

DOCKETED

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BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the matter of,)	
)	Docket No. 16-RPS-02
)	
Appeal by Los Angeles)	
Department of Water & Power re)	
Renewables Portfolio Standard)	
<u>Certification Eligibility</u>)	

COMMITTEE STATUS CONFERENCE

CALIFORNIA ENERGY COMMISSION
CHARLES IMBRECHT HEARING ROOM (B)
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

WEDNESDAY, DECEMBER 21, 2016

1:05 P.M.

Reported By:
Kent Odell

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APPEARANCES

Commissioners and Advisors

Robert B. Weisenmiller, Chair and Presiding Member,
LADWP Appeal Committee

David Hochschild, Associate Member, LADWP Appeal
Committee

Emilio Camacho, Advisor to Commissioner Hochschild

Hearing Officer

Paul Kramer

CEC Staff Present

Gabriel Herrera, Staff Counsel

Mona Badie, Staff Counsel

For Applicant/Appellant

Jean-Claude Bertet, Deputy City Attorney, LADWP

Adriana Ayuso, LADWP

Adriana Zerda, LADWP

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

2 DECEMBER 21, 2016

1:05 P.M.

3 HEARING OFFICER KRAMER: Okay, Mr. Bertet, can
4 you still hear me?

5 MR. BERTET: Yes, I can still hear you. Can you
6 hear me?

7 HEARING OFFICER KRAMER: Yeah, we're hearing you
8 just fine.

9 Okay, this is Paul Kramer. Welcome to the
10 continued Committee Status Conference, for the LADWP RPS
11 Appeals proceeding.

12 We'll take roll. And, let's see, we'll start
13 with the Applicant, LADWP, or the Appellant.

14 MR. BERTET: Yes, this is Jean-Claude Bertet,
15 from the City Attorney's Office, on behalf of the Los
16 Angeles Department of Water and Power.

17 HEARING OFFICER KRAMER: Okay. Okay, and I also
18 see, in the list of attendee names, Adriana Ayuso and
19 Adriana Zerda, both also from LADWP.

20 And, actually, that's everybody on WebEx.

21 In the room, we have staff.

22 MR. HERRERA: Yeah, good afternoon. Gabriel
23 Herrera, representing staff, with the Energy
24 Commission's Legal Office.

25 MS. BADIE: Mona Badie, with staff.

1 HEARING OFFICER KRAMER: Okay. And that's the
2 extent of the -- those in the room, who wish to be
3 identified.

4 We appear to have no members of the public,
5 either on the telephone or in the room.

6 The purpose of today's meeting is a continued --
7 it's, first of all, a continuation of the December 15,
8 2016 Committee Status Conference. The primary purpose
9 is to allow the Committee to deliberate in closed
10 session.

11 But before adjourning into that closed session,
12 we will take public comment. And, also, just check in
13 and see if the parties have anything new to report on
14 the status, while they have the opportunity.

15 Does anyone -- this is a formality, but does
16 anyone in the room or on the telephone wish to make a
17 public comment? Seeing none --

18 MR. BERTET: Not from -- yeah, not from LA,
19 thank you.

20 HEARING OFFICER KRAMER: Okay, thank you.

21 Do the parties have anything they wish to tell
22 us about the status that's happened, since last week?

23 MR. BERTET: This is Jean-Claude Bertet. I'm
24 not aware of any change in status.

25 MR. HERRERA: Yeah, this is Gabe Herrera. I'm

1 not aware of any change in status.

2 HEARING OFFICER KRAMER: Okay, thank you.

3 So, with that, we will adjourn into closed
4 session, pursuant to Government Code Section
5 11126(c)(3), which allows a State body, including a
6 delegated committee, to hold a closed session to
7 deliberate on a decision to be reached in a proceeding
8 the State body was required by law to conduct.

9 For your convenience, we're going to ask that
10 you return at 3:00 p.m., today, to the WebEx or here.
11 Too short? Oh, I'll be safe. 3:00 p.m., and we'll be
12 back here to report out anything we have to report out
13 from the closed session.

14 And with that, we will go off the record and see
15 you at 3:00. Thank you.

16 MR. BERTET: All right, thank you.

17 (Convene Closed Session at 1:08 p.m.)

18 (Reconvene Public Session at 3:11 p.m.)

19 HEARING OFFICER KRAMER: Okay, this is Paul
20 Kramer, reporting that we've returned from closed
21 session.

22 And our report out is that we had anticipated
23 being able to release the tentative decision that we've
24 spoken about this week. But we are now anticipating
25 that it will be released approximately January 5th, and

1 accompanied by the ruling on the LADWP Evidentiary
2 Motion.

3 Of course, we need to allow time for the parties
4 to review and comment on that, prepare their comments.
5 And that makes the date we had previously asked you to
6 hold on your calendars, which was January 10th, not the
7 best choice to allow us to achieve that goal.

8 So, what we are planning is to ask that you get
9 your comments back to us on the 19th of January. And we
10 are shooting to have our next meeting of the Committee
11 on the -- the 25th is a Business Meeting day, so perhaps
12 that afternoon. If you report back to us that that day
13 is, for some reason, not good for your calendars, we
14 have the easy option, the relatively easy option of
15 going to the afternoon of the 26th.

