

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-03
<b>Project Title:</b>	Sequoia Data Center
<b>TN #:</b>	234024
<b>Document Title:</b>	Transcript 5-29-20 re Prehearing Conference
<b>Description:</b>	Transcript with certificates
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	7/28/2020 10:36:27 AM
<b>Docketed Date:</b>	7/28/2020

CALIFORNIA ENERGY COMMISSION

In the Matter of: ) Docket No. 19-SPPE-03  
 )  
 )  
 Sequoia Data Center ) PREHEARING CONFERENCE  
 Small Power Plant Exemption )  
 (SPPE) ) RE: Sequoia Data Center  
 \_\_\_\_\_ )

STATE ENERGY RESOURCES CONSERVATION AND  
DEVELOPMENT COMMISSION

PREHEARING CONFERENCE

REMOTE

FRIDAY, MAY 29, 2020

2:03 P.M.

Reported by: Peter Petty

## APPEARANCES

SITTING COMMITTEE MEMBERS AND ADVISERS:

Commissioner Karen Douglas, Presiding Member  
Kourtney Vaccaro, Advisor to Commissioner Douglas  
Eli Harland, Advisor to Commissioner Douglas  
Jana Romero, Advisor to Associate Member Patty Monahan

CEC STAFF PRESENT:

Galen Lemei, Hearing Officer  
Lisa DeCarlo, Staff Counsel  
Noemi Gallardo, Public Advisor  
Susan Cochran, Hearing Officer  
Liza Lopez

APPLICANT:

Santa Clara, LLC  
Scott Galati, Esq., DayZen, LLC

INTERVENORS:

Robert Sarvey  
California Unions for Reliable Energy (CURE)

PUBLIC AGENCIES:

Bay Area Air Quality Management District (BAAQMD)  
Silicon Valley Power (City of Santa Clara)

PUBLIC COMMENT:

None

## INDEX

	Page
1. Call to Order	4
2. Reportable Action from Closed Session	42
3. Adjournment	42
Reporter's Certificate	43
Transcriber's Certificate	44

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

1  
2 May 29, 2020

2:03 P.M.

3 HEARING OFFICER LEMEI: So Commissioner Douglas,  
4 would you like to --

5 COMMISSIONER DOUGLAS: Yes.

6 HEARING OFFICER LEMEI: -- start us off?

7 COMMISSIONER DOUGLAS: Yes. I will do that. Good  
8 afternoon, everybody.

9 This is the Prehearing Conference for the  
10 Application for a Small Power Plant Exemption for the Sequoia  
11 Backup Generating Facility. I'm Karen Douglas, the presiding  
12 member of the Committee assigned to conduct proceedings on  
13 the application.

14 Before we begin, I would like to make  
15 introductions. Then ask that the parties identify themselves  
16 for the record. My advisors are Kourtney Vaccaro and Eli  
17 Harland. Patty Monahan is the associate member of this  
18 Committee. And her advisor, Jana Romero, is also on the  
19 WebEx with us today. The Public Advisors Office is  
20 represented by Noemi Gallardo, the public advisor, and  
21 Rosemary Avalos. And Galen Lemei, our hearing officer.

22 I would like to ask the parties to please introduce  
23 themselves and their representatives at this time now.  
24 Starting with the Applicant.

25 MR. GALATI: Good afternoon, everybody. This is

1 Scott Galati. I'm representing C-1 Santa Clara, LLC and that  
2 is owned by CyrusOne. That's the Applicant.

3 We have some other members of our team. I don't  
4 think they'll be needed today so I'll introduce them as we  
5 go, if needed.

6 COMMISSIONER DOUGLAS: That sounds very good.  
7 Thank you very much.

8 Staff.

9 MS. DECARLO: Good afternoon. This is Lisa  
10 DeCarlo, Energy Commission staff attorney representing Energy  
11 Commission Staff.

12 We as well have other staff members available  
13 online, if needed, and I'll introduce them at that time.

14 COMMISSIONER DOUGLAS: Thank you very much.

15 Now I'm turning to intervenors. Mr. Sarvey.

16 MR. SARVEY: Yeah, this is Bob Sarvey, intervenor.

17 COMMISSIONER DOUGLAS: All right. Thank you very  
18 much.

19 Is anyone on from California Unions for Reliable  
20 Energy, or CURE? What -- okay that's -- that's it for  
21 intervenors.

22 So let me turn to agencies now. Are there any  
23 elected officials or agency representatives from the federal  
24 government? What about state agencies other than the Energy  
25 Commission? Native American Tribes? Bay Area Air Quality

1 Management District? Any representatives from the City of  
2 Santa Clara or Silicon Valley Power? How about anybody from  
3 any other local government agency or entity?

4 All right. At this time I'll hand over the conduct  
5 of this prehearing conference to the hearing officer Galen  
6 Lemei.

7 HEARING OFFICER LEMEI: All right. Thank you.

8 So first of all, thank you all for being here.  
9 Please be patient with me. This is my first prehearing  
10 conference that I've conducted, that I've presided over as a  
11 hearing officer. And doing it remotely has -- makes it  
12 especially exciting. But fortunately I get to stand on the  
13 shoulders of giants and follow closely in the footsteps of  
14 our Walsh prehearing conference that was held relatively  
15 recently. And today's prehearing conference is going to  
16 track quite closely with -- with that for anyone who  
17 participated in that, in that proceeding as well.

18 The Committee noticed today's prehearing  
19 conference, and the Notice of Prehearing Conference and  
20 Evidentiary Hearing Revised scheduling order, and further  
21 orders issued on May 8<sup>th</sup>, 2020. Going forward I'll just refer  
22 to that as the -- the May 8<sup>th</sup> notice.

23 As explained in the May 8<sup>th</sup> notice, the basic  
24 purpose of the -- purposes of the prehearing conference are  
25 to assess the project's readiness for hearings, to clarify

1 areas of agreement, to identify witnesses and exhibits, to  
2 determine the areas that the parties need to question the  
3 other -- the other parties witnesses on, and to discuss  
4 associated procedural matters.

5           Before we proceed with the substantive portions of  
6 this prehearing conference, I want to discuss some  
7 housekeeping issues. This prehearing conference, as well as  
8 next week's scheduled evidentiary hearing will be held  
9 remotely. That is, we are in separate locations and  
10 communicating only through electronic means. We are meeting  
11 in this fashion, consistent with Executive Orders N25-20 and  
12 N-29-20, and the recommendations from the California  
13 Department of Public Health to encourage physical distancing  
14 in order to slow the spread of COVID-19.

