

RENEWABLES COMMITTEE WORKSHOP
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Implementation of Renewables) Docket No.
Portfolio Standard Legislation) 03-RPS-1078
)
 and)
Implementation of Renewables) Docket No.
Investment Plan Legislation) 02-REN-1038
_____)

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

WEDNESDAY, DECEMBER 7, 2005

1:35 P.M.

Reported by:
Peter Petty
Contract No. 150-04-002

COMMISSIONERS PRESENT

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Jackalyn Pfannenstiel, Associate Member

ADVISORS and STAFF PRESENT

Timothy Tutt, Advisor

Melissa Jones, Advisor

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Pam Doughman

Jason Orta

Kate Zochetti

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Union of Concerned Scientists

Daniel Frank
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Marc D. Joseph, Attorney
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California Unions for Reliable Energy

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Pacific Gas and Electric Company

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

2 1:35 p.m.

3 PRESIDING MEMBER GEESMAN: This is a
4 meeting of the California Energy Commission's
5 Renewables Committee. The purpose of the workshop
6 is to consider proposed changes to several of the
7 guidebooks that we use to administer the renewable
8 portfolio standards program.

9 And I think we'll lead off with a
10 presentation by Heather Raitt on the proposed
11 changes.

12 MS. RAITT: Okay, thank you. First a
13 couple of housekeeping items. The restrooms are
14 right out there, and just a note not to go out
15 that door or else it will sound an alarm.

16 And if you would like to make comments
17 on the reports today, we are requesting that you
18 fill out blue cards and hand them in. We'll be
19 collecting those and giving them to the Committee
20 for when we get to the comment part of this.

21 So I will be giving an overview of the
22 RPS guidebooks, and the proposed changes. And
23 then Jason Orta will be giving an overview of the
24 RPS procurement verification report.

25 MS. ZOCHETTI: Heather, excuse me for

1 interrupting.

2 MS. RAITT: Yes?

3 MS. ZOCHETTI: Tell the callers on the
4 phone to press star 1 if they have a question.

5 MS. RAITT: Okay. And for the callers,
6 if you have questions please press star 1 and
7 we'll be taking questions at the end of the
8 presentations. And then we'll open it up for
9 public comments.

10 First, some overview, background of the
11 guidebooks I'll be talking about today. The first
12 one is renewable portfolio standard eligibility
13 guidebook. It talks about the eligibility
14 requirements to qualify for the RPS and for
15 supplemental energy payments; and provides a
16 description of interim tracking system that's in
17 place until the Western Renewable Energy
18 Generation Information System is operational.
19 That usually goes by the term, the acronym WREGIS.

20 We also have the new renewable
21 facilities guidebook. And that describes the
22 requirements to qualify for supplemental energy
23 payments, and the process for how they are
24 awarded.

25 And the last one is the overall

1 renewable energy program guidebook which discusses
2 the overall program in terms for how to administer
3 the program.

4 And some background is the RPS was
5 established in 2002 through SB-1078 and 1038.
6 It's being implemented collaboratively by the CPUC
7 and the Energy Commission. And for the Energy
8 Commission the lead roles are to certify the
9 renewable generation facilities as being either
10 eligible for the RPS or -- eligible for RPS and
11 supplemental energy payments.

12 We are tasked with certifying
13 incremental geothermal production, designing and
14 implementing an RPS tracking and verification
15 system, and awarding the supplemental energy
16 payments.

17 Initially the Energy Commission
18 developed decision documents in 2003 to lay out
19 the policy decisions and direction for the
20 program. And those are translated into guidebooks
21 in 2004. And we have the ability to update the
22 guidebooks as needed to reflect statutory, market
23 and regulatory developments. And that's what we
24 are in the process of doing today with these
25 guidebooks.

1 First, the RPS eligibility guidebook.
2 One thing that we are proposing is implementing
3 the incremental geothermal certification process.
4 We had our first application for incremental
5 geothermal, and through that process we were able
6 to identify areas where we could clarify the data
7 we needed to be able to evaluate the applications.

8 So, for example, to provide facility-
9 specific data; to describe the capital
10 investments; and to provide information showing
11 the forecast production per facility with and
12 without capital investments.

13 We've also introduced a process for
14 certifying a facility in which part of the
15 capacity is eligible as incremental geothermal,
16 and the remainder of the capacity just simply is
17 geothermal.

18 And in those cases we identify that on
19 their certificate that shows that they're eligible
20 for the RPS.

21 Additionally we have proposed a process
22 for how to account for the generation that comes
23 from those incremental geothermal facilities.
24 What we've done is that you take the percent
25 capacity that is incremental geothermal and

1 multiply that by the production per facility to
2 get the amount of energy that can qualify as
3 incremental geothermal.

4 We've also made changes that reflect
5 CPUC decisions. We had, in the RPS eligibility
6 guidebook, a discussion of APT. We've updated it,
7 the annual procurement target, excuse me, to
8 reflect decisions at the CPUC.

9 We also updated the discussion of
10 distributed generation to reflect decisions of the
11 CPUC, and the definition of renewable energy
12 credits.

13 The guidebook now specifies a 20 percent
14 target by 2010 and clarifies specific RPS
15 eligibility criteria to -- for example, the
16 eligibility depends on the first date that the
17 facility is commercially operational. And if it
18 is a repowered facility, then the operational date
19 is when it recommences commercial operations.

20 And we're clarifying that for new
21 biomass facilities they need to meet the
22 California timber harvest plan requirement if they
23 are seeking supplemental energy payments.

24 We have also clarified the delivery
25 requirements for out-of-state facilities such that

1 the delivery requirements do not apply to those
2 facilities that are located outside California
3 with their first point of interconnection into
4 California.

5 Also, we have clarified some of the
6 requirements for the NERC tag, which is what we --
7 which is North American Electricity Reliability
8 Council. It's a method we use to confirm delivery
9 instate.

10 We have also proposed changes to the
11 guidebook to implement AB-200. It modifies the
12 definition of eligible renewable resources to
13 include out-of-state facilities for PacifiCorp and
14 Sierra Pacific Power, and the law applies to
15 electrical corporations who serve end-use
16 customers outside of California with 60,000 or
17 fewer customer accounts in California.

