

Commissioners Present

Robert B. Weisenmiller, Chair
James Boyd, Vice Chair
Karen Douglas
Carla J. Peterman

Staff Present:

Michael Levy
Rob Ogelsby
Jennifer Jennings
Renee Webster-Hawkins
Allan Ward
Adrian Ownby
Lynn Sadler
Jared Babula

	Agenda Item
David Effross	5
Mary Dyas	7
Kourtney Vaccaro	8

Interested Parties

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Scott Galati, STA Development	7, 8
Alice Harron, STA Development	7
*Lorelei Oviatt, Kern County	8
Lisa Belenky, Center for Biological Diversity	8
Don Decker	8

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1. CONSENT CALENDAR 7
 - a. DIGITAL ENERGY, INC. Possible approval of Amendment 3 to Contract 400-07-026 with Digital Energy, Inc., for a one year no-cost time extension to March 31, 2013. The contract provides technical assistance and support to the Energy Commission's Bright Schools, Energy Partnership, and Energy Efficiency Financing programs.
 - b. CALIFORNIA INSTITUTE FOR ENERGY AND ENVIRONMENT. Possible approval of Amendment 1 to Contract 500-07-037 with the Regents of the University of California on behalf of the California Institute for Energy and Environment for a three-month no-cost time extension to allow completion of three of the seven projects.
 - c. CITY OF SOUTH EL MONTE. Possible approval of Amendment 1 to Agreement CBG-09-167 with the City of South El Monte to change the parking lot light retrofits to an induction technology, reduce the number of HVAC retrofits, and include additional interior and exterior lighting projects. The amendment includes a budget reallocation of \$13,322 from the Non-Labor Contract Expenses category to the Contract Labor category and an increase of \$5,665 in cost share from the City.
 - d. CITY OF CALABASAS. Possible approval of Amendment 1 to Agreement CBG-09-162 with the City of Calabasas, which provided funding for interior and exterior lighting upgrades at City facilities. The amendment revises the scope of work to reduce the number of retrofit projects from three to one, due to budgetary restrictions. The City will proceed with the Calabasas Tennis Center retrofit project. The total grant amount of \$85,972 is unchanged.

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1. CONSENT CALENDAR (Continued).
 - e. CITY OF SOUTH PASADENA. Possible approval of Amendment 1 to Agreement CBG-09-183 with the City of South Pasadena to change the scope of work. The original project scope included traffic signal upgrades and HVAC replacements. The revised scope of work has been changed to upgrades to City Hall to include: a cool roof system, wall insulation, HVAC equipment, ducting modifications, temperature sensors and controls and the retrofit of incandescent pedestrian signals to LED pedestrian signals. The revised project scope meets all EECBG program requirements and the grant total amount of \$136,878 remains unchanged.
2. ENERGY COMMISSION COMMITTEE APPOINTMENTS. Possible approval of Energy Commissioner appointments to the Energy Commission's Standing Committees and Siting Case Committees. **POSTPONED**
3. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS. Possible approval of allowing changes to the budget reallocation term in individual block grants to be made through the letter of agreement process in the terms and conditions. This change to the budget reallocation term will be made to individual block grants on an as needed basis. When utilized, the new budget reallocation term will allow all future budget reallocations under the block grant to be made through the letter of agreement process. 9
4. CRHMFA HOMEBUYERS FUND. Possible approval of Amendment 1 to Contract 400-09-016 with CRHMFA Homebuyers Fund (CHF) to add \$6 million in funding to the contract and make budget adjustments to further implement CHF's Moderate Income Sustainable Technology (MIST) Program. Of the \$6 million in funding, \$3.5 million is available immediately and \$2.5 million is contingent upon funding availability and program performance. This American Recovery and Reinvestment Act (ARRA) Residential State Energy Program contract provides grants and low interest whole home energy efficiency and renewable generation retrofit loans with 15 year terms available to moderate income homeowners in CHF Member and Associate Member jurisdictions. (ARRA funding) 11

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5. UNIVERSITY OF CALIFORNIA, RIVERSIDE. Possible approval of Contract 500-11-004 for \$649,214 with the Regents of the University of California on behalf of the Riverside Campus. The project is to investigate production of substituted natural gas from wet organic waste using the process development unit-scale steam hydrogasification process. (PIER natural gas funding.)	
6. ICF CONSULTING SERVICES, LLC. Possible approval of Contract 500-11-055 for \$194,621 with ICF Consulting Services, LLC to develop and publish a strategic plan for the Public Interest Energy Research (PIER) program. (PIER electricity funding.)	POSTPONED
7. BLYTHE SOLAR POWER PROJECT (09-AFC-6C). Possible approval of a Petition to Amend the Blythe Solar Power Project. Palo Verde Solar I, LLC has submitted a petition to modify the facility design and to modify the location of its transmission line to reflect the new proposed location of the Colorado River Substation.	14
8. RIDGECREST SOLAR POWER PROJECT (09-AFC-09). Consideration of the Committee Order After Hearing on Applicant's Motion for Order Affirming Application of Jurisdictional Waiver and possible action to withdraw this matter from the Committee pursuant to Section 1204(c) of Title 20 of the California Code of Regulations.	23
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P R O C E E D I N G S

AUGUST 24, 2011

10:06 a.m.

CHAIRMAN WEISENMILLER: Good morning. Let's start today's Business Meeting with the Pledge of Allegiance.

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

CHAIRMAN WEISENMILLER: Good morning. I want to talk about the agenda today and some of the shirts. So, first of all with the Consent Calendar we're actually going to deal with the Consent Items in two steps. I believe Commissioner Peterman will have a conflict so we're going to deal with that as a second Consent Calendar vote. So again, 1B will be held and-or held first for an additional vote today, and 1E is going to be held for a later business meeting. Now, in addition, we're going to hold Item 6 for a month or so. The reason for that is as we've been going through the PIER-PGC Reauthorization, one of the things that we've established-or reactivated is a PIER Advisory Committee. And one of the things the PIER Advisory Committee recommended to us was to put in a place a long term strategic plan. And so the notion that we've had is to tee this contract up and be ready to see what happens in the legislature on the

1 PIER Reauthorization so that if the PIER
2 Reauthorization occurred we'd be ready to move forward
3 on the strategic plan. And if it didn't occur,
4 obviously we wouldn't go forward with the contract.
5 Now, at the same time, given the fluidity and looking
6 at the current version of the PIER Reauthorization,
7 there will be a new advisory committee. The
8 legislature does not talk about a strategic plan and
9 so it seems at this point, discretion is better. And
10 we will just hold back on this until after the
11 legislature is passed. The Governor decides what to
12 do with the legislation and we have a chance to confer
13 with, presumably, the new advisory committee over
14 whether or not the strategic process makes sense. So
15 with that discretion, I believe we're ready to move
16 onto the Consent Calendar unless any of the
17 Commissioners wants to say something on that.

