

DOCKETED

Docket Number:	13-AFC-01
Project Title:	Alamitos Energy Center
TN #:	203420
Document Title:	Transcript of the November 18, 2014 Status Conference
Description:	N/A
Filer:	Cody Goldthrite
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	12/8/2014 4:37:14 PM
Docketed Date:	12/8/2014

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION

In the Matter of:)
)
Application for Certification)
for the ALAMITOS ENERGY) Docket No. 13-AFC-01
CENTER AES SOUTHLAND)
DEVELOPMENT, LLC)
_____)

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
3RD FLOOR "FISH BOWL"
SACRAMENTO, CALIFORNIA

TUESDAY, NOVEMBER 18, 2014

1:30 P.M.

Reported by:

Allen W. Rose, CSR 13753

APPEARANCES

Ken Celli, Hearing Officer

Karen Douglas, Presiding Member

Lezlie Kimura Szeto, Advisor to Commissioner Janea Scott

Jim Bartridge, Advisor to Commissioner Janea Scott

Jennifer Nelson, Advisor to Commissioner Karen Douglas

Christine Stora, Advisor to Commissioner Karen Douglas

Eileen Allen, Advisor At-Large

Keith Winstead, Project Manager

Lisa De Carlo, Staff Counsel

Matthew Layton, Supervising Mechanical Engineer

Stephen O'Kane, AES Southland Development, LLC

Jeff Harris, Ellison, Schneider & Harris, LLP

Samantha Pottenger, Ellison, Schneider & Harris, LLP

Jerry Salamy, CH2M HILL

Elizabeth Lambe, Los Cerritos Wetlands Land Trust

1 PROCEEDINGS

2 SACRAMENTO, CALIFORNIA, TUESDAY, NOVEMBER 18, 2014

3 AT 1:30 P.M.

4

5 PRESIDING MEMBER DOUGLAS: So let's get going
6 then. Good afternoon, everyone. Welcome to the status
7 conference for the Alamitos Energy Center. Let's see,
8 I am Commissioner Karen Douglas. I'm the presiding
9 member on this case. Commissioner Scott is the
10 associate member. She's not here today, but her
11 advisor Lezlie Kimura Szeto is here. And to my right
12 is the hearing officer, Ken Celli. To my left are my
13 advisors, Jennifer Nelson and Christine Stora. Eileen
14 Allen is in the room, right there next to Christine.
15 Sorry, Eileen, I didn't see where you sat down. She is
16 the advisor at-large on siting matters to
17 commissioners.

18 And we ask the parties to introduce themselves
19 and their representatives now starting with the
20 applicant.

21 MR. HARRIS: Good afternoon. I'm Jeff Harris
22 on behalf of AES.

23 MS. POTTERER: Samantha Pottenger with
24 Ellison Schneider & Harris on behalf of the applicant.
25 With us today in the room is Jerry Salamy with CH2M

1 HILL and on the phone is Stephen O'Kane with AES.

2 PRESIDING MEMBER DOUGLAS: Thank you. Staff.

3 MR. WINSTEAD: Keith Winstead, project manager
4 for Alamitos.

5 MS. DE CARLO: Good afternoon. Lisa De Carlo,
6 Energy Commission staff attorney.

7 MR. DAVIS: Chris Davis, siting office
8 manager.

9 PRESIDING MEMBER DOUGLAS: Great, thank you.

10 Now is the intervenor here or on the phone more likely?
11 Los Cerritos Wetlands Land Trust, Elizabeth Lambe?

12 MR. CELLI: Not yet.

13 PRESIDING MEMBER DOUGLAS: Not yet. All
14 right. Any agencies, representatives of state,
15 federal, local government agencies, or Native American
16 tribes? Okay.

17 So I just wanted to make a brief comment about
18 kind of our purpose here today and then hand this over
19 to the hearing officer. We are looking to do monthly
20 status conferences on cases, and I know that a lot has
21 been happening in the case. And we may actually hear
22 more about it in December than we will today. But we
23 definitely -- the public advisor is here now, Alana
24 Mathews. So, you know, we definitely want to get done
25 what we can today.

1 The purpose of having the status conferences
2 is for the committee to stay dialed in on cases through
3 the earlier stages of the cases and have more frequent
4 communication with the parties and opportunities to
5 hear issues as they come up and give the parties a
6 chance to raise issues where needed. The purpose is
7 for the status conferences to be helpful and not unduly
8 burdensome. So as we go through this, you know, we
9 will want to talk to the parties about, you know,
10 whether there's a more appropriate interval for status
11 conferences given the particulars of what's happening
12 in a case or whether we might handle some as phone
13 calls with the hearing officer or, you know, discuss
14 procedural issues in some other way. So that's one
15 thing to kind of just bear in mind as we move forward
16 with this.

17 And so with that, I'll turn this over to the
18 hearing officer. Jim Bartridge is here also from
19 Commissioner Scott's office.

20 HEARING OFFICER CELLI: Thank you. So we have
21 nobody here from Los Cerritos Wetlands Trust yet. Los
22 Cerritos, okay.

23 All right. Good afternoon everybody. This is
24 our first status conference in the Alamitos Energy
25 Center project which was scheduled in a notice that was

1 dated November 4th, 2014. The purpose of today's
2 conference is to inform the committee about the
3 progress of the Alamitos Energy Center's AFC. And AFC
4 stands for Application for Certification, which is how
5 we will be referring to it today. And the other
6 purposes are to help resolve any procedural issues as
7 well as to assess the scheduling of future events in
8 the proceeding.

9 The committee is interested in hearing about
10 any barriers to timely completion of staff's analysis,
11 any data specific project milestones, and any other
12 matters relevant to schedule. The parties may also
13 address any pending motions, petitions, or other
14 requests that arrive for consideration.

15 The way we are going to proceed today is first
16 the committee will present -- the committee will
17 present its questions and concerns for the parties to
18 address today. Then we're going to hear in the
19 following order first from the applicant, then from
20 staff, and then if the intervenor Los Cerritos Wetlands
21 Land Trust shows up, then we will hear from them. We
22 will then provide an opportunity for general public
23 comment afterwards.

24 Let me just ask, Ms. Williams -- or
25 Ms. Mathews, I'm sorry. Do we have any -- have you

1 heard from Los Cerritos Wetlands Trust?

2 MS. MATHEWS: No. I was just going to ask
3 that we make a call to them.

4 HEARING OFFICER CELLI: I also have a blinking
5 WebEx. I just want to see if there's anybody. Okay.
6 Just so you know, and for the benefit of everybody, I
7 just put out a chat that says if you're from Los
8 Cerritos Wetlands, please speak up. So if they come in
9 late, they can see that.

10 So the committee has the following -- and
11 again, as I said, after we finish our status conference
12 today, and this is just a conference. We're not taking
13 evidence or swearing in witnesses or anything like that
14 today. We will then provide an opportunity for general
15 public comment. The committee has some specific
16 questions about the following, and the first group of
17 questions are addressed to the applicant.

