

PUBLIC INFORMATIONAL HEARING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of the: )  
)  
Application for Small Power Plant ) Docket No.  
Exemption for the Santa Clara ) 11-SPPE-01  
SC-1 Data Center Project )  
\_\_\_\_\_ )

<b>DOCKET</b>	
<b>11-SPPE-01</b>	
DATE	<u>JAN 26 2012</u>
RECD.	<u>FEB 02 2012</u>

SANTA CLARA FIRE TRAINING CENTER  
1900 WALSH AVENUE  
SANTA CLARA, CALIFORNIA

THURSDAY, JANUARY 26, 2012  
12:30 p.m.

Reported by:  
Richard Friant  
Contract No. 170-09-002

COMMITTEE MEMBERS PRESENT

Karen Douglas, Presiding Member

HEARING OFFICER, ADVISORS PRESENT

Kenneth Celli, Hearing Officer

Eileen Allen, Technical Advisor on Siting

Jim Bartridge, Advisor to Commissioner Peterman (via WebEx)

Galen Lemei, Advisor to Commissioner Douglas

Jennifer Nelson, Advisor to Commissioner Douglas

CEC STAFF AND CONSULTANTS PRESENT

Arlene Ichien, Staff Counsel

Robert Worl, Project Manager

Chris Davis

Geoffrey Lesh

OFFICE OF THE PUBLIC ADVISER

Jennifer Jennings, Public Adviser

APPLICANT

Monica Schwebs, of Counsel

Sarah Barker-Ball

Bingham McCutcheon

Richard Waddle

DuPont Fabros

Ted Hellewell

Mark Fisher

Santa Clara SC-1 Data Center

Nora H. Monette

David J. Powers & Associates, Inc.

INTERVENORS

None

ALSO PRESENT

Payal Bhagat  
City of Santa Clara

Mike Ryan  
City of Santa Clara

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P R O C E E D I N G S

12:35 p.m.

1  
2  
3           PRESIDING MEMBER DOUGLAS: Good afternoon. We are  
4 here for this informational hearing and site visit for the  
5 Santa Clara Data Center Phase 2 Project. I'm just looking  
6 to make sure everybody's ready. We are missing staff.

7           HEARING OFFICER CELLI: We are waiting for Bob  
8 Worl. Bob, we're ready to begin.

9           MR. WORL: Right here.

10          HEARING OFFICER CELLI: Who is the attorney?

11          PRESIDING MEMBER DOUGLAS: Who is the attorney for  
12 staff, Arlene?

13          MR. WORL: Arlene is here somewhere.

14          PRESIDING MEMBER DOUGLAS: That's fine.

15          MR. WORL: Arlene Ichien. And also Dick Ratliff  
16 is the other attorney assigned to the case.

17          PRESIDING MEMBER DOUGLAS: All right. To get that  
18 on the record the attorneys for staff are Arlene Ichien and  
19 Dick Ratliff.

20                 The Energy Commission has assigned a committee of  
21 two commissioners to conduct these proceedings and before we  
22 begin I'd like to introduce the committee. My name is Karen  
23 Douglas, I am the Presiding Commissioner on this case. The  
24 Associate Member was not able to be here today but her  
25 advisor, Jim Bartridge, is on WebEx. To my left --

1           ADVISOR BARTRIDGE: Good afternoon.

2           PRESIDING MEMBER DOUGLAS: Thank you, Jim. To my  
3 left is Ken Celli, our Hearing Officer. To his left Eileen  
4 Allen, a technical advisor on siting for the Commissioners.

5           On my right Galen Lemei. And sitting as if she were a  
6 member of staff and yet not quite is my other adviser,  
7 Jennifer Nelson.

8           I would like at this point -- I guess first of all  
9 to thank Mike Ryan, the fire chief for the City of Santa  
10 Clara, is that correct?

11          MR. RYAN: I'm a battalion chief, not the fire  
12 chief.

13          PRESIDING MEMBER DOUGLAS: Ah, battalion chief for  
14 the City of Santa Clara; I gave him a promotion.

15          MR. RYAN: Thank you.

16          PRESIDING MEMBER DOUGLAS: He appreciates it. For  
17 the use of this facility.

18          At this point let me ask applicant if you could  
19 introduce yourselves for the record.

20          MR. HELLEWELL: Yes. This is Ted Hellewell,  
21 Director of Operations.

22          MR. WADDLE: Rick Waddle, Director of Construction  
23 for DuPont Fabros.

24          MS. MONETTE: My name is Nora Monette, I'm with  
25 David Powers and Associates, applicant's consultant,

1 environmental consultant.

2 MS. SCHWEBS: I'll have to speak loudly. I'm  
3 Monica Schwebs from Bingham McCutcheon, counsel for DuPont  
4 Fabros.

5 PRESIDING MEMBER DOUGLAS: So we heard Monica  
6 Schwebs, counsel for DuPont Fabros.

7 MR. FISHER: Mark Fisher, Mechanical Manager at  
8 Dupont Fabros.

9 PRESIDING MEMBER DOUGLAS: And Mark Fisher,  
10 Mechanical Manager?

11 MR. FISHER: Yes.

12 PRESIDING MEMBER DOUGLAS: At DuPont Fabros.  
13 And for staff, please?

14 MR. WORL: My name is Robert Worl, Bob Worl. I'm  
15 the project manager for this project at the Energy  
16 Commission. And to my right is Arlene Ichien, she is the  
17 attorney for the case. Also Dick Ratliff is assigned to the  
18 case as well as a counsel. Also we brought with us the  
19 Office Manager, Chris Davis, and Geoff Lesh, one of the  
20 engineering staff. Geoff is working on this case and Chris  
21 is working on me.

22 (Laughter.)

23 PRESIDING MEMBER DOUGLAS: Thank you. I  
24 understand we have -- I met the representative of the City  
25 of Santa Clara, Payal Bhagat, so thank you for being here.

1 Are there any other representatives of federal, state or  
2 local government agencies here today?

3 It doesn't look like it, okay. I'd like to  
4 introduce the Public Adviser, Jennifer Jennings, in the gray  
5 jacket and red shirt. So she'll be able to assist members  
6 of the public who are interested in participating in this  
7 process.

8 And with that I'd like to turn this over to Ken  
9 Celli to give us some procedural background.

10 HEARING OFFICER CELLI: Thank you. Can you all  
11 hear me okay? Because I can yell. I'm going to give you a  
12 little procedural background.

