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CALIFORNIA ENERGY COMMISSION

In the matter of:

Willow Rock Energy Storage Center) Docket No. 21-AFC-02
_____)

STATUS CONFERENCE

REMOTE VIA ZOOM

MONDAY, APRIL 14, 2025

1:00 P.M.

Reported by:

Martha Nelson

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Adams Broadwell, et al

Zeynep Graves, Center for Biological Diversity

PUBLIC COMMENT

Richard Chapman, Kern Economic Development Corporation

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P R O C E E D I N G S

1:05 p.m.

MONDAY, APRIL 14, 2025

HEARING OFFICER WEBSTER-HAWKINS: Welcome. The time is 1:05 on April 14th, 2025, and this is the status conference for the Willow Rock Energy Storage Center.

Commissioner Andrew McAllister, Presiding Member of the Committee assigned by the Energy Commission to manage this proceeding, is presiding over this event today. Unfortunately, Associate Commissioner Noemi Gallardo is traveling out of reach from the internet at this moment.

I'm René Webster-Hawkins, the Hearing Officer for the Committee for this proceeding.

Specifically, this proceeding is to review the Application for Certification for this project as docketed at 21-AFC-02. I will hereby open the status conference as noticed in the docket for this proceeding.

For everyone's awareness, this event is being convened remotely via Zoom. The assigned Committee, representatives of the parties, staff from the Public Advisor's Office, and the Hearing Officer are each appearing remotely. Additionally, the public is participating remotely via Zoom. The event will be recorded via Zoom and all statements made are being transcribed by a certified court reporter. The recording

1 and transcription will be available in the docket following
2 the event.

3 Before we commence, I do want to thank the
4 following Commission staff without whom this event could
5 not happen. Armand Angulo from our Office of the Public
6 Advisor, Energy Equity, and Tribal Affairs, Kenny Sanders
7 and Kris Peters from our Information Technology Division,
8 and Blanca Camberos and Lisabeth Lopez from our Legal
9 Support Unit in the Commission's Chief Counsel's Office.

10 This is the proposed schedule for our status
11 conference today. After I conclude my opening remarks,
12 Commissioner McAllister will provide his opening remarks,
13 including what the Committee's objectives are for this
14 status conference.

15 Following that, we will have time for each of the
16 parties to comment on their objectives and perspectives
17 regarding the schedule of this proceeding and the readiness
18 for the Committee to hear the evidence and propose a
19 decision to the full Commission.

20 After each of the parties have had that
21 opportunity, the Committee will facilitate a discussion to
22 see if any differences in the objectives or perspectives
23 about the schedule can be resolved or a consensus can be
24 reached.

25 After the discussion, we will offer a public

1 comment period. We will ask for the public comment today
2 to be limited to the scope of the status conference, which
3 is procedural in nature. To be clear, today's conference
4 is not about whether the Willow Rock Project should be
5 approved or not. Rather, today's conversation is about the
6 party's readiness to collect and assess sufficient
7 information in order to hold evidentiary hearings on the
8 project this summer. Today's conversation is about the
9 schedule.

10 In just a moment, I will be summarizing the
11 procedural steps remaining in the proceeding and point out
12 where there will be additional opportunities for the public
13 to comment on the Willow Rock Project itself.

14 And then finally, after public comment, the
15 Committee will offer closing remarks and we will adjourn.

16 In addition to the information I just provided
17 about the meeting being recorded, I have a few additional
18 housekeeping and level-setting guidelines.

19 First, we ask that all representatives of the
20 parties remain on camera throughout the proceeding.

21 The first time you speak, please spell your full
22 name for the court reporter. For each subsequent time you
23 speak, please state your name for the record. To ensure
24 that everyone is being heard by the Committee, the parties,
25 and the public, and the court reporter, please be sure to

1 speak one at a time and mute your microphone when you are
2 not speaking. Unless the Commissioner or I call on you
3 directly, please use the raise-hand feature throughout the
4 event so we can manage the order of speakers, especially
5 during the discussion periods.

6 Additionally, please refrain from using acronyms
7 or initializations when speaking. Plain language is
8 preferred.

9 So turning now to the introductions, on behalf of
10 the Committee, we want to officially welcome all of your
11 participation in the status conference today.

12 First, I'd like to introduce Presiding Member
13 Commissioner Andrew McAllister. And I also want to
14 acknowledge the support of his Advisor, Brian Early and
15 Maggie Deng, and also Commissioner Gallardo's Advisor,
16 James Qaqundah.

17 And next, I will welcome the parties and their
18 representatives. When I call on you, please turn on your
19 camera, open your mic, state and spell your name, your
20 organization, and your title and role for the party.

21 So I'd like to begin with the Applicant,
22 Hydrostor. Mr. Hildebrand?

23 MR. HILDEBRAND: Good afternoon, Curt Hildebrand
24 with Hydrostor, Senior Vice President. The spelling of my
25 name is C-U-R-T H-I-L-D-E-B-R-A-N-D. And I oversee our

1 development efforts here in California.

2 MS. WEBSTER-HAWKINS: Thank you.

3 Ms. Lees?

4 MS. LEES: Good afternoon. My name is Laurel
5 Lees, that's spelled L-A-U-R-E-L L-E-E-S. And I am the
6 Senior Director of Permitting for the Applicant.

7 MS. WEBSTER-HAWKINS: Thank you.

8 And Mr. Harris?

9 MR. HARRIS: Yeah, good afternoon. Jeff Harris,
10 J-E-F-F, Harris, H-A-R-R-I-S. I am Counsel to the
11 Applicant in this proceeding.

12 MS. WEBSTER-HAWKINS: Thank you.

13 Ms. Neumyer?

14 MS. NEUMYER: Good afternoon, everyone. Samantha
15 Neumyer with the Climate Edge Law Group on behalf of the
16 Applicant. First name, common spelling, last name,
17 N-E-U-M-Y-E-R.

18 MS. WEBSTER-HAWKINS: Thank you.

19 Turning next to the Commission staff, Mr. Bohan?

20 MR. BOHAN: Good afternoon. Drew Bohan, D-R-E-W
21 B-O-H-A-N. And I'm the Executive Director of the Energy
22 Commission.

23 MS. WEBSTER-HAWKINS: Thank you.

24 Ms. Huber?

25 MS. HUBER: Hello. My name is Elizabeth Huber,

1 E-L-I-Z-A-B-E-T-H, last name is Huber, H-U-B-E-R. And I am
2 the Division Director for the CEC Siting, Transmission, and
3 Environmental Protection Division.

4 MS. WEBSTER-HAWKINS: Thank you.

5 Mr. Knight?

6 MR. KNIGHT: Good afternoon. Eric Knight,
7 Manager of the Siding and Environmental Branch of the CEC.
8 So Eric is E-R-I-C, Knight is K-N-I-G-H-T.

9 MS. WEBSTER-HAWKINS: Thank you.

10 Mr. Veerkamp?

11 MR. VEERKAMP: Apologies. Eric Veerkamp, first
12 name, E-R-I-C, last name, V-E-E-R-K-A-M-P. And I'm the
13 Project Manager for the Willow Rock Project.

14 MS. WEBSTER-HAWKINS: Thank you.

15 And Mr. Babula?

16 Jared Babula, J-A-R-E-D B-A-B-U-L-A, Senior
17 Attorney representing Energy Commission staff.

18 MS. WEBSTER-HAWKINS: Thank you. I think I have
19 everyone for the Commission staff; correct?

20 Hearing no more, turning now to Intervenor,
21 California Unions for Reliable Energy, or CURE. Ms. Caro?

22 MS. CARO: Good afternoon. Christina Caro on
23 behalf of California Unions for Reliable Energy. My name
24 is spelled, first name, C-H-R-I-S-T-I-N-A, last name,
25 C-A-R-O.

1 MS. WEBSTER-HAWKINS: Thank you.

2 MS. CARO: Thank you.

3 MS. WEBSTER-HAWKINS: And lastly for Intervenor,
4 the Center for Biological Diversity, Ms. Graves.

5 MS. GRAVES: Good afternoon. Zeynep Graves,
6 Z-E-Y-N-E-P G-R-A-V-E-S, Counsel for Intervenor, Center for
7 Biological Diversity.

8 MS. WEBSTER-HAWKINS: Wonderful. Thank you for
9 that.

10 Now that we have introduced all the parties to
11 the proceeding, I would like to provide the opportunity to
12 allow representatives of state and local governments and
13 organizations, as well as California and Native American
14 tribes and other public officials, to announce their
15 attendance if they choose. So please, if anyone in these
16 categories in the audience chooses to announce your
17 attendance, please use the raise-hand feature so that we
18 can open your mic. We'll give everyone just a little bit
19 to see if anyone would like to announce their presence.

20 Looks like we have Mr. Chapman.

21 Kenny or Blanca, can you open Mr. Chapman's mic
22 so he can introduce himself?

23 MR. CHAPMAN: Good afternoon. I'm Richard
24 Chapman, President and CEO of the Current Economic
25 Development Corporation.

1 MS. WEBSTER-HAWKINS: Wonderful. Thank you.

2 MR. CHAPMAN: Thank you.

3 MS. WEBSTER-HAWKINS: I don't see any other
4 raised hands, so we can proceed.

5 So now that we've set the stage with all the
6 participants, I'd like to quickly summarize where we are at
7 in this proceeding.

8 You may recall this slide from the informational
9 hearing on November 6th, 2024, which provides a visual
10 depiction of each of the mandatory procedural components or
11 substantive documents required for the Commission's
12 ultimate decision on an Application for Certification. The
13 bubbles in purple represent the steps in the process that
14 are driven primarily by the Commission or Committee, and
15 the bubbles in blue represent steps that are driven
16 primarily by the CEC staff. And the green bubbles indicate
17 formal periods for public comment.

18 The good news is that since November, the red
19 arrow has moved from the discovery phase to the Preliminary
20 Staff Assessment phase. The corresponding observation is
21 that we do have a number of statutory and regulatory
22 procedures to satisfy in order for the Commission to
23 ultimately consider and vote on the Willow Rock project
24 application.

25 So as I mentioned earlier, there will be

1 additional opportunities for the public to comment on the
2 Willow Rock project. Following the posting of the complete
3 Preliminary Staff Assessment, there will be at least 30
4 days for the public to review and provide comment on that
5 document. Similarly, following the publication of the
6 Presiding Member's proposed decision, there will be at
7 least 30 days for the public to review and provide comment
8 on that document. Those two mandatory public comment
9 periods are marked in green.

10 Additionally, at each public event, such as the
11 status conference today and the evidentiary hearings, there
12 will be the opportunity for the public to comment on the
13 scope of that event.

14 So it bears stating for the parties here today
15 that this process depicted here also has ample
16 opportunities for you to argue the merits of your legal and
17 factual perspective about the Willow Rock project. And you
18 also know there are other opportunities not depicted on
19 this infographic for you to argue the merits of your
20 perspectives, such as your briefs for the evidentiary
21 hearings and the testimony you present.

