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BEFORE THE
CALIFORNIA ENERGY COMMISSION

Application for Small Power)
Plant Exemption for the:)

)
San Jose City Backup) Docket No. 19-SPPE-04
Generating Facility)
_____)

EVIDENTIARY HEARING AND CLOSED SESSION

IN-PERSON AND REMOTE VIA ZOOM
WARREN-ALQUIST STATE ENERGY BUILDING
ROSENFELD HEARING ROOM, FIRST FLOOR
1516 NINTH STREET,
SACRAMENTO, CA 95814

THURSDAY, MAY 26, 2022

10:30 A.M.

Reported by:
Martha Nelson

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476

APPEARANCES

COMMISSIONERS

Patricia Monahan, Presiding Member

Kourtney Vaccaro, Associate Member

HEARING OFFICERS

Deborah Dyer, Chief Counsel Office

Kristen Driskell, Assistant Chief Counsel

COMMISSIONER ADVISORS

Mona Badie, Advisor to Commissioner Monahan

Natalie Lee, Advisor to Commissioner Vaccaro

Eli Harland, Advisor to Commissioner Vaccaro

STAFF

Jared Babula, Senior Staff Counsel

Lisa Worrall, Project Manager

PUBLIC ADVISOR

Dorothy Murimi, Public Advisor's Office

FOR APPLICANT

Scott Galati, Applicant Representative, Attorney, DayZen

INTERVENOR

Robert Sarvey

EXHIBITS

	IDENTIFICATION	EVIDENCE	WITHDRAWN
<u>Applicant</u>			
1-74	16	16	
<u>Staff</u>			
200-206	18	18	

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

2 MAY 26, 2022

10:32 a.m.

3 COMMISSIONER MONAHAN: Good morning everybody.

4 We are on the record. The time is 10:32 a.m. on May 26,
5 2022. This is the Evidentiary Hearing regarding the
6 Application for a Small Power Plant Exemption for the San
7 Jose City Backup Generating Facility.

8 The California Energy Commission has assigned a
9 Committee of two Commissioners to conduct these
10 proceedings. I'm Patricia Monahan, the Presiding Member of
11 this Committee. Commissioner Kourtney Vaccaro is here
12 today and is the Associate Member of this Committee.

13 Commissioner Vaccaro and I, along with other
14 members of Staff and the public, are present at the Warren-
15 Alquist State Energy Building in Sacramento. In addition,
16 some people are participating remotely today using Zoom.

17 Before we begin, I would like to make
18 introductions of the following individuals who are
19 participating today in today's Evidentiary Hearing. Mona,
20 Advisor -- Mona Badie, my advisor to my left. We have
21 Natalie Lee and -- is Natalie here, maybe on the phone? --
22 and Eli Harland, Commissioner Vaccaro's advisors. We have
23 Deborah Dyer, the Hearing Officer for this proceeding, who
24 will be participating remotely, Kristen Driskell, Assistant
25 Chief Counsel, assisting as Hearing Officer onsite. I

4

1 would also like introduce Dorothy Murimi from the Public
2 Advisor's Office.

3 I would ask the parties to please introduce
4 themselves and their representatives at this time, starting
5 with the Applicant.

6 MR. GALATI: Good morning, Members of the
7 Committee, Madam Hearing Officer, Scott Galati representing
8 Microsoft on this Project, which we call SJCO2. I have
9 members of Microsoft and members of the consulting team
10 onboard. We weren't anticipating any questions or needing
11 them as witnesses but I'll introduce them if the Committee
12 has any questions and they need to speak.

13 Thank you very much.

14 COMMISSIONER MONAHAN: Great. Thank you, Mr.
15 Galati.

16 MR. BABULA: This is Jared Babula, Staff Counsel.
17 And on the phone -- or on Zoom with me is Project Manager
18 Lisa Worrall.

