

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-03
<b>Project Title:</b>	Sequoia Data Center
<b>TN #:</b>	234840
<b>Document Title:</b>	Item 13 - Transcript of September 9, 2020 Business Meeting
<b>Description:</b>	Transcript of Item 13 from the September 9, 2020 Business Meeting
<b>Filer:</b>	Cody Goldthrite
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	9/18/2020 6:03:48 PM
<b>Docketed Date:</b>	9/18/2020

BUSINESS MEETING

BEFORE THE

CALIFORNIA ENERGY COMMISSION

In the Matter of: )  
 ) 20-BUSMTG-01  
*Business Meeting* )  
 \_\_\_\_\_ )

REMOTE ACCESS ONLY

*The California Energy Commission's August 12, 2020 Business Meeting will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. The public is able to participate and observe the meeting consistent with the direction in these Executive Orders. Instructions for remote participation can be found in the notice for this meeting and as set forth below in this agenda.*

**PARTIAL TRANSCRIPT**

**ITEM 13: Small Power Plant Exemption for the Sequoia Backup  
 Generating Facility (19- SPPE-03)**

WEDNESDAY, SEPTEMBER 9, 2020

10:00 A.M.

Reported by:  
 Peter Petty

APPEARANCES

Commissioners (Via Remote)

David Hochschild, Chair  
Janea Scott, Vice Chair  
Karen Douglas  
Andrew McAllister  
Patricia Monahan

Staff Present: (Via Remote)

Drew Bohan, Executive Director  
Darcie Houck, Chief Counsel  
Noemi Gallardo, Public Advisor  
Cody Goldthrite, Secretariat

	Agenda Item
Susan Cochran	13
Lisa DeCarlo	13
Lon Payne	13
Matthew Layton	13

Others Present (Via Remote)

<u>Interested Parties</u>	Agenda Item
Scott Galati, DayZen, LLC, n, representing C-1 Santa Clara, LLC	13
Robert Sarvey	13

Public Comment (Via Remote) Agenda Item

Thomas Andrews, California Air Resources Board	13
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Henry Hilken, Bay Area Air Quality Management District	13

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1 P R O C E E D I N G S

2 SEPTEMBER 9, 2020

2:17 p.m.

3 CHAIR HOCHSCHILD: Welcome back, everybody.

4 We are back from closed session and ready to move  
5 on to Item 13, Small Power Plant Exemption for Sequoia  
6 Backup Generating Facility.

7 Let me turn it over to Susan Cochran.

8 MS. COCHRAN: Thank you, Chair Hochschild. And  
9 good afternoon.

10 As Chair Hochschild said, I'm Susan Cochran, I'm  
11 with the Chief Counsel's Office. And I'm the hearing  
12 officer assigned to assist the committee appointed to  
13 conduct proceedings on the application for a small power  
14 plant exemption for Sequoia Backup Generating Facility.

15 The CEC appointed a committee consisting of  
16 Commissioner Douglas as presiding member and Commissioner  
17 Monahan as associate member to conduct proceedings on the  
18 application.

19 On August 14, 2019, the application for an SPPE,  
20 small power plant exemption, was filed by C-1 Santa Clara,  
21 LLC. I will refer to that entity as Applicant for the  
22 remainder of my presentation.

23 The Applicant proposes to build the Sequoia Data  
24 Center, a four-story, 703, 450,000-square foot data center  
25 building that will house computer servers in a secure and

1 environmentally controlled structure with approximately  
2 70,000 square feet dedicated to administrative and office  
3 uses. The data center will be located at 2600 De La Cruz  
4 Boulevard in Santa Clara, California. To provide an  
5 uninterrupted power supply to the Sequoia Data Center, the  
6 Applicant proposes to install a total of 54, 2.2 megawatt  
7 diesel-fired -- diesel-fired standby generators to serve  
8 the information technology load and ancillary power needs  
9 for the data center. I will generally refer to these 54  
10 standby generators as the backup generators.

