

COMMITTEE MEETING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

<b>DOCKET</b>	
<b>11-AFC-4</b>	
DATE	<u>APR 09 2012</u>
RECD.	<u>APR 13 2012</u>

In the Matter of the: )  
)  
Application for Certification )  
for the Rio Mesa Solar )  
Electric Generating Facility )  
\_\_\_\_\_ )

Docket No.  
11-AFC-04

CALIFORNIA ENERGY COMMISSION  
HEARING ROOM B  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

MONDAY, APRIL 9, 2012  
10:00 a.m.

Reported by:  
Peter Petty  
Contract No. 170-09-002

COMMITTEE MEMBERS PRESENT

Carla Peterman, Presiding Member

Karen Douglas, Associate Member

HEARING OFFICER, ADVISORS PRESENT

Kourtney Vaccaro, Hearing Officer

Eileen Allen, Technical Advisor on Siting

Jim Bartridge, Advisor to Commissioner Peterman

Galen Lemei, Advisor to Commissioner Douglas

Jennifer Nelson, Advisor to Commissioner Douglas

CEC STAFF AND CONSULTANTS PRESENT

Jeff Ogata, Staff Counsel

Kerry Willis, Staff Counsel

Pierre Martinez, Project Manager

OFFICE OF THE PUBLIC ADVISER

Jennifer Jennings, Public Adviser

APPLICANT

Brian S. Biering, Esq. (via WebEx)  
Ellison, Schneider & Harris

Angela Leiba (via WebEx)  
URS

INTERVENORS

Ileene Anderson (via WebEx)  
Center for Biological Diversity

Lisa Belenky (via WebEx)  
Center for Biological Diversity

ALSO PRESENT

Cedric Perry (via WebEx)  
Bureau of Land Management

Kim Marsden (via WebEx)  
Bureau of Land Management

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1 PRESIDING MEMBER PETERMAN: Thank you.

2 MS. LEIBA: And Angela --

3 PRESIDING MEMBER PETERMAN: I'm sorry, go ahead.

4 MS. LEIBA: Sorry. And this is Angela Leiba with  
5 URS on behalf of the applicant.

6 PRESIDING MEMBER PETERMAN: Okay, thank you.

7 And then in terms of intervenors, do we have the  
8 Center for Biological Diversity on the line?

9 MS. ANDERSON: Good morning, this is Ileene  
10 Anderson representing the Center for Biological Diversity.

11 PRESIDING MEMBER PETERMAN: Good morning, Ileene.

12 And do we have any representatives from local,  
13 state or federal agencies on the phone?

14 MR. PERRY: Yes. This is Cedric Perry from the  
15 Bureau of Land Management, California Desert District.

16 MS. MARSDEN: Kim Marsden, Bureau of Land  
17 Management, the Desert District.

18 PRESIDING MEMBER PETERMAN: Anyone from the County  
19 or any other local representatives?

20 (No response).

21 PRESIDING MEMBER PETERMAN: Well with that I will  
22 turn this meeting over to Hearing Officer Vaccaro.

23 HEARING OFFICER VACCARO: Thank you. I think just  
24 some preliminary comments. When, I think, the Commissioners  
25 walked into the room for one of the first or maybe few times

1 ever the applicant is not in the room. I want to make sure  
2 that everybody understands. I did receive a phone call from  
3 Chris Ellison asking what we anticipated would occur today  
4 and whether or not they needed to make a personal appearance  
5 or if a phone appearance would be appropriate.

6 I indicated to Mr. Ellison that a phone appearance  
7 would be appropriate based on the notice that issued from  
8 the Committee. So certainly not a sign of disrespect on the  
9 part of the applicant. They checked with me in advance and  
10 I gave them the green light not to be here.

11 And of course, with the Center for Biological  
12 Diversity, we anticipate that you are not going to travel  
13 great distances for matters that can be conducted over the  
14 telephone. So I think everybody is appropriately  
15 represented today for our purposes.

16 PRESIDING MEMBER PETERMAN: And just one, quick  
17 interjection. This is Commissioner Peterman. I failed to  
18 introduce our Public Adviser, Jennifer Jennings, who is in  
19 the room if any members of the public need to contact her.  
20 Thanks.

21 HEARING OFFICER VACCARO: So I think now we will,  
22 we will move along and just track with the public notice  
23 that issued on March 27th from the Committee.

24 What the Committee did was advise the public by  
25 way of a notice that it would be convening this meeting

1 today primarily for the purpose of going into closed  
2 session. The agenda item reads as follows:

3 "Item number 2, General Items.  
4 Committee closed session consideration of the  
5 following item:"

6 "PROPOSED SCHEDULE ON THE APPLICATION  
7 FOR CERTIFICATION OF THE PROPOSED RIO MESA  
8 SOLAR ELECTRIC GENERATING FACILITY.

