

COMMITTEE MEMBERS PRESENT

Jeffrey Byron, Presiding Member

James D. Boyd, Associate Member

HEARING OFFICER AND ADVISORS

Garret Shean, Hearing Officer

Peter Ward, Advisor

Kevin Kennedy, Advisor

STAFF AND CONSULTANTS PRESENT

Mary Dyas, Project Manager

Kerry Willis, Senior Staff Counsel

Tuan Ngo

Steve Baker

APPLICANT

Allan J. Thompson, Attorney

Henryk Olstowski, Assistant Manager, Energy
Imperial Irrigation District

Dave Tateosian
Power Engineers, Inc.

James Diven
URS Corporation

ALSO PRESENT

Jaime Hernandez (via teleconference)
Imperial County Air Pollution Control District

I N D E X

	Page
Proceedings	1
Opening Remarks	1
Presiding Member Byron	1
Introductions	1,2
Prehearing Conference	1
Background and Overview	3
Applicant	7
CEC Staff	7
Imperial County APCD	8
Evidentiary Hearing	8
Applicant witnesses J.Diven, D. Tateosian and H. Olstowski	9
Direct Examination by Mr. Thompson	9
Exhibits	10/
Exhibits	11/
Exhibits	12/
Examination by Committee	13
CEC Staff witnesses M. Dyas, T. Ngo, S. Baker	17
Direct Examination by Ms. Willis	17
Exhibits	18/20
Exhibits	21/
Exhibits	24/
Errata Received in Evidence	25
Imperial County APCD Authority to Construct Review Exhibit	26/26
Closing Statements	27
Applicant	27
CEC Staff	28
Imperial County APCD	28

I N D E X

	Page
Proposed Schedule	32
Closing Remarks	30
Associate Member Boyd	30
Hearing Officer Shean	31
Adjournment	33
Reporter's Certificate	34

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

P R O C E E D I N G S

9:35 a.m.

PRESIDING MEMBER BYRON: Let's get started this morning. Good morning; my name is Jeff Byron and I'm the Presiding Member on the El Centro application for small power plant exemption by the Imperial Irrigation District. This is an application to file a proposal to repower the El Centro Unit 3 by replacing the existing boiler with a combustion turbine and heat recovery system increasing the generating capacity from 44 megawatts to 128 megawatts.

I'd like to thank you all for being here this morning. And I apologize that we're a few minutes late getting started. If I may, I'll just go ahead and introduce everyone else at the dais.

All the way to my right is Commissioner Boyd's Advisor, Peter Ward. My Associate Member on this Committee, Commissioner Boyd. Our Hearing Officer Garret Shean. And to my left is my Senior Advisor, Kevin Kennedy.

I'd also like to thank the Committee and the staff for all the work that you've done here to get us to this point today. I think we're in very good shape. a lot of good hard work has gone

1 into this. And we're very hopeful that this
2 prehearing conference will be rather short.

3 So, I don't have any other thing to add
4 at this point. I'll ask Commissioner Boyd if he'd
5 like to say anything before we turn it over to our
6 Hearing Officer. Commissioner?

7 ASSOCIATE MEMBER BOYD: I have no
8 comments. I look forward to our discussion today.

9 PRESIDING MEMBER BYRON: Okay. So,
10 please, Garret.

11 HEARING OFFICER SHEAN: Thank you,
12 Commissioner. Since we've been introduced, let's
13 have the parties introduce themselves beginning
14 with you, Mr. Thompson, and the people with you.

15 MR. THOMPSON: Thank you, Mr. Shean. My
16 name's Allan Thompson; I'm counsel to Imperial
17 Irrigation District in this matter. And to my
18 right is Henryk Olstowski, who is with Imperial
19 Irrigation District and is their Project Manager
20 on this proceeding.

21 Directly behind me, Mr. James Diven from
22 URS Corporation, who provided environmental
23 support. And Dave Tateosian from Power Engineers,
24 who provided engineering support to the project.
25 Thank you.

1 MS. WILLIS: Good morning. My name is
2 Kerry Willis; I'm Senior Staff Counsel for the
3 Energy Commission. And with me is Mary Dyas, the
4 Project Manager. Also here today is Steve Baker
5 and Tuan Ngo.

6 HEARING OFFICER SHEAN: Thank you. All
7 right, the Committee has set up, for the
8 convenience of the parties, members of the public
9 and agencies who are interested in this proceeding
10 a teleconferencing line. And I understand that we
11 have at least one caller on the line. Could you
12 please identify yourself.