13 Xeres, that's X-E-R-E-S, Xeres Ventures, LLC, a  
14 wholly-owned subsidiary of DuPont Fabros Technologies, who  
15 is the applicant in this case, submitted an application with  
16 the Energy Commission to obtain an exemption from the Energy  
17 Commission's usual power plant siting certification process  
18 to construct and operate the Santa Clara SC-1 Data Center  
19 Phase 2 at 555 Reed Street, Santa Clara, California.

20 Xeres Ventures proposes to install 16 diesel-  
21 fueled backup generators at the data center in addition to  
22 the existing 16 permitted diesel-fueled backup generators  
23 recently installed at the data center located in an  
24 industrial area in the city and county of Santa Clara,  
25 California. Each backup generator will have a capacity to



1 generate 2.25 megawatts.

2           The purposes of today's hearing are to provide  
3 information about the proposed plant, to describe the  
4 Commission's process in reviewing the application and to  
5 provide information on opportunities to participate in the  
6 process.

7           Later in the hearing the Public Adviser's Office,  
8 Jennifer Jennings who you have met, will explain how the  
9 public can obtain information about the project and how to  
10 participate and offer comments during this review process.

11           Ms. Jennings will also explain how to intervene as  
12 a formal party should anybody wish to present evidence and  
13 cross-examine witnesses.

14           The applicant conducted a site visit so that the  
15 public could see the location where the project is proposed  
16 to be built. That took place immediately before our  
17 commencing this informational hearing this morning around  
18 noon-time today, and concluded prior to this informational  
19 hearing.

20           The California Energy Commission is a state agency  
21 that has exclusive jurisdiction to license, or as we say,  
22 certify, new power plants that generate 50 megawatts of  
23 electricity or more. Under state law, power plants with a  
24 generating capacity of up to 100 megawatts may be exempted  
25 from the Energy Commission's certification process if the

1 Energy Commission determines a project proposal qualifies  
2 for such an exemption.

3           The Small Power Plant Exemption, or today you're  
4 going to hear us talking about an SPPE all day long, that's  
5 Small Power Plant Exemption. The SPPE review process  
6 provides a public forum to participate in the Energy  
7 Commission's evaluation of the project's eligibility for an  
8 exemption under Public Resources Code Section 25541.

9           To qualify for a Small Power Plant Exemption the  
10 Commission must find that no substantial adverse impact upon  
11 the environment or energy resources will result from  
12 construction or operation of the proposed power plant. In  
13 other words, in this SPPE process the Commission does not  
14 determine whether to license a proposed project but instead  
15 determines whether and under what circumstances and  
16 conditions the project can qualify for an exemption from the  
17 state's normal licensing process.

18           If an exemption is granted the proposed Santa  
19 Clara Data Center Project will still need to secure  
20 appropriate licenses and permits from the various local,  
21 state and federal agencies, which may have jurisdiction over  
22 the components of this project.

23           On November 21st, 2011 the Energy Commission began  
24 a review of the SPPE for the Santa Clara SC-1 Data Center  
25 Phase 2 under the provisions, as we said, of Public

1 Resources Code Section 25541, which governs Small Power  
2 Plant Exemptions.

3           There we go. You should be looking at a Schedule  
4 of Events. The Committee will conduct an evidentiary  
5 hearing here at the Santa Clara Fire Training Center on  
6 February 22nd, 2012, next month. Also on February 22nd,  
7 2012, that will be the last day for public agencies to  
8 submit comments for the Energy Commission to consider.

9           Each party's evidence must be served on all other  
10 parties, the Hearing Office and Dockets by close of business  
11 on February 13th, 2012.

12           Within 21 days of the publication of the Proposed  
13 Decision, which is now set for March 28th, 2012, the full  
14 Commission will hear final argument and then adopt or amend  
15 the Proposed Decision. Monica, do you need me to leave this  
16 up for a moment?

17           MR. SCHWEBS: Fine.

18           HEARING OFFICER CELLI: Okay. So this is the  
19 schedule we intend to keep.

20           The Committee's small power plant review  
21 incorporates requirements equivalent to those used for an  
22 initial study under the California Environmental Quality  
23 Act, or CEQA, and examines the relevant engineering and  
24 environmental aspects of the proposed project. In our  
25 process every meeting, hearing or other event sponsored by

1 the Commission must be noticed and open to the public and  
2 must allow the public to comment and participate. Members  
3 of the public will have ample opportunity to make their  
4 points of view known and to comment upon this proposed  
5 project. We're going to have time to do that later; and I'm  
6 happy to say we have members of the public here today.

7 All decisions made in this case, including  
8 whatever the final recommendations are, must be made solely  
9 on the basis of the public record. To ensure that this  
10 happens and to preserve the integrity of the Commission's  
11 process, Commission regulations and the California  
12 Administrative Procedures Act expressly prohibits off-the-  
13 record contacts concerning substantive matters between  
14 interested parties to the proceeding and the Commissioners,  
15 their advisors and the hearing advisor.

16 This prohibition against off-the-record  
17 communications between the parties and the Committee is  
18 known as the ex parte rule. This means that all contacts  
19 between the parties and the Committee regarding a  
20 substantive matter must occur in the context of a public  
21 discussion such as today's event, or in the form of written  
22 communication that is distributed to all of the parties.  
23 The purpose of the ex parte rule is to provide full  
24 disclosure to all participants of any information that may  
25 be used as a basis for a future decision on this project.

1 Additional opportunities for the parties and  
2 governmental agencies to discuss substantive issues with the  
3 public will occur in public workshops to be held by the  
4 Commission's staff at locations possibly here in Santa Clara  
5 and elsewhere.

6 Information regarding other communications between  
7 the parties and governmental agencies is contained in  
8 written reports or letters that summarize such  
9 communications. These reports and letters are distributed  
10 to the parties and are made available to the public.

11 Information regarding hearing dates and other  
12 events in this proceeding will also be available on the  
13 Commission's website. And Ms. Jennings will talk to you a  
14 little more about the website itself.

15 The application for a small power plant exemption  
16 process is a public proceeding in which members of the  
17 public and interested organizations are encouraged to  
18 actively participate and express their views on matters  
19 relevant to the proposed project. The Committee is  
20 interested in hearing from the community on any aspect of  
21 this project. Members of the public are also eligible to  
22 intervene in the proceeding. And if there are potential  
23 intervenors we encourage you to intervene as soon as  
24 possible to allow for full participation.

