

**DOCKETED**  
**11-AFC-2**

TN # 2904

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STATUS CONFERENCE  
BEFORE THE  
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the: )  
 )  
Application for Certification ) Docket No.  
for the Hidden Hills Solar ) 11-AFC-02  
Electric Generating System )  
\_\_\_\_\_ )

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

THURSDAY, NOVEMBER 15, 2012

9:30 a.m.

Reported by:  
Rebecca Hudson  
Contract No. 170-09-002

COMMITTEE MEMBERS PRESENT

Karen Douglas, Presiding Member

Carla Peterman, Associate Member

HEARING OFFICER, ADVISERS PRESENT

Kenneth Celli, Hearing Officer

Eileen Allen, Commissioners' Technical Adviser

Jim Bartridge, Adviser to Commissioner Peterman

Galen Lemei, Adviser to Commissioner Douglas

CEC STAFF PRESENT

Mike Monasmith, Senior Project Manager

Richard Ratliff, Staff Counsel

OFFICE OF THE PUBLIC ADVISER

Jennifer Jennings, Public Adviser

APPLICANT

Bradley Brownlow, Environmental Attorney (via WebEx)  
BrightSource Energy

John Carrier, Project Manager  
CH2MHill

Jeff Harris, Attorney  
Ellison, Schneider, and Harris, LLP

Clay Jensen, Senior Director of Project Development  
BrightSource Energy

Gary Kazio, Assistant Project Development Manager  
BrightSource Energy

Susan Strachan, Environmental Project Manager  
Strachan Consulting, LLC

INTERVENORS

Ileene Anderson (via WebEx)  
Center for Biological Diversity

Richard Arnold (via WebEx)

Cindy MacDonald (via WebEx)

Jack Prichett (via WebEx)  
Old Spanish Trail Association

Scott Smith (via WebEx)  
Old Spanish Trail Association

Jon William Zellhoefer

ALSO PRESENT

Dana Crom  
County of Inyo

Jonathan Fong (via WebEx)

Laura Murphy (via WebEx)

Karen Parker (via WebEx)

William Ross (via WebEx)  
Counsel for Southern Inyo Fire Protection District

Jim Stroh (via WebEx)

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P R O C E E D I N G S

9:32 a.m.

PRESIDING MEMBER DOUGLAS: Good morning everybody.

This is Commissioner Karen Douglas. I want to welcome you to the status conference for the Hidden Hills Solar Energy Generation Systems Project. I am the Presiding Member of this Committee. Carla Peterman, who will be joining us in just a couple of minutes, is the associate member of the Committee. To my right is my adviser, Galen Laimei; to my left, our Hearing Officer Ken Celli. Commissioner Peterman will sit to his left, and then left of her is Jim Bartridge, her adviser, and Eileen Allen. She is the technical adviser to the Commissioners for siting matters.

At this point, let me ask staff -- or applicant, if you can introduce yourselves.

MR. HARRIS: Good morning. This is Jeff Harris of Ellison, Schneider, and Harris on behalf of the applicant.

MR. JENSEN: Clay Jensen, the BrightSource Energy project manager. In the audience with us today we also have John Carrier, the CH2MHill consultant to BrightSource, and Gary Kazio, the assistant project manager, also with BrightSource.

PRESIDING MEMBER DOUGLAS: Thank you. Staff?

MR. RATLIFF: Yeah, Dick Ratliff, counsel for staff, and with me is Mike Monasmith, the project manager

1 for staff.

2 PRESIDING MEMBER DOUGLAS: Thank you. Now let's  
3 go to the intervenors beginning with the intervenors in the  
4 room. Mr. Zellhoefer?

5 MR. ZELLHOEFER: Jon Zellhoefer, intervenor for  
6 Tecopa.

7 PRESIDING MEMBER DOUGLAS: Thank you. Okay, let's  
8 go to the intervenors on the phone. I'll just call your  
9 names: Lisa Belenky or Ileene Anderson? Are you on the  
10 line?

11 MS. ANDERSON: Yes. This is Ileene Anderson. I'm  
12 representing the Center today.

13 PRESIDING MEMBER DOUGLAS: Thank you. Jack  
14 Prichett, Old Spanish Trail Association?

15 MR. PRICHETT: Yes, I'm on the line.

16 PRESIDING MEMBER DOUGLAS: Thank you. Cindy  
17 MacDonald?

18 MS. MacDONALD: Yes, I am here. Thank you.

19 PRESIDING MEMBER DOUGLAS: Thank you. Richard  
20 Arnold?

21 (No response.)

22 PRESIDING MEMBER DOUGLAS: The public adviser,  
23 Jennifer Jennings, is here. Jennifer, have you heard from  
24 Richard Arnold?

25 MS. JENNINGS: Yes. I believe he will be trying

1 to attend. I will give him a call now.

2 PRESIDING MEMBER DOUGLAS: Thank you. All right,  
3 let's go to public agencies now. Are there any  
4 representatives of Native American tribes in the room or on  
5 the phone?

6 (No response.)

7 PRESIDING MEMBER DOUGLAS: Let's see here. Inyo  
8 County?

9 MS. CROM: Dana Crom, deputy county counsel for  
10 the County of Inyo.

11 PRESIDING MEMBER DOUGLAS: Thank you. Welcome.  
12 Any other federal, state, or local agencies represented from  
13 California or Nevada?

14 (No response.)

15 PRESIDING MEMBER DOUGLAS: All right, and I  
16 already introduced the public advisers. We've been joined  
17 by Commissioner Peterman. So with that, I will turn this  
18 over to the Hearing Officer.

19 HEARING OFFICER CELLI: Thank you. Good morning,  
20 everybody. Thank you, Commissioners. Welcome. This is a  
21 status conference on the proposed Hidden Hills Solar Energy  
22 Systems, which we will be calling "Hidden Hills," which I  
23 abbreviated "HHSEGS" in most of my written work. This was  
24 scheduled in a Notice dated September 27, 2012. That Notice  
25 is sitting on the table in the foyer here. We also have it

1 online. You can get it at the Hidden Hills webpage on the  
2 Energy Commission's website.

3 The purpose of today's conference is to hear from  
4 the parties regarding the status of the Hidden Hills Solar  
5 Energy Generating System's AFC and to resolve any procedural  
6 issues as well as to resolve the scheduling of future events  
7 in this proceeding.

8 As far as what we are going to do today, the FSA  
9 was originally due out on October 19, 2012. I know there  
10 were some correspondence back and forth regarding some  
11 delays. The Committee would like to know what the status of  
12 the FSA is.

