

DOCKET

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COMMITTEE CONFERENCE

BEFORE THE

CALIFORNIA ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of:)

Application for Certification) Docket No.
for the Calico Solar Power) 08-AFC-13
Project, formerly Solar One)
Power Project by)
Tessera Solar)

CALIFORNIA ENERGY COMMISSION

THIRD FLOOR CONFERENCE ROOM

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

WEDNESDAY, JANUARY 27, 2010

8:00 a.m.

ORIGINAL

Reported by:

John Cota

Contract No. 170-08-001

COMMITTEE MEMBERS PRESENT

Anthony Eggert, Presiding Member

Jeffrey D. Byron, Associate Member

HEARING OFFICER, ADVISORS PRESENT

Paul Kramer, Hearing Officer

Kristy Chew, Advisor to Commissioner Byron

David Hungerford, Advisor to Commissioner Eggert

STAFF AND CONSULTANTS PRESENT

Caryn Holmes, Staff Counsel

Christine Hammond, Staff Counsel

Christopher Meyer, Project Manager

Rick York, Staff Biologist

Jennifer Jennings, Public Advisor

APPLICANT

Allan J. Thompson, Attorney

Sean Gallagher, Tessera Solar
Vice President, Market Strategy & Regulatory
Affairs

Felicia Bellows, Tessera Solar
Vice President of Development

Angela Leiba, GISP
Senior Project Manager
Environmental Group Leader

Bob Therkelsen
Energy and Environmental Consulting

Camille Champion (via telephone)

ALSO PRESENT

Loulena A. Miles, Attorney
Adams Broadwell Joseph and Cardozo
representing California Unions for Reliable Energy
(CURE)

Joshua Basofin, California Representative
Defenders of Wildlife

VIA TELEPHONE

Ian Tackett
Logan, Simpson Design

Mary Wilkosz
Logan, Simpson Design

Jim Stobaugh
Bureau of Land Management (BLM)

Chris Otahal
Bureau of Land Management (BLM)

Rich Rotte
Bureau of Land Management (BLM)

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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

2 8:10 a.m.

3 PRESIDING MEMBER EGGERT: Well good
4 morning everyone. My name is Anthony Eggert.
5 I'll be the presiding member on this case.

6 And actually before we get started I
7 wanted to turn it over to my second to say a few
8 words.

9 ASSOCIATE MEMBER BYRON: Oh, well
10 Commissioner thank you. Do we have people on the
11 phone?

12 HEARING OFFICER KRAMER: Yeah, we'll get
13 them on the line.

14 ASSOCIATE MEMBER BYRON: All right.
15 Well just for the benefit of everyone on the
16 phone. That was Commissioner Eggert.

17 I'm Commissioner Byron the Associate
18 Member. And thank you Commissioner. As the
19 applicant knows we had a re-assignment of a new
20 Presiding Member.

21 And Commissioner, this is what we're
22 going to expect, 8:00 a.m. meetings now
23 (laughter). I'm not sure I'm very enamored with
24 that but, but no, I think we all know that this is
25 the only time we could find a quick time to meet.

1 And I just wanted to say that we're
2 really pleased to have Commissioner Eggert. I
3 hope you don't take it as any signal in any way
4 that this case is not important to this
5 Commission.

6 I'm sure the Commissioner will speak to
7 why the siting cases are important to him. And
8 he's coming up to speed very quickly.

9 I'd like to thank everybody for being
10 here this early this morning. And to thank
11 Commissioner Eggert for taking the Presiding
12 Member position on this one.

13 My case load is rather full. So I
14 appreciate very much that you're taking it.

15 I think we all know why we're here. But
16 I will turn it back to you if you want to add
17 anything before we turn it over to our Hearing
18 Officer.

19 PRESIDING MEMBER EGGERT: Sure. Just a
20 few quick words I guess. You know, it is 8:00.
21 It is early. And I suspect, you know, given the
22 case load that we have this year we'll have quite
23 a number more of these early meetings.

24 And I think I'm honored to be presiding
25 on this case because I think it is, this is very

1 important that we move, you know, quickly and
2 expeditiously to, you know, resolve issues that
3 are facing us in this case.

4 You know, as you know, we have, I think,
5 a desire to achieve, you know, renewable
6 generation.

7 And the state, state policy goals are
8 such that it's very important that we do this in a
9 responsible manner.

10 And so I'm happy that this meeting is
11 occurring. And I understand that there is a
12 number of issues that we're trying to get a quick
13 resolution on, get answers to and, you know,
14 looking forward to a good conversation.

15 And with that I'll turn it back over to
16 Paul.

17 HEARING OFFICER KRAMER: Okay. I'm Paul
18 Kramer the Hearing Officer in this case. Just for
19 those of you on the telephone you're on the
20 Committee's end of the round table.

21 Our Commissioner Eggert and his advisor
22 David Hungerford and then Commissioner Byron and
23 his advisor Kristy Chew.

24 We'll go around the room with
25 introductions. And then we'll go on the

1 telephone.

2 And on the telephone will you folks
3 hearing Commissioner Byron and Commissioner Eggert
4 okay?

5 MS. WILKOSZ: Yes.

6 MS. CHAMPION: Yes.

7 HEARING OFFICER KRAMER: Okay. Thanks.

8 MR. STOBAUGH: Yes.

9 HEARING OFFICER KRAMER: So let's go
10 around to my left.

11 MR. GALLAGHER: Good morning. I'm Sean
12 Gallagher with the applicant.

13 MS. LEIBA: And I'm Angela Leiba of URS
14 with the applicant.

15 MS. BELLOWS: And I'm Felicia Bellows
16 with the applicant.

17 MR. THOMPSON: Allan Thompson, counsel
18 to the project for the applicant.

19 MR. THERKELSEN: Bob Therkelsen, advisor
20 to the applicant.

21 MS. MILES: Loulena Miles, counsel for
22 California Unions for Reliable Energy.

23 MR. MEYER: Christopher Meyer, Project
24 Manager for the California Energy Commission on
25 the project.

1 MS. HOLMES: Caryn Holmes, Staff
2 Counsel.

3 MS. CHEW: Kristy Chew, advisor to
4 Commissioner Byron.

5 ASSOCIATE MEMBER BYRON: Sorry I didn't
6 introduce you earlier.

7 HEARING OFFICER KRAMER: Okay. Mr.
8 Gallagher could you spell your name for the court
9 reporter's benefit.

10 MR. GALLAGHER: He's got my card --

11 HEARING OFFICER KRAMER: Okay --

12 MR. GALLAGHER: -- it's Sean, S-E-A-N.

13 HEARING OFFICER KRAMER: -- well then if
14 you've done that we're fine. Okay, Mr. Reporter
15 I'll leave it to you then to let me know if you
16 need some spellings.

17 I have most of them I can give you
18 later.

19 Okay, on the telephone who do we have?

20 MS. CHAMPION: This is Camille Champion
21 with the applicant.

22 HEARING OFFICER KRAMER: Thank you.

23 THE REPORTER: Please have her spell her
24 name please.

25 HEARING OFFICER KRAMER: I actually have

1 it on my list. I can give it to you later.

2 MR. STOBAUGH: This is Jim Stobaugh with
3 the Bureau of Land Management, Project Manager.

4 MR. OTAHAL: And Chris Otahal, Wildlife
5 Biologist, Barstow Field Office, BLM.

6 HEARING OFFICER KRAMER: Okay, Chris
7 could you spell your name for us.

8 MR. OTAHAL: Sure. The last name is
9 Otahal, and that's O-T-A-H-A-L.

10 HEARING OFFICER KRAMER: And your first
11 name is C-H-R-I-S?

12 MR. OTAHAL: Yes, that's correct.

13 HEARING OFFICER KRAMER: Thank you.
14 Anyone else on the phone?

15 MS. WILKOSZ: This is Mary Wilkosz with
16 Logan, Simpson Design. And my last name is
17 spelled W-I-L-K-O-S, S as in Sam, Z as in zebra.

18 HEARING OFFICER KRAMER: And the firm
19 again was?

20 MS. WILKOSZ: Logan, Simpson Design.
21 We're working with the BLM.

22 HEARING OFFICER KRAMER: Okay.

23 MR. TACKETT: I'm Ian Tackett also with
24 Logan, Simpson Design.

25 HEARING OFFICER KRAMER: Your last name.

1 MR. TACKETT: Spelled, T as in Tom, A-C-
2 K-E-T-T.

3 HEARING OFFICER KRAMER: And your first
4 name was?

5 MR. TACKETT: Ian, it's spelled I-A-N.

6 HEARING OFFICER KRAMER: Thank you.
7 Anyone else on the phone?

8 MR. ROTTE: Rich Rotte, R-O-T-T-E, BLM,
9 Barstow.

10 HEARING OFFICER KRAMER: Anyone else?
11 Okay, thank you. Those on the phone if you can, I
12 believe, I believe star 6 mutes your phone if you
13 need to do that.

14 And then star 6 will bring it back out
15 of mute.

16 And if you need to go away from your
17 desk please don't put us on hold because sometimes
18 your system will play music to us.

19 And that's funny the first time but only
20 for about five seconds (laughter).

21 Okay, well with that we'll begin then.

22 ASSOCIATE MEMBER BYRON: A few more
23 introductions.

24 HEARING OFFICER KRAMER: Oh, I'm sorry.
25 Oh, we have a few more staff members in the room?

1 I didn't even see you. Sorry.

2 MS. HAMMOND: Good morning. Christine
3 Hammond, Staff Counsel.

4 MR. BASOFIN: Good morning. I'm Joshua
5 Basofin on behalf of Defenders of Wildlife.

6 ASSOCIATE MEMBER BYRON: Mr. Basofin,
7 good to see you. You're not late really. We're
8 just doing introductions.

9 MR. BOSOFIN: Okay.

10 ASSOCIATE MEMBER BYRON: I'd also like
11 to introduce in the back of the room our new
12 Public Advocate, Ms. Jennifer Jennings who just
13 joined us last week.

14 And so she's here to observe our
15 meeting. You're welcome to speak, of course. But
16 I assume that you're primarily here to observe.

17 HEARING OFFICER KRAMER: It doesn't
18 sound as if we have any members of the public with
19 us at this point.

20 Okay. Well, the purpose of today's
21 meeting it was requested by staff in their
22 December Status Report and welcome by the
23 applicant.

24 So as I understand by Mr. Thompson the
25 purpose is to discuss the status of the case, the

1 outstanding data, if there is any, and how all of
2 that is affecting the schedule as well as a couple
3 of issues that the applicant raised.

4 For instance, a legal issue about how
5 much information is really required to prepare a
6 proper analysis of the transmission line upgrades
7 that would result or be necessary to serve this
8 project.

9 So with that, let me just ask the staff
10 to briefly summarize what they believe is the
11 outstanding data.

12 MR. MEYER: Okay. On that transmission
13 line issue basically 90, 99 percent of that
14 information is already done.

15 We basically went to a transmission line
16 specialist or a consultant to the Energy
17 Commission who all they do is basically do
18 analysis of transmission line, environmental
19 impacts, engineering impacts for public utilities
20 commissions.

21 So with Siting Management Staff
22 agreement we went to them and said, you know, we
23 don't want to burden staff at the Energy
24 Commission who don't have as much familiarity with
25 those issues as the Aspen staff did.

1 We went to them. They wrote up a
2 analysis for each technical area and then
3 presented that to the staff for the staff to
4 incorporate into their analysis and make any
5 changes that they saw fit since it would be
6 ultimately their testimony.

7 And then we used that staff, that
8 external staff as a sounding board for additional
9 questions.

10 So for the downstream impacts of the
11 transmission line, and this is the full 500 kV
12 build out, we think we're basically 90 percent
13 there.

14 It's just where the staff is taking what
15 they've been given and incorporating that. And
16 right now we have, I can say that Geo Paleo, Haz
17 Mat, Noise, Facility Design, Power Plant
18 Efficiency, Power Plant Reliability, have all been
19 done.

20 Those sections are to me in the first
21 draft. We're going to be making a few edits and,
22 hopefully, we'll get those initial sections to the
23 BLM for their review probably by the end of next
24 week if I can get it through management here.

25 We're having a little bit of a work over

1 focussing on solar, well frankly, we're focussing
2 on getting Solar Two which is more critical right
3 now.

4 And then we're going to get those to the
5 BLM as soon as possible.

6 The other sections probably, you know,
7 we should have Socio Economics, Traffic, Visual
8 Waste Management and Land Use to me by the end of,
9 by the 5th. We're thinking February 5th we'll
10 have those sections from staff and I'm working
11 with the staff in the Environmental and Geo
12 Management to get those to me as soon as possible.

13 And I will turn those around with
14 minimal review on my side to the BLM so that they
15 can do their review concurrent with when I'm going
16 through it as well so we can gain time there.

17 The one question that I have on that
18 transmission before we step off of that is, do we
19 have anymore information of where the 500 kV
20 substation is going to be right now?

21 I just have it within six miles --

22 MS. BELLOWS: We do not. We just
23 completed the LGIA.

24 MS. LEIBA: Yes.

25 MS. BELLOWS: And it's now with CAISO

1 Design and everyone signing, we've completed it.

2 But there's nothing --

3 ASSOCIATE MEMBER BYRON: Excuse me, your
4 large interconnection agreement --

5 MS. BELLOWS: Large interconnection
6 agreement --

7 ASSOCIATE MEMBER BYRON: -- is signed?

8 MS. BELLOWS: It's being, it's gone from
9 SCE to CAISO and then it comes to us.

10 ASSOCIATE MEMBER BYRON: Okay, for a
11 signature.

12 MS. BELLOWS: Right.

13 PRESIDING MEMBER EGGERT: A
14 clarification on the 500 kV is the old line that's
15 capable of serving the whole generation --

16 MS. BELLOWS: It's a larger build out of
17 the transmission, the sort of phase 2 of the
18 transmission, if you will.

19 PRESIDING MEMBER EGGERT: So that's for
20 is it 850 megawatt capacity?

21 MS. BELLOWS: Correct.

22 MR. MEYER: Of the initial line that
23 exists right now can't handle any more capacity.

24 With upgrades to basically expanding the
25 existing substation doing some communication

1 upgrades on the existing systems.

