



May 9, 2012

1516 Ninth Street
Hearing Room A – First Floor
Sacramento, California 95814

10 a.m.

(Wheelchair Accessible)

THE COMMISSION WILL CONSIDER THE FOLLOWING ITEMS:

1. CONSENT CALENDAR. (Items on the Consent Calendar will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)
 - a. STANFIELD SYSTEMS INCORPORATED. Possible approval of Amendment 1 to Purchase Order 10-409.00-004 with Stanfield Systems, Incorporated to add \$29,900 for additional technical support for the Dynamic Simulation Transportation Energy Model (DynaSim). The revised contract total will be \$329,048. (ERPA funding.) Contact: Laura Lawson.
 - b. MATHWORKS. Possible approval of Purchase Order 11-409.00-018 for \$25,500 for Mathworks' MatLab training for 12 Energy Commission staff. Training will enable staff to manage, modify, and fully utilize the recently developed transportation energy demand forecasting modeling system, DynaSim, which utilizes several MatLab executables as the primary computational core. (ERPA funding.) Contact: Vanessa Kritlow.
 - c. NATIONAL RENEWABLE ENERGY LABORATORY. Possible approval of Amendment 1 to Contract 500-08-058 with the U.S. Department of Energy, National Renewable Energy Laboratory for a nine-month no-cost time extension to March 30, 2013 to allow time to schedule a technology forum and assess new findings in the area of natural gas vehicles and infrastructure and meet all deliverables, including the final report. (PIER natural gas funding.) Contact: Reynaldo Gonzalez.
 - d. STANFORD UNIVERSITY. Possible approval of Amendment 1 to Agreement PIR-10-054 with Stanford University for a no-cost extension of the term of the agreement by one year to October 30, 2013. (PIER electricity funding.) Contact: David Weightman.
 - e. CLEAN ENERGY STATES ALLIANCE. Possible approval of Contract 400-11-003 for \$60,000 to renew the Energy Commission membership in the Clean Energy States Alliance (CESA). CESA is a unique multistate collaboration of public clean energy funds and state agencies working together to develop and

promote clean energy and low-carbon technologies and expand the market for these technologies. (RRTF funding.) Contact: Sarah Taheri.

- f. MEMORANDUM OF UNDERSTANDING WITH THE ENERGY COMMISSION, MALAYSIA. Possible approval of a Memorandum of Understanding between the Energy Commission, Malaysia and the California Energy Commission to promote a partnership and cooperation in the areas of energy efficiency, demand-side management, renewable energy development, integrated resource planning, electricity regulation, and transmission pricing. Contact: Reneé Webster-Hawkins.
2. ENERGY COMMISSION COMMITTEE APPOINTMENTS. Possible approval of appointments to the Energy Commission's Standing Committees and Siting Case Committees. Contact: Kevin Barker. (5 minutes)
3. COMPLAINT AND REQUEST FOR INVESTIGATION OF VALLEY DUCT TESTING (Docket No. 12-CAI-02): Possible appointment of an Energy Commission committee to conduct proceedings as set forth in Commission Regulations sections 1230 and following, on the complaint and request for investigation of Valley Duct Testing, filed on behalf of CalCERTS, related to the accuracy of ratings submitted to CalCERTS by Valley Duct Testing Raters under the Energy Commission's California Home Energy Rating System Program. Contact: Caryn Holmes (5 minutes)
4. 2012-2013 INVESTMENT PLAN UPDATE FOR THE ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE TECHNOLOGY PROGRAM. Possible adoption of the 2012-2013 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program. The purpose of the program is to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change goals. The Energy Commission is required to develop and adopt the Investment Plan to determine priorities and opportunities for the program, describe how funding will complement existing public and private investments, and serve as a guide for funding decisions. Contact: Pat Perez. (30 minutes)
5. 2010-2011 INVESTMENT PLAN FOR THE ALTERNATIVE AND RENEWABLE FUELS AND VEHICLE TECHNOLOGY PROGRAM. Possible approval of a modification to the 2010-2011 Investment Plan for the Alternative and Renewable Fuels and Vehicle Technology Program. Contact: Pat Perez. (10 minutes)
6. RENEWABLES PORTFOLIO STANDARD ELIGIBILITY GUIDEBOOK. Possible adoption of the *Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition*. The *RPS Eligibility Guidebook* explains the requirements and process for certifying eligible renewable energy resources for the California RPS program, and describes how the Energy Commission tracks and verifies compliance with the RPS. Contact: Kate Zocchetti. (30 minutes)
7. OVERALL PROGRAM GUIDEBOOK FOR RENEWABLE ENERGY PROGRAM. Possible adoption of the *Overall Program Guidebook for the Renewable Energy Program, Fourth Edition*. The *Overall Program Guidebook* describes how the Renewable Energy Program is administered, and includes information on requirements that apply to the

