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BEFORE THE
CALIFORNIA ENERGY COMMISSION
JOINT COMMITTEE CONFERENCE

In the matter of,)
)
Pecho Energy Storage Center) Docket No. 21-AFC-01
)

In the matter of,)
)
Gem Energy Storage Center) Docket No. 21-AFC-02
)

IN PERSON AND REMOTE VIA ZOOM VIRTUAL MEETING

Warren-Alquist State Energy Building
Rosenfeld Hearing Room (Hearing Room A)
1516 9th Street,
Sacramento, CA 95814

MONDAY, APRIL 25, 2022

2:00 P.M.

Reported By:
Peter Petty

APPEARANCES

Committee Members

Commissioner, Andrew McAllister, Presiding Member of Pecho and Associate Member of Gem

Commissioner, Kourtney Vaccaro, Presiding Member of Gem and Associate Member of Pecho

Bryan Early, Advisor to Commissioner Andrew McAllister

Eli Harland, Advisor to Commissioner Kourtney Vaccaro

Natalie Lee, Advisor to Commissioner Kourtney Vaccaro

Ralph Lee, Hearing Officer, California Energy Commission

Renee Webster-Hawkins, Hearing Officer, California Energy Commission

Staff Present

Dian Vorters, Assistant Chief Counsel

Jared Babula, Lead Counsel

Jennifer Baldwin, Lead Counsel

Lisa Worrall, Project Manager

Leonidas Payne, Project manager

Rosemary Avalos, Public Advisor's Office

Applicants

Stephen O'Kane, Senior Director Hydrostor, Inc.

Jeffery D. Harris, Attorney at Law

Samantha Neumyer, Attorney at Law

Ellison Schneider Harris & Donlan, LLP

Public Agencies

Peter Sanzenbacher, US Fish & Wildlife Service (USFWS)

APPEARANCES (Contd.)

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Public Comment

Mark Bucis

Christopher VerPlanck

Linda Mahnken

Charlene Bucis

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P R O C E E D I N G S

1
2 April 25, 2022 2:09 P.M.

3 COMMISSIONER MCALLISTER: Welcome, everyone.
4 We are here at the Joint Committee Conference for the
5 Pecho and Gem — regarding the proceedings on the
6 applications for certification for the Pecho Energy
7 Storage Center, and the Gem Energy Storage Center.

8 The California Energy Commission has assigned a
9 committee of two commissioners for each of these
10 proceedings. I am Andrew McAllister, the presiding
11 member of the Pecho committee, and Commissioner Vaccaro
12 is the associate member. On the Gem committee,
13 Commissioner Vaccaro is the presiding member, and I am
14 the associate member.

15 So, I wanted to begin the formalities with
16 introducing some of the other people in attendance here
17 today. So first, to my left, Brian Early, my advisor —
18 um, to (indiscernible) — to my office, and here also
19 with us we have Eli Harland, advisor to Commissioner
20 Vaccaro, and Natalie Lee, another advisor to
21 Commissioner Vaccaro.

22 We have Rene Webster-Hawkins, the Hearing
23 Officer for the Gem Committee, and we have Ralph Lee,
24 the Hearing Officer for the Pecho proceedings. I would
25 also like to introduce Rosemary Avalos, I think she will

1 be here for the public — oh I can't — I don't see her,
2 Okay. Oh, there she is, great. Okay. Welcome,
3 Rosemary, thanks for being with us, from the Energy
4 Commissions Public Advisors office.

5 Although parties were not required to attend
6 today's committee conference, I believe representatives
7 from the parties may be in attendance. I would ask
8 parties to identify and introduce themselves and their
9 representatives at this time, starting with the Pecho
10 applicant.

11 So, applicants?

12 MR. O'KANE: Thank you Commissioner. My name is
13 Stephen O'Kane, Senior Director, Project Development for
14 Hydrostor, and I'm here representing the applicant for
15 both the Gem and the Pecho project.

16 COMMISSIONER MCALLISTER: Okay, great.

17 MR. HARRIS: Good afternoon, I'm Jeff Harris.
18 I'm with Ellison, Schneider, Harris and Donlan here in
19 Sacramento. We're here on behalf of both applicants.
20 My partner, Samantha Neumyer, is trying to hide behind
21 me, but she's here too, as well. And it's nice to be
22 here in person, and Commissioner Vaccaro finally got me
23 in the penalty box over here, so I think we're good.

24 COMMISSIONER MCALLISTER: I'll try not to throw
25 any hockey pucks during the course of the day. So,

1 anybody else — so, Mr. O’Kane, thanks for being here.