18 COMMISSIONER BOYD: No, I was just going to
19 move therefore the Consent Calendar excluding Items B
20 and E.

21 COMMISSIONER PETERMAN: I'll second.

22 CHAIRMAN WEISENMILLER: All those in favor?

23 (Ayes) The Consent Calendar excluding Items
24 B and E passes unanimously. Let's look at the Consent
25 Calendar for Item B.

1 COMMISSIONER PETERMAN: Chair, I'll have to
2 recuse myself because I was employed within the last
3 year by an institute that's funded through CIE.

4 CHAIRMAN WEISENMILLER: Okay.

5 COMMISSIONER BOYD: With that, Mr. Chair, I
6 will move approval of Consent Item 1B.

7 COMMISSIONER DOUGLAS: Second.

8 CHAIRMAN WEISENMILLER: All those in favor?

9 (Ayes.) This Item also passes unanimously.
10 I forgot when I was laying out the issues for this
11 that we're going to also hold Item 2 until the next
12 Business Meeting.

13 So with that, our next Item will be Item
14 number three. And this is Energy Efficiency and
15 Conservation Block Grants. Allan Ward

16 MR. WARD: Good morning, Commissioners. I'm
17 Allan Ward with the Commission's Legal Office. I'm
18 here today as part of the Commission's ongoing efforts
19 to streamline and improve its procedure and practices
20 for grants and contracts. Specifically, I'm
21 requesting approval to make a change to the
22 Commission's Energy Efficiency and Conservation Block
23 Grants regarding budget reallocations. Budget
24 reallocations are a simple movement of funds within an
25 existing agreement using existing funds. They do not

1 increase the amount of the funds of the award. They
2 do not increase the term of the award. And they do
3 not substantially change the scope of work. They're
4 just a simple movement of funds, of existing funds,
5 within an existing budget.

6 The requested change is to allow us in the
7 Block Grants to make all future budget reallocations
8 through the Letter of Agreement process. The terms
9 and conditions already allow the Letter of Agreement
10 process to be used but only up to a capped amount.
11 The cap is only in place because when the block grants
12 were first approved language was borrowed from
13 contract boilerplate and just inserted, however the
14 cap does not apply to federally funded grants. These
15 grants are federally funded and part of the American
16 Recovery and Reinvestment Act and thus the cap
17 wouldn't apply and it's just an unnecessary
18 restriction.

19 Approving this change will decrease the
20 length of time it takes to complete work under these
21 grants. It will reduce the amount of time spent by
22 Commissioner staff and grantees to make these simple
23 budget reallocations and will assist in meeting the
24 Commission goals of timely completing the ARRA
25 projects.

1 And I'm happy to answer any questions.

2 CHAIRMAN WEISENMILLER: Commissioners, any
3 questions or comments?

4 COMMISSIONER BOYD: No questions.

5 COMMISSIONER DOUGLAS: No questions.

6 COMMISSIONER BOYD: I would be glad to move
7 the Item as a very positive step on the part of this
8 Commission to improve the processing of its business
9 and procedures.

10 COMMISSIONER DOUGLAS: I'm delighted to
11 second the Item. Anything that we can do to make it
12 easier for people to complete work and complete their
13 projects is a good thing so I second the Item.

14 CHAIRMAN WEISENMILLER: All those in favor?

15 (Ayes.) This Item passes unanimously.

16 Let's look at Item number four which is
17 CRHMFA Homebuilders Fund and this is ARRA funding.
18 This is--add \$6 million in funding to the contract and
19 make budget adjustments to further implement CHF's
20 Moderate Income Sustainable Technology Program. Of
21 the \$6 million in funding, \$3.5 million is available
22 immediately and \$2.5 million is contingent upon
23 funding availability and program performance. Adrian?

24 MR. OWNBY: Good morning, Commissioners. My
25 name is Adrian Ownby. I'm with the High Performance

1 Buildings Unit here in the Commission.

2 This is an Amendment to an ARRA SEP
3 residential contract. The contractor, CHF, provides
4 grants and low-interest loans for comprehensive energy
5 efficiency and renewable generation retrofits to
6 moderate income homeowners in 49 counties and two
7 cities.

8 This amendment will realign and augment
9 existing funding to support increased lending. Upon
10 approval, program funds for loans will increase from
11 approximately \$9.5 million to a minimum of just over
12 \$17 million to a possible maximum of over \$19.3
13 million.

14 The program currently has a loan pipeline of
15 over \$10.3 million in potential retrofit work. So
16 this amendment is crucial to the program's
17 continuation and continued success.

18 And I don't have anything more to add so if
19 you have any questions.

20 CHAIRMAN WEISENMILLER: Commissioners, any
21 questions or comments?

22 COMMISSIONER DOUGLAS: I'll just say that
23 this has been a really successful program and we've
24 been pleased to see the way the program has been able
25 to reach moderate income people throughout large

1 portions, especially with some of the rural counties,
2 and the energy efficiency improvements in these areas
3 has been both valuable and good to see. This is one
4 of our projects that has been quite successful. I'd
5 like to Move Item four.

6 CHAIRMAN WEISENMILLER: I was going to note
7 that, obviously, for this Commission implementing the
8 ARRA grant program and its achieving funding of all
9 the—or expenditure of all the funds is very important
10 to us. And that as we go forward one of the things
11 that we're looking at is sort of the performance of
12 the various contracts and there are obviously that are
13 some that are A students and some that are not. And
14 it's going just to be able to shift funds to those A
15 students so that we can continue to get more progress
16 on both energy efficiency and jobs in the state. So
17 we certainly welcome this shift and would look forward
18 to more if necessary.

19 So do I have a motion to second—

20 COMMISSIONER BOYD: On that analogy, Mr.
21 Chairman, I'll second the motion.

22 CHAIRMAN WEISENMILLER: Great. So we have a
23 motion and it's been seconded. All those in favor?

24 (Ayes.) This Item passes unanimously.

25 Again, thanks for your help.

1 The next Item is number five. University of
2 California, Riverside. And this is \$649,214 with the
3 Regents of the University of California. This is PIER
4 Natural Gas funding. David, do you want to describe
5 it?

