also an assumption that I’m hearing from the Applicant, or Petitioner in this case, that everything about that should then have a linear -- that there’s sort of a linear difference if it’s only one tower everything is half. And I think that, its self, is a question that would need to be discussed.

So first, I feel like all of the parties need to understand what is being asked for in this Amendment at
this time, the Amendment has clearly changed. And we
need to have that very clearly stated so that we know
what we’re going to be hearing about.

HEARING OFFICER CELLI: Okay. Petitioner, would
you respond to that, please?

MR. GALATI: Again, what has happened is the
Revised Phasing Plan. There was a Phasing Plan that the
original conditions were tailored to, and there was a
construction schedule that the original conditions were
tailored to.

The Phasing Plan has been revised, it’s Exhibit
1167, it’s very clearly laid out. The description of
which conditions need to change due to the Revised
Phasing Plan are out, as well. As to the idea that
there is a different proposal in front of the
Commission, we absolutely disagree with.

The proposal is to be able to evaluate and to be
able to get a decision for two towers in the exact
configuration that was proposed. We’re willing to take
a condition on building the second tower to allow
thermal energy storage, as we’ve also identified in our
testimony. We don’t believe that the appropriate market
mechanisms are in place to do that at this time. And we
thought that that would talk about our true intentions,
especially in light of the deadline of the first PPA.

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So it would actually be inappropriate for us to not tell you our desire to build the second unit, and that’s been fully evaluated.

And from our perspective, whether the impacts are exactly cut in half, and I said that is a roughly half, or not, we think that the Commission has enough to be able to evaluate the envelope of impacts and how the mitigation works.

Again, it’s very simple if you look at Bio 29, all of the habitat acreages are reduced according to the Revised Phasing Plan and all of the mitigation is reduced to Phase 1 and Phase 2 in that Revised Phasing Plan. But the total number of mitigation acres add up to the same as they added up to under the previous Phasing Plan for both towers.

So I don’t believe this is a new application, we’ve done this before, we’ve had projects where we’ve dropped a turbine in a number, let’s say we had five LM6000s and we dropped to four, we’ve done that before, and I would think that this is a benefit and that’s how we proposed it. We do not believe there is new analysis, and I think staff confirmed that today.

HEARING OFFICER CELLI: Ms. Martin-Gallardo, go ahead.

MS. MARTIN-GALLARDO: Yes. I can just let the
Committee know that we have put this proposal to change the Phasing Plan in front of each and every subject matter area, and everyone except Bio for BIO 29 and Soil and Water 3 agree that there is no Changes to Certification required and that this Phasing Plan would reduce impacts as far as it relates to how this is done for at least Phase 1 at this time.

Now, we’ve also had Soil and Water witnesses review Soil and Water 3 changes and they do concur with the changes that were proposed. The Biology staff has reviewed BIO 29, and I did just receive word that they verified the numbers that were put in and will be able to provide Table 3 to the Committee that talks about the security measures, and we can put those in shortly. So staff does agree with the Petitioner that this does not change the project, would not require new analysis, anything like that.

HEARING OFFICER CELLI: And so, Ms. Belenky, the reason I said this was a perfect segue into the next section is because we’re going to be talking about what topic areas we’re going to be talking about and in what order, and what we’re talking about right now is under the heading of Project Description.

And so Petitioner is going to have to put in some evidence that explains all of this, I think we’ve
seen some of it already, whatever they’re putting in, I saw the proposal somewhere in the exhibits. And so that is where we’ll be tackling this issue. Does that work for you, Ms. Belenky?

MS. BELENKY: You know what, I don’t want to hold up this Pre-Hearing Conference, I don’t -- I actually heard two different things from the Petitioner this morning. One was that, for Phase 2, they would need a separate approval with the storage, and now what was said was that it would be approved now with a condition requiring storage. So those are actually two very different things.

I am still confused about what they’re asking for, and I do think Project Description will now have to be a topic at the hearing to clarify exactly what is being sought at this time, and that it has clearly changed again.

HEARING OFFICER CELLI: Right. The Project Description was going to be a topic anyway because we were going to have to deal with the gas and all of that sort of stuff in that original storage conversation, but just to be clear, and correct me if I’m wrong everybody, but my understanding, then, it sounds like they are proceeding on Phase 1 under this Amendment, and Phase 2 would have to be -- the Petitioner would come in with a
new Amendment for Phase 2. Do I have that right?

MR. GALATI: That’s correct. And again, I just want to be absolutely clear, thermal energy storage must be incorporated into an Amendment into the second unit. We want to build the first project without thermal energy storage, we still think the benefits of that project is thermal energy storage could be added later to the first project, of which would require an Amendment to the Commission.

But at this stage, the Commission has evaluated the entire disturbance acreage and the entire impact of two towers, which we clearly want to build the second one. We recognize we cannot build that second tower until we file an amendment incorporating thermal energy storage into that Revised Phasing Plan.

So I’m surprised that anybody is opposed to this.

HEARING OFFICER CELLI: Well, the questions --

MS. BELENKY: Well --

HEARING OFFICER CELLI: Go ahead, Ms. Belenky.

MS. BELENKY: I’m sorry, it’s just like really people are missing each other in our language. What the Petitioner is saying that they’re asking for is the Committee to approve a second tower that they have no intention of building in the way that they have
currently laid it out, that they are going to come up
with a different second tower with storage in it, and at
that time they’ll ask for a second small amendment. But
in fact they are asking to have the Committee approve
both towers now.

HEARING OFFICER CELLI: Oh, I see what you’re
saying. Because of that -- you’re saying that because
of the Project Description condition that would require
that if they amended to build the second tower, it would
have to include thermal storage, that that’s some sort
of tacit approval of the second tower. Is that what
you’re saying?

MS. BELENKY: No. They aren’t saying -- the
Petitioner is saying they want the approval of both
towers now. That is what I hear them saying. And you
and I are thinking they mean opposite things.

HEARING OFFICER CELLI: Okay, I thought I made
it clear, but maybe not. My understanding, Mr. Galati,
is that the Petitioner is going to come in with this
Petition and reduce essentially down the project to
Phase 1, which was the westernmost solar field and
tower, and linears, and so forth, and that the second
phase of it is not a part of this Amendment at all, and
would require a new Amendment, you would have to file a
new Petition to Amend on Phase 2.
MR. GALATI: The practical effect of what we have proposed is exactly that. But we are not going to come back in and file a new application with a new project description for one tower. It would be inappropriate for us to tell you we’re only going to build one tower, and we’ll think about filing an Amendment later. We want to build the second tower and we will come back and ask approval to build it with a full Amendment analysis like this one, after we make an amendment to put in thermal energy storage.

We already have FDOCs for the equipment for both towers, and we think the practical effect is the same. But also, we think this is the appropriate way to do it under CEQA because we’re telling you what our intentions are. This is no different than what the Committee approved for actually -- actually it’s even -- let me tell you, it’s similar to what you approved for Palen the first time. We had Alternative Configuration 3 and Alternative Configuration 4, we didn’t have to come back and ask the Committee for both.

What we’re telling you is we’ll come back and ask you for permission to build the second tower and, to show that we really mean what we’re saying, we won’t do it until we come back and put in thermal energy storage as an amendment to that.
But if the Committee were to entertain such a project as that one, why wouldn’t it look at the thermal energy storage in any changed circumstances? Why would it start over on a Phase 2 tower?

HEARING OFFICER CELLI: So you are asking the Committee to make a determination on both towers, both fields, in this Amendment?

MR. GALATI: Correct.

HEARING OFFICER CELLI: Okay, so Ms. Belenky, it sounds like you do have it right, that they are making -- that the Petition pretty much stands as it is and the only change, then, is the phasing by which they will pursue the construction. But the Amendment is for the whole of the project, which is the two towers -- the two fields, Phase 1 and Phase 2. And Petitioner is nodding in the affirmative.

MR. GALATI: Yeah. It’s a legal distinction with no practical effect. Since we are giving you a condition that we will not build until we put thermal energy storage, we are preventing ourselves from building the second tower until such an amendment is approved. We thought that was the most honest, straightforward way to tell you what our intentions are.

HEARING OFFICER CELLI: Ms. Belenky?

MS. BELENKY: Yeah, but there is a difference
because that is not the only thing that may change
between those times, and so if the approval at a second
date of the -- it is unclear what would have to be
approved at that time, but there would already be an
approval for a tower there. And so that actually is a
very -- I feel like this is getting very confused as to
what is being requested. And there may be many things
that will change in the time before the company decides
to come back with a thermal storage project on the
second field, but they will already have had some
approval for that area, and I do think that is very
different than what was initially proposed in the
Amendment, and it is most importantly, regardless of
what was initially proposed, we need clarity, the
parties need clarity on exactly what is being asked for
and how that would work and what the timing might be
because it is a significant change.

