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

In the matter of, )  
 ) Docket No. 13-AFC-01  
Application for Certification )  
For The Alamitos Energy Center )  
Project )

**ALAMITOS ENERGY CENTER COMMITTEE CONFERENCE  
ON PRESIDING MEMBER'S PROPOSED DECISION**

THE GRAND EVENT CENTER, CATALINA ROOM  
4101 EAST WILLOW STREET  
LONG BEACH, CALIFORNIA

WEDNESDAY, MARCH 1, 2017

11:06 A.M.

Reported by:

Martha Nelson

## APPEARANCES (\*Via WebEx)

COMMISSIONERS (AND THEIR ADVISERS) PRESENT:

Karen Douglas, Presiding Member

Jennifer Nelson, Adviser

Le-Quyen Nguyen, Adviser

Janea Scott, Associate Member

Rhetta de Mesa, Adviser

Matt Coldwell, Adviser

Kristy Chew, Technical Adviser on Siting

HEARING OFFICER:

Kenneth Celli, California Energy Commission

CEC STAFF PRESENT:

\*Jared Babula, Senior Staff Counsel

\*Keith Winstead, Project Manager

\*Nancy Fletcher, Air Quality Specialist

\*John Hilliard, Biological Resources Unit

\*Garry Maurath, Geo/Paleo

\*Abdel Karim Abulaban, Soil & Water

\*Matt Layton, Supervising Mechanical Engineer

Amanda Holmes, IT Department

Rene Macleay Santiago, Public Adviser's Office

## APPEARANCES (CONT.)

APPLICANT:

Stephen O'Kane, AES Southland Development, LLC

Jerry Salamy, Applicant Consultant, CH2M Hill

Jeffrey Harris, Ellison Schneider Harris & Donlan LLP

Samantha Neumyer, Ellison Schneider Harris & Donlan LLP

INTERVENOR:

Joe Geever, Los Cerritos Wetlands Land Trust

PUBLIC COMMENT

Scott White, Aspen Environmental Group, Senior Associate

Allison Gallagher, Assembly Member Patrick O'Donnell's Office

Lisa West, Council District 3, representing Councilwoman Suzie Price

Dave Shukla, Resident

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

2 COMMISSIONER DOUGLAS: Welcome to the Committee  
3 Conference on the Presiding Member's Proposed Decision on  
4 the Alamitos Energy Center.

5 The Committee Members assigned to this case are  
6 myself, Commissioner Karen Douglas, the Presiding Member of  
7 the case, and Commissioner Janea Scott, the Associate  
8 Member.

9 To my immediate left is our Hearing Officer, Ken  
10 Celli. And to Commissioner Scott's left, her Adviser,  
11 Rhetta de Mesa, and then Matt Coldwell.

12 To my right, my Advisers, Jennifer Nelson, Le-  
13 Quyen Nguyen. And, then, to the right of Le-Quyen Nguyen,  
14 Kristy Chew, the Adviser for Siting for this Committee.

15 And at this point I'd like to ask the parties to  
16 please introduce themselves and their representatives,  
17 beginning with the Applicant.

18 MR. O'KANE: Hi, good morning. Good morning,  
19 Stephen O'Kane. I'm the Applicant, with AES, Alamitos  
20 Energy.

21 And I'll let my counsel introduce himself.

22 MR. HARRIS: Good morning. Jeff Harris, with  
23 Ellison Schneider Harris & Donlan, on behalf of the  
24 Applicant.

25 MS. NEUMYER: Good morning. Samantha Neumyer,  
CALIFORNIA REPORTING, LLC  
229 Napa St. Rodeo, CA 94572 (510) 313-0610

1 Ellison Schneider Harris & Donlan, on behalf of the  
2 Applicant.

3 MR. SALAMY: Jerry Salamy, CH2M Hill, on behalf  
4 of the Applicant.

5 COMMISSIONER DOUGLAS: Thank you. And staff? I  
6 think they're all on WebEx.

7 MR. BABULA: Yeah. Hi, this is Jared Babula,  
8 Staff Counsel. And I'm here with the rest of the staff, so  
9 we're not going to introduce everybody. But those, when  
10 they talk, will introduce themselves as needed, as we move  
11 forward. And I'm here with Keith Winstead, the Project  
12 Manager. Thank you.

13 COMMISSIONER DOUGLAS: Thank you. And  
14 Intervenor, Los Cerritos Wetlands Land Trust?

15 MR. GEEVER: My name is Joe Geever, representing  
16 Los Cerritos Wetlands Land Trust.

17 COMMISSIONER DOUGLAS: Thank you. Let's see, I  
18 do not believe the Public Adviser -- oh, Public Adviser's  
19 Office. Great, Public Adviser's Office is here.

20 And let me ask, now, are there any elected  
21 officials or representatives from Federal, State, or Local  
22 Government Agencies, or Native American Tribes in the room  
23 or on the WebEx?

24 Anyone here from South Coast Air Quality  
25 Management District?

1           Okay, we're going to make sure the phone's  
2 unmuted. So, if you've been trying to speak and we haven't  
3 been hearing you, keep trying. Let's see. All right, it  
4 doesn't look like it. Speak up, if you're from any  
5 government agency.

6           All right. Well, at this time I'll turn over the  
7 conduct of this hearing to the Hearing Officer, Ken Celli.

8           HEARING OFFICER CELLI: Thank you, Commissioner  
9 Douglas.

10           Good morning, everybody. Today, we are here to  
11 discuss the Presiding Member's Proposed Decision, which was  
12 published on February 13th, 2017. On February 14th, 2017,  
13 the Notice of Availability -- that's the Notice of  
14 Availability went out to the proof of service list, which  
15 noticed today's conference, as well as the April 12th  
16 Energy Commission Business meeting.

17           The Notice of Availability of the PMPD asked the  
18 parties to file written comments on February 23rd, 2017.  
19 Energy Commission staff and the Applicant both filed their  
20 comments on February 23rd, 2017. The only other party in  
21 the case is the Los Cerritos Wetlands Land Trust, which as  
22 Intervenor. They have still to file their comments on the  
23 PMPD.

24           After we receive all of the comments on the PMPD,  
25 we will draft what's called an errata, e-r-r-a-t-a, the



1 errata. And the errata will list those errors, which are  
2 unfortunate, but seemingly an inevitable part of every  
3 PMPD, even though we try our best to catch and correct  
4 errors.

5           So, we're interested in changes to conditions and  
6 errors of face that people can share with us. As an  
7 example, some things happened like there may be a statement  
8 in there that says some structure is 800 feet tall when, in  
9 fact, it's 80 and we have a typo. We need to know that so  
10 that we get it right, and so that the document comports to  
11 the truth, to the best of our ability. So, that's what  
12 we're after here, today.

13           We are interested in all comments. And as I  
14 said, again, so far to date, and I haven't looked on this  
15 morning, but I don't think I've gotten any new comments  
16 today, the only comments we've received are from the  
17 Applicant and staff.

18           So, we're going to begin today by discussing some  
19 issues that were raised in staff and Applicant's comments.  
20 And after that, we will take comments from Los Cerritos  
21 Wetlands Land Trust. And after that, we will take public  
22 comment.

23           The record should reflect we have a few people  
24 here. I recognize Elizabeth Lambe is here, from the Los  
25 Cerritos Wetlands Land Trust, and some other people. So,

1 we will hear from them, and maybe more people will come in.  
2 And maybe more people will call in, on the telephone.

3           So, with that, welcome everybody. I have a few  
4 questions. The first question I have goes to the  
5 Applicant. I just want to make sure, because we found that  
6 there were some areas of the record that showed there was a  
7 56-month construction period and then there was a 57-month  
8 construction period. I got your comments that said,  
9 basically, it's 56 where we said it was 56 and it's 57  
10 where we said it was 57, because you were adding a month.  
11 Do I have that right?

12           MR. SALAMY: Yes, there's a one-month period in  
13 the schedule where there's no construction, but it's  
14 sandwiched in between a couple of construction events. So,  
15 the construction period is 57 months, but actual  
16 construction is only 56.

17           HEARING OFFICER CELLI: Okay. Mr. Harris.

18           MR. HARRIS: Yeah, I think Mr. Salamy's properly  
19 characterized it. It's a level of precision that maybe  
20 didn't warrant this much attention but -- and we probably  
21 ought to put the word "approximately" in there, anyway,  
22 because if it rains really heavily one month, it's going to  
23 be 57 and 58. So, anyway, that's the level of precision.

24           HEARING OFFICER CELLI: Well, I just want to  
25 commend the advisers for their eagle-eye editing skills,

1 catching these kinds of things. And when they do, they  
2 bring it to our attention and we go, well, we don't know.  
3 So I will accept those comments.

4 On page 2, of the Applicant's comments, it says,  
5 "Page 6.1-5, Paragraph 3, the second sentence should be  
6 corrected." This is in the GHG Section, Greenhouse Gases.

7 It says, "The proposed maximum operation of the  
8 combined-cycle generators are" -- it used to say 4,100  
9 hours, now there's been a request to change for 4,600  
10 hours, which is a 47 percent capacity factor.

11 But what I didn't -- I couldn't tell from that  
12 comment was where does that number come from, so we can  
13 site to the record?

14 MR. SALAMY: This is Jerry Salamy, with CH2M  
15 Hill, for the Applicant. That number comes from a number  
16 of places within the Air Quality Section. I can find out  
17 where those are and relay that to you. But that number is  
18 pretty universally used throughout the document for the  
19 combined-cycle gas turbine power block.