13 We will hear from the parties in the following  
14 order: first, from the applicant, who will summarize their  
15 view of the case status and scheduling, followed by staff,  
16 followed by Intervenor Zellhoefer, then the Center for  
17 Biological Diversity, followed by the Old Spanish Trail  
18 Association, then Cindy MacDonald, and finally, Richard  
19 Arnold, which is the order in which the parties intervened.

20 We will then provide an opportunity for general public  
21 comment at the close of this status conference.

22 Now, attached to the status conference dated  
23 September 27th -- I'm sorry, attached to the Notice of the  
24 status conference dated September 27, 2012, was a draft  
25 proposed schedule for HHSEGS. And the reason I included the



1 draft schedule was to show all of the parties the order in  
2 which the milestone events must take place before the Energy  
3 Commission can make a decision on the AFC so that all the  
4 parties could meaningfully participate in discussions  
5 regarding the schedule. The finalized schedule will be  
6 incorporated in the pending Notice of Prehearing Conference  
7 and Evidentiary Hearings that will issue, along with a new  
8 scheduling order, after the FSA is published.

9           Now, at the last status conference, which we held  
10 on August 16, 2012, the parties indicated that the remaining  
11 unresolved, and I am saying in quotes "unresolved subject  
12 areas," were Biological Resources, Cultural Resources, Land  
13 Use, Socioeconomics, Visual, I'm going to say Soil and Water  
14 -- I know you have split it up into Water Supply and Surface  
15 Hydrology, but water issues, Transmission Systems  
16 Engineering, Alternatives, and Growth-Inducing Impacts.

17           So, the Committee is interested in knowing if any  
18 of these issues -- if any of these areas have been resolved.  
19 I would add to that list Override Evidence because it  
20 appears, based on my reading of the PSA anyway, that there  
21 may be significant impacts or LORS issues that may be  
22 immitigable or irreconcilable and, if so, the parties will  
23 need to make a record regarding the benefits of the Hidden  
24 Hills project vis-à-vis other prudent and feasible  
25 alternatives as well as public necessity and convenience or

1 not, or the converse. We will not schedule a separate  
2 hearing to work out the Override Evidence. So when we put  
3 out the evidence we are going to want to have the whole  
4 thing at the evidentiary hearing.

5 So the Committee would like to hear from the  
6 parties regarding the status of these previously-designated  
7 unresolved matters as well. So with that, let's go first to  
8 applicant, Mr. Harris.

9 MR. HARRIS: Good morning. I appreciate the  
10 opportunity to be here again. Love these status  
11 conferences. I'll keep it short this time.

12 I think it is a good opportunity for us to kind of  
13 give you our view of where we think the case is. There are  
14 several indicators out there that we want to talk about of  
15 where we think the case is headed, and to give you our  
16 bottom-line of where we think things ought to proceed.

17 Several pieces of new information are out there.  
18 Some of it has been around for a while, but I think there  
19 are at least kind of critical pieces of information we want  
20 to talk about. Those inform where we think the case is and  
21 where we would like to see the schedule go. So, let me  
22 start with that.

23 The Final Staff Assessment for this project is not  
24 out, but the Preliminary Staff Assessment for the Rio Mesa  
25 case is. We think that is probably a pretty decent

1 indicator of where the Final Staff Assessment is headed in  
2 this proceeding. Obviously, separate proceedings, separate  
3 facts, but a pretty good indicator. That PSA has some  
4 pretty interesting findings and some wholly new information  
5 to us too. Most notably, the Appendix Bio 1, which deals  
6 with the staff's view on the flux issue. It's really --  
7 even though it is not in this proceeding, it has kind of  
8 been our first opportunity to see the staff's view of the  
9 flux issue that has been talked about quite a bit.

10           We, frankly, have some concerns about that  
11 analysis. I don't want to be confrontational, but we have  
12 some concerns about whether that analysis is correct. We  
13 think it's wrong in a lot of respects, but further dialogue,  
14 I think, is going to help us with the staff and the other  
15 parties to figure out exactly how the staff reached the  
16 conclusions they did. Get the lawyers out of the room, let  
17 the experts kind of talk to each other about that.

18           But it is very concerning to us that that sets a  
19 level that's, I think, at two-and-a-half, which, if you --  
20 two-and-a-half kilowatts per meter squared, which, just for  
21 an analogy's sake, two kilowatts per meter squared is sort  
22 of like skiing on a sunny day. So, it is a very low  
23 threshold. One that gives us a lot of concern and, frankly,  
24 one that we think, with some discussions between the  
25 parties, we might be able to reach a better understanding of

1 how they got to where they are.

2           Now, that is preliminary for RMS -- that's not  
3 final for us, but having a similar finding come out without  
4 having a chance to talk to staff, I think, would be not in  
5 anybody's best interest. So, we are very concerned about  
6 some of the information we are seeing with the Rio Mesa PSA.

7           So, that is sort of issue set number one.

8           Issue set number two, also related to flux, again,  
9 we had an information exchange on November 1st, and that was  
10 sort of our most immediate reaction to the information we  
11 were seeing for the first time in the Rio Mesa PSA. That  
12 information exchange really involved two sets of documents.

13           First, we basically gave people, again, copies of  
14 our prior filings on the avian and the flux issues, and we  
15 thought it was important to remind folks that there is a  
16 substantial record out there. There are so many filings in  
17 this case that sometimes it is easier just to get a packet  
18 of that information. So we put together a packet of the  
19 information that we had filed prior and gave that to the  
20 parties at that time, and it was filed and served -- or, it  
21 was referenced, I'm sorry.

22           The second set of information is what I would call  
23 supplemental information, and it really is more real-world  
24 experience. You know, if I had to characterize the concerns  
25 we have right now, we think there is a lot of good, real-

1 world evidence about power tower technology and the  
2 potential effects on avian species, and we think that that  
3 real-world experience very much supports the positions you  
4 are hearing from the applicant.

5           So, we were able to get ourselves -- to get our  
6 hands on some information from an existing facility called  
7 the -- how do we say it? We say GEMA Solar. G-E-M-A. I  
8 guess the "G" is an "H" - GEMA Solar in Spain. We provided,  
9 at that information exchange, really, four primary  
10 documents. The most important one is a statement or an  
11 affidavit from a gentleman -- a doctor we now refer to as  
12 "Dr. P." The name is very long, and my Spanish is very  
13 horrible. So, he didn't do me the favor of being  
14 "Dr. Bibliotec." (Laughter.) So, I won't try to pronounce  
15 his name, but we've kind of shortened it to "Dr. P." There  
16 is an affidavit from him. His charge has been an  
17 independent charge from the Spanish authorities to take a  
18 look at the GEMA Solar facility. His affidavit says,  
19 basically, to date, he hasn't seen any dead or injured  
20 birds. So, it is new information that had to be translated  
21 and is available to staff.