6 MR. EFFROSS: Good morning, Commissioners.
7 My name is Dave Effross and I'm with the PIER
8 Transportation Group.

9 This project is—

10 COMMISSIONER BOYD: David, you might move a
11 little closer to the microphone. I'm not sure you're
12 coming across.

13 MR. EFFROSS: I apologize.

14 COMMISSIONER BOYD: Ah, there you go.

15 MR. EFFROSS: This project is essentially
16 continuing a project with CE-CERT that is currently
17 wrapping up. That project was 500-09-008 which
18 initially constructed the process demonstration unit
19 for the steam hydrogasification reactor. This is a
20 reactor that allows the creation of renewable natural
21 gas from wet organic waste including sewage sludge,
22 agricultural waste and, in this coming project,
23 processed food waste.

24 The particular benefit of using wet organic
25 waste is that one does not have to expand a lot of

1 energy and therefore energy drying the waste first.
2 The water is used in the process. The renewable
3 natural gas called by a term of chemical engineering
4 or in this case substituted natural gas can then be
5 put into a Fischer-Tropsch and turned into renewable
6 diesel. And, in fact, they have created renewable
7 green gasoline in the laboratory.

8 We have letters of support from Michael
9 Eaves, Vice President of Technology Advancement at
10 Clean Energy and Ronald O. Loveridge, the Mayor of
11 Riverside who also sits on the South Coast Air Quality
12 Management Board.

13 CHAIRMAN WEISENMILLER: Thank you.
14 Commissioners, any questions or comments?

15 COMMISSIONER BOYD: My only comment, and I
16 think my fellow Commissioners know where I'm coming
17 from on this subject, this is a very positive research
18 project that I've been following for a number of years
19 and of course the rest is an area of great interest
20 and concern to me and that is using our waste steam
21 for energy.

22 I'm pretty familiar with this effort. Like
23 all research efforts it's been a struggle. It's been
24 underway for a long, long time. It's looking very
25 promising and it would be very beneficial to

1 California if they realize who the outcomes from this
2 project that they think they can realize. You heard
3 the reference to diesel fuel and even green gasoline.
4 This was, of course, reviewed by those of us who are
5 members of the Research and Development Committee and
6 we did recommend it for consideration by the full
7 Commission. And David, I wish you luck with this one.
8 I followed it fairly closely for a long, long time.

9 COMMISSIONER PETERMAN: I'll just echo
10 Commissioner Boyd's statement and say that this is a
11 very positive project for the state in terms of
12 optimizing many of the environmental and
13 transportation goals that we have. And I'm glad to
14 see this project on the calendar. Should I make a
15 motion?

16 COMMISSIONER BOYD: We need a second.

17 COMMISSIONER PETERMAN: Oh, sorry. I will
18 second Commissioner Boyd's motion.

19 CHAIRMAN WEISENMILLER: Okay. All those in
20 favor?

21 (Ayes.) This Item passes unanimously.

22 Again, Item six is being held so let's go to
23 Item seven which is the Blythe Solar Power Project,
24 09-AFC-6C. Mary?

25 MS. DYAS: Good morning, Commissioners. My

1 name is Mary Dyas. I am the Compliance Project
2 Manager for the Blythe Solar Power Project. With me
3 this morning is Jeff Ogata, Assistant Chief Counsel.

4 The Blythe Solar Project is a one megawatt
5 solar thermal facility to begin constructed near the
6 City of Blythe in Riverside County.

7 The project is owned by Palo Verde Solar I,
8 LLC. The project was certified on September 15, 2010
9 and was issued notices to proceed from the Energy
10 Commission and the BLM on November 4, 2010 for the
11 construction of Phase 1A. The project also received
12 its right of way grant from the BLM for the
13 construction of Phase 1A.

14 On June 14, 2011 Palo Verde Solar I, LLC.
15 filed a petition requesting to modify the facility
16 design and the location of its transmission line to
17 reflect the new proposed line of the Colorado River
18 Substation.

19 The proposed modifications include revised
20 general arrangement for the shared facilities area,
21 modification to-of the general tie line route,
22 relocation of existing Southern California Edison 12kb
23 distribution transmission poles to allow improvement
24 to a portion of Black Rock Road, replacement of steam
25 turbine generator manufactured by Toshiba with a steam

1 turbine generator manufactured by Siemens, revised
2 general arrangement of the power block and revisions
3 to air quality conditions of certification to make
4 consistent with the Mojave Air Quality Management
5 District conditions contained in the authority to
6 construct.

7 A notice of receipt was mailed to the Blythe
8 Solar Post-Certification mail list posted to the
9 Energy Commission website and docketed on June 28,
10 2011. The staff analysis was mailed to interested
11 parties, docketed and posted on the web July 22 and we
12 have not received any comments on this amendment.

13 Staff concludes that with the adoption of
14 changes to air quality conditions and biological
15 resource conditions recommended in the staff analysis,
16 the potential CEQUA impacts of the project would be
17 less than significant and the adoption of the proposed
18 modifications would not result in any significant
19 impacts to the environment.

20 Air quality staff recommends adding new
21 language to AQ17-E and administrative changes to AQ56,
22 AQ58, AQ62-Oh, I'm sorry. AQ58 through AQ62 and AQ 64
23 pursuant to the California Air Resources Board
24 Executive Order of VR-401. Biological Resource staff
25 recommends changes to Bio-12, Bio-20 and Bio-28 to

1 reflect reduced acreage impacts to desert tortoise and
2 Mojave fringe-toed lizard habitats.

3 At this time, staff recommends approval of
4 this petition with the proposed revisions to the Air
5 Quality and Biological Resource conditions. Now, I'm
6 sure that you have questions on the project itself.

7 CHAIRMAN WEISENMILLER: Thank you. Scott,
8 why don't you go next and then we'll see if the
9 Commissioners have questions or comments.

10 MR. GALATI: Chair, Commissioners, my name
11 is Scott Galati, representing STA Development and with
12 me is Alice Harron.

13 MS. HARRON: Yes, I'm Alice Harron, I'm
14 President of STA Development. I'd like to ask your
15 permission to say a few opening comments to kind of
16 put everything in context. I know that there's been a
17 lot of news about the project and I would like to kind
18 of give an overview before we go through this.

19 CHAIRMAN WEISENMILLER: That'd be very good.

20 MS. HARRON: Okay. Some of you may have
21 heard, Solar Trust of America has decided to not
22 continue with the DOE loan guarantee program and to
23 switch the technology at Blythe from solar thermal to
24 photovoltaic. To give you a bit of context about the
25 course of events, we were driving towards loan

1 guarantee and DOE worked very hard and we were very,
2 very grateful for all of their efforts. But as with
3 any project financing, as you start getting into the
4 closing issues come up. And when we were looking at—
5 during the same time as going through this process, we
6 had also been looking at photovoltaic for some other
7 projects and when we started driving towards the DOE
8 loan guarantee and the conditions and we looked at the
9 risk/reward profile, we realized that we just could
10 not do it. And we decided that since we had been
11 looking at PV for other projects we still wanted to
12 build the world's largest solar facility and we
13 decided that we would like to pursue PV.

