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BEFORE THE CALIFORNIA ENERGY COMMISSION

CA3 BACKUP GENERATING FACILITY SPPE (21-SPPE-01)
COMMITTEE CONFERENCE (CLOSED SESSION)

IN THE MATTER OF:)
)
CA3 Backup Generating Facility) Docket No. 21-SPPE-01
)
_____)

COMMITTEE CONFERENCE
(CLOSED SESSION)

REMOTE ACCESS WITH ZOOM

WEDNESDAY, JULY 27, 2022

9:00 A.M. - 11:00 A.M.

Reported by:
E. Hicks

APPEARANCES

COMMISSIONERS

Siva Gunda, Vice Chair and Presiding Member

Kourtney Vaccaro, Commissioner and Associate Member

ADVISORS

Eli Harland, Advisor to Commissioner Vaccaro

Ben Finkelor, Advisor to Vice Chair Gunda

Liz Gill, Advisor to Vice Chair Gunda

Erik Lyon, Advisor to Vice Chair Gunda

HEARING OFFICER:

Susan Cochran

STAFF

Lisa DeCarlo, Staff Counsel

PUBLIC ADVISOR

Noemi Gallardo, Interim Public Advisor

APPLICANT REPRESENTATIVE(S) :

Scott Galati, Esq., DayZen, LLC

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Parties, members of the public, and other interested persons and entities may speak up to three minutes on a matter related to this proceeding.	
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P R O C E E D I N G S

JULY 27, 2022 9:02 a.m.

VICE CHAIR GUNDA: Good morning, everyone. The time is 9:02 on July -- 9:02 a.m. on July 27, 2022. This is the Committee Conference for the application for a Small Power Plant Exemption for the CA3 Backup Generating Facility.

I'm Siva Gunda, the Presiding Member of the Committee assigned to conduct proceedings on the application. Commissioner Kourtney Vaccaro is here today and is the Associate Member of this Committee, consistent with the Senate Bill 189. This Committee Conference is being held remotely with no in-person location.

Before we begin, I would like to make introductions of the following individuals who may be participating via teleconference. Eli Harland, Commissioner Vaccaro's Advisor. Ben Finkelor, Advisor to me in my office, Liz Gill and Erik Lyon, all are my advisors. Susan Cochran, the Hearing Officer for this proceeding. Noemi Gallardo from the Public Advisor's Office

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

MR. GALATI: Good morning, Committee. Scott Galati representing CA3, which is owned by Vantage.

VICE CHAIR GUNDA: Thank you, Scott.

1 Now, turning to staff?

2 MS. DECARLO: Good morning, Lisa DeCarlo, Energy
3 Commission Staff Attorney representing staff, and we have
4 various staff online as well.

5 VICE CHAIR GUNDA: Thank you, Lisa.

6 Now, if there any representatives or officials from
7 federal, state, regional or local agencies or jurisdictions,
8 or any representatives of Native American tribes, please
9 raise your hand so that we can unmute you to introduce
10 yourselves.

11 HEARING OFFICER COCHRAN: I'm not seeing anyone,
12 Vice Chair Gunda.

13 VICE CHAIR GUNDA: Thank you, Susan.

14 So now moving to Commissioner Vaccaro, do you have
15 any opening comments?

16 COMMISSIONER VACCARO: Thank you. I think nothing
17 other than to just say, good morning, and to welcome
18 everybody to today's Committee Conference.

19 VICE CHAIR GUNDA: Thank you, Commissioner Vaccaro.

20 Now I will hand over the conduct of this Committee
21 Conference to Hearing Officer Susan Cochran.

22 HEARING OFFICER COCHRAN: Thank you, Vice Chair
23 Gunda.

24 I am Susan Cochran, the Hearing Officer for the CA3
25 Backup Generating Facility Small Power Plant Exemption

1 Proceeding. The Committee noticed today's Committee
2 Conference in the Notice of Committee Conference Closed
3 Session, Notice of Public Comment Period on Updated Air
4 Quality Analysis, Order Shortening Time, and Order Regarding
5 Updated Information on Tribal Consultation that was filed on
6 July 15, 2022. I will refer to this as the July 15 Notice
7 and Orders.

8 As explained in the July 15 Notice and Orders, the
9 primary purpose of today's Committee Conference is to
10 facilitate a closed session discussion on the decision to be
11 reached in this matter. Today's agenda is brief. After these
12 introductions, the Committee will solicit public comment, and
13 then recess to closed session. After the closed session is
14 concluded, we will return to public session and disclose any
15 reportable actions from the closed session.