11           Prior to filing the application, existing above-  
12 ground buildings at the project site were demolished.  
13 Construction of the backup generators and the data center  
14 will require removal of piping and other infrastructure  
15 associated with a former cogeneration facility that was  
16 located at the project site.

17           In addition to construction of the backup  
18 generators and the data center, the Applicant will build a  
19 substation for Silicon Valley Power, the local utility.  
20 The California Energy Commission has exclusive jurisdiction  
21 to approve or deny applications for the construction and  
22 operation of thermal power plants that will generate 50  
23 megawatts or more of electricity.

24           Section 25541 of the Public Resources Code  
25 creates an exemption from that exclusive jurisdiction for

1 power plants generating 100 megawatts or less if the CEC  
2 can make three separate findings. Number 1, that the  
3 proposed facility will generate no more than 100 megawatts.  
4 Number 2, that the proposed facility will not have a  
5 significant adverse effect on the environment. And  
6 Number 3, that the proposed facility will not have a  
7 significant adverse effect on energy resources.

8 In addition, the California Energy Commission  
9 acts as the lead agency under CEQA on the SPPE. The CEC  
10 staff prepared an Initial Study Proposed Mitigated Negative  
11 Declaration, ISPMND, to provide its analysis about the  
12 project's ability to meet the requirements of the Warren-  
13 Alquist Act and CEQA. The committee issued its proposed  
14 decision on August 24, twenty -- 21, 2020 which recommends  
15 granting the request at exemption. The committee proposed  
16 decision considered the whole of the action which for the  
17 project is the data center, the backup generators, the  
18 substation, and other project features such as landscaping.

19 If the Commission grants the small power plant  
20 exemption, the decision does not approve the project, that  
21 is the data center, the backup generators, and/or the  
22 substation. Instead, once granted, a small power plant  
23 exemption requires the project proponent to obtain further  
24 permits and licenses from other agencies. In this case,  
25 the city of Santa Clara and the Bay Area Air Quality

1 Management District. Those agencies will conduct any other  
2 necessary environmental analysis as responsible agencies  
3 under CEQA.

4           The first finding under Section 25541 requires  
5 that the generating capacity of the backup generators not  
6 exceed 100 megawatts. The proposed decision found that the  
7 generating capacity of a facility that cannot distribute  
8 power offsite should be calculated based on the maximum  
9 load of the project as well as by permanent design  
10 constrictions that limit the amount of power that can be  
11 delivered from the generators. In this case, the project's  
12 maximum load includes demand of the servers housed in the  
13 data center and the cooling and lighting load for the  
14 buildings. The project's maximum load was calculated to be  
15 approximately 96.5 megawatts which is fixed by the use of  
16 electrical equipment and is an upper capacity limit.

17           The Committee has proposed Condition of Exemption  
18 PD-1 to ensure that in the event the configuration of the  
19 data center were to change and that change result in an  
20 increase in electrical demand, the Applicant must follow  
21 the CEC's regulations for a change in a project design  
22 feature or operation or performance and amendment to CEC  
23 decisions.

24           The Committee has also proposed Condition of  
25 Exemption PD-2 that precludes delivery of any the



1 electricity to be produced by the Sequoia Backup Generating  
2 Facility to be used for any other facility, property, or  
3 use, including but not limited to delivery to the electric  
4 distribution system, also known as the grid, without the  
5 express written approval of the CEC.

6           The second factor under Section 25541 is whether  
7 the backup generators will have a significant adverse  
8 effect on the environment. Section 25519 of the Public  
9 Resources Code establishes that the CEC is the lead agency  
10 under CEQA. However, small power plant exemptions are not  
11 governed by the CEC certified regulatory that we -- program  
12 that we use for applications for certification. Therefore,  
13 our analysis to the effect on the environment considers  
14 factors under both CEQA and the Warren-Alquist Act.