18 And one of the things, Garret, if you could
19 put that schedule up, please. I want to let everybody
20 know that on this table to my right we have some
21 notices and some proposed schedules. I want to explain
22 what the schedule is. This isn't really a proposed
23 schedule. What this is an idealized version of what,
24 given all of the tasks we have to do between now and
25 the final decision, how much time, what kind of

1 intervals are we looking at so people can plan their
2 scheduling accordingly. So that's currently up on
3 WebEx now.

4 And this idealized -- Mr. Harris, this is an
5 11 and a half month schedule, in the ideal. It could
6 be shortened; it could be elongated, depending. But
7 we're just going to ask -- we don't need the parties to
8 really get into it now, but we are going to ask you
9 to review it, be prepared later to draft a schedule
10 that roughly conforms to this scheduling guide.

11 And before we move on, we should probably hear
12 from the applicant with regard to when do you propose
13 your -- what is your deadline for a final decision, if
14 you know at this time, Mr. Harris.

15 MR. HARRIS: Thank you. First I want to make
16 a couple, kind of, thank yous for having this status
17 conference. We've been asking for this as a law firm.
18 We really appreciate that. This is terrific, and we
19 very much look forward to having the opportunity to do
20 this on a regular basis. I think they can become
21 increasingly informal, telephonic, that kind of thing,
22 especially on the state of the case.

23 Thank you for having us here today. I'd
24 actually be willing to start with Stephen O'Kane who is
25 one the phone -- we suggested he not travel down -- to

1 kind of give you an overview of where things are, and
2 then we can get into specific questions at that point
3 as well. I appreciate having the schedule too. We'll
4 look at this and give you some thoughts on that.

5 Stephen, assuming you're hearing me, you want
6 to go ahead and just maybe kick it off a little bit
7 with where things are?

8 MR. O'KANE: Okay. I can do that. Can
9 everyone hear me?

10 HEARING OFFICER CELLI: Everybody in the room
11 is shaking their head yes.

12 MR. O'KANE: Okay. This is Stephen O'Kane
13 with AES Southland Development. I think, yeah, it
14 would be a good idea if we kind of set the stage with
15 where we are to make sure all parties, the public, and
16 whatnot know what the status is, because this is a
17 status conference.

18 As the committee knows, AES filed our AFC back
19 on December 27th, 2013. At that time we proposed to
20 construct a 1,936 megawatt combined-cycle with
21 generating capacity consisting of four 3-in-1 combined
22 power blocks.

23 Information contained in our AFC at that time
24 represented AES's best commercial assumptions for the
25 generating technology type and quantity that would be

1 required by the local utility here in Southern
2 California to maintain electric reliability beyond the
3 year 2020. About six months later from our filing date
4 in, I think, June of 2014, the local electrical
5 utility, Southern California Edison, you know, issued a
6 request for offers for generating capacity in the
7 western Los Angeles LCR. AES responded to Southern
8 California's RFO, and the great news is that Alamitos
9 Energy Center has been awarded a TCA out of that RFO
10 process.

11 The reason we're having the status conference
12 where we're going to talk about scheduling is that the
13 FCE does not reflect the type of generating technology
14 that is contained in the current AFC. We committed --
15 while we did submit a bid for the same generating
16 capacity and technology that's contained with our AFC,
17 we also bid multiple other types of thermal technology
18 to ensure that we could meet the needs of the utility
19 in a competitive solicitation process of independent
20 generators and IOUs, et cetera, of utilities. We are
21 there trying to sell our best estimate of the need for
22 the system, and the utilities are the ones that make
23 the ultimate decision on what will fit into their
24 system.

25 So in the end what Southern California Edison

1 selected was, while it's still combined-cycle
2 generating technology at AFC, it's less electric
3 capacity than we have in our current AFC, and they have
4 a little bit different technology. We have 3-on-1
5 E-Class gas turbines, combined-cycle power blocks.
6 Southern California Edison selected a 2-on-1, F-Class
7 combined-cycle power generation technology. And so
8 this obviously will require us to file an AFC
9 supplement to obviously have our approvals and permits
10 in order that match what we intend to deliver
11 commercially.

12 At this time on this November the 18th, I
13 can't tell you -- I mean, I am not able to tell the
14 committee exactly what that supplemental AFC will
15 contain. I represent it's going to contain the
16 generation technology and capacity that we are
17 commercially offering. But we also need to take a
18 look, step back from the business perspective, and
19 ensure that our AFC is complete and ready for any other
20 contingent bids or needs the utility may have beyond
21 this one single RFO process.

22 Our revised project is certain to be a smaller
23 footprint than the proposed project, and as such
24 we'll have less overall air emissions, use less water,
25 be less noisy, and less profile, et cetera. But it is

1 going to be different, and that will be the supplement
2 we need to file.

3 So I think that sets the stage where we are
4 today, and then perhaps we can answer some questions
5 and move on to discussing what we know, what we are
6 thinking about at least, in terms of our schedule.

7 PRESIDING MEMBER DOUGLAS: Yeah, thank you for
8 that summary. So we've probably got a couple
9 questions. I've got a couple.

10 How does that affect your process at the air
11 district? How much work needs to be redone or
12 modified? What do you think -- or staff could answer
13 this too, if they know -- this does with the timing on
14 your previous AFC.

15 MR. O'KANE: This is Stephen O'Kane, and I
16 could take that one. Well, with the revision and
17 speaking specifically with the air quality management
18 district and application for revised permit and go
19 through new source, it really isn't much of a change at
20 all to have to start over. Even we have had the same
21 technology and moved it, it really puts you back to
22 square one. So we are going to have to make a new
23 application for and start the new source review process
24 over again with the application that meets the project
25 exactly that we hope to -- that we will build here in

1 Long Beach.

2 MR. HARRIS: I guess I would add that part of
3 what we have been going through at this point has been
4 getting the right data sets from the air district,
5 particularly for the cumulative impacts analysis.
6 Jerry slaved to get that done. So I think we're better
7 off than we were. We're not starting, I think, over
8 essentially. We've got a lot of the milestones. I
9 think the data we need to get to the milestones is
10 about ready. So I think it will go a little faster
11 than last time based upon having that data information.
12 Still have to do the modeling runs. And as you all
13 know, locking down the emission source location
14 precisely is the first important major step. That's
15 the kind of thing we're working on right now.

16 PRESIDING MEMBER DOUGLAS: Okay. And so when
17 you talk about the plant having a smaller footprint, do
18 you have plans developed, or can you tell us a bit
19 about your plan for the remainder of the site?

20 MR. HARRIS: I think we'll probably be able to
21 give you a little bit more in December. But as Stephen
22 said, what we're looking at, you know, base case
23 obviously is the PDA award, a 2-on-1 combined-cycle
24 technology. I think what we're looking at now is
25 trying to anticipate other future needs in Southern

1 California and what that might look like. So I think
2 the possibility of additional thermal -- and when I say
3 additional, I mean additional to the PDA award. It's
4 think that's definitely on the table, and those are the
5 kind of things we're working through right now. And a
6 month from now, we're going to have a much better idea.
7 If we can tell you sooner, we will.

