

CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION  
COMMITTEE TELECONFERENCE ON THE  
PRESIDING MEMBER'S PROPOSED DECISION

In the Matter of: )  
)  
Application for Certification ) Docket No.  
for the Blythe Energy Project ) 99-AFC-8  
[BEF] )

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

FRIDAY, MARCH 16, 2001

10:00 a.m.

Reported By:  
James Ramos  
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

William A. Keese, Chairman, Presiding Member

Robert A. Laurie, Commissioner, Associate Member

Terry O'Brien, Commissioner Advisor

Edwin Bouillon, Hearing Officer

STAFF PRESENT

Lisa DeCarlo

Lance Shaw

APPLICANT

Scott Galati  
Grattan and Galati

Thomas L. Cameron, Project Director  
Blythe Energy

Jeffrey G. Harvey  
Greystone Environmental Consultants

INTERVENOR

Carmela Garnica

PUBLIC ADVISER

Roberta Mendonca, Public Adviser

ALSO PRESENT

Liliana Loofbourow  
Spanish Language Interpreter

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

2 PRESIDING MEMBER KEESE: Call the  
3 meeting to order, continuation of the Committee  
4 Conference on the Presiding Member's Proposed  
5 Decision. I'm Bill Keese, Chair and lead on this  
6 Committee, and to my left is Bob Laurie, also on  
7 the Committee.

8 To my immediate left, Mr. Ed Bouillon,  
9 our Hearing Officer. To my right, Mr. Terry  
10 O'Brien, my advisor.

11 Good morning. We are here to hear on  
12 the PMPD. Mr. Bouillon, would you make some  
13 opening statement, please.

14 HEARING OFFICER BOUILLON: Yes. I'd  
15 like first of all to let everyone know that this  
16 meeting is also being held by teleconference, and  
17 we have several callers on the line now, and I  
18 would like to have some acknowledgment that they  
19 can hear me.

20 Would the callers on the line please  
21 respond if they can hear me?

22 (Parties on telephone respond.)

23 HEARING OFFICER BOUILLON: Thank you.

24 PRESIDING MEMBER KEESE: Okay.

25 PUBLIC ADVISER MENDONCA: Mr. Bouillon,

1 this is Roberta Mendonca. Will it be helpful if  
2 the callers on the line would give their name for  
3 the record, please?

4 HEARING OFFICER BOUILLON: We will do  
5 that before we ask them to speak. I was just  
6 trying to establish that we had some two-way  
7 communication.

8 I would also like to inquire of everyone  
9 in the room at this time, and everyone on the  
10 phone, if anyone requires a Spanish translation.

11 I would like the Interpreter to make a  
12 statement at this time and inquire whether anyone  
13 needs a translation of my opening remarks.

14 Yes, please, if you would just ask  
15 whether anyone requires a Spanish translation of  
16 what I'm saying now.

17 (Thereupon Ms. Loofbourow, the  
18 Interpreter, translated Hearing  
19 Officer Bouillon's question into  
20 Spanish.)

21 HEARING OFFICER BOUILLON: We've had a  
22 request for a translation, as I understand. Is  
23 that correct?

24 MS. LOOFBOUROW: That's correct.

25 HEARING OFFICER BOUILLON: All right.

1           What we will do from now on is I will speak in  
2           hopefully short sentences, and I will ask the  
3           Interpreter to repeat everything that I say in  
4           Spanish.

5                       MS. LOOFBOUROW:   Okay.

6                       HEARING OFFICER BOUILLON:   And would you  
7           -- now would you translate what I just said.

8                               (Interpreter translating Hearing  
9                       Officer Bouillon's comments.)

10                      HEARING OFFICER BOUILLON:   We will  
11           conduct this hearing as informally as possible,  
12           and we will hear from everyone who has something  
13           to say.  But we will do so in an orderly manner,  
14           and we will have a definite order for the speakers  
15           to participate.

16                               We will first discuss the comments that  
17           have been filed by the Applicant, the Staff, and  
18           the Intervenor, Carmela Garnica.

19                      MS. LOOFBOUROW:   Excuse me, could you  
20           repeat that, the names?

21                      HEARING OFFICER BOUILLON:   Yes, Carmela  
22           Garnica.

23                      MS. LOOFBOUROW:   Carmela Garnica.

24                      HEARING OFFICER BOUILLON:   And the Staff  
25           and the Applicant.  Did you get that?

1 (Interpreter translating Hearing  
2 Officer Bouillon's comments.)

3 HEARING OFFICER BOUILLON: And any  
4 additional comments made by those parties. We  
5 will then receive public comment from anyone  
6 present or present by telephone.

7 I ask that anyone present that wishes to  
8 make a comment contact Roberta Mendonca, the  
9 Public Adviser, and fill out a participation card,  
10 or I notice Penny, one of her assistants, is back  
11 here, and -- oh, Roberta's in the back of the  
12 room.

13 We will then be able to determine in the  
14 time allotted, I believe we have noticed this to  
15 last until -- it appears we have not put a  
16 definite time limit on this conference, but I do  
17 know the Commissioners have other commitments at  
18 approximately 1:00 o'clock.

19 But we anticipate we will have time to  
20 hear from everyone. And we will divide the time  
21 accordingly, once we have some idea of how much  
22 public participation there will be.

23 At this time I will note that we have  
24 received, prior to the last meeting we had, which  
25 was continued to this date, comments from the

1 Applicant on the Proposed Decision, which were  
2 received on March the 1st. We had received also  
3 Staff comments on that date, and we had received  
4 comments from -- and comments from Intervenor  
5 Carmela Garnica.

6 MS. LOOFBOUROW: Excuse me, how do you  
7 spell that?

8 MS. GARNICA: Carmela Garnica.

9 MS. LOOFBOUROW: Carmela Garnica, okay.  
10 Thank you.

11 (Interpreter translating Hearing  
12 Officer Bouillon's comments.)

13 HEARING OFFICER BOUILLON: Her comments  
14 were received, I believe, on March the 6th.

15 I have received, I believe yesterday, a  
16 document from the Staff indicating that they did  
17 not oppose any of the Applicant's proposed  
18 changes, with one exception. And that exception  
19 had to do with SOCIO-2. And we will discuss that  
20 at -- I'll ask for comments from both sides on  
21 that.

22 And at this time I will ask the  
23 Applicant to make any further comments he has  
24 about any of the comments that have been filed  
25 or any other comments that he has on the Proposed

1 Decision.

2 But before I do that I want to inform  
3 everyone that so that we can get through this in  
4 an orderly manner, I'm going to ask that only one  
5 person speak for any party. That means -- that  
6 means one party, probably a lawyer, from the  
7 Applicant. One person from the Staff. And one  
8 person for -- probably Carmela Garnica herself.

9 When we come to public comment, then  
10 anyone will be free to make additional comment.  
11 And for anyone who speaks, I would ask them first  
12 to identify themselves for the record, and make  
13 sure that they are speaking into a microphone so  
14 that it can be recorded.

15 And if anyone here needs some help with  
16 how to get to a microphone, I'm sure Roberta would  
17 be glad to help.

18 MR. BOYD: I have a question. This is  
19 Mike Boyd.

20 (Interpreter translates.)

21 HEARING OFFICER BOUILLON: Yes, Mr.  
22 Boyd.

23 MR. BOYD: Okay. Just for the record,  
24 this is Mike Boyd, President of CARE. Carmela is  
25 a member of CARE, and has asked CARE to assist her

1 in this matter. And I just want to object, for  
2 the record, to you limiting it to only one person  
3 to speak for the Intervenor. And that unfairly  
4 prevents the Intervenor from participating, and we  
5 believe that you're stifling her First Amendment  
6 right in this matter.

7 HEARING OFFICER BOUILLON: Mr. Boyd, I'd  
8 be glad to hear from you. If Ms. Garnica desires  
9 to be heard herself, we will listen to her.

10 MR. BOYD: Well, I'm not asking --

11 HEARING OFFICER BOUILLON: Excuse me,  
12 Mr. Boyd. I have to have that translated.

13 (Interpreter translates.)

14 HEARING OFFICER BOUILLON: In addition,  
15 you will be heard --

16 (Interpreter translates.)

17 HEARING OFFICER BOUILLON: -- but not as  
18 a part of the parties' comments.

19 (Interpreter translates.)

20 MR. BOYD: Okay. That leads me to  
21 another question. Do you -- did you -- you  
22 should've received in the docket preliminary  
23 comments on the proposed Blythe Energy Center from  
24 K. Shawn Smallwood, Ph.D., prepared by CARE at the  
25 request of the Intervenor. Have you received that

1 document?

2 MS. LOOFBOUROW: I'm sorry, I didn't get  
3 that name. Information from who?

4 MS. DeCARLO: Shawn Smallwood.

5 MS. LOOFBOUROW: Okay, from Shawn  
6 Smallwood.

7 (Interpreter translates.)

8 HEARING OFFICER BOUILLON: I do not have  
9 them in front of me, but it's my understanding  
10 that we have received them.

11 (Interpreter translates.)

12 MR. BOYD: I really think you should,  
13 because some of the -- the impacts that Dr.  
14 Smallwood have identified I think will be of  
15 concern to the public and the Applicant, in  
16 general.

17 (Interpreter translates.)

18 HEARING OFFICER BOUILLON: I can assure  
19 you that any comments that we received will be  
20 considered before issuance --

21 (Interpreter translates.)

22 MR. BOYD: And therefore, the --

23 HEARING OFFICER BOUILLON: Wait a  
24 minute, Mr. Boyd. I wasn't finished with my  
25 sentence.

1                   MR. BOYD:  Okay, I'm sorry.  I can't see  
2                   you, so --

3                   HEARING OFFICER BOUILLON:  Will be  
4                   considered before issuance of either the -- a  
5                   revised Proposed Decision or an errata to that  
6                   decision.

7                   (Interpreter translates.)

8                   MR. BOYD:  But everything will be part  
9                   of the administrative record in this case;  
10                  correct?

11                  (Interpreter translates.)

12                  HEARING OFFICER BOUILLON:  That's  
13                  correct.

14                  MR. BOYD:  Okay.  Thank you.

15                  MR. FIGUEROA:  Excuse me.  My name's  
16                  Alfredo Figueroa.  By golly, we traveled all  
17                  night, and this is going to be the legal meeting.  
18                  This meeting should've been held in Blythe,  
19                  California, and we'll be having further meetings  
20                  afterwards, but we want to have them in Blythe.  
21                  And me, I'm President of the Mesa Verde Organizing  
22                  Committee, has submitted to you a consumer rights  
23                  complaint, due to the violations that the  
24                  California Energy Commission has committed upon  
25                  the people of Blythe and our native people there.

1                   I'm a representative of the -- of the  
2                   traditional people of the Chimawehe Tribe, and I  
3                   know you folks took it very lightly when our  
4                   traditional leader got up and gave his remarks of  
5                   the sacredness of the Colorado River. That's why  
6                   we are here today, and we traveled all night, but  
7                   we'll travel as much as it takes to get to see  
8                   that this ill-fated plant is stopped.

9                   PRESIDING MEMBER KEESE: Sir, we're  
10                  going to have an appropriate time for those  
11                  comments, but the first part of business is going  
12                  to be to hear the comments of the official  
13                  participants in this proceeding on the document  
14                  that we have in front of us. And we have to  
15                  complete that first, and then we will take  
16                  comments from anyone who cares to speak on this  
17                  issue.

18                  Ma'am.

19                  MS. LOOFBOUROW: I'm going to try to  
20                  translate all this.

21                  PRESIDING MEMBER KEESE: I'm sorry.

22                  (Interpreter translates.)

23                  PRESIDING MEMBER KEESE: Mister -- do  
24                  you have a question regarding the procedure?

25                  (Interpreter translates.)

1 MS. GARCIA: No, I don't. Were you  
2 asking me?

3 PRESIDING MEMBER KEESE: Yes.

4 MS. GARCIA: Because you said Mister.

5 PRESIDING MEMBER KEESE: This is --  
6 we're going to proceed with the Applicant first,  
7 and then -- and then the Staff second, and then  
8 Ms. Garnica in the formal proceeding, and then  
9 we'll take comments afterwards. Do you understand  
10 that procedure?

11 MS. GARCIA: Yes, I do.

12 PRESIDING MEMBER KEESE: Thank you.

13 (Interpreter translates.)

14 PRESIDING MEMBER KEESE: Thank you. Can  
15 we have comments of the Applicant regarding the  
16 PMPD, please.

17 (Interpreter translates.)

18 MR. GALATI: Thank you. My name is  
19 Scott Galati. I represent Blythe Energy LLC, and  
20 on my left --

21 (Interpreter translates.)

22 MR. GALATI: -- is Tom Cameron, project  
23 director for the Blythe Energy Project.

24 (Interpreter translates.)

25 MR. GALATI: And on my right is Dr. Jeff

1 Harvey, lead environmental consultant with  
2 Greystone Environmental Consultants.

3 (Interpreter translates.)

4 MS. LOOFBOUROW: I'm sorry, I didn't get  
5 the last part.

6 MR. GALATI: Environmental Consultants.

7 (Interpreter translates.)

8 HEARING OFFICER BOUILLON: If I might  
9 interrupt, I'd like to ask Ms. Garnica a question,  
10 if I might.

11 Trying to -- trying to translate every  
12 sentence that's spoken here today may result in  
13 not being able to hear everyone, and I'd like to  
14 know if you can determine whether or not a Spanish  
15 translation of everything that goes on is  
16 necessary at this time.

17 (Interpreter translates.)

18 MS. GARNICA: Yes. Yes, I do, because  
19 some of the people that traveled all night with us  
20 only speak Spanish. They are monolinguals only.

21 PRESIDING MEMBER KEESE: That's --  
22 that's fine. We'll translate everything you'd  
23 like. Anything you would like will be translated.  
24 If -- if you should at some point feel that --

25 (Interpreter translates.)

1                   PRESIDING MEMBER KEESE: -- if at some  
2                   time you should feel that the comments being made  
3                   do not need to be translated, which would free up  
4                   more time for public comment at the end, let us  
5                   know.

6                   (Interpreter translates.)

7                   MS. MARZA: (Through Interpreter) My name  
8                   is Anna, and I -- I want to ask a couple of  
9                   questions. Can you hear me?

10                  HEARING OFFICER BOUILLON: We can't hear  
11                  you.

12                  (Interpreter translates.)

13                  HEARING OFFICER BOUILLON: We will have  
14                  questions from members of the public after we have  
15                  dealt with the parties that are here. You will be  
16                  given an -- please stay on the line. You will be  
17                  given an opportunity to speak. But at the moment,  
18                  we are in the midst of Mr. Galati's comments on  
19                  behalf of the Applicant. We will come back to  
20                  you.

21                  MS. GARCIA: Okay.

22                  (Interpreter translates.)

23                  MS. GARCIA: Okay. Thank you.

24                  MS. GARNICA: I just wanted --

25                  PRESIDING MEMBER KEESE: A procedural

1 question?

2 MS. GARNICA: Yeah, I had a question,  
3 because, you know, previously, Mr. Boyd had  
4 mentioned about, you know, that he was assisting  
5 me and the other group behind me, and yes, he is.  
6 And I would like that his comments be taken into  
7 account, because --

8 PRESIDING MEMBER KEESE: They will be.

9 MS. GARNICA: Oh, okay.

10 PRESIDING MEMBER KEESE: They will be.

11 MS. GARNICA: But I wanted him to be --  
12 I wanted him to say, you know, like the way Mr.  
13 Galati has his muscle -- I -- I'd like to, also  
14 have my muscle, whatever. So --

15 (Laughter.)

16 HEARING OFFICER BOUILLON: I'll ask the  
17 translator to recap that as best she can.

18 (Interpreter translates.)

19 PRESIDING MEMBER KEESE: Mr. Galati.

20 MR. GALATI: Thank you, Carmela. That's  
21 one of the nicer things I've been called.

22 (Interpreter translating Mr.  
23 Galati's comments.)

24 MR. GALATI: I'd like to begin, and try  
25 to be as brief as possible, and only discuss the

1 differences between Staff's comments and our  
2 comments, first.

3           The first discrepancy deals with  
4 Condition of Certification SOCIO-2 -- Condition of  
5 Certification SOCIO-2.

6           That's correct. We proposed changes in  
7 our comments filed March 1st.

8           My understanding is Staff agrees with  
9 some of those changes, and not others.

10           Specifically, Staff agrees with the  
11 actual change to the condition but disagrees with  
12 our proposed changes to the verification. Our  
13 changes to the verification are necessary to  
14 ensure swift project construction, and more -- and  
15 reflects the Applicant's commitment to make a good  
16 faith effort to recruit employees and procure  
17 materials within the Blythe area.