15           The Applicant had included a number of project  
16 design features to mitigate or avoid potential  
17 environmental effects from the demolition, construction,  
18 and operation of the data center and the backup generators.  
19 Staff prepared an environmental review document, the  
20 ISPMND, that proposed additional mitigation measures for  
21 biological resources and paleontological resources. The  
22 proposed decision includes the additional mitigation  
23 measures.

24           CEQA requires that the CEC adopt a mitigation  
25 monitoring or reporting program, MMRP. One is attached to

1 the proposed decision as Exhibit D. CEQA also provides  
2 that the CEC may delegate reporting or monitoring  
3 responsibility under the MMRP to another public agency that  
4 accepts the delegation. The city of Santa Clara has agreed  
5 to monitor Applicant's performance of the mitigation  
6 measures the Committee has recommended.

7 The Committee considered the ISPMND during the  
8 Committee's adjudicatory process and the proposed decision  
9 includes it as Appendix A. On the basis of Appendix A and  
10 the entire record, and with the implementation and  
11 imposition of the mitigation measures, the proposed  
12 decision includes findings of fact and conclusions of law  
13 regarding the adequacy of our environmental review from  
14 both CEQA and the Warren-Alquist Act. The proposed  
15 decision specifically finds that the project will not have  
16 any adverse effect on the environment.

17 The final finding under Section 25541 requires  
18 that the backup generators not present an adverse impact on  
19 energy resources. This finding is also made in the CEC's  
20 role as the CEQA lead agency. The proposed decision  
21 concludes that the proposed project will not have any  
22 adverse impacts on energy resources. This finding is also  
23 made in the CEC's role as the lead agency.

24 We have had meaningful and substantive  
25 participation from the parties, including the Applicant,

1 staff, and Intervenor Robert Sarvey. During the public  
2 review and comment period on the ISPMND, the Bay Area Air  
3 Quality Management District, the Department of Toxic  
4 Substances Control, the city of San Jose Airport  
5 Department, and Mr. Sarvey submitted comments on the  
6 ISPMND. The Committee held two committee conferences,  
7 including one in Santa Clara. Representatives from Bay  
8 Area Air Quality Management District and the city of Santa  
9 Clara and its electrical utility Silicon Valley Power  
10 testified at the evidentiary hearing. The comments  
11 received on staff's ISPMND have been addressed in the  
12 proposed decision.

13           The Committee filed a proposed decision on  
14 August 21, 2020. The Committee also submitted a notice of  
15 availability to the docket on August 2020 -- 21, 2020, that  
16 was docketed on August 24, 2020. This notice of  
17 availability was sent electronically to the proof of  
18 service list and the LISTSERV and was sent via U.S. mail to  
19 a list of property owners, occupants of nearby properties,  
20 and responsible and trustee agencies. The notice of  
21 availability invited comments on the proposed decision and  
22 asked that those comments be received by August 31, 2020 at  
23 5:00 p.m.

24           Before the August 31, 2020 deadline, the CEC  
25 received comments from Mr. Sarvey who is also an intervenor

1 in this matter. Mr. Sarvey did not propose any edits or  
2 changes to the proposed decision. The Committee has  
3 therefore not proposed any errata to the proposed decision.  
4 Mr. Sarvey made some comments that touch on subjects raised  
5 during the evidentiary hearing and that are accordingly  
6 addressed in the proposed decision. While I recognize that  
7 Mr. Sarvey may disagree with the conclusions reached, the  
8 Committee did give thoughtful consideration to all of his  
9 comments and arguments raised in the evidentiary hearing  
10 and elsewhere when it was preparing the proposed decision.

11 On the other hand, some of the comments that  
12 Mr. Sarvey submitted on the proposed decision are concerns  
13 being raised for the first time. I believe that  
14 Mr. Sarvey, if he is present, can and should speak for  
15 himself on those topics. After the completion of those  
16 comments, staff, the Applicant, and/or I can be ready to  
17 address questions you may have about the comments.

