

BUSINESS MEETING
BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the Matter of:)
)
Business Meeting)
_____)

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

TUESDAY, OCTOBER 26, 2010

2:00 P.M.

Reported by:
Peter Petty

Commissioners Present

Karen Douglas, Chair
James D. Boyd, Vice Chair
Jeffrey D. Byron
Anthony Eggert
Robert B. Weisenmiller

Staff Present:

Thom Jones, Interim Deputy Executive Director
Michael Levy, Chief Counsel
Jennifer Jennings, Public Advisor
Harriet Kallemeyn, Secretariat
Jennifer Martin-Gallardo
Richard Ratliff

Also Present

Interested Parties (* present via WebEx)

*Laura Cunningham, Basin & Range Watch
Jeff Harris, Esq., Ellison Schneider & Harris, LLP
*Michael Conner, PhD, Western Watersheds Project

Public Comment

Emily Schrepf, National Parks Conservation Association
(NPCA)

I N D E X

	Page
Proceedings	5
Items	
1. Ivanpah Solar Electric Generating System (07-AFC-5). Possible approval of a Petition for Reconsideration of the Energy Commission's decision of September 22, 2010, to approve the Application for Certification of the Ivanpah Solar Generating System. The petition cites concerns regarding the genetically unique population of desert tortoise located on the project site.	5
2. Chief Counsel's Report:	23
a. California Communities Against Toxics et al v. South Coast Air Quality Management District (Los Angeles County Superior Court, BS124624);	
b. Western Riverside Council of Governments v. Department of General Services (Riverside County Superior Court RIC10005849);	
c. In the Matter of U.S. Department of Energy (High Level Waste Repository), (Atomic Safety Licensing Board, CAB-04, 63-001-HLW);	
d. Public Utilities Commission of California (Federal Energy Regulatory Commission, Docket No. EL10-64-000); and Southern California Edison Company, et al. (Federal Energy Regulatory Commission, Docket No. EL10 66 000).	

The Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation; or that constitute a significant exposure to litigation against the Commission.

I N D E X

	Page
Items	
3. Executive Director's Report.	23
4. Public Adviser's Report.	24
5. Public Comment.	24
Adjournment	24
Certificate of Reporter	25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

OCTOBER 26, 2010 2:05 p.m.

CHAIRPERSON DOUGLAS: Good morning. Welcome to the California Energy Commission Business Meeting of October 26th, 2010.

Please join me in the Pledge.

(Whereupon, the Pledge of Allegiance was received in unison.)

CHAIRPERSON DOUGLAS: Item 1. Ivanpah Solar Electric Generating System (07-AFC-5). Possible approval of a Petition for Reconsideration of the Energy Commission's decision of September 22, 2010, to approve the Application for Certification of the Ivanpah Solar Generating System. The petition cites concerns regarding the genetically unique population of desert tortoise located on the project site. And I would like to ask Ms. Gallardo if you could please introduce the item.

MS. MARTIN-GALLARDO: Good afternoon, Commissioners. As you noted, Intervener Basin & Range Watch has filed a Petition for Reconsideration of your decision in the Ivanpah matter. Under Section 1720 of the Commission's regulations, a petition must specifically set forth either 1) new evidence that, despite the diligence of the Petitioner, could not have been produced during evidentiary hearings on this case,

1 or 2) an error in fact or law, or a change in the law.
2 The Commission has 30 days from the date the Petition was
3 filed to grant or deny the Petition. The Petition was
4 filed on October 4th, and therefore you have until
5 November 3rd to make your decision.

6 In the absence of an affirmative vote of at
7 least three of the Commissioners to grant the Petition,
8 the Petition is deemed denied; if you do grant the
9 Petition, it does not mean that you are overturning your
10 decision or changing your decision, it simply means that
11 another hearing will be set within 90 days to further
12 consider whether or not to change your decision. This
13 Hearing has been set for the presentation of arguments
14 either in support of, or in opposition to, the motion.
15 The Commission has received responses to the Petition
16 from Applicant, staff, and Intervener Western Watersheds
17 Project.

18 CHAIRMAN DOUGLAS: Thank you, Ms. Gallardo. At
19 this point, I'd like to ask Basin & Range Watch to come
20 forward and present the Petition. The only note I have
21 on the phone is Michael Connor from Western Watersheds
22 Project. Basin and Range Watch, are you there? Thank
23 you. Well, we will pause because we do want to hear from
24 Petitioner before we move any further.