19 Thank you.

20 COMMISSIONER MONAHAN: Thank you.

21 And now for the Intervenor. Mr. Sarvey?

22 MR. SARVEY: Yeah, this is Robert Sarvey on Zoom.

23 COMMISSIONER MONAHAN: Are there any elected
24 officials or representatives from any local, state or
25 federal governments or agencies, or from any Native

1 American Tribes? If so, please introduce yourself if you
2 are in the room or by raising your hand so that we can
3 unmute you online if you're participating by phone by
4 pressing star nine. If you are participating by phone,
5 press star nine to raise your hand and star six to unmute.

6 Are there any raised hands or any -- all right.
7 So I see no and hear no representatives from any other
8 governments or agencies or from any Native American tribes.

9 So with that, I just want to say one quick
10 opening remark, which is I look forward to making a
11 decision based upon sound science, a complete record,
12 including any motions and testimony offered today, and
13 doing that as expeditiously as possible.

14 Commissioner Vaccaro, do you have any opening
15 remarks?

16 COMMISSIONER VACCARO: No.

17 COMMISSIONER MONAHAN: I will now hand over the
18 conduct of this hearing to Deborah Dyer, one of the Hearing
19 Officers for this proceeding.

20 HEARING OFFICER DYER: Thank you, Commissioner
21 Monahan and good morning. My name is Deborah Dyer, I'm a
22 Hearing Officer with the California Energy Commission and
23 my role is to assist the Committee, including assisting
24 with the conduct of Committee events, like today's
25 Evidentiary Hearing.

1 Slide number three, please.

2 The Energy Commission has created an online
3 docket for documents associated with this proceeding and
4 that is Docket Number 19-SPPE-04. The Committee noticed
5 today's Evidentiary Hearing in the Notice of Prehearing
6 Conference and Evidentiary Hearing Revised Scheduling Order
7 and Further Orders, which was issued on April 29th of 2022.
8 That notice was filed in English, Spanish, and Vietnamese.

9 On May 13th, 2022, via a Hearing Officer memo to
10 the docket, the agenda for today's hearing was amended to
11 include consideration and ruling upon any pending motions.
12 This notice and other documents I may refer to today, as
13 well as any future documents related to this proceeding,
14 are available in the online docket for the proceeding. And
15 that information is on the screen right there.

16 Slide number four, please.

17 Before we proceed further with the substantive
18 portion of this Evidentiary Hearing, I wanted to discuss
19 some housekeeping matters.

20 This Evidentiary Hearing is being held in a
21 hybrid format. The Commissioners, as well as some of the
22 parties and their representatives, are present in-person at
23 the Warren-Alquist Act -- in the Warren-Alquist Building in
24 the Rosenfeld Hearing Room. Other participants are using
25 Zoom to participate today. And I am also participating via

7

1 Zoom but Kristen Driskell, the Assistant Chief Counsel for
2 the Hearing Office, is present in the room and may assist
3 in this proceeding if there are connection issues or if I
4 am otherwise unable to continue.

5 We have set up this Zoom meeting so that the
6 parties' representatives are panelists. And that means
7 they will be able to mute and unmute themselves to speak
8 and have the option to use the video feature. Please note
9 that if you are making noise that disrupts this meeting, we
10 may mute you. And if that happens, you will need to raise
11 your hand to have your microphone turned back on when you
12 would like to speak.

13 To find your participation options, look at the
14 black bar at the bottom of your Zoom screens. If you're on
15 your phone, press nine to raise your hand. If you're on
16 Zoom, then you can use the raise-hand feature to be
17 recognized. The raise-hand feature creates a list of
18 speakers based on the time when your hand was raised and we
19 will call on you in that order.

20 The general public will have an opportunity to
21 speak during the public comment period towards the end of
22 the Evidentiary Hearing. During the public comment portion
23 of the agenda, we will first recognize speakers in the
24 room, and then move to speakers on Zoom or on phone lines.
25 And we will go over these directions again once we get to

1 the public comment period.