2 Any colleagues with you today?

3 No? Okay.

4 (Pause)

5 MR. O’KANE: Uh, we do have a few on the phone,

6 I’m not sure if we want to go through all of those.

7 Dave Stein, our consultant with Golder WSP is here.

8 (Pause)

9 COMMISSIONER MCALLISTER: Okay, just to the
10 extent that they might be participating today, it would
11 be helpful to have them introduced.

12 Okay. Great, okay.

13 Um, and, let’s see, just to keep it very clear
14 for the court reporter, who do we have appearing for the
15 applicant in the Gem proceeding?

16 MR. O’KANE: Uh, Applicant for Gem, Steven
17 O’Kane, pro— Senior — Director of Project Development
18 for Gem.

19 COMMISSIONER MCALLISTER: Great, and
20 representing?

21 MR. HARRIS: Um, Mr. Harris, and my partner Ms.
22 Neumyer as well.

23 COMMISSIONER MCALLISTER: Great, thank you.

24 Okay, staff for the Pecho proceeding, could you
25 introduce yourself?

1 MS. VORTERS: Alright, I'm Diane Vorters,
2 Assistant Chief Counsel for the Advocacy and Compliance
3 Unit on behalf of both Gem and Pecho, and I'm here with
4 Lead Counsel.

5 MR. BABULA: Hi, this is Jared Babula, I'm Lead
6 Counsel for the Pecho project. And then we have, in the
7 audience here, Jennifer Baldwin, who is Lead Counsel for
8 Gem project. And we also have technical staff that's
9 called in and is available to answer questions as
10 necessary.

11 COMMISSIONER MCALLISTER: Okay. Thank you very
12 much.

13 Alright. Now I want to invite any
14 representatives from public agencies who might be in the
15 room, or on the phone, or tribal governments as well, to
16 introduce themselves.

17 (Pause)

18 Looking over at our coordinators here.

19 MS. AVALOS: Anybody who's wishing to speak on
20 Zoom, go ahead and unmute yourself, you have the option
21 to, if you want to speak up.

22 Thank you.

23 COMMISSIONER MCALLISTER: So, I'm — it doesn't
24 appear that we have any public agency or tribal
25 representatives in the room, but — moving to Zoom, do we

1 have any representatives on public agencies?

2 MR. SANZENBACHER: Hello, this is Peter
3 Sanzenbacher, I work for the US Fish and Wildlife
4 Service, and I'm based out of the Palm Springs office.

5 COMMISSIONER MCALLISTER: Great, thank you.

6 Anyone else?

7 (Pause)

8 It appears not. It would be helpful if folks,
9 if they come on if they're late, to identify themselves
10 on the Zoom so that we can know who's in attendance.

11 Let's see. So, I, should I read through the —
12 all the potential representatives? Sounds like we don't
13 have any, and we — potentially from US EPA Region 9.

14 Let's see, anyone from the Air Resources Board?

15 (Pause)

16 Anyone from the California Coastal Commission?

17 (Pause)

18 Okay, hearing none. Elected or appointed
19 officials from State, County, or Local jurisdictions?

20 (Pause)

21 For either Pecho or for Gem?

22 (Pause)

23 No hands. Okay.

24 (Pause)

25 Great. Okay, so we'll consider it — everyone

1 has taken roll fully, so um, with no other attendees to
2 be introduced, I'll pass the microphone to Commissioner
3 Vaccaro.

4 COMMISSIONER VACCARO: Thank you. I'll keep my
5 remarks brief. I feel like today is pretty momentous,
6 it's been a long time coming for us to all be in the
7 same room again, it's been years. And it is just a
8 pleasure to be able to be on both of these committees,
9 and to see all of you here today.

10 I see a lot of familiar faces, I see new faces,
11 but I'm feeling very happy to be here, but my happiness
12 is still tempered by recognizing there's a seriousness
13 to the questions presented and the work we have to do
14 here. But really appreciate that everyone was able to
15 be here today in person.

16 COMMISSIONER MCALLISTER: Thank you very much,
17 Commissioner Vaccaro, and I'm looking for — I've been
18 looking forward to partnering with you on both of these
19 cases. And I'd say they're momentous for a couple of
20 reasons, just because, well, primarily because they are
21 a new type of resource that we're considering at the
22 Commission, that really is something novel. And so
23 that's part way why I think these cases are important,
24 and supporting the fact that they support our clean
25 energy transition, potentially, makes them, sort of puts

1 a finer point on — on these two cases.