25 COMMISSIONER BYRON: In fact, Ms. Martin, you

1 had indicated - you had said Western Watersheds Project?

2 MS. MARTIN-GALLARDO: Yes.

3 COMMISSIONER BYRON: Is that in addition to the
4 Petition from Basin Range Watch?

5 MS. MARTIN-GALLARDO: It is not a new Petition;
6 it's a response in support of Basin and Range Watch's
7 Petition.

8 COMMISSIONER BYRON: Thank you.

9 (Off the record at 2:09 p.m.)

10 (Back on the record at 2:11 p.m.)

11 CHAIRMAN DOUGLAS: So I'm just checking to see
12 if Laura Cunningham or Kevin Emmerich is on the phone?
13 All right, good news, we have Lisa Cunningham and Michael
14 Connor both on the line, is that right? Yes, I'm sorry,
15 Laura Cunningham.

16 MS. CUNNINGHAM: Can you hear me?

17 CHAIRMAN DOUGLAS: Yes, we can hear you. Why
18 don't you present your Petition now if you would like,
19 please?

20 MS. CUNNINGHAM: [Inaudible]

21 CHAIRMAN DOUGLAS: Excuse me, Ms. Cunningham,
22 somehow the connection is not very good. Could you pick
23 up your handset? Are you on the speaker phone?

24 MS. CUNNINGHAM: Yeah, hold on.

25 CHAIRMAN DOUGLAS: While we're waiting for Ms.

1 Cunningham to join us, if anyone is here to make public
2 comment, if you could fill out a blue card and let the
3 Public Advisor know, that would be great, so we make sure
4 we get everybody who would like to make a public comment.

5 (Off the record.)

6 (Back on the record.)

7 CHAIRMAN DOUGLAS: I'm sorry, Ms. Cunningham,
8 is this a technical issue with the phone? Or is this the
9 connection?

10 MS. CUNNINGHAM: [Inaudible]

11 CHAIRMAN DOUGLAS: Ms. Cunningham, we hear you
12 well, why don't we make sure - we'll just make sure our
13 Court Reporter -- please stay on the line, Ms.
14 Cunningham, and we'll make sure - there might be a
15 technical difficulty on our end.

16 (Off the record.)

17 (Back on the record.)

18 CHAIRMAN DOUGLAS: All right, Ms. Cunningham, I
19 hope you are still there. Why don't you say something
20 and we'll see if it's coming through to our reporter.

21 MS. CUNNINGHAM: Hello, this is Laura
22 [inaudible]. Can you [inaudible]?

23 CHAIRMAN DOUGLAS: Yes, we can hear you.
24 Please proceed.

25 MS. CUNNINGHAM: All right. Basin and Range

1 Watch has petitioned for reconsideration [inaudible] the
2 uniqueness of the California part of the Ivanpah Valley
3 population of Desert Tortoises and we brought the
4 Petition up because we would like to think that the
5 California Energy Commission, [inaudible] California, of
6 course, under CEQA, and so the genetic uniqueness of this
7 population in Ivanpah Valley is very unique, it is very
8 different from any other California population of Desert
9 Tortoise. And secondly, the very critical new
10 information that has come to our attention after the
11 record was closed on the Ivanpah case is the U.S. Fish
12 and Wildlife Service Biological Opinion for the
13 [inaudible] project in Ivanpah Valley, which is the same
14 genetic population. And we didn't have this available
15 until September 16th, and what is new about it is the
16 decision of the Fish and Wildlife Service, their opinion
17 about how critically endangered this tortoise is. And
18 third, we wrote, using the other references in our
19 Petition, they are older, but we are using them in an
20 attempt to clarify errors of fact in the Presiding
21 Member's Proposed Decision, which [inaudible]. So, we
22 are [inaudible] that was an error of fact. [Inaudible]
23 Thank you.

24 CHAIRMAN DOUGLAS: Thank you, Ms. Cunningham.
25 I would like to ask Applicant to respond at this time.

1 MR. HARRIS: Thank you, Chair. My name is Jeff
2 Harris. I'm here on behalf of the Applicant. I thought
3 staff counsel did an excellent job of laying out the
4 legal standard for a Petition for Reconsideration, and I
5 think that is what the focus needs to be on here today.
6 The information that has been presented is not new and it
7 doesn't have an effect on the outcome. And I also think
8 it's important to note that, to be said, you know, errors
9 or fact are alleged, those are really disagreements with
10 conclusions. They've essentially reached a different
11 conclusion than the Commission did in the case, but the
12 facts are still correct. So, the standard is very clear
13 and it's clear that this Petition does not meet that
14 standard. I think, in the interest of time, I will stand
15 on our pre-filed papers, unless there are any questions
16 at this point.