22           We also have two other reports on that same  
23 facility, again, that were translated and made available at  
24 this data exchange on the 1<sup>st</sup> of November -- 11/1, yes.

25           The fourth piece was the SEDC facility - a forty-

1 one-day survey of avian mortality at the BrightSource  
2 facility in Israel, and, again, we think those findings are  
3 very important. So, it was some additional real-world  
4 experience that we felt was very informative to the staff  
5 and the parties and that was exchanged, as I said, just, I  
6 guess, two weeks ago today between the parties. So, that is  
7 kind of the third set of good information that we've  
8 provided.

9           The last thing that sort of piqued our interest,  
10 too, is that staff did promulgate a Data Request Set 3 on  
11 avian issues. I would characterize this more as a  
12 supplemental information request. The information that they  
13 are asking about is really a follow-up on the avian workshop  
14 that took place on August 8<sup>th</sup>. I think staff's interest  
15 here is getting some more detailed information on the  
16 information that was presented at the August 8<sup>th</sup> avian  
17 workshop. We did have the slides that were presented; staff  
18 is asking for some backup information. We have a concern  
19 about a couple of the questions that were asked there, but,  
20 by and large, it really is about a report that we are  
21 generating. We are going to provide that report; it is in  
22 process. The need for additional time and objections notice  
23 is due, actually, today. We will be filing on a couple of  
24 those concerns we have, but we are going to be answering the  
25 substantive questions, and, attaching to that response, a

1 report that will summarize the information that Gary Santolo  
2 put together and presented on August 8<sup>th</sup>. So, we think that  
3 is good information and we think it will also inform the  
4 parties very well on the status of the case. Those issues  
5 really are, again, the avian issues that we're focused on  
6 more than anything else. So, we think staff ought to have a  
7 little bit of time to look at the Data Response Set 3.  
8 That's really the only outstanding piece of information and,  
9 in our defense, I think it's not really outstanding; it is  
10 more supplemental to what we did in August. But, I think  
11 the staff is right to ask for it, and we are happy to  
12 provide it.

13           So, that is sort of the one thing that is  
14 outstanding. We also hope, though, that staff will use the  
15 time that is being provided to finalize that report. To  
16 actually spend some serious time with the other information  
17 we've given them, the stuff that was the subject of the data  
18 exchange on 11/1, and then sit down and talk with us and see  
19 if we can workshop through some of these issues because we  
20 would prefer not have a Final Staff Assessment where there  
21 is a miscommunication. I'm not going to say that staff is  
22 wrong, necessarily, but we think there may be communication  
23 issues on this flux issue that we'd like to work out and  
24 give them an opportunity to incorporate into their document.

25           So, I think where we're headed is getting those

1 data responses in as soon as possible, and then we would  
2 like to see a data response and issues resolution workshop  
3 set for early December. I think we kind of batted around  
4 December 5<sup>th</sup> as a day for a data response and issues  
5 resolution workshop, and then see the publication of the  
6 Final Staff Assessment as soon as reasonable thereafter.  
7 That may end up being mid-December. If the lights go on on  
8 some of these issues, and staff says, "we need a little more  
9 time to make some other changes and tweaks to our document,"  
10 which, I understand, is pretty much largely complete, we  
11 would be willing to have discussions about that as well.  
12 But, kind of, in our mind, we are looking at, I think, a  
13 12/5 issues workshop, and probably two weeks later, looking  
14 at probably 12/17 for the Final Staff Assessment  
15 publication.

16 HEARING OFFICER CELLI: Thank you, Mr. Harris.  
17 Mr. Ratliff, please.

18 MR. RATLIFF: Dick Ratliff, counsel for staff.  
19 The Final Staff Assessment is not "largely complete" - it is  
20 complete, and was complete as of last week, which is not to  
21 say it's perfect. It is not, and documents of this nature  
22 never are, but it is complete.

23 Having said that, the applicant has suggested that  
24 it would be useful to have further dialogue on the issues,  
25 particularly of solar flux, before we publish the document;



1 and we think that that would be useful. We have recently  
2 given them the model that we used for calculating or  
3 estimating the effect of solar flux on birds, and they have  
4 recently given us new reports from projects in Israel and  
5 Spain regarding avian mortality. We have those and are  
6 looking at those.

7 We think it would be useful to have a further  
8 dialogue at a workshop on this, and they have suggested they  
9 want to do so. So, we would like to defer the publication  
10 of the FSA until we've had an opportunity to do that.

11 HEARING OFFICER CELLI: Does that December 17th  
12 date sound about right to you?

13 MR. RATLIFF: I'm sorry, December 17th for  
14 publication or --

15 HEARING OFFICER CELLI: Yes.

16 MR. RATLIFF: Presumably. I suppose so, unless --  
17 I mean, the applicant has suggested that, and I think  
18 Mr. Harris has just argued that there is a problem with  
19 staff's analysis. We don't know that that's true. They  
20 haven't indicated what the problem is with any specificity;  
21 but, if they do, we want to know about it. It would  
22 certainly be useful to us to know, if we have made a  
23 mistake, what the mistake is. So, if, in fact, we have, in  
24 some manner, analyzed the problem incorrectly, assuming that  
25 they indicate what that problem is and we agree with them,

1 we would want to, of course, remedy it, and I assume we  
2 could do that by December 17<sup>th</sup>.

3 HEARING OFFICER CELLI: Thank you. Let me ask Mr.  
4 Zellhoefer, any comments regarding the status of this case?

5 It is good to see you. This is the first time you've been  
6 to one of our status conferences. Last I saw you was at the  
7 informational hearing down in Tecopa.

8 MR. ZELLHOEFER: That is correct. It's good to be  
9 here. It's good to see all your faces. I would comment  
10 that the FSA is very important to me as an intervenor and, I  
11 suspect, it's going to be as comprehensive and as lengthy as  
12 the PSA was. I do understand that there are some issues in  
13 certain sections of the FSA. I would ask, however, that  
14 those parts of the FSA that are not in dispute be released  
15 immediately, so that we, the public, and specifically me, as  
16 an intervenor, can start to read through what, I suspect,  
17 will be close to 1,200 pages of data.

18 As you know, on November 21st, it is currently  
19 scheduled for the intervenors to have made their first  
20 responses. Well, that clearly cannot happen, okay? But, on  
21 the other hand, if an avian flux issue needs to be resolved,  
22 I would suspect that that is no more than ten percent of the  
23 FSA, and I would ask the Commissioners to go ahead and  
24 authorize staff to release that part of the FSA which is not  
25 in dispute. Thank you.

