

DOCKETED

Docket Number:	18-RPS-01
Project Title:	Complaint Against the Stockton Port District re: RPS Program Compliance
TN #:	226296
Document Title:	Transcript of 01082019 Committee Conference
Description:	N/A
Filer:	Cody Goldthrite
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	1/11/2019 8:05:46 AM
Docketed Date:	1/11/2019

CALIFORNIA ENERGY COMMISSION

In the Matter of:

Complaint Against Stockton)
Port District for)
Noncompliance with the)
Renewables Portfolio Standard)

PUBLIC HEARING

CALIFORNIA ENERGY COMMISSION

ROSENFELD HEARING ROOM (A)

1516 9TH STREET

SACRAMENTO, CALIFORNIA

TUESDAY, JANUARY 8, 2019

10:00 A.M.

Reported by:

Peter Petty

APPEARANCES

HEARING OFFICER

Jennifer Martin-Gallardo

COMMISSIONER

Karen Douglas, Presiding Member

David Hochschild, Associate Member

STAFF

Courtney Smith, Chief Deputy Director

Mona Badie, Chief Counsel's Office

PETITIONER

Justin Wynne, Braun Blaising Smith Wynne

1 Stockton?

2 MR. WYNNE: Justin Wynne with Braun
3 Blaising Smith Wynne, here on behalf of the Port
4 of Stockton. And I believe we may have someone
5 on the line.

6 HEARING OFFICER MARTIN-GALLARDO: We
7 don't have anyone on the line right now.

8 So the primary purpose of today's
9 Committee conference is for the Committee to
10 deliberate in closed session. Prior to the
11 closed session the Committee will take public
12 comment. After the closed session the Committee
13 will return to adjourn the meeting.

14 Before we take public comment, I'll give
15 a very brief procedural history of this matter.

16 The complaint was filed on January 8th,
17 2018. It was filed with a motion to bifurcate.
18 A number of filings were made in the ensuing
19 months regarding a motion to bifurcate and the
20 question of whether or not there were factual
21 disputes.

22 At the end of May, the Committee denied
23 the motion to bifurcate and directed the Port to
24 provide evidence supporting some of its factual
25 claims. In July, the parties reached a

1 stipulation as to all of the facts.

2 A hearing was held on September 18th,
3 2018 to address the legal issues. And the
4 parties submitted written briefs at the end of
5 October 2018.

6 Would either of the Commissioners like to
7 provide remarks? Okay.

8 Now we will take public comment. Is
9 there anyone in the room who would like to give
10 public comment? How about anyone on the phone?
11 All right. It doesn't look like we have any
12 public comment to take.

13 So the Committee will now adjourn to
14 closed session to deliberate on the complaint
15 against Stockton Port District for noncompliance
16 with the Renewables Portfolio Standard in
17 accordance with Government Code section
18 11126(c)(3), which allows a state body, including
19 a delegated committee, to hold a closed session
20 to deliberate on a decision to be reached in a
21 proceeding that the state body was required by
22 law to conduct.

23 We will adjourn for about an hour-and-a-
24 half. I don't expect the Committee will have any
25 additional questions or comments to make at the

1 end of the closed session, although the Committee
2 will return to this room to formally close the
3 meeting, so there is no need for the parties to
4 stay and wait if you don't wish. And I expect
5 that we could return, probably, I don't know,
6 11:45.

7 All right. Thank you.

8 (Off the record at 10:05 a.m.)

9 (On the record at 10:49 a.m.)

10 HEARING OFFICER MARTIN-GALLARDO: Back on
11 the record. The closed session has concluded and
12 the matter for the Committee remains under
13 submission. The Committee conference is
14 adjourned.

15 (The hearing adjourned at 10:49 a.m.)

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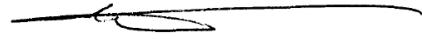
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REPORTER' S CERTIFICATE

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, 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 10, 2019