

DOCKETED

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CALIFORNIA ENERGY COMMISSION (CEC)

In the matter of:) Docket No. 07-AFC-06C
)
CARLSBAD ENERGY CENTER)
POWER PROJECT AMENDMENTS)

STATUS CONFERENCE
(CLOSED SESSION)

CALIFORNIA ENERGY COMMISSION
ART ROSENFELD HEARING ROOM
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

FRIDAY, APRIL 17, 2015
9:00 A.M.

Reported by:
Peter Petty

APPEARANCES

Commissioners (and their advisors) Present:

Karen Douglas, Presiding Member
Andrew McAllister, Associate Member
Jennifer Nelson, adviser to Commissioner Douglas
Le-Quyen Nguyen, advisor to Commissioner Douglas
Pat Saxton, his advisor
Eileen Allen, Commissioners' Technical Advisor for
Facility Siting

Hearing Officer:

Paul Kramer

Staff Present: (* present via telephone)

John Hilliard
Shawn Pittard, Public Advisor's Office

Petitioner-Carlsbad Energy Center, LLC:

*Jonathan Kendrick, Locke, Lord, LLP

Also Present

Susan Cochran (Hearing Adviser assisting Mr. Kramer)

City of Carlsbad:

*Allan J. Thompson, Attorney at Law

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P R O C E E D I N G S

APRIL 17, 2015 9:02 a.m.

HEARING OFFICER KRAMER: Okay, this is Paul
Kramer, the Hearing Advisor for the Carlsbad
Amendments Committee.

In the room here at Hearing Room A, the
Rosenfeld Hearing Room at the Energy Commission, we
have our Presiding Member, Commissioner Karen
Douglas, Eileen Allen who is the Commissioners'
Technical Advisor on Siting Matters, our Hearing
Reporter, Jennifer Nelson, Commissioner Douglas's
Advisor, John Hilliard from the Staff, Shawn Pittard
for the Public Advisor's Office, and Susan Cochran
who has been helping me with the WebEx and audio
visual issues.

I see we have a couple people on the
telephone, one is Jonathan Kendrick. Did you want to
identify yourself or say anything, sir?

MR. KENDRICK: Yeah, good morning. This is
Jonathan Kendrick with Locke, Lord, counsel for the
project owner, Carlsbad Energy Center, LLC.

HEARING OFFICER KRAMER: Okay, thank you.
Then we have one other person on the call, who is not
identified. If you want to identify yourself? I'm
not going to bother to go through our regular roster

1 of people because I can tell by looking who is there.
2 So the other person who is on the phone, if you want
3 to identify yourself -- you don't have to, but please
4 go ahead.

5 MR. THOMPSON: No, no, that's all right, I'm
6 not bashful, Paul. This is Allan Thompson.

7 HEARING OFFICER KRAMER: Hi, Allan. Okay,
8 the first order of business is to conduct hearings on
9 any pending motions. We really don't have anything
10 to talk about today, though, because one motion that
11 is pending, but was argued at the evidentiary
12 hearings was Mr. Sarvey's motion to require that the
13 project pay an AFC level of fees, and the Committee
14 had taken that under submission already.

15 The other one was just filed this week and
16 that was Mr. Simpson's motion to require the Petition
17 to modify the existing Amendment Petition and delay
18 issuance of a Proposed Decision; it's simply too
19 early to do anything with that, we just got it this
20 week, it would be unfair to have the parties argue
21 it, so we're expected that the parties, should they
22 choose to respond to that, will respond to that in
23 the normal timeframe. And then we'll get around to
24 ruling on it after the expiration of that timeframe.

25 I got an email request from Ms. Siekmann

1 yesterday, she realized that she forgot to identify
2 her opening -- it might have been her rebuttal
3 testimony. Anyway, it was TN 203851, she forgot to
4 identify that as an exhibit. So if I had more of the
5 parties on the line, I might think about trying to
6 resolve that, but since I just heard about it
7 yesterday and not enough people are here, we'll have
8 to resolve that at some later time. But I'll just
9 note that's a request that I received. And basically
10 it was her opening testimony, but it also included
11 her exhibit list and I think it's fair to say we'll
12 be asking the parties at some point in the future if
13 they have any objection to bringing that in as an
14 exhibit.