22 But to be clear, the status conference is not one
23 of those opportunities to argue for or against the project.
24 Rather, the purpose today is quite practical. It is for
25 the Committee to be able to discern what precisely is

1 preventing the publication of the staff assessments and the
2 readiness for evidentiary hearings on all topics that the
3 Commission is required to consider before certifying a
4 thermal power plant.

5 So focusing on that, here are the current dates
6 and deadlines applicable to these procedural components.
7 I'll have this slide available for everyone's reference
8 later on as well. I simply wanted us to be reminded of the
9 schedule and particularly about the near-term deadline
10 looming on Wednesday, April 16th, in two days, for a
11 complete Preliminary Staff Assessment, and also of the
12 evidentiary hearings on July 2nd and 3rd. This is the
13 schedule that the Committee currently believes provides the
14 best chance to achieve the Applicant's request for a final
15 decision by the end of calendar year 2025.

16 So with this schedule at the top of our minds, I
17 would like to turn this over to Commissioner McAllister for
18 the Committee's opening remarks.

19 Commissioner?

20 COMMISSIONER MCALLISTER: Well, thanks very much,
21 Elain -- excuse me, René, rather. Sorry. I really
22 appreciate all the work, René, by you and staff at the
23 Hearing Office for this, really bringing us together in
24 this really expeditious work. We're kind of on a critical
25 path, and so I think it's really important that we got

1 together today to take stock and figure out the path
2 forward.

3 So I also wanted to thank all the parties for
4 being Applicants, and the parties, Intervenor, for your
5 due diligence and your comments, and your just keeping --
6 your paying close attention to the proceeding and giving us
7 your input and guidance as well.

8 The staff team that's been working on the
9 assessment, on the PSA, the Preliminary Staff Assessment,
10 as well. I know lots of folks working hard on that and
11 looking forward to hearing the latest from staff.

12 Chief Counsel's Office as well, and Commissioner
13 Gallardo's office as well, Jimmy and team and Commissioner
14 Gallardo herself, I know they have been -- they're great
15 partners to me and my office on this proceeding.

16 And really wanted to acknowledge just the
17 challenges with all the gathering all the information
18 necessary and doing the analysis and getting the staff
19 assessments moved forward. You know, we do have a timeline
20 to try to keep with. We have statutory obligations,
21 obviously, have the desire of the Applicant, but we do have
22 statutory applications to meet an expeditious timeline as
23 well, so aiming to keep it to that timeline. And as René
24 said, the key critical path items are the Preliminary Staff
25 Assessment due this Wednesday, and then the evidentiary

1 hearings for early July, so want to do everything we can to
2 hold to that schedule.

3 And so really, I think that's all I wanted to say
4 in terms of this meeting. (Clears throat.) Excuse me.
5 You know, we'd very much like to keep to the trajectory,
6 keep things moving forward and look for a path to do that.
7 So it will depend on what we hear today to some extent.
8 But also, we really need to -- you know, I want to get down
9 to the evidentiary hearing and make that step, significant
10 step forward in time to then, you know, get to a Final
11 Staff Assessment and move on towards a decision.

12 So I hope that everybody can, you know, put their
13 cards and information on the table today. And also with
14 your thinking caps too. You know, we may hear some tricky
15 things to deal with going forward, so just your thinking
16 caps and your reviews on how we can work with the
17 information we have and move forward expeditiously.

18 So anyway, I don't want to presume an outcome
19 here, but just want to make sure that everybody is really
20 participating fully and being clear and open so that we can
21 move this forward in a way that makes sense.

22 So with that, I'll pass it back to you, René.
23 I'm not sure if Jimmy or Commissioner Gallardo's Office
24 would like to make some opening remarks as well.

25 MR. QAQUNDAH: Yeah, just in the interest of

1 time, I don't want to repeat anything, but just want to say
2 I know that Commissioner Gallardo was very sorry that she
3 couldn't make this. She was on travel and not available to
4 access this. But really also very appreciative of all of
5 the parties' hard work, including staff and the Applicant,
6 and appreciates them coming together to have this
7 conversation.

8 And thank you, René, also for coordinating it.

9 MS. WEBSTER-HAWKINS: Thank you.

10 So now we're going to provide each of the parties
11 a chance to summarize their objectives and perspectives
12 regarding the schedule for the remainder of the Application
13 for Certification proceeding, beginning with the Applicant.
14 After all of the parties have provided their remarks, we
15 will have a dedicated discussion to see if we can find
16 mutuality in the objectives. However, the Commissioner and
17 I may also ask for clarifying information from each party
18 during these initial remarks before moving on to the next
19 party.

20 So a kind reminder to remember to identify
21 yourself for the record before you begin speaking.

22 So moving to the Applicant.

23 Next slide, please.

24 For the benefit of the Applicant and the parties,
25 the Committee would like to acknowledge that in your

1 opposition to staff's request for a revision to the
2 schedule, you stated the following three reasons: to meet
3 the CPUC midterm reliability procurement mandates to
4 support grid reliability; to provide ratepayer benefit from
5 the Inflation Reduction Act investment tax credits; and to
6 preserve the conditional commitment for the \$1.76 billion
7 loan guarantee from the United States Department of Energy.

8 So the Committee certainly supports the
9 importance of striving for these objectives. What the
10 Committee would like you to provide in greater detail about
11 is the specific consequences on the Willow Rock project for
12 each of these three objectives. If the Commission's
13 decision on the AFC were not reached by the end of the
14 calendar year, what specific dates apply to each one of
15 these objectives, when negative consequences might occur,
16 what penalties might be triggered, what collateral
17 consequences might occur. To the extent that you can share
18 any of this publicly, what would be the consequence on the
19 different elements in your financial stack or project
20 agreements?

21 So hopefully, if there's any or all of those
22 questions that you might be able to respond to, the
23 Committee would like to have that more specific information
24 to better evaluate your request for the decision by the end
25 of the year.

1 Another important question that the Committee has
2 for you that we will likely come back to later in the
3 conversation is how you might reconcile the consequences of
4 an incomplete evidentiary or analytical record with the
5 laser-focused goal of moving this proceeding to finality by
6 the end of the year.

7 So with those questions in mind, that framework,
8 who would like to speak first for the Applicant?

9 No, let's go back to the slide before that,
10 please. Yeah, thank you. Okay.

11 Who would like to speak first?

12 MR. HILDEBRAND: I'll go ahead. I'll go ahead and
13 speak first.

14 MS. WEBSTER-HAWKINS: Thank you.

15 MR. HILDEBRAND: Firstly, Curt Hildebrand, Senior
16 Vice President with Hydrostor.

17 Firstly, I'd like to thank the Committee and
18 staff and all the participants today for scheduling and
19 conducting this session. I think it's very useful to get
20 everybody's opinions and thoughts out in the open.

21 As far as the stated objectives outlined in this
22 slide, we do fully support the timely advancement of this
23 project consistent with these objectives. We believe it's
24 in the best interest of the project and the ratepayers of
25 California to establish and maintain a static and

1 achievable schedule through final decision, which we hope,
2 again, will be in calendar year 2025.

3 As far as the specifics behind how each of these
4 objectives align with that final objective of a 2025
5 decision, there are no direct boxes that we can check or
6 demonstrate in the record as far as this project will
7 disappear absent a decision in 2025. The loan guarantee
8 will disappear or things of that nature.

9 However, in our discussions with the Department
10 of Energy Loan Program Office when we finalized our
11 conditional commitment in January, there were clear
12 representations made during those discussions that all
13 expectations of the parties involved were surrounding a
14 static schedule that would achieve a decision in 2025,
15 understanding that the new administration in Washington,
16 D.C. would have a new look at these sorts of things. The
17 Inflation Reduction Act is a similar discussion topic.
18 Again, we're very confident that we have a very productive
19 story to tell in regard to this project providing benefits
20 to California and its ratepayers.

21 But in terms of a hard and fast factual linking
22 of the deadlines, we cannot present that to the Committee
23 today. Again, it's a good faith representation on our side
24 of the discussions we've had to date in trying to advance
25 this project in a timely manner to meet the interests of

1 California, our customers, and our ratepayers.

2 Jeff, did you want to add on anything there?

3 MR. HARRIS: Yeah. Since this is our opening,
4 I'd like the opportunity to say a few things if that's
5 alright, if you're ready for me?

6 MR. HILDEBRAND: You bet.

7 HEARING OFFICER WEBSTER-HAWKINS: Absolutely.

8 MR. HARRIS: Thank you. We very much appreciate
9 the opportunity to be here, have been really working well
10 with staff, but we do have our different disagreements and
11 differences on only really around schedule. And I want to
12 bring the Committee back to focus on what we'd like to
13 accomplish today.

14 I want to focus on the first question in the
15 Committee's agenda, which is, you know, readiness. Parties
16 have come prepared to talk about the readiness of this
17 application to proceed. And I can give you, even with my
18 allergy voice, a full-throated answer that, yes, we are
19 ready to proceed. It's in the interest of the Applicant,
20 but it's also in the interest of all parties and the
21 interest of the public to proceed.

22 We really think ordering Paragraph 2 of the third
23 Committee schedule gives us all that path forward, and
24 that's what we're looking for today. Our objective is to
25 get the path forward, obviously; the decision that supports

1 all these important things. And we think that ordering
2 Paragraph 2 really does track the Commission's history and
3 tradition about how we deal with these issues. So
4 basically, if there's sufficient information, the staff
5 provides an analysis. If not, they explain what they think
6 is missing, and that then opens up a process for us to
7 respond to those things.

8 I think it's really critical to talk about the
9 difference between the AFC process and the AB 205 process,
10 which are markedly different going forward. We are in the
11 AFC process. And this document we're waiting for is called
12 the Preliminary Staff Assessment for a reason. I think
13 staff, as I would probably if I was staff counsel, is
14 trying to come up with a document that will be unchanging
15 and be perfect, but pursuit of perfection is really not the
16 appropriate standard for things moving forward here.
17 Really, it's looking at having enough information to move
18 the project forward.

19 So the PSA in the AFC process is not the
20 equivalent of a draft EIR. And I think that's a legal
21 point that I want to bore people with because I think it's
22 important. This document is a staff document in this
23 proceeding, in the AFC proceeding. The staff is an
24 independent party. This is not like a 205 process, where
25 the staff document serves as the draft EIR. I think that

1 legal distinction is very important. You know, in the 205
2 process, again, the staff document is the EIR, and not so
3 here.

4 And this isn't even the last staff document that
5 will be produced. The staff document, Preliminary Staff
6 Assessment, followed by public comments, probably some
7 workshops, and then a Final Staff Assessment. And that
8 Final Staff Assessment serves as the staff's testimony for
9 the proceedings going forward. So even at that level, at
10 the level of staff's testimony, it's not the equivalent of
11 the draft EIR. It is the position of an independent party,
12 no different than the Applicant's opening testimony.