8 PRESIDING MEMBER DOUGLAS: Another question, I
9 understand there's a battery storage project going on
10 or in some stage of review or process. Can you tell us
11 a bit about that?

12 MR. HARRIS: Sure. There's another affiliate
13 of AES, AES Energy Storage, who submitted in February a
14 proposal for a battery storage project on the site.
15 Excuse me, did I say the City of Long Beach? Oh, to
16 the City of Long Beach. Sorry, I thought I -- I meant
17 to say that.

18 Anyway this is actually discussed in data
19 response 64, was submitted in February. It's
20 undergoing review by the city. There will be a
21 requirement for a conditional use permit and probably
22 some other local entitlements to go forward. That
23 project was awarded 100 megawatt PPA to the affiliate
24 of AES. Everything is under Southland, but AES Energy
25 Storage is a separate affiliate from the project

1 applicant. That will be more in the northern part of
2 the project site. It's not thermal. It won't be
3 electrically connected to the power plant. It will
4 interconnect with the same general Southern California
5 substations, but there won't be actual electrical
6 interconnection between that as well. So that's kind
7 of what's going on with AES Energy Storage.

8 There was a CEQA review. That project will
9 obviously take into consideration the supplemental
10 project. Whatever we end up bringing to you, that will
11 be the cumulative project and the battery project to
12 consider, and then vice versa for that process.

13 PRESIDING MEMBER DOUGLAS: And what's the
14 timing of review for the battery project?

15 MR. HARRIS: The initial filings were done in
16 February. Stephen, maybe you can say a little bit more
17 about where things are with that facility.

18 MR. O'KANE: So we submitted our information
19 to the City of Long Beach. They completed a
20 preliminary review, which was -- essentially it laid
21 out what processes would need to be, what the laws that
22 we would have to comply with. And now it's back in our
23 AES court to prepare the necessary documentation of
24 data for use to proceed with additional use permits of
25 with the City of Long Beach.

1 HEARING OFFICER CELLI: Thank you. Let me
2 just take a moment here.

3 So we're going to have another status
4 conference in December, and I understand that you
5 are -- this is all new for the applicant. But in
6 December, can you give us some sense of what we'll be
7 able to know in December, Mr. Harris?

8 MR. HARRIS: I'll give you an idea of what I
9 think we're going to know in December. I think we're
10 going to have a better of idea of the possibility of
11 additional generation, additional thermal generation.
12 We will have a lock down by that time. I'd anticipate
13 the location of the PPA award within the project, and I
14 think we will be able to give you a better idea of when
15 we will be able to file the supplemental materials.
16 We're obviously under the gun to move as fast as
17 possible and ensure the work is ongoing currently as
18 well. I think we'll be in a much better place to give
19 you some specifics, and part of the reason we
20 recommended deferring this initially to December was to
21 allow us to time to get through it. So I think we'll
22 be much further along in December having gone through
23 our own internal approval processes which are part of
24 our process.

25 PRESIDING MEMBER DOUGLAS: One of the

1 challenges that we often run into is it obviously takes
2 time to put together the supplemental AFC and you want
3 to get it right and so on. Then when you file it, you
4 are under the gun to get a decision, so you want things
5 to move quickly. And obviously the more communication
6 you are able to have with the staff so that they
7 understand what's being proposed and are able to get
8 going on their analysis, the more smooth that kind of
9 process is likely to be. You know, it's just a
10 reality. I hear you that you are going to be under the
11 gun on deliverables once you are ready to bring the
12 project forward, you know, once you've got the
13 proposals out. Obviously it will take time to get it,
14 but, you know, the more you can share the more likely
15 it is they will be able to do the review in something
16 like the timeframe we've got in the proposed schedule.

17 MR. HARRIS: I'm pretty sure we are going to
18 ruin our holiday seasons on this side of the table. So
19 we won't drop it on December 24th, I can guaranty that.
20 But we are under the gun to move as fast as possible.
21 I think we would like to be able to continue to have
22 informal discussion with staff, particularly technical
23 staff to technical staff. It would be great if our air
24 people could talk to your air people, cultural to
25 cultural, those kind of things. And it sounds like we

1 have an agreement that would allow us to do that.
2 Obviously, directing everything through the team over
3 here on this side. But we have every incentive to give
4 you as much as we can as quickly as we can to move
5 things forward.

6 HEARING OFFICER CELLI: I just want to
7 acknowledge that Elizabeth, I don't know if it's
8 Elizabeth Lambe, came on and went away on WebEx.

9 MS. MATHEWS: She's having problems with the
10 audio, connecting the audio on her computer. And so
11 she's...

12 HEARING OFFICER CELLI: And where did Garret
13 go?

14 MS. MATHEWS: Out there, he's out there
15 talking to her.

16 PRESIDING MEMBER DOUGLAS: Is there not a
17 phone number she can just dial in?

18 MS. MATHEWS: This is her first time --

19 MS. LAMBE: It's working now. Thank you.

20 HEARING OFFICER CELLI: Hi, Elizabeth. Okay.
21 Elizabeth Lambe, is that you? Can you speak up? Oh,
22 she just left. For just a minute she was there.

23 She said something Garret, and then she seems
24 to have gone way.

25 UNIDENTIFIED MALE: She's raising her hand,

1 but she's on a headset so she's not going to be able to
2 talk.

3 HEARING OFFICER CELLI: Did you explain to her
4 how to call in and all that?

5 UNIDENTIFIED MALE: Uh-huh.

6 PRESIDING MEMBER DOUGLAS: And she can chat if
7 she wants to.

8 HEARING OFFICER CELLI: Yeah, although
9 chatting isn't optimal. Okay, we're glad you're here,
10 Elizabeth Lambe, who is with Los Cerritos Wetlands
11 Trust and is our only intervenor right now.

12 So where we were, this is a crossover with
13 staff and applicant. I just want to ask the applicant
14 to start this off, whether you could speak to what can
15 staff continue to be working on for Alamitos now while
16 you're still refining the project for a supplemental?

17 MR. HARRIS: Well, I think -- I understand
18 we're fairly close to a preliminary staff assessment.
19 I may be wrong about that. I don't want to put anybody
20 on the spot on that. So I think we're pretty far
21 along. I don't know that there's a lot of productive
22 time staff can spend right now frankly without getting
23 clearer direction from the applicant about the
24 configuration and the location. As soon as we can lock
25 down some of those things...

1 HEARING OFFICER CELLI: Mr. Salamy, go ahead.

2 MR. SALAMY: Hi, this is Jerry Salamy. I

3 think overall the project site is going to be the same

4 project site that is currently being licensed. So it

5 would seem to me that those disciplines that are

6 locational specific, things like paleontology, geology,

7 gosh, landuse to a certain extent, could continue,

8 soils and agriculture, could continue to be analyzed by

9 the staff because the -- any changes on the project

10 site will just be slight movement as opposed to a

11 completely different site.

