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CALIFORNIA ENERGY COMMISSION

In the Matter of:)
) 23-BUSMTG-01
 Business Meeting)
)

2:00 P.M. - 3:00 P.M.

Remote Access Only via Zoom

Please note that the California Energy Commission (CEC) aims to begin the business meeting promptly at the start time and the end time is an estimate based on the agenda proposed. The meeting may end sooner or later than the time indicated depending on various factors.

Pursuant to the California Code of Regulations (CCR), title 20, section 1104(e), any person may make an oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes or less per person. Any person wishing to comment on information items or reports (non-voting items) shall speak during the public comment portion of the meeting and have three minutes or less to comment.

Reported by:
Peter Petty

APPEARANCES (*Present via Zoom)

Commissioners

David Hochschild, Chair
Siva Gunda, Vice Chair
Noemi Gallardo
Andrew McAllister
Patty Monahan

Staff Present:

Drew Bohan, Executive Director
Linda Spiegel, Chief Deputy Director
Linda Barrera, Chief Counsel
Mona Badie, Public Advisor

Agenda Item

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a. Pursuant to Government Code Section 11126(e)(1), the CEC may adjourn to closed session with its legal counsel to discuss the following matter to which the CEC is a party:	
i. <i>Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King (United States District Court for the Eastern District of California, Case No. 2:20-cv-02283)</i>	
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PROCEEDINGS

MARCH 14, 2023

2:02 p.m.

(Start of Introductory Video.)

MS. MURIMI: Welcome to the California Energy Commission Business Meeting. Closed captioning via Zoom is available for today's meeting. Attendees can use this feature by clicking "CC" closed caption or "Live Transcript" and then selecting either "Show Subtitle" or "View Full Transcript." A Zoom recording of today's business meeting will be made available on the business meeting web page. A transcript rendered by a court reporter will be made available on the business meeting web page and in the business meeting docket.

Public participation at the business meeting is welcomed consistent with CEC regulations and the instructions found in the Agenda Notice for this meeting. During business meetings, public comment periods are announced, and instructions will be provided. For hybrid or in-person meetings, in-person attendees can use a QR code or blue cards as provided in the room to notify the CEC you would like to make a comment. For hybrid or virtual-only meetings, virtual attendees can click the "Raise Hand" icon on their screen to notify the CEC you'd like to make a comment. If joining by phone you can raise your hand by pressing *9 to notify the CEC that you would

1 like to make a comment.

2 To ensure the orderly and fair conduct of
3 business, public comments will be limited as announced, and
4 a timer will be shown on the screen. After you're called
5 on make your comment. Please spell your name and state any
6 affiliation before making your comment.

7 Welcome to the California Energy Commission's
8 business meeting. The meeting will now begin.

9 (End of Introductory Video.)

10 CHAIR HOCHSCHILD: Well, good morning, everyone.
11 My name is David Hochschild, Chair of the California Energy
12 Commission. Today is March 14th. I call this meeting to
13 order. Joining me are Vice Chair Gunda, Commissioner
14 McAllister, Commissioner Monahan, and Commissioner
15 Gallardo. We have a quorum. We'll begin with the Pledge
16 of Allegiance led by Commissioner McAllister.

17 (Whereupon the Pledge of Allegiance was recited.)

18 CHAIR HOCHSCHILD: Thank you, Commissioner.

19 We'll begin by taking public comment and then
20 move on to agency announcements. Is there any public
21 comment on Item 1?

22 MS. BADIE: Thank you. This is Mona Badie, the
23 Energy Commission's Public Advisor. The Commission
24 welcomes public comment at its business meetings. There
25 will be multiple opportunities for public comment today.

1 This initial public comment period is for any information
2 or nonvoting items on the agenda. And if you want to
3 comment on a voting item, we ask that you wait for the
4 dedicated public comment period for that item to make your
5 comment. If you are on Zoom and wish to comment, click the
6 "Raise Hand" icon on your screen. And if you're joining by
7 phone, please press *9 to raise your hand. We are limiting
8 comments to two minutes or less per speaker and one speaker
9 per entity. You will be called on when it is time for you
10 to make your comment, and a timer will be shown on the
11 screen.