2 And, you know, obviously we — we need various
3 types of storage. For we don't — do need formally at
4 the commission, but I think all of us understand the —
5 the challenge of transitioning to a clean energy economy
6 and the need for various types of storage, a diversity
7 of storage technologies. So obviously, not to — not to
8 place any judgement on what will happen in these
9 proceedings, but just to highlight the uniqueness and
10 the novelty of these two projects coming to the
11 Commission. So, looking forward to getting started.

12 With that, I'll pass the microphone to Mr. Lee.

13 MR. LEE: Thank you, and good afternoon. My
14 name is Ralph Lee, Hearing Officer with the California
15 Energy Commission. My role is to assist the committee
16 with the conduct of committee events, like today's Joint
17 Committee Conference, and with the preparation of
18 documents such as orders, notices and decisions.

19 I'm Hearing Officer in the Pecho proceeding, but
20 for convenience today I'll be leading the discussions
21 today in both the Gem and Pecho proceedings. As
22 mentioned today, Renee Webster-Hawkins is with us as the
23 Hearing Officer for the Gem proceeding.

24 Notice for today's Joint Committee Conference
25 was filed in the Docket for both Pecho and Gem, on April

1 15th, 2022, in both English and Spanish. The Energy
2 Commission created an online docket for documents
3 associated with these proceedings.

4 Pecho is Docket #21-AFC-01, Gem is Docket #21-
5 AFC-02. The notice of today's event, and other
6 documents related to these proceedings are available on
7 the Energy Commission's website in the electronic docket
8 for each respective proceeding.

9 We're conducting today's Joint Committee
10 Conference in person. We're also allowing participation
11 by Zoom. We set up today's Zoom meeting so that most
12 participants will not be able to mute or unmute
13 themselves to speak. You will have an opportunity to
14 speak during the public comment period, as I'll describe
15 in a moment. You may still mute your phone by pressing
16 star-six, and you should still be able to hear this
17 Joint Committee Conference

18 If you wish to be recognized, please use the
19 raise-hand feature. If you are connected to Zoom by
20 your phone, press star-nine to raise your hand. If you
21 muted your line by pressing star-six, please be sure to
22 unmute yourself by pressing star-six again. The raise-
23 hand feature creates a list of speakers based on the
24 time when your hand was raised, and we will call on you
25 in that order.

26 And if we missed anybody when we were taking
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1 attendance today, public agencies or tribal governments,
2 please feel free to use the raise-hand feature now to
3 let us know you are here and I'll take a moment at the
4 end of this presentation to give you an opportunity to
5 introduce yourself.

6 Today we have a court reporter transcribing all
7 the statements made and any questions asked. I
8 therefore must ask that only one person speak at a time.
9 Also, the court reporter is not in the room, so I would
10 ask that you identify yourself before you speak.

11 When you speak for the first time, please say
12 and spell your name slowly for the record. That's
13 important for me, and for the court reporter. If you
14 don't identify yourself, either the court reporter or I
15 may interrupt you to make sure that you do so to make
16 sure that we have a complete and accurate record from —
17 for today's Committee Conference.

18 If you run into any technical difficulties with
19 Zoom, please contact the Public Advisor's office, or
20 Zoom's help center. Contact information for both is
21 listed on page six of the Notice of today's Joint
22 Committee Conference.

23 At this time I'll ask are there any questions?

24 (Pause)

25 And, I'm also looking to see if — if there are

1 any um — if anyone wants to identify themselves from any
2 agencies or tribal governments. Okay. I'm not seeing
3 any hands, so I'll move on.

4 (Pause)

5 The primary purpose of today's Joint Committee
6 Conference is for the Committees for the Gem and Pecho
7 proceedings to deliberate in closed session,
8 specifically regarding the potential qualification of
9 the Pecho and Gem applications to be exempted from the
10 Energy Commission's Notice of Intention process. As
11 stated in the notice, no oral arguments are going to be
12 taken on that subject.

13 First, I'm going to give an overview of the
14 Pecho and Gem applications. Then we'll allow a check in
15 with the parties for any questions for the committee.
16 Next, we'll take public comment, and then the committee
17 will recess to closed session. Finally, we'll return
18 here to adjourn and conclude this Joint Committee
19 Conference.