13 So I think the legal distinctions here are really
14 important moving forward. And I think that sets us up
15 nicely to have plenty of opportunities to move forward and
16 get this project into the daylight. And I think
17 daylighting all of these issues is going to be really
18 important.

19 And to me, the biggest advantage of having that
20 Preliminary Staff Assessment on the street is that we're
21 going to see on paper, probably on our screens, but on
22 paper, the staff's position about what's missing in their
23 view, and gives us an opportunity to sit down with the
24 staff and talk about what we've given them and what they
25 might need. It gives the public an opportunity to review

1 those things. And it really gives a defined universe of
2 what the state of play is in the proceedings.

3 So it's very important that we take the
4 opportunity to get the document out to the public. You
5 know, in this AFC process, in marked contrast to the 205
6 process, there's a whole lot of process that follows. We
7 still have the workshops and comments. Then there's a
8 Final Staff Assessment, pre-hearing conference, opening
9 testimony, evidentiary hearings, briefs, PMPD, PMPD comment
10 periods, and final decisions. So there are a lot of
11 opportunities going forward by design in your process for
12 the public to weigh in on these things. That's very
13 important.

14 Beyond just being able to comment on the staff
15 documents, your process also has some additional
16 opportunities for participants to have an influence on the
17 document. Every Intervenor is allowed to file their own
18 affirmative testimony. They're allowed to file rebuttal
19 testimony. They're allowed to put on witnesses, and
20 they're allowed to cross examine witnesses. So there's a
21 whole lot of extra process that's not the typical CEQA
22 process. That's not the 205 process. So there's really no
23 prejudice in substance or in process in keeping this AFC on
24 track.

25 We, I've already said it, you know, have the

1 full-throated we're ready to go. We realize the staff
2 document is not, in the staff's view, perfect, nor should
3 it be. But we think it's important to get the sunshine on
4 there and maintain this process and move things forward. I
5 think ordering Paragraph 2 gives you the perfect way to
6 handle those issues. And we would ask you to stay with
7 your third revised schedule and ask that people follow
8 ordering Paragraph 2 and moving things forward.

9 I have some additional comments on specific
10 issues in your agenda, Hearing Officer, but I'm going to
11 save those until you put them in front of us and go ahead
12 and close there again with a raspy, full-throated, ready to
13 go, so thank you.

14 MS. WEBSTER-HAWKINS: Thank you, Mr. Harris.
15 Does that round out the opening remarks of the Applicant?

16 MR. HARRIS: I think so. We'll make ourselves
17 available for any questions.

18 MS. WEBSTER-HAWKINS: Perfect. Okay.

19 So moving now to staff to address the Committee.
20 And so first, on behalf of the Committee, and as
21 Commissioner McAllister acknowledged, you know, we want to
22 acknowledge the importance of the work of the Siting,
23 Transmission, and Environmental Protection Division, known
24 as STEP, and the critical path your team is playing to
25 accelerate the development of clean and reliable energy for

1 the entire state of California. Everyone in this convening
2 hopefully appreciates the extraordinary and breathtaking
3 burden that the STEP Division is shouldering right now and
4 the unwavering commitment and respect that each person on
5 the team has to this project and each project that lands on
6 your doorstep.

7 So, for this project, the Committee appreciates
8 the manner in which the staff has endeavored to explain its
9 discovery needs and analytical progress to prepare the PSA
10 for Willow Rock throughout the life of this proceeding.

11 But part of the reason we are here today is to grapple with
12 the partial assessment posted in March and figuring out how
13 to keep the schedule on track, as Commissioner McAllister
14 indicated being desiring of, and to meet the publication
15 date that is now in the current scheduling order of April
16 16th.

17 Moving to the next slide, to help us understand
18 exactly where we are with the staff assessment, the
19 Committee would first like the record to reflect what
20 information is missing. And so, staff, if you can help us
21 with that? Staff's motion seeking a new scheduling order
22 identified three categories of information that were coming
23 to the staff very recently, namely the Regional Water
24 Quality Control Board's information about the evaporation
25 pond removal and wastewater management. Also, the receipt

1 of the Applicant's Cultural Resources Phase II Testing
2 Plan, and the current determination from the Division of
3 the Safety of Dams that the compensating reservoir is
4 jurisdictional.

5 So we would like to hear a report on the current
6 status of those three buckets of information, as well as
7 the expected time it will take to receive anything you are
8 waiting on.

9 Similarly, the Committee has been aware of some
10 other third-party information throughout this proceeding
11 that may impact the staff assessment and the Committee's
12 decision. So we would like an update on the incidental
13 take permits and management plans for Crotch's bumblebee,
14 the burrowing owl, and the western Joshua Tree. We'd also
15 like to hear about the status of the conditions of
16 certification that Kern County requested on October 30th at
17 our informational hearing. And additionally, if there's
18 any other outstanding information, we would like it to be
19 noted here today.

20 So for each of these buckets of information, if
21 you can please share the impact on the staff's ability to
22 prepare the project description, the resource analysis, and
23 the conditions of certification.

24 So with that framing, who would like to speak
25 first for staff?

1 MR. BOHAN: This is Drew Bohan. I'll go ahead
2 and take a first crack at it. And then we've got --

3 MS. WEBSTER-HAWKINS: Thank you.

4 MR. BOHAN: -- as you noted at the beginning,
5 several of our experts to provide more of the detail you
6 have outlined there in your slide.

7 But first, let me just say thank you. Thank you
8 to the Committee for pulling this together. And I want to
9 start by saying we take Committee timelines very seriously.
10 And we also take our commitment to high quality very
11 seriously. So we have a number of folks assembled to
12 provide details, but I wanted to just reflect on kind of
13 where we are and how we've gotten here.

14 I've gotten personally engaged because I want to
15 make sure work on this project can be completed as soon as
16 possible. We absolutely share the Committee's and the
17 Applicant's view that we want to move this thing along as
18 quickly as we possibly can. I met with our team last
19 Friday to discuss at some length everything that needs to
20 be finalized in the PSA in light of the information that
21 we've received over time.

22 Take a step back. We've worked in good faith
23 with the Applicant since day one. I've been marginally
24 engaged for a couple of years, but engaged in earnest
25 recently. I've engaged several times with numerous

1 Applicant -- or numerous times with Applicant
2 representatives.

3 On March 10th, just a few days before the due
4 date for the PSA, I joined the CEC team with numerous
5 Applicant representatives, including some of the folks on
6 the call today. And at that time, three days before the
7 PSA was due, everyone in the room agreed that the CEC still
8 had information we needed from the Applicant. I pledged at
9 that meeting that when we got the last piece of
10 information, we felt like we could finalize the PSA 45 days
11 thereafter. Applicant was thankful at the end of the
12 meeting.

13 On March 13th, when the PSA was due, Applicant
14 still hadn't provided five pieces of information. I can go
15 through those if you want. You've listed a couple of them
16 on the slide. But to answer one of the questions you
17 asked, we are now ready to go in terms of having all the
18 information we need. We do not need any additional
19 information. We have not, contrary to Applicant's motion,
20 had all this information for over 30 days. And as I say,
21 I'm happy to go through each of those and explain the
22 status. But right now, we have all the information we
23 need.

24 However, the bad news is April 16th is just not
25 possible. This is a thousand-page document, and there's

1 still a lot of work to do. We're confident we can complete
2 it by April 30th. And in fact, I've asked staff to
3 prioritize this effort and believe we may be able to
4 complete it before that. And we're going to endeavor to do
5 so.

6 My concern is if the Committee sets an earlier
7 date and we're unable to meet it, earlier than the 30th,
8 I'm going to have to pull staff off of the effort to
9 complete it and instead have them focus on a motion. And
10 it's just a distraction. If we send it the 30th, we think
11 we can beat it, try to beat it, but we know we can make the
12 30th.

13 So that would be our request. And again, if you
14 would like, I can go through some of the timelines and the
15 missing information. It's at the Committee's discretion.

16 MS. WEBSTER-HAWKINS: Well, I think speaking for
17 myself, for the information you have in hand, that's good
18 news. Some of the information we've listed here, maybe you
19 just can confirm what you mean about having everything that
20 you need? For example, and maybe this is getting into the
21 weeds that other experts want to address, but we are under
22 the impression that there's forthcoming analysis coming
23 from the Division of the Safety of Dams --

24 MR. BOHAN: There is.

25 MS. WEBSTER-HAWKINS: -- possibly from Fish and

1 Game, Kern County's conditions of certifications. So we're
2 interested in the status of that information.

3 COMMISSIONER MCALLISTER: Hearing Officer
4 Webster-Hawkins, can I, may, just kind of ask a couple of
5 questions here?

6 So --

7 MS. WEBSTER-HAWKINS: Sure.

8 COMMISSIONER MCALLISTER: -- Drew, thanks for
9 that update. And thanks, René.

10 MS. WEBSTER-HAWKINS: Mm-hmm.

11 COMMISSIONER MCALLISTER: So I would like to get
12 sort of the list or the bullet list of information, like,
13 okay, when did it -- what was needed, when was it needed?
14 When did it come in, sort of, and then what the sort of
15 missing analysis based on that information is; right?

16 MR. BOHAN: Absolutely.

17 COMMISSIONER MCALLISTER: And so if that can
18 happen, you know, that obviously needs to happen ASAP,
19 regardless of how we land on the schedule stuff.

20 I guess for the Hearing Office, so Executive
21 Director Bohan has, you know, said, look, by the 30th,
22 could we keep -- so I'm really concerned about the
23 evidentiary hearing taking place as scheduled. I think if
24 we -- if that slips, it just has all sorts of follow-on
25 impacts on a schedule. And so what would be the

1 implications of a 30th PSA, June -- or an April 30th PSA
2 for that July 3rd and 4th date for the evidentiary hearing.

3 MS. WEBSTER-HAWKINS: Right, Commissioner.

4 So if we could go back to slide five, if our
5 support team might be able to go back to slide five where
6 we have --

7 COMMISSIONER MCALLISTER: Yeah.

8 MS. WEBSTER-HAWKINS: -- the current --

9 COMMISSIONER MCALLISTER: There we go.

10 MS. WEBSTER-HAWKINS: schedule?

11 COMMISSIONER MCALLISTER: July 2nd, 3rd, right,
12 that week.

13 MS. WEBSTER-HAWKINS: Right. And so we've
14 outlined in, in red, of course, April 16th is Wednesday.
15 We have an absolute minimum of 30 days public comment. So
16 the date for public comment would move to May 30th at a
17 minimum.

18 And then you see this current schedule is, I
19 would say, very aggressive to have the staff final
20 assessment published two weeks after the close of public
21 comment. If we were to keep that highly compressed
22 schedule, that would move to about June 15th for the Final
23 Staff Assessment. Whether or not that provides the party's
24 time to file their opening briefs and their testimony for
25 an evidentiary hearing just two weeks later after the FSA

1 is published, that would be the burden that we would all
2 carry together in order to meet the evidentiary hearing as
3 currently scheduled.