HEARING OFFICER CELLI: So that’s what I see
really is that this is the same Amendment that we’ve
been dealing with since we’ve filed the original PMPD to
begin with. And there’s some change in the way they’ll
go about it, they are going to have to put this evidence
into the record and they’ll do it under the topic of
Project Description, and at that time, Ms. Belenky, then
you and your witnesses will be able to get into the
particulars so we can really get to the bottom of what
the changes are and what the effects really will be.

    MS. BELENKY: Thank you.

    MR. GALATI: We believe that we provided the
clarity in our Project Description and our Maps and we
think we’ve provided that clarity. I would just point
out to the Commission that we’ve been in this process
for two years on an already approved piece of ground, so
who is to think that the second Amendment to build a
second tower somehow authorizes the Commission to not do
an Alternative Analysis, to not do the same thing we’re
doing right now in this proceeding that’s taken almost
two years?

    HEARING OFFICER CELLI: Okay, well, I think
that’s clear. What I’d like to do now is I want to talk
about the scheduling of the hearing because, Ms.
Belenky, I understand that Sean Smallwood is only
available either Tuesday or Thursday, according to your
Pre-Hearing Conference Statement. Is that still the
case?

    MS. BELENKY: Yes, those are the dates that he
is available.

    HEARING OFFICER CELLI: Does that mean that he
would not be available by phone on Wednesday? Because
initially when I looked at staff’s proposed schedule of
taking the topics, we were going to take BIO on
Wednesday, which is the only day that Sean Smallwood
can’t be there. So I was just wondering whether he
would be available by phone, or is he just completely
unavailable.

MS. BELENKY: I would have to check --

HEARING OFFICER CELLI: Sorry, say it again, you
broke up.

MS. BELENKY: I would have to check with him
again. That was what I understood. I’m sorry, I didn’t
see where staff -- did they send us all the schedule
that you’re talking about?

HEARING OFFICER CELLI: In their Pre-Hearing
Conference Statement, they proposed that we --

MS. BELENKY: Okay --

HEARING OFFICER CELLI: -- okay, yeah.

MS. BELENKY: I talked to my experts weeks ago
about the schedule, so those were the dates that I was
given.

HEARING OFFICER CELLI: Okay. So just so we’re
all on the same page, everybody, staff is proposing that
on Monday we start with Project Description Storage and
Gas in the morning, and go into the afternoon for Glint
and Glare and Cul 1, with BIO on Wednesday, and
Alternatives and Override on Wednesday afternoon, but
that is no longer going to work. And what I’d like to
see is where we could move BIO over to Tuesday.

MR. GALATI: I think if you look at CBD’s Pre-
Hearing Conference Statement, I thought they said he
would be available Wednesday by telephone. Do I have
that wrong?

MS. BELENKY: Yeah, I think --

HEARING OFFICER CELLI: I don’t remember that.

MS. BELENKY: Yeah, it doesn’t say that.

HEARING OFFICER CELLI: So he’s not available by
phone -- or I guess we could find that out, but rather
than mess with that, if we know that everybody’s Biology
witnesses can be there on Tuesday instead of Wednesday,
and we can start Biology on Tuesday, then maybe we can
solve the problem that way.

MR. GALATI: As you know, we proposed also and
all our witnesses are available on Wednesday for
Biology, staff’s witnesses are all available on Biology.
I will have to get back to you, but we again would
prefer to go on Wednesday for Biology and have Dr.
Smallwood call in.

HEARING OFFICER CELLI: Well, we’re on notice
that Dr. Smallwood is not available on Wednesday.

MS. BELENKY: That is what he said and, so, yes,
I mean, this is the problem of course with having the
Pre-Hearing so close to the dates; our experts also have other obligations. So --

HEARING OFFICER CELLI: But we do know that Dr. Smallwood isn’t available on Tuesday.

MS. BELENKY: And Thursday.

HEARING OFFICER CELLI: All right, but it’s possible, Ms. Belenky, you know, if I can we may not have to go all three days, and so I would be loath to put Biology on Thursday if I can get it finished on Tuesday, and finish everything else up by Wednesday night. And then we’ve saved everybody a day of testimony.

MS. BELENKY: But we said he could be there Tuesday.

HEARING OFFICER CELLI: Right, that’s correct. I’m polling staff and Petitioner now to see whether I can get their witnesses for Bio on Monday -- I’m sorry -- Tuesday.

MS. MARTIN-GALLARDO: So I’m under the -- you know, I don’t know which would be simpler, to find out if Dr. Smallwood is available by phone on Wednesday, or for me to poll all of my staff when I go back to find out what kind of rearrangement is going to work with everyone’s schedule because, if we put Bio into Tuesday, it’s going to push other people into Wednesday.
HEARING OFFICER CELLI: Well, let me just say that, as far as I know, we don’t have any other power plant matters going that same week concurrently where witnesses have to be somewhere else. I mean, we’re talking about Tuesday and Thursday, it’s not like they’re all flying to Huntington Beach on Wednesday.

MS. MARTIN-GALLARDO: Well, I do have consultants, Greg Irvin, and we do have a potential Department of Transportation witness, we do have Lori Cachora who I do know is planning on being there all three days anyway, so he’s not an issue. But I just need to verify that that wouldn’t be causing any problems.

HEARING OFFICER CELLI: Okay. And, Petitioner, do you have someone that you know cannot be there on Tuesday who is part of the BIO --

MR. GALATI: No, I don’t, but I have people flying from Wyoming and driving from Las Vegas, and calling in from Israel, so I have a lot of witnesses, as you know.

HEARING OFFICER CELLI: Right.

MR. GALATI: So again, if you read the Pre-Hearing Conference Statement, it looks like there’s a possibility that he’s available by phone. Can’t we wait until Ms. Belenky could check to see if he is absolutely...
unavailable Wednesday by phone? Because he’s the only witness.

HEARING OFFICER CELLI: That’s true. Ms. Belenky, I know that -- are you in the same room as Ileene Anderson?

MS. BELENKY: No. I don’t know that I can get a hold of him during this conference, so let me see if I can do that. Do you want to take a break or --

HEARING OFFICER CELLI: What I was going to suggest was to see if Ileene Anderson could try to contact him and find out while you stay on with us, so we can talk about this scheduling. Would that work with you, Ms. Anderson?

MS. ANDERSON: I can try him, yes.

HEARING OFFICER CELLI: Okay, good. Then hopefully this way if we tag team like this, we can find out. But let’s just assume for our purposes right now that he cannot make it on Wednesday, then what that would mean is that we would have Bio -- if we took Bio starting on Tuesday first thing, I suspect that Bio is going to take up a big chunk of the day, it would go past lunch. We have Avian impacts, the insects, I don’t know how long that’s going to go, we’ve got curtailment, there’s a lot of evidence on curtailment that I’ve seen, and we have the Avian Deterrence that we have to talk
about. All of that is under Bio. I’m not sure, I’m hoping that there’s going to be a lot of overlap with witnesses, so we don’t have to have people getting up and moving around a lot, but if we did start on Tuesday with Bio, my guess is we would probably take up the whole morning with Bio. Maybe we can get three out of four of those topics done.

So without tying it to a particular day, let’s just look at how long Bio is going to take because it looks to me like, on whatever day we take it, if we’re going to tackle all of those issues, that that is pretty much our morning and half of our afternoon. Would you agree?

MR. GALATI: It’s hard to say in the informal hearing process. It depends how engaged the Committee is in asking questions. If the Committee is very engaged in asking questions, I agree.

HEARING OFFICER CELLI: Okay. And does that seem reasonable?

MS. MARTIN-GALLARDO: It does. I think that the curtailment will be quick, insects will be quick, and deterrence will be pretty quick from staff’s perspective, so I do think the chunk will be in the Avian Impacts area.

HEARING OFFICER CELLI: Really, Ms. Belenky,
since CBD’s main thrust is the Biology, and I recall seeing, I think, about four or five articles from Dr. Smallwood, do you think that it’s reasonable to assume that we could finish Bio if we take up the whole morning, break for lunch, and finish by mid-afternoon? Or do you think it would go much longer than that, Ms. Belenky?