2 I believe some breaker upgrades at
3 different substations throughout the system.

4 They can get 275 megawatts of the
5 project on line. And because of the nature of the
6 project being sort of renewable energy leg out
7 where they can just sort of build them little by
8 little they can get that stuff on.

9 But to do the full build out of 850
10 megawatts there's going to be, it's going to
11 require an upgrade to 500 kV of one of the
12 existing one of the existing 220 transmission
13 lines that goes from the project site down to
14 about 67 miles away to the Lugo Substation.

15 MR. THERKELSEN: Commissioner, when that
16 line is completed actually we'll have a capacity
17 of 14 hundred megawatts, export capacity on that.

18 MS. BELLOWS: But in the LGIA it still
19 does not identify exactly where the 500 kV
20 substation will be. If it will be moved or not
21 it's left up to their decision later.

22 MR. THOMPSON: Yes, Edison's --

23 MS. BELLOWS: Yes, Edison's is right.

24 MS. MILES: If I may. I remember you
25 stated that the applicant was willing to put it on

1 the Solar One site and that there had been
2 discussions --

3 MS. BELLOWS: We have discussed that
4 with them.

5 MS. MILES: -- further discussions.

6 MS. BELLOWS: We have discussed that
7 with them and we've also offered to Edison, I
8 think one of their concerns is that since that
9 substation is meant to service other projects
10 their concern is that we might not be willing to
11 allow the line to cross over our project site or
12 let them.

13 And we've told them that we'd be willing
14 to sign something so that to facilitate it and
15 make it easier for them so that there could be
16 passage for other projects coming into have that
17 substation.

18 PRESIDING MEMBER EGGERT: What was the
19 total capacity? You said, 14 hundred?

20 MS. BELLOWS: That's 14 hundred.

21 PRESIDING MEMBER EGGERT: Ok, 14
22 hundred.

23 MS. MILES: I just asked that question
24 because I was wondering if that was a possibility
25 of a location for the substation. And if you

1 submit it or were going to prepare any information
2 about that.

3 MS. BELLOWS: No because they have not
4 decided yet. So that's something that certainly
5 could be discussed.

6 I mean I imagine that would be a sort of
7 the five, seventy-five, the second piece there
8 would be plenty of time to discuss that and move
9 it over to that section.

10 MR. MEYER: My understanding is that
11 Edison may not be really considering that as
12 because of the cross, as you say, the crossing
13 overs --

14 MS. BELLOWS: That's correct.

15 MR. MEYER: -- Edison would prefer to
16 have something on their, their right of way.
17 Okay. And that's all I have on the 500 kV --

18 HEARING OFFICER KRAMER: So then there's
19 no additional data is necessary to complete the
20 transmission analysis, the downstream impacts
21 analysis?

22 MR. MEYER: We basically have
23 everything. We're going to have the whole where
24 we're basically saying, there's a hundred acre
25 substation site that will go somewhere.

1 But we don't know where it is so we
2 can't analyze it.

3 So that's just going to be something
4 where we're going to have to state that in the BLM
5 and PUC process that will be fully analyzed and
6 whereas we have analysis of everything else that
7 went in at this point with that little gap of
8 that.

9 And there's a file section into the Lugo
10 Substation where we're not sure but we think we
11 have it. We're just going to have to be aware
12 that there are, there may be some complaints that
13 we don't have a location for that at the time of
14 our analysis.

15 HEARING OFFICER KRAMER: But can you
16 describe the range of potential impacts and the
17 types of mitigation that could be applied to those
18 if they were found?

19 MR. MEYER: It would depend on where
20 they put it. Because you're talking about a six
21 mile range of where that expansion could go.

22 So we can discuss it in general terms.
23 And that's sort of as we're doing the rest of the
24 transmission line upgrades.

25 HEARING OFFICER KRAMER: Okay.

1 ASSOCIATE MEMBER BYRON: If I may. And
2 forgive me because I'm not familiar with all the
3 details. Is this on BLM land? Is this going to
4 be on, possibly you indicated on your land --

5 MS. BELLOWS: That's correct.

6 ASSOCIATE MEMBER BYRON: -- but I would
7 think this is a Southern California Edison
8 interconnection substation for other projects as
9 well. They're going to own this substation,
10 correct?

11 MS. BELLOWS: That's correct.

12 ASSOCIATE MEMBER BYRON: Can this be on
13 BLM land?

14 MR. GALLAGHER: Yes. The existing
15 substation is on BLM land.

16 MS. BELLOWS: Right.

17 MR. GALLAGHER: And so, and most of the
18 land out there is BLM land. So the likelihood is
19 that the new substation would go on BLM land.

20 I just don't want to have to go through
21 a permitting process with the BLM for that.

22 MS. BELLOWS: Uh-hum.

23 MR. GALLAGHER: They'll probably be
24 concurrent with the permitting process for the PUC
25 for the transmission upgrade.

1 And we've offered that it go on our site
2 if that makes it easier for Edison. And they
3 haven't made a decision one way or the other yet
4 whether they'll do that.

5 But --

6 ASSOCIATE MEMBER BYRON: I see. And
7 that refers to what Ms. Bellows was discussing.

8 MS. BELLOWS: Right.

9 MR. THOMPSON: And even our site is BLM
10 land.

11 MR. THERKELSEN: Right.

12 ASSOCIATE MEMBER BYRON: Of course. The
13 hundred acre substation I understand 500 kV
14 substation is not an insignificant amount of line.

15 MS. BELLOWS: No it's not.

16 MR. THOMPSON: That's correct.

17 MR. GALLAGHER: It's a lot bigger than
18 the substation that's out there now which is about
19 the size of this room.

20 ASSOCIATE MEMBER BYRON: Uh-hum.

21 MS. BELLOWS: Right.

22 HEARING OFFICER KRAMER: So, other data?

23 MR. MEYER: Data for the transmission
24 line, we'll just continue to work with the BLM
25 just to make sure that the language that we put

1 into this is acceptable to the BLM.

2 And then we'll move forward on the,
3 before we have on the transmission line.

4 And between the draft and the final if
5 we need to augment that we'll work on it at that
6 point.

7 But we think we have enough for the
8 draft EIS.

9 MS. MILES: I didn't hear when you, did
10 you mention Biology and Soil and Water Resources
11 and where you're at on those two there?

12 MR. MEYER: I know. That's actually
13 the, going to be the focus. I just wanted to sort
14 of get that off the table first.

15 MS. MILES: Okay, thanks.

16 MR. GALLAGHER: Christoper, you
17 mentioned several chapters that were in draft and
18 several you expect next week and you were too fast
19 for me to write down.

20 I wonder if you could --

21 MR. MEYER: Oh, I'm sorry. The ones
22 that I, the ones I that I'm expecting to get next
23 week are, Land Use is maybe. That one I may not
24 get next week but it's going to be to Engineering,
25 to the Environmental Office Manager for his review

1 next week.

2 Socio Economics, Traffic and
3 Transportation, Visual Resources and Waste
4 Management I'm expecting all of those to, you
5 know, either into this week or next week to be
6 under review.

7 And I'm just going to sort of try to
8 press them to get those reviewed and to me as soon
9 as possible so that I can, you know, make any
10 additions --

11 MR. GALLAGHER: Right.

12 MR. MEYER: -- and get them back to
13 staff as quickly as possible and give them to the
14 BLM.

15 MR. GALLAGHER: Right. And you
16 mentioned several that you've already received in
17 first draft.

18 MR. MEYER: The ones that I've received
19 in first draft, Geo Paleo, Noise, Hazard
20 Materials, Facility Design, Efficiency,
21 Reliability we have the general conditions. We
22 have those as well so.

23 ASSOCIATE MEMBER BYRON: I mean that's
24 great. But, of course, the ones that we're
25 interested in are the ones that are not complete.

1 MR. MEYER: Right. And that I'll get
2 to, do you want me to go through that really
3 quickly? Where we are on the --

4 HEARING OFFICER KRAMER: Yeah and
5 especially in terms of the data that you believe
6 is --

7 MR. MEYER: Right.

8 HEARING OFFICER KRAMER: -- outstanding.

9 MR. MEYER: Basically I'll hit Cultural
10 Resources first because I think that one is
11 easiest to start with of the three.

12 For Cultural Resources looking at our
13 internal workload and taking the applicant up on
14 their offer to have BLM help us out on this with
15 through their cost sharing we worked with the
16 contract, BLM contractors and Jim Stobaugh through
17 his Sub-project Manager to have the BLM take the
18 lead on the Cultural Resource Section because they
19 can put a much larger staff on it.

20 I just talked to them. As of last night
21 they have almost everything they need from URS and
22 they, and just, you know, I mean a little small
23 details that they're trying to flesh out. And
24 they think they'll have everything this week.

25 And we're going to proceed without the

1 75 percent we see survey results. Just we're
2 going to basically did a re-survey of 25 percent
3 of the site. And we're just going to extrapolate
4 from that point.

5 You'll have a representational sample
6 and write the document on that because there's
7 just, there's just too much information to and too
8 long of a timeframe to do the 100 percent survey.

9 PRESIDING MEMBER EGGERT: Just the one,
10 the 25 percent would be completed when?

11 MR. MEYER: Oh, it has been completed.

12 PRESIDING MEMBER EGGERT: It has been,
13 good.

14 MR. MEYER: And --

15 ASSOCIATE MEMBER BYRON: Would this be
16 the appropriate time to thank BLM for the
17 resources they're applying to this project? Mr.
18 Stobaugh thank you very much.

19 MR. STOBAUGH: You're welcome. And
20 incidentally and Christopher maybe I'm jumping
21 ahead but the 75 percent re-survey efforts were
22 started Monday.

23 So we got the 25 percenter. They're
24 working on finalizing that for the report so we
25 can prepare this draft.

1 But the 75 percent has started as of
2 Monday.

3 MR. MEYER: Yes. The BLM archeological
4 staff was nice enough to talk to me after they got
5 out of the field yesterday so.

6 And basically they said once they get
7 all the information they're going to work as fast
8 as possible. But they still think it's going to
9 take them a couple of weeks to get everything to
10 Jim Stobaugh the Project Manager so he can do his
11 review.

12 And then it will be as soon as Jim is
13 comfortable with that and sharing it with the
14 Energy Commission so.

15 But, you know, they were talking it
16 depending on the, you know, they're still looking
17 through all the information that they're getting
18 right now and that they've received.

19 But it may, you know, they're
20 uncomfortable of giving me an exact day. But, you
21 know, saying two to three weeks of just, you know,
22 before I would get it would be more reasonable.

23 And so anyway, that's in the Cultural.
24 So it looks like we have everything. It's just
25 due to the, sort of the magnitude of the, you

1 know, the site.

2 You know, over a thousand acres there's
3 a lot of archeological information there to wade
4 through.

5 So, any questions on Cultural? Okay.
6 Then why don't we, I'll go through just the Soil
7 and Water first. And just a really easy question.

8 On the 19th that we received that update
9 on the Soil and Water for the water source. In
10 that you said that you were going to pursue the
11 Cadiz water source?

12 MS. BELLOWS: That is our water source,
13 yes.

14 MR. MEYER: It is. Okay. I wanted to
15 make --

16 MS. BELLOWS: Yes.

17 MR. MEYER: -- sure that it wasn't, it
18 was actually, that is the final one, not a
19 pursuing, okay.

20 MS. BELLOWS: That is, that is, and we
21 are docketing today additional information on
22 that.

23 MS. LEIBA: All the environmental.

24 ASSOCIATE MEMBER BYRON: So just a, so
25 we're not talking in code. That was January 19th?

1 MR. MEYER: Yeah, I'm sorry. January
2 19th we received an update because, to give you
3 sort of a very quick back story, the, originally
4 the project came in with on site waterwells.

5 ASSOCIATE MEMBER BYRON: Uh-hum.

6 MR. MEYER: We had data requests
7 outstanding for quite a while where the applicant
8 made sort of valiant efforts under the State Water
9 Policy to find reclaimed water.

10 And that went on for --

11 MS. BELLOWS: Months, yes.

12 MR. MEYER: -- or ten --

13 MS. BELLOWS: It was unfortunate. But
14 that's what happened, yes.

15 MR. MEYER: -- so, they spent a lot of
16 time trying to find that. Finally realized it was
17 not feasible. Went back and started doing well
18 testing on site in December?

19 MS. BELLOWS: In December.

20 MR. MEYER: Or in January or --

21 MS. BELLOWS: Yeah, we started in
22 December.

23 MR. MEYER: Okay.

24 MS. BELLOWS: And it's just been very
25 slow.

1 MR. MEYER: Right. And we got the first
2 report of that, I think, on the 8th or so of
3 January or a little later.

4 So we just, we basically, do you have
5 just one well dug at this point?

6 MS. BELLOWS: We are on our second one
7 now.

8 MR. MEYER: Okay.

9 MS. BELLOWS: We're testing on our
10 first.

11 MR. MEYER: They have four wells on site
12 that they're were going to test and provide us
13 test information so that we could look at, you
14 know, is there water available on site? What's
15 the condition? What sort of the draw down effects
16 on the base and everything?

17 Usually we would have that at the time
18 of the AFC because there wasn't an existing well
19 out there for them to provide that information.

20 They were going to provide that later
21 but because of the decision to look at reclaimed
22 water that wasn't done until just recently.

23 But in the report we received on the
24 19th they are now shifting to that as the on site
25 wells as a backup water source.

1 And they're going to actually use the
2 well water from Cadiz which is, I think these are
3 owned by Burlington Northern.

4 MS. BELLOWS: BNSF, yes.

5 MR. MEYER: BNSF which has the railroad
6 right next to the property. They would actually
7 take the water from their wells, pump them into
8 their tanker trucks on the rail cars and deliver
9 them to the project site.

10 This is something that has been talked
11 about before but we just learned that this is
12 going to be the primary water source on the 19th.