18 So, in these cases, out-of-state
19 delivery requirements do not apply for those
20 utilities.

21 The guidebook also provides more
22 explanation of the interim tracking system. And
23 it is consistent with the phase two decision
24 document. It adds a new reporting requirement for
25 generators to tell us their generation per month,

1 which they submit annually. And supported with
2 third-party verification.

3 We've clarified that for the utilities,
4 in the cases in which they certify QF facilities,
5 the RPS track form satisfies the requirement to
6 report on the generation. And that RPS track form
7 is where they report their procurement per
8 facility.

9 We've also modified that form to request
10 that the utilities identify which purchases count
11 towards the incremental procurement target, which
12 are baseline, and what is the base generation.
13 And we describe the interim tracking system, that
14 it is to verify that the procurement is from
15 eligible facilities; that the procurement does not
16 exceed generation; and that it was counted once
17 and only once.

18 And, again, this is in place until
19 WREGIS is operational.

20 For the new facilities guidebook we
21 clarify the SEP process. That we are asking the
22 utilities to submit a short-list data request form
23 to inform us on the potential demand on SEP funds.
24 And then we have also added or created a
25 application for SEPs that the bidder or seller

1 sends to us. And there's some supporting
2 documentation from the utility.

3 We have stated that we will announce the
4 name of the seller, procuring IOU, and the
5 anticipated SEP award and the incentive level,
6 once the contract is approved by the CPUC. And we
7 have implemented law that went into effect January
8 1 of this year stating that facilities seeking
9 SEPs are subject to California's prevailing wage
10 law.

11 For the overall renewable energy program
12 guidebook we have clarified various definitions.
13 The changes here are relatively minor. I believe
14 we clarified the definition of commercial
15 operations; clarified that sludge waste is
16 eligible as biomass if it's from an organic
17 source; updated the definitions for retail
18 sellers, community choice aggregators, electricity
19 service providers and electric corporations and
20 investor-owned utility.

21 Our next steps are we welcome
22 stakeholder input and interested in working with
23 folks on these reports. We are requesting written
24 comments by 5:00 December 9th, Friday.

25 And our estimated schedule is to have

1 revised documents available January 6th, to have
2 them considered for adoption January 18th.

3 And then I'll ask Jason Orta to give us
4 an overview of the verification report.

5 MR. ORTA: I am Jason Orta with the
6 California Energy Commission's Renewable Energy
7 Program. And I will be giving a presentation
8 about the RPS verification report that we -- the
9 draft that we sent out a few weeks ago.

10 SB-1078 requires the Energy Commission
11 to implement a tracking system that verifies RPS
12 procurement. This report meets that requirement,
13 however, the report does not determine compliance
14 with the RPS targets, the annual procurement
15 target, nor the incremental procurement target.

16 This report will be prepared annually,
17 and transmitted to the CPUC upon adoption.

18 The purpose of this report is to verify
19 the eligibility of the facilities that have been -
20 - that the IOUs have procured renewable energy
21 from. It also verifies that procurement, as well,
22 along with if a facility is located out of state,
23 whether or not those facilities have met the
24 deliverability requirements.

25 This report also estimates whether or

1 not the procurement reported to us is considered
2 either baseline or incremental. Additionally,
3 this report also quantifies the amount of
4 incremental geothermal generation. And that, as
5 well, is an estimate.

6 And the procurement that was reported to
7 us is also compared with targets, the annual
8 procurement target and the incremental procurement
9 targets that were set by the CPUC.

10 Staff employed a methodology for
11 preparing this report that is similar to that
12 that's used for the SB-1305 power source
13 disclosure program, that reconciliation report
14 that's prepared for that program that's submitted
15 to the CPUC every October, in which procurement
16 that is claimed by the utilities is compared with
17 generation source, a variety of sources of
18 generation data.

19 Eventually this system will be replaced
20 by WREGIS in the beginning of -- presumably in the
21 beginning of 2007. So that means that similar
22 methodology will be used for the 2005 and 2006
23 procurement claims, the verification will be a
24 similar process.

25 This report also compares procurement

1 from each of the facilities that were reported to
2 us with that of other retail sellers that may have
3 procured from those facilities. And when
4 possible, the procurement is also verified against
5 double-counting, to try and attempt that the same
6 generation is not claimed twice, or more than
7 once.

8 Our sources of data include, at least
9 for the procurement, are CEC RPS track filings
10 that have been submitted to us by PG&E, Southern
11 California Edison, and San Diego Gas and Electric.
12 These filings were submitted in May and June of
13 this year, for the 2004.

14 Another source of procurement data is
15 the power source disclosure program. Twenty-six
16 retail providers, including PG&E and Southern
17 California Edison, submitted annual reports to
18 that program which, in those reports, specific
19 purchases of all technologies, not just
20 renewables, are reported. But as you can guess,
21 there's also some overlap in that reporting, as
22 the CEC RPS track forms.

23 The information in the CEC RPS track
24 report is verified against generation data that
25 comes to us from a variety of sources, several of

1 which are to the Energy Commission, itself.

2 For example, the renewables programs new
3 and existing programs are sources of generation
4 data, especially for the mostly the QF facilities.

5 Wind facilities reports to the PIER
6 program's wind performance report summary. And
7 another source of generation from the Energy
8 Commission is our quarterly and annual reports of
9 generation and fuel usage that are reported to the
10 Energy Commission's electricity analysis office.

11 Other sources that we've employed
12 include the Energy Information Administration, the
13 EIA; that's a branch of the Department of Energy.
14 And the Western States Tracking System which is a
15 system that California, Washington and Oregon
16 participate in. And this was an aid for use in
17 the power source disclosure program to verify
18 generation procurement among retail sellers in
19 those states.

20 Another purpose of this report is to
21 estimate the amount of incremental geothermal
22 generation from the facilities that were certified
23 as incremental geothermal. The Energy
24 Commission's certified incremental geothermal
25 capacity in all of the nine Calpine Geysers

1 facilities in which certification was requested.