25 During the course of today's hearing we will

1 proceed in the following manner. First we will ask the  
2 Public Adviser's representative, Jennifer Jennings, who is  
3 the Public Adviser, to explain the public participation  
4 process and to also provide an update on their efforts to  
5 contact local residents and other interested groups and  
6 organizations regarding this proceeding.

7           Following this we will then ask the applicant and  
8 staff to make their respective presentations. These will,  
9 in turn, be followed by comments and questions from the  
10 public or agencies present. This will be a somewhat  
11 informal process. We will provide time at the end of each  
12 presentation for parties or members of the public to ask  
13 questions today.

14           Following these informational presentations we  
15 will turn to a discussion of scheduling and other matters  
16 such as proposed evidence and witnesses, pending issues or  
17 other papers filed by applicant and staff.

18           And before we begin I just want to know if there  
19 is any question with regard to the way we are going to flow  
20 as to the agenda today?

21           No questions? Seeing no questions then let's move  
22 on to Jennifer Jennings, who is the Public Adviser.

23           MS. JENNINGS: Thank you. Welcome, everybody. I  
24 am Jennifer Jennings, the Public Adviser for the California  
25 Energy Commission. Next slide, please.

1 I am appointed by the Governor. I am an attorney  
2 and my duties are to help the public understand the process,  
3 recommend the best ways for the members of the public to be  
4 involved and also to assist in participation in Energy  
5 Commission proceedings.

6 There are two forms of public involvement in  
7 Energy Commission proceedings. The first is the informal  
8 participation. Public comments are welcome at every  
9 proceeding, either orally or in writing. And those comments  
10 are considered by the Commissioners and become part of the  
11 record. But they are not considered evidence, per se, under  
12 our current regulations and they cannot be the sole basis of  
13 a decision. Next slide.

14 The second level of participation, as referred to  
15 by Hearing Officer Celli, and that's becoming an intervenor.

16 In order to become an intervenor you first file a Petition  
17 to Intervene. Those petitions are available on our website;  
18 you just fill out the form. The petition is then considered  
19 by the Committee considering the project, which in this case  
20 is Commissioners Douglas and Peterman.

21 And if approved you become a party to the  
22 proceeding and at that point you have the same rights and  
23 responsibilities as other parties. You can cross-examine  
24 witnesses at the hearings, both witnesses from the applicant  
25 and Commission staff witnesses. You do not have to be an

1 attorney to intervene. My office, myself and others in my  
2 office are available to help you both file the petition and  
3 to participate in the process once the hearings begin.

4 Things to do involve signing up to receive notices  
5 of upcoming events. That's available on our list serve on  
6 the Internet. If you do not have access to the Internet we  
7 can also assist with that.

8 You can submit written comments, provide oral  
9 comments, attend all public events, either in person, by  
10 WebEx or by conference call.

11 We do have assistance for those who do not speak  
12 English and we can provide accommodations for people with  
13 disabilities. Next.

14 The most important thing is to become, if you have  
15 Internet access, is to become familiar with our web presence  
16 on the projects. On the Commission's home page about  
17 halfway down there is a bar saying "Information About." The  
18 center bar refers to the power plant projects under review.

19 If you click that and you go down to the Santa Clara SPPE  
20 link, you'll come to the page for this particular project.

21 The left hand column gives you all the  
22 possibilities for public participation. The right hand  
23 column, you can sign up for the list serve. And when you're  
24 on the list serve you will receive everything that is posted  
25 to the website regarding the project.



1           This is our contact information. Both myself and  
2 Lynn Sadler, the Assistant Public Adviser, are available at  
3 any time. Any contacts with staff that you're concerned  
4 about, you're welcome to call us. Any information that you  
5 need we will connect you with the right people. So please  
6 either call or email at any time. Thank you.

7           HEARING OFFICER CELLI: Thank you, Jennifer  
8 Jennings. I am just going to say to the members of the  
9 public who are here, it's great to have Jennifer. She is a  
10 great resource so I encourage you to use her.

11           Next let's hear from the applicant. The applicant  
12 would like to describe the project. So, Ms. Monette,  
13 please.

14           MS. MONETTE: Thank you, Hearing Officer Celli.  
15 My name is Nora Monette, I'm with David Powers & Associates,  
16 and we're assisting the applicant with environmental issues  
17 regarding the application. Again, this is the Santa Clara  
18 SC-1 Data Center Phase 2 application for a small power plant  
19 exemption.

20           As was mentioned earlier, DuPont Fabros staff is  
21 here and available for questions. And the staff includes  
22 Rick Waddle, Director of Construction, Ted Hellewell,  
23 Director of Operations of the Santa Clara SC-1 Data Center,  
24 Mark Fisher, Central Manager at the Santa Clara SC-1 Data  
25 Center, Monica Schwebs of Bingham McCutcheon, counsel for

1 the applicant, and also Sarah Barker-Ball, also from Bingham  
2 McCutcheon.

3 I'll start by going over a little background on  
4 Phase 2 and what I'm going to cover.

5 It is an existing data center and we'll take a  
6 look at some photos of the existing uses. There has been  
7 some regulatory permits issued by local and regional  
8 agencies and we'll go over those briefly. Then we'll go  
9 over the modifications under Phase 2 and also some of the  
10 incremental, environmental effects of the buildout of Phase  
11 2 with the data center.

12 Today, both the City of Santa Clara and the Bay  
13 Area Air Quality Management District have undertaken  
14 environmental review as part of their permitting processes  
15 and have included conditions in their permits.

16 The Bay Area Air Quality Management permit to  
17 construct includes provisions on the allowed number of hours  
18 of reliability testing for backup generators and also a  
19 requirement that the California Energy Commission is  
20 satisfied regarding their regulations for facilities with  
21 power generation capacity of 50 megawatts or greater. The  
22 condition in the BAAQMD permit is the driver for the  
23 application for a small power plant exemption for Phase 2 of  
24 this data center project.

25 Okay. The existing data center building, for

1 those of you who did go on the site visit, it's a 312,000  
2 square foot building and dedicated electrical substation.  
3 It was constructed mostly in 2010 and 2011 and Phase 1 was  
4 operational starting in September of 2011.

