

**STATE OF CALIFORNIA**  
**CALIFORNIA ENERGY COMMISSION**

**Business Meeting Minutes**

**of**

**April 13, 2005**

Business Meeting Minutes of April 13, 2005

The meeting was called to order by Vice Chair Pfannenstiel at 10:06 a.m.

The Pledge of Allegiance was led by Commissioner Geesman.

Chair	Vacant
Jackalyne Pfannenstiel	Present
Arthur Rosenfeld	Present
James D. Boyd	Present
John L. Geesman	Present

1. CALIFORNIA COASTAL COMMISSION. Possible approval of a Memorandum of Agreement between the California Coastal Commission and the California Energy Commission to ensure timely and effective coordination during the Energy Commission's review of an Application for Certification (AFC) of a proposed site and related facilities in the coastal zone and under Energy Commission jurisdiction.

*This item was held over to the April 27, 2005 Business Meeting.*

2. ROSEVILLE ENERGY PARK. Consideration and possible adoption of the Presiding Member's Proposed Decision for the Roseville Energy Park. (Docket No. 03-AFC-1)

*Commissioner Geesman moved and Commissioner Rosenfeld seconded approval of the PMPD, and accompanying errata, for the Roseville Energy Park AFC. The vote was unanimous. (4-0)*

3. PETROLEUM INDUSTRY INFORMATION REPORTING ACT. Possible adoption of proposed amendments to the Petroleum Industry Information Reporting Act Regulations published as Express Terms of Proposed Regulations (15-Day Language) dated March 16, 2005. This rulemaking will provide data which will improve assessment and response to emerging petroleum issues in a timely manner.

*Commissioner Geesman moved and Commissioner Boyd seconded approval of the PIIRA regulations published as Express Terms of Proposed Regulations dated March 16, 2005. The vote was unanimous. (4-0)*

4. NATIONAL COATINGS CORPORATION ET AL, AND ROOF COATING MANUFACTURERS ASSOCIATION. Possible approval of a petition to conduct a rulemaking to change referenced test method procedures for liquid-applied cool roof coatings in the 2005 Building Energy Efficiency Standards, Section 118(i), Table 118-C.

*Commissioner Rosenfeld moved and Commissioner Geesman seconded approval of the petition to begin a rulemaking to consider amendments to the provisions on cool roof coatings in the 2005 Building Standards. The vote was unanimous. (4-0)*

5. NET SYSTEM POWER REPORT. Possible approval of the 2004 Net System Power Report for use in the power content label required by SB 1305.

*Commissioner Geesman moved and Commissioner Boyd seconded approval of the 2004 Net System Power Report. The vote was unanimous. (4-0)*

6. WESTERN GOVERNORS' ASSOCIATION (WGA). Possible approval of Contract 150-03-002 Amendment 4, to provide \$59,902.80 in additional funds to the Energy Commission to continue preparation for transuranic waste shipments in California to the Waste Isolation Pilot Plant (WIPP) in New Mexico. As additional funding is received from the Department of Energy (DOE), WGA will be sending further increments to the Commission throughout Fiscal Year 2004 and 2005.

*See Item 8 for vote.*

7. GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES). Possible approval of Interagency Agreement 150-03-003 Amendment 4, to provide \$43,903 of additional funding to continue emergency response preparation for federal nuclear waste shipments in California to the Waste Isolation Pilot Plant in New Mexico. As additional funds are received from the U.S. Department of Energy and the Western Governor's Association, they will be provided to OES throughout Fiscal Year 2004 and 2005.

*See Item 8 for vote.*

8. CALIFORNIA HIGHWAY PATROL (CHP). Possible approval of Interagency Agreement 150-03-004 Amendment 2, for \$10,000 to provide additional funds to reimburse expenses for inspecting and/or escorting shipments of transuranic nuclear waste in California and for travel necessary to attend meetings to prepare for these shipments. Additional funding may be provided, if it is received by the Department of Energy and the Western Governor's Association throughout Fiscal Year 2004 and 2005.