20 So now, I'll turn to a brief overview of the
21 applications, starting with the Pecho application.

22 On November 23rd, 2021, Pecho LD Energy Storage,
23 LLC filed an application for certification to operate
24 the Pecho Energy Storage Center, to be located in
25 unincorporated San Luis Obispo County at 2284 Adobe Rd.,

1 near Morro Bay, California. The site is currently
2 leased for agricultural operations. It's designated as
3 prime agricultural land, and located in an agricultural
4 zone within the Coastal Zone of San Luis Obispo County.

5 The site is under a Williamson Act contract.
6 Pecho would be a nominal 400-megawatt energy storage
7 center, deploying Hydrostor Inc.'s Advanced Compressed
8 Air Energy Storage technology, or A-CAES, or "A-Case,"
9 for short.

10 Hydrostor's technology would provide low cost
11 long duration fossil fuel and greenhouse gas emission
12 free energy storage, providing generation capacity and
13 ancillary grid services with up to a 50-year facility
14 life.

15 Pecho would be designed to charge at up to 400
16 megawatts for up to 14 hours, and then deliver up to
17 3,200 megawatt hours of electricity to the grid over an
18 eight-hour period when discharging at nameplate
19 capacity.

20 Pecho would require, among other things, the
21 construction of four all electric air compressor trains,
22 and four 100-megawatt air driven power turbine
23 generators, housed inside a 100 foot tall, 65 foot wide,
24 1,075 foot long main turbine hall and compressor
25 building.

26 Pecho would also require the construction of a

1 purpose-built underground compressed air storage cavern
2 approximately 2,000 feet deep, a sealed air conduit and
3 above ground 27-acre water reservoir, on-site
4 substation, and a 3.4 mile electrical interconnection to
5 the Pacific Gas and Electric Company's existing Morrow
6 Bay substat— switching station.

7 Now, turning to Gem. On December 1st, 2021, Gem
8 A-CAES, LLC, filed an application of certification with
9 the California Energy Commission to construct and
10 operate the GEM Energy Storage Center in unincorporated
11 Kern County, in Rosamond, California.

12 The site is currently undeveloped desert land,
13 in an area zoned Estate, and within the Willow Springs
14 Specific Plan Area of Kern County. Gem would be a
15 nominal 500-megawatt energy storage center, which would
16 also deploy Hydrostor's previously mentioned technology.

17 Gem would charge at up to 500 megawatts for up
18 to 14 hours, and then deliver up to 4,000 megawatt hours
19 of electricity to the grid over an eight-hour period,
20 when charging at nameplate capacity.

21 Gem would require, among other things, the
22 construction of five all electric air compressor trains,
23 and five 100-megawatt air driven power turbine
24 generators, housed inside a 100-foot tall, 65 foot wide
25 by 1,365 foot long main turbine hall and compressor

1 building.

2 Gem would also require construction of a
3 purpose-built underground compressed storage cavern
4 approximately 2,000 feet deep, a sealed air conduit, an
5 above ground 31-acre water reservoir, on site
6 substation, and a 10.9 mile interconnection to the
7 Southern California Edison existing Whirlwind
8 Substation, or a 3.5 mile substation to the future Los
9 Angeles Department of Water and Power Rosamond
10 Substation.

11 And that concludes my overview of the
12 applications, and now I would like to give the parties
13 the opportunity to check in with any questions or
14 comments starting with the applicants for Gem and Pecho.

15 MR. HARRIS: Uh, thank you, Hearing Officer.
16 Jeff Harris, on behalf of Gem and Pecho.

17 Really want to thank the Committee for holding
18 this conference. It's really nice to see people in
19 person, it's been said from the dais, and I want to echo
20 that, for sure. I never thought I'd be so happy to be
21 in this room. So, um, here I am.

22 Thank you very much for having this conference.
23 Our most recent email was, was really kind of to advance
24 these issues. And we asked for an April meeting, pretty
25 much expecting that we'd probably hear the NOI issued in
26 May, with data adequacy maybe in June. So that's sort

1 of the way we're seeing things fall out. It makes sense
2 to us to have the NOI issue resolved first, because data
3 adequacy is framed up in the question of data adequacy
4 for what process. So, we're hopeful for a May '22
5 business meeting on that NOI issue.

6 Having said that, we are more interested in
7 getting this right than we are in getting it fast. We
8 think the answer is pretty clear. But, we acknowledge
9 that there are some issues of first impression here.
10 Right. There are things that the Commission hasn't had
11 to deal with in the past.

12 No agency has more experience siting major
13 infrastructure projects than this agency. Um, you do it
14 well, you do it right. And, having said that though,
15 there are some issues of first impression. I think this
16 is the first, you know, large, advanced compressed air
17 energy storage facility to come before the commission.