1 HEARING OFFICER CELLI: Thank you. Thank you for  
2 your comments.

3 Ileene Anderson, if you have a comment, please  
4 speak up.

5 MS. ANDERSON: Yeah, I don't have any comments at  
6 this time.

7 HEARING OFFICER CELLI: Okay, thank you. Thank  
8 you for tuning in.

9 The Old Spanish Trail Association, I have Jack  
10 Prichett or Scott Smith. Jack, you are the official  
11 intervenor. Are you on the phone?

12 MR. PRICHETT: I don't have any comments right  
13 now. I haven't made up my mind on what Mr. Zellhoefer just  
14 said, but Scott Smith is on the line and I think Scott has a  
15 comment.

16 HEARING OFFICER CELLI: Okay, thank you.

17 MR. PRICHETT: Or he is on the computer.

18 HEARING OFFICER CELLI: Let me make sure he isn't  
19 muted.

20 MR. PRICHETT: Okay.

21 HEARING OFFICER CELLI: Mr. Smith, can you -- go  
22 ahead.

23 MR. SMITH: Yes, I can hear you. Well, my main  
24 concern is that we're putting this right into the middle of  
25 the -- for a lot of research, right into the middle of the

1 Christmas season. That seems kind of unfair. I think we  
2 need to postpone it some time until after the first of the  
3 year.

4 HEARING OFFICER CELLI: Okay.

5 MR. SMITH: Our response time.

6 HEARING OFFICER CELLI: Right. Well, I just want  
7 to make clear that, schedule-wise, all bets are off right  
8 now, because we can't really formulate a schedule when  
9 there's no FSA published. So, I think, de facto, we are in  
10 January already anyway, based on what we've heard so far  
11 this morning.

12 MR. SMITH: Okay. I just wanted to make sure that  
13 was spoken.

14 HEARING OFFICER CELLI: Thank you. Anything  
15 further, Mr. Prichett?

16 MR. PRICHETT: No.

17 HEARING OFFICER CELLI: Okay. Thank you very  
18 much. Let's hear from Intervenor Cindy MacDonald.

19 MS. MacDONALD: Okay, well, as usual, I've got  
20 some extensive comments. I wanted to bring up some issues  
21 that actually address two different subject matters, but  
22 they kind of interrelate.

23 What these two subject matters are, the primary  
24 one is I have not been able to find any avenue to discuss  
25 the operations of these -- of the proposed facility, the

1 design, the reliability, the efficiency. Now, I have  
2 submitted extensive comments on these as early as March of  
3 this year.

4           In August, I contacted the EPA because I have some  
5 serious questions regarding the mirror-washing specifically.  
6 In late August, I asked about having a workshop that would  
7 actually address operations. That was one of the subjects,  
8 and I was basically told the only one that staff was  
9 considering was yet another biological workshop, but no  
10 workshop occurred.

11           Then in -- let's see -- on October 30th, I  
12 received a notice about an informational meeting between the  
13 applicant and staff regarding this flux issue, and I  
14 expressed concern that this was not publicly noticed; in  
15 fact, there was, like, a two-day notice in it. I received  
16 no response on that. I did attend the informational  
17 exchange meeting, and was basically told that all the  
18 questions about the flux issue would be better addressed at  
19 a workshop, and it was recommended that I attend the Rio  
20 Mesa workshop on Biological Resources that occurred  
21 yesterday.

22           So, I put together some questions for that and  
23 attended that, and they started to close the biological  
24 section without any discussion on flux, so I tried to get a  
25 conversation going about that because, obviously,

1 everybody's mentioned this is an issue. Then I was told  
2 that, "no, we weren't going to do it at this workshop, but  
3 maybe we might do a workshop later."

4 At that time, because I started going over the Rio  
5 Mesa website, I found out that they finally had had a  
6 workshop on facility design, reliability, output, et cetera,  
7 on the 29th for Rio Mesa.

8 HEARING OFFICER CELLI: The 29th of what month?

9 MS. MacDONALD: October, I'm sorry. October 29th.

10 All right, so, because there has been, like, no access to  
11 the Hidden Hills project for this, but I have already missed  
12 the workshop, but I went back and listened to the WebEx  
13 recording, and was thinking, well, maybe I can get some  
14 information here; however, I found out that, even if I would  
15 have had advance notice, I would have never noticed, because  
16 the agenda for that workshop that told the public that these  
17 topics were going to be covered wasn't even posted at the  
18 start of the workshop. So, even if I would have had advance  
19 notice and I would have been looking at the website, I  
20 wouldn't have even known the workshop contained those  
21 issues.

22 Those issues were blown through so fast, it was  
23 less than a minute in any one. Any comments, they were  
24 addressed right at the start of the meeting, and that was  
25 the end of it.

1 I've went back, I've looked through every one of  
2 the Hidden Hills workshops, and not one time, out of  
3 fourteen workshops, has there been any schedule for  
4 operations, facility design, reliability, efficiency,  
5 output, anything. There has been no [inaudible] to discuss  
6 the issues, some of the issues that I've raised in March,  
7 and I'm really concerned about that.

8 Everybody keeps acting like this kind of facility,  
9 this utilities facility, is cut-and-dried. The PSA had  
10 almost no analysis whatsoever of the facility design,  
11 reliability, efficiency, everything. The Rio Mesa PSA was  
12 almost an identical carbon copy.

13 This is not a facility that has any utility-scale  
14 proven performance anywhere in the world. The closest thing  
15 we've got is a six-megawatt facility in Israel where,  
16 yesterday, I could not even get a definitive answer from a  
17 BrightSource representative on the acreage that comprises  
18 this facility; and yet, this is the basis that we are  
19 launching from six megawatts to five hundred megawatts.

20 In the Rio Mesa case, they were going for 750  
21 megawatts. So, the fact that nobody is even looking at the  
22 designs, or giving a critical eye towards how this thing  
23 actually operates, not having any vehicle or form to even  
24 try to discuss it or get additional information is of  
25 serious concern to me, and I do not understand how a Final

1 Staff Assessment can come out without any of this  
2 information.

3           If anybody's aware of the comments that I  
4 submitted about the -- when I challenged the Great Basin  
5 Unified Air Pollution Control District's final determination  
6 of requirements, I wrote an extensive section about the  
7 mirror-washing machines. This is one of the things that I  
8 have continued to try to pursue. As it stands, we have no  
9 information on what they look like, how they perform, how  
10 many mirrors do they clean, how much water do they use.  
11 There has been conflicting information presented about  
12 whether they are cleaning them with air or water. I can't  
13 figure out how they determine their vehicle miles travelled  
14 that was the source of how they calculated their emissions.

15           There is one sentence in the Boiler Optimization  
16 Plan that discusses the seasonal scrubbers. We don't know  
17 how many those are, or when they operate, how much extra  
18 water, or anything. From what I've seen, BrightSource has  
19 changed -- or the applicant has changed the number of  
20 mirror-washing -- or workers associated with it at least  
21 twice.