16 First, I'd like to handle some housekeeping
17 matters. This meeting is being held entirely remotely on the
18 Zoom platform. We have set up this Zoom meeting so that the
19 parties are panelists. Panelists are able to mute and unmute
20 themselves to speak and have the option to use the video
21 feature. Please note that if you are making noise that
22 disrupts the meeting, we may mute you. When you need to
23 speak you will need to raise your hand to have your
24 microphone turned on again.

25 To find your participation options, look for the

1 black bar at the bottom of your Zoom screens. If you want to
2 be recognized, please use the raise hand feature. If you are
3 on your phone, press *9 to raise your hand. If you have
4 muted your phone by pressing *6, please be sure to unmute
5 yourself by pressing *6 again.

6 The raise hand feature creates a list of speakers
7 based on the time when your hand was raised. We will call on
8 you in that order.

9 A court reporter is present today who is taking
10 down all of the discussion and will prepare a transcript of
11 what is said. To ensure that we have a complete and accurate
12 transcript, I must first ask that only one person speak at a
13 time.

14 Second, please identify yourself before you speak.
15 When you speak for the first time, please say and spell your
16 name slowly. Remote participation for some people makes it
17 harder for the court reporter and me to identify who is
18 speaking or wishes to be recognized.

19 If you run into difficulties, please contact the
20 Public Advisor's Office or Zoom's Help Center. The contact
21 information for both this on this slide and is also in the
22 notice for today's hearing.

23 Are there any questions about how to use Zoom for
24 today's Committee Conference? If you are on Zoom, please
25 raise your hand and we will do our best to respond to your

1 question. Remember that's *9 if you're on your phone, and
2 the raise hand feature looks like a high five or a raised
3 hand on a computer screen.

4 And I'm looking quickly. I'm not seeing any raised
5 hands, so I think we have no questions. At this point I will
6 turn to the Public Advisor to handle public comment for us.

7 COMMISSIONER VACCARO: Excuse me, Susan Cochran?

8 HEARING OFFICER COCHRAN: Yes.

9 COMMISSIONER VACCARO: This is Commissioner
10 Vaccaro. I was just wondering, I looked at the way that
11 agenda was written, but I also kind of knew we had some
12 communication before today's meeting. I know there is an
13 opportunity right for the parties to be able to address the
14 Committee as well. I don't know, were we going to do that
15 before public comment, or after?

16 HEARING OFFICER COCHRAN: We need to do it as part
17 of public comment, because we did not include in the agenda,
18 discussion with the parties.

19 COMMISSIONER VACCARO: Okay. I just wanted to make
20 sure that they're aware that that's their opportunity to
21 address the Committee. Thank you.

22 HEARING OFFICER COCHRAN: Yes. Thank you.

23 MS. GALLARDO: Good morning, this is Noemi
24 Gallardo, the Public Advisor. Thank you, Officer Corcoran,
25 for enabling me to do the public comment here.

1 So for those on Zoom, you will use the raised hand
2 feature that looks like a high five or an open palm at the
3 bottom of your screen or device. You'd press on that to
4 indicate you'd like to make a comment. For those of you
5 joining by phone, please press *9 to raise your hand and then
6 press *6 to unmute on your end. Again that's *9 to raise
7 your hand and *6 to unmute.

8 Now some reminders about public comment. Comments
9 may be limited to three minutes or less per speaker, and one
10 speaker per organization. We will show a timer on the screen
11 and will alert you when your time is up. All comments will
12 become part of the public record. I will first ask the
13 parties for any comments. After they are done, I will call
14 on members of the public.

15 So first, Applicant? All right. Is there an --

16 MR. GALATI: Good morning. Good morning, this is
17 Scott Galati. Thank you very much for an opportunity to
18 address you.

19 I wanted to let the Committee know I appreciate
20 your hard work. And I see that you're making the record
21 complete, just to try to let you know so that we can be
22 scheduled for our approval with the City of Santa Clara on
23 August 17th, if we can make the August 10th agenda. Otherwise
24 we'll be pushed another month.

25 It's really important for this project, it has

1 complete project clearance, Committee. It has draft building
2 permits waiting to be approved if we get through the Energy
3 Commission process and are heard on the development committee
4 hearing with the City of Santa Clara on the 17th.

5 The project does not have any intervenors. It does
6 not have any public commenters. The Bay Area did not file
7 any additional comments on the issue of cumulative impacts.
8 I'm hoping that the Committee would provide some positive
9 encouragement that the proposed decision would be prepared in
10 time for us to be on the August 10th Business Meeting. And be
11 considered at that time, so that we can schedule with the
12 City of Santa Clara.