Renewables Portfolio Standard Program. The *Overall Program Guidebook* provides information on appealing the Energy Commission's decisions regarding RPS certification, as well as a glossary of terms that are used by the RPS and other Renewable Energy Program elements. Contact: Kate Zocchetti. (20 minutes)

ITEMS 8 – 49 WILL NOT BE HEARD BEFORE 1 PM

8. JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY ENERGY FORUM. Possible approval of Contract 800-11-001 for \$150,000 with the James A. Baker III Institute for access to advanced research in the natural gas market area, including data, assumptions, inputs, and outputs for natural gas base case scenarios through 2015. (ERPA funding.) Contact: Ruben Tavares. (5 minutes)
9. ARCHITECTURAL ENERGY CORPORATION. Possible approval of Amendment 1 to Contract 400-10-015 with Architectural Energy Corporation to add \$250,000 for continuing technical support services to implement the 2013 Nonresidential Building Energy Efficiency Performance Standards, modify the terms and conditions, and extend the rates through the end of the contract term. (ERPA funding.) Contact: Martha Brook. (5 minutes)
10. BRUCE A. WILCOX, P.E. Possible approval of Amendment 1 to Contract 400-10-016 with Bruce A. Wilcox, P.E. to add \$250,000 for continuing technical support services to implement the 2013 Residential Building Energy Efficiency Performance Standards, modify the terms and conditions, and extend the rates through the end of the contract term. (ERPA funding.) Contact: Martha Brook. (5 minutes)
11. PACIFIC GAS AND ELECTRIC COMPANY. Possible approval of Amendment 1 to Contract 500-09-027 with Pacific Gas and Electric Company to add \$500,000 and extend the term 18 months to June 30, 2014. This amendment will modify the scope of work, add a second sodium-sulfur battery energy storage system demonstration, and add a task to compare the performance of two large-scale battery systems in California to help mitigate the variability of renewable generation on the electric grid. (PIER electricity funding.) Contact: Consuelo Sichon. (5 minutes)
12. U. C. BERKELEY- CENTER FOR THE BUILT ENVIRONMENT. Possible approval of Amendment 1 to Contract 500-08-044 with the Regents of the University of California on behalf of the U. C. Berkeley- Center for the Built Environment to add \$600,000 and extend the term 21 months to March 13, 2015. This amendment will demonstrate efficient personal comfort systems and develop operational strategies for space-conditioning in near-zero energy commercial buildings. (PIER electricity and natural gas funding.) Contact: Chris Scruton. (5 minutes)
13. LAWRENCE BERKELEY NATIONAL LABORATORY. Possible approval of Amendment 1 to Contract 500-10-052 with the U.S. Department of Energy, Lawrence Berkeley National Laboratory to add \$1.55 million and fund six projects. The projects include enhancing energy simulation and benchmarking software, and conducting research on hot water distribution systems, thermostats, airflow instrumentation, and cool roofs. (PIER electricity and natural gas funding.) Contact: Heather Bird. (5 minutes)