22           So, the reason I'm bringing this up, the two  
23 points is one, I wanted to kind of show what public  
24 participation was like in trying to get answers to this, and  
25 how it has not been around. But the second thing is I



1 wanted to show, I am seriously considering filing a motion  
2 for an additional data request on facilities design, on the  
3 mirror-washing machines, because if those mirrors are not  
4 clean, then they will significantly degrade the performance  
5 of the plant. Nobody's asking any questions of what that  
6 means and I just don't understand how we can have a  
7 renewable facility based on heat input that comes from  
8 mirrors, with no idea how they will get clean or what the  
9 performance levels are.

10           So, I wanted to give the Committee a heads-up that  
11 I want to file a Motion for Good Cause to get some  
12 information on how this facility works, and the designs, and  
13 its output. If necessary, since they are discussing possibly  
14 another workshop, to please include something, at least  
15 once, in this process that addresses some of these issues.  
16 All right, that's the first thing.

17           The second thing is I think the flux thing is a  
18 very big deal and I am fully supportive of analyzing that as  
19 much as possible. While the applicant spoke of the Spanish  
20 study, the GEMA Solar facility, the applicant is presenting  
21 the Spanish study like it is, you know, boots on the ground,  
22 we haven't seen any dead birds, this is real-world kind of  
23 information. But, when you actually look at the study, you  
24 find out that there was only two surveys done at the site  
25 once operations began: once in July for ninety minutes, and

1 once in August for an hour. In both those times, that's  
2 when the doctors -- or the study participants were allowed  
3 on the site, giving plenty of time to clean the site up in  
4 case there was actually more going on than what we are aware  
5 of. It really isn't a study.

6 So I am very supportive of doing a flux workshop.  
7 With respect to Mr. Zellhoefer's -- I'm getting the static  
8 again.

9 HEARING OFFICER CELLI: You broke up just a little  
10 bit. If you would start over again, please.

11 MS. MacDONALD: I am supportive of releasing  
12 portions of the FSA early if, because it is so large, if  
13 staff believes that those are taken care of. But any  
14 portions that have to do with operations, facility, design,  
15 reliability, efficiency, all of those things, I still don't  
16 think there's any information -- there's been nothing done  
17 on them. So, you know, maybe some sections that they feel  
18 are complete, that there is no challenge on that will give  
19 people more time to review because it has been so extensive.

20 But, I would not like to see it published without, at  
21 least, an attempt to address some of these questions. Like  
22 I said, I'm going to file a motion to request some of this  
23 information. Hopefully, the Committee will understand why  
24 it is so important.

25 At this point, I think that's it. With the status

1 with regards to the other disciplines, we really haven't had  
2 any additional workshops, we haven't seen an FSA, so I would  
3 have to say I stand where I stood at our last status  
4 conference, basically, waiting to see what information is  
5 available at this point. Thank you.

6 HEARING OFFICER CELLI: Well, thank you,  
7 Ms. MacDonald, and you've certainly put all of the parties  
8 on notice on what the issues you think are important. I  
9 remember actually reading that section about the mirror-  
10 washing and the amount of water, and the amount of time it  
11 would take, and the number of machines, and I thought that  
12 your points were well taken. But, again, this is all going  
13 to be -- probably end up being hashed out in the evidentiary  
14 hearing as evidence. So, we will hear that evidence and so  
15 I appreciate your being on top of this. I think you have  
16 been really an exemplary intervenor. You've really rolled  
17 up your sleeves and gotten into the nitty-gritty of the  
18 issues here. I think that that's fantastic. So, thank you  
19 for that. We --

20 MS. MacDONALD: Thank you.

21 HEARING OFFICER CELLI: I just want to point out,  
22 though, that none of us have seen -- well, none of us.  
23 Other than staff, none of us have seen the FSA yet, and so  
24 maybe a lot of these questions might get resolved in the FSA  
25 itself, and I am heartened to hear that there is this

1 December 5<sup>th</sup> workshop. I encourage you, Ms. MacDonald, to  
2 take full advantage of that. I'm sure you will.

3 MS. MacDONALD: You know I will.

4 HEARING OFFICER CELLI: Yes. So, thank you very  
5 much. We have one more intervenor. I see Richard Arnold,  
6 you are on the phone, so good morning, Mr. Arnold. We are  
7 interested in your thoughts on the status of the FSA or on  
8 anything this morning. Go ahead.

9 MR. ARNOLD: Yes. Thanks for the opportunity. I  
10 am really pleased to become an intervenor on this project  
11 and, of course, obviously, like many folks, am anxious to  
12 see the Final Staff Assessment.

13 I am a little bit distressed that it keeps on  
14 being delayed, but maybe in some respects that is a good  
15 thing because, I think, there are a lot of concerns with  
16 even trying to consider the project. Mine probably focus  
17 more on a lot of the cultural resources, the cultural issues  
18 per se, on the various cultural landscapes that are included  
19 that we see through a native lens or through American Indian  
20 eyes.

21 Moreover, you know, I know there has been  
22 extensive work that's been done on the ethnographic portion  
23 of the -- the ethnographic portion you're trying to include  
24 into the FSA. We are really anxious to see that and, that  
25 said, I think that one of the concerns, obviously, is that

1 it accurately reflects and is being considered under CEQA,  
2 the completeness and accuracy of the information. So we  
3 don't -- we want to make sure that nothing gets left out or  
4 inadvertently is omitted.

5           So while the project is, you know, being obviously  
6 looked at in the Pahrump area, we are concerned with the  
7 far-reaching cultural implications, because some of the  
8 landscapes that were described and are described in the  
9 ethnographic report -- I mean, they talk about some of the  
10 strong cultural landscapes that are integral to our native  
11 culture. As such, with the Salt Song Trail, that not only  
12 affects the Pahrump Paiute tribe, but all Southern Paiute  
13 people from many surrounding states - California, Arizona,  
14 Utah, and Nevada - we want to make sure that these things  
15 are -- remain integral to the evaluation process.

16           The other thing that I want to say is that I know,  
17 and I think we all know, that, as with all these different  
18 projects, there's a lot of politics that are involved and  
19 things can be politically charged. I am just really hoping,  
20 and going down on the record, that we want to make sure that  
21 those don't become the drivers of the process here; that we  
22 want to make sure that we are being representative  
23 appropriately, all the information is being presented  
24 accurately, and that it is being evaluated thoroughly in the  
25 process.