5           In this photograph the operational part of the  
6 building is on the left, the southern end of the building,  
7 and you can see the water storage tower, cooling tower, and  
8 the exhaust stacks for the generators that have been  
9 installed. On the right is the Phase 2 portion of the  
10 building and also on the right is the substation. Again,  
11 it's one building with two separate operational phases.

12           What is a data center? A data center houses  
13 computer servers and associated networking equipment in a  
14 secure, climate-controlled environment.

15           Some of the basic systems in this building are  
16 certainly the electrical system and the mechanical system.  
17 The electrical system includes the electric wiring and  
18 switchgear supporting the electrical demand in the computer  
19 server rooms, the mechanical equipment and the offices that  
20 are in the central portion of the building; also part of the  
21 uninterruptable power supply system. And another part of  
22 the electrical system are the backup generators.

23           The mechanical portion of the building includes  
24 chillers, a cooling tower, emergency water storage, the  
25 chilled water storage that we saw at the site, and certainly

1 pumps and piping for computer server room cooling. There  
2 also are two boilers for heating the building.

3           Here are some pictures that are examples of the  
4 on-site electrical system. The power is supplied by Silicon  
5 Valley Power, which is the municipal utility in the City of  
6 Santa Clara. On your left is a photo of the substation that  
7 faces Matthew Street at the northern end of the data center  
8 site. There's substantial electrical equipment at the  
9 substation including a switchgear and transformers. It's a  
10 three-bay substation. And then also the power is directed  
11 into the interior electrical rooms where the uninterrupted  
12 power supply in the electrical room helps with distribution  
13 of that power.

14           Some additional pictures of the electrical system.  
15 The switchgear for incoming utility service and also the  
16 backup generators. And on your right is a photograph of a  
17 backup generator that has been installed as part of Phase 1.  
18 You can notice, you know, it's a typical engine with a fan  
19 in the front for cooling. So the primary -- these are air-  
20 cooled, backup generators. And again, they're about 2.25  
21 megawatt capacity.

22           The mechanical systems, some of the basic  
23 components. There's chillers in the mechanical room and  
24 also associated chilled water circulation pumps. For each  
25 phase there are 16 chillers that serve for cooling of the

1 computer server rooms. And in these pictures there's photos  
2 of the pipes that distribute the chilled water as well as  
3 the cooling towers and the 500,000 gallon chilled water  
4 storage tanks.

5           An important component of data centers is that  
6 they provide redundancy of some of the equipment for  
7 reliability of the computer server facility. The base  
8 amount of -- required to serve the design load of a facility  
9 is referred to in this equation as "N." And for Phase 2 of  
10 the data center design, N is equal to 14 electrical systems,  
11 corresponding to 14 backup centers -- generators, excuse me.  
12 So basically the computer rooms are fully occupied. The  
13 load would be for 14 of these electrical systems. And for  
14 the cooling system the basic load when fully occupied would  
15 be for six cells.

16           They are redundant systems that have been  
17 installed to ensure reliability and these are And the +2 in  
18 this slide. And the value can range from one to a higher  
19 number but for Phase 2 there will be two redundant systems.

20       This allows for maintenance to be performed on a component  
21 such as a backup generator and still ensure an additional  
22 backup generator is available in reserve to operate should  
23 another engine fail to start during a power outage.

24           All backup generators, including redundant units,  
25 will be called into operation in the event of an

1 interruption in electrical supply from Silicon Valley Power.  
2 For the cooling system a maximum of six cells would operate  
3 if the data center computer server rooms are fully occupied.

4 Another item of particular interest to the Energy  
5 Commission is the interconnect of the system between Silicon  
6 Valley Power, the main electrical provider, and the backup  
7 generators. The electrical demand of Phase 2 will be  
8 supplied by Silicon Valley Power, the municipal utility in  
9 the City of Santa Clara.

10 And in the event of a power failure the UPS or  
11 uninterruptable power supply system, would allow for a  
12 transfer from Silicon Valley Power to power from the  
13 emergency backup generators. There's relay protection in  
14 the electrical system and switchgear in the data center and  
15 at the dedicated substation that's designed to prevent any  
16 export of diesel power to the utility.

17 So I'd like to briefly go over what are the  
18 modifications that are involved in Phase 2.

19 For the electrical system there would be 16 backup  
20 generators added along with associated air pollution control  
21 and noise attenuation. There would be 16 uninterruptable  
22 power supply systems.

23 And in the mechanical system area there would be  
24 chillers, there would be 16 chillers, pumps, piping, two  
25 boilers for building heating, a cooling tower with eight

1 cells, and again, a 500,000 gallon chilled water storage  
2 tank.

3           Also there would be buildout of the computer rooms  
4 as part of the interior building improvements. And the  
5 total construction period is estimated to be about ten  
6 months.

7           So in this photo, this is what the first floor  
8 currently looks like in the Phase 2 portion of the building.

9       There's concrete and room for utilities, places for the  
10 electrical lines to go but it hasn't been built out. And so  
11 what would go in the first floor area, there would be a  
12 chilled water plant. And here's some piping that's  
13 installed currently in the Phase 1 part of the facility.

14           And there would also be the -- this is an example  
15 of a built out computer server room. And this is before the  
16 computer servers are in. The boxes on either side are  
17 electrical equipment and the vents in the floor are for  
18 distributing the cooled air through the chilled water  
19 system.

20           On the upper mezzanine floor, this is what it  
21 currently looks like in its unfinished state. And those of  
22 you who went on the site visit saw these louvers in the  
23 mezzanine area. And you can see there's spaces for the  
24 electrical conduits to be connected. And what would be  
25 installed again would be backup generators, there would be

1 day tanks for the generators and air pollution control  
2 equipment.

3           Again, some of the environmental controls  
4 associated with the improvements in Phase 2. There's  
5 selective catalytic reduction systems for nitrogen oxide  
6 control. There's also secondary containment for fuel tanks.

7     And these facilities have been inspected by the City of  
8 Santa Clara Fire for conformance with local/state  
9 regulations. Also there are some limited quantities of  
10 water treatment chemicals associated with the chilled water  
11 system and those also have containment.

12           And important part of data centers is the energy  
13 efficiency measures that are built into them. One of the  
14 measures of how effective a data center is, is the power  
15 usage effectiveness or PUE. In this metric the total  
16 facility load, which consists of the critical load of the  
17 computer servers, so the amount of energy the computer  
18 servers need and their networking equipment, plus the air  
19 handling equipment load plus the mechanical plant load plus  
20 the house power load, which is, you know, the lights for the  
21 offices, that sort of thing. So that quantity of demand is  
22 divided by the critical computer server load.