20 HEARING OFFICER CELLI: Okay, great. So, that  
21 would be the maximum proposed?

22 MR. SALAMY: That is the permitted max, right.

23 MR. O'KANE: I can give you some clarification on  
24 that. It's Stephen O'Kane, with the Applicant. So, it's  
25 4,100 hours of normal operation and 500 hours of start.

1 HEARING OFFICER CELLI: Oh, okay. For a maximum  
2 total of 4,600.

3 MR. O'KANE: 4,600 of operating hours. Be  
4 careful with the term "capacity factor" because that's  
5 energy -- that's the amount of energy a unit can produce  
6 divided by the total possible amount of energy, which is  
7 not synonymous with operating hours.

8 HEARING OFFICER CELLI: Okay, so we're talking  
9 about operating hours here?

10 MR. O'KANE: That's correct.

11 HEARING OFFICER CELLI: Okay.

12 And I think we might have Vicky Lee on the phone?  
13 Hello?

14 MS. FLETCHER: Hi, this is Nancy Fletcher, Air  
15 Quality staff. Can you hear me?

16 HEARING OFFICER CELLI: Go ahead, Ms. Fletcher.

17 MS. FLETCHER: Hi. I just wanted to make note  
18 that Table 22, in the Air Quality Section, talks about the  
19 combined-cycle operating profile. It's 4,100 baseload  
20 hours and 4,640 total hours, including startup and  
21 shutdown.

22 Now, 4,100 baseload hours produced the 47 percent  
23 capacity factor. The amount of megawatts that may be  
24 produced while it's in startup and shutdown is not  
25 necessarily known. But if you do change it to either 4,600

1 or 4,640, then you might want to adjust the percent  
2 capacity factor, as well.

3 HEARING OFFICER CELLI: And you're saying those  
4 numbers are in Table 22, in the Air Quality Section?

5 MS. FLETCHER: Yes, the operating parameters for  
6 the combined-cycle operating profile.

7 HEARING OFFICER CELLI: Right.

8 MS. FLETCHER: Then, we have 4,100 steady state  
9 hours and 4,640 total hours. So, just a slight difference  
10 there.

11 HEARING OFFICER CELLI: So, Ms. Fletcher, instead  
12 of saying 500, we're saying 540 is accounted for by  
13 startup?

14 MS. FLETCHER: Yes.

15 HEARING OFFICER CELLI: Okay.

16 MS. FLETCHER: Startup and shutdown.

17 HEARING OFFICER CELLI: Okay, 540. And,  
18 Applicant, you concur with that?

19 MR. HARRIS: Yes.

20 MR. O'KANE: Yes, we concur. Thank you for that  
21 clarification of the extra 40 hours for the shutdown  
22 period.

23 HEARING OFFICER CELLI: Thank you. This is why  
24 we do this. This is why we're here. So, thank you for  
25 that.

1           The next -- so, next, Mr. Babula and Mr. Harris,  
2 and Los Cerritos Wetlands Land Trust, the next question  
3 regards Bio-8, which is the condition in the Biology,  
4 Biological Resources Section having to do with the  
5 Burrowing Owl.

6           The PMPD had proposed to have a sentence --  
7 actually, let me -- I'll just read the first paragraph of  
8 Bio-8, which says: "Preconstruction nest surveys shall be  
9 conducted if construction or demolition activities on the  
10 project site, or wastewater pipeline will occur from  
11 January 1st through August 31st."

12           In addition -- this was the proposed language.  
13 "In addition, Burrowing Owl surveys shall be conducted  
14 prior to any ground-disturbing activity year round." And,  
15 then, it goes on to talk about surveys.

16           The Applicant had requested striking the  
17 language, that sentence, "In addition, Burrowing Owl  
18 surveys shall conducted prior to any ground-disturbing  
19 activity year round." They want to strike that sentence  
20 and add in the first sentence, the four words, "Including  
21 Burrowing Owl surveys."

22           So, that the way it would read is,  
23 "Preconstruction next surveys, including Burrowing Owl  
24 surveys, shall be conducted if construction or demolition  
25 activities on the project site or wastewater pipeline will

1 occur from January 1st through August 31st."

2 So, that was a proposed change from the  
3 Applicant. And do I have that correct, Mr. Harris, so the  
4 record's clear?

5 MR. HARRIS: Yes, the record is clear. I guess I  
6 would add in that is, in our view, a bit of a compromise on  
7 our behalf. We thought -- we proposed language in our  
8 opening testimony that really, kind of very much narrowed  
9 the Burrowing Owl surveys. This is not habitat. The  
10 Burrowing Owl might fly over this area, or potentially  
11 land, I guess. But rather than completing striking it,  
12 what we want to do is make sure that this survey obligation  
13 is tied to preconstruction activities, as opposed to -- and  
14 the way we think it might be misread -- I don't think this  
15 is your intent, but the way it might be misread is to read  
16 that language that for the life of the project, any time  
17 there's any kind of ground-disturbing activity, whatsoever,  
18 that there have to be the surveys. And that, obviously,  
19 would interfere with things like maintenance of the  
20 facility.

21 And, so, the idea is to move it up to the first  
22 sentence and tie it to preconstruction surveys.

23 HEARING OFFICER CELLI: Okay. I do want to say  
24 for the record that Los Cerritos Wetlands Land Trust's  
25 evidence on the observation of the Burrowing Owls within

1 5,000 feet of the project was, we said, uncontroverted in  
2 the PMPD. You had a problem with that.

3 But I want to -- the record should reflect that  
4 the Applicant and staff stipulated to the admissibility of  
5 that evidence and offered no evidence to impeach that  
6 testimony, in particular. Although there is -- the issue  
7 is in dispute, that evidence was uncontroverted. And I  
8 would be inclined to leave that language in.

9 MR. HARRIS: Well, we would ask that it come out.  
10 We think it was controverted. It wasn't controverted in,  
11 you know, strike that, get it out, but we presented  
12 evidence to the contrary. So, the record has evidence to  
13 the contrary.

14 And maybe we're being too lawyerly here.

15 HEARING OFFICER CELLI: We probably are. But,  
16 you know what, the Committee will look at that and make a  
17 decision about it.

18 MR. HARRIS: That was our intent. There is  
19 evidence to the contrary. You're right, we did not cross  
20 on that issue, for example.

21 HEARING OFFICER CELLI: All right.

22 MR. O'KANE: I want to make it clear, the  
23 Applicant wants to do Burrowing Owl surveys prior to  
24 construction and ground disturbance. We're just trying to  
25 make the language clear that we're not doing Burrowing Owl



1 surveys year round for a 40-year life span. So, that's the  
2 comment.

3 HEARING OFFICER CELLI: Thank you, Mr. O'Kane.

4 I want to ask Mr. Babula to --

5 MR. HILLIARD: Hello, this is John Hilliard, with  
6 the Biological Resources Unit. Can I interject just a  
7 minute.

8 HEARING OFFICER CELLI: Go ahead, Mr. Hilliard.

9 MR. HILLIARD: Okay, thank you. The  
10 recommendation really pertained to construction of the  
11 project. It wasn't meant for the life of the project, if  
12 they were going to do some maintenance activities or do  
13 some clearing on site. But we did strongly recommend that  
14 it be a year round requirement during the project  
15 construction. That's because Burrowing Owls are known to  
16 inhabit developed sites, either for foraging or passing  
17 through.

18 And in this case, it just seems reasonable, if  
19 you're doing the construction, do the surveys year round,  
20 not just the nesting season. We don't feel that's  
21 adequate.

22 HEARING OFFICER CELLI: Okay, I appreciate that.

23 MR. O'KANE: Is it okay if I ask a question?

24 HEARING OFFICER CELLI: Go ahead.

25 MR. O'KANE: Just a clarification question.

1 HEARING OFFICER CELLI: Yeah, go ahead.

2 MR. O'KANE: Yeah, we're getting lowering in  
3 language, and I think that's a reasonable request, as long  
4 as I understand that this is we'll do a Burrowing Owl  
5 survey any time we want to start construction during the  
6 year. But it's -- you know, just the way it's written, it  
7 sounds like every day go out, for an entire year, year  
8 round, go out and do a Burrowing Owl survey. And I don't  
9 think that's what we mean. We mean that if we start some  
10 ground disturbance outside of that window in December, say,  
11 we would go out and do a Burrowing Owl survey before we  
12 started that. And if that's the intent, then that's  
13 exactly what we would intend to do. I just, okay.

14 HEARING OFFICER CELLI: That's fine.

15 MR. HILLIARD: That was the intent behind that.

16 HEARING OFFICER CELLI: Who's speaking?

17 MR. HILLIARD: Oh, this is John Hilliard. That  
18 was the intent behind that.

19 HEARING OFFICER CELLI: Okay. I mean, I want to  
20 point out that the heading for Bio-8, the title of the  
21 condition is "Preconstruction Nest Survey", so I thought  
22 that that was the underlying understanding, anyway.

23 However, before I move on, I want to ask Los  
24 Cerritos Wetlands Land Trust for their input on Bio-8, with  
25 regard to this language. So, Mr. Geever, if you have any

1 comment, please?

2           Let me try again and let's see if they've turned  
3 you up. We're not getting him, Mike. And for the record,  
4 that's M-i-k-e. M-i-c, mic, doesn't appear to be working  
5 mic, like M-i-k-e.

6           MR. GEEVER: Sorry, I was struggling with my  
7 voice this morning. So, we're going to talk to our  
8 biologist about this. But, you know, my amateur kind of  
9 question is why would we exclude those months of the year  
10 when I can't imagine there's some scientific justification  
11 for excluding those months. So, that's more in the form of  
12 a question, than a comment, I guess. I'd have to talk to  
13 the biologist, first.