MS. BELENKY: I think if we put in our part that Dr. Smallwood’s testimony could take up to an hour and a half, and then we have our Invertebrate testimony which I think could be quite a bit shorter if there isn’t a lot of controversy, and that our cross-examination, I believe we asked for -- I’m trying to find the exact amount -- 45 minutes. You know, it’s hard to estimate with the panel format because sometimes it’s just very hard for me to estimate. I’m also not entirely clear if you’re saying the panel would do all three of those issues, or four of those issues together, or the Avian and Deterrent would be one and the Invertebrates would be a second one, I’m really confused as to what you’re proposing.

HEARING OFFICER CELLI: Well, what I would propose to do is that, when it comes to Bio, you only have three witnesses today, and so --

MS. BELENKY: We have four witnesses.
HEARING OFFICER CELLI: Okay, you have, that’s right, Gordon Pratt, Sean Smallwood, Ileene Anderson, and Dr. Powers, but isn’t Dr. Powers on Alternatives?

MS. BELENKY: His part is on Alternatives and Project Description.

HEARING OFFICER CELLI: Right. So for purposes of Bio, my initial intention would be to call everybody at once, bring them all up there, that’s I think about 20 people, and I would probably seat, because Petitioner has the most number of witnesses, sort of stack witnesses sitting behind each other so people can get up and speak into the microphone.

But the plan would be, because Avian Impacts are probably going to be the same witnesses as the Invertebrates, and so far as Curtailment and Avian Deterrence, I don’t know that there is going to be a big change over witnesses in that whole section. So I think we would probably call them all. And we would do it in that order, Avian Impacts, Insects, Curtailment, and Avian Deterrence. So I think -- what I’m proposing is that if we took on, let’s just say Day 1, Bio, we could get through Bio, we could probably get through Project Description, and we had Storage and Gas there, but it sounds like Storage and Gas is really nothing, it’s not going to take much time at all, maybe it will take 10 or
15 minutes with it, and that’s only to provide cross-
2 examination to the Intervenors. And then we move to the
3 next thing. So I don’t even think that Storage and Gas
4 would take a lot of time.

What that means, then, is we could probably
start Cultural, well, no, or Glint and Glare -- go
ahead, Ms. Gallardo, you have a question.

MS. MARTIN-GALLARDO: I’m probably jumping the
gun a little bit here, but if you were about to say
Glint and Glare on Wednesday, I just got word that one
of our witnesses is Jim Adams, he has retired as an
employee of the Energy Commission, but we are working on
paperwork to get him on as an RA before the usual rules
allow. Now, assuming he is available, and our witness,
he does have to be back in Sacramento on Tuesday night,
so Tuesday is the only day that he would be available
for Traffic and Transportation.

HEARING OFFICER CELLI: Okay, so Glint and Glare
would fit, certainly we could do that immediately
following Bio, Glint and Glare. Glint and Glare is such
a singular issue, it’s not like we’ve got, you know,
everybody is talking about the same thing, so I’m
thinking that we could get Bio, Glint and Glare, Storage
and Gas done on Day One, we might even have some time to
spare there, I mean, if we work efficiently.
Well, but the problem with that is that what we’re left with, then, is Cultural on Day Two if we were to do it in that order, Alternatives and Override.

MR. GALATI: Yeah, I would point out that the Cultural issue is what do we do with Cul 1.

HEARING OFFICER CELLI: That’s true.

MR. GALATI: It’s not all the impacts and discussions that we went before. I’m hoping that the Committee looks -- the Committee gave great direction and said here’s what we’d like to do with Cul 1 and you hear both proposals, and hear the Intervenors comment on it, and pick one.

HEARING OFFICER CELLI: Right. You know, the big think about Cultural is I expect a lot of comment, a lot of people comment.

MR. GALATI: Which is one of the reasons why we also wanted to put it on Monday, so that it could go into the evening and accommodate public comment for people that might have to work. I know we’ve been criticized in the past for that, and that’s why we’re bringing in dinner -- excuse me, I said Monday, I meant Tuesday, on the first day, that’s why we’re bringing in dinner, as well, so if we wanted to go late.

And I also just wanted to say for the record, the Petitioner is going to meet any schedule you say
because we’re the only ones that get hurt if we don’t,
and that is if we can’t get our decision in time as we
are now at the last minute to get our decision again, we
need to get that decision, so we will come together with
every biological witness we can get, and if we can’t get
one, he won’t come. But we will accommodate whatever
you want. I would point out, though, this is the second
time that’s being accommodated for us delaying our
schedule for one witness, CBD, I still think I want
someone to pick up the phone and call him because it
does work for us and staff with no changes, the proposal
--

MS. BELENKY: I’m not delaying your entire
schedule by having someone testify on one of the pre-
determined three-day hearings.

HEARING OFFICER CELLI: No, that’s not really an
issue, Ms. Belenky. I wouldn’t worry about that. But
what I would ask you to do, please, is unmute Ileene
Anderson there and let’s see if she -- Ileene Anderson,
are you there?

MS. ANDERSON: I am, but I haven’t been able to
get a hold of Dr. Smallwood yet.

HEARING OFFICER CELLI: Okay, because we need
resolution on this. If Dr. Smallwood is available on
Wednesday by phone, then I think we can probably
accommodate everybody’s schedule. I haven’t heard from everybody yet, I haven’t heard from Basin and Range Watch, but I assume they could make any of the three days.

MS. ANDERSON: I understand that. I can’t make him pick up the phone.

HEARING OFFICER CELLI: No, I understand that, too. But I appreciate your efforts. Let me ask Winter King, if we started Cultural on Tuesday evening, then it’s possible that we would have to split it into two days if we couldn’t finish. Does that present a hardship?

MS. KING: I think that’s okay, I mean, we have interests in a variety of these topic areas, so when I was looking at staff’s proposed schedule and trying to think if there was a way of getting all of our interests on one day, I’m not sure there is, I think what I’m saying is we’ll probably be there for both days if it’s just the two-day hearing.

HEARING OFFICER CELLI: Here’s what I’m thinking. If it turns out that Dr. Smallwood cannot make it, we do know that he could be there on Tuesday, we do know that people are amenable to taking testimony telephonically. So if we start the day with Bio, we get the Storage and Gas, or rather the Glint and Glare
handled, and again, I don’t think that would go more
than an hour or hour and a half, then Storage and Gas is
going to be a short one, I think; we could then launch
into Cul 1 that evening, or Project Description.

Okay, if we launched into Cul 1 that evening and
took evidence, maybe we could finish it that night. But
if we couldn’t, we don’t want to drag everybody through
this thing until midnight, I mean, we would like to end
at a reasonable hour. I just want to make sure that if
we have to split it and come back the next day, that
that doesn’t pose a problem for any of your witnesses,
Ms. King.

MS. KING: I think that’s okay, I mean, I would
not like it to be that our witnesses stay there until
super late and then have to be in first thing in the
morning, so if there could be some sensitivity to that,
obviously.

And just one thought though, it does seem to me
to make logical sense to do Project Description if not
first, then early on because I think that might have
bearing on all the other issue areas, as Ms. Belenky was
saying earlier. So I guess my suggestion or idea would
be that we not push that over until the end since that’s
kind of an important fundamental discussion.

HEARING OFFICER CELLI: That’s a good point. I
think that we could do that. The biggest concern I have right now, the only witness that I’m informed that has an absolutely can’t be there, that was communicated to us, was Sean Smallwood on Wednesday, he can’t be there on Wednesday. And so what I’m trying to do is get through taking all of the testimony and being finished in an efficiency way so that we can -- yes, you are right, Project Description is something we probably would need to tackle first thing, before Bio, take Project Description because I don’t think that would take too long, launch into Bio, take care of Glint and Glare because the only other witness we’ve heard from was Jim Adams can’t be there past Tuesday, so we would take Glint and Glare immediately following, and then we could either deal quickly with Storage and Gas, and if we go longer, and if I’m too over-optimistic, then we would put Cultural into the next day, first thing, or start Cultural and rollover, depending on how late we go. How do you feel about that, Ms. King?

MS. KING: Well, I mean, I guess Mr. Galati raised the issue of public comment, as well, not just our witnesses, and I’m not entirely sure how many tribal members may be interested in coming and making public comment on cultural resource issues, but for those people, I mean, I can speak for our witnesses, that it
would be okay to roll over from Tuesday to Wednesday, or just start on Wednesday. But I think it would be helpful to have some certainty that, yes, those people can just come the afternoon of Tuesday to make their comments and not have to make the trip twice, even though it’s not a tremendously long trip because it’s in Blythe, but maybe if we could just for sure take public comment on Tuesday evening on Cultural Resources, that would be helpful on our end.

HEARING OFFICER CELLI: Okay, and clearly the reason we’re doing this down in Blythe is because the largest number of people interested and who have shown up in the hearings throughout the proceedings for the Palen matter have been the Native Americans, so it’s for them that we’re going there.