23           The lower the PUE the more efficient a data center  
24 is deemed to be. The PUE for the SC-1 data center at its  
25 anticipated facility loads is 1.4. An important part of



1 this design, the clients do pay for the electricity use at  
2 the facility so they have an incentive for using a facility  
3 that's very efficient.

4 This facility was also designed to meet US  
5 Building Council LEED Gold Certification and the applicant  
6 is in the process of obtaining that certification.

7 So next I'd like to talk a little bit about what  
8 are the environmental effects of the proposed Phase 2  
9 buildout. First there would be the temporary effects of  
10 construction. These include the construction trips to and  
11 from the site by construction workers and deliveries of  
12 equipment and materials.

13 There would be limited construction noise. Mostly  
14 there would be interior finishing delivery. There would be  
15 some outside installation of mechanical equipment but there  
16 wouldn't be any building demolition or site grading.

17 There also would be, as we pointed out in the site  
18 visit, a temporary driveway installed to facilitate keeping  
19 the construction activities separate from operation of the  
20 Phase 1. And in this slide we show the approximate location  
21 of the temporary construction driveway on the right with a  
22 star at the end of Matthew Street there to allow deliveries  
23 of the mechanical equipment and the backup generators,  
24 separate from going through the main, current driveways.

25 There are some incremental environmental effects.

1 These were -- the environmental effects of building the  
2 entire facility were addressed in an initial study and  
3 mitigated neg dec by the City of Santa Clara in 2008. And  
4 also BAAQMD, the Bay Area Air Quality Management District,  
5 did an environmental review as part of their permitting  
6 process for the backup generators. So these Phase 2  
7 environmental effects have been looked at by two agencies  
8 but we wanted to go through the incremental effects remain  
9 for buildout of this site.

10 There would be some increased air emissions from  
11 reliability testing of the 16 generators and also the  
12 operation of the two boilers.

13 There are mitigation measures included in the  
14 project in terms of the air emission controls on the backup  
15 generators. And they are also limited in their hours of  
16 operation by the Bay Area Air Quality Management District.

17 And it's important to note that the emissions do  
18 not exceed BAAQMD's thresholds of significance for criteria  
19 pollutants such as nitrogen oxides or toxic air contaminants  
20 such as diesel particulates.

21 Operation of the generators also would have some  
22 greenhouse gas emissions, both direct from backup generators  
23 and indirect from client trips. As outlined in the  
24 application for the small power plant exemption, these  
25 emissions would be below EPA thresholds for permitting.

1           There would also be some incremental noise from  
2 testing the backup generators. There will be noise baffles  
3 installed to reduce noise during operation. And the baffles  
4 are designed so that the noise levels meet City of Santa  
5 Clara noise ordinance standards at the property line.

6           The cooling system utilizes recycled water rather  
7 than potable waters and so there wouldn't be a substantial  
8 impact to the potable water supplies of the City of Santa  
9 Clara. And also the applicant has worked with the City on  
10 controlling discharges from the cooling tower so that there  
11 wouldn't be a significant impact to the City's sanitary  
12 sewer system.

13           In closing, Phase 2 of the Santa Clara SC-1 Data  
14 Center Project is part of redevelopment of a former vacant  
15 industrial site in the City of Santa Clara. Buildout of the  
16 building would allow utilization of the northern half of the  
17 building for hosting computer servers in a highly managed  
18 data center near high-tech users in Silicon Valley.

19           The data center would use recycled water for  
20 building cooling in accordance with the policies of the City  
21 of Santa Clara and the San Jose/Santa Clara Water Pollution  
22 Control Plan.

23           And electric power from the local municipal  
24 utility, Silicon Valley Power.

25           So that's the conclusion of our presentation. And

1 if at the appropriate time there are questions we would be  
2 available to answer them, thank you.

3 HEARING OFFICER CELLI: Thank you, Ms. Monette,  
4 representing the applicant. Now let's hear from staff, the  
5 California Energy Commission staff. Is that microphone  
6 going to work for you, Bob?

7 MR. RYAN: I think it's, I think that one is out  
8 of commission.

9 HEARING OFFICER CELLI: Okay.

10 MR. WORL: It works intermittently.

11 MR. RYAN: Try it and see what happens.

12 MR. WORL: Well, my part of the presentation is  
13 basically the process that staff goes through in doing the  
14 evaluation for the small power plant exemption process.

15 Do we have the clicker? I think I've got a better  
16 angle here now. Okay.

17 The Energy Commission has authority for power  
18 plants capable of producing 50 megawatts or greater of  
19 electrical energy and also the related facilities,  
20 transmission lines, water supply systems, natural gas  
21 pipelines, waste disposal facilities and access roads. And  
22 in this process and for this particular case, most of these  
23 are already in place.

24 A small power plant exemption relates to thermal  
25 power plants. And as was already mentioned by Ken, Section

1 25541 of our regulations allow us to exempt a power plant  
2 100 megawatts or less from our process, assuming it has no  
3 substantial adverse impacts on the environment and there's  
4 no substantial impacts on energy resources.

5 The SPPE process is an exemption from our  
6 jurisdiction, not a permit or a license to build a project.

7 The SPPE process consists of the site visit, committee  
8 hearing, conferences, all of which are noticed and open to  
9 the public. And the Energy Commission's staff is preparing  
10 an initial study and expects to prepare a mitigated negative  
11 declaration as well.

12 Following hearings the Committee prepares a  
13 proposed decision and the final decision is by a vote of the  
14 full Energy Commission and the exemption is approved. If  
15 the exemption is approved the applicant will apply for  
16 appropriate permits from local, state and federal agencies  
17 as necessary. And I believe in this instance those are in  
18 place with the City of Santa Clara. And the Bay Area Air  
19 Quality Management District has already provided an  
20 authority to construct for the complete Phase 1 and Phase 2  
21 facility and what's waiting is the permit to operate  
22 specifically for the Phase 2 facility. And that's dependant  
23 upon our exemption proceedings.

24 Initially staff begins doing a discovery and  
25 analysis. A period of data gathering by staff, agencies,

1 intervenors. All parties analyze the project information  
2 and provide their review. The review of the proposed  
3 project mitigation measures are looked at. To facilitate  
4 public and agency participation is a big part of that and  
5 Jennifer Jennings mentioned how her process works.