15           Meeting this way presents some challenges ensuring  
16 that we have a clear record. So we are going to practice  
17 some of the changes necessary. First, I'm going to ask that  
18 only one person speak at a time. Please use your raised hand  
19 or chat feature if you need to be recognized. After you've  
20 been called on, please lower your hand if you used that  
21 feature so that I can make sure that you've been recognized.

22           Secondly, please identify yourself when you speak.  
23 When we're all gathered together it's easier for me, the  
24 hearing officer, and the court report to see who is speaking  
25 and who wants to be recognized. And I think as -- as we've



1 done before, since we do have a number of folks  
2 participating, you know, the chat function can be helpful,  
3 particularly if I don't see the raised hand right off.

4 Are there any questions about that? Sounds good.

5 No surprise since I think everyone is, at this point,  
6 somewhat familiar with how these are -- how these are going.

7 I also need to provide an important update about  
8 the upcoming evidentiary hearing. In the May 8<sup>th</sup> notice we  
9 indicated the meeting would be held via WebEx. However,  
10 starting on June 1<sup>st</sup>, the Energy Commission will transition to  
11 using Zoom for most public events. Therefore, the  
12 evidentiary hearing will be conducted via Zoom. I will be  
13 docketing an updated, updated login information for the  
14 evidentiary hearings as soon as I have it. And that will of  
15 course supersede the -- the login information that was  
16 provided in the May 8<sup>th</sup> notice.

17 I would also encourage anyone who doesn't already  
18 have the Zoom application installed on your computer to  
19 install it at the, I don't know for sure that's it's  
20 necessary to have it installed. You might need to have it  
21 installed. But I do know that it will make the participation  
22 more seamless. So I do apologize for that -- for that  
23 adjustment, but hopefully we'll be able to make the  
24 alternative platform work.

25 Does anybody have any questions about that? Again,

1 I'll be providing the login information as soon as I have it  
2 into the docket.

3 MS. DECARLO: This is Lisa DeCarlo.

4 Just a quick question. What are the expectations  
5 for having the video feature enabled for participants, for  
6 witnesses? Does the Committee expect to be able to see each  
7 witness or would they prefer that the videos not be enabled?

8 HEARING OFFICER LEMEI: This is not something that  
9 I've had an opportunity to discuss with the Committee  
10 members. I'll say, speaking for myself that, you know, since  
11 we've been conducting these historically without video, I do  
12 not think that -- that video would be essential. I do know  
13 that sometimes it can be nice when we can see one another.

14 Commissioner Douglas, do you have -- do you have  
15 thoughts on that question?

16 COMMISSIONER DOUGLAS: I think that we, unless you  
17 see something different from the Committee, we conducted the  
18 last evidentiary hearing without video and -- and could, the  
19 one for Walsh is what I mean. And so I think the format, you  
20 can assume the format will generally be similar, just on a  
21 different platform, unless you hear otherwise.

22 MS. DECARLO: Great. Thank you.

23 HEARING OFFICER LEMEI: Great. Hearing no other  
24 questions, I will move on to substance.

25 This prehearing conference concerns the application

1 for a small power plant exemption, which I might refer to as  
2 an SPPE for the Sequoia Backup Generating Facility filed by  
3 the Applicant on August 14<sup>th</sup>, 2019. The application, and many  
4 of the other documents I will be mentioning today are  
5 available in the online docketing system used by the Energy  
6 Commission.

7           The backup generating facility will be used to  
8 ensure an uninterruptable power supply for the Sequoia Data  
9 Center located at 2600 De La Cruz Boulevard in Santa Clara,  
10 California. The data center consists of a four story, seven  
11 hundred two thousand, eleven hun -- 114,000 -- sorry 702,114  
12 square foot data center building that will house computer  
13 servers in a secure and environmentally controlled structure,  
14 with approximately 70,000 square feet dedicated to  
15 administrative and office uses.

16           The Applicant proposes to construct and operate the  
17 Sequoia Backup Generating Facility consisting of 54 Tier 2  
18 standby diesel fire generators, each of which -- each with a  
19 maximum peak rating of 2.25 megawatts. Located in the  
20 generator equipment yard, the generators will be configured  
21 in a distributive redundant configuration to provide up to  
22 96.5 megawatts, the buildings, the maximum building load of  
23 the Sequoia Data Center.

24           The Applicant also intends to construct an onsite  
25 100 megavolt amp electrical substation and electrical

1 switchgear, and distribution lines between the substation and  
2 the buildings, as well as from the backup generator yards in  
3 each of their respective buildings. The substation will  
4 allow delivery of power from Silicon Valley Power but will  
5 not allow any electricity generated from the backup  
6 generators to be distributed off the Sequoia site.

7 Under Public Resources Code Section 25541, the  
8 Commission may grant an SPPE only when it makes three  
9 separate and distinct findings. First, the power plant must  
10 have a generating capacity up to 100 megawatts. Two, no  
11 substantial adverse impacts on the environment will result  
12 from the construction or operation of the power plant. And  
13 three, no substantial adverse impacts on energy resources  
14 will result from the construction or operation of the power  
15 plant.

16 In addition, the Commission acts as lead agency  
17 under CEQA. In reviewing an SPPE, the Energy Commission  
18 considers the whole of the action. For the application, the  
19 whole of the action means the backup generators, the data  
20 center, and other project features such as the substation.  
21 When I refer to the project, I mean the backup generators,  
22 the data center, and other project features such as the  
23 substation.

24 To aid the consideration of the application under  
25 both the Warren-Alquist Act and CEQA, staff prepared and

1 published an Initial Study and Proposed Mitigated Negative  
2 Declaration, or which I -- something I heard refer to this as  
3 the ISPMND, on January 23<sup>rd</sup>. The ISPMND was subject to a  
4 public review and comment period that ended on February 28<sup>th</sup>,  
5 2020. Comments were received from Robert Sarvey, the  
6 Department of Toxic Substance Control, the City of San Jose  
7 Airport Department, and the Bay Area Quality Management  
8 District, or BAAQMD before the close of the comment period.  
9 Comments were also received from the National Fuel Cell  
10 Research Center on May 22<sup>nd</sup>, 2020.