17 CHAIRMAN DOUGLAS: Thank you, Mr. Harris.
18 Staff?

19 MR. RATLIFF: Good afternoon, Commissioners. I
20 think in the proceeding and in the testimony that was
21 provided by the Interveners, Basin and Range Watch and
22 Western Watersheds argued quite eloquently and with great
23 elaboration that the subpopulation in the Northeastern
24 Mojave Recovery Unit is biologically differentiated and
25 distinctive from populations in other units. They

1 described why that might be the case based on the geology
2 or barriers between the different units, and argued, in
3 addition, and beyond that point, that the damage that
4 would be inflicted on the tortoise in that recovery unit
5 would be not mitigatable because of the breaking up of
6 the habitat caused by the project. But, I think most
7 significantly, there really never was - the issue of the
8 differentiation genetically of the tortoise in the
9 recovery unit was not an issue. Staff testified in
10 agreement and there was no dissonance on the part of the
11 biologist for the interveners, as well. The U.S. Fish
12 and Wildlife Service has spoken to that issue and pointed
13 out that there is a genetically distinct population of
14 tortoises in the MRU, I guess it is, in the Recovery
15 Unit. And it simply wasn't an issue in the proceeding.
16 And I don't think it is one over which there is any
17 conflict, so staff is fully in agreement with the
18 conclusion that there is a distinct population. I think,
19 in staff's view, the phrase that seems to have aroused
20 interveners in the decision is one which appears to
21 reference a discussion that occurred in the August
22 hearing regarding the effect of relocating or
23 translocating tortoise from the portion at the project
24 site to a different site on the other side of the
25 highway, south of the Mojave Reserve. These are

1 tortoises that are within the same recovery unit, but
2 which at that time there was conjecture that there may
3 even be difference genetically between those tortoise
4 populations, as well. At that point, I think the
5 statement that has been cited by the Commission was that
6 that was a speculative concern. That doesn't really
7 matter because that translocation plan no longer includes
8 the Mojave Preserve, anyway. So, it strikes us as an
9 issue that is moot. So, in staff's view, there really is
10 no issue here that merits reconsideration. Certainly,
11 the Silver State Biological Opinion is important
12 information, but it seems corroborative of the
13 information that has already been provided by the
14 interveners, and we're aware of no inconsistency between
15 that Biological Opinion and the Biological Opinion for
16 the Ivanpah Project, itself. So, again, we see no value
17 in opening up the process again for discussions of those
18 matters. We understand that the Interveners disagree
19 with the adequacy, or the mitigability of the project
20 impacts, but that was an issue that was joined at the
21 hearings and we don't think it's a new issue.

22 CHAIRMAN DOUGLAS: Thank you, Mr. Ratliff.
23 Commissioners, questions or discussion? I guess, before
24 I go to Commissioners, let me make sure that we've gone
25 through public comments. Is there anybody in the room

1 who would like to make a public comment? All right, you
2 would? All right, I'm sorry, before you come forward, my
3 fellow Commissioners are reminding me that Michael Connor
4 is an Intervener, Michael Connor with Western Watersheds
5 Project, are you on the phone?

6 MR. CONNOR: Yes, I am.

7 CHAIRMAN DOUGLAS: Please, go ahead. You get
8 to go before public comment.

9 MR. CONNOR: Yeah, I want to make a point here
10 that the issue - the issue of genetic uniqueness that
11 came up in the PMPD, is an item that was listed as
12 addressing public comment, and now what I seem to be
13 hearing, in fact, is that particular paragraph that
14 references several commenters mentioned the genetic
15 uniqueness of the Desert Tortoises, etc., is actually in
16 reference to the translocation, the proposed
17 translocation that is no longer, in fact, that is to
18 translocate tortoises from this site, across the freeway
19 to the Mojave Natural Preserve. If that is correct, then
20 there is no [inaudible] public comment about the
21 tortoise, about the genetic uniqueness of the Desert
22 Tortoises, in the Responses to Public Comments. And I
23 know there was considerable comment on the [inaudible] of
24 those tortoises [inaudible] issue to a lot of people, a
25 lot of members of the public in California, including

1 myself. Thank you.