6           And we then prepare an environmental document, in  
7 this case an initial study and proposed mitigated neg dec.  
8 And it's based on an environmental checklist format that's  
9 in the California Environmental Quality Act guidelines,  
10 Appendix G. It's also part of our process as well, it's in  
11 our regs.

12           A 30 day comment period is normal. In this  
13 instance we're going to have a 20 day, a 20 day comment  
14 period between the publication of our initial study and the  
15 hearing on this, which is allowable under CEQA.

16           Workshops to discuss documents and resolve issues  
17 are a normal part of this. But to date we have received  
18 absolutely no resistance or no lack of information from the  
19 applicant and no expressed questions from other parties and  
20 we don't, at this time, have a scheduled workshop.

21           Staff's final phase in the analysis is to make a  
22 recommendation to the Committee, represented by Commissioner  
23 Douglas here today, and Carla Peterman is the second  
24 commissioner on this case. And Ken Celli is the hearing  
25 officer that works with the Committee to work on preparation

1 and dissemination of the proposed decision documents.

2           The next phase is the evidentiary hearing and  
3 decision process. An evidentiary hearing is conducted by  
4 the Committee to hear findings and conclusions of staff, the  
5 applicant, agencies, other parties and comments from the  
6 public. The Committee conducts hearings on all information,  
7 considers all of the environmental documents, all of the  
8 evidence that's presented by parties in this case and then  
9 prepares and issues a proposed decision.

10           The proposed decision contains findings related to  
11 environmental impacts and mitigation, conditions of  
12 exemption if any are required, and whether or not to approve  
13 the exemption. A proposed decision hearing and Commission  
14 decision follows that.

15           Staff also works with local state and federal  
16 agencies and interested parties as well. Staff works  
17 closely when necessary with, in this instance, the City of  
18 Santa Clara who has already provided an initial study and  
19 mitigated neg dec for the project and was issued in 2008.

20           We also work with the Bay Area Air Quality  
21 Management District and the Department of Fish and Game.  
22 And also the staff usually works with the Environmental  
23 Protection Agency to ensure that we are following any of the  
24 requirements in regards to prevention of significant  
25 deterioration, air quality issues.

1           Public participation opportunities. Jennifer has  
2 mentioned these. You can submit written comments or  
3 statements to the Commission on the staff's initial study  
4 and on the Presiding Member's Proposed Decision, in this  
5 case Proposed Decision. Can provide oral comments at any of  
6 the public meetings, workshops or hearings. And again, you  
7 can become a formal intervenor. The process is somewhat  
8 complex but very quick. And Jennifer Jennings and the  
9 Public Adviser's Office assists anyone who wants to go  
10 through that process.

11           Public participation information. We try to make  
12 things open and available to staff, not only through these  
13 public meetings but also prior to any hearing or any other  
14 event. We try to notice them ten days in advance. We do --  
15 we are required to notice them ten days in advance. There  
16 is a mailing list established for the project. We also send  
17 information to local libraries and interested agencies.

18           And as already mentioned, the List Server. There  
19 is one generally that gives you almost everything that's of  
20 interest on our Energy Commission processes. And there is  
21 also a specific one down below where all the information  
22 that's available is on the Santa Clara website. And that's  
23 the second one there.

24           HEARING OFFICER CELLI: Can I just interrupt for a  
25 second, Bob?



1 MR. WORL: Yes.

2 HEARING OFFICER CELLI: Just for everybody's  
3 information, we are broadcasting through WebEx, it's  
4 essentially a teleconferencing software. But they are only  
5 getting the audio and they are not getting the, they are not  
6 getting the PowerPoint so they're just listening to the  
7 audio. So if you wouldn't mind reading it out so they can,  
8 you're going to have to give the URL.

9 MR. WORL: I would be happy to do that.

10 HEARING OFFICER CELLI: Thank you.

11 MR. WORL: The URL is the -- this is for the  
12 Energy Commission siting cases and Santa Clara, is  
13 [www.energy.ca.gov/sitingcases/santaclara](http://www.energy.ca.gov/sitingcases/santaclara). That's the URL  
14 for this particular siting case, the small power plant  
15 exemption for the Santa Clara Data Center.

16 Also information can be sent to or requested from  
17 the Dockets Unit at the Energy Commission, 1516 Ninth  
18 Street, MS-4, Sacramento, California, 95814-5512.

19 And the proposed schedule. I'm going to say right  
20 now that there's a couple of errors on here that -- I don't  
21 know. Some gremlin yesterday when this was being put  
22 together at five o'clock made a mistake. So I'll point  
23 those out to you.

24 This project was filed on 11/21/11, November 21st,  
25 2011. This is the informational hearing and site visit,

1 January 26, 2012.

2           We are planning to file the Initial Study on  
3 February 1st, 2012, which is next week. The Notice of  
4 Intent to Adopt a Mitigated Neg Dec also will be filed the  
5 same day that we file the Initial Study. I note on here  
6 that there's a 30 day comment period on the Initial Study  
7 and Mitigated Neg Dec Proposal. In this instance there's 20  
8 days that will be available to comment on the document.  
9 Thirty days is usually our goal in the siting process. In  
10 this instance schedule constraints will limit us to the 20  
11 days.

12           The agency, applicant, public comments on the  
13 Initial Study and Proposed Mitigated Neg Dec are due  
14 February 22nd, 2012.

15           And there is an evidentiary hearing scheduled on  
16 that date, February 2nd -- the 22nd, excuse me, February  
17 22nd, 2012.

18           And the Committee is planning to file a Proposed  
19 Decision on March 28, 2012.

20           And the date for a Commission consideration of the  
21 Proposed Decision is April 2nd, 2012.

22           I just want to note the other error that I have up  
23 there is I have a 3/1/12 date that was -- apparently  
24 somebody's thumbs got up there and instead of typing a "2" I  
25 -- the date there should be 2/21/12 for the comment period,

1 the end of the comment period.

2 All dates, you know, are again, usually decided  
3 early in a process and actual determination is by the  
4 Committee. In this instance the Committee has already  
5 noticed the February 22nd date for the evidentiary hearing.

6 And also the April 2nd date for Commission consideration  
7 and the Committee Proposed Decision date of March 28th, 2012  
8 are in the second notice that the Committee has issued for  
9 this case.