12 I'm just giving it a few seconds. Okay, I'm not
13 seeing any raised hands. Chair, back to you.

14 CHAIR HOCHSCHILD: Okay, we'll turn now to Item
15 2, Agency Announcements. The only thing I wanted to share
16 is that typically we do a Commissioner retreat once a year
17 or toward the beginning of the year. We will be doing that
18 it's looking like May. And now that we have Commissioner
19 Gallardo on board and up to speed on her assignments and
20 issues, we'll be looking forward to that. So more to come
21 on that but I believe tentatively it set for May.

22 Again, this will be open to the public, a longer
23 meeting, a chance to kind of go over strategic priorities
24 and updates. So thanks everyone who's involved in
25 organizing that.

1 Any other announcements from other Commissioners?

2 Hearing none, we'll turn to Item 3, which is the request

3 for reconsideration of CEC's Denial of Petition for

4 Rulemaking. And I welcome Aleecia Gutierrez is to present.

5 MS. GUTIERREZ: Hello, just checking audio.

6 CHAIR HOCHSCHILD: Yeah, we hear you fine.

7 MS. GUTIERREZ: Perfect, thank you.

8 Good afternoon and good morning, Commissioners.

9 My name is Alicia Gutierrez, and I am the Director of the

10 Energy Assessments Division.

11 I'm here to provide staff's recommendation on an

12 action to be taken regarding the request for

13 reconsideration of the Western States Petroleum

14 Association's petition for SB 1322 rulemaking and stay of

15 penalties, filed with the CEC on February 15th, 2023. Next

16 slide.

17 The request for reconsideration asks the CEC to

18 reconsider its denial of WSPA's Petition for Rulemaking and

19 delay enforcing SB 1322's reporting requirements until the

20 Legislature or CEC clarifies terms used in SB 1322.

21 Staff has concluded that the request for

22 reconsideration did not provide any additional basis for a

23 rulemaking that wasn't presented in the first Petition for

24 Rulemaking. In addition, staff continues to believe the

25 statute is clear and can be enforced as written.

1 Finally, staff does not believe a stay is either
2 allowed or necessary, as the statutes already have
3 procedures to follow should the matter of a penalty for
4 non-compliance arise. Next slide.

5 On January 6, 2023, WSPA filed a petition with
6 the CEC to initiate a rulemaking, seeking clarity on the
7 terms in SB 1322, but providing no additional reasons why a
8 rulemaking was needed.

9 On January 25th, 2023, the CEC issued an order
10 denying the petition at a public business meeting stating
11 that SB 1322 could be implemented as written, and that the
12 CEC staff would work in good faith with the regulated
13 community to make sure that the information is in a
14 consistent format.

15 On February 6, 2023, the CEC sent a letter to
16 refiners noting that if they had any questions about
17 interpreting the terms, they could refer to California Code
18 of Regulations, Title 20, Division 2, the Federal Energy
19 Information Administration, or commonly understood industry
20 language when referring to the terms in SB 1322.

21 The CEC also provided the refiners an optional
22 form they could use to submit their data.

23 As of March 5, 2023, all refiners submitted SB
24 1322 reports to the CEC. One refiner provided partial
25 information and objected to providing some of the data, and

1 CEC will follow procedures to obtain complete information.

2 Next slide.

3 In WSPA's February 15 letter, they claim that the
4 terms in SB 1322 "are vague and contradictory, rendering
5 any reporting" "burdensome, inaccurate, and inconsistent."

6 SB 1322 consists of terms generally used in the
7 industry and refiners can use definitions contained in
8 Title 20 of the California Code of Regulations and federal
9 law to guide them in providing the requested data.

