

BUSINESS MEETING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

CALIFORNIA ENERGY COMMISSION  
HEARING ROOM A  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, JULY 25, 2001  
10:00 A.M.

Reported by:  
Valorie Phillips  
Contract No. 150-01-006

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMISSIONERS PRESENT

Robert Pernell, Acting Chairman

Michal Moore

Arthur Rosenfeld

STAFF PRESENT

Steve Larson

William Chamberlain

Nancy Tronaas

Betty Chrisman

Valerie Hall

Rick Tyler

David Hungerford

PUBLIC ADVISER

Roberta Mendonca

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

## I N D E X

|   | Page   |
|---|--------|
| Proceedings   | 1      |
| Items   |        |
| 1 Setka, Inc.   | 1      |
| 2 Pastoria Ammonia Amendment  | 12     |
| 3 Sunrise Simple Cycle Injection Well<br>Amendment - Moved to 8/08/01 meeting | 18     |
| 4 Laurits R. Christensen  | 19     |
| 5 Minutes   | 21     |
| 6 Energy Commission Committee and Oversight                                   | 21     |
| 7 Chief Counsel's Report  | 22     |
| 8 Executive Director's Report   | 24     |
| 9 Public Adviser's Report   | 25     |
| 10 Public Comment   | 25     |
| <br>Adjournment   | <br>26 |
| Certificate of Reporter   | 27     |

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

2 10:00 a.m.

3 ACTING CHAIRMAN PERNELL: Commissioner  
4 Moore, are you still on the line?

5 COMMISSIONER MOORE: I'm here.

6 ACTING CHAIRMAN PERNELL: Okay, we're  
7 about to begin. I'd like to call the Commission's  
8 business meeting of July 25th to order.  
9 Commissioner Rosenfeld, would you lead us in the  
10 pledge, please.

11 (Whereupon, the Pledge of Allegiance was  
12 recited in unison.)

13 ACTING CHAIRMAN PERNELL: Good morning,  
14 everyone. We have no consent calendar.

15 The first item on the agenda, Possible  
16 approval of a California Multiple Award Schedule  
17 contract 400-01-002 for \$199,990 to complete the  
18 update of the appliance database, incorporating  
19 requirements in the 2001 appliance efficiency  
20 regulations for both new and previously regulated  
21 appliances.

22 Staff, will you brief the Board, please.

23 MS. HALL: Yes, good morning,  
24 Commissioners. I'm Valerie Hall, Manager of the  
25 Residential Buildings and Appliances office.

1                   This contract is a contract for the  
2                   appliance database. And it's the certification of  
3                   a database process of the appliance regulations  
4                   that actually makes the appliance regulations  
5                   work. This is sort of where the rubber meets the  
6                   road for regulations.

7                   And I would like Betty to give a  
8                   description of the contract, please.

9                   MS. CHRISMAN: Thank you. I'm Betty  
10                  Chrisman, Program Manager of the Appliance  
11                  Certification program in the Residential Buildings  
12                  and Appliances office of the Commission's Energy  
13                  Efficiency and Demand Analysis Division.

14                 Today staff is requesting approval of a  
15                 CMAS contract for \$199,990. The work proposed  
16                 under this contract is essential to continue and  
17                 augment the work on the appliance database  
18                 maintained by the Commission since the 1970s.

19                 Both the Commission and the federal  
20                 government have efficiency standards for most  
21                 residential and many commercial appliances.  
22                 Manufacturers must submit data to the Commission  
23                 certifying their appliances meet these standards.

24                 Staff maintains this information in an  
25                 extensive database. These data are used by

1 building departments to enforce Title 24  
2 standards; utilities for rebate programs;  
3 consumers for purchasing decisions; energy  
4 consultants for design work; and a wide range of  
5 groups to propose new efficiency standards and new  
6 or updated test methods.

7 The Commission makes appliance data  
8 available through the internet as well as  
9 answering numerous phone and email questions.