1           Really, I guess that will conclude my statements  
2 with one last thought. I also agree - I just wanted, kind  
3 of, to go down on the record with this, is that with the  
4 continuous delays on getting the FSA, that it probably would  
5 be helpful to start releasing some of the information that  
6 would be helpful. So, 1,200 pages is a lot of information  
7 for everybody to absorb and I would support that notion.  
8 Again, I am just kind of anxious to see the final results of  
9 the FSA once it hits the streets.

10           HEARING OFFICER CELLI: Thank you, Mr. Arnold. I  
11 have a question for you. Now, again, since the FSA hasn't  
12 come out, we haven't seen it yet, but I did read the PSA  
13 cultural section, and the appendix, and the ethnographic  
14 study, and, I think, there were sections in there that  
15 described certain information as being seasonal, in that  
16 there were certain areas that were sort of prohibited from  
17 being spoken of during certain periods of the year. I am  
18 wondering whether this delay would actually open the window  
19 up on staff, perhaps, being able to get that information?

20           MR. ARNOLD: Well, great question. I guess to  
21 answer the question pointedly, is that yes, definitely,  
22 there is information and there are taboos on certain  
23 information, discussing those types of things during various  
24 seasons. Wintertime is typically one season in which  
25 information can be shared. That said, it makes it

1 difficult, depending upon what the tenor of the questions,  
2 the information that is needed. That would be helpful, you  
3 know, how that would be perceived by all the people who are  
4 participatory in the process, the native people.

5           So, I think that, yes, it could potentially lend  
6 some more information, but it makes it a little bit  
7 difficult in that, if we are asking for additional  
8 information, we want to make sure that everything that we  
9 said thus far that is in there, with the exception of  
10 certain information which has been redacted purposefully,  
11 because of some of the cultural implications, we want to  
12 make sure that the previous information is thoroughly  
13 considered, included into the FSA and into the analysis, as  
14 with any additional information.

15           So, I hope that answers your question.

16           HEARING OFFICER CELLI: That does absolutely. The  
17 one other question I had was, if it turns out that we have  
18 evidentiary hearings in January or February, let's just say  
19 anywhere from January 1<sup>st</sup> through the last day of February,  
20 and would it be -- is that a period of time during which  
21 some of these topics could be discussed, perhaps by you,  
22 during the evidentiary hearing?

23           MR. ARNOLD: Well, I guess it would, again, depend  
24 upon certain cultural indicators. So, I can't tell you when  
25 we are going to hear the first dove, when it makes its

1 sound. There are certain cultural indicators that I can't  
2 predict - nobody can predict - that we know that there are  
3 generally certain times when we can expect things to happen,  
4 and we'll watch for those, because some of those seasonal  
5 things depend upon human -- well, not human nature, but  
6 nature. We have to look at that, and then secondly, I guess  
7 it depends upon the nature and specificity of some of the  
8 information that would be needed. I guess the best analogy  
9 is that, while we have given you a lot of information  
10 already, we'll give you the lock, but we won't give you the  
11 combination. That kind of thing. So we're not going to go  
12 into a great deal on some of the things, but we'll try to  
13 respond to the questions as best we can, and yet, that was  
14 part of my intention of becoming an intervenor, to share the  
15 cultural insight that I know that is also accepted and used  
16 by other Southern Paiute people, and, moreover, supported by  
17 the other Southern Paiute tribes -- all the other Southern  
18 Paiute tribes.

19 HEARING OFFICER CELLI: Well, I greatly appreciate  
20 that. I'm trying very hard to be sensitive to these sort of  
21 cultural, new ideas to me, and I certainly don't mean to be  
22 offensive. What we are trying to do here is have a process  
23 where all the parties can speak freely, get all the  
24 information that we need so the Commission can make the  
25 right decision about this power plant.



1 MR. ARNOLD: I respect that and I appreciate the  
2 comments. Again, I just would respectfully submit that,  
3 while I hear the words, I also know that there is a lot of  
4 politics and money behind the project that potentially could  
5 cloud some judgment.

6 HEARING OFFICER CELLI: Well, we are grateful for  
7 your participation and glad you are aboard. Thank you.  
8 Anything further, Mr. Arnold?

9 MR. ARNOLD: No, I think that will wrap it up at  
10 this point.

11 HEARING OFFICER CELLI: Thank you very much for  
12 your comments.

13 So, we've now heard, just this first go-round -- I  
14 don't even know if it is productive at this time to even  
15 talk about schedule, because I think that all of the parties  
16 now have seen what I show as a skeleton of what the schedule  
17 is going to look like. All of those relative intervals that  
18 are in the third column are just going to move up, along  
19 with whatever the trigger date is, and, of course, the  
20 trigger date is the FSA. So, I just want to make sure  
21 everybody understands that that is the way I intend to put  
22 together the schedule; that whenever the FSA comes out, we  
23 will have a date, and we will work off of that date.  
24 Anything --

25 MS. MacDONALD: Mr. Celli?

1 HEARING OFFICER CELLI: Go ahead. Who is  
2 speaking?

3 MS. MacDONALD: Yeah, I'm sorry. I raised my hand  
4 because I forgot to address this issue of -- if you are  
5 talking about tentatively releasing the FSA on December  
6 17<sup>th</sup>, I also agree with Scott that that is right during the  
7 Christmas season. When you look at that in relation to your  
8 schedule, starting with the applicant, within two weeks of  
9 testimony, that's going to force us all to scramble to try  
10 to read that information during Christmas. I do think that  
11 is unfair and I would like to make note that, rather than  
12 December 17th, perhaps January 1<sup>st</sup>, so that we can actually  
13 have a Christmas. Thank you. That was it.

14 HEARING OFFICER CELLI: Thank you. I'm taking the  
15 liberty to speak for the Committee and say that this  
16 Committee has no intention of ruining anybody's holiday or  
17 New Year's. (Laughter.) So, we will certainly do what we  
18 can to accommodate everybody's holidays because we have  
19 holidays too, hopefully, so thank you.

20 Now, Ms. Crom, I see that you're here. We'd just  
21 like to hear from the County of Inyo on any of these issues  
22 as long as we have you.

23 MS. CROM: Well, I would have to join the request  
24 by Mr. Zellhoefer. You know, from a selfish point, most of  
25 the sections that are applicable to Inyo County, I don't

1 believe, are at issue, with respect -- at least as to the  
2 pending workshop, or the potential workshop.

3           Then, also, as the Hearing Officer is aware, I  
4 will be leaving the state on the 19<sup>th</sup>, so I would really  
5 like to be able to read this before I embark on my Christmas  
6 vacation.

7           I do also have to agree with Cindy MacDonald, that  
8 if this does come out on the 17<sup>th</sup>, setting the timelines  
9 that have been proposed when we thought that this FSA was  
10 going to come out in September would be, basically,  
11 requiring everybody to draft their testimony over the  
12 Christmas and New Year's holiday. I don't think that's fair  
13 and I think that we should be setting those dates in  
14 January.