16 So, we'd like to know, Mr. Bertet, especially
17 from your group, and also from staff if there is a
18 problem on the 25th. But that's our first choice.

19 And then, finally, we were trying to remember,
20 if you recall last week, you gave some estimates about
21 what I called the outside limit on the amount of time
22 you might need to speak to the Committee orally, at the
23 next meeting, about the tentative decision and, now, the
24 ruling on the -- well, the ruling on the Evidentiary
25 Motion is likely to be final.

1 But please correct me if I'm wrong, but I recall
2 that -- kind of like the most you expected that you
3 would need to speak for was approximately 30 minutes,
4 each, 30 minutes staff, 30 minutes LADWP. Does that
5 sound right?

6 The reason I ask is that we don't, yet, have the
7 WebEx recording available to go listen to, and the
8 transcript draft is probably going to come in next week.
9 So, we're relying on memory and it's a little foggy.

10 MR. BERTET: Yes, this is Jean-Claude Bertet,
11 from LADWP. To the extent that there will -- that
12 witnesses will not be needed, then 30 minutes to 45
13 minutes, max, would be, I think, needed.

14 However, if 30 minutes is the limit, then we'll
15 stick by the time frame in which the Committee
16 administers.

17 As far as the January 25th date, I will confer
18 internally to make sure that that is still workable on
19 DWP's side. DCA Felix Lebron is not at this meeting, so
20 I'll have to confer with him. He's out. And,
21 hopefully, I'll receive a response fairly soon to make
22 sure that the 25th is acceptable.

23 Otherwise, we'll file something with the
24 Committee, letting you know alternative dates.

25 HEARING OFFICER KRAMER: Okay, and keep in mind

1 the 26th is an option, as well.

2 MR. BERTET: Okay, thank you.

3 MR. HERRERA: Mr. Kramer, staff didn't give a
4 projection on time, but if the Committee sets a half-
5 hour, then that's the time we'll need, we'll take up to
6 do that.

7 I think, at the Status Conference last week, you
8 directed parties to provide an estimate, in their
9 comments, on how much time they would need. But again,
10 I think a half-hour would be adequate, if that's what
11 the Committee provides.

12 And I will check with both Drew Bohan and
13 Courtney Smith, to see if they're available on the 25th,
14 in the afternoon, after the Business Meeting, or the
15 26th, and can get back to the Committee on that.

16 HEARING OFFICER KRAMER: Okay, thank you.

17 We have a few more people on the telephone, but
18 we took public comments, or at least attempted to
19 earlier. So, any other -- any other business from the
20 parties before we adjourn?

21 MR. BERTET: This is Jean-Claude Bertet. So,
22 are we to anticipate a release of -- on January 5th?
23 And if that time frame changes, will there just simply
24 be a notice posted by the Committee? Or, is January 5th
25 the date that it will be released?

1 HEARING OFFICER KRAMER: It's a target date. It
2 could be a little sooner. If it's a day later, I can't
3 imagine that we're going to put out another piece of
4 paper saying that. But if it's going to be
5 significantly delayed, we will consider letting you
6 know.

7 If it's, for instance, delayed a day, I don't
8 think we would change the response deadline or anything.

9 Commissioner Weisenmiller?

10 CHAIR WEISENMILLER: Yeah. No, I was just going
11 to say, given that there's two parties, I assume if we
12 happen to post on the 4th, or the 6th, instead, you
13 know, I'll volunteer you to call the two parties and say
14 it's been posted.

15 HEARING OFFICER KRAMER: They will get an e-
16 mail.

17 CHAIR WEISENMILLER: An e-mail. Anyway, just
18 something that they get a communication.

19 And again, I think on the 25th and 26th, let's
20 just circle again on those dates. We were struggling,
21 A, to find times where both of us -- both Commissioner
22 Hochschild and I were available next month, to nail
23 things down. And the good or bad news is these are the
24 dates.

25 But at the same time, trying to make sure

1 there's adequate time for the parties to review the
2 decision, and adequate time for us to review your
3 comments.

4 So, if these don't work, I hate to imagine what
5 February looks like, but we would have to dig into that.

6 MR. BERTET: Well, thanks very much. We'll look
7 forward to the ruling, either on January 5th or 6th, or
8 if it's earlier, then we'll look forward to that, as
9 well.

10 HEARING OFFICER KRAMER: Okay. With that, then,
11 we are adjourned. Thank you.

12 MR. BERTET: Thank you.

13 (Thereupon, the Status Conference was adjourned
14 at 3:18 p.m.)

15 --oOo--

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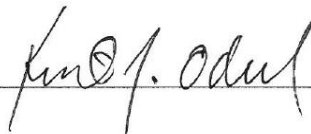
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REPORTER'S CERTIFICATE

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 10th day of January, 2017.

A handwritten signature in dark ink, appearing to read "Kent Odell", is written over a horizontal line.


Kent Odell
CER**00548

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 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 10 of January, 2017.



Barbara Little
Certified Transcriber
AAERT No. CET**D-520