2 For 2004 aggregated amongst all the
3 facilities, 119 megawatts of capacity. Calpine
4 requested that the 119 megawatts be certified as
5 incremental geothermal. The Energy Commission
6 certified 113 of those megawatts. And the
7 remainder, 770 megawatts, is considered baseline.

8 The methodology that staff used to
9 estimate the amount of incremental geothermal
10 generation was dividing the incremental geothermal
11 capacity that was certified by the Energy
12 Commission into, for each facility, into each
13 facility's nameplate capacity.

14 The next two slides will show our
15 estimates of what -- how much incremental
16 geothermal we estimate was procured from each
17 facility -- I mean from each, from PG&E and
18 Southern California Edison.

19 And what we did was, for instance, we
20 took the total capacity, the total nameplate
21 capacity; divided the incremental capacity that we
22 certified; and used that amount over the total
23 generation of the facility to come up with -- we
24 used that proportion is how much we estimate to be
25 the incremental geothermal procured by PG&E and

1 Southern California Edison.

2 And here, in 2004 PG&E claimed 667,035
3 megawatt hours of procurement from Calpine Units
4 13 and 20. We estimated of that 153,462 megawatt
5 hours are considered incremental geothermal.

6 The Edison slide is a little bit
7 different because it also includes Calpine Unit
8 11, which is not an -- which was not considered an
9 incremental geothermal facility. However, Calpine
10 Unit 11 was a new or repowered facility. And that
11 also appears here on the slide.

12 But of 1,783,008 megawatt hours, staff
13 estimates that of that the incremental procurement
14 output is 352,517 megawatt hours.

15 And the next slide shows total
16 procurement among all technologies among the three
17 investor-owned utilities that are represented here
18 in this table. In aggregate, procurement totaled
19 22,516,148 megawatt hours across 435 individual
20 specific purchases claims. Meaning that there's
21 435 different purchases, which for the most part
22 is the amount of facilities that were procured
23 from, with the exception being sometimes
24 procurement from a group of facilities was claimed
25 as one purchase. But, mostly this 435 number

1 coincides with the number of facilities procured
2 from.

3 This table shows our estimates of the
4 procurement that qualifies for the APT and IPT
5 targets set by the CPUC. The columns that I'd
6 like to draw your attention to are procurement
7 towards meeting APT claimed on the CPC RPS track.
8 And compare that to the one just right on the
9 left, which is the annual procurement target.

10 And on the right side of the table, on
11 the far right, the name of the column is total
12 procured in excess of IPT -- I'm sorry, no,
13 actually it's the second-from-right is the one I
14 want to look at, estimated procurement that meets
15 IPT criteria. And compare that to the one just
16 adjacent to it on the left, incremental
17 procurement target.

18 So what this table basically does is it
19 compares procurement that qualifies for APT and
20 IPT versus those targets that were set by the CPUC
21 for 2004.

22 And just another note, the information
23 on this table does not include -- there are two
24 notes, actually -- the information on this table
25 does not include any banking nor carryover for

1 previous years. This table just strictly looks at
2 2004 procurement.

3 Additionally, for PG&E the estimated
4 procurement that meets the IPT criteria, a
5 different number appeared in this table in the
6 draft report. Because what happened was we found
7 that that particular -- those megawatt hours that
8 were procured from that facility we found that
9 that facility met the IPT for 2003, not 2004.

10 Another thing that this report looked
11 for was to see if there was enough available
12 generation to meet the procurement that was
13 claimed by the retail sellers here. What this
14 table shows is that out of the 435 individual
15 specific purchases, we found generation data from
16 all the sources that I mentioned earlier for 285
17 of them. That represents roughly two-thirds of
18 all the facilities.

19 However, those two-thirds represent over
20 90 percent of the generation in megawatt hours
21 that was claimed by these retail sellers.

22 And they're also, this is part of what
23 are the various limitations that we have in
24 performing this report. For example, we did not
25 check against procurement from retail sellers or

1 ESPs in states such as outside of California,
2 Oregon and Washington.

3 Also, we do not have -- currently we do
4 not have a means to cross-check against sellers of
5 unbundled renewable energy credits. Companies
6 such as Sterling Planet that just sell renewable
7 attributes. Those entities are not subject to any
8 reporting requirements to the power source
9 disclosure program or to the CPUC or to any other
10 entity in the state.

11 Additionally, the generation data that
12 we use is -- a lot of it is self-reported. The
13 generation that's reported to the EIA, to the --
14 to the PIER program's wind resource performance
15 summary. And also the generation that's reported
16 to the electricity analysis office is all self-
17 reported generation.

18 Additionally, the amounts that we
19 estimate as IPT and baseline are based on
20 assumptions. These are estimates.

21 And finally, as mentioned in the last
22 slide, about a third of the facilities we were not
23 able to find generation information for from any
24 of the sources that I reported earlier.

25 A lot of these facilities are small

1 hydro facilities that are little over a megawatt
2 or less than that, along with some distributed
3 solar and wind facilities.

4 For more information on the report I've
5 listed our website, my phone number and email
6 address.

7 MS. RAITT: Do we have questions on the
8 phone or --

9 MS. ZOCHETTI: We have (inaudible) --

10 PRESIDING MEMBER GEESMAN: Yeah, John,
11 why don't you go ahead. John Galloway, are you
12 there?

13 MR. GALLOWAY: Oh, I'm here.

14 PRESIDING MEMBER GEESMAN: Why don't you
15 go ahead with your comment, then.

16 MR. GALLOWAY: I'm here. Didn't realize
17 we were going ahead and going.

18 My comments are less about the
19 procurement verification report and more about the
20 RPS eligibility guidebook and the new facilities
21 guidebook with relation to the SEP payments
22 structure.

23 I wanted to revisit something that just
24 came up in the presentation around the definition
25 of incremental. And I guess I have a question

1 about how that's being framed in both the
2 procurement verification report and the
3 eligibility guidebook.

4 It says that in the second and
5 subsequent years the procurement from a facility
6 counts toward the retail sellers baseline. And my
7 question there is that kind of step out of line
8 with the rules for banking energy forward by the
9 utilities? I know the guidebook discusses that
10 towards the back.