18           Staff also submitted additional comments  
19 in which a new condition was proposed. This  
20 condition specifically addresses construction  
21 milestones. This condition is brand-new to the  
22 Commission's process, and Staff stated the reason  
23 for the condition was the Governor's Executive  
24 Order 25.

25           We would direct the Commission's

1 attention to that Executive Order. That Executive  
2 Order applies only to projects that have been  
3 expedited, and specifically those projects that  
4 involve conversions from a simple cycle to a  
5 combined cycle project.

6 The purpose of this Executive Order, as  
7 with the other Executive Orders issued recently,  
8 was intended to strike a balance. Certain  
9 projects couldn't be expedited with waivers of  
10 statutes and regulations in exchange for that  
11 expedited process. We believe this Executive  
12 Order was intended to assure that power would be  
13 brought to California quickly, to justify the  
14 expedited Commission review.

15 This project was not subject to  
16 expedited review. This project filed its  
17 application in 1999, and went through the full  
18 Commission process. At this late date, a  
19 condition such as this has a negative impact on  
20 financing of this project.

21 We request that the Commission not  
22 change its statutory requirement to begin  
23 construction within five years to implement this  
24 Executive Order, which does not apply to the  
25 Blythe project.

1                   Further evidence of this is the recent  
2           Executive Order Number 28 which, by its very  
3           terms, were intended to clarify the earlier  
4           Executive Orders. Executive Order 28 does not  
5           direct the Commission to establish these  
6           milestones for projects that have not received  
7           expedited treatment.

8                   If the Committee directs, we will file  
9           supplemental written comments on this point, as I  
10          have other reasons why the Committee should not  
11          adopt the condition which it may not be productive  
12          to go through now.

13                   At this time I'd like to turn to the  
14          additional comments that we received today from  
15          Mr. Mike Boyd's group, CARE.

16                   HEARING OFFICER BOUILLON: I would like  
17          to insert in the record at this point that I have  
18          been handed a copy of those comments.

19                   (Interpreter translates.)

20                   HEARING OFFICER BOUILLON: Please  
21          continue.

22                   (Interpreter translating Mr. Galati's  
23          comments.)

24                   MR. GALATI: As we received this today  
25          at the hearing, we have not had time to review it.

1 We will file supplemental comments in response  
2 before the close of comment period. However, I  
3 might note that Mr. Boyd asked that these --

4 MS. LOOFBOUROW: (Translating for  
5 unidentified speaker on phone) I want to hear the  
6 comments, too. I would like to hear the comments  
7 also.

8 PRESIDING MEMBER KEESE: The submitted  
9 comments seem to be --

10 MS. LOOFBOUROW: Excuse me. I am not  
11 sure she said she wanted to hear the comment or  
12 make a comment. Should I clarify that?

13 HEARING OFFICER BOUILLON: Would you,  
14 please.

15 PRESIDING MEMBER KEESE: Yes. And --  
16 yes.

17 (Interpreter questions speaker.)

18 MS. LOOFBOUROW: I -- she would like to  
19 make a comment.

20 PRESIDING MEMBER KEESE: That will be  
21 appropriate later.

22 (Interpreter translates.)

23 MS. LOOFBOUROW: (Translating for  
24 unidentified speaker on phone) How long do you  
25 think it will be, 10, 15 minutes?

1                   HEARING OFFICER BOUILLON:  It's very  
2                   hard to say, but it will be before one o'clock,  
3                   and beyond that, it's very difficult to say.  We  
4                   have a process going.  We've yet to hear the  
5                   completion of the Applicant's comments.

6                   (Interpreter translates.)

7                   HEARING OFFICER BOUILLON:  And then  
8                   we're going to hear the Staff's comments.  And  
9                   then we're going to hear Ms. Garnica's comments.  
10                  And then we will turn to members of the public,  
11                  such as you.

12                  (Interpreter translates.)

13                  HEARING OFFICER BOUILLON:  In addition,  
14                  any member of the public, or any party, has a  
15                  right to submit written comments to this Committee  
16                  so long as they are submitted within 30 days from  
17                  the date the Presiding Member's Proposed Decision  
18                  was issued.

19                  (Interpreter translates.)

20                  HEARING OFFICER BOUILLON:  And if  
21                  someone would refresh me on the date of that --

22                  MR. SHAW:  17 February.

23                  HEARING OFFICER BOUILLON:  It was issued  
24                  on 17 February, so anyone has a right to file  
25                  written comments for 30 days after February 17th.

1 The Committee will consider each and every comment  
2 received.

3 (Interpreter translates.)

4 UNIDENTIFIED SPEAKER ON PHONE: What  
5 happens if it's a Sunday?

6 (Interpreter translates.)

7 HEARING OFFICER BOUILLON: Excuse me?

8 UNIDENTIFIED SPEAKER ON PHONE: If the  
9 30 days expires on a Sunday.

10 HEARING OFFICER BOUILLON: The 30 days  
11 expires on a Sunday, everyone has until the  
12 following business day to file their comments.

13 (Interpreter translates.)

14 HEARING OFFICER BOUILLON: Mr. Galati,  
15 would you continue, please.

16 (Interpreter translating Mr.

17 Galati's comments.)

18 MR. GALATI: With respect to Mr. Boyd's  
19 request that these be admitted into the  
20 administrative record, we do not object. However,  
21 we do object to them being treated as evidence  
22 since we were not given an opportunity for cross  
23 examination.

24 MR. BOYD: Can I ask a question? This  
25 is Mike Boyd, of CARE, again.

1                   PRESIDING MEMBER KEESE: No, Mr. Boyd.

2                   HEARING OFFICER BOUILLON: Mr. Boyd, you  
3 will be given an opportunity, and we -- just as  
4 you would not like to be interrupted, we do not  
5 expect you to interrupt anyone else.

6                   (Interpreter translates.)

7                   HEARING OFFICER BOUILLON: Please  
8 continue, Mr. Galati.

9                   MR. GALATI: That concludes our comments  
10 on the Presiding Member's Proposed Decision.

11                   (Interpreter translates.)

12                   PRESIDING MEMBER KEESE: Thank you, Mr.  
13 Galati.

14                   HEARING OFFICER BOUILLON: I would now  
15 ask the Staff to make their comments.

16                   MS. DeCARLO: Thank you. This is Lisa  
17 DeCarlo, Energy Commission Staff Counsel, and to  
18 my far left is Mr. Lance Shaw. He is the Energy  
19 Commission Project Manager for the Blythe project.

20                   (Interpreter translating Ms. DeCarlo's  
21 comments.)

22                   MS. DeCARLO: We have two brief comments  
23 in response to Applicant's comments.

24                   In regards to SOCIO-2, Staff believes  
25 that in order for the condition to have any teeth

1 Staff will need to be able to review the  
2 procurement and hiring decisions before they  
3 occur. If review is to occur after the fact, it  
4 would be very difficult to change a decision that  
5 Staff has disagreed with.

6 In regards to the additional condition  
7 requiring milestones --

8 MS. LOOFBOUROW: Excuse me, could I get  
9 a little bit of clarification?

10 MS. DeCARLO: -- it is Staff's position  
11 that the paragraph referencing milestones in the  
12 Executive Order stands on its own and is not  
13 limited to facilities under expedited review.

14 (Interpreter translating Ms. DeCarlo's  
15 comments.)

16 MS. DeCARLO: Staff will be applying  
17 this requirement across the board to all projects  
18 under CEC jurisdiction. Given the energy crisis,  
19 Staff believes it is necessary to ensure that  
20 projects approved by the Commission start  
21 construction within one year, and proceed  
22 according to schedule. And we believe that the  
23 Executive Order gives us this authority.

24 We do not believe that this condition is  
25 overly burdensome, and it is necessary to ensure

1 that the project certified by the Commission gets  
2 built in a timely manner to alleviate the energy  
3 crisis.

4 Staff has not had a chance to review the  
5 comments submitted by Mr. Smallwood. Once we do  
6 have the opportunity to review them, we will  
7 submit written comments as appropriate. And we do  
8 not object to them being admitted into the  
9 administrative record.

10 And that concludes Staff's comments.

11 HEARING OFFICER BOUILLON: Thank you,  
12 Ms. DeCarlo.

13 Ms. Garnica, would you please come  
14 forward to the microphone and make whatever  
15 comments you have.

16 (Interpreter translates.)

17 MS. GARNICA: Yes. I do want to make  
18 sure I'm -- that means that now, during this time,  
19 I could talk and pick things over here, or -- and  
20 I can ask them questions, or I cannot, or is this  
21 just a one-way communication, or is it a two-way  
22 dialogue?

23 (Interpreter translates.)

24 HEARING OFFICER BOUILLON: At this time  
25 you can make comments about any topic that is in

1 the Presiding Member's Proposed Decision. You can  
2 question statements in that Proposed Decision, but  
3 you are not permitted to ask direct questions of  
4 any other participant at this hearing.

5 (Interpreter translates.)

6 HEARING OFFICER BOUILLON: We will go  
7 through each party again to hear their responses  
8 to anything you might say, if they have any. And  
9 then we will let you respond again. But there  
10 will not be any direct question and answer  
11 session.

12 (Interpreter translates.)

13 MS. GARNICA: Okay. And then, so that  
14 would mean, then, that since the Blythe Energy  
15 Project has not had the opportunity to read what  
16 CARE has submitted, therefore they wouldn't be  
17 able to ask him any questions. And so, therefore,  
18 if he is not -- if they don't have a complete  
19 understanding of what was submitted, then how  
20 would -- how would they get their answers? Do we  
21 -- do we meet again so that they can get their  
22 answers to ask Mr. Boyd anything? Or can they ask  
23 Mr. Boyd now that he is here, I mean, now that he  
24 is on air.

25 (Interpreter translates.)

1                   HEARING OFFICER BOUILLON: No one is  
2 going to ask Mr. Boyd anything. We do not  
3 anticipate that there will be another conference.  
4 Any party or any member of the public may submit  
5 written comments commenting upon --

6                   (Interpreter translates.)

7                   HEARING OFFICER BOUILLON: -- Dr.  
8 Smallwood's comments, submitted by CARE, or not,  
9 as they see fit. There will be no cross  
10 examination of either Mr. Boyd or Dr. Smallwood.  
11 Nor will you, Ms. Garnica, be allowed to ask  
12 questions of either the Staff or the Applicant  
13 about those comments.

14                   (Interpreter translates.)

15                   HEARING OFFICER BOUILLON: But you can,  
16 at this time, add any information to those  
17 comments you wish to make.

18                   MS. GARNICA: Okay. So how do the  
19 comments -- how are they taken into account when  
20 the comments are submitted, like Mr. Galati said  
21 earlier that he has not had a chance to read them,  
22 so how are they taken into account into this  
23 process?

24                   (Interpreter translates.)

25                   HEARING OFFICER BOUILLON: Those

1        comments, like any other comments filed by any  
2        other person, will be read and considered by this  
3        Committee. And they will be given whatever weight  
4        and effect to which they are entitled.

5                    (Interpreter translates.)

6                    HEARING OFFICER BOUILLON: I cannot tell  
7        you what effect that will be, because I have not  
8        read them, nor has the Committee read them at this  
9        time. But they will, before this decision is  
10       presented to the California Energy Commission as a  
11       whole.

12                   (Interpreter translates.)

13                   HEARING OFFICER BOUILLON: Please  
14       continue.

15                   MS. GARNICA: Yes. I wanted to comment  
16       on page 211 and 212 of Soil-Water 6, 7.

17                   MS. GARNICA: And I wanted --

18                   HEARING OFFICER BOUILLON: Excuse me,  
19       Ms. Garnica. What page did you say?

20                   MS. GARNICA: 211 and 212.

21                   HEARING OFFICER BOUILLON: All right.

22                   (Interpreter translating Ms.  
23       Garnica's comments.)

24                   MS. GARNICA: And I notice that -- that  
25       in there it talks about reimbursement to the

1 community wells, specifically on -- on 212, where  
2 -- 212 where it says that -- the sentence shall  
3 mean that the mitigation as set forth herein is  
4 required if the Mesa Verde well is operating at 90  
5 percent capacity. Now, I also notice that it says  
6 if. Now, do we know at what capacity those wells  
7 are operating presently?

8 So I -- okay. So am I going to get an  
9 answer to that, or -- or am I just supposed to ask  
10 and then it's going to be documented, and then I  
11 get a response -- a response from --

12 HEARING OFFICER BOUILLON: Your  
13 questions will be considered. Whether or not  
14 there will be any response today, I cannot say.

15 (Interpreter translates.)

16 MS. GARNICA: Okay.

17 HEARING OFFICER BOUILLON: The Committee  
18 itself will not make any response at this time.  
19 This is the time for the parties and the public to  
20 make their comments, not for the Committee to make  
21 its comments.

22 (Interpreter translates.)

23 MS. GARNICA: Okay. And, okay. That  
24 was one -- one of the questions.

25 (Interpreter translating Ms.

1                   Garnica's comments.)

2                   MS. GARNICA:  And then -- and then it  
3                   also indicates that alternatively, the project  
4                   owner shall provide to Mesa Verde Community  
5                   Service District an amount of money equal to the  
6                   cost of either deepening the existing wells or  
7                   installation of a new well, if the district makes  
8                   such request.

9                   Okay.  What I need to know is since Mesa  
10                  Verde, the community of Mesa Verde, is three hour  
11                  drive from the -- the -- let's see, the person  
12                  who's in charge of the district of Mesa Verde,  
13                  which is Riverside, I wanted to know, like when  
14                  that -- I guess this must mean that the service  
15                  area, when it's impacted and the well -- the well  
16                  needs to be -- let me get that right term in --  
17                  yeah, it needs to be deepened, now, who is -- is  
18                  the person that is going to see to it that it is  
19                  done right away?  Because we have -- we will have  
20                  testimonies of families from Mesa Verde who have  
21                  already tried for several years with the -- the  
22                  office in Riverside to get their wells -- because  
23                  in here it doesn't specify a time --

24                  HEARING OFFICER BOUILLON:  Ms. Garnica,  
25                  let me interrupt you for a moment, please.

1 MS. GARNICA: I beg your pardon:

2 HEARING OFFICER BOUILLON: Let me  
3 interrupt you for a moment, please?

4 In spite of what I said a few minutes  
5 ago, I am, with regard to that, Mr. Chairman,  
6 going to ask either the Applicant or the Staff,  
7 and maybe Mr. Shaw would be the appropriate person  
8 from the Staff, if they can respond to that  
9 concern.

10 (Interpreter translates.)

11 HEARING OFFICER BOUILLON: Mr. Galati,  
12 do you have any response for Ms. Garnica?

13 MR. GALATI: If I understand the  
14 question, it is how will the -- the well be  
15 deepened and coordinated with Riverside County.  
16 Is that correct?

17 MS. GARNICA: Yeah, the service  
18 district.

19 (Interpreter translating Mr.  
20 Galati's comments.)

21 MR. GALATI: A condition that the  
22 Applicant has agreed to requires that  
23 determination of whether the well needs to be  
24 deepened well before the project begins pumping  
25 groundwater to support its power plant operations.

1                   The verification of that condition  
2                   requires the Applicant submit proof that the  
3                   condition has been complied with by either showing  
4                   that improvements have been completed, or that  
5                   they are not required, 30 days prior to the  
6                   production pumping.

7                   So that I guess the short answer is the  
8                   Applicant has the burden to resolve any problem  
9                   prior to being able to operate.

10                   HEARING OFFICER BOUILLON: Does that  
11                   complete your response, Mr. Galati?

12                   MR. GALATI: If I might have a moment  
13                   just to make sure that was accurate.

14                   (Interpreter translates.)

15                   MR. GALATI: Ms. Garnica, is your  
16                   concern that if the alternative section is  
17                   approached where money is paid to the district,  
18                   that the district won't fix the well?

19                   (Interpreter translates.)

20                   MS. GARNICA: Not -- I mean -- no, not  
21                   that they're not going to resolve the problem,  
22                   which most likely they might like in about ten  
23                   years. But I'm talking about when it's  
24                   immediately prior to knowing, like it's -- like  
25                   the process indicates here that it's being

1 impacted. If -- if somebody else is going to be  
2 in charge of seeing to it that the well is  
3 installed. It can be done in years. Right?

4 (Interpreter translates.)

5 MR. GALATI: My understanding is that  
6 the Energy Commission Compliance Project Manager  
7 would have to sign off on that Blythe Energy has  
8 complied with the condition 30 days prior to being  
9 able to pump.

10 (Interpreter translates.)

11 MS. GARNICA: Who is that title manager,  
12 I mean that manager? Is that a title in the  
13 state, or is that --

14 (Interpreter translates.)