18 It has raised this, sort of NOI issue that was
19 sort of, I think dealt with the legislature sort of a
20 band-aid procedure in the 1990's, and it's sort of been
21 hanging out there as something that hasn't had to be
22 addressed in this context. And I think we've got an
23 opportunity here to really deal with that issue.

24 Schedule wise, it's critically important to us
25 that we proceed down the AFC track. We are already time
26 constrained, so from a commercial perspective,

1 absolutely critical that we get to the AFC process.

2 Um, from a — and I know you don't want oral
3 arguments today, um, but on the merits basis too, we
4 think there are very good arguments for, um, for why the
5 NOI is really a vestige of the previous monopoly era, a
6 bygone era, when the only thing that was ever sited was
7 sited by investor owned utilities, and so — and we've
8 laid those out in our papers, and again I want to be
9 very careful not to edge up on the line of oral
10 argument, but we will answer any questions you might
11 have about our prior filings. So let me leave it there.

12 I want to thank you for being proactive in
13 setting this conference. I want to thank the staff for
14 their thoughtful response as well. I think their
15 response reflects the fact that there are some sort of
16 unique issues here that need to be dealt with seriously,
17 and will set a good precedent for us, moving forward.

18 These are really critical, important projects
19 that I think the State of California needs to meet our
20 climate goals. And, so, given those objectives, we
21 think it's really important that we advance these as
22 quickly as we can. Again, with the emphasis on getting
23 the right answer. So. You know the Governor has
24 identified long-duration storage in his budget, the PUC
25 has recognized that it's definitely part of what we need

1 to make — make these projects move forward. And so, I'm
2 available to answer any questions you might have on the
3 NOI issues. I think our first filing is the one I would
4 stand on. Second one is more detailed, and I think I'll
5 ask Steven O'Kane to give you kind of a quick overview
6 on where we are with data adequacy issues as well.

7 MR. O'KANE: Thank you. Uh, Stephen O'Kane, S-
8 T-E-P-H-E-N, last name O'Kane, O apostrophe K-A-N-E,
9 with Hydrostor. I am the Senior Director of Project
10 Development, and representing both projects.

11 Actually, I — as my phone just went off — with
12 respect to data adequacy on our project, the Gem
13 project, we have filed information today to advance that
14 project, get closer to data adequacy. I think we have
15 about 90-95% of everything that has been asked for by
16 the staff. One minor filing still to come as we wait
17 for some information from another state agency actually,
18 the State Cultural Clearinghouse, on some cultural
19 resource data.

20 We are excited about these projects, as Mr.
21 Harris explained, these, we believe these are consistent
22 with and advance California's policy towards green
23 energy, and very unique projects with long-term cost-
24 effective storage, using really conventional methods.

25 I think these — this — when you get into the

1 details you find that they're relatively simple to
2 understand, using proven technology, but not been done
3 with the — scale and of the — the technology that
4 Hydrostor has been able to come up with to make it that
5 much more efficient.

6 The only thing I'd like to leave you with, we've
7 talked a little bit about schedule, and I'm sure you
8 hear all the time from applicants, "schedule, schedule,
9 schedule, it's so important," but what really makes us
10 different is the very, very long construction period.

11 It's unusual. You know, we're building power
12 plants that the Energy Commission is used to looking at
13 sort of two to three year time frames, where the — these
14 projects with the deep underground st— caverns, we're
15 looking at a four to five year construction period and
16 commissioning. So, it's significantly longer than
17 traditional plants, but, as we said, no fossil fuels, no
18 emissions, no hazardous materials of significant
19 quantities, it's really just air, water, and gravity
20 that make these things work. So, we are quite excited
21 about that, and quite excited about moving the process
22 forward. Thank you.

23 MR. LEE: Yeah, thank you. Staff, did you have
24 any comments?

25 MR. BABULA: Yes, thank you. This is Jared

1 Babula, J-A-R-E-D B-A-B-U-L-A, Staff Counsel. And just
2 a couple quick comments — the staff has previously
3 submitted and filed a response to what the applicant
4 filed. And I'd just like to take this opportunity to
5 make some clarifications.

6 So, staff has reviewed and considered the
7 arguments that the applicant had made, especially in
8 their most recent filing in March. And this pertains to
9 three kind of areas: reliability, the scale-up
10 determination, and the — establishing the, um,
11 uniqueness of the site.