2 A court reporter is present and is taking down
3 all the discussion here today and will prepare a transcript
4 of what is said. To ensure that we have a complete and
5 accurate transcript, I must ask that only one person speak
6 at a time. Please identify yourself before you speak. And
7 when you speak for the first time, please say and spell
8 your name slowly. Remote participation can make it harder
9 for the court reporter and me to identify who's speaking or
10 who wishes to be recognized.

11 Slide five, please.

12 So if you run into difficulties with Zoom, please
13 contact the Public Advisor's Office or Zoom's Help Center.
14 The contact information is on this slide and is also in the
15 notice for today's hearing.

16 Are there any questions about how to use Zoom for
17 today's Evidentiary Hearing? And if you're on Zoom, please
18 raise your hand and we will do your best -- do our best to
19 respond to your question. And, remember, that is star nine
20 if you're on the phone. I don't see any raised hands or
21 questions, so we'll move on then.

22 The purpose of today's Evidentiary Hearing,
23 pursuant to the amended agenda, is consideration of and
24 ruling upon pending motions, and to receive exhibits and
25 testimony from the parties.

1 In case anyone missed the Prehearing Conference
2 and is joining this proceeding for the first time today, I
3 will start by providing some background and briefly
4 describing the Application that is the subject of this
5 proceeding. I will then describe a Small Power Plant
6 Exemption. And I will describe where we are in this
7 proceeding.

8 After I give that background, I will confirm the
9 topics for which we will take testimony today. And then I
10 will ask for any motions on the exhibits. And after that
11 the Committee may call for testimony about any disputed
12 areas. There will then be an opportunity for public
13 comment.

14 The Committee has also given notice that it may
15 hold a closed session. Following the closed session, we
16 will adjourn the Evidentiary Hearing.

17 So at this point, I'd like to present some
18 background on the Application.

19 On November 15th, 2019, Applicant Microsoft
20 Corporation filed an Application for a Small Power Plant
21 Exemption for the San Jose City Backup Generating Facility.
22 The Application seeks an exemption from the Energy
23 Commission's exclusive jurisdiction to license thermal
24 power plants with generating capacities of 50 megawatts or
25 more of electricity. This exemption is known as a Small

1 Power Plant Exemption and we call that an SPPE for short.
2 The Application and many of the other documents I will be
3 mentioning today are available in the online docket system
4 used by the Energy Commission.

5 The Applicant seeks to construct and operate the
6 San Jose City Data Center, the San Jose City Backup
7 Generating Facility, and related accessories, which are
8 collectively called the Project. The Project will be
9 located at 1657 Alviso-Milpitas Road in the City of San
10 Jose, California.

11 The Data Center would consist of two single-story
12 buildings, totaling 396,914 square feet, which would be
13 secure and environmentally-controlled structures to house
14 computer servers. The San Jose City Backup Generating
15 Facility would ensure reliable backup power to the Data
16 Center in the event of loss from power -- loss of power
17 from PG&E, the local electric provider.

18 The Backup Generating Facility would consist of
19 226 generators, including 224 natural gas backup
20 generators, each capable of providing up to 0.45 megawatts
21 of power, and 2 administrative diesel-powered generators
22 capable of providing 1.25 and 0.5 megawatts of power. The
23 Backup Generating Facility would generate up to 99
24 megawatts, which is the maximum load of the Data Center.
25 In addition, the Applicant will also construct a new

1 Substation on the Project site.

2 The backup generators would not deliver power off
3 the Project site and will only serve the Data Center load.

4 Slide seven, please.

5 Under the Warren-Alquist State Energy Resources
6 Conservation and Development Act, which is commonly called
7 the Warren-Alquist Act, specifically, Public Resources Code
8 section 25541, the Energy Commission may grant an SPPE only
9 when it makes three separate and distinct findings. Those
10 findings are, one, the proposed power plant has a
11 generating capacity up to 100 megawatts, two, that no
12 substantial adverse impact on the environment will result
13 from the construction or operation of the power plant, and
14 three, that no substantial adverse impact on energy
15 resources will result from the construction or operation of
16 the power plant.