14 I say that but I want to make it very, very
15 clear that we still need this amendment because we
16 still need the gen-tie to go to the new substation.
17 We have already started discussions with BLM and the
18 CEC to see what needs to be done onsite and we are
19 going to seek to re-permit the site hopefully as
20 quickly as possible so that we can close and start
21 construction.

22 We feel that PV, we can close with
23 commercial financing and continue with the project.

24 Scott, did I cover everything?

25 MR. GALATI: Yeah. And I just want the

1 Commissioners to know that we have met with BLM. We
2 are ceasing construction activities now and we met
3 with your staff earlier this morning and will be
4 trying to file a letter by Thursday showing what the
5 ongoing activities are going to be on the site. We
6 recognize that we cannot construct a PV project
7 without re-permitting an authorization from those
8 agencies and we are not doing so.

9 What we are doing is maintaining monitoring,
10 we'll have somebody onsite. We're going to do all the
11 things that are necessary to ensure that the project
12 in the interim doesn't have any offsite environmental
13 impacts or safety concerns, the security issues are
14 being maintained. We went through about an hour today
15 with your staff about the kinds of things that we
16 think we need to do. And your staff is going to
17 provide input. We are committed to complying with all
18 the conditions and certifications and the compliance
19 plans in the interim period.

20 To address the elephant in the room, how we
21 go forward with this project at the local and/or state
22 level depends on the outcome of the Ridgecrest Motion
23 for Waiver. We would seek, just to make it publicly
24 announced to you, we would seek to apply the waiver in
25 this project as well.

1 CHAIRMAN WEISENMILLER: Thank you.

2 Commissioners, any questions or comments?

3 COMMISSIONER BOYD: Well, I just want to
4 comment that you made NPR last week, I believe. You
5 probably know that, the Blythe Project. The first
6 public candid discussion that I've heard of the
7 financial issues facing solar thermal plants, vis-à-
8 vis PV and the attitudes of the nation's financial
9 community so I appreciate your elaborating on your
10 rationale here as it probably applies to some other
11 projects as well. The comfort that the financial
12 community seems to have with PV versus the seemingly
13 more complex solar thermal was an interesting
14 discussion to hear. So, anyway, I should say no more
15 in light of the next Item on the agenda.

16 COMMISSIONER DOUGLAS: Just a brief comment.
17 I appreciate your obviously addressing the question
18 that we certainly would have asked if you hadn't but
19 it's too bad that we like to see the projects we
20 permit get built but we understand that you have
21 endeavored mightily to build a project and are pleased
22 that you are still endeavoring to build a project that
23 is renewable if not solar thermal on the site. So if
24 there are no more comments, I will move Item seven.

25 COMMISSIONER PETERMAN: I'll second.

1 CHAIRMAN WEISENMILLER: All those in favor?

2 (Ayes.) Item seven passes unanimously.

3 Thank you.

4 Let's go on to Item 8. Ridgecrest Solar
5 Power Project, 09-AFC-09. Kourtney?

6 MS. VACCARO: Good morning, Chairman
7 Weisenmiller, Commissioners. I'm Kourtney Vaccaro
8 with the Hearing Advisors Office. I think the last
9 Item certainly was a nice segue for what we'll surely
10 be discussing in this Item however this Item
11 particularly pertains to the Ridgecrest Solar Power
12 Plant which would be cited in Kern County.

13 As described in the application for
14 certification, this was a project proposed as a 250
15 megawatt solar thermal power plant. The applicant for
16 the project has recently informed the assigned siting
17 committee that it is interested and intending to
18 redesign the project. That redesign would eliminate
19 the solar thermal power plant and replace it with a
20 photovoltaic facility.

21 In that regard, and with that design in
22 mind, the project applicant submitted a motion to the
23 committee essentially asking whether or not it could
24 voluntarily submit the photovoltaic project to the
25 Commission's Exclusive Certification Jurisdiction.

1 The applicant contends that the Warren-
2 Alquist Act allows this under Public Resources Code
3 Section 25502.3.

4 The motion received a number of public
5 comments as well as it was the subject of legal
6 briefings by subject parties to the action. The
7 Committee conducted a hearing to also receive oral
8 arguments and oral public comment. The Committee took
9 the matter under submission and ultimately issued an
10 order in July reflecting its determination that the
11 motion involves precedential or potentially
12 precedential issues that appear to be more appropriate
13 for consideration and determination by the full
14 Commission as opposed to the Committee.

15 So the order also includes a request that
16 this Commission withdraw the motion from the Committee
17 and decide the matter itself. That order is the
18 matter before you today.

19 And, I think, those were my introductory
20 comments. I can certainly answer questions. I
21 understand a number of parties were interested in
22 speaking today and, of course, the applicant is here
23 to give further factual background if the Commission
24 desires.

25 COMMISSIONER BOYD: I think maybe I should-

1 this is a very unusual circumstance that we find
2 ourselves in here. At least this is the first time
3 that I recall one of us petitioning us to take an
4 action.

5 Hearing Advisor Vaccaro has very aptly
6 summarized the Ridgecrest Siting Committee's findings
7 and the recommendation. And let me, a little
8 background of why we find ourselves here today.

9 The Committee frankly feels qualified and
10 that it has access to the resources it feels that are
11 necessary to properly research and even opine on this
12 issue or the issue at hand, mainly what does PRC
13 Section 255.02.3 exactly authorize. For all the
14 reasons stated in the Committee Order and ably
15 summarized a moment ago by Ms. Vaccaro, we bring this
16 issue to you, recognizing that it's somewhat
17 precedential and should be looked at beyond the scope
18 of a single siting committee; particularly when that's
19 single siting committee has a single Commissioner left
20 on it. And therefore—and not realizing the
21 precedential aspects of this beyond the future
22 potential having just heard the previous Item and the
23 issues related to it for the first time. I guess we
24 were wise in our clairvoyance about the precedent
25 that's possibly involved with this section.

1 I do want to say a couple of other words
2 regarding what this request is not. It's not a
3 request to remand the entire siting case itself back
4 to the full Commission. This is not a naked attempt
5 on the part of the Committee to exert CEC jurisdiction
6 in over all PV cases as alleged by some in their
7 briefs and otherwise and, as also alleged by some, an
8 action to steamroller through the Commission these
9 type siting applications. This Commission, this
10 Commissioner in particular for one, I believe takes
11 umbrage with that type comment. This Commission has a
12 lengthy and proud record of being concerned for and
13 considering the concerns of local governments and
14 agencies in executing its power plant siting
15 responsibilities. And sometimes it's really hard to
16 see the grey line between this type of application and
17 the ones that we're talking about with regard to large
18 utility scale, ground mount solar cases. So, thus the
19 uncertainty in the eyes of the Committee.