10 SB 1322 is clear as written and can be
11 implemented without further interpretive regulations.

12 The CEC's January 15th order denying the petition
13 is clear that the CEC intends to allow the Legislature to
14 complete related legislation before considering whether to
15 initiate a rulemaking.

16 WSPA's Petition for Reconsideration does not
17 provide additional information that would cause the staff
18 to reconsider its previous recommendation to deny the
19 petition for a rulemaking.

20 As noted in the response to WSPA's initial
21 petition, the Governor called a special session of the
22 Legislature on December 5th, 2022, to address gasoline
23 prices. And Senator Nancy Skinner introduced legislation
24 that proposes to impose gasoline price gouging penalties on
25 refinery operators.

1 The pending legislation includes the same terms
2 contained in SB 1322 including the term "gross gasoline
3 refiner margin."

4 For this reason, the CEC continues to believe
5 that the CEC should await the outcome of this very closely
6 related legislation before considering if a rulemaking is
7 helpful regarding the terms and requirements of SB 1322.

8 While the legislative process runs its course,
9 the language in SB 1322 is sufficiently clear to allow for
10 compliance. Next slide.

11 Also in its February 15th letter, WSPA requests
12 the CEC stay its enforcement of SB 1322. Public Resources
13 Code section 25362 provides the CEC with the authority to
14 impose penalties in the event of noncompliance with
15 reporting requirements. A stay is inappropriate and
16 premature at this time because any penalty would be imposed
17 after a due process hearing is provided.

18 Refinery operators would be subject to a civil
19 penalty only if, and after being notified of the failure to
20 provide specified information, they choose to delay or
21 refuse to submit the specified information. Since any
22 action the CEC would take depends first on the information
23 submitted by refinery operators, a general stay of the
24 potential for penalties would undermine the CECs authority
25 to enforce the law. Next slide.

1 Because WSPA has not provided support for a
2 request to reconsider the CECs decision to deny the
3 Petition for Rulemaking, staff recommends that the CEC deny
4 WSPAs request for reconsideration.

5 Staff also recommends the CEC deny the request
6 for a stay of SB 1322's reporting requirements as
7 premature, unsupported, and not properly before the CEC.

8 This concludes my presentation, and I am here
9 with the Chief Counsel's Office to respond to your
10 questions.

11 CHAIR HOCHSCHILD: Thank you so much, Aleecia.

12 We'll turn now to public comment on Item 3.

13 MS. BADIE: Thank you. This is Mona Badie, the
14 Public Advisor. The Commission now welcomes public comment
15 on Item 3. If you're on Zoom and wish to make a public
16 comment, please use the raise hand feature by clicking on
17 the open palm on your screen. And if you're joining by
18 phone, please press *9 to raise your hand. Comments will
19 be limited to two minutes per speaker and one speaker per
20 entity. Please wait for me to call on you to make your
21 comment and there will be a timer on the screen.

22 Okay, I see Sophie Ellinghouse has raised their
23 hand. I'm going to open your line. Please spell your name
24 for the record, and you may begin your comment.

25 MS. ELLINGHOUSE: Great, can you hear me okay?

1 MS. BADIE: Yes.

2 MS. ELLINGHOUSE: Okay, great. My name is Sophie
3 Ellinghouse, it's S-O-P-H-I-E E-L-L-I-N-G, house, H-O-U-S-
4 E.

5 MS. BADIE: Thank you, you may begin your
6 comment.

7 MS. ELLINGHOUSE: Perfect, thank you. As I just
8 stated, my name is Sophie Ellinghouse and I'm with the
9 Western States Petroleum Association as their General
10 Counsel.

11 SB 1322 requires clarifying guidance that is best
12 informed through a rulemaking. We've remained steadfast
13 here. Key terms lack clarity and are contradictory
14 rendering any reporting inaccurate, inconsistent and open
15 to misinterpretation.

16 The CEC's February letter to refiners even
17 acknowledged that industry may have more than one
18 definition of the terms and asked each refiner to explain
19 definitions or meanings. This is precisely the problem our
20 petition sought to avoid for all involved, including CEC
21 staff working to understand, sort, aggregate and post
22 January data within 11 workdays.