13 So staff is, let me say the 19th of
14 January. So staff is, are racing to find out
15 everything we can.

16 And I think at this point we don't have
17 time, we're not going to be dealing with data
18 requests because, once again, we've availed
19 ourselves of Jim's offer to help out. And we're
20 going to use Windsor and Kelly which is the BLM's
21 contractor for water.

22 They've been involved in the project
23 since the beginning helping the BLM out.

24 So we decided since they had actually
25 seen some reports we hadn't even seen and were up

1 to speed and they can actually instead of putting
2 one person on it, they can put an entire team on
3 getting this section together.

4 We're going in that direction and the
5 BLM will provide us with the Soil and Water
6 Section.

7 But that staff, they will be working
8 directly with the applicant as, you know, through
9 the BLM contract to get information on the water
10 supply such as, you know, the draw down
11 information, you know, water quality information,
12 all of that.

13 They're going to have to go because
14 since this is new we don't have any analysis on
15 it. So we're going to, we're going to sort of try
16 to rewrite our analysis. But it's going to, it's
17 going to take some time.

18 So do you have an idea of when you'll be
19 able to get all that information?

20 MS. BELLOWS: Well we've already
21 submitted that.

22 MR. MEYER: Okay. So it's already been
23 submitted to --

24 MS. BELLOWS: Yes, yes. All the draw
25 down information, the water quality information,

1 we've submitted that.

2 The only thing we're submitting today is
3 the different environmental sections in the AFC
4 document. And changes to it and basically there
5 are no changes.

6 MR. MEYER: Okay.

7 MS. HOLMES: Does the, Caryn Holmes,
8 staff counsel. Does the environmental
9 documentation that you're providing address the
10 emissions associated with --

11 MS. BELLOWS: Yes --

12 MS. HOLMES: -- transport? So when you
13 said, there's no changes you meant there's no
14 changes to your conclusions not that's there's no
15 new --

16 MS. BELLOWS: Correct.

17 MS. HOLMES: -- information.

18 MS. BELLOWS: Correct, correct.

19 MR. THERKELSEN: And in that air quality
20 analysis we look at both by trucking, bringing it
21 in by rail and by truck. So those two
22 alternatives if you are there with our preferred
23 alternative being by rail.

24 MS. HOLMES: So is there also, is there
25 also, if trucking is an option is there a traffic

1 analysis of the --

2 MS. BELLOWS: Yes.

3 MS. HOLMES: It's hard for us to assess
4 how quickly it's going to take us to go through
5 this information obviously since we don't have it
6 yet.

7 PRESIDING MEMBER EGGERT: What's
8 approximately the consumption, the annual
9 consumption? Is it in like acre feet?

10 MS. BELLOWS: Once we're into
11 operations --

12 PRESIDING MEMBER EGGERT: Yeah.

13 ASSOCIATE MEMBER BYRON: Uh-hum.

14 MS. BELLOWS: -- operations is 20 acre
15 feet per year. We've modelled a 36 acre feet to
16 serve as our worst case scenario. But it is 20
17 acre feet.

18 MR. MEYER: And this just, we talked
19 about this verbally but in this new information
20 you're submitting, that will be the new change
21 because I think we are talking about the 30 or is
22 it --

23 MR. GALLAGHER: I think it was 36
24 originally --

25 MR. MEYER: Thirty-six acre feet. So

1 we're going, so officially we're going from 36 to
2 20?

3 MS. BELLOWS: I did --

4 MR. MEYER: This is great, you know,
5 that's a reduction. So it's part of their water
6 source --

7 MS. BELLOWS: We already analyzed this
8 on --

9 MR. MEYER: -- okay. So is that
10 something you guys want us officially change in
11 like project description and everything will be --

12 MS. BELLOWS: Yeah, you can do that,
13 yes.

14 MR. MEYER: -- okay, yeah we, oh by the
15 way, this is a really silly question. Are we now
16 officially going to be calling --

17 MS. BELLOWS: Yes.

18 MR. MEYER: -- okay. We received, the
19 other day, a project change, a project name
20 change.

21 So the Stirling Energy System Solar One
22 Project will now be Tessera, is it Tessera Energy,
23 what is the official, how do you guys, is it
24 Tessera LLC or Tessera --

25 MS. BELLOWS: DLLC will be called Calico

1 Solar LLC.

2 MR. MEYER: Calico Solar LLC --

3 MS. BELLOWS: Yes.

4 MR. MEYER: -- okay. So anyway, the
5 project will have, it'll be called the Calico
6 Project now rather than Stirling Energy Systems
7 Solar One Project.

8 ASSOCIATE MEMBER BYRON: Well I'm sure
9 there's other reasons for doing that than just to
10 confuse the Committee (laughter). But we'll do
11 our best to adapt.

12 If we still call it SCS 2 I hope you'll
13 understand.

14 MS. BELLOWS: We will not be offended
15 okay.

16 HEARING OFFICER KRAMER: And for
17 instance the website is not, the URL is always
18 going to have Solar One in it because there's so
19 many cross filings it would be a disaster to try
20 to change that.

21 MR. MEYER: Can I, just for the
22 Committee's clarification and, what we'll probably
23 do is have cover sheets throughout it just
24 explaining to people the name change so that those
25 that who are referencing back and forth in old

1 documents they understand that it's the same
2 project.

3 ASSOCIATE MEMBER BYRON: I'd also, I'd
4 like to indicate Mr. Stobaugh I was not aware,
5 perhaps Commissioner Eggert was the extent to
6 which BLM is supplying additional resources to
7 assist in this evaluation.

8 Maybe my ignorance but I'm certainly
9 appreciative. It's extremely helpful to us to
10 know that and to see real, real results from our
11 efforts to work together. We appreciate very
12 much.

13 MR. STOBAUGH: Well you're welcome. We
14 have a common goal and a common timeline with it
15 so.

16 PRESIDING MEMBER EGGERT: And I just
17 want to echo that and also say, to the extent, you
18 know, maybe I guess it's a question. If there's
19 issues that come up that you're foreseeing that
20 could have, you know, require additional
21 information for your processes, are these being
22 identified? Are we still sort of on the timeline
23 that's, I think, been laid out here for the BLM
24 process on the DEIS. Is that --

25 MR. MEYER: No. That's basically why,

1 you know, we asked for this because we're
2 realizing that, you know, with, you know, given
3 the information where we can move forward quickly
4 on this we're not going to be able to meet the,
5 the 16th date as far as getting the document put,
6 the DEIS published.

7 PRESIDING MEMBER EGGERT: Do we have an
8 updated estimate for the --

9 MR. MEYER: That's, I probably, I
10 hopefully will at the end of this meeting.

11 HEARING OFFICER KRAMER: Okay. Our new
12 Public Advisor wanted to make comments.

13 MS. JENNINGS: Yes. I just wanted to
14 make a comment on this idea of the name change. I
15 can understand the name of the project sponsor
16 perhaps changing because of organizational things
17 but I think it's confusing to the public when you
18 have a project that's gone quite a way through the
19 process and then gets a name change.

20 You kind of raise a suspicions too like
21 Blackwater becoming Z and Phillip Morris
22 (laughter) becoming --

23 ASSOCIATE MEMBER BYRON: This is, I'm
24 sure this is not a Blackwater (laughter).

25 MS. JENNINGS: I think that a project

1 that comes into the Commission with a specific
2 name should stay with that name and then the
3 project name change should not be allowed unless
4 there is some confusion with another project
5 that's being considered or --

6 HEARING OFFICER KRAMER: Well actually,
7 Solar One is a confusing name --

8 MS. BELLOWS: Yes, there is one --

9 MS. LEIBA: A number --

10 HEARING OFFICER KRAMER: -- because
11 there is --

12 MR. GALLAGHER: There are several --

13 HEARING OFFICER KRAMER: -- and also the
14 word Mojave probably should be struck from any
15 names because, you know, that's the whole desert
16 out there.

17 What we normally do is we'll probably
18 call it Calico Solar whatever it is formerly and
19 parenthetically we'll say, formerly known as
20 Solar, Solar One.

21 So we won't completely erase it. And
22 that will allow people to figure it out.

23 ASSOCIATE MEMBER BYRON: Yeah. We've
24 never let the musician Prince change his name
25 either, right (laughter)? We've always --

1 HEARING OFFICER KRAMER: Yes, I was
2 going to say, I'm just happy they didn't change to
3 a symbol (laughter).

4 ASSOCIATE MEMBER BYRON: Yeah, so I'm
5 sure it'll still be --

6 MR. GALLAGHER: Commissioners, really
7 the reason for the name change is to eliminate the
8 confusion that's created by the fact that there
9 are several Solar Ones, both in California and
10 sort of around the world.

11 And so it's not as nefarious as Phillip
12 Morris changing their name. It's simply to, it's
13 to eliminate confusion although we understand that
14 it also has the potential to create some
15 confusion.

16 We thought on balance it was more
17 prudent to try to make the --

18 MS. JENNINGS: Can I ask what the
19 association of Calico, I think of cats and --

20 MR. GALLAGHER: Calico is a ghost town
21 in the vicinity.

22 MS. JENNINGS: Yes, okay.

23 MS. BELLOWS: Yeah, there's a little
24 town there.

25 MR. STOBAUGH: Probably about 15 miles

1 away and has other alternative energy projects
2 near it (laughter).

3 ASSOCIATE MEMBER BYRON: So there's
4 going to be, there's going to be other projects
5 named Calico, is that what you're saying?

6 MR. STOBAUGH: Very possibly.

7 ASSOCIATE MEMBER BYRON: Ah-ha.

8 HEARING OFFICER KRAMER: Or to put it in
9 another way, this is the first domino falling
10 maybe in a series of name changes.

11 Okay, well, we'll try our best to keep
12 things clear. In this particular case, so far
13 there hasn't been a lot of public interest, unlike
14 some of our other cases.

15 So, Mr. Meyer do you want to continue
16 with your description --

17 MR. MEYER: Yes.

18 HEARING OFFICER KRAMER: -- of the data
19 issues?

20 MR. MEYER: Okay. So, anyway, that's,
21 so basically we have all of the, the downstream,
22 you know, the impacts to the Cadiz has been
23 provided, okay.

24 MS. HOLMES: It will be provided today I
25 think is what they said. We haven't seen it.

1 MS. BELLOWS: Well, no, all of the, the,
2 what's being, the only thing that is being
3 docketed that we previously docketed, the
4 information on the draw down impact as well as the
5 quality --

6 MS. HOLMES: The quality --

7 MR. MEYER: And that's on the new
8 source. On the Cadiz --

9 MS. BELLOWS: Yes.

10 MR. MEYER: Okay.

11 HEARING OFFICER KRAMER: But there are
12 some cross over issues like traffic and where
13 apparently the data has not --

14 MS. BELLOWS: And that's being --

15 HEARING OFFICER KRAMER: -- been
16 registered.

17 MS. BELLOWS: -- docketed today.

18 HEARING OFFICER KRAMER: Okay.

19 MS. HOLMES: That's coming in today --

20 HEARING OFFICER KRAMER: Okay.

21 MS. HOLMES: -- but you can understand
22 the scheduling concern if it's just coming in
23 today.

24 HEARING OFFICER KRAMER: Right.

25 MR. OTAHAL: I had a quick question.

1 This is Chris over at BLM. With the latter issue
2 if the source that you're going to be utilizing
3 going to preclude the need for the onsite water
4 waste water treatment pond?

5 MS. BELLOWS: Not completely, however,
6 apparently the water quality is better than the,
7 you know, San Diego's drinking water.

8 So, you know, it will be scaled back
9 somewhat.

10 MS. HOLMES: And is that going to be
11 discussed in the filing today?

12 MS. LEIBA: It already has but we're --

13 MS. BELLOWS: Correct --

14 MS. LEIBA: -- filing --

15 MS. BELLOWS: -- it already has Caryn
16 but --

17 MS. HOLMES: Well there was one filing
18 that discussed this change. It was fairly recent
19 as I recollect.

20 MS. BELLOWS: It was. That was --

21 MS. HOLMES: The 19th, that's the 19th.

22 MS. BELLOWS: Yeah, but in addition --

23 MS. HOLMES: Right.

24 MS. BELLOWS: -- for the environmental
25 that we're docketing today we're obviously

1 attaching that as an appendix as well. So it's
2 all in one fell swoop.

3 MS. HOLMES: Thank you.

4 HEARING OFFICER KRAMER: Does that do it
5 for Soil and Water?

6 MR. MEYER: Yeah, that does it for Soil
7 and Water. Well that's actually, it's a cross
8 over.

9 But just one thing, I know we've gone
10 back and forth. The bleeder channels that, you
11 know, gave me about a stroke on the January 5th
12 meeting, it was basically a system of capture
13 basins at the top of the project that the upstream
14 side of the project that were going to divert all
15 water through the project into a series of bleeder
16 valves that would run down, I guess, the edges of
17 access roads or the sort.

18 And one of the big questions we had was,
19 okay, you know, are these, what kind of flows are
20 they going to take. And then, you know, how are
21 these because that was the first time we'd seen
22 that figure.

23 And that was in the Bio Report we got, I
24 think, on at that time.

25 And you'd basically said that you were

1 not going to use that anymore but we haven't seen
2 a new replacement for that figure yet.

3 I saw one that, but it, it was basically
4 pretty non-descriptive.

5 MS. BELLOWS: What we had submitted was
6 in the SWPP so that figure that I kind of pulled
7 out of the SWPP and emailed --

8 MR. MEYER: Right.

9 MS. BELLOWS: -- was the figure that
10 actually shows how the actual retention basins are
11 following the topography.

12 So that figure that --

13 MR. MEYER: Okay.

14 MS. BELLOWS: -- identified in the Bio
15 Report was incorrect. And the one that is in the
16 SWPP is correct so --

17 MR. MEYER: Okay, so there will be no
18 bleeder valve --

19 MS. BELLOWS: There are no bleeder --

20 MR. MEYER: -- no bleeder channels,
21 okay. And so that basically means that on all of
22 the, the downstream drainages, the flow basically
23 between, you know, sort of the on flow and off
24 site won't be adversely impacted by your project.

25 So we don't have to worry about any

1 downstream biological or water impacts because of
2 the project.