11 To conduct this prehearing conference efficiently,  
12 we required that a party, each party file a prehearing  
13 conference statement if that party wanted to participate in  
14 this PHC, or present evidence, or cross-examine witnesses at  
15 the evidentiary hearing. We have received pre -- prehearing  
16 conference statements from staff, Applicant, and Intervenor  
17 Sarvey.

18 The May 8<sup>th</sup>, 2020 notice contained a series of --  
19 also contained a series of questions regarding air quality,  
20 greenhouse gas emissions, and public health. We invited the  
21 parties, the Applicant, staff, and intervenors, and the  
22 public, especially the City of Santa Clara, and Silicon  
23 Valley Power, and BAAQMD to submit comments -- to submit  
24 responses to these questions, either in a form of evidence or  
25 briefings by May 22<sup>nd</sup> -- by May 22<sup>nd</sup>, 2020. We received

1 responses from Applicant and staff.

2 Now to address the hearing procedure as set forth  
3 in the May 8<sup>th</sup>, 2020 notice. The evidentiary hearings will be  
4 conducted using a formal hearing procedure modified to fit  
5 the remote nature of the hearing. First, while formal, we  
6 will not take time to describe the exhibits that are moved  
7 into evidence or described, or to describe topics covered by  
8 declaration. An exhibit list has been prepared and is  
9 available on the website.

10 Liza, are you able to post the exhibit list easily?  
11 That is on the proceeding page? There we go. Thank you,  
12 Liza. So there is the -- there is the current exhibit list.

13 Any person can prepare an exhibit list. Please be  
14 sure to check the exhibit list and notify me of any changes  
15 or errors in writing before the hearing on June 5<sup>th</sup>. And  
16 sooner would be -- would be better if you do identify errors.

17 Regarding direct examination, we will deem all  
18 parties' opening and rebuttal testimony as their direct  
19 evidence. There is no need to discuss experts' resumes if we  
20 have them in writing and there's no objection -- and there's  
21 no -- sorry, my apologies. There's no need to discuss expert  
22 resumes if we have them in writing and there's no objection  
23 the witness is an expert.

24 If witnesses testify who have not filed written  
25 testimony, please have them identify themselves. For

1 example, I might identify myself as Galen Lemei, senior  
2 attorney for the California Energy Commission. If any party  
3 has an objection to the qualifications of a witness, please  
4 be prepared to state the objection and its basis.

5 Liza, are you able to bring up the notice of this  
6 hearing of the -- of the prehearing conference and  
7 evidentiary hearings? Thank you, Liza.

8 And let me see which page I was going to take us  
9 to. My apologies, my Internet closed. I was hoping to move  
10 to the procedural instructions beginning on page 4 of that  
11 notice. There we go.

12 So the notice did provide instructions for the  
13 conduct and proceedings. I'll just ask, have all the parties  
14 had a chance to review the process set forth in the May 8<sup>th</sup>  
15 notice, and are there any questions? I'll start with  
16 Applicant. Do you have any questions regarding the  
17 instructions in the notice?

18 MR. GALATI: Yes, I do. This is Scott Galati  
19 representing the Applicant.

20 The question that I have is the Committee asked  
21 several questions for us to respond in testimony of which two  
22 of us did, Mr. Sarvey did not.

23 HEARING OFFICER LEMEI: Uh-huh.

24 MR. GALATI: I'm -- I'm assuming that since the  
25 directions are clear that all opening, direct, and rebuttal

1 testimony needs to be filed prior to our evidentiary hearing,  
2 that Mr. Sarvey should be limited to cross-examination on  
3 those questions. Is that correct?

4 HEARING OFFICER LEMEI: Mr. Sarvey, do you have  
5 a -- a response to that before I respond?

6 MR. SARVEY: I have no idea what Mr. Galati's  
7 talking about. He's already trying to limit my participation  
8 about five minutes in the prehearing conference. I will ask  
9 questions about anything that they filed, anything I filed,  
10 any reference documents they used, and any reference  
11 documents I used. I'll use them in the hearing.

12 HEARING OFFICER LEMEI: Okay. Right. I think  
13 that, Mr. Galati, I understand your question to really be  
14 speaking to, you know, sort of, sort of preemptively speaking  
15 to what can be addressed at the evidentiary hearing. And it  
16 is my preference not to, you know, not to make a ruling in  
17 the abstract. If something is raised at the evidentiary  
18 hearing and you have concerns about that, that it's  
19 inconsistent with the, with the instructions provided by  
20 the -- by the Committee in the notice, I think it's best to  
21 address that when that issue comes up.

22 MR. GALATI: It's your way. But just to clarify  
23 to -- so that Mr. Sarvey can properly prepare, I'm -- I'm not  
24 objecting to him asking question. My objection was for him  
25 testifying. As you know, sometimes he is witness, and



1 sometimes he's asking cross-examination question. Because --  
2 yeah. So I just wanted to clarify for him. But I'll make my  
3 appropriate objections if -- if direct evidence starts to  
4 come in that should have been prefiled.

5 MR. SARVEY: Can I respond to that?

6 HEARING OFFICER LEMEI: You may.

7 MR. SARVEY: In the last hearing I think Mr. Galati  
8 was admonished for testifying when he had witnesses  
9 available, but I don't have any witnesses available, so  
10 sometimes I do have to serve as a dual role. But when I,  
11 when I'm questioning, I'll try not to testify.

12 Thank you.

13 HEARING OFFICER LEMEI: Okay. Well hopefully we'll  
14 be able to keep that straight when, when we're -- when we're  
15 in the evidentiary hearing.

16 Staff, did you have any questions about the  
17 instructions in the May 8<sup>th</sup> notice?

18 MS. DECARLO: Yes. This is Lisa DeCarlo.

19 One quick question. I just wanted to make sure  
20 that there was flexibility in the opening statement directive  
21 to present that as a question and answer, in that format if  
22 staff chooses to.

23 HEARING OFFICER LEMEI: Oh, right, because the  
24 instructions were for, for each witness to provide a brief  
25 opening statement. You're saying that your preference might

1 be to have the -- have the opening testimony be provided  
2 through question and answer.

3 MS. DECARLO: Yeah. Sometimes it's easier when,  
4 especially when topics are complicated and varied. Sometimes  
5 it's easier just to walk through it in question and answer,  
6 answer format.