10 Typically staff processes between 15,000  
11 and 20,000 models through these databases monthly.  
12 In the past 28 months the number of active records  
13 has increased by more than 40 percent. During  
14 that same time the total number of records, active  
15 and historical combined, has more than doubled,  
16 and now exceeds half a million models.

17 Each different database has data  
18 specific validation routines. Some simply compare  
19 a reported value against a preset standard.  
20 Others perform complicated calculations and  
21 compare various calculations against both reported  
22 values and a calculated standard.

23 Combining all the editing criteria for  
24 the current validation routines, there are well in  
25 excess of 1000 different conditional criteria to

1 be checked.

2 The current FoxPro application no longer  
3 meets the needs of the program. Earlier CMAS  
4 contracts began the conversion of the appliance  
5 program tables to Microsoft Sequel Server 7, and  
6 the related programming to Visual Basic 6. This  
7 work is now about 90 percent complete.

8 The contract before you today, approved  
9 by the Efficiency Committee late last month, will  
10 complete the programming work done under earlier  
11 CMAS contracts.

12 Specifically it will complete the  
13 conversion of current validation routines to a  
14 table structure thus enabling staff, not  
15 contracted programmers, to amend many of the  
16 validation criteria.

17 It also will automate many tasks now  
18 performed by staff. Additionally, it will add new  
19 routines or amend existing routines resulting in  
20 faster processing.

21 Last year when this Commission approved  
22 the contract that just ended, I advised you that  
23 none of that work would address changes  
24 necessitated by AB-970, either for the appliance  
25 efficiency regulations or appliance requirements

1 contained within the building standards adopted by  
2 this Commission earlier this year.

3 Staff fully expects that as part of this  
4 contract before you today all the boilerplate work  
5 will be completed by the time the new appliance  
6 standards are presented to the full Commission for  
7 adoption.

8 When those standards are adopted, it is  
9 imperative that work begin almost immediately  
10 thereafter to incorporate data collecting,  
11 validating and reporting features for both the  
12 newly regulated appliances and the changes for  
13 currently regulated appliances.

14 In fact, there are appliance related  
15 data collection requirements in the newly adopted  
16 building standards, some of which take effect in  
17 about three months.

18 We cannot currently provide the means  
19 for collecting and publishing these data, though  
20 we already have some manufacturers providing it.

21 In addition to facilitating future  
22 Commission efforts to access, analyze and publish  
23 appliance efficiency data, when completed this  
24 application will also take advantage of current  
25 database design technologies, and will process

1 data dramatically faster.

2 To illustrate, earlier this month staff  
3 processed the most recent furnished submittal from  
4 GAMA. One file for one manufacturer contained  
5 about 2800 models. Processing this single file in  
6 FoxPro took four hours and 40 minutes. Processing  
7 the same file in Visual Basic took 11 minutes. We  
8 expect this process will be even faster once this  
9 application is completed.

10 Additionally, staff time will be better  
11 utilized when we no longer need to process data  
12 through two different validation applications.  
13 When this new system is completely tested and  
14 provides the features we need, we will turn off  
15 the FoxPro validation routines and rely  
16 exclusively on the Visual Basic application.

17 Today staff is requesting approval of  
18 this CMAS contract so the work on improving the  
19 existing appliance database can be completed prior  
20 to beginning the new programming necessitated by  
21 the 2001 standards.

22 I appreciate the opportunity to present  
23 this to the Commission and would be happy to  
24 answer any questions.

25 COMMISSIONER MOORE: Mr. Chairman.

1                   ACTING CHAIRMAN PERNELL: Commissioner  
2 Moore.

3                   COMMISSIONER MOORE: I have a couple of  
4 questions for Betty on this. In terms of the  
5 changeover from FoxPro to Sequel Server 7, my  
6 understanding was that the last time we voted for  
7 this we expected the amount of money that we spent  
8 would complete that transition.

9                   Did something happen so that we mis-  
10 estimated the amount of money we needed? Or  
11 something happen in terms of the actual  
12 transition, itself? Because I expected that that  
13 would have already been complete.