13 MR. HERNANDEZ: Good morning; this is
14 Jaime Hernandez, Imperial County Air Pollution
15 Control District.

16 HEARING OFFICER SHEAN: Thank you very
17 much. Is there anyone else who's on the
18 teleconference line?

19 All right. The Committee sent out a
20 notice of a prehearing conference on December 1st
21 which the procedure we were going to do is assess
22 our readiness to proceed to an evidentiary
23 hearing.

24 In addition, we have noticed that there
25 was the potentiality that if there were no

1 contested issues this proceeding would be rolled
2 over into an evidentiary hearing and we would take
3 the evidence that's necessary for the Committee to
4 create it Presiding Member's Proposed Decision,
5 and ultimately for the Commission to vote on a
6 decision in this matter.

7 We have received the applicant's
8 prehearing conference statement which included
9 suggestions for two text changes to the final
10 initial study of the staff.

11 The staff's prehearing conference, as it
12 was originally filed, merely indicated that they
13 had no issues, and that they were prepared to
14 present any witnesses that the Committee or anyone
15 else asked be presented.

16 In addition to that, and I would say
17 essentially in support of the applicant's
18 prehearing conference statement, we have a
19 December 13 letter from URS, from Mr. Diven, who
20 is here today, which suggested the changes that
21 are reflected in the applicant's prehearing
22 conference statement.

23 In addition to that, we have
24 correspondence from Southern California Gas
25 Company dated December 15th, which describes the

1 text changes that SoCalGas believes would be
2 appropriate in the energy resources section of the
3 final initial study that further explain issues
4 related to the availability of gas beyond what is
5 contractually -- they are contractually bound to
6 do.

7 Now, within the last -- let me just
8 indicate, within the last 24 hours or so we have
9 also received from Mr. Thompson, who is the
10 counsel for the applicant, a letter discussing
11 clarifications of the final initial study's
12 discussion of both the offsets that are required
13 for the project, as well as the description of the
14 annual emissions from the proposed project.

15 And lastly, let me indicate this morning
16 I received from the staff a copy of a yet-to-be-
17 docketed final initial study errata, which
18 includes staff's view of the appropriate changes
19 to its final initial study in air quality with
20 respect to the matters raised in Mr. Thompson's
21 letter. Also waste management and general
22 conditions of exemption, which were raised in the
23 applicant's prehearing conference statement and
24 the URS letter.

25 And finally, changes to the energy

1 resources section which respond to the comment of
2 the Southern California Gas Company.

3 So that's where we are in terms of the
4 documents that are before us.

5 I should also indicate that the
6 Committee has in front of it the Imperial County
7 Air Pollution Control District's authority to
8 construct review, which was dated December 4th and
9 received by us in our docket unit on December 5th.

10 And it enumerates a substantial
11 discussion of both the project, its estimated
12 emissions, the appropriate application of the
13 rules of the District; and has several conditions
14 that are listed in that, most of which have been
15 incorporated in the final initial study, or at
16 least based upon a preliminary version of the
17 authority to construct, I think found their way
18 into the final initial study.

19 So, that's where we are in terms of
20 documents. I guess at this point we want to
21 determine whether or not any of the parties, other
22 than introducing these changes as errata to the
23 final initial study, is there any other matter
24 that a party wishes to raise and contest. And
25 we'll ask the applicant first.

1 MR. THOMPSON: Applicant has no other
2 issues. And we appreciate your going through the
3 documents that have been filed in the past few
4 days. We apologize for getting these in late in
5 the process, but there were some questions that
6 arose late and we wanted to address them before
7 today.

8 HEARING OFFICER SHEAN: From the staff?

9 MS. WILLIS: No, we don't have any
10 additional issues. I did want to change our
11 prehearing conference statement to include two
12 witnesses, Mr. Baker and Mr. Ngo, who would just
13 be sponsoring the portions of the errata as to the
14 changes.

15 HEARING OFFICER SHEAN: All right. So
16 at this point, then, does any party or any person
17 who is on our teleconferencing line have objection
18 to the conclusion of the prehearing conference
19 portion of this proceeding, and the roll-over into
20 an evidentiary proceeding, which we will take from
21 the applicant and the staff the evidence necessary
22 to support our PMPD and the Commission decision?