11 It would seem to me that that kind of
12 would preclude utilities from banking, so that any
13 energy that they've over-procured in a given year
14 then just gets rolled into baseline. And then
15 they have a new IPT that's developed and they
16 can't actually use that procurement to satisfy a
17 future year's IPT.

18 Certainly I don't think that's what you
19 meant, but that's really how the guidebook reads.

20 MS. RAITT: No. Yeah, I just --

21 MR. GALLOWAY: And I've got a couple
22 more questions, but that's sort of my --

23 MS. RAITT: Can I just respond to that?

24 MR. GALLOWAY: Yeah, sure.

25 MS. RAITT: You're right, John. I don't

1 think that -- we need to clarify that we had no
2 intention of taking away the banking there. And
3 certainly an area that we can improve on
4 clarifying in the guidebook and in the
5 verification report.

6 MR. GALLOWAY: Okay, thanks. And I
7 guess that sort of raises maybe a broader process
8 question. It would seem to me that the way the
9 whole program has been framed is that the PUC is
10 the agency that's actually determining the utility
11 compliance.

12 And so is this intended to be
13 instructive for the PUC in, you know, on a year-
14 to-year basis in determining the targets? Because
15 it kind of sounds like the guidebook reads like
16 it's setting policy, really. Like these are the
17 definitions and this is how things count.

18 I think maybe you could benefit from a
19 little more clarification that, you know, this is
20 basically a collaborative effort with the PUC.
21 Because they're the ones that are ultimately, at
22 the end of the day, having to sign off on whether
23 or not the utilities have met the targets.

24 MS. RAITT: Right. I absolutely agree.
25 And what was written in the guidebook was intended

1 to reflect the PUC decisions. But I think that
2 can be, as I mentioned, clarified.

3 MR. GALLOWAY: Okay. My next one is on
4 out-of-state delivery. I think you've made good
5 progress in the eligibility guidebook on
6 addressing the out-of-state delivery. But it does
7 kind of leave a question about the ability for a
8 utility to take delivery in an out-of-state
9 location as long as it's brought in and they can
10 demonstrate NERC tag delivery.

11 Seems like you're solving that problem,
12 but is that your understanding of how the
13 guidebook is being changed? Is that the utilities
14 can do that?

15 MS. RAITT: I'm not sure I followed your
16 question. The changes in the NERC tag did not
17 make a substantial change in our policy. Could
18 you rephrase your question?

19 MR. GALLOWAY: Yeah. I guess maybe a
20 little more specifically, if a utility takes
21 delivery in out-of-state hub, it seems like the
22 language is being a little bit relaxed here to
23 allow them to specify out-of-state delivery.

24 I know there was a line in there about
25 the utility specifying by contract what the

1 delivery location is. And that was actually
2 struck out.

3 So it would seem to me that a seller and
4 the buyer can negotiate on taking delivery out of
5 state as long as the utility or the seller, to the
6 extent that they can overcome transmission
7 congestion issues and congestion rights, and bring
8 that power into the state.

9 It seems to me like what you had done in
10 the past was interpret very narrowly that a seller
11 had to demonstrate delivery all the way in to the
12 ISO, or at least, you know, to, as you've defined,
13 a market hub or an instate substation.

14 Is that being relaxed somewhat so that
15 the responsibility for the final delivery is up
16 for negotiation between the buyer and seller?

17 MS. RAITT: I don't think we've changed
18 that in the guidebook. And I think that's
19 probably an area for further discussion.

20 MR. GALLOWAY: Okay. Okay, thanks for
21 clarifying that.

22 MR. HERRERA: John, can I comment on
23 that? This is Gabe Herrera from the Commission's
24 legal office.

25 MR. GALLOWAY: Sure.

1 MR. HERRERA: It wasn't the Commission's
2 intent to change those particular provisions. In
3 fact, the requirements in the law and Public
4 Utility Code section 399.16 still require the
5 retail, the out-of-state generator to demonstrate
6 delivery to the retail seller, to the IOU.

7 And consistent with CPUC decisions, the
8 Energy Commission is requiring, or does expect
9 that power to be delivered into California.

10 The question about transmission, whether
11 a utility can accept delivery at some out-of-state
12 hub and arrange for transmission to get it into
13 the instate hub in order to comply with the CPUC's
14 requirement, I think that's an option, but I'm not
15 sure it's a practical option and one the utilities
16 can take advantage of. But perhaps one of the
17 utilities can speak to that particular point.

18 But the NERC tag requirement would still
19 require the generator and the procuring retail
20 seller to demonstrate via these NERC tags that the
21 transmission path was available such that the
22 electricity could flow into California.

23 MR. GALLOWAY: Sure. And I certainly
24 wouldn't want to preclude that. I was just
25 wanting to get clarification of whether or not if

1 that, what you just described, is actually allowed
2 or is actually being precluded. It just wasn't
3 exactly clear.

4 The other question I had relates to the
5 RPS SEP process, and why the CEC is collecting
6 information on sub NPR bids. The only
7 justification that's given in there is the need to
8 make informed decisions about the SEPs that are
9 being awarded. But it's not entirely clear why
10 the utilities are being required to submit that
11 information.

12 I'm sure you'll hear more on that point
13 as we go through the comments. Because I think
14 that has certainly raised some eyebrows. It kind
15 of seems like that determination is being made
16 really at the PUC through the advice letter
17 process in terms of what contracts are ultimately
18 going to come before the CEC for approval.

19 It wasn't clear to me because it does
20 raise some questions about the information that
21 you're proposing to post publicly once the
22 contracts are approved. And I guess I'm
23 questioning the value of sort of opening the
24 record there on the sub NPR bids. Anyway, I
25 understand the above NPR is a whole different

1 issue.

2 MS. RAITT: Do we want -- the idea there
3 is that we need to be informed about what our --
4 what is the demand on the SEP funds, and
5 additionally how -- what is the amount of bids
6 that are coming in under the SEP so that we can
7 know if the -- forms that the SEP requests are
8 reasonable.

9 And so -- but I think we can get more
10 into discussion on that when we get into comments.

11 MR. GALLOWAY: Okay.

12 MR. HERRERA: There's another point,
13 John, that needs to be raised here, and that is if
14 you have the utilities conducting their
15 solicitations at different times with
16 theoretically different SEP requests coming in to
17 the Energy Commission, even for a given year the
18 Energy Commission is not going to know what the
19 total demand of SEPs are for that particular round
20 of solicitations.