15 MS. DeCARLO: Yes, Steve Munro is the  
16 Compliance Project Manager that will be handling  
17 the Blythe project compliance aspect.

18 (Interpreter translates.)

19 MR. GALATI: And he is employed by the  
20 Energy Commission.

21 (Interpreter translates.)

22 MS. GARNICA: So what this indicates  
23 here, then, us that you're going to hand in -- the  
24 Blythe Energy project hands in reports to the  
25 Energy Commission, and then they -- then they tell

1       you guys that yeah, it's time now to -- or is --  
2       what's the time, the time -- from the time that  
3       you submit that it needs to be installed, from the  
4       time that the Energy Commission gets back to -- or  
5       actually it gets -- the job gets done for the  
6       community. You know, my -- my concern is that  
7       families are going to be left with a trickle of  
8       water.

9                       (Interpreter translates.)

10                   MR. GALATI: If families are left with a  
11       trickle of water, it will not be -- be because the  
12       project is pumping groundwater. Because the  
13       project cannot pump groundwater until the project  
14       manager signs off on the condition, and allows the  
15       project to pump groundwater. It is impossible to  
16       determine how long that process will take.

17                   (Interpreter translates.)

18                   MR. GALATI: The Applicant is committed  
19       to making it happen quickly, so that they can  
20       begin commercial operation of the power plant as  
21       soon as possible.

22                   (Interpreter translates.)

23                   MS. GARNICA: Okay. So then there is no  
24       specific time that this can happen, then. It's  
25       not to where we can say okay, you have a certain

1 amount of days to do this, a certain amount of  
2 days to do that. Because they'll just --

3 (Interpreter translates.)

4 HEARING OFFICER BOUILLON: Except I  
5 think that I can add that any improvements that  
6 need to be made in the Mesa water -- Mesa Verde  
7 Water District will be made before they begin to  
8 pump. And that is the responsibility of the  
9 California Energy Commission Project Manager.

10 (Interpreter translates.)

11 MS. GARNICA: Okay. So then that would  
12 mean, then, that until all that is taken care of,  
13 then the -- the Blythe Energy Project cannot be  
14 established until the water is going to be taken  
15 care of first?

16 (Interpreter translates.)

17 MS. DeCARLO: This is Lisa DeCarlo,  
18 Staff Counsel. All impacts to local wells caused  
19 by the project must be mitigated before the  
20 project can begin commercial operation.

21 (Interpreter translates.)

22 MR. GALATI: And I just want to be clear  
23 to the members of the public, the project will not  
24 be installing a new well at Mesa Verde if the  
25 project will not impact that well.

1 (Interpreter translating Mr. Galati's  
2 comments.)

3 MR. GALATI: Our analysis shows now that  
4 the project will not impact that well. The Energy  
5 Commission didn't believe us. They required this  
6 condition to further review very specific  
7 analyses, to ensure the project will not impact  
8 that well.

9 If such -- if the Energy Commission  
10 determines that an impact may occur, the well  
11 needs to be fixed prior to operation.

12 MS. GARNICA: So then that -- that means  
13 then that when you give a permit, or you give a  
14 license, the license is not that it is okay to  
15 start, the license is only that all the process,  
16 as far as the mitigation is completed, or --

17 (Interpreter translates.)

18 MS. GARNICA: -- or does that mean that  
19 from the time that the license is permitted, or  
20 the certification is permitted, does that only  
21 mean that it's only -- what does that -- exactly  
22 does that mean?

23 (Interpreter translates.)

24 HEARING OFFICER BOUILLON: I'm going to  
25 ask you, Ms. Garnica, to turn to some other area.

1 But before I do, I am going to try to summarize  
2 what has been said.

3 What this conditions means, as I  
4 understand Mr. Galati and the Staff, is that all  
5 required mitigation would take place before any  
6 groundwater is pumped for operation of that power  
7 plant.

8 (Interpreter translates.)

9 HEARING OFFICER BOUILLON: And not say  
10 at this time exactly what will be required. And  
11 this condition was required to ensure that all  
12 contingencies were covered, so that the net impact  
13 on the community of Mesa Verde will be zero.

14 (Interpreter translates.)

15 MS. GARNICA: Okay.

16 HEARING OFFICER BOUILLON: So if you  
17 would please turn to any other comments you have  
18 at this time.

19 MS. GARNICA: So then, I still didn't  
20 know what -- what exactly, when -- when actually  
21 starts, like if the Blythe Energy Project gets  
22 certified or permitted, or licensed, or whatever,  
23 I still didn't understand what is it exactly that  
24 they can do once that happens.

25 (Interpreter translates.)

1 HEARING OFFICER BOUILLON: We -- we're  
2 not going to have an answer to that question  
3 again. That question will be considered, and the  
4 parties may respond to it in the next round.

5 MS. GARNICA: It's just that I -- I  
6 don't understand how, because I don't know, you  
7 know, because if mitigation -- mitigation is  
8 entailed into certain components of this process,  
9 you know, of applying to set up a plant, I don't  
10 understand if the mitigation overlaps the permit,  
11 or if it's -- if it's mitigated prior to the  
12 permit, or if it's, you know, I don't understand  
13 how it goes, because -- and then if I don't  
14 understand how this -- how the process is to be  
15 done, and I can't get an answer, then it -- it's  
16 to say that I am just wasting my time.

17 (Interpreter translates.)

18 MS. GARNICA: Okay. I was just given a  
19 note that it's mitigation before operation.

20 (Interpreter translates.)

21 MS. GARNICA: Okay. So that would mean,  
22 then --

23 HEARING OFFICER BOUILLON: What it means  
24 is that if it needs to be fixed, it will be fixed  
25 before operation.

1 (Interpreter translates.)

2 MS. GARNICA: And that I, as an  
3 Intervenor, can interject at any time during this  
4 process, as far as days, months, or whatever new  
5 discoveries or whatever, it's -- that's it. Does  
6 it become a dead issue, or --

7 (Interpreter translates.)

8 HEARING OFFICER BOUILLON: You, or any  
9 member of the public, can interact with the  
10 Project Manager -- excuse me, the Compliance  
11 Project Manager to express concerns, or -- or  
12 point out deficiencies in compliance by the  
13 Applicant. And it is the responsibility of the  
14 California Energy Commission to make sure that  
15 those concerns are dealt with.

16 (Interpreter translates.)

17 MS. GARNICA: Okay. So then that means  
18 that on -- on page -- is it this one -- then that  
19 means that the page where it indicated that --  
20 156, where it says, although no landfills are  
21 located onsite, the Blythe Airport has an inactive  
22 landfill less than one mile up gradient from the  
23 site, and yet previous to that it says on the  
24 first dot, the only toxic pit identified is  
25 located greater than one mile to the west of the

1 site.

2 (Interpreter translates.)

3 MS. GARNICA: Okay. So now that what  
4 has been said, that what the California Energy  
5 Commission's responsibility is, and ours, as  
6 community people of interest, then shouldn't it be  
7 that we should thoroughly investigate and see to  
8 it that toxic levels of that landfill that's there  
9 be cleared up first? Because how can you mitigate  
10 that if that hasn't been finished, that task has  
11 not been accomplished yet?

12 (Interpreter translates.)

13 MS. GARNICA: So that -- so that's what  
14 now that, you know, that you have said that, the  
15 -- if that's our responsibility, okay. We can't  
16 comment, but the idea is that the comments be  
17 taken into account. I'm not only talking about an  
18 Intervenor, I am talking about as an Intervenor.  
19 I'm talking about other people who have pointed  
20 certain things that pertain to that toxic area in  
21 the Mesa Verde, be taken to account as was filed  
22 previously, so that therefore, that task of seeing  
23 that, like the tanks, be searched for. I didn't  
24 see anything in that.

25 (Interpreter translates.)

1                   MS. GARNICA:  So shouldn't that be  
2                   investigated first, and isn't that part of the --  
3                   the thing, or -- see, if we just continue  
4                   submitting documentation of certain things that we  
5                   find, as community members, who actually goes and  
6                   investigates to see if that's there, and completes  
7                   the task of fulfilling that investigation?

8                   (Interpreter translates.)

9                   HEARING OFFICER BOUILLON:  That  
10                  question, like your other comments, may be  
11                  commented on by either the Staff or the Applicant  
12                  when they get their turn again.  But in any event,  
13                  your comments and questions will be carefully  
14                  considered by this Committee in determining  
15                  whether or not there needs to be any additions or  
16                  corrections to the Proposed Decision.

17                  (Interpreter translates.)

18                  MS. GARNICA:  So that would be by March  
19                  21st?  If I'm not -- I could be -- is that the  
20                  final day for these first 30 days, and then --

21                  (Interpreter translates.)

22                  HEARING OFFICER BOUILLON:  The final  
23                  date for public comment on the Proposed Decision  
24                  is, I believe, this coming Monday.

25                  MS. GARNICA:  Okay.  And then the date

1 by which the Commission makes their Final  
2 Decision, is there a date, or it's just depending  
3 on how everything is assessed and put together?

4 (Interpreter translates.)

5 HEARING OFFICER BOUILLON: If a revised  
6 decision is not required, but can simply be  
7 handled by preparing what we call an Errata, then  
8 if it's currently on the full Commission's  
9 calendar, I believe, for March the 21st, for the  
10 regular Business Meeting of the California Energy  
11 Commission, which I believe commences at 10:00  
12 o'clock, in the morning. It may or may not be  
13 considered and voted on at that hearing. The --  
14 the Commission, as a whole, may decide to vote on  
15 it on that date, or they may decide to continue it  
16 to a later date. If they do decide to vote on it,  
17 that will constitute the final decision of the  
18 California Energy Commission.

19 (Interpreter translates.)

20 MR. BOYD: This is Mike Boyd. I have a  
21 point of information.

22 HEARING OFFICER BOUILLON: Mr. Boyd, you  
23 will get your turn.

24 (Interpreter translates.)

25 HEARING OFFICER BOUILLON: Please

1 continue, Ms. Garnica.

2 MS. GARNICA: Okay. So then that means  
3 that to discover if the -- that toxic that's  
4 around the area, that Final Staff Assessment has,  
5 you know, has recorded that it's there, to find  
6 out whether those other tanks are there or not,  
7 isn't there a way that Staff can do that research  
8 instead of having -- the Blythe Energy Project had  
9 a company go out there that, I guess it's  
10 contracted by them, or it's by the city that --

11 PRESIDING MEMBER KEESE: Please, Ms.  
12 Garnica, make a statement.

13 MS. GARNICA: Okay. Well, I need to  
14 know if instead of having somebody else, you know,  
15 do internal monitoring, isn't there a way that  
16 some -- the Staff can go and see if those -- look  
17 for those discoveries, do the research themselves,  
18 instead of --

19 (Interpreter translates.)

20 HEARING OFFICER BOUILLON: Are you  
21 making any specific proposal about what could be  
22 done to the Proposed Decision?

23 MS. GARNICA: Yes.

24 HEARING OFFICER BOUILLON: To satisfy  
25 that criteria?

1 MS. GARNICA: Yes.

2 (Interpreter translates.)

3 MS. GARNICA: Yes.

4 HEARING OFFICER BOUILLON: And what is  
5 that proposal?

6 MS. GARNICA: That -- that the  
7 investigation be done for the toxic that is found  
8 near the proposed site, that -- but that it be  
9 done by an outside and not so much by people from  
10 the area of -- within Blythe.

11 (Interpreter translates.)

12 MS. GARNICA: Because I took it upon  
13 myself to go do some of that research, and I -- it  
14 was overwhelming, because I'm just an average  
15 citizen, and I don't have the resources to try to  
16 do that.

17 (Interpreter translates.)

18 MS. GARNICA: And the Blythe Energy  
19 Project, the whole group, they did go out there,  
20 but it was not -- I didn't get into that. My  
21 brain, part of it.

22 So that would be taken into account,  
23 then, that it be -- an investigation be done prior  
24 to the Proposed Decision?

25 That is the proposal that I am making.

1 (Interpreter translates.)

2 HEARING OFFICER BOUILLON: All I can  
3 tell you at this time is that your comments will  
4 be taken into consideration by this Committee. We  
5 are not at this hearing going to make any  
6 decisions whatsoever.

7 (Interpreter translates.)

8 MS. GARNICA: Okay. At this point I  
9 don't -- I don't have anything further for right  
10 now. I can come back up, right? Or is this --

11 PRESIDING MEMBER LAURIE: Thank you.  
12 Yes, we're going to --

13 (Interpreter translates.)

14 HEARING OFFICER BOUILLON: At this time  
15 I'd like to ask Mr. Galati if he has any response  
16 to anything that he's heard so far.

17 MR. GALATI: With respect to the  
18 references to toxic pit.

19 (Interpreter translating Mr. Galati's  
20 comments.)

21 MR. GALATI: Earlier on in the process,  
22 Ms. Garnica contended that there were underground  
23 tanks that would somehow impact well owners in the  
24 area from the project's pumping. The City of  
25 Blythe and the County of Riverside conducted

1 investigations with Ms. Garnica, or a  
2 representative of Ms. Garnica, present at at least  
3 -- on at least two occasions.

4 The underground storage tanks were not  
5 found. In addition, the evidentiary record  
6 supports that even if there were tanks there is no  
7 evidence that the project pumping would cause any  
8 migration. However, to ensure this, the Energy  
9 Commission included another condition requiring  
10 the project to test its -- the water it pumps with  
11 a complete analysis to identify any potential  
12 contamination.

13 I believe that's the only comment, other  
14 than the water, which I already answered.

15 HEARING OFFICER BOUILLON: Ms. DeCarlo,  
16 do you have any response?

17 MS. DeCARLO: I would just like to add  
18 that Waste Condition of Certification 4 and 5 also  
19 requires that the Applicant hire an environmental  
20 professional, and that if there's any -- any  
21 evidence of contaminated soil found during  
22 construction, that -- that that professional be  
23 consulted and a plan of action.

24 (Interpreter translates.)

25 MS. DeCARLO: That a plan of action be

1 determined. And the CPM will be involved in all  
2 of those decisions.

3 That's all of Staff's comments.

4 (Interpreter translates.)

5 MR. SHAW: I'd like to add, CPM is the  
6 Compliance Project Manager.

7 (Interpreter translates.)

8 MR. GALATI: Excuse me. Mr. Bouillon, I  
9 didn't address -- do I have an opportunity to  
10 address Staff's response to our comments?

11 HEARING OFFICER BOUILLON: Absolutely.

12 (Interpreter translating Mr. Galati's  
13 comments.)

14 MR. GALATI: With respect to SOCIO-2,  
15 we'd point out that SOCIO-2 does not mitigate any  
16 identified significant environmental impact, and  
17 although the Applicant has repeatedly committed to  
18 procure materials, when we can, that will not  
19 violate federal law, as well as existing union  
20 agreements, it would be extremely cumbersome to  
21 have the CPM review every purchasing decision and  
22 require Blythe Energy to demonstrate how it cannot  
23 purchase materials in the Blythe area months  
24 before the purchase, and -- and also keep an  
25 expedited construction schedule.

1                   Most of the supplies and purchases that  
2                   will be obtained will not just be one month  
3                   purchases. And so a verification that requires  
4                   what has been purchased a month prior will give  
5                   the Energy Commission ample opportunity to suggest  
6                   changes without requiring a cumbersome approval  
7                   process.

8                   With respect to the condition on  
9                   milestones, Staff also said this condition was not  
10                  burdensome. With all due respect, we point out  
11                  the Commission has not required such a condition,  
12                  and the Applicant, who is in the business of  
13                  building and constructing power plants, informs  
14                  the Committee that it is extremely burdensome, and  
15                  may have the opposite effect intended by Staff to  
16                  ensure that projects are constructed  
17                  expeditiously. If potential financing options see  
18                  the ability of the Energy Commission to forfeit  
19                  the license because foundations weren't completed  
20                  by a special date, those financing opportunities  
21                  may look elsewhere for attractive investments that  
22                  are not subject to that same risk.

23                  So if the Staff intends for the project  
24                  to be constructed and feels that the market does  
25                  not provide enough incentive, this condition

1 should not be adopted.

2 As well, as the investment that the  
3 Applicant has already made demonstrates the  
4 willingness, especially during these times in  
5 which commitments to purchase equipment are made  
6 prior to receiving a permit, we would reiterate  
7 that the Executive Order is a trade-off. If the  
8 Energy Commission expedites review and waives its  
9 regulations, it should be entitled to some  
10 assurance that that special treatment was --  
11 actually would yield power to the State of  
12 California.