4 COMMISSIONER MCALLISTER: Okay, so very, very
5 difficult without -- I mean, we've basically have to press
6 ourselves and stakeholders to do it quicker. Okay.
7 Thanks.

8 And I guess there's also, you know, staff can
9 tell us whether that, you know, April 30th compromises its
10 ability to do -- to get the FSA done along this timeline
11 that we're looking at right now. I mean, May 30th, you
12 know, that's one, one month including -- yeah, so it's
13 like, yeah, it's hard to fit all these puzzle pieces
14 together. So --

15 MS. WEBSTER-HAWKINS: Mm-hmm.

16 COMMISSIONER MCALLISTER: -- I mean maybe, maybe
17 Drew or staff can sort of give us some color on what likely
18 revisions, I mean, there's no crystal ball here, but what
19 likely work or updates or, you know, reassessments, you
20 know, revisions or not will be necessary between the PSA
21 and the FSA?

22 MR. BOHAN: I think that's a good question. I
23 think it's okay to compress the timeframe we have to
24 respond a bit. Really, the time it will take to go from
25 PSA to FSA just depends on what the comments are. No

1 comments, we can do it real quick. If there's lots of
2 comments and they're thoughtful comments and we get things
3 wrong or we, we, we realize there's things that need to be
4 changed, that can add to the time, but we can certainly,
5 you know, try our best.

6 MS. WEBSTER-HAWKINS: And can I ask, will -- if
7 we could go back to slide 10? And just again, to be
8 crystal clear, this information that we've highlighted in
9 purple, what, if any, information from these other agencies
10 would you be waiting on? I guess I thought I did see some
11 comments in a status report, at least, that some of this
12 outstanding information could impact the analysis of some
13 of the resource areas that are still incomplete.

14 MR. BOHAN: Let me try to address your question
15 and Commissioner McAllister's question about the various
16 things that led to the delay. And I think it will cover
17 both.

18 So January 27th was the day we were supposed to
19 receive all the information we needed to write the PSA, and
20 we did not. There were many things that were missing.
21 Some of them were supplied between January 27th and March
22 13th. What we articulated partly in the motion and what
23 I'll elaborate on a little bit here in just a moment is
24 the -- we wanted focus on those pieces we didn't have on
25 the 13th. So the first was on March 14th, this was a day

1 after the PSA was due, and Applicant informed us that it
2 would approach -- that it would be proceeding with the
3 original reservoir dam design. We didn't know that, and so
4 that, that changed things.

5 Also on March 14th, Applicant filed the required
6 information for the incidental take permit for the
7 burrowing owl. Three days later, on March 17th, four days
8 after the due date, we received the Cultural Resources
9 Report. This is contrary to the assertion in the motion
10 filed by the Applicant, and we're happy to get into the
11 details, but did not have that.

12 On March 19th, six days after the PSA was due,
13 Applicant informed staff in writing that it was removing
14 the evaporation pond from the project. Two days later, we
15 received air quality information related to trucking of
16 water offsite. The good news is it, as Applicant has
17 noted, was not a very, very significant situation. That's
18 about a truck a month to haul the water away. But it did
19 require coordination with the Lahontan Regional Water
20 Quality Control Board. And we had to review this new
21 approach to how to manage water runoff or truck it offsite
22 and so forth.

23 On the 19th, also on the 19th, we received the
24 required information from Lahontan that we'd been
25 coordinating with. And then on March 21st, and finally, a

1 week after the PSA, more than a week after PSA was due,
2 Applicant filed the missing information regarding the drill
3 cuttings pond.

4 The reason this is significant is we have to do a
5 couple of things. First, we have to analyze the
6 information as we have it. So if new information comes in,
7 we have to analyze it.

8 Second, depending on what it is, we have to
9 coordinate with other agencies. We're working closely
10 with, with Department of Fish and Wildlife, as you noted,
11 the Department of the Safety of Dams under DWR, the
12 Department of Conservation, the Lahontan Water Board, et
13 cetera.

14 We also then have to harmonize. Sometimes a
15 change is made and it's very simple. All we need to do is
16 pull something out of the document and we're good, or, you
17 know, replace it with something else or change a sentence
18 or something like that. But sometimes it's not. And some
19 of these pieces of information impact multiple sections
20 throughout the document. So you fix the one section to
21 accommodate the change, but it appears in two, three, four,
22 five other sections. So those all then need to be
23 harmonized.

24 Then we have to have a legal analysis done.
25 Legal, our CCO team, as you know, is excellent. They work

1 very closely with us. It's not as though they sit back and
2 they wait until there's a fully completed document and we
3 hand it to them and they look at it for the first time.
4 They've been looking at it all along on a flow basis. But
5 when it's all bundled up and put together, they need to
6 look at all over and make sure, did we make the change here
7 and the corresponding change over there and that sort of
8 thing. Wait a minute, you say this in this place, you
9 forgot to make that change over here. Their analysis is
10 critical.

11 Then we have to get it ready for ADA compliance
12 and formatting. And that process alone takes quite some
13 time.

14 And then finally, there's an alternatives
15 analysis. And we typically finalize this at the end when
16 all the other sections are complete, because the
17 alternatives need to be based on what the final project is.
18 And until we know what the final project is, we can't
19 really analyze comparative alternatives because they have
20 to be alternative to something that's fully baked.

21 So that's a little bit about why we were late and
22 the reasons why getting information late adds to the time.

23 The final points I'll make that Applicant has
24 made, and I think it's a fair one, with respect to the
25 DSOD, this is, you know, one of the more significant

1 issues. This is a very large impoundment by mass, hundreds
2 of thousands of acre feet of water, and the energy
3 Commission staff doesn't have deep experience in this area.
4 We've not seen a project like this. So while we have the
5 statutory authority to not -- we're not compelled to follow
6 DSOD's advice, apology for the acronym, but I've defined it
7 a couple of times, we would never not get their advice. We
8 don't always agree with every other state agency, but we
9 will never move forward, particularly in an area where
10 we're lacking the deep expertise they have without
11 understanding their position and seeing if it's something
12 we ought to adopt.

13 Now, I think we can kick that can down the road
14 and we can put a condition of certification in that says,
15 we've got to make sure that the site is suitable and the
16 geology works and all those things that DSOD will help us
17 with. But I think the Applicant is correct; that we don't
18 have to have fully finalized for the PSA or the FSA.

19 MR. HARRIS: Hearing Officer Webster-Hawkins,
20 it's Jeff Harris.

21 MS. WEBSTER-HAWKINS: Yeah, Mr. Harris, if you
22 could just, please, if you can be patient, we do still have
23 some -- before we get into some back and forth, we'd like
24 to continue focusing on staff's perspective, as well as
25 Intervenor, and then we'll have a chance for some robust

1 back and forth.

2 MR. HARRIS: Okay. Yeah, we have a very
3 different understanding of the base case.

4 MS. WEBSTER-HAWKINS: Sure.

5 MR. HARRIS: So --

6 MS. WEBSTER-HAWKINS: Okay. Thank you.

7 MR. HARRIS: -- I'll hold my comments.

8 MS. WEBSTER-HAWKINS: Thank you.

9 So thank you for that, Mr. Bohan.

10 If we could move to slide 11? We have a couple
11 of additional questions for staff. We've covered some of
12 it, but we just really want to address some of that
13 analytical and writing component that you were just
14 describing, because we do see some tension in the party's
15 documents leading up to today about whether or not new
16 information actually would pose a change on the project
17 description or not, and whether or not this new information
18 that you have in hand now would enable you to complete an
19 analysis of the impact of the project on all required
20 resource areas, and as the Committee has asked whether or
21 not your PSA would be able to adopt the recommended
22 framework, which would essentially call for the best faith
23 analysis that you can do right now, and then if there are
24 any, if there's missing information, that you could explain
25 the impact of that missing information on the analysis, and

1 explain that in the document so that all the parties and
2 the public can sort of forecast how that analysis may
3 change in the future.

4 So if you could address sort of from that lens
5 and provide any kind of certainty about both the PSA and
6 the FSA, and again, keeping in mind that the current
7 partial PSA really only has about 20 percent of the
8 resource areas described. So, you know, would the complete
9 PSA really be able -- do you have enough information to
10 address all of the resource areas right now?

11 MR. BOHAN: The short answer is yes.

12 MS. WEBSTER-HAWKINS: Okay.

13 And so the outstanding information from Fish and
14 Game -- excuse me, Fish and Wildlife, will not impact any
15 of the analysis?

16 MR. BOHAN: Well, let me invite Eric to jump in
17 to make sure there isn't something I'm missing --

18 MS. WEBSTER-HAWKINS: Mm-hmm.

19 MR. BOHAN: -- but I'm pretty confident the
20 answer is no.

21 MS. WEBSTER-HAWKINS: Okay.

22 MR. BOHAN: Again, things can change. And when
23 DSOD in particular looks more deeply into this, they may
24 make certain recommendations, and then the landscape might
25 shift at that point. But at this point we're ready to

1 complete the PSA with the information we have.

2 MR. KNIGHT: This is Eric Knight with staff.

3 Drew is correct. We have everything that we were
4 expecting to receive, and there's nothing more expected
5 from California Department of Fish and Wildlife, although
6 having said that, we are working with them still to
7 incorporate their input into the PSA.

8 MS. WEBSTER-HAWKINS: Okay.

9 MR. KNIGHT: So, yeah.

10 MS. WEBSTER-HAWKINS: Wonderful. That's what I
11 was hoping to hear. That's great.

12 Okay, so with that, does staff have anything
13 further you'd like to add before we turn to the
14 Intervenors?

15 MR. BOHAN: No.

16 MS. WEBSTER-HAWKINS: Okay, so why don't we move
17 on to the Intervenors? Thank you for your patience.

18 And, again, moving on to the next slide, just
19 thank you for your responses to staff's request for the
20 schedule modification.

21 And moving to slide 13, just briefly, we note
22 that CURE, here we go, CURE, in its response did support
23 extra time for staff to prepare the PSA and respond to
24 public comment in the Final Staff Assessment. Also, CURE
25 indicated the desire to go back to a 45-day public comment

1 period for the parties and the public to comment on the
2 Preliminary Staff Assessment, as did the Center, who asked
3 to restore the 45-day public comment period.

4 So why don't we turn first to CURE. Ms. Caro,
5 would you like to speak on behalf of the Intervenor, CURE?

6 MS. CARO: Thank you, Hearing Officer, and good
7 afternoon, Commissioner, parties, and staff. My name is
8 Christina Caro on behalf of California Unions for Reliable
9 Energy. We're an Intervenor.

10 And as the Hearing Officer correctly noted, we
11 filed a response to staff's motion effectively supporting
12 their, what we consider a moderate request for an extension
13 of two weeks to present a complete PSA for public review.