23 All right, hearing no objection, we will
24 do that, and shift gears here.

25 Yes, sir?

1 MR. HERNANDEZ: No objection from the
2 Air Pollution Control District.

3 HEARING OFFICER SHEAN: Thank you very
4 much.

5 EVIDENTIARY HEARING

6 HEARING OFFICER SHEAN: With that, let's
7 go to the applicant and have you introduce, I
8 would think, as we did somewhat similarly in
9 Niland, your application filing, your data
10 responses and anything subsequently filed.

11 MR. THOMPSON: If it would please the
12 Committee what I would like to do is to present a
13 panel of three individuals, also similar to
14 Niland, if that's okay?

15 HEARING OFFICER SHEAN: That is
16 satisfactory, certainly.

17 (Pause.)

18 MR. THOMPSON: Thank you, Mr. Shean.
19 What I would like to do is introduce each of the
20 panel members, and then ask them a very few short
21 questions about documents that have been submitted
22 into this case.

23 I would like to take them one at a time,
24 if that's permissible.

25 HEARING OFFICER SHEAN: Absolutely fine.

1 MR. THOMPSON: Mr. Diven, would you
2 please state your name and place of employment?

3 MR. DIVEN: James Diven, URS
4 Corporation.

5 MR. THOMPSON: And what are your
6 responsibilities at URS?

7 HEARING OFFICER SHEAN: I think maybe
8 just -- why don't we swear them in as a panel and
9 then that way --

10 MR. THOMPSON: Oh, I'm sorry, okay.

11 Whereupon,

12 JAMES DIVEN, DAVID TATEOSIAN and HENRYK OLSTOWSKI
13 were called as witnesses herein, and after first
14 having been duly sworn, were examined and
15 testified as follows:

16 MR. THOMPSON: Thank you. The panel
17 consists of Mr. Diven of URS, Mr. Tateosian of
18 Power Engineers and Mr. Olstowski of Imperial
19 Irrigation District.

20 DIRECT EXAMINATION

21 BY MR. THOMPSON:

22 Q Mr. Diven, your responsibilities at URS?

23 MR. DIVEN: First let me spell my name.
24 James, J-a-m-e-s, Diven, D-i-v-e-n. And with URS
25 Corporation.

1 I am the URS Project Manager for
2 preparation of the small power plant exemption and
3 all other documents.

4 MR. THOMPSON: Over the course of this
5 proceeding, applicant has submitted a number of
6 documents. Many of these required environmental
7 analysis and conclusions, such as noise
8 measurements.

9 Did URS provide this environmental
10 support to IID and the filings that have been made
11 by IID?

12 MR. DIVEN: Yes, we did.

13 MR. THOMPSON: And was this
14 environmental analysis and your conclusions
15 performed by you or under your supervision?

16 MR. DIVEN: It was performed either by
17 me or under my supervision.

18 MR. THOMPSON: And finally, not that
19 you're under oath, is this material true and
20 correct to the best of your knowledge?

21 MR. DIVEN: Yes, it is.

22 MR. THOMPSON: Do you have anything to
23 add, Mr. Diven?

24 MR. DIVEN: I have nothing to add, but
25 thank you.

1 MR. THOMPSON: Mr. Tateosian, would you
2 please spell your name and place of employment for
3 the record.

4 MR. TATEOSIAN: David Tateosian,
5 T-a-t-e-o-s-i-a-n. I work for Power Engineers.

6 MR. THOMPSON: And what are your
7 responsibilities at Power Engineers?

8 MR. TATEOSIAN: Power Engineers is the
9 owner's engineer for IID for the El Centro
10 project. I'm Power's Project Manager for that
11 work.

12 MR. THOMPSON: And over the course of
13 this proceeding the applicant has submitted a
14 number of documents. Many of those required
15 engineering data and analysis. Did Power
16 Engineers provide this engineering support?

17 MR. TATEOSIAN: Yes, we did.

18 MR. THOMPSON: And was this engineering
19 support performed by you or under your
20 supervision?

21 MR. TATEOSIAN: Yes, it was.

22 MR. THOMPSON: And finally, as you are
23 now under oath, is this material true and correct
24 to the best of your knowledge?

25 MR. TATEOSIAN: It is.

1 MR. THOMPSON: Thank you. Do you have
2 anything to add, Mr. Tateosian?

3 MR. TATEOSIAN: No.

4 MR. THOMPSON: And now, Mr. Olstowski,
5 would you please spell your name and place of
6 employment for the record.

7 MR. OLSTOWSKI: The first name is
8 H-e-n-r-y-k and the last name's O-l-s-t-o-w-s-k-i.
9 And I work at Imperial Irrigation District; and
10 I'm the Assistant Manager for IID Energy,
11 responsible for all of IID's generating assets.