12 HEARING OFFICER CELLI: Ms. De Carlo, anything

13 on that, or Mr. Winstead.

14 MR. WINSTEAD: Yes. Those are -- the ones you

15 just mentioned should not be a real issues for

16 scheduling, the landuse. Those PSAs are pretty much on

17 hold now, but for the most part completed.

18 Would you like me to continue?

19 HEARING OFFICER CELLI: Yes.

20 MR. WINSTEAD: Right now the staff is

21 working -- basically we've worked on most all the PSA

22 sections are in. We're just waiting now for the

23 changes to find out we're -- we're continuing to work

24 on sections that we can work on that aren't, you know,

25 we can't do the air quality, we can't do public health.

1 You've got to wait for visual and we need plume
2 analysis. I mean, there's a lot of information we're
3 going to need with the new supplemental filing.

4 But we're going to continue to work. We'd
5 like to, you know, exchange some information that we
6 would need for the new supplemental AFC to try to get
7 that information moving back and forth so we can get a
8 better complete package and we won't have to do as much
9 data requests with that. Are you open to that, Jerry?

10 MR. SALAMY: Yeah. This is Jerry Salamy with
11 CH2M HILL. If you'd like, we could sit down with a
12 table of contents and maybe discuss some of those
13 sections that we think we could advance in light of
14 where we are today.

15 HEARING OFFICER CELLI: That would be great,
16 especially since we have the next status conference
17 where really it sounds like that's the status
18 conference where things will start moving. And so if
19 you could come prepared at the next status conference
20 with sort of a report on what staff has been able to
21 continue to work on, that would be really interesting.

22 MR. WINSTEAD: We're kind of at a point where
23 everything, the PSA sections are pretty well completed
24 and in the review process with the seniors. There's
25 only a few that are outstanding still. So I mean, we'd

1 be interested in information required that comes with
2 this new supplemental AFC.

3 MS. DE CARLO: Yeah, something along the lines
4 of a pre filing conference that we usually do at the
5 beginning before the AFC is filed. It would be nice to
6 have that for the supplemental to ensure the supplement
7 contains all the information in a format that we can
8 easily compare with what we already know about the
9 previous project so that we can hit the ground running
10 with the analysis of the project.

11 MR. HARRIS: So kind of a workshop session,
12 then, a pre filing?

13 MS. DE CARLO: Nothing formal. Just the
14 concept of meeting and sitting down with the table of
15 contents going section -- going technical section by
16 technical section, go through what does staff think it
17 needs based on the preliminary project description for
18 the new project and go item by item to make a sure that
19 the supplemental contains --

20 MR. WINSTEAD: Will you able to provide us
21 some visual simulations for the new the project at a
22 future time?

23 MR. HARRIS: We will eventually.

24 MR. WINSTEAD: And the new timeline and
25 schedules for the project will be coming out with the

1 supplemental information on them?

2 MR. SALAMY: I think our vision for the
3 supplemental is to highlight those things that are
4 changing from what was previously filed. So if the
5 visual character of the project were to change, we
6 would obviously file additional simulations to reflect
7 those changes, likewise waste management tables, hazmat
8 tables, construction work schedules, noise, and that
9 kind of thing.

10 MS. DE CARLO: In the past when we've had a
11 drastic project change what has really been helpful --
12 and I don't want to --

13 (Unreportable crosstalk.)

14 MS. DE CARLO: Right. But without having a
15 concrete project history, I know it's not changed. But
16 in the past where there has been a project change, it's
17 been helpful to have an underlined strikeout version
18 that tells us what information from the original AFC is
19 old that we can discard and what information is new so
20 that we have one document that contains everything.
21 I'm not saying that that's required in this instance.
22 It's just something to consider. It went really smooth
23 when we had that in the past.

24 MR. HARRIS: We'll know more in December if
25 that's feasible. I can see where with some projects

1 that would be easy to do, but I don't know where we're
2 going to end up exactly.

3 MR. WINSTEAD: What would be helpful for us
4 for staff expectations to have a quick analysis of
5 supplemental information similar to a -- provide a
6 side-by-side table comparing capacity, energy, just
7 kind of the side-by-side table that compares greenhouse
8 gases, air quality with the current AFC as proposed and
9 the supplemental AFC so we can kind of quickly run
10 through it and kind of side by side see what the
11 changes are and we can apply those to our PSA sections
12 and get those out quickly.

13 MR. HARRIS: And I think some of this came up
14 last time. So it makes a lot of sense to do them side
15 by side. Another one is we're going to be seeing
16 reduced impacts from already less than submitted
17 though.

18 We would be very interested if you're that close
19 in the PSA to seeing some of your findings. I don't
20 know if staff is willing to -- I'm not asking you to
21 publish the document, but if you've made significant
22 progress towards determining what the impacts are, that
23 would probably help us guide ourselves through the
24 supplement filing.

25 MS. DE CARLO: Perhaps. The staff has

1 finished their analysis. It hasn't completed review,
2 the internal review, though, and we haven't gone back
3 to the staff with edits or anything. So it's still --
4 I don't know that we'd want to present. We don't have
5 any formal division-sponsored conclusions at this
6 point, I don't think. But certainly if we have some --

7 MR. WINSTEAD: We do need to -- just to bring
8 up to speed on the current project, we have outstanding
9 data requests set one for air quality, 9, 13, 15, 19,
10 and 26. We're still looking for hazardous materials
11 management 48, public health 55 to 58 filed on April
12 25th, 2014.

13 On May 15th, 2014, the applicant asked for an
14 additional 90 days to respond to set one. On August
15 25, 2014, the applicant asked for an additional 90 days
16 for set one. So that added some additional time to
17 some of the analyses we'd need. Some of these
18 analyses, there's no real push to get them now because
19 we need a new PDOC and we've got to go through all
20 these other processes.

21 On July 15th, the applicant filed an objection
22 for data request set two for traffic and
23 transportation, worker safety, and fire protection 65
24 and 66. And on September 2nd, the applicant submitted
25 a request for 90 days additional time for data set four

1 alternatives. That would be set 71 to 75.

2 HEARING OFFICER CELLI: Mr. Winstead, forgive
3 me for interrupting. A couple of things, just
4 housekeeping. I want to remind everyone that even
5 though this is a status conference, we're not taking
6 evidence, we still have a court reporter. And the
7 court reporter we're using today is not tape recording.
8 It's the old-fashioned steno. So we can't have two
9 people talking at the same time. So let other people
10 finish before you talk.

11 And the other thing I need to say is we --
12 Elizabeth Lambe, we had to put you on mute. You want
13 to unmute her for the moment. Elizabeth, we had to
14 mute you because you had a dog barking in the
15 background and some noise coming out of your phone. I
16 still show her as muted, Garret, can you unmute her for
17 the moment. I just want to acknowledge that she's
18 still there and she understood.