17 Slide eight, please.

18 In addition to meeting the Warren-Alquist Act
19 requirements, the Energy Commission also acts as the lead
20 agency under the California Environmental Quality Act known
21 as CEQA. In reviewing an SPPE, the Energy Commission
22 considers the whole of the action. And for this
23 Application, the whole of the action means not just the
24 backup generators but, also, the entire Data Center complex
25 and other project features, such as pipelines and

1 landscaping. I will refer to the backup generators, the
2 Data Center, and the other project features collectively as
3 the Project.

4 To assist the Committee in analyzing the Project
5 under both the Warren-Alquist Act and CEQA, Staff prepared
6 and circulated for public review and comment a Draft
7 Environmental Impact Report, which we shorten to call an
8 EIR, on December 23rd, 2021. The Draft EIR was subject to
9 public review and the comment period on that Draft EIR
10 ended on February 7th, 2022. Comments were received from
11 the Applicant, the Bay Area Air Quality Management
12 District, the County of Santa Clara Parks and Recreation
13 Department, Ada Marquez and Claire Warshaw. No comments
14 were filed by the Intervenors.

15 Staff prepared a Final EIR and published it on
16 February 28th, 2022, and the Final EIR consists of the
17 Draft EIR, the comments received on that Draft EIR, and
18 Staff's responses to those comments.

19 On March 29th, 2022, Staff filed an addendum to
20 the Final EIR and a Mitigation Monitoring or Reporting
21 Program.

22 Slide nine, please.

23 As set forth in the April 29th notice, and as
24 discussed at the Prehearing Conference, this Evidentiary
25 Hearing is being conducted using formal hearing procedures.

1 The hearing will be conducted in a hybrid format with both
2 in-person participation and participation in Zoom. We ask
3 but do not require that participants on Zoom share video of
4 themselves.

5 In their Prehearing Conference Statements, and
6 again at the May 18th Prehearing Conference, Staff,
7 Applicant, and Intervenor Robert Sarvey all stated that
8 there are no issues in dispute and they would not be
9 sponsoring any oral testimony at today's Evidentiary
10 Hearing.

11 In Applicant's Prehearing Conference Statement,
12 filed on May 12th, 2022, Applicant made a motion in limine
13 to exclude Intervenor Robert Sarvey's purported rebuttal
14 testimony and exhibits and limit participation at
15 Evidentiary Hearing. During the Prehearing Conference,
16 Intervenor Sarvey informed the Committee that he would not
17 be offering any exhibits into evidence. (Clears throat.)
18 Pardon me. And based on that, Applicant withdrew that
19 motion. Thus, there are no pending motions for the
20 Committee to consider and rule upon.

21 Therefore, this Evidentiary Hearing will consist
22 solely of receiving the parties' evidence into record,
23 along with any objections.

24 So are there any questions about the conduct of
25 today's hearing?

1 Mr. Galati, do you have any questions?

2 MR. GALATI: No questions.

3 HEARING OFFICER DYER: Mr. Babula, do you have
4 any questions?

5 MR. BABULA: No questions.

6 HEARING OFFICER DYER: And Mr. Sarvey, do you
7 have any questions?

8 MR. SARVEY: No questions. Thank you.

9 HEARING OFFICER DYER: Thank you.

10 Ms. Tran, would you please display the Exhibit
11 List on the screen? Thank you.

12 Applicant and Staff both submitted their Exhibit
13 List as part of their Prehearing Conference Statements.
14 And the Hearing and Advisory Unit compiled a complete list
15 of the exhibits identified in the Prehearing Conference
16 Statements.

17 At the Prehearing Conference, some corrections
18 were made to that list. And as a result of that
19 discussion, on May 19th, Applicant filed an additional
20 proposed Exhibit List. Intervenor Sarvey did not identify
21 or submit any exhibits.