21 So, for example, if the Energy
22 Commission thought it was appropriate to set an
23 SEP cap, which by law it has discretion to do, it
24 certainly would want to know what the total
25 demands on the SEP requests are.

1 MR. GALLOWAY: Okay. But if they're,
2 the whole universe of sub NPR bids don't really
3 affect what the demand on SEPs are actually going
4 to be, I mean they're not really indicative of
5 super NPR bids, for example. It wasn't clear why.
6 I mean I'm not -- I don't need to make the
7 utilities' arguments for them. It seemed to me a
8 little odd, and particularly if you're going to be
9 releasing that information publicly. I'm sort of
10 questioning the value of doing that.

11 I think, you know, and I guess I can
12 make it my final point, which is, you know, if
13 you're going to be aggregating that information
14 and releasing it at some time after the PUC
15 approves the contract, you know, that gets at the
16 concerns that folks have had around transparency.

17 And, you know, I certainly don't
18 disagree with doing that. It's just there's some
19 sensitivity around, you know, do you sort of
20 reveal the whole universe of bids. Anyway, just
21 sort of raising it as a point for further
22 discussion before you, you know, before you decide
23 to do that.

24 And that's all for my comments.
25 Appreciate it.

1 PRESIDING MEMBER GEESMAN: This is John
2 Geesman, John. Do you see problems with releasing
3 an entire universe of bids? And if so, what are
4 they?

5 MR. GALLOWAY: I think if you're
6 releasing, you know, if you're kind of
7 disaggregating and doing it by bidders, as you
8 propose to do, I think it does raise concerns in
9 the marketplace about just price gaming and other
10 issues.

11 As developers come forward, particularly
12 as we're getting closer and closer to 2010, and
13 we've seen a number of concerns emerge about, you
14 know, the universe of bidders that are out there
15 that the utilities have to choose from, you know,
16 not saying what those concerns are, but, you know,
17 I certainly think we want to be sensitive to how
18 much, you know, market information is being made
19 available, you know, to the broader, you know, to
20 the broader universe of stakeholders.

21 I think there's a lot of potential for
22 problems there. I think what you're proposing to
23 do, to aggregate the data, certainly makes sense.
24 I think it is useful. You know, I think comments
25 that you've made in the past about making it not

1 available to decisionmakers and others to, you
2 know, really get a feel for how the program is
3 progressing, is, you know, is a good move.

4 But actually releasing individual bid
5 information, and particularly price information, I
6 think is going to open up a host of problems that
7 could result in the escalation of renewables
8 prices.

9 PRESIDING MEMBER GEESMAN: Is it
10 possible it would have just exactly the opposite
11 effect?

12 MR. GALLOWAY: It could. I mean I'm not
13 an economist, so I, you know, I'm not going to try
14 to debate the merits and demerits of how markets
15 behave once information is known.

16 You know, but I think other parties in
17 this venue and at the PUC have certainly tried to
18 do that. I just, you know, my take on it from the
19 position I sit in is that it will have a
20 detrimental effect.

21 PRESIDING MEMBER GEESMAN: And why do
22 you think it would have a detrimental as opposed
23 to beneficial effect?

24 MR. GALLOWAY: Well, I think -- I'm
25 going to have to think about that one. I'm going

1 to have to think about that one, and I'm certainly
2 happy to provide more informed thinking of that in
3 my written comments that I'll submit by Friday.

4 You know, I just think that to the
5 extent that we're likely to experience a thin, you
6 know, a thin market going forward, the utilities
7 will, you know, be under a compliance regime where
8 they have to buy renewables. And to the extent
9 that, you know, they have a penalty sitting on the
10 other side, it certainly doesn't give the
11 developers an incentive to go -- what we're saying
12 is could they go in the other direction, what
13 would their incentive be.

14 Basically the utilities become price
15 takers at that point. And I can address that
16 further in written comments.

17 PRESIDING MEMBER GEESMAN: Yeah, I'm
18 trying to reflect upon the experience that various
19 public agencies have had with the competitive
20 bidding requirements for bond sales.

21 And I know quite often you can make a
22 hypothetical argument in favor of one direction or
23 the other as the net effect of publishing the
24 bids. But the law requires the bids be made
25 public. And, you know, the number of bidders

1 varies from sale to sale. The relative position
2 of bidders varies from sale to sale.

3 The law has generally been motivated by
4 the notion that doing that type of bidding in the
5 sunshine was in the public interest. And I'm
6 curious about the different hypothetical arguments
7 as to whether disclosing that information would
8 lead to higher future bids or lower future bids.

9 But I have to tell you, based on my
10 experience in the bond market, I'm not certain I
11 can predict which. And I'd be curious as to the
12 empirical basis for anybody's speculation in one
13 direction or the other.

14 MR. GALLOWAY: I think that's good, and
15 I hope that --

16 PRESIDING MEMBER GEESMAN: And I'd
17 invite both you and anybody else who cares to
18 comment on it to try and bring us into an
19 empirical realm so that if there is data out there
20 that would suggest which direction that public
21 disclosure might lead future bids, we'd all
22 benefit from knowing it.

23 MR. GALLOWAY: I think it's a fair
24 point. I have a great idea. Let's have a
25 workshop on it. I'm kidding.

1 (Laughter.)

2 PRESIDING MEMBER GEESMAN: This is that
3 workshop, John.

4 MR. GALLOWAY: Fair enough.

5 PRESIDING MEMBER GEESMAN: Any other
6 comments?

7 MR. GALLOWAY: No, I appreciate it,
8 thank you.

9 PRESIDING MEMBER GEESMAN: Thanks for
10 your input.

11 MR. HERRERA: Commissioner Geesman, if I
12 can offer up something. Just to clarify, John.
13 The guidebook, the new renewables facilities
14 program guidebook identifies disclosure of certain
15 information with respect to SEP requests, to the
16 extent the Energy Commission issues confirmation
17 letters. Not necessarily all data, that being
18 perhaps bidders below and above the NPR.