14 Most critically, however, CURE respectfully
15 requests that any revised scheduling order reinstate the
16 45-day public comment period. This is a critical component
17 of the CEC's process. And as staff noted, the partial PSA
18 that was released earlier this year only included about 20
19 percent of staff's analysis. It included a noise analysis.
20 It did not have air quality, biological resources, hazards,
21 hydrogeology, a list of critical resource area studies,
22 which the public and Intervenor, you know, really need
23 meaningful time to review and comment on.

24 CURE in particular, we have several subject
25 matter experts that we are working with in each of these

1 areas. And if that public review period were truncated, it
2 would compromise, you know, our ability to review and
3 comment on the PSA. You know, while we appreciate
4 Applicant statements that the PSA is not the exact
5 equivalent of a CEQA draft environmental impact report,
6 this process is the functional equivalent of CEQA review.
7 And what's distinct about the PSA is that the public has an
8 opportunity to comment on it, whether or not they're a
9 party to the proceeding, and that subsequent actions during
10 evidentiary hearings don't compensate for that loss.

11 So that's our main ask. You know, we would ask
12 that the Commission include a 45-day comment period in
13 whatever revisions may be made to the scheduling order.
14 We, you know, CURE believes that this proceeding could
15 still be brought to evidentiary hearings, you know, maybe
16 with a month's delay, I think as articulated in staff's
17 motion, and still reach to decision before the end of the
18 year.

19 Happy to answer any questions. Thank you.

20 MS. WEBSTER-HAWKINS: Thank you.

21 And from the Center, Ms. Graves?

22 MS. GRAVES: Thank you, Hearing Officer and
23 Commission staff and the parties. Zeynep Graves here,
24 Counsel for Intervenor, Center for Biological Diversity.

25 Our priority is really to ensure that the

1 schedule allows enough time for the CEC staff to conduct
2 the thorough review and thorough analysis that's necessary
3 to then publish a complete Preliminary Staff Assessment,
4 and give the public a meaningful opportunity to review and
5 comment on that Preliminary Staff Assessment, while also
6 allowing staff then time to consider their input.

7 We really believe that meaningful engagement not
8 only allows time for the public to review what has been
9 published, but then for the CEC staff then to take those
10 comments and review them, revise the Preliminary Staff
11 Assessment prior to filing the final assessment.

12 As explained in the Center's response to staff's
13 motion, and as representative from CURE just stated, you
14 know, we really feel that it's important to restore that
15 45-day comment period, especially given how this matter has
16 proceeded. We've had kind of some piecemeal filings, you
17 know, waiting for a lot of information and data. And we
18 think that the publication of a partial Preliminary Staff
19 Assessment is really no substitute for that complete
20 Preliminary Staff Assessment.

21 We think at this juncture, to shorten that time
22 period to a 30-day period would really undermine the
23 public's opportunity to engage with this process
24 meaningfully, particularly given that the Committee and CEC
25 staff have consistently indicated their intent to provide a

1 45-day comment period, including after that partial PSA was
2 published.

3 So really, our main objective here is now it's
4 great to hear that we have or CEC staff believes we have a
5 complete -- they have a complete record on which that they
6 can, you know, finalize the Draft Preliminary Staff
7 Assessment. And we just don't think that we should, you
8 know, whether it's the Applicant's delay in providing that
9 information to staff or then the, you know, further delays
10 that were caused in releasing the full document, those
11 shouldn't be used as a justification for cutting short the
12 public's opportunity to engage in this process.

13 Thank you.

14 MS. WEBSTER-HAWKINS: Thank you.

15 So I think now we're ready to turn back to a full
16 discussion of everything, the objectives and perspectives
17 that have been presented by the parties.

18 If we could move to the next slide, and really,
19 which is just a placeholder, I'd like to turn the
20 discussion back over to Commissioner McAllister to ask any
21 further questions, and primarily to see if we can reach any
22 common ground about the schedule.

23 MR. HARRIS: Hearing Officer --

24 COMMISSIONER MCALLISTER: Okay. Thanks.

25 MR. HARRIS: Hearing Officer, sorry to interrupt.

1 It's Jeff Harris. Are we going to get an opportunity to
2 respond now or later? Either one's fine. I just want to
3 flag it.

4 COMMISSIONER MCALLISTER: Can I just --

5 MR. HARRIS: Sure.

6 COMMISSIONER MCALLISTER: -- put a pin in that
7 just for a second, Mr. Harris?

8 MR. HARRIS: Yes.

9 COMMISSIONER MCALLISTER: And I want to ask a
10 couple of clarifying questions, and then I'll pass to you.

11 So let's see. So really, thanks. I want to just
12 thank staff, Mr. Bohan, and also Intervenors, Ms. Graves,
13 Ms. Caro, for your comments there.

14 And so just observing from the slide five, I
15 think it was, with the schedule on it, if we talk about
16 extending, you know, just sort of just to game this out a
17 little bit, if we say, okay, end of April, April 30th for
18 the PSA, and then let's just say 45-day public comment
19 period, that's a month. That pushes this schedule out a
20 month. And that means, you know, I have no idea about how,
21 whether, when or whether we'd be able to schedule
22 evidentiary hearing expeditiously. So that basically
23 pushes the evidentiary hearing to the end of July or early
24 August, something like that. And then, so then there are a
25 bunch of TBDs; right?

1 And so maybe the question is really for staff,
2 for Hearing Office, about really trying to see if we can
3 fit the rest of that stuff, you know, okay, you've got to
4 file, basically, we do the evidentiary hearing, and then we
5 have a closing briefs, and we have to develop a proposed
6 decision, get public comment on that proposed decision, and
7 then have a Committee conference, and hopefully move
8 expeditiously to a final decision. You know, what does
9 that look like to compress all of those steps, you know,
10 into the back half, into the back end of the year?

11 So maybe, you know, Hearing Officer Webster-
12 Hawkins, you can sort of, maybe -- it requires a little bit
13 of speculation, and obviously depends on what happens
14 during the course of all these stages, but if you could
15 sort of, like, how likely is that, maybe, in your
16 estimation?

17 MS. WEBSTER-HAWKINS: Absolutely.

18 So if we can go forward, I think, two slides. I
19 believe we have, yet again, here we go. Yes. No, back to
20 the schedule. Thank you.

21 So this is the current schedule. And,
22 Commissioner, as you did just indicate, if we added 15 for
23 the staff's -- to accommodate the staff's request to
24 publish the Preliminary Staff Assessment on May -- excuse
25 me, April 30th, and if we were to acknowledge the

1 Intervenor's requests to restore the 45-day public comment
2 period, we would be looking at a Final Staff Assessment at
3 the earliest of June 30th, one month after this current
4 schedule shows.

5 Currently, the schedule shows a month between the
6 Final Staff Assessment and the evidentiary hearings. And
7 so if we were to adjust the schedule accordingly, as I just
8 described, the earliest we would want to look at scheduling
9 an evidentiary hearing would be the beginning of August,
10 schedules being what they are.

11 I do want to be very transparent to everyone in
12 this status conference that when we set the June 30th and
13 July 1st deadlines back in December, those dates were hard
14 to find for the Committee because our Committee, as you all
15 know, are very engaged in all policy matters throughout the
16 state. So finding two days together in August will be my
17 challenge to try to identify a couple of days that the
18 Committee are both available.

19 And as I mentioned to Commissioner McAllister
20 when we were contemplating the status conference, I think
21 everybody on this call is going to have to feel a little
22 bit of pain in order to achieve all the mutual objectives.

23 So from the Hearing Officer's perspective, the
24 typical time frame that we're showing on this schedule, if
25 we were to have the evidentiary hearing July 2nd and 3rd,

1 one contingency is whether or not we will need closing
2 briefs. The better the testimony, the better the quality
3 of the FSA, the better we are going into those evidentiary
4 hearings, the less likely there will be unresolved issues,
5 which would be the reason why there would be closing
6 briefs. It's only if needed. So the better the
7 evidentiary hearing, the less likely the closing briefs
8 are, so that does give a little bit of balance there for
9 that first TBD in blue.

10 We do have the hard deadline of, you know, once
11 the Presiding Member's Proposed Decision is published, it
12 needs to be available for public comment for at least 30
13 days. And then following that, whether or not we have a
14 Committee conference, that would be if necessary. We
15 definitely need a Commission hearing. The final decision
16 would need to be circulated at a minimum of 10 days before
17 that Commission hearing. So there are some built-in dates.

18 If we moved the evidentiary hearing until early
19 or mid-August, if there are dates available, there's a
20 possibility we could meet the end of 2025, a strong
21 possibility. We would do everything in our power to meet
22 it. You know, I do want to acknowledge, though, that if we
23 do need closing briefs, it could slip into the first
24 quarter.

25 COMMISSIONER MCALLISTER: Thank you. I

1 appreciate that, Hearing Officer Webster-Hawkins. I
2 appreciate the little extra color there. So, I mean, I
3 think it's highly likely that we won't handicap the
4 likelihood of closing briefs. I do think that getting a
5 more complete PSA has those potential upsides; right?

6 MS. WEBSTER-HAWKINS: Yes.

7 COMMISSIONER MCALLISTER: So I can see the
8 benefit of going ahead and saying April 30th for the PSA,
9 with the caveat that it really does have to be a complete
10 buttoned-up document that doesn't leave threads hanging and
11 require more interaction, either in-person or another, you
12 know, Committee conference or things like that. Like
13 really, that's the bargain that we may strike here, is that
14 like, really, it's got to be -- it's got to deliver all the
15 goods because we need to really move forward with making,
16 you know, developing the decision itself and setting things
17 up for the evidentiary hearing. So that's one.

18 And looking, you know, in general, I absolutely
19 believe that, you know, our special sauce is allowing the
20 public, you know, sufficient time to look at these, you
21 know, significant proposed decisions or, you know,
22 processes and, you know, activities that we're involved in
23 trying to make decisions on, so that we can really, you
24 know, ensure that the public has the right to, you know,
25 the practical, you know, ability to carefully consider, you

1 know, a public document, and this is a big one.

2 So, you know, positively disposed, but just, I
3 wanted to make sure that that time is very well spent and
4 very well invested, so that we don't then have to, you
5 know, go through it again or we have doubts about whether
6 that process has been sufficient down the road. And
7 obviously, you know, you can't predict. No one can predict
8 exactly what issues are going to come up. But I think, you
9 know, after that evidentiary hearing, I really want to sort
10 of get nose to the grindstone producing the PMPD for the
11 Presiding Member's proposed decision, and want to have all
12 the materials on the record that enables us to do that.

13 So if we do make these accommodations, you know,
14 in the near term, you know, around the PSA and FSA and the
15 evidentiary hearing dates, that does need to come with some
16 commitments to really, you know, use that time wisely on
17 everyone's part. So then, you know, obviously, then we'll
18 see, you know, what the potential for any, you know, for
19 closing briefs and a Committee conference, what flexibility
20 we might have around those.

21 But anyway, I'm not coming down 100 percent here
22 on a commitment to extend the timeline, but I just sort of,
23 you know, would love think -- you know, would love help
24 thinking that through. And any additional comment anyone
25 wants to make will be welcome.

