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BUSINESS MEETING
BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the Matter of:

Business Meeting

REMOTE ACCESS ONLY

As of June 9, 2021, public comment will be accepted solely through the Zoom platform.

The California Energy Commission’s (CEC) July 15, 2021 Business Meeting will be held remotely, consistent with Executive Order N-08-21 to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic. The public may participate consistent with the direction in the Executive Order.

Pursuant to California Code of Regulations Title 20 section 1104(e), any person may make oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes or less per person. Any person wishing to comment on information items or reports (non-voting items) shall speak during the general public comment portion of the meeting and have three minutes or less to address all remaining comments.

THURSDAY, JULY 15, 2021
10:00 A.M.

Reported by:
Martha Nelson
APPEARANCES

Commissioners (Via Remote)

David Hochschild, Chair
Karen Douglas
Andrew McAllister
Patricia Monahan
Siva Gunda

Staff Present: (Via Remote)

Linda Spiegel, Chief Deputy Director
Linda Barrera, Chief Counsel
Noemi Gallardo, Public Advisor
Muoi-Lynn Tran, Chief Counsel's Office
John Heiser, Compliance Project Manager
Geoff Lesh, Engineering Office Manager
Shawn Pittard, Deputy Director, Siting, Transmission, and Environmental Protection Division
Brett Fooks, Inspections Unit Lead
Tim Smith, Mechanical Engineer
Joseph Hughes, Mechanical Engineer
Steven Kerr, Siting & Environmental Office
Ashley Gutierrez, Technical Expert
Jared Babula, Staff Counsel
Michael Murza, Chief Counsel’s Office
Corrine Fishman, Efficiency Division
Mike Gravely, Energy Systems Research Office
Jacqueline Moore, Chief Counsel’s Office

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   a. Pursuant to Government Code Section 11126(e), the CEC may adjourn to closed session with its legal counsel to discuss any of the following matters to which the CEC is a party:
      ii. Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller, (Alameda County Superior Court, Case No. RG13681262). Court of Appeal, First Appellate District, Division Four, Case No. A157299)
15. Chief Counsel's Report (Cont.)

iii. State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck (Sacramento County Superior Court, Case No. 34-2016-00204586-CU-BC-GDS)


v. Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King (United States District Court for the Eastern District of California, Case No. 2:20-cv-02283)


b. Pursuant to Government Code, section 11126, subdivisions (a) and (e), the CEC may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or constitute a significant exposure to litigation against the CEC, which might include personnel matters.

Adjournment

Reporter's Certificate

Transcriber's Certificate
PROCEEDINGS

JULY 15, 2021
10:01 a.m.

MS. MURIMI: The California Energy Commission's Business Meeting will begin shortly. Thank you for your patience.

(Start of Introductory Video.)

Today's Business Meeting is being held remotely. Please note the public comment will now be conducted via Zoom. When the public comment period is announced press the raise-hand feature to indicate you would like to make a comment.

If you are participating by phone to indicate you'd like to make a comment please raise your hand by pressing *9 and then press *6 to unmute. Again, that is *9 to raise your hand and *6 to unmute.

For public comment, please note that comments are limited to three minutes or less per person and one representative for organization. Depending on the number of commenters we may adjust the time for public comment to be fair to everyone who'd like to speak.

After you raise your hand the Public Advisor will announce you using the listed Zoom name or with the last three digits of the phone number used to call into the meeting. The Public Advisor will then open your line.

Before making your comment state and spell your name and
indicate your affiliation, if any.

Finally, to help ensure you’re heard clearly speak closely and clearly into the device, do not use the speakerphone feature.

Welcome to the California Energy Commission Business Meeting. The meeting will now begin.

(End of Introductory Video.)

CHAIR HOCHSCHILD: Well, good morning and welcome everyone to our July 15th Energy Commission Business Meeting. Let's begin with Commissioner Douglas leading us in the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was recited.)

CHAIR HOCHSCHILD: Thank you so much.

I do want to remind everyone, we are in the middle of a summer of severe heat waves and that is causing threats to the grid. And I want to encourage everyone to sign up for the Flex Alert notification at flexalert.org, so you can stay in the know and get energy conservation tips to help support our electric grid in California.

Today's meeting is being held remotely consistent with Executive Order N-08-821 to continue to help California respond and recover from and mitigate the impact of the COVID-19 pandemic. The public can participate in the Business Meeting consistent with the direction in this executive order. Instructions for remote participation can
be found in the notice for the meeting as set forth on the
agenda posted on the Commission's website link for the
Business Meeting.

We are now using Zoom only for remote access.
Public comment will be accepted solely through the Zoom
platform. In the event that Zoom were to shut down we
would use the Verizon phone line for backup at 888-823-5065
and the pass code is “Business Meeting,” and public comment
would then be accepted through Verizon.

Pursuant to California Code of Regulations Title 20, section 1104(e) any person may make an oral comment on
any agenda item. To ensure the orderly conduct of business
such comments will be limited to three minutes or less per
person as to each item listed on the agenda that is voted
on today.

Any person wishing to comment on information
items or reports, which are non-voting items, shall reserve
their comments for the general public comment portion of
the meeting agenda and shall have three minutes or less
total to state all remaining comments.

Once the public comment period begins if you
would like to speak, please raise your hand by clicking on
the hand icon at the bottom of your screen.

If you're joining by phone press *9 to raise your
hand and *6 to unmute. After the Public Advisor calls on
you to speak spell your name and state your affiliation, if any.

Before turning to the agenda items, I am excited to announce that during today’s Business Meeting the Energy Commission is seeking to approve over $33 million in grants. This is part of our investment in our clean energy future and in our state’s economic recovery. And I want to thank all the stakeholders and the staff for all the work to prepare those for submission today, in consideration today at our meeting.

Turning now to Item 1 the Consent Calendar items will be taken up and voted on as a group. A Commissioner may request that an item be moved and discussed later in the meeting.

Madam Public Advisor, do we have any public comment on Item 1?

MS. GALLARDO: We do not have any public comment on Item 1 at this point.

CHAIR HOCHSCHILD: Okay. Unless there is Commissioner discussion -- oh, I’m sorry, do we have a recusal on -- oh that’s later.

MS. GALLARDO: No, that’ll be later for Item 7.

CHAIR HOCHSCHILD: Okay, thank you. Unless there is any discussion, Commissioner Douglas, would you be willing to move Item 1 and Commissioner McAllister will you
second?

COMMISSIONER DOUGLAS: Yes, move approval of Item 1.

CHAIR HOCHSCHILD: And Commissioner McAllister will you second it?

COMMISSIONER MCALLISTER: I’ll second it.

CHAIR HOCHSCHILD: Okay. All in favor say aye Commissioner Douglas?

COMMISSIONER DOUGLAS: Aye.

CHAIR HOCHSCHILD: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

CHAIR HOCHSCHILD: Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

CHAIR HOCHSCHILD: Commissioner Gunda?

COMMISSIONER GUNDA: Aye.

CHAIR HOCHSCHILD: And I vote aye as well. That item passes unanimously.

Let’s turn now to Item 2, recognizing and commending Muoi-Lynn Tran for her contribution to the Energy Commission. Let's turn now to Linda Barrera to read the resolution in Muoi’s honor.

MS. BARRERA: Good morning, Commissioners, thank you Chair. I’ll now read the Resolution Number 21-0715-2. “WHEREAS, Muoi-Lynn Tran became a member of the support staff of the California Energy Commission’s (CEC)
Chief Counsel’s Office on August 27, 1984 and faithfully served the CEC in many capacities for her entire career of 37 years, beginning as an Office Assistant and rising through many promotions to Legal Support Supervisor and Staff Services Manager II; and

“WHEREAS, Muoi-Lynn’s family fled from China to Vietnam during China’s cultural revolution, later escaped Vietnam in an overcrowded boat in the midst of the Vietnam War when Muoi-Lynn was ten-years old, and whereas she literally swam on to the shore of Malaysia where she spent almost two years in a refugee camp.

“WHEREAS, Muoi-Lynn’s family applied for asylum to every country that had personnel at the refugee camp. Through hard work and perseverance, Muoi-Lynn’s family immigrated to the United States and made their home in Sacramento.

“WHEREAS, Muoi-Lynn was hired notwithstanding her initial difficulty speaking conversational English, because she effectively communicated that she would diligently work to improve her English and would learn everything she could that was needed to help the Chief Counsel’s Office succeed in its responsibilities; and

“WHEREAS, Muoi-Lynn quickly became a popular and successful member of the Energy Commission’s Legal Office support staff due to her diligence, her competence, her
attention to detail, her loyalty to all whom she served, and her innate kindness to others, only causing her Legal Support Supervisor one problem: that nearly every attorney in the office wanted Muoi-Lynn to be assigned to do their work whereas the workload of the support staff had to be shared; and

"WHEREAS, Muoi-Lynn began her service to the office as Muoi-Lynn Tien but invited the entire office to her wedding to Thanh Tran in May 1989, a joyous occasion for all who attended; and a wonderful display of how the diversity of cultures make this country great.

"WHEREAS, for the first several years of her service, Muoi-Lynn was referred to simply as 'Muoi' because her colleagues did not know that the word 'Muoi' was a term of endearment meaning 'little sister,' and when, many years into her service, she did ask that her name 'Lynn' be used instead, she generously forgave all who had become so used to calling her 'Muoi' that they had a hard time making the change; and

"WHEREAS, Muoi-Lynn’s career saw the Chief Counsel’s Office through a long transition from using clerical staff primarily as typists to the modern legal office of the digital age when both legal and support staff use computers and work together to produce high quality legal products; and
“WHEREAS, the promise she made in her hiring interview of diligence in learning new systems and procedures was fulfilled many times over as she became the go-to person in the office for solutions to many computer and software difficulties; and

“WHEREAS, Muoi-Lynn developed diplomatic skills that allowed her to serve an informal but hugely important role as liaison between the Chief Counsel’s Office and other offices within the CEC, ensuring that the needs of her office were understood and accommodated when possible and assisting the Chief Counsel in understanding when the needs of the office were threatened by resource limitations; and

“WHEREAS, all of her current colleagues who have had the pleasure of working with her, and particularly former Chief Counsel, William Chamberlain, who she has continued to serve for nearly 12 years after his retirement, will miss her but wish her and her family the very best for a well-earned retirement,

“THEREFORE BE IT RESOLVED, that the CEC hereby recognizes and commends Muoi-Lynn Tran for her great contributions to the CEC and the people of the state of California and wishes her all the best in her future endeavors."

And if I may add just a personal statement that
I've had the pleasure and privilege to have worked with Muoi. And especially she was a great support to me when I became the Chief Counsel. Muoi your immigrant background and your life's journey are emblematic of what makes this country strong. For 37 years you've been the backbone of the Chief Counsel's Office. Your hard work, dedication and commitment have greatly benefitted the Energy Commission through your 37 years of service. It has been difficult for me to accept your retirement, because you're such an integral part of the Chief Counsel's Office. We will miss you, I will miss you very much. But we are excited and happy for your new life chapter, and we all wish you the very best.

And now I would like to invite Bill Chamberlain, our first Chief Counsel with the Energy Commission, to make a comment. Thank you.

MR. CHAMBERLAIN: Thank you, Linda.

I served as the Commission's Chief Counsel for 31 years, including 25 of the 37 years in which Muoi-Lynn Tran served the Commission, which was her entire career. I’m immensely proud of my role in the hiring decision that brought her to the Commission.

As you've heard she had an extraordinary and tumultuous childhood in Southeast Asia, during which her family had to flee for their lives more than once. And
spent two years in a refugee camp before they were permitted to immigrate to Sacramento.

Muoi-Lynn more than anyone else helped the Commission's Legal Office make the enormous transition from a time when no one had a personal computer to the modern legal office of the 21st century. She served five chief counsels, each of whom is grateful for her assistance in carrying out their duties. She made a career journey from being reluctant to answer the telephone, because English was her second or third language, to decades of confident diplomacy and problem solving on behalf of the Chief Counsel and others at the Commission.

She became the go-to person in our office for technology solutions, as we all struggled with the rapid changes of the digital age. And throughout her 37-year career she maintained her good humor, her kindness to others and her devotion to the work of our Office.

Thank you Muoi-Lynn from the bottom of my heart for all you've done for the Energy Commission.

CHAIR HOCHSCHILD: Thank you, Bill. I believe Patricia Carlos is going to share a statement from Darcie.

MS. CARLOS: Yes, so I'll be reading two statements that were submitted for this item. The first is from CPUC Commissioner and former CEC Chief Counsel Darcie Houck.
She says, “I want to thank Muoi-Lynn Tran for her tremendous service to the California Energy Commission. She has spent her career working in the Chief Counsel's Office, her contributions to the organization of the office providing support in complex litigation matters and support to so many attorneys in the Chief Counsel's Office. I speak from personal experience, both as a junior staff counsel that joined the Commission many years ago and then later returning to the Office as Chief Counsel.

“Muoi was considering retirement about the time I joined in October 2019, but decided to stay to help me with office management and administrative matters in running the office. I do not know how I would have gotten through the transition without her, especially with the add-on of being a new chief counsel and facing the impacts of the global pandemic on the workplace.

“I cannot thank Muoi enough for all of her support, dedication and hard work. The Commission is very lucky to have her as part of its family, and I am sure she will be greatly missed. Thank you, Muoi. Enjoy retirement and you deserve the very best.”

And the last statement is from Paulette Barbeau (phonetic) former CCO’s Supervisor who hired Muoi-Lynn Tran.

“In August of 1984 Assistant Chief Counsel Greg
Wheatland and I were preparing to meet with a young student from City College to come work part-time in our office under a student program. She walked in the room and introduced herself as Muoi. Greg and I took turns telling her about the CCO and answered all of our questions.

“After Muoi left the interview Greg and I knew immediately she was definitely the student we wanted to hire, because Greg and I felt there was something unique and special about this 19-year-old young lady.

“Muoi left the CEC only once, until she passed a probation period at another state agency. Then we snatched her right back up to a senior legal typist. Over the years Muoi continued to further development, her career goals, focusing on her individual communication and writing skills.

“After I retired, I looked forward to my conversations with my dearest friend Muoi and hearing of the many changes taking place at the CEC and in the CCO. She went from being this quiet young lady to an outgoing and trusted coworker. It was my pleasure and joy to watch her grow from a young teen to wife and mother. What a beautiful success story of a young immigrant girl, whose father brought her and her family to America on a small, overcrowded boat from Vietnam for a better quality of life and opportunities.
“In turn, Muoi has raised their two sons and a daughter, who have become success stories as well. I'm proud of you Muoi and your beautiful family. Thank you, Paulette.”

CHAIR HOCHSCHILD: Thank you so much, Patricia. And Muoi congratulations to you. I just wanted to say, I think, with the Energy Commission as in many agencies, there are people who are in the spotlight a lot, and then there are people who actually make the organization work and really are the true heroes. And you have had an incredibly distinguished career and really have helped lay the groundwork for the success the Energy Commission is having now. Muoi, are you available to make a few comments?

MS. TRAN: Yes. Let me unmute myself, yes.

CHAIR HOCHSCHILD: There you go.

MS. TRAN: Thank you. Well, I don't know how to start, you make me cry. (Becomes emotional.)

CHAIR HOCHSCHILD: Take your time. Take your time.

COMMISSIONER MONAHAN: And, Muoi, I don’t think you’re the only one with tears in your eyes right now, so I know there’s a lot of folks behind you.

COMMISSIONER MCALLISTER: Just breathe a little bit.
MS. TRAN: Yes, it’s so hard. Well, I want to
thank you so much Linda, Bill, Darcie and (indiscernible)
and Commissioners. I'm deeply honored and humbled by the
(indiscernible) and your kind words. It's so hard to
believe it has been over 37 years since I started work at
the Energy Commission.

But at that time I didn't know what I wanted to
do, because I was so young. And I remember when I started
at the Energy Commission when I’d walk around people were
just laughing at me and looking at me to say, “Hey little
girl why aren’t you at school? You know, why are you
wandering around in here?” And I just laughed, because I
can’t tell them that I'm working here as a student. And
they were just like, “You need to go back to your school.”
Just like you know. And after a while they’d recognize me,
they were just joking at me, because I look so young at the
Energy Commission, and I believe I was the youngest, the
baby at the office. And then also I believe I’m the baby
at the Energy Commission too.

And it's hard to see, I mean, working with all
those people just one by one retiring and I'm still there.
But I'm grateful to be working at the Energy Commission and
the Chief Counsel's Office.

And then I didn't know what I wanted to do. And
I didn't know the work that was in the Chief Counsel’s
would be so meaningful. And to be part of this, something so important, especially the people that grew into as my second family it's been an honor and pleasure to work here at the Energy Commission.

I just wanted to thank you for the opportunity, the challenge, the learning, the teamwork, and the friendship. And I'm going to miss a lot of people here at the Energy Commission. Thank you very much.

CHAIR HOCHSCHILD: Well, thank you, Muoi. And it's a well-deserved retirement and an inspiration, your whole career. And the only other thing I would add is just we're exiting a period over the last number of years where I really feel the contributions of immigrants have been denigrated. And your life is an example of the incredible, incredible contributions that immigrants have made and are making to the State of California. And around the Energy Commission so many folks who weren’t born to the country have risen to senior positions, including most recently Commissioner Gunda making incredible contributions. Our state is better because of you and people like you. And we're so grateful for your service and we want to congratulate you and wish you well.

Are there any other Commissioners wishing to make a comment? If so just speak up. I can't see folks the way my screen is set up.
COMMISSIONER DOUGLAS: Absolutely, Chair Hochschild, if I could? This is Commissioner Douglas. I just wanted to also acknowledge and thank Muoi-Lynn for her service to the Energy Commission.

As the Attorney Member of the Commission, I have extensive interaction with the Chief Counsel's Office and I’ve had her name come up time after time after time. And I’m just well aware of her organizational skills and attention to detail and collaborative nature and the critical role she's played over the years that I’ve been on the Commission and working with the CCO attorneys and the Chief Counsel. And so I just wanted to add my thanks to everybody else.

And just to give one example, our Dockets Unit and the way it's just become such a reliable and well-functioning operation. That's one example of Muoi-Lynn's leadership where she really stepped up and helped us get that up and off the ground and did such a great job on it. So thank you, Muoi-Lynn, and all the best in your retirement.

CHAIR HOCHSCHILD: Thank you, Commissioner.

Any other Commissioners wishing to make a comment?

COMMISSIONER GUNDA: Yeah, Chair Hochschild, I will just -- and I have not thought about making any
remarks. I haven't had the pleasure of working with Muoi-
Lynn that much, but I've heard a lot of good things about
her. And as Commissioner Monahan was noting, as she was
trying to speak I was also tearing up.

I just want to congratulate you and thank you
for setting up a great example as an immigrant. And I have
plenty to learn from you and I wish you all the best.

CHAIR HOCHSCHILD: Well, beautifully said.

Anyone else? Okay, hearing none thank you and
congratulations, Muoi, we wish you well.

Let's turn now to Item 3, Russell City Energy
Center Petition for Temporary Safety Modifications.

MS. HUBER: Good morning, Chair and
Commissioners. My name is Elizabeth Huber. I manage the
Office of Compliance Monitoring & Enforcement in the
Siting, Transmission, and Environmental Protection
Division.

With me this morning are from my office are
Compliance Project Manager John Heiser. From the
Engineering Office, Office Manager, Geoff Lesh.
Inspections Unit Lead Brett Fooks and Mechanical Engineers
Tim Smith and Joseph Hughes. From the Siting &
Environmental Office Assistant Manager Steven Kerr and
Technical Expert Ashley Gutierrez as well as our Lead
Counsel, Jared Babula.
Also with us today representing the project owner from Calpine, are Barbara McBride, Director of Strategic Origination; and Legal Counsel Jeff Harris.

We’re here to present on Russell City Energy Center’s petition to install a temporary safety modification to operate the power plant in simple cycle for approximately four months. Next slide, please.

An outage occurred at the 600-megawatt Russell City Energy Center at the end of May, bringing the facility to a complete stop. On June 3rd Calpine submitted a petition to the CEC for a proposed temporary modification that would allow the facility to operate at 58 percent capacity using undamaged equipment as early as the end of July. Staff reviewed this petition and concluded that it met the criteria for staff-approved project change.

Staff posted its analysis and conclusions for public comment on June 18th, 2021. In response we received more than 45 comments via the docket and by emails sent directly to the Lead Compliance Project Manager and the Public Advisor’s Office. Most of the commentators expressed their concerns about whether the project would operate safely if restarted. And indicated a limited understanding of how the facility would operate at a reduced capacity in this proposed temporary mode, thus expressing their opposition to the facility restarting in simple cycle mode.
without investigation and or the completion of a root cause analysis.

Of the 4 percent that expressed their support of the petition the California Independent System Operator filed a letter supporting the petition stating that the Russell City Energy Center, “Would bring critically needed electric supply back into service to support the public health and welfare of the citizens of California.”

Therefore, with this understanding of the need for electric reliability during these climate-induced heat events and the need to ensure public safety for the Hayward community staff is bringing this petition for your consideration under California Code of Regulations 1769 subdivisions (a)(3)(D). Next slide, please.

Russell City Energy Center is a natural gas-fired, wet-cooled, combined-cycle electric generating facility located in the city of Hayward within Alameda County. The project was certified in September of 2002, amended to relocate approximately 1300 feet from its original location in October 2007. And finally began operating in August 2013.

In February of 2019, the CEC approved a post-certification amendment allowing Russell City to install a 10- megawatt battery energy storage system in response to the California ISO’s selection of the facility to provide
Black Start BESS capabilities when the grid goes black. In other words, battery-stored electricity is sent to the grid, which jumpstarts the system.

We are before you today, because at approximately 11:00 p.m. on May 27th, 2021, the facility’s single steam turbine generator malfunctioned causing it to explode and the power plant to shut down. An investigation is underway to determine the root cause while operating in combined-cycle mode.

The Project Owner filed a petition for a project change requesting a temporary modification to allow the facility to operate in simple-cycle mode generating up to 350 megawatts of electric power as well as providing Black Start capabilities. The facility will operate as a peaker to support grid reliability only when needed and will not be operating as it does in combined-cycle mode. Next slide, please.

As a result of the May incident, Calpine has commissioned a root cause analysis to be conducted by an independent expert firm. Representatives from the Hayward Fire Department, the California Public Utilities Commission, and the CEC’s Siting, Transmission and Environmental Protection Division staff have visited the facility to inspect the damage.

The CEC will act as the Chief Building Official.
And has approved a work authorization for a third-party expert in power plant code compliance known as a Delegated Chief Building Official, to be ready to conduct plant checks and construction inspection for the proposed plant modifications. The CEC-approved contracted experts will provide detailed building code reviews, complete fire and life safety analysis, and thorough engineering inspections. They will be regularly onsite and ensure that all code required inspections are conducted by Calpine’s listed third-party independent inspectors.

The steam turbine generator failure caused an onsite lube oil fire and threw metal debris on and offsite. The CEC is aware of two confirmed pieces of metal that were propelled beyond the facility’s fence line. The CEC initial inspection included verifying that there were no environmental impacts to the waterways leading to the Bay. The lube oil spill was contained within the facility’s onsite storm water retention pond. And no injuries resulted from the incident on or off the site. Next slide, please.

As indicated, Russell City Energy Center is currently licensed to operate as a combined-cycle power plant. This uses two combustion turbines and a steam turbine generator together to produce up to 50 percent more electricity than a simple-cycle power plant from the same
amount of fuel. In a combined-cycle plant, the waste heat in the exhaust from the combustion turbines is used to operate a steam turbine generator. In Russell City Energy Center’s case, the waste heat generated an additional 250 to 350 megawatts.

Since the steam turbine generator, which is needed to operate in combined cycle has failed it needs to be replaced. Thus, the request in front of you today is to approve the proposed temporary modification permitting Russell City Energy Center to bypass the steam turbine generator and to operate the two undamaged combustion turbines in a simple-cycle mode for the duration of the summer and early fall. Next slide, please.

While in simple-cycle mode, Russell City Energy Center would be able to operate the two natural-gas-fired combustion turbines generating up to 350 megawatts of electricity. The temporary modifications include placing an isolating plate, or blind, at the expansion joint between the condenser and steam turbine generator essentially capping it off. And then installing a rupture disk and a pressure-relief ball valve.

Steam would still need to be generated by the combustion turbines to control temperatures within the heat recovery steam generation system, but would be sent directly to a steam condenser for recirculation. In other
words, the bypass directs the steam directly into the steam condenser, which turns the steam back to water and there would be no steam turbine generator in operation. Next slide, please.

CEC staff has analyzed the petition pursuant to Title 20, California Code of Regulations, section 1769, and concluded in its staff analysis that the proposed temporary modifications to allow for the power plant in simple-cycle mode would not result in significant impact on the environment. And the project modification complies with all applicable laws, ordinances, regulations, and standards.

Understanding that the root cause analysis will be completed prior to Russell City Energy Center returning to operation in combined-cycle mode, staff recommends approval of this petition with the expectation, which is consistent with previous temporary modification petitions, that Russell City Energy Center shares the results of the independent root cause analysis with the CEC. Any identified corrective actions will be reviewed and implementation of those actions will be confirmed by CEC staff and the Delegated Chief Building Official. And the CEC staff will publish, aka docket, its final investigative report.

This concludes our presentation. Thank you.
CHAIR HOCHSCHILD: Thank you so much, Elizabeth.

Let's turn now to public comment. Madam Public Advisor, let me just share with my colleagues as well, we are expecting quite a number of public comments. We'll get through this and we'll be here as long as it takes to receive all those public comments.

I have a hard stop for a meeting with the Governor with Commissioner Gunda at 2:00. And so we'll plan to do once we're through this item just a very, very short lunch break and get as much done as we can by 2:00. In the event that we don't conclude by 2:00, I'd ask Commissioner Douglas to take over chairing the meeting, and so just planning ahead for that.

So with that let's go to public comment, Madam Public Advisor.

MS. GALLARDO: Thank you, Chair. This is Noemi Gallardo the Public Advisor. So we are going to start out with comments from local elected officials from the City of Hayward and then we will move on to a state agency representatives. So we will not put a clock for these officials. I wanted to let you know that. We will start the clocks for the general public comment.