19 MR. GALLOWAY: Okay, thanks, Gabe.

20 PRESIDING MEMBER GEESMAN: Anybody else
21 on the phone? Okay, I'm --

22 MS. ZOCHETTI: (inaudible).

23 CONFERENCE COORDINATOR: -- no further
24 questions.

25 MS. RAITT: Does someone have a question

1 on the phone? Hearing none --

2 CONFERENCE COORDINATOR: I'm sorry, this
3 is the Conference Coordinator. There are no
4 further questions.

5 MS. RAITT: Thank you.

6 PRESIDING MEMBER GEESMAN: Okay, I'm
7 going to go to blue cards, then. First one up is
8 Daniel Frank, SDG&E.

9 MR. FRANK: Well, actually John Galloway
10 kind of addressed my concern in clarifying -- and
11 I think Heather also (inaudible).

12 How's that? Okay. Should I repeat
13 myself, or --

14 THE REPORTER: Please.

15 MR. FRANK: Okay. Basically what I was
16 saying before was I agree with John Galloway's
17 comments. And that's basically what I was going
18 to suggest is that there seemed to be a
19 misunderstanding of how incremental procurement is
20 identified and counted toward our IPT. And also
21 how that would affect, you know, forward banking
22 of our RECs. And that would definitely have a
23 serious impact on SDG&E achieving its IPT each
24 year and also the APT.

25 So, it's been clarified and we're okay

1 with the answer that Heather gave.

2 PRESIDING MEMBER GEESMAN: Thanks very
3 much. Jim Caldwell, PPM Energy.

4 MR. CALDWELL: Good afternoon. We will
5 be submitting comments on Friday on two issues
6 specific to projects that we have in the current
7 round of solicitation. This is an out-of-state
8 project; happens to be in the State of Washington
9 in terms of the verification issue.

10 And that is on the deliverability
11 requirements, the need for NERC tags, and also on
12 how to account for wind. The renewable energy is
13 bundled with nonrenewable energy in the same
14 transaction. And we believe that that needs to be
15 addressed, as well, in these guidelines.

16 So, we'll be submitting comments on
17 Friday on those issues.

18 PRESIDING MEMBER GEESMAN: Very well.
19 John McKinsey, Bottlerock Power Corporation.

20 MR. MCKINSEY: Thank you, Commissioner
21 Geesman. Bottlerock Power Corporation has
22 reviewed the changes that are being proposed to
23 the guidebook and they've still got some issues
24 that have been raised in the past, which may be
25 very unique to just the Bottlerock Power Plant.

1 But part of them need a little bit of
2 consideration for, I think, some issues that you
3 may face in the future. And that is, namely,
4 repowering of facilities that are in some kind of
5 state of shutdown or mothballing or suspension.

6 The statute is pretty vague in terms of
7 defining those terms, and the guidebook doesn't
8 actually provide any specific definitions for what
9 should be considered a repowering or what is a
10 shutdown. And that may be necessary since the
11 statutes don't address that.

12 But clearly, if you read the eligibility
13 criteria in 399.12 for eligible renewable energy
14 resources, there is an intent that new resources
15 be considered eligible, as well as there's
16 accommodations depending on the resource type for
17 various types of existing ones. And geothermal,
18 which is our resource, is particularly identified.

19 The forms in the eligibility guidebook
20 require that a geothermal facility fall into one
21 of three categories in several cases. And,
22 frankly, in the case of Bottlerock that form is
23 forcing Bottlerock to either feel that they don't
24 meet any of the criteria, or perhaps they meet all
25 three. But clearly when we look at 399.12, we're

1 intended to be considered, if you read its
2 interpretation, an eligible project.

3 We're going to submit written comments
4 that I think are worthy of attention of looking at
5 399.12 and what the statute lays out for
6 eligibility for both geothermal facilities, as
7 well as eligibility period and what the forms are
8 providing.

9 The answer may lie in interpretation of
10 incremental geothermal in our case, meaning that
11 an incremental facility could include a geothermal
12 facility that was entirely shut down and is
13 receiving significant capital expenditures to be
14 restarted. And thus, its baseline or its counting
15 point would be zero. That's one way that might
16 accommodate, just in terms of interpreting the
17 forms.

18 But clearly the forms, themselves, say
19 you've either got to be A, B or C. And we're
20 having a hard time seeing how we are A, B or C as
21 they're defined in the forms.

22 PRESIDING MEMBER GEESMAN: Have you had
23 a chance to sit down with Mr. Herrera or our
24 technical staff to discuss this?

25 MR. MCKINSEY: My client has. They

1 recently brought me onboard and that's one of the
2 things we anticipate doing.

3 PRESIDING MEMBER GEESMAN: Okay. I
4 would encourage you to do that. It seems to me
5 that we touched on this issue several years ago in
6 the first round of guidebooks. And I don't want
7 to try and resolve it here, but I think that you
8 guys may benefit by some discussions with the
9 staff to try and narrow any areas of concern you
10 may have.

11 MR. McKINSEY: And I think in the larger
12 picture this may not be the first issue of just a
13 restarting --

14 PRESIDING MEMBER GEESMAN: Sure.

15 MR. McKINSEY: -- of a shutdown
16 facility. And I think it's worthy of evaluating
17 how to define operations.

18 And then one other comment we will make
19 involves the use of the term commercial
20 operations. The term commercial doesn't appear in
21 the statutes. And it's also not a defined term.
22 It actually may work to our advantage in some
23 sense, but it creates a lot of ambiguity to talk
24 about when something commences commercial
25 operations, when really it just says when it

1 commenced operation.

2 And so we'll make that comment, as well.

3 PRESIDING MEMBER GEESMAN: Okay. Thank
4 you.

5 MR. MCKINSEY: Thank you.

6 PRESIDING MEMBER GEESMAN: Marc Joseph,
7 California Unions for Reliable Energy.

8 MR. JOSEPH: Thank you, Commissioners.

9 I just want to make a brief comment on the
10 prevailing wage requirement which appears in the
11 draft of the new renewable facilities program
12 guidebook.