20 While there is reference by some to another
21 siting case action that this Commission recently
22 endorsed, the legal circumstances we felt were
23 different and thus, this is an effort to seek
24 clarifications of the provisions of California law and
25 something that the Committee felt more properly

1 belonged in the venue of a full Commission
2 consideration. Hence, we have brought this issue to
3 you today.

4 That's my comment.

5 COMMISSIONER DOUGLAS: Let me just comment
6 briefly based on Commissioner Boyd's comment. I
7 appreciate the Committee bringing this question to the
8 Commission. We see that it has significant importance
9 not only in the resolution or the processing of one
10 case but depending on how the Committee resolved it
11 could result in the applicant relying on and trying to
12 use the same route in other cases, and time is of the
13 essence and we want to make sure that we all—I mean I
14 think it's really valuable to give everybody an
15 opportunity—all the Commissioners an opportunity to
16 review this question. I agree with Commissioner Boyd
17 that this is a different legal question than the one
18 we—the Calico Committee, Chairman Weisenmiller and I
19 address in that amendment process. It's—this is the
20 first time that an applicant has tried to use this
21 provision to opt into the Energy Commission process.
22 That's not what was before us in the Calico case where
23 it was a question of in an amendment, what—whether the
24 PV portion was jurisdictional. There was no effort in
25 that case to opt in using this provision which is

1 actually in our regulations a fairly onerous
2 provision. It basically, starting pretty early in the
3 CEQUA process.

4 Anyway, I'll say no more and listen to the
5 parties and the members of the public but I did want
6 to agree with Commissioner Boyd both that not with the
7 case but for the issues and pleased that he brought it
8 to us and also that the issue we handled in the Calico
9 proceeding was a different legal argument and a
10 different issue. So, thank you.

11 COMMISSIONER BOYD: Well, I would just say
12 thank you Commissioner Douglas and just indicate that
13 for the record that we have not discussed this Item
14 before so I appreciate your views, particularly as a
15 lawyer, on the process and procedure we're following
16 here. So thank you.

17 CHAIRMAN WEISENMILLER: And, again, I will
18 echo her comments. Obviously we're going to move on
19 to public comment—or comment of the interveners and
20 the public on this but, again, just to frame in terms
21 of saying I appreciate the Committee referring this
22 back to the full Commission. I think, as we heard
23 earlier, this does have potential precedential value
24 well beyond this particular case. You know that
25 certainly Solar Millennium has a couple of other

1 projects. Certainly there are rumors in the trade
2 press about other projects potentially converting from
3 solar thermal to PV and we've seen already Calico and
4 Imperial convert. And obviously, Commissioner
5 Douglas, indicated that we dealt with a different fact
6 pattern in reaching a decision in Calico which is
7 different than this case. So, again, I think it was
8 entirely appropriate for the Ridgecrest Committee to
9 refer this to the full Commission and hopefully this
10 will give us an opportunity, which would potentially
11 give an opportunity for any effected parties to
12 comment on this precedent before the Commission would
13 make a decision. So with that, Mr. Galati, do you
14 want to address this?

15 MR. GALATI: Yeah, I guess I'd first address
16 why I'm standing before you instead of sitting before
17 you. And I challenge all of my other colleagues to
18 let Hearing Officers sit when they address you so I
19 will be standing in front of you from now on when
20 there is a Hearing Officer present and I suggest
21 everyone else should.

22 (LAUGHTER)

23 Second, I would like to say again that we
24 agree, while we are prepared fully today to discuss
25 the merits, I recognize that's not what we're here for

1 but if anybody has any questions about that, we are
2 prepared.

3 Second of all, we also agree that the
4 Commission should decide this and we would only ask
5 that since the briefs have already been done and
6 already filed, that we schedule oral arguments fairly
7 quickly so that we can get to this decision which is
8 important for us in the Blythe Project. So again, we
9 support the Committee's request and I don't know if I
10 can throw out an idea that the Commission has an oral
11 argument either in a Business Meeting or to the Siting
12 Committee and then to the Commission. We're open to
13 any of those and we look forward to explaining this
14 issue to you.

15 CHAIRMAN WEISENMILLER: Thank you. Staff?

16 JARED BABULA: We—Staff also agrees that the
17 full Commission should take this on and we agree with
18 the motion and also I'll just echo Scott's statement
19 that this isn't really the venue to get into the
20 factual stuff but we'll abide by however the
21 Commission wants to do this. If they want to do
22 further oral argument, if they want to do more
23 briefings. Thank you.

24 CHAIRMAN WEISENMILLER: Let's turn to—
25 actually, first we have a public official on the line.

1 Lorelei Oviatt from Kern County. Do you want to
2 address this question.

3 MS. OVIATT: I do. Thank you very much,
4 Commissioners. I'm Lorelei Oviatt. I'm the Kern
5 County Planning Director. I just have some brief
6 comments. First, we support the Committee's request
7 for the full Commission to take this matter to a
8 hearing for a hopefully swift and definitive
9 resolution. Kern County has over 1,000 megawatts of
10 solar PV utility scale already approved and moving
11 into construction and we're processing over 3,000
12 megawatts of other projects.

13 I have provided you, I understand it is not
14 before your Commission, but I have provided you with
15 additional legal citations that clearly show that the
16 California Supreme Court has determined that the
17 powers of Cities and Counties are given by the
18 California Constitution and can only be preempted by
19 specific legislative action.

20 We do oppose the applicant's request. We
21 believe we clearly obtain an authority over land use
22 for solar PV in Kern County and the applicant cannot
23 confer jurisdiction simply by requesting it.

24 We ask that this request be definitely
25 rejected. Of course, we will be available when you

1 take—if you take this to the full Commission for oral
2 arguments. But mostly I'd like to thank you for your
3 continued partnership with local government in meeting
4 our renewable energy goals. We have a long and great
5 relationship with the California Energy Commission on
6 a variety of power plants and we look forward to
7 continuing that relationship. And we would, once
8 again, support the full Commission resolving this
9 swiftly and definitively.

10 CHAIRMAN WEISENMILLER: We would thank you.
11 We certainly appreciate your comments today and the
12 partnership we have had with you on renewable
13 development. I believe that there is at least one
14 intervener on the line who wants to discuss this
15 issue. Lisa Belenky?