9 Deliberation on a proposed Committee schedule  
10 for the application for certification of the  
11 proposed Rio Mesa Solar Electric Generating  
12 Facility."

13 I suspect this closed session comes as no surprise  
14 to all of you who participated in the last status  
15 conference.

16 So what we anticipate is that the Committee will  
17 be adjourning to closed session within the next couple of  
18 moments. I suspect the Committee will be meeting for about  
19 a half an hour or so. We will certainly check back in at a  
20 half an hour's time but I think we can anticipate that at  
21 quarter to 11 we will be either reconvening or at least I  
22 will be giving sort of a status update to the parties and  
23 the public.

24 After which the Committee will accept public  
25 comment, interested agency comment and party comment. And



1 then at that point, unless there is any more business to  
2 conduct, we will adjourn and hopefully issue a schedule  
3 shortly thereafter.

4 So with that we will go off the record now.

5 (Off the record at 10:11 a.m.)

6 (On the record at 10:46 a.m.)

7 HEARING OFFICER VACCARO: And it is 10:46 and I am  
8 so proud, I said 10:45 and here we are.

9 The Committee, for those of you who are just  
10 getting up to speed, opened this meeting, went into closed  
11 session pursuant to the public notice that was issued. The  
12 Committee has left closed session, there is nothing to  
13 report out.

14 The Committee will now be moving to the next item  
15 on the notice, which is party and public comment or  
16 interested agency comment.

17 After that point the Committee will give some  
18 final words about what you can expect in the next coming  
19 days.

20 So I think with that we will start with the  
21 applicant, if there is any comment or question that you  
22 might have for the Committee to address. If you looked at  
23 the notice it said you have up to three minutes. And we are  
24 going to keep you to it today because this is really  
25 intended to be a brief committee meeting to allow the

1 Committee to do the deliberations in closed session.

2 So, Mr. Biering?

3 MR. BIERING: Applicant doesn't have any comments  
4 at this time other than to, you know, thank the Committee  
5 for continuing to deliberate on the schedule and we look  
6 forward to, you know, a scheduling order, hopefully, coming  
7 out in the near future.

8 HEARING OFFICER VACCARO: Thank you. I see,  
9 Mr. Martinez, you are sitting there all alone for staff. I  
10 see Kerry Willis sitting against the wall. So I think, tag  
11 you're it, Mr. Martinez, if there are any questions or  
12 comments that you wish to make.

13 MR. MARTINEZ: Yeah, I have no comments to offer.

14 HEARING OFFICER VACCARO: Okay, thank you.

15 We had both Lisa Belenky, and I don't know if  
16 Ileene Anderson is still on the line, on behalf of Center  
17 for Biological Diversity. Would either of you like to make  
18 a comment or have any questions for the Committee?

19 MS. ANDERSON: I am on the line.

20 MS. BELENKY: This is Lisa Belenky -- I'm sorry.

21 MS. ANDERSON: I was just going to say I am on the  
22 line. This is Ileene Anderson and I don't have any comments  
23 at this time.

24 MS. BELENKY: Yes, and I don't either. I think we  
25 are very pleased that the Committee is deliberating and

1 taking their time on this very important issue.

2 HEARING OFFICER VACCARO: Okay, thank you.

3 I notice that we did have two representatives of  
4 BLM on the line. If you are still on the line and wish to  
5 make a comment we would like to hear from you.

6 MR. PERRY: Hi, this is Cedric Perry from BLM, the  
7 California Desert District. No, we have no comments right  
8 now. And I apologize, I got caught off in another quick  
9 meeting and I missed the first few minutes of the -- of this  
10 call.

11 HEARING OFFICER VACCARO: Thank you for that. And  
12 please rest assured that there isn't much that you have  
13 missed other than the opening of the meeting apprising  
14 everyone of why we were meeting today and then moving  
15 forward with the closed session.

16 Is there anyone else on the line, a member of the  
17 public, interested agency, who wishes to make a comment or  
18 ask a question of the Committee?

19 (No response).

20 HEARING OFFICER VACCARO: I am hearing none. Once  
21 again, any public comment for those of you on the telephone  
22 line?

23 (No response).

24 HEARING OFFICER VACCARO: And I take that as a no.  
25 There are no individuals sitting in the room today



## CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Evidentiary Hearing; that it was thereafter transcribed.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, or in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of April, 2012.

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PETER PETTY, CER\*\*D-493

## CERTIFICATE OF TRANSCRIBER

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

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RAMONA COTA, CERT\*\*478

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April 12, 2012