12 And so, after reviewing and considering the
13 arguments regarding the reliability and scale-up
14 information that staff had requested, that there should
15 be supplemental information. Staff (indiscernible) that
16 the applicant has made a reasonable argument, that those
17 issues aren't really necessary and related to the
18 determination of whether the exemption for an NOI
19 applies. So, we don't believe that that level of
20 information is necessary at this point in time. Again,
21 related to some of their requests for additional
22 information on like the economics and the reliability
23 and the scale-up application. So, for that — that um —
24 those components, staff doesn't think that's necessary.

25 The remining issue of, just um — the

1 feasibility and the uniqueness of the site. Staff
2 recognizes that the exemption that we're all looking at,
3 and the Public Resources Code 25540.6, Subdivision 83,
4 is that there's a number of reasonable readings, and the
5 position in which the applicant has taken in their
6 submission is not unreasonable. And so, while staff
7 still has concerns about whether they've shown enough
8 information at this point to establish the features of
9 this site as being unique or limited, their position and
10 what they recently argued is not unreasonable.

11 And so, with that, we would hope the — it would
12 help the Commission — or the Committee when you go into
13 closed session, reflect on that. And then, we'll be
14 happy to supplement, if necessary, and if there's
15 questions to answer, and so forth, on our staff position
16 on those issues.

17 That's all I have. Let me just check anybody
18 from technical staff, you're not raising their hands or
19 anything, so I haven't caused any concerns there. Okay.

20 COMMISSIONER MCALLISTER: Okay, well thank you,
21 everyone. Let's see. I gu— so, um — Mr. Babula, I
22 guess, uh — so, in terms of the sort of — the NOI
23 versus the um — you know, the AFC, in your view, what's
24 — what are the specific questions that could go either
25 way?

1 MR. BABULA: Yeah, I would say that the
2 challenge here with this exemption we're looking at, and
3 it's one sentence, it's — it's — so you'll be exempt
4 from having to do the NOI if your — you show that you'll
5 have a thermal power plant, which is only
6 technologically or economically feasible to site at or
7 near the energy source. And, so, there — the writings
8 and what's been filed to date is the cavern reflects an
9 energy source, because that's where the compressed air
10 is gonna be.

11 The uniqueness of this is that the cavern is
12 part of the project. And, so, they're not only, they're
13 not coming to an energy source, they're building the
14 energy source to. And so that's the area to dig into,
15 is how do you reconcile a project that's building their
16 energy source, with this one sentence exemption that's
17 in our statute.

18 So, I would frame it as: is it the real, is —
19 do you solely focus on the relationship of the power
20 plant part, which would be like the turbines, and the
21 subser—the stuff above the, on the surface, in relation
22 to the cavern, or the energy source, and that's the only
23 thing you have to care about? Or, do you look at it
24 broader, in the context of the site — the project as a
25 whole to the site. The project being the stuff on the

1 surface, the turbines, and the cavern, to the site
2 itself. So, that's kind of the nuance.

3 COMMISSIONER MCALLISTER: Thank you. Mr.
4 Vaccaro?

5 COMMISSIONER VACCARO: This is really helpful, I
6 think, what both applicant and staff have said. I think
7 my concern right now is because we didn't notice this as
8 a hearing, I just sort of feel like the more questions I
9 might wish to ask, the further we go down the path of
10 something that we didn't notice for today. So, I think
11 I'm gonna keep my questions and comments and talk with
12 you about my thoughts in closed session.

13 COMMISSIONER MCALLISTER: Um — uh, did — let's
14 see. I guess, I would just ask the applicant if you had
15 any — anything to add, having heard what staff said?

16 MR. HARRIS: Um, no, we appreciate the fact that
17 this language is — it is a sentence, and it's not
18 directly — the word "compressed air" doesn't appear in
19 the statute. That's the basic problem, I think,
20 fundamentally, which requires us then to take a look at
21 the statutory language and figure out why it is there,
22 and then — it's not there for geothermal, cause there's
23 a separate process for that. You know, the view we put
24 into our papers is basically that it requires suitable
25 geological formations. And whether that — you know

1 whether those conditions exist is really the critical
2 issue for us. So, I'll — I'll stop there.

3 COMMISSIONER MCALLISTER: Great, well so I look
4 forward to digging into these issues, and I guess that
5 pun is intended. And we'll pass back to Ralph, to see
6 if there are any public comments.

7 MR. LEE: Yeah, thank you.

8 MR. BABULA: Can I just jump in really quick.
9 The two things that we'd be happy to file additional
10 information if, or whatever the committee directs us to
11 do, and I would just point out that we have done some
12 legislative history analysis so we would be able to
13 provide that as well in any filing. Thank you.