13 Although this project repeatedly asked  
14 for expedited review, it was not granted any  
15 waivers of regulations.

16 That concludes my rebuttal.

17 HEARING OFFICER BOUILLON: Ms. DeCarlo,  
18 would you like to respond?

19 (Interpreter translating Ms.  
20 DeCarlo's comments.)

21 MS. DeCARLO: Yes, some minor comments.

22 One, the milestones will be applied to  
23 all subsequent projects. Therefore, the Applicant  
24 will be on an equal footing with all subsequent  
25 projects approved by the California Energy

1 Commission.

2 Two, we believe that the milestones are  
3 required by the Executive Order.

4 And, three, the milestones simply  
5 require that the Applicant give us a general idea  
6 of when certain aspects of the project will be  
7 completed, a general timeline. And there are  
8 several aspects that if the project owner does not  
9 meet the milestones, it doesn't necessarily mean  
10 that the certification is automatically forfeited.  
11 If the change in the milestone does not affect the  
12 established commercial operation time, there's no  
13 forfeiture. If the milestone is changed due to  
14 circumstances beyond the owner's control, there's  
15 no forfeiture.

16 If the milestone will be missed, but  
17 there's a good faith effort on the part of the  
18 Applicant to meet the project milestone, there  
19 will be no forfeiture. And if the milestone is  
20 missed due to unforeseen natural disasters, there  
21 will be no forfeiture.

22 MS. LOOFBOUROW: I'm sorry, could you  
23 repeat that last sentence?

24 MS. DeCARLO: If the milestone is missed  
25 there will be -- due to unforeseen natural

1           disasters.

2                     (Interpreter translating Ms.

3                     DeCarlo's comments.)

4                     MS. DeCARLO: This just gives Staff an  
5                     opportunity to review the progress of the  
6                     construction of the power plant to ensure that  
7                     things are going according to schedule.

8                     And that concludes Staff's comments.

9                     PRESIDING MEMBER KEESE: Ms. DeCarlo,  
10                    may I ask a question.

11                    MS. DeCARLO: Sure.

12                    PRESIDING MEMBER KEESE: You -- you  
13                    attached Order 25 in your filing?

14                    MS. DeCARLO: Yes.

15                    PRESIDING MEMBER KEESE: Are you -- are  
16                    you suggesting that the Blythe plant was  
17                    expedited, the process for Blythe was expedited?

18                    MS. DeCARLO: No, not at all.

19                    PRESIDING MEMBER KEESE: Are you  
20                    suggesting that it involves post certification  
21                    amendments?

22                    MS. DeCARLO: No. It is Staff's  
23                    contention that the paragraph requiring the  
24                    milestones stands alone and apart from the  
25                    previous paragraphs.

1 (Interpreter translates.)

2 HEARING OFFICER BOUILLON: Ms. DeCarlo,  
3 if that paragraph stands alone, what is the  
4 meaning of this purpose in the first line?

5 (Interpreter translates.)

6 MS. DeCARLO: I'm sorry, that's not the  
7 paragraph that requires the milestones. It's the  
8 paragraph below that one. And in the paragraph  
9 that requires the milestones, there's no mention  
10 made whatsoever of any simple cycle facility or  
11 expedited process.

12 (Interpreter translating Ms.  
13 DeCarlo's comments.)

14 MS. DeCARLO: It is Staff's belief that  
15 the Executive Order, at least this paragraph, is  
16 meant to ensure that even if a project approved by  
17 the Energy Commission is not on an expedited  
18 review, that it -- we at least can be assured that  
19 it will be built eventually, and on a -- a  
20 timeline that -- that allows for further energy to  
21 be put into California before -- to resolve the  
22 energy crisis as soon as possible.

23 PRESIDING MEMBER KEESE: Thank you.

24 HEARING OFFICER BOUILLON: Ms. Garnica,  
25 do you have any final responses or comments?

1 MS. GARNICA: Yes. You know, I forgot  
2 to attach some pictures that go along with what  
3 was introduced prior, so I guess I -- why don't I  
4 just hand this over to the Staff, or to --

5 (Interpreter translates.)

6 HEARING OFFICER BOUILLON: Would you  
7 please hand those to Roberta, our Public Adviser.

8 MS. GARNICA: And I have no other  
9 further comments.

10 HEARING OFFICER BOUILLON: Okay.

11 (Interpreter translates.)

12 PRESIDING MEMBER KEESE: Thank you.

13 HEARING OFFICER BOUILLON: Ms. Garnica.

14 MR. BOYD: This is Mr. Boyd. I would  
15 request Ms. Garnica keep that --

16 HEARING OFFICER BOUILLON: Mr. Boyd,  
17 hang on a second, will you.

18 MR. BOYD: -- until I have an  
19 opportunity to speak, please.

20 HEARING OFFICER BOUILLON: Roberta,  
21 could I see those?

22 Ms. Garnica, these --

23 MS. GARNICA: Photographs.

24 HEARING OFFICER BOUILLON: -- apparently  
25 three photographs that I'm looking at, are you

1 saying those should have been attached to --

2 MS. GARNICA: The Smallwood --

3 HEARING OFFICER BOUILLON: -- the

4 comments that were submitted by CARE --

5 MS. GARNICA: Yes.

6 MR. BOYD: That's correct.

7 HEARING OFFICER BOUILLON: -- this

8 morning?

9 MS. GARNICA: Yes.

10 HEARING OFFICER BOUILLON: By Dr.

11 Smallwood?

12 MS. GARNICA: That is correct. Yes.

13 (Interpreter translates.)

14 HEARING OFFICER BOUILLON: And am I to  
15 understand that none of the other parties received  
16 a copy of these?

17 MS. GARNICA: No, because they couldn't  
18 -- last night, when I was faxing them, I didn't  
19 want to fax the -- the pictures through the fax  
20 machine, it wouldn't -- it wouldn't get them, so,  
21 I mean, you know, as -- they wouldn't make an  
22 impact on your vision if they were -- where  
23 they're not as clear as you have them now. So --

24 (Interpreter translates.)

25 HEARING OFFICER BOUILLON: We will

1 accept those photographs, and I will make them  
2 available both to the Applicant and to the Staff.  
3 They are color photographs. I don't know how well  
4 they will reproduce, but we'll make some  
5 arrangements to distribute them.

6 MS. GARNICA: Thank you. CARE has hard  
7 copies.

8 (Interpreter translates.)

9 PRESIDING MEMBER KEESE: Thank you.

10 At this time we now have -- are going to  
11 take -- hear from the public, and we have another  
12 hour and 15 minutes to do that. We have nine  
13 people at this hearing who have indicated that  
14 they wish to speak by filling in the blue cards.

15 (Interpreter translating Presiding  
16 Member Keese's comments.)

17 PRESIDING MEMBER KEESE: We have 13  
18 members of the public on the phone who we also  
19 will give a chance to make a comment. I will -- I  
20 will call -- we will first hear from some of the  
21 people who are here in the audience, and then we  
22 will take people on the phone, and we will go back  
23 and forth between people who are here in the  
24 audience and people who are on the phone.

25 Could I at this time find out -- I will

1 ask the people on the phone to do this for me,  
2 please, to identify yourself, your organization,  
3 if you have one, and if all you want to indicate  
4 is your support or opposition, indicate that at  
5 this time.

6 If you would like to speak, let us know  
7 that and we will put you on our list.

8 At this time I am going to assume that  
9 Mike Boyd wishes to speak.

10 Could we hear from someone else who's on  
11 the phone?

12 MR. WEISE: Randy Weise, from Blythe,  
13 California. I don't wish to make a comment, other  
14 than the fact that I live within a two-mile radius  
15 of the projected plant. I am in favor. I operate  
16 two groundwater wells, one for my domestic use and  
17 one for farm agricultural use, and been shown no  
18 significance against my wells.

19 Thank you.

20 PRESIDING MEMBER KEESE: Thank you, Mr.  
21 Weise.

22 (Interpreter translates.)

23 PRESIDING MEMBER KEESE: Do we have Mr.  
24 Fulton on the line?

25 MR. FULTON: Yes, I'm on the line. I'm

1 in charge of the --

2 PRESIDING MEMBER KEESE: Do you care to  
3 speak, or do you -- would you just like to  
4 characterize a position on this issue?

5 MR. FULTON: I am a representative of  
6 the Blythe Chamber of Commerce, and we just want  
7 to put our support in. I don't wish to speak.

8 PRESIDING MEMBER KEESE: Thank you.

9 (Interpreter translates.)

10 PRESIDING MEMBER KEESE: Do we have  
11 anybody else on the phone, please.

12 MR. BARROWS: I'm Floyd Barrows, I'm  
13 President of Palo Verde Healthcare District, and I  
14 wish to express very strong support for the  
15 facility.

16 PRESIDING MEMBER KEESE: Thank you.

17 (Interpreter translates.)

18 PRESIDING MEMBER KEESE: Anyone else?

19 Under that circumstance, I believe the  
20 easiest way to handle this, we'll let Mike Boyd  
21 make an opening -- your statement at this time.  
22 At this time you're the only one on the phone who  
23 has indicated a wish to speak.

24 (Interpreter translates.)

25 HEARING OFFICER BOUILLON: Mr. Boyd,

1 before you begin, please speak with frequent  
2 pauses so that whatever you have to say can be  
3 translated.

4 (Interpreter translates.)

5 COMMISSIONER LAURIE: Mr. Chairman, I  
6 would suggest that when it comes to communications  
7 with the individuals on the -- on the telephone,  
8 that it's very -- going to be very difficult to  
9 translate instantaneously. I would thus suggest  
10 that the translator paraphrase following  
11 statements by paragraph, as opposed to sentence by  
12 sentence.

13 PRESIDING MEMBER KEESE: Thank you.  
14 That's what we will do.

15 You heard that, Mike?

16 MR. BOYD: What you're saying is do one  
17 paragraph at a time, and then stop?

18 PRESIDING MEMBER KEESE: At -- at  
19 appropriate times we're going to have the  
20 interpreter paraphrase what you have said. We're  
21 not going to do a word by word.

22 MR. BOYD: Okay. Well, good luck.

23 PRESIDING MEMBER KEESE: Well, we're  
24 going to give you about a maximum of seven minutes  
25 here.

1                   MR. BOYD: That should be more than  
2                   adequate.

3                   (Objections from the audience.)

4                   MS. GARNICA: Can I object to that?

5                   PRESIDING MEMBER KEESE: Just Mr. Boyd.

6                   We're not --

7                   MS. GARNICA: And just --

8                   (Objections from the audience.)

9                   PRESIDING MEMBER KEESE: Everybody here  
10                  is going to be translated. We weren't talking  
11                  about people on the phone, we were talking about  
12                  only Mr. Boyd. If you'd like --

13                  (Objections from the audience.)

14                  PRESIDING MEMBER KEESE: That's fine.

15                  We have a limited amount of time. If that's what  
16                  you'd like, that's fine.

17                  Mr. Boyd, we'll translate everything  
18                  verbatim. Take all the time you wish, Mr. Boyd.

19                  (Interpreter translates.)

20                  MR. BOYD: Just tell me when to go.

21                  COMMISSIONER LAURIE: Mr. Chairman --  
22                  just a moment, Mr. Boyd.

23                  Mr. Chairman, recognizing the time  
24                  constraints, how much time are you going to  
25                  provide Mr. Boyd?

1                   PRESIDING MEMBER KEESE: All right. Mr.  
2 Boyd, we'll give you seven minutes.

3                   MR. BOYD: That is sufficient.

4                   (Interpreter translates.)

5                   PRESIDING MEMBER KEESE: Thank you.

6                   (Interpreter translates.)

7                   MR. BOYD: Just tell me when to begin.

8                   (Interpreter translates.)

9                   MR. BOYD: Okay. My name is Mike Boyd,  
10 and I'm the President of Californians for  
11 Renewable Energy, Inc., CARE. We're a non-profit  
12 501C3 corporation.

13                   PRESIDING MEMBER KEESE: You've got to  
14 stop.

15                   (Interpreter translates.)

16                   MS. LOOFBOUROW: I'm sorry, I didn't get  
17 the name of that organization. California --

18                   MR. BOYD: For Renewable Energy.

19                   (Interpreter translates.)

20                   MS. LOOFBOUROW: Thank you.

21                   MR. BOYD: CARE is our acronym.

22                   And the reason that CARE is involved in  
23 this proceeding is because Carmela is a member of  
24 CARE.

25                   PRESIDING MEMBER KEESE: That's all --

1 that's all you can give, Mike. You have to just  
2 stop after each --

3 (Interpreter translating  
4 Mr. Boyd's comments.)

5 MR. BOYD: Okay. At the request of  
6 Carmela, we have retained Dr. Smallwood to prepare  
7 comment and provide an analysis --

8 MS. LOOFBOUROW: Excuse me?

9 MR. BOYD: -- for this project.

10 (Interpreter translating  
11 Mr. Boyd's comments.)

12 MR. BOYD: A cursory review of the  
13 project's environmental documents discloses  
14 numerous instances of omission, piecemealing and  
15 minimization of both environmental and  
16 socioeconomic impact on the Blythe community.

17 The federal code requires equal  
18 treatment irrespective of race or income. CARE  
19 contends that the CEC is discriminating with  
20 intent in regards to the low income and minority  
21 community of Blythe. CARE contends that the same  
22 standards of review and mitigation are not being  
23 considered by the CEC in regard to the low income  
24 and minority community of Blythe, as are being  
25 provided in the low income and minority community

1 of Nueva Azalea, which is in South Gate,  
2 California, or an agricultural community of  
3 Sutter, California.

4 MS. LOOFBOUROW: I'm sorry, could you  
5 repeat that.

6 MR. BOYD: We've had --

7 PRESIDING MEMBER KEESE: He said as in  
8 the community of Nueva Azalea.

9 MS. LOOFBOUROW: Oh, okay.

10 PRESIDING MEMBER KEESE: Nueva Azalea  
11 was the first one.

12 (Interpreter translating Mr. Boyd's  
13 comments.)

14 MR. BOYD: And with the agricultural  
15 community of Sutter, California. In regards to  
16 the civil rights of the Blythe community, the  
17 Final Staff Assessment concludes because Staff  
18 determined that there was not a significant impact  
19 on any population, no disproportionate impact  
20 analysis was necessary. The Blythe FSA identifies  
21 the population of Blythe as 54 percent minority.

22 Now, Dr. Smallwood also did an in depth  
23 analysis on impacts, and in his impact analysis  
24 concluded some problem with the environmental  
25 documents. These include piecemealing release of

1 planning documents; deferring the formulation of  
2 the mitigation plan to a later date, outside the  
3 time period during which the public can  
4 meaningfully participate; ignoring obvious  
5 substantial impacts; minimizing estimates of  
6 impacts; contriving and assessing overly narrow  
7 ranges of alternative sites and energy generation  
8 measures, project operation and mitigation  
9 measures.

10 Okay. Now I will give two examples of  
11 impacts that were not addressed. The first of  
12 these impacts would be the creation of an  
13 ecological sink.

14 MS. LOOFBOUROW: Did you say -- could  
15 you read the last two words?

16 MR. BOYD: What's that?

17 MS. LOOFBOUROW: Could you repeat the  
18 last two words, please.

19 MR. BOYD: The first of these impacts  
20 would be the creation of an ecological sink.

21 (Interpreter translates.)

22 MR. BOYD: Ecological sink.

23 MS. LOOFBOUROW: Okay.

24 (Interpreter translating Mr.

25 Boyd's comments.)

1                   MR. BOYD: Okay. The 16 acres of solar  
2                   evaporation ponds would more than displace 16  
3                   acres of habitat.

4                   PRESIDING MEMBER KEESE: One minute, Mr.  
5                   Boyd.

6                   (Interpreter translating Mr.  
7                   Boyd's comments.)

8                   MR. BOYD: Okay. If you could hold  
9                   those pictures up now, for the public to see.

10                  HEARING OFFICER BOUILLON: Mr. Boyd, I  
11                  don't believe that they're of such a size that  
12                  anybody could really see them. I would be glad to  
13                  hold them up, but I don't believe anybody can see  
14                  these from the audience.

15                  MR. BOYD: Well, if you could make them  
16                  available if they wish to see them.

17                  HEARING OFFICER BOUILLON: I will make  
18                  them available for review of the audience at the  
19                  conclusion of this hearing.

20                  (Interpreter translates.)

21                  MR. BOYD: Thank you.

22                  (Interpreter translating Mr.  
23                  Boyd's comments.)

24                  MR. BOYD: The solar evaporation ponds  
25                  were not assessed for their role in attracting

1 congregating birds which cause a bird aircraft  
2 strike hazard, or BASH. As I understand it, FAA  
3 regulations disallow actions that increase the  
4 occurrence of congregating waterfowl within five  
5 miles of an airport.