15           Obviously, you know, the county is continuing to  
16 work with the applicant. We are hoping to have some sort of  
17 resolution to our issues; but, at this point, we do not.  
18 For that reason, what the county really needs to know is  
19 when is that date for intervention. For that reason, I  
20 would be asking that we do set, at least, some sort of a  
21 tentative schedule or set a drop-dead date, so that I have  
22 something to go back to discuss with my board so we  
23 understand when that date is. That would be very helpful,  
24 from the county's perspective, in moving ahead.

25           HEARING OFFICER CELLI: I appreciate that. Let me

1 ask you -- let me just say a couple of things. As you've  
2 seen over these many months, a schedule is a very, very  
3 tough animal to tame in these proceedings and I have come --  
4 the temptation is always there to put out a schedule and  
5 say, "This is etched in stone. This is the way we're going  
6 to have it. These are the dates and this is what's going to  
7 happen." Inevitably, this sort of thing, unforeseeable  
8 circumstances come up.

9           Until we have an FSA in our hot little hands, I am  
10 disinclined to put out any kind of schedule because the next  
11 thing will come up, and then the next thing will come up.  
12 In this case, this one seems to be generated from applicant,  
13 who is typically the party who has the gun to everybody's  
14 head going "come on, come on, come on," and rushing  
15 everybody. In this case, applicant is requesting more time  
16 for more deliberation and this seems quite reasonable.

17           So, what I'm telling you is, I'm sorry to say,  
18 that I will probably be leaving you in the dark for a bit  
19 longer because we can't really say. What I can tell you is  
20 this, our regs say the last day to intervene is thirty days  
21 prior to the hearing or the date of the prehearing  
22 conference, whichever is earlier. In this case, I always  
23 put the last day to intervene in a scheduling order, and I'm  
24 certainly not going to put a day to intervene that has  
25 already lapsed in a scheduling order.

1           So, you will have some time to make that decision,  
2 and so that, hopefully, won't be a problem for you. I am  
3 interested, when you say that you haven't resolved issues  
4 with -- between county and applicant, what in -- without  
5 getting into the nuts and bolts, if you can just give me the  
6 general areas of what needs to be resolved.

7           MS. CROM: We have not resolved the socioeconomic  
8 impact issues, including entering into any sales and use tax  
9 agreement. We also are -- we are processing a general plan  
10 application and a rezoning plan application, but we have not  
11 resolved the roads issues.

12           HEARING OFFICER CELLI: The roads?

13           MS. CROM: Yes.

14           HEARING OFFICER CELLI: What? The rededication  
15 roads or the abandonment --

16           MS. CROM: It would be the abandonment of public  
17 roads. Those are issues that are still outstanding. We  
18 have had some discussions on the sales and use tax  
19 agreement, and at this point, I don't think the parties are  
20 in agreement.

21           HEARING OFFICER CELLI: You have to appreciate how  
22 far you've come though. This is actually kind of good news.  
23 When you say "we have outstanding matters to resolve," the  
24 last laundry list we had was quite a bit longer, so it  
25 sounds like you've made quite a bit of progress.

1 MS. CROM: Well, those are the only two things  
2 we've made any progress on, so all the other things on the  
3 list are still there. The sales and use tax would only  
4 address a portion of the socioeconomic impacts to the  
5 county. What we are moving ahead with is the general plan  
6 amendment and the rezoning, so that is in progress. Of  
7 course, it's -- you know, the timing of that is conditioned  
8 on these proceedings, since we will need to rely on the  
9 environmental document.

10 HEARING OFFICER CELLI: Well, I appreciate that.  
11 Part of the problem with a parsing out of an FSA has to do  
12 with comments, comment periods. It is already "herding  
13 cats" just to get comments on time when you put out a single  
14 FSA, rather than bifurcating, and then you get different  
15 comment periods. It starts getting pretty hairy and  
16 difficult to manage.

17 MS. CROM: I understand that and I think what I am  
18 hearing from the commenters is that, if the Committee is  
19 going to start the clock running after the holidays,  
20 notwithstanding, maybe, a December 17<sup>th</sup> release date, then,  
21 I think, that that would give everybody plenty of time to  
22 review it, enjoy their holiday, and still meet the  
23 relatively short timeframes for filing of testimony and  
24 addressing intervention issues.

25 HEARING OFFICER CELLI: Right. So, a lot is

1 hinging on the productivity of this workshop coming up in  
2 December, and what staff and applicant and the parties can  
3 accomplish therein, and whether there needs to be another  
4 workshop afterwards.

5 MS. CROM: I agree.

6 MR. RATLIFF: Mr. Celli, if I may?

7 HEARING OFFICER CELLI: Yes, please.

8 MR. RATLIFF: The intervention of the county,  
9 should it occur, is not, as sometimes occurs, someone coming  
10 to the party late. The county has been active throughout  
11 the proceeding, and to intervene late in the proceeding, I  
12 don't think it would prejudice, or be seen to prejudice, the  
13 proceeding in any manner. I'm only saying that the staff  
14 would support the county's intervention, should it occur,  
15 whenever it occurs prior to hearing. I don't think it is  
16 going to be a problem for the proceeding if they intervene  
17 later than parties, I think, should ordinarily become  
18 parties, because they have participated and are fully versed  
19 on the issues.

20 The second thing I would say is that staff is  
21 opposed to bifurcating, as we say, the document. We don't  
22 want to publish parts of it and not other parts of it for  
23 two reasons. We've done this in the past and it has always  
24 led to complications, and, I would say, it hasn't ever, at  
25 least in my knowledge, ever really shortened the overall

1 task, but it has made it more confusing.

2 I think secondarily, related to that, is that here  
3 you have a number of disputed topics currently, and the  
4 analyses, many of them, are somewhat interrelated. That  
5 particularly is true of Biological Resources, which cuts  
6 right into the Water area and somewhat cuts into the  
7 Cultural Resources area as well.

8 I think it is much better to have the entire  
9 document available as an integrated whole than to publish it  
10 with a very large gap in the middle that has those kinds of  
11 interrelated aspects. So, we think it would be improvident  
12 to publish it in two pieces like that.

13 We think it would be preferable just, not to say  
14 BrightSource is the "Grinch that Stole Christmas," but to  
15 let people have more time on the other end to prepare for  
16 the hearings, because it is a big document and it covers a  
17 number of issues. I don't know, for instance, if  
18 Ms. MacDonald's issues are adequately covered, but they  
19 should be, and we would like to make sure that the parties  
20 have time to do the testimony that they want to do in those  
21 areas.