18 A proposed order was prepared and filed in the  
19 docket. If the Commission is inclined to adopt that  
20 proposed order, please delete the text on page 1 that  
21 reads: [And errata, dated September XX, 2020], and the  
22 related footnote at the bottom of page 1.

23 I'm available to respond to any questions that  
24 may arise and am happy to provide further information if  
25 necessary. That concludes my report.

1 CHAIR HOCHSCHILD: Thank you, Susan.

2 Is the Applicant on the line? Would the  
3 Applicant like to comment?

4 MS. COCHRAN: The Applicant was represented by  
5 Scot Galati. I don't know if Mr. Galati is on the line.

6 MR. GOLDTHRITE: Scott Galati is on the line.  
7 We're opening it now.

8 MS. COCHRAN: Thank you.

9 CHAIR HOCHSCHILD: Mr. Galati, can you hear us?

10 MR. GOLDTHRITE: So it seems like we're having a  
11 technical issue because we can hear him on the Verizon  
12 line, but he's not coming through.

13 CHAIR HOCHSCHILD: Is there another way to  
14 connect him?

15 MS. GALLARDO: This is Noemi Gallardo, the public  
16 advisor. I can send him a -- he can -- well, actually he  
17 can, if he can join by Zoom, we can promote him to a  
18 panelist and have him come through that way.

19 CHAIR HOCHSCHILD: Is that Scott there? Scott?  
20 No?

21 Okay. Do you have his e-mail address, you can  
22 send him the Zoom link?

23 MS. GALLARDO: Yes, we'll connect with him.

24 MR. GALATI: I am on.

25 CHAIR HOCHSCHILD: Oh, there you go.

1 MS. GALLARDO: So there he is.

2 CHAIR HOCHSCHILD: We can hear you. Go ahead,  
3 Scott.

4 MR. GALATI: Okay. Are you hearing me through  
5 the phone?

6 CHAIR HOCHSCHILD: Yes, we can hear you fine.

7 MR. GALATI: Thank you very much. Thank you.

8 Scott Galati, representing C-1 Santa Clara, LLC,  
9 which is owned by the same company that owns CyrusOne.  
10 Also on the phone but not here to speak, just wanted to let  
11 you know is Jeff Devine from CyrusOne as well as Marcela  
12 DeLong who you had heard in evidentiary hearing with the  
13 design team. Steve Branoff who is with the Air Quality  
14 firm that did the consulting on that. And Brianna Bohonok  
15 who is our environmental consultant.

16 We have reviewed the proposed decision, we think  
17 that all the issues were fairly discussed for quite some  
18 time, they were briefed, and we support the proposed  
19 decision in its entirety and ask that you approve it.

20 Thank you.

21 CHAIR HOCHSCHILD: Thank you. Is the Applicant  
22 on the line? Sorry. Is the staff on the line and would  
23 the staff like to provide any response to that?

24 MR. GOLDTHRITE: So we opened Lisa DeCarlo, Lon  
25 Payne, and Matthew Layton's line.

1 CHAIR HOCHSCHILD: Staff, can you hear us? Lisa  
2 or Matthew?

3 MR. LAYTON: This is Matt Layton, I can hear you.  
4 But Lisa and Lon were going to talk.

5 CHAIR HOCHSCHILD: Okay. Lisa, can you --

6 MS. DECARLO: This is Lisa DeCarlo, I can hear.

7 CHAIR HOCHSCHILD: Okay. Yeah, go ahead, Lisa.

8 MS. DECARLO: Okay. Great. Lon was going to  
9 give our opening response but I'll try and make it here.  
10 Yeah, staff has read and agrees with the proposed  
11 decision in Hearing Officer Cochran's summary of that  
12 decision. And most of -- and agrees most of Mr. Sarvey's  
13 comments related to issues already presented before the  
14 Committee and addressed in the decision. And we're  
15 available to address any questions or comments that the  
16 dais may have for us.