13 I wrote to the Committee last summer and
14 asked that you update the guidebooks to include
15 this. And I'm pleased to say that I think the
16 draft accurately reflects what the current legal
17 standards are. I think you got it right. And I
18 want to thank the Committee and the staff for that
19 effort.

20 PRESIDING MEMBER GEESMAN: Thank you,
21 Mr. Joseph.

22 MR. JOSEPH: Thank you.

23 PRESIDING MEMBER GEESMAN: John Pappas,
24 PG&E.

25 MR. PAPPAS: Thank you, Commissioner.

1 I'm John Pappas from PG&E. First of all, I want
2 to compliment the staff on the tremendous amount
3 of work they did in putting out these four
4 documents. I know there's quite a bit there with
5 the evolving renewable program to put all this
6 together.

7 We do have some written comments which
8 we will file on Friday. But I wanted to just go
9 over a few points today.

10 One, Heather talked about the guidebooks
11 were intended to reflect CPUC decisions. And one
12 of the things I wanted to point out is that with
13 respect to CPUC decisions there's a lot of things
14 that are changing. And I'm sort of concerned that
15 the guidebooks will take a stand on a particular
16 issue, and that the CPUC may change things. And
17 there could be some confusion that could arise.

18 A couple areas in particular, for
19 example, the timing of the release of the NPRs.
20 Right now the CPUC requires that they be released
21 at the end, after the last IOU has released their
22 short list.

23 The law actually allows it to be after
24 the close of bidding and that's an area that we're
25 hoping to get changed at the PUC so we can move

1 things along quicker.

2 So, if it ends up in the guidebook, and
3 it's inconsistent with the CPUC's decision, that
4 might lead to some confusion. So maybe there's
5 some way to word it so that outcome doesn't come
6 about.

7 The other thing is the sequencing of SEP
8 awards and the filing of the IOU advice letter. I
9 think right now I think the guidebooks have the
10 generator going to the CEC for the SEP award
11 first, and then the IOU would file its advice
12 letter.

13 Where actually the CPUC decision allows
14 the opposite to occur. And so I think that needs
15 to also -- some flexibility needs to occur there
16 that maybe the two could go together at the same
17 time.

18 So I think it's important that these
19 rules be made as flexible as possible.

20 On the issue of confidentiality, I know
21 we've talked about that. I don't want to get into
22 that in too much here, but one of the things, the
23 CEC plans to publicly disclose the name of the
24 seller, the procuring IOU, and the total
25 anticipated SEP award level on its website. And

1 that would be once the CPUC approves the contract.

2 And in our comments we're going to ask
3 for something a little bit later, maybe a couple
4 years down, two to three years down the road, or
5 after the funds are actually released by all the
6 IOUs so that the confidential nature of that
7 information doesn't get out, you know,
8 immediately. It gets out at a time where it might
9 be a little bit more stale and wouldn't impact,
10 you know, market prices.

11 PRESIDING MEMBER GEESMAN: Now, in a
12 different proceeding your company joined with the
13 other two investor-owned utilities to suggest a
14 seven-year blackout of that type of information by
15 this Commission.

16 Are you sure you meant to say two years
17 just now?

18 MR. PAPPAS: Well, that's what we're
19 saying for this.

20 PRESIDING MEMBER GEESMAN: Okay, that's
21 consistent with --

22 MR. PAPPAS: Two to three years, but --

23 PRESIDING MEMBER GEESMAN: -- positions
24 you've taken at the CPUC.

25 MR. PAPPAS: Yeah.

1 PRESIDING MEMBER GEESMAN: So I was a
2 little surprised when you signed onto the seven-
3 year blackout period in our IEPR proceeding.

4 MR. PAPPAS: Yeah, I'm actually
5 personally not aware of that, but, okay, thanks.

6 On the RPS eligibility guidebook, with
7 respect to the generation tracking system, right
8 now the CEC's proposing that we keep track of both
9 incremental and baseline procurement, which I
10 think is a good idea.

11 And also, though -- and I know you've
12 indicated -- the CPUC has indicated that they're
13 not going to be doing actual compliance
14 flexibility measures, that that's up to the CPUC.
15 However, some of the information that you're
16 seeking could also lead to some confusion such as
17 how much is being banked and so on and so forth.

18 Because it's not entirely a
19 straightforward thing with some of the recent CPUC
20 rules, with earmarking, you know, assigned
21 contracts for future deliveries. what we might
22 bank may not just fall out of a simple equation.

23 So, we caution the CEC to, you know,
24 just asking for the information that they really
25 need, which we believe is just what's incremental

1 and what's baseline, as opposed as to what's going
2 to go into banking.

3 As far as the verification report, we've
4 looked at it. I think the first thing we'd like
5 to ask is the opportunity to sit down with staff
6 to go over some of the detailed numbers. I think
7 there's a lot there.

8 We have noted a few computational errors
9 or inconsistencies that we would like the
10 opportunity, and we'll put as much as we can in
11 our comments. But I think we may need a little
12 bit more time than that.

13 But, one of the things I'll note is that
14 there are some differences between the APT -- the
15 APT we generally agree with. But the IPT amounts,
16 there are certainly some differences. And some of
17 those are unique to the startup process that we
18 have.

19 For example, in PG&E's situation, we
20 actually didn't have an incremental procurement
21 target until 2005 as a result of the bankruptcy.
22 So that's not entirely reflected here.

23 The other thing is on the Calpine
24 contracts, there is a specific CPUC decision
25 issued in June of 2004 that indicated that those

1 do not have to have a CEC incremental designation.

2 So, those are just some things that I
3 think probably need to be cleared up so that --

4 PRESIDING MEMBER GEESMAN: John, do you
5 have a sense as to how much additional time you
6 might need?

7 MR. PAPPAS: In terms of?

8 PRESIDING MEMBER GEESMAN: On the
9 verification report issues.

10 MR. PAPPAS: Well, you're going to be
11 issuing another one, the final report January --
12 when it is?

13 MS. RAITT: Well, the schedule, as it
14 currently, is to have release the revised reports
15 January 6th for consideration and January 18th
16 adoption.