14                  MS. HALL: Commissioner, the changeover  
15 is now 90 percent complete. As we were doing the  
16 changeover, you know, it's difficult to estimate  
17 exactly the amount of work that's going to be  
18 necessary and what issues you may come across as  
19 you're doing that.

20                  So we are extremely close at this point.  
21 We are 90 percent complete.

22                  COMMISSIONER MOORE: So I must have  
23 misunderstood, Valerie, in terms of what we were  
24 doing before. I thought that all we had to do was  
25 write the new program, and literally just dump the

1 data that was contained in the previous files into  
2 the new program and let it run. Was I in error?

3 MS. CHRISMAN: Commissioner Moore, this  
4 is Betty. One of the problems with, for  
5 transferring the data over was that as we have  
6 processed the data from the trade associations for  
7 the last several years, that has resulted in tons  
8 of duplicate models being moved into our  
9 historical database.

10 One of the processes that we want to go  
11 through to transfer the data over is to eliminate  
12 as many references to duplicate models as we can  
13 so that we can lower the amount of storage space  
14 that this takes up.

15 The issue of dealing with the best way  
16 to get rid of the duplicates while still retaining  
17 all of the specific criteria within them, has been  
18 a nightmare. And that has taken much more time  
19 than we anticipated.

20 COMMISSIONER MOORE: Well, storage can't  
21 be the driving issue here, because the amount of  
22 storage, I mean to buy 100 gigabytes of data  
23 storage is cheap. I mean so that's not your  
24 driving force here, right?

25 MS. CHRISMAN: It's not the only driving

1 force. But there's also the idea that whenever we  
2 query the database --

3 COMMISSIONER MOORE: You get multiple  
4 responses.

5 MS. CHRISMAN: -- we get multiple  
6 responses, and you know, it also has to go through  
7 a lot more models than it would normally have to  
8 go through if we can get this duplicate issue  
9 resolved.

10 COMMISSIONER MOORE: All right. Is  
11 Sequel Server 7 the same as Visual Basic? I mean  
12 are they the same animal?

13 MS. CHRISMAN: Essentially what it is is  
14 the programming is done in -- the related  
15 programming is in Visual Basic. What runs the  
16 whole program and allows everything to interact  
17 with each other is Sequel Server 7.

18 COMMISSIONER MOORE: And once the  
19 transition to this is complete, are you  
20 anticipating that you'll need an annual upgrade?  
21 Or is this the last time that we'll spend this  
22 kind of transition money?

23 MS. HALL: We actually submitted a BCP  
24 this year that is not necessarily one that will be  
25 going forward, however. But we did submit a

1 proposed BCP that would allow us to have annual  
2 funding for the database program.

3 There is always seems to be issues that  
4 necessitate some programming modifications each  
5 and every year. And so we are looking for a  
6 mechanism in which we can have some amount of  
7 funding for annual programming for this database.

8 The database will go on as long as we  
9 have regulations, and there will be needed support  
10 for that as long as we have regulations.

11 COMMISSIONER MOORE: And what do you  
12 think that annual support amount is?

13 MS. HALL: Now you're testing my memory.

14 COMMISSIONER MOORE: Just in round  
15 numbers. I mean what does it take to keep this  
16 thing alive if you have to reprogram every year?

17 MS. HALL: My guess is in the  
18 neighborhood of \$50,000.

19 COMMISSIONER MOORE: Really. And so  
20 let's go to that. What's the source of the  
21 funding for the 199 and what's the source of the  
22 funding for the 50,000 every year?

23 MS. HALL: I believe they have been ERPA  
24 funds to date.

25 COMMISSIONER MOORE: And, of course,

1 what happens when we run out of ERPA funds?

2 MS. HALL: That's part of the issue. We  
3 were looking at the possibility of having us go to  
4 general funds. But even that, of course, is under  
5 scrutiny.

6 COMMISSIONER MOORE: All right, so right  
7 now we don't have the 50,000 or it's not gone  
8 through as a BCP, and you're expecting the 199 to  
9 come out of this year's available ERPA funds?