3 MS. BELLOWS: That's correct.

4 MR. MEYER: Okay.

5 ASSOCIATE MEMBER BYRON: And for the
6 benefit of this Commissioner, the SWPP is the word
7 used for an acronym that means, storm water
8 pollution prevention plan.

9 MS. LEIBA: Yes, thank you.

10 ASSOCIATE MEMBER BYRON: No, thank you.
11 It's a good thing I have Ms. Chew (laughter).

12 HEARING OFFICER KRAMER: Yes.

13 MR. MEYER: Okay. So anyway that was a
14 major, major concern of both Biology and Soil and
15 Water staff.

16 So without those bleeders I think
17 that'll simply things a bit.

18 So, okay. On that point I'll go into
19 the --

20 MS. HOLMES: Christopher can you talk
21 about, perhaps it would be helpful since we're
22 talking, going to talk about schedule. Can you
23 talk about how long it will take given this
24 clarification from Ms. Leiba how long it will take
25 to incorporate the current proposal into the

1 analysis so we get a sense of whether this is a
2 schedule, a schedule problem or not.

3 MR. MEYER: Basically it was a more of a
4 delay waiting for just to make sure that there
5 wasn't any clarification.

6 Because basically up to this point we've
7 been going on the analyzing it based on not having
8 the bleeders.

9 So it was really only if they were going
10 to be part of the project. It would've been a, a
11 large schedule glitch for Bio and Soil and Water
12 but I think keeping everything into the native
13 drainages is a lesser, a less lesser impact.

14 And staff can keep going where they're
15 going.

16 And the only real, there was a slight
17 delay getting Windsor and Kelly going but, you
18 know, they hit the ground running.

19 So I think we'll be in pretty good
20 shape.

21 MR. GALLAGHER: Chris are you able to
22 provide an estimate of when the Soil and Water
23 Chapter might be drafted?

24 MR. MEYER: It, when I asked them the
25 other day they were hoping to get me something in,

1 or get something to Jim because they'll be giving
2 that to Jim Stobaugh first.

3 My understanding is in, you know, two
4 weeks that they expect to have something to him if
5 not sooner.

6 Is that your understanding as well Jim
7 or have you heard anything recently?

8 MR. STOBAUGH: Yeah, that's my
9 understanding. I've got to tell you, once in a
10 while it's the voices breaking up. So if you
11 could repeat that last one again.

12 I think I got most of it but I was
13 further away. It really does break up from when
14 I'm hearing.

15 MR. MEYER: Okay. Jim I was just
16 wondering if you had heard anything recently from
17 Windsor and Kelly on when they expect to have this
18 one on Water Section, do you?

19 MR. STOBAUGH: I don't actually know, I
20 say this. They're actually working on it as we
21 speak. I don't know when their completion will be
22 but they understand that it's a high priority for
23 us.

24 MR. MEYER: Okay, thank you. Yeah, just
25 my, I talked to them a couple of days ago. We had

1 a call with them and they're putting a team of
2 fairly senior people on it.

3 So it's not just, you know, one or two
4 staff members. They have a group of people all
5 working on it so that they can meet, you know, you
6 know, the deadlines or, you know, any, bring up
7 any deadlines, so.

8 MR. GALLAGHER: I just want to add our
9 thanks to the Commissioners. To both agencies
10 staffs for sort of being creative and using the
11 additional resources that are available to the BLM
12 contracting authority to add more resources.

13 We really appreciate it. We think it's
14 a good idea and we appreciate it.

15 MS. LEIBA: And I just want to add, if
16 Windsor and Kelly or other contractors that come
17 onboard have any questions, you know, please just
18 have them --

19 MR. GALLAGHER: Right.

20 MS. LEIBA: -- contact me and I can get
21 those answers.

22 MR. MEYER: Yeah, and that statement all
23 have been directed since they are the BLM's
24 contractors they're not subject to as many of the
25 restrictions that we have as far as data requests

1 and everything.

2 They, BLM can basically ask you any
3 questions they want anytime. And being their
4 representative they'll be going through that. And
5 I just sort of stay out of it so that there's no,
6 sort of an appearance of impropriety or anything
7 of that nature.

8 So, they've been --

9 ASSOCIATE MEMBER BYRON: If I could just
10 interrupt for just a moment. Mr. Kramer, the
11 Commissioners are very helpful, I mean very
12 pleased to be present during what's essentially
13 now become a discussion around workshop issues and
14 getting data and such.

15 But I know we ultimately need to --

16 HEARING OFFICER KRAMER: Okay --

17 ASSOCIATE MEMBER BYRON: -- keep on
18 schedule to get to a business meeting --

19 HEARING OFFICER KRAMER: -- yes --

20 ASSOCIATE MEMBER BYRON: -- and get to
21 Commissioner Eggert's question about whether or
22 not we're, indeed, still on schedule for this
23 project.

24 So I just caution you --

25 HEARING OFFICER KRAMER: Good point --

1 ASSOCIATE MEMBER BYRON: -- at this --
2 HEARING OFFICER KRAMER: -- good point.

3 MR. MEYER: I've heard you and I will
4 speed up. Okay, so anyway, that Soil and Water
5 we're hoping in a couple of weeks we'll have it.

6 And they know that there's a great
7 urgency.

8 Bringing us to the biological issues.
9 The major, well I'll start with the author of that
10 one actually worked through the weekend and stuff.

11 So he will have a section that is about
12 80 percent complete in the next couple of days.

13 The problem is that there are some holes
14 in it that the biologist from the various
15 agencies, including BLM and Fish and Game, are
16 concerned are too large to sort of plug verbally.

17 You know, the, if, except for our, in
18 the permitting the Fish and Game would issue a
19 lake and stream alteration agreement the Fish and
20 Game does not believe they have enough information
21 on the jurisdictional, of the state jurisdictional
22 waters to do that.

23 So we're working frantically with them.
24 And I think you guys have a, a list of information
25 from Fish and Game that they've asked for. That -

1 MS. BELLOWS: No.

2 MS. LEIBA: I have no list.

3 MS. BELLOWS: No. This is the first
4 we've heard of it.

5 MR. MEYER: Okay, because that was the
6 stuff that we discussed at the January 5th
7 workshop.

8 Okay. I'll just go through really
9 quickly.

10 HEARING OFFICER KRAMER: Well --

11 MR. MEYER: Yeah. Or we just, we'll
12 work with --

13 MS. LEIBA: Yeah, I mean --

14 MS. HOLMES: I think that the conclusion
15 is that the lack of the information about
16 biological resources means that it's not going to
17 be possible to complete the staff assessment on
18 the schedule that was originally anticipated.

19 There have been a number of project
20 changes and a number of information, submittals
21 have come in quite late.

22 I thought it was very helpful that the
23 applicant put together their list and their
24 response to the staff's status report.

25 But if you look at the dates associated

1 with the number, with that information an awful
2 lot of it it's coming quite recently.

3 And there is still outstanding
4 information. So the combination of project
5 changes and information coming in late and
6 information that is still missing I think means
7 that we've got a significant issue with the
8 schedule with respect to Biological Resources.

9 So I know that we have Biological
10 Resources here on the staff and I don't know
11 whether they want to weigh on how long they
12 believe it would take to fill the gaps or not?

13 HEARING OFFICER KRAMER: Well --

14 MR. GALLAGHER: I think it would be
15 useful, at least, to find out whether there are
16 any other information gaps Christopher --

17 MR. MEYER: Right.

18 MR. GALLAGHER: -- that you think we
19 need to go over. Obviously we need to follow up
20 with Fish and Game --

21 MR. MEYER: Right.

22 MR. GALLAGHER: -- the issue just
23 mentioned. And it would be useful to understand
24 if there are any other --

25 MS. BELLOWS: Are these the additional

1 items that came up in the workshop discussions --

2 MR. MEYER: Right. There's a few major
3 ones like the, I know you guys are doing burrowing
4 owl surveys right now --

5 MS. BELLOWS: Right.

6 MR. MEYER: -- I don't know if we're
7 going to have that information. Do you have a
8 date for that?

9 MS. BELLOWS: We do.

10 MS. LEIBA: Two to three weeks.

11 MR. MEYER: Okay.

12 MS. LEIBA: Christopher the information
13 from the workshop though, all that has been
14 submitted back to you in response except for a few
15 items which we're docketing this week.

16 MR. MEYER: Okay.

17 MS. LEIBA: The only outstanding item
18 will then be the burrowing owl surveys which you
19 requested in the workshop. Those will be done,
20 like I said, in two to three weeks. They're doing
21 them right now.

22 MR. MEYER: Excellent.

23 MS. BELLOWS: But does that include the
24 jurisdictional, state jurisdictional water issue?

25 MS. LEIBA: No, that's not --

1 MS. BELLOWS: Okay.

2 MS. LEIBA: -- that's not needed. Why
3 are they doing it now?

4 MR. MEYER: And I think --

5 MS. LEIBA: Chris you did mention that
6 the streambed alteration agreement. Are you
7 saying that's something that you need now,
8 current? Usually that's not something that is
9 typically required for a draft or a staff
10 assessment --

11 MR. MEYER: Well for a preliminary staff
12 assessment, no. But since some actions were not,
13 we're doing, this is a final staff assessment.

14 MS. HOLMES: This is a staff assessment.
15 And that's why some of these informational items
16 for the, the streambed alteration agreement,
17 information about the translocation plan, the
18 burrowing owl information, if we were doing a PSA,
19 FSA we might be able to plug the gaps.

20 But since this is a staff assessment
21 these are major components of the Biological
22 Resources Section. And it's very difficult for us
23 to finish it.

24 I mean if we could finish and say, we
25 don't have enough information. But I don't think

1 that's a wise, staff doesn't think that's a wise
2 approach.

3 MR. MEYER: Well we --

4 HEARING OFFICER KRAMER: Well because on
5 the BLM context that puts you into a basically a
6 recirculation which is --

7 MS. HOLMES: Correct. That's our
8 concern because --

9 HEARING OFFICER KRAMER: -- that's
10 equal, equals delay --

11 MS. HOLMES: -- we would rather --

12 HEARING OFFICER KRAMER: -- yeah --

13 MS. HOLMES: -- we would rather take the
14 additional four weeks and have a staff assessment
15 that doesn't create the need to do a 90 day
16 renoticing for BLM purposes down the road.

17 HEARING OFFICER KRAMER: Yeah, that's
18 really more a BLM problem than a Commission
19 problem because we don't have that 90 day delay
20 and --

21 MS. HOLMES: Right, but we are trying to
22 coordinate --

23 HEARING OFFICER KRAMER: Right.

24 MS. HOLMES: -- with them. And as we
25 think about the dates at which we would like to

1 publish our staff assessment that's on our minds.

2 We would like to be able to publish a
3 staff assessment that's complete for BLM purposes
4 as well and doesn't, and wouldn't require so much
5 additional information that recirculation would be
6 required down the road.

7 HEARING OFFICER KRAMER: Yeah, and
8 that's the Committee's goal as well. We're trying
9 to, we recognize that a Commission decision
10 without a BLM decision is half a decision which is
11 not --

12 MR. GALLAGHER: And honestly, that's our
13 goal as well. To keep the BLM and the state
14 processes together.

15 MR. MEYER: Let me back up just a
16 second. When I, when I characterized having all
17 the information I don't want to sort of insinuate
18 that the applicant hasn't provided this
19 information.

20 It's just that sometimes we've gotten
21 the information and staff has determined that
22 there are little pieces within those reports that
23 we're still missing.

24 It's not like we're missing entire
25 reports or there's little when they read through

1 the reports they decide, yeah, there's bits that
2 don't make sense and we need to get clarification.

3 That's what we're dealing with right
4 now. We're dealing with, you know, the burrowing
5 owl is a different issue.

6 But a lot of this stuff that were the
7 data gaps are clarifications of things that don't
8 either, staff has recognized it as internally
9 inconsistent or, you know, brought up questions,
10 you know, Rick York is the, the Senior Biology, I,
11 it might be easier for him talk about some of the
12 specifics rather than me just relating to what he
13 briefed me on.

14 So since he's here I think that might be
15 the --

16 HEARING OFFICER KRAMER: Well, I'm, you
17 know, concerned about time now.

18 MR. MEYER: Okay.

19 PRESIDING MEMBER EGGERT: Maybe it's
20 just a real, if it's a quick snapshot I want --

21 HEARING OFFICER KRAMER: Okay.

22 MR. YORK: All right. I don't really
23 want to add anything to what's been, what's been
24 said so far.

25 I just, except for there are eagle

1 surveys that are now being done.

2 We've got some new regulations and Fish
3 and Wildlife Service has reminded people about.
4 It's a bit of a surprise to everyone.

5 MS. HOLMES: Yes.

6 MR. YORK: The applicant is out there
7 with their burrowing owl team. But they're also
8 now doing eagle nests surveys out to one mile from
9 the project site.

10 We don't know what we're going to write
11 in our staff assessment about what permit or
12 mitigation or both may be required for this
13 project from the Fish and Wildlife Service.

14 I have a meeting tomorrow and I'll be
15 learning more about that tomorrow.

16 We want to put something in our staff
17 assessment about how that separate permit process
18 may unfold. It's going to be very incomplete.
19 Everybody understands that.

20 But that is a separate issue that we'd
21 like to take a little extra time on to make sure
22 we're a little bit more complete than trying to
23 guess stuff and have to undo things.

24 PRESIDING MEMBER EGGERT: So in terms of
25 the needed surveys and the information, at this

1 point do we have a reasonable assessment of when
2 those would be conducted, completed and evaluated
3 for --

4 MR. GALLAGHER: I think Angela can
5 provide some detail. But, I believe, much of the
6 information has been provided to either Fish and
7 Game or Fish and Wildlife and/or Fish and Wildlife
8 and the BLM.

9 And some of that they need to sort of
10 make their decisions on and provide it to the
11 Energy Commission.

12 So I think that one thing that might be
13 useful is for the agencies to come together and
14 ensure that information that's been provided is
15 getting acted on, you know, relatively quickly.