14 COMMISSIONER MCALLISTER: Great. Thank you, Mr.
15 Babula.

16 (Pause)

17 MR. LEE: So that concludes our discussion with
18 the parties. So, we'll now move to public comments. I
19 would like to start by inviting any representatives from
20 public agencies or tribal governments, and we didn't
21 hear any, so I'm not expecting any.

22 (Pause)

23 And, at the conclusion of any comments by any
24 agency or tribal government, we'll move on to everyone
25 else. We have a representative from the Public

1 Advisor's office here today. Ms. Avalos, are you
2 available to assist with public comments today?

3 MS. AVALOS: Yes.

4 MR. LEE: Ok, please go ahead.

5 MS. AVALOS: This is a period for any person
6 wishing to comment. Each person has up to three minutes
7 to comment, and comments are limited to one
8 representative per organization. Public agency or
9 tribal governments are not restricted to three minutes.
10 We may reduce the time to comment depending on the time
11 to commentators. Use the raise-hand icon to indicate your
12 interest in making public comment. If you are on the
13 phone, press star-nine to raise your hand and star-six
14 to unmute, and we will promote you to panelist, and
15 you're welcome to turn on your video box, or leave it
16 off.

17 After you are called on, please restate and
18 spell your first and last name. And please, do not use
19 the speakerphone when talking, because we won't be able
20 to hear you clearly. Now, anyone wishing to make a
21 public comment, please raise the hand icon on Zoom, and
22 we'll call on you if you wish to make a public comment.
23 I'm gonna give it a little bit of time for people to
24 decide if they want to make a public comment.

25 (Pause)

26 Okay, I have one person, actually a few. I'm

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1 going to go ahead and call on AC05230. You may need to
2 unmute on your end. To make your comment, you may need
3 to unmute on your end.

4 MR. BUCIS: Can you hear me?

5 MS. AVALOS: Yes.

6 MR. BUCIS: Yeah, this is Mark Bucis. Last name
7 is spelled B-U-C-I-S. I'm a homeowner in the area. And
8 I just wanted to recommend that these suitable
9 geological formations that you're talking about, I'm
10 sure, can be found in many other places along the
11 coastline. It doesn't just have to be right underneath
12 the historic Hollister Peak. And the um — could be
13 broadened to play Diabolo Canyon being decommissioned,
14 it could go into that area, or they could partner in
15 with the Morro Bay Battery Storage system. I think that
16 would be a much better alternative.

17 And, how can it be that just this site is
18 available? Seems like there was some kind of a behind
19 the scenes deal made with the landowner or something
20 that nobody was aware of. But, uh, I just don't think
21 that this system is going to be beneficial for the area.
22 As to the decimation of all the agricultural land, the
23 native land that's there, the tourism in the area, I
24 just think it's a bad idea.

25 MR. LEE: Yeah, thank you, this is Hearing

1 Officer Ralph Lee. And I just want to clarify, was that
2 comment directed at the Gem proceeding, or the Pecho
3 proceeding?

4 (Pause)

5 MS. AVALOS: Mr. Bucis, are you still on the
6 line?

7 MR. BUCIS: Yes, that is related to the Pecho
8 plant that is going in Morro Bay there.

9 MR. LEE: Okay, thank you.

10 (Pause)

11 MS. AVALOS: Okay, we have another commentor,
12 Christopher VerPlanck. Go ahead and make your comment,
13 and you may need to unmute on your end.

14 MR. VERPLANCK: Thank you, yes. My name is
15 Christopher VerPlanck. My last name is spelled V-E-R-P-
16 L-A-N-C-K. Um, and I live in San Francisco, but my
17 family has property in the Chorro Valley. Um, I just
18 wanted to say that Hollister Peak and the Chorro Valley
19 is probably one of the most beautiful parts of San Luis
20 Obispo County, which contains many beautiful areas.

21 Hollister Peak is a hugely recognizable
22 landmark. It's also some of the richest agricultural
23 soil in the county. And there's also a wealth of
24 Chumash sites within the Chorro Valley. I'm very
25 concerned — I like the idea of this kind of power

1 generation plant in general, but I'm very concerned
2 about its location, right there in front of Hollister
3 Peak on prime agricultural land with a potential for
4 Chumash archaeological sites in this area.

5 That's all I want to say, thank you.

6 MS. AVALOS: Thank you for your comment. Are
7 there any other commentors, and a reminder to those that
8 are on the phone, you can hit star-nine to raise your
9 hand.