6 In this case, the solar evaporation  
7 ponds would be constructed less than one mile from  
8 the end of the runway of the local airport.

9 PRESIDING MEMBER KEESE: Thank you, Mr.  
10 Boyd. You have one final sentence.

11 MR. BOYD: In conclusion, CARE requests  
12 that other members who are speaking for the public  
13 repeat what I'm going to say, which is that what I  
14 have just said, I swear under penalty of perjury  
15 that it is true, to the best of my knowledge. And  
16 we have put this information in the record --

17 PRESIDING MEMBER KEESE: That --

18 MR. BOYD: -- to prepare for a judicial  
19 challenge.

20 PRESIDING MEMBER KEESE: -- she's got --  
21 we have to translate. We have to --

22 MR. BOYD: Thank you.

23 (Interpreter translates.)

24 MR. BOYD: I only have a sentence,  
25 though.

1 (Interpreter translates.)

2 PRESIDING MEMBER KEESE: Thank you, Mr.

3 Boyd.

4 MR. BOYD: Thank you.

5 PRESIDING MEMBER KEESE: We will next

6 call on Maria Rubio.

7 MS. LOOFBOUROW: Mario Rubio, R-u-b-i-o?

8 PRESIDING MEMBER KEESE: Maria Rubio.

9 MS. GARNICA: I was just unclear on  
10 something. If somebody's given like seven  
11 minutes, as Mr. Boyd, does that mean that's  
12 included in the translation, or is the seven  
13 minutes included for Mr. Boyd only?

14 (Interpreter translates.)

15 PRESIDING MEMBER KEESE: What I have is  
16 I have nine people who would like to speak. We  
17 have one hour.

18 FROM THE AUDIENCE: Why is that? Why  
19 does this have to end at one o'clock? This is  
20 supposed to be a public conference.

21 PRESIDING MEMBER KEESE: This is a  
22 public --

23 MR. BOYD: I thought you worked for the  
24 public, that you should be there.

25 PRESIDING MEMBER KEESE: This is a

1 public conference.

2 FROM THE AUDIENCE: This is a public  
3 conference --

4 MR. BOYD: But you're working for the  
5 public. You need to -- whatever you have to go to  
6 is not more important than this meeting to these  
7 people that have come here.

8 (Interpreter translates.)

9 PRESIDING MEMBER KEESE: That's correct.

10 (Parties speaking simultaneously.)

11 FROM THE AUDIENCE: And I think you need  
12 to reschedule -- go to one o'clock and then  
13 schedule a new hearing in Mesa Verde or Blythe --

14 (Parties speaking simultaneously.)

15 PRESIDING MEMBER KEESE: We -- we have a  
16 translator here. We can't handle more than one  
17 conversation at the same time.

18 My plan is to allow each person now,  
19 nine people, if we give them each seven minutes,  
20 we will finish. So I would -- if somebody doesn't  
21 take seven minutes, that will leave more time for  
22 others.

23 (Interpreter translates.)

24 MS. GARNICA: I just wanted to know if  
25 the seven minutes is included with the

1 translation, or is the seven minutes per person.

2 (Interpreter translates.)

3 PRESIDING MEMBER KEESE: Seven minutes  
4 -- seven minutes per person, with translation,  
5 will get us -- will take care of the nine  
6 witnesses I have here.

7 (Parties speaking simultaneously.)

8 PRESIDING MEMBER KEESE: We're delaying  
9 the start of public testimony right now.

10 FROM THE AUDIENCE: No, you're making a  
11 mockery of public testimony by saying it has to  
12 end at one o'clock.

13 (Interpreter translates.)

14 PRESIDING MEMBER KEESE: Maria Rubio.

15 MR. BOYD: Ed, or the -- I just have a  
16 question, that's all. A quick question, real  
17 quick.

18 We -- the Intervenor filed a request for  
19 a continuance, and we have heard no response to  
20 that request. And that request was made at the  
21 request of Dr. Smallwood, because we just got the  
22 mitigation plan on the first.

23 (Interpreter translates.)

24 HEARING OFFICER BOUILLON: I'm not aware  
25 of any unanswered motion in this case.

1 (Interpreter translates.)

2 PRESIDING MEMBER KEESE: Ms. Rubio.

3 MS. RUBIO: (Through Interpreter) Good  
4 afternoon. My name is Maria Rubio. I live in  
5 Mesa Verde, 1880 Blythe Way. And I am hearing  
6 what you are talking about the plant that you want  
7 to build there.

8 Personally, I want to tell you that I --  
9 I've lived in Mesa Verde for seven years, and you  
10 want to build a plant that is going to be using  
11 gallons and millions of gallons of water, and in  
12 seven years I have not been able to obtain water  
13 for my own use in my own home?

14 My -- I am telling you that this is not  
15 just. My husband built a little wheelbarrow where  
16 I carry water from Mesa, and for our own personal  
17 use. It's less than a mile from where I live from  
18 the little town of Mesa Verde, and I have -- I  
19 have still not been able to obtain water.

20 I had four children. Right now I only  
21 have two with me. For three gallons of water that  
22 I carried to my house, they're containers of 100  
23 gallons each, and they would last for two or three  
24 days. Sometimes at 12 -- from 12:00 o'clock at  
25 night or 1:00 o'clock in the morning, water would

1 run out and I would just be out of water for our  
2 own use.

3 When it was hot, we were -- we felt  
4 horrible. We -- it was extremely hot. I have  
5 talked to the water representatives and I have  
6 been told that I don't belong to Mesa Verde. So  
7 where am I supposed to go? I pay my taxes. I  
8 come from Blythe, we spent the night traveling to  
9 find out whether you can help me.

10 Since 1994 I have been living there. I  
11 am ill. I suffer from diabetes. I suffer from  
12 high blood pressure. Summertime, when it's really  
13 hot, I have to go get water and I have to walk  
14 about a mile and a half. I would like everybody  
15 who's here today to consider that. For these  
16 seven years my showers have been with a can, we  
17 pour the can over our heads, with children.

18 Maybe you would say this is not what  
19 we're talking about, because you're talking about  
20 things that are more important. But to me, that  
21 is really important, for seven years I have not  
22 had water.

23 PRESIDING MEMBER KEESE: Thank you.

24 MS. RUBIO: (Through Interpreter) And I  
25 would like you to consider that. And I want to

1 thank you.

2 PRESIDING MEMBER KEESE: Thank you, Ms.

3 Rubio.

4 Martha Guzman.

5 MS. LOOFBOUROW: Martha Guzman, G-u-z-m-

6 a-n.

7 MS. GUZMAN: Good morning. I'm just

8 going to read something that I sent to the

9 Commission already previously.

10 (Interpreter translating Ms.

11 Guzman's comments.)

12 MS. GUZMAN: My name is Martha Guzman.

13 I'm from the United Farm Workers here in

14 Sacramento. We went to Blythe a few months ago

15 for another issue, and we became aware of this --

16 this -- actually, we were in Mesa Verde. And this

17 issue became a big concern to us because our

18 membership -- because our membership that is

19 primarily in Mesa Verde also works on the area

20 that's adjacent to the plant. And without going

21 to full detail of all the conversations, there was

22 just a complete lack of communication to the

23 community, and misinformation.

24 The Blythe Energy plant has a couple of

25 impacts to the community that we're primarily

1 concerned with. And we hope that the Energy  
2 Commission, with the plant and the city and  
3 counties will work to mitigate them.

4 The first one that's been brought up  
5 earlier today is the well draw-down impacts on the  
6 community of Mesa Verde.

7 (Ms. Guzman speaks in Spanish to the  
8 Interpreter.)

9 MS. LOOFBOUROW: Oh, okay. I'm sorry.  
10 (Interpreter translating Ms.  
11 Guzman's comments.)

12 MS. GUZMAN: And -- and the further  
13 degradation of the water quality.

14 The basic theory here is that there's no  
15 assurance to the community of Mesa Verde that  
16 other outlying members of the community have.

17 PRESIDING MEMBER KEESE: I'm sorry.  
18 Could you repeat that, please?

19 MS. GUZMAN: There is no assurance for  
20 the community of Mesa Verde. There is this  
21 commitment to look prior to the operation of the  
22 plant that there be a study done to see that there  
23 will be a well impact, a well draw-down impact.

24 (Interpreter translating Ms.  
25 Guzman's comments.)

1                   MS. GUZMAN: But as all parties here  
2 know, studies can be construed to the result that  
3 we wish them to be. And what I mean that the  
4 assurance that are given to other communities, I'm  
5 talking about those members that spoke earlier via  
6 the phone that are -- receive their water,  
7 guaranteed, with the absence of a drought, that  
8 is, through the irrigation district.

9                   Mesa Verde is a community service area.  
10 Not only does it have that reliability, but it  
11 doesn't have a direct communication --

12                   (Party on telephone speaking  
13 in Spanish.)

14                   MS. GUZMAN: They don't have this direct  
15 communication like the city does, or -- and I  
16 think this was something that Carmela was trying  
17 to relate earlier. We need to have that  
18 connection with the CEC Project Manager, or with,  
19 you know. That connection is currently lacking.

20                   (Interpreter translating Ms.  
21 Guzman's comments.)

22                   MS. GUZMAN: And the reason why is  
23 because we're talking about an unconfined aquifer  
24 here. You may do a study that may or may not lead  
25 to the actual results that happen. And I believe

1 that's why the Commission has continuous  
2 monitoring. But we need somebody from the  
3 community who has a -- the whole community needs  
4 to have the reassurance, but we need someone like  
5 -- from the community, like Carmela, to be able to  
6 speak to someone and have direct results.

7 And let me just read from your report.  
8 Because the aquifer in Palo Verde Mesa is  
9 unconfined, an unconfined aquifer, being an  
10 unconfined aquifer, draw-down causes the aquifer  
11 to de-water within the radius of influence.  
12 Furthermore --

13 (Parties on telephone speaking  
14 in Spanish.)

15 MS. LOOFBOUROW: She's asking if she can  
16 talk. I'm sorry.

17 (Interpreter speaking with parties  
18 on telephone in Spanish.)

19 MS. LOOFBOUROW: I'm sorry.

20 MS. GUZMAN: Okay. Furthermore, there  
21 are no states of clay layers to buffer shallow  
22 wells from the draw-down impacts of pumping from  
23 deep production wells.

24 (Interpreter translating Ms.  
25 Guzman's comments.)

1 (Ms. Guzman speaks in Spanish  
2 to the Interpreter.)

3 MS. LOOFBOUROW: Okay. She's just  
4 explaining the technical words.

5 (Laughter.)

6 MS. GUZMAN: And this is in your report,  
7 and your Staff has an excellent job in relaying  
8 this to you.

9 (Interpreter translating Ms.  
10 Guzman's comments.)

11 MS. GUZMAN: We hope that the study does  
12 show the concerns of the community and that it  
13 does result in a sure, good quality supply of  
14 water, whether that be a new well or some other  
15 solution that can be formed through the community  
16 involvement with the CEC and the plant.

17 Secondly, in the same type of  
18 recognition of the problem, but not a confirmed in  
19 writing commitment to the problem, second, the  
20 plant and the CEC recognize that certain  
21 emissions, CO and NOx, are too high during  
22 startup. Yet they are not requiring the plant to  
23 use the best available control technology. The  
24 CEC must ensure that the air emissions will be  
25 strictly controlled, similar to how it is

1 proposing with the well draw-down impacts. Part  
2 of the CEC's monitoring must include a citizen  
3 monitoring component to ensure community members,  
4 especially those who work adjacent to the plant,  
5 that no emissions will exceed their limits.

6 And this is obviously a higher concern  
7 for us, since our workers will be working  
8 underneath the plant, and we want them to have  
9 enough assurance and the commitment of this public  
10 agency to be able to express their concerns and  
11 get immediate response.

12 COMMISSIONER LAURIE: Mr. Chairman, may  
13 I ask a question.

14 PRESIDING MEMBER KEESE: Yes.  
15 Commissioner Laurie.

16 COMMISSIONER LAURIE: Ms. Guzman, good  
17 morning. My name is Robert Laurie, and I'm a  
18 Commissioner at the Energy Commission.

19 (Interpreter translates.)

20 COMMISSIONER LAURIE: Two questions. In  
21 reference to the persons who work in the fields  
22 adjacent to the plant, is that a community of  
23 persons different from the community of Mesa  
24 Verde, or is it pretty much the same community; do  
25 you know?

1 (Interpreter translates.)

2 MS. GUZMAN: They are mostly in the  
3 community of Mesa Verde. There are some who live  
4 in Blythe.

5 (Interpreter translates.)

6 COMMISSIONER LAURIE: In regards to the  
7 ability to communicate with the Energy Commission,  
8 do you have the understanding that there is a  
9 specific member of the Staff that is responsible  
10 for ensuring compliance with the conditions  
11 imposed on the project, if that person acts as  
12 liaison between the public and the project  
13 operator?

14 (Interpreter translates.)

15 MS. GUZMAN: Yes. And if I'm not  
16 mistaken, I think that was a concern that was  
17 raised, again earlier by Carmela, that when we do  
18 raise these concerns, as we do at different levels  
19 of public involvement, including our counties,  
20 there is an extreme lag time to response.

21 So we would like to see is some measures  
22 of accountability to those responses.

23 (Interpreter translates.)

24 MS. GUZMAN: For example, if these  
25 emissions exceed their limits, will they be given

1 one week, six months, a year; what is the -- what  
2 is the timeframe? This is a particular concern,  
3 because other plants of this magnitude do have  
4 these types of controls.

5 (Interpreter translates.)

6 COMMISSIONER LAURIE: Thank you for the  
7 explanation.

8 MS. GUZMAN: And just to conclude. It  
9 is the CEC's responsibility to ensure that the  
10 plant is a good neighbor by working cooperatively  
11 with the city, the county, and most importantly,  
12 the community of Mesa Verde.

13 (Interpreter translating Ms.

14 Guzman's comments.)

15 MS. GUZMAN: The fears that our UFW  
16 members have of being exposed to toxic emissions  
17 at their workplace, and the uncertainty of having  
18 increasingly substandard water quality are not  
19 fears any Californian should have to confront.

20 The United Farm Workers of America is  
21 depending on the California Energy Commission's  
22 commitment to ensuring public health and  
23 environmental justice for all by guaranteeing  
24 mitigation of the above adverse impacts prior to  
25 approval of the project, and continuous monitoring

1 with the community involvement.

2 Thank you.

3 PRESIDING MEMBER KEESE: Thank you.

4 Alfredo Figueroa.

5 MR. BOYD: This is Mike Boyd. I'm going  
6 to depart now. I'm -- I apologize, but I'm out of  
7 time.

8 (Interpreter translates.)

9 MR. FIGUEROA: Thank you very much.

10 Like I stated before, this is an illegal meeting.

11 We're here at great sacrifice. My name is Alfredo  
12 Figueroa. I'm a descendant --

13 (Interpreter translating Mr.

14 Figueroa's comments.)

15 MR. FIGUEROA: To be here today, when  
16 this meeting should've been held in Blythe, we  
17 would've had hundreds of people there protesting,  
18 like we had the other day --

19 (Party on telephone speaking in

20 Spanish. Interpreter speaking to

21 party in Spanish.)

22 HEARING OFFICER BOUILLON: I believe the  
23 Interpreter just told the caller on the phone to  
24 hang on for a minute, and she would get her chance  
25 to speak. Is that correct?

1 MS. LOOFBOUROW: Right.

2 MR. FIGUEROA: So we would've -- if you  
3 had gone to Blythe, like the Chamber of Commerce  
4 called right now, they were able to gather 250  
5 signatures supporting this plant. And we --

6 (Interpreter translating Mr.  
7 Figueroa's comments.)

8 MR. FIGUEROA: Excuse me. The Chamber  
9 of Commerce has got 250 signatures in favor. Then  
10 I was -- us, we were able to get 1,600 signatures  
11 in two weeks.

12 And I challenge the California  
13 Commission here, and the Blythe City Council, like  
14 we did, then, to have a referendum. Let the  
15 people of Palo Verde Valley decide. Let's not  
16 have five people -- five people decide for us.

17 That's right. We came over here. Of  
18 course, we had more people that could've come, but  
19 they were working.

20 One of our main concern is that -- also  
21 is that 400 of our workers there are going to be  
22 displaced. Now that the City Council has  
23 recognized that, that they are going to dry up  
24 their orchards, they are depleting -- they are  
25 taking away the water to -- to have it there in

1 the -- as a reserve so they could further, in the  
2 near future, if they do, want to construct that,  
3 they would have water, from the orchards.