MS. KING: Uh-huh.

HEARING OFFICER CELLI: And what I’m thinking, what I’m hearing you say, then, because what we would probably be better off doing, we will notice, we will have a five o’clock public comment period every day, we might on Tuesday and probably we could even do -- okay, so on Tuesday it would be five o’clock, on Wednesday it would be the close of proceedings, whatever time that would be, assuming we could get this through.

So what I’m hearing right now is if we go
MR. GALATI: I think it would be more efficient if you look at our Pre-Hearing Conference Statement, we think Gas and Storage are part of Project Description, just handle it all at that time, we have the same witnesses there, if anybody has any questions on thermal energy storage, they can ask them, and if anybody has any questions on Natural Gas, it’s the same witness, they’re also answering Project Description. We get that all out of the way, I think it’s quick and easy, we didn’t hear a lot of -- we heard a few questions from the Intervenors, but no additional competing witnesses on those points. And then if we went right to Bio, took a break for public comment at 5:00, to accommodate anybody, including Cultural, we have at least an evening where tribes can come, but maybe not get to Cultural that day, finish Bio that evening, and then get to Cultural in the morning.

HEARING OFFICER CELLI: So how that would actually work is this: we would do Project Description which is included in Storage and Gas first thing, we would then do Bio, after Bio we would have to do Glint...
and Glare because we have to get Jim Adams done, and then after that, I mean, that actually is a complete day. Then we start on Day two -- no, Glint and Glare is going to be a big deal, there’s a lot of evidence. Go ahead, Ms. Anderson. Yes.

MS. ANDERSON: I was able to finally connect with Sean, Dr. Smallwood, and he said that, you know, it’s possible for him to do Wednesday instead of Tuesday, and at this point it’s not clear if it will be telephonically or in person.

HEARING OFFICER CELLI: Okay. Is that acceptable to everybody?

MR. GALATI: Yes, and we would propose the schedule that you see in our Pre-Hearing Conference which is very similar to staff’s.

HEARING OFFICER CELLI: Okay. Now, Basin and Range Watch, you’ve been listening to this discussion, do you have any questions or problems with the way we’re talking about the scheduling?

MR. EMMERICH: Well, I just have a couple things here. We’re pretty flexible as far as the first two days which sounds like everything is going to happen in the first two days. So we don’t -- we’re actually flexible to accommodate whatever schedule can be worked out.
Our priority is, I mean, we are both witnesses and so if Glint and Glare and Biology were in those first two days and didn’t have to spill over into the next day, the third day, that would be good for us.

My only other comment would be, for public comment perhaps you should consider if you’re going to do Tuesday Cultural in the morning, have more than one public comment period.

HEARING OFFICER CELLI: We could probably do that. We probably have a lunch comment period and then a close of evidence comment period, as well. So we probably have two there. But I want to be clear with you that the Glint and Glare, because of the limitation on staff’s witness, Mr. Adams, has to be done on Tuesday. But it doesn’t sound like that’s a problem for you?

MR. EMMERICH: No, that’s good for us.

HEARING OFFICER CELLI: Okay. So, Ms. Belenky, if it sounds like Mr. or Dr. Smallwood can appear on Wednesday, probably telephonically, then if we go back to staff’s original proposed schedule, it would be Project Description, Storage and Gas, followed by Glint and Glare, followed by Cul 1, and then on Day Two, Wednesday, we spend the day on Bio and end the day with Alternatives and Override.
MS. BELENKY: Well --

HEARING OFFICER CELLI: Is she muted? I want to make sure -- okay, good.

MS. BELENKY: Sorry. Yeah, I got confused because now the Project Description, I heard someone say nobody else had witnesses on Project Description, but actually it was only at the time of the rebuttal that the Project Description was raised as a separate thing with this change, to potentially changing to the phasing, which I do think is relevant, and we may actually have our witness address that. So I --

HEARING OFFICER CELLI: Would that be Mr. Powers?

MS. BELENKY: Yes, Bill Powers. So we may have a witness for that if he’s available, which is Tuesday morning, which I think is a difficult time for him, but I can check. And then you’re moving Alternatives to the end of the day on Wednesday, is that what you --

HEARING OFFICER CELLI: Right, Alternatives and Override would be the last two topics.

MS. BELENKY: And I’m not certain -- just given how these hearings have gone before, that could be late in the evening, so I guess we’ll just have to see what happens, but I actually am concerned that the three days of hearings were actually noticed and now we’re trying
to jam everything into two days of hearings, which is
making it a little bit hard for me to know if my experts
will really be able to be there and what time they
should be there.

HEARING OFFICER CELLI: Well, this is why we’re
having this conversation now. I actually don’t think
it’s a jam, I think given the way that these hearings
have gone on the past, we’re going to get a lot more
done. I think we’re giving ourselves generous
allowances here. I’m not saying we’re not going to use
Thursday, but what I’m trying to do is save people’s
time and trouble and travel time, etc., by trying to get
it done before Thursday if possible. So that’s sort of
the go for.

MS. BELENKY: But it’s possible, then, that
someone who now is being told it will be the end of the
day Wednesday, and changes everything to get there by
then, it will actually be Thursday morning, and I guess
that’s where I’m --

HEARING OFFICER CELLI: That’s a reasonable
concern and I think that’s true, but now is Mr. Powers,
or Dr. Powers, going to be testifying by telephone?

MS. BELENKY: He was hoping to appear in person
this time, but I’m not sure that he can appear in person
at the end of the day on Wednesday, I would have to
contact him. And by the end of the day, my experience
with this Committee has been that that could be quite
late in the evening.

HEARING OFFICER CELLI: Well, we’re trying not
to have it be tortuous. We’ll see if we can’t finish in
a reasonable hour. I’m really, as I’m sitting here
looking at the first day, which is Project Description,
Storage, Gas, Glint and Glare, and Cul 1, I really think
that we can get this thing done by dinner time on Day
One.

And Day Two, which is Bio, Alternatives and
Override, I suspect we’ll be finished in the afternoon.
But then again, I’m not clairvoyant and anything can
happen, and things can go long, and I don’t know, so we
have the room for things to spill over into Thursday,
but it’s quite possible that we’ll be done Wednesday
afternoon.

MR. GALATI: Mr. Celli, I added up all the time,
as well, and I just want to remind everybody that we’ve
already had three days of hearings on this project, and
that what we’re having hearings on are very focused
issues related to reopening the evidentiary record in
these particular areas. We’re not opening up all of
these subject areas, just like with Cul 1, we have 15
minutes of testimony to provide you in Cul 1, staff
doesn’t have very much, the Committee has some questions about the proposals, and then you’ll open it up to public comment. This is not going to be the way the Cultural hearing went last time, which took most of a day.

HEARING OFFICER CELLI: Right. See, that’s the thing, we’re are only talking about Cul 1, but Cultural is going to, see, that’s the wild card, is how much public comment are we going to get, and that’s why it’s hard to say how much time this is all going to take.

MR. GALATI: And Traffic and Transportation are what have we learned from Ivanpah that changes the analysis that was already done for Palen, and it isn’t reopening all Glint and Glare issues, and all of the visual issues, we’re not going through all the things we had to go through before.

HEARING OFFICER CELLI: No, it’s just Aviation, but we do have a lot of evidence that has come through on that, so we expect robust discussion on that.

MR. GALATI: Correct, but I still think that, you know, you will be with Traffic and Transportation done in an hour and a half.

HEARING OFFICER CELLI: Yeah. Well, that’s pretty much how I’m seeing it, but again, we’ll see, there could be a lot of public comment, we’ll have to
deal with public comment as we get it.

MR. GALATI: Yeah, we support the schedule that you’re talking about now, which is as laid out in our Pre-Hearing Conference and staff’s, and we think we’ll be able to make it so Mr. Adams can leave on Tuesday, and we think that this will accommodate all the Biology witnesses on Wednesday.

HEARING OFFICER CELLI: Okay. It’s really important that Sean Smallwood, because we want to hear from him, and he’s a very important witness, that he has a good phone connection because we’re going to need to be able to hear him very clearly.

MS. BELENKY: Well, I’m hoping he can just appear in person, that is our preference, that is what we had intended, he couldn’t appear in person on Tuesday or Thursday, he’s trying to change his schedule and be able to come on Wednesday.

HEARING OFFICER CELLI: Well, I do appreciate that, Ms. Belenky. That would be a big help. And I think that we really do need to spend a big chunk of Wednesday on Bio, I mean, that is really a big one here. So with that, then, let me see, Ms. Winter King, anything further on scheduling? Because I think it sounds like we’ve got a plan here.