19 MS. LAMBE: I'm here. I don't mind at all
20 being on mute because I'm not planning to speak. Is
21 there a fair amount of noise now?

22 HEARING OFFICER CELLI: No, it sounds good.
23 But here's my recommendation, if you don't mind,
24 because I would rather not mute you because you are a
25 party and we would like you to speak up whenever you

1 want to.

2 MS. LAMBE: Okay.

3 HEARING OFFICER CELLI: But what I would
4 request you do in the meanwhile is mute your own phone.
5 Hit your mute button on your phone on your side.

6 MS. LAMBE: Well, you're hooked up through my
7 computer. I'm looking at muting through the computer.

8 PRESIDING MEMBER DOUGLAS: You can mute
9 through the computer.

10 HEARING OFFICER CELLI: If you can mute on
11 your side, then I will leave you unmuted the whole time
12 and you can speak up when you need to.

13 MS. LAMBE: Okay.

14 HEARING OFFICER CELLI: I'm sorry for the
15 interruption. Go ahead, Mr. Winstead.

16 MR. WINSTEAD: So to summarize it, we still
17 have some outstanding data requests and some applicant
18 objections to certain things. So we're basically --
19 staff is working to clarify the scope of the data
20 requests with the applicant in an effort to obtain
21 needed information that we need to complete the PSA
22 process. So with that being said with the additional
23 changes, we'll keep working toward once we have that
24 information.

25 MS. DE CARLO: And these items can be hammered

1 out during something similar to the pre filing
2 conference where we can sit down and go through the
3 outstanding data requests or it can be folded into the
4 supplemental, what format the supplemental might take
5 and what's the substantiative information. I'm not
6 sure if that can be done before the December status
7 conference. It depends on the status of your
8 understanding of the project. But staff would
9 certainly be willing to do that as soon as you feel
10 ready to engage in those substantive -- or they're
11 informational discussions, but of some substance to the
12 project description.

13 MR. HARRIS: A couple thoughts: We want to
14 continue talking to you guys informally as much as
15 possible. And as much as I'd love to have your PSA, if
16 you would give us some indication of the areas of
17 concern, I mean, I know they haven't been through
18 management. But here are the four subjects where we
19 had the most concerns, that would be very helpful.

20 MS. DE CARLO: Oh, yeah, just on a general,
21 broad level.

22 MR. HARRIS: Yeah, and I understand it has not
23 gone and through complete management review and all
24 that stuff and all the caveats you could throw on that.
25 That would be very helpful to us. In terms of like a

1 formal pre filing process, I actually don't think
2 that's necessary if we do the informal meetings in
3 particular. And we're also allowing in the schedule,
4 it looks like, for some discovery. And I sort of feel
5 like we might be moving discovery forward by doing
6 that. So we'll continue to have informal discussions
7 with you, but I don't want to end up adding another
8 milestone to the schedule that would delay things. I
9 think in discovery we'll work through a lot of those
10 issues.

11 In the supplement filing what we're going to
12 be doing is looking at filling the holes that you just
13 described, Keith, in the data requests. We understand
14 what your interests are there. We might even be able
15 to work through some of the ones that are still
16 pending. One of the things procedurally is at the end
17 of the day is confirming the applicant agrees that
18 people put their pencils down on anything that's due,
19 the deadlines, that kind of stuff. I want to make sure
20 that, you know, we'll get to that.

21 HEARING OFFICER CELLI: But appropriate to
22 that, I want to just say since we haven't seen the PSA,
23 and the good news is we're doing these status
24 conferences now early on so we can kind of nip things
25 in the bud. In the past, so I'm not casting aspersions

1 on the Alamitos group or anything, but I've seen a PSA
2 or two that says something like "we don't have enough
3 information and therefore we're just giving you partial
4 information at this time, and we hope to have complete
5 information by the time the FSA comes out." And we are,
6 this committee anyways, is interested in seeing that
7 minimized and seeing as complete a PSA as can possibly
8 be produced and that everybody goes the extra mile to
9 fill the holes and complete the information because if
10 you can do that with the PSA, the FSA will come in that
11 much faster and more complete.

12 So that's very important. And I want to point
13 out that, and again we'll talk more about the schedule
14 next time in December, but this idealized scheduling
15 guideline that I passed around did not account for the
16 180 days of discovery because I'm sort of giving you
17 credit for the fact that you have already had discovery
18 heretofore. So I built in 120 days and I'm -- if not
19 sooner, by the way, for completing that. Actually, you
20 know, did I reduce it? See that, it's 100 days.

21 So I just want to make clear, Ms. De Carlo,
22 that we're talking now -- I just want to say that we
23 reduced the discovery time down to 100 days in order to
24 make this 11 and a half month schedule. So we do have
25 to move with alacrity on this. But I really wanted to

1 make that point that the PSA needs to be fleshed out to
2 the extent we can.

3 MS. DE CARLO: And with that, it puts even
4 that much more import on having a fully fleshed out
5 supplemental to assure we don't need more time with the
6 discovery period to try and tease out all the
7 additional information.

8 PRESIDING MEMBER DOUGLAS: And it puts more
9 import on communication about needed data and where
10 it's coming from because it doesn't leave a lot of time
11 for back and forth of data requests and objection and,
12 you know, conversation about objection or whatever the
13 case may be. So, you know, you may want to think about
14 a workshop as opposed to the informal way of talking
15 about things just so you can, you know, set the table
16 and have a thorough discussion and, you know, that's
17 really up to the parties and what they think they need
18 to communicate about.

19 MR. WINSTEAD: Without sending a list of
20 questions about the project or parts of it that we need
21 informally answered, or we can we can meet and do that.

22 HEARING OFFICER CELLI: So face-to-face
23 meetings is probably the best antidote to that. So is
24 there anything else on that? Go ahead.

25 MS. ALLEN: At the risk of stating the

1 obvious, in addition to the possibility of a redline
2 strikeout indicating the areas that have changed, it
3 would be really helpful to have a pre-supplement site
4 plan and then a post-supplement site plan, so then we
5 could see visually how the site would be moved under
6 the new project. So that would encompass things like
7 the expected size of the battery storage project,
8 whether the approved laydown area that was going to be
9 used for the Huntington Beach project was still going
10 to be part of the Alamitos site, et cetera. So on a
11 visual kind of map and geographic basis, it helps to
12 have that.

13 MR. HARRIS: I think you're right. I think
14 that would be helpful. I think like a lawyer too much
15 sometimes, but I think we do want to show a comparison
16 to what's been filed in the AFC. But at the end of
17 day, the baseline is the existing conditions out there.
18 It's not the supplement versus the AFC. It's the
19 supplement versus the baseline itself. But there are
20 plenty of areas that makes complete sense, megawatts
21 before and after. It's really going to help staff
22 narrow things down. So I'll try to be less literal in
23 how I hear you. But it's a good point.

