

DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT

COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of:)
) Docket No. 15-AFC-01
Application for Certification)
For the PUENTE POWER PROJECT)
_____)

**CONTINUATION OF THE
OCTOBER 11, 2017 COMMITTEE CONFERENCE**

CALIFORNIA ENERGY COMMISSION
ROSENFELD HEARING ROOM
1519 9TH STREET
SACRAMENTO, CALIFORNIA

WEDNESDAY, OCTOBER 18, 2017

1:30 P.M.

Reported by:
Peter Petty

APPEARANCES

COMMISSIONERS

Janea Scott, Presiding Member

Karen Douglas, Associate Member

ADVISORS

Rhetta deMesa, Advisor to Commissioner Scott

Matt Coldwell, Advisor to Commissioner Scott

Jennifer Nelson, Advisor to Commissioner Douglas

Le-Quyen Nguyen, Advisor to Commissioner Douglas

PUBLIC ADVISER'S OFFICE

Alana Mathews, Public Adviser

Rosemary Avalos, Public Outreach Specialist

HEARING OFFICER

Paul Kramer

ENERGY COMMISSION STAFF

Shawn Pittard, Deputy Director, STEP Division

Leonidas Payne, Project Manager

Kerry Willis, Assistant Chief Counsel

Michelle Chester, Staff Attorney

APPLICANT:

Michael Carroll, Latham & Watkins, LLC (Via WebEx)

Sean P. Beatty, NRG Energy

INTERVENORS:

None Present

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P R O C E E D I N G S

OCTOBER 18, 2017 1:34 P.M.

COMMISSIONER SCOTT: Okay, good afternoon everyone and welcome. This is a Committee Conference for the Puente Power Project AFC.

I'm Commissioner Janea Scott, the Presiding Member on this case.

Two folks over to my right is Commissioner Karen Douglas, who's the Associate Member.

On my left are my Advisors, Matt Coldwell and Rhetta deMesa.

On Commissioner Douglas's right are her two Advisors, Jenn Nelson and Le-Quyen Nguyen.

And to my immediate right is Hearing Officer Paul Kramer.

Let us have the parties introduce themselves, starting with the Applicant.

MR. CARROLL: Good afternoon. This is Mike Carroll, with Latham & Watkins, on behalf of the Applicant.

COMMISSIONER SCOTT: Good afternoon.

MR. BEATTY: Sean Beatty, Regional General Counsel for the West Region, for NRG, in the room.

1 COMMISSIONER SCOTT: Good afternoon.

2 HEARING OFFICER KRAMER: Can you make sure
3 you give the court reporter your card? He's got
4 it, okay.

5 COMMISSIONER SCOTT: Okay, let's now turn
6 to the Energy Commission staff to introduce
7 themselves, please.

8 MR. PAYNE: Lon Payne, Project Manager,
9 appearing for staff.

10 COMMISSIONER SCOTT: Is your mic on?

11 MR. PAYNE: Sorry. Lon Payne, Project
12 Manager, appearing for staff.

13 We've also got Kerry Willis and Michelle
14 Chester from the Chief Counsel's Office.

15 COMMISSIONER SCOTT: Good afternoon. Do I
16 have any of the Intervenors on the WebEx? There
17 are none sitting in the room. If so, please go
18 ahead and introduce yourselves.

19 Okay. Do we have any others on the line,
20 the California Independent System Operator, the
21 Coastal Commission, U.S. Geological Survey, any
22 State or Federal Wildlife Agencies? If so, please
23 go ahead and introduce yourself.

24 And do we have any officials from local,
25 regional, state, or federal, or tribal who would

1 like to introduce themselves? If so, please go
2 ahead and say hello.

3 Okay. And I'd also like to make note that
4 we have Alana Mathews and Rosemary Avalos, our
5 Public Advisers, here in the room with us.

6 And with that I will turn this over to
7 Hearing Officer Paul Kramer.

8 HEARING OFFICER KRAMER: Okay, thank you.
9 For the Committee Conference portion of our
10 agenda, pending motions, petitions or requests, I
11 will note that we have pending, because it was
12 filed on Monday, the Applicant's request to
13 suspend the proceeding.

14 We're not planning on discussing that or
15 ruling on that today. Rather the plan is, because
16 our regulations require, unless the Presiding
17 Member changes the schedule, that the other
18 parties have 14 days in which to respond to a
19 motion such as that.

20 So we're planning on scheduling an
21 additional Committee Conference shortly after
22 that period expires. And by our calculations, the
23 last day to file responses would be October 30th.

24 So, we'll confirm it later, but right now
25 I think we're looking at the afternoon of October

1 31st to have a Committee Conference where, if
2 it's necessary to discuss that motion, that would
3 be the time and place, and then the Committee
4 would rule some point after that.

5 So then that brings us to the Public
6 Comment portion of the agenda, where members of
7 the public or other interested persons and
8 entities, and that of course would include the
9 parties, may speak up to three minutes on a
10 matter related to this agenda.

11 So do we have anyone? Let's see, we have
12 nobody in the room who is a candidate to make a
13 public comment, unless staff wants to say
14 something.

15 Ms. Willis?

16 MS. WILLIS: Thank you. Kerry Willis,
17 Assistant Chief Counsel. Just hearing what you
18 were saying about the schedule, staff did not
19 intend to file a response to the motion, but we
20 do not oppose the motion, if that helps.

21 HEARING OFFICER KRAMER: Okay, thank you.
22 We now know that.

23 Does anybody on the telephone wish to
24 make a comment? You're all unmuted so speak up.
25 First, just say your name so we can put you on

1 the list.

2 Okay, one more time. Nobody wants to make
3 a public comment. Okay, we will close public
4 comment.

5 And we are going to adjourn to a closed
6 session pursuant to Government Code 11126(c)(3),
7 which allows this Committee to hold a closed
8 session to deliberate on a decision to be reached
9 in a proceeding.

10 Let me find a time to return.

11 (Pause)

12 HEARING OFFICER KRAMER: Okay, we'll be
13 back here at about 2:30, no earlier, even if we
14 finish earlier. If we drag over a little bit, of
15 course we'll be a little late. But at least you
16 have the time between now and then to do whatever
17 you'd like.

18 So we're adjourned, thank you.

19 (Convened Closed Session at 1:40 p.m.)

20 (Reconvened Public Session at 2:54 p.m.)

21 HEARING OFFICER KRAMER: This is Paul
22 Kramer. We're back on the record. We just
23 finished the closed session about 2:52.

24 Nothing to report -- well, one thing to
25 report out that I mentioned earlier is that we're

1 going to schedule a follow-up Committee
2 Conference on October 31st, beginning at 1:30
3 p.m., in this same room here, Hearing Room A.

4 And among the things that will be on the
5 agenda is a discussion, if it's necessary, about
6 the Applicant's motion to suspend the proceeding.

7 Again, the deadline for responses from
8 the parties is October 30. And I just said
9 October 31st a minute ago for the new conference,
10 I hope. That's the day. So it's the day after the
11 deadline for responses to the motion.

12 And that will include both, you know, a
13 little bit of public time discussing that again,
14 if we need to, and also the Committee will be
15 continuing its deliberations in closed session.

16 So with that, we have nothing further to
17 report and so we are adjourned. Thank you.

18 (Thereupon, the Hearing was adjourned at
19 2:56 p.m.)

20 --oOo--

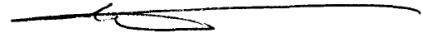
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REPORTER' S CERTIFICATE

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 4th day of January, 2019.



PETER PETTY
CER**D-493
Notary Public

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

January 4, 2019