10 MS. HALL: Actually the reason we are  
11 able to fund this particular contract at just  
12 under \$200,000 is because we successfully wrote a  
13 BCP, I guess it would be a year or a year and a  
14 half ago, that was approved.

15 COMMISSIONER MOORE: So it's one-time  
16 money?

17 MS. HALL: Yes, this was one-time money.

18 COMMISSIONER MOORE: Okay. All right,  
19 Mr. Chairman, I'm assuming that the Efficiency  
20 Committee has already looked at this, so I'm going  
21 to await your motion from a member of the  
22 Committee.

23 ACTING CHAIRMAN PERNELL: Thank you,  
24 Commissioner Moore. Are there any other questions  
25 from the dais? General public, comment? Seeing

1 none, I'll entertain a motion on this item.

2 COMMISSIONER ROSENFELD: I move the  
3 contract.

4 COMMISSIONER MOORE: Second the motion.

5 ACTING CHAIRMAN PERNELL: It's been  
6 moved by Commissioner Rosenfeld, seconded by  
7 Commissioner Moore. On the question? Hearing  
8 none, this item is approved.

9 Next item on our agenda is possible  
10 approval of the conversion from aqueous to  
11 anhydrous ammonia to increase operational  
12 efficiency and improve maintainability as a  
13 component of the emission reduction and selective  
14 catalytic reduction system.

15 Staff, will you please brief the Board.

16 MS. TRONAAS: Good morning, I'm Nancy  
17 Tronaas. I'm the Compliance Project Manager for  
18 the Pastoria Energy Facility project.

19 This petition was filed in accordance  
20 with 1769 to convert from aqueous to anhydrous  
21 ammonia. And the anhydrous ammonia will be used  
22 in the NOx reduction process.

23 The project owner requests this change  
24 to anhydrous ammonia to improve operational  
25 efficiencies which would include reducing the

1 number of truck trips to the plant site each  
2 month.

3 Staff has reviewed the petition and has  
4 determined that there will not be any significant  
5 environmental impacts as a result of this proposed  
6 project change. And we do believe the findings of  
7 1769 can be made. And we do recommend approval of  
8 the petition subject to the revised conditions of  
9 certification that are presented in the issue  
10 memo.

11 I also would like for the record to  
12 reflect that we did receive one letter of comment  
13 late yesterday afternoon from the Kern County Fire  
14 Chief requesting that additional mitigation be  
15 required concerning accidental releases of  
16 anhydrous ammonia during transfer station  
17 releases.

18 However, staff does not concur with the  
19 Fire Department, and at this point I'll defer to  
20 Rick Tyler, Senior Mechanical Engineer, to explain  
21 this issue further.

22 Also there are representatives from the  
23 project who are able to answer any questions you  
24 may have as well on this particular petition.

25 Thank you.

1                   ACTING CHAIRMAN PERNELL: Okay. State  
2 your name for the record, please.

3                   MR. TYLER: My name's Rick Tyler. We  
4 have had ongoing discussions with the Fire  
5 Department regarding this amendment. And the  
6 latest discussion I indicated that the Fire  
7 Department would have ability to participate in  
8 dealing with concerns through the RMP process and  
9 the PSM process, post certification.

10                   As of yesterday afternoon we received a  
11 letter from the Fire Department requesting a vent  
12 scrubbing system pursuant to California Fire Code  
13 section 8003.3.1.3.5.3.

14                   In reviewing that request I determined  
15 that in fact that Code section applies to tanks  
16 indoors in a vault with a vent scrubbing system on  
17 the exit from the building, itself.

18                   There is another section in that Code  
19 immediately following that section, which is  
20 8003.3.2, which deals with outdoor storage, which  
21 these tanks are.

22                   In general, the best way to address this  
23 is that all tanks typically have pressure relief  
24 systems. The pressure relief systems on pressure  
25 vessels have developed over several decades. And

1 in general it's good engineering practice not to  
2 in any way impede those systems.

3 In an outdoor tank you have a pressure  
4 relief system that if it fails could actually  
5 result in failure of the tank, itself, in any kind  
6 of event. So people generally do not do anything  
7 to it that would even in any way possibly  
8 compromise the pressure relief system on a tank.