14. ALTEX TECHNOLOGIES CORPORATION. Possible approval of Agreement PIR-11-021 with Altex Technologies Corporation for a grant of \$1,390,941 to Altex Technologies Corporation to demonstrate the Biomass Blending and Densification System (BBADS) process that will reduce the energy and cost for densifying biomass for fuel and animal feed. This project includes \$481,391 in match funding. (PIER electricity funding.) Contact: Michael Lozano. (5 minutes)
15. PALO ALTO RESEARCH CENTER, INCORPORATED. Possible approval of Agreement PIR-11-006 for a grant of \$1,001,899 to Palo Alto Research Center, Incorporated to demonstrate its hydrodynamic separation (HDS) technology. HDS technology removes suspended solids during the wastewater treatment process, effectively reducing the energy needed for aeration and increasing biogas production. The project includes \$380,817 in match funding. (PIER electricity and natural gas funding.) Contact: Anish Gautam. (5 minutes)
16. KENNEDY/JENKS CONSULTANTS, INC. Possible approval of Agreement PIR-11-018 for a grant of \$1,418,800 to Kennedy/Jenks Consultants, Inc. to demonstrate an intermediary treatment step to reduce energy use and increase biomethane production at wastewater treatment plants. The project includes \$568,800 in match funding. (PIER electricity funding.) Contact: Jeffrey Doll. (5 minutes)
17. UTS BIOENERGY LLC. Possible approval of Agreement PIR-11-026 for a grant of \$1,933,551 to UTS Bioenergy LLC to demonstrate a retrofit technology to increase biogas production and reduce organic solids disposal from wastewater treatment plants. This technology will allow wastewater treatment plants to increase biogas production for on-site electricity generation. The project includes \$607,722 in match funding (PIER natural gas funding.) Contact: Rajesh Kapoor. (5 minutes)
18. AUTOGRID SYSTEMS. Possible approval of Agreement PIR-11-007 for a grant of \$1,199,544 to AutoGrid Systems to demonstrate the use of its Demand Response Optimization and Management System (DROMS) platform at two industrial facilities. The project will allow industrial customers to participate in traditional demand response (DR) programs targeted at reducing peak demand and emerging DR programs designed to provide fast responding ancillary services to the grid to support large-scale integration of renewable generation. The project includes \$603,100 in match funding. (PIER electricity funding.) Contact: Anish Gautam. (5 minutes)
19. GREAT CIRCLE INDUSTRIES, INC. Possible approval of Agreement PIR-11-011 for a grant of \$750,000 to Great Circle Industries, Inc., to test and demonstrate, and obtain State of California Title 22 regulatory approval for a unique modular wastewater treatment process that conserves energy and water, and reuses water, and where beneficial, plant nutrients. Obtaining regulatory approval is needed in order to use the resulting “cleaned” wastewater for direct irrigation. The project includes \$250,000 in match funding. (PIER electricity funding.) Contact: Heather Bird. (5 minutes)
20. BLACK & VEATCH. Possible approval of Agreement PIR-11-020 for a grant of \$799,860 to Black & Veatch to demonstrate technology for desalinating wastewater and power plant cooling water which recovers water, produces no salty liquid discharge, and reduces energy consumption and operating costs. The project includes \$249,000 in match funding. (PIER electricity and natural gas funding.) Contact: Paul Roggensack. (5 minutes)