23 Here are only some items that are likely not
24 accounted for under the law: regulatory programs, refinery
25 operating costs, administrative costs, branding,

1 acquisition of ethanol and feedstocks, acquisition and sale
2 of finished product, timing of crude acquisition,
3 depreciation, hedging and the risk of double counting sales
4 and volume.

5 If additional clarification must come from the
6 Legislature, the CEC should still grant this petition, but
7 stay rulemaking and enforcement of SB 1322 until that
8 happens. Proceeding with enforcement now, without
9 providing the clarity that the CEC itself previously
10 admitted may be necessary, is unjust.

11 We have heard from Commissioners who are
12 concerned about price volatility, fuel affordability,
13 supply reliability, and the need to get ahead of and reduce
14 the number of energy crises. We agree these are critical
15 issues and are extremely concerned about policies that
16 could increase cost to consumers. And this data accurate
17 or not, has the potential to move markets possibly placing
18 in-state refineries at a competitive disadvantage.

19 Additionally, forcing the industry to comply
20 with unclear reporting requirements would also give rise to
21 unnecessary and avoidable constitutional issues. The CEC
22 is best with authority to forestall the law's public
23 reporting and enforcement, which we strongly encourage you
24 to exercise here. I would also ask whether the CEC is
25 confident that all data submitted in March was consistent,

1 and whether there will be any caveats regarding the data.

2 If the CEC denies our petition, we encourage a
3 public disclaimer and caveats that this data should not be
4 used to create public policy, because it will likely
5 provide a distorted view of how the industry operates.
6 Thank you.

7 MS. BADIE: Thank you for your comment.

8 Next, we have Claire Warshaw. Claire Warshaw,
9 I'm going to open your line. Please spell your name for
10 the record and you may begin your comment.

11 MS. WARSHAW: C-L-A-I-R-E, and then W-A-R-S-H-A-
12 W. I'm a member of the public. I called the website --
13 webpage on this particular agenda item has an Energy
14 Commission secretariat. I called the CEC 916-980-7973
15 number yesterday around 1:38 after looking at this
16 material, because I noticed that there was a petroleum
17 agency who only partially reported.

18 I know -- I don't think that was covered in the
19 presentation today, but I saw that in the backup material
20 somehow. And I wondered if that petroleum agency could be
21 mentioned as to who that is, because I do think it's
22 interesting for Californians, just the general public, to
23 know. I don't buy fuel typically. I'm not planning to
24 start any kind of boycott or anything like that. I just
25 think it is interesting data for people to know when

1 someone purposely or might not even try to submit data,
2 even though the state is trying to help them define that.

3 I also read the CEC provided some kind of
4 informational forum for these agencies. And it looks like
5 they're trying to help them send the data in. So I'm not
6 sure why any agency would not be able to do that. That's
7 it, thanks.

8 MS. BADIE: Thank you for your comment.

9 Those are the raised hands for this item. Chair,
10 back to you.

11 CHAIR HOCHSCHILD: Okay. Thank you, Ms.
12 Ellinghouse and Ms. Warshaw, for those comments.

13 We'll turn now to Commissioner discussion,
14 starting with Vice Chair Gunda. I just saw, he --

15 VICE CHAIR GUNDA: Yeah.

16 CHAIR HOCHSCHILD: -- dropped off. Are you back
17 on? Okay. Yeah.

18 VICE CHAIR GUNDA: Yeah, thank you, Chair. I was
19 just changing from the phone. So, yeah. Thank you,
20 Aleecia, for the presentation. And I wanted to begin by
21 also recognizing the comments that WSPA just made, as well
22 as Claire Warshaw's comments.

23 I think the 30,000 foot level, the way I
24 understand and track this is materially nothing has changed
25 since the last petition. And I want to just say to WSPA

15

1 and the members for -- most of them for taking the best
2 shot and submitting the information. We are reviewing the
3 information as an agency and we'll get better
4 understanding.