17 CHAIR HOCHSCHILD: Thank you.

18 Unless there's questions from the commissioners  
19 or staff, should we see if there are any other intervenors  
20 on the line wishing to comment at this time?

21 MR. GOLDTHRITE: We have Robert Sarvey on the  
22 line.

23 CHAIR HOCHSCHILD: Go ahead, Mr. Sarvey.

24 MR. SARVEY: Thank you. With approval of this  
25 fifth data center, the CEC will have allowed the use of

1 diesel generators in all five of the Santa Clara Data  
2 Center decisions despite the Bay Area Air Quality  
3 Management District pleading with you to use a different  
4 technology. The five data centers approved by the  
5 Commission will operate 232 diesel backup generators  
6 totaling 611.5 megawatts, and admitted to Environmental  
7 Justice Committee, all these projects are within a few  
8 thousand feet of each other.

9           The Air Resources Board has also now advised you  
10 to not allow the backup use of generators at these data  
11 centers. The two expert responsible air quality agencies  
12 are telling you to now not use -- or they're telling you  
13 now to use a different technology.

14           With approval of the proposed decision, the  
15 Commission will approve five data centers totaling 453.6  
16 megawatts of potential peak demand which is 86 percent SPPE  
17 current peak demand. Currently, as you know, the state is  
18 struggling to meet its electrical needs. Has even to  
19 resorted to rolling backup and running data center diesel  
20 backup generators to meet electricity demands.

21           Under current conditions, as we saw recently, the  
22 453 megawatts of rode or even the 99 megawatts required to  
23 power the Sequoia Data Center represents a significant  
24 impact to energy resources in current conditions.

25           The five data centers have the potential to emit



1 693,000, 519 metric tons of GHG emissions per year which is  
2 2 percent of the entire energy sectors GHG emission target  
3 for 2030. The proposed decision never even mentions the  
4 cumulative impact of your approval of five mega data  
5 centers. In fact, it is consistently commented at all of  
6 these proceedings that you require the Applicants to use  
7 Silicon Valley Power green energy program following back in  
8 (indiscernible) to prevent a significant impact on the  
9 state's GHG reduction plan.

10 The PD -- the other PDs for data centers again  
11 failed to require an assessment of emergency operations  
12 despite it being the purpose of the project. The PD  
13 rationalized it does not evaluate emergency operations  
14 because in the ISMND (sic), staff pointed out that  
15 emergency operations are highly unlikely testifying that  
16 the risk of an outage at any data center within SPPE  
17 service territory has historically been 1.6 percent per  
18 year. That conclusion is laughable now that you guys use  
19 Santa Clara Data Center emergency diesel generators as the  
20 demand responsible to recently prevent rolling blackouts.

21 The decision dismisses the emergency operation  
22 with diesel generators due to PSDS event that should state  
23 as the utilities and regulators try to balance and cost and  
24 benefits of PSDS by fine tuning and targeting  
25 implementation. The most likely outcome is that future

1 PSDS will have even less potential effects on SPPE service  
2 territory. Their speculation.

3 Fires are raging across California right now.  
4 Two of the most significant wildfires in California history  
5 running across the state right now and red -- red flag  
6 warnings are in effect. An unprecedented September PSDS  
7 shutoff is now underway as we speak. PSD events are not  
8 going to diminish and they're fixed on Silicon Valley Power  
9 are likely to increase.

10 Do the right thing. Do not allow diesel use to  
11 back up these data centers and require the Applicant to  
12 enroll Silicon Valley Clean Power Program to prevent a  
13 significant impact on GHG resources. Thank you.

14 CHAIR HOCHSCHILD: Thank you. Are there any  
15 other intervenors on the line wishing to comment?

16 MR. GOLDTHRITE: I don't believe we have any  
17 intervenors on the line. We have three public comments.

18 CHAIR HOCHSCHILD: Yep. Before we get to that,  
19 Susan, do you have any response to any of the previous  
20 comments?