So let me begin with Kelly McAdoo, City Manager from the City of Hayward. Kelly, you may begin.

MS. MCADOO: Good morning. I’m actually going to
turn it over to Mayor Barbara Halliday who is going to
start our comments this morning.

    MAYOR HALLIDAY: Yes, good morning,
Commissioners. I am Mayor Barbara Halliday and I’m joined
this morning by our City Manager Kelly McAdoo and our Fire
Chief, Garrett Contreras.

    And for those who aren't familiar with Hayward we
are located on the eastern shore of the San Francisco Bay
just south of Oakland. And we have a population of
approximately 160,000 people. We’re home to Cal State East
Bay’s main campus. And I think what's more relevant to our
testimony today are some of the demographics about Hayward.
In the 2010 Census Hayward was identified as the third most
diverse city in the United States. And while we are
located in the midst of Silicon Valley in the Bay area, we
do have one of the lowest average household incomes in the
Bay area, just slightly above Oakland’s.

    We want to make it clear that the City of Hayward
adamantly opposes the application by Calpine Corporation to
restart the Russell City Energy Center Power Plant until
each of the following is addressed. One, that the cause of
this midnight explosion of the steam turbine is fully known
and explained and verified.

    Two, that we understand why the blast resulted in
so wide a debris field of flying metal. And here, if you
can see me, is an example. (Zoom video of Mayor holding up a piece of metal.) It's very, very heavy. This is an example of a piece of metal debris that fell somewhere. I’m not sure where this one came from. And why so dangerous -- a fire and the emissions of toxic fumes -- they were so dangerous that it required the evacuation of residents.

Three, that we are assured and can verify for ourselves that the conditions that led to or may have contributed to the explosion and fire no longer exists at the plant.

And four, that we have a full assessment and public review of the safety risks and potential environmental and health impacts of restarting the plant as proposed by Calpine.

Frankly, we are astonished and appalled at this application and your staff’s recommendation of approval. This application puts profit and feeding the grid ahead of the safety of our residents and people working in/or at in proximity to this seemingly unsafe power plant. The health and safety and environmental justice concerns of the Hayward community cannot be ignored by the Commission or Calpine in this process.

And so I’m going to now turn over the balance of our time to City Manager McAdoo and Fire Chief Contreras.
for some further comments.

MS. MCADOO: Thank you, Mayor Halliday, and thank you Chair and Commission members. It's a pleasure to be here this morning to share our comments and I appreciate the ability to do that. Just by way of my background, I’ve been working with the City of Hayward for 10 years and have been City Manager for the past 5. And we've been actively working with Calpine through that process on the Russell City Energy Center.

And before I turn it over to Chief Contreras, who is going to speak to what our firefighters confronted the night of the explosion, I want to just address the lack of transparency and secrecy that's being exhibited by Calpine. And surprisingly by regulators, not in this case the CEC, but the CPUC who are supposed to be looking out for the public interest.

Shortly before midnight on May 27th as we've heard the steam turbine at the power plant exploded. Chunks of hot metal rained down across the debris field hundreds of feet wide. This 15-pound chunk that the Mayor just held up was one that, thankfully, it came through the roof of an unoccupied recreation room at our city’s housing navigation center for people experiencing homelessness that is 1,200 feet away from the plant. Another piece weighing over 50 pounds landed on the city's wastewater treatment
plant that's located adjacent to the Russell City Energy Center, along with many other smaller debris pieces. And I believe the Chief is going to share some of those photos in his presentation. Had this explosion occurred at another time of day there likely would have been serious injuries and deaths that would have occurred.

Within a matter of days, Calpine was at work on an application to restart the power plant, but to run it at far dirtier standard from a pollution perspective. Under the company's application, as we understand it, the plant would create twice as much carbon emissions per unit of electricity. We acknowledge the state's need to ensure adequate power supply, but this should not be accomplished at the cost of community safety and detrimental environmental impacts. Please keep in mind that the community residents that live in proximity to this power plant are disproportionately burdened by multiple pollution sources and have characteristics that make them more sensitive to that pollution.

On June 18th, we were surprised to learn that the CEC staff had given the provisional approval to the restart without knowing the root cause of the failure of the steam turbine that was the source of this near catastrophe. And without consulting or contacting the City, the Fire Department Incident Commander or anyone else directly
involved or impacted.

Last week we also learned there had been an investigative audit of the plant conducted by the California Public Utilities Commission in March of 2019 that found numerous conditions and safety violations that may have led and contributed to the kind of explosion that took place on May 27th. Last week was the first time the City had heard of this audit. And we learned that Calpine’s response and promise corrective actions were filed with the CPUC under seal and have been kept confidential and secret from the public, from the City of Hayward, and also from the California Energy Commission.

We’re stunned at how this report was not provided to our fire department personnel as local regulatory officials, especially in light that some of the required actions in the audit directly involved the Fire Department.

Upon reading this investigative audit by the CPUC we learned Calpine had been directed in 2019 to reach out to the Fire Department to conduct joint emergency drills. They failed to contact the Fire Department.

As we learned these things, we also learned there have been two other similar explosions and fires within the past four years at Calpine power plants here in Pittsburg in Contra Costa County and in Corpus Christi, Texas. We have lost significant trust over the past three weeks. And
we think, in your capacity as Commissioners, you should as well. And you should start demanding answers and accountability before greenlighting a dirty restart of what appears to be an unsafe facility.

The question for me is not just whether the plant can be reopened safely, but whether Calpine can operate that plant safely.

If you feel you must approve the restart application without completing the full investigation into the explosion, at a minimum please require Conditions of Approval that allow our local fire department personnel and inspectors to periodically inspect the plant facility and operations. To ensure basic life safety standards are met and that Calpine covers the costs of the City associated with these inspections.

Now I’m going to turn it over to Fire Chief Garrett Contreras who will talk a little bit about what happened the night of the explosion and some of the Fire Department's concerns that followed in the following days.

MR. CONTRERAS: Thank you, Kelly.

Good morning Commissioners, thank you for the opportunity to come before you today. My name is Garrett Contreras. I’m the Fire Chief of the City Fire Department. I’ve been in the City Fire Department for 26 years and the Fire Chief for 9 years.
I was very much involved with the process when the plant was built, proposed, and had maintained as good relations as is possible with that power plant operator since inception. That being said, we have significant concerns based on the event of May 27th. The call came in at 11:50, a call received for a steam turbine on fire from plant operators. Simultaneously numerous members of the public contacted the communication center to advise of an explosion and subsequent fire in the area of the power plant. We did initially have conflicting reports. There were multiple reports of the potential of a plane crashing into the area of the power plant, so it was an unknown response at the time.

Immediately with some information based on the plant operators, a call to the 911 comm center -- who had reported that there was imminent threat to the hydrogen tanks that were in close proximity to the fire area -- with that information while still enroute Battalion Chief Armstrong called for a second alarm assignment. It's rather rare to call for a second alarm before ever arriving on scene, but due to that report of the hydrogen tanks potentially being too close to the fire area that decision was made.

Very quickly thereafter, because of the report of the hydrogen tanks location and the amount of hydrogen
onsite, a determination was made to create a one-mile evacuation in all directions of the power plant due to what was reported by the reporting parties at Calpine as an imminent threat to explosion of the hydrogen tanks. We knew that from information from the Calpine staff that there were 45 hydrogen tubes onsite in close proximity to the steam turbine. Those were the conditions that were found and the reason for the evacuation.

As we arrived on scene, personnel observed that the fire was laying over directly, that the fire from the steam turbine area was presumed to be the lubrication oil on fire. Due to our previous pre-fire plans we did know of the location and proximity and types of materials that could potentially burn in the area of the steam turbines. And it was presumed at that time that it was the lubrication oil that was on fire. And the Incident Commander immediately asked the staff to shut down all pumps and de-energize the property completely.

We do have experience in training for when the plant would still burn. And we do have our pre-fire plan that require us to ground out all of our aerial apparatus to avoid any electrocution of our personnel. As well as avoid putting fire on the lubrication oil until we have identified the source and shut down all of the pumps that are fueling that fire. And so that process was initiated
rather quickly.

Once the cooling efforts of the hydrogen tanks commenced, and we were able to put a foam blanket down for safety for the personnel to make entry, our personnel made entry with one member of the Calpine staff who operated the forklift to move the hydrogen tanks out of the affected area. At that point it became a fire just down in the steam turbine, which was mitigated within about 30 minutes at that point. And we were then focused on avoiding any runoff and making sure that all of that lubrication oil was contained to the containment ponds. And that any potential runoff was contained downstream preventing anything into the storm drains or into the adjacent properties.

It was my surprise to find out that the very thing that failed on May 27th, was identified in 2019. It was chilling to know that we could have been made aware of that and were not. A failed inspection of the very thing that ended up causing this potential disaster or this explosion is really frustrating from a public safety standpoint, from an overall responsibility to the community. Clearly, the system failed the community of Hayward. And there has to be an improvement on that level of transparency and communication for this plant to safely operate.

I, as the Fire Chief of this community need to be
able to look the community in their face and tell them that it’s safe. I have a responsibility to do that and right now, I don't feel that. Having had that disclosure withheld from us, and not shared with us, put our members at risk. It put the community at risk and put the City's reputation at risk. It put the state's reputation at risk. And to what end? We have a history of responsible regulatory practices and that's what we ask. Allow us to be responsible on our regulatory approach on how we deal with Calpine and the power plant in general, so that I can look our community in the face and tell them that the plant is safe to operate. And it's safe for our firefighters to have that responsibility to mitigate any emergency that happens at that location.

With that, it was interesting to hear that we now are being included in any sort of investigation with the previous comments. That is curious to me. We have had a reach-out in the last couple of days and we’ve decided to hold off on any further conversations until we got through this meeting with you. And look forward to working with you and being part of that investigation with your staff, so that we can have first-hand knowledge and not have to rely on a report six months later that may or may not be revealed to us. We've lost confidence that important information is going to be shared with us. Yet we have a
responsibility to mitigate any emergency that takes place at that site.

So I encourage that and look forward to that opportunity to partnering on inspecting anything prior to moving in. If that is a reference to our CUPA inspection process, Certified Unified Program Agency process on the hazardous material side, we would also like to make sure that it's also a reference to the fire prevention side and the overall site safety.

When the site was built, we were required to trust some of the engineering reports. We are not subject matter experts by any means on power generation or power plants in general. So we do rely on those experts in the field to inform us of what the pain points are and what the vulnerabilities of a plant life is. And that's our expectation. That we have that level of relationship with Calpine or with the operator of the plant: that they share with us, they are transparent with us. If there could be a failure, this is what it could be. Let's have an open and honest conversation about the fact that disasters, events can happen, failures can happen. And let's be prepared for that as partners, not as adversaries.

That's all I have. Thank you.

CHAIR HOCHSCHILD: Thank you. And before we turn to the rest of the public comments, Chief Contreras, let me
thank you for your heartfelt comments and Mayor Halliday and City Manager McAdoo. You know, what happened in your community is unacceptable. And I think we're fortunate there wasn't a fatality to be honest. And we have to do better collectively, that cannot happen again. So I want to thank all of you for taking the time to share your perspective.

Madam Public Advisor, we could turn out to the rest of the public comments. I know we have a number in front of us here.

MS. GALLARDO: Yes, that's correct. This is Noemi Gallardo, the Public Advisor. We'll have Ed Randolph from the California Public Utilities Commission speak now. And then after him will be Neil Millar from the California Independent System Operator and we'll have a couple of other government representatives. And then after that we'll open general public comments.

So, Ed, you may begin.

MR. RANDOLPH: Hi. Good morning, sound check. Can you hear me okay?

CHAIR HOCHSCHILD: Yes.

Let me start off by addressing Mayor Halliday and Fire Chief Contreras. I want you to know I’ve heard your concerns about the outreach from both the PUC and Calpine. And I do acknowledge the frustration and legitimate concern you have with that lack of outreach out there. I want to assure you that I’m going to make sure there’s personal follow-up from our leadership at the Commission with both of you to make sure that there is — as this process goes forward in the years forward, there’s better outreach and communication between us out there. And you are far more aware of our activities and what’s going on in that plant. That said, I also want to thank the CEC staff for their work in bringing these provisional approvals for the restart to the CEC’s consideration today. And I want to express the CPUC staff’s support for the proposed temporary restart of Russell City, of the Russell City Energy Center in simple-cycle mode.

This plant in simple-cycle mode is critical to providing energy and reliability to California this summer. We have already had three major heat waves in the western United States this summer. That is far more extreme than usual by this time of year and that has severely strained the electric grid in each one of those heat waves. And that has also led to two states of emergency from the Governor to bring on additional generation during those
heat storms. Having Russell City generation facility offline made matters worse. And having the megawatts from the simple-cycle mode available later in the summer will be critical in providing reliability later in the summer.

Further, Russell City’s restart in simple-cycle mode can greatly help in future heat waves by providing up to 350 megawatts of this urgently needed dispatchable power that is particularly critical in the evening hours when our solar generation is dropping off, but during these heat waves air conditioning remain strong.

And it's also critical to providing what's called Black Start capacity, which helps restart the grid in the event of a major outage. And without that sort of capacity it would take the Independent System Operator significantly longer to bring power back online after a major event.

So both these reasons, bringing the plant back in this simple-cycle mode as quickly as possible, is critical. I thank the Commissioners for their consideration today, and thank you for your time.

MS. GALLARDO: Thank you, Edward.

This is Noemi, the Public Advisor. So now will be Neil from the California Independent System Operator. After Neil will be Barbara McBride from Calpine. Neil, go ahead and begin. (No audible response.) We can't hear you, Neil, you might be double-muted. (Technical
difficulties.) No, we can't hear you. You could try your computer audio, maybe your headphones.

MR. MILLAR: I’ll try this.

MS. GALLARDO: There we go. We can hear you now.

MR. MILLAR: Can you hear me now?

MS. GALLARDO: Yes.

MR. MILLAR: All right, thank you. My apologies for that. And I do want to thank you for the opportunity to speak today.

Many of my comments are echoing the comments of Mr. Randall. To put a finer point on it, the Russell Energy Center is a critically located unit, as well as providing necessary system capacity and particularly in a particularly tough summer. I do want to reiterate that most recently we have been seeking and procuring generation capacity from other sources, given the conditions we’re facing this summer.

Most recently we did solicit offers and procured over 600 megawatts of contract capacity for the remainder of July from other sources, but that only partially met the gap that we had initially identified of approximately 2,000 megawatts of maintaining an adequate supply cushion to stay out of emergency conditions over the net peak periods that we’re facing this summer. So the capacity provided by this facility is very much needed by the grid.
Also, as Mr. Randolph indicated the Russell Energy Center is one of the generating units that is outfitted to provide Black Start service, so that's a critical service that we need to ensure is available to us. And as well, it is also located in a transmission-constrained area where we're dependent on generation inside that area, supplemented by transmission into the area to serve local load. And the loss of this facility also puts us in better situations in serving local capacity.

So for all these reasons, we very much take to heart the concerns we've heard expressed. But for these reasons from a supply perspective and of course, subject to all the due diligence, we do encourage the Energy Commission to approve the Calpine -- or the request from the Russell City Energy Company to deploy their temporary safety modifications, so that the facility can operate in simple-cycle mode and to do so as quickly as possible.

Thank you very much.

MS. GALLARDO: Thank you, Neil.

So now will be Barbara McBride from the California Independent System Operator. And after Barbara will be Pamela Leong from the Bay Area Air Quality Management District. Barbara?

MS. MCBRIDE: This is Barbara McBride. The
California System Operator is Neil Millar. I think it's his time to talk.

CHAIR HOCHSCHILD: No, we just heard from Neil. It’s your turn.

MS. MCBRIDE: Oh, I’m with Calpine though.

CHAIR HOCHSCHILD: Correct.

MS. GALLARDO: Oh sorry, apologies as I made that mistake, Barbara. So this is Noemi again, apologies and clarifying Barbara is with Calpine. So go ahead, Barbara.

MS. MCBRIDE: I’m sorry, I got confused. Sorry.

MS. GALLARDO: No worries.

MS. MCBRIDE: Good morning. I’m Barbara McBride. And on behalf of the Project Owner Russell City Energy's company, we would like to thank the Commission for its consideration of the petition today. And also thank staff for its hard work in processing the petition and its thorough analysis.

We agree with CEC staff recommendation for approval of the temporary operation of Russell City Energy Center in simple-cycle mode. As detailed in the letter submitted by the California Independent System Operator, Russell City Energy Center provides essential grid reliability services. And we think it is important for the facility to be available to provide capacity and energy during the summer and wildfire season. Thank you.
MS. GALLARDO: Thank you, Barbara. Again this is Noemi, the Public Advisor. Now will be Pamela Leong from the Bay Area Air Quality Management District.

MS. LEONG: Hi. Good morning, Commissioners, this is Pamela Leong. I’m the Director of Engineering at the Bay Area Air Quality Management District and I was joining you here this morning to be able to answer any questions that the Commissioners may have, so I don't have the statement at this point. Thank you.

MS. GALLARDO: Thank you, Pamela.

So, Chair, this is Noemi, the Public Advisor. We can turn it over now. Unless there are any other government officials who would like to speak, we can turn it over to the general public comment. So let me --

CHAIR HOCHSCHILD: I saw on my list we had some other -- Teresa Wilson, Regional Operations in Calpine or Kevin Reeves. Is there anyone else from Calpine who wanted to speak more specifically to the incident?

MS. MCBRIDE: No. We're available to answer questions after public comment.

CHAIR HOCHSCHILD: Okay.

Okay, so that concludes public comment, Noemi. Or do we have anyone else?

MS. GALLARDO: So that concludes the speakers who are government officials or representatives of agencies, so
we will now turn to general public comment.

So audience, please use the raised hand icon to let us know that you would like to speak. If you are on by phone, you can raise your hand by pressing *9 and then *6 to unmute. I will call on people one by one, so that we can open your line and let you speak.

There is a timer showing on the screen. We will start off by giving people three minutes each. If we see that there are more than ten speakers we will reduce the minutes down to two. And then if there are more than twenty we will reduce down to one minute to ensure that everybody has an opportunity to speak.

Right now I am seeing five hands raised, so we will begin with Suzy (phonetic). Suzy, we're going to open your line. If you could please spell your first and last name, indicate your affiliation, if any. Your line is open, Suzy. You may begin. (No audible response.) All right, so Suzy, you will need to unmute on your end if you would like to make a comment on this item. All right it looks like Suzy is not responding so we will move forward to the next speaker.

SUZY: Oh, hi there.

MS. GALLARDO: Oh Suzy, sorry. Go ahead.

SUZY: I don't know if you can hear me --

MS. GALLARDO: Yes, we can.
SUZY: -- because my picture is not showing. I don't know if this is the right time to bring out other issues other than this --

MS. GALLARDO: No, this is not the time Suzy. This is specifically for Item 3, the Russell City Energy Center.

SUZY: Oh, okay.

MS. GALLARDO: We will have general public comment for other issues outside of this agenda later in the meeting. So if you would like to hold that comment for later in the meeting that would be appropriate.

SUZY: Okay.

MS. GALLARDO: Thank you, Suzy.

MS. GALLARDO: All right next is Claire Dugan. Claire, a reminder to please spell your first and last name, state your affiliation if any. And your line is open, you may begin.

MS. DUGAN: I think I had to press unmute. Hi. I’m Claire Dugan. I’m a resident of about 40 years in Hayward. I want to so thank our Mayor Halliday, our City Manager Ms. McAdoo and our Fire Chief Contreras.

How any of you on the Commission could possibly approve starting up Calpine after what you've seen them present just seems unconscionable to me. There are three players here. We've got Calpine. We've got residents of
Hayward. And we've got your Commission. Calpine is out
for profit. I mean anything else is just complete BS,
onsense. They have no care for our health at all.

Now the residents of Hayward, our primary concern
is we don't have to breathe toxic air and we don't have,
you know, these fires and explosions. Which you guys do
not know, and Calpine does not know, what happened. So you
can't prevent it, because you don't know the source of the
problem.

Now for your committee, I just -- David,
Patricia, Andrew, Siva, please. I live in an area where we
have some retired people. We have lots of empty rooms,
send us your children, give us your wives, your husbands,
your dad, your moms. Let them come live with us. We’ll
provide a free space. And then they can breathe the air
that you want us and may force us to breathe.

I live in an area. I get natural air
conditioning. Three o'clock I get a breeze off the water
from Hayward every day. I don't want to pay with my life,
my children's lives, my neighbors lives, so that people in
L.A. or Pleasanton can turn on their air conditioners. I
think there must be, where I live, really within -- 10,000
people within two miles of this plant. And the Mayor and
the Chief of Police and our City Manager know better how to
deal with this problem at this point, than you guys do if
you move ahead with this.

Sorry that there's a crunch for -- you know, we know that everybody needs the services. But I don't think that our people should have to pay with our lives to benefit the rest of the state. And that's my comment.

MS. GALLARDO: Thank you, Claire.

Next up is Jessica Tovar. Jessica, a reminder to please spell your first and last name, indicate your affiliation if any, and reminder to unmute on your end. Your line is open and you may begin.

MS. TOVAR: Hi my name is Jessica Tovar. That's J-e-s-s-i-c-a, Tovar T like Tom-o-v like Victor-a-r. And I’m a long-time environmental justice organizer. I’ve worked throughout the State of California, but I’m also an energy democracy organizer. And community members within the City of Hayward and other parts of Alameda County are people that I work with.

And I just want to highlight just the gravity of this situation and some history after working for so long addressing issues of pollution, specifically from different dirty energy power plants. Oftentimes these incidents take place, because these corporations are too cheap to actually upgrade their facilities and are really in the business to make money at the cost of our health and our safety. And this includes the community and this includes the workers.
This is absolutely unacceptable. It should have never happened. And to consider allowing this power plant to move forward and operate after such an incident is really gross. So I want to thank the leadership of Hayward for really highlighting this issue. And also just because the pollution and the debris from the power plant not only affects Hayward, but it affects other parts of the East Bay as well.

And noting that we're already in a situation where we have enough to deal with, with this pandemic. We can't be allowing these power plants to be in operation in this manner where they're putting our health, putting our safety at risk. Everything should be done all-hands-on-deck to make sure that we're preventing this problem and not allowing these corporations to continue doing business in a way that causes such externalities including, I mean, somebody could have been killed right, by this debris that came from the power plant.

So again, I just want to highlight this issue and just highlight some history of the community. I mean, the majority of people who live around this power plant, it is no coincidence, are a majority Black, Latino, and folks who immigrated from other places to seek work during World War Two. And so we should be doing everything we can to better the lives of the surrounding community.
And this really highlights how serious we need to move into that clean, local clean-energy future. And put such dangerous power plants like the Russell City Power Plant out of business. We can't continue this way. It's absolutely unacceptable. And that's all I have to say about that. Thank you.

MS. GALLARDO: Thank you, Jessica.

I wanted to note -- this is Noemi Gallardo, the Public Advisor -- our timer is not working on the screen. However, I am keeping time and will let speakers know when their time is up.

So next is Andrew Wilson. Andrew, please spell your first and last name, indicate your affiliation if any, and a reminder to unmute on your end. Your line is now open.

MR. WILSON: Hi, my name is Andy Wilson, A-n-d-y W-i-l-s-o-n. I’m a Director-at-Large for the California Pilots Association, also known as CalPilots.

I would like to also say that we are a commenter and intervenor on a number of power plants throughout the State of California to include a gas turbines, wind generators and solar farms.

I would also like to point out I am one of the few, maybe the only one, that has attended all the proceedings for Calpine both in Sacramento and here in
Hayward. I also attended all the proceedings for the
Eastshore Energy Power Plant. The reason I want to bring
up Eastshore is that Eastshore happens to be one mile east
of the RCEC site. And why is that important? You heard
the Fire Chief say he had to evacuate one mile from the
RCEC power plant.

Well, as it turns out the Eastshore power plant,
being one mile east of RCEC was denied a permit and
license. That's Docket Number 06-AFC-6, Order Number 08-
1008-10. “The Commission order adopts the Commission
decision on the Eastshore Energy Center, which we decline
to certify, because the proposed project results in public
health and safety impacts in violation of the California
Environmental Quality Act, CEQA. And is inconsistent with
the applicable law, local laws, ordinances, regulations and
standards, LORS.”

So here you have a situation where you
figuratively, by extending a one-mile distance east you're
in the same spot where you denied Eastshore. So in that
fact I don't see you have any other alternative not to
approve this project to even operate on a limited megawatt
basis, and without the steam turbine. So you've already
denied Eastshore. You have to deny this until there is a
full investigation.

Now the other issue in my comments, written
comments, are was the FAA notified? Now there were
distances measured at 1,500 feet horizontal, but there was
no altitude or height measured or estimated. The area of
Eastshore is 6 -- the pattern altitude is 600 feet.
There's a transition between the distance of RCEC and
Eastshore. If an aircraft was in the area it could have
been hit.

Again, CalPilots request that you deny this
request of Calpine. Thank you very much.

MS. GALLARDO: Thank you, Andrew.

Next is Suzanne. Suzanne, a reminder to please
spell your first and last name, to indicate your
affiliation if any, and unmute on your end. Suzanne, your
line is open. You may begin.

MS. LUTHER: Can you hear me?

MS. GALLARDO: Yes, we can.

MS. LUTHER: Hi, I’m Suzanne Luther, S-u-z-a-n-n-e
L-u-t-h-e-r. I’m a lifelong resident here in Hayward and I
live within under two miles of this plant. For Calpine to
be asking permission to restart this without even knowing
what caused it is absolutely ridiculous. And how anyone
would expect us to accept that as an answer and approve it
is nuts. So the CEC, you guys cannot be allowing this.

I mean, to tell us that it's so important to even
start it at half level, because we're going to have a hot
summer, I don't care about that. You guys should have
thought about that back in 2019 when you knew you had a
faulty turbine or unit, or whatever it was that was faulty.
So everything that everyone has said here in these public
comments is actually correct. You guys do not care. You
only care about money.
I’m surprised that you aren't facing multiple
lawsuits. So I think you guys really, really, really need
to reconsider this and do not allow them to start up.
That's all I have to say.