14           HEARING OFFICER CELLI: Okay. And I just want to  
15 -- let me just say, for the benefit of everybody in the  
16 room, we've already taken in all the evidence we're going  
17 to take in, in this case. Our record is closed. But part  
18 of the reason we have these PMPDs -- the PMPD, by the way,  
19 is a word you're going to hear a lot of today, and that's  
20 an acronym for Presiding Member's Proposed Decision, which  
21 is what we filed.

22           And that is based upon the evidence. So, in some  
23 cases there may be some discrepancies, there may be some  
24 confusion, or vagaries, and we need to clear them up. And  
25 that's a big part of why we have today's PMPD Conference,

1 so that we can get to the heart of some of these things  
2 and, hopefully, resolve them.

3 In this case, it sounds like, really, the only --  
4 the reason I wouldn't be able to put in that "including  
5 Burrowing Owl surveys," is that limiting language with  
6 regard to January 1st through August 31st would then apply  
7 to the Burrowing Owl. If we wanted to extend it for the  
8 full year, which appears to be the recommendation, we would  
9 want to include that extension of those few months in  
10 there.

11 MR. HARRIS: If I could?

12 HEARING OFFICER CELLI: Go ahead.

13 MR. HARRIS: Persons to the left and the right of  
14 me, independently, both suggested that we put the word  
15 "preconstruction" into that -- restore that sentence we  
16 struck and, so, the last sentence would now say, "In  
17 addition, preconstruction Burrowing Owl surveys shall be  
18 conducted prior to ground-disturbing activities year  
19 round."

20 HEARING OFFICER CELLI: That seems reasonable.  
21 Is there any comment on that, Mr. Hilliard?

22 MR. HILLIARD: No. But if I could ask you to  
23 unmute Scott White, if he wants to chime in? I didn't  
24 realize he was on the phone.

25 HEARING OFFICER CELLI: Okay, give me a second

1 here, as I try --

2 MR. HILLIARD: And Scott's with Aspen, he's out  
3 outside consultant.

4 HEARING OFFICER CELLI: Okay, I've lost my -- how  
5 did I do that. I seem to have lost my list of attendees.  
6 It's over there. How do I get it back.

7 All right. So, I have all of my call-in users  
8 are unmuted. So, and Eric Knight needs to be -- he's  
9 unmuted, also. So, everyone who's called in is unmuted.  
10 So, I'm not sure Mr. White is even out there, Mr. Hilliard.

11 MR. WHITE: This is Scott White, but I don't  
12 think see my name on any of those labeled call-in people.  
13 Can you hear me?

14 HEARING OFFICER CELLI: You're breaking up a  
15 little bit. Could you say that again, please?

16 MR. WHITE: Yeah, this is Scott White. It sounds  
17 like you can hear me okay?

18 HEARING OFFICER CELLI: We can hear you fine,  
19 now. So, really, what we need to hear from you is whether  
20 you had any charge on the fact that they want to add the  
21 word "Preconstruction Burrowing Owl surveys" in Bio-8.

22 MR. WHITE: No, I don't have anything to add.  
23 The solution that you reached, preconstruction surveys year  
24 round is exactly what was expected.

25 HEARING OFFICER CELLI: Okay. Anything further

1 with Mr. Geever on that? He's shaking his head no, in the  
2 negative.

3 Mr. Harris?

4 MR. HARRIS: That sounds like a good resolution  
5 to us, yes.

6 HEARING OFFICER CELLI: Okay, very good. Thank  
7 you all for that.

8 Okay. Now, the next one, this is to the  
9 Applicant, having to do with Traffic and Transportation.  
10 There was comment, at page 8.2-6, Traffic and  
11 Transportation Figure 3, Alamitos Energy Center-Heavy Haul  
12 Routes. It should be revised to reflect the route  
13 presented in TN210590, referenced in Exhibit 2014, pages  
14 4.10-45, that is page, not pages plural. On page 4.10-45.

15 I didn't see any figures there. And when I say  
16 figures, I'm talking about, for the benefit of everyone, an  
17 actual overhead map or a satellite of the area that shows  
18 any route. And I'm not sure whether any such map is in the  
19 record. If it is, I'm happy to switch them out and put in  
20 the accurate map.

21 Otherwise, the question is do I take out the map  
22 altogether, if it's inaccurate, and just rely on the  
23 textual reference to the route? So, what would you have it  
24 be, Applicants?

25 MR. SALAMY: This is Jerry Salamy, for the

1 Applicant. And I believe in the referenced exhibit it is a  
2 text description of the route.

3 HEARING OFFICER CELLI: Right.

4 MR. SALAMY: It would be acceptable to me, and I  
5 believe the Applicant, if you were to remove the figure. I  
6 don't believe the figure provides much.

7 HEARING OFFICER CELLI: Yeah, my recollection was  
8 it was sort of like a table that had a list of the route,  
9 the streets.

10 MR. SALAMY: That's correct.

11 HEARING OFFICER CELLI: Okay. So, your  
12 recommendation is we remove the figure, altogether.

13 MR. SALAMY: It didn't add very much and it's  
14 also subject to change, depending on the jurisdictions  
15 involved.

16 HEARING OFFICER CELLI: Okay. Anything on that  
17 from the staff?

18 MR. BABULA: No, we're okay with that.

19 HEARING OFFICER CELLI: Okay, Mr. Geever, for Los  
20 Cerritos Wetlands Land Trust?

21 MR. GEEVER: Not at this time.

22 HEARING OFFICER CELLI: Okay, good. It will make  
23 for a shorter document.

24 Okay. And then, finally, to staff. Mr. Babula,  
25 staff's comments on Visual. It says that, at page 8.5-1,

1 the PMPD states, "The AGS is situation on a flat coastal  
2 plane with a site elevation of approximately 8 to 15 feet  
3 above mean sea level." However, the FSA states, "The  
4 existing AGS is situated on a flat coastal plane with a  
5 site elevation of approximately 10 to 20 feet above mean  
6 sea level." And, then, you cite me to the FSA at page  
7 4.12-4.

8 We had clarified that. I remember, in the first  
9 part of the evidentiary hearing, back in November, we had  
10 asked about that because we had found three places where  
11 the site elevation was at odds. And we got clarification.  
12 I remember Mr. Salamy actually telling us that the most  
13 accurate, there was a GPS-calculated mean level, and mean  
14 sea level -- or, rather an elevation above mean sea level.

15 And staff, you were here that day. And my  
16 recollection was that staff agreed that that elevation,  
17 which if I'm not mistaken, came from Geo/Paleo, probably,  
18 was the most accurate.

19 MR. SALAMY: That's correct. This is Jerry  
20 Salamy. That's correct, the Geology section would have  
21 included references to the geo tech investigation, which  
22 the Applicant prepared and submitted. So, that would be  
23 correct.

24 I believe this reference is in Visual Resource,  
25 that you're talking about, is discussing the coastal plain,



1 in general.

2 HEARING OFFICER CELLI: Right.

3 MR. SALAMY: Around the project site.

4 HEARING OFFICER CELLI: Okay.

5 MR. SALAMY: So, our geo tech analysis was  
6 specific to the project site, itself.

7 HEARING OFFICER CELLI: Okay. And, so, Mr.  
8 Babula, anything on that, or if you have your Traffic and  
9 Trans person there?

10 MR. BABULA: So, I'm getting --

11 MR. MAURATH: Yes, Geo/Paleo. And, yeah, staff  
12 concurs with Mr. Salamy on the elevation.

13 HEARING OFFICER CELLI: Okay, thank you. That's  
14 good because we -- that was the eagle eye of some adviser,  
15 who found that and I thought that was great work.

16 Okay, lastly -- so, those were the only specific  
17 questions I had on the comments submitted by the Applicant  
18 and the staff. Is anyone on the telephone from South Coast  
19 Air Quality Management District?

20 I wonder if there's anyone in staff, Mr. Babula,  
21 if you could have maybe someone give them a call and see if  
22 they can call in?

23 MR. BABULA: Was there a particular question that  
24 you had or --

25 HEARING OFFICER CELLI: Yeah, I wanted to hear

1 from Bhaskar Chandan about what the status was on the FDOC.  
2 When last we spoke, at the evidentiary hearing, that was,  
3 according to his representation, the last day for comment  
4 on the -- I can't remember, now, because they republished  
5 the PDOC, or they re-noticed it.

6 MR. BABULA: I think it was the PDOC. This is  
7 Jared. It was the PDOC that they re-noticed, even though  
8 they already had the FDOC out.

9 HEARING OFFICER CELLI: Right. That's right. It  
10 was after the FDOC was published, and they re-noticed the  
11 PDOC. I just want to have some clarification, and I would  
12 like to confirm that the FDOC, then, is final. And I'd  
13 sure like to hear that from South Coast. So, would it be  
14 possible, perhaps, to have someone maybe make a call and  
15 sort of ask them to call us?

16 MR. BABULA: Yeah, we're doing that right now.  
17 And we thought they might actually have called in. So,  
18 we're calling them, now, to have them call in.

19 HEARING OFFICER CELLI: Great. I really  
20 appreciate that. Thanks for doing that.

21 In the meanwhile, I'm going to go around the room  
22 and ask the parties if there was anything further they  
23 wanted, and then I thought I would go to the public and see  
24 if there are any public comments.