MS. KING: Uh, nope. It sounds all right to me.
HEARING OFFICER CELLI: So what that means then, Ms. King, is that Cul 1 would be on Tuesday afternoon, rather than Wednesday.

MS. KING: Yes, I understand. Thank you.

HEARING OFFICER CELLI: Very good.

MS. ANDERSON: Excuse me, Hearing Officer Celli? This is Ileene Anderson. And with regards to Bill Powers’ availability, he is really only available on the morning of the 30th or the morning of the 31st.

HEARING OFFICER CELLI: And so is the 30th Tuesday or Wednesday, I’m sorry.

MS. ANDERSON: The 30th is Wednesday.

HEARING OFFICER CELLI: Okay. And he would be there for Project Description?

MS. ANDERSON: I believe yes, with the changed circumstances, so to speak, yes.

HEARING OFFICER CELLI: Would he be available by telephone for Tuesday?

MS. ANDERSON: He did not state that he was available, I can try to double-check with him.

HEARING OFFICER CELLI: Here’s what I was thinking. Originally we were going to start with Project Description, Storage and Gas, first thing on Tuesday the 29th. And then he’s going to testify about Alternatives and Overrides, which is the last thing on
the 30th.

MS. ANDERSON: You know, I can check with him. He said he wasn’t available on the afternoon of the 30th when I last talked to him.

HEARING OFFICER CELLI: Okay. Can you check in again --?

MS. ANDERSON: Yeah.

HEARING OFFICER CELLI: Great. Thank you. All right, if that’s the case, then I would probably, I don’t know, I should probably -- there are bigger minds than mine out there, you probably have better ideas than mine, but I’m thinking that if we have to move Project Description, Storage and Gas over to Day Two --

MR. GALATI: Again, I’m confused as to why Mr. Powers would have comments on Project Description. The testimony that he has provided is the infeasibility of alternatives --

HEARING OFFICER CELLI: Don’t forget that all of this Project Description came in rebuttal, all of the parties testimony came in --

MR. GALATI: No, it didn’t. Natural gas consumption is Project Description, thermal energy storage is Project Description, we had it on the list, so the only issue is the Revised Phasing Plan --

HEARING OFFICER CELLI: Right.
MR. GALATI: -- that’s all, that is the change in Project Description.

HEARING OFFICER CELLI: That is correct.

MR. GALATI: And I want to understand what Mr. Powers might be testifying to or about, other than I don’t like the Revised Phasing Plan. That’s a legal argument of whether or not you should approve one tower or two towers.

HEARING OFFICER CELLI: Right. I can’t guess as to what Mr. Powers is going to testify about, but what I would say is that, because this came late in the game, we would certainly give him the opportunity to testify in rebuttal to what came in on Project Description since there wasn’t an opportunity to do that. So I don’t want to cut him short, I want to give him every opportunity, the question is, what is his availability right now? I don’t think it would take that long, frankly, it’s not that big a topic, Project Description, but we want to give him that chance.

MS. BELENKY: This is Lisa Belenky, I’m sorry, I feel like there’s a little bit of mixing here that’s going on. The issues around storage were also mixed in with the question of Overriding Considerations and Alternatives. And so all of those actually are somewhat tied together, and Mr. Powers did provide testimony on
alternatives, on the feasibility of storage, on the feasibility of alternatives that do or don’t have storage, other kinds of storage; so those issues which I think you’ve now tried to push back and subsume into something called Project Description, those storage issues, are something that he has provided testimony on, and the overriding considerations topic area also included this issue of the storage, which now there is a new proposal from the company, that I still don’t know that I completely understand, but it is to somehow push the storage into a later date for a new, some sort of condition, as opposed to being part of the project, or potentially part of the project. So all of those questions are issues that Dr. Powers, Bill Powers, has looked at, and would be potentially testifying about. And by breaking it up in these ways, it means that perhaps he’s going to need to be available two days, which may or may not be fine, we’re trying to find out. I am a little bit confused with the tone of this whole conversation as though this schedule was put out ages ago and we all could have lined up all our experts for this potential schedule, which is not true. It was put out a day ago.

HEARING OFFICER CELLI: That’s correct.

MR. BELENKY: And that expert we’ve been working
with for months, who gave us dates, and we put them in our Pre-Hearing Conference Statement. It is very typical that during the Pre-Hearing Conference, we have to negotiate to change things around for different people’s witnesses, which is one reason that Glint and Glare is going on Tuesday.

HEARING OFFICER CELLI: Right, that’s what we’re doing right now and, you’re right, none of this is etched in stone yet because we’re trying to iron out all these wrinkles and figure it out. We’ve got to accommodate Jim Adams, we’ve got to accommodate Sean Smallwood, and we have to now accommodate Bill Powers.

MR. GALATI: I could provide some clarity because I think something that Ms. Belenky had said provided clarity for me. We put storage here in Project Description specifically to answer staff’s questions about is the current project designed to be able to take storage later. That is a Project Description question.

We also have Storage in Overrides, and also Storage comes up in Alternatives. So if Mr. Powers wants to testify in Project Description on Storage that we did not design the project to take storage later, that’s an engineering question that I didn’t see any testimony filed on that. So when I said he didn’t file any testimony on Project Description, in my mind this
thermal energy storage is not only in Project Description, it’s just this limited question that staff had for us, “Did you really design the project layout to accommodate storage in the future?” And we are prepared to answer that question, we actually filed testimony on that point.

We also discussed storage and the benefits of storage in the future in our overrides and in our infeasibility, so maybe that helps?

MS. BELENKY: This is Lisa Belenky. It helps to the extent that you think that Mr. Powers did not provide testimony on the storage issue, which he in fact did, as to whether the heliostat field as designed was sufficient for storage. That is in his rebuttal, I believe. So, yes. So those are all issues in which we would want to be able to have him testify as part of the panel.

MR. GALATI: When we talk about storage, if it accommodates him to talk about storage on Monday, or Tuesday, we can talk about storage altogether or individual, however the Committee would want.

HEARING OFFICER CELLI: We could. One moment. So one of the things that I think might accommodate everybody would be to -- and Ms. Belenky, or Ms. Anderson, either one of you, with regard to Dr. Powers’
testimony, if we moved project description which includes storage and gas over a long with alternate alternatives and overrides on Wednesday afternoon, after Bio, then that would be essentially all of the areas that Dr. Powers would be needing to address. Correct?

MS. ANDERSON: Yes, I think that’s correct, except he isn’t available on Wednesday afternoons that I know of, so I have tried to contact him and I’ll wait for a call back.

HEARING OFFICER CELLI: Or we could do it first. We could do it before Bio, and do it in the morning. So, Ms. Belenky, then, if we had Alternatives and Overrides, Project Description, Storage, and Gas in the morning, he’s available for that?

MS. BELENKY: Yes. Yes, he is available on Wednesday morning, we know that for sure.

HEARING OFFICER CELLI: Okay.

MS. BELENKY: But I believe other parties have expressed a desire to do the project description on Tuesday morning, so I’m just trying to figure it out, what we’re doing.

HEARING OFFICER CELLI: Well, actually I’m trying to go witness by witness because, as we raise these, people are telling me their witnesses aren’t available. Mr. Powers, or Dr. Powers is available.
Wednesday morning. If I put Project Description because Turlinski and Stucky are going to be there for Storage and Gas and Project Description and Alternatives and Overrides, all week anyway, I believe, then if we put that over to Project Description, Storage, Gas, Alternatives and Overrides go on Wednesday morning, followed by Bio, into the night as late as we need to, then we would have Glint and Glare and Cultural on Day One. And that’s everything with nobody left out because Jim Adams would be available for Glint and Glare on Day One, right? The Cultural people are available for Day One, Sean Smallwood is now available if at least by phone for Bio on Day Two, and Dr. Powers is available Wednesday morning for Project Description, Storage, Gas, Alternatives and Overrides. So I think I’ve got everybody accommodated. Right? Someone speak up if I’m missing something here.

MR. GALATI: No, the only thing I’ll speak up is I think that Tuesday will be a pretty short day.

HEARING OFFICER CELLI: Yeah?

MR. GALATI: And Wednesday will be a pretty packed day. And we’re having, if the Committee is comfortable with that, we’re comfortable with that.

HEARING OFFICER CELLI: Well, this is what we do. So I think it’ll be okay. We’ll make this work.
Wednesday looks like it’s going to be a long day, but in doing it this way, we will have accommodated everybody. So if there’s anything further on that before we move on, Petitioner or staff, on scheduling of the hearings, the order of the topics, go ahead.