2 CHAIRMAN DOUGLAS: Thank you, Mr. Connor. Now,
3 please come forward.

4 MS. SCHREPF: I'm here actually on behalf of a
5 different representative of my organization, the National
6 Parks Conservation Association, I'm here for David
7 Lamfrom -

8 CHAIRMAN DOUGLAS: And you'll tell us your name
9 if you -

10 MS. SCHREPF: Emily Schrepf.

11 CHAIRMAN DOUGLAS: Thank you.

12 MS. SCHREPF: Thanks. And I'm here on behalf
13 of David Lamfrom, the Desert Program Manager. So I'm
14 just going to read verbatim his comments: "Dear Decision
15 Makers: Thank you for the opportunity to publicly
16 express my view on this process and for honoring the
17 Petition to Reconsider. NPCA continues to advocate for
18 the reconsideration of the approval of this mis-sited
19 project. We have worked in good faith throughout the EIS
20 process to ask for this project to be relocated to a more
21 appropriate location. We recognize that the CEC, BLM,
22 and Bright Source Energy have worked in good faith to
23 limit water usage and to minimize impacts to rare
24 species, and we applaud those actions. We do not feel
25 that the negative impacts to Mojave National Preserve

1 have been given proper weight and consideration.
2 Protected in perpetuity based on its scenic vistas,
3 abundant wildlife, natural quiet, and dark night skies,
4 the Preserve will be impacted through diminished scenic
5 view shed and negative cumulative impact from this
6 project. Views from atop Clark Mountain and from points
7 of the Preserve such as the Northern New York Mountains
8 will be impacted forever. Private lands on the Preserve
9 may be developed for home sites or businesses based on
10 this new adjacent industry, and private lands will be
11 more difficult to acquire as they appreciate in value.
12 We also recognize the paradox of siting projects in
13 tortoise-rich habitat. If we are to honor the spirit and
14 letter of the Endangered Species Act, we cannot use
15 overriding considerations when expedient, protecting
16 endangered species, especially those with unique genetic
17 characteristics, and our natural legacy must be our
18 overriding consideration. We question the use of DWMAs
19 and critical tortoise habitat maps generated nearly 20
20 years ago to make decisions about siting these projects.
21 Clearly, this site is home to abundant Desert Tortoise
22 and, clearly, the population of Desert Tortoise was far
23 more robust when the maps were originally developed.
24 Considering the significant and well documented decline
25 of tortoises over the past 20 years, each tortoise is

1 more valuable. In summary, we ask that you reconsider
2 this project site, or take no action on the project. The
3 BLM has many solar energy study areas identified in the
4 Cal Desert through the Solar PEIS project process, and
5 these are the right places for this project and those to
6 follow. It is unfair to ask the American people to
7 subsidize the project and then to re-double our payment
8 to recover the very tortoises we paid to uproot and
9 endanger. Similarly, we invest in our national parks
10 each year, and actions that negatively impact these lands
11 cost us more than just money. In solidarity, David
12 Lamfrom."

13 COMMISSIONER BYRON: Ms. Schrepf, could you
14 please say again which organization you represent?

15 MS. SCHREPF: Sure. The National Parks
16 Conservation Association, or NPCA. Thank you.

17 CHAIRMAN DOUGLAS: Thank you. Thanks for being
18 here. Is there any other public comment in the room at
19 this time? Is there any other public comment on the
20 phone? Commissioners, we've heard from the Intervener
21 and we've heard from the public at this point. Questions
22 or comments?

23 COMMISSIONER BYRON: Madam Chair, I feel, when
24 a party petitions a review by full Commission, you
25 probably don't want to hear from the Presiding Member as

1 much as you might want to hear from the Chief Counsel's
2 Office, so I'm going to ask Ms. Martin-Gallardo, after
3 her review of the Petition, if she has any recommendation
4 at this point based upon that review.