22 HEARING OFFICER CELLI: Thank you. So, what we'll  
23 do next is turn it back over to the -- so, thank you for  
24 those comments, and again, everything seems to be hinging on  
25 the publication date of the FSA. We'll see what happens and



1 bear in mind the holidays. It looks like we are spilling  
2 into next year, Mr. Harris, for scheduling. I don't get the  
3 sense that applicant has any real heartburn about that.  
4 Let's hear from the applicant.

5 MR. HARRIS: Not the word I would have picked.  
6 (Laughter.) I don't feel like we're stealing Christmas, by  
7 the way. Speaking on behalf of the applicant, this is sort  
8 of against the interests of the project manager here to have  
9 Christmas with his family, because if we were to follow the  
10 current schedule and use those dates, the way it pencils out  
11 in my mind is that we would file basically in the second  
12 week of December or so, and the intervenors would be filing  
13 their testimony on December 24th. I don't know that they  
14 would be any happier about that day than after Christmas.  
15 It just kind of falls where it does.

16 I think it says a lot of the applicant here that  
17 staff is saying "we are ready to publish," and we're saying  
18 "we think you need to hear a few more things." By the way,  
19 we need the answers to the last data request that they put  
20 out. If they don't need that for the FSA, they can withdraw  
21 it now. I'd be fine with that result. Then I wouldn't have  
22 to file any objections or file the documents. So, there are  
23 still some data needs out there, and I think we're all going  
24 to benefit from this. It is absolutely against our own best  
25 interest as well. That shows you how important it is that

1 we get it right.

2 HEARING OFFICER CELLI: Thank you. Let me just  
3 run around really quickly and see if there is anything  
4 further from staff before we go to public comment or Mr.  
5 Zellhoefer, anything further?

6 MR. ZELLHOEFER: I would just add that there was a  
7 schedule. It's my understanding from the hearings today  
8 that the FSA, as staff sees it, is ready to release. We'd  
9 all like to design the perfect building, but that is why  
10 there are also evidentiary hearings that are part of this  
11 procedure. I understand that the applicant would want to  
12 polish and buff everything as accurately as possible to not  
13 raise any red flags, but a schedule is a schedule. The FSA  
14 was due out a long time ago. It will never be perfect, and  
15 I think we just have to bite the bullet and, if staff has it  
16 ready, release it. Whatever needs to be corrected can be  
17 corrected in the evidentiary hearings as they are typically  
18 done. That's all.

19 HEARING OFFICER CELLI: Thank you for that  
20 comment. Let me ask next from Ileene Anderson. Do you have  
21 any further comment before we go to public comment?

22 MS. ANDERSON: My only comment would be, the more  
23 complete an FSA as possible would be best. That way, our  
24 comments are more focused on the issues that are outstanding  
25 and give us heartburn. I'd also like to say, avoidance of

1 major deadlines during the late December holidays, I am  
2 totally fine with that.

3 HEARING OFFICER CELLI: Thank you. Anything  
4 further from Jack Prichett or Scott Smith regarding anything  
5 before we go to public comment? Mr. Smith?

6 MR. SMITH: None from me.

7 HEARING OFFICER CELLI: All right. I don't know  
8 if Mr. Pritchett is still on.

9 (No response.)

10 HEARING OFFICER CELLI: We have Cindy MacDonald  
11 next. Anything further?

12 MS. MacDONALD: I pretty much said what I wanted  
13 to say. Thank you.

14 HEARING OFFICER CELLI: Thank you, and, finally,  
15 Mr. Arnold, anything further? Richard Arnold?

16 MR. ARNOLD: No, I don't. I think I covered all  
17 my points, thank you.

18 HEARING OFFICER CELLI: Thank you very much.  
19 Okay, at this time, if nothing further from applicant, I'm  
20 going to go to public comment. I'm going to ask  
21 Ms. Jennings whether we have any members of the public in  
22 the room here today.

23 MS, JENNINGS: No.

24 HEARING OFFICER CELLI: Okay, she says no, so I'm  
25 going to go ahead and hear public comment on the phone.

1 Now, this is always an interesting process, so what I'd like  
2 to do first is, I'm going to call on people who identified  
3 themselves and typed in their names so I know who they are.

4 Then I'm going to put it out there for the people who  
5 called in, and when I do that you will just have to speak up  
6 and make your comment.

7 So, Bradley Brownlow, did you wish to make a  
8 comment?

9 MR. BROWNLOW: No, thank you, sir.

10 HEARING OFFICER CELLI: Thank you. Jim Stroh is  
11 on the computer without a telephone hookup. Some people are  
12 just listening in. The same is true with Jonathan Fong. If  
13 you are just listening, that's fine, but if you did want to  
14 make a comment, now would be the time to call in as we go  
15 through.

16 Karen Parker, any comments?

17 MS. PARKER: No. No comments.

18 HEARING OFFICER CELLI: Thank you. Just a  
19 question, Karen Parker, are you on the telephone, or the  
20 computer, or both?

21 MS. PARKER: I'm on both.

22 HEARING OFFICER CELLI: Okay. Thank you. Call-in  
23 Users 5, 6, and 7, if you would like to make a comment,  
24 please speak up. You are all unmated, so go ahead and speak  
25 up if you wish to make a comment, please do.

1 (No response.)

2 HEARING OFFICER CELLI: Okay. Hearing none and  
3 seeing nobody here, then I will return the gavel back to  
4 Commissioner Douglas to adjourn.

5 PRESIDING MEMBER DOUGLAS: Thank you.  
6 Commissioner Peterman, any closing comments?

7 ASSOCIATE MEMBER PETERMAN: No, just to say I  
8 appreciate the information that the parties have provided.  
9 This has been very useful for me understanding the reasons  
10 for the FSA delay and as well as hearing from the  
11 intervenors. Mr. Zellhoefer, nice to finally do a face-to-  
12 face with you as well. Thank you for the opportunity.

13 PRESIDING MEMBER DOUGLAS: Thank you, Commissioner  
14 Peterman. I'd like to join Commissioner Peterman in  
15 thanking you for being here today. Mr. Zellhoefer, nice to  
16 meet you in person. We will make sure we do not ruin  
17 anyone's Christmas. We will take some pains to do that. I  
18 hope that the workshop is productive. We'll look forward to  
19 hearing what comes out of that and getting a fix on the date  
20 for the FSA publication as soon as possible. So, thank you.  
21 With that, we are adjourned.

22 (The Status Conference adjourned  
23 at 10:45 a.m.)

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## CERTIFICATE OF REPORTER

I, REBECCA HUDSON, an Electronic Reporter and Transcriber, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Status Conference and thereafter transcribed it.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of November, 2012.

/s/ Rebecca R. Hudson  
REBECCA HUDSON