24 MR. WINSTEAD: So I have a general question.
25 What's going to happen to the other power blocks?

1 MR. HARRIS: Stay tuned until December. I
2 guess I will note this is kind of the G minus one
3 contingency in Southland. It's very important
4 electrically. So those questions have to be very
5 careful considered. I mean we've got obligations, and
6 we've got Cal ISO looking at us and other things.

7 MR. WINSTEAD: So we'll wait for the
8 information.

9 MR. HARRIS: And I don't want to build up
10 December too much, but I think it will be good.

11 HEARING OFFICER CELLI: That's great. And as
12 long as we -- and we'll have, again, continuous status
13 conferences and we'll be able to meet and confer during
14 those. One of the things we're probably anticipating
15 then is that we would bifurcating air quality if the
16 DOC can't come out in time for completion. I can't
17 imagine any other topic area that would be bifurcated
18 out. And I'm inclined to discourage that unless
19 there's something that, maybe public health?

20 Probably not. I'm not sure
21 that public health is -- I mean, public health
22 addresses exactly what isn't in air quality for the
23 most part.

24 MR. LAYTON: The district does the health risk
25 assessment, so we rely on them to do actually do

1 another health risk assessment.

2 MR. SALAMY: Sorry, Jerry Salamy with CH2M
3 Hill. Matt, they use a different standard now. They
4 use the individual permit standard which --

5 MR. LAYTON: We would still like to see it.

6 PRESIDING MEMBER DOUGLAS: Matt, you're not
7 getting picked up, I don't think, by the microphone.

8 MR. LAYTON: That is part of my plan.

9 HEARING OFFICER CELLI: That was picked up.

10 And also, Matt, I'm going to want you to do, if you
11 have a card to give it to the court reporter. I'm glad
12 you raised that because what we're trying to avoid is
13 staff stopping, waiting for Southland to do something.
14 So if there are other analyses to be done and so forth,
15 rather than just waiting staff can be --

16 MR. LAYTON: We always work on what we have in
17 front of us given the priorities and competing demands.

18 HEARING OFFICER CELLI: So thank you for that.

19 MR. HARRIS: I liked him better when I
20 couldn't hear him.

21 (Laughter.)

22 HEARING OFFICER CELLI: So bifurcate air
23 quality and public health. I have one last area
24 before -- I want to ask Elizabeth Lambe if you could
25 please unmute, and also Garret, if you could unmute

1 Elizabeth Lambe. I want to welcome you to these
2 proceedings, Ms. Lambe, of the Los Cerritos Wetlands
3 Trust. We really appreciate your participation and
4 look forward to working with you. One of the things I
5 wanted to talk about, though, is that in the order
6 granting the petition to intervene, we limited the
7 topic areas to the extent that we could, and we
8 appreciate your sending us your list and working with
9 us on that. I just want to let you know that we're
10 going to have to revisit that again when the PSA -- the
11 PSA, by the way stands Preliminary Staff Assessment.

12 In our process what's happening is the AFC,
13 the Application for Certification, will be presented by
14 the applicant. Staff will analyze all of the minutia
15 of the AFC and will produce a PSA. And after some
16 discussion with the parties regarding the Preliminary
17 Staff Assessment refinement and conditions and so
18 forth, staff will publish a Final Staff Assessment,
19 which we call an FSA.

20 When the PSA is produced, though, what I
21 wanted to give you a heads up on, Ms. Lambe, is that
22 the committee at that time will speak to you. Right
23 now you're our only intervenor. I suspect we may get a
24 few more by then. But when the PSA comes out, we're
25 going to ask the intervenors to really articulate what

1 their issues are and see if we can really focus on what
2 the issues will be. So I want you to be aware that
3 that's coming.

4 MS. LAMBE: That makes sense.

5 HEARING OFFICER CELLI: All right.

6 PRESIDING MEMBER DOUGLAS: All right. So I
7 just had one or two things just as I'm thinking about
8 the PSA, that of course we haven't seen either, and
9 don't need to because there's going to be a
10 supplemental AFC and we'll be focused on that. But,
11 you know, I do want to make sure that as we think about
12 the alternatives analysis, we put some thought into the
13 range of alternatives that you look at. And I know
14 there's a PPA apparently calling for one specific
15 thing, but nevertheless we've got to have a reasonable
16 range of alternatives and we've got to look at things
17 like demand-side programs as well. So that's one thing
18 we'll be looking for in the alternatives. And --

19 HEARING OFFICER CELLI: May I just speak up?

20 PRESIDING MEMBER DOUGLAS: Please speak up.

21 HEARING OFFICER CELLI: When it comes to
22 writing your objectives, we would like to see
23 objectives that are not necessarily technology specific
24 and that are in conformance with the Hanford case. So
25 we will be looking at the objectives closely when they

1 come in.

2 PRESIDING MEMBER DOUGLAS: And the last thing,
3 just to emphasize, I mean, because this change is
4 coming in mid process, no one is talking about going
5 back to data adequacy and really running back the clock
6 that far. In fact, in the proposed and idealized
7 schedule we've given to all of you for your
8 consideration, we have shrunk the data response period
9 to 100 days, which is less than you'd normally expect.
10 That is helpful to the overall schedule but it
11 obviously does depend on, you know, rapid and
12 responsive exchange of information. And I know that
13 because so much work has gone into the project so far
14 and you're really only looking at project changes,
15 there may not be as much work here. But nevertheless,
16 it's really -- it's really important, it's really
17 essential that that go smoothly. And obviously the
18 applicant has a lot to do with ensuring it goes
19 smoothly.

20 MR. HARRIS: We would like to move out the
21 December hearing by filing a very brief supplement. If
22 people are okay not asking for further data requests,
23 that will make us happy. We don't have to use that
24 timeframe. It is an idealized schedule. It's also a
25 statutory schedule, by the way, so pretty close. So I

1 think it's doable, and I think the way we see gaining
2 time in that schedule is by talking to staff before we
3 file anything, figuring out what their interests are,
4 figuring out what their reasonable data requests would
5 be, and providing them with that reasonable data as
6 soon as possible.

7 And then I would absolutely welcome them,
8 depending on the -- we don't need a second round. We
9 don't have to have a second round just because there's
10 one in the schedule. That's hopefully one of the
11 things we'll talk about.

12 PRESIDING MEMBER DOUGLAS: One of the benefits
13 of the status conference, I think, is that that we will
14 be able to go from an idealized schedule that is not
15 necessarily fully reflective of the specific needs of
16 this case, although it tries to be, to a, you know,
17 real schedule that we're all managing on. So we're
18 putting this out for your consideration. But things
19 like that, you know, to the extent we need to save time
20 in the data period or whenever else, you know, we'd
21 like to be able to reflect that and drive down towards
22 more of a hard schedule. That's really the goal here.