21. ICF INTERNATIONAL. Possible approval of Agreement PIR-11-014 for a grant of \$974,179 to ICF International to demonstrate the use of a hybrid uninterruptible power supply (UPS) microturbine at a California datacenter. The modified Capstone microturbine will provide power quality during energy fluctuations and a power source in case of grid failure while taking the UPS off the grid. This UPS can be run on natural gas or renewable energy resources. The project includes \$504,189 in match funding. (PIER natural gas funding.) Contact: Paul Roggensack. (5 minutes)
22. BERKELEY ENERGY SCIENCES CORPORATION. Possible approval of Agreement PIR-11-010 for a grant of \$1.8 million to Berkeley Energy Sciences Corporation to demonstrate a flywheel energy storage device for peak-shaving applications. The project includes \$800,000 in match funding. (PIER electricity funding.) Contact: Kiel Pratt. (5 minutes)
23. WEST BIOFUELS, LLC. Possible approval of Agreement PIR-11-008 for a grant of \$2 million to West Biofuels, LLC to demonstrate a biomass combined heat and power system to be deployed in the agricultural/food processing sector. The project includes \$1,450,829 in match funding. (PIER natural gas funding.) Contact: Leah Mohney. (5 minutes)
24. UNIVERSITY OF CALIFORNIA, BERKELEY. Possible approval of Contract 500-11-017 for \$300,000 with the Regents of the University of California on behalf of the Berkeley campus to communicate data and results collected during WESTCARB geologic assessments and validation studies to stakeholders and the public through an interactive website. (Federal WESTCARB funding.) Contact: Kiel Pratt. (5 minutes)
25. PACIFIC GAS AND ELECTRIC COMPANY. Possible approval of Contract 500-11-018 for \$1,535,725 with Pacific Gas and Electric Company to explore the feasibility of applying modern control systems and other smart grid technologies to dynamically control voltage to improve grid efficiency, reduce electrical demand, improve system reliability and lower energy consumption on the local distribution system. (PIER electricity funding.) Contact: Jamie Patterson. (5 minutes)
26. CALIFORNIA INSTITUTE FOR ENERGY AND ENVIRONMENT. Possible approval of Contract 500-11-019 for \$1,167,380 with the Regents of the University of California on behalf of the California Institute for Energy and Environment (CIEE) to conduct a field study to assess the capacity of renewable generation and electric vehicles on utility distribution circuits with San Diego Gas and Electric Company, Pacific Gas and Electric Company, and Southern California Edison. (PIER electricity funding.) Contact: Jamie Patterson. (5 minutes)
27. CALIFORNIA INSTITUTE FOR ENERGY AND ENVIRONMENT. Possible approval of Contract 500-11-021 for \$1.2 million with the Regents of the University of California on behalf of the California Institute for Energy and Environment (CIEE) to complete and commercialize diagnostic tools to determine the condition of underground electric cables. (PIER electricity funding.) Contact: Jamie Patterson. (5 minutes)
28. UNIVERSITY OF CALIFORNIA, DAVIS. Possible approval of Contract 500-11-020 for \$2 million with the Regents of the University of California on behalf of the Davis Campus to provide resource, technical, barrier, and economic assessments and research

products on the major renewable energy resources to support achievement of California's renewable energy deployment goals. Researchers from the University of California, San Diego and the California Center for Sustainable Energy will also participate in assessments. (PIER electricity funding.) Contact: Cheryl Closson. (5 minutes)

