

CALIFORNIA ENERGY COMMISSION

HEARING ADVISERS OFFICE – RECORD OF CONVERSATION

DOCKET 08-AFC-13C
DATE 7-5-11
REC'D. 7-18-11

Project Name and Docket No. Calico Solar Project Amendment, 08-AFC-13C

Telephone E-Mail In Person

Date of Conversation: July 5, 2011

Time:

Subject: Summary of Contacts with Lisa Belenky, Jared Babula, and Scott Galati

Before and during the June 21, 2011, status conference concerns were raised regarding contacts between the Applicant and me pertaining to the Applicant's January 25, 2011 letter attempting to withdraw the Application for Certification. During the conference, I recounted the limited contact I had with the office of attorney Scott Galati to apprise him that the letter did not conform to the Commission regulations. (6/21/11 Conference Transcript 7:2-8:20.) While such contacts relating to matters of procedure or practice are allowed as a matter of law (Government Code, §11430.20), I nonetheless represented that I would ensure that the parties are advised of my future contacts on these allowed procedural matters. (6/21/11 Conference Transcript 22:13 - 23:9.)

Following is a summary of contacts during the week of July 5, 2011:

- On July 5, 2011, I received a telephone call from Lisa Belenky with the Center for Biological Diversity asking for clarification regarding the Committee's proposed process and timing for issuing a decision on the Applicant's request for an extension of the suspension and conducting a hearing on the Applicant's jurisdiction motion and whether the repeated request for an extension in the jurisdiction motion might cause the Committee to address the the matters together. I advised Ms. Belenky that the Committee is currently handling the matters separately and that the decision on the request for an extension will not issue before the due date for responses to the jurisdiction motion. Ms. Belenky and I also discussed required revisions to the proof of service relating to the Center for Biological Diversity.

I advised Ms. Belenky that in accordance with my representations during the June 21 Status Conference, I would docket a record of our conversation. She expressed concern that such action would suggest that we had a prohibited ex parte contact. I advised her that our conversation on procedure is not a prohibited conversation but I would document the call in view of the concerns raised during the Status Conference.

- On July 5, 2011, I received a telephone call from Jared Babula representing Energy Commission staff. Mr. Babula requested a copy of the updated proof of service for inclusion with Staff's opposition to the Applicant's jurisdiction motion. The proof was subsequently distributed to all parties by Maggie Read of the Hearing Office.
- On July 5, 2011, I received a telephone call from Scott Galati representing the Applicant. Mr. Galati stated that the Applicant would be submitting a reply regarding the Applicant's jurisdiction motion and a motion for a hearing on the jurisdiction motion. I thanked him for the notice and terminated the call.