22 The revised Exhibit List displayed on the screen
23 has been compiled by the Hearing and Advisory Unit and is a
24 complete list of the exhibits identified by the parties in
25 their Prehearing Conference Statements and in Applicant's

15

1 subsequent amendment.

2 At this time I will ask the parties individually
3 if they wish to move exhibits into evidence.

4 First, to Applicant. Applicant identified
5 Exhibits 1 through 74. Mr. Galati, do you have a motion
6 regarding your exhibits?

7 MR. GALATI: Move Exhibits 1 through 74 as shown
8 on the master Exhibit List.

9 HEARING OFFICER DYER: Thank you.

10 Does any party object to admission of Exhibits 1
11 through 74?

12 Mr. Babula?

13 MR. BABULA: No objection.

14 HEARING OFFICER DYER: Mr. Sarvey?

15 MR. SARVEY: No objection.

16 HEARING OFFICER DYER: Thank you.

17 With that, we admit Applicant Exhibits 1 through
18 74 into evidence.

19 (Applicant Exhibits 1 through 74 are admitted.)

20 HEARING OFFICER DYER: Next, Staff identified
21 Exhibits 200 through 206.

22 Mr. Babula, do you have a motion regarding your
23 exhibits?

24 MR. BABULA: Yes. I move Exhibits 200 through
25 206 into the record.

1 HEARING OFFICER DYER: Thank you.

2 Does any party object to admission of Exhibits

3 200 through 206?

4 Mr. Galati, do you have any objections?

5 MR. GALATI: No objection.

6 HEARING OFFICER DYER: Thank you.

7 Mr. Sarvey, do you have any objections?

8 MR. SARVEY: No objection.

9 HEARING OFFICER DYER: Thank you.

10 With that, we admit Applicant's [sic] Exhibits

11 200 through 206 into evidence.

12 Ms. Tran, will you please --

13 MR. BABULA: Those were Staff's exhibits --

14 HEARING OFFICER DYER: Yes.

15 MR. BABULA: -- not Applicant's.

16 HEARING OFFICER DYER: I'm sorry. What was that,

17 Mr. Babula?

18 MR. BABULA: You referred to them as Applicant's

19 exhibits.

20 HEARING OFFICER DYER: Oh.

21 MR. BABULA: Those are Staff's exhibits.

22 HEARING OFFICER DYER: Sorry, yes, Staff's

23 Exhibits 200 through 206, and we now admit Staff's Exhibits

24 200 through 206 into evidence.

25 (Staff Exhibits 200 through 206 are admitted.)

1 HEARING OFFICER DYER: Ms. Tran, will you please
2 display slide number nine with the agenda for today? Okay.
3 Thank you.

4 At the Prehearing Conference, all parties
5 indicated that they do not wish to make closing statements
6 today but I would ask, are there any final comments at this
7 time from the parties?

8 MR. GALATI: Madam Hearing Officer, I have a
9 comment. Scott Galati.

10 HEARING OFFICER DYER: Yes, please, Mr. Galati.

11 MR. GALATI: We'd like to just state for the
12 record, thank Staff for working with us on this project,
13 specifically Mr. Babula and Ms. Worrall, especially
14 responding to a project change later in the process. So we
15 appreciate that and we look forward to a quick -- and,
16 hopefully, we've made an easy decision for you. And we
17 look forward to getting on a business meeting as soon as we
18 can so that we can go into the city and get our permit and
19 begin construction of this important project.

20 And we would like to also ensure and thank you
21 and say we'll be bringing another project and we look
22 forward to working with you.

23 HEARING OFFICER DYER: Thank you, Mr. Galati.

24 Mr. Babula, do you have any final comments?

25 MR. BABULA: Yes, thanks. I just want to thank

1 our Staff for their incredible work in getting the
2 information into a very strong document that is easy to
3 digest and read and that, I think, is a good model for
4 moving forward with the next iteration of projects that
5 come in. And so I do want to thank Staff and the
6 management, and Shawn Pittard of the Division and, also, my
7 new Assistant Chief Counsel Dian Vorters for leadership in
8 the Unit.