16 It's, do you want to provide an
17 additional data, detail on that?

18 MS. LEIBA: Yeah, just, details relative
19 to the streambed alteration agreement, for
20 instance. That has been provided to CDFG.

21 So we would encourage the CEC as well to
22 be on to help us expedite that.

23 MR. MEYER: Right. And what we've done
24 is we've asked Chris Huntley who's the biologist
25 for the Energy Commission, he's set up meetings

1 with all of those players to move them along and
2 sort of push them to identify pieces that they
3 still feel that are, that are missing which is
4 where we just came up with this last week that
5 CDFG identifying that they don't have enough for
6 if they were to issue a lake and streambed
7 alteration agreement.

8 So I will work with Chris and his
9 counter part at Fish and Game to find out exactly
10 what little pieces of information we're missing
11 and so if we can get that from as quickly as
12 possible.

13 But what we are doing now is we're
14 writing around those pieces. So instead of
15 getting those pieces and starting the analysis,
16 he's actually I hoping just to be able to punch
17 them in so it'll be a very short time from when we
18 get those to when he'll be able to have something
19 in front of Rick for review.

20 MS. BELLOWS: But Angela is correct that
21 the agencies do have, the other agencies, do have
22 -- for instance, the translocation plan was
23 mentioned --

24 MS. LEIBA: The BA --

25 MS. BELLOWS: -- we've done, we've

1 gotten that done. And we've, but we certainly
2 have not filed with you. I mean maybe the
3 approach is to, you know, everything that we do
4 with agencies, make sure that we also file with
5 you.

6 MR. MEYER: Right. That would be
7 necessary because there's in some cases, you know,
8 we're issuing an in-lieu permit.

9 So the actual, our staff who is writing
10 it up are the ones who are going to be writing the
11 conditions and hopefully getting them from the
12 agencies.

13 But if we don't get them from the
14 agencies, if we have the information what we can
15 do is we can write what we believe the agencies
16 would write if they were provided the information.

17 That way during the draft process Fish
18 and Game, Fish and Wildlife Service can look at
19 the conditions that our biologist writes up and
20 comment on rather than waiting for them to get us
21 that information.

22 MS. BELLOWS: Okay. You are correct
23 that what we've seen through the process is that
24 there are additional requirements that keep coming
25 to the forefront.

1 One of the things that is, that has just
2 come to bear is the whole translocation,
3 relocation plan coming out of Fish and Wildlife on
4 the desert tortoise.

5 And as we turn to the schedule I mean
6 it's critical now because we know exactly what we
7 have to do. And if we're not permitted by 9/30
8 then all bets are off for 2010 because of the
9 existence of desert tortoise.

10 PRESIDING MEMBER EGGERT: So you're
11 saying that we have 28 minutes to (laughter), no,
12 I'm sorry (laughter).

13 MR. YORK: Yeah, this project has the
14 likelihood of having to relocate a significant
15 number of tortoise. And I think it may be the
16 largest number of tortoise of any of the projects.
17 Far more than Ivanpah.

18 So the translocation, relocation plan
19 and the timing is a critical thing. It is an
20 agency/applicant effort that takes some time to do
21 it right. It's not a simple thing of just moving
22 the tortoise and dropping them outside the fence.

23 PRESIDING MEMBER EGGERT: And you're
24 saying the plan is done or the plan is completed.

25 MS. LEIBA: We submitted a draft and

1 it's now --

2 MS. BELLOWS: We submitted --

3 MS. LEIBA: -- in consultation with Fish
4 and Wildlife Services and CDFG.

5 MS. BELLOWS: Based on their new
6 guidelines. And, in fact, we have a discussion on
7 that tomorrow.

8 MR. YORK: Our analysis will talk about
9 how that's in draft form and how timely things
10 need to be so. But it, once again, big project,
11 lots of tortoise, time consuming issue to make
12 sure that's all handled very properly given the
13 schedule concerns.

14 HEARING OFFICER KRAMER: And a learning
15 experience for all the agencies.

16 MR. YORK: Well unfortunately the
17 agencies are all getting much better than they'd
18 like to be at moving tortoise.

19 And that is not a small issue.

20 HEARING OFFICER KRAMER: Well I was
21 thinking in general, you know, these, the early
22 projects in the desert are taking a little longer
23 because the agencies are ramping up and developing
24 some of their protocols that they had not had to
25 develop prior to this.

1 Anything else on Biology?

2 MR. MEYER: No, I'm done with, with my
3 issues. I'll turn it over --

4 ASSOCIATE MEMBER BYRON: But I
5 understood what you said Mr. York. That this is
6 not something that you prefer to see done,
7 obviously.

8 MR. YORK: No. And --

9 ASSOCIATE MEMBER BYRON: I just wanted
10 to make sure you understood we captured what you
11 said was --

12 MR. YORK: Thank you very much for
13 hearing me. The, they actually quite a bit of
14 refinements being developed on the actual
15 procedures and that sort of thing.

16 And those will all be in the analysis.
17 And the applicants are well aware of these, of the
18 refinements so. That's a huge issue but, you
19 know, we're going to, we're going to deal with it.

20 HEARING OFFICER KRAMER: Mr. Stobaugh
21 did you have anything else to add from the BLM's
22 side of the equation?

23 MR. STOBAUGH: No, just, I mean one of
24 the things, of course, we're still kind of
25 wrestling with, I was glad to hear that the large

1 grid interconnection agreement has been signed.

2 So BLM is anticipating then the receipt
3 soon of an application for at, from Southern Cal
4 Edison at least the 275 scenario.

5 We're pondering whether or not to, how
6 much wind and how much we may get of the 850
7 megawatt footprint.

8 That plays right on some of the
9 discussion and coordination we need to do with the
10 Fish and Wildlife Service as what is the project
11 description, you know, do a biological assessment.

12 HEARING OFFICER KRAMER: So that's of
13 the solar field themselves rather than the
14 transmission line?

15 MR. STOBAUGH: Well, no. And this is
16 where this gets a little bit complex. Yes, we
17 can, if the, we can talk about the footprint of
18 the Solar One Calico Project there and say, okay,
19 if we're fixed and set with that right now we're,
20 we may be okay with the discussions with the Fish
21 and Wildlife Service.

22 HEARING OFFICER KRAMER: And are we
23 fixed and set in your mind or is that still a
24 moving target?

25 MR. STOBAUGH: What, Chris are you still

1 on the line? Chris Otahal.

2 I think the point was about the --

3 MR. OTAHAL: Yes, I am on the line.

4 MR. STOBAUGH: Okay. Roughly it's about
5 that, I think the transmission scenario right now
6 is what is kind of holding up things with the Fish
7 and Wildlife Service consultation?

8 MR. OTAHAL: Just to kind of explain the
9 quandary that we're in. From the solar array we
10 don't have any issues right now because that seems
11 to, in terms of consulting with the Fish and
12 Wildlife Service because that footprint is pretty
13 much set in stone at this point.

14 You know, there might be some
15 discussions about not proceeding with the phase
16 two of the project but that's kind of a secondary
17 discussion plain at this point.

18 The real issue is whether the upgrade to
19 the 275 transmission line is going to be part of
20 the project or if it's just going to be a
21 cumulative impact that's going to be discussed as
22 such.

23 And then also, will the 850 upgrade of
24 the transmission line be considered part of the
25 project as well.

1 Right now it seems the biological
2 assessment that I've received it seems to be that
3 only the project footprint of the solar array is
4 being considered for the biological assessment
5 process.

6 HEARING OFFICER KRAMER: Okay, and
7 that's, that's a decision that both the Commission
8 and BLM have to make is to what, what they're
9 going to analyze in their analyses. So --

10 MR. OTAHAL: Right. And as part of the
11 issue is that in my initial discussions with Fish
12 and Wildlife Service they are, at least
13 tentatively contemplating saying that the
14 transmission line upgrades, all the way up through
15 the 850 is part of the project because of the but
16 for type of situation that, you know, basically
17 the project cannot go fully on line unless these
18 transmission lines are upgraded.

19 HEARING OFFICER KRAMER: So that would
20 require then how much data? Am I correct --

21 MR. OTAHAL: Yeah, I mean that was, that
22 would be a huge problem because even for the 275
23 upgrade which we have relatively more information
24 on, we probably don't have sufficient information
25 to do a biological assessment because there are

1 too many kind of fuzzy answers that we're dealing
2 with in terms of the data.

3 HEARING OFFICER KRAMER: So what's the
4 time table to resolve that question about how, you
5 know, the scope of the project that you need to
6 analyze because that sounds like a real critical
7 path item on --

8 MR. OTAHAL: Yeah, that, I mean that's
9 something that, frankly, should have already been
10 done but the sooner that we get that done the
11 better because right now it makes the synopsis of
12 the biological assessment fairly problematic
13 without having the project description down.

14 And I would also submit that, you know,
15 even with the staff assessment, draft EIS you
16 notice we don't have the project description down
17 then we're having some problems.

18 MR. MEYER: Okay. Chris this is
19 Christopher Meyer. Is this a change from the
20 direction we got from Jim Abbott back on December
21 3rd?

22 MR. GALLAGHER: Yeah, that was my
23 question as well. I thought the BLM has sort of
24 concluded the push they were going to take on the
25 transmission line which is essentially a sort of

1 reasonably foreseeable or cumulative-type
2 analysis.

3 MR. MEYER: That's the direction we got
4 from Jim Abbott was that's what they were going to
5 do.

6 Basically we started having meetings,
7 you know, about a year ago with PUC because to do
8 that we would have to have a joint PUC/BLM and
9 Energy Commission document and it would have to go
10 through the full scoping on the transmission line
11 to get the final route, the final location of the
12 substation.

13 Edison would have had to really
14 realistically file their application for a CPC and
15 with the PUC about a year ago or if not more.

16 MR. OTAHAL: Okay, I was not aware of
17 what Mr. Abbott had discussed. I was not aware of
18 that part.

19 So maybe from the CEC/BLM standpoint we
20 have, it sounds like resolution on what the
21 project is.

22 But I wanted to point out that that is
23 going to run into conflicts whenever Fish and
24 Wildlife assess the project.

25 MR. STOBAUGH: But the one thing, this

1 is Jim. One thing that we still are looking at,
2 of course, is for BLM and an analysis in NEPA we
3 need to actually have an application in hand to
4 look at what may be a connected action.

5 That's what led a little bit to that
6 reasonably foreseeable action scenario.

7 So that's, it would be good to have that
8 application. It sounds like we could have the 275
9 scenario application in the near future for
10 analysis and response in the draft EIS.

11 The question is are we or when are we
12 possibly going to have anything of a footprint to
13 identify and an application for the 850 scenario.

14 MR. GALLAGHER: Jim I think the answer
15 to that is that you're not going to have that
16 anytime soon because Edison is not going to be
17 able to file the CPC application probably until
18 around the end of this year.

19 MS. BELLOWS: They have talked about at
20 the earliest, the end of 2010.

21 MR. GALLAGHER: And so I think that's
22 why the conclusion was that the 850 upgrade would
23 be considered as a sort of a reasonably
24 foreseeable or cumulative-type impact.

25 I think the exact language varied

1 between the NEPA and the CEQUA because and the, as
2 Chris mentioned earlier, of the analysis will
3 provide, will be, will be conducted now will be
4 based on the information that's available.

5 And the information for the final
6 information, engineering, where the tower is going
7 to go, that sort of thing, simply isn't available
8 from Edison yet.

9 It's a separate application filed by a
10 separate applicant. And so --

11 PRESIDING MEMBER EGGERT: Isnt, just a
12 question, isn't there a, there's sort of a natural
13 check here. And obviously the, if the
14 transmission line isn't sort of, hasn't gone
15 through the whole process and gotten approved, the
16 project can only build out to a certain level --

17 MR. MEYER: Right. That is correct.

18 PRESIDING MEMBER EGGERT: -- so that's
19 something that we --

20 MR. MEYER: That's, my next question for
21 the applicant would be --

22 MS. HOLMES: Well let's --

23 MR. MEYER: -- I --

24 MS. HOLMES: -- let's get the answer,
25 let's get the answer first from the question that

1 we, that you poised a couple of minutes ago to
2 Chris Otahal.

3 Is this a, is this something that, is
4 this a Fish and Wildlife issue associated with the
5 BA and the BL that's disconnected in some way or
6 not coordinated at this point with the BLM and CEC
7 decision that Chris mentioned in his question?

8 MR. OTAHAL: Yeah. That's exactly the
9 issue that I'm running into is that, again, it
10 seems that BLM, CEC and Tessera have decided that
11 the project is really just the solar array and not
12 either the 275 transmission upgrade or the full
13 build out upgrade.

14 And that's okay. I mean that's how we
15 are proceeding but that, the indications I'm
16 receiving is that for the biological opinion and
17 for the biological assessment that may pose the
18 disconnect as your, as your are defining it.

19 MS. HOLMES: So it sounds to me that
20 what needs to happen next in addition to continue
21 working on the staff assessment is we need to go
22 back and with BLM and pull Fish and Wildlife into
23 the discussion and have some additional
24 consultation.

25 MR. OTAHAL: That's exactly what needs

1 to happen if that actually Fish and Game, Fish and
2 Wildlife, BLM and probably CEC need to all sit
3 down and be sure that we're on the same page in
4 terms of the project footprint and how the various
5 agencies may proceed.

6 MR. MEYER: Okay. Yeah Chris this is
7 Christopher. Yeah, we had that meeting on the
8 December 1st, 2nd and 3rd but I think we need to
9 revisit it and make sure nothing has changed.

10 HEARING OFFICER KRAMER: Was Fish and
11 Wildlife involved in that?

12 MR. MEYER: They brought down, I cannot,
13 he was at the meetings this last week, the
14 representative from Fish and Wildlife Service
15 briefly.