15 That then takes us to public comment and I
16 have to ask, but I don't see anybody on the list or
17 in the room, but would anybody wish to make a public
18 comment on this proceeding?

19 MR. THOMPSON: Paul, this is Allan. I'd
20 like to follow-up briefly on Kerry Siekmann's exhibit
21 number. Briefs are due I think next week on the 22nd
22 and 23rd, and I'd like to reference that. Will we
23 have a number before briefs are due?

24 HEARING OFFICER KRAMER: Okay, if you'd
25 like, I'll put a number on it and I'll just call it

1 identified for the time being, not necessarily
2 admitted, we'll resolve that later.

3 MR. THOMPSON: That would be great.

4 HEARING OFFICER KRAMER: Okay. Anybody else
5 want to make a public comment? Okay, hearing none,
6 the Committee is going to go in closed session
7 pursuant to Government Code Section 11126(c)(3) which
8 allows a State body, including a delegated committee
9 such as this to hold a closed session to deliberate
10 on a decision to be reached in a proceeding the State
11 body is required by law to conduct.

12 I supposed there's a remote possibility we
13 might have something to announce at the end of this
14 closed session, so we're going to keep the Court
15 Reporter around, and in case we have more complicated
16 words than the usual no comment words to report at
17 the end of the closed session, we, I think because of
18 time constraints, we'll probably -- so we can't
19 predict exactly when we'll be back, but I think as a
20 practical matter, we have to finish by 11:30 because
21 of some scheduling issues. But we will leave the
22 WebEx line open -- oh, okay, then what we're going to
23 do is we're going to definitely set a time for you so
24 you don't have to hang around and keep listening,
25 we'll say we'll be back right around 11:30 to report

1 anything, or simply to report that we finished the
2 closed session and we're adjourning.

3 And we will likely have, just so you know,
4 we're probably going to have a second closed session
5 in a few weeks as we get closer to finishing up the
6 Presiding Member's Proposed Decision. But if we pick
7 a date today, we'll announce that. If not, we'll of
8 course have another formal notice of that Committee
9 Conference.

10 So with that, we are going into closed
11 session. Thank you.

12 (Off the record at 9:09 a.m.)

13 (On the record at 11:30 a.m.)

14 HEARING OFFICER KRAMER: It's 11:30. This
15 is Paul Kramer, Hearing Advisor for the Carlsbad
16 Committee. We're back on the record and I'm here to
17 report that the Committee completed its closed
18 session at about 11:10 this morning, but because we
19 set a time specific to come back to report to you,
20 I'm doing that now.

21 And my report is simply that the Committee
22 has no decisions to announce today. In the future
23 there will be, of course, the Presiding Member's
24 Proposed Decision may come out, as well as a ruling
25 on the pending motions that I mentioned earlier. And

1 we are intending to have another Committee Conference
2 in closed session on May 1st in the afternoon, I
3 believe it will start at about 1:00, but we'll be
4 putting out a formal notice of that, so please
5 consult that for the details including the WebEx
6 conference calling information.

7 And again, unless we say otherwise, we
8 really don't think it would be productive for any of
9 the parties to come here, certainly not those who are
10 down in San Diego, because the purpose will largely
11 be, again, to hold a closed session.

12 So with that, the Committee Conference is
13 adjourned, and we thank you.

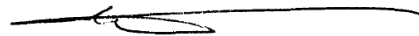
14 (Adjourned at 11:32 a.m.)
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REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were 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 21st day of April, 2015.




PETER PETTY
CER**D-493
Notary Public

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April, 2015.



Karen Cutler
Certified Transcriber
AAERT No. CET**D-723