9 That's very different from scrubbing a  
10 release into a building from a pressure vessel  
11 that's inside of a vault in the building.

12 So that's the primary reason for the  
13 Code differences between indoor and outdoor  
14 storage. The outdoor storage section does not  
15 require the treatment system that's requested.

16 Additionally, the treatment system is  
17 required for materials that are classified as  
18 either highly toxic or toxic. And review of the  
19 Code sections indicates to me that actually  
20 ammonia would be treated as a corrosive and would  
21 require only setbacks.

22 I believe that the current system  
23 complies with both the outdoor storage  
24 requirements in the California Fire Code, as well  
25 as the corrosives requirements.

1           So I believe that the Fire Department is  
2           in error in interpretation of the Code. And I  
3           would however point out that we will work with the  
4           Fire Department very closely to insure that their  
5           concerns are addressed through post-certification  
6           programs in the RMP and process safety management  
7           programs if we go forward.

8           ACTING CHAIRMAN PERNELL: Okay.

9           COMMISSIONER MOORE: Mr. Chairman.

10          ACTING CHAIRMAN PERNELL: Commissioner  
11          Moore.

12          COMMISSIONER MOORE: The question for  
13          Rick. Rick, it seems to me that what happened was  
14          that the Fire Chief misunderstood where the tanks  
15          would actually be, and then he thought they would  
16          be in some sort of covered or enclosed structure.  
17          Is that probably what happened?

18          MR. TYLER: I would guess that, or he  
19          just didn't recognize that there was a difference  
20          between outdoor and indoor.

21          COMMISSIONER MOORE: And when we're  
22          sending out the conditions of certification do we  
23          have a concrete or in some otherwise lined  
24          catchment that's going to be under the tanks?

25          MR. TYLER: Yes, that's required.

1                   COMMISSIONER MOORE:  And that has got  
2                   some sort of treatment for corrosive materials, as  
3                   well?

4                   MR. TYLER:  It has a -- it's generally  
5                   treated so that it is impervious to any leakage  
6                   through the actual concrete structure, itself.

7                   COMMISSIONER MOORE:  So, what the Chief  
8                   can be assured of is that if there was a leak, a  
9                   vented leak, that it would be contained most  
10                  likely within the catchment system that's  
11                  underneath those tanks?

12                  MR. TYLER:  No.  I think in general what  
13                  happens with anhydrous ammonia you're dealing with  
14                  a pressurized liquid.  And if you have venting  
15                  through the actual pressure relief system,  
16                  generally what you have is a gaseous release.  It  
17                  flashes to a vapor virtually instantly when its  
18                  pressure is reduced to atmospheric.

19                  So, in most cases very little material  
20                  would end up in the basin.  If you had a major  
21                  failure of the tank the basin would collect any  
22                  liquid that left the tank, and that would likely  
23                  flash to vapor over time.

24                  COMMISSIONER MOORE:  Okay.  Mr.  
25                  Chairman, I'm satisfied that we're going to meet

1 the requirements the Chief is after in terms of  
2 public safety. And I'm prepared to move the  
3 change.

4 ACTING CHAIRMAN PERNELL: Thank you,  
5 Commissioner Moore. Is there anyone representing  
6 Kern County Fire Department?

7 Are there any members of the public want  
8 to speak to this item?

9 Seeing none, I'll entertain a motion to  
10 approve staff recommendation.

11 COMMISSIONER MOORE: You have a motion,  
12 Mr. Chairman. Move for approval.

13 COMMISSIONER ROSENFELD: Second.

14 ACTING CHAIRMAN PERNELL: Moved by  
15 Commissioner Moore; seconded by Commissioner  
16 Rosenfeld. On the question?

17 Hearing none, all those in favor?

18 (Ayes.)