10 Okay, we have one more commenter, Linda Mahnken.
11 You may go ahead and speak.

12 MS. MAHNKEN: Hi. My name is Linda Mahnken.
13 It's M-A-H-N-K-E-N. I'm a landowner adjacent to the
14 proposed Pecho site, and as Mr. VerPlanck said, I think
15 the technology of this is fascinating, but I think it
16 would be wonderful for someplace like Rosamond, out in
17 the middle of the desert. Not on, as Jared, the
18 gentleman earlier said, this is a unique site. It's,
19 the uniqueness of this site is, it's amazing. But it's
20 beautiful on a scenic highway, and a protected area.
21 And the group of landowners in this area are totally
22 against this because, it will just ruin the, I don't
23 know if ambience is the right word, but the loveliness
24 of this whole area of the Chorro Valley, and Hollister
25 Peak area. And I just wanted you to know that the
26 landowners in this area are very upset about it, as are

1 a lot of residents who have written into the tribune and
2 have supported our feelings about this.

3 Thank you.

4 MS. AVALOS: Thank you for your comment. Again,
5 are, remember to use the raised hand icon on Zoom. Are
6 there any commentors, I'll give a few more seconds.

7 (Pause)

8 Okay, we have a commentor. Charlene Bucis, you
9 may go ahead and make your comment.

10 You may need to unmute on your end. Charlene?

11 MS. BUCIS: My name is Charline Bucis, B-U-C-I-
12 S. I'm a landowner about half a mile from the proposed
13 site. My vision now is just land, not a 100-foot tall
14 by 1,000 foot building, and turbines with — I can't
15 imagine the sound, um, of four giant turbines one mile,
16 less than one mile away from my home.

17 My family is the Canet family who had the
18 original San Bernardo land grant, which included 4,400
19 acres, one league, in 1840, signed by Abraham Lincoln.
20 And that land grant is mostly sold off, but we still
21 have land here. I still live here. We still take care
22 of the Canet family cemetery, which is at the base of
23 Hollister Peak.

24 It is — it is so important to keep it rural.
25 To keep it beautiful, to keep it country, not turn it

1 into an industrial area right in front of my home. How
2 would any of you feel to have the industrial area in
3 front of your home, that is your vision from your front
4 yard. I've tried to build on this land for 30 years.
5 Coastal Commission told me no, even though the property
6 was ours.

7 Now I've finally got — bought back property, my
8 families' property, and now you want to put a thousand-
9 foot building in front of it? I can't even believe it.
10 So please, please put it somewhere else. We've got so
11 much land that isn't in this beautiful valley with
12 Hollister Peak and Highway 1 attached. Thank you.

13 MS. AVALOS: Thank you for your comment. The
14 next commentor is Richard Aris. Go ahead, you may
15 comment. You may need to unmute on your end. Richard?

16 (Pause)

17 Go ahead, Richard.

18 (Pause)

19 Again, you may need to unmute on your end,
20 Richard.

21 (Pause)

22 Looks like he's having a little bit of trouble
23 being able to comment. Just a reminder to those on
24 Zoom, if you wanted to make a comment, go ahead and
25 raise your hand. And going back to Richard, um, you can

1 make public comment through the docket as well for Gem
2 for Pecho, or you may contact the Public Advisor's
3 office to assist you with making public comment.

4 It looks like Richard is unable to, to speak at
5 this time. And, I don't see any other hands raised, so
6 I'll turn it back to Hearing Officer Lee.

7 MR. LEE: Yes, thank you. And I will say,
8 contact information, if you want to make a comment
9 through the docket, is listed in the Notice of today's
10 Joint Committee Conference.

11 And with that, that concludes the public comment
12 period of today's meeting. The Committee will now
13 adjourn to closed session in accordance to California
14 Government Code Section 11126 Subdivision C3 and a —
15 which allows a state body to hold a closed session to
16 deliberate on a decision to be reached in a proceeding
17 the state body was required by law to conduct.
18 Afterward we'll return to conclude this meeting.

19 (Whereupon the Conference adjourned to closed
20 session at 2:50 p.m.)

21 (Conference resumed public session at 4:55 p.m.)

22 COMMISSIONER MCALLISTER: We're back, the
23 Committee is done with closed session. Um — and um —
24 as of 4:55 p.m., there is no reportable action that's
25 come out of the closed session, and therefore the

1 meeting is now adjourned.

2 (Thereupon, the Conference was adjourned at
3 4:55 p.m.)

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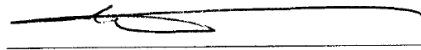
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