12 MR. THOMPSON: And what were your
13 responsibilities with regard to El Centro Unit 3
14 repower project?

15 MR. OLSTOWSKI: I was the project owner;
16 and within IID that project owner title means that
17 I was directly supervising and overseeing the team
18 that was ultimately putting the work together.

19 MR. THOMPSON: Thank you. Have you
20 reviewed the final initial study submitted by the
21 CEC Staff in this proceeding?

22 MR. OLSTOWSKI: I haven't read the
23 entire final initial study; I rely on the project
24 team to advise me of any issues that I need to be
25 aware of. I have read all the findings and the

1 conclusions and the conditions of exemption.

2 MR. THOMPSON: On behalf of Imperial --
3 let me back up. Have you also had a chance this
4 morning to review the staff-proposed errata to the
5 FIS?

6 MR. OLSZOWSKI: No.

7 MR. THOMPSON: Are you aware of the ERC
8 amounts --

9 MR. OLSZOWSKI: Okay, yes, I am aware of
10 the ERC amounts. I know that they've been
11 modified. And IID is accepting that new level of
12 ERC requirements.

13 MR. THOMPSON: Thank you. And with
14 regard to all of the other conclusions and
15 recommendations and conditions in the FIS, the
16 final initial study, does Imperial Irrigation
17 District accept those?

18 MR. OLSZOWSKI: IID accepts all the
19 final initial study's conditions of exemption,
20 yes.

21 MR. THOMPSON: Thank you very much, Mr.
22 Olszowski. The panel is tendered for cross-
23 examination.

24 EXAMINATION

25 HEARING OFFICER SHEAN: Just so I can be

1 sure, as far as you believe, in terms of
2 introduction into the record, you have the
3 entirety of your SPPE application, your data
4 responses and any other filings that have been
5 made by IID to date?

6 MR. THOMPSON: That's precisely what
7 this was intended to cover, Mr. Shean.

8 HEARING OFFICER SHEAN: Okay. Thank
9 you. I'm not certain to whom to address this, but
10 let's just ask this with respect to the authority
11 to construct review filed by the District.

12 Would it be the position of IID that
13 while you've indicated that the errata filed by
14 the staff is acceptable to you, whether or not
15 condition number 7, which discusses emission
16 reduction credits and certificates and their
17 surrender and the amounts, whether that is
18 acceptable to IID as written?

19 MR. OLSZOWSKI: Yes, the emission ERC
20 requirements in the errata are acceptable in the
21 amounts presented to Imperial Irrigation District.

22 HEARING OFFICER SHEAN: And would it be
23 the view of IID that page 7 of the authority to
24 construct, which includes a table entitled,
25 estimated annual emission changes due to proposed

1 El Centro Generating Station Unit 3 Repower
2 Project correctly characterizes the future
3 emissions of the new proposed unit, and the
4 historical emissions of the existing unit?

5 MR. THOMPSON: Mr. Shean, if we could
6 take about 30 seconds? We just put this in front
7 of the witness.

8 HEARING OFFICER SHEAN: Certainly. Take
9 whatever time you need.

10 (Pause.)

11 MR. OLSZOWSKI: The ERC amounts
12 presented in page 7 are correct and accepted.

13 ASSOCIATE MEMBER BOYD: I was just
14 seeking total concurrence with the right numbers.
15 The record was a little thin there for a minute;
16 but I think you've now accomplished that. Thank
17 you.

18 HEARING OFFICER SHEAN: And with respect
19 to the comments from Southern California Gas, do
20 they, in your view, -- well, is there anything
21 about those comments that you find problematic
22 with regard to their inclusion in an errata of the
23 final initial study?

24 MR. OLSZOWSKI: No.

25 HEARING OFFICER SHEAN: Okay.

1 MR. THOMPSON: Mr. Shean, I think that
2 applicant views those comments as clarification
3 only.

4 HEARING OFFICER SHEAN: All right, we
5 were just trying to determine whether or not, if,
6 as clarified, there was a problem with it. And
7 apparently there's not.