1 Last thing I wanted to ask about is the DSOD
2 seems like a bit of a wild card here, which is making me a
3 little nervous. Maybe Executive Director Bohan, or maybe
4 this is, you know, after staff speaks, maybe that's a segue
5 into your comments, Mr. Harris.

6 MR. BOHAN: So let me give it a crack,
7 Commissioner. We have met closely now with DSOD multiple
8 times. I have not personally, but our staff has. And
9 they're busy, like all state agencies. You know, when we
10 have to reach out to sister agencies, sister agencies reach
11 out to us all the time, and we try to make their stuff a
12 priority, but, you know, we've got our own priorities. So
13 I think my understanding is they've been terrific to work
14 with, but they aren't going to be able to turn around their
15 analysis quickly. They're not going to turn it around
16 before we get the PSA done.

17 But I think the critical point is we don't
18 believe we need that. We believe we need enough to -- it's
19 absolutely essential that what we do is transparent and
20 that the public has to have a very clear idea of what
21 exactly it is we plan to do and how it might impact their
22 lives. And we think we can do that with a condition. And
23 then as we move forward, if we do learn something
24 different, we may have to make a change at that point. But
25 we feel we'd be ready to go with what we've learned from

1 DSOD at this point, anticipating we will learn more.

2 COMMISSIONER MCALLISTER: Presumably, this is
3 not, you know, a box-checking exercise, but actually we'd
4 be getting some substantive comments from them; right?
5 So --

6 MR. BOHAN: Absolutely.

7 COMMISSIONER MCALLISTER: And that that could go
8 different directions. And so that's why it seems like a
9 bit of a thread that's not tied up.

10 So any -- I mean, I'm not asking you to
11 speculate, but sort of what are the -- and, Mr. Harris, you
12 should feel free to comment on this either, but what are
13 the sort of degrees of freedom of where that might go?

14 MR. BOHAN: Let me ask Eric to jump in, he's been
15 closer to the conversations. And I've heard different
16 timeframes, some of them mentioned in months, others in
17 weeks.

18 But, Mr. Knight, could you jump in?

19 MR. KNIGHT: I'm sorry, Drew. I was focused on
20 the response to a chat. Could the question be repeated to
21 me? I'm sorry.

22 MR. BOHAN: Absolutely. The question is with
23 regard to DSOD --

24 MR. KNIGHT: Yeah.

25 MR. BOHAN: -- and when we anticipate they're

1 likely to have an evaluation ready for us of the
2 suitability of the site and those sorts of things, you
3 know, whether it's jurisdictional, what they think the
4 conditions ought to be, those sorts of things.

5 MR. KNIGHT: Well, I think the issue for them is
6 that what they required to do that initial review is a 30
7 percent design and that's not available as I understand it.
8 So what we have worked out is a condition of cert that
9 would allow them to post-certification review the dam at
10 that 30, 60, 90, and 100 percent. So there's a draft
11 condition that we have shared with DSOD. We're waiting to
12 get their feedback on it. But it would build them into our
13 review process, just like we would normally have, like say
14 the delegates, chief building official reviewing the power
15 plant components.

16 COMMISSIONER MCALLISTER: Okay. So it would
17 build -- thanks, Mr. Knight. I appreciate that. So that
18 would be building into the implementation post-decision?

19 MR. KNIGHT: Right.

20 COMMISSIONER MCALLISTER: Okay. Okay, so that's
21 helpful. And so they would presumably, before the
22 decision, would be buying into whatever condition of
23 certification?

24 MR. KNIGHT: Right.

25 COMMISSIONER MCALLISTER: Okay.

1 MS. WEBSTER-HAWKINS: Can I ask a clarifying
2 question on that?

3 COMMISSIONER MCALLISTER: Yeah, please.

4 MS. WEBSTER-HAWKINS: Only because I believe in
5 the motion, there was a statement made, I believe, by staff
6 that hypothesized not the likelihood but the possibility
7 that DSOD would conclude that the compensating reservoir
8 was not feasible where it's located. When might they have
9 that early, well, or I'll call it a big picture
10 determination available? Because it seems to me, that
11 would definitely impact the FSA and possibly the
12 evidentiary hearings. Would they have that level of
13 determination available prior to having the 30 percent
14 design?

15 We'll start first with Mr. Knight and then maybe
16 have Mr. Harris respond as well.

17 COMMISSIONER MCALLISTER: Let me just maybe tweak
18 your question just a little bit too. I appreciate that to
19 build on what Hearing Officer Webster-Hawkins just said.

20 It seems like there's a threshold issue of
21 feasibility that needs to be talked about before any
22 decision. Whereas, you know, the sort of design path going
23 forward is really more of an implementation issue, assuming
24 that it gets approved. And so I just don't want to presume
25 that --

1 MR. BOHAN: Right.

2 COMMISSIONER MCALLISTER: -- before we're there.

3 So what would they're -- what would our needs for
4 them be just on that threshold question? And what's their
5 timeframe or are they planning to sort of provide that? Or
6 is it really all about just negotiating a condition of
7 certification?

8 MR. BOHAN: Let me ask Eric or possibly Jared to
9 address that. We've spent some time exploring these
10 questions you're asking.

11 And, Jared, I think you might be best suited to
12 respond.

13 MR. BABULA: Yeah, I can take this. This is
14 Jared Babula, attorney for the staff.

15 So we are working with DSOD. And the idea here
16 is for purposes of assessing like the project description
17 in CEQA, we just wanted to get far enough along to be
18 fairly comfortable that there isn't going to be a major red
19 flag that might get turned up because of some engineering
20 issue. So we feel pretty comfortable that that's not going
21 to be a problem.

22 And so it's not like there's a bunch of regs we
23 can go to that says if it's a dams like this, it has to be
24 built this way. It's an iterative process with the experts
25 at DSOD. And so there isn't a way to have that all fleshed

1 out now or even prior to approval, because there's things
2 that are going to happen on site that might slightly change
3 the thickness of something or some of the engineering
4 design. So for purposes of the big picture is, is this
5 relevant? Is this like relatively close to what it's going
6 to be so that CEQA areas aren't impacted? Like if they
7 suddenly say, oh, the dam has to be 60 feet taller, well,
8 that would have impacts on different.

9 So we're at a place now where we feel pretty
10 comfortable that there's not going to be those types of
11 changes. It's only a matter of during the actual onsite
12 work, there may be some iterations and some slight changes
13 within the realm of what DSOD would recommend for all the
14 engineering stuff. So the condition will be crafted in a
15 way that will allow for DSOD to have that role with our
16 staff and have that done. But the actual project
17 description of where the stuff is going to be and the way
18 it's going to work is somewhat set.

19 COMMISSIONER MCALLISTER: Okay.

20 MR. BABULA: So while there's always a slight
21 risk, there could be a major thing, we do have a mechanism
22 to address that. It would be to do like an amendment,
23 let's say, if it got approved and then suddenly there's a
24 real need to move it 200 feet to the north, then we can
25 utilize our amendment process to deal with that.

1 COMMISSIONER MCALLISTER: Okay, thanks a lot, Mr.
2 Babula. I appreciate that.

3 So, yeah, and I guess, you know, in terms of like
4 a massive, you know, change in the plan would have a cost
5 impact. So I guess that would be relevant for the
6 Applicant, presumably.

7 But maybe that's a good -- unless Hearing Officer
8 Webster-Hawkins, did you want to add something or we can go
9 to --

10 MR. BABULA: There's one more point I'd like to
11 make --

12 COMMISSIONER MCALLISTER: Okay.

13 MR. BABULA: -- just for clarification.

14 COMMISSIONER MCALLISTER: Great. Go ahead,
15 Mr. Babula.

16 MR. BABULA: And it was -- you might've seen it
17 in some of the filings, but the issue of it being
18 jurisdictional, I just want to be clear, it doesn't mean
19 that they're going to be issuing the entitlement or the
20 certification. It's within our license.

21 COMMISSIONER MCALLISTER: Yeah.

22 MR. BABULA: But what it means is that the
23 engineering design and all the metrics would be something
24 that would be under the DSOD if it was a project that they
25 were involved with as like a licensing authority.

1 So we're going to want to ensure that that
2 engineering stuff is correctly done. And I'm sure the
3 Applicant wants DSOD's engineering expertise as part of
4 this as well. But saying it's jurisdictional doesn't mean
5 they're going to be issuing the certification or permit or
6 something like that.

7 COMMISSIONER MCALLISTER: That's very helpful.
8 Great. Appreciate that, Mr. Babula.

9 So I'll pass to Mr. Harris. Then also, I do want
10 to, once you've addressed some of the issues that we've
11 discussed so far, I want to give Mr. Qaqundah from
12 Commissioner Gallardo's Office a chance to ask any
13 questions he might have.

14 MR. HARRIS: Thank you.

15 COMMISSIONER MCALLISTER: Go ahead, Mr. Harris.

16 MR. HARRIS: Appreciate the opportunity to get in
17 here and respond to a few things.

18 I'm going to start with the DSOD because we were
19 just there. So I have to say how happy I am with the staff
20 and their position on this. We took this idea of a
21 condition in front of them in late December and early
22 January. And I really appreciate Jared and the team, Eric,
23 of course, working hard to try to figure that issue out. I
24 think that is the right answer. This looks a lot more like
25 compliance with the California Building Code than it does

1 like an environmental review. And that's clear, too,
2 because of your state law preemption of DSOD, you know,
3 this is much more like an engineering question. DSOD
4 doesn't have a role in permitting, as Jared correctly does,
5 and don't have a role in environmental review other than to
6 review your document.

7 And so I think we've gotten to a really good
8 place with this issue. But I don't think it's going to be
9 the one that drives schedule. And I can't tell you how
10 much better I slept with my recent realization recently, so
11 I think we're in a good place.

12 And I really appreciate Staff Counsel and the
13 other folks trying to get to a good point with that issue.
14 It gets us to the Commission's exclusive jurisdiction. It
15 keeps DSOD involved, just like it keeps the Department of
16 Fish and Wildlife involved in those issues. So I think
17 it's a really good outcome. So I'm happy about that. So
18 thank you for everybody's hard work on that. This is what
19 sunshine does. It solves problems.

20 And I do want to go back to a couple of things.
21 And I almost hesitate to do so because I think,
22 Commissioner, you're very much taking this in the right
23 direction to kind of get -- that's where we need to end up
24 today. But there are a few things that were said that we
25 feel are important that we get on the record to all sort of

1 clarify our position and what this has been like from our
2 perspective. And you're going to be hearing more and more
3 from us going forward, obviously, because the process gets
4 to be more and more public.

5 But I guess I want to start with Drew, who I have
6 tremendous respect for. I do disagree with the
7 characterization of what happened on March 13th. I think
8 we agreed to take a partial Preliminary Staff Assessment in
9 lieu of not having to suffer a motion.