13 As I've made mention in many of my public filings,
14 and certainly in a lot of my oral representations, this
15 client has a tenant and has a schedule to build the project
16 that they are behind on right now. So anything the Committee
17 could do to help us reach that goal, and maybe give us some
18 encouragement that we can, would really appreciate it. Thank
19 you very much.

20 COMMISSIONER VACCARO: So I'm just going to jump in
21 really quickly. This is Commissioner Vaccaro. Thank you for
22 that, Mr. Galati. I would like to smile at you. If I smiled
23 I suspect that wouldn't be enough encouragement, but I think
24 I can share with you that that is what we are striving for
25 right now, is that August business meeting. And that's why

1 it's so important that we're having this closed session
2 today, so that we can continue to move forward to that date.

3 MR. GALATI: Thank you very much. I appreciate
4 that. If there's any other questions you have for me, I'll
5 keep open otherwise I'll shut my trap. Thank you.

6 MS. GALLARDO: All right. This is Noemi Gallardo,
7 the Public Advisor. Thank you.

8 Now we're going to move over to staff. Does staff
9 have any comment that they would like to get?

10 MS. DECARLO: Hi, Lisa DeCarlo, Energy Commission
11 Staff Attorney. I just want to thank the Committee for your
12 thoroughness and diligence in ensuring the record is complete
13 and accurate. We appreciate your help in that regard. And
14 we're available if there are any questions stemming out of
15 the closed session or any further follow-up you need from
16 staff.

17 MS. GALLARDO: All right. Thank you.

18 This is Noemi Gallardo, Public Advisor again, and
19 we will now move to the public. Again, if you'd like to make
20 a public comment, and you're an attendee, please use the
21 raised hand feature that looks like a high five or an open
22 palm at the bottom of your screen or device to indicate you'd
23 like to make a comment. We will unmute you and you will need
24 to make sure you are unmuted on your end. If you are joining
25 by phone, press *9 to raise your hand and then press *6 to

1 unmute.

2 All right, I'm going to look for hands now. All
3 right, last call for hands. Okay, I do not see any hands.
4 That concludes the public comment period. I return the mic
5 to you, Hearing Officer Cochran.

6 HEARING OFFICER COCHRAN: Thank you, Ms. Gallardo.

7 Before recessing to closed session, does either
8 Vice Chair Gunda or Commissioner Vaccaro have any comments?

9 COMMISSIONER VACCARO: This is Commissioner
10 Vaccaro, no comments for me.

11 VICE CHAIR GUNDA: Request (indiscernible)
12 Commissioner Vaccaro.

13 No, I just want to reiterate what Commissioner
14 Vaccaro said, looking forward to expeditedly moving this
15 forward. And thanks to both Mr. Galati and Lisa for their
16 comments. So let's move forward, thank you.

17 HEARING OFFICER COCHRAN: Thank you.

18 The Committee will now recess to a closed session
19 in accordance with California Government Code section
20 11126(c)(3), which allows a state body to hold a closed
21 session to deliberate on a decision to be reached in a
22 proceeding the state body was required by law to conduct. We
23 anticipate we will return from closed session in
24 approximately 45 minutes or about 10:00 o'clock. I don't
25 believe the parties will need to stay. I don't anticipate

1 reportable action coming from the closed session.

2 So with that we have recess to closed session.

3 (Off the record for Closed Session at 9:14 a.m.)

4 (On the record after Closed Session at 9:43 a.m.)

5 VICE CHAIR GUNDA: Okay, I'm going to get started.

6 It is 9:43 a.m. and we are back on the record following the
7 closed session. There are no reportable actions but thank
8 you for the comments from Mr. Galati and Lisa. We are
9 working with the goal to have the item moved in August
10 Business Meeting, so we'll kind of keep moving on that.

11 With that, I adjourn the Committee meeting and it's
12 9:43 a.m. still. Thank you.

13 HEARING OFFICER COCHRAN: Thank you.

14 (Adjourned at 9:43 a.m.)

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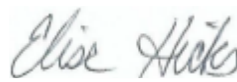
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CERTIFICATE OF REPORTER

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 August, 2022.

A handwritten signature in cursive script that reads "Elise Hicks". The signature is written in dark ink and is positioned above a horizontal line.


ELISE HICKS, IAPRT CERT**2176

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and 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 August, 2022.



Myra Severtson
Certified Transcriber
AAERT No. CET**D-852