16 MS. BELENKY: Yes. Hi. Can you hear me?

17 CHAIRMAN WEISENMILLER: Yes, we can.

18 MS. BELENKY: Okay. Hi. This is Lisa
19 Belenky with the Center for Biological Diversity. And
20 I also want to thank the Commission for putting this
21 Item on the agenda. However the agenda item was not
22 completely clear. I did discuss with the Public
23 Advisor and I understood after discussing with them
24 that you would mostly be hearing whether or not to
25 take this reference. And on that basis, the Center

1 does agree with the full Commission taking this
2 reference and deciding this issue. The Center is on
3 record clearly opposing the proposal from the
4 applicant and we would like additional time to discuss
5 the merits either today if the full Commission is
6 prepared to move forward to the merits or at the time
7 when the Commission does so. I think that would be
8 pretty much all that we would say today on just the
9 issue of the reference. I do want to say to
10 Commissioner, I believe it was Commissioner Boyd who
11 was perhaps upset with some of the statements that
12 were made. I don't know if they were in the Center's
13 briefing however the Center is very concerned about an
14 extension and an overreach of jurisdiction in this
15 matter whether coming from the initiative of the
16 Commission or, in this case, coming from the
17 initiative of an applicant. And there are other
18 pending matters before the Committee regarding whether
19 this application should even be on the table at this
20 point because it was stayed initially in order for
21 additional studies to be done which are now not being
22 done.

23 So we have a lot of concerns about this
24 particular application but just going back to the one
25 issue that I understand is before you at the moment,

1 we do think that the full Commission should take the
2 reference and decide this issue.

3 CHAIRMAN WEISENMILLER: Thank you. Your
4 understanding is correct. Again, I think our intent
5 is if the Commission were to follow the Committee's
6 recommendation which would be to give any and all
7 parties that could be effected by the ruling an
8 opportunity to weigh in as opposed as hearing the
9 issue today. So I believe—I don't know if there are
10 any other interveners but we at least have, I think, a
11 member of the public on the line. Don Decker?

12 First though are there any interveners on
13 the line, excuse me. Okay then. Any members of the
14 public.

15 MR. DECKER: This is Don Decker. I would
16 like to—

17 CHAIRMAN WEISENMILLER: You may have to move
18 closer, Don, if you're on speaker phone but we're
19 having trouble hearing you.

20 MR. DECKER: I'm on a handset. Is that
21 better?

22 CHAIRMAN WEISENMILLER: Okay. Talk a little
23 louder.

24 MR. DECKER: I'm talking quite loud.

25 CHAIRMAN WEISENMILLER: Okay. We can hear

1 you now. Keep going.

2 MR. DECKER: I would like to second Lisa
3 Belenky's comments about the project somehow getting
4 mixed up here in terms of sequence. There are a
5 number of aspects that seemed to have been placed away
6 from the mainline path that the Committee and now the
7 Commission is considering. There is a staff
8 recommendation of no project that's way back in the
9 fall. And then the fact that the BLM has accepted the
10 applicant's withdrawal application in January. You no
11 longer have a BLM partner, it would appear.

12 So here we are discussing yet another issue,
13 another aspect, another motion, from the applicant.
14 It appears, from the public that the applicant is
15 basically stalling.

16 That's all I have to say. Thank you.

17 CHAIRMAN WEISENMILLER: Thank you. Any
18 other members of the public on the line?
19 Commissioners, any questions or comments for any of
20 the parties?

21 COMMISSIONER DOUGLAS: Well, I just have a
22 brief comment. I guess we'll have the opportunity to
23 discuss this shortly. But we do have the transcripts
24 of the former, the oral argument before the Committee.
25 We have the briefs submitted to the Committee so I

1 don't think, at least from my own view, that I would
2 be interested in a replay but we might have additional
3 questions if we choose to take this on, targeted
4 questions.

5 CHAIRMAN WEISENMILLER: Right.

6 COMMISSIONER BOYD: Well, I do not have
7 additional comments and if the Committee is ready for
8 a motion on the—before the order I will make said
9 motion that the full Commission accept the pleadings
10 of the Siting Committee that the full Commission take
11 up this matter.

12 COMMISSIONER DOUGLAS: Second.

13 CHAIRMAN WEISENMILLER: All those in favor?

14 (Ayes.) This passes unanimously.

15 I believe at this point it would be
16 appropriate to go into an Executive Session to discuss
17 next steps on this particular matter and then come
18 back to the Commission at this Business Meeting.

19 MR. LEVY: You may certainly do that under
20 11.126E.

21 CHAIRMAN WEISENMILLER: So we're going to
22 take a brief recess to go into Executive Session and
23 we'll be back to talk about the next steps
24 procedurally.

25 [RECESS TAKEN AT 10:46 A.M.]

1 [BUSINESS MEETING RESUMES AT 11:16 A.M.]

2 CHAIRMAN WEISENMILLER: Before we go back on
3 the record, let's track down the Public Advisor.

4 Okay. There she is. Good.

5 So we're back on the record. Renee?

6 MS. WEBSTER-HAWKINS: Thank you, Chair. I'm
7 Renee Webster-Hawkins with the Chief Counsel's Office.
8 Based on the deliberations in Executive Session, I'm
9 prepared to read a list of Items that would be
10 included in the order from the Commission on this
11 matter.

12 The key points of the order would be that
13 the Commission hereby exercises its authority under
14 Section 1204C to withdraw the above reference to
15 motion for consideration by the full Commission with
16 the clarification that all other proceedings in this
17 AFC matter will remain with the Committee.

18 The order would propose that the Commission
19 acknowledges and takes into consideration the written
20 briefs and letters regarding the motion filed with the
21 Commission and submitted to the Docket Unit by certain
22 parties and other interested entities to date as well
23 as the entire transcript of the July 25 hearing before
24 the Committee.

25 The Commission would provide all parties and

1 any other interested entities and members of the
2 public one additional opportunity to file further
3 briefing on the motion. However, such briefing should
4 not be duplicative of legal or policy arguments
5 already submitted by the same party or entity in the
6 proceeding.

7 Further, the Commission would hereby direct
8 the Chief Counsel to append to the order no later than
9 August 26, 2011 a list of specific questions relevant
10 to the motion which the parties to the matter shall
11 address in their briefing.

12 All briefs from parties, interested entities
13 and members of the public must be filed with the
14 Commission and submitted to the Docket Unit and served
15 upon the proof of service list plus the Chief Counsel
16 no later than Friday, September 16, 2011 at 5 p.m. and
17 that the Commission would set a hearing on the motion
18 by further order of the Commission at that time the
19 briefing is closed.

20 So with that proposed order, I would
21 recommend that the Commission consider that order and
22 consider whether or not to accept that proposed order.