23 MS. DE CARLO: Not too get too deep into
24 substantive issues, but one of the things that I do --
25 that staff is currently wrestling with, and we've asked

1 the applicant to provide help in our wrestling with
2 this issue, and we've gotten objections. We understand
3 that the applicant is working with the city, so we hope
4 something comes of that. But it's this issues of with
5 the pumps stopping, with the water use stopping, what
6 affect does that have on waste collection in the
7 waterways. And also the city has filed a letter today
8 citing water quality concerns as well. So we're
9 grappling with that. We're trying to reach a
10 resolution and understanding of the impact of that. So
11 to the extent the applicant can help us with that, that
12 would be great. I could see that as a potential
13 schedule or definitely an issue that has the potential
14 to carry on past the PSA. So to the extent we can
15 resolve that sooner rather than later, I think that
16 will help progress the project.

17 MR. HARRIS: For sure. We are working with
18 the city. Stephen O'Kane has been working closely with
19 the city on this issue. I'm frankly not convinced
20 about the idea of mitigating for once-through cooling
21 litigation as a legal matter. We can talk more about
22 that later. But at the end of the day, we do have a
23 relationship with the city. We want them to be happy.
24 We'll continue to work with them. That may be an issue
25 that's ultimately dealt with outside this process, and

1 it may be more appropriately dealt with outside this
2 process, but it's definitely going to involve us
3 talking to the city.

4 MS. ALLEN: Ms. De Carlo, can you bring us up
5 to date briefly on the factual sort of things that
6 you're discussing related to water pumping?

7 MS. DE CARLO: Well, I can generally describe
8 the issue. I'm not sure we've gotten very far in
9 understanding the actual on the ground facts. But the
10 issue is that with the applicant, rightfully and
11 definitely with energy commission support,
12 transitioning from once-through cooling to dry cooling,
13 the pumps will no longer operate in the -- I believe
14 the waterway is the, bay, Alamitos Bay.

15 MR. HARRIS: Channel. Well, the bay goes into
16 the channel.

17 MS. ALLEN: It's the intake infrastructure?

18 MS. DE CARLO: Correct, yes. And so at our
19 informational hearing it was raised by members of the
20 public, and I believe the wetlands group, concerns
21 about that the pumps currently actively take out a lot
22 of trash from the bay that accumulates. So their
23 concern is what will happen with those pumps stopping.
24 Now, recently the city has indicated that along with
25 the trash that the pumps help with circulation and

1 water quality with the water. So that's a new item
2 that we've just become aware of.

3 So, yeah, and we're not trying to jump
4 straight to litigation. Currently we're just grappling
5 with what is the potential impact. And we're not --
6 obviously, we're not saying you must keep the pumps
7 running, you must continue with the --

8 MR. HARRIS: Thank you, that's good to hear.

9 MS. DE CARLO: That's not my point. We just
10 have an obligation under CEQA to identify a potential
11 for impact, and then to look to see if -- even if there
12 is a potential for impact, it doesn't automatically
13 mean that AES is responsible for mitigating that. But
14 we do need at least a general understanding of the
15 impact.

16 MR. HARRIS: And I just wanted to quickly
17 point out that the trash is obviously not a result of
18 the project, the trash in the Alamitos Bay. It's an
19 interesting question, but I'm not sure it's
20 jurisdictional. We'll talk more about it. We
21 definitely want to talk to the city. This concerns the
22 city, and that means it concerns us. I don't know
23 where we'll end up on the issue. I don't know if it's
24 being -- well, we'll continue discussion with the city
25 and staff.

1 MS. DE CARLO: And whether or not it's
2 jurisdictional, we have an obligation under CEQA to
3 analyze it. So, I mean, we can debate the
4 jurisdictional at a later point, but I don't think it's
5 a contention that we need to analyze that because it's
6 a direct result of the project's approval.

7 MR. HARRIS: It may be, but there's no reason
8 to contend it here.

9 HEARING OFFICER CELLI: Well, with that I just
10 want to bring everybody up to date. I'm really glad
11 that you were here so that we could talk about this
12 because we are anticipating a 120-day PSA. And that's
13 an outside, and we're hopeful we can maybe get one done
14 sooner than that.

15 MR. WINSTEAD: Just to refresh what you talked
16 about, the applicant filed an objection on September
17 25th to those data requests.

18 HEARING OFFICER CELLI: But I think that's
19 moot today.

20 MR. WINSTEAD: Well, it's the same problem
21 we're trying to resolve, so --

22 HEARING OFFICER CELLI: No, I understand.
23 That's always going to be there because there's back
24 and forth. So we need more communication, stay on it,
25 that's all we're staying. We really want to get this

1 done in a timely fashion.

2 MS. MATHEWS: Can you just check with
3 Elizabeth and see if there's anything that she might
4 want to ask.

5 HEARING OFFICER CELLI: Could you unmute her,
6 again, please Garret, because I still show a red X on
7 mine showing that she would be muted.

8 Elizabeth, I just wanted to know if you wanted
9 to make any comment about that last discussion
10 regarding the intake?

11 MS. LAMBE: Well, we've been discussing
12 this -- can people hear me? Hello?

13 HEARING OFFICER CELLI: Yes, go ahead.

14 MS. LAMBE: Well, we've been discussing the
15 issue and the question that was -- I don't know who's
16 talking, but I'm listening and taking notes. And the
17 questions of the -- there's jurisdictional questions, I
18 think is pretty important, and the role that agencies
19 that deal with water quality issues would play in that.
20 And I am eager to get more clarity about that perhaps
21 as the process moves forward.

22 HEARING OFFICER CELLI: That's right. And
23 often times what happens in our process is the two --
24 the applicant and staff, and with your input as an
25 intervener, we'll discuss these sorts of things at

1 workshops and make their best efforts in good faith to
2 resolve these issues. When a bona fide legal question
3 comes up, oftentimes what will happen is one of the
4 parties, usually the applicant, will file a motion or a
5 request, essentially, for some clarification of the
6 issues, if they are at loggerheads. If they are at a
7 complete impasse and they can't work it out, they come
8 to the committee with briefs and requests for
9 resolution, and then the committee will usually address
10 that. But just so you know, Mr. Harris is a competent
11 lawyer as is Ms. De Carlo. So they have legal staff to
12 kind of work those things out. And hopefully if the
13 legal issue is clear on its face, the parties wouldn't
14 have to come to the committee for resolution because
15 they can work it out on their own.

16 MS. LAMBE: Right. And that's my question is
17 is that clear or not, and I understand that isn't
18 anything that's going to be answered today.

19 PRESIDING MEMBER DOUGLAS: That's correct.
20 And in terms of your question of the challenge of
21 knowing who is speaking, there will be a transcript.
22 So when it's available, you'll be able to look at it.

23 MS. LAMBE: Terrific, thank you. I'm well
24 aware of the issue. We talked directly with the folks
25 over at AES and other community members, but how that

1 issues fits into the process here is -- I'm not clear
2 on it, and I'm hoping to become more clear on it, and
3 being a part of this will hopefully be helpful.