7 HEARING OFFICER LEMEI: Yeah. I don't -- I don't  
8 think that we would have an objection to that. The -- again,  
9 the purpose of these instructions were to just clarify that  
10 we needed to maintain a clear record and needed to, you know,  
11 have the parties take turns in order needed to be a bit more  
12 formal. But -- but what you're describing, Ms. DeCarlo, is  
13 consistent with -- with that intention I believe.

14 MS. DECARLO: Great. Thank you.

15 HEARING OFFICER LEMEI: Mr. Sarvey, do you have any  
16 questions?

17 MR. SARVEY: No, I do not. Thank you.

18 HEARING OFFICER LEMEI: Sure. And I will ask if  
19 CURE has any questions, but I don't believe CURE is  
20 participating. I will take that silence as confirmation that  
21 they have not joined us since -- since we got started.

22 So then on a related note, are there any objections  
23 made to evidence that has previously been filed? Again, I'll  
24 just go through the parties in order.

25 Applicant, do you have any objections?

1 MR. GALATI: No, I do not.

2 HEARING OFFICER LEMEI: Staff, do you have any  
3 objections?

4 MS. DECARLO: No objections.

5 HEARING OFFICER LEMEI: Mr. Sarvey, do you have any  
6 objections?

7 MR. SARVEY: No objections.

8 HEARING OFFICER LEMEI: And in the unlikely event  
9 that CURE just joined, do you have any objections?

10 Hearing none.

11 All right. Because we're using a formal process,  
12 we ask that if possible, you have most of your cross-  
13 examination written out or outlined. As set forth in the  
14 May 8<sup>th</sup> notice, you may only use documents, a document that  
15 has been previously identified as an exhibit when questioning  
16 a witness.

17 When asking your questions, start by identifying  
18 the document, either by exhibit number or its CAN or ideally  
19 you'll be able to provide both, and the specific page number  
20 you may be referencing. Please allow the witness to finish  
21 their answer and for the benefit of the court reporter and  
22 the transcript, please remind your witness not to talk over  
23 each other or the person who's asking the questions.

24 I will observe that this didn't go seamlessly in  
25 the recent Walsh hearing, and we managed to -- to make it

1 through. But it really would be appreciated, you know,  
2 insofar as we're able to have the, the exhibits queued up in  
3 advance, it really can make things go a bit more efficiently,  
4 and -- and a reference to, you know, if it's a voluminous  
5 document to the specific portion we're going to be speaking  
6 about. That -- that will save time. And to the extent that  
7 that's possible, it's -- it really, we would really like the  
8 parties to do that.

9           Finally, I'd like to remind you about the  
10 requirements to file the list of exhibits you intend to use  
11 no later than the hearing, June 5th. I just spoke to that.

12           MS. DECARLO: This is Lisa DeCarlo. I'm sorry.  
13 Just a quick question on that.

14           HEARING OFFICER LEMEI: Uh-huh.

15           MS. DECARLO: If we don't have any additions to the  
16 exhibit list we filed in our prehearing conference statement,  
17 does the Committee still want us to file something?

18           HEARING OFFICER LEMEI: No, no. I'm sorry. Let me  
19 clarify. This is not -- this is not asking for a supplement  
20 to the prehearing conference statements. And I apologize. I  
21 could have worded this better.

22           This is requesting that any parties that, any  
23 documents that a witness is going to speak to or use at the  
24 hearing, we would appreciate, we would like prior to the  
25 hearing, meaning before Friday. Since the hearing is at

1 10:00 a.m., it would be nice to be able to use Thursday or at  
2 least Friday morning to do this. Make sure those exhibits  
3 are queued up and ready to go so that our -- so that our  
4 support staff is able to put them up on the screen and we're  
5 all able to have them ready and in front of us so that we can  
6 all be talking from the, you know, have the benefit of seeing  
7 the same thing.

8           And it -- it's even more important so that the  
9 members of the Committee are able to, you know, it can be  
10 challenging to follow the document on the screen. It's nice  
11 if you can bring it up on your own computer and, you know,  
12 see -- see what's being discussed in context. But that is  
13 much, much easier if we have a list in advance and people can  
14 have those documents queued up and ready so that when they're  
15 discussed by witnesses, we have them on hand for reference  
16 and don't have to dive into the exhibit list and find them  
17 and scroll to the right page.

18           Does that make sense?

19           MS. DECARLO: Yes, thank you.

20           HEARING OFFICER LEMEI: So again, I'll just go  
21 through, Applicant do you have any questions about that?  
22 Concerns about that?

23           MR. GALATI: Yeah, the only question that I have is  
24 we did that for Walsh. We all submitted which exhibits we  
25 wanted to use. Were you asking us to submit which portion of

1 those exhibits as well?

2 HEARING OFFICER LEMEI: It's not an absolute  
3 requirement, but it would -- it would help us get the, you  
4 know, have the relevant portions. I mean if it's a short  
5 document, it's not that big a deal. But if it's a -- if it's  
6 a long document, something that's, you know, a couple hundred  
7 pages long, being able to find that quickly, you know, just  
8 for example, we could -- we could have those queued up and  
9 ready to go in advance if we do have that, the more specific  
10 citation. This wasn't, I don't think this was specifically  
11 stated in the instructions that we provided. But insofar as  
12 it's possible, it would be appreciated.

13 MR. GALATI: Okay. Thank you.

14 HEARING OFFICER LEMEI: And Mr. Sarvey, do you have  
15 any -- any questions or concerns?

16 MR. SARVEY: No, I don't. Thank you.

17 HEARING OFFICER LEMEI: All right.

18 CURE, I assume that you are not yet, not have  
19 joined us. Okay. All right.

20 Regarding the questions the Committee asked. In  
21 the May 8<sup>th</sup> notice, the Committee stated that -- sorry. In  
22 the May 8<sup>th</sup> notice, we stated that we would need, discussed  
23 the need and time for any rebuttal to the filings submitted  
24 in response to the questions. Does anybody want to discuss  
25 the need or the need for rebuttal to the, specifically

1 rebuttal to the -- to the answers? Or to the answer, to  
2 the -- how do I say this?

3 Does anybody wish to discuss the need and timing  
4 for rebuttal to the filings that were specifically in  
5 response to the Committee's questions?

6 And Liza, do we have anyone indicating through a  
7 raised hand feature? Maybe I'll just go through the parties  
8 again.