19 ACTING CHAIRMAN PERNELL: Ayes have it.  
20 Thank you. This item is approved.

21 MS. TRONAAS: Thank you.

22 MR. TYLER: Thank you.

23 ACTING CHAIRMAN PERNELL: Item number 3  
24 has been moved to the September 8th business  
25 meeting.

1                   Item number four, possible approval of  
2                   contract 300-99-018, amendment 1, to adjust  
3                   project tasks to focus on specific rate designs  
4                   and extend the term to allow recent rate changes  
5                   to be included in the analysis.

6                   MR. HUNGERFORD: Good morning, I'm David  
7                   Hungerford of the Demand Analysis office --

8                   ACTING CHAIRMAN PERNELL: Good morning,  
9                   David.

10                  MR. HUNGERFORD: -- of the Energy  
11                  Efficiency and Demand Analysis Division.

12                  We are asking for this change to an  
13                  existing contract, and it does not request any  
14                  additional funds. It merely asks to shift some  
15                  funds from current tasks that are in the current  
16                  contract to the tasks described in the amendment.

17                  The contract was due to be completed at  
18                  the end of this month, however the completion of  
19                  various tasks through the contract term was  
20                  dependent on input from the Energy Commission.

21                  In December of last year when the energy  
22                  crisis became more clear and more apparent we  
23                  determined that we should hold off on having  
24                  Christensen do some of the forecasting tasks that  
25                  they were attempting to do until we had a better

1 idea of what type of rate designs were going to  
2 come out of the crisis.

3 And so they held back on some of their  
4 work and didn't do some of their efforts. And so  
5 there is a significant amount of money remaining  
6 in the contract to focus on what we see as the  
7 current tariff designs that came out of Public  
8 Utilities Commission decisions. And especially on  
9 an RTP, real time pricing, tariff design.

10 And we're requesting an extension of the  
11 term, and the reallocation of \$93,388, I believe,  
12 within the -- from tasks within the existing  
13 contract to more focused tasks on the RTP tariff.

14 I will say that they have been working  
15 on this RTP tariff for a number of months under  
16 the original contract, and their activities have  
17 been consistent with the contract language, the  
18 original contract language.

19 And so we're merely asking for this  
20 specific reallocation of funds so that they can  
21 complete this work. And an extension of the term  
22 to make the contract more consistent with the  
23 activities.

24 ACTING CHAIRMAN PERNELL: Okay.  
25 Questions from the Commissioners? Seeing none,

1 general public? Seeing none, --

2 COMMISSIONER ROSENFELD: I'd move the  
3 item.

4 ACTING CHAIRMAN PERNELL: Moved by  
5 Commissioner Rosenfeld. Moved by Commissioner  
6 Rosenfeld.

7 I second.

8 Second by Commissioner Pernell. All  
9 those in favor?

10 (Ayes.)

11 ACTING CHAIRMAN PERNELL: Let the record  
12 show Commissioner Moore is in favor.

13 Ayes have it; this item is approved.

14 MR. HUNGERFORD: Thank you.

15 ACTING CHAIRMAN PERNELL: Okay, thank  
16 you. Minutes of previous meetings, we have none.

17 Commission Oversight?

18 Chief Counsel's report?

19 COMMISSIONER MOORE: Robert, I'm back on  
20 the line.

21 ACTING CHAIRMAN PERNELL: Okay. Item  
22 number 4 --

23 COMMISSIONER MOORE: And I'm prepared to  
24 support that item, Mr. Chairman.

25 ACTING CHAIRMAN PERNELL: Thank you,

1 Commissioner Moore.

2 We are now on Chief Counsel's report.

3 MR. CHAMBERLAIN: Yes, Mr. Chairman, I  
4 have just a couple of items to report. One is  
5 that there was litigation filed against the Blythe  
6 Energy Project which we have -- we demurred based  
7 on the fact that it was filed late. And the court  
8 has decided in our favor in that matter.

9 Second item is that the City of Chula  
10 Vista filed litigation against our decision in the  
11 RAMCO case. However, it is not clear at this time  
12 whether the RAMCO project is going to proceed.  
13 And so on your next agenda we are considering the  
14 City's petition for reconsideration, even though  
15 our decision said that the matter couldn't be  
16 reconsidered.