4 MS. LOOFBOUROW: I'm sorry, in the --

5 MR. FIGUEROA: That they're going to  
6 bank it, they're going to use it as stored, store  
7 the water that they're using right now to  
8 irrigate, but they're not -- they're not  
9 irrigating the orchards no more, because they're  
10 going to dry up.

11 (Interpreter translating Mr.  
12 Figueroa's comments.)

13 MR. FIGUEROA: I'm glad the city mayor  
14 has acknowledged that, but he says, well, what's  
15 the problem? They're going to plant new orchards  
16 anyway. And meanwhile, what's going to happen to  
17 those 400 people that are going to be displaced?  
18 Oh, we've got 20 people that are going to be  
19 employed. And what happened three weeks ago? One  
20 of our major industries in Mesa Verde, the  
21 Richfield 76 truck stop stopped functioning  
22 because the well went dry. The water went dry,  
23 I'm sorry.

24 And what's going to happen south of the  
25 freeway? There's where 2,500 members of --

1 residents that live there, and I'm a landowner  
2 there. There's grave concern that -- to be sure  
3 to take this under consideration. You need to  
4 have a meeting in Blythe. I know that just the  
5 sitting committee was there, which we were very  
6 glad to have had. But I was so disappointed when  
7 the people from the Blythe Energy plant, the whole  
8 group, had a meeting, had a secret meeting there  
9 in Blythe, there in Mesa Verde, it was just --  
10 this is -- this is the flyer that they handed out.  
11 It didn't have anything concerning the Blythe  
12 Energy Commission, it didn't have anything  
13 concerning the whole group or the Blythe -- it  
14 just said Mesa Verde, are you -- people want to be  
15 informed yourself? It said in Spanish.

16           And then I -- I call up to the  
17 Commission, and Priscilla -- who's Priscilla?  
18 Anyway, and she says, yes, there was a -- the  
19 whole group, they had a meeting. But then I was  
20 shocked to know that Mr. Shaw was there. And that  
21 was a meeting that was conducted just by the whole  
22 group and the Blythe Energy project. And a  
23 representative from the Commission was there, and  
24 we were never informed.

25           None of us were informed. In fact, they

1 -- they put that article --

2 PRESIDING MEMBER KEESE: Mr. Figueroa,  
3 one moment please.

4 MR. FIGUEROA: Yes, sir.

5 PRESIDING MEMBER KEESE: We're -- do you  
6 have a comment on the project?

7 MR. FIGUEROA: Yes. We're totally  
8 opposed to it. And we're going to fight it tooth  
9 and nail, and these illegalities, and I challenge,  
10 I challenge the archeological team that you have,  
11 or the Commission, to go down there, to let you  
12 know how the sacredness of our area is.

13 PRESIDING MEMBER KEESE: Two minutes.

14 (Interpreter translating Mr.  
15 Figueroa's comments.)

16 MR. FIGUEROA: Mesa Verde -- see, now  
17 that's another illegality. I mean, I -- you know,  
18 two minutes, and here we come 600 miles. My land,  
19 this is about the last straw. This is really the  
20 last straw. And Mr. Shaw goes down all the way to  
21 Blythe, we were never informed. Now we come -- we  
22 have come here to Sacramento. This is the first  
23 time we've been able to come to Sacramento. But  
24 we'll keep coming.

25 But let me tell you one thing. We will

1 stop at nothing to make sure that that plant is  
2 stopped. We don't want to go to the extremes that  
3 the people from South Gate went. We don't want to  
4 go the extremes that the people from South Gate  
5 did to stop that plant, but we will go to all the  
6 other extremes. And like what we just finished  
7 celebrating -- we need to celebrate that when we  
8 stopped North Valley Nuclear Toxic Dump, and we  
9 have to get -- we will. So you're warned that the  
10 battle has just begun.

11 I'm a descendant, like I said, of the  
12 Reservation there. And we didn't get off the  
13 Greyhound Bus. So this is our sacred -- and put  
14 in the record, I want to take you out there, I  
15 will just -- just show them the truth, the truth  
16 of our creation. The truth of civilization. We  
17 will stop at nothing.

18 PRESIDING MEMBER KEESE: Thank you.

19 MR. FIGUEROA: I'm not through yet, sir.  
20 This group is about to be -- we have a saying in  
21 Spanish (speaks in Spanish.)

22 MS. LOOFBOUROW: Oh, gosh.

23 MR. FIGUEROA: It's just one is a sinner  
24 that kills the cow that who -- he gets it from the  
25 -- (speaks in Spanish.) So you people don't want

1 to be with all this -- these crimes, these evil  
2 crimes against Mother Nature.

3 (Interpreter translating Mr.  
4 Figueroa's comments.)

5 MR. FIGUEROA: You will hear about these  
6 publications. I know you're public, you want to  
7 -- that native people are never taken under  
8 consideration. But those times are over. Five,  
9 nine 52 year cycles of darkness are over since the  
10 Europeans came over. So I'm telling you here, our  
11 new -- Gray Davis is a good friend of mine. We  
12 worked like hell for Gray Davis. I know that he's  
13 doing all these things, but he picked the wrong  
14 place and the wrong people to go in there and try  
15 to build this god-awful contaminating, 380 tons of  
16 pollution, according to your studies, 380 tons of  
17 pollution, according to the Staff here that says  
18 that a 580 megawatt plant will emit.

19 Another thing that I have to say about  
20 the Blythe Energy plant public relations lady.  
21 The other day, when we had around 400 people there  
22 at a city park --

23 PRESIDING MEMBER KEESE: Mr. Figueroa.

24 MR. FIGUEROA: Yes, sir.

25 PRESIDING MEMBER KEESE: About the

1 project?

2 (Interpreter translating Mr.

3 Figueroa's comments.)

4 MR. FIGUEROA: Yes, this is about the  
5 project. So when we were there, the lady said  
6 they ought to just get the Border Patrol and take  
7 them all, including the Figueroas. And that, you  
8 can stipulate it in your record here, and the  
9 Blythe Energy Commission can go back to Blythe and  
10 tell that lady that we are alive and well, and  
11 anybody else that just got off the Greyhound Bus,  
12 and try to dictate how we're supposed to live. We  
13 didn't come in a Greyhound bus.

14 So I want to leave you with that  
15 comment. Like I said, where they had the illegal  
16 meeting at the Blythe Airport, you put it down  
17 here, at status eight, status eight, how come you  
18 don't have our meetings that we've been having in  
19 your status report. No. But you did put the  
20 energy -- I mean the -- the Blythe, the energy  
21 plant personnel and the whole group in status  
22 eight, and being -- I mean, that the Mesa Verde  
23 people were all included.

24 So equal justice. Environmental  
25 justice. And, above all, support mother earth.

1           If you don't love your mother, you're -- we  
2           support the efforts of -- of public groups like  
3           the California Energy Commission, and that's why  
4           we -- that's why we need, we need advocacy. We  
5           need that, but we don't have -- we don't have a  
6           voice.

7                         So it's -- it's upon you to make the  
8           decision. Either way you go, we're not going to  
9           go away. We're not going to go away. Somebody  
10          else that just got in there is not going to  
11          dictate to us our future for our seven  
12          generations. See, us, we think about seven  
13          generations.

14                        PRESIDING MEMBER KEESE: Thank you.

15                        MR. FIGUEROA: Well, I leave that with  
16          you. And I will --

17                        PRESIDING MEMBER KEESE: We appreciate  
18          your testimony.

19                        MR. FIGUEROA: -- really, that you have  
20          the next hearing in Blythe, before you go and make  
21          any other decisions.

22                        Thank you very much.

23                        PRESIDING MEMBER KEESE: Thank you.

24                        We have six more witnesses who have  
25          indicated they would like to speak.

1 Mr. Angel, would you like to try?

2 (Interpreter translating Mr.

3 Angel's comments.)

4 MR. ANGEL: When can I talk? We'll  
5 testify.

6 Hi. My name is Bradley Angel. And I'm  
7 the Executive Director of Green Action for Health  
8 and Environmental Justice.

9 It's good that you have translation here  
10 today, because it's something that you should've  
11 done from the start of this process. And by  
12 example, it shows one of the things that is so  
13 defective and, we believe, illegal about this  
14 process.

15 The Staff study that omitted the  
16 existence of thousands of residents of Mesa Verde  
17 is a prime example of the illegality and  
18 inadequacy of the study. The fact that the Energy  
19 Commission has failed to translate any of the  
20 studies into Spanish, or even summaries of the  
21 studies, is also an example of the illegality of  
22 this process.

23 As your Commission is a recipient of  
24 federal funding, you're subject to the provisions  
25 of Title 6, the United States Civil Rights Act of

1           1964. And under the Civil Rights Act, you are  
2 prohibited from taking any actions that would have  
3 a discriminatory or a disproportionate impact on  
4 people of color or other low income populations.

5                   Your failure to translate documents into  
6 the language that the people in the impacted  
7 community speak is one such impact. Your -- your  
8 failure to have a hearing, so-called public  
9 conference, in the community on your final  
10 proposed decision is another of those  
11 discriminatory impacts.

12                   Your attempt to cut off public comments  
13 here today is an excellent example of another  
14 discriminatory impact. Your failure to study the  
15 impact on potential job loss of farm workers is  
16 another discriminatory impact. Your allowing of  
17 air emissions into an area that is in non-  
18 attainment of air standards is another  
19 disproportionate impact.

20                   MS. LOOFBOUROW: I'm sorry, could you  
21 repeat.

22                   MR. ANGEL: Your intention to allow  
23 large amounts of air pollution into an area that  
24 is a non-attainment area is another discriminatory  
25 impact.

1                   (Interpreter translating Mr.  
2                   Angel's comments.)

3                   MR. ANGEL: Your finding of a no  
4                   significant impact is discrimination, and makes a  
5                   mockery of legitimate studies.

6                   Mr. Keese's comments a few minutes ago  
7                   to Mr. Figueroa are another example of  
8                   discriminatory action. Mr. Figueroa was  
9                   testifying about the drying up of the orchards and  
10                  the threat to the jobs. And yet you said, Mr.  
11                  Figueroa, do you have any comments about the  
12                  project. Well, it's clear to most people that the  
13                  drying up of orchards and impacts on jobs is an  
14                  impact, and is about the project.

15                  Now, it's true that the farm workers  
16                  have dark skins. And it's true many of them are  
17                  monolingual Spanish speakers. But their health  
18                  and their children and their jobs are every bit as  
19                  important as yours. The fact is that the farm  
20                  workers are a population at risk that was not  
21                  studied. And specifically, these are workers and  
22                  people who are --live and work around pesticides  
23                  that can have ill health effects.

24                  Where is your study that analyzed the  
25                  cumulative impacts? Can anybody in this room show

1 me where that was studied, where the cumulative  
2 impacts of people who live and work around  
3 pesticides were studied? But, of course, if you  
4 believe the Blythe Energy project, this gentleman  
5 to my right last week told me that the pollution  
6 from their plant would end at the fence line.  
7 That's an insult to my intelligence.

8           And that is why, or some of the reasons  
9 why the California Energy Commission today has  
10 been charged by this community with violation of  
11 the Civil Rights Act.

12           If you take your job seriously, as  
13 public servants, if you're truly interested in  
14 finding out all the facts before you make a  
15 decision, if you're interested in more than paying  
16 lip service to public participation, if you want  
17 to comply with the United States Civil Rights Act  
18 and uphold environmental justice, we challenge you  
19 today to announce that there will be extended  
20 public comment, there will be additional studies  
21 to address the issues that have been raised. The  
22 studies will be translated into Spanish. Notice  
23 will be given in Spanish. And a hearing will be  
24 scheduled in the community.

25           So I hope you do that. And I think

1       you're required to do that under the law. But if  
2       you don't do that, this project will meet the same  
3       fate of a toxic incinerator that was proposed in  
4       Kettleman City about nine years ago, where the  
5       Spanish-speaking public was excluded, just like  
6       this, and the court threw out the environmental  
7       studies.

8                     But let's not have to go through the  
9       court. Just do the right thing. Stop mocking the  
10      testimony of the public. They may be poor, maybe  
11      they don't have lots of degrees, but they know a  
12      lot more about the community than you do.

13                    (Appause.)

14                    PRESIDING MEMBER KEESE: Thank you, Mr.  
15      Angel.

16                    Mary Lou Garcia. Hello.

17                    MS. GARCIA: Hello? (Speaks in  
18      Spanish.)

19                    MS. LOOFBOUROW: Could I request a  
20      little break?

21                    PRESIDING MEMBER KEESE: Yes, do you  
22      need a break? We're going to take a five minute  
23      break.

24                    (Off the record.)

25                    PRESIDING MEMBER KEESE: We'll then go

1 back to the people who are waiting, and we're  
2 sorry we didn't detect your entering into this.  
3 We had, before we started -- we're trying -- we  
4 are translating, by the way, so please bear with  
5 us.

6 (Interpreter translating Presiding  
7 Member Keese's comments.)

8 PRESIDING MEMBER KEESE: At the  
9 beginning of the public comment we asked anyone  
10 who was on the phone at that time to identify  
11 themselves, their entity, and whether they wished  
12 to speak to the issue or to indicate their support  
13 or opposition to the project. We'll do that again  
14 at this time. We're not asking for a statement at  
15 this time.

16 All right. Mr. Rogers.

17 MR. ROGERS: This is Jim Rogers with the  
18 City of Blythe, and the City of Blythe supports  
19 the project certification, and especially the  
20 SOCIO-2.

21 (Interpreter translates.)

22 PRESIDING MEMBER KEESE: Thank you.

23 And do we have a Mr. Garcia on the line?

24 MR. GARCIA: My name is Salvador Camargo  
25 Garcia. And I live in Pueblo Mesa Verde,

1 California.

2 PRESIDING MEMBER KEESE: And, Mr. Garcia

3 --

4 MR. GARCIA: I have two quick comments.

5 PRESIDING MEMBER KEESE: Okay.

6 (Interpreter translating Mr.

7 Garcia's comments.)

8 MR. GARCIA: There is a social and  
9 environmental misrepresentation here on the way  
10 Blythe Energy project negotiated for, and based on  
11 that alone there's an ethical order of misconduct  
12 by Blythe City Manager, and the way -- and he  
13 should be asked to step down from public office at  
14 this time.

15 MS. LOOFBOUROW: I'm sorry, could you  
16 repeat the position of that person? City manager.

17 (Interpreter translating Mr.

18 Garcia's comments.)

19 MR. GARCIA: And my second comment is  
20 that if the Blythe City Manager is looking for  
21 new tax revenues, then he should be looking into  
22 the sludge waste dumping industry. That would be  
23 an alternative for him to pick up new revenue.

24 PRESIDING MEMBER KEESE: Thank you, Mr.

25 Garcia.

1 MR. GARCIA: Thank you.

2 PRESIDING MEMBER KEESE: Do we have  
3 anyone else on the line?

4 MS. DORAME: (Through Interpreter) Yes.  
5 I am completely opposed to that -- to the  
6 construction of that plant. I want to ask you why  
7 this meeting was not held in Blythe. We are all  
8 farm workers here, and we should -- this meeting  
9 should have been in Blythe with us, and Mrs.  
10 Garnica. A lot of the farm workers are working  
11 right now, and they have to work because that's  
12 really how they support themselves.

13 And so it would be a lot easier for you  
14 to come and held the meeting here, you would be  
15 surprised as to how many people would show up to  
16 let you know that they are opposed to that -- the  
17 construction of that plant.

18 I have five children, school age  
19 children, and I have several concerns about how  
20 the tube -- the tubing will go through, whether  
21 there could be an explosion. I -- I am worried  
22 about that.

23 PRESIDING MEMBER KEESE: Would you ask  
24 her -- you said tubing? She meant pipeline.  
25 Would you ask her --

1 MS. DORAME: (Through Interpreter) I was  
2 confused. Yes, that's what I meant. She said.

3 PRESIDING MEMBER KEESE: Thank you.

4 MS. DORAME: (Through Interpreter) I  
5 hope that you will take my comments into  
6 consideration, not because we are Spanish speakers  
7 means that we are less, and that I -- I truly  
8 believe that we should have this meeting in  
9 Blythe. That would be the right thing to do.  
10 Thank you very much.

11 PRESIDING MEMBER KEESE: Thank you.

12 MS. MARZO: (Through Interpreter) My  
13 name is Anna Marzo. I have -- we have been living  
14 in this community for 25 years. I am completely  
15 opposed to the construction of this plant, because  
16 I worked in the field for 20 years, and we don't  
17 want -- and this little town, we don't want this  
18 little town to become all dirty. We love our  
19 fields, and we would like to have a voice and a  
20 vote.

21 Why is it that your meetings are held so  
22 far away where we would have to drive 11 hours?  
23 Who made the decisions that the meetings needed to  
24 be here? Why are you having the meetings in  
25 Sacramento?