9 HEARING OFFICER DYER: Thank you, Mr. Babula.
10 Mr. Sarvey, do you have any final comments?

11 MR. SARVEY: I just want to say Staff did a good
12 job on this project and I appreciate their work.

13 Thank you.

14 HEARING OFFICER DYER: Thank you, Mr. Sarvey.

15 Okay, before we move to public comment, does
16 either Commissioner Monahan or Commissioner Vaccaro wish to
17 make any remarks at this time?

18 COMMISSIONER VACCARO: Yes. So thank you,
19 Deborah.

20 So I'm new in the role of Commissioner and as
21 Associate Member in this proceeding but I've been following
22 it since it was filed because I had been an advisor to my
23 predecessor, Commissioner Karen Douglas, who had been the
24 former presiding member.

25 And I think I just wanted to note, you know, Mr.

1 Galati, Mr. Babula, Intervenor Sarvey, like each of you in
2 your own way, right, you've been very professional, you've
3 been very diligent. I think this has been -- Mr. Galati,
4 as you mentioned, this was presented in a straightforward
5 way. I think there is a lot for us to be looking at as we
6 move forward in these proceedings about how to present
7 cases and how the parties can work together.

8 So just thank you all for your diligence and look
9 forward to a swift presentation of a decision at a business
10 meeting.

11 COMMISSIONER MONAHAN: And I'll wait to make my
12 final comments until after we hear if there's anybody from
13 the public who has a comment.

14 HEARING OFFICER DYER: Okay. Thank you.

15 So that concludes the evidentiary portion of
16 today's Evidentiary Hearing. And we will now take public
17 comment.

18 Could you please go to slide ten? Thank you so
19 much.

20 I'm going to hand control of the meeting over to
21 Ms. Murimi from the Public Advisor's Office to assist in
22 running the public comment portion of the Evidentiary
23 Hearing.

24 MS. MURIMI: Thank you, Hearing Officer Dyer.

25 A few instructions for everyone.

1 For those in the room, to make public comments,
2 use the blue cards located in the back of the room and you
3 can bring them over to me. Once your name is called, go to
4 the podium, turn on the microphone, make sure that light is
5 green, state and spell your first and last name, give your
6 affiliation, if any, and then give your comment. Once
7 complete with your comment, turn off your microphone to
8 prevent audio feedback on Zoom.

9 For those on Zoom, go ahead and use the raise-
10 hand feature, it looks like an open palm or a high-five at
11 the bottom of your screen or device, to indicate that you'd
12 like to make a comment.

13 For those of you calling in, go ahead and press
14 star nine to indicate that you'd like to make a comment and
15 star six to unmute on your end.

16 I'm going to give that one moment.

17 Again, for folks in the room, use the blue cards,
18 and you can bring them over to me. For those on Zoom, use
19 the raise-hand, it looks like an open palm or a high-five,
20 at the bottom of your screen or device. And for those
21 calling in, press star nine.

22 Seeing no raised hands or blue cards at this
23 time, I hand the mic back.

24 Thank you.

25 HEARING OFFICER DYER: Thank you.

1 Okay, so at this time, I would then ask
2 Commissioner Monahan or Commissioner Vaccaro if they have
3 any additional remarks?

4 COMMISSIONER MONAHAN: Yes, this is Commissioner
5 Monahan, just briefly.

6 So this is my first time as Presiding Member.
7 And I'm grateful that Associate Member Vaccaro has so much
8 expertise in this arena, I would say, despite her
9 disclaimer otherwise.