29. SACRAMENTO MUNICIPAL UTILITY DISTRICT. Possible approval of Agreement PIR-11-005 for a grant of \$500,000 to Sacramento Municipal Utility District and approval of the first phase of work to demonstrate and deploy renewable energy technologies. The first phase involves bioenergy subprojects, namely co-digestion of fats, oil and grease and liquid food wastes, and anaerobic digestion systems for New Hope and VanWarmerdam dairies. This award will be cost-share for the Recipient's \$5 million American Recovery and Reinvestment Act of 2009 award. (PIER electricity funding.) Contact: Rizaldo Aldas. (5 minutes)
30. LOS ANGELES DEPARTMENT OF WATER AND POWER. Possible approval of Agreement PIR-11-009 for a grant of \$1 million to Los Angeles Department of Water and Power to establish protocols and standards in the Smart Grid Demonstration Project for the measurement and validation of energy savings and fossil fuel emissions reductions associated with an electric vehicle program by specifying, acquiring, and installing a sufficiently-sized electric vehicle demonstration network. This award will be cost-share for the recipient's American Recovery and Reinvestment Act of 2009 award for its total \$120.6 million project. (PIER electricity funding.) Contact: Avtar Bining. (5 minutes)
31. MODESTO IRRIGATION DISTRICT. Possible approval of Agreement PIR-11-015 for a grant of \$149,315 to Modesto Irrigation District to upgrade its distribution system for improved communication and control. This award will be cost-share for the recipient's \$1,493,150 American Recovery and Reinvestment Act of 2009 award. The project includes \$2 million in match funding. (PIER electricity funding.) Contact: Steve Ghadiri. (5 minutes)
32. BURBANK WATER AND POWER. Possible approval of Agreement PIR-11-017 for a grant of \$1 million to Burbank Water and Power to demonstrate integration of smart grid technologies to improve grid reliability, use of existing transmission assets, and to facilitate integration of renewable resources. This award will be cost-share for the recipient's \$20 million American Recovery and Reinvestment Act of 2009 award and includes \$39 million in match funding. (PIER electricity funding.) Contact: Steve Ghadiri. (5 minutes)
33. SOUTHERN CALIFORNIA GAS COMPANY. Possible approval of Agreement PIR-11-023 for a grant of \$1,502,699 to Southern California Gas Company to assess, design, and demonstrate the economical operation of combined heat and power in a state-of-the-art greenhouse. The project includes match funding of \$3,901,080. (PIER natural gas funding.) Contact: Pablo Gutierrez. (5 minutes)
34. ZERE ENERGY AND BIOFUELS, INC. Possible approval of Agreement PIR-11-016 for a grant of \$998,346 to ZERE Energy and Biofuels, Inc., to develop and demonstrate a prototype combined heat and power system employing its air independent internal oxidation process. The project includes match funding of \$437,500. (PIER natural gas funding.) Contact: Mike Kane. (5 minutes)

35. LAWRENCE BERKELEY NATIONAL LABORATORY. Possible approval of Contract 500-11-024 for \$600,000 with the U.S. Department of Energy, Lawrence Berkeley National Laboratory to evaluate the potential for geologic carbon sequestration in California's Central Valley to adversely affect groundwater quality. This award is part of the match funding for a \$16 million federal WESTCARB award. (PIER natural gas funding.) Contact: Joe O'Hagan. (5 minutes)
36. SHAWN SMALLWOOD. Possible approval of Agreement PIR-11-022 for a grant of \$716,596 to Shawn Smallwood to evaluate the potential of an innovative turbine design to reduce avian collisions. The project includes \$174,498 in match funding. (PIER electricity funding.) Contact: Joe O'Hagan. (5 minutes)
37. JOHN MAUTBETSCH. Possible approval of Agreement PIR-11-024 for a grant of \$749,577 to John Mautbetsch to conduct research on reducing wind effects on power plant air-cooled condenser performance. The project includes \$97,000 in match funding. (PIER natural gas funding.) Contact: Joe O'Hagan. (5 minutes)
38. RANDEL WILDLIFE CONSULTING, INC. Possible approval of Agreement PIR-11-012 for a grant of \$606,257 to Randel Wildlife Consulting, Inc. to quantify desert kit fox movements, home ranges, disease, and mortality in areas affected by utility-scale solar developments. This information will provide a scientific baseline for developing guidelines to evaluate utility-scale solar development impacts on the desert kit fox. The project includes \$27,210 in match funding. (PIER electricity funding.) Contact: Misa Milliron. (5 minutes)
39. REDLANDS INSTITUTE, UNIVERSITY OF REDLANDS. Possible approval of Agreement PIR-11-013 with Redlands Institute, University of Redlands, to improve a decision support technology to evaluate and mitigate impacts to the desert tortoise from solar developments in the Mojave Desert. The project includes \$43,723 in match funding. (PIER electricity funding.) Contact: Misa Milliron. (5 minutes)
40. OAKBIO, INC. Possible approval of Agreement PIR-11-019 for a grant of \$474,843 to Oakbio, Inc. to field test a novel technology using a microbial system to capture and convert waste carbon dioxide from industrial flue gas sources such as power plants, oil refineries, and cement plants to valuable biochemicals. The project includes \$176,996 in match funding. (PIER electricity funding.) Contact: Guido Franco. (5 minutes)
41. KIVERDI, INC. Possible approval of Agreement PIR-11-025 for a grant of \$747,126 to Kiverdi, Inc., to field test, refine, and create a commercial scale-ready novel microbial system to capture and convert waste carbon dioxide from power plant flue gas into high value oils. The project includes \$587,027 in match funding. (PIER electricity funding.) Contact: Guido Franco. (5 minutes)
42. LAWRENCE LIVERMORE NATIONAL LABORATORY. Possible approval of Contract 500-11-022 for \$600,000 with the U.S. Department of Energy, Lawrence Livermore National Laboratory to develop a low cost nitrogen oxide (NO_x) sensor that can measure very low emission levels and can be seamlessly integrated with NO_x pollution control systems. (PIER natural gas funding.) Contact: Guido Franco. (5 minutes)