5 MS. MARTIN-GALLARDO: Thank you, Commissioner.
6 Based on the Legal Office's review, it does not appear
7 that there is either new evidence that, despite the
8 diligence of the Petitioner, could not have been produced
9 during evidentiary hearings on this case, or to an error
10 in fact or law, or a change in law. I'll go through the
11 four distinct arguments it made in the Petition that we
12 called out. Petitioner argues that, by not acknowledging
13 or requiring specific actions in regard to the genetic
14 uniqueness of the Desert Tortoise; we did not identify
15 the genetic uniqueness or do anything to protect them,
16 specifically. First, the Decision is clear, as staff
17 noted, that the Commissioners do understand that the
18 project is in the Northeastern Mojave Recovery Unit, and
19 those Desert Tortoise populations there are within that
20 subpopulation. Second, we found no legal requirement
21 that there be a heightened level of review or protection
22 of that, what I will call NEMRU subpopulation. It is
23 also worth noting that the Ivanpah Biological Opinion
24 does go into detail a little bit more about the numbers
25 of population, itself, and did find that, with the

1 Commission's mitigation measures, that there would not be
2 - that that NEMRU subpopulation would not be further
3 degraded by the project. Second, the Petitioner says
4 that the Commission should consider new information
5 within that Biological Opinion of Silver State Project.
6 I will note that I heard the Petitioner mention today
7 that the Commission should be particularly concerned with
8 the California population of the NEMRU subpopulation; I
9 will note here that, on page 3 of their Petition that
10 they indicate that this Silver State Project is in Clark
11 County, Nevada, and so I just wanted to make note of
12 that. We also find that, while it may not be completely
13 on point to the issues in this proceeding, it's a
14 completely different project, the United States Fish and
15 Wildlife Service, as I said, did create the Ivanpah
16 Biological Opinion, which does address the specific
17 issues to this subpopulation. While the Silver State
18 Biological Opinion was published after our evidentiary
19 hearings closed, the information that the Petitioner
20 cites to in their Petition often, well, completely
21 predates the hearing dates back into the '90s, early
22 2000's, and a couple of the documents cited there were,
23 in fact, made a part of this record. The third argument
24 that we pulled out was that the public was denied an
25 adequate opportunity to review the Desert Tortoise

1 Relocation Plan, and we believe that the Decisions
2 Analysis is adequate on this point. And fourth, the
3 Petitioner argues that the Commission erred when finding
4 that those sum tortoises may perish as a result of
5 translocation; the enhanced habitat compensation lands
6 that the Decision requires to be created will allow other
7 tortoises and their offspring to thrive. We believe that
8 there is substantial evidence in the record to support
9 this finding.

10 CHAIRMAN DOUGLAS: Thank you, Ms. Gallardo.
11 Commissioners, any other questions or discussion?

12 COMMISSIONER BYRON: Madam Chair, if I may,
13 just a couple more questions that I think might be
14 helpful to my fellow Commissioners. You covered this
15 somewhat, Ms. Martin-Gallardo, earlier in your
16 introduction, but as I understand it, are we required to
17 make a determination regarding the Petition today? Or
18 prior to November 3?

19 MS. MARTIN-GALLARDO: By November 3rd. If you
20 do not act, the Petition will be deemed denied.

21 COMMISSIONER BYRON: And are there any other
22 parties that have joined or filed a separate Petition for
23 Reconsideration by the deadline, which I believe was in
24 the last couple of days, wasn't it?

25 MS. MARTIN-GALLARDO: Yes, on Friday. Not that

1 I have received in the office, not that I've received
2 from Dockets.

3 COMMISSIONER BYRON: Thank you.

4 VICE CHAIR BOYD: Well, I'm going to just
5 comment that, as the Associate Member of the original
6 Siting Committee, that I tend to agree with our staff
7 attorney's description of the materials that we plowed
8 through, or the subjects that we went through, and the
9 fact that some of this data is almost historical, in
10 note, and could have been made part of the record, or
11 taken into consideration, is a fact that could have been
12 dealt with and that we just can't deal with at this point
13 in time. So, I don't really - I felt pretty satisfied -
14 well, I felt very satisfied at the time we did the PMPD
15 and the Commission made its decision, and after reading
16 the Petition, and actually spending a fair amount of time
17 over the last several days in discussion with my fellow
18 Commissioners, I don't feel any different about the
19 situation now than I did when I voted originally to
20 approve the project. So, I just don't think there's
21 enough substance here to make me feel like we've erred in
22 any way. I do think that, well, there was extensive
23 discussion as we struggled to do everything humanly
24 possible to deal with the tortoise situation, and I
25 thought we did everything humanly possible to, as best as

1 possible, mitigate and compensate, and to try to provide
2 for the tortoises, and I just don't see that big a
3 difference between what we've been through and what we've
4 heard in the Petition and the Intervener's brief on the
5 subject.