21 MS. COCHRAN: Yes, Chair Hochschild, thank you.

22 I just want to point out that as it relates to  
23 alternatives to the project, CEQA states that a lead agency  
24 be that consider alternative technologies or other  
25 alternatives to a project once it has determined that there

1 are no significant effects. And that discussion is already  
2 within the committee proposed decision and I believe  
3 addresses many of Mr. Sarvey's concerns.

4 I think that we should wait for any further  
5 discussion pending the receipt of the public comment.

6 CHAIR HOCHSCHILD: Thank you.

7 At this time, let's turn now to public comment.

8 Madam Public Advisor, do we have any public  
9 comments?

10 MS. GALLARDO: Thank you, Chair. This is Noemi  
11 Gallardo, public advisor.

12 We do not have any written comment. We do have  
13 people on the phone line. First of all, we will start off  
14 with representatives from the California Air Resources  
15 Board, also known as CARB or the ARB. First to speak will  
16 be Thomas Andrews. And then second will be Craig Segall.  
17 And as a heads up, we also have someone from the Bay Area  
18 Air Quality Management District, Henry Milken -- Henry  
19 Hilken, excuse me, he can go third.

20 And a reminder to all speakers to please spell  
21 out your names and state your affiliation before speaking.  
22 Thank you so much.

23 Thomas Andrews should come first.

24 MR. ANDREWS: I think there's been a  
25 misunderstanding. This is Thomas Andrews, I'm not giving a

1 public comment, I guess.

2 MS. GALLARDO: Okay. No problem, Thomas. Thank  
3 you for clarifying that.

4 Craig, are you available? Please make sure to  
5 unmute.

6 MR. SEGALL: I am. Can you hear me?

7 CHAIR HOCHSCHILD: Yes.

8 MS. GALLARDO: Yes, we can. Thank you.

9 MR. SEGALL: Great. Well, good afternoon,  
10 Commissioners.

11 My name is Craig Segall; that's C-R-A-I-G,  
12 S-E-G-A-L-L, and I'm assistant chief counsel at the  
13 California Air Resources Board. Thanks for having me  
14 today.

15 CARB and staff have been working with CEC staff  
16 on how to improve the CEQA and Clean Air Analysis for  
17 present and future data center projects. Those projects  
18 become much more common as you've heard today.  
19 Unfortunately, we're not quite finished with that yet which  
20 brings me here today.

21 Recent events underscore the need for analyses to  
22 ensure that backup generators are as clean as possible.  
23 The backup power system are being called upon more  
24 frequently due to public safety power shutoffs and for load  
25 managements to avoid blackouts. The CEC is reviewing

1 multiple requests to grant small power plant exemptions  
2 data centers largely in the Bay Area.

3 Collectively, hundreds of megawatt generations  
4 under review with associated cumulative air pollution  
5 effects. Much of the generation would use diesel engines,  
6 many projects have chosen to use relatively old so-called  
7 tier 2 generators that have less polluting tier 4  
8 generators, batteries, or fuel cells, all of which are  
9 alternatives we believe are worth considering here.

10 CARB has technical concerns related to the  
11 analysis of these data centers, including Sequoia as to  
12 potential avoidable adverse environmental effects they may  
13 cause. We believe if CARB's technical concerns were  
14 addressed, the CEC analysis would require stronger public  
15 health protections such as improved pollution control  
16 technologies.

17 Before data centers are approved by this  
18 Commission, including Sequoia, CARB urges the CEC staff  
19 work with CARB, interested air districts, and other  
20 stakeholders to fully explore this issue. We believe we  
21 can do so expeditiously as a team and CARB can also provide  
22 analyses in the records for this proceeding this fall.  
23 CARB's staff believes better options are available that  
24 provide cleaner or zero emission backup power improve for  
25 its stability and superior public health protection.