1                   PRESIDING MEMBER KEESE: I -- I will  
2 interrupt to make one comment, that we had a broad  
3 series of meetings and workshops in Blythe.

4                   (Interpreter translates.)

5                   MS. MARZO: (Through Interpreter) Why  
6 wasn't -- why wasn't -- weren't these meetings  
7 published? We never heard about these meetings,  
8 and they shouldn't be held in secret. They should  
9 be public meetings, where we could all attend.

10                  PRESIDING MEMBER KEESE: I recognize a  
11 number of the people here today. When we were in  
12 Blythe we heard from Mr. Alfredo Figueroa and Ms.  
13 Carmela Garnica at a number of our meetings. And  
14 they gave us very good input at those hearings.

15                  (Interpreter translates.)

16                  MS. MARZO: (Through Interpreter) And  
17 why, if this is the most important meeting, it  
18 wasn't held in Blythe?

19                  HEARING OFFICER BOUILLON; With all due  
20 respect, I would like to point out this is  
21 probably not the most important meeting. The most  
22 important meeting was the Evidentiary Hearings,  
23 all of which were conducted in Blythe.

24                  (Interpreter translates.)

25                  HEARING OFFICER BOUILLON: Excuse me.

1 MS. MARZO: (Through Interpreter) I'm  
2 sorry.

3 HEARING OFFICER BOUILLON: The purpose  
4 of this hearing is to receive comments on the  
5 Proposed Decision.

6 (Interpreter translates.)

7 MS. MARZO: (Through Interpreter) Then  
8 my comment is that we are completely opposed.  
9 Thank you very much.

10 PRESIDING MEMBER KEESE: Thank you.

11 Do we have anyone else on the phone?

12 MS. VASQUEZ: (Through Interpreter) Yes.

13 PRESIDING MEMBER KEESE: Do they wish to  
14 comment, or explain -- or give us their position  
15 on this project.

16 (Interpreter translates.)

17 MS. VASQUEZ: (Through Interpreter) I  
18 only wanted to say that I do not agree with the --  
19 with the plant they're planning to build here.

20 PRESIDING MEMBER KEESE: And the name?

21 MS. VASQUEZ: (Through Interpreter)  
22 Margarita Vasquez.

23 PRESIDING MEMBER KEESE: Thank you very  
24 much.

25 All right. We will resume again with

1 Mary Lou.

2 (Interpreter translating Ms.

3 Garcia's comments.)

4 MS. GARCIA: I'm very glad to be here  
5 because I'm here to voice the concerns of the  
6 people of Blythe and Mesa Verde. And I know that  
7 I have a testimony myself for this project.

8 And I would just like, in addition to --  
9 to Alfredo Figueroa's comment, that we were able  
10 to get 1,800 signatures on a petition against the  
11 power -- proposed energy plant in two weeks or  
12 less. We also got 200 declarations signed in two  
13 weeks or less. People personally came up to me,  
14 people called me at my house, and they -- they are  
15 very concerned about -- about the proposed power  
16 plant, and what will be the long-term effects on  
17 them.

18 And, come on, don't -- if the meetings  
19 were -- the meetings were never publicized. My  
20 family and I, and other Mesa Verde residents have  
21 been keeping up with the issue, and we -- we were  
22 never -- we never even got one of those flyers  
23 that Alfredo showed you. We didn't get one.  
24 Neither did my neighbor, and neither did my -- my  
25 -- both of my neighbors on both sides didn't get

1 one. And that meeting was held for us?

2 Okay. And I'm assuming, I'm just  
3 assuming that everybody here knows what civil  
4 rights is. I'm just assuming that. And they are  
5 broader than political rights. They are natural  
6 rights. And they have a -- a legal as well as a  
7 philosophical basis to them.

8 So why doesn't -- why are we being  
9 overlooked? Are these not our natural rights?  
10 Are civil rights just like -- is it just an ideal  
11 now? So why are we even here? These are not my  
12 questions. These are the questions of everybody  
13 in the community of Blythe and Mesa Verde. And is  
14 not a natural right to -- to have clean air and  
15 water?

16 I mean, a family, I cannot imagine a  
17 family that has lived for six or seven years  
18 without water. People who supposedly, the city,  
19 that supposedly provides the -- the people that  
20 they serve for, that they supposedly provide them  
21 with everything they need, these people -- these  
22 people pay taxes. These people work. These  
23 people have listed in Mesa and Blythe all their  
24 life. But I guess none of this matters, right?

25 I've been hands on with this project

1 ever since Friday, and -- and I see the mentality,  
2 they have this mentality and they have this  
3 attitude of -- of like, oh, you know, oh, there's  
4 life in Mesa Verde. And -- and that's on  
5 document, like, what is that, like what's their  
6 mentality against -- what do they have against  
7 these people that oh, you know, let's just go and  
8 dump the power plant on them, you know.

9           And somebody -- one of the engineers of  
10 the -- of the power plant told me they've been  
11 working on this for three years. But then the  
12 purpose of this power plant, right, of this energy  
13 plant, is because it's -- it's for the recent  
14 emergency crisis in California? Wow. That's an  
15 emergency, a three-year emergency? So they like  
16 found the emergency before -- before they got the  
17 ambulance out there? Do you know what I'm saying?

18           I actually thank you for giving me that  
19 information, because you're actually just hanging  
20 yourselves. I mean, gosh, what is this? Like,  
21 what is this? I mean, you're -- you're supposed  
22 to be the people that represent your people. Are  
23 we not people with civil rights? And you're  
24 supposedly, I mean, have you -- like, have you dug  
25 in the Constitution, have you -- do you know? Do

1 you know what pertains to us naturally, as well as  
2 legally?

3 This is -- this is, I mean, this is the  
4 reason for our complaint. And -- and I'm not --  
5 to tell the truth, I have not done my homework as  
6 much as Carmelita, Figueroa, as well as Alfredo,  
7 as much as Bradley Angel from -- from the -- from  
8 the Green Action. But anybody, anybody who  
9 thinks, anybody who -- who's an analytical  
10 thinker, anybody that -- that knows the way things  
11 are supposed to go, come on, it doesn't take a  
12 genius to figure this out. Our civil rights are  
13 being stepped on, and we have been overlooked.

14 It's not because people don't know that  
15 we live there. They just -- we were just, oh,  
16 ignored. It's as simple as that. And that's why  
17 we're filing a suit against the state. And I'm  
18 sure you've probably found some time, you know,  
19 some -- a couple of minutes in between to read it,  
20 you know, if it matters. If it matters.

21 And I'm not speaking just for the site  
22 residents around Mesa Verde. I'm speaking for  
23 everybody that lives in Blythe, I'm speaking for  
24 the people that live in Blythe. Nobody wants the  
25 power plant in Blythe. There's only a handful of

1 people. Those are the people that have been  
2 working behind the scenes for three years to get  
3 -- to get ready for this emergency, supposed  
4 emergency.

5 And I don't know if you keep up with  
6 research studies, and -- and things of that  
7 nature, but I have this article, that power study  
8 questions, claim of -- demand. But I'm not even  
9 going to go there, because -- it's right here, and  
10 there is not enough evidence. And California's  
11 power providers --

12 (Party on phone speaks in Spanish.)

13 MS. GARCIA: -- have blamed soaring  
14 electricity cost -- have blamed soaring  
15 electricity costs on skyrocketing demand. But a  
16 newspaper analysis suggests that's not exactly the  
17 case. And basically, this article, if you would  
18 like to see it, just covers -- it is like so --  
19 it's just -- I mean, who can turn their heads on  
20 this. I mean, who can say oh, there's -- there's  
21 an energy crisis, and -- and, but, you know, we've  
22 been planning for this, just like I said.

23 And somebody from the -- I was very  
24 upset to read this. To read this person's quote  
25 that's from the Commission, and he said, one can

1       hardly say that this has been a very public and  
2       open process.  What does hardly mean?  I'd like to  
3       know what hardly means.  How can -- how can a  
4       person hardly say something?  Is he suggesting  
5       that we can only attempt to tell the truth?  I  
6       mean, that's what it sounds like to me.

7                   And then in the same article -- let me  
8       see what I can call him -- our mayor, yeah.  Our  
9       mayor, he says that -- that the power plant is  
10      right in between Mesa Verde and Blythe.  When, in  
11      fact, both of those, Blythe and Mesa Verde are  
12      seven miles apart.  And I'm sure you don't know  
13      what Mesa Verde means.  We're on a hill, you know,  
14      and that's where the power plant -- that's where  
15      the power plant is at, and he said it's right in  
16      between.  It's right in between Blythe and Mesa  
17      Verde.  But, in fact, the plant is 2.3 miles away  
18      from -- from Mesa Verde.  And he said there are  
19      few people that live right next door the power  
20      plant?

21                   I mean, and -- and there's people even  
22      that live even closer than residents of Mesa Verde  
23      to the power plant.  And those people have shown  
24      concern.  But they just didn't -- they didn't know  
25      who to go to.  And now they know.

1                   And -- and, I mean, and then he said, he  
2                   also said that -- that okay, I already said this,  
3                   that few people live right next door to the power  
4                   plant. That's as next door as it gets. And what  
5                   is few? I always thought a few was just a few,  
6                   right?

7                   Come on. Common sense here. And a few  
8                   is not 2,500, or more. Right? So, come on, we  
9                   are being overlooked, and we have been ignored,  
10                  and this -- people are seeing that there's a group  
11                  like us that cares, that cares about what's going  
12                  on, and there's going to be like a link, and then  
13                  we're going to see everything that's coming out of  
14                  the light, just like we -- I live in Mesa Verde  
15                  and I didn't know there was a family that never --  
16                  that didn't have water there.

17                  PRESIDING MEMBER KEESE: Ms. Garcia, we  
18                  have a few more witnesses. Can you --

19                  MS. GARCIA: Okay. Okay, let me  
20                  conclude, then.

21                  But I'm not concluding. I'm not  
22                  concluding anything, because there's still much to  
23                  be said. But I can't say it all.

24                  (Interpreter translating Ms.  
25                  Garcia's comments.)

1                   MS. GARCIA: Because I barely graduated  
2                   from high school in June. I haven't experienced  
3                   what my parents have. I haven't worked in the  
4                   fields like they have. I haven't worked -- I just  
5                   -- going to high school, and I've seen these  
6                   people that work -- I didn't want anything to do  
7                   with this until Friday, when I saw those people  
8                   that don't know how to speak English at my house,  
9                   because of how concerned they are about this. And  
10                  they can't do anything about it. They cannot help  
11                  themselves.

12                  And the people, the people that -- the  
13                  people that are putting up this plant, the -- the  
14                  planners, or whatever they want to call  
15                  themselves, the engineers, whatever they are, they  
16                  just overlook that. They know that they can just  
17                  build that power plant there, because those people  
18                  cannot help themselves.

19                  And I just, come on, it's not -- it's  
20                  not -- it's not something that you have to tear up  
21                  and manipulate, and you have to investigate. It's  
22                  there. It's there. All the evidence is there  
23                  that our civil rights have been -- have been  
24                  ignored.

25                  (Parties speaking simultaneously.)

1 MS. GARCIA: And I don't have anything  
2 to say. I -- I just don't have anything to say.

3 PRESIDING MEMBER KEESE: Thank you, Ms.  
4 Garcia.

5 (Applause.)

6 PRESIDING MEMBER KEESE: Howard  
7 Anderson, please.

8 (Interpreter translating Mr.  
9 Anderson's comments.)

10 MR. ANDERSON: Good evening, my name is  
11 Howard Anderson. I'm a pastor of the Temple  
12 Garden of Prayer Church in Blythe, and Director of  
13 the TGP Youth Instructional Center in Blythe.

14 I first acknowledge that I am in favor  
15 of the energy plant. I also want to say that I'm  
16 a resident of Blythe, like many of the people that  
17 is against. I certainly sympathize with the lady  
18 that said that she has no water. I think that's  
19 very bad that the Mesa Verde water company has not  
20 did anything about that. And I just also want to  
21 say since I've heard about that today, being a  
22 community involved person, as I am, I'm going to  
23 personally get involved with seeing if I can do  
24 anything to -- to call to the Mesa Verde water  
25 company, to see if we can help resolve the

1           problem.

2                       The -- there will be many energy plants  
3           built in California. I know there is a great  
4           debate about whether or not it is safe, and -- and  
5           whether or not there's great risk. But we do have  
6           a problem of -- of an energy problem, we do have  
7           an energy problem. As a resident in the City of  
8           Blythe, my concern deals, and the reason why I'm  
9           in favor of the plant -- my concern, and the  
10          reason I am in favor of the plant is that  
11          according to the Bible, safety is brought about  
12          through multitude of counseling. And with all of  
13          the counseling that we are hearing through the  
14          community and through the energy constituencies  
15          that's in charge, I know that a safety decision is  
16          going to be derived at.

17                     The -- there will be communities in  
18          California that is going to benefit prosperous  
19          from this energy plant, whether it be in Blythe,  
20          or some other town. I am cautioning all of the  
21          Blythe residents to really give this a very good  
22          thought, because this energy plant is going to be  
23          -- is going to mean millions of dollars today and  
24          in the future for jobs, for tax revenues.

25                     I also want to say that the Blythe

1 Energy Commission and all of the Staff is in favor  
2 of the people. I know that a safety resolution in  
3 regards to the people is going to be reached.  
4 Many of the ordinary citizen, as myself, we are  
5 not experts in the environment, we're not -- and  
6 we're not experts in the water system or in the  
7 water tables, but I believe that with all of the  
8 laws that are in effect today, I don't believe  
9 that -- that all of this board that is sitting  
10 here today will come together and deceive the  
11 people. It's too great of a risk. There's too  
12 many laws in place, there's too many people can  
13 read and write now, for anything to be overlooked.

14 So my conclusion is I believe that when  
15 we get through with the negotiating, a safe  
16 resolution going to be made. I believe that the  
17 Mexican community is going to be made to  
18 understand because I believe, as I was listening  
19 today, as a sample of many people that just don't  
20 understand about the energy plant.

21 So my conclusion is that I am for the  
22 energy plant, and I want all the community of  
23 Blythe to know that I'm on your side. I want the  
24 best for you. But I don't want the City of Blythe  
25 to miss out on the opportunities of the jobs, the

1 moneys, and the revenues that poor Blythe needs.

2 Thank you.

3 PRESIDING MEMBER KEESE: Thank you, Mr.

4 Anderson.

5 Mr. Hanson.

6 (Interpreter translating Mr.

7 Hanson's comments.)

8 MR. HANSON: My name is Quenton Hanson.

9 I'm a faculty member of Palo Verde College in  
10 Blythe, also the Director of the Small Business  
11 Economic Development Center. I don't have any  
12 signs, like some of the group here today.  
13 However, the only thing I do have is Wednesday's  
14 newspaper, that announced that another business in  
15 town, Winston Tires, was closing.

16 We have too many businesses that have  
17 been boarded up in Blythe. And I can assure this  
18 audience that some of the employees of Winston  
19 Tires were, in fact, Hispanics.

20 So let's talk a little bit about the  
21 economic benefits of this plant in town. I see it  
22 in five areas, and this isn't just about money,  
23 ladies and gentlemen. I truly believe that one  
24 way to raise yourself above your station in life  
25 presently is through education. But it doesn't do

1 us any good to have a college in town if all of  
2 our youth wants to get degrees, leave our area to  
3 find jobs elsewhere.

4 So in the area of jobs, we're looking at  
5 immediately in excess of 200 construction workers  
6 for a period of roughly about 18 months.

7 The second item was this January meeting  
8 that was, in fact, well publicized in the  
9 community, both Spanish and English. We had two  
10 very high-ranking union officials from the AFL-  
11 CIO, as well as the Teamsters, present, informing  
12 the community of apprenticeship jobs that would be  
13 available during the construction of this site.  
14 These are all areas, millwrights, ironworkers,  
15 masons, carpenters, you name it. Whereas in the  
16 past, some unions have had the reputation of being  
17 exclusionary, they are in fact opening up their  
18 doors to apprenticeships for power plant  
19 construction. These are jobs that'll be paying  
20 \$11 to \$14 an hour, and, upon becoming a  
21 journeyman, as much as \$26 or \$30 an hour.

22 Now, it's true that in construction, you  
23 somewhat have to become a gypsy, as migrant  
24 workers on the farm do, in that you have to follow  
25 the construction jobs. But these are just some of

1 the opportunities available for the residents of  
2 Mesa Verde, as well as Blythe and surrounding  
3 areas.