MS. GALLARDO: Thank you, Suzanne. Next up is
Claire Warshaw. Claire, a reminder to spell your first and
last name, indicate your affiliation if any, unmute on your
end. Your line is open, you may begin.

MS. WARSHAW: Can you hear me?

MS. GALLARDO: Yes, we can.

MS. WARSHAW: Hi, my name is Claire Warshaw, C-l-
a-i-r-e and then W-a-r-s-h-a-w. I have a comment that's
off the wall. And I’m a member of the public I’m not
affiliated with anybody that I’m aware of. However, for
instance, my ex-husband's family had a large group that
lived in the Hayward area. We had a friend named Russell
Berryman, (phonetic) so I’m just going to tell you a
comment that is somewhat very different than what everybody
else is speaking on.
I would say please don't name power plants with names that might be human-sounding or anything that could represent any kind of friction. Not that anyone does that but, and I’m not indicating that Calpine or whoever started this power plant name had anyone in mind when they named the power plant, but people might -- criminals and complete strangers might do very strange things, even professional people do strange things acting out of madness. And I would just say it would behoove power plant people not to -- to really consider making names not representative of things that might cause a problem later. That's it.

MS. GALLARDO: Thank you, Claire.

Next speaker is Walt Fujii. Walt reminder to spell your first and last name indicate your affiliation, if any, and unmute on your end your line is open walk you may begin.

MR. FUJII: Thank you. My name is Walt Fujii, W-a-l-t F-u-j-i-i. My family has been a resident of Hayward since actually 1918. We were nursery operators, but that's since changed.

I want to first thank Mayor Halliday, City Manager McAdoo and Chief Contreras for their very impassioned presentation and for sticking up for the residents of Hayward. I can't imagine being Chief Contreras and having to send your men -- your people,
excuse me -- into a situation next to where hydrogen is stored and a fire is raging. That’s completely counterintuitive.

The other thing is that is also counterintuitive is to start a plant without understanding the cause of the explosion. There is no question that we need the power, we need the energy, that's beside the point. But at what cost?

Here is another example of well it's -- is it profits over people? Or where do we fit into it? And none of us want to be uncomfortable, but we have to think of safety first. And I just appreciate this opportunity to speak before the CEC. Thank you very much. You have a difficult job. I appreciate that.

And I just hope you have especially listened to our public representatives, because they have in fact expressed what the rest of us cannot adequately express. And that is that safety is an issue, there really is a problem here, and it has not been addressed. Thank you again.

MS. GALLARDO: Thank you, Walt.

We have another person who has raised her hand. That is Lani Llamido. Lani, a reminder to spell your first and last name, indicate your affiliation if any, unmute on your end. Your line is open and you may begin.
MS. LLAMIDO: Good noon, everyone. My name is Lani, L-a-n-i L-l-a-m-i-d-o. First, I would like to thank Mayor Barbara Halliday and the rest of the team representing the Hayward community, braving this opposition for the reopening even for a slight operation of Calpine.

And also thank you for this platform. Based on our Fire Chief there has been an existing problem since 2019 about Calpine. And stating the issue of the needs of the whole community at large, of the air conditioning and the energy support during summer, is beyond this point.

What I’m trying to say is that if there was a casualty during that incident, if someone died or if someone had been seriously injured, we might not be here. We might not have this hearing. I am expecting the CEC to just stop the operation of Calpine. But there was not -- and we are not looking forward to have one in the long run. Because you cannot just restart an operation without really knowing what is the cause and without informing the very homes where that Calpine is located.

So we love Hayward and we love the diverse community here. And we are valuing the lives of everyone here, so we should be considered first in any decision making, especially when it comes to energy that might cause pollution and might be a threat to our health. So I hope CEC would reconsider the decision.
We are not only after profit. We know there's a need, there's always a need for energy with or without the operation of Calpine. Especially it's a given fact, especially during summer. But what we have to consider now is the threat of the lives of the residents of Hayward.

Thank you so much. And I hope there will be a possible response on this.

MS. GALLARDO: Thank you, Lani.

This is Noemi Gallardo again, the Public Advisor. One last reminder to attendees if you would like to make a public comment on Item Number 3, Russell City, this is your opportunity. Please use the raised hand icon. If you are on the phone press *9 to raise your hand, *6 to unmute.

All right, Chair, I see no more hands, so no more public comments. I’ll turn it over back to you.

CHAIR HOCHSCHILD: Thank you, Noemi.

Well let me thank all the members of the public and the other stakeholders and agency representatives for sharing your perspectives, we appreciate that. We’ll turn now to Commissioner discussion, beginning with Commissioner Douglas.

However, before we do that if I could ask our Chief Counsel Linda Barrera to just outline once again the options before us. And then we’ll turn to Commissioner discussion.
MS. BARRERA: Yes, Commissioners. Yes, so you have a couple of options under section 17 -- Title 20, section 1769(a) (4), which is the Commission’s approval of a proposed temporary modification.

The options you have are to issue an order approving the staff’s proposed order, or rejecting the proposed order, or modifying the petition, or assigning the matter for further proceedings before the Commission or an assigned committee or a hearing officer. So you have about four options to consider as you debate or consider this matter.

And I’m available for any questions that you may have.

CHAIR HOCHSCHILD: Okay. Let’s go now to Commissioner Douglas.

COMMISSIONER DOUGLAS: Thank you, Chair Hochschild.

I wanted to start with a couple questions for staff if I could. And so the first question I have is about the status of the investigation, the root cause investigation, that staff is undertaking. Can you describe the status, the potential timeframe for that? And also the status of your outreach to the Hayward Fire Department and your plans for working with the Fire Department.

MR. PITTARD: Yes, Commissioner. This is Shawn...
MR. PITTARD: There is a root cause analysis that's being performed for Calpine by an independent contractor, so an independent party is doing that study. That's one thing that's happening.

The other thing that's happening is Energy Commission staff are leading their own investigation into what happened at this project, so those two things are happening in parallel.

Our staff, we had a good meeting I thought with the City last week. We had a chance to hear their concerns. And our staff met with the staff of the City of Hayward. We're very happy to hear the -- appreciate the concerns very much of the Fire Chief and offer ourselves as full partners going forward.

We each have subject matter expertise that complements each other. They are the first responders. We do power plants. And we extend our hand in partnership going forward with the redesign and then the restart, if that process proves that it would be -- that it would meet code.

COMMISSIONER DOUGLAS: All right, thank you. And let me just ask another question and you can answer this or someone else on staff, but obviously we've heard
today comments by a number of residents who have safety concerns that -- and who have asked questions that should be addressed. And I think sometimes for members of the public it's not obvious, for example, what it means for a plant to operate in combined-cycle versus simple-cycle mode, or what it means to bypass the steam generator.

And then can you or someone on the team please speak really to them about why staff’s analysis, why staff believes that restarting the plant in simple-cycle mode while the investigation is still ongoing, is safe and protective of them.

MR. PITTARD: Yes. I’d look to our Engineering Office Manager Geoff Lesh to describe this physical process.

MR. LESH: Hi, I’m Geoff Lesh from the Engineering Office and the conversion of this power plant to a simple-cycle mode involves continuing the operation of the combustion turbines. Those are a more lightweight form of turbine that burns natural gas. As opposed to a steam turbine, which is a massive stationary design-derived that is -- are more highly energetic in its rotational energy.

In this change, what we would propose to do is that the combustion turbines have an apparatus attached to them that extracts heat from the exhaust stream. That would continue to operate. It's basically a radiator that
is suspended in the exhaust stream of the combustion turbines. And in that way it will make steam in order to preserve the functional characteristics of the combustion turbine emission controls, so those combustion turbines won't see any changes from how they have been operating.

The same amount of heat would be extracted from the exhaust stream, as before, and everything will continue to function with those combustion turbines as before.

That steam that they generate will then be passed on to what's known as a steam condenser, which is a heat exchanger. And that heat will then be passed into the cooling towers as is done in normal operation. And then the steam is converted back to water and comes back to the combustion turbines and that cycle repeats.

That particular configuration is one that the power plant routinely experiences on every startup. Before they ever tried to spin the steam turbine, steam has to be generated. Has to be heated up to the point where there is no droplets in it, and it is safe and conditioned to go to a steam turbine. And so that may occur hours -- for hours on every startup. So it's not a new configuration for this power plant. It's something they routinely experience and have been designed to accommodate.

The difference this time is that that steam loop doesn't have the steam turbine in the loop anywhere. It's
now missing, it's gone. And the energy that it would have extracted from the steam loop by the steam turbine and would have converted into electrical power isn't happening anymore. And instead that energy is just going back to the cooling towers.

So I think what we're proposing here is to routinely run the plant for a while in a mode that it does experience, but it's having a steam loop only as an exhaust chiller essentially. It's essentially a radiator suspended in the exhaust stream. And the particular combustion turbines have been designed as part of a combined cycle. And that's why this steam loop must continue to operate. It's a balanced system.

If this power plant had been designed from the ground up from the get-go, then there wouldn't have been this provision for a steam turbine and for the steam generation in the combustion turbines (indiscernible). It’s possible to convert plants back and forth, but it's a major endeavor. And the real reason for doing it this way at this time is that we want the opportunity to convert the plant back to combined cycle once we understood what happened and what was the root cause that allowed this steam turbine to self-destruct.

And the parts that were thrown from the power plant were almost certainly due to the rotating kinetic
energy and not from a gas or a steam explosion. And the risk, as far as we can envision is entirely with the steam turbine. And that's part of the engineering staff’s confidence that allowing the plant to operate this way will be prudent.

COMMISSIONER DOUGLAS: Thank you. And thank you for that thorough response. And just to translate it a bit for the members of the public who may not quite have followed the thoroughness of your response, it is the steam turbine itself which is being bypassed, that had the -- I think you called it more energetic -- that had the power to throw projectiles off of the power plant site.

MR. LESH: That's correct. Its steam turbines are designed to be far more robust. They have a heavy thick shell. They have more weighty rotating parts compared to a combustion turbine, which is typically designed along the lines of a jet engine.

COMMISSIONER DOUGLAS: Yes.

MR. LESH: And thus are designed to be lightweight and efficient, but they don't have quite the energy should something go wrong with them.

COMMISSIONER DOUGLAS: Got it. So thank you for the responses. And I just wanted to make it clear for people who are thinking about this, that really bypassing the steam turbines using the steam system as cooling --
which is what's being proposed by staff -- and running the
plant in simple-cycle load would allow the plant to operate
in a way that would not pose the level of a challenge that
would be involved in -- obviously having to look hard at
what actually happened with that steam turbine. We have to
very much get to the bottom of what happened and what
caused that catastrophic failure of the turbine.

MR. LESH: I would agree.

COMMISSIONER DOUGLAS: Yes, thank you.

I had another question, I think, which is in
terms of working with the Fire Department. As Shawn noted
they are the first responders, they do need to be prepared
in the event of any incident at a site. And so what are
your thoughts, either Geoff or back to Shawn or whoever on
staff is best to take this, in terms of helping the Fire
Department, because Chief Contreras made a really good
point that there was an event at the site and his people
didn't really know what they were encountering. And
that's not where they want to be and that's not what -- we
want to partner with them and make sure they're not there.

So what are your thoughts or staff’s thoughts in
terms of working with the Fire Department?

MR. LESH: I would just say that staff strongly
encourages and invites the full participation of the local
Fire Department of Hayward as well as the CUPA who manages
the hazardous materials on site, and verifies that they're being safely stored and managed. We encourage them also to fulfill their normal roles at our power plants, which involves inspections and verifications.

So going forward, I think if we've been remiss in keeping them aware then we encourage that participation. I think we want to reach out and involve them as full partners, so that whenever we are looking at the power plant for particular aspects that involve and could impact any of their functions, we would invite them to be involved and we'll reach out.

Another thing I think, another topic is training, training opportunities for the Fire Department. And for those things we also encourage and will fully support the local fire department to get those opportunities to train on site for potential problems.

COMMISSIONER DOUGLAS: Thank you.

So I just wanted to say maybe in like in some more general comments as well, I wanted to thank all of the speakers here today, so Mayor Halliday, City Manager McAdoo, Chief Contreras appreciate hearing from you. Also appreciate hearing from the CPUC, the ISO, the Bay Area Air Quality Management District’s participation and speakers from the public.

This is a matter the Energy Commission takes
absolutely very seriously. It's what happened out there was unacceptable as the Chair has noted. And we really appreciate the response, the effective and quick response by the Fire Department in spite of the challenges presented. And also the quick investigation and initiation of the root cause report by CEC staff. I know those are still ongoing.

Ensuring public health and safety at CEC-licensed power plants is a top priority. That's why we impose stringent Conditions of Certification, that's why we monitor and we inspect plants. And that's why we do these investigations. So I just want to express my full commitment to supporting this investigation and my great interest in the results when we have them.

We obviously very much need to get the results of the investigation before we would be able to identify any additional safeguards, if any that we might need to impose as a result of the incident. So we're not here to decide on that or speculate on that today. But I do want to just reiterate my commitment to the Energy Commission's responsibility to take actions as needed to ensure the safe operation of this power plant.

And at the same time, I will also say that I appreciate and went closely through the CEC staff's thorough written analysis of the request and its
determinations. And I am prepared to support them and support moving forward with the proposed order in light of the circumstances on the grid this summer. And in light of the thorough analysis. And with a very serious request and requirement that they move forward in working closely with the City of Hayward and with the Fire Department.

So those I think are my comments right now. I am really very interested in what other Commissioners would like to say.

I also note that I did hear the City of Hayward’s request that the Fire Department potentially receive some funding or support from the Applicant for putting resources into understanding the plant, maybe participating in exercises with the operator, and with the staff. I’d be interested in the staff’s comments or thoughts on that. And if Calpine wishes to speak to that you'd be welcome as well, but I wanted to note that I did hear that request and I’m interested in responses.

CHAIR HOCHSCHILD: Commissioner, actually if we could -- if it’s all right with you, maybe just go first to Commissioner Gunda. I myself have some questions to direct at Calpine, but let's go to other Commissioners first, maybe beginning with Commissioner Gunda. Then we’ll come back and circle through any questions. Is that okay?

COMMISSIONER DOUGLAS: Sure, yes.
CHAIR HOCHSCHILD: Commissioner Gunda, do you have any comments or questions on this item?

COMMISSIONER GUNDA: Yeah, and thank you Chair and Commissioner Douglas. I think I need to leave the meeting before 12:00, because of the meeting with the Governor's Office. So I want to make sure that I get through my questions and comments before I do that and if we were to get to a vote before then I’ll be able to vote.

But I think the first thing is I just want to acknowledge the passionate comments by Mayor Halliday, Fire Chief Contreras and also the City Manager McAdoo. I just want to acknowledge the kind of concerns that you raised there. I also want to just acknowledge the citizens and in the community and kind of the precarious situation that they feel.

And I have heard three primary concerns during this, during the testimonies. One is the lack of transparency, leading to a lack of confidence in just the ability to operate safely in the community. And then I heard safety considerations if it comes back online. And then just the air quality considerations.

And there's a public comment that was made and I want to absolutely comment to that, which is if I were to live there and if I were to have my children live there -- I don't. I don't live there, and it is not easy to
empathize with the difficulty that the community feels not being there in person. And I recognize the need for accountability and the need for transparency and the need for safety, I absolutely do.

As the Lead Commissioner on the reliability side of it I also recognize the precarious situation we have on the grid today. We had two outages last year and we have been tight twice this year already and had the emergency proclamations that were set up. Over the last ten years, we did not have an outage and we had roughly two Flex Alerts last year. And this year we already had five Flex Alerts and we had a State of Emergency, so I recognize the importance of kind of saving the entire state from reliability crisis, and I do (indiscernible).

But I do want to kind of follow along the questions of Commissioner Douglas and I want to get through a couple of main things. One is around on the lack of transparency, and I think specifically Fire Chief Contreras mentioned about the audit report. And kind of like not having the opportunity to be aware of the potential safety concerns with Stage II. I understand that the way the modification is being the proposed doesn't really deteriorate the safety, I understand that. But I really do want to understand in terms of transparency of data if we have any comments as to why that did not occur.
or it was just a complete fall through the cracks. I just
want to understand that.

And I also really want to understand what it
means for this vote. So once we vote we are trying to move
forward with the modified ability to like an operate on a
simple cycle. And I understand that there is a safety as
well. And I am grateful to the siting team for briefing me
on exactly the engineering analysis and such. But I do
want to understand what kind of safety mechanisms happen
between now and actually when the plant becomes
operational.

So if the staff are able to comment on those
things to create some confidence both to the Commissioners,
but also broadly to the public as we move forward on this
important issue.

MR. PITTA: Yes, thank you, Commissioner

Gunda.

The question I think on transparency as we
looked at the CPUC audit report. I will say that I hadn't
seen it myself. So there was some missed connection
between ourselves and the CPUC on seeing their audit
report, so I think that's one issue that we've identified
as something we need to improve upon is being sure that we
are in the loop on their audit inspections.

We were able to provide a copy that report to the
City I believe. I know, we've been in discussion over it. 
So yes, there are transparency issues that we will address. 
We're working closely with the CPUC's head of their Audit Unit. And we've been onsite to inspect the facility with CPUC's inspector. So that's one item that's beginning here. 

The next is going forward. And going forward the process for evaluating the engineering solution to this problem will include -- will be us and the CPUC -- and will include the City of Hayward Fire Department and their CUPA. And we will be partners, and there will be full transparency in that process. And there will be checks issued along the way, Commissioner. 

And you said what happens when we leave today if the Commission were to approve Calpine's petition and take staff's recommendation, it does not mean that Calpine leaves this meeting with carte blanche to go out and get the undamaged part of this project up and running. It means they enter into a process with CPUC, the CEC and the City to determine each step of the way that this is being done. To the building code, to the highest standards. And the project will not be restarted without meeting all those standards, so it will still be in the CEC's control.

COMMISSIONER GUNDA: Thank you. Thank you very much, Shawn, I really appreciate that. And I want to
emphasize the importance of safety. And as one of the commentators mentioned if we were to lose a life, and which could have happened, we would not be here discussing this. And it's extremely important that I note that. And I appreciate, Shawn, you and your team's thoroughness in making sure we have these transparent discussions.

I do want to follow up on one specific request I think, that City Manager McAdoo raised, which is the opportunity for the City to be involved more closely moving forward. In both kind of going through this process of restarting it, in a kind of a different setting, but also potentially funding. And I think Commissioner Douglas raised this as well. I would really like to kind of hear from both Calpine, and Shawn from you, what is the opportunity for group coordination as well as potentially supporting the City to be a part of the process moving forward?

MR. PITTARD: I can speak, Commissioner, to improve coordination. May I defer the question of funding to Calpine?

COMMISSIONER GUNDA: Absolutely.

MR. PITTARD: Thank you. Yes, you know, we work with all of the CUPAs and the fire departments as partners, it is our goal. We learn so much from working with the first responders. And we hope we bring back to them
subject matter expertise on power plants that helps them improve. It helps them be safer and improve their own inspections. So yes, going forward, we want to be in partnership with the local government, as we do in every project that the CEC oversees. So we very much look forward to this.

I just do want to emphasize that while we're analysts and giving a recommendation today we are deeply concerned from the Siting Division’s point of view about this accident and very eager to learn the results of this root cause analysis and to see what might have been done to prevent this. And this project will not -- the staff will not recommend this project go back online until we get to the bottom of that.

COMMISSIONER GUNDA: So, Shawn, I really appreciate your comments. And knowing you personally and having had the opportunity to work with you for four years as well as the staff for Siting, I have absolute faith in your integrity. And I’m thankful for your commitment to make sure we are going to be very closely working with the City to ensure the next processes are taken care of in a way that is conducive and creates a certain level of trust and transparency.

And then I would really like to hear from Calpine if it's feasible.
MS. MCBRIDE: Yeah, I’ll be happy to. And first I wanted to say the safety of our employees, neighbors and the community are very much our highest priority. And we are really committed to safe and reliable operation of the facility.

That being said, I mean we've worked very cooperatively with the City of Hayward Fire Department in the past for emergency preparedness. And we welcome further opportunities to work with them in the future. And we'll be happy to meet with the City and the City Fire Department to determine how we could do that better in the future. I mean, that only benefits both of us.

COMMISSIONER GUNDA: Thank you. Thank you, Barbara. I look forward to -- I mean I think in any closing comment I just want to say to the commentators, the state has a commitment to zero-carbon energy and there's a commitment to equity. And we cannot do that by continuing to impose inequities, pass inequities on to the communities. And that's a priority for the state, the administration and for this Commission and we’ll continue to work on that.

And I’m kind of comforted by some of the things that Shawn just mentioned. And I really request to ensure that it is as deep of a collaboration and transparency, that the Fire Chief specifically who has a job of safety in
the community feels comfortable as we move forward. So
with that I just yield the time. Thank you.

CHAIR HOCHSCHILD: Thank you, Commissioner.

I do have some questions for Calpine, but let me
turn first to Commissioner McAllister or Commissioner
Monahan, if you had any other questions.

COMMISSIONER MCALLISTER: I do have some
questions. Thank you, Chair. And Commissioner Gunda,
Commissioner Douglas, really appreciate your diligence
here.

Let's see, I wanted to ask for a bit more depth
in terms of the status of the root cause analysis. I heard
sort of in general terms from Shawn that in parallel there
is a third-party assessment that Calpine is engaging in and
there's a staff assessment, both those are happening
concurrently. I wanted to understand the status of the
third-party assessment in particular. And more visibility
into the process that staff is engaged in and will move
forward in.

But a lot is hanging on these independent
assessments to establish what happened and ensure that we
have some transparency and accountability there. So I want
to ask, Shawn, if you have this ability or Calpine
particularly, where that assessment stands. Perhaps who is
going to be doing it and what the independent firm is, what
status that procurement is at, what that contract is on that? So if you could just give us a little more depth on that issue.

MR. PITTARD: Right. Commissioner, I’d like to give that question to Barbara McBride at Calpine.

COMMISSIONER MCALLISTER: Go ahead.

MS. MCBRIDE: We have hired a third-party expert to conduct the root cause analysis. We started it almost immediately after the incident and we expect the results to be sometime late summer, early fall. It does take quite a quite a long time to go through all the data and process everything to ensure that we have a product that not only just identifies the apparent cause, but really gets to the root cause of what happened during the event.

COMMISSIONER MCALLISTER: So you already have that contract in place?

MS. MCBRIDE: Yeah, it started like weeks ago.

COMMISSIONER MCALLISTER: Okay, I wonder if you can -- well, we’ll talk about sort of the communication issue. I’m sure other Commissioners have concerns about that as well just in terms of some openness and transparency, that it creates an accountability. I’ve not heard a lot of contrition up to now. And I think that's appropriate, because as the community has expressed this is something that they rightfully are incredibly concerned
about in terms of just having trust that going forward
their safety is being taken care of.

I mean, the community next door to this facility
is a vulnerable community. It has environmental justice
and concerns and history. So I want to just kind of
appreciate the elected officials and the mediation and
positions that they are in. In particular the Mayor, sorry
-- Mayor Halliday, thank you very much for being with us
and City Manager McAdoo and Fire Chief Contreras, I really
appreciate your concerns. And it's very clear that you
three are deeply dedicated to your public service and doing
all you can do to take care of your community, so I want I
appreciate, I really express appreciation for that.

So the community has a very legitimate desire to
ensure that or to know really, that the plant will be
operated safely. And Geoff Lesh explained in technical
terms how that will be the case.

I would like to, in this spirit I would like to --
and I don't know if right now is the time, but I would
like to sort of propose some modifications to the order
that we will be voting on. If we choose to vote on this in
this moment, some specific commitments from Calpine along
these lines: commit to allowing the Fire Department to have
access and to regulate the facility and really ensure that
direct participation. And also maybe specific language
that Calpine commits to the staff (indiscernible) operating the plant in a safe manner on the record.

But I think I’d like to look -- well, I have one more question actually. So I do have some ideas for modifying the proposed order. But I want to maybe ask Calpine directly to give us a little more information -- and they have a bunch of people on the phone, on the call -- more information about the exact corrective action. And why you believe that the plant will operate safely. We've heard that from staff, but I really want to hear that from Calpine.

MS. MCBRIDE: Like I was saying before we’re now conducting a root cause analysis. Out of that root cause analysis we will determine what the root cause of the incident was. And then based on that we’ll develop corrective actions. And then we will work with staff and the CBO to implement those corrective actions (indiscernible) like the CEC staff and the CPUC staff will come out and verify that those corrective actions were implemented.

COMMISSIONER MCALLISTER: So you're talking about the steam-cycle piece of this.

MS. MCBRIDE: Yes.

COMMISSIONER MCALLISTER: But I want to specifically, in the near-term, talk about sort of
understand the chain modifications that do ensure that the
simple-cycle piece of the facility will operate safely.

MS. MCBRIDE: Yeah. And I think Geoff Lesh
actually went into the details of what we're doing for the
simple cycle. It's really what we are putting as a
blanking plate on top of where the steam turbine would
connect to that. And then really what we're putting on
there is a compressor (phonetic) safety device for just in
the event that there's compressor. But that's really all
the modifications we're doing currently to the facility to
let it operate in simple-cycle mode.

But we are obviously ensuring, and the CEC
ensures and CPUC ensures that we’re in compliance with all
ordinances, rules, regulations.

COMMISSIONER MCALLISTER: Although there was a --
oh, go ahead, Shawn.

MR. PITTARD: Yes, I would just add that during
that, this process, we’ll also be looking at maintenance
records and doing all those things we typically do in our
regular inspections. We’re there, the City's there, I
think and the CPUC will be there. It will be a great
opportunity to just perform our life worker-safety
inspections, the standard inspection that we do with all of
our power plants. So it's an opportunity to look at it
from the 360 degrees.
COMMISSIONER McALLISTER: Certainly. I mean, I understand. I sit in the economist spot at the Energy Commission, but I have actually more of an engineer in terms of my background. So I do understand the technical details of a combined-cycle power plant. And certainly recognize Geoff’s explanation of the simplicity of the gas-turbine piece of it, which is what we're talking about operating.