6 CHAIRMAN DOUGLAS: Thank you, Commissioner
7 Boyd. Commissioner Weisenmiller, any comment or
8 discussion at this point?

9 COMMISSIONER EGGERT: I think this is a very
10 good description of the claims and a good description of
11 the logic that you've provided. On one of the claims, I
12 wonder if you could maybe just expand a bit about the
13 claim that the inability of the public to provide comment
14 on the Desert Tortoise translocation plan. You spoke to
15 it really briefly, I wonder if you could just maybe
16 readdress it in a little more detail? I know this is
17 something that affects other cases, as well.

18 MS. MORRIS-GALLARDO: My response to that is
19 directly related to the comment - it was a brief comment
20 - in the Petition about that issue, and the Petition
21 cited to the Silver State Solar Project in approval of
22 the fact that that Biological Opinion was released and
23 did have information on the translocation plan within it
24 that helped give everybody some idea of what the
25 translocation plan discussed. My response on that point

1 is that the Ivanpah Biological Opinion also went into
2 detail on that, and that is now part of our record. In
3 addition, the translocation plan - let me think, I have
4 to go back, excuse me for one second - yes, the
5 Petitioner also states that all tortoise translocations
6 should follow the latest guidance from the Fish and
7 Wildlife Service and, in fact, we agreed in your
8 Decision, the Final Decision requires Applicant to follow
9 the very same guidance that the Petitioner refers to.

10 COMMISSIONER EGGERT: In other words, the
11 standards of the plan and its adequacy are referenced
12 within the Decision?

13 MS. MARTIN-GALLARDO: Correct.

14 COMMISSIONER EGGERT: Okay, thank you very
15 much.

16 CHAIRMAN DOUGLAS: If there are no additional
17 questions - Commissioner Byron.

18 COMMISSIONER BYRON: Madam Chair, I think I'd
19 like to begin a motion here, but by first informing my
20 fellow Commissioners that both Basin and Range Watch and,
21 forgive me, Mr. Connor's organization, the Western
22 Watersheds Project, were Petitioners, or Intervenors to
23 this case, and first of all, their input and testimony
24 during the evidentiary hearings really did improve this
25 project, it made for a better project, and both of them

1 conducted themselves in just really exemplary manners
2 during the course of the project, and I'd like to thank
3 them both very much for that. Of course, we don't go out
4 soliciting these Petitions, but we take them very
5 seriously here at the Commission. I agree with the
6 assessment of Staff Counsel on this project and therefore
7 I'd recommend to this Commission that we deny approval of
8 the Petition for Reconsideration.

9 CHAIRMAN DOUGLAS: Commissioner, I'll ask you,
10 is that a motion?

11 COMMISSIONER BYRON: Yes.

12 CHAIRMAN DOUGLAS: Is there a second?

13 VICE CHAIR BOYD: Second.

14 All in favor?

15 (Ayes.)

16 So, the Petition is denied. I think it was
17 important that we take action today so that we not leave
18 this issue hanging until the end of the period. I also
19 did not hear anything out of the Petition that I was not
20 already aware of, so that concludes Item 1. I would like
21 to thank Petitioner, Intervenors, and Applicant and
22 staff, and our Chief Counsel's Office. Thank you.

23 Item 2. Chief Counsel's Report.

24 MR. LEVY: I have no report at this time.

25 CHAIRMAN DOUGLAS: Item 3. Mr. Kelly, welcome,

1 Executive Director's Report.

2 MR. KELLY: It is nice to be back. I have no
3 report.

4 CHAIR DOUGLAS: Well, thank you for stepping in
5 and we look forward to working with you, and we
6 appreciate very much your stepping in and taking this
7 role.

8 Item 4. Public Advisor's Report?

9 MS. JENNINGS: I have nothing to report.

10 CHAIR DOUGLAS: Very well. Item 5. Is there
11 any public comment? In the room or on the phone, is
12 there any public comment? There are no items right now
13 on Internal Organization and Policy, so we are adjourned.

14 (Whereupon, at 2:46 p.m., the business meeting was
15 adjourned.)

16 --o0o--

17

18

19

20

21

22

23

24

25