25 So, first, Applicant, anything further on the

1 PMPD?

2 MR. HARRIS: Yeah, two more issues I want to talk  
3 about, briefly. The first one, and the most important one,  
4 is the Greenhouse Gas-1 condition, that staff had flagged  
5 in their comments, and I think flagged correctly.

6 You know, I thought the staff properly  
7 characterized it. You know, you don't typically recommend  
8 conditions that say apply with applicable LORS. That's not  
9 typically what we do.

10 This condition was not in the FSA, or the PSA, so  
11 it's new in the PMPD. We would prefer that condition be  
12 removed entirely, as opposed to edited, as the staff had  
13 suggested.

14 Part of the reason for that is that the language  
15 here, first off, largely restates our obligation to comply  
16 with existing law.

17 HEARING OFFICER CELLI: But let me just ask  
18 something. Because at -- Mr. Babula, did staff actually  
19 concur in the deletion of GHG-1?

20 MR. BABULA: Yeah, this is Jared Babula. So,  
21 that was staff's -- we concur with the deletion. Although,  
22 we suggested language in case the Committee decided not to  
23 delete it.

24 HEARING OFFICER CELLI: I'm sorry, say that  
25 again, kind of slower?

1 MR. BABULA: Yes. This is Jared Babula. We  
2 concur with the deletion of GHG-1. In our comments, we did  
3 make edits to it in case the Committee decided to keep the  
4 condition, but our preference would be to delete it.

5 HEARING OFFICER CELLI: Okay. I'm just trying to  
6 figure out, for my own purposes, where GHG-1 came from.  
7 Was that something that was initially proffered by staff  
8 and then withdrawn, later?

9 MR. BABULA: No, we don't -- it didn't come from  
10 us.

11 MR. HARRIS: Or us, either.

12 HEARING OFFICER CELLI: Well, okay.

13 MR. HARRIS: It came from you, actually. But I  
14 was about to compliment you on how well written your  
15 decision is but, you know -- it is very well written. This  
16 language has been bantered around before, and not accepted  
17 in other cases.

18 And I think one of the primary problems with it,  
19 two primary problems, number one, it largely restates  
20 comply with existing law, which we'll do.

21 Number two, it opens up the possibility of a  
22 noncompliance if, in the future, the State, for example,  
23 goes to Cap and Tax, as opposed to Cap and Trade. Who  
24 knows what the Feds are going to do?

25 So, rather than having to come back in for an

1 amendment on compliance with these specific programs, I  
2 think it's just much easier to delete this in its entirety.  
3 I mean, our legal obligations remain the same. And before  
4 Stephen grabs the microphone, we will continue to comply  
5 with all the Greenhouse Gas requirements, State and  
6 Federal. That's not an issue of compliance. It's just  
7 sort of the vestigial at this point.

8 HEARING OFFICER CELLI: Okay, I appreciate that.  
9 Just so everybody knows, there's a lot of fingers in this  
10 pie, when you're writing a PMPD. And who knows where that  
11 came from? I have no idea. I usually don't insert things  
12 out of the air, so it's a mystery to me that I guess  
13 remains unsolved.

14 Okay, we'll take that under advisement for now.

15 You had a second point you wanted to make, Mr.  
16 Harris.

17 MR. HARRIS: Yeah, there's one other thing that  
18 sort of got flagged for us. It's Water-6, which is on page  
19 15 of the -- Soil and Water-6, excuse me, on page 15 of the  
20 staff's comments. They had suggested striking out the 1.6  
21 acre feet, and just leaving the total 130-acre feet. We  
22 agree with that change. We have an overall limit of 130.  
23 So, the issue here is the 1.6 is a subset of that total --

24 HEARING OFFICER CELLI: I'm sorry, I'm trying to  
25 open it right now, as we're talking, but it doesn't seem to

1 be --

2 MR. HARRIS: Okay, I'll stall a little longer,  
3 then.

4 HEARING OFFICER CELLI: Amanda, I wonder if I  
5 could grab you for a second? From time to time, the record  
6 should reflect that when I talk to Amanda, I'm talking to  
7 Amanda Holmes, who's the IT person from the Energy  
8 Commission, who helps. Thank you so much.

9 (Pause.)

10 HEARING OFFICER CELLI: Oh, I see. So, the 1.6  
11 was supposed to address the domestic use and the other was  
12 the process use, the 130.

13 MR. HARRIS: So, the 130 is an overall cap, and  
14 we are absolutely fine with the 130 as an overall cap.

15 HEARING OFFICER CELLI: Okay.

16 MR. HARRIS: The 1.6 is a subset thereof. And I  
17 think it was probably -- I don't know exactly why it was  
18 struck here. But I guess I want to point out that the  
19 similar language does occur in the action condition, which  
20 is Soil and Water-6. And it talks about 1.6 acre feet for  
21 sanitary purposes. And, again, that is a subset of the  
22 130. We're not disputing the 130.

23 We had recommended that that language, the 1.6,  
24 come out of the condition, in our comments. And I think  
25 the reason we had done that is, as a practical matter, it's

1 going to be very difficult to separately meter and account  
2 for, you know, sanitary water. The water's delivered from  
3 the City of Long Beach to the project. The AGS site, the  
4 larger, 71-acre site, there are different users of that  
5 water supply, including the Rosie the Riveter School.

6 So, as long as we can focus on a single meter,  
7 and a single meter that shows that it's less than 130-acre  
8 feet a year, that's where we'd like to end up with this.

9 And, so, it's not in our comments, but I think we  
10 would recommend, and the staff obviously has to react to  
11 this, but you consider striking the, "including 1.6-acre  
12 feet of sanitary purposes" in the condition language as  
13 well, Soil and Water-6.

14 And, again, it's a practical matter of trying to  
15 separately meter and account for that 1.6-acre feet of  
16 water, when part of that water will go the Rosie The  
17 Riveter School, and I don't know how long the showers are  
18 over there. Part of the water's going to serve existing,  
19 you know, non-AEC facilities. It will serve the existing  
20 facilities.

21 And, so, we would have to probably submeter a  
22 whole bunch of things within that larger 71-acre parcel, to  
23 actually accurately account for that 1.6. So, that's a --  
24 and I apologize to the staff for bringing this up orally  
25 here, and not talking to them beforehand. We discovered

1 this issue in the boardroom this morning, talking about  
2 this staff change. And, so, I again apologize to Jared for  
3 catching him flat-footed, and want to give him a chance to  
4 that concern we have about separately metering the 1.6.

5 HEARING OFFICER CELLI: You know, let's hear from  
6 staff on that, striking the language -- I presume you've  
7 had a chance to see the comments from the Applicant, in  
8 their proposed language for Soil and Water-6. Are you okay  
9 with that?

10 MR. ABULABAN: Yeah, this is Karim Abulaban, the  
11 Soil and Water staff. And we are --

12 HEARING OFFICER CELLI: Wait, wait, wait. Time  
13 out. Time out. Hello, whoever's speaking, this is Ken  
14 Celli and I need you to stop talking for a second because  
15 you're -- we have no articulation in any of the sound that  
16 just came through just now. So, I need you,, if you are --  
17 perhaps get closer to the spider, if you're in a spider  
18 room. If you're on a speakerphone, it would be best to  
19 pick up the handset because we aren't -- we didn't get your  
20 audio, at all.

21 And also, speak much slower, please. Go ahead.

22 MR. ABULABAN: Karim Abulaban, the Soil and Water  
23 staff. Yeah, and we don't agree with the omission of that  
24 -- the deletion that's proposed by the Applicant. We  
25 actually did talk about this before, you k now, through the



1 comments on the FSA. We don't agree with saying that it's  
2 not difficult to install, you know, two separate meters and  
3 to monitor the site or uses.

4 The 130 is a maximum. And oftentimes the project  
5 never, you know, gets close to the 130. So, we don't want  
6 to leave the room between, you know, whatever the project  
7 uses for operation and the maximum to be available for, you  
8 know, any sanitary uses. We want them to limit the  
9 sanitary uses to 1.6-acre feet a year.

10 HEARING OFFICER CELLI: Okay, but the way that  
11 the condition is written, it says, "Water use for project  
12 operation, including 1.6 AFY for sanitary purposes, shall  
13 not exceed 130 AFY."

14 So, it sounds like there's a cap of 130 AFY, 130-  
15 acre feet per year, but that there is some room for  
16 variation in the sanitary water. So, is that what you're -  
17 -

18 MR. ABULABAN: There's room for variation in the  
19 process water. So, one year the project might use 100-acre  
20 feet. We don't want 30-acre feet to be available to be  
21 used for sanitary uses. So, that's why we stated, you  
22 know, that sanitary uses should be 1.6-acre feet per year.

23 HEARING OFFICER CELLI: Okay. So, staff, you're  
24 insisting on the maintenance of the language as we have it?

25 MR. ABULABAN: Yes. Yes.

1 HEARING OFFICER CELLI: Okay. And, then,  
2 anything from the Los Cerritos Wetlands Land Trust on that?

3 MR. GEEVER: Not at this time.

4 HEARING OFFICER CELLI: Okay. Anything further  
5 from the Applicant on this? So, essentially, it sounds  
6 like they're insisting on two meters, to separate.

7 MR. O'KANE: Yeah, so that's a problem. The  
8 understanding of the staff of the actual facility. I don't  
9 know how we're going to physically do that. It's not going  
10 to be two meters.

11 HEARING OFFICER CELLI: Because it's a single  
12 source.

13 MR. O'KANE: It's dozens of meters. To separate  
14 your sanitary uses from multiple locations on the site.  
15 We've got administrative buildings, we've got control rooms  
16 that are within the power blocks, that have bathrooms in  
17 them. I'd have to go back and talk to the engineers to  
18 even understand how that would be physically possible to  
19 separate that accurately.