4 In addition, once the plant is  
5 operational, there will be 20 to 30 highly trained  
6 technicians operating this plant. And while it's  
7 very likely we don't have a single one of those  
8 technicians currently resident in Blythe, it's  
9 very likely these 20 to 30 individuals will, in  
10 fact, the majority of them move to Blythe. Our  
11 school district, K through 12, has experienced  
12 three years of declining enrollment. Additional  
13 students in our school system means additional  
14 opportunity for those students.

15 In addition, this power plant will  
16 require periodic maintenance with an annual basis  
17 and other -- and this means 30 to 50 additional  
18 maintenance individuals coming to town to perform  
19 this specialized maintenance.

20 That's just the jobs at the power plant.  
21 Let's take a look at some corollary benefits from  
22 this plant.

23 Agreements signed between the City of  
24 Blythe and the power plant, if it should in fact  
25 be built, ensures that we will, in fact, have a

1 stable and reliable power source in our local  
2 community. What this means is a terrific magnet  
3 for other possible plants to locate in our  
4 community. In fact, I've already been approached  
5 by about three different possible plants seeing  
6 and inquiring just whether we will, in fact, have  
7 a stable energy source. One of these plants  
8 located in San Diego County saw their monthly bill  
9 for electricity go from \$35,000 to in excess of  
10 \$100,000. That was per month. So this is an  
11 opportunity for Blythe to really have a magnet for  
12 additional opportunities for our youth in our  
13 community.

14 Another issue that has been alluded to  
15 here by a prior speaker was the tax inflow,  
16 roughly about \$2 million a year in real estate  
17 taxes and other taxes, 500,000 of that to the City  
18 of Blythe, 1,500,000, 75 percent to the County of  
19 Riverside. I would point out that Mesa Verde is  
20 located not in the City of Blythe, but the County  
21 of Riverside. There has already been a verbal  
22 commitment from the county commission that serves  
23 our area that if, in fact, Mesa Verde or other  
24 outlying areas come up with projects, the county  
25 will make an effort to spend part of that \$1.5

1 million back in the Mesa Verde and the area around  
2 Blythe.

3 Part of the problem has been community  
4 involvement. There is great apathy out there. An  
5 example, the residents of Mesa Verde here today,  
6 they have a CSEA. This is a county organization  
7 that administers local programs, and for the last  
8 two years when they've had their board meetings  
9 they haven't been able to get more than four  
10 people to attend.

11 And so there's got to be some  
12 involvement of the community, not just when  
13 there's a hearing like this, but also day to day,  
14 as far as the operation of the local government  
15 entity within the area.

16 Speaking about community activities, I  
17 understand one of the agreements of the Blythe  
18 Energy project is to, in fact, provide \$25,000 for  
19 a local community committee to do with as they see  
20 fit, whether it be retraining programs,  
21 scholarships at college, or what have you.

22 Now, looking over the proposed plant --

23 PRESIDING MEMBER KEESE: Almost --

24 MR. HANSON: Two more minutes?

25 PRESIDING MEMBER KEESE: Two more.

1 (Interpreter translating Mr.  
2 Hanson's comments.)

3 MR. HANSON: -- proposed plant, I do  
4 have one area of issue that I have -- would like  
5 to take issue with. And that is stipulation BIO-  
6 12 and BIO-13, on page 178. BIO-12 and BIO-13.

7 PRESIDING MEMBER KEESE: Page 138?

8 MR. HANSON: 178. In this BIO, we have  
9 roughly \$92,580 being paid to the Desert Tortoise  
10 Preserve Committee, and \$25,000 to, once again,  
11 the Desert Tortoise Preserve Committee or the  
12 Rancho Santa Ana Botanical Garden, for tortoise  
13 habitat. The reason for being -- this money being  
14 paid to organizations outside of our community was  
15 that we apparently do not have the experts  
16 locally. I would take issue with that.

17 I've handed to your Staff and to the  
18 Applicant, as well as I'll turn it over to the  
19 officers, a BIO from a local biologist, as well as  
20 a BIO on his consultant, who is an expert on  
21 desert tortoise habitat, and I would like to  
22 suggest that I wish this money had been kept in  
23 the Blythe area so our children could benefit from  
24 the habitat, because I, too, recognize the  
25 economic disadvantages we have in our community,

1 and therefore a local habitat would benefit our  
2 local children.

3 Finally, two points before I close. I  
4 would like to urge that a local biologist be used  
5 at least as far as this bird count, bird  
6 monitoring program that's required. And as Mr.  
7 Anderson spoke earlier, I take comfort in the  
8 Blythe Energy project in that they are owned by  
9 Caithness Energy, and that this company has a  
10 history of being involved in geothermal, solar and  
11 wind generated energy, and so therefore, more than  
12 any other company, I believe this company has some  
13 sense of the importance of the environment.

14 And I realize that all communities  
15 basically have the NIMBY effect, not in my  
16 neighborhood. But I, too, have been watching this  
17 project develop over the past two years, and as  
18 when you find in an airplane you have to have  
19 confidence that the pilot knows what they're  
20 doing, I have to have confidence in the experts  
21 that have done these environmental studies, and so  
22 forth, and the PUC, and so forth, that they know  
23 what they are doing. And perhaps that is the  
24 greatest fear in our community, is a lack of faith  
25 in the experts and the government officials that

1 we may in fact have.

2 I strongly urge approval of this project  
3 as expeditiously as possible.

4 Thank you for your time.

5 PRESIDING MEMBER KEESE: Thank you, Mr.  
6 Hanson.

7 Well, we have two speakers left, and  
8 evidently someone on the phone. I apologize for  
9 as long as it's taken, but Mr. Grotke. I hate to  
10 keep you towards the last. And then we'll -- then  
11 we have Belda Caballero.

12 (Interpreter translating Mr.  
13 Grotke's comments.)

14 MR. GROTKE: My name is Chuck Grotke.  
15 I'm a member of the Blythe City Council, and I'll  
16 be very, very brief.

17 I'm here to reaffirm the complete  
18 backing of the City Council of the City of Blythe  
19 for this project, the hope that it will not be  
20 delayed and can go forward as scheduled, and the  
21 belief that it is good for the entire community.  
22 That is Blythe, Mesa Verde, and the Palo Verde  
23 Valley.

24 Thank you for your hearing.

25 PRESIDING MEMBER KEESE: Thank you very

1 much.

2 Ms. Caballero.

3 (Interpreter translating Ms.

4 Caballero's comments.)

5 MS. CABALLERO: Hello. My name is Belda  
6 Caballero. I'm a resident, a resident from Mesa  
7 Verde. And my main concern --

8 PRESIDING MEMBER KEESE: Would you speak  
9 a little closer to the microphone so we can hear  
10 you?

11 MS. CABALLERO: Sorry.

12 MS. LOOFBOUROW: Excuse me, could I  
13 interrupt? Could you ask if there is anybody here  
14 who doesn't speak Spanish? I think most of the  
15 people are gone. I don't -- I don't know.

16 MR. GALATI: I think the people on the  
17 phone.

18 (Interpreter translating Ms.

19 Caballero's comments.)

20 MS. CABALLERO: Okay. My main concern  
21 is with this power plant that they're going to  
22 build, that it's going to leave 300 people without  
23 a job, which this -- these people, that's all they  
24 know how to do, pick lemons. I understand that  
25 there was a business that closed in Blythe,

1 Winston Tires. I understand there is, you know, a  
2 lot of Hispanic people that also work there. But  
3 has the president of the Palo Verde College, you  
4 know, taken in consideration that those people do  
5 speak English, they do know how to read, they do  
6 know how to count. All these people that pick  
7 lemons do not know how to count, know how to read?

8 I mean, these people, I know I know how  
9 to speak English. I know I was born here. A lot  
10 of these people, like I said, don't know. And  
11 they're really, really scared about what they're  
12 going to do after this happens. I'm sure if all  
13 of you guys were to lose your job, you guys would  
14 be at the same place I am, standing right here,  
15 trying to stop whatever they're doing that's going  
16 to make you lose your job.

17 My mother, which is Maria Rubio, she  
18 spoke that we haven't had water for seven years,  
19 and that is true. We talked to the County of  
20 Riverside, asking, hey, you know, can you help us  
21 out, what can we do, what's -- what does it take  
22 to get some back, you know, backup here. How do  
23 we go about getting some water? They denied us.  
24 So ever since that, we would have to, you know,  
25 carry our water from about two miles away.

1           Sometimes, when I would go to school at 6:00 a.m.,  
2           hey, we wouldn't have water.  Guess what?  I was  
3           going to be late to school, because I had to go  
4           drive two miles to go get my water.

5                       Now, they're supposed to pump out so  
6           much, you know, gallons of water each year, and  
7           yet some of the residents in Mesa Verde don't even  
8           have water?  And most of these people that are  
9           against this are Hispanic, as you guys have heard.  
10          So I don't know if it's a race thing, but I sure  
11          believe that's what it is.  I mean, I don't see --  
12          I don't see, you know, any -- I'm sorry, but white  
13          people, you know, not wanting this plant, because  
14          they couldn't go and get another job.

15                      Like I said, these Hispanic people don't  
16          know any better.  And that's really all I've got  
17          to say.  And I want to thank Mr. Anderson -- Mr.  
18          Anderson, for, you know, taking his time and say  
19          he was going to go and try to work something out.  
20          Thanks a lot.

21                      PRESIDING MEMBER KEESE:  Thank you very  
22          much.

23                      Do we have anyone still on the phone?  
24          You may have to ask.

25                      (Interpreter translates.)

1 MS. LOOFBOUROW: Maria Rodriguez? Okay.

2 PRESIDING MEMBER KEESE: Maria, we have  
3 finished with all our witnesses here at the  
4 Commission. I believe you're the only one on the  
5 phone?

6 (Interpreter speaks to parties  
7 on the phone in Spanish.)

8 MS. LOOFBOUROW: Three.

9 PRESIDING MEMBER KEESE: Would you  
10 please -- would any of you like to express your  
11 position on this and a statement, if you -- a  
12 brief statement, if you'd like?

13 (Interpreter translating Ms.  
14 Rodriguez' comments.)

15 MS. RODRIGUEZ: I live in the Mesa Verde  
16 community. This is Maria Rodriguez. I would like  
17 them to build the plant closer to the desert,  
18 because I don't want to be left without water. I  
19 am opposed completely, because my whole family  
20 works in agriculture.

21 You talked about providing jobs for --  
22 for people in this new plant, but the jobs are  
23 going to be for others, not for the people who  
24 live here. Because we are not really educated to  
25 do that kind of job, are you going to provide

1 training for these kinds of jobs?

2 That's all I wanted to say. Thank you  
3 very much.

4 PRESIDING MEMBER KEESE: Thank you.

5 (Interpreter translating Ms.  
6 Luna's comments.)

7 MS. LUNA: I work in -- I live in  
8 Blythe. I work picking lemons, and I have heard  
9 the testimony of several people there stating that  
10 most of the people who work there don't know how  
11 to read or write. We work picking lemons, and we  
12 don't want this plant to take away our jobs and we  
13 don't want the health of our children to be  
14 affected.

15 If you have so much money to build this  
16 project, why don't you move it to the desert where  
17 you would not be affecting anybody?

18 Thank you very much. That's all I  
19 wanted to say.

20 PRESIDING MEMBER KEESE: Thank you very  
21 much.

22 And we have one more.

23 (Interpreter translating Ms.  
24 Cardenas' comments.)

25 MS. CARDENAS: Why, if this plant is

1 going to be built in Mesa Verde, why are you  
2 having the meeting in Sacramento? Why couldn't  
3 you come and meet with us here, if the plant is  
4 going to be built here?

5 And I -- I agree with the lady who just  
6 talked, and suggested that this plant be built far  
7 away where we -- it would not really interfere  
8 with any -- anybody here. We feel that they are  
9 not really considering us, just because we are low  
10 income people, they really don't care what we  
11 think. They just want to build this plant.

12 There are many people here who don't  
13 speak English. The jobs that are going to be  
14 available are not for us. So this plant is really  
15 not benefitting any of us. We are just going to  
16 be affected, not benefitted.

17 And that's -- that's my point of view,  
18 and my question is why is it that we don't count,  
19 is it because we are ignorant, why -- why is it  
20 that we don't count.

21 Thank you.

22 PRESIDING MEMBER KEESE: Thank you.

23 MS. RIOS: Hello, we have one more call.  
24 Hello, my name is Shelley Rios. I am the current  
25 president of the Associated Student Body at Palo

1 Verde College.

2 MS. GOMEZ: My name is Gloria Gomez.

3 Hello? I would like to speak, is that okay?

4 PRESIDING MEMBER KEESE: Briefly, two  
5 minutes. Let's hear from the --

6 MR. ANGEL: Why are yo limiting people  
7 when the people in favor, I notice that they were  
8 not --

9 PRESIDING MEMBER KEESE: Mr. Angel --

10 MR. ANGEL: You just said --

11 MS. RIOS: Excuse me. Am I going to be  
12 permitted to speak?

13 MR. ANGEL: Let them speak. Notice the  
14 contradiction.

15 PRESIDING MEMBER KEESE: Mr. Angel.

16 HEARING OFFICER FAY: If you'll shut up  
17 we'll let her speak.

18 PRESIDING MEMBER KEESE: We'll hear from  
19 the student --

20 MR. ANGEL: All right.

21 PRESIDING MEMBER KEESE: -- we'll hear  
22 from the student at Palo Verde.

23 MS. RIOS: Hi. I've been listening to  
24 this since we began. I'd like to start by letting  
25 you all know that I have great respect for those

1           that would wish to speak for the entire Hispanic  
2           population of Blythe. I am a Hispanic resident in  
3           Blythe. I am a student at Palo Verde College.  
4           And I can tell you first-hand, do we educate all  
5           those? We offer ESL classes, which is English as  
6           a Second Language. We cater to low income through  
7           EOPS and non-credit courses at no cost.

8                       PRESIDING MEMBER KEESE: Stop one moment  
9           while we translate.

10                      (Interpreter translating Ms.  
11                      Rios' comments.)

12                      MS. RIOS: And I'd like to let you all  
13           know that this Blythe power energy project is in  
14           full cooperation with the college to educate those  
15           and train those for these positions. For anyone  
16           that would say that these jobs are not to be made  
17           available to them -- not to take these jobs,  
18           because the training will be available.

19                      I am in full support of this Blythe  
20           Energy project. And I want to thank you for your  
21           time.

22                      PRESIDING MEMBER KEESE: Okay. Thank  
23           you very much.

24                      What was the last name?

25                      MS. RIOS: Rios.

1                   PRESIDING MEMBER KEESE: Thank you.

2                   Do we have one other person on the line?

3                   (Interpreter translates.)

4                   MS. GAMEZ: My name is Gloria Gamez, G-  
5                   a-m-e-z.

6                   (Interpreter translating Ms.  
7                   Gamez' comments.)

8                   MS. GAMEZ: Yes. I'm calling because we  
9                   -- we do not want that -- we don't want the energy  
10                  plant here, and because that will affect us, and  
11                  the whole -- I mean, the whole -- I mean,  
12                  everywhere. And all the people and everything.  
13                  And we do not want the plant here.

14                  PRESIDING MEMBER KEESE: Is that -- is  
15                  that your comment?

16                  MS. GAMEZ: Yes.

17                  PRESIDING MEMBER KEESE: Thank you very  
18                  much.

19                  Is there anyone else on the phone?

20                  MS. PEREZ: Yes. Maria Perez.

21                  PRESIDING MEMBER KEESE: What is your  
22                  name? Your comments?

23                  MS. PEREZ: Yes. I'm opposed for you  
24                  having the energy plant here in Blythe, because  
25                  you don't take into account in a community and all

1 the children that live here. That's why I don't  
2 want it to be -- have it here in Blythe.

3 (Interpreter translates.)

4 MS. PEREZ: Yes, that's it.

5 PRESIDING MEMBER KEESE: Thank you very  
6 much.

7 MS. SANCHEZ: (Through Interpreter) Hi.  
8 My name is Maria Sanchez.

9 I don't agree that you should build the  
10 plant here, because we would all be affected. I  
11 would like them to build the plant out farther  
12 from Blythe, because it will contaminate our city.

13 That's all.

14 PRESIDING MEMBER KEESE: Thank you.

15 MS. SANCHEZ: (Through Interpreter) Have  
16 a good day.

17 PRESIDING MEMBER KEESE: Thank you. The  
18 same.

19 Do we have anyone else on the phone?

20 Hearing none, having arrived at the hour  
21 of 2:10 p.m., we have heard from all the witnesses  
22 who cared to speak on this issue. Thank you, this  
23 meeting is adjourned.

24 (Thereupon the Committee Conference  
25 was adjourned at 2:10 p.m.)

## CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March, 2001.

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