I did listen with some interest about the way that the waste heat now will be disposed of essentially as a chiller, radiate the excess heat. I did want to ask if there is any opportunity to increase the Delta T so that you can get a little more efficiency out of those turbines instead of radiating all of the waste heat. It sounds like to me that is not going to take place. But I wanted to just understand that the system needs to be configurable in the future and see that repairs are made if the steam-cycle piece does come on.

I wanted to acknowledge though that this plant was permitted as a combined cycle and that improves the efficiency. And therefore the carbon content of each kilowatt hour comes out of that plan as a combined cycle. It’s lower than it will now be for any interim period that operates as a simple cycle. And so that is while the absolute emissions don't increase, the unit emissions
actually do increase. And I understand it from the CEQA perspective staff has found that that does not constitute an impact. But I do want to just acknowledge that this interim fix, if we allow it, will marginally increase the carbon content of our grid. And so I don't think that was stated so clearly in either the staff report or the Calpine petition.

So with that I’ll pass the mic. I did want to just reserve, depending on how this session goes, I did want to reserve some time to propose, perhaps, some modifications to the staff proposal.

CHAIR HOCHSCHILD: Thank you, Commissioner.

Yeah we'll come back to that. Thank you for those.

COMMISSIONER MONAHAN: I do have some questions and a few comments. I think like all the Commissioners that I’ve heard so far we feel (indiscernible) and I feel very just impacted by all the things that has been said by the City and the many commenters. I read through all the comments and there are a lot of just really heartfelt letters from residents. And I just really want to say I feel for your frustration, your anger, you are concerned about the lack of transparency and your desire to live safely in your community. So I start from that place.
That I'm pretty sure I speak for all of the Commissioners here that this is a really hard situation. You've been through a lot, you have reason to be angry.

And so I think there's two levels that I want to pursue in terms of questions, one is around the safety of this proposal. And the other is around the disclosure of the root cause analysis, which Commissioner McAllister was also pursuing.

And I heard Geoff our staff person, Geoff Lesh, has really clarified I think more clearly than I saw on any of the written documents that the issue of the explosion was the result of the steam turbine most likely. And that it wasn't the gas turbine that was the root cause. Or I should be careful to say likely not the root cause.

But I would like to hear Calpine also speak to this issue, because I think that it's one thing to hear our staff person say it. It's another for the facility to give us and the community some more information about what is presumed to be the root cause without recognizing that yet we don't have a report.

MS. MCBRIDE: Yeah, I mean I can answer that briefly with like I said before we are in the midst of the root cause analysis. We do not know right now what the root cause of the steam turbine failure was. We can assure you it had nothing to do with the gas turbines. But we are
looking to see what that root cause was that occurred with
the steam turbine. And that'll be this summer, late
summer, early fall will be completed. And it will be
shared with the staff.

COMMISSIONER MONAHAN: Thank you, I mean one
comment that I have felt some frustration with the document
so far presented for us to be able to make this decision,
is that nowhere was that stated very clearly. That just
sort of a clear statement around separating the gas turbine
from the explosion that occurred in the steam turbine. I
couldn't find it very clearly articulated in any of the
documents that I reviewed, so that may have made our
decision-making more challenging.

MS. MCBRIDE: And I apologize for that.

CHAIR HOCHSCHILD: Thank you, Commissioner.

I do have a few comments or some questions
(Overlapping colloquy.) I’m sorry, were you --

COMMISSIONER MONAHAN: Yeah, I’m not done yet.

So I wonder, Barbara, can you clarify if we were
to approve it when the facility would actually be
operating? I know it was two weeks to do the actual
construction, but do you have a sense for how long it would
take for the facility to actually produce electricity?

MS. MCBRIDE: Under just simple-cycle

configuration? Yeah we're looking at some time in August,
either early or to mid-August.

COMMISSIONER MONAHAN: Thank you.

And I guess one last comment I’ll make before passing it on to the Chair is this community is a disadvantaged community according to the CalEnviroScreen and the criteria we use is 75 percent or higher. And that also is, I think, a factor that we need to consider as we ponder our decision is that this is a community already impacted by pollution and other challenges. And it makes us -- I think we just need to be mindful that this is -- we don’t want to continue this history of adding pollution burden to disadvantaged communities and safety burdens. So that’s just something I think in the back of our minds that we should be thinking about as well.

CHAIR HOCHSCHILD: Thank you, Commissioner. Was that everything? Great, thank you, Commissioner, for those comments.

I’ll just share a few thoughts. And first just to state the obvious, this incident is unacceptable. It’s --

(Technical difficulties - audio cuts out.)

COMMISSIONER MONAHAN: Chair, we’re having some -- we can’t hear you, you’re frozen on the screen.

COMMISSIONER MCALLISTER: You froze up, Chair Hochschild.
MS. GALLARDO: This is Noemi, the Public Advisor. I will try to get him on the phone. In the meantime Commissioner Douglas, do you (indiscernible). Oh, he’s back.

CHAIR HOCHSCHILD: (Indiscernible.) Can you hear me now okay?

MS. GALLARDO: Yes, we can.

CHAIR HOCHSCHILD: Okay, I’ll just do this off-video for a minute.

No, just to say this incident is unacceptable for the state, for the community of Hayward and for any community. And it's obviously a big black eye on Calpine and the company. And so what I’m looking for, for one thing, is just a change in the preventive maintenance protocols. With Calpine as a company, you know, I would like to hear specifically on that for steam turbines what else you're planning to do for your whole fleet on this issue.

And then secondly, because we are lucky that no one was killed or injured. When you have 50-pound pieces of metal flying around that is a dangerous thing. And so this very easily could have resulted in injuries or fatalities.

And then secondly, Barbara, I heard you say you work really well with the Fire Department of Hayward. And
I just heard from the Chief just the opposite. And being transparent about the risk and the issues there, I would like to hear specifically what your plan is in terms of being proactive on the average. So those are my questions to Calpine.

I did also want to say we are balancing many competing threats right now. There's obviously concern about the local safety issue. For myself I am confident in what I've heard is that it's the risk being in the steam turbine, that that really is the issue and that's not the segment of the plant we're talking about getting going again. But there are also health issues around grid reliability in the northeast. We saw over 100 people, well over 100 people died in the heat wave in Oregon and Washington in the past weeks. And so we're obviously in a very tough summer that way. And this is an important resource for the moment.

You know, long term I think today's conversation highlights the need to move more swiftly to clean energy where the risks are lower. We're not there yet. We're in a very tough kind of between a rock and a hard place. And so the immediate grid reliability need is very significant and so we're having to balance these things.

But let me, if I could, just hear from Calpine directly on the questions I asked about preventive
maintenance protocol, and specifically communication safety and communication commitments going forward with the Hayward Fire Department.

MS. MCBRIDE: On your first question we will take the results of the root cause analysis and we will, obviously once we determine what the corrective actions are, share that with our entire fleet. And if maintenance procedures need to be adjusted, need to be modified, based on those corrective actions we will definitely do that. And that will be a fleet-wide program. We do have a central engineering group that does do that. And so that is their prime purpose to ensure that maintenance is done correctly and effectively. And so we will share that with the rest of our fleet.

I think your next question was working with the Hayward Fire Department. Yeah, we had been working with the Hayward Fire Department in the past. We do do quarterly drills currently. We do notify them that we're doing the drills. And so we will in the future ensure that we actually invite them and request that they participate in our drills.

During our construction of our Black Star project that occurred last year I thought we had a great working relationship with the City of Hayward Fire Department. I thought that was a great example of how interagency working
groups can work together. We had the CEC as a facilitator, we had the CBO was part of that group. We had the Hayward Fire Department. We even had the Orange County Fire Department working together to come up with solutions for fire protection and safe operation for that, for the installation of the battery storage facility that we have at Russell City, so I thought that was great.

So I look forward to doing that in the future more with the City of Hayward.

CHAIR HOCHSCHILD: Okay, thank you.

With that this is what I’d like to propose.

Commissioner Douglas, if we could turn to you if you would like to make a recommendation and if you have any additional amendments to what you articulated. And then let's get feedback from our fellow Commissioners on that and then we can make a decision.

COMMISSIONER DOUGLAS: Thank you, Chair Hochschild. What I heard was a number of thoughts, particularly from Commissioner McAllister in terms of potential modifications to the order. I think that in concept I think his suggestions are really helpful.

What I might recommend at this juncture is that the Commission consider a brief closed session where we give the Legal Office an opportunity to provide us with some drafting and ensure that they are suitable.
CHAIR HOCHSCHILD: Okay, let's do that. Why don't we go into closed session?

MS. BARRERA: If I may, Chair, and Commissioner Douglas? We are unable to convene a closed session, because we didn't notice that in agenda.

COMMISSIONER DOUGLAS: Oh. Okay.

CHAIR HOCHSCHILD: Oh, right.

MS. BARRERA: Yeah, so that being said I have already provided some language based on the conversations and comments we've heard. And I (indiscernible) Commissioner McAllister, so I believe that he might be ready to (indiscernible) make that recommendation.

COMMISSIONER DOUGLAS: Well, then please share, Commissioner McAllister.

MR. HARRIS: Hey, Commissioner? Commissioners, this is Jeff Harris --

COMMISSIONER MCALLISTER: Yeah, go ahead then.

MR. HARRIS: -- on behalf of Calpine. We have authority to move forward with the current order. We've taken it through our process. So if there's going to be changes proposed we actually are going to need to see those, so I can have the authority to move forward with this petition. So if it can be provided to us in the writing. I actually think the issue though is that the type of authorities that were set forth by the Commissioner
are already existing authorities. And I guess I would lean on the Chief Counsel to consider that thought, that there isn't anything that will be unique or created by this order that you don't already have. And I'm not giving you the Ruby Slippers Defense here, but you already do have these authorities.

And so from a procedural perspective we're going to need some time if the order changes to go back and talk with our folks and make sure that we have the authority to proceed. We have third parties we have to worry about as well, so that's that'd be my request that the Chief Counsel examine your existing authorities and decide whether those are actually necessary to change the order. And if there is a decision made that that order needs to be changed, that we be given a red line and an option to look at that. So that's our request going forward.

COMMISSIONER DOUGLAS: Mr. Harris, it's a reasonable request that we provide in advance to everybody a chance to see the language if we choose to contemplate changes.

Commissioner McAllister?

COMMISSIONER MCALLISTER: Yeah, I guess so, Mr. Harris. I'm wondering what, when -- is that authority Capital A or small a? It sounded like you needed to take back any changes to Calpine authority. Whereas I'm looking
to include a couple of provisions in the proposed order that we would adopt today, if we choose to vote on it. That surface to make more explicit some of the issues that we've heard concerns about today, to make it actually public in the adopting order here. So I think whether or not -- so it clearly would be within our existing authority to do that.

And what I’m looking to have as a bit more transparency and direction on the record to Calpine in their implementation of this order if we adopt it. So I’ll look to the Chief Counsel to give us a framework just to ensure that that's an acceptable process.

MS. BARRERA: One thing that I would suggest, Mr. Harris, is that Commissioner McAllister be able to present what those modifications are. And they are not expensive, so it would be, I think it would be beneficial for you and your client to hear what those are. And then we can give you an opportunity to speak and react to it.

MR. HARRIS: Okay. Let me respond to the Commissioner’s question if I could? When I use the word “authority” I used it in two senses: that the big A is the WA, the Warren-Alquist Act, what are your authorities there. My point there is simply that you already have the authorities that were articulated in terms of oversight and involvement with the Fire Department. So those authorities
do exist.

In addition to that, we at Calpine have authority from our board and from our lenders, to proceed with the order that was published in advance of this hearing. And I don't have my small a -- not Warren-Alquist A -- the small "a" authority to proceed with changes to that order.

And maybe the changes will not be significant, but I am going to need the opportunity to see those. And try to clarify that we have the authority internally to proceed and don't need to withdraw the petition. So that's why I'm going to need some time. So, Commissioner, does that answer your questions thoroughly?

COMMISSIONER MCALLISTER: Certainly. I don’t know if any other Commissioners want to opine here, but I -

CHAIR HOCHSCHILD: Commissioner McAllister, could you just read the language?

COMMISSIONER MCALLISTER: Yeah, exactly. I think let’s not debate theoretically language, let's just get the language out there. So to the Energy Commission findings I would propose that we add a bullet point and that is, “It is prudent for the CEC to exercise enhanced scrutiny over the facility given the circumstances that gave rise to the petition. And it is reasonable for the public to have access to the safety audits conducted pertaining to the
operation of the facility, including the circumstances that
gave rise to the petition.” That is one.

And then to the conclusion and order there are a
number of changes and I’ll just read the conclusion in
ordering paragraph, as I would propose it, if that's okay
with you Chief Counsel.

MS. BARRERA: Yes.

COMMISSIONER MCALLISTER: Okay, so here is the
proposed conclusion and order.

“The CEC hereby approves the petition for
modification, allowing for the facility to operate in
simple-cycle mode as set forth in staff’s analysis and
adopts the draft order with the following modifications.
The Applicant must submit to the CEC a safety audit fully
identifying the circumstances that gave rise to the
petition. That if the CEC determines that any of the
information in the audit should not be released under
applicable law, the Applicant must submit a public version
of this report that omits only the confidential portion of
the audit report. The Applicant must within 10 days of
this order identify all additional safety measures it is
taking and report back to the CEC on the status of the
implementation of its safety measures on a monthly basis.
The Applicant must also allow the City of Hayward’s fire
department to periodically inspect the facility to ensure
safety requirements are met and shall be responsible for
the associated costs of those inspections."

So that's what I have.

MR. HARRIS: Yeah. Thank you, Commissioner, I’d
request that maybe we’d need a red line with that from the
Chief Counsel, that I can then take back to our folks. And
determine whether that's a substantive change in the
(indiscernible) the scope of our existing authorities or
whether we need additional authority.

CHAIR HOCHSCHILD: Let me just -- for again for
grid reliability I’m interested to not delay on the stuff
that we are able to do.

MR. HARRIS: I agree.

CHAIR HOCHSCHILD: One (indiscernible) would be
the following, that we hold this item for the moment, get
through the rest of our agenda. And, Jeff, you can review
that with whoever you need to and then we'll take it up
later in today's agenda. Would that be sufficient for you,
because it's not -- the language is not that involved.

MR. HARRIS: Yeah, I took notes vigorously and
I’d definitely like to see it. So yeah that would work
great. Can we move the item just to the end of the agenda?

CHAIR HOCHSCHILD: Sorry, before we do that,
Commissioner Douglas, does that language work for you and
are there any other changes or edits you would make to what
you heard?

COMMISSIONER DOUGLAS: I’m supportive of the language. I do want to hear what Calpine comes back with in terms of if their review reveals a concern I’ll want to hear what it is. But from what was read I think it sounds fine.

CHAIR HOCHSCHILD: Okay.

COMMISSIONER DOUGLAS: And I do want to note, Mr. Harris said that we have a lot of authority already in our compliance process and we absolutely do, and we will exercise them. And I don’t think you have to say in writing in an order that a project that had an incident like this occur will get some extra attention when we look at the root cause report and when we think about safety measures that are proposed. That’s naturally and obviously the case, so I don’t see --

And that said, I understand Commissioner McAllister’s desire and interest to spell that out. So that’s satisfactory to me. But I would like to hear what Calpine has to say about the language.

COMMISSIONER MCCALLISTER: So just quickly, I think partly this is to surface some of these issues and give some public messaging of the fact that we will do these things. Certainly, we have the broadest authority already. But part of the issue as we heard from the public
is that they want to be sure that all the relevant authorities will be brought to bear and there's access, both at the local and state level and that those things are actually happening. And so I think that conveying that to the public is important in the order, even if it's firmly within our existing authority. That's the idea. So thank you for that.

CHAIR HOCHSCHILD: So if that works for everyone, what I would propose we do is share that language. And then take this item -- we'll hold on this and turn Item 4. And take this item up again for possible consideration and vote after Item 9. Does that sound okay?

COMMISSIONER MONAHAN: How will this be shared? What's the process for that? Will it be posted on our website or --

CHAIR HOCHSCHILD: I think, to the relevant listener.

COMMISSIONER DOUGLAS: Yeah, can it be docketed?

CHAIR HOCHSCHILD: Yes. Yeah we'll just do it. I mean, the language is done, right?

MS. BARRERA: Yes, I'll proceed to work with our docket server to file it as soon possible.

(Overlapping colloquy.)

COMMISSIONER MCALLISTER: I appreciate, very much appreciate the Chief Counsel's Office for that. Thank you.
COMMISSIONER MONAHAN: Would it be possible for Fire Chief Contreras to be able to comment as well?

CHAIR HOCHSCHILD: We will take public comment again before we vote, yeah. Thank you.

MR. HARRIS: So, Commissioner, are you -- sorry, Mr. Chairman, are you anticipating a time, a specific time for this to come up? Or is it just after Item 9? It would be helpful to know.

CHAIR HOCHSCHILD: So I’m looking at that -- I don't think we will take that long, but you never know. So I’ve been wrong on that before. So I apologize, I think that's the best we can do. We're going to move as expeditiously as we can.

Does that sound okay to everyone?

COMMISSIONER DOUGLAS: Yes.

CHAIR HOCHSCHILD: Okay, yeah.

COMMISSIONER DOUGLAS: Mr. Harris, if you're having -- if we move fast for some reason and you're having great difficulty and need more time please just communicate that to the Chief Counsel's Office. And if we have to set a time we could consider that, but if you could try to be ready with a response by the time we finish Item 9 that would be great.

CHAIR HOCHSCHILD: Okay.

MR. HARRIS: We will work as expeditiously as we
CHAIR HOCHSCHILD: Okay. Thank you, Mr. Harris, thanks everyone. We'll come back to that after Item 9. And we'll put this item on hold.

Let's turn now to Item 4, Appliance Efficiency Regulations for Portable Electric Spas. Let's turn now to Jessica Lopez.

MS. LOPEZ: Hi. Good Morning, Chair, and Commissioners. My name is Jessica Lopez an engineer with the Appliances Office in the Efficiency Division. Also joining me is Michael Murza from the Chief Counsel’s Office. And Corrine Fishman from the Efficiency Division. Today I am seeking approval to adopt amendments to Title 20 appliance efficiency regulations for portable electric spas. Staff also proposes the adoption of the finding that the proposed regulations are exempt under the California Environmental Quality Act. Next slide, please.

California was the first state to adopt appliance efficiency standards for portable electric spas and industry recognized the need to align with California. Several states and Washington D.C began to issue proposals to add or amend their regulations to adopt the 2019 version of APSP-14. That includes: Connecticut, Hawaii, Illinois, Maine, Massachusetts, Oregon, Pennsylvania, Rhode Island, and Washington DC. Oregon is one of the first states to
adopt, going into effect January of 2022.

California continues to lead the way creating opportunities for other states to easily adopt, saving more energy and curbing tons of pollution thanks to our partnership with industry.

Also moving from California specific regulations to universal requirements reduces consumer and retailer labeling confusion and eases compliances for manufacturers wishing to comply with standards in multiple states. Next slide please.

The purpose of this rulemaking was to modify existing regulations to update the test procedure reference and labeling design requirements to align with the industry standards. These updates will not affect existing performance efficiency standards.

Staff found that the proposed regulations are exempt under CEQA. And no comments of opposition were received during the 45-day public comment period and at the public hearing. Next slide, please.

The CEC has a collaborative partnership with stakeholders in the spa industry, dating back as early as 2004 when the first set of spa standards were established in California.

In April 2018, the CEC adopted changes to Title 20, amending the appliance efficiency regulations for
portable electric spas. These amendments were based on the 2014 version of the industry standard APSP-14, were modified to exceed the requirements specified or to add clarification.

These modifications included an expanded scope, more stringent efficiency standards for standard, exercise, and combination spas, a separate efficiency standard for inflatable spas, test procedure modifications to accommodate the expanded scope of products, additional test lab report requirements to verify compliance, and a standardized labeling requirement to help consumers make informed choices.

Following the 2018 adoption California was invited by industry to work on revising the 2014 version of APSP-14 to incorporate California’s recently adopted amendments to portable electric spas.

The revised standard was published in 2019 and aligns with California’s efficiency standards for portable electric spas in effect today. Next slide, please.

In this rulemaking, we are proposing to update the test procedure reference from the 2014 version of APSP-14, with modifications to the 2019 version of APSP-14 with no modifications, as shown on left, which includes simplifying the certification process for test laboratories and clarifying labeling instructions.
And then amending the label design from a California-specific label to a universal label, as shown on the right. That includes removing “California” from the title and removing all references of California regulations in the text.

The California specific label design requirement has the unintended consequence of creating confusion among consumers and retailers, as well as creating unnecessary work for manufacturers wishing to comply with California’s labeling requirements and those of other states. In response to the labeling differences we recommend that California’s portable electric spas regulations be updated, so the test procedure reference and the label design requirements move toward universal requirements that will harmonize with other states.

The proposal also includes editorial changes to simplify the structure of existing regulations for portable electric spas. Next slide.

In conclusion, I ask the Commission approve the proposed amendments for portable electric spas and the finding that these amendments are exempt from CEQA. Thank you and that concludes my presentation.

CHAIR HOCHSCHILD: Thank you, Jessica, for all your work and your team's.

Let's turn now to public comment on Item 4.
MS. GALLARDO: This is Noemi Gallardo, the Public Advisor. A reminder for attendees if you would like to make a comment, please use the raised hand feature. There's an icon, it looks like a high-five on the screen. If you are on by telephone, please press *9 to indicate you would like to make a comment and *6 to unmute.

At this moment, I am not seeing any hands for comments. So last chance attendees, if anyone would like to make a comment, please use the raised hand feature.

All right, Chair, I see no hands. So I’ll go back to you. Thank you.

CHAIR HOCHSCHILD: Thank you. And let's move to Commissioner discussion. Just with this and the rest of the agenda, if we can keep it as expeditious as possible, that would be much appreciated. Let’s start with Commissioner McAllister. Thank you.

COMMISSIONER MCALLISTER: This is an easy one to expedite. I think this is very straightforward. I think it’s demonstrative of California’s leadership and appliance efficiency and the fact that other states really do look to us for helping facilitate these conversations and really moving the needle on federal, on nationwide markets in coordination with federal discussion.

So Jessica and team thank you so, so much, Michael and CCO’s office, for navigating these changes and
being responsive to industry desires and needs. It’s exactly what we should be doing. So I have no qualms about this item and staff, and very much support it. So I’ll move Item 4 if that’s okay.

CHAIR HOCHSCHILD: Okay, unless there's other discussion is there a second for Item 4? Commissioner Douglas would you be willing to second Item 4?

COMMISSIONER DOUGLAS: Yes, second.

CHAIR HOCHSCHILD: All in favor say aye

CHAIR HOCHSCHILD: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

CHAIR HOCHSCHILD: Commissioner Douglas?

COMMISSIONER DOUGLAS: Aye.

CHAIR HOCHSCHILD: Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

CHAIR HOCHSCHILD: And I vote aye” as well.

Commissioner Gunda had to step out to attend the meeting.

That item passes 4-0.

Let's turn now to Item 5, Blueprints for Medium and Heavy-Duty Zero-Emission Vehicle Infrastructure.

MS. REID: Good afternoon, Chair and Commissioners. My name is Kate Reid, Air Resources Engineer with the Fuels and Transportation Division’s Freight and Transit Unit. We’re seeking approval today for nine agreements resulting from the “Blueprints for Medium
This solicitation was released in July 2020. $3 million was available to fund planning blueprints to identify actions and milestones needed for implementation of medium- and heavy-duty zero-emission vehicles and the related electric charging and/or hydrogen refueling infrastructure. A minimum of $1 million of total funds was set-aside for public entities. Subsequently, the Energy Commission increased the total funding to approximately $5.6 million, which allowed all public entities with a passing score to be funded.

Under this solicitation, 28 projects were proposed for award. And today I will be presenting 9 of those projects, and the remaining 19 will be presented at later Business Meetings. Next slide, please.

The proposed projects will create roadmaps for large-scale infrastructure projects, plan for resiliency, and provide best practices and key lessons learned for future replicability at other private and public agencies. These blueprints will also help other agencies and fleets understand which technology may work best for their applications, routes, and driving environments, which will ultimately accelerate meeting California’s goal of transitioning medium- and heavy-duty trucks and buses to...
zero-emission by 2045. Next slide, please.

The first proposed agreement is with East Bay Community Energy. This project is to develop a blueprint for zero-emission vehicle infrastructure for Class 3 through 8 trucks for goods movement in Alameda and San Joaquin Counties. This plan when implemented will benefit disadvantaged communities in the proximity of the I-80, I-580, and I-880. Next slide please.

The next proposed agreement is with the Center for Transportation and the Environment. This project is to develop a blueprint for installation of infrastructure to support 24 battery-electric school buses with the Stockton Unified School District. This project is located in, and will benefit surrounding disadvantaged communities. Next slide, please.

The next proposed agreement is with Ontario International Airport Authority. This project is to develop a blueprint for installation of infrastructure that will support replacing approximately 300 medium- and heavy-duty ground support vehicles currently operating at Ontario International Airport. Ontario International Airport is located in a low-income, disadvantaged community. Next slide, please.

The next proposed agreement is with Los Angeles Cleantech Incubator. This project is to develop a
blueprint for heavy-duty charging depots adjacent to the I-710 freight corridor to support battery-electric trucks serving the San Pedro Bay Ports. Disadvantaged communities surrounding the San Pedro Bay Ports and the I-710 corridor will benefit from implementation of this blueprint. Next slide, please.

The next proposed agreement is with STC Traffic. This project is to develop a blueprint for zero-emission vehicle charging for the San Diego freight and goods movement community with a specific focus on Independent Owner Operators. The project team will incorporate and address the needs of the disadvantaged communities and address the number of benefits that can accrue from strategically siting zero-emission vehicle infrastructure. Next slide, please.