9 Applicant, do you -- do you have anything to say on  
10 that?

11 MR. GALAI: Yes, Mr. Lemei. Thank you.

12 That was the purpose of my question before. If  
13 there is -- if Mr. Sarvey specifically is going to be  
14 providing direct rebuttal testimony that is not in writing  
15 when he did not file answers to the questions, I think it  
16 would be helpful, and think it should be required that he  
17 file those in writing ahead of time.

18 HEARING OFFICER LEMEI: Okay. Mr. Sarvey, do you  
19 have a position on Applicant's request that you file any  
20 rebuttal? That if you wish to provide rebuttal testimony to  
21 either staff or Applicant's filings in response to the  
22 Committee's questions, that you do so in writing in advance  
23 of the hearing?

24 MR. SARVEY: Well the fact is on the supplementary  
25 testimony that was provided, there was no rebuttal to it.

1 So. We encountered this in the last proceeding and, you  
2 know, he's -- they're going to rebut whatever testimony I put  
3 forward, and I'm going to rebut whatever testimony they put  
4 forward. There was no rebuttal on that final -- on the final  
5 information that the Committee asked for.

6 HEARING OFFICER LEMEI: Right. The Committee did not  
7 explicitly provide for written rebuttal. I understand  
8 Mr. Galati to be essentially asking the Committee to order  
9 such rebuttal be filed in writing in advance of the hearing,  
10 you know, if somebody wishes to submit rebuttal testimony.

11 I guess I'll just ask it this way. Do you wish,  
12 Mr. Sarvey, to file written rebuttal testimony in advance of  
13 the hearing?

14 MR. SARVEY: I don't see any purpose in it. No.

15 HEARING OFFICER LEMEI: But do you wish to reserve  
16 the right to provide oral rebuttal testimony at the hearing?

17 MR. SARVEY: Oh, yes.

18 HEARING OFFICER LEMEI: And Mr. Galati, do I  
19 understand you to be objecting to that at this stage?

20 MR. GALATI: That's exactly what I'm objecting to.  
21 Mr. Sarvey had an opportunity like everybody else to answer  
22 the Committee question and to provide rebuttal that we, staff  
23 and I, cannot prepare for because he chose not to answer the  
24 question in writing.

25 Remember, rebuttal is his testimony, his actual



1 explanation of what his position is. And we would like to  
2 know what that explanation is. He's perfectly fine crossing  
3 our witnesses and perfectly fine asking questions of other  
4 witnesses on those topics. I just want to know if he is  
5 going to also, then, tell the Committee what he thinks the  
6 answers to those questions should be as direct -- as  
7 testimony.

8 HEARING OFFICER LEMEI: Okay. So --

9 MR. SARVEY: I think Mister -- excuse me.

10 HEARING OFFICER LEMEI: Go ahead.

11 MR. SARVEY: I think Mr. Galati is a little confused  
12 with the Walsh Data Center. I did file rebuttal. I did  
13 answer the Committee's questions in this proceeding.

14 MR. GALATI: You did not answer the Committee's  
15 questions in this proceeding, you did it in the Walsh  
16 proceeding.

17 MR. SARVEY: I think it was just the opposite. But  
18 I'll look in to it. I do get confused, I'm in four of these  
19 things. So, yeah, but I think you might be wrong on that.

20 HEARING OFFICER LEMEI: That was is under --

21 MR. SARVEY: I'll check that.

22 HEARING OFFICER LEMEI: Okay. Please do check that.

23 And I guess just for completeness, I will ask staff  
24 if they have a position on this current exchange between --  
25 on this very specific issue of Mr. Sarvey's potential

1 rebuttal testimony either in writing or orally at the hearing  
2 that would specifically respond to staff and Applicant's  
3 written responses to the questions.

4 Applicant, do you have a position on Mr. Galati's  
5 request?

6 MS. DECARLO: Lisa DeCarlo for staff.

7 Yeah, we agree with the Applicant that if any  
8 rebuttal testimony is going to be presented, that it should  
9 be presented prior to the evidentiary hearing.

10 HEARING OFFICER LEMEI: Okay.

11 MR. SARVEY: So does that mean staff and Applicant  
12 are not providing any oral rebuttal testimony at the hearing?  
13 Is that what we're agreeing to?

14 MR. GALATI: Excuse me, I raised my hand. I'd like  
15 to respond to that.

16 HEARING OFFICER LEMEI: Sorry. Go ahead, Mr. Galati.

17 MR. GALATI: Mister -- I checked the docket,  
18 Mr. Sarvey did not file responses to the Committee's  
19 questions. So we have nothing to rebut because he didn't  
20 file any testimony of what his opinion is on the answers to  
21 those questions.

22 HEARING OFFICER LEMEI: Right. So my understanding  
23 is that --

24 MR. GALATI: We will file and we will --

25 HEARING OFFICER LEMEI: -- Mr. Sarvey did not

1 respond -- not any responses to the question.

2 MR. GALATI: Correct. I'm only -- my objection is  
3 only to the responses to the questions. We filed rebuttal  
4 testimony to the other testimony that Mr. Sarvey filed and we  
5 plan to present that testimony.

6 When it comes to the last filing, which were the  
7 responses to the Committee questions, that's my only  
8 objection. We should -- I would like to see and we think  
9 it's fair that staff and we see what Mr. Sarvey believes is  
10 the answer to those questions so we can prepare rebuttal  
11 testimony.

12 HEARING OFFICER LEMEI: Okay.

13 MR. SARVEY: I believe that -- I believe this was  
14 raised in the last proceeding and it was overruled. But  
15 you're welcome to make whatever ruling you want.

16 HEARING OFFICER LEMEI: So I think -- you know, I  
17 wasn't residing over the last proceeding and -- but my memory  
18 is that, present forward, my memory is the issue was subtly  
19 different as it came up in the evidentiary hearing. Of  
20 course in that context, we weren't dealing with something  
21 that was extract, we were dealing with very specific  
22 information that was being put in the record.

23 Whereas here, we're speculating about what Mr. Sarvey  
24 might want to put into the record at the -- at the hearing.  
25 What I will notice, first, Mr. Sarvey didn't provide

1 responses to the questions in the first instance. However,  
2 responding -- rebutting staff and Applicant's answers to the  
3 questions in whatever form they took is distinct from  
4 providing answers in the first instance.

5 But Mr. Sarvey, you were not -- you do not wish to  
6 provide written responses to -- written rebuttal to staff's  
7 and Applicant's responses.