23 CHAIRMAN WEISENMILLER: Thank you. I think
24 that I'd also indicate that we should send that order
25 out to our list serves for the potential projects that

1 could be affected by this so that other parties have
2 an opportunity to comment.

3 MS. WEBSTER-HAWKINS: Yes, sir.

4 COMMISSIONER BOYD: Okay. So if we need a
5 motion to embrace that order, I'll make said motion to
6 adopt the recommendation of our Counsel for the
7 wording in our order.

8 COMMISSIONER PETERMAN: I'll second the
9 motion.

10 CHAIRMAN WEISENMILLER: Okay. All those in
11 favor?

12 (Ayes.) Thank you.

13 MS. WEBSTER-HAWKINS: Thank you, sir.

14 CHAIRMAN WEISENMILLER: Next Item is number
15 9, Minutes.

16 COMMISSIONER BOYD: Move approval.

17 COMMISSIONER PETERMAN: I'll second.

18 CHAIRMAN WEISENMILLER: All those in favor?

19 (Ayes.)

20 Item 10. Commission Committee Presentation
21 and Discussions.

22 Well, I would note that I think all of us
23 had the honor and privilege of being at an event on
24 Monday night to celebrate Commissioner Boyd's 50 years
25 of public service. It was a very memorable event that

1 I hope Jim has the memories with him for another 50
2 years.

3 COMMISSIONER BOYD: I invited everybody to
4 my next 50 year work reunion so put it on your
5 calendar. I promised to be there.

6 COMMISSIONER PETERMAN: Chairman, I did have
7 some comments that I did want to offer.
8 Commissioners, I wanted to share with you and the
9 public that the Commission staff will conduct a
10 workshop to solicit public comments on the use of
11 biomethane delivered from electric generating facility
12 via the natural gas pipeline for California's
13 Renewable Portfolio Standard.

14 I think it's good timing. The workshop was
15 noticed last week and will be held at the Energy
16 Commission on September 20.

17 Given the recent changes in the RPC statute
18 by Senate Bill X12, staff is interested in reevaluating
19 the Energy Commission's RPS eligibility requirements
20 for biomethane fueled facilities.

21 As the Commission and stakeholders
22 reevaluate the RPS eligibility requirements, I would
23 strongly advise that program participants not rush to
24 submit new applications for RPS certification of
25 biomethane fueled facilities until this evaluation is

1 complete and any adjustment to the RPS eligibility
2 guidebook has been approved by the Commission.

3 This will protect program participants from
4 prematurely entering into biomethane related
5 transactions that could be subject to different RPS
6 eligibility rules. If Commission staff identify a
7 potential rush in new applications for RPS
8 certification, I would also encourage the Commission
9 to suspend the RPS certification of biomethane fueled
10 facilities and not accept new applications until the
11 Commission's evaluation of this issue is complete and
12 any necessary adjustments to the guidebook are
13 adopted.

14 I would also encourage the Commission to
15 apply any new RPS eligibility requirements on this
16 topic retroactively to applications submitted after
17 the date of the workshop notice to further discourage
18 program participants from rushing to submit new
19 applications.

20 I do look forward to the input we will
21 receive from stakeholders on the eligibility
22 requirements, the pipeline biomethane industry and
23 barriers to the receipt of biomethane into
24 California's gas pipeline system and the workshop.

25 The Commission, if you remember, and other

1 agencies have already identified some of these
2 barriers in the 2011 bioenergy action plan. Such
3 input will assist the Commission in ensuring the RPS
4 eligibility requirements are reasonable and reflect
5 the intent and letter of the law. So I wanted to
6 bring this to your attention and I look forward to the
7 workshop.

8 CHAIRMAN WEISENMILLER: Thank you. I
9 appreciate your really taking the leadership role on
10 this. Again, certainly, as you recall you kind of
11 inherited the renewables issue back in the spring when
12 you—

13 COMMISSIONER PETERMAN: With pleasure.

14 CHAIRMAN WEISENMILLER: With pleasure. I
15 think you volunteered in fact but anyway not perhaps
16 knowing all the ramifications of that action but we've
17 gone through a several year process in the legislature
18 where people have deliberated about the loading order
19 between in-state and out-of-state renewables. And
20 it's certainly a strong legislative preference for in-
21 state. And I understand the concern for perhaps
22 there's this loophole. And I think it's very
23 important that the Commission evaluate that. You
24 know, certainly these project could be important from
25 a greenhouse gas perspective but I think in terms of

1 how they fit in the renewable context, particularly
2 given that legislative guidance, is really important
3 for us to deliberate that. I'm probably the only one
4 on the dais that sort of lived through the Standard
5 Offer Landrush and I think years later people were
6 finding, I think, contracts that had gotten lost
7 behind filing case and some of the utilities that were
8 being resurrected. It was always what was the last QF
9 Project that kept reappearing for years. So anyways,
10 we do not want or couldn't possibly accept that sort
11 of Landrush occurring in this case as we sort of work
12 through the ramifications. Again, I think we have
13 really clear legislative direction on the preference
14 of the loading order of in-state versus out-of-state.
15 So thank you again for taking the leadership on this.

16 COMMISSIONER PETERMAN: Yes. And I just
17 appreciate the work that—and with my colleague
18 Commissioner Boyd on the Renewables Committee in terms
19 of thinking through these issues.

20 COMMISSIONER BOYD: Thank you. You didn't
21 sense the temperature of the football when it was
22 handed off to you at the beginning of your term,
23 perhaps.

24 COMMISSIONER PETERMAN: I gotta earn these
25 big bucks somehow.

1 (LAUGHTER)

2 COMMISSIONER BOYD: Mr. Chairman, I would
3 mention one meeting that took place this week. The
4 Clean Vehicle Fuel Coordination Workgroup which is now
5 kind of a new subset of the Energy Principles. It had
6 its second meeting and it was Monday of this week and
7 it's working to form somewhat of an action plan. It's
8 being worked on and, by necessity, I volunteered this
9 agency to participate in the drafting of said work
10 plan so---former, well let's just say the Deputy
11 Secretary of the CalEPA and I are working on the
12 topic. So Energy Principles, we'll hear more about it
13 at a future meeting but right now we're getting the
14 agencies together and we've pretty much identified all
15 of the activities.

16 And this is actually proving to be positive
17 in the sense that it gets people to talk to each other
18 and sit around the table. We've got anybody and
19 everybody that has anything to do with clean vehicle
20 activity or clean fuel activity in the state and
21 either fostering within government or foster new
22 businesses and employment. We've made a couple of
23 connections that might not have occurred without the
24 benefit of, "Oh, you're doing that? We're doing this.
25 We should get together and talk about it."