4 HEARING OFFICER CELLI: Thank you again for
5 participating, and we'll see how this unfolds as we go.
6 I'm just going to go around the table one more time and
7 ask the parties if there's anything further before we
8 get to public comment. So Mr. Harris for the
9 applicant?

10 MR. HARRIS: Well, if you're getting into the
11 procedural status of the case and the idea of ongoing
12 data requests, and the putting the pencils down
13 question is the best metaphor I can come up with for
14 it.

15 HEARING OFFICER CELLI: Maybe I'm missing some
16 of that. What specifically are you asking for?

17 MR. HARRIS: Well, I guess, what we're
18 offering is to have clearer understanding from staff of
19 what is due and what is not due currently. I mean,
20 there's some outstanding data requests. I think we
21 want to make sure that all the parties understand that
22 any pending deadlines are basically stayed until the
23 supplement is filed. So staff us owes us something; we
24 owe them something. Those things are all basically
25 stayed during the pendency of the filing of the

1 supplement.

2 HEARING OFFICER CELLI: I'm sorry, let me step
3 back then. Because the discussion was raising the key
4 points and giving those all the specifics as to what
5 those data requests outstanding were was because we had
6 asked them to continue working on whatever they could
7 in the meanwhile. So to -- I think Mr. Salamy said
8 that there were things like geo and paleo that could
9 continue to be worked on. But it seems to me obviously
10 air quality, hazardous materials, things like that,
11 things that are specific to the quantities of
12 emissions, quantities of products used, that kind of
13 thing, you wouldn't probably be able to go forward on
14 that.

15 MS POTTER: I mean, our concern, we're just
16 trying to close the loop, because as Keith pointed out,
17 we do have data responses that are pending and CEC
18 staff made a request for additional time to respond.
19 So we just want to close the loop and ensure we don't
20 need to get those responses to staff because frankly it
21 will be outdated information. And basically as Jeff
22 said, we're asking for a stay on both any pending
23 obligations on our part and on staff's part, for
24 example, to respond to our objections until the
25 supplemental filing comes out.

1 MR. HARRIS: That's different than informally.
2 We could still informally discuss. It's just the
3 formal legal obligations, we ask for 90 days for
4 certain things, and lo and behold in that 90-day period
5 there's an RFO we're working on. So maybe it doesn't
6 make sense for us to answer those questions at this
7 point.

8 HEARING OFFICER CELLI: Ms. De Carlo, you're
9 nodding.

10 MS. DE CARLO: Yeah. And that's why the staff
11 has also said that those data requests are still
12 pertinent to the new project, we expect those responses
13 to be folded into the supplement. And we'll work with
14 you, as I mentioned before, to try to ensure the
15 supplement contains all the information as we're
16 proceeding.

17 MR. HARRIS: Sorry to take you down the rabbit
18 hole.

19 MR. LAYTON: No problem, it's really just
20 these few outstanding data requests.

21 HEARING OFFICER CELLI: Well, it seems then
22 logically those requests -- that the data requests that
23 are pending then are stayed. Does that resolve that
24 issue for now?

25 MR. HARRIS: I can shut up now. Yes, thank

1 you.

2 HEARING OFFICER CELLI: So data requests are
3 stayed for the time being, and we'll revisit this
4 question again in December. So having resolved that
5 issue, anything further, Mr. Harris?

6 MR. HARRIS: Could we get a copy of the
7 schedule in Word form?

8 HEARING OFFICER CELLI: Yes.

9 MR. HARRIS: I think that's all we had.

10 HEARING OFFICER CELLI: Okay, staff.

11 Ms. De Carlo?

12 MS. DE CARLO: I'm sorry, did you mention a
13 timeframe in which you wanted our responses to the
14 schedule?

15 HEARING OFFICER CELLI: This isn't, you know,
16 what's going to happen, right now it seems premature.
17 We're going to need to hear from the applicant when
18 they have a project to present really, because I'm not
19 sure they have one just now. So in December we will
20 revisit the issue. I'm not asking anyone to come
21 forward in December with a new schedule because we
22 still won't know then.

23 MS. DE CARLO: Good. I just wanted to know.

24 PRESIDING MEMBER DOUGLAS: But if you come to
25 the December status conference prepared to raise

1 obvious issues with the schedule or areas where you got
2 more clarity than you did before about how long
3 something might take to help us refine it, that's about
4 what we're asking for.

5 MS. DE CARLO: Okay. Okay, thanks.

6 HEARING OFFICER CELLI: It's a good thing to
7 be familiar with, and pretty much I went through it to
8 make sure that everything pretty much, all of the
9 events that have to take place. So anything further
10 from staff?

11 MS. DE CARLO: We just look forward to seeing
12 a fleshed out project description and to working with
13 the applicant to make sure that the supplement contains
14 all of the outstanding information we identified from
15 the previous project as well as a clear indication of
16 where the changes have occurred so that we can hit the
17 ground running.

18 HEARING OFFICER CELLI: Thank you staff, and
19 now Elizabeth Lambe for the Los Cerritos Wetlands, if you
20 could unmute her again. Los Cerritos.

21 MS. LAMBE: Los Cerritos Wetlands Land Trust.

22 HEARING OFFICER CELLI: Okay, anything
23 further, Ms. Lambe?

24 MS. LAMBE: No, thank you.

25 HEARING OFFICER CELLI: Thank you. Then at

1 this time we will ask Ms. Mathews, do you have anyone
2 here? Any public -- any members of the public here
3 today? She indicates no. Is there anyone on the phone
4 who would like to make a public comment at this time?
5 I see that everybody on the phone is -- I've got Greg
6 Wheatland. I have Elizabeth Lambe. I have John Pope,
7 is he with staff or I guess with applicant. We have
8 Melissa who is with -- I can't remember. Stephen
9 O'Kane is with applicant.

10 Anyone at this time wanting to make a public
11 comment, please speak up. Then hearing none, at this
12 time I will turn it over to Commissioner Douglas for
13 adjournment.

14 PRESIDING MEMBER DOUGLAS: All right. Well,
15 I'd like to thank everyone for being here today, and I
16 look forward to hearing from you in December. So we're
17 adjourned.

18 (Proceedings adjourned at 2:35 p.m.)

19

20

21

22

23

24

25

1 CERTIFICATE OF SHORTHAND REPORTER

2

I, Allen Rose, CSR 13753, hereby certify that

4 I am a Certified Shorthand Reporter; that I recorded
5 verbatim in shorthand writing the foregoing proceedings
6 completely and correctly; that I have caused under my
7 direction said shorthand writing to be transcribed into
8 typewriting and the foregoing pages constitute a
9 complete and accurate transcript of said shorthand
10 writing taken at the above-mentioned proceedings.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said proceeding nor
13 in any way interested in the outcome of said
14 proceeding.

15

16 Dated: December 8th, 2014

17

18

19 Allen Rose, CSR 13753

20

21

22

23

24

25