10 And I will point out that we made nothing but
11 responsive filings since that date, so we filed nothing on
12 our own initiative after reaching that agreement. I wasn't
13 particularly happy with the extent of the partial PSA. But
14 setting that aside, that was the understanding. So our
15 filing since that time had been made in good faith. And
16 they've been made in response to a Committee order that
17 came out a few hours before the staff's motion.

18 So I was surprised that we still got the motion
19 at the end of the day. And so Drew and I can talk that out
20 next time we see each other. I don't want to go too much
21 more into that. I did feel like that was a little bit of a
22 mischaracterization of our goodwill here. And we do have
23 goodwill towards the staff on this stuff but we do need the
24 record straight.

25 The other big issue, big 30,000-foot issue from

1 our perspective, is the constant use of the phrases like
2 need, what is needed, what is missing. That, I think, is
3 misleading. We're not making a cake here. It's not a
4 simple objective list of informational needs. It's not, I
5 need A, B, and C, if I don't have the eggs, I can't make
6 it. It's a lot more subjective than that. And so we
7 bristle a little bit at characterizations of things being
8 needed and things being missing because it isn't an
9 objective standard.

10 We also bristle a little bit at the idea of
11 things being late. You know, Drew went very carefully
12 through all the informational items. We wanted, and
13 clagged very much in March, dates that things were filed
14 with the Commission. I would invite you to go back and
15 look at when those items were requested. I think that's
16 important to the analysis here.

17 The project was data complete on the 16th of July
18 of last year, and discovery closed on January 13th, 2025.
19 There have been a lot of requests that came in after that
20 January 2025 date. And I don't pretend to understand why
21 that is, but that's actually been the case. And so, yes,
22 it is true, there are things with docket dates that are one
23 or two days after the date of the original staff
24 assessment. Those are in response to informational
25 requests that came in late.

1 I think the process is better for that
2 information. I don't want to be understood on that. And I
3 really appreciate, Drew, you saying that you think you have
4 what you need in your hands now. I think that's a
5 significant step forward, but that's an important, I think,
6 point for us to make about, you know, when things were
7 asked for and when they came in.

8 There are several things that have been
9 characterized as project changes. In our view, those
10 things are really avoidance and minimization measures.
11 Exhibit A on that list is the evaporation pond. We
12 answered all the data requests about evaporation ponds and
13 then ultimately made a decision to advance the project to
14 remove the evaporation pond. And we see that as avoidance
15 or minimization measures. I think it's unfair to
16 characteristic that as changes to the project.

17 So, you know, as you can see, we've got sort of a
18 disagreement with staff on some of the things. But I'm in
19 front of this Committee for 35 years. I was a law clerk
20 here in 1991. This is as old as that, and older. It's
21 just a different perspective between staffs and applicants
22 on what is needed and when it is needed.

23 And so, I just want the Committee to appreciate
24 that there's some good faith disagreement about whether
25 something was late or needed or missing. But I'm going to

1 get past that. I'm past it. More importantly, it's in the
2 interest of everybody that we get past that and move
3 forward. I really like where we were headed in terms of
4 figuring out a schedule that's going to work for everybody.

5 In terms of the 30 days versus the 45 days, 30
6 days is consistent with your statute with the Warren-
7 Alquist Act. It's consistent with your regulations. And
8 it's also consistent with what I mentioned before, all the
9 different avenues for public participation from PSA,
10 comments, the FSA, all the way through the process. I
11 think there is no prejudice whatsoever from finding those
12 days. Because otherwise, if you add 15 days and add 15
13 days, you've added 30 days. There's just no way to avoid
14 that math. And so we're interested in keeping those dates,
15 recognizing that your process allows for this to happen.
16 And that's exactly what the process is about.

17 And then, a quick staff correction. There's not
18 hundreds of thousands of acre feet of water behind this
19 reservoir. It's like 600 acre feet. So, I just wanted to
20 get that correction there as well. So I just wanted to get
21 that correction there, as well.

22 So there are other things that, if you've got
23 questions for us, I'd be glad to go through. But I think
24 this has been a really good airing of public issues. I
25 think it's done a really good job of laying things out kind

1 of like where we're headed. I like the idea that we're
2 looking for a path forward, getting past the issues of data
3 needs and start talking about the project.

4 And I think what you'll see when that full PSA is
5 published is that out of the 27 subjects that you have in
6 front of you, there will be a handful, just a handful that
7 are going to have any significant, I think, public
8 discussion. And that's partly because your staff is really
9 good at this. And I think it's partly because Laurel and
10 her staff are really good at this. I think we're going to
11 have a very strong evidentiary record moving forward.

12 And so, the quicker we can get that document out
13 on the street, get it in the sunlight, talk about
14 specifically what information needs there are, solve
15 issues, I think that all works. That inures to everybody's
16 benefit. And hated to go back over some of that ground. I
17 thought it was more timely back then.

18 And, Commissioner, I apologize to you personally.
19 I think you were taking us on the right path and I'd like
20 to get back to that. How do we get there in a way that
21 makes the most sense?

22 And so thank you for allowing me to make a record
23 on some of those things. Please understand that's the
24 lawyer in me making record and not the position of my
25 client. And if you see Laurel's smiling face, you know

1 that she's a much better person than I am and way more fun,
2 so include me out. Let the subject matter experts handle
3 these issues and let's get this project moving forward.

4 So thank you very much for the opportunity to say
5 a few more things. I know your time is valuable and I
6 could talk forever, but I won't, so let me go ahead and
7 stop there.

8 Thank you very much.

9 COMMISSIONER MCALLISTER: I appreciate that, Mr.
10 Harris.

11 Did anybody else for the Applicant, Ms. Lees, Mr.
12 Hildebrand, yeah, want to add anything there, just while
13 we're with the Applicant?

14 MR. HILDEBRAND: In interest of time, no further
15 comment from our side.

16 COMMISSIONER MCALLISTER: Okay, great.

17 Mr. Qaqundah, did you want to chime in at all on
18 Commissioner Gallardo's behalf?

19 MR. QAQUNDAH: Yeah. Thank you. Sure.

20 COMMISSIONER MCALLISTER: I see Executive
21 Director Bohan has got his hand up as well, but go ahead,
22 Jimmy.

23 MR. QAQUNDAH: Okay. Yeah. Thank you very much.
24 I appreciate the conversation. Thank you very much.

25 Just want to ask one thing, which is I think

1 directed at staff, yes, directed at staff, just wanted to
2 ask about status of tribal consultations, any other
3 engagement going on that and basically ask about the status
4 of that and if there are any consultations ongoing and
5 whether -- how that will fit into the schedule, or how you
6 see that those will be fitting in with the compressed times
7 that we're looking at?

8 MR. BOHAN: Great question, Mr. Qaqundah.

9 Eric, can you take that?

10 MR. KNIGHT: Sure. Eric Knight for staff, so
11 thank you for the question.

12 Consultation is, you know, an iterative process.
13 And so one of the critical pieces of that consultation
14 effort was the results of that cultural resources
15 excavation, you know, the testing results, so that
16 information has been shared with the tribes. I'm happy to
17 report that the section is complete. It's, you know, it's
18 going to be ready.

19 You know, I think it's in a -- I think it's
20 heading off to formatting, so -- but that process, the
21 tribes don't always -- aren't always responsive to, you
22 know, the staff's outreach, so that will be an ongoing
23 process. But we have the information now to hopefully
24 complete it, complete the consultation, I should say.

25 COMMISSIONER MCALLISTER: Thanks for that, Jimmy.

1 So, Eric, while we're with you, in terms of the
2 interactions with the tribes, do you have any thoughts
3 about sort of whether and how that would affect, just
4 taking also the other Intervenor's comments into context?
5 Does 30 or 45 days matter to you, you know, with respect to
6 ensuring tribal engagement?

7 MR. KNIGHT: I muted myself. Thank you,
8 Commissioner McAllister. I'm regretting now we didn't have
9 our tribal liaison --

10 COMMISSIONER MCALLISTER: Okay.

11 MR. KNIGHT: -- present today. He's
12 unfortunately out today. But I think that since tribal
13 consultation again is an ongoing process, there is
14 opportunity for the tribes' input to be provided outside of
15 the formal public comment periods.

16 COMMISSIONER MCALLISTER: Yeah. Okay.

17 MR. KNIGHT: So, yeah.

18 COMMISSIONER MCALLISTER: Yeah. Okay.

19 MS. LEES: Commissioner McAllister, may I add
20 that Eric and his team have been hyper-focused on cultural
21 resources, and it's been a really successful collaboration.
22 And collaboration with the tribes has been really
23 successful. They came out into the field with us and
24 participated in the testing.

25 COMMISSIONER MCALLISTER: Okay.

1 MS. LEES: And you know that like not everybody
2 gets to the depths, the details that come in that, you
3 know, Phase II testing report (indiscernible) in the field,
4 but they were involved in that engagement. And I thought
5 that was a really key achievement for the Applicant, staff,
6 tribes, CEC as a whole, everybody working together to
7 actually get us out in the field together and look at
8 things together.

9 So I wanted to thank you, Eric, for your team's
10 participation.

11 COMMISSIONER MCALLISTER: Great. Thank you, Ms.
12 Lees.

13 Mr. Bohan?

14 MR. BOHAN: Thank you, Commissioner. I just
15 wanted to make one point in response to Mr. Harris, and
16 that is we pride ourselves in not being needlessly
17 bureaucratic, no triplicate forms, no golden rod. And we
18 try to work in good faith with everyone, the Applicant, the
19 Intervenors, the public. What we're guided by when we say
20 something is needed is what we feel like we need to be able
21 to put out something that puts the public on notice as to
22 what's going on, what's happening in their community or in
23 their state or on the planet, and let everybody weigh in as
24 they see fit. And when we say we need something, it's
25 because we genuinely believe that without it, we can't do

1 that.

2 And so it's a semantics question. But when we
3 write a report and we write sections of a report that
4 include fairly significant project element, like an
5 evaporation pond, and then it disappears after the PSA is
6 due, that's going to take some time to rework.

7 Thank you.

8 COMMISSIONER MCALLISTER: Thank you.

9 Ms. Lees?

10 MS. LEES: Yes, there was a few items that were
11 mentioned earlier. To, you know, clarify, we, as the
12 Hearing Officer asked, the Water Board, and we mentioned
13 the drill cuttings pond and the evaporation pond.

14 I just wanted to take a step back and realize
15 that we're super far advanced working in collaboration with
16 each other. The drill cuttings pond is a good example of
17 how advanced we are in that the waste discharge
18 requirements for this drilling pond are usually a
19 notification before construction. However, we've been able
20 to provide a pre-construction notification form to CEC
21 staff in advance of even a PSA, so it's months and months
22 and months in advance.