43. CALIFORNIA INSTITUTE OF TECHNOLOGY. Possible approval of Contract 500-11-023 for \$5 million with California Institute of Technology to fund the Joint Center for Artificial Photosynthesis (JCAP), a Department of Energy Energy Innovation Hub. The JCAP team will develop revolutionary methods to generate fuels directly from sunlight. This award will be cost-share for the recipient's \$122 million award from the Department of Energy. (ARFVT funding.) Contact: Aleecia Gutierrez. (5 minutes)
44. RAND CORPORATION. Possible approval of Contract 600-11-004 for \$4,474,558 with the RAND Corporation for the evaluation, measurement, and verification of the Alternative and Renewable Fuel and Vehicle Technology (ARFVT) program and projects. The RAND Corporation was selected from a competitive request for proposals to evaluate the impact, process, market baseline, market effect, and costs of the ARFVT program and projects. (ARFVTP funding.) Contact: Monica Rudman. (5 minutes)
45. ELECTRICORE, INC. Possible approval of Agreement ARV-11-012 for a grant of \$2,325,954 to Electricore, Inc. to demonstrate a battery electric medium duty truck to match or surpass the performance of conventional diesel and natural gas vehicles. The project includes match funding of \$948,424. (ARFVTP funding.) Contact: John Mathias. (5 minutes)
46. ELECTRIC POWER RESEARCH INSTITUTE. Possible approval of Agreement ARV-11-013 for a grant of \$964,210 to Electric Power Research Institute to retrofit existing diesel Class 6 or 7 work trucks with a plug-in hybrid electric vehicle powertrain system. The project will demonstrate the operating performance, fuel savings, and emissions reductions of five heavy-duty work trucks in the South Coast Air Basin. (ARFVTP funding.) Contact: Aida Escala. (5 minutes)
47. LAWRENCE BERKELEY NATIONAL LABORATORY. Possible approval of Contract 500-11-025 for \$1 million with the U. S. Department of Energy Lawrence Berkeley National Laboratory to demonstrate an all-electric non-tactical vehicle fleet at Los Angeles Air Force Base and explore vehicle-to-grid revenue generating capability of such a fleet by participating as fully as possible in California Independent System Operator's ancillary services markets. The Department of Defense is providing \$2.75 million in funding for this project. (ARFVTP funding.) Contact: Kiel Pratt. (5 minutes)
48. ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE TECHNOLOGY BUY-DOWN INCENTIVE RESERVATIONS. Possible approval of a total of \$1,074,000 in vehicle buy-down incentive reservations (ARFVT funding). Contact: Andre Freeman. (5 minutes)
 - a. TEC OF CALIFORNIA, INC. (OEM – Mack Trucks, Inc.) (BDIR-11-39), in the amount of \$884,000 for the buy-down of 34 natural gas vehicles of 26,001 pounds gross vehicle weight and greater (fuel tank capacity less than 190 Liquefied Natural Gas or 90 Diesel Gallon Equivalent).
 - b. VILLA FORD INC. (OEM – Ford Motor Company) (BDIR-11-40), in the amount of \$60,000 for the buy-down of 3 natural gas vehicles of 14,001 to 26,000 pounds gross vehicle weight.