20 HEARING OFFICER CELLI: Well, let me ask you  
21 this, Mr. O'Kane, how did you -- or, maybe, Mr. Salamy --

22 MR. O'KANE: How did we come up with the number  
23 of 1.6?

24 HEARING OFFICER CELLI: Yeah.

25 MR. O'KANE: Well, you can do estimates by

1 saying, oh, how many bathrooms do you have on site, and you  
2 can count those. How many people will work there? What is  
3 the average use you would use? you know, you can do those  
4 calculations from a higher level and come up with a number.  
5 But, then, to actually physically -- I mean, you might be  
6 making me put a meter on every toilet in the facility, at  
7 this rate. It doesn't work that way, right. So, it isn't  
8 like there's two lines coming in, and one goes over to the  
9 process center and one goes over the sanitary. You know,  
10 one line comes in and it spiders out all over the place,  
11 right.

12 HEARING OFFICER CELLI: Uh-huh. Okay, I'm sure  
13 you heard that, staff?

14 MR. ABULABAN: Yes, we did. And it's not so  
15 dramatic as he characterized it. You know, and like he  
16 said, two lines coming in, you know, the fence line, one  
17 goes to sanitary and one goes to the --

18 HEARING OFFICER CELLI: I'm sorry. I'm sorry,  
19 first of all, I'm having a hard time hearing because you  
20 seem to be too far away from the speaker and, also, you're  
21 talking really fast. And if you could speak a little  
22 slower, it would be a little easier to get. Marlee, are  
23 you getting -- are you able to hear, sort of yes and no.  
24 So, the Court Reporter is saying that she's not getting all  
25 of this, and we want to get all of your words.

1           So, if you could get closer to the speaker and  
2 speak much slower, I'd appreciate it.

3           MR. ABULABAN: This is the first time someone  
4 tells me that I speak fast. Anyway, I am very close to the  
5 speaker, now, to the microphone, about four or five inches.

6           HEARING OFFICER CELLI: That's much better.

7           MR. ABULABAN: Can you hear me, now?

8           (Laughter.)

9           MR. ABULABAN: It's not as dramatic as, you know,  
10 as it was described. Like, you know, a meter at every  
11 toilet or whatever. It's like, you know, two lines coming  
12 into the facility, through the fence line and then, you  
13 know, one line goes for sanitary, one line goes for process  
14 water and that's the end of it. You know, because  
15 landscaping sometimes, you know, people might not be very  
16 careful for applying water for landscaping. So, that's why  
17 we insist on the two meters.

18           HEARING OFFICER CELLI: Okay. But you did hear  
19 that the description given to us was that the water line  
20 comes in and then it spiders, as Mr. O'Kane said, all  
21 throughout the site for various purposes, and it's sort of  
22 hard to manage in that way. It's not just two lines coming  
23 in.

24           MR. O'KANE: Yeah, I could even clarify it. What  
25 he just described is not even in the scope of what was

1 analyzed. We don't -- you know, that would be total ground  
2 disturbance of another line. He's suggesting that we have  
3 two separate lines, one for sanitary, solely, and one for  
4 process within this project site. You know, two new  
5 pipelines. That's not even part of the project  
6 description.

7 HEARING OFFICER CELLI: That's an accurate  
8 statement.

9 So, tell me something, I'd like to take it back  
10 one level and just kind of ask you, so what drives the  
11 concern about the need to track the sanitary use out of the  
12 130-acre feet per year, if that's the max?

13 MR. ABULABAN: The sanitary use includes  
14 landscaping. And when we -- if we didn't, you know, limit  
15 the amount that goes for sanitary use that means, you know,  
16 any balance between whatever was used for operation, or for  
17 process water, and the 130 is available for sanitary use,  
18 you know, including landscaping.

19 And we are concerned that, you know, there might  
20 be a waste of water if they apply more than -- you know,  
21 they're not very careful with their landscaping operations.

22 HEARING OFFICER CELLI: We do have -- for  
23 instance, I know in the record that staff had already  
24 concurred that it was infeasible to, say, have a recycled  
25 water source anywhere near the - the closest one was like

1 seven miles away, or something. And, so, if that's the  
2 case, then tacitly staff is basically concurring with the  
3 use of the potable water for the landscaping. Do I have  
4 that wrong?

5 MR. ABULABAN: No, no, no, you have it correct.  
6 But the thing is landscaping can be -- you know, people can  
7 be sometimes, you know, not that careful, so they might  
8 waste water, you know, applying it for landscaping. If we  
9 didn't specify the 1.6, that means that any balance between  
10 whatever is used for, you know, process water and the 130  
11 max is available for, you know, sanitary uses including  
12 landscaping. So, that's why we are concerned. We don't  
13 want a large amount of water to be available for  
14 landscaping and other, you know, sanitary uses.

15 HEARING OFFICER CELLI: Okay, Applicant, anything  
16 about that?

17 MR. SALAMY: This is Jerry Salamy with the  
18 Applicant. And maybe I can help out a little bit. The  
19 project description does not include any landscaping for  
20 the AEC Project. So, there is no landscaping. This 1.6-  
21 acre feet of domestic water use is specifically for  
22 restroom facilities, and other domestic uses.

23 The landscaping that is going to occur on the  
24 project site is for the larger Alamitos Generating Station,  
25 and that's outside the scope of this project.

1 HEARING OFFICER CELLI: That's right. That was  
2 because the project's within that. So, did you hear that,  
3 staff?

4 MR. ABULABAN: Yes, I did. You know, it's not a  
5 big deal if, you know, want 10, 15-acre feet, wiggle room,  
6 you know. I think, you know, we're okay if you want to  
7 strike it out, you know, that's fine. But that's the  
8 source of concern is that, you know, the difference between  
9 the number or the amount used for operation and the 130  
10 would be available for whatever uses, you know, sanitary  
11 and whatever uses. But, again, 130, you know, as we said  
12 in the discussion, there's a net benefit or a net saving of  
13 more than 270-acre feet a year, you know, that would result  
14 to this water compared to the existing AGS.

15 So, it's not a big fuss, you know. But that's  
16 why, when you asked me why we were concerned, then that's  
17 why I said this was our concern.

18 HEARING OFFICER CELLI: Okay, so we got your  
19 comments, thank you.

20 And from the Applicant. Anything, Mr. Geever, on  
21 Soil and Water-6?

22 MR. GEEVER: Not at this time.

23 HEARING OFFICER CELLI: Okay, he said "Not at  
24 this time." Thank you.

25 So, anything further from Applicant.

1 MR. HARRIS: No. That was a very good dialogue.  
2 Again, I think we got to the right spot there. It's a  
3 practical issue for us and I thought maybe I could end my  
4 career with a complaint action about bathrooms being --  
5 flushing toilets. But I guess I won't get that opportunity  
6 now, so --

7 (Laughter.)

8 MR. O'KANE: And just one point plug by the  
9 Applicant. For the benefit of the public here, I mean this  
10 is one of our big benefits is, you know, when the AGS, the  
11 existing AGS eventually, finally closes, we've got all the  
12 units off, and it's only the AEC that's the operating, our  
13 water consumption is dropping by, what is the number, 60  
14 percent, 70 percent.

15 Huge. This is a water-saving project. So, I  
16 just want to make sure everybody understands that.

17 HEARING OFFICER CELLI: Very clear.

18 MR. ABULABAN: We did acknowledge that in our  
19 FSA, remember?

20 MR. HARRIS: Yeah, you did. Thank you, that was  
21 correct. And there's a scale of like 270 to 130, or  
22 something, so it is water saving.

23 HEARING OFFICER CELLI: Okay, very good. All  
24 right, then, with that, then I'll go to staff. Is there  
25 anything further on your comments or on the Applicant's



1 comments that we need to discuss, Mr. Babula?

2 MR. BABULA: This is Jared Babula. And Nancy  
3 Fletcher here has a few things on Air Quality that she  
4 wants to discuss. And I think she could also give an  
5 update on the Air District, and what the status is with  
6 whether they're calling or not.

7 HEARING OFFICER CELLI: Oh, good. Thank you.

8 MS. FLETCHER: Hi, this is Nancy Fletcher, Air  
9 Quality staff. I'll start off with I did speak with South  
10 Coast. They're aware that we are looking for them to call  
11 in. They are checking to see what their availability is.

12 HEARING OFFICER CELLI: I'm sorry, they're  
13 checking to see what?

14 MS. FLETCHER: They're availability.

15 HEARING OFFICER CELLI: Oh, okay. So, someone  
16 called them and they said, well, we'll see if we're  
17 available.

18 Okay, go ahead, Ms. Fletcher.

19 MS. FLETCHER: I spoke with a staff member whose  
20 number I had handy, so she had to go see if she could find  
21 the supervisor.

22 HEARING OFFICER CELLI: Okay.

23 MR. LAYTON: Mr. Hearing Office Celli, this is  
24 Matt Layton. We were not noticed that you needed the South  
25 Coast on the line,

1 so --

2 HEARING OFFICER CELLI: Well, it's a PMPD  
3 Conference and it was an opportunity for them to speak.  
4 But it would have been nice to hear from them and to -- I  
5 wonder if Mr. Fletcher, or Mr. Layton, has any news on the  
6 status of the FDOC and if there have been any changes to  
7 it?

8 MR. LAYTON: This is Matt Layton. We did talk to  
9 the District and said, if you had comments on the PMPD, you  
10 could provide them in writing, and orally. They did not  
11 have any comments so, hence, they're not on the line.