17 We're basically considering that  
18 petition as a complaint that the project is not  
19 going to meet the condition that it be online by  
20 September 30th.

21 And if it turns out that the project, in  
22 fact, by the time you hear it is clearly not going  
23 to meet that condition, then the litigation would  
24 become moot if the Commission withdraws the  
25 license as a result of failure to meet the

1 condition.

2 So that's on your next agenda.

3 ACTING CHAIRMAN PERNELL: We will know  
4 about that at the next Committee meeting?

5 MR. CHAMBERLAIN: At the next agenda,  
6 yes.

7 ACTING CHAIRMAN PERNELL: Board meeting.

8 MR. CHAMBERLAIN: Right.

9 ACTING CHAIRMAN PERNELL: Any questions  
10 on that, Commissioner Moore?

11 COMMISSIONER MOORE: Yeah, I have one  
12 question, Mr. Chamberlain.

13 MR. CHAMBERLAIN: Yes.

14 COMMISSIONER MOORE: Do we have the  
15 option to withdraw a certification unilaterally,  
16 or do we have to go through a hearing to do that?

17 MR. CHAMBERLAIN: Well, I believe that  
18 we have a complaint and investigatory procedure in  
19 our regulations, and I believe we have to go  
20 through that process, which is what we're doing at  
21 this time.

22 COMMISSIONER MOORE: Would that have to  
23 be reheard by the Committee?

24 MR. CHAMBERLAIN: The Commission could  
25 decide to send it back to the Committee if there's

1 a need to do that.

2 COMMISSIONER MOORE: Okay, procedurally  
3 it doesn't have to go to the Committee before it  
4 comes back to the Board?

5 MR. CHAMBERLAIN: Right. When the  
6 Commission decided this matter it included in its  
7 decision a provision that said that there would be  
8 no reconsideration. And that the matter would  
9 have to go to court immediately.

10 This was done with all of the 21-day  
11 emergency projects. And so we, in essence, lost  
12 jurisdiction over that project when the decision  
13 was issued.

14 But we always maintain jurisdiction to  
15 enforce the conditions. So that's the basis on  
16 which we'd be looking at this again.

17 COMMISSIONER MOORE: Understood, thank  
18 you.

19 ACTING CHAIRMAN PERNELL: Any other  
20 questions for Mr. Chamberlain? Thank you, Mr.  
21 Chamberlain, man of information.

22 Executive Director's report.

23 MR. LARSON: I have nothing to add  
24 except for I'd like to suggest a get-together  
25 after this meeting so that we can talk about some

1 of the numbers and just sort of bring you up to  
2 date on some of that information in the third  
3 floor conference room.

4 COMMISSIONER MOORE: Do you want me to  
5 call in to that?

6 MR. LARSON: Sure, I'll get you a  
7 number.

8 COMMISSIONER MOORE: Okay. Actually, if  
9 you give it to Janet, I'll call her.

10 MR. LARSON: Okay.

11 ACTING CHAIRMAN PERNELL: Okay. Public  
12 Adviser's report.

13 MS. MENDONCA: Mr. Chairman, nothing  
14 specific at this time, thank you.

15 ACTING CHAIRMAN PERNELL: Thank you.  
16 Public comment? Anyone from the public.

17 Is there any other business to come  
18 before this meeting?

19 We will adjourn to the third floor  
20 conference room for an closed session. Upon the  
21 conclusion of that, the meeting will be adjourned.

22 Thank you, all.

23 MR. CHAMBERLAIN: Mr. Chairman, it's not  
24 a closed session. It's actually a continued  
25 public session.

1                   COMMISSIONER ROSENFELD: A briefing.

2                   ACTING CHAIRMAN PERNELL: I stand  
3 corrected. Scratch that. Not a closed session.  
4 In that case I'll adjourn the meeting now.

5                   This meeting is adjourned.

6                   (Whereupon, at 10:40 a.m., the business  
7 meeting was adjourned.)

8                                   --o0o--

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Business Meeting; that it was thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July, 2001.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345