*Items 6, 7, and 8 were taken up and voted on together. Commissioner Boyd moved and Commissioner Geesman seconded approval of Contracts 150-03-002 Amendment 4, 150-03-003 Amendment 4, and 150-03-004 Amendment 2. The vote was unanimous. (4-0)*

9. ELECTRIC POWER RESEARCH INSTITUTE (EPRI). Possible approval of Contract 500-02-028 Amendment 1, for \$756,622 to fund the 2005 and 2006 membership in national collaborative research projects. (PIER funded)

*Commissioner Rosenfeld moved and Commissioner Geesman seconded approval of Contract 500-02-028 Amendment 1. The vote was unanimous. (4-0)*

10. SAN JOSE STATE UNIVERSITY FOUNDATION-MOSS LANDING MARINE LABORATORY. Possible approval of Contract 500-04-025 for \$1,499,800 to identify, fund and manage research on the ecological effects of the use of once-through cooling technology for power plants. (PIER funded)

*Commissioner Rosenfeld moved and Commissioner Geesman seconded approval of Contract 500-04-025. The vote was unanimous. (4-0)*

11. TIAX LLC. Possible approval of Work Authorization #MR-038 (PIER Research Agreement 500-02-004 with the University of California) not to exceed \$1,999,846 for the research project entitled "Evaluating the Effects of Advanced Energy System Pathways on Energy Flows and Emissions in California." TIAX, Global Environment & Technology Foundation, University of California-Berkeley, University of California-Davis, and Lawrence Livermore National Laboratory will study the long-term impacts to the electricity and natural gas systems of potential energy pathways for California. The study will include analyses of the implications of these energy pathways to criteria and greenhouse gas emissions.

*Commissioner Rosenfeld moved and Commissioner Geesman seconded approval of Work Authorization #MR-038 under PIER Research Agreement 500-02-004. The vote was unanimous. (4-0)*

12. STRATEGIC ENERGY, LLC., APPEAL. Consideration of an appeal by Strategic Energy LLC (Strategic) of the Executive Director's decision denying, in part, their application for confidentiality pursuant to the California Code of Regulations, title 20, section 2505(a)(3). Strategic submitted Electricity Demand Forecast data as part of the 2005 Integrated Energy Policy Report proceeding and requested a confidentiality designation for the data submitted, specifically, the decision on forms 1.1, 1.3, 1.6, 2.4, 4 and 6. (Docket No. 04-IEP-1D)

*Commissioner Geesman moved and Commissioner Boyd seconded denial of the appeals of the Executive Director's denial of confidentiality for the listed Forms. The vote was unanimous. (4-0)*

13. CONSTELLATION NEWENERGY, INC, APPEAL. Consideration of an appeal by Constellation NewEnergy, Inc., (Constellation) of the Executive Director's decision denying, in part, their application for confidentiality pursuant to the California Code of Regulations, title 20, section 2505(a)(3). Constellation submitted Electricity Demand Forecast data as part of the 2005 Integrated Energy Policy Report proceeding and requested a confidentiality designation for the data submitted, specifically, the decision on forms 1.1, 1.3, 1.6, and 2.4. (Docket No. 04-IEP-1D)

*Commissioner Geesman moved and Commissioner Boyd seconded denial of the appeals of the Executive Director's denial of confidentiality for the listed Forms. The vote was unanimous. (4-0)*

14. APS ENERGY SERVICES, INC., APPEAL. Consideration of an appeal by APS Energy Services, Inc., (APS) of the Executive Director's decision denying, in part, their application for confidentiality pursuant to the California Code of Regulations, title 20, section 2505(a)(3). APS submitted Electricity Demand Forecast data as part of the 2005 Integrated Energy Policy Report proceeding and requested a confidentiality designation for the data submitted, specifically, the decision on forms 1.1, 1.3, 1.6, and 2.4. (Docket No. 04-IEP-1D)

*Commissioner Geesman moved and Commissioner Boyd seconded denial of the appeals of the Executive Director's denial of confidentiality for the listed Forms. The vote was unanimous. (4-0)*