The next proposed agreement is with United Natural Foods. This project is to develop a replicable plan where geography, route structure, and incentives are especially favorable to electrification of their 12 distribution centers and/or warehouses located throughout California. United Natural Foods anticipates that the implementation of the blueprint will provide direct, meaningful, and assured benefits to surrounding disadvantaged and low-income communities. Next slide, please.
The next proposed agreement is with Kern Council of Governments. This project is to develop a blueprint that will identify major gaps in infrastructure for zero-emission trucks and buses and identify a set of high-impact shovel-ready infrastructure projects.

The majority of Kern County qualifies as Disadvantaged Area Communities and will benefit from implementation of this plan. Next slide, please.

The next proposed agreement is with San Francisco Department of the Environment. This project is to develop a blueprint for charging infrastructure to serve all medium- and heavy-duty zero-emission vehicle fleets, particularly those with fewer than 50 vehicles such as the city’s own fleet and other local commercial fleets. Next slide, please.

The final proposed agreement is with Grossmont Union High School District. This project is for the development of a blueprint for the full transition of the school district’s 67 diesel-fueled school buses to a fully electric fleet. The students as well as the disadvantaged and low-income communities in the district will benefit from implementation of this project. Next slide, please.

Staff recommends approval of these nine grant awards and adoption of staff’s determination that the projects are exempt from CEQA. Additionally, there are
several representatives from the proposed recipients on the call, who would like to provide public comments. Thank you all for your time and consideration of these items. And I’m available for any questions.

CHAIR HOCHSCHILD: Thank you so much.

Let’s turn now to public comment on Item 5.

MS. GALLARDO: This is Noemi Gallardo, the Public Advisor. A reminder for the attendees to use the raised hand icon to indicate you would like to make comment. I do see we have at least three speakers with raised hands. The first one is Jessie Denver. Jessie, a reminder to please spell your first and last name, indicate your affiliation, if any. Your line is open, unmute on your end and you may begin.

MS. DENVER: Hi, thanks so much. My name is Jessie Denver, J-e-s-s-i-e D-e-n-v-e-r, and I’m with East Bay Community Energy. And East Bay Community Energy is really grateful to the CEC for selecting our team for this opportunity.

As a load-serving entity in Alameda County, and the City of Tracy and neighboring San Joaquin County, our surface area is among the most strategic trade locations with connections to regional, state, national, and international markets. And Alameda County itself provides the majority of fundamental goods movement infrastructure
in Northern California, including the Port of Oakland, Oakland International Airport and major logistic hubs up and down the I-80, I-880 at from Hayward down to Fremont, out by I-580, out into the Tri-Valley, and all the way into Tracy connecting to the I-5.

EBCE service area also has the highest volumes of truck traffic in the Bay area due to the major freight corridors. And this ecosystem is key to the county's economy, with 30 percent of employment coming from goods movements from independent industries.

When fully implemented, our blueprint will ensure that we establish Alameda County and the City of Tracy as a first-mover market for zero-emission goods movement and put EBCE’s service area on track to eliminating emissions from the movement of goods all together. This will be a major step in creating healthier communities, especially for our frontline residents, frontline community residents, who have a legacy and disproportionate burden to air pollution.

So on behalf of East Bay Community Energy and our entire project team and community thanks again for this opportunity. We're really looking forward to collaborating with the CEC.

CHAIR HOCHSCHILD: Thank you, Jessie.

Let’s go to our next couple of public commenters. Just brevity is really appreciated since we're pressed for
time on a couple items, so thank you.

MS. GALLARDO: Next commenter is Nicole Walker.

And Nicole, your line is open, you may begin. A reminder to unmute on your end, Nicole. All right, Nicole, is not responding at this time. Nicole, are you able to begin?

(No audible response.)

Okay. We will go on to the next speaker who is Jack Symington. Jack, a reminder to please spell your last name, indicate your affiliation if any, and unmute on your end. Your line is open. You may begin.

MR. SYMINGTON: Hi, my name is Jack Symington. That’s J-a-c-k S-y-m-i-n-g-t-o-n. I am with the Los Angeles Cleantech Incubator. Certainly, I would thank the staff for recommending our blueprint to the Board for approval.

San Pedro Bay Ports and the I-710 are one of the more heavily polluted corridors in the state and the country, serving as the backbone of trade and goods movement up in the region. And we look forward to implementing this blueprint, which will provide not only a geographic blueprint for where infrastructure can ease any concerns of operators about a lack of charging, but also provide a financial blueprint for understanding how investment can come into this space to accelerate the adoption of zero-emission drayage trucks. Thank you.
MS. GALLARDO: Thank you, Jack.

Our next speaker is Nicole. I see you have two lines, I’m going to open both of them so that you can speak. Make sure to unmute on your end.

MS. WALKER: Hello, my apologies for that. The Internet is kind of going in and out on the first line, so I decided to call in. Thank you so much for allowing me to speak. On behalf of the Ontario International Airport Authority we want to thank the Commission for providing our organization with this grant for this very important project. We value the commitment of the California Energy Commission in supporting these endeavors.

Ontario Airport will use this grant to create a zero-emission blueprint that will allow OIAA, or Ontario International Airport Authority, to develop a plan for the needed infrastructure and purchase of appropriate VE medium- and heavy-duty vehicles. Create a formal document and roadmap to reduce its carbon footprint, and establish a strategy moving forward with document infrastructure planning documents that will allow our organization to seek further grant funding from other non-FAA agencies.

Additionally, we are in the process of ordering electric buses and exploring supporting infrastructure. This grant will help us to identify the feasibility of additional ways to electrify Ontario International Airport.
Authority and its surrounding uses.

And I’m sorry I forgot to do this in the beginning, but my name is Nicole Walker, N-i-c-o-l-e W-a-l-k-e-r and I am the Environmental Planning Manager for the Ontario International Airport. Thank you so much.

MS. GALLARDO: Thank you, Nicole.

Chair that was the last hand, so I’ll turn it over to you.

CHAIR HOCHSCHILD: Thank you. Great, thank you everyone.

Let’s turn now to Commissioner discussion, led by Commissioner Monahan.

COMMISSIONER MONAHAN: Well, first I want to thank Kate Reid and the team in the Freight and Transit Unit for their work. This is really important to be able to focus on what is the source of smog-forming NOx and toxic-diesel pollution, diesel vehicles, whether they’re on the road or off the road. It takes good planning to be able to capitalize on the opportunity to zero out emissions from this critical sector.

And I really appreciate that the team has expanded access to make sure that all the public entities were funded and are able to do good planning to be able to support this transition. So I strongly support this series of planning grants. As well we’ve heard time and again
from our advisory committee and others that good planning
is key to be able to capitalize on this opportunity.

CHAIR HOCHSCHILD: Under this agreement, with
that Commissioner Monahan, fantastic work to you and the
whole team and I’m in full support. Unless there are other
Commissioner comments on these, would you be willing to
make the motion?

COMMISSIONER MONAHAN: I move to approve Item 5.

CHAIR HOCHSCHILD: Okay. Commissioner
McAllister, would you be willing to second?

COMMISSIONER MCALLISTER: Second Item 5.

CHAIR HOCHSCHILD: Okay. All in favor say aye

CHAIR HOCHSCHILD: Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

CHAIR HOCHSCHILD: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

CHAIR HOCHSCHILD: Commissioner Douglas?

COMMISSIONER DOUGLAS: Aye.

CHAIR HOCHSCHILD: And I vote aye as well. That
item passes 4-0. Commissioner Gunda, had to step out.

Let’s turn now to Item 6, BESTFIT Innovative
Charging Solutions.

MR. ALEXANDER: Good afternoon, Chair and
Commissioners, I’m Matt Alexander. I am an Air Pollution
Specialist in the Fuels and Transportation Division, and
work in the Advanced Vehicle Infrastructure Office. Today I will be presenting several proposed agreements from our BESTFIT Innovative Charging Solutions solicitation. Next slide, please.

The headline for this item is innovation. This solicitation sought projects that would develop and accelerate the commercialization of truly innovative technologies and business models to add to the state’s portfolio of charging solutions for electric vehicles.

California is so diverse that there is no silver bullet, one-size-fits-all charging solution for EVs. California’s aggressive transportation electrification goals will encompass a diverse selection of EVs and use cases, such as charging for multi-family renters, charging in grid-constrained regions, and growing services such as rescue and emergency charging. This variety of use cases will require tailored, customized solutions.

The proposed agreements I will present bring numerous benefits through their innovations, including boosting driver confidence in transitioning to an EV, lowering the cost of charging and installation, minimizing grid impacts, and improving equitable access to charging. Next slide, please.

Funding for this solicitation was split between light-duty projects and medium- and heavy-duty projects.
However, today I will only be presenting the five proposed light-duty agreements. Three proposed medium- and heavy-duty agreements will be presented at a later Business Meeting. Next slide, please.

The first proposed agreement is with HummingbirdEV, who will develop and deploy a vehicle-to-vehicle mobile charging solution. The mobile charger will be integrated with an all-electric Class 5 truck. And HummingbirdEV will partner with AAA Northern California to deploy two mobile chargers, one in Oakland and the other in San Leandro.

This project will develop a vital service for the EV market and lead to key benefits such as rescuing stranded EVs, reducing range anxiety for drivers, and avoiding expensive towing services. Next slide, please.

The next proposed agreement is with EVmatch, who will install 120 shared, reservable Level 2 charging stations on multi-family properties. EVmatch’s innovative software manages charger reservations, payment processing, access control and more, making these chargers easy for tenants and operators to use and manage.

By deploying their business model at scale through this project, EVmatch strives to provide the lowest cost charging solution for multi-family housing, accelerating equitable EV adoption by providing critical
home-charging infrastructure. Next slide, please.

The next proposed agreement is with FLO Services, who will install EV chargers at seven curbside locations that use existing power. Two of these sites will be located at Santa Monica College and demonstrate projects that use street poles and transformers. The other five sites will be located in Huntington Park and demonstrate projects that use underground vaults and street lights.

This project aims to establish a standardized installation and permitting process to minimize installation costs and grid impacts by using available excess power capacity on existing utility infrastructure. Furthermore, the curbside charging will aim to increase access for those without home charging. Next slide, please.

The next proposed agreement is with PowerFlex Systems. This project has similar benefits as the previous one, but achieves these in a completely different way using automated load management and battery storage to minimize installation costs, grid impacts, and charging costs.

These chargers will be available to a diverse group of drivers at UC San Diego including staff, visitors and medical patients, fleet and TNC drivers, and the general public.

In particular, this project aims to provide a
low-cost solution that can offer an affordable and reliable charging option for drivers without access to home charging. Next slide, please.

The last proposed agreement is with Rhombus Energy Solutions, who will develop and demonstrate a mobile charging solution that will integrate an electric utility van with a variety of innovative technologies. These include a rooftop solar system, a second-life battery storage system, and silicon carbide semiconductors that reduce the size of the charging system while increasing efficiency.

This project will be based in Chula Vista and demonstrate a flexible charging solution capable of serving a variety of use cases, including emergency dispatch and carbon-free public charging. Next slide, please.

Staff recommends approving the five proposed agreements discussed today. In addition, staff recommends adopting staff’s determination that this action is exempt from CEQA.

This concludes my presentation. Thank you very much. And we have several representatives from the proposed recipients on the line to provide comments.

CHAIR HOCHSCHILD: Thank you so much, Matt.

We’ll turn now to public comment. Again, I’d remind the speakers brevity is greatly appreciated. We're
under kind of a time crunch today. Thank you.

MS. GALLARDO: This is the Public Advisor. I will call on speakers one by one. First is Byron Washom. Byron, a reminder to spell your name, indicate your affiliation if any. Your line is open, unmute on your end and you may begin.

MR. WASHOM: Good afternoon, this is Byron Washom, B-y-r-o-n W-a-s-h-o-m. I’m the Director of Strategic Energy at UC San Diego. And I do want to thank you for this opportunity of funding, because it really is the consummate next major phase of our electrification of transportation as a pioneer. We're currently the largest public workplace EV charging hub in the entire County of San Diego. We have 13 different types of chargers on campus and they have disbursed over 2.4 gigawatt hours in the last 4 years.

What this project brings is really a collection of very aggressive compact solutions to a complex challenge that were mentioned earlier by Matt. But I’d like to point out the importance of adjustable load management, which delivers as demand flexibility. As well as the fact we intentionally moved this project off campus, off of our micro grid. So that both SDG&E, the industry, and the public would have the experience of realizing the absence, or the lack of need to do expensive utility upgrades in
order to put in -- excuse me, a project of this size.

And then finally with the funds and the 10 Nissan Leafs that were recently donated by the CEC to the university, they will be used to provide ride-and-drives for about a one-week experience towards (indiscernible) --  

(Technical audio difficulties.)

MS. GALLARDO: Byron, this is the Public Advisor. Your audio is breaking up.

MR. WASHOM: -- (indiscernible) Yeah, okay.

I would just like to conclude this has so many ingredients of what is next for this state and country. We have nicknamed this project “The Burrito Grande.” So thank you for the opportunity.

CHAIR HOCHSCHILD: Yeah.

Hey Noemi, I’m sorry but let's go to one-minute public comment for here, for the meeting, because I have a press conference with Secretary Crowfoot coming up shortly, so if we could just go to one minute that would be great.

Thank you.

MS. GALLARDO: Will do, Chair, thank you.

All right, the next speaker is Heather Hochrein. Heather, your line is open, you may begin.

MS. HOCHREIN: Hi, my name is Heather Hochrein. That's H-e-a-t-h-e-r H-o-c-h-r-e-i-n. I’m the founder and CEO of EVmatch. And EVmatch is grateful to the CEC for
selecting our BESTFIT innovative charging project for funding. Through this funded project, EVmatch will increase access to license the electric vehicle charging infrastructure at multifamily properties in three distinct regions throughout the state.

And we will leverage our new reservation-based sharing software at this property to not only provide efficient carbon access to residents, but also make the chargers available to the public at specified times.

Now we know that multiunit dwellers currently face high barriers to the adoption with limited EV charging access as a key challenge. And so I’d like to thank the Commission for your commitment to increasing access to electric vehicle charging and increasing equitability of our transition to cleaner transportation and energy future.

Thank you for your time, appreciate it.

MS. GALLARDO: Thank you, Heather.

The next speaker is Cory Bullis. Cory, your line is open, you may begin.

MR. BULLIS: Good afternoon, Commissioners, Cory Bullis spelled C-o-r-y B-u-l-l-i-s. I’m a Senior Public Affairs Specialist on behalf of FLO. Also just wanting to express our deep thanks for awarding our grant, this grant to us, and our project partners.

We’d really like to be where we’re planning to
test different deployment scenarios for charging stations in underserved areas, especially residents living in multifamily units. And so it'll give them more access to charging.

There's going to be benefits of minimizing impacts to the grid because we're leveraging existing infrastructure. And certainly the lessons learned from this grant are going to help create best practices that can support more cities doing the same. So thank you, we're very excited to do this project.

MS. GALLARDO: Thank you.

Next speaker is Ed Munar. Ed, your line is open, you may begin.

MR. MUNAR: A good afternoon everyone, this is Ed Munar, M-u-n-a-r. I'd like to take this opportunity to thank everyone from the Energy Commission for granting this award to both Rhombus as well as Smartville. Rhombus is a San Diego-based company, and we look forward to satisfying the requirements of the award. Thank you very much everyone.

MS. GALLARDO: Thank you.

So that was the last speaker on the line. I do have a comment to read from by Rakesh Koneru. That's K-o-n-e-r-u, with HummingbirdEV. I'll keep this one short. This again is Noemi, the Public Advisor, reading for Rakesh
"We thank the Commissioners and selection panel at CEC for supporting EV infrastructure needs, which can help not only alleviate the problems such as charge-as-you-go, it also minimizes the limitations towards EV commercialization. We also thank the CEC for considering the project which particularly helps startups like ourselves to always push the technology to the limit."

That concludes the comment. Chair, back to you.

CHAIR HOCHSCHILD: Thank you so much. First of all, what a terrific and diverse array of strategies in this portfolio, congrats to all the team.

Let's turn to Commissioner discussion,

Commissioner Monahan.

COMMISSIONER MONAHAN: Yeah, well first thanks to Matt and the team of the EV Infrastructure Unit, because this is where a lot -- I don't know, Matt, if you mentioned it, but there were 55 applications in the first round, 31 in the second. So this was like a super-popular one. And as you saw like it's a just a diverse array of projects that will focus on light-duty, but there's also medium- and heavy-duty projects that are going to be coming our way.

And some of these projects have novel elements that really either haven't been done before or haven't been done very extensively like curbside units using the
underground vault. And I think these are really cool projects. I can't wait to see them in action. And yeah, I strongly support this set of grants.

CHAIR HOCHSCHILD: Great. Do you support it so strongly that you'd be willing to make the motion?

COMMISSIONER MONAHAN: I do. I make the motion to approve Item 6.

CHAIR HOCHSCHILD: Okay. Commissioner Douglas, would you be willing to second?


CHAIR HOCHSCHILD: All right. All in favor say aye

CHAIR HOCHSCHILD: Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

CHAIR HOCHSCHILD: Commissioner Douglas?

COMMISSIONER DOUGLAS: Aye.

CHAIR HOCHSCHILD: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

CHAIR HOCHSCHILD: I vote aye as well. That item passes 4-0. Congratulations to all the staff and stakeholders.

Let’s turn now to Item 7, Zero-Emission Drayage Truck and Infrastructure Pilot Project. Marc Perry.

COMMISSIONER MONAHAN: Oh.

MR. PERRY: Yes?
CHAIR HOCHSCHILD: Oh, I’m sorry?

COMMISSIONER MONAHAN: Actually, why don’t you go ahead. I know I have to recuse myself from Item b, but I think I do it after.

CHAIR HOCHSCHILD: Yeah, let’s get through this first. Okay, thank you. Go ahead, Marc.

MR. PERRY: All right. Good afternoon, Chair and Commissioners. My name is Marc Perry and I’m a member of the Freight and Transit Unit of the Fuels and Transportation Division.

Today we are seeking approval for two agreements resulting from the “Zero-Emission Drayage Truck and Infrastructure Pilot Project Solicitation,” one with the South Coast Air Quality Management District and the other with The Center for Transportation and the Environment.

In November 2020, the Energy Commission and the California Air Resources Board released the first-ever collaborative funding opportunity. $24 million was available from CARB for the purchase of zero-emission, on-road, Class 8 trucks, and $20.1 million was available from the CEC for the purchase of fueling infrastructure to support those trucks and workforce training and development. Next slide, please.

The infrastructure that will be deployed as a result of these two projects is expected to support more
than 120 new zero-emission, Class 8 trucks in both Northern and Southern California. Class 8 drayage and regional haul trucks make up a small percentage of total vehicles on the road, but they have a huge air quality impact on communities living and working near heavily trafficked roadways.

The benefits of the proposed projects will extend to several communities beyond the immediate project sites, all of which are located in SB 535 disadvantaged communities and AB 1550 low-income areas. Project benefits will include reduced emissions that will result in increased public health and safety, as well as increased economic development outcomes for the larger community. Additionally, both projects will conduct workforce training and development for truck operators and maintenance technicians.

Furthermore, these projects will show feasibility of large-scale infrastructure projects and will be able to provide best practices and key lessons learned for resiliency and future replicability.

The proposed projects will help other freight transportation fleets that understanding which technology may work best for their particular duty cycles and driving environments, which will ultimately accelerate meeting Governor Newsom’s Executive Order to transition
California’s entire drayage fleet to zero-emission by 2035.

Next slide, please.

The first proposed project is with the South Coast Air Quality Management District, or South Coast AQMD. The goal of this agreement is to design and construct 50 direct current fast chargers to support 100 trucks from fleets in Ontario and El Monte. South Coast AQMD plans to deploy 34 of those chargers for 50 trucks with NFI Interactive Logistics, LLC in Ontario, along with onsite solar power generation and a battery energy storage and management system. Additionally, 16 chargers will be deployed in South El Monte to support 50 trucks with Schneider National Carriers, Incorporated. Next slide please.

The second proposed agreement is with the Center for Transportation and the Environment, or CTE. The goal of this agreement is to install a hydrogen fueling station on East Bay Municipal Utility District property in Oakland to support 22 hydrogen fuel cell-electric trucks operated by Glovis America.

CTE plans to deploy a skid-mounted liquid hydrogen fueling station that will have a storage capacity of 3,000 kilograms and a fueling capacity of about 1,600 kilograms per day.

Based on East Bay MUD’s 2011 Environmental Impact
Report and the 2021 addendum to that Environmental Impact Report which focused specifically on this hydrogen station, staff have determined that the proposed hydrogen fueling station will not present any new or severe environmental impacts to the station location beyond those already considered, and that this action is exempt from CEQA. Next slide, please.

Staff recommends adoption of staff’s determination that the projects are exempt from CEQA and recommends approval of these two grant awards. Jim Impullitti from South Coast AQMD and Jaimie Levin from the CTE have expressed a desire to speak on behalf of their agreements. Thank you all for your time and consideration of these items. That concludes my presentation. I’m available for any questions.

CHAIR HOCHSCHILD: Thank you.

Let's turn now to Item 7 for public comment. And then we'll take up separately Item 7a and 7b.

MS. GALLARDO: This is Noemi, the Public Advisor. We have two hands raised. First will be H.E. Christian. (phonetic) If you could please spell your name, indicate your affiliation and then begin. Your line is open.

MR. PEEPLES: Chair Hochschild and members of the Commission my name is Chris Peeples, C-h-r-i-s P-e-e-p-l-e-s. I’m an elected at-large Director of the Alameda Contra
Costa Transit District, but I’m speaking today on my own behalf.

As you may know, AC Transit has been operating hydrogen fuel-cell buses for about 20 years and has worked extensively with CTE during that process. I would urge you to support the CTE proposal. This will use methane from EBMUD, which otherwise would be vented or burned and will provide fueling for drayage trucks from the port of Oakland which operates in communities of concern that are heavily burdened by air pollution from trucks, trains and buses.

So it’s a great project with a number of huge advantages. One among them is hopefully it will embarrass the American truck manufacturers into getting into hydrogen fuel-cell electric trucks. Thank you.

MS. GALLARDO: Thank you.

Next a comment is by Jaimie Levin. Jaimie, your line is open. You may begin.

MR. LEVIN: Thank you very much. I’d like to -- my name is Jaimie Levin, J-a-i-m-i-e Levin, L-e-v-i-n, with the Center for Transportation and the Environment. I’d like to thank Commissioner Monahan and members of the CEC staff for this, their support.

There are 13 companies and organizations engaged in this project. And while the initial funding was for 22 trucks, with the Legislature and the Governor's support we
expect to deploy 30 trucks, with a 400 to 500-mile range for both short-haul and regional-haul trips.

Looking at the Port of Oakland there are 9000 trucks operating in and out of that port, and this is more than just 22 or 30 trucks. This is about changing the entire industry towards zero emission. We've been working on developing this project for more than two years and we're very excited to begin our work. We thank you for your support.

MS. GALLARDO: Thank you.

Chair, that was the last hand raised. I’ll turn it back to you.

CHAIR HOCHSCHILD: Thank you. We’ll entertain discussion and vote separately for Items 7a and 7b. And we’ll begin now with Item 7a turning to Commissioner Monahan for discussion.

COMMISSIONER MONAHAN: Well, first I want to say with much excitement that the most recent budgets signed by the Governor includes $65 million more for this solicitation, $25 million for the CEC and $40 million for CARB. And this is really cool that CARB and the CEC are working together and providing this kind of seamless experience for the grantee world. It's not easy to do this, so staff deserves a lot of credit, also the CTO’s Office. This took a lot of folks engaged in on our side
and on CARB’s side.

So I’m really excited that this is moving forward, it’s a critical sector. These are trucks that move between like ports and distribution centers. They’re really major polluters along these corridors that impact communities in real world ways.

So I’m excited to support 7a. And I’m not -- I’ll have to step out when we do 7b.

CHAIR HOCHSCHILD: Okay. Thank you.

Unless there's other Commissioner comments or discussion, Commissioner Monahan, would you be willing to make the motion for 7a?

COMMISSIONER MONAHAN: I move to approve 7a.

CHAIR HOCHSCHILD: Okay. Commissioner McAllister, would you be willing to second?

COMMISSIONER MCALLISTER: I’ll second.

CHAIR HOCHSCHILD: All in favor say aye Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

CHAIR HOCHSCHILD: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

CHAIR HOCHSCHILD: Commissioner Douglas?

COMMISSIONER DOUGLAS: Aye.

CHAIR HOCHSCHILD: I vote aye as well. That item passes 4-0.
Let's turn now to Item 7b. Commissioner Monahan --

COMMISSIONER MONAHAN: Oh, and Chair?

CHAIR HOCHSCHILD: Yes?

COMMISSIONER MONAHAN: Can I read just my -- I'm going to read why I need to recuse myself.

CHAIR HOCHSCHILD: And now we'll have Commissioner Monahan read her recusal.

COMMISSIONER MONAHAN: On this item, I will recuse myself from any discussion, consideration and vote on the proposed CEQA findings and the grant award for the Center for Transportation and the Environment’s NorCAL Hydrogen Refueling Station Project.

The Transportation Sustainability Research Center is part of the UC Berkeley’s Institute of Transportation Studies, is a major subcontractor under the proposed grant. The University of California Institute for Transportation is one of the four branches of the UC Institute of Transportation Studies, and I currently a member of the Board of Advisors.

In this role, I do not make governance decisions on behalf of the Institute, but we exist to provide guidance and oversight to the UC ITS programs and its four branches.

Additionally, I don’t receive any compensation in
any form, including reimbursements or per diem for expenses. So there is no financial interest in which there would be a conflict of interest under the Political Reform Act or Government Code section 1090. However, in an abundance of caution I will recuse myself in order to avoid any perception of a conflict of interest.

CHAIR HOCHSCHILD: Thank you. Okay, so you can step away.

We’ll turn now to Item 7b, unless there's any comments from my colleagues. Commissioner Douglas, would you be willing to move Item 7b?

COMMISSIONER DOUGLAS: Yes, I move approval of Item 7b.

CHAIR HOCHSCHILD: Okay. And second?

COMMISSIONER MCALLISTER: I’ll second.

CHAIR HOCHSCHILD: A second, thank you. All in favor say aye

Commissioner Douglas?

COMMISSIONER DOUGLAS: Aye.