MS. MARTIN-GALLARDO: Staff would just like to make, well, has one question. Do you anticipate when an Order -- do you know when we could anticipate an Order on this Schedule just so that --

HEARING OFFICER CELLI: There will not be an Order. This is our Pre-Hearing Conference. I supposed I can send a memo out that says “this is the order that we’re going to be doing these things,” and in fact I need to do that because I have two Intervenors that aren’t here, so I will put out a memorandum that says “per our Pre-Hearing Conference, this is the proposed order that we’re going to take the topics in.”

MS. MARTIN-GALLARDO: That sounds great. Thank you.

HEARING OFFICER CELLI: Okay, so let me make a note about that. Anything from Basin and Range Watch?

MR. EMMERICH: No, we really don’t have any specific requests now.

HEARING OFFICER CELLI: Okay. Ms. Belenky, anything further on the order?
MS. BELENKY: I don’t think so. I was just trying to make sure all of the categories — so Glint and Glare — because some people have talked about traffic and other people call it visual, and you’re calling it Glint and Glare. I just want to make sure we’re talking about the exact same thing.

HEARING OFFICER CELLI: Correct, it’s both. It’s whatever the parties need it to be. What we’re really talking about are the Glint and Glare effects on Aviation. So I think it’s more properly in Traffic and Transportation because visual is really about the aesthetics and the look of the project, and we’ve already pretty much tackled that. So, really, I think the focus is Traffic and Transportation. So anything further with regard to the order of the topics from Center for Biological Diversity?

MS. BELENKY: No.

HEARING OFFICER CELLI: Okay, let’s hear from Winter King, then. Anything further on the order of topics?

MS. KING: Nope, nothing from us.

HEARING OFFICER CELLI: Okay, thank you. That covers everybody who is here today.

The next discussion is about the Exhibit List. I’m not going to take time to talk about it right now.
other than to say that, with the new eFiling system, you
go online and you will see how we have -- we hope we got
it right, but we expect the parties to do their own
proofreading and make sure that we attributed your
exhibit with the exhibit number you wanted us to use.
Okay?

So that’s really it on Exhibit Lists. Is there
any question about exhibits from any of the parties?

MR. GALATI: I have a comment.

HEARING OFFICER CELLI: Yes.

MR. GALATI: Staff in its rebuttal had done a
new analysis and a risk assessment associated with Avian
that we have not seen. We will be handling it in
surrebuttal orally, but we may have a few exhibits of
charts and data that’s already been either filed or just
visual aids that we will use. We will docket all of
those by Friday, and I just wanted to let everybody
know. I know I complain the most when I come to a
hearing and there is something going up on the screen
I’ve never seen before, so I just wanted to let
everybody know that won’t happen from us, we’ll docket
everything by Friday. We will probably call them
exhibits, I don’t know if the Committee wants to take
them, we can decide whether they’ll be admitted at --

HEARING OFFICER CELLI: Well, you will move them
at the hearing and we will hear objections if they come up.

MR. GALATI: Okay, but we will file some charts and tables and graphs, specifically surrebuttal to what staff recently did in their Appendix for their new risk assessment for Avian.

HEARING OFFICER CELLI: Staff, anything on exhibits?

MS. MARTIN-GALLARDO: I just wanted to mention that we noted from the Exhibit List that the Hearing Office put out on the Web that staff will be using the Petitioner’s numbers as exhibits in some areas. We noted that we marked as exhibits things that had already been marked as exhibits, so we used the prior number.

HEARING OFFICER CELLI: Right.

MS. MARTIN-GALLARDO: Also, similarly to what Mr. Galati just said, staff is docketing today a couple of things, one being a Cultural Resources Opening Statement Powerpoint, so that everybody can see that before. And there may be one or two other issues that are docketed that we may mark as exhibits, for example, we are now anticipating Mr. Vidaver and Mr. Hesters as being sworn in to give testimony will need to put in their resumes, etc., things like that.

HEARING OFFICER CELLI: Okay. There’s a
distinction I want to draw right now, which is sort of what I would consider housekeeping, which is the foundation of your witnesses’ resumes and whatnot, and new evidence.

And this Committee is adamant that new evidence will not be received into evidence if nobody has seen it until the Evidentiary Hearing because everybody should be on notice, everybody should have received everything. So we understand that these things do happen, and it’s sort of exhibit by exhibit, we’ll have to figure it out as to each one, but this Committee disfavors late filed evidence. So that said, again, you will make your motion, if there are people who are going to object to anything that you want to put in, we’ll hear those objections, and we will make a ruling at the Evidentiary Hearing.

Any other questions from Basin and Range Watch regarding exhibits or the Exhibit List?

MR. EMMERICH: No, not at this time.

HEARING OFFICER CELLI: Okay, Center for Biological Diversity about exhibits?

MS. BELENKY: No, not at this time. I hadn’t seen that there was a separate list, so I’ll double-check that list.

HEARING OFFICER CELLI: Please do. That’s the
whole point of this section, I want to make everybody clear. In the past, I’ve put together an Exhibit List and passed it around and sent it to everybody to look at, now we’re on this new system with eFiling and you just need to go on the eFiling and make sure that we got your numbers right because it’s the Hearing Office that puts in the exhibit number, and if we’ve got something wrong, then you need to let us know so we can correct it before the Evidentiary Hearing. So thank you, Ms. Belenky.

Ms. King, anything on exhibits?

MS. KING: Nope.

HEARING OFFICER CELLI: Okay, thank you. Then we’re into really the next two. In this case, I have everybody’s witness list, I don’t see a problem with any of the witnesses. I want to be clear that I know Sean Smallwood has from outside of this arena he used to be an umpire in Little League where I was a coach for many years with my son, I’ve never talked power plants with him, I’ve never talked environmental law, or anything like that with Dr. Smallwood, but I do know him from before. That wouldn’t prejudice me or bias me in any way, but I thought I should disclose that. If anybody has any questions about that, I’m happy to entertain them, but --
MR. GALATI: Did you ever tell him he needed glasses?

HEARING OFFICER CELLI: No, I never really got in his face, actually.

MR. GALATI: You missed an opportunity, I think.

HEARING OFFICER CELLI: So the only thing is, I would question his judgment about having kids throw hard balls as hard as they can at him from not far distances, but, no, he’s a fine person, but I do know him from before and I just thought I better disclose that.

Lastly, we’re talking about witnesses -- I wanted to talk about the informal process that we’re going to employ. To save time, we will deem all parties’ opening and rebuttal testimony as their direct evidence. We’ve done this before and we’re going to continue with this practice.

There is no need to discuss an expert’s resume if we have them in writing and there’s no objection to the witness qualifying as an expert. If you have an objection, state the objection first and avoid speaking objections, so, please, if you have an objection tell us what the objection is and the Committee will rule on the objection.

The informal process will generally proceed in the following order: all parties’ experts on a topic at
hand will be sworn in as a panel. Petitioner’s experts will then provide a brief opening statement summarizing the key points and conclusions of their testimony, followed by staff’s experts who will provide a brief opening statement summarizing their key points and conclusions of their testimony, followed by the Intervenors, and typically I call the Intervenors in the order in which they petition to intervene.

So we will go through each Intervenor and their experts will provide opening statements, some raising their key points and conclusion of testimony. And the Committee really appreciates open discussion between the expert panelists, generally led by the Committee, and we envision the testimony would include discussions among the panel without lawyers asking questions.

You want to please remind your witnesses to identify themselves every time they speak in order to provide a clear transcript. If the panelists appear to be unduly confrontational, combative, or the panel discussion becomes unproductive in any way, the Committee will probably take over the questioning, but the discussion will continue until the Committee determines that it has heard enough evidence.

I want to say that it is not really -- we are not looking for witnesses to question each other, we are
looking for them to discuss their points and assert
their points, and let the other parties. So we’re not
looking to turn your witnesses into lawyers and turn to
another witness and say, “Isn’t it true that you did
this, this, or that?” I mean, we’re not interested in
that. This is a discussion among experts on the topic
of their expertise.

Now, attorneys will be allowed to follow-up with
questions of their own, and we’ve always done this. And
they can ask their own witnesses or expert witnesses to
the extent the Committee finds the questioning
productive, but I want to be clear, all of you attorneys
please, this is not -- in fact, all of you parties, not
just to single out the attorneys, but all parties --
this is not an opportunity to rehash and repeat the
testimony we’ve already heard. So, you know, “Are you
saying you really think that what you said is really the
way it is?” We don’t want that. We want, you know,
they’ve made their points, they’ve made their
statements, follow-up, rehabilitate as needed, but we
want to be efficient about this. And we do not want
repetition.