1 Thank you.

2 CHAIR HOCHSCHILD: Thank you.

3 MS. GALLARDO: This is Noemi Gallardo, public  
4 advisor. Is Henry Hilken on the line?

5 MR. HILKEN: Yes, I'm here. Can you hear me?

6 CHAIR HOCHSCHILD: Yes.

7 MS. GALLARDO: Yes, Henry, we can.

8 MR. HILKEN: Great. My name's Henry Hilken;  
9 H-E-N-R-Y, H-I-L-K-E-N. And I'm the planning director at  
10 the Bay Area Air Quality Management District.

11 Good afternoon, Commissioners. Thanks.

12 So we're joining you today to express our  
13 concerns about the continued dramatic growth in diesel  
14 combustion for backup power at data centers. We're --  
15 we've been tracking this pretty closely. There are many  
16 projects here in the Bay Area, we're aware of at least 15  
17 projects that total over 1500 megawatts. Not all of these  
18 are subject to CEC authority, of course. But collectively,  
19 that's -- that's a lot of projects. 1½ gigawatts of power  
20 diesel, fossil diesel powered generation proposed here in  
21 the Bay Area. So cumulatively, this is a very significant  
22 increase in diesel combustion in our region.

23 And so we really have -- we have air quality and  
24 health concerns and we have climate concerns. This Sequoia  
25 project that you're considering today and many of the other

21

1 recent projects are in impacted communities down at Santa  
2 Clara County under our community health protection program.  
3 And our goals there are in these impacted communities to  
4 drive down emissions as quickly as we can. And so any  
5 increase in toxic diesel emissions in these communities is  
6 very concerning.

7           And certainly with respect to climate, I think we  
8 just have to look out the window today, we've seen ample  
9 evidence of climate forced wildfires that are plaguing us.  
10 You know, for the fourth year running now, we've seen  
11 historic air pollution from climate prompted wildfires in  
12 Northern California. So clearly, we have a climate crisis  
13 that we're grappling with today.

14           So in light of these trends, we really need to  
15 reverse our reliance on fossil diesel. And I know this is  
16 something that the Commission is aware of. Even today  
17 you've had some very interesting agenda topics on your SB-  
18 100 report and that EV dashboard and those reach codes and  
19 jurisdictions that you considered this morning. But we  
20 really urge you to redouble these efforts. Have these  
21 severe quality and climate challenges, this is not the time  
22 to building such a massive increase in diesel fuel power  
23 generation when there are promising alternatives available.  
24 Renewables and energy storage fuel cells, even tier 4 as  
25 was mentioned previously.

1           So we really urge the CEC to redouble its  
2 efforts, continue to lead this transition to cleaner  
3 sustainable energy and certainly the Air District would  
4 very much like to work with you on this and work with CARB  
5 as the previous speaker indicated. I think that would be a  
6 good partnership and we'd really like to work with you on  
7 reversing this transit diesel combustion.

8           Thanks.

9           CHAIR HOCHSCHILD: Thank you. Any further public  
10 comment, Madam Public Advisor?

11          MS. GALLARDO: No further comment, Chair.

12          CHAIR HOCHSCHILD: Okay. Unless there's any  
13 objections from my colleagues, we'll now adjourn for Closed  
14 Session again. And we'll come back when we're done with  
15 that.

16                 (Off the record for Closed Session at 2:44 p.m.)

17                 (On the record for Open Session at 3:23 p.m.)

18          CHAIR HOCHSCHILD: At this point I see  
19 Commissioner McAllister, Commissioner Douglas, Monahan, and  
20 Vice Chair Scott. So we'll go ahead and restart the  
21 meeting.

22                 Let me kick it over to Commissioner Douglas.

23          COMMISSIONER DOUGLAS: Let me unmute.

24                 Thank you so much, Chair Hochschild. I have a  
25 question for Mr. Segall, believe you're still on.



1           You mentioned the possibility of bringing some  
2 new analysis or additional information that you think the  
3 Commission should consider sometime this fall.