16 But I will get his name and get it to
17 Chris.

18 MS. HOLMES: I don't believe they
19 participated, the meeting, there were three days
20 of meetings. And I don't believe he participated
21 in all three days --

22 MR. MEYER: No.

23 MS. HOLMES: -- so, the question then
24 becomes, what do we do with the schedule for the
25 staff assessment? We've got some areas where we

1 have outstanding, outstanding issues --

2 MR. GALLAGHER: Caryn --

3 MS. HOLMES: -- yes.

4 MR. GALLAGHER: -- before we get there
5 can I just a point of verification on the 275
6 megawatts. For that there is a required expansion
7 to the substation of about, I think it's about a
8 thousand square feet --

9 MR. OTAHAL: Yes, and also for the 275
10 the other issue that besides the expansion of
11 Pisca will be the installation of the fiber optic
12 communication line on the I40 corridor and also
13 between Pisca and Lugo.

14 MR. GALLAGHER: Right, and the --

15 MR. OTAHAL: And part of the issue there
16 is --

17 MR. GALLAGHER: -- the point is --

18 MR. OTAHAL: -- that we have little or
19 now information, at least I do, on what those
20 impacts would entail.

21 MR. GALLAGHER: And the only point I was
22 going to raise was that for the substation upgrade
23 or expansion of about a thousand square feet, that
24 area is on existing BLM right of way and it's
25 within this biological study area.

1 So the biological assessment of the draft BA
2 that we'll submit to BLM or to BLM for submission
3 to Fish and Wildlife or has been --

4 MS. BELLOWS: We already did.

5 MR. GALLAGHER: -- submitted, including
6 that area, includes that area, includes that land,
7 all the biological information for the substation
8 land has been provided.

9 MR. ROTTE: Not really. This is Rich in
10 Barstow. As Chris said, it also requires upgrade
11 to all the towers between Pisca and Lugo in order
12 to accommodate the dual-purpose fiber optic ground
13 cable.

14 But it's going to be additional
15 esternments in each of the, each of the towers
16 that hasn't been analyzed previously.

17 MR. OTAHAL: Right. And also there is a
18 fiber optic upgrade that's needed along the I40 as
19 well that is not part of, both of those are
20 outside of the area that has been analyzed from
21 the biological standpoint and also (loud ring on
22 line) --

23 HEARING OFFICER KRAMER: Okay, we --

24 MS. HOLMES: I'd like to --

25 HEARING OFFICER KRAMER: -- we --

1 MS. HOLMES: -- I'd like to suggest a
2 solution but perhaps I'll let that Mr. Kramer
3 suggest his solution first.

4 HEARING OFFICER KRAMER: No, mine is
5 simply to note that we need to --

6 MS. HOLMES: Move on.

7 HEARING OFFICER KRAMER: -- we need to
8 terminate this workshop aspect of our conference
9 today and move forward. But go ahead and make
10 your --

11 MS. HOLMES: I think in light of what
12 we've heard we had a, if you look at the existing
13 Committee schedule with anticipated final
14 information coming in from the applicant on
15 December 15th.

16 As you heard we got information up to
17 last week, getting more today. Some of the
18 information that's come in past December 15th is
19 fairly important. Some is not.

20 But given that the December 15th date
21 was proposed in the Committee schedule and also
22 given the fact that we've now got some issues to
23 work out with Fish and Wildlife Service, Fish and
24 Game and BLM, what I'd like to propose is that the
25 staff assessment date be moved one month back and

1 that we get back to the Committee with a written
2 report in two weeks on the status of our
3 coordination with the other agencies on this
4 particular issue associated with the transmission
5 upgrades.

6 ASSOCIATE MEMBER BYRON: Ms. Holmes
7 precisely what is one month back? Is that
8 February 16th plus 30 days? I'm trying --

9 MS. HOLMES: Yes.

10 HEARING OFFICER KRAMER: Yes, or four
11 weeks, okay. Is that a week day?

12 MS. HOLMES: I don't know. I didn't, I
13 mean I'm coming up with this off the top of my
14 head but it just looking at the Committee's
15 schedule and --

16 HEARING OFFICER KRAMER: It's a Tuesday.

17 PRESIDING MEMBER EGGERT: And then the
18 other date? You said there was to by the update
19 in a couple of weeks?

20 MS. HOLMES: In two weeks so that we
21 have a chance to consult with those agencies and
22 report back to the Committee on the status of
23 those discussions.

24 MR. MEYER: Yeah, we have a status
25 report due --

1 MS. HOLMES: Oh, that's right.

2 MR. MEYER: -- we have a scheduled
3 status report due on, I think, the 13th or so.

4 HEARING OFFICER KRAMER: The last one
5 was on the 14th is that right?

6 MR. MEYER: Yeah. I have to double
7 check that to see the exact calendar day. But
8 we're doing an update in four weeks so --

9 HEARING OFFICER KRAMER: That would be
10 February the 11th.

11 MR. MEYER: Okay. So I propose that on
12 February 11th, you know, in that status report,
13 you know, we focus on the, how, where we are on
14 the, the transmission line and everything else.

15 MS. BELLOWS: In terms of, in terms of,
16 of that, that's where the staff assessment, how
17 would that impact the remainder of the schedule?

18 I mean are you envisioning things being
19 squished in between or are you envisioning a full
20 month pushed back at the end?

21 MS. HOLMES: That's more up to the
22 Committee than it is up to the staff so.

23 HEARING OFFICER KRAMER: Well, I think
24 there was some, there was some spare time in the
25 current schedule because we, because and basically

1 because we started the hearings during the BLM
2 comment period on the draft.

3 We, I think we would still have time to
4 finish on September 30th. I'm more worried about
5 what this does to the BLM schedule.

6 MS. HOLMES: May I raise another issue
7 Hearing Officer Kramer?

8 HEARING OFFICER KRAMER: Sure.

9 MS. HOLMES: That's the, depending upon
10 where we are in four weeks, and hopefully we will
11 be far along, I had noted previously that there is
12 a supplemental staff assessment, final
13 environmental impact report statement due that is
14 not followed by an evidentiary hearing.

15 And to the extent that there are still
16 unresolved issues that get resolved as a result of
17 the supplemental staff assessment, the Warren
18 Alquist Act process requires that that information
19 come in pursuant to an evidentiary hearing.

20 It doesn't have to be long. It doesn't
21 have to be complicated. But there does need to be
22 a time for an evidentiary hearing.

23 We cannot be having an evidentiary
24 hearing for the supplemental staff assessment at
25 the same time that we're having a hearing on the

1 PUP for all these reasons.

2 HEARING OFFICER KRAMER: No.

3 ASSOCIATE MEMBER BYRON: Did Mr. Kramer,
4 is that an oversight on Mr. Kramer's part do you
5 think (laughter)?

6 MS. HOLMES: I would not presume to
7 think so (laughter).

8 HEARING OFFICER KRAMER: No, actually
9 this schedule was prepared on the assumption that
10 the supplemental staff assessment was more of an
11 errata because I've always been --

12 MS. HOLMES: Right.

13 HEARING OFFICER KRAMER: -- concerned
14 and some of that theme was expressed today that if
15 we have big gaping holes in the staff assessment
16 DEIS, then on both sides, the BLM and the
17 Commission side, you know, we risk having to re-
18 notice for BLM --

19 MR. MEYER: Yeah.

20 HEARING OFFICER KRAMER: -- or have a
21 new comment period that is. And also have a, you
22 know, a more serious involved hearing on the
23 Commission side before we can issue the presiding
24 members proposed decision.

25 So I'm very much in favor of taking a

1 little more time to prepare a staff assessment
2 that is thorough --

3 ASSOCIATE MEMBER BYRON: Thorough and
4 complete.

5 HEARING OFFICER KRAMER: -- then having
6 half a loaf and bringing the other loaf home
7 later.

8 ASSOCIATE MEMBER BYRON: Yeah.
9 Commissioner Eggert I didn't mean to defame our
10 Hearing Officer. We actually, these are two of
11 the best here in terms of staff attorney and
12 Hearing Officer we have at this Commission.

13 So I hope you appreciate it's just in
14 good fun that I (laughter) --

15 HEARING OFFICER KRAMER: No, I didn't,
16 no I, I hope I was semi-serious in my response.

17 ASSOCIATE MEMBER BYRON: Good answer Mr.
18 Kramer, good answer (laughter).

19 HEARING OFFICER KRAMER: But, so I am
20 more worried about the BLM process because they
21 have that, and then we also have the, I guess we
22 shouldn't forget the Fish and Wildlife Service.

23 They have by tradition, they have a 135
24 day consultation period on the biological
25 assessment.

1 Has the biological assessment been
2 submitted to them?

3 MS. BELLOWS: We submitted it to the
4 BLM. The BLM is obviously needs some --

5 HEARING OFFICER KRAMER: Okay.

6 MS. BELLOWS: -- clarification so --

7 HEARING OFFICER KRAMER: So the BLM has
8 not submitted that to the Fish and Wildlife
9 Service.

10 MS. BELLOWS: That's true.

11 MR. OTAHAL: Well the biological
12 assessment I have a draft of it and I am reviewing
13 it. Actually I was reviewing it this morning and
14 yesterday.

15 And BLM comments on the biological
16 assessment should be ready by a week from Friday.
17 So it's two weeks basically.

18 HEARING OFFICER KRAMER: So you're not,
19 so the information that is outstanding is not
20 holding that up?

21 MR. OTAHAL: The outstanding information
22 some of it are in my comments so hopefully we will
23 resolve those issues enough to be able to get the
24 biological assessment completed and submit it to
25 Fish and Wildlife.

1 HEARING OFFICER KRAMER: Okay. Because
2 that's another rather long period in this case
3 that we have to keep in mind. They could take,
4 and as I understand it, they quite often take more
5 than the 135 days so --

6 MR. OTAHAL: Actually we have an MOU
7 with the Fish and Wildlife that expedites
8 renewables.

9 So actually the 135 days is --

10 MR. STOBAUGH: More like 90.

11 MR. OTAHAL: -- yeah, it's more of a 90
12 day process with an MOU that we have with Fish and
13 Wildlife on these --

14 HEARING OFFICER KRAMER: Okay. So
15 perhaps it would be no more constraining than your
16 comment period on the DEIS then? Which is a good,
17 a bit of good news.

18 MR. GALLAGHER: And we've asked the for
19 Fish and Wildlife Service as well to try to do
20 that review in 90 days which would sort of bring
21 them ahead of the or consistent with the DEIS
22 comment period.

23 I think it would be beneficial to the
24 project as a whole.

25 HEARING OFFICER KRAMER: So I --

1 MS. MILES: I'd like to make a comment
2 really quick and --

3 HEARING OFFICER KRAMER: Oh, Ms. Miles.

4 MS. MILES: -- it relates to the
5 biological assessment and these documents. I'd
6 like to see them docketed with the Energy
7 Commission in the spirit of transparency.

8 I'm not sure, it seems like everything
9 is kind of only going on or it's starting to
10 become the bulk of information is going on behind
11 closed doors because it's only at the BLM.

12 So we'd just like to make sure that a
13 lot of this gets docketed because in --

14 MR. OTAHAL: Oh, I'm sorry but you're
15 fading out.

16 MS. MILES: And in the --

17 HEARING OFFICER KRAMER: That's okay,
18 the --

19 MS. MILES: In the spirit of, you know,
20 we're trying to move forward as quickly as we can
21 with the remainder of the schedule I'm afraid that
22 the intervenors' ability to review and comment may
23 be abridged or and I want to make sure that, you
24 know, everything is able to be reviewed by the
25 intervenors and the public.

1 And so I just feel like a lot of
2 information is kind of being submitted to the BLM
3 and not submitted within the Energy Commission.

4 So I'd like to see, for example, the
5 desert tortoise translocation plan docketed, any
6 streambed information, streambed alteration
7 agreement application docketed, any mitigation
8 plans docketed.

9 I know there's been some discussions of
10 a broad mitigation plan that would apply to a
11 number of solar projects. That's there
12 information about that.

13 And the biological assessment. You
14 know, the draft biological assessment if possible.

15 HEARING OFFICER KRAMER: Yeah, I think
16 that's a good idea for both the applicant and the
17 staffs to avoid arguments during the hearings that
18 sufficient preparation time wasn't afforded.

19 I'd think you'd be wise to make these
20 documents available sooner rather than later.

21 MR. BASOFIN: I have a question sort of
22 on the same note. Because we're doing a staff
23 assessment hearing on the usual PSA, FSA format,
24 will the staff assessment be circulated for public
25 comment? And if so, for how long?

1 MR. MEYER: Basically since we're doing
2 a joint document it's a staff assessment draft
3 EIS.

4 And the land use plan amendment at the
5 BLM requires a 90 day review period.

6 The whole document will go out for that
7 90 day review period.

8 MR. BASOFIN: I see. So there will be a
9 concurrent --

10 MR. MEYER: It's basically it's one
11 document and it's not going to, we're, it's just
12 too cumbersome to try to say, you can only comment
13 so much on this part of the document but, you
14 know, 90 days on that.

15 So we're going to basically have a 90
16 day comment period for the entire joint document.

17 HEARING OFFICER KRAMER: And that's more
18 for the public. For you as a party the hearings
19 may start before the end of that period.

20 And you should be ready to present your,
21 certainly your factual evidence and make your
22 cross examination at the evidentiary hearings.

23 MS. JENNINGS: So there will be at least
24 30 days before we would begin evidentiary
25 hearings?

1 HEARING OFFICER KRAMER: Well the
2 current --

3 MS. HOLMES: The current --

4 HEARING OFFICER KRAMER: -- schedule has
5 about eight weeks.

6 MS. HOLMES: And the Commission's
7 requirements, however, are 14 days. So for the
8 purposes of --

9 HEARING OFFICER KRAMER: Right.

10 MS. HOLMES: -- purposes of our CEC
11 process it's a 14 day review period.

12 MS. MILES: Well eight weeks sounds
13 better than 14 days --

14 MS. HOLMES: Doesn't it.

15 MS. MILES: -- on there (laughter).

16 MR. THERKELSEN: There is always the
17 possibility of taking uncontested items and
18 getting them into the record early.

19 ASSOCIATE MEMBER BYRON: And here I
20 thought the three attorneys at that end of the
21 table were being very quiet and probably not going
22 to say anything during the (laughter) --

23 MR. THERKELSEN: Sorry Mr. Commissioner.

24 ASSOCIATE MEMBER BYRON: It's good to
25 hear from you (laughter). Mr. Kramer the last

1 comment you may or may not heard.