8 MR. SARVEY: Well to be honest with you, Applicant  
9 and staff have a lot of people behind them, I have nobody  
10 behind me. I didn't have time to answer the Committee's  
11 questions, just too busy dealing with the evidentiary hearing  
12 in the other proceeding.

13 But I don't see how me responding to what they have  
14 written in their answers to Committee questions, how that in  
15 any way prejudices them.

16 MS. DECARLO: This is Lisa DeCarlo.

17 I think the concern is if that -- if there's an  
18 intent to provide new evidence to address or respond to the  
19 Applicant and staff's responses. I think the concern is if  
20 new evidence is intended to be provided, that we would ask  
21 that that be presented prior to the evidentiary hearing.

22 MR. SARVEY: Well I'll file all the documents I  
23 intend to use but as far as, you know, that goes, are you  
24 guys going to file all your questions to me in advance?

25 HEARING OFFICER LEMEI: Well they're not asking -- I

1 think they're asking the questions be filed in advance,  
2 they're asking that testimony be filed in advance. And --

3 MR. SARVEY: I don't think the Committee's authorized  
4 that.

5 HEARING OFFICER LEMEI: So --

6 COMMISSIONER DOUGLAS: Mr. Lemei, this is  
7 Commissioner Douglas.

8 Let's -- I think we've had a thorough discussion of  
9 this topic. We have a closed session scheduled at the close  
10 of the prehearing conference.

11 HEARING OFFICER LEMEI: Yes.

12 COMMISSIONER DOUGLAS: Let's go on and if we wish to  
13 clarify this question in writing, we can do so.

14 HEARING OFFICER LEMEI: Yeah, I think that that -- I  
15 think that that makes a lot of sense.

16 So at this point the Committee's not making the  
17 ruling on any objections and taking the position of the party  
18 under advisement.

19 All right. I've lost my place in the script, so let  
20 me -- let me try to figure out where we were. That was a --  
21 that was a rather in-depth discussion.

22 So I think that -- I think that I had asked staff for  
23 their position. I didn't formally go through and ask all the  
24 parties for -- I didn't ask each party for their own desire  
25 to provide rebuttal testimony, we were speaking exclusively

1 to the question of Mr. Sarvey's.

2 I take it that that was the only issue that anyone  
3 had with respect to responses or rebuttals. And I'm going to  
4 move on to the next issue.

5 Okay. So.

6 MR. SARVEY: Can I ask one more question?

7 HEARING OFFICER LEMEI: You may.

8 MR. SARVEY: Mr. Galati's filed quite a few exhibits  
9 already that -- and I assume I get to use those in  
10 questioning his witnesses and staff's witnesses. Is that  
11 correct?

12 HEARING OFFICER LEMEI: I believe you can question  
13 Mr. Galati's witnesses about his exhibits.

14 MR. SARVEY: Okay. Thank you.

15 HEARING OFFICER LEMEI: Do you have an objection to  
16 that, Mr. Galati?

17 MR. GALATI: No. And again, just to be real clear, I  
18 don't have any problem with Mr. Sarvey using anything in the  
19 record to cross-examine any of the witnesses. I wasn't --  
20 that's not what my objection. Actually, it's not an  
21 objection, it was a question.

22 I'll wait and object as it comes up. I just thought  
23 it would be important to address this issue now. And thank  
24 you for the Committee considering it in closed session  
25 (indiscernible).

1 HEARING OFFICER LEMEI: Yeah, we'll discuss it. My  
2 inclination is to this is best to address at the evidentiary  
3 of hearing. But we will discuss it in closed session and if  
4 we feel the need to provide written -- written guidance or  
5 written response, then we will.

6 Okay. So regarding the issues that were raised by  
7 the parties in their prehearing conference statements. First  
8 of all, thank you everyone for filing prehearing conference  
9 statements.

10 So starting with the Applicant's prehearing  
11 conference statement indicates the following as requiring  
12 time at the evidentiary hearing. The issues were  
13 jurisdiction in grid capacity, energy resources, greenhouse  
14 gas emissions, air quality and public health, utilities and  
15 public services, and environmental justice.

16 Did I get that list right?

17 MR. GALATI: Yes, you did.

18 HEARING OFFICER LEMEI: Okay.

19 MR. GALATI: And I could handle environmental justice  
20 and air quality if the -- if the issues were combined like  
21 they were in Walsh which I think that they were,  
22 environmental justice as it relates to air quality emission.

23 HEARING OFFICER LEMEI: Okay. That's good enough.  
24 Thank you.

25 Okay. Staff's prehearing conference statement

1 indicated staff would like to invite witnesses on grid  
2 capacity, air quality, greenhouse gases, energy resources and  
3 public health. Staff also requested time to question  
4 Mr. Sarvey on his opening rebuttal testimony on the topics of  
5 air quality, greenhouse emissions, and energy and energy  
6 resources.

7 Staff, did I get that list correct?

8 MS. DECARLO: Yes, I believe so.

9 HEARING OFFICER LEMEI: Great. All right.

10 Mr. Sarvey listed the following as required in  
11 adjudication. Air quality, including the analysis of  
12 emergency operations and impacts. And greenhouse gas -- or  
13 air quality, including the analysis of emergency operations  
14 and potential impacts therefrom. Greenhouse gas emissions,  
15 utilities and service systems, energy resources, and  
16 jurisdiction.

17 Mr. Sarvey, did I -- did I get that list correct?

18 MR. SARVEY: Yeah, jurisdiction related to generating  
19 capacity.

20 HEARING OFFICER LEMEI: Right. Jurisdiction related  
21 to generating capacity. Thanks for the clarification.

22 So the parties have confirmed that's the right list.  
23 No other topics were identified. Are there any other  
24 additional topics that anyone wishes to request at this time?

25 MR. GALATI: Mr. Lemei, this is Scott Galati.



1           I may have misheard but I wanted to make sure that  
2 you also identified for the record that I had requested some  
3 time for cross-examination. I think you only asked me about  
4 the questions in my affirmative testimony. But I do have  
5 cross-exam --

6           HEARING OFFICER LEMEI: I think you're right. That's  
7 a good point and my apologies for that omission.

8           MR. GALATI: It's okay. Thank you.

9           HEARING OFFICER LEMEI: So I will make a note of that  
10 right now.

11           Okay.

12           MR. SARVEY: And I've also asked for cross-  
13 examination too.

14           HEARING OFFICER LEMEI: Right. I'll make a note of  
15 that as well.

16           All right. Is there anything anyone wants to discuss  
17 in addition to just clarifying the time to cross-examine,  
18 does anyone wish to discuss further the testimony they want  
19 to provide at this stage?