10 Once again, the Energy Commission contacts here  
11 are: Karen Douglas is the Presiding Member. Carla Peterman  
12 is the Commissioner who is an Associate Member of this  
13 Committee. Ken Celli is the Hearing Officer assigned. His  
14 phone number is 916-651-8893. And Ken, you want me to ready  
15 your email?

16 HEARING OFFICER CELLI: Please.

17 MR. WORL: His email address is  
18 kcelli@energy.state.ca.us.

19 And Robert Worl is the project manager. Can be  
20 reached at 916-651-8853. My email is  
21 rworl@energy.state.ca.us.

22 Dick Ratliff is the staff attorney assigned to  
23 this case. He can be reached at 916-653-1653. His email is  
24 dratliff@energy.state.ca.us.

25 And Jennifer Jennings and the Public Adviser's

1 Office are available. The toll free number is 800-822-6228.  
2 Their direct line, 916-654-4489. Now the email for the  
3 Public Adviser is PAO@energy.state.ca.us. That's it.

4 HEARING OFFICER CELLI: Thank you, Mr. Worl.

5 Now, ladies and gentlemen, where we are at in our  
6 schedule today is -- and I want to say this for the benefit  
7 of the public. Normally I would ask for public comment at  
8 this time except there's a little more business to take care  
9 of between the parties. And I think it would be best if we  
10 take care of all the business, you can hear all of this, and  
11 comment or question at the end of the everything rather than  
12 piecemeal it out. So if you'll just be patient with us on  
13 this regard. I just want to --

14 We normally would have an issues identification.  
15 We really don't have that here today. And I wanted to ask  
16 the parties -- and Ms. Schwebs, you may want to be able to  
17 get someplace where you can be heard on a microphone over  
18 here. Here we go. Chief Ryan is going to help you.

19 MR. RYAN: Yeah. We can go wireless so it will go  
20 through the room or through this system here.

21 HEARING OFFICER CELLI: She can just pull up next  
22 to Monica, perhaps, and can use that mic.

23 MR. RYAN: All right. What I'm going to do is I'm  
24 going to get a mic stand and I'll put that right in it.

25 HEARING OFFICER CELLI: Thank you. I am going to

1 ask some questions of the applicant and staff, which for at  
2 least at this moment in time they're the only parties in  
3 this project. So I wanted to know the kind of evidence the  
4 parties will be submitting. Will the parties be calling any  
5 witnesses? I'd be interested if the parties can identify  
6 those witnesses today. I want to suggest to the parties,  
7 I'm going to suggest that we prefile résumés, of course.  
8 Prefile as much as we can.

9           And anything the parties can stipulate to. You  
10 don't have to do it today. I'm just saying basically in  
11 general to facilitate the process. Any stipulations, any  
12 prefiling. I am going to ask the parties to be mindful that  
13 when we do take your evidence --

14           Because we are not going to have a prehearing  
15 conference in this matter because it's moving along. I know  
16 I'm handling things that are usually handled later at a  
17 prehearing conference. But I'm just giving you a heads up  
18 that I would -- if your evidence is to be submitted by  
19 stipulation I'm going ask that your stipulations include  
20 foundation and authentication. And really that's the only  
21 extraordinary thing.

22           So with that, let's go with the applicant first.  
23 If you can just give us a little background. How do you see  
24 the hearing going?

25           MR. SCHWEBS: Is this on?

1 (Affirmative responses.)

2 MR. SCHWEBS: It's, obviously, difficult to tell  
3 at this point because we haven't seen the staff's analysis.  
4 We have been able to talk with Bob frequently and it is our  
5 understanding that there are none or maybe a handful of  
6 issues. On the assumption that it will be none I am  
7 strongly hoping that we will stipulate to everything; there  
8 will be no need for any evidentiary hearings in this matter.

9 HEARING OFFICER CELLI: And staff, do you concur?

10 MR. WORL: Yes. And just clarifying one thing.  
11 And that is that staff has identified no issues of any real  
12 substance that are unresolvable or that could affect our  
13 scheduling. So that was the reason that we did not submit  
14 an Issues Identification Report.

15 HEARING OFFICER CELLI: Thank you, I appreciate  
16 that. And really just for the benefit of the public, that's  
17 what a small power plant exemption is all about. It is --  
18 the Energy Commission certifies projects thousands of  
19 megawatts. And so for something this small to come along,  
20 in order for it to be exemptible it has to be pretty cut and  
21 dried, pretty simple. And as at this point it appears to  
22 be, anyway.

23 I just want to be clear on that. It sounds to me  
24 like the hearing, unless some unforeseen event shows up or  
25 you get some information you weren't ready for, would be

1 really rather short. Submission of evidence, I imagine the  
2 study --

3 MR. SCHWEBS: And really the application.

4 HEARING OFFICER CELLI: The application.

5 MR. SCHWEBS: And the initial study from the City  
6 of Santa Clara.

7 HEARING OFFICER CELLI: Right. Staff's analysis.  
8 and really the stipulation is to their authentication and  
9 legal foundation and that would be that, unless I'm missing  
10 something.

11 MR. WORL: The staff's evidence will be the  
12 initial study and the proposed mitigated neg dec and a list  
13 of staff that are available. I would like to provide to you  
14 electronically, and all parties electronically, and then  
15 I'll docket that as well. So that everybody has access to  
16 who has worked on this process.

17 And if there are any questions from the public or  
18 from any other source, agency or the Committee, we'd be  
19 happy to request that, that the appropriate witness come to  
20 sponsor their section.

21 HEARING OFFICER CELLI: Excellent. So you will be  
22 filing your prefiled résumés along with the --

23 MR. WORL: With the initial study.

24 HEARING OFFICER CELLI: -- the study. Excellent.

25 And the same with -- we'll be receiving résumés

1 from all the would-be witnesses.

2 MR. SCHWEBS: I don't think you're going to see  
3 the same kind of conventional staff-type analysis. This is  
4 obviously not broken down into areas the way an AFC would  
5 be. It's an application, there's a lot of work that's gone  
6 into it by a lot of people, but we will satisfy the  
7 requirements.

8 HEARING OFFICER CELLI: Excellent. Okay, so  
9 that's good. Really I have no further questions.

10 Ms. Schwebs, are you okay with the schedule that  
11 we proposed?

12 MR. SCHWEBS: Yes, I have consulted with DuPont  
13 Fabros and that schedule looked good to them.

14 HEARING OFFICER CELLI: Okay.

15 MR. SCHWEBS: I do note that if there are  
16 intervenors or if the staff's position changes there may be  
17 a need for more time. But at this time we have neither so  
18 we're hopeful that this will actually be the schedule for  
19 this proceeding. You know, we really need for this decision  
20 to be issued on that schedule.