At the conclusion of the attorneys’ examination
of the experts, the Committee may ask witnesses
additional questions or allow panelists to ask
additional questions of each other, or to follow-up with their answers. The Committee may revert to standard formal examination, that is direct and cross-examination as we all know it to be. That will be at the discretion of the Presiding Member.

If we allow cross-examination, be ready to state the page number and line of any testimony you seek to cross-examine a witness about, so be prepared. Remember to allow the witnesses to finish their answers, do not cut off witnesses when they’re speaking.

Now, having said that, and since I know that most everybody now, since we’ve already been through evidentiary hearings once with the informal process in the Palen case, I just want to find out from the parties, are there particular witnesses that you need to cross-examine apart from the way that we’ve handled it heretofore, which is just asking the attorneys, “Do you need some follow-up on any area? Go ahead.”

So is there anyone in particular, Mr. Galati that you think you need to cross?

MR. GALATI: Yeah, I listed those in my Pre-Hearing Conference and I listed times that I anticipated crossing, and that I would stand by those times.

HEARING OFFICER CELLI: Okay, but --

MR. GALATI: If the Committee asks some
questions that I was going to ask, I won’t ask them again.

HEARING OFFICER CELLI: Right.

MR. GALATI: But this is one of the things that I find difficult and it might be that I’m just old and used to the old way, I don’t know what you’re going to ask. So, for example, last time we went to Avian and the Committee asked not a single question on Avian. I didn’t know what I’m supposed to rehabilitate. I have witnesses sitting there who didn’t say some of the things that they would have liked to have said because I was trying to keep my opening statement short and to the point. So if you don’t ask any questions, I have a lot of questions I’d like to ask; if you ask those questions, I won’t. So it’s hard for me to anticipate, but I do have a question, at least one, for every witness I identified that I wanted to cross-examine.

HEARING OFFICER CELLI: Okay, and that’s fair and we’ll give you that opportunity.

MR. GALATI: Thank you.

HEARING OFFICER CELLI: But I just want to make sure that we don’t have a transcript full of lawyers arguing over the form of the question and that sort of thing. I mean, this is open season, we’re letting your witnesses have narrative answers.
MR. GALATI: Yeah --

HEARING OFFICER CELLI: So I just want to avoid argumentative and that sort of, you know, show business sort of grandstanding thing that trial lawyers do.

MR. GALATI: Yeah, I haven’t found that that’s been very effective for me at the Commission, so I don’t do that.

HEARING OFFICER CELLI: Any questions about any of this, Ms. Martin-Gallardo?

MS. MARTIN-GALLARDO: No.

HEARING OFFICER CELLI: Okay, Mr. Emmerich, Kevin Emmerich?

MR. EMMERICH: No, we don’t have any objection.

HEARING OFFICER CELLI: Okay. And again, we’re asking, you know, if anyone has any questions about the procedure that we’re going to employ.

Ms. Belenky?

MS. BELENKY: I don’t have any questions. I shockingly agree with Mr. Galati that it depends how the questioning and the panel goes whether or not I would have specific cross-examination or any remaining questions. But we certainly want to reserve our right to ask them if for some reason it hasn’t come up during the panel.

HEARING OFFICER CELLI: And that right is
preserved. Really ideally, if we do this right, then
we’ve exhausted everybody by the time we get to the
lawyers and say “is there any follow-up?” So you will
have that opportunity.

Any questions about the way that we are going to
proceed, Ms. King?

MS. KING: Nope.

HEARING OFFICER CELLI: Okay. Then we’re going
to move to the next topic which is the Briefing
Schedule. And Ms. Belenky, you said that you wanted
some dates certain as to when briefs would be due. The
current schedule calls for opening briefs two weeks
after transcripts become available and rebuttal briefs
three weeks after transcripts become available. The
parties are not required to file briefs.

What I will do is I would issue a memo that
specifies the briefing deadlines as soon as we get the
transcripts because everything depends upon the
transcripts and it wasn’t Palen where we had the one
transcript, it took months to come out. So we’re not
going to require the parties to file briefs without a
transcript.

But the way I will handle it is I’m going to,
when we receive the transcript, we send out a Notice of
Availability of Transcripts, and I will send out a memo
that says the transcripts are in, opening briefs are due
on such and such a date, rebuttal is due on such and
such a date. Okay? Any question on that?

MS. MARTIN-GALLARDO: You had said something
about putting out questions yourself. Would that be in
that order when the Notice of Availability came out?

HEARING OFFICER CELLI: Or before. You know,
let’s remember where we are, we’ve already been through
evidentiary hearings, we’re really focusing on those
issues that were unclear, that were the basis of the
PMPD, of the denial of the PMPD that was recommended
initially. So we are pretty focused on what we’re
dealing with here now. I think the issues are clear,
the Committee may still have some questions and we would
put those out by way of memo, as I think we did last
time, we sent a memo out that said the Committee is
interested in knowing more about these things, or asking
the parties to please brief these issues. So that’s a
possibility and hopefully if we get a solid enough
record, we wouldn’t need to do that.

Any question on the Briefing Schedule, Kevin
Emmerich?

MR. EMMERICH: No questions.

HEARING OFFICER CELLI: Ms. Belenky, any
question about briefing?
MS. BELENKY: I don’t have a question about briefing. Obviously people understand that having a floating date makes other things hard to schedule, but the other request is that we’ve made repeatedly is to have two weeks for the reply and not just one. So I’d like to have that expressly addressed, as well.

HEARING OFFICER CELLI: Well, you know, that’s not a bad idea because in this case, because of the -- I don’t think we have the rush that we had before, so one extra week on briefing I don’t think would --

MR. GALATI: We still have the rush we had before, we missed that deadline by eight months. We’ve lost one PPA most likely. We have a rush to get a decision in time so we can do -- and it’s laid out in our testimony why we would like a decision in October.

HEARING OFFICER CELLI: One moment. (Pause) We’re still on the record, and in conferring with the Committee, it seems that we probably could accommodate the parties with two weeks on the rebuttal and still keep the schedule. So remind me when we talk about that again at the Evidentiary Hearing, Ms. Belenky, that we would have two weeks for opening briefs and two weeks for rebuttal briefs.

And then, Ms. King, anything on briefing?

MS. KING: We had noted in our Pre-Hearing
Conference Statement that currently the schedule has a hard deadline for the publication of the PMPD, and so I don’t know if we’re on to that yet, but since we have a floating deadline, at least until the transcripts come out for briefs, it might make sense to also key that publication to when the Reply Briefs are filed, rather than having a date that could possibly be before the briefs are done.

HEARING OFFICER CELLI: Right. Of course, you know, the briefs are contingent upon transcripts coming out on time. We’ve had a little bit of a meltdown with the transcripts at one point in the original Evidentiary Hearing, and so we’re onto that and we aren’t likely to let that happen again. One of the ways that we can avoid the problem is that we will have a Court Reporter, as we do today, who is tape recording rather than the old fashioned stenographer-type Court Reporter, that would save us a lot of time and trouble, that’s where we went awry before. So I believe we’re going to have a tape recorder type Court Reporter in Blythe, and so I’m expecting an expedited transcript hopefully within about five or six days of the closing of the Evidentiary Hearing, and so when that day comes, I’m going to send a memo out that says we’ve received the transcripts, two weeks from today is X date and that is the due date for
your opening brief, and two weeks after that is whatever
date that is, is the date that the rebuttal brief will
be due. Okay?

MS. KING: Yeah, I wasn’t concerned about that,
I was just noting that since we don’t know what those
dates are, the existing scheduling order has the PMPD
being published on September 8th --

HEARING OFFICER CELLI: Right.

MS. KING: So my suggestion was just to avoid
having that date come before the briefs are all in, that
that also be keyed in some way to the new briefing
schedule, or clarified when you send around that memo.

HEARING OFFICER CELLI: I see what you’re
saying. So that’s correct, I mean, you know what? We
would have to make sure that we receive the briefs
before the PMPD publishes and so, much as I’d like to
keep that September 8th date as solid, we know typically
those days are elastic.

MR. GALATI: That’s why we were not happy about
an extra week being added to the reply brief. Again,
the issues are focused, we have briefed all the legal
arguments --

HEARING OFFICER CELLI: But this is contingent
on the transcripts, of course, and if we get them off
sooner because we’re going to ask for a rush, then we
MR. GALATI: Okay.

HEARING OFFICER CELLI: If they are late, we may have to adjust the briefing schedule, too. We can do that. But, you know, what typically happens is that, well, the Committee gets their decisions out usually as on time as they possibly can. In light of the whole process, you know, we’re pretty good about that. And so we will do what we need to in order to get this Decision written and out on time.