5 But I think the broad logic of just kind of
6 waiting, you know, given the special session. How quickly
7 it's going I'm thinking it could be resolved very quickly
8 here. And then kind of waiting for the special session to
9 see if the terms will be clarified, and subsequently take
10 the steps necessary to work with the industry in ways that
11 would help us get a better clarification on the information
12 makes sense to me. So I would support the staff
13 recommendation on declining it for now and continuing to
14 work with WSPA and the partners on getting the necessary
15 information. And then wait for the special session's
16 adjudication of what exactly is going to happen.

17 So with that, I don't have any further comments
18 then to support. And I -- just to WSPA's comments on
19 ensuring that we don't use inadequate information to
20 characterize the petroleum industry, is well taken and I
21 hear that. And I think as we process the information we
22 will certainly -- Sophie will come back to think through if
23 there is a lack of clarity or not necessarily the
24 information that, you know -- if the information is not
25 necessarily clear to us, we will absolutely work with the

1 industry in making sure that we move forward in a way
2 that's very reasonable. So, thank you.

3 CHAIR HOCHSCHILD: Thank you, Vice Chair.

4 Any other comments from Commissioners?

5 COMMISSIONER MCALLISTER: Just quickly, last --
6 thanks to both commenters, Ms. Warshaw and the WSPA
7 representative, I appreciate that.

8 And last time we sort of expressed an interest in
9 staff iteration on this. And I wanted to just ask,
10 Aleecia, whether -- sort of how that's going and whether
11 you feel like you're getting good back and forth to help
12 clarify, as Vice Chair suggested.

13 MS. GUTIERREZ: So we are working on aggregating
14 the first round of SB 1322 data and do recognize that there
15 will be a need for some caveats as we work to aggregate
16 that information. I can't really speak to the level of
17 back and forth between staff and the data providers, but
18 we'll try to get more information about how that is going.

19 COMMISSIONER MCALLISTER: Great. I support this
20 measure, or this denial. I just would continue to
21 encourage folks to iterate and certainly not make any
22 representations that aren't well grounded. But that the
23 timeframe for sort of getting all this figured out is not
24 too distant. So thanks.

25 CHAIR HOCHSCHILD: Thank you, Commissioner.

1 Any other comments? If not, I'll just --

2 COMMISSIONER GALLARDO: I have a question.

3 CHAIR HOCHSCHILD: Yeah, go ahead.

4 COMMISSIONER GALLARDO: Chair, sorry to
5 interrupt. This is Commissioner Noemi Gallardo. Aleecia,
6 thank you again for the presentation. I really appreciated
7 how thorough it was.

8 I was also like one of the public comments was
9 curious about, or needed some clarification on the
10 applications that were submitted, or the reports were
11 submitted. You said it was all refiners submitted except
12 for one and that was partial. And are you able to say is
13 that due to the terms or did they -- or for other reason.
14 You don't need to list out the other reason, I'm just
15 curious if it was due to the terms or something else.

16 MS. GUTIERREZ: So the one refiner that submitted
17 partial information was Chevron. And there is they cited a
18 lack of clarity in the terms. That's one of the reasons
19 for not providing the full data set.

20 COMMISSIONER GALLARDO: Okay. But if I
21 understood correctly, everyone else was able to submit the
22 reports fully?

23 MS. GUTIERREZ: Yes. And to clarify, Chevron did
24 submit a report. It was just partial data.

25 COMMISSIONER GALLARDO: Okay. Thank you,

1 appreciate that.

2 CHAIR HOCHSCHILD: Unless there are other
3 comments I would just add that just as a general matter of
4 process, I think that requests for reconsideration should
5 always be given a fair hearing. And in this case, you
6 know, I don't think anything has changed since we made the
7 original decision. I didn't hear any new evidence
8 introduced. So I do support the staff recommendation.

9 I think the conditions are still the same, the
10 special session is still ongoing that's dealing with all
11 these. So with that I'd welcome motion on Item 3 from Vice
12 Chair Gunda.