4           Could you elaborate on that? What do you think  
5 you could provide this fall and generally by when?

6           MR. SEGALL: Thanks for asking, Commissioner  
7 Douglas.

8           So we have taken a fairly close look at the  
9 docket post for this proceeding. And again, you're coming  
10 to this late, things have ramped up rapidly, they're all  
11 managing all sorts of (indiscernible) I'm sure.

12           But we've taken a close look at technology  
13 availability both as to diesel generation and the starter  
14 actions inclusion for (indiscernible) available. But also  
15 looked at some question in this docket including how  
16 emergency operations are modeled or not from the cumulative  
17 air and (indiscernible) analyses from the modeling choices.

18           We have fairly extensive staff experience that we  
19 can contribute in this area looking at what fact may mean,  
20 what air quality (indiscernible) are relevant and what  
21 alternatives are within your discretion to impose. I am  
22 comfortable saying that CARB could file fairly detailed  
23 analyses to that effect within a month or two if needed on  
24 this question.

25           We obviously also suggested some broader

1 collaboration amongst the air and energy agencies which we  
2 do think would be appropriate. That particular proceeding,  
3 even if those conversations are ongoing, we certainly could  
4 highlight some areas that in our experience as an air  
5 (indiscernible) see more the (indiscernible) Commission  
6 consideration.

7 COMMISSIONER DOUGLAS: Okay. Thank you, that's  
8 helpful.

9 Similar question for Bay Area. Is there a  
10 specific analytical approach or specific set of information  
11 that you think based on the recent energy emergency, the  
12 Commission could consider, you know, specifically that you  
13 think you could bring to the proceeding?

14 MR. GOLDTHRITE: Henry Hilken is no longer on the  
15 line.

16 COMMISSIONER DOUGLAS: Got it. Okay.

17 So I'm just kind of glancing at my colleagues to  
18 see if anyone else wants to speak. Okay. I see head  
19 shaking.

20 So Mr. Segall and parties, after deliberation,  
21 you know, we do recognize that the current energy emergency  
22 and the previous energy emergency are events that we didn't  
23 have in our record because they happened subsequent to the  
24 decision being published.

25 And based on the recent energy emergency, I'm

25

1 prepared to move that the Commission remand the proceeding  
2 back to the Committee to consider additional relevant  
3 information on air quality and public health impact with  
4 the scope and filing of these additional proceedings to be  
5 as set forth in future Committee orders. So that's my  
6 motion for how to proceed on that.

7 CHAIR HOCHSCHILD: Thank you, Commissioner  
8 Douglas.

9 Is there a second, Commissioner Monahan?

10 COMMISSIONER MONAHAN: Yes, I second that  
11 recommendation from Mr. Douglas -- or motion.

12 CHAIR HOCHSCHILD: Okay. All right. With that,  
13 let's take a vote.

14 All in favor say aye. Commissioner Douglas.

15 COMMISSIONER DOUGLAS: Aye.

16 CHAIR HOCHSCHILD: Commissioner Monahan.

17 COMMISSIONER MONAHAN: Aye.

18 CHAIR HOCHSCHILD: Commissioner McAlister.

19 COMMISSIONER MCALLISTER: Aye.

20 CHAIR HOCHSCHILD: Vice Chair Scott.

21 VICE CHAIR SCOTT: Aye.

22 CHAIR HOCHSCHILD: And I vote aye as well. That  
23 motion passes unanimously.

24 With that, we are adjourned. Thank you,  
25 everybody.

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(The Business Meeting adjourned at 3:28 p.m.)

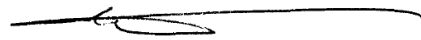
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**REPORTER' S CERTIFICATE**

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of September, 2020.



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PETER PETTY  
CER\*\*D-493  
Notary Public

**TRANSCRIBER'S CERTIFICATE**

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of September, 2020.



Jill Jacoby  
Certified Transcriber  
AAERT No. CERT\*\*D-633