2 And that was Mr. Thompson indicated that
3 uncontested issues could be taken in to record
4 earlier. I just wanted to make sure, I think
5 that's a correct statement, isn't it?

6 HEARING OFFICER KRAMER: It is, but
7 probably for scheduling purposes it --

8 ASSOCIATE MEMBER BYRON: Doesn't
9 affect --

10 HEARING OFFICER KRAMER: -- doesn't help
11 much because then we have to get this group
12 together a couple of times.

13 So we'll probably just wait until the
14 main bulk of evidentiary hearings.

15 MS. MILES: In terms of I'm getting
16 clarification from Fish and Wildlife Service about
17 the scope of the review and the project
18 description, I'm wondering is that going to be a
19 noticed workshop? Because I was not, I don't
20 think that the discussion that occurred before was
21 noticed or in the public record for those three
22 days so.

23 MS. HOLMES: That's correct. Typically
24 when we have inter-agency meetings without the
25 applicant we don't notice them. And it's not that

1 we're trying to exclude people it's just that the
2 noticing process and peoples' schedules are
3 challenging these days in particular and sometimes
4 we will not know 10 days ahead of time whether
5 people can meet or not.

6 If the applicant attends these meetings
7 obviously they have to be noticed and would be. I
8 don't know if we'd made a decision yet or if the
9 Committee has a preference for whether or not
10 these inter-agency discussions would be part of a
11 public process or would happen in the typical way
12 where we just have inter-agency meetings without
13 other parties, members of the public or the
14 applicant.

15 HEARING OFFICER KRAMER: Well I would
16 say just follow the existing rules.

17 MS. HOLMES: Okay.

18 MR. MEYER: Basically we've been having
19 them as inter-agency meetings where we can get the
20 resource agencies to work out the details among
21 themselves before we bring them to the group
22 including the applicant.

23 MS. HOLMES: But I would commit in the
24 status report that we're talking about where this
25 would be summarized to providing more detail than

1 you would typically see about what the discussions
2 were.

3 MS. MILES: Great --

4 MS. HOLMES: If that would help.

5 MS. MILES: -- I appreciate that, yeah.

6 PRESIDING MEMBER EGGERT: This is the
7 February month status report?

8 MS. HOLMES: Right. Hopefully by then
9 we'll will have had some of these inter-agency
10 meetings and we typically don't write those up as
11 reports of conversation or notices of that nature.

12 But I think it would be appropriate
13 given the concern that's been expressed to commit
14 on the staff's side to providing a significant
15 amount of detail about those discussions in that
16 status report.

17 PRESIDING MEMBER EGGERT: Is there value
18 to having additional staff updates between the
19 February 11th and the evidentiary hearing that
20 aren't listed here. Is there --

21 MS. HOLMES: If there's something that
22 comes up that's particularly significant for, if a
23 major issue is resolved I think it would simply be
24 appropriate for us to file something with the
25 Committee saying that we would be a filing and

1 docketed and served.

2 So if there is a major breakthrough or a
3 major stumbling block that we discover before
4 February 11th we would be happy to make a filing
5 to notify the Committee of that and all parties of
6 that event.

7 HEARING OFFICER KRAMER: Yes. Anytime
8 you have something major you're always allowed to
9 file an additional status --

10 MS. HOLMES: And it has to go through
11 management review --

12 HEARING OFFICER KRAMER: -- report.

13 MS. HOLMES: -- which is sort of a
14 disadvantage at times.

15 HEARING OFFICER KRAMER: Right. Yeah,
16 it's not something that you (laughter) can do at
17 the drop of a hat (laughter).

18 That's why I say it's for doing --

19 MS. HOLMES: This was all in good fun
20 too (laughter).

21 HEARING OFFICER KRAMER: Welcome to our
22 serial roast of most of the people in the room.

23 MR. MEYER: But I have taken notes for
24 all the additional that Caryn has signed me up for
25 (laughter). I will make sure that that's in the

1 status report.

2 HEARING OFFICER KRAMER: So from the
3 applicant and the other parties any comments on
4 Ms. Holmes's proposal that we revise the schedule
5 to have the SA/DEIS and the, I guess, the
6 beginning, I have, well, let me just go with that
7 one.

8 On March 16 as opposed to the current
9 February 16.

10 MR. THERKELSEN: Commissioners I would
11 note that if U.S. Fish and Wildlife Service does
12 have indeed a 90 day review a biological opinion
13 and the supplemental staff assessment comes out on
14 the Committee's schedule two weeks after the
15 biological opinion is issued we basically can
16 still meet the 9/30 decision date.

17 So therefore the Fish and Wildlife
18 Service document is critical. Their timing in
19 doing that in 90 days is critical.

20 MR. GALLAGHER: I'd say Commissioners
21 that from, basically from what we've heard today
22 it's reasonable to move the staff assessment
23 publication date.

24 The key point for us is going to be
25 trying to keep to that September 30th completion

1 of certification so that we can do work in the
2 field with the tortoise if necessary.

3 It looks like it would be necessary this
4 fall.

5 ASSOCIATE MEMBER BYRON: Well we'd love
6 to share the burden of schedule. The folks on the
7 phone this MOU that you were discussing does it
8 indeed imbed this 90 day review process?

9 Can we use that in our schedule or not?

10 PRESIDING MEMBER EGGERT: And then just
11 maybe a supplemental question to that is, is it
12 possible to confirm that for this particular
13 project that that 90 days could be complied with,
14 you know, with this revised schedule? Maybe at
15 the next staff update.

16 MR. STOBAUGH: That's what is actually
17 in the MOU. The cause, obviously some kind of a
18 confirmation discussion with the Fish and Wildlife
19 Service to establish, I guess, this as that level
20 of priority with them and the schedule being
21 proposed would have to be a conversation we do
22 need to have to give you a confirmed answer.

23 HEARING OFFICER KRAMER: Okay, but I
24 think we could say in the schedule, we could call
25 it a 90 day period because that's in your MOU now,

1 right?

2 MR. STOBAUGH: That's the way it's
3 written.

4 MR. MEYER: Jim this is Christopher. Is
5 it possible, is that a public document that we
6 could add to the docket, the MOU. Or is that just
7 an inter-agency --

8 MR. STOBAUGH: I don't know why it
9 couldn't be made public. It is an, it's just an
10 inter-agency but it's two federal agencies so I'll
11 get with the California Desert District. That's
12 where the MOU was, is kept on file and just look
13 at getting a copy.

14 PRESIDING MEMBER EGGERT: And do you
15 think by the next staff update in two weeks that
16 they would be able to provide the confirmation for
17 this particular project?

18 MR. STOBAUGH: We'll just need to have
19 this kind of, we'll just need to have set up a
20 call with that and have that discussion with them.

21 But yes, two weeks from now they should,
22 there should be that kind of communication done.

23 MR. OTAHAL: Yes, my suggestion would be
24 is whenever we have the discussion about the
25 project footprint we could also have the

1 discussion about the 90 days as well because those
2 will probably both interplay.

3 HEARING OFFICER KRAMER: Yeah and the
4 footprint discussions probably the bigger of the
5 two anyway.

6 MR. STOBAUGH: Yeah, I think the thing
7 we've been kind of wrestling with is the
8 anticipation of getting an application from
9 Southern Cal Edison so at least we would have a
10 footprint established for project descriptions on
11 the 275.

12 Obviously with the 850, of course, is a
13 foreseeable, reasonably foreseeable action.

14 So the only thing we're really talking
15 about going to the on the transmission side with
16 the Fish and Wildlife Service may be just the 275
17 scenario.

18 HEARING OFFICER KRAMER: Okay, but you
19 heard today that it's very unlikely that you're
20 going to receive that application anytime soon,
21 right?

22 MR. STOBAUGH: Yeah, it's the --

23 MR. GALLAGHER: The 275 application I
24 think should follow the signing of the
25 interconnection fairly shortly --

1 HEARING OFFICER KRAMER: Okay.

2 MR. GALLAGHER: -- as I understand it.

3 MR. STOBAUGH: Yeah, no that's the 275
4 is --

5 MR. GALLAGHER: It's the larger
6 application that will --

7 MR. STOBAUGH: -- I'm assuming is coming
8 in pretty quick.

9 ASSOCIATE MEMBER BYRON: Wait. Say that
10 again Mr. Stobaugh.

11 MR. STOBAUGH: The 275, I'm, my
12 anticipation starting with the Southern Cal Edison
13 is we would be seeing in not too long at least a
14 275 application.

15 MR. GALLAGHER: Right. That's a right
16 of way application, right?

17 MR. STOBAUGH: Right.

18 MR. GALLAGHER: Yeah. For that
19 additional thousand square feet.

20 MS. BELLOWS: Given that we start
21 expending funds with SCE for that starting in
22 April that is certainly what you would expect
23 (laughter).

24 PRESIDING MEMBER EGGERT: Just to
25 clarify that, I mean, given that we know we won't

1 have the more detailed, the more detailed, the
2 details on the larger scale system, I mean is that
3 something that you can get counsel on in terms of
4 whether or not the full project consideration can
5 move forward for the 850? Or do we know what the
6 answer is to that at this point?

7 MR. GALLAGHER: Again, I think that was
8 the answer that was concluded in the December
9 meetings between the agencies --

10 PRESIDING MEMBER EGGERT: Okay.

11 MR. GALLAGHER: -- and those can be
12 treated as a reasonably foreseeable on the
13 analysis that was going to be in these documents
14 that would be based on available information now.

15 PRESIDING MEMBER EGGERT: Okay.

16 MS. HOLMES: But it appears that Fish
17 and Wildlife Service may have some concerns about
18 that. And that's what we need to iron out.

19 MR. GALLAGHER: We need to talk about
20 that.

21 HEARING OFFICER KRAMER: Okay.

22 ASSOCIATE MEMBER BYRON: Well and if I
23 may just a moment. Ms. Bellows brought up
24 Southern California Edison working towards an
25 application here.

1 We're defaming everyone else about those
2 not present. It's my understanding based upon our
3 workshop last Friday that there is some movement
4 on the part of Southern California Edison in
5 response to the Governor's Office request for them
6 to expedite these applications. Is that correct?

7 And is that helping matters?

8 MS. BELLOWS: It definitely is helping.
9 I have to say on the transmission side they've
10 done I mean from not being very helpful to very
11 helpful but (laughter).

12 MR. THERKELSEN: The last four weeks
13 there's been a tremendous change.

14 MS. BELLOWS: Yes.

15 ASSOCIATE MEMBER BYRON: Okay. Well, I
16 don't know if you're aware of that Mr. Stobaugh
17 but we're encouraged that the utilities seem to be
18 motivated, in this case, Southern California
19 Edison to help expedite these things. Is that
20 your understanding as well?

21 MR. STOBAUGH: That's my belief.

22 ASSOCIATE MEMBER BYRON: Okay.

23 MR. STOBAUGH: I guess I'll just, that,
24 yes, I think they're encouraged to come and we,
25 like I said, we've been indicated we've have

1 something, at least, at the 275 application
2 looking at fairly soon after the signing of the no
3 GIA.

4 The 850 has been one of those hopeful
5 things but it's going to be ended up being treated
6 as reasonably foreseeable action.

7 How the Fish and Wildlife Service wants
8 to deal with that aspect outside the Solar One
9 Calico Project area. It'll be a little bit of the
10 discussion we'll have in the very near future.

11 HEARING OFFICER KRAMER: Okay. In
12 connection with them, should we change, do we need
13 to change the date on the schedule for the
14 beginning of formal consultation?

15 Currently it's February 16. That was
16 tied to, previously was tied to the publication of
17 the SA DA, DEIS --

18 MR. STOBAUGH: Well Chris Otahal
19 indicated that at least the footprint of where the
20 Tessera Solar Project is there's a draft BA
21 that'll be completed a week from Friday. So that
22 would be what that BA and request for consultation
23 would entail.

24 MR. OTAHAL: Yeah, I would, I'm, the
25 direct, the comments from BLM will be going to URS

1 in two weeks. So I wouldn't say that it's going
2 to be a finalized BA but then, hopefully, shortly
3 thereafter the BA will be finalized. And then we
4 can start consultation.

5 HEARING OFFICER KRAMER: So would it be
6 better to move it to, perhaps, March 1st? Is that
7 more realistic?

8 MR. GALLAGHER: I think we heard that
9 it's going to go back to URS for comments February
10 5th and then it would go to the Fish and Wildlife
11 Service probably the following week.

12 MS. BELLOWS: Right.

13 MR. GALLAGHER: So, you know, it's --

14 MS. BELLOWS: It's still on target.

15 MR. GALLAGHER: -- February 12th or so
16 which is basically the same date that is in there
17 now.

18 MS. LEIBA: Yeah, we should be able to
19 meet that.

20 MS. BELLOWS: Uh-hum.

21 MR. GALLAGHER: So stick with the --

22 HEARING OFFICER KRAMER: Okay. We'll
23 stick with the February 16th then. Okay. Let's
24 see.

25 MR. MEYER: Can I ask a quick question

1 related to this?

2 HEARING OFFICER KRAMER: Go ahead.

3 MR. MEYER: With the delay sort of
4 greater than we, you anticipated in the AFC
5 between your project and the completion of the
6 full build out of the 500 kV, would it be possible
7 for you to write up a, just a very brief change in
8 the project description as far as phasing the
9 construction, anything else you anticipate being
10 different if you filled out 275 megawatts and then
11 have --

12 MR. GALLAGHER: A gap.

13 MR. MEYER: -- a gap between when you
14 build out the rest of it as far as --

15 MS. BELLOWS: We can do that.

16 MR. MEYER: -- you know, how you develop
17 the site or their portions in the other and sort
18 of a second phase that you would build during the
19 first phase or would you leave that alone? That
20 kind of stuff.

21 MS. BELLOWS: And you're correct. There
22 are pieces that would be built during phase one
23 that was applicable for everything.

24 MR. MEYER: The reason I asked that is
25 just to make sure that it's very clear to everyone

1 that the Energy Commission is looking at a 850
2 megawatt project not a series of projects.