13 VICE CHAIR GUNDA: Yeah, I move Item 3.

14 CHAIR HOCHSCHILD: Commissioner McAllister, would
15 you be willing to second?

16 COMMISSIONER MCALLISTER: Second Item 3.

17 CHAIR HOCHSCHILD: All in favor say aye. Vice
18 Chair Gunda.

19 VICE CHAIR GUNDA: Aye.

20 CHAIR HOCHSCHILD: Commissioner McAllister.

21 COMMISSIONER MCALLISTER: Aye.

22 CHAIR HOCHSCHILD: Commissioner Gallardo.

23 COMMISSIONER GALLARDO: Aye.

24 CHAIR HOCHSCHILD: Commissioner Monahan.

25 COMMISSIONER MONAHAN: Aye.

1 CHAIR HOCHSCHILD: And I vote aye as well. Item
2 3 passes unanimously.

3 We'll turn down to Item 4, Petition to Request a
4 Rulemaking Hearing. I welcome Josephine Crosby.

5 MS. CROSBY: Good morning, Chair, Vice Chair, and
6 Commissioners. I am Josey Crosby, an Attorney in the Chief
7 Counsel's Office of the Energy Commission.

8 Item 4 is a Proposed Order for the Energy
9 Commission's consideration and potential adoption. The
10 Proposed Order would deny a Petition for Rulemaking filed
11 by a member of the public, Steve Uhler, on March 1st, 2023.
12 The Petition for Rulemaking seeks to repeal section 1201(f)
13 of Title 20 of the California Code of Regulations, and
14 amend section 1208(a) of Title 20 of the California Code of
15 Regulations. In addition to the proposed order, the backup
16 materials for this item include a memorandum supporting the
17 proposed denial.

18 The Energy Commission appreciates all public
19 participation. We take your suggestions seriously and
20 believe public participation is important to hold us
21 accountable and allow us to improve our existing practices.
22 The Energy Commission has already made improvements to its
23 processes including in response to comments, and there's
24 always open to additional improvements.

25 While the Chief Counsel's Office suggests

1 adopting the proposed order to deny the Petition for
2 Rulemaking because the proposed amendments are not legally
3 necessary, we recommend that Steve Uhler contact the Public
4 Advisor to continue this conversation outside of the formal
5 rulemaking process. Next slide, please.

6 Government Code section 11340.6 provides that any
7 interested person, including a member of the public, may
8 petition to amend the Energy Commission's regulations.

9 The CEC has established procedures in California
10 Code of Regulations, Title 20, Section 1221 that set the
11 requirements for filing a Petition for Rulemaking with the
12 Energy Commission. After a petition is filed, the
13 Executive Director reviews whether the petition is
14 complete.

15 On March 1st, 2023, Steve Uhler filed a petition
16 to amend.

17 On March 3rd, 2023, the Executive Director
18 certified that the petition was complete and determined it
19 met the requirements for consideration by the Commission.

20 If the Executive Director certifies that the
21 petition is complete, the Energy Commission has 30 days
22 from the filing of the petition to grant or deny the
23 petition, including a written statement for the reason for
24 any denial. We are presenting the petition at today's
25 business meeting in order to meet the statutory deadline.

1 Next slide, please.

2 The Petition requests the Energy Commission
3 repeal section 1201(f) of Title 20 of the California Code
4 of Regulations. That subsection currently defines the term
5 "Docket Unit," as shown on the slide. Next slide, please.

6 The Petition further requests that the Energy
7 Commission amend section 1208(a) of Title 20 of the
8 California Code of Regulations, which is shown here on this
9 slide. And I'll give you a moment to read it. Next slide
10 please.

11 The Petition requests the Energy Commission
12 repeal section 1201(f) and amend section 1208(a) to add
13 language stating that documents submitted to the Chief
14 Counsel's Office will not be deemed part of the proceeding
15 record. And that language is right here on the screen in
16 the underline.