15. SOUTHERN CALIFORNIA EDISON COMPANY APPEAL. Consideration of an appeal by Southern California Edison Company (SCE) of the Executive Director's decision denying, in part, their application for confidentiality pursuant to the California Code of Regulations, title 20, section 2505(a)(3). SCE submitted Electricity Demand Forecast data as part of the 2005 Integrated Energy Policy Report proceeding and requested a confidentiality designation for the data submitted, specifically, the decision on forms 1.3, 1.4, 1.5 and the term of confidentiality. (Docket No. 04-IEP-1D)

*Commissioner Geesman moved and Commissioner Boyd seconded denial of the appeals of the Executive Director's denial of confidentiality for the listed Forms and the Executive Director's specification of the term of confidentiality for other Forms. The vote was unanimous. (4-0)*

16. SAN DIEGO GAS & ELECTRIC COMPANY APPEAL. Consideration of an appeal by San Diego Gas & Electric Company (SDG&E) of the Executive Director's decision denying, in part, their application for confidentiality pursuant to the California Code of Regulations, title 20, section 2505(a)(3). SDG&E submitted Electricity Demand Forecast data as part of the 2005 Integrated Energy Policy Report proceeding and requested a confidentiality designation for the data submitted, specifically, the decision on forms 1.3, 1.4, and 1.5. (Docket No. 04-IEP-1D)

*Commissioner Geesman moved and Commissioner Boyd seconded denial of the appeals of the Executive Director's denial of confidentiality for the listed Forms. The vote was unanimous. (4-0)*

17. PACIFIC GAS AND ELECTRIC COMPANY APPEAL. Consideration of an appeal by Pacific Gas and Electric (PG&E) of the Executive Director's decision denying, in part, their application for confidentiality pursuant to the California Code of Regulations, title 20, section 2505(a)(3). PG&E submitted Electricity Demand Forecast data as part of the 2005 Integrated Energy Policy Report proceeding and requested a confidentiality designation for the data submitted, specifically, the decision on forms 1.3, and the distribution area demand in form 1.4. (Docket No. 04-IEP-1D)

*Commissioner Geesman moved and Commissioner Boyd seconded denial of the appeals of the Executive Director's denial of confidentiality for the listed Forms. Vice Chair Pfannenstiel abstained. The vote was 3-0 with 1 abstaining. (3-1-0)*

18. 2005 INTEGRATED ENERGY POLICY REPORT. Consideration and possible decision to initiate enforcement activities, including issuing a subpoena, for certain load serving entities subject to the Energy Commission's November 3, 2004 Order Adopting Demand Forecast and Price Information Forms and Instructions and January 19, 2005 Order Adopting Electricity Resources and Bulk Transmission Forms and Instructions.

*Commissioner Geesman moved and Commissioner Boyd seconded approval of issuing subpoenas to two load serving entities. The vote was unanimous, with Commissioner Rosenfeld absent during this item. (3-0)*

19. Minutes

*Commissioner Rosenfeld moved and Commissioner Geesman seconded approval of the Minutes from the March 30, 2005, business meeting. The vote was unanimous. (4-0)*

20. Commission Committee and Oversight

*Vice Chair Pfannenstiel announced the election of Chief Counsel Bill Chamberlain as Vice Chair of the Western Electricity Coordinating Council.*

21. Chief Counsel's Report

*Chief Counsel Bill Chamberlain reported that the briefing on the Supreme Court petition for review of the El Segundo AFC decision is complete. The Court will announce within several weeks whether it will take the case.*

22. Executive Director's Report

*Acting Executive Director Scott Matthews briefed the Commission on the on-going budget process.*

23. Legislative Director's Report

*No report was given.*

24. Public Adviser's Report

*No report was given.*

25. Public Comment

*Mr. Craig Weist with L & L Suppliers addressed the Commission.*

The meeting was adjourned at 3:45 p.m.

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BETTY A. McCANN  
Secretariat to the Commission