12 Again, having comments on the PMPD is different  
13 than the Committee having questions of the --

14 HEARING OFFICER CELLI: Yes, I'm aware of that.  
15 My question is, Mr. Layton, have you any news on the status  
16 of the FDOC, itself?

17 MR. LAYTON: I do not.

18 HEARING OFFICER CELLI: Okay, or Ms. Fletcher?

19 MS. FLETCHER: I don't have any new information.  
20 I'm not exactly sure as of what point we're going back.  
21 They received the late comments on the PDOC, at the end of  
22 December, and they addressed those comments. And the FDOC  
23 was submitted to EPA at the time the FDOC was published in  
24 November. However, the EPA needs to have a response to the  
25 comments in order to do the complete 45-day review. And

1 there was a request to expedite that review period. They  
2 believe it would be because they had the majority of the  
3 section to EPA earlier. And, so, at this point  
4 everything's been submitted to EPA. Does that help?

5 HEARING OFFICER CELLI: Yes, that did. Well, you  
6 know, there are 14 more days, so maybe we can get a comment  
7 from the South Coast Air Quality Management District before  
8 the comment period ends.

9 Okay, anything further from staff?

10 MR. LAYTON: Yes. This is Matt Layton, again.  
11 Mr. Celli, do you wish to write or notice the South Coast,  
12 or do you wish staff to ask South Coast if they would like  
13 to provide a comment letter to the Committee?

14 HEARING OFFICER CELLI: I would appreciate it if  
15 staff would do that. That would be great.

16 MR. LAYTON: Thank you, that's very clear.

17 HEARING OFFICER CELLI: Thank you very much.

18 MS. FLETCHER: This is Nancy Fletcher, Air  
19 Quality staff. I did have one additional comment on the  
20 Applicant's comments for Greenhouse Gas Emissions.

21 HEARING OFFICER CELLI: Go ahead.

22 MS. FLETCHER: They're second comment, regarding  
23 the GHG table, they suggested that the column should be  
24 changed to a new source performance standard, subpart TTTT.  
25 I wanted to --

1 HEARING OFFICER CELLI: That's correct, yeah.

2 MS. FLETCHER: I just wanted to make the comment  
3 that the third comment, where it starts with "compliance,"  
4 in the third column, that would match -- that would match  
5 the new, revised heading.

6 However, the description of LORS matches -- the  
7 second column matches what the first column already has.  
8 So, you would need to not only address the heading of the  
9 first column and the second column, as well.

10 And that information is actually in GHG Table 1,  
11 and it's under Federal, it's the third column down. It  
12 says, "40 Code of Federal Regulations, CFR Parts 60, 70, 71  
13 and 98." It gives the description of the subpart TTTT.  
14 It's not that detailed. In that table, there's a more  
15 detailed description in AQ Table 1. But the point is the  
16 description of the LORS should match the applicable LOR, as  
17 well.

18 HEARING OFFICER CELLI: Okay. Now, let me just  
19 ask you something, because I'm looking at the LORS table  
20 right now, and I'm --

21 MS. FLETCHER: In the MTB or in the GHG section?

22 HEARING OFFICER CELLI: The GHG Section, Table 3,  
23 Laws, Ordinances, Regulations and Standards.

24 My recollection was that the Applicant was on --  
25 on page 6.1-11, there was a change to the -- under the

1 column, "Applicable LORS, there's a [2], and then 40 Code  
2 of Federal Regulations, CFR Parts 51 and 52.

3 MS. FLETCHER: Right.

4 HEARING OFFICER CELLI: And it was in there that  
5 they wanted to add the words "subpart TTTT." Right?

6 MS. FLETCHER: Okay, they wanted to add that.  
7 That was an addition, not a change? And my point only  
8 being that the description of LORS --

9 HEARING OFFICER CELLI: Yes.

10 MS. FLETCHER: -- which is the second column  
11 right next to that, matches the part 51 and 52. And if we  
12 look at the GHG Table One, that was actually a different  
13 row. And so, we want to make sure that if we change the  
14 applicable LOR, that we change the description of LORS, as  
15 well. And, again, that information is in the GHG Table 1.  
16 It's the third row down.

17 HEARING OFFICER CELLI: Okay, give me a second  
18 here as I get into GHG Table 1.

19 What is the page?

20 MR. HARRIS: Try 161, of 6.2-32.

21 HEARING OFFICER CELLI: Dash 32, okay.

22 MR. HARRIS: Is where I found TTTT, anyway.

23 HEARING OFFICER CELLI: Oh, so that was in Air  
24 Quality.

25 MS. FLETCHER: There is a detailed description

1 that's in an Air Quality Table, yes. But, also, in the GHG  
2 Section, at the end, in the GHG Table 1.

3 HEARING OFFICER CELLI: All right, hang with me,  
4 I'm going to go back to GHG.

5 MR. BABULA: Hey, Ken, this is Jared. We can  
6 write this, and submit it into the docket, if it will be a  
7 little clearer, what edits we are inferring here.

8 HEARING OFFICER CELLI: Okay, but --

9 MS. FLETCHER: It's just finer. It's just making  
10 sure that the description of LOR matches any change to the  
11 applicable LORS, and I --

12 HEARING OFFICER CELLI: Ms. Fletcher? So, I'm in  
13 Greenhouse Gases, now, in the PMPD and I'm looking at  
14 greenhouse gas table 1, which is a --

15 MFD. FLETCHER: Perfect.

16 HEARING OFFICER CELLI: It's very short.

17 MS. FLETCHER: Yes.

18 HEARING OFFICER CELLI: And it says, "Estimated  
19 maximum annual construction Greenhouse Gas emissions."  
20 That's Table 1. So, did you mean that the first row of the  
21 LORS, which is Table 3?

22 MS. FLETCHER: Okay. So, now, I'm looking at  
23 the PMPD. I as actually looking in the FSA section.

24 HEARING OFFICER CELLI: Okay. No, the FSA is  
25 good. But we're looking at the PMPD today. And, so what

1 I'm --

2 MS. FLETCHER: Yeah, I just -- I understand that.  
3 My comment was on the change suggested for the PMPD, Table  
4 3.

5 HEARING OFFICER CELLI: Correct. And that, if  
6 you look on page 6.1-10.

7 MS. FLETCHER: Uh-huh, I see that.

8 HEARING OFFICER CELLI: That's where the LORS  
9 table begins, and there is a break because, for some reason  
10 I couldn't get this to work on the computer.

11 MS. FLETCHER: Uh-huh.

12 HEARING OFFICER CELLI: I'm trying to keep  
13 continuous columns and so forth. But on the page  
14 following, which is 6.1-11, that was the change requested  
15 by the Applicant to strike that [2] in the brackets, add  
16 the subpart TTTT language, in the first column under  
17 applicable LORS, for the 40 CFR Parts 51 and 52. Are we  
18 all talking about the same thing?

19 MS. FLETCHER: Right. So, if you go to the next  
20 page, 6.1-12?

21 HEARING OFFICER CELLI: Yes.

22 MS. FLETCHER: And you see 40 Code of Federal  
23 Regulations Part 60, 70, 71, and 98?

24 HEARING OFFICER CELLI: Yes.

25 MS. FLETCHER: And that the description of a LOR?

1 HEARING OFFICER CELLI: Yes.

2 MS. FLETCHER: That description of the LOR is the  
3 subpart TTTT.

4 MR. SALAMY: So, this is Jerry Salamy, with the  
5 Applicant. Nancy Fletcher does bring up a good point. The  
6 table, Greenhouse Gas Table 3, if you read the description  
7 of the LOR and then you read the discussion, that's where  
8 the disconnect is.

9 HEARING OFFICER CELLI: Okay.

10 MR. SALAMY: The discussion and conclusions  
11 presented there are based more in terms of compliance with  
12 the subpart quad T, that we referenced in our comment.  
13 Where, if you look at the description, it should be based  
14 on the PSD requirements that --

15 HEARING OFFICER CELLI: Yes.

16 MR. SALAMY: -- the South Coast presented. And  
17 there may be something in the Air Quality section, some  
18 text in the Air Quality section that can be inserted in  
19 this location that would suffice.

20 HEARING OFFICER CELLI: Okay, so I just -- let's  
21 be clear, now. The part of the table that's on 6.1-11 was  
22 the only change that I received from the Applicant in terms  
23 of changing the language, and that was just to add that  
24 subpart, that reference to subpart quad T, as you say.

25 MR. SALAMY: I'm sorry, maybe we weren't clear in



1 our comment. The idea was to make the description and the  
2 reference to the LOR match the discussion. At present, we  
3 don't believe it does.

4 HEARING OFFICER CELLI: Okay. In both the one on  
5 page 6.1-11 and 6.1-12? In other words, I want to know how  
6 -- what's the -- how do I make this correction?

7 MR. HARRIS: Well, I'd suggest that Mr. Salamy  
8 and Ms. Fletcher get together, make sure that the  
9 description matches the references, and provide the joint  
10 language before the 15th.

11 HEARING OFFICER CELLI: That's a great point.  
12 Actually, it just dawned on me, we still have 14 days of  
13 comment left.

14 MR. HARRIS: Yes.

15 HEARING OFFICER CELLI: So, that would be a good  
16 thing to do is add that -- send that to us by way of  
17 comment. And then I will be able, you know, to correct  
18 this. Because I think we're all getting a little confused  
19 about what's --

20 MR. SALAMY: Well, it's been a little painful  
21 getting there, but I understand the issue, now, and I think  
22 the technical experts can probably arrive at the language  
23 that will have the LORS reference and the description in  
24 the discussion all be consistent.