17 The Petition asserts that the Chief Counsel's
18 Office receives, distributes, and stores documents for
19 Energy Commission proceedings not submitted to the Docket
20 Unit for inclusion as part of the proceeding record.
21 Thereby forgoing the use of the Docket Unit notwithstanding
22 Title 20, sections 1201(f) and section 1208(a). Next
23 slide, please.

24 As further explained in the memorandum filed as
25 backup materials for this item, the Proposed Order

1 recommends denying the petition, because no amendments to
2 section 1201(f) or 1208(a) are legally necessary.

3 The Energy Commission uses the Docket Unit as a
4 central location to keep records for its proceedings. The
5 Chief Counsel's Office only files documents with the Docket
6 Unit that are appropriate for filing with a proceeding's
7 docket. Nothing requires the Energy Commission to submit
8 documents that are not part of the proceeding's formal
9 record to the Docket Unit. And the Energy Commission does
10 file all documents that are part of a proceeding's record
11 to the Docket Unit for filing in the appropriate docket.
12 Next slide, please.

13 Upon careful consideration of the petition the
14 Chief Counsel's Office has determined that the Energy
15 Commission's practices are consistent with the law and the
16 current regulations. The rulemaking requested by the
17 petition therefore is not legally necessary and does not
18 warrant the expenditure of resources that such a rulemaking
19 would require. Thus, the Chief Counsel's Office recommends
20 that the Energy Commission adopt the proposed order filed
21 as backup materials for this item and thereby deny the
22 petition. Thank you.

23 CHAIR HOCHSCHILD: Thank you, Josephine.

24 We'll turn next to public comment on Item 4.

25 MS. BADIE: Thank you. This is Mona Badie, the

1 Public Advisor again. The Commission now welcomes public
2 comment on Item 4. If you are on Zoom please click the
3 raise hand feature on your screen to notify us you want to
4 make a comment. And if you're joining by phone, please
5 press *9 to raise your hand.

6 Comments will be limited to two minutes per
7 speaker and one speaker per entity. And we will be showing
8 a timer on the screen. Please wait for me to call on you.
9 Just giving that a moment. I do not see any raised hands,
10 so that concludes public comment for this item. Back to
11 you, Chair.

12 CHAIR HOCHSCHILD: Okay, we'll turn to
13 Commissioner discussion, beginning with Commissioner
14 Gallardo.

15 COMMISSIONER GALLARDO: Buenos tardes, good
16 afternoon here in California time. So thank you, Josie,
17 for the thorough presentation. And I want to emphasize
18 that I also like that you started out by saying how much
19 the agency and Chief Counsel's Office appreciates public
20 participation, public engagement, receiving feedback,
21 input, suggestions, etc. Because we really do, so it's
22 helpful to have that upfront.

23 So on this item I feel really confident that we
24 have met our legal obligations. And particularly, you
25 know, Chief counsel's Office being very prompt on this one,

24

1 not only to meet our legal obligations of 30 days, but just
2 being really responsive to what was requested. And then
3 not necessarily needing this approach of a rulemaking to be
4 able to make changes. So I think it makes sense for us to
5 deny the petition.

6 And I also would encourage Steve Uhler and other
7 members of the public to reach out to the Office of the
8 Public Advisor, Energy Equity and Tribal Affairs, to -- if
9 there's anything that you have a question about that office
10 can help address those questions. Especially if they're
11 about our processes, even if they're about making
12 suggestions to changes. So I think that's a good office to
13 reach out to.

14 And if I may I'm going to ask Mona Badie, who's
15 our Public Advisor, to put in the contact information in
16 the chat so folks can have that available to them. And
17 that's also available on the webpages. So again I think I
18 agree with the staff recommendation here to deny the
19 petition. Thank you.