21 HEARING OFFICER CELLI: Very well. And staff, any  
22 foreseeable changes?

23 MR. WORL: No. I have one question of the  
24 applicant that might be of interest to the other parties.  
25 And that is relating specifically to a potential



1 construction schedule. And that is, whether or not DuPont  
2 Fabros at this time knows what their proposed start date  
3 would be, assuming the exemption were to be provided? You  
4 had indicated a ten month schedule to do the buildout but we  
5 were curious regarding a potential start date.

6 MR. SCHWEBS: Rick do we have one at this point?

7 MR. WADDLE: Not yet.

8 MR. SCHWEBS: No, I don't think so. I have been  
9 previously told, and Rick can correct me here, that the way  
10 the data center business works, you always have to be ready  
11 since there can be a client that comes by that needs a lot  
12 of data space very quickly. But Rick can correct me if I'm  
13 wrong.

14 MR. WADDLE: Yeah, it's more of a just-in-time  
15 business so it's all based on leasing. But we don't have a  
16 start, we don't have a proposed start date yet for the new  
17 part.

18 MR. WORL: Thank you, that's very helpful.

19 HEARING OFFICER CELLI: And I just want the record  
20 to reflect that there is no start yet set in stone as yet.  
21 Because you're not on the microphone so I just want to make  
22 that clear.

23 MR. WADDLE: Correct.

24 HEARING OFFICER CELLI: The last day for a  
25 Commission Decision, which was day 135, we show as April

1 2nd, is really -- we put that out there to show that's the  
2 135th day of the process. But if we are able to get final  
3 argument in front of the Commission on March 28th, which we  
4 have booked as a special hearing date, the decision could be  
5 out that day. So I just want to be clear with you on that.

6 MR. SCHWEBS: I do point out that part of the  
7 reason that we really need that date is that the BAAQMD air  
8 permits have been issued for Phase 2 to construct. There  
9 may be a need to get an extension on those. We want the  
10 next version of these permits to not have the current  
11 condition.

12 MR. WORL: This is Bob Worl speaking again. I was  
13 in touch with the Bay Area Air Quality Management District,  
14 Tomiko Endow, and she informed me that that date can be  
15 flexible upon application. So again, I just wanted to state  
16 that we had investigated that as a hard and fast need.

17 HEARING OFFICER CELLI: Anything further from  
18 applicant?

19 MR. SCHWEBS: No.

20 HEARING OFFICER CELLI: Okay. Or staff, regarding  
21 anything? Scheduling or anything.

22 MR. WORL: Oh, thank you for the lunch.

23 (Laughter.)

24 MR. SCHWEBS: I would like to thank Payal for  
25 coming from the City of Santa Clara. And also very much

1 thank the fire chief for being not only our host here but  
2 our tech support. You know, it's very unusual and I'm very  
3 impressed that the City of Santa Clara has such an adept  
4 person working here.

5 HEARING OFFICER CELLI: Thank you. I wanted to --  
6 every so often something gets said and I just want the  
7 record to be clear. You mentioned lunch. Who supplied the  
8 lunch?

9 MS. MONETTE: DuPont Fabros.

10 HEARING OFFICER CELLI: Oh, DuPont Fabros, okay.  
11 Well thank you very much, I wasn't aware of that.

12 Okay, with that now it's time for the public  
13 comment. We'd like to hear from, we have a couple of  
14 members of the public, who would like to make a comment or a  
15 question. You don't have to. You don't have to identify  
16 yourselves. But we do like to hear from the public if they  
17 are interested in making a comment. Do we have any  
18 interest, Ms. Jennings, from the public --

19 MS. JENNINGS: No.

20 HEARING OFFICER CELLI: -- to comment?

21 MS. JENNINGS: No.

22 HEARING OFFICER CELLI: Okay, none. At this time  
23 I am going to hand the podium back to Commissioner Douglas.

24 PRESIDING MEMBER DOUGLAS: Thank you, Hearing  
25 Officer Celli.

1           At risk of prolonging this excellent informational  
2 hearing, hopefully not too much, I wanted to ask staff if  
3 you could talk about how you are using or benefitting from  
4 the environmental reviews that have already been conducted  
5 on this project and to what degree, if at all, you think any  
6 supplemental work needs to be done?

7           MR. WORL: Number one, the initial study that was  
8 done by the City of Santa Clara was very thorough and very  
9 good. It contained a great deal of excellent information.  
10 It was issued in 2008. We did work with the applicant to  
11 update that information and to provide us with more detail  
12 on Phase 2.

13           So the application itself -- prior to their  
14 deciding to file we had a number of pre-filing meetings and  
15 discussions and were able to provide them with the types of  
16 supplemental information questions that staff generally  
17 asks. And they did an excellent job of providing that  
18 supplemental information in the application itself so that  
19 we didn't have to go through a period of data requests,  
20 response and the subsequent workshop process normally  
21 associated with that.

22           PRESIDING MEMBER DOUGLAS: All right thank you,  
23 that's helpful. Anything to add, applicant? Just giving  
24 you the opportunity. It looks like nothing to add.

25           So I appreciate that. I appreciate you,

1 obviously, working closely and well with the work that had  
2 already been done and efficiently supplementing where you  
3 saw the need due to the lapse of time and so on. So thank  
4 you for that.

5 I am really hoping that this project will stay on  
6 schedule. The Committee would like to hear right away if  
7 anything comes up that could impact the schedule. But from  
8 what I've heard so far it sounds like -- famous last words  
9 -- but it sounds like we are on track to keep the schedule  
10 and that's what we would like to see, so thank you for that.

11 Thanks to the members of the public who have  
12 accompanied us today in this informational hearing and with  
13 that we are adjourned.

14 (The Informational Hearing adjourned  
15 at 1:42 p.m.)

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## CERTIFICATE OF REPORTER

I, RICHARD FRIANT, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Informational 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 1st day of February, 2012.

\_\_\_\_\_  
RICHARD FRIANT, CER\*\*D-479

## 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.

\_\_\_\_\_  
RAMONA COTA, CERT\*\*478

\_\_\_\_\_  
February 1, 2012