CHAIR HOCHSCHILD: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

CHAIR HOCHSCHILD: And I vote aye as well. That item passes 3-0.

We’ll turn now to Item 8, which is Mobile Renewable Backup Generation. Welcome, Quenby Lum.
Ms. Lum: All right, thank you. Good afternoon, Chair and Commissioners, I’m Quenby Lum from the Energy Research and Development Division. And with me today is Mike Gravely from the Energy Systems Research Office.

This next item is a solicitation titled, “Mobile and Renewable Backup Generation,” and we're proposing to work seven projects in total from this solicitation. Four of these projects are being presented today and the other three will be presented at a later Business Meeting date. Next slide, please.

The benefits of these proposed projects include increased electricity reliability and resiliency, greater emergency service and response capacity, improve safety during outages, reduce greenhouse gases, air emissions and noise levels compared to diesel generators.

There are multiple demonstration sites proposed per project, and these are located in a mix of disadvantaged low-income and tribal communities. We also have projects located in Tier II and Tier III high fire districts, as defined by the California Public Utilities Commission and also in different climate zones. And this is to ensure that the clean energy mobile units can be operational in a variety of locations and climates throughout the state. Next slide, please.

This solicitation is funding projects to advance
technologies and mobile renewable backup generation. This will help meet the growing need for clean backup power solutions to offset or replace fossil fuel, diesel generators, which emit greenhouse gases and air pollution.

The goal is to be able to provide support during public safety power shutoffs, wildfire events, and other grid outage events during using these clean energy mobile units. These units can be used during outages as a temporary power source for people to charge small electronics, such as cell phones, tablets, laptop computers, and medical devices.

During power outages, it's important for people to retain access to vital health supporting devices, as well as access to communication and information, and these mobile units will help provide this support. Next slide, please.

We're proposing to award four projects. GRID Alternatives is the proposed awardee for a demonstration and deployment project for a system under 10 kilowatts, Electric Power Research Institute, One-Cycle Control and Uprise Energy are the proposed awardees for systems that are 10 kilowatts or higher. Now, I’ll briefly describe each project. Next slide, please.

GRID Alternatives, this will be a mobile unit with solar PV and battery storage, with a 4-kilowatt output
that recharges in less than four hours from an outlet and
in six to eight hours from 1,500 watts of solar PV. It can
be connected in parallel with the other units to expand and
share battery capacity. And this has a small footprint for
storage either indoors or outdoors with the footprint of
about one and a half by two and a half feet, which is about
the same size as a large suitcase, so it's very portable.
Next slide, please.

We have two mobile units that will be capable of
electric vehicle charging. These next two projects that I
will be describing can support EV charging, which
complements the projects that were awarded under Agenda
Item Number 6 in the Clean Transportation Program that we
heard about just a little bit earlier.

So this project from Electric Power Research
Institute is a mobile hydrogen fuel cell system containing
hydrogen fuel cells, a hydrogen storage tank and battery
storage. It can provide 35 kilowatts of continuous
operation for over 24 hours, with a peak power capacity of
180 kilowatts and it contains all of integrated components
within a towable trailer to support a range of backup and
grid applications providing power to customers, buildings,
and EV charging. Next slide, please.

One-Cycle Control, this is a 15-kilowatt mobile
carrier with wind, solar and battery on board. It can be
used for electronic-device charging or electric-vehicle charging during normal grid operations. Complete setup and takedown can be accomplished in 30 minutes by 2 trained technicians to allow for quick field deployment during outages. Next slide, please.

This is a project from Uprise Energy. This is a mobile wind turbine that is integrated with solar PV and battery storage. This unit can provide 10 kilowatts of portable power for up to 14 hours with no recharge and up to 30 hours with wind and solar charging. Deployment is quick and easy when and if needed for an emergency response. Next slide, please.

On this map, we see the demonstration sites for the four projects. Each project has three different sites in a variety of locations, including disadvantaged low-income tribal communities, Tier II and Tier III high-fire threat districts and different climate zones located throughout the states. Next slide, please.

Staff recommends approval of these four grant agreements and adoption of the determination that this action is it is exempt from CEQA. This concludes my presentation and I’m happy to answer any questions. Mike Gravely is also on the line to answer questions as well.

Thank you.

CHAIR HOCHSCHILD: Thank you, Quenby, great job.
Let's turn now to public comment.

MS. GALLARDO: This is Noemi, the Public Advisor. A reminder to attendees, please use the raised hand icon to indicate you would like to make a public comment. If you're on the phone press *9 to raise your hand, *6 to unmute.

Chair, I do not see any hands. I’ll turn it back to you.

CHAIR HOCHSCHILD: Okay. I’ll just say terrific portfolio of projects, I love the diversity. And I also once again want to applaud the team for the focus on tribal work and tribal communities with the GRID Alternative grant and the rest of these are very timely for all the resilience work that we're doing around the state. The moment that we're in now is a threat this summer to grid reliability, but it will be for the foreseeable future, until we can get enough capacity online, so this is just very welcome, and I want to thank the staff.

Let me just see if there's any comments from Commissioner McAllister on this.

COMMISSIONER MCALLISTER: Yeah, just very briefly agree. This is obviously part of our renewable energy transition, but it's also a really much needed set of projects for adaptation. And so really this is an investment that's going to pay off for a long time, and
certainly is needed in our marginal communities, tribal 
lands, etcetera. So really good projects.

   CHAIR HOCHSCHILD: Yeah. Well said.
   So unless there are comments from Commissioner 
Monahan or Commissioner Douglas, Commission McAllister, 
would you be willing to make the motion on Item 8?
   COMMISSIONER MCALLISTER: I’ll move Item 8.
   CHAIR HOCHSCHILD: Okay. And Commissioner 
Douglas, would you be willing to second?
   COMMISSIONER DOUGLAS: Second.
   CHAIR HOCHSCHILD: All in favor say aye 
Commissioner McAllister?
   COMMISSIONER MCALLISTER: Aye.
   CHAIR HOCHSCHILD: Commissioner Douglas?
   COMMISSIONER DOUGLAS: Aye.
   CHAIR HOCHSCHILD: Commissioner Monahan?
   COMMISSIONER MONAHAN: Aye.
   CHAIR HOCHSCHILD: I vote aye as well. That item 
passes 4-0.
   Let’s turn now to Item 9. And colleagues let me 
apologize in advance, I going to have to step away in about 
five minutes to do a press availability with Secretary 
Crowfoot on the new Energy Infrastructure Office. I don't 
know exactly how long it's going to last, but I’d ask 
Commissioner Douglas to take the helm when I step away.
And if we get into Russell City, my request is to go back to three-minute public comment for all public comments on that item and to have unlimited time for the City of Hayward representatives, including Chief Contreras to respond. And that we read in its entirety, once again, the language so that everyone can see it if we get into that item.

So let's turn out to Item 9, first up. Thank you.

MS. DROZDOWICZ: Good afternoon, Chair and Commissioners, my name is Danuta Drozdowicz. I work in the Efficiency Division’s Buildings Standards Office and I am presenting a local ordinance that exceeds the energy code from a jurisdiction that has applied for review and consideration by the CEC. Joining me today is Jacqueline Moore from the Chief Counsel’s Office. Next slide, please.

Jurisdictions that adopt local ordinances are exploring and adopting technologies for our clean energy future, and reducing state greenhouse gas emissions as they lead from the grassroots. I think you’ll find it interesting that approximately one in three Californians lives in a community with an energy code that exceeds the energy standards. Next slide, please.

For a local standard to be enforceable, the jurisdiction must file with the CEC its determination that
its standards are cost-effective. And the CEC must find that the local standards reduce energy consumption compared to the current statewide energy code. Next slide, please.

To give you a better sense of what’s happening throughout the state, to date, under this code cycle 48 ordinances from 40 jurisdictions have been approved by the CEC. This does not include the application on the agenda today. The majority require all-electric or electric-preferred construction, 28 ordinances also require photovoltaics on buildings not subject to the current provisions of the energy code, and 26 require additional electric vehicle infrastructure or charging. Next slide, please. Thank you.

One jurisdiction has applied for approval at this Business Meeting, the City of Daly City requires new buildings to be all-electric with some exceptions. And photovoltaic systems on new buildings, also with some exceptions. Next slide, please.

Staff posted the complete application, including the local ordinance and adopted cost-effectiveness analysis on the CEC’s website under Docket 19-BSTD-06 for the required public comment period. Staff determined that this local ordinance standard will result in the reduction of the energy consumption levels permitted by the 2019 Energy Code as per the requirements in the Public Resources Code,
and will not lead to increases in energy consumption inconsistent with state law.

Staff further confirms that the jurisdiction publicly adopted a finding of cost-effectiveness for the standard. Because the application meets all the requirements of the Public Resources Code, staff recommends approving enforcement of the ordinance.

This concludes my presentation and I am available to answer any questions that you may have.

MS. GALLARDO: Commissioner Douglas, would you like us to move to public comment? I’m ready to give instruction, if you would like.

COMMISSIONER DOUGLAS: Yes, thank you, Noemi. Please let’s move on to public comment.

MS. GALLARDO: Will do. Again Noemi Gallardo, Public Advisor. Attendees, if you would like to make a public comment, please use the raised hand icon to indicate your interest. If you are on by phone press *9 to raise your hand, *6 to unmute.

Commissioner Douglas, I do not see any raised hands. I’ll turn it back to you.

COMMISSIONER DOUGLAS: All right, thank you very much to the Public Advisor.

Let me now ask if the Commissioners would like to have any discussion on this item. And maybe I’ll pass this
to Commissioner McAllister.

COMMISSIONER MCALLISTER: Great. Thank you, Commissioner Douglas. Thank you, Danuta, for shepherding this and all the previous local ordinances from across the state. And I appreciate having the summary as part of the intro as well. This one is a pretty targeted one with respect to solar and I think it's reasonably straightforward, really appreciate that Daly City diligence and bringing this to us. And it's pretty clear that it reduces the energy impact of those buildings. So I support this item and would move Item 9.

COMMISSIONER DOUGLAS: All right, thank you, Commissioner McAllister. Commissioner Monahan, can we get a second from you?

COMMISSIONER MONAHAN: I second.

COMMISSIONER DOUGLAS: All right, so with that then all in favor. Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

COMMISSIONER DOUGLAS: Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

COMMISSIONER DOUGLAS: And I vote aye as well. So that item passes 3-0, with two of the Commissioners now no longer present at the meeting.

Let's go on to Item 10, Possible -- well let me pause. Are we prepared then to move into Russell City or
should we keep going? Noemi, do you have any insight into that, or Chief Counsel?

MS. GALLARDO: I’m going to defer to Linda Barrera, the Chief Counsel.

MS. BARRERA: Yes, thank you, Commissioner Douglas. The order was published on the docket for both the Business Meeting and the Russell City Energy Facility Docket. If Mr. Harris is ready, we could proceed with Item 3 again.

Noemi, perhaps the Public Advisor can inquire with Mr. Harris, if him and his clients are ready.

MS. GALLARDO: I see -- this is Noemi, the Public Advisor. Jeff Harris, it looks like is still on the line. Jeff, if you could unmute let us know if you're available. And I will also check for Barbara. It looks like she is still on. Barbara, are you available? This is Barbara McBride, I’m talking about.

(No audible response.)

MS. GALLARDO: Okay. I’m not hearing anything. It looks like they're still connected, but maybe not paying attention to the Zoom (indiscernible) at the moment.

COMMISSIONER MCALLISTER: Perhaps it would be helpful if I might suggest just if Chief Counsel could sort of help orient the Commissioners, the dais, on sort of framing this as something that really is up to the
Commission to specify the conditions under which the order would be approved.

MS. GALLARDO: This is Noemi, the Public Advisor, sorry for interjecting. Linda, you're still muted. I want to let you know that looks like Jeff Harris’s video box has been turned on. Jeff, are you there?

MR. HARRIS: I am here. I don’t why I am not showing up? There we go, I’m back on the dock.

We need more time to have a continuing discussion with the staff about this language. I have very serious concerns that this is effectively an amendment to our license. That order will be a binding order of the Commission and that would submit us to potential jeopardy under 2544.

We are fine with the order that was posted ahead of time for this meeting. But if that order is going to change, and I question the wisdom of that, given the notice and given that that's been out there for the public no longer than two hours. If that order is going to change we're going to need some more time to work through the issues with the staff.

Because this is -- currently in its current form it's unacceptable. But we want to try to address the issues that were raised by the Commissioners. And so can we continue this until a time certain down the road and
come back and give us and the staff more than 20 minutes to make a decision that is effectively an amendment of our license?

COMMISSIONER DOUGLAS: So yes, we can give you more than 20 minutes. What I would like to suggest, Commissioners, is we can continue to move through the minutes and the Commissioner and other reports. We could also take a brief lunch break.

Commissioners McAllister and Monahan, do either of you have hard stops today that that you must be off the Business Meeting by?

COMMISSIONER MONAHAN: I do not.

COMMISSIONER MCALLISTER: I do not have a hard stop.

COMMISSIONER DOUGLAS: All right. I do not either, so let me propose -- and just speak up colleagues -- would you like a half-hour lunch break and come back at 2:00? What do you think?

COMMISSIONER MONAHAN: Well, I guess that's a question for Jeff and for the City of Hayward. Is there a time like if we specified a time to come back to take up this item again say -- I mean, I'm not sure if 2:00 o'clock would be enough time either for Jeff and his team. So I'm wondering if we said 3:00 o'clock to come back and pick up this item, would that give enough time for consideration?
MR. HARRIS: That'd be very helpful and we can check in at 3:00 o'clock. This is a priority for us. We will make that happen for sure.

COMMISSIONER DOUGLAS: Three o'clock is starting to push on to a hard stop that I’ve got although it's not until 4:15. I just want to make sure that we have time to give this item the attention that it deserves and the discussion that it deserves. Let me suggest that if at all possible we come back at 2:30 and try. Jeff, does that sound reasonable?

MR. HARRIS: It does. And it would be helpful to us to have some kind of idea of what the City or other parties might be proposing. Because I’d hate to sit down with the staff and try to work through the issues and then have something completely different on the fly at 3:00 o'clock so -- or 2:30, sorry -- so we have some indication of whether the City wants to changes to the language and other parties want changes to the language of the order.

COMMISSIONER McALLISTER: So I would just say that we have had discussion, we have heard the public comments. Certainly open to hear more public comment when we reopen this. Those particular provisions were intended to reflect the concerns of the public and to make clear the posture of the Commission to oversight and expectations on the owner. So I think the changes to this could be limited.
and targeted and a need to know. So I think with some limited discussion we could get to yes.

I certainly do not -- well I'm interested in the any other constraints that the Chief Counsel or other Commissioners would identify here, but I certainly would like to move this forward.

MS. BARRERA: And if I may Commissioners, just to point out that section 1769(A)(4)(a) does grant the Commissioner ability to approve that order with modification in addition to the Warren-Alquist Act. It gives the Commission broad powers to specify conditions upon which approval and continuing operation of any facility shall be permitted. So I think we have broad powers to add the statements and orders in this revised proposed order. And we don't need to obtain the facility’s agreement to approve this particular order.

MR. HARRIS: I have to disagree. And we may as well put it on the record. 25534 is the only provision of the Public Resources Code that allows the Commission to, without the Applicant’s consent, amend a license. 25534 also requires a finding of noncompliance and also requires a hearing. None of those things that happened to date. And I really didn't want to get into a legalistic argument, because I think they can get there.

But I actually do not believe you have the
authority where you can unilaterally amend any license without more process. And we can talk about what that means, but I don't think we need to do that. I think we need to have some time to work through these issues.

We hear the Commission. We've remained silent on several things that I'd like to respond to in writing after this process. But they really don't relate to the combined-cycle versus simple-cycle change we're asking for. And we will respond in writing to some of these things, so there's more out there than that. But give us some time to try to work through the language and work with your staff, work cooperatively to find language that we all can agree on.

Or the alternative will be to us maybe consider withdrawing the petition, because we cannot threaten the future combined-cycle operation of this facility. And that's a very bad result for the State of California. So let's give us a chance to work through some of these issues.

I'll talk with Linda offline as lawyers do. No offense intended, but I think I think we can get there.

COMMISSIONER DOUGLAS: Mr. Harris, thanks for your comments. We hear you, we understand the Applicant has a license and has process expectations that are totally legitimate here. I would recommend really that you focus
on talking to staff and your clients and see where you can
get in terms of the language. The language was proposed by
Commissioner McAllister. As he said it reflected what he
heard and what he thinks is important based on what he
heard. So we would very much appreciate you working
through that. And appreciate you coming back at 2:30 and
pushing that timeline.

And I think the Chief Counsel will look into what
you said and probably, may not even need a follow-up
conversation to take a look even in case it's relevant, in
case it's helpful

So with that let's now break for lunch.

MR. BABULA: Can I just quickly say something?
This is Jared Babula.

COMMISSIONER DOUGLAS: Yes, thank you, Jared.

MR. BABULA: And I'm Staff Counsel. I just want
to note that the way I see Commissioner McAllister's
additions is sort of reflective of what's already in either
the compliance conditions of the license or the statutory
authority. And that we're just trying to enhance for
public transparency, trying to sort of make more prominent,
elements of the compliance conditions and other inspection
requirements of the license. And so if you can frame it
that way I think it'd be a smoother path.

COMMISSIONER DOUGLAS: I think, Jared, and
Commissioner McAllister can speak to this as well, but I think if you are able to provide those kinds of references and citations that would no doubt be helpful.

MR. BABULA: Yes. I’ll look at the particular license for this project to get the compliance conditions that are most relevant.

COMMISSIONER MCALLISTER: Thanks, Mr. Babula.

And I agree, if we can ground the order in the existing conditions, while highlighting the concerns that all of us in one way or another have expressed in discussion already, that would be helpful.

MS. GALLARDO: Commissioner Douglas, this is Noemi, the Public Advisor. I also want to recommend that we consider doing the rest of the Business Meeting and then coming back to Item 9 so that Russell, Calpine and maybe even the City of Hayward can have sufficient time to think this through. And so I offer that up. And also just wanted to make sure that several representatives from the City of Hayward are able to return. I feel like this is an important item for them probably, and that they are available, so I just want to make sure.

COMMISSIONER DOUGLAS: This is no doubt a very important item for them. We very much want them to be able to return. And if they have any scheduling issues, I really hope they will speak up or let you know. I think it
helps to have a time certain and to have it be to 2:30. Are you recommending that we move ahead with some items now? I think that's actually a good idea.

MS. GALLARDO: Yes, Commissioner I’ll defer to you all, but I recommend we move forward with the other items.

COMMISSIONER DOUGLAS: All right, so if you're here for Russell City, please come back at 2:30. If you're interested in the rest of our agenda we are now going to take up Item 10, possible approval of the June 9 and June 25, 2021 Business Meeting Minutes. Go ahead, Noemi. Is there any public comment on Item 10?

MS. GALLARDO: This is Noemi, Public Advisor, a reminder to the attendees to use the raised hand icon to indicate whether you would like to make a comment. If you're on the phone press *9 to raise your hand, *6 to unmute.

Commissioner Douglas, I see no hands. I’ll turn it back to you.

COMMISSIONER DOUGLAS: Very good. Would any Commissioners like to discuss the minutes? If not let's see if we could move to a motion. Commissioner Monahan, would you be willing to move the minutes?

COMMISSIONER MONAHAN: I move to -- I make a motion to move the minutes.
COMMISSIONER DOUGLAS: Thank you. Commissioner McAllister?

COMMISSIONER MCALLISTER: I'll second the minutes.

COMMISSIONER DOUGLAS: Okay, all in favor.

Commissioner Monahan?

COMMISSIONER MONAHAN: Aye.

COMMISSIONER DOUGLAS: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

COMMISSIONER DOUGLAS: All right, and I vote aye as well. That passes 3-0 with two Commissioners not present.

Let's go on to Item 11, Lead Commissioner or Presiding Member Reports. Commissioner Monahan, would you begin?

COMMISSIONER MONAHAN: Well, I mean as I mentioned earlier the big news of course is the Governor funding budget to allocate not funding first to the Energy Commission, but the one I’m overseeing is the one for $1.65 billion for ZEV-related investment. Mostly ZEV infrastructure, but also zero-emission vehicle infrastructure. But also some grants to electric-vehicle facilities that are operating in California or want to operate in California.

And this is a really exciting development. We've
been working hard to support the Governor's proposal and to support the responses that the Legislature has made to that, so just really an exciting time in terms of being able to, basically the equivalent of 10 years of clean transportation, more than 10 years of clean-transportation program funding, in a single year. So the team is really gearing up to make sure that we spend this money wisely to help support the Governor and the state's goals around zeroing out pollution from transportation.

I’m just going to stop there, because there's nothing really that compares to that.

COMMISSIONER DOUGLAS: Thank you, Commissioner Monahan. And congratulations and best of luck and all the help any of us can provide you as you move forward with this.

And now, Commissioner McAllister, could you provide your update?

COMMISSIONER MCALLISTER: Absolutely. I’ll be brief. And yes, congratulations to that big slug. It's actually remarkably labor-intensive to give away money and as you know, we do a lot of that every meeting. And it's a pleasure to feed the marketplace, but also as a big responsibility.

And just on that note it's great that some of the budget, significant amounts of budget have also come to
hydrogen and to industrial decarbonization and other areas
that we really need to focus on to decarbonize our state
economy-wide. So I’m really excited about working with the
R&D, the Research and Development Division across the
Commission to implement those initiatives as well.

So I just wanted to just highlight that we are in
the in the real core period of the Integrated Energy Policy
Report development. Last Thursday, Friday and this Monday
and Tuesday, so four straight business days of very
substantive workshops on reliability and electricity and
natural gas sectors. And then Monday, Tuesday on building
decarbonization, consumers and financing and workforce
issues around building decarb. So lots of substance there,
really great sets of speakers. I really encourage everyone
to look at the presentations that they're interested in.

A lot of optimism, a sense of a challenge but
also optimism. And I want to just thank the IEPR team,
Heather and her whole team, for shepherding that process as
well as the divisions, the (indiscernible) Division and the
Efficiency Division for really orchestrating and getting
the speakers and really putting the substance into those
days, very engaging.

And I was really gratified that we had a lot of
participation from the dais across the board, but all of
the Energy Commissioners, so thank you for this and for
your participation. And also Commissioners, multiple
Commissioners from the Public Utilities Commission, and
also leadership from the ISO as well as from CAFPC as well.
We had really great participation from multiple agencies,
so appreciate that. And so the Building Standards Office
and the Standards Compliance Office also pitched in a lot
on those substantively so appreciate that.

And then just very happy to be working through
the processes on the Building Code Update for Part 6, Part
11, and all of the work alongside those with the
environmental impact report. And those processes are
chugging along, so all the staff is working hard as well.
So we're expressing appreciation for them also, so I think
that's it for me. Thanks.

COMMISSIONER DOUGLAS: All right, thank you. And
I will just report briefly, we just held the first BOEM
California Offshore-Wind Task Force for a number of years,
and earlier this week, and it was really exciting. It was
the culmination of a whole lot of work to find an area off
of the Central Coast that could be large enough for a
commercial offshore wind development as well as an area
that's going to be considered off of the North Coast, off
of Humboldt.

This task force meeting is what I view as the
launch of a new phase of the state's work on offshore wind.
Where we're going from questions of where could it potentially go and where are some potentially viable areas to having honed in now on two areas and really engaging with the public, with stakeholders, with partners at state and federal and local agencies. To really try to understand what that looks like, what issues or conflicts there are that need to be addressed, what the opportunities and potential is and how we move forward as a state on this. And so that was that was tremendously exciting and gratifying to have that opportunity.

And also it was -- I was really impressed with the level of interest and the level of engagement from local officials: state, federal, and also from many of our key stakeholder groups. So I think we're going to have really robust participation in that effort and quite a lot of interest in that effort going forward.

I also wanted to note that Commissioner McAllister mentioned this, but in terms of the IEPR workshops that we had a focused series of workshops on reliability, which is one of our really core topics this year in the IEPR. And it's also front and center for us right now as we look at the summer-electricity outlook and the fact that we already this early in the summer had a number of FLEX alerts.

We had, in part, last Friday during the heat wave
we had an actual Stage II Emergency triggered in part by some generation being down. And in part by the Bootleg fire, which caused a very, very rapid and very large decrease in import capacity into the state. And so we are definitely looking very hard at that and solutions going forward. So that's been a major area of focus.

And I think that does it for my report. I’ll also note, as Commissioner McAllister already said and Commissioner Monahan as well, excited about the budget, excited about the transportation investments represented there. And very excited about the long-duration storage, green-hydrogen industrial decarbonization and planning. I mean, that budget contains funding for long-term renewable energy planning for how we're going to meet our SB 100 goals and what's that build-out going to look like. And how are we really going to get it done, and how are we going to make sure it's reliable and there when we need it and buildable. And so it's so essential to have that kind of long-term outlook and do that kind of long-term planning. And the support in the budget for that effort is just immensely important.

And it's an interagency effort on our partners at CPUC and then CalISO are deeply involved, but so our partners across state government who will be engaging and have engaged in this effort, and stakeholders as well.
The budget also contained funding for the state's offshore-wind work. So that while in the past we really used existing resources to work with BOEM to enhance and expand their process to enhance public outreach to supplement environmental studies, we're now in a position and with resources across a team of partner agencies, to proactively invest in engagement with key stakeholders, technical analyses, environmental work that supports the state's role. Because we do have a role in aspects of the approval process, so yeah I’m very excited about all of that.

And so I think that closes out my report and we'll move on to Item 12. Does the Executive Director have a report for us today?

MS. SPIEGEL: Good afternoon, everybody. This is Linda Spiegel, Chief Deputy Director for Drew Bohan and we have nothing to report.

COMMISSIONER DOUGLAS: All right. Well thank you very much, and welcome. I think this is your first report in your Deputy Executive Director role, Chief Deputy role, so thank you.

Let's go on to the Public Advisor. Do you have a report?