25 HEARING OFFICER CELLI: Great.

1 MR. HARRIS: And that's above my --

2 MR. BABULA: Yeah, this is Jared, with staff.  
3 Yeah, Nancy and Jerry Salamy can work it to get the correct  
4 language. And it should be pretty easy to fix, and we'll  
5 just have a joint thing that we'll docket.

6 HEARING OFFICER CELLI: Okay. Well, then, we'll  
7 get those comments and we'll get further comments. So,  
8 thank you for that. We appreciate it. This is all in the  
9 service of perfecting the document, and that's what we're  
10 doing.

11 So, anything further, Ms. Fletcher, or Mr.  
12 Babula, from staff?

13 MR. BABULA: I think there was potentially a page  
14 numbering issue with the Conditions of Certification. I  
15 think the page numbers repeat or --

16 HEARING OFFICER CELLI: Yeah, I'm aware of that.  
17 We're trying to figure that one out, ourselves, but I will  
18 fix that when we get to final.

19 MR. BABULA: Okay. Then I think that is -- I'm  
20 looking around our table, I don't see anything from any  
21 other staff person here, so I think we're good to move  
22 forward with the public comment.

23 HEARING OFFICER CELLI: Okay, thank you.

24 Then, Mr. Geever, from Los Cerritos Wetlands Land  
25 Trust, anything further about anything on the PMPD, today?

1           MR. GEEVER: Well, so, as I guess you found on  
2 the last conference call, before your closed session  
3 meeting, the Land Trust now has representation from  
4 attorneys at the Stanford Law Clinic. I don't have any  
5 specific substantive issues right now. It will all be  
6 included in the written comments.

7           But I do have kind of a general comment, if  
8 that's appropriate here.

9           HEARING OFFICER CELLI: Absolutely.

10          MR. GEEVER: I don't know if this is the right  
11 time.

12          HEARING OFFICER CELLI: This is your time. This  
13 is your chance to say so in front of the Committee. So,  
14 please do.

15          MR. GEEVER: Okay. So, like I said, the lawyers  
16 are working on, you know, specific comments. But we may  
17 request -- you know, they're going to try and get those  
18 comments into you by the 15th deadline, but we may request  
19 an extension because there's a lot of material to go over  
20 here and they're getting up to speed.

21          Briefly, unlike the staff's assertions that we're  
22 confused about the law, which is now repeated in the  
23 preliminary decision, those lawyers and policy experts  
24 disagree with your decision on the LORS questions. And  
25 speaking for myself, and in my humble opinion, the new

1 answers to the LORS questions, in the PMPD, just highlights  
2 the problems. It doesn't really resolve the issues we  
3 raised during the process.

4 I think it's clear in the PMPD that there's no  
5 need for 1040 megawatts of gas-fired generation. And just  
6 to be clear, once again, we are not arguing that the Energy  
7 Commission must determine need. We're arguing that since  
8 re-regulation of the industry, the State reasserted its  
9 authority to determine need, and delegated that authority  
10 to the PUC, along with the authority to implement State  
11 laws to minimize greenhouse gas emissions.

12 Your duty is to ensure the licenses for the  
13 facilities are consistent with those laws.

14 Like we've seen in a letter from the State  
15 Senators, regarding the Puente Project, it's questionable  
16 whether the 640 megawatts is needed here, given changed  
17 circumstances since the PUC approved the contracts.

18 But there is no question that the additional 400  
19 megawatts of gas-fired generation is not needed for greater  
20 reliability, which is the basic objective of the license  
21 you're considering. And this problem is only exacerbated  
22 by the fact that Huntington Beach licensing procedure  
23 you're considering, another 200 megawatts of gas-fired  
24 generation, over what the PUC found was needed for  
25 reliability in the same region.

1           Further, it's now clear that the type of  
2 combined-cycle generators proposed will not ramp up in time  
3 to provide support for renewable generation, another  
4 problem with LORS, and the proposal not meeting its own  
5 basic objectives.

6           If the preliminary decision stands, it just  
7 screams out for judicial review. If the State agencies,  
8 with duties to regulate the energy industry and minimize  
9 greenhouse gas emissions, can't harmonize their decisions,  
10 then State policy on climate change is undermined. And,  
11 again, if the agencies and ISO can't harmonize decisions on  
12 the technology needed for renewable generation support,  
13 then the State's modernization effort fails. And all this  
14 over-development just unnecessarily drives up consumer  
15 costs, crowding out investments in preferred resources.

16           Now, I disagree that your hands are tied by  
17 language in your Authorizing Act. You have the discretion  
18 to do the right thing and ensure these laws are fully  
19 enforced. I encourage you to reconsider the preliminary  
20 decision and deny the license.

21           Yes, it will take more time to come back with a  
22 proper proposal and it will require getting an extension on  
23 the OTC rule's compliance deadline. But there's no  
24 emergency here. The system is reliable.

25           If modernization is to make the system more

1 economical and consistent with the State's efforts to  
2 address climate change, now's the time to get it right.

3           Let me finish with a personal comment. It's now  
4 abundantly clear in the science community that dredging and  
5 filling coastal wetlands to develop power plants was a huge  
6 mistake. My father was an electrical engineer at the time.  
7 So, far be it from me to blame my parents' generation for  
8 destroying such a vital part of the coastal ecosystem.

9           But protecting and restoring the remnants of  
10 coastal wetlands is even more critical, now, to protect the  
11 environment and our communities from inevitable sea level  
12 rise, flooding and pollution.

13           You have the opportunity to reverse, at least in  
14 part, honest mistakes made in the past. But licensing this  
15 facility, when there's clearly no need to do it, is  
16 prolonging the harm into our children's generation, and  
17 they won't have the defense of our decisions that I have  
18 for my parents' generation. This won't be an honest  
19 mistake. It will be a conscious decision and it's wrong.  
20 Thanks.

21           HEARING OFFICER CELLI: Thank you, Mr. Geever.

22           Ladies and gentlemen, we noticed public comment  
23 for 12:00 this morning, or afternoon, I guess. And it's 10  
24 after, so I apologize that we went a little over, but we  
25 did need to take care of that business.

1           The Public Adviser, who is Rene Macleay, is  
2 coming forward and he's giving me these blue cards. Thank  
3 you. If you want to make a public comment, I need you to  
4 fill out one of these blue cards, over where Rene is  
5 sitting, in the back of the room, where it says Public  
6 Adviser, so that we know that you want to be heard. And,  
7 then, you'll come up to the podium. We'll call your name,  
8 you'll come up to the podium and make your comment.

9           I only have two of these, and there's about, one,  
10 two, three, four, five, six, seven, eight, nine, ten people  
11 in the audience. So, I was figuring we'd probably hear  
12 from more of you.

13           But if you wish to make a comment and haven't  
14 filled out a blue card, please go ahead and do that.

15           First, I'm going to call Allison Gallagher, from  
16 Assembly Member Patrick O'Donnell's Office. Please come  
17 forward. Speak -- if you need to move that mic down, so  
18 it's pointed right at you, please do so.

19           MS. GALLAGHER: Good afternoon, Commissioners.  
20 My name is Allison Gallagher. I'm here, today, on behalf  
21 of Assembly Member Patrick O'Donnell. I have a statement  
22 from him.

23           "I'd like to express my appreciation to the  
24 California Energy Commission and staff for thorough, fair,  
25 and transparent process you have followed in addressing the

1 AES Alamitos Project. I'm a strong advocate for  
2 sustainable alternative forms of energy, such as the  
3 rapidly growing use of wind and solar. I understand that  
4 when the wind doesn't blow and the sun doesn't shine, it is  
5 critical we provide reliable energy for our residents and  
6 businesses in order to maintain a good quality of life and  
7 economic stability in our State.

8           The AES Alamitos Energy Center Project is an  
9 outstanding example of sustainability and reliability.  
10 With 300 megawatts of battery storage, the largest of its  
11 kind in the world, this project will provide clean,  
12 sustainable energy with the flip of a switch. From the  
13 reliability perspective, the new state-of-the art,  
14 environmentally-friendly generation plant can be activated  
15 within minutes to meet energy demands during peak time of  
16 usage. This replaces the existing, 1950's generation plant  
17 that takes 36 hours to start up and relies on the use of  
18 sea water for cooling.

19           The new, Alamitos Energy Center will meet the  
20 energy needs of our region, and the State, while preserving  
21 the natural resources within the region. I have checked  
22 this project closely, since when I was a member of the Long  
23 Beach City Council. Now, I have the privilege of  
24 representing the Alamitos Energy Center as part of the 70th  
25 Assembly District. I am proud to support the investments



1 that the Alamitos Energy Center is bringing to my district,  
2 and I strongly support moving forward with this project.  
3 Thank you.”

4 HEARING OFFICER CELLI: Thank you very much for  
5 your comments.

6 I also have a request to speak from Lisa West,  
7 from Council District 3. And, then, it says “Suzie Price”.

8 MS. WEST: Good afternoon. Hi. My name is Lisa  
9 West, representing Councilwoman Suzie Price, Long Beach  
10 City Council District 3.

11 The AES Project is in the 3rd District, as most  
12 of you know. And I’d like to read a letter from  
13 Councilwoman, to the California Energy Commission.

14 The Councilwoman states, “I would like to express  
15 my appreciation to the California Energy Commission, and  
16 its staff, the members of the public that participated in  
17 this process, and AES for the very fair and open approach  
18 you have followed in addressing the AES Alamitos Project.