23 And that's just a testament to when, you know,
24 Drew's team's asking for something, we have been
25 immediately responsive in getting that, even though we

1 might disagree about when it's due or if it is needed at
2 this time to make analysis and the PSA. And the
3 evaporation pond, on its face, can seem like quite a big
4 design feature, and totally understandable. When you get
5 into the details of it as a mitigation measure, removing it
6 from the project, it's also an interesting context that an
7 evaporation pond might even be needed in the first place,
8 that we're creating water out of thin air in the first
9 place. And, you know, the likelihood of actually having
10 any water to haul off site when removing the evaporation is
11 very unlikely, and it will be reused in the system.

12 So these mitigation measures are in an effort to
13 reduce the environmental impacts and have de minimis
14 changes throughout the PSA. And I think some of that is
15 just a matter of like people down in the trenches working
16 on the details, you know, in real time.

17 And it can just get a little confusing when it
18 bubbles up to the higher picture, you know, like these are
19 changes or -- they're not changes, mitigation measures that
20 we're making really far advanced in the process. This
21 could have come during the comment period, during the
22 evidentiary hearings, we could have made the decision with
23 the Water Board later, like, let's make this mitigation
24 measure later. And maybe that will come later, you know,
25 maybe there will be something that we haven't thought of

1 that the public, during public comment, the public will
2 say, what about this mitigation measure? What about this
3 thing?

4 And I just want to make sure that, you know, we
5 retain this collaborative working relationship, where if
6 there's an idea to reduce environmental impacts, we talk
7 about it, we push it out. And then we don't allow that to
8 be a cause of delay in the proceeding, because it's part of
9 the public process to do these things and work through it
10 with entities.

11 So I do, and my final point is, I just do really
12 look forward to the PSA coming out so we can have those
13 substantive conversations with Center for Biological
14 Diversity and others on the (indiscernible).

15 So thank you. I appreciate it.

16 COMMISSIONER MCALLISTER: Great. Thank you for
17 those comments.

18 Unless anyone has -- I think those were my main
19 comments. And, you know, it's helping, I think, form clear
20 thoughts about schedule and sort of constraints around the
21 schedule and how we sort of be flexible, but still kind of,
22 you know, move forward judiciously here.

23 But with that, I think, I'm going to pass the
24 podium to Hearing Officer Webster-Hawkins.

25 MS. WEBSTER-HAWKINS: Absolutely.

1 COMMISSIONER MCALLISTER: So I do have a hard
2 stop at the hour, so --

3 MS. WEBSTER-HAWKINS: Yes.

4 So with that, I also thank everybody for this
5 engagement. We do want to provide the public an
6 opportunity to comment on this conversation on the
7 schedule.

8 So if we can go to slide 17?

9 MR. BABULA: Oh, really quick before you jump --

10 COMMISSIONER MCALLISTER: Go ahead. Go ahead,
11 Mr. Babula.

12 MR. BABULA: -- if I could just -- yeah, thanks.

13 I just want to put out there for purposes of the
14 evidentiary hearing, the time needed for filing like
15 opening testimony, because staff's opening testimony is the
16 FSA, so that would be primarily already done. So there's
17 an area where we would be open to like shortening it
18 because of the fact that at least for us, our -- for staff,
19 we have already filed the vast majority of our testimony.

20 MS. WEBSTER-HAWKINS: Thank you for that, Mr.
21 Babula. Thank you.

22 Okay, so let us turn to public comment. And I
23 will acknowledge that there are additional times for public
24 participation, as we have discussed earlier. Also, the
25 slide deck and the reporter's transcript will be documented

1 when they're available.

2 So if we can go to slide 18?

3 And I would like to hand it over to Mr. Angulo
4 from the Office of the Public Advisor to facilitate public
5 comment.

6 MR. ANGULO: Good afternoon. Thank you for
7 joining us today. I'm Armand Angulo and I am the Energy
8 Equity and Public Participation Manager with the Energy
9 Commission's Office of the Public Advisor, Energy Equity,
10 and Tribal Affairs.

11 The California Energy Commission welcomes public
12 comment at this time, and we'll do that in the following
13 order. We'll first take comments from the tribal and other
14 government representatives. This includes local
15 governments and members of the legislature and their
16 offices. When all tribal and other government
17 representatives' comments are completed, we'll take
18 comments from members of the general public.

19 We'll now take comments from tribal and other
20 government representatives. If you are joining via Zoom,
21 online or by phone, please let us know you would like to
22 make a comment by using the raise-hand feature on Zoom. If
23 you are online, you will click on the open palm at the
24 bottom of your screen to raise your hand. And if you are
25 joining us by phone, please press star nine to raise your

1 hand.

2 MS. WEBSTER-HAWKINS: Looks like we have a raised
3 hand from Mr. Chapman.

4 MR. CHAPMAN: Yes. Good afternoon.

5 MR. ANGULO: I'll open your line. Please unmute
6 on your end, state and spell your name for the record,
7 state any affiliation, and then begin your comment. You
8 can begin now.

9 MR. CHAPMAN: Yes. Good afternoon. My name is
10 Richard Chapman. I'm the CEO of the Kern Economic
11 Development Corporation. And our organization represents
12 approximately 185 members, including business, education,
13 and government. And our mission is to promote Kern
14 County's balanced opportunities for business.

15 As I mentioned in previous hearings, we are very
16 excited about this economic development project.

17 MR. ANGULO: Excuse me. Excuse me, Mr. Chapman,
18 are you with any tribal or government entity?

19 MR. CHAPMAN: I'm with the Economic Development
20 Corporation, so, yes, I guess I (indiscernible).

21 MR. ANGULO: Okay. Okay, I just wanted to be
22 clear. Thank you. Appreciate it. Go ahead.

23 MR. CHAPMAN: Okay. Thank you. Yes, we're a
24 501(c)(6).

25 MR. ANGULO: Okay. Just wanted to be clear.

1 Thank you. Appreciate you.

2 MR. CHAPMAN: Thank you. And our goal is to
3 promote Kern County's balanced opportunities for business,
4 and we look at projects based on capital investment, jobs,
5 and public revenue.

6 The organization has hosted the East Kern
7 Economic Alliance since 2009, and it includes communities,
8 Rosamond, Mojave, and the like. And we're extremely
9 excited about this transformative project. Being that we
10 are the energy capital of West Kern County, we have more
11 renewable energy than any county in the country. We're one
12 of the 20s for oil and gas. And we see transferable skill
13 sets in terms of these jobs providing opportunities for our
14 local residents.

15 And I'd like to reiterate, as before, we're
16 number four in student jobs and number three in most
17 diverse economy. And so we are excited to see this
18 project, obviously, come to fruition. It's definitely
19 needed as we experience the energy evolution in Kern
20 County. And we see the innovation and collaboration taking
21 place right now. So any support we can, we are here to
22 assist. And I respectfully request from the organization
23 that you support this critical economic development
24 project.

25 Thank you for your time.

1 MR. ANGULO: Thank you, Richard.

2 Is there anybody else, members of a tribe or any
3 government representatives or offices? I don't see any
4 other raised hands to make comments from tribal or other
5 governmental offices. Thank you. And that concludes our
6 comment period for tribal and other government
7 representatives.

8 We'll now move to general public comment. This
9 is the last opportunity for comments today. We are asking
10 for comments to be two minutes or less. There will be a
11 timer on the screen. Again, if you're joining us via Zoom,
12 online, or by phone, please let us know you would like to
13 make a comment by using the raise-hand feature on Zoom. If
14 you're online, you will click on the open palm at the
15 bottom of your screen to raise your hand. And if you're
16 joining us by phone, please press star nine to raise your
17 hand.

18 I don't see any other raised hands. Thank you
19 for your participation today. That concludes public
20 comment.

21 I'll turn it back over to the Hearing Officer.

22 MS. WEBSTER-HAWKINS: Thank you very much.

23 If we can go to slide 19?

24 Any final remarks by the Committee?

25 COMMISSIONER MCALLISTER: I'll just ask Jimmy

1 Qaqundah if you have any closing remarks? Then I'll follow
2 you.

3 MR. QAQUNDAH: Well, I just want to say thank you
4 to everybody for this conversation, and Commissioner
5 McAllister and René for leading the conversation and for
6 the parties as well. Thank you.

7 COMMISSIONER MCALLISTER: Great. Thanks a lot.
8 Well, I don't have any substantive conversation
9 or substantive comments, but I just want to say thanks to
10 everyone, the Hearing Office, Hearing Officer Webster-
11 Hawkins, great job, and the whole team there.

12 Applicant, really, thanks for your candor and
13 robust participation today.

14 Staff, Executive Director Bohan and the whole
15 team on the staff side of things, really well represented
16 the staff position, and definitely was great to have some
17 color on the constraints that you've been facing and the
18 challenges for getting the PSA out.

19 You know, I think we're all very aware of the
20 time pressures that we're under, so really just appreciate
21 everyone being able to accommodate those constraints as
22 well.

23 Both of the Intervenors really appreciate CURE,
24 Ms. Caro, and also Center for Biological Diversity, Ms.
25 Graves, really appreciate your comments and take those to

1 heart.

2 And a final thanks to the Public Advisor for
3 helping facilitate engagement beyond the folks actively
4 engaged in the proceeding.

5 We will do our best to get a firm schedule,
6 potentially revised schedule out ASAP. I think that will
7 definitely happen this week. It may happen as soon as
8 tomorrow. We'll do our best to do that. I think we've
9 heard everyone's concerns here about the time frame. We
10 know it's a compressed time frame.

11 We also do have, I think, a relatively narrow set
12 of active topics, which I think is an advantage for moving
13 forward. But we also don't want to cut corners or give any
14 of those issues a short shrift (phonetic), so really
15 appreciate everyone's effort to focus on all of the issues
16 at hand and put in their comments as quickly and completely
17 as possible.

18 And again, thanks to my partner in this,
19 Commissioner Gallardo, and Mr. Qaqundah for representing
20 her office today.

21 With that, I think I'm done. I think no further
22 comments, but again, just want to really sincerely thank
23 everyone. You know, this is not easy to take a big chunk
24 of your day and focus on a topic, a sort of multifaceted
25 topic like this. I just appreciate everyone's attention

1 and diligence in being with us and helping us move forward
2 and get to a good decision.

3 So I'll pass it back to you, René.

4 MS. WEBSTER-HAWKINS: Thank you.

5 And also any closing remarks, Mr. Qaqundah, on
6 behalf of Commissioner Gallardo?

7 MR. QAQUNDAH: No. Thank you again.

8 MS. WEBSTER-HAWKINS: Alright. Wonderful.

9 Well, thank you again, everybody, for your
10 engagement, your candor, and your good spirit. And as
11 Commissioner McAllister indicated, we will do our best to
12 issue a revised schedule, hopefully as soon as tomorrow.

13 And with that, the informational hearing --
14 excuse me, the status conference for Willow Rock
15 Application for Certification is now adjourned. The time
16 is 2:54 p.m. Thank you all.

17 COMMISSIONER MCALLISTER: Thanks, everyone.

18 (The status conference adjourned at 2:54 p.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 12th day of May, 2025.



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.



MARTHA L. NELSON, CERT**367

May 12, 2025