I’m not sure I answered all of your questions, though, Ms. King. You asked something else.

MS. KING: No, that was my only question and it sounds like we’re just going to deal with that deadline once we get the transcripts out and know what the briefing schedule is.

HEARING OFFICER CELLI: Right. That’s our current go for right now. So thank you on that.

Lastly, I want to talk about public comment. Again, when we do the Evidentiary Hearings and we’re about to take public comment, before we do, I just want to say that we will be at Palo Verde College Campus in Blythe July 29th, 30th, and possibly 31st. The Evidentiary Hearings will start each day at 9:00 in the morning.
Evidentiary Hearings will go as late into the evening as the Committee deems necessary. The Committee will hear public comment at the close of taking evidence on both days. Now, we said 5:00 on Tuesday and we will keep that. If there are a large number of people who are there, we may even take public comment during the lunch break, so we would have two public comments.

On whatever day we finish taking evidence, whether that’s Wednesday or Thursday, at the close of the hearing we will take public comment immediately following the close of the hearing. So in other words, we finish at 3:00 on Wednesday, we would take public comment then, not wait until 5:00. So I hope that’s clear.

If possible, if we finish the hearings on Wednesday, then obviously we will not be taking public comment on Thursday, okay? Because we’re not going to have hearings on that day. We will take public comment immediately following the hearing. If the Committee convenes a Closed Session on August 4th, we left that date open in the event that there were some auditory problems, audiovisual problems with the WebEx and whatnot, if we need to take evidence on Monday the 4th, then we would take public comment at the close of that day’s evidence, on that Monday’s evidence. If we don’t,
but the Committee chooses to convene a Closed Session, we would take public comment immediately upon opening that Closed Session, and then we would go into Closed Session and not take any further public comment.

So I hope that’s clear. The options are on Monday we’re either taking evidence, then taking public comment, then going into Closed Session, or if we’re not taking evidence, we’re taking public comment, then going into Closed Session on Monday. Okay?

So is there any question about that?

MR. GALATI: I just have one question regarding your Closed Session. When you meet for purposes of going into Closed Session, I’m confused whether or not I’m supposed to be present and the parties are supposed to be present that you may ask a question.

HEARING OFFICER CELLI: You know, I think that’s a good question because so far --

MR. GALATI: I’ve been attending.

HEARING OFFICER CELLI: Yes. According to Commissioner Douglas, parties probably should not attend the Closed Session because all we do is we say, “Good morning, everybody. We’re on the air. We’re about to have our Closed Session. Is there public comment?” We take public comment and then we go into Closed Session and then it’s dead air. There’s no need to sit here for
that, there’s no need for anyone to travel here for
that. So we would recommend against that and that’s the
recommendation of the Committee.

MR. GALATI: Thank you.

HEARING OFFICER CELLI: Also, there’s never an
announcement of any import at the close of a Closed
Session, other than to say, “We just finished our Closed
Session, thank you. Good bye. Adjourned.” So that’s
the deal with Closed Sessions.

Any question, staff?

MS. MARTIN-GALLARDO: No, no questions.

HEARING OFFICER CELLI: Basin and Range Watch, any
further questions before we go into public comment?

MR. EMMERICH: No questions.

HEARING OFFICER CELLI: Okay, Ms. Belenky, any
questions before we go into public comment?

MS. BELENKY: No questions.

HEARING OFFICER CELLI: Winter King, any
questions before we go into public comment?

MS. KING: No questions.

HEARING OFFICER CELLI: Thank you.

MR. GALATI: I apologize, can I have Ms. Grenier
come up? She has some housekeeping items that might be
important before public comment. Sometimes people do
public comment and then drop off.
HEARING OFFICER CELLI: Thank you. Go ahead,

Ms. Grenier.

MS. GRENIER: Thank you. I just wanted to

mention for those of you who have not attended public

hearings out at Palo Verde College, it’s not right in

Blythe. This was my first time being there and I was

surprised, the first time I went out there a few weeks

ago, it’s a 20-minute drive from downtown Blythe. Your

map has the right location in the Hearing Notice, but I

want people to be really clear, allow enough time if

you’re staying overnight in Blythe the night before,

like many of us are, to allow at least a half hour.

Classes will be ongoing that morning, as well, so there

could be “traffic” as you drive out to the campus.

The other thing I wanted to mention is we will

be providing box lunches on both days, again, because

the campus is in a very remote area, there are no other

facilities around, there’s not a Starbucks in driving

distance, Charlie will be disappointed, but it is what

it is. So we’re going to provide box lunches and then,
as Scott mentioned, we will be providing dinner on

Tuesday night.

HEARING OFFICER CELLI: And for the record, when

you say “we will be providing,” who is we?

MS. GRENIER: The Applicant -- or the
HEARING OFFICER CELLI: Okay, thank you.

MS. GRENIER: Palen Solar Holdings. There is an onsite vendor who does provide some food, so if you don’t want a box lunch, you might be able to find something there within the campus right across from where we are. But I just wanted to mention those things logistically. If you prefer your own food, you better bring it with you. Okay, thank you.

HEARING OFFICER CELLI: Thank you. Okay, Mr. Edwards, if you -- Roberts, I’m sorry -- Dr. Roberts, if you wouldn’t mind coming to the podium and letting us know whether there’s anyone here who wishes to make a public comment.

DR. ROBERTS: I do not believe so, no.

HEARING OFFICER CELLI: Okay, thank you. Then we’re going to go to the phones now and the way that I’d like to proceed on the phones, ladies and gentlemen, is first I’m going to call the names as people type them in to see if they want to make a public comment, and then you will make your public comment. And when you’re finished we will -- you can either hang up, or we will mute you and move on down the line.

And when we finish calling all of the names of the people who are online, we will then call the people
who have telephoned in and not identified themselves as
a computer user, and at that time we’ll ask you to speak
up.

So I have first Amy Howard from National Park
Service. Did you wish to make a comment?

MS. HOWARD: No comment at this time. Thank
you.

HEARING OFFICER CELLI: Thank you. Next, I have
Ann Crisp. Staff? Okay, never mind. Okay, go down to
David Schlossberg. Does he want to make a comment?
Okay. Dee Bardwick, let’s hear from Dee Bardwick,
please.

MS. BARDWICK: I have no comment at this time,
thank you.

HEARING OFFICER CELLI: Thank you. Is Hilliard
or Hillard with staff? Okay. Ileene Anderson, Janine
Hyne, Lisa Belenky, Lisa Worrall is with staff. Marie
Fleming is with Petitioner. Matt Layton is with staff.
Mavis Scanlon, I think she’s with the Press. Let’s see
if Mavis Scanlon wants to make a comment. Any comment
from Mavis Scanlon? Oh, she’s not on the phone, she’s
just on headset. So those people can’t. Michael
Vampstad? Michael Vampstead, Vampstad?

MR. VAMPSTAD: Yeah, Michael Vampstad. Yeah, I
have no comments at this time. Thanks.
HEARING OFFICER CELLI: Okay, thank you. Nancy?

Nancy, did you wish to make a comment?

MS. JASCULKA: This is Nancy Jasculka and I don’t have any comments at this time. Thanks.

HEARING OFFICER CELLI: Thank you. Tanya Gulesserian is a party. Paul K. I assume is Paul Kramer. Tiffany North, let’s hear from Tiffany North.

MS. NORTH: I have no comments at this time.

Thank you.

HEARING OFFICER CELLI: Thank you. And then are we at the bottom of the list? Okay, then let’s go back to the top of the list. We’ve now called on all of the people who have identified themselves on the WebEx, and now the remaining people are those of you who have called in on the telephone and are listening in. We’re going to unmute all of you and it’s really the person with the most dominant voice gets to speak first, so please speak up if you wish to make a comment, call-in user. If you’re on the telephone and you wish to make a public comment, now is the time. Please speak up.

Okay, the record should reflect that five call-in users, and I’m asking you the third and last time, if you wish to make a comment, now would be the time to make your comment. So please speak up if you wish to make a comment.
Okay, hearing none, then at this time I’m going to hand the proceedings back to Commissioner Douglas for adjournment.

COMMISSIONER DOUGLAS: All right. Well, thanks everyone. We’ll look forward to seeing the parties in Blythe. And we’re adjourned.

(Thereupon, the Hearing was adjourned at 3:29 p.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 23rd day of July, 2014.

[Signature]

PETER PETTY
CER**D-493
Notary Public

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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 23rd day of July, 2014.

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