MS. GALLARDO: Hello there, this is Noemi, the Public Advisor. I have a quick update. So I had been
asking for nominations for our 2021 Clean Energy Hall Of
Fame Awards. And I’m happy to report that we closed the
nominations and received over 100, so the Selection
Committee has met. They have selected finalists and we
should have the confirmation of the winners shortly. We're
still not sure exactly what date we will announce the
winners, but I will let you know once we have decided on
them. And that's it for my report Commissioners. Thank
you.

COMMISSIONER DOUGLAS: Thank you. Thank you very
much, congratulations. And I’m excited to see who the
winners are in this, and so thanks for that.

Let’s go on then to Item 14, public comment. The
Public Advisor will provide the relevant instructions.

MS. GALLARDO: That's correct. This is Noemi
again. So this is the period for any person wishing to
comment on information items or reports off the meeting
agenda or any other item.

Each person has up to three minutes to comment.

And comments are limited to one representative per
organization. We may reduce the comment time depending on
the number of commenters. We want to make sure that
everyone has sufficient time. Use the raised hand icon to
indicate your interest in making public comment, it looks
like a high-five on the screen. And if you are on the phone
please press *9 to raise your hand and *6 to unmute.

After you are called on please restate and spell your first and last names, state your affiliation if you're representing a tribe agency, organization or any other type of entity. Do not use the speakerphone when talking, because we will not be able to hear you clearly.

So I will look for hands now. A reminder again to use the raised hand icon. If you're on the phone press *9 to raise your hand.

All right, Commissioner Douglas, I am not seeing any hands. I will turn it back to you.

COMMISSIONER DOUGLAS: All right, thank you very much.

And so I think at this point we should take our break and move on to lunch. And come back at 2:30.

MS. GALLARDO: Commissioners, sorry for interrupting, this is Noemi, the Public Advisor. I do know that we have Item 15, the Chief Counsel’s Report.

COMMISSIONER DOUGLAS: Oh, I’m sorry.

MS. GALLARDO: I’m not sure if our Chief Counsel needs to make a report at this point or later, but wanted to make sure that that gets addressed.

COMMISSIONER DOUGLAS: Got it. Item 15, Chief Counsel’s Report.

MS. BARRERA: Thank you, Commissioner Douglas.
The Chief Counsel does not have a report for today.

COMMISSIONER DOUGLAS: Thank you, thank you very much. All right, with that we are on to our lunch break, we will be back at 2:30. Thank you everybody.

COMMISSIONER McALLISTER: Great, thanks.

(Off the record at 1:48 p.m.)

(On the record at 2:30 p.m.)

Commissioner Douglas: Staff requested just a little time to get some proposed language to everybody. And so you know, rather than come back in 15 minutes I think if we just stand by there's a chance we'll get that ahead of that.

COMMISSIONER MONAHAN: Got it. Thank you.

MS. GALLARDO: This is Noemi the Public Advisor. Just letting you know that we have started recording again, so that that is ready to go.

COMMISSIONER MONAHAN: I’m going to go off-video until we’re ready to start again, but I’ll be listening in.

MS. GALLARDO: Attendees this is Noemi Gallardo, the Public Advisor of the California Energy Commission. We have resumed the business meeting. We are on standby for language that staff is drafting and we'll share shortly. We will let you know as soon as everybody's back. We do have Commissioners on the line, they have their video boxes off at the moment. Thank you for your patience.
COMMISSIONER DOUGLAS: This is Commissioner Douglas. I just also saw a question from the City about whether they will get the language. I think you'll get it when we do.

MS. MCADOO: Thank you very much.

MS. BARRERA: Good afternoon Commissioner Douglas. I recommend that the language be docketed in the Business Meeting Docket.

COMMISSIONER DOUGLAS: Okay.

MS. BARRERA: I forwarded the draft from the proposal from the operator to the Commissioners, but I’m recommending it also be put in that Business Meeting Docket, so that the City and others could also have access to it.

COMMISSIONER DOUGLAS: Please send it to the City as well and also docket it if you could.

MS. BARRERA: Okay, will do.

COMMISSIONER DOUGLAS: Thank you.

MR. PITTARD: And Commissioner I just want to clarify that this language is coming from Calpine. Staff has seen it, but it is not staff’s language.

COMMISSIONER DOUGLAS: Understood. Thank you for the clarification.

(Pause while updated language is sent.)

COMMISSIONER DOUGLAS: So I have the language
now in my email from the Chief Counsel. Commissioners McAllister and Monahan, do you as well?

COMMISSIONER MCALLISTER: I have it and have read through it briefly. And I’m looking at it further right now.

COMMISSIONER DOUGLAS: Super. And Commissioner Monahan?

COMMISSIONER MONAHAN: I have it, but I haven't opened it yet, I’m just opening it now.

COMMISSIONER DOUGLAS: All right, thank you.

Let me ask the City of Hayward, do you have it?

MS. MCADOO: No, we do not. Maybe if I could put my email address in the chat, if someone could send it that would be great.

COMMISSIONER DOUGLAS: Thank you. As soon as it gets through to the City, let me just ask if Jeff Harris or Barbara McBride would like to just kind of walk us through the changes that you're proposing.

MR. HARRIS: Yes, I'd be glad to Commissioner.

COMMISSIONER DOUGLAS: Okay let's just let the City get it, so they have it in front of them. And for everybody who's following along online it'll appear in the docket. That should happen pretty quickly.

COMMISSIONER MCALLISTER: Also I just want to make sure that our Staff Counsel is alongside on this as
COMMISSIONER DOUGLAS: Yeah. Shawn, you said staff has this, right?

MR. BABULA: Yes, staff -- this Jared Babula with Staff Counsel and we did review this language --

COMMISSIONER DOUGLAS: Okay.

MR. BABULA: -- just prior to it going out to everybody.

COMMISSIONER DOUGLAS: All right, good. Thank you. And I saw a text again from City of a Hayward. Can I confirm that you have it?

MS. MCADOO: We're still waiting on the email, sorry.

COMMISSIONER DOUGLAS: Sorry, I just thought I saw a thank you in the text box.

MS. BARRERA: I will be sending that right away.

MS. MCADOO: Thank you so much.

COMMISSIONER DOUGLAS: Okay. Please just speak up and confirm when the email makes it to you. And then --

MS. MCADOO: Will do. (Overlapping colloquy.) It just came through.

COMMISSIONER DOUGLAS: It’s very simple, short language, I think we can all follow along while Calpine walks us through it.

MS. HUBER: I just sent it, so hopefully they
received it from us.

MS. MCADOO: Yes, I just pulled it up, thank you very much.

MS. HUBER: Thank you.

COMMISSIONER DOUGLAS: Glad to hear that.

Jeff, go ahead.

MR. HARRIS: Okay. So you're ready to proceed, Commissioners, yes?

COMMISSIONER DOUGLAS: Yes, please.

MR. HARRIS: Thank you. I don't know if you have the ability to share the language on the screen.

COMMISSIONER DOUGLAS: Let's pause for a minute, I bet we do. Let me just ask Noemi, are you able to share the language on the screen?

MS. GALLARDO: Yes, we can, just a second. I just want to make sure we have the correct language Elizabeth. The email that you included me in where it says, "Energy Commission RCEC Draft Findings Edited," that's the correct language?

MS. HUBER: Correct.

MS. GALLARDO: All right, perfect. We will get it on the screen shortly.

COMMISSIONER DOUGLAS: All right. As soon as it's up go ahead, Jeff.

MR. HARRIS: Thank you.
MS. GALLARDO: It’s on the screen now, Commissioner.

COMMISSIONER DOUGLAS: Super. Thank you.

MR. HARRIS: Okay, this is a word version of the PDF that was part of the original agenda package in the order. So the first change is the addition of an additional finding, Commission finding. You know, there's been sort of suggestions that maybe the City and Fire Department doesn't have enough access to the facility. As I said, we're going to provide a written sort of history on that separately. We don't want -- we want a productive dialogue and not focus on that point.

But the purpose of this addition of finding is to point specifically to some of the existing authorities within the current approvals where the City of Hayward Fire Department is actually called out. Those are the conditions that are listed here: HAZ-1, HAZ-2, 7, WASTE-4, 8, WASTE-12, WORKER SAFETY-2, WORKER SAFETY-3. And those again are existing Russell City Energy Center conditions, Conditions of Certification, that actually do include the City Hayward right in there.

And just for reference like HAZARD-1, for example, is the list of materials that are kept onsite, hazardous materials that are kept on site. HAZ-2 is the business plan that relates to those materials, and I won't
go through all those conditions. That is not intended to be a change in any way, it's intended just to sort of restate the existing authorities that are already in the in the license and show that the City's Fire Department's involvement in the project. So we wanted to memorialize those there.

Thank you for scrolling going down, perfect. The language in the first paragraph remains the same. The focus of the language really is this bottom paragraph, which we think is responsive to what we heard from folks today about the issues, okay. So let me focus first on that last paragraph, the new addition there. The idea there is that we wanted to have a pretty timely turnaround of our requirement to sit down on with the Energy Commission staff and the Fire Department. And that's really key to that language, so at least 30 days. I think that language said within 30 days. It's intended to mean -- what's today -- before August 15th we will sit down with the staff and the Fire Department to discuss any needed modifications to the standard operating procedures for first responders and to implement those when responding onsite.

And the other thing we heard very clearly was the idea of establishing some process for reimbursement of reasonable expenses for that interaction. And so the
including portion of that provision is intended to capture that particular portion as well.

So that really is the main thing, the thing that we prefer about the language. Obviously it doesn’t change the condition, it simply restates existing authorities. There are some deletion of language above, 10 days seemed pretty quick, so we've made that 30.

In terms of the language related to safety audit, we weren't 100 percent sure what that might mean. We have noted that we are performing our own review through the contractor that was identified earlier. And also the Commission is conducting their own review. So that language again seems repetitive and potentially could be laid to confusion about what's required. So those are the things that I think I wanted to highlight more than anything else moving forward.

So why don't I go ahead and stop, Commissioners. And then take any questions you might have about the proposed changes or maybe listen to the staff's? Your call.

COMMISSIONER DOUGLAS: Yeah, thank you very much. And thanks for coming back on the timeframe we requested with language.

Commissioners, I’m going to propose that we hear from staff and then we hear from the City. And then we
have a period where we can ask questions or have some discussion if we would like. And then we'll move into public comment, so if that seems all right to everybody let's go on to staff.

COMMISSIONER MCALLISTER: Sounds great.

COMMISSIONER MONAHAN: Yeah, it sounds good.

MR. BABULA: Hi, this is Jared Babula again, the Counsel for staff. And I just want to point out one thing too is there is the general compliance condition in the license that gives the Energy Commission and CPM (phonetic) and relevant staff access to the facility at any time. So I also want to remind everybody that that's already existing authority where we can go in and inspect at any time for routine stuff or for any other reason to perform our work.

So even though there's issues about access that is something that the Commission has, along with delegated agencies that we're working with. So I just want to make sure that what's in the proposed order here isn't the only universe of requirements. But we're trying to capture the key ones that seem to -- though could be highlighted for purposes of working collaboratively with the other agencies and the Fire Department.

COMMISSIONER DOUGLAS: Thank you, Jared.

Any other comments from staff at this point? (No
All right let's go to the City of Hayward.

Ms. McAdoo: Thank you. And I apologize, the Fire Chief had to step out for an operational issue just real quick, but he's just looking at the language now. And I'll just give him a moment to take a quick look at it before he makes his comments.

MR. CONTRERAS: To be honest I'm not terribly surprised, this has been our experience. We have authority and regulatory jurisdiction on the CUPA on the hazardous materials. But we consistently hear the same thing on the fire protection systems and on the life safety systems at Calpine that it's not ours to regulate. So I'm not terribly surprised by this change from Calpine.

I think what we were looking to have the CEC require is for the CEC to listen to our concerns if Calpine is not going to. And this goes back to the original construction when we were requiring a higher level of water flow and fire lines than what Calpine was willing to install and pay for.

If I -- I don't see you're still on, Barbara doesn't seem to still be on, but we've had lengthy conversations over the years about some of those life safety systems. And you know, it's understandable. I've always assumed that Calpine’s preference is not to set
precedent by letting one host city have access to the site and other hosts cities wanting a me-too clause along those lines, so I’m not terribly surprised by this. I’m, like I said not surprised, but continue to be disappointed with the lack of cooperation.

We hear it, but it doesn't actually resonate. And the CEC seems to be sensitive in hearing our concerns and our issues, but Mr. Harris is answering in the same form that Calpine has answered within the past. It's not our place to regulate the life safety or fire protection systems.

COMMISSIONER DOUGLAS: All right, thank you. Any other comments from the City?

MS. MCADOO: Yeah, I think I would just share, you know I think the concern I have about the again go back to the lack of sharing the 2019 audit that had specific findings that required the Fire Department to participate in drills with Calpine, which was not shared with us. Nor was it followed up on.

And so they may have had drills on their own on site, but our personnel were not involved in those. And I think that to me has just really caused a lot of concerns, so I appreciate the prior language that was proposed. But I think I share the Chief's concerned about this, not having teeth or this being lip service to the City, to
these concerns that we have.

COMMISSIONER DOUGLAS: Mayor, anything in

addition?

MAYOR HALLIDAY: Yeah, I would just echo that the

health and safety of the citizens of our -- the residents

of our community are at stake here. And, you know, after

this we have not had cooperation in the past. This is what

has come of it.

I am outraged about the 2019 report and the fact

that that was buried, not shared with us, even though we in

the report call for our Fire Department to be involved in

inspecting and, you know, following up on that incident.

And so, how can we have trust? I mean I’m I just strongly

support and appreciate the language that was proposed by

the Commission here, and I would ask that you retain that

language. And as we move forward, because this incident

has just really woken us up. We have had long-standing

issues with the lack of cooperation with Calpine allowing

us to be part of this.

We have a fantastic Fire Department. I want you

to know that we had the first community testing operation

for COVID testing in the country, the first free community

testing. I mean I’m just putting that out there. We have

a fantastic Fire Department. They are extremely concerned

about the health of this community. And after this
incident especially, and after the cover up of the 2019 report we just feel that we need stronger language, along the lines of what was proposed by the Commission. And I would just implore you to keep that language in this motion that you're acting on. Thank you.

MR. CONTRERAS: If I could tie into just a little bit? It was referenced earlier by Ms. McBride that we have a long history of close working relationship with Calpine and on some elements that's true on the side. On the CUPA side that is true. On some of the early fire protection systems, that is true.

But what I'm struck with is the same plant operator who allowed for this failure to take place in the first place, after a failed audit, that this particular item of oil on the turbine was identified in the audit. And so our supposed to close partners, Calpine, didn't have the professional decency to reach out and have a conversation about an incident that could take place. So I don't know quite now, but I've got four firefighters coughing up blood and having bloody noses for the first time in their lives that were on this incident. I don't know what that is, but the fact that the CEC is considering moving forward without answers to all of these questions for our community I'm at a loss. I really am.

Like I said, I'm not surprised, because I've
lived this show before. That's all I have.

COMMISSIONER DOUGLAS: All right, thank you for your comments.

Commissioners, we could go to questions. I wanted to ask the Public Advisor how many public commenters we have, because if there are -- we may want to just hear those too and then go into questions. Noemi, does that make sense?

MS. GALLARDO: Commissioner Douglas, it looks like we have one person with their hand raised. But I do want to remind the audience that if you do want to make public comment to please use the raised hand icon. It would be really helpful to us for you to indicate your interest to speak now using the raised hand icon if you're on the platform. If you're on the phone press *9 to raise your hand and then *6 to unmute.

Commissioner, there's still only one hand raised, would you like me to open that line?

COMMISSIONER DOUGLAS: Yes, please.

COMMISSIONER DOUGLAS: All right, so this will be three minutes to comment.

MS. GALLARDO: Great, three minutes for Claire Dugan. Claire, your line is open. Oops, excuse me, I spoke too fast. Let me get to that real quick hold on.

All right, Claire, your line is open. Please unmute on
your end and you may begin.

MS. DUGAN: Claire Dugan, C-l-a-i-r-e D-u-g-a-n.

I’m a 40-year resident of Hayward, so I’m a stakeholder. I live within a little less than two miles of Calpine, their operation. Calpine is a slippery devious company focused only on their profit. I don't have any faith that they care two hoots about my safety. And our city officials have done a wonderful job of stating the case. We need for your Commission to support our Mayor, our City Manager, and our Fire Chief. And if you don't do that then you are clearly selling the residents of Hayward out. You're bending to this company that could care less about us, but I hope the Commission will show more care for the residents and do care about our safety and follow what our local politicians are telling you is true. They are the boots on the ground, Calpine is not to be trusted.

We need the language that our city officials are saying, should be in there. Calpine has been a bad, bad partner in the last, you know, several years. They don't have our trust. They shouldn't have our trust. And they should not have your trust, thank you.

MS. GALLARDO: Thank you, Claire.

COMMISSIONER DOUGLAS: Thank you.

MS. GALLARDO: This is Noemi, the Public Advisor.

Commissioner Douglas, I see that the Chair is back on. So
I just wanted to note that for the public. That was the last person with their hand raised.

COMMISSIONER DOUGLAS: Thank you very much.

So Chair Hochschild, we are just starting Commissioner discussion on the item. If it's all right, maybe I’ll lay out some thoughts and turn it over to you, or to the other Commissioners as you see fit. What do you think?

CHAIR HOCHSCHILD: Since I’m -- and I apologize to the stakeholders. I had a call with the Governor and to handle, be on this last hour. So I would suggest, Commissioner, you just continue to Chair the meeting and I’ll just be a participant for the rest. And that proposal sounds fine.

COMMISSIONER DOUGLAS: Okay, all right. Sounds good.

So I wanted to make a few comments about where we are now and share my views for the version of the language that I’m prepared to support. The language that was put out for comment and response was not, in my view, the Commission's language. It was language drafted in response to some concerns Commissioner McAllister raised and we had a very brief discussion and we said okay write it up and put it out.

So as I look at the language, and as I listen to
the discussion, what strikes me is that the way it's
written it may appear -- the way it was written originally
may appear to be doing more than I thought it was intended
to do in terms of where the Energy Commission's authority
over this project is versus the City's. And just to be
really clear about that, this is a project with an Energy
Commission license under the Energy Commission's licensing
program.

And as our Staff Counsel noted, we have the
ability to inspect to this project at any time. We have
the ability to invite the City or the Fire Department to
inspect with us. We have a responsibility to engage with
the City and with the Fire Department and other first
responders to ensure that they are prepared in the event of
any emergency or in the event that they need to step up in
their first responder role.

And I can see that there is a tremendous amount
of work ahead of us, to make sure that we build that
functional relationship with the Fire Department and with
the City, so that we do have confidence in the structure
and the relationships.

But I think that the proposed language that
Calpine came back with is clear in terms of roles. And in
terms whether it says 10 days after or some other number of
days, after I don't know that I am deeply invested,
although I think 30 may be reasonable. And I appreciate the reimbursement process suggested here, because I do think that there's a need to enable the Fire Department to step up the resources that are needed to ensure that they have confidence in their role. And we know that local agencies are always struggling with the many responsibilities they have.

And so taking on anything major and new and especially coming out of COVID and coming out of the huge effort of our first responders in that is something that I’m very, very sympathetic with. So those are my comments. I’d be curious to hear from Commissioners McAllister and Monahan.

COMMISSIONER MCALLISTER: Yes.

COMMISSIONER DOUGLAS: Go ahead.

COMMISSIONER MCALLISTER: Great. Thank you very much, Commission Douglas. I appreciate that and your depth of experience with AFCs (phonetic) and all the licensing, the process and the results and the enforcement, obviously I certainly have deep respect for that. And it's greater than my own, so I just wanted to just say that.

Also I wanted to point out that the way the parties are necessarily kind of segregated in this process, makes having an open conversation like this basically limited to having it in public in a Business Meeting, which
is right and proper. But it does mean that it limits our
ability to have -- to interact in other in any other forum
with Staff Counsel, with Chief Counsel with other
Commissioner offices, etcetera. And so that's exactly how
I think public decision making is supposed to happen and
should happen. And so I think that we're seeing that
today.

So thank you for kind of entertaining this
discussion, which I think is vitally important. And I was
glad to provide kind of a template of ideas for how we can
approach this complex topic as the Chair said earlier day
that's trying to balance a whole bunch of different needs
that we have in the state, including for electrical
reliability. And also being responsive to communities, and
particularly disadvantaged communities.

So all that is I think is forefront of my mind
certainly, and I think all of our minds. So I do
appreciate the modified language, and I certainly would not
lie across the tracks, for you know 10 days versus 30 and
that sort of thing. And I appreciate the added clause here
in the findings about prudency of the Commission to
exercise and enhance scrutiny that's in there. I think it
should be in there. It falls within our existing authority
and I just wanted to -- I think it's good to make that
clear.
And I appreciate the sort of stated intent of a new order, conclusion and an order at the bottom that does open up a pathway for reimbursement of reasonable expenses. I would certainly just want to go on record as saying I certainly hope that there's follow through and reimbursement for all the activities that would provide that kind of accountability and linkage. And really building with the City, and particularly the Fire Department. So I just wanted to say that.

The one issue that I wanted to perhaps talk through a little more is that -- and ask Staff Counsel, I guess, to begin -- is about the process by which safety information is brought to the Energy Commission. And then in part, you know, in an appropriate fashion to the public. And I think it would help to understand, could help me understand what the existing kind of process for that is.

I'm a little concerned with that in the second -- the first struck paragraph in the conclusion and order there, the second paragraph in the conclusion and order, original language.

COMMISSIONER DOUGLAS: Let me just jump in for one second. I’m so sorry interrupt, Commissioner McAllister. Just to note I think Commissioner Gunda is back on as well. Is that correct?

COMMISSIONER MCALLISTER: Oh, great. Great.
COMMISSIONER DOUGLAS: All right, go ahead.

COMMISSIONER MCALLISTER: Great, so I guess that that was a question really about the second paragraph of the conclusion. The first paragraph, it was struck in what we're looking at now. And I'm asking Staff Counsel to elaborate on whether functionally that can happen anyway, even if it's struck here?

MR. BABULA: Hi, this is Jared Babula again. So if you're referring to -- because there's kind of two things going on. You have the context of this petition, which is to modify the facility. And so in the process of doing that, when there's activity out there, that will be monitored by Commission staff, the BCDO, as necessary for what they're doing. And ensure it's done in a correct fashion.

So that information that it's been done would be the approval of it, of whatever documentation would be like it's generally a public record. That it's acknowledged it's been -- the task is being done correctly or it's been inspected and they may go forth.

Now if you're talking also about separate from this just any investigation in general about what happened at the site, that process would be --- the final reports and stuff are typically public records to the extent that there's not a basis for keeping parts of it confidential.
So that would have to be based on the content and what might need to be redacted. But if you look at some other cases there's at least at a minimum a public version of the root cause analysis and staff's report.

So it's a little hard to say the level of information that will be available, but there will be stuff. And we utilize our docket as the primary mechanism or staff's documents and so forth. So again, it would be based on the Public Records Act and what basis are available for confidentiality, to our confidentiality process. The 2505 process, which sets forth the requirements of how documents are handled and redacted and so forth. But generally, the goal is to have a transparent process as much as possible and to utilize the docket.

Now, I do want to caveat that that's as the general public. As for other agencies there's different rules. The ability to share confidential information with other agencies is it's much -- it's different. We can share confidential information with other agencies that need that information, so certainly we would want to be working collaboratively with the Public Utilities Commission and the Fire Department and be able to access documents, so we're all on the same page.

And so there's sort of two things to keep in mind.
COMMISSIONER McALLISTER: Okay, thanks a lot, Mr. Babula. And I just have one more comment and then one more question. So I think it's really critical that staff, the CPM and the staff really do sort of take a proactive role in facilitating this conversation going forward in connecting those dots actively ensuring that the oversight is active. And I know I know that's been the intent and sort of the reality, but in terms of just we've seen this erosion of trust expressed by the City. And I think making sure to play a facilitated role to ensure that communication is happening in every turn along the way, I think is going to go a long way to helping everyone get on the same page and really get the result that we want going forward. So I just want to ask that that take place.

And then second, is there anything substantive to add. I'd ask staff and Staff Counsel, or anybody here including Chief Counsel to add that -- to sort of be responsive to the City's concerns that we could add in here. That we could or should add in here, and I’ll just end with that question and just take answers.

MS. HUBER: Commissioner McAllister, while Legal prepares to reply to you, on behalf of the Compliance and Enforcement Office you have our assurances that both the lead CPM and myself will be very active in this process, as well as the communication for all entities.
MR. BABULA: Yeah, this is Jared again. And I think this is -- I've been at the Commission since 2007. This is one of the most items I’ve been involved with, because there's just a lot of tension on lots of different sides. And I think part of it is the order is really about this particular petition. But I think the broader thing is how we interact with the Fire Department and the community. And so the order has little value if there's nothing behind it. And I think it's more important that we -- and I know as myself as like the Lead Attorney for Public Record for example, I’m committed to ensuring the transparency to the maximum availability of the law. And so certainly, I think working with staff and Calpine when they submit things, to ensure we were getting that transparency and the Fire Department and the City is getting the information they need, so that our staff can work. And that's always been my goal is what can I do to help our staff do what they need to do? Because they're the ones doing the action on the ground is ensuring safety and so forth.

So I can say that the current structure of the order, I think it's good. It does have -- we have the whole license behind it against the fully licensed project that has hundreds of Conditions of Certification. And so I just want to keep that in mind.
And one other point to make is we do have obviously, under the statute, Warren-Alquist Act, 25532, 25534, penalty authority, investigatory authority, to issue penalties for violations that can be fairly significant. So that's also in the backdrop of all this. To remind the public that might not be aware. It didn't really come up, but we do have extensive authority to ensure and issue penalties if necessary and appropriate. So I would remind folks of that. Thank you.

COMMISSIONER MCALLISTER: Thank you, Mr. Babula.

COMMISSIONER DOUGLAS: Any other questions or comments, Commissioner McAllister?

COMMISSIONER MCALLISTER: No, I think I'll pass the mic on to others. Thank you.

COMMISSIONER DOUGLAS: All right, Commissioner Monahan?