20 CHAIR HOCHSCHILD: Okay. Any other Commissioner
21 discussion?

22 VICE CHAIR GUNDA: Can I just --

23 CHAIR HOCHSCHILD: Please. Yeah, Vice Chair.

24 VICE CHAIR GUNDA: Yeah, just I wanted to also
25 second and elevate Commissioner Gallardo's words. I think

25

1 apart from the legal things checked off here, Josey, thank
2 you for your thorough presentation.

3 It's extremely important for the Energy
4 Commission that we work well with the public and serve the
5 public as the central premise and foundation of our agency.
6 And as Commissioner Gallardo mentioned, we would welcome
7 and appreciate Mr. Uhler, reaching out to the Public
8 Advisor's Office. And furthering the discussion on how
9 best to support some of what he thinks are some good
10 guidance for the Commission.

11 So I just wanted to elevate Commissioner
12 Gallardo's spirit of just it's important that as an agency
13 we really try to go with the spirit of serving the public.
14 So thank you.

15 CHAIR HOCHSCHILD: Thank you.

16 Unless there's further Commissioner discussion,
17 I'd welcome a motion from Commissioner Gallardo on Item 4.

18 COMMISSIONER GALLARDO: I move to approve Item 4.

19 CHAIR HOCHSCHILD: Okay. Vice Chair Gunda, would
20 you be willing to second?

21 VICE CHAIR GUNDA: Second Item 4.

22 CHAIR HOCHSCHILD: All in favor say aye.
23 Commissioner Gallardo.

24 COMMISSIONER GALLARDO: Aye.

25 CHAIR HOCHSCHILD: Vice Chair Gunda.

1 VICE CHAIR GUNDA: Aye.

2 CHAIR HOCHSCHILD: Commissioner Monahan.

3 COMMISSIONER MONAHAN: Aye.

4 CHAIR HOCHSCHILD: And Commissioner McAllister.

5 COMMISSIONER MCALLISTER: Aye.

6 CHAIR HOCHSCHILD: And I vote aye, as well. Item

7 4 passes unanimously.

8 We'll turn now to Lead Commissioner or Presiding

9 Member Reports. I'd ask that we keep these really brief.

10 We have -- I think this is our fourth Commission meeting in

11 four weeks, but let's just see if we quickly run through

12 these. Any -- let's see.

13 VICE CHAIR GUNDA: I'll start, Chair. Sorry, I

14 have 13 minutes of comments. No, I'm just kidding.

15 (Indiscernible).

16 I just wanted to say that again there's a lot

17 happening in terms of petroleum industry effort in the

18 special session. We, me and Commissioner McAllister, have

19 been involved in the some of the market integration and the

20 regional conversations on the electricity market. In the

21 next full session of our business meeting we'll look

22 forward to updating the Commissioners. Thank you.

23 CHAIR HOCHSCHILD: Okay. Thanks.

24 Any other Commissioners? And we don't all have

25 to do updates, only if you'd like. So unless there are

1 other updates we'll turn next to Item 6, Executive Director
2 Report.

3 MR. BOHAN: Good afternoon --

4 MS. SPIEGEL: (Overlapping colloquy.) Hi, this
5 is -- oh, I'm sorry, Drew. I thought you were out. Go
6 ahead.

7 MR. BOHAN: Oh, go ahead. I just going to say no
8 report this afternoon. Thanks very much.

9 CHAIR HOCHSCHILD: Going to Item 7, Public
10 Advisor's Report.

11 MS. BADIE: No report from the Public Advisor.
12 Thank you.

13 CHAIR HOCHSCHILD: And Item 8, Chief Counsel's
14 Report.

15 MS. BARRERA: No report from the Chief Counsel's
16 Office. Thank you.

17 CHAIR HOCHSCHILD: Thanks, everyone. We're
18 adjourned.

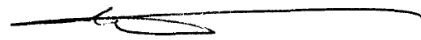
19 (The Business Meeting adjourned at 2:33 p.m.)
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of March, 2023.



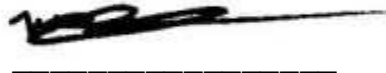
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Myra Severtson
Certified Transcriber
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