20           MS. DECARLO: This is Lisa DeCarlo.

21           I just want to confirm that we'll be able to present  
22 our testimony in various panels because of a significant  
23 amount of crossover in the Cal air quality testimony.

24           I think this happened in Walsh as well. We presented  
25 our direct testimony from various witnesses and also

1 presented other witnesses who weren't presenting direct  
2 testimony but were available to respond to questions all  
3 together.

4 HEARING OFFICER LEMEI: Yeah. So in general, we're  
5 just going to be following the same format for Walsh. You  
6 know, what I will note is that what's different about these  
7 proceedings from how we, you know, conducted some of our  
8 evidentiary hearings in the not so distant past for, you  
9 know, in other context and for other proceedings is that we  
10 would sort of had more of a free-form panel discussion and  
11 here we're really looking to have the -- the question and  
12 answer be much more specific to keep a much cleaner record  
13 than we might have from our even more informal processes that  
14 we've used before.

15 But my sense of the Walsh proceeding is that it  
16 adhered to that and within keeping with that objective. So  
17 as long as don't depart from that, I think we'll be fine.

18 MS. DECARLO: Great. And then just confirming, too,  
19 that as in Walsh, it was I think helpful to have the  
20 representative from SVP and the representative from BAAQMD  
21 going before at least staff because a lot of I think  
22 Mr. Sarvey's questions really focus on their expertise.

23 HEARING OFFICER LEMEI: Got it. Okay.

24 So what I think I hear you saying is that you're  
25 looking to follow the same order of operations for this

1 proceeding -- for this evidentiary hearing as you did for the  
2 Walsh proceeding including the order of presentation of those  
3 witnesses.

4 MS. DECARLO: Yes, if possible.

5 HEARING OFFICER LEMEI: I think that makes sense.

6 Does anyone else have any objection to that?

7 MR. GALATI: This is Mr. Galati, no objection.

8 MR. SARVEY: No objection. Bob Sarvey.

9 HEARING OFFICER LEMEI: Good. Okay.

10 I guess I'll just before -- before moving on to  
11 briefing schedule, I'll just check in with the Committee and  
12 also, and it's a little unorthodox, but my fellow hearing  
13 officer Susan Cochran, if you're listening. If there's  
14 anything that you think, you know, since this is my first  
15 prehearing conference. If there's anything additional that  
16 you think I need, you know, we might want to ask at this  
17 juncture in anticipation of the hearing.

18 COMMISSIONER DOUGLAS: This is Commissioner Douglas.  
19 I think we're fine.

20 HEARING OFFICER LEMEI: And I don't -- I don't know  
21 if Susan is on the line, I don't hear her speaking up. So  
22 I'm going hope that her silence is in assent to what we have  
23 so far.

24 MS. COCHRAN: My silence was acquiescence.

25 HEARING OFFICER LEMEI: Acquiescence. Perfect.

1 Thank you.

2 That was Susan Cochran, for the court reporter.

3 Okay. Just a quick question about the briefing  
4 schedule.

5 Do parties have -- have positions or wish to make  
6 requests with respect to briefings at this juncture?

7 MR. GALATI: This is Scott Galati.

8 Yes. I do think that when, you know, hopefully  
9 before next week we will get the requests for briefing in  
10 Walsh. To the extent that that request asks for evidence to  
11 be provided, we're going to be proactive and try to provide  
12 that evidence to the Commission.

13 And again, I think if it's evidence, it should come  
14 in an evidentiary hearing, not in briefs. But I think that  
15 it would be probably helpful, although I don't believe we're  
16 going to need time for briefs, it would probably be helpful  
17 to wait till at the end of the evidentiary hearing and have  
18 the Committee tell us should they want something briefed.

19 HEARING OFFICER LEMEI: Uh-huh. So I wasn't sure if  
20 I fully understood the first aspect of your -- of your  
21 comment or request.

22 You were saying that before next week, you do expect  
23 the brief will be filed in this other proceeding, Walsh, and  
24 that if evidence is requested, I didn't totally understand  
25 what, you know, you're anticipating or speculating that maybe

1 there'll be a request for additional evidence and if there  
2 is, then what?

3 MR. GALATI: You know, Mr. Lemei, I think that what's  
4 happening is I can't let go of my old trial room roots and  
5 having a very hard time sometimes sitting in with the  
6 informal process.

7 HEARING OFFICER LEMEI: Okay.

8 MR. GALATI: I'm very -- try to be clear what's  
9 evidence and what's legal. The issues that happened in  
10 Walsh, it's difficult to dispense -- it's difficult to  
11 separate them easily between whether CEQA is a legal issue or  
12 a practical opinion-related expert issue.

13 What I was saying is when we get the questions from  
14 the Commission in Walsh, not when we file the answers but  
15 when we get the questions from the Committee, to the extent I  
16 believe that those questions require an expert opinion such  
17 as it is evidence, I will try to provide it in this  
18 proceeding so that truly all we need to do is brief legal  
19 issue if the Committee requests at the end. That was what I  
20 was just trying to --

21 HEARING OFFICER LEMEI: That makes complete sense,  
22 Mr. Galati.

23 And, yeah, I mean, I think that all of us would  
24 acknowledge the reality that there is some crossover in terms  
25 of the issues that are raised in the Walsh proceeding and

1 this proceeding.

2 And so, yes, and so far as you're able to extrapolate  
3 from requests in that proceeding and get ahead of what might  
4 be similar in this proceeding, that is of course helpful and  
5 encouraged and has the potential to make this proceeding go a  
6 little bit -- a little bit more in a more streamlined manner.

7 Thank you, Mr. Galati.

8 Do staff, do you have any specific comments with  
9 respect to potential briefing for the Sequoia proceeding at  
10 this time?

11 MS. DECARLO: This is Lisa DeCarlo.

12 Only to state that staff does not feel the need for  
13 briefs or does not desire to require briefs so we're  
14 certainly happy and willing to provide briefs if the  
15 Committee determines at the end of evidentiary hearing that  
16 they're necessarily for their use.

17 HEARING OFFICER LEMEI: And Mr. Sarvey, do you have a  
18 specific position with respect to briefs for this proceeding  
19 at this time?

20 MR. SARVEY: Yeah, in my prehearing conference I  
21 requested briefs two weeks after the opening -- after the  
22 transcript comes out and reply briefs two weeks after that.