10 And as Commissioner Vaccaro and I both noted in
11 the Pre-Evidentiary Hearing, the fact that these primary
12 backup generators use natural gas and not diesel reduces,
13 although it doesn't fully eliminate the air quality
14 concerns. And so I just want to thank Mr. Sarvey for
15 clarifying that, in this case, he does not oppose the
16 project, although he recommended the facility continue to
17 work with the community.

18 I really look forward to issuing a decision as
19 swiftly as possible based upon the evidence, including the
20 Final EIR, written and oral comments and statements,
21 exhibits, and all the Staff responses.

22 So I also want to just thank the Applicant and
23 Mr. Galati, as well as the entities that commented on the
24 Draft EIR, including the Bay Area Air Quality Management
25 District, the County of Santa Clara, Ada Marquez, Claire

1 Warshaw, just all the attention that has gone into this
2 Draft EIR and the Final EIR which, I think, addressed these
3 comments.

4 So I also appreciate Staff, including Staff
5 Counsel Babula, Project Manager Lisa Worrall, as well as
6 our Hearing Officer Deborah Dyer.

7 So thanks to everybody for participating in this
8 process. I really look forward to making a decision
9 swiftly based on the evidence.

10 HEARING OFFICER DYER: Thank you, Commissioner.

11 Would the Committee like to adjourn to a closed
12 session at this time?

13 COMMISSIONER MONAHAN: Yes, we would.

14 HEARING OFFICER DYER: Okay. So the Committee
15 will now adjourn to a closed session in accordance with
16 California Government Code section 11126(c) (3) which allows
17 a state body to hold a closed session to deliberate on a
18 decision to be reached in a proceeding the state body was
19 required by law to conduct.

20 We do not anticipate returning from closed
21 session -- would you say half an hour or 45 minutes,
22 Commissioner Monahan?

23 COMMISSIONER MONAHAN: Oh, I think, I mean,
24 honestly, I think 15 minutes will be enough.

25 HEARING OFFICER DYER: Okay.

1 COMMISSIONER MONAHAN: I think it's going to be
2 brief.

3 HEARING OFFICER DYER: Okay. Great. So we
4 anticipate returning from closed session at about 11:15.
5 And if we do not have anything to report out of closed
6 session, we will announce that after we return. We ask the
7 parties to be present either in person or remotely at the
8 hearing when we return.

9 Thank you.

10 MR. GALATI: Madam Hearing Officer, this is Scott
11 Galati. Can I just say one other thing?

12 HEARING OFFICER DYER: Yes, please.

13 MR. GALATI: I apologize. I've been completely
14 remiss. And as you were thanking me, I wanted to make sure
15 that you understood, in this particular case, I was
16 supported by an excellent legal team. You may have noticed
17 the quality of my writing is far better than it has ever
18 been because of this team. They are Nadia Costa and
19 Arielle Harris. And, also, we were directed by Jonathan
20 Noble from Microsoft

21 So I absolutely do not deserve the thanks, other
22 than I have an applicant that was very much willing to work
23 with the community and will continue to do so. But I would
24 be remiss at taking credit for that work.

25 HEARING OFFICER DYER: Thank you, Mr. Galati.

1 Okay, we are going to go to closed session and
2 we'll return shortly.

3 (The Committee recessed into closed session from 11:01
4 a.m., until 11:17 a.m.)

5 HEARING OFFICER DYER: Recording is in progress,
6 so we are back on the record following the closed session.
7 Closed session ended at about 11:15. There were no
8 reportable actions that came out of the closed session.

9 So I will return the conduct of this Evidentiary
10 Hearing back to Commissioner Monahan to adjourn. And
11 you're muted.

12 COMMISSIONER MONAHAN: The time is --

13 HEARING OFFICER DYER: Sorry.

14 COMMISSIONER MONAHAN: The time is 11:18 a.m.
15 and the meeting is now adjourned.

16 (The Evidentiary Hearing adjourned at 11:18 a.m.)

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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 8th day of June, 2022.



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.



June 8, 2022

MARTHA L. NELSON, CERT**367