17 MR. PAPPAS: I think we could probably
18 get it done between now and then, if you were
19 available.

20 MR. LANDES: I think it would be tight.
21 There's a lot of inconsistencies in some of your
22 own data. And there's inconsistencies --

23 MR. PAPPAS: This is Dave Landes, --

24 MR. LANDES: I'm Dave Landes --

25 MR. PAPPAS: He's our staff person --

1 MR. LANDES: You know, the bottomline of
2 the report with a total production, like John
3 said, we agree with. However, when you get into a
4 lot of the things that Jason discussed about
5 what's IP and what year and what isn't, and the
6 calculations that go into that, we see a lot of
7 apparent inconsistencies that I think it's really
8 going to take a little while to walk through with
9 you guys.

10 You had to assume what was incremental
11 and what wasn't. And those things, I think, will
12 lead to a lot of the, let's say, differences that
13 we observed. And it might, I don't know, we could
14 do it, but I'm a little -- if your staff's
15 available we'll sit down. And it depends if we
16 can walk through the data.

17 I think in the future it would be nice
18 if, when you're evaluating data we could
19 incorporate, you know, you get familiar with it,
20 you start it, your kind of initial thoughts, let's
21 get together then, earlier in the game, so we
22 wouldn't be doing it now.

23 But I think it's worth getting it right
24 this time. So if we can, you know, availability,
25 we would try to. It may take awhile back and

1 forth, but I think it's more than just written
2 comments.

3 PRESIDING MEMBER GEESMAN: Okay, well,
4 let me encourage you to get together with the
5 staff to do that. With a notable caveat, we are
6 going to adopt a final report on January 18th.
7 And that report is going to have a number in it
8 for APT and for IPT.

9 And we will be as flexible as we can be
10 in allowing you to try and work out what that
11 number should be with the staff. But on January
12 18th the full Commission is going to adopt a
13 number.

14 MR. PAPPAS: Thank you very much, and
15 those are my comments. Thank you.

16 MS. RAITT: If I could just add, we have
17 appendices that detail the data that we used, and
18 we plan to make those publicly available as soon
19 as possible basically.

20 PRESIDING MEMBER GEESMAN: Okay, do we
21 have a sense as to when that's likely to be?

22 MS. RAITT: It can be -- it could be
23 next week, I believe.

24 PRESIDING MEMBER GEESMAN: Okay. I
25 thought their comments were actually quite

1 reasonable in terms of trying to achieve some
2 convergence.

3 MS. RAITT: Oh, absolutely, yeah. We
4 definitely welcome, looking forward --

5 PRESIDING MEMBER GEESMAN: Okay.

6 MS. RAITT: -- on those details.

7 PRESIDING MEMBER GEESMAN: Those are all
8 the blue cards I have. Is there anyone else in
9 the audience? Somebody on the phone?

10 MS. ZOCHETTI: Yes.

11 PRESIDING MEMBER GEESMAN: Jack Pigott.

12 MS. RAITT: Pigott.

13 PRESIDING MEMBER GEESMAN: Jack?

14 MR. PIGOTT: Yes, hi, Commissioner
15 Geesman.

16 PRESIDING MEMBER GEESMAN: How are you?

17 MR. PIGOTT: I'm fine, thank you. I do
18 have some comments ont he verification report.
19 And I think, in some ways, they're similar to
20 PG&E's comments.

21 We think that there's some computation
22 errors on the calculation of the incremental
23 geothermal from the Geysers.

24 And I'd like to meet with staff and go
25 over them and try to get some of them -- to get

1 them corrected.

2 PRESIDING MEMBER GEESMAN: Did you hear
3 the caveat I placed on PG&E?

4 MR. PIGOTT: Yes.

5 PRESIDING MEMBER GEESMAN: Okay.

6 MR. PIGOTT: Let me tell you what the
7 issue is, and you know, we've gone through the
8 certification and accept the Commission's or
9 staff's decision as to how much the incremental
10 geothermal capacity is from each of the units.

11 However, in this report you then apply
12 that incremental geothermal capacity to nameplate
13 of each unit, and we think it should be applied to
14 the operating, the actual operating capacity of
15 each unit.

16 For example, if one unit has a nameplate
17 of 78 megawatts but it actually operates at 40
18 megawatts, the incremental capacity will be
19 substantially more, or a substantially greater
20 percentage of the output.

21 PRESIDING MEMBER GEESMAN: And I presume
22 you have a suggested methodology to objectively
23 and empirically calculate that operating capacity?

24 MR. PIGOTT: Yes. Exactly. And I think
25 we've provided this information in the past, but

1 perhaps not in a table that would, you know, that
2 would clearly demonstrate it.

3 PRESIDING MEMBER GEESMAN: Well, I
4 encourage you to be in discussions with our staff,
5 and to address any of those issues you can in your
6 written comments.

7 But we will adopt something on the 18th
8 that will have a final number in it.

9 MR. PIGOTT: Okay. And one other issue
10 is, you know, in the report here I've done an
11 analysis and come up with an estimated incremental
12 amount that goes to each utility. And, you know,
13 there are contractual arrangements between
14 generator and utility about, you know, for example
15 we'll try to certify incremental geothermal and
16 perhaps all the incremental from a particular unit
17 would be assigned to the purchaser or perhaps none
18 of it would.

19 And, you know, I don't think you can
20 ignore those contractual issues.

21 MS. RAITT: Jack, if I could respond to
22 that. I agree with you, and we have a note in
23 that table that says that we have made that
24 assumption that the utilities purchase the entire
25 amount of incremental geothermal basically for

1 just the benefit of the doubt, basically.

2 But that's not intended to -- we fully
3 understand that those are contractual issues, and
4 that's the kind of detail that we can work out
5 with you folks and the utilities, to find out the
6 details of the purchases and refine the data.

7 MR. PIGOTT: Okay, great. Well, I'll
8 try to set up a meeting as soon as possible.

9 PRESIDING MEMBER GEESMAN: Great. Other
10 comments? Nobody else on the phone. Anybody else
11 in the audience?

12 Okay, we'll be adjourned. Thank you
13 very much.

14 MS. RAITT: Thank you.

15 (Whereupon, at 2:35 p.m., the workshop
16 was adjourned.)

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CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Committee Workshop; that it was thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December, 2005.

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