1 And one of the, in particular, and I've yet
2 to talk to Rob about this but the Governor's GoEd
3 operation with regard to job development and the
4 Governor's GoEd and out 118 program. There's a lot of
5 seam connection there that we're exploring more.

6 And I'm reminded that Commissioner Peterman
7 and I, last week, visited the new Tesla facility in
8 Fremont as well as their headquarters operation, very
9 impressed with the activities. I think we were of
10 that company and the three trenches of work that
11 they're engaging in. Everybody just thinks about the
12 car and the little hot roadster that nobody can afford
13 but, in reality, they've got a four passenger very
14 attractive pocket rocket, large sedan vehicle that
15 they're about to release. They're going to do battery
16 production. There's an awful lot of opportunities to
17 grow employment there at that former NUMMI plant in
18 Fremont. I've talked to the GOED people about getting
19 involved with that more but other people come to visit
20 us, visit them and I think now there's an
21 understanding that the two agencies should work more
22 closely together.

23 This is a criticism, one of the problems of
24 the past has been some organizations working in this
25 area just trying to work it. Here's the football, go

1 run with it rather than forming a team of folks to
2 work with the issue. And I think there's more of an
3 openness and a desire to do that because people
4 building business opportunities need to interact with
5 people running programs at other agencies which could
6 be enhanced by that. So I think we're seeing some
7 positive attributes of bring these folks together. I
8 was very pleased with the meeting at the end.

9 The other meeting I participated in with
10 just a few people was, earlier this week, including
11 Chairwoman Nichols from the Air Board is that they're
12 beginning to see the need for at least another year's
13 worth of work by the so-called Plug-in Electric
14 Vehicle Collaborative. It's more of a program
15 organization than a formal organization to deal with
16 just pushing the subject of electric vehicles but it
17 too is seen as a positive move by all the stakeholders
18 involved. I expect that it will endure beyond my term
19 here, at least through the year 2012, so there'll be
20 more efforts. In that vein, and frankly one of my big
21 pitches to those folks is, for them to do work that
22 helps our AB 118 staff do the 118 program rather than
23 vice versa. I think we're exploring areas where they
24 could actually do some tasks that we need to have done
25 but just that we do not have the person power here to

1 do that. That could really prove to be beneficial
2 getting some work out that—we struggle with 118 with
3 the dedication of staff who are up to so many other
4 things and any outside help that we can get, as I see
5 it, is very welcome. Particularly if it includes the
6 broad brush of stakeholders that we're involved with
7 in this subject area. So that was another beneficial
8 discussion that took place this week. Thank you.

9 COMMISSIONER PETERMAN: I just want to add
10 one additional comment about our visit to Tesla. I
11 thought one of the best parts about it was an
12 impromptu conversation we had with an employee in the
13 manufacturing plant, John Edwards was his name, I
14 believe, and he was working on the inverter and he
15 just stopped to talk to us and he was just so happy to
16 show us what he was working on, was so excited about
17 what he was able to build and was just speaking about
18 how good it feels to work at a plant that's producing
19 green technology that has these environmental benefits
20 and how he was looking forward to being able to afford
21 one himself. It was just nice to have that personal
22 contact and to see really all of the externalities and
23 positive benefits of employment and workforce
24 development in the green space. Glad to have people
25 like him working in our state.

1 COMMISSIONER BOYD: The real interesting
2 thing to me is that Tesla is not just building cars.
3 They're building drive trains and power systems and
4 they are actually selling the entire drive train
5 mechanism to Toyota for the electrification of the
6 RAV4. There's a piece of interesting reverse success
7 so to speak.

8 Another thing that the Commissioner and I
9 did, since right next door literally to the Fremont
10 plant, was visit an organization called GreenVolts.
11 We, in the Research Committee, just two weeks ago
12 received a briefing by those folks. As arranged by
13 our Research Deputy because this is an example of a
14 homerun scored by the PIER program. This GreenVolts
15 was birthed quite some time ago by a \$95,000 grant
16 from our small grants program and has grown to be a
17 very successful developer of photovoltaic but an
18 unique form of photovoltaic facility which we found
19 incredibly intriguing, particularly with regard to the
20 cost of electricity, per unit of electricity for their
21 facility versus other types of PV. This is
22 concentrated solar PV, quite interesting technology.
23 Their dual access ground mount systems are incredibly
24 intriguing in that, they are because of their use of a
25 focusing lens, a whole panel of them, and multiple

1 panels. It's very space age in terms of its
2 appearance. The big giant panels that follow every
3 moment of where the sun is going so they claim 30+
4 percent efficiency versus your typical and even most
5 new modern thin film PV striving for 20 percent
6 efficiency so that's a real home run for this
7 organization and we need more things like that. They
8 are beginning to get a lot of customers interested in
9 their product. Although it was an afterhours for them
10 and us to take the time to stop there.

11 CHAIRMAN WEISENMILLER: And obviously that's
12 a thought in so many of our minds that that's a good
13 commercial message for why the PGC, including PIER,
14 should be reauthorized now.

15 COMMISSIONER BOYD: Yeah. I think this
16 audience has heard this from us over and over again.
17 But if anybody out there in radio land is listening to
18 us, indeed. It's a perfect example of why public
19 interest type research is a very positive thing for
20 the green tech state of California.

21 CHAIRMAN WEISENMILLER: Chief Counsels'
22 Report.

23 MR. LEVY: Yes, Commissioners. I have maybe
24 one, maybe two items. Last week I had Dennis Beck in
25 my office and he viewed my recommendations in regard

1 to the BNSF case which is Item D and asking if you
2 want to discuss in closed session. If you're
3 comfortable with my recommendation, there's no need
4 for closed session. But if any of you would like to
5 discuss my recommendation, let me know and we'll
6 notice it.

7 And if you don't remember what I'm referring
8 to, we'll notice it up for discussion. Okay. So,
9 closed session will include Item D which is BNSF
10 Railway and also we'd like to discuss facts and
11 circumstances which might constitute a significant
12 exposure to litigation against the Commission.

13 CHAIRMAN WEISENMILLER: Thank you.

14 MR. LEVY: Thank you.

15 CHAIRMAN WEISENMILLER: Executive Director's
16 Report.

17 MR. OGELSBY: Nothing to add.

18 CHAIRMAN WEISENMILLER: Public Advisor's
19 Report.

20 MS. JENNINGS: Nothing to add.

21 CHAIRMAN WEISENMILLER: Public comment. No
22 public comment. Okay. So we will go into Executive
23 Session at a quarter after.

24 (Whereupon, at 11:35 a.m., the business meeting was
25 adjourned.)