19 I have followed this project very closely, even  
20 prior to my election to the City Council, in April of 2014.  
21 I have received numerous briefings from the AES team, and  
22 attended several of the meetings that have been held to  
23 gain public input. I have worked very closely with our  
24 City Community Development Department to gain their  
25 independent insight on the project. My focus has been

1 primarily on the potential impacts that cannot be  
2 mitigated, especially as it relates to the Los Cerritos  
3 Wetlands.

4           Additionally, I am a member of the Los Cerritos  
5 Wetlands Authority, and we have monitored this project  
6 closely. I'm very pleased that staff experts from the City  
7 have concluded that the new, AES Alamitos Energy Center  
8 will not have unmitigated impacts. To the contrary, it  
9 will provide many community and environmental benefits.  
10 The footprint and height of the new plant will be  
11 considerably smaller and lower, changing the skyline of  
12 Long Beach forever.

13           AES has entered into an MOU with the City of Long  
14 Beach to remove the stacks from the old plant, and for the  
15 beautification of Studebaker Avenue.

16           The new plant is a \$1 billion investment in our  
17 community that will create hundreds of jobs and tens of  
18 millions of dollars of economic impact. The new technology  
19 eliminates the use of ocean water for cooling. And AES has  
20 committed to assist the City in meeting their water quality  
21 responsibilities in Alamitos Bay.

22           And the new facility will include 300 megawatts  
23 of cutting edge, zero emission, battery storage to fully  
24 harness all the available energy to meet peak demands.

25           I am proud, too, of the many community benefits

1 the Alamitos Energy Center is bringing to my district, and  
2 I strongly support moving forward with this project."

3 Thank you for your time.

4 HEARING OFFICER CELLI: Thank you, Ms. West.

5 Is there anyone else in the room who would like  
6 to make a comment, at all? As I'm looking around, I'm not  
7 seeing anybody, and I have no further blue cards.

8 So, then, it's time to go to the telephone.  
9 Let's see if there's anyone on the telephone who would like  
10 to make a comment.

11 If you're on the telephone and you're a member of  
12 the public, or an agency, and would like to make a comment,  
13 please speak up now. Go ahead.

14 Let me make sure that everybody's unmuted. I  
15 don't have anybody muted. Okay, the mute's off. If you  
16 want to make a public comment, speak up. Be aggressive,  
17 this is your shot. This is your opportunity to speak to  
18 the Commission -- the Committee, rather, on this particular  
19 proposed decision.

20 MR. SHUKLA: Hi, this is Dave Shukla.

21 HEARING OFFICER CELLI: Say again?

22 MR. SHUKLA: Hi, this is Dave Shukla. Can you  
23 hear me?

24 HEARING OFFICER CELLI: Oh, Dave Shukla. Yes,  
25 please go ahead, Mr. Shukla, you have the floor.

1 MR. SHUKLA: Oh, boy. Hello, thank you for your  
2 time. My name's Dave Shukla. I grew up at 6333 East  
3 Elliott Street, which is fence line-to-fence line the  
4 closest house to the entrance at the Alamitos Energy  
5 Station. Although, the closest house to the stacks,  
6 they're still in operation, is one of my neighbors, Kristin  
7 Weeds (phonetic).

8 I would like to urge this Committee to take its  
9 time and to consider all aspects of what's in the  
10 evidentiary record, and to proceed with caution,  
11 particularly with the demolition of the stacks.

12 But, also, you know, there's a larger question of  
13 need. I know we're living in a very different time since  
14 last November but, you know, as someone who comes to these  
15 meetings and is of a different generation than most, you  
16 know. It's the young folks, like myself, who 30, 40 years  
17 from now are still going to be dealing with the effects of  
18 these decisions. And --

19 HEARING OFFICER CELLI: Mr. Shukla, can you hear  
20 me? Mr. Shukla?

21 MR. SHUKLA: Yeah.

22 HEARING OFFICER CELLI: Okay, can you stand by  
23 one moment? Marlee, are you getting all of this? Are you  
24 able to hear it.

25 Okay. Yes, go ahead. Our audio was acting a

1 little funny, but we're getting all that. So, go ahead,  
2 Mr. Shukla.

3 MR. SHUKLA: Okay. Yeah, so in a sense, please  
4 proceed with caution and consider everything within the  
5 evidentiary record.

6 HEARING OFFICER CELLI: Thank you so much for  
7 your comments and really appreciate your participation  
8 throughout this process. I know you've been involved since  
9 the beginning, so thanks for hanging with us.

10 Any other members of the public who'd like to  
11 make a comment on the telephone, please speak up, now.  
12 Going once, going twice, anyone else in the room wants to  
13 make a public comment.

14 Okay, hearing none, I will hand the meeting back  
15 to -- this conference back to the Presiding Member,  
16 Commissioner Karen Douglas.

17 MR. HARRIS: I assume you're about to close, but  
18 --

19 COMMISSIONER DOUGLAS: That's right.

20 MR. HARRIS: -- one other thing we'd like to kind  
21 of respond to, if we could. Well, a couple of things,  
22 actually.

23 HEARING OFFICER CELLI: This is Mr. Harris for  
24 the record. Go ahead, Mr. Harris.

25 MR. HARRIS: Sorry. I'm Jeff Harris, on behalf

1 of the Applicant. First, I don't want to let go and  
2 passing the reference to the possibility that there may be  
3 a late filing by the Trust. The obligations run to the  
4 Trust. Who's the party? They have rights, duties and  
5 obligations. Personal issues aside, those run to the  
6 entity. And I guess I would just reiterate, for clarity,  
7 that the Committee has the right, if not the obligation, to  
8 completely ignore anything that's late filed from a party.

9           So, I think that discussion about possibly trying  
10 to extend out this process by delaying comments, I think  
11 the Committee ought to very seriously consider not  
12 considering anything late filed from a party.

13           Different case with the members of the public. I  
14 think that's a different thing. So, I didn't want to let  
15 that pass. I think that's an important obligation of any  
16 party to this proceeding. It runs to the Trust as the  
17 party, and not to Mr. Geever, or to anyone else as an  
18 individual.

19           Sorry to sort of end on that note, because the  
20 other thing I wanted to say is I wanted to congratulate the  
21 Committee on a very well-written document. I like this  
22 format and formatting. Despite Word's weirdness for all of  
23 us. I think you ought to adopt this same style. And, in  
24 particular, I'm thinking about having the Conditions of  
25 Certification in a separate appendix. I think that's a

1 real genius stroke, if that's not too strong of a word for  
2 a PMPD. But it's much better in that format. And I like  
3 the citations to the evidence. I like the citations to  
4 whether thing are contested or not.

5 I think you have a very solid record here. We're  
6 not afraid of the record. I think you've got a great  
7 record on LORS compliance and a great record on the CEQA  
8 analysis, as well.

9 And, so, I didn't want to end on a negative note.  
10 I wanted to end on a positive note that I think this is a  
11 very well-written document that, hopefully, will become a  
12 blue print for some of your future decisions. Because  
13 consistency in this format would be very much, I think  
14 appreciated by the Applicant and Committee.

15 So, thank you for that last opportunity. And,  
16 Commissioner, I apologize.

17 COMMISSIONER DOUGLAS: Yeah, absolutely. All  
18 right, well, I'd like to thank all the parties and the  
19 public for their participation in this PMPD Conference. As  
20 Ken Celli has noted, the comment record is still open.  
21 And, so, we'll look forward to getting your comments  
22 through the 15th of March.

23 MR. O'KANE: Hearing Officer Celli, and  
24 Commissioner Douglas, maybe one more chance for South  
25 Coast, see if they're there?

1           COMMISSIONER DOUGLAS: Is anyone on the line from  
2 South Coast Air Quality Management District?

3           HEARING OFFICER CELLI: Anyone from South Coast  
4 Air Quality Management District on the phone?

5           MR. O'KANE: Just in case they had availability.

6           MR. BABULA: This is Jared from staff. So, we're  
7 going to have them file information that really directly  
8 responds to your concerns about the status of the FDOC.  
9 So, I think we should be good to get them to do that. And  
10 that should address any last residual issues on that front.

11          HEARING OFFICER CELLI: And as long as we're  
12 talking about the timing of the filing of comments, and so  
13 forth, the fact is that 30 days is hard and fast. And what  
14 I mean by that is I am putting together what's called the  
15 errata. The errata will contain all of the comments I've  
16 received today and any comments I get between now and the  
17 15th.

18           If they come in after that, they will not be part  
19 of the PMPD. Now, you can file comments even after the  
20 Full Commission hears the matter. But the point is that I  
21 want everyone to know that if you want it to be in the  
22 Committee's, the Presiding Member's Proposed Decision, it  
23 needs to be filed by the 15th.

24           So, with that, I'm going to hand the meeting back  
25 to Commissioner Douglas.



1           COMMISSIONER DOUGLAS: All right, anyone else  
2 before I adjourn this?

3           (Laughter.)

4           COMMISSIONER DOUGLAS: Commissioner Scott, any  
5 comments?

6           COMMISSIONER SCOTT: I'm good.

7           COMMISSIONER DOUGLAS: All right. Well, again,  
8 thank you. We'll look forward to comments on the 15th.  
9 And we're adjourned.

10           (Whereupon, the Conference was adjourned  
11 at 12:26 p.m.)

12                                   --oOo--

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## 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 15th day of March, 2017.



---

MARTHA L. NELSON, CERT\*\*367

## CERTIFICATE OF TRANSCRIBER

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.

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



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MARTHA L. NELSON, CERT\*\*367

March 15, 2017