23 HEARING OFFICER LEMEI: Do you have a specific  
24 subject matter that you think -- that you would particular  
25 like to brief on them?

1 MR. SARVEY: All the contested issues. That's what  
2 we normally do in most proceedings.

3 HEARING OFFICER LEMEI: Okay. Briefs are most  
4 helpful when they are resolving -- when they're shedding  
5 light on particular legal questions that are -- that are  
6 potentially outstanding.

7 At this point, are there any particular legal  
8 questions that you think may be outstanding and need  
9 briefing? Understand that we haven't had evidentiary  
10 hearings yet, and that you foresee what potential warrant  
11 briefing?

12 MR. SARVEY: Certainly we're going to be talking  
13 about thresholds of significance of greenhouse gases. I'm  
14 sure we're going to need to brief that. And depending on the  
15 outcome of the evidentiary hearing, it's a lot easier for the  
16 Committee to issue a PMPD when all the parties' positions and  
17 all the parties' interpretation of the facts.

18 And for me to participate, I don't have a big crew  
19 behind me, hard for me to get everything out in an  
20 evidentiary hearing, but if I have a little bit of time to  
21 brief it, I can give a coherent description to the Committee  
22 with the legal facts I think they're appropriate. And I  
23 always recommend that we do briefing. It's better for the  
24 Committee and said they put a PMPD out and then, you know, I  
25 have sit there and say oh, that's not what I said or that's

1 what they said or blah, blah, blah.

2 So I just think it's much clearer for the Committee  
3 if they have briefs to fall back on.

4 HEARING OFFICER LEMEI: And just to put a fine point  
5 on it, your preference is to have briefs and not, for  
6 example, use closing testimony at the evidentiary hearing to  
7 sort of summarize your position?

8 MR. SARVEY: I think briefs are much better. I know  
9 Mr. Galati favors closing -- the closing statement. I think  
10 both's appropriate.

11 HEARING OFFICER LEMEI: Okay. Well appreciate  
12 hearing at this juncture what the parties' positions are on  
13 that.

14 Okay. I think that that concludes the portion that I  
15 wanted to -- my leading the discussion in anticipation of the  
16 evidentiary hearing.

17 I will at this point ask if there are any members of  
18 the public that wish to comment on what they heard in the  
19 prehearing conference or otherwise comment on the proceeding.

20 I'm scrolling through and I am not seeing any raised  
21 hands. Not obvious to me that we have many members of the  
22 public participating. Although we have a few calling agents  
23 that I haven't been able to identify.

24 Are the lines unmuted right now so that if anyone  
25 wanted to speak up they'd be able to or can we unmute the



1 lines?

2 MS. LOPEZ: This is Liza, the host.

3 Galen, you want me to unmute everybody?

4 HEARING OFFICER LEMEI: Yeah. I think just briefly  
5 just for the moment. I'm sure we'll get a bunch of  
6 background noise. But just so that anyone, if there are  
7 members of the public that haven't been identified, it gives  
8 them the chance.

9 So the public, if anyone wants to speak up, you  
10 are -- everyone is unmuted. I'm not hearing anyone.

11 I don't know if the public advisor is present. And  
12 if they had knowledge of anyone, I assume that they would let  
13 me know. I'm going to take it that there are no public -- no  
14 members of the public that wish to comment at this time.

15 MS. GALLARDO: Galen, this is Noemi Gallardo, the  
16 public advisor.

17 HEARING OFFICER LEMEI: Yes.

18 MS. GALLARDO: Just wanted to say we should probably  
19 remind folks to unmute themselves if they do want to speak.  
20 I would give that a couple of seconds.

21 HEARING OFFICER LEMEI: That's a good point. Thank  
22 you, Noemi.

23 MS. GALLARDO: And I did not receive anything in  
24 writing.

25 HEARING OFFICER LEMEI: Okay. Let's unmute the lines

1 one more time and just remind everyone that if you are muted  
2 and wish to speak, please unmute yourself. We can only  
3 unmute you on our end.

4 So again, I think everyone is going to be unmuted and  
5 anybody who wishes to speak, please unmute yourself and let  
6 us know.

7 So I'm not hearing any responses. And I am hopeful  
8 that by now anyone who wanted to speak would have had enough  
9 time to let us know if they were -- if they were having  
10 difficulty.

11 Okay. I'm going to take it that there is no member  
12 of the public wishing to comment.

13 All right. The Committee is now going to adjourn to  
14 a closed session. As indicated in the notice, in accordance  
15 with California Government Code Section 11126, subdivision  
16 (c)(3) which allows for state body to hold a closed session  
17 to deliberate on a decision to be reached in a proceeding the  
18 state body is required by law to conduct.

19 I think we anticipate returning in no more than an  
20 hour. Are we anticipating a report out to the --

21 COMMISSIONER DOUGLAS: Galen, this is Commissioner  
22 Douglas.

23 HEARING OFFICER LEMEI: Yes.

24 COMMISSIONER DOUGLAS: No.

25 HEARING OFFICER LEMEI: Okay.

1 COMMISSIONER DOUGLAS: Let's release the parties.

2 HEARING OFFICER LEMEI: Okay. So we are not  
3 anticipating a substantive -- anything substantive after the  
4 close of -- or after the closed session. So the parties are  
5 not expected to be present for the conclusion -- at the  
6 conclusion of the closed session.

7 So with that, I'm going to step away from the public  
8 portion and join the closed session with the Committee.

9 Thank you all for participating.

10 (Off the record at 3:30 p.m.)

11 (On the record at 3:55 p.m.)

12 COMMISSIONER DOUGLAS: We are back from closed  
13 session.

14 And Galen, is there anything else you wanted to say?

15 HEARING OFFICER LEMEI: Let me pop over to my script.  
16 I believe that -- no, at this point, I will hand the meeting  
17 back over to Commissioner Douglas to adjourn the meeting.

18 COMMISSIONER DOUGLAS: And we're adjourned. Thank  
19 you, everybody.

20 (Thereupon, the Hearing was adjourned at 3:55 p.m.)

21 --oOo--

22

23

24

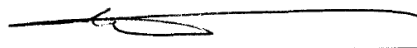
25

**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 28th day of July, 2020.



---

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 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 28th day of July, 2020.



Jill Jacoby  
Certified Transcriber  
AAERT No. CERT\*\*D-633