COMMISSIONER MONAHAN: Yes, thank you. I do have a few questions and actually, I just wanted to start with Fire Chief Contreras, because you said something that I just wanted to get a little more information about. You imply that you weren't getting access to the facility and I'm wondering if you could just elaborate on that piece?

MR. CONTRERAS: The best way I can sum it up, is where we have jurisdictional authority there's cooperation. But when it comes to the overall operation of the plant,
when it comes to potential weak points of the plant, we consider this what we refer to as a target hazard. We have hundreds of target hazards in our community, a pre-fire plan and a pre-operation plan is how we go about doing that. There is, from time to time collaboration and an allowance to be on site. But in the last number of years, that is waned and gotten more and more difficult to have those close operational contacts. Unless it is within our jurisdictional authority the expectation is, and I’m using my words, it's not our business. It's none of our business how the plant operates. It's just our business to mitigate the threat when something bad happens. And that is generally over the course of my experience, been usually covered with nothing will ever happen here, this is so safe you can't imagine anything ever happening here with any of these.

And so much to my point earlier if it was impossible to happen to the steam turbines, but it did, then what about the regular turbines and the combustion turbines? What type, what is the lack of preventative maintenance done to those? I’m looking at pictures in an audit report of parts of the structure that we would never be given access to in a drill or anything else, with corroded pipes, failing flanges, bolts that are rusted out.

The plant in and of itself is in disrepair. And
that's the reason why we don't have confidence that areas
of the plant that we're not allowed to regulate, and we're
not even really supposed to put eyes on, it's all
proprietary. We're just supposed to trust that they're not
going to fail. When we -- and I'm kicking myself, I'll be
honest with you, Ms. Monahan -- there's elements where we
did trust that. Okay, they're the experts. They are the
engineers. There's no possible scenario, even though it
sounds crazy that there is this heavy turbine spinning in
the pit with volatile lubrication oil around it, no
worries. And it fails that inspection and no one notifies
us who are the ones required to come and mitigate it.

Oftentimes when our suppression crews are coming
to tour a facility they're not there as a regulator.
They're there for life safety. They're there for the
safety of the personnel that work there. Their own safety,
the public safety, that's why they're pre-fire planning.
And so that's the biggest step, even outside of the
regulatory is open the doors. Let our suppression crews
down there.

The night of the 27th, we had 100 percent of our
on-duty forces there, 35 people on scene of that. Some of
them have not been on campus at that site by no fault of
their own. We also had Fremont and Alameda counties
hazardous materials teams on site with us, with three
engines each. We had in the area of 60 firefighters at the
scene. And I had to have our entire city covered by
Oakland and county fire during a six-hour incident.

These are all the things that we want to have
that close working relationship with, Ms. Monahan, to get
back to your original question. But there is a feeling of
imposition when we inquire. And we've got to get past
that. We've got to get to the point of being partners in
this. If this place is going to be operating we've got to
be partners. And we've got to mitigate the threat to the
community together. Not just hey if you happen to ask the
right question on the right day maybe you're going to get
the right access. That's not the spirit of cooperation.

I'm still, having given a lot of effort to the
relationship over the years, to have not been notified of a
life safety issue when that thing failed. When there's oil
leaking on the turbine in 2019 it's mums the word secret.
And then to find out that it was sealed? What else has
been sealed and we're not aware of that? That's where my
mind goes on, so I don't know what we haven't been given
access to.

COMMISSIONER MONAHAN: Thank you.

Jeff, you had your hand up. Do you want to
respond to the Chief?

MR. HARRIS: Yeah, if I could briefly. Can you
hear me okay?

COMMISSIONER MONAHAN: Yes.

MR. HARRIS: Just very briefly, back to the language. The language we've submitted provides for the cooperation. It memorializes (indiscernible) you're hearing to the complaint about cooperation. And the City's recourse is not the only on Calpine, it's to lean on the Energy Commission staff. And they will respond. Believe me, I've got an entire business built around the regulatory regimes of the Energy Commission. And so that is where the Fire Department will be able to respond.

We have worked with them in the past. They've been the BCDO on repairs of certain materials. They also continue to act as the CUPA. And the other thing I want to point out is that that PUC report, is a CPUC report, it's a 2019 report. Everything identified in that report has been corrected. And everything in that report was corrected before this incident, so there's no way anything in that report caused or contributed the issues here. So to the extent there's an issue with whether that secret or are not shown, but I'd say that the beef is with the PUC and not with you all.

So, in any event, like I said I think the language is really a nod towards giving the City what they apparently feel they don't have, which is a way to have
input into this process. Part of the other reality is that there's a state law that provides the Energy Commission with the exclusive authority over all state law matters. So it's a complex relationship between you and the Fire Department as well.

And we want to be part of those relationships. We want to improve this relationship. That's why we want to sit down and meet with folks and we're glad to do that. And I am again going to say that we will memorialize some of the history here that we haven't gone into today, because we really want this to be productive today.

So I’ll stop there, so thank you.

COMMISSIONER MONAHAN: Well, thank you. I’m glad to hear that you'd like to improve the relationship with the Fire Department. I mean these fire workers that are putting their lives at risk with these kinds of accidents, you know, they deserve a lot of respect. And they deserve, I think access to have this conversation.

So if staff could respond to what's you know, the level of oversight and engagement that you can have to ensure that there are better working relations between the facility and CPUC, our agency, you know, to have us all working really deeply collaboratively together to ensure safety.

MR. PITTARD: Yes, Commissioner Monahan, this is
Shawn. Yes, it's all about implementation right? We've got all the laws. Everything's in place, the authorities that we need. We've got the staff. We've got a good team. And we are fully committed to facilitate these interagency relationships and to partner with the Chief in the City of Hayward.

We know that they teach us things when we get down to the site and we teach them things. We have different subject matter expertise, but we are fully committed to bringing them in as a partner on the oversight for this power plant.

COMMISSIONER MONAHAN: And I wanted to -- thanks, Shawn, I appreciate that. I also want to just clarify that as Mr. Babula was saying, that before the original language in the order, we have the authority to do all of that whether it's in the order or not; is that correct?

MR. BABULA: So this is Jared Babula again.

COMMISSIONER MONAHAN: (Overlapping colloquy.)

(Overlapping colloquy - multiple voices.)

MR. BABULA: Right, because this order, the premise of the order is really directly focused on what the petition was covering. It doesn't go -- I mean, obviously we have conditions about biology. There's conditions. There's all sorts of things in the original license and in the other amendments, as we've gone through. There's been
a number of amendments to do this project over the years, like adding the Black Start battery system. So anytime there's an implication to a condition of the amendment then it will get updated.

So when you look at the whole litany of conditions and the general compliance conditions, you have the whole entire authority over the project and what they're required to provide both in terms of reporting requirements and reports and studies and so forth. So you'd have to look at the full litany of conditions. And so this order would just be relevant to the particular petition at hand.

COMMISSIONER DOUGLAS: Commissioner Monahan, any other questions? Oh, go ahead.

COMMISSIONER MONAHAN: Well, actually that confused me more. I wonder, I mean we had four very specific items that were added to the order originally. You know, the Applicant must admit to the CEC a safety audit, fully identifying the circumstances that gave rise to the petition. That if the CEC determines any of this information, the audit should not be released, the Applicant must do a public version. And there were two other (indiscernible), do we have that authority?

MR. BABULA: Well, for reports, right. So they could be -- if they submitted documents that they want to
be confidential, they would -- that's not specifically in
the -- so there is, yes. So the current license indicates
that any time they're submitting a document to us that they
wish to be confidential lets say, the license says you need
to go file an Application using the Commission's
regulations. So the actual mechanics of doing that are in
our regulations, but the license directs them there, so if
there was a document there.

For now, the audit thing, I’m not clear from that
statement what exactly is this audit. Like if they're
required to do some report or study or there's some type of
documentation that they're doing in furtherance of our
license, and they're sending it to us, then that process is
already laid out in the license about like if it's
confidential or not, how do we do that.

COMMISSIONER MONAHAN: Well, this is a very
specific question then, with the root cause analysis will
we have access to it? And is that a document that, with
the exception of confidential business information, would
be made public?

MR. BABULA: That root cause analysis would be
part of what staff would need to do our analysis, so yes
that would be provided. And then it would just be a matter
of if there's provisions in it, or sections that need to be
confidential.
Now, there may be in developing that root cause analysis, which for other facilities, or other entities and entities who have licenses with the Commission, they have always provided and we've received root cause analysis from them. Now there might be like notes or some other types of documents that helped, that were used to create the root cause analysis that we wouldn't necessarily get. We would just get the report and that would be what we need. So we would get information that staff needs to do their work, and then it would be a matter of if there's something that's confidential and whether they will be redacted or there'll be like a public version that will be submitted. And we would utilize the docket as the place where those documents would be.

COMMISSIONER DOUGLAS: So, Commissioner Monahan, I'll just step in and say something, which is that under our process in addition to the root cause analysis, there is an open investigation on this incident right now that our staff is undertaking. As Jared said the root cause analysis will be part of it, it's not the only part of it. Staff have been to the site. They've taken photographs. They will be working with the Fire Department. They'll be analyzing what happened, and that will be presented and provided to us in some form.

Staff is going to need to make a recommendation.
through some of our enforcement authority as was referenced, but that's just not before us right now. But it is happening.

COMMISSIONER MONAHAN: Thank you. And I mean, I think as we decide what to do if we were to move forward I would recommend that we would have some kind of maybe update at the Business Meeting. This is an important enough issues that I want to make sure that there's a lot of vigilance on our part, and on the staff's part in making sure that we are building the relationships that we need to see between the facility, the City and especially the Fire Department, the Public Utilities Commission and our agency.

My concern is that there's just hasn't been enough, you know, oversight and collaboration. And I'm very concerned about what Chief Contreras says. And ensuring that we're doing all we can to protect the community and protect fire fighters, and maintain a reliable energy system. That's the thing for all, you know very cognizant of the risks right now to reliability and how that is a life-threatening situation as well.

So you know we're balancing these and it's very tough.

COMMISSIONER DOUGLAS: Yeah, I mean I heard him loud and clear as well, in terms of his deep interest and commitment to doing everything in his power to mitigate any
threat or any potential threat to the community. And I think we need to take him up on that partnership and that offer to work together. And we need to work very collaboratively and closely with the Fire Department and with the City. There's no doubt about it, I mean this is as I said, it's under our jurisdiction. It's on our watch and we've got to be -- you know, this has got to be top of mind and we've got to be on this. And I very much hear and appreciate your concerns and your interest in ensuring that we are on this.

I think in terms of a Business Meeting briefing I don't know the right timing for that. But of course the benefit of a public briefing is it does give us the opportunity to talk to each other, which otherwise is as we all know well, limited.

Can I ask, do you have more questions right now, or can I go on to the Chair and Commissioner Gunda?

COMMISSIONER MONAHAN: Yes, can go on, thank you.

COMMISSIONER DOUGLAS: Absolutely, so Chair Hochschild?

CHAIR HOCHSCHILD: I don't have anything new to add other than what I expressed earlier and I’ll just restate that. I mean this is an unacceptable event, and Calpine failed to do the necessary preventive maintenance here and I feel very fortunate nobody was hurt or injured.
Having said that, I am comfortable with the understanding that the risk is in the steam unit and not the CT, we operate CTs all over the state. And I have never heard of the event like that. And we are under a period of enormous stress for the electric grid. And that is a health issue you know people depend on the grid to stay cool, but also for operating medical devices. And unfortunately we're at a period of just an enormous stress.

What's going on for those of you who may not be following as closely, is that the drought -- again climate change is sort of making it harder to fight climate change, but the drought has reduced hydro capacity. Wildfires have an impact on solar production. And of course load goes up with air conditioning use. Inland has placed an enormous stress, unprecedented stress, on the grid, so it is imperative we get every asset that we can to support that.

So those are my comments. And Commissioner Douglas, I'm comfortable with the outline you've laid out for the order.

COMMISSIONER DOUGLAS: Thank you, Commissioner Hochschild.

Commissioner Gunda?

COMMISSIONER GUNDA: Thank you, Commissioner Douglas. I'm so sorry again for missing a significant chunk of the conversation, but I was quickly able to review
the draft that was proposed by Commissioner McAllister and that the staff kind of proposed again together.

So I think, I mean I know there's a lengthy conversation here and I think you know I recognize the concern that Chief Contreras is raising around not wanting to be trusting again and then moving forward to have the same situation from a lack of transparency and collaboration moving forward. And I recognize that concern and I share that concern in the sense that it is not easy, even in the best of situations to be communicative and to be collaborative.

You know, we all have silos and then we work within the silos of our work. And it's hard to exchange notes on a timely fashion, so I think I just want to make two quick requests of the staff. I think it's consistent with what Commission Monahan mentioned, I would really like to see an ongoing business item, a Business Meeting item here, as a way for all Commissioners to be able to hear what's going on. And especially request Chief Contreras to come to attend the Business Meeting and to share any ongoing concerns he might have in terms of lack of transparency, as we move forward.

So I think that's one thing I want to recommend and request.

I also want to request our Public Advisor Noemi...
Gallardo to be involved in developing the necessary collaborative process here. And I think there are lots of best practices. I do not know, Shawn, if it is time -- I don't know what the resource constraints here are. I would really like to have a weekly meeting or bi-weekly meeting, something on the books between our three teams and CPUC where you are actively listening. I think, a huge part of this is really trust building.

And I think you know the engineering analysis is the engineering analysis, and I can have some faith in kind of the safety of the operations. But I think to Chief Contreras's point it's not about just the analysis. It's the lack of transparency and lack of faith. And so I really want CEC to do everything in our power, and our resources, and our time to help build a trust. And please lean on our Public Advisor Noemi Gallardo, to help to do that.

And finally, I also would try to request before, you know, once the safety checks are all done, before as the work kind of proceeds here (indiscernible) if the unit were to go on a single cycle. I really would like to request the Commissioners to go on a site visit to ensure that we all see the kind of space in the community, and to and make sure that Chief Contreras is with us to provide feedback onsite. And I just want to recommend that to our
Commissioners, I commit to visiting and making sure I follow through.

So it's a very difficult decision. I mean I think the difficulty in the decision comes from the urgency and kind of the constrained amount of time we have in having to move things forward. As Chair Hochschild mentioned we're in a very difficult situation on the grid this year. And I recognize that as Chair Hochschild mentioned, last year during the outages about 400,000 customers in California lost power, those households. So you know you could expand that to about 2 million customers were out of lights for a while.

And that also weighs in on my decision. And I think while I understand how important it is to respect the visions and ideas and concerns of the community, I also take that into kind of the weight as I'm thinking through this difficult decision.

So I think with the given provisions laid out here, with the given recommendations for trust building I am okay with moving forward with the recommendations as proposed. Thank you, Commissioner Douglas.

COMMISSIONER DOUGLAS: Thank you, Commissioner Gunda.

So I'm going to ask a question, and just speak up if needed. I'm going to suggest that we ask the Chief
Counsel to help us formulate a motion to act on the order as revised twice essentially. The order that we're looking at now that has Commissioner McAllister's changes with the edits provided subsequently by Calpine. I'm going to suggest that the additional ideas, which I agree with and I think we all commit to of having time on agendas to talk about this item. To invite the City to present, your good idea Commission Gunda of potentially considering an in-person meeting or tour of the site or something like that. I think that's a very good one. I don't think it needs to be in the motion, but I think that we all see the value and the absolute importance of that.

So that's what I'm going to suggest. But would anyone like to propose a different path, if you would? Go ahead and speak up.

MS. BARRERA: Commissioner Douglas, if I may?

COMMISSIONER DOUGLAS: Yes?

MS. BARRERA: With clarity for the record it would be good to identify what additional orders or additional findings you're proposing to add to Calpine's revised order or revisions to the revised order, so that I can add that to the draft that you choose to present as you move for a vote.

COMMISSIONER DOUGLAS: Right, and right now I'm trying to define a motion that has us all thinking about
the same document. And understanding what it actually is and that's kind of step one. I have a document --

COMMISSIONER MCALLISTER: Commissioner Douglas, can I ask?

COMMISSIONER DOUGLAS: Yes, please.

COMMISSIONER MCALLISTER: I guess so I think the conclusion order would be a little bit difficult to make further changes to without a lot of back and forth and some time. And so I think -- but the findings, I guess the question is given the comments that we've had, and all the various Commissioners we've all had, is there any finding that we would add in terms of process. In terms of, you know, having a regular Commission meeting item.

I don't know just is there anything that rises to that level to include here, or is there another way to just point to this record from this meeting to kind of highlight the various commitments essentially by staff in terms of you know, active oversight or something like that. Is the record here enough or is it something less than the level of putting it in as a new finding?

COMMISSIONER DOUGLAS: So there are three options and the Chief Counsel can speak up. If something could be inserted into the document, or a motion could say approve the document and also move that we have regular agenda items at business meetings and so on. So you could do
that.

Or we could -- you know, what I was proposing is that we have five of us sitting here right now talking to each other and the public and the City of Hayward saying, we're going to do this. I think that's -- I think that we're going to do this. So that's exactly the question I was asking you.

COMMISSIONER MCALLISTER: Okay.

COMMISSIONER DOUGLAS: My proposal was that the record and the conversation, and the fact that we're all committed and the staff is hearing us -- and I think we're going to do this. But if you want to wrap, for example, into the motion that will bring this to a certain number of business meetings in a certain time increment, you can go ahead and propose that.

COMMISSIONER GUNDA: Commissioner Douglas, I would like to go with the option of wrapping that into the motion if feasible?

COMMISSIONER DOUGLAS: Okay. Okay, why don't you propose -- well so let's just pause for a minute. Let's get the document part of this right and then I’ll ask you, Commissioner Gunda, to propose a motion that includes some of what you want to see in it, if you're willing.

COMMISSIONER GUNDA: Sure.

COMMISSIONER DOUGLAS: Linda, go ahead.
MS. BARRERA: Yes.

COMMISSIONER MONAHAN: Yeah, just --

COMMISSIONER DOUGLAS: Commissioner Monahan, did you want to add something?

COMMISSIONER MONAHAN: Probably not. I was just going to suggest that we read aloud the changes are, because we don't have a single document that includes -- there's no document that rules them all. So it really needs to be clear what we're adding, I mean (indiscernible).

COMMISSIONER DOUGLAS: A good suggestion.

MS. BARRERA: Yes, I was going to propose that I read the language that we're adding to the order, given that the last version does not reflect that some of the second version is not actually original language, so it's better to wrap all of the new language in one reading.

So I'll proceed to read the order, the proposed order, but just for clarification I would like to know if you want to add the language of bringing this item to a Business Meeting for a regular report out to the Commission.

COMMISSIONER DOUGLAS: I think the suggestion is that it will be part of the motion, but not written in the order.

MS. BARRERA: Okay, so I will proceed to read the
revised language to be original proposed order.

COMMISSIONER DOUGLAS: Okay.

MS. BARRERA: So the revised language includes a new third bullet that says it is prudent for the CEC to exercise enhanced scrutiny for the facility, given the circumstances that gave rise to the petition. And it's reasonable for the public to have access to safety audits conducted pertaining to the operation of the facility, including the circumstances that gave rise to the petition.

After that, the fourth bullet stays the same and then we're adding a fifth bullet that says the following. "The City of Hayward Fire Department will continue to exercise its existing authorities under our CEC Conditions of Recertification including but not limited to, the Fire Department's roles under the conditions HAZ-1, HAZ-2, HAZ-7, WASTE-4, WASTE-8, WASTE-12, WORKER SAFETY-2 and WORKER SAFETY-3."

And the remaining bullet remains the same.

Under conclusion and order, just to keep the record clear I recommend that we strike everything. And we just add the new language which is, "The CEC hereby approves the petition for modifications, allowing for the facility to operate in simple-cycle mode as set forth in the analysis, in staff's analysis, and adopts the draft order with the following modifications."
"At least 30 days after approval of the petition of the temporary safety modifications, the Project Owner shall meet with the California Energy Commission staff and Hayward City Fire Department to discuss any needed modifications of their standards of operating procedures for first responders to implement when responding to incidents on site, including establishing a process for reimbursement of reasonable expenses."

And that concludes the new language under conclusion in the order, of the order, for this item.

COMMISSIONER MONAHAN: I there's just one change to that. It should be, "Not at 30" but "within 30."

COMMISSIONER DOUGLAS: Thank you very much, Commissioner Monahan, you're correct, "within 30 days."

MS. BARRERA: Within 30 days, got it. Oh, maybe I'm reading a wrong version, sorry.

COMMISSIONER MONAHAN: No, you're reading the right version. It was (indiscernible) right.

COMMISSIONER DOUGLAS: Commissioner Monahan, a fantastic catch, thank you.

MS. BARRERA: Thank you.

COMMISSIONER DOUGLAS: So then, Linda, when Commissioner Gunda fashions a motion he will move to approve the order modified pursuant to what you just read. And that he will add what he wishes to propose.
Commissioner Gunda?

COMMISSIONER GUNDA: Yeah, thank you, Commissioner Douglas. I’m doing this for the first time, so if I mess up from a legal perspective just let me know. But I propose to move the modified order --

MS. BARRERA: As read by the Chief Counsel, Linda Barrera.

COMMISSIONER GUNDA: Yes, as read by Chief Counsel Linda Barrera. And I would add the motion to have the staff and the Fire Chief discuss the frequency and cadence of business meeting (indiscernible) and have a business meeting updates on the progress and concerns in the public setting, one.

Number two, is to recommend that at least one Commissioner visits the site prior to its operations.

COMMISSIONER DOUGLAS: Thank you, Commissioner Gunda.

Do we have a second?

COMMISSIONER MCALLISTER: I'll second.

COMMISSIONER DOUGLAS: Very good, Commissioner McAllister was ahead by a millisecond, so moved by Commissioner Gunda, seconded by Commissioner McAllister.

So I'll call the vote.

Commissioner Gunda?

COMMISSIONER GUNDA: Aye.
COMMISSIONER DOUGLAS: Commissioner McAllister?

COMMISSIONER MCALLISTER: Aye.

COMMISSIONER DOUGLAS: Commissioner Monahan?

COMMISSIONER MONAHA N: Aye.

COMMISSIONER DOUGLAS: Chair Hochschild?

CHAIR HOCHSCHILD: Aye.

COMMISSIONER DOUGLAS: And I vote in support as well, so the motion passes 5-0.

And I just want to again convey my thanks to everybody, particularly the City. And I hope you hear from this conversation our commitment to doing our part to work with you. And early often and frequently in terms of moving this forward. I know that this isn't the language that you wanted us -- to see us come out with, but we want to reach out and we will continue to reach out. And we hope to work in partnership to ensure safety in your community, so thank you very much for participating with us.

MS. MCADOO: Sure.

UNIDENTIFIED SPEAKER: It's no different (indiscernible).

COMMISSIONER DOUGLAS: All right, so Chair Hochschild, I'm going to hand this over to you. We are through all of the items.

CHAIR HOCHSCHILD: Okay, and in my absence did
you get through the rest of all the updates and stuff?

COMMISSIONER DOUGLAS: Yes.

CHAIR HOCHSCHILD: Okay, we're adjourned everyone.

COMMISSIONER GUNDA: Chair Hochschild? Chair Hochschild, I apologize.

CHAIR HOCHSCHILD: Yes?

COMMISSIONER GUNDA: I don't know -- I think I was -- I thought the City of Hayward was trying to say something. Just in the spirit of trying to enhance our collaboration, I want to just make sure I get that.

MAYOR HALLIDAY: Just that we appreciate your attention to this matter. And while I think we would have preferred to see some stronger language, I hope that what we got was basically what we wanted. But what we will get from this language is the same thing, and that is the ability of our Fire Department to be a part of ensuring that that plant is safe to operate in our community.

So, again just -- and, you know, we will be back at business meetings and we will look forward to the updates. I appreciate, especially Commissioner Gunda, for your additions to this. And I think it's going to be an ongoing conversation. And we need to make sure that this plant is safe. I would like to see the recommendations of the 2019 report followed up on and I hope that your staff
will assist on that.
And so thank you for giving it the attention that you have. We do appreciate that.

COMMISSIONER DOUGLAS: Ms. Mayor, thank you so much.

COMMISSIONER GUNDA: Thank you, Madam Mayor.
Thank you.

COMMISSIONER MCALLISTER: Thank you, Mayor.

COMMISSIONER DOUGLAS: Yeah, and thank you Commissioner Gunda. I thought you were talking to each other and not to us. And I really apologize.

COMMISSIONER GUNDA: No, thank you, Commissioner Gunda.

I think I just wanted to just respond to Madam Mayor if it's okay. So Madam Mayor, thank for taking the entire day with your team to be here. And we hear the concerns and thank you for giving this opportunity to continue to build this trust again. So thank you for your time and we look forward to working together.

CHAIR HOCHSCHILD: Okay, I think with that I would move us to adjourn if we've concluded everything else?

COMMISSIONER DOUGLAS: Chair Hochschild, if I could -- sorry I was muted and I'll be super quick -- but I just wanted to thank Commissioner Gunda publicly, I think
for bringing us back into the discussion. I really thought the City were talking to each other and not to us, so I apologize. And I just wanted to say to the Mayor, you know, I would be happy to meet with you as well. And I oversee the siting and the power plant program. We're very committed and we will work with you, so thank you so much for spending the day with us.

COMMISSIONER MCALLISTER: I want step in, so I want to just say -- just relate that as well. I mean all of us, obviously you heard, we heard you and many of the speakers, all the speakers today that are obviously -- You know, this is a vital set of issues. And hopefully the discussion and the outcome and the follow-up going forward will give you and the citizens of Hayward comfort that this is receiving the scrutiny and sort of due diligence that it requires going forward. So we're all committed, I certainly am committed to working with you on that as well, so thanks.

CHAIR HOCHSCHILD: Okay, I think we're adjourned. Thanks everyone.

COMMISSIONER DOUGLAS: Thank you, everyone.

(The Business Meeting adjourned at 3:48 p.m.)
CERTIFICATE OF REPORTER

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 30th day of July, 2021.

[Signature]

MARTHA L. NELSON, CERT**367
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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 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 30th day of July, 2021.

_________________
Myra Severtson
Certified Transcriber
AAERT No. CET**D-852