- c. TOM'S TRUCK CENTER (OEM – Isuzu Commercial Truck of America, Inc.) (BDIR-11-41) in the amount of \$50,000 for the buy-down of 5 propane vehicles of 14,001 to 26,000 pounds gross vehicle weight.
 - d. TOM'S TRUCK CENTER NORTH COUNTY LLC dba CARMENITA TRUCK CENTER (OEM – Ford Motor Company) (BDIR-11-42) in the amount of \$80,000 for the buy-down of 4 natural gas vehicles of 14,001 to 26,000 pounds gross vehicle weight.
49. NEW LEAF BIOFUEL, LLC. Possible approval of Agreement ARV-11-015 for a grant of \$511,934 to New Leaf Biofuel, LLC to expand the production capacity of an existing biodiesel facility from 1.5 million to 5 million gallons per year using used vegetable oil and brown grease feedstocks. (ARFVTP funding.) Contact: Phil Cazal. (5 minutes)
50. **Minutes:**
- a. Possible approval of the April 11, 2012, Business Meeting Minutes.
 - b. Possible approval of the April 25, 2012, Business Meeting Minutes.
51. **Lead Commissioner or Presiding Member Reports.** A Lead Commissioner on a policy matter may report to the Commission on the matter and discussion may follow. A Presiding Member on a delegated committee may report to the Commission on the matter and discussion may follow.
52. **Chief Counsel's Report:** The Energy Commission may adjourn to closed session with its legal counsel [Government Code Section 11126(e)] to discuss any of the following matters to which the Energy Commission is a party:
- a. *In the Matter of U.S. Department of Energy (High Level Waste Repository)*, (Atomic Safety Licensing Board, CAB-04, 63-001-HLW);
 - b. *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);
 - c. *BNSF Railway Company v. US Department of Interior, California Energy Commission* (U.S. District Court Central District of California-Riverside, CV 10-10057 SVW (PJWx));
 - d. *Richard Latteri v. Energy Resources, Conservation and Development Commission, et al.* (Sacramento County Superior Court, 34-2011-99985);
 - e. *Communities for a Better Environment, Robert Sarvey v. California Public Utilities Commission, Energy Resources Conservation and Development Commission, Real Parties in Interest, Pacific Gas and Electric Company, Contra Costa Generating Station, LLC* (California Supreme Court, S194079).

- f. *Rick Tyler, et al v. Governor of California, Edmund G. Brown, Jr., et al.* (Alameda County Superior Court, RG12619687).
- g. *California Unions for Reliable Energy v. Energy Resources Conservation and Development Commission, Real Parties in Interest Ormat Nevada, Inc., ORNI 18 LLC, and ORNI 19 LLC* (Alameda County Superior Court, RG 12610669).

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.

- 53. **Executive Director's Report.**
- 54. **Public Adviser's Report.**
- 55. **Public Comment:** People may speak up to five minutes on any matter concerning the Energy Commission, with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

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Adjournment of Hearings and Meetings: Depending upon time available and the orderly management of proceedings, the Commission may order adjournment (recess or postponement) of any noticed hearing or meeting, to be continued to the next day, another specific date or time, or to the next business meeting, as appropriate. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code §§11128.5, 11129.)