3 ASSOCIATE MEMBER BYRON: Exactly.

4 HEARING OFFICER KRAMER: Anymore on that
5 from the applicant? Okay. The applicant
6 requested regular scheduling conferences.

7 That's something, we, I think we're
8 reluctant to do if it involves the full Committee
9 because of, and also it does chew up a lot of time
10 among the staff preparing for these.

11 I'm assuming they have a meeting or two
12 ahead of these to talk about what they want to
13 say.

14 So we're, and we already have status
15 reports that, you know, we've gone a pretty tight
16 schedule here every four weeks.

17 So, I think we're not inclined to set
18 those up unless, you know, there's a good reason
19 to do so.

20 But having said that, at the workshops
21 last week I think it was Commissioner Weisenmiller
22 threw out the idea that, I don't know that the
23 Committee has fully worked through yet that maybe
24 periodic conferences could be set up where just a
25 hearing officer would be involved and the parties

1 could get together and, you know, talk, probably
2 mostly by conference call but some could be in the
3 room as well.

4 So we're open to comments from the
5 parties about whether, what they see as the
6 utility of that.

7 And I don't know if we're ready to
8 decide if we want to do that today. But --

9 ASSOCIATE MEMBER BYRON: No we're not.

10 PRESIDING MEMBER EGGERT: Yeah, I don't
11 think we're ready but I guess I, yeah, I mean just
12 to sort of echo, you know, to the extent that
13 there's additional value, there has to be, the
14 value has to be greater than the time lost
15 otherwise, I think, you know, we're not making
16 forward progress.

17 So I think you're saying that there
18 actually is the monthly and those are, those are
19 open to all.

20 HEARING OFFICER KRAMER: Well, we have
21 monthly status reports that are filed and served
22 on everyone else. So they, and they can always
23 reply to each other.

24 MR. GALLAGHER: I would say that we
25 found today's conference extremely valuable. And

1 we very much appreciate the staff for requesting
2 it and you for holding it.

3 From our perspective I think that one of
4 the key values as we enter this kind of critical
5 phase, as we continue through this critical phase,
6 is, sort of a relatively good flow of information
7 about where we are with the schedule. What, if
8 any, information needs the staff has from us so
9 that we can try to provide those right away.

10 If there's another good way of ensuring
11 that we know, sort of, I mean I think it was very
12 valuable, for instance, for Christopher to outline
13 where he was with the various chapters and where
14 the agencies were with the various chapters today.
15 So we have a sense of where those things are.

16 And if we can continue getting that sort
17 of information on some sort of regular basis, I
18 think that would be very useful.

19 We thought, we think it's useful for the
20 Committee to also understand certain of how those
21 things are proceeding and whether there are any
22 hiccups so that if there's a hiccup we sort of
23 know about it sooner rather than later.

24 And we can try to address it sooner
25 rather than later to mitigate any effects on the

1 schedule.

2 But we certainly don't want to waste
3 anybody's time. So if there's another way that we
4 can, can continue to do that whether it's through
5 the monthly staff reports or maybe if something
6 changes, a sort of quick flare of whether it's
7 docketed, that might be another way of approaching
8 it.

9 MS. BELLOWS: But I think that the
10 perfect example is to note that we had a number of
11 issues that came up today that we weren't aware of
12 that we need to cover off on because we've been
13 working with the agents and some of the other
14 agencies.

15 So to the extent we have some means and
16 the status report is a month in between we get
17 those a month of time and we certainly, you know,
18 have that right now. We don't have that luxury
19 right now.

20 So to the extent we have some means of
21 just staying up with, okay, is there something
22 we're missing, you know.

23 Because really it is at this point, just
24 tell me what we need to do and we're going to jump
25 through that hoop.

1 ASSOCIATE MEMBER BYRON: Doesn't the
2 phone work effectively for these purposes?

3 MS. BELLOWS: Absolutely --

4 MR. GALLAGHER: We'd be very happy to do
5 it --

6 MS. BELLOWS: Absolutely.

7 MR. GALLAGHER: -- telephonically and
8 you sort of hit, we, if you decide to take up the
9 Hearing Officer's suggestion that it be in
10 conference with the Hearing Officer I think that
11 would also be acceptable to us.

12 We'd like to see some, you know, some
13 sort of results with that report to you so that
14 you're kept aware as well.

15 But, certainly, telephonic conference or
16 a conference only with the Hearing Officer might
17 also be effective.

18 MR. THERKELSEN: And I would expect in
19 the future these would be shorter because the more
20 efficient we've gone through the issues, we know
21 what's going on.

22 MR. THOMPSON: And we also, Commissioner
23 Eggert mindful that you've recently joined the
24 team on a case that has a mountain of paper
25 already. And to the extent that we can

1 accommodate your information requirements we want
2 to do that.

3 PRESIDING MEMBER EGGERT: I guess maybe
4 I'd, any thoughts from the staff in terms of, you
5 know, if we were to have something on lines of a
6 bi-weekly call is there, do you foresee there's,
7 because this is your time.

8 MR. MEYER: I'd say basically just
9 coming down to the crunch time if, you know, a
10 half day lost here and there for me is starting to
11 become an issue because I'm becoming a conduit for
12 getting things like, right now I have all the
13 comments for their other projects sitting on my
14 email waiting to get those to staff.

15 So it's just, you know, if it's going to
16 be done a call where we can just sort of all be at
17 our desks working, listening in, you know, and
18 participating as necessary rather than pulling
19 everyone off of their other work --

20 PRESIDING MEMBER EGGERT: Let me suggest
21 that if, you know, with all this input I can
22 confer with my Committee member here and we can
23 come back with a decision on that shortly.

24 ASSOCIATE MEMBER BYRON: Let's take a
25 minute and get some more information. Should we

1 assume that SES Two is still the priority project?
2 Because I heard earlier from staff that there were
3 some trade offs associated with the resources.

4 I assume you spent Christmas opening
5 your gifts at your desk as you indicated back in
6 the --

7 MR. MEYER: No, actually I took a half
8 day on Christmas Eve and I only worked two hours
9 on Christmas.

10 ASSOCIATE MEMBER BYRON: My point is --

11 MR. MEYER: So --

12 ASSOCIATE MEMBER BYRON: -- my point is
13 that there are some trade offs the staff --

14 MS. BELLOWS: The violins are playing
15 (laughter).

16 ASSOCIATE MEMBER BYRON: -- there are
17 some trade offs the staff is considering. So I'm
18 assuming --

19 MR. MEYER: Right.

20 ASSOCIATE MEMBER BYRON: -- you know, as
21 we're here to discuss this project can we expect
22 similar requests on the SCS Two?

23 MR. GALLAGHER: So we should confess
24 that we asked for Christopher to be assigned to
25 this project because we thought he'd been doing

1 such a great job on the Solar Two Project and
2 that's created this situation for him?

3 The answer is, yes. I mean we think
4 that the Solar Two or Imperial Valley Project is
5 still ahead of this project.

6 We are quite close to having the
7 publication of the staff assessment/draft
8 environmental document.

9 And so I think some of the issues we've
10 been discussing here, I hope most of the issues
11 we've been discussing here today we've gotten over
12 in that case and so we should be on to sort of
13 more formal part of the proceeding relatively
14 quickly.

15 But the short answer to your question is
16 that case, at this point it's still ahead of this
17 case and we'd like to continue moving that case as
18 expeditiously as possible.

19 ASSOCIATE MEMBER BYRON: In other words
20 that's still the priority.

21 MR. GALLAGHER: I would say so.

22 MS. BELLOWS: That's a month ahead
23 basically.

24 MR. GALLAGHER: Plus she will kick me
25 for that --

1 MS. BELLOWS: Yes, but (laughter) --

2 ASSOCIATE MEMBER BYRON: I was checking.

3 MR. MEYER: And the value is everything
4 that we fix on Solar Two, you know, most of that
5 translates directly to things that we will not
6 have as a problem on Solar One.

7 HEARING OFFICER KRAMER: And another
8 alternative to having this sort of half Committee
9 or one-third Committee in a conference would be
10 for staff to schedule a periodic, telephonic
11 workshop.

12 So let me ask, is there any additional
13 value to having the Committee present? What we
14 haven't thought through yet is whether we, for
15 instance, have a court reporter, you know, which
16 is an additional expense, but does also provide a,
17 you know, written record of what goes on.

18 MS. HOLMES: I don't know that we would
19 need a court reporter. I like the idea of having
20 the Hearing Officer present, if for no other
21 reason that that means that you need to notice it
22 rather than us (laughter).

23 But I do think there's, I do think that
24 there's, I do think that there's an advantage in
25 having a Hearing Officer present to because you've

1 got a better sense of what the Committee's
2 perspective is on schedule and on priorities. And
3 I think that that's useful to bring to the
4 discussion because we don't have that. We don't
5 have that perspective.

6 PRESIDING MEMBER EGGERT: Would it make
7 sense, I mean, considering the status updates are
8 on a monthly basis to do a call on a monthly basis
9 because then you've done sort of preparatory work.

10 MR. GALLAGHER: That was going to be my
11 suggestion --

12 MS. HOLMES: Every other so there --

13 PRESIDING MEMBER EGGERT: You've got all
14 the information that you need. Then you just hold
15 a call on that information --

16 MR. GALLAGHER: Right.

17 PRESIDING MEMBER EGGERT: -- you take
18 questions, requests, maybe have the option for the
19 Committee members to participate, but not a
20 necessity if it doesn't work with their schedules.

21 MR. GALLAGHER: Right.

22 MS. HOLMES: I think that would be
23 helpful.

24 MR. THOMPSON: And I think from our part
25 we don't, if the structure is that we don't have a

1 court reporter I think that's fine with us.

2 We're information gathering and
3 responding.

4 ASSOCIATE MEMBER BYRON: Don't they have
5 to limit the scope of what they're dealing with in
6 these calls as well?

7 MS. HOLMES: He's going to be noticing
8 them.

9 HEARING OFFICER KRAMER: No, we can
10 define it as broadly as you want.

11 ASSOCIATE MEMBER BYRON: Okay.

12 MS. MILES: I have a question about the
13 schedule that you're going to prepare. I was
14 wondering, I don't know exactly how it's usually
15 done because I'm fairly new to all of this, but
16 I'm wondering if you will, can put in the public
17 comment period, the review periods for the
18 parties?

19 It's like the end of the schedule
20 because it was hard for me to really decipher how
21 long it was going to be and whether I felt like
22 we'd have time to adequately review it.

23 ASSOCIATE MEMBER BYRON: Are you
24 suggesting that was an oversight of Mr. Kramer
25 (laughter)?

1 MS. MILES: Far it be it from me to
2 suggest that.

3 HEARING OFFICER KRAMER: Wait a minute.
4 Do you --

5 MS. HOLMES: Two strikes --

6 HEARING OFFICER KRAMER: -- do you, you
7 don't have time to go after everyone else's second
8 (laughter) --

9 MR. MEYER: I think --

10 HEARING OFFICER KRAMER: -- at the
11 bottom of the current schedule right now it says,
12 DEIS comment period. And so I'm going to add the
13 word public in front of there. But I was half way
14 to where to where you wanted to be.

15 MR. MEYER: And the one you have is for,
16 you know, one that we added an extra column in.

17 HEARING OFFICER KRAMER: So are there
18 any, let's see. And speaking of, so we'll take
19 the question of whether to have a conference under
20 submission and we'll be issuing a revised
21 schedule.

22 So we'll, we will provide the decision
23 on that in that document.

24 Speaking of public comment, we do need
25 to offer an opportunity for public comment at this

1 meeting. Is there anybody who wants to make a
2 public comment on the telephone or in the room?

3 Seeing none is there any other matter of
4 business that the parties wish to raise before we
5 adjourn?

6 MS. MILES: I just have one question
7 about that, I know there's supposed to be like a
8 broad mitigation plan that I keep hearing about.

9 But within the Energy Commission that
10 would apply to a lot of these projects. Is that
11 going to --

12 MR. MEYER: It's no --

13 MS. MILES: -- there's not --

14 MR. MEYER: -- that one is on the, I
15 think solely on the I10 corridor projects is my
16 understanding.

17 MS. MILES: -- okay, so it won't apply
18 to this one.

19 MR. MEYER: No, it does not --

20 MS. MILES: Okay.

21 MR. MEYER: -- affect either of the
22 Stirling projects.

23 MS. MILES: Okay.

24 HEARING OFFICER KRAMER: But if you're
25 interested in the broader issues you could monitor

1 that via, for instance, our website and provide
2 comments as you chose.

3 PRESIDING MEMBER EGGERT: Before we
4 adjourn I just want to commend our wonderful
5 Hearing Officer for running a very efficient
6 meeting that actually is finishing on time
7 (laughter).

8 I commend the staff for calling the
9 meeting. I think, certainly for myself, this has
10 been very educational. And sounds like it's been
11 useful for all the parties, so.

12 With that I'll turn it back to --

13 MR. THERKELSEN: We would also like to
14 continue to express our appreciation for the super
15 hard work of the staff. We realize the huge
16 burden they're under and the less-than-desirable
17 circumstances that they're operating on and really
18 laude their professionalism and super work.

19 HEARING OFFICER KRAMER: Okay. Seeing
20 nothing else, we're adjourned.

21 (Whereupon, at 9:53 a.m., the
22 Committee Conference was adjourned.)

23 --o0o--

24

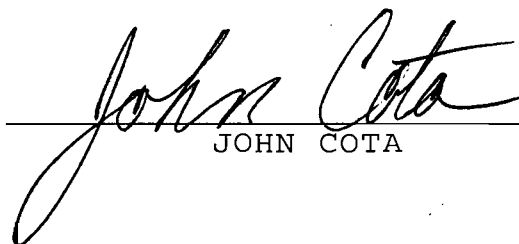
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CERTIFICATE OF REPORTER

I, JOHN COTA, an Electronic Reporter and Transcriber, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Prehearing Conference; that I thereafter transcribed it into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said conference, nor in any way interested in outcome of said conference.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of February, 2010.



JOHN COTA