8 MR. OLSTOWSKI: No.

9 HEARING OFFICER SHEAN: Okay. That
10 concludes the examination from us. Anything from
11 the staff?

12 MS. WILLIS: No, nothing.

13 HEARING OFFICER SHEAN: All right,
14 gentlemen, we'd like to thank you for your
15 appearance as witnesses in the proceeding. And
16 for that purpose, you're excused.

17 MR. THOMPSON: We reserve the right to
18 recall any of these witnesses as we proceed
19 through this, if there are other things, items
20 that you wish to --

21 HEARING OFFICER SHEAN: Yes, and --

22 MR. THOMPSON: -- our witnesses on.

23 HEARING OFFICER SHEAN: -- if there's
24 some closing statement one of the IID
25 representatives would like to make, we'll afford

1 time for that.

2 MR. OLSHOWSKI: Well, as with the Niland
3 SPPE --

4 HEARING OFFICER SHEAN: We'll come back
5 around to --

6 MR. OLSHOWSKI: All right, thanks.

7 HEARING OFFICER SHEAN: Okay.

8 Commission Staff.

9 MS. WILLIS: At this time staff would
10 like to also call a panel and have them all sworn
11 in at the same time. Mary Dyas, Project Manager;
12 Tuan Ngo, our air quality analyst; and Steve
13 Baker.

14 Whereupon,

15 MARY DYAS, TUAN NGO and STEVE BAKER
16 were called as witnesses herein, and after first
17 having been duly sworn, were examined and
18 testified as follows:

19 MS. WILLIS: I'm going to start with Ms.
20 Dyas.

21 DIRECT EXAMINATION

22 BY MS. WILLIS:

23 Q If you could please state and spell your
24 name for the record.

25 HEARING OFFICER SHEAN: Gentlemen, would

1 you hand that microphone down to Ms. Dyas. Thank
2 you.

3 MS. DYAS: Mary Dyas, M-a-r-y D-y-a-s.

4 MS. WILLIS: And what is your position
5 at the Energy Commission?

6 MS. DYAS: I'm the Siting Project
7 Manager.

8 MS. WILLIS: Was a statement of your
9 qualifications attached to your testimony in the
10 final initial study?

11 MS. DYAS: Yes, it was.

12 MS. WILLIS: And what documents are you
13 sponsoring today?

14 MS. DYAS: I'm sponsoring the final
15 initial study and portions of the errata.

16 MS. WILLIS: And could you describe your
17 responsibility in publishing the errata -- I mean,
18 I'm sorry, the final initial study and the errata.

19 MS. DYAS: I'm responsible for
20 coordinating staff and their sections and the
21 review of their sections.

22 MS. WILLIS: Does the document include
23 analysis of impacts to the environment, public
24 health and safety, and energy resources?

25 MS. DYAS: Yes, it does.

1 MS. WILLIS: Does the document come to
2 any conclusions?

3 MS. DYAS: Yes. Staff has concluded
4 that the mitigation measures proposed by the
5 applicant and the conditions of exemption
6 recommended by staff, that the project will not
7 result in any significant direct, indirect or
8 cumulative impact to public health, safety, energy
9 resources or the environment.

10 MS. WILLIS: Now you stated you were
11 also sponsoring portions of the errata. Could you
12 please describe the portions that you are
13 sponsoring?

14 MS. DYAS: Yes. I'm sponsoring the
15 change to the waste management condition of
16 exemption and the change in the general conditions
17 of exemption.

18 MS. WILLIS: And with those changes does
19 that change any of the conclusions in the final
20 initial study?

21 MS. DYAS: No, it does not.

22 MS. WILLIS: And does that conclude your
23 testimony?

24 MS. DYAS: Yes.

25 MS. WILLIS: At this time we'd like

1 to -- I guess, are we marking or just entering
2 into the record the final initial study?

3 HEARING OFFICER SHEAN: Why don't you
4 just, if you like, offer it into -- I mean since
5 she's testified she prepared it, you can just
6 offer it into evidence.

7 MS. WILLIS: Okay, we'll offer it into
8 evidence at this time.

9 HEARING OFFICER SHEAN: Is there
10 objection?

11 MR. THOMPSON: No objection.

12 HEARING OFFICER SHEAN: Okay.

13 MS. WILLIS: I'd like to turn to Mr. --

14 HEARING OFFICER SHEAN: May I interrupt
15 you, --

16 MS. WILLIS: Sure.

17 HEARING OFFICER SHEAN: -- Ms. Willis,
18 for just a moment before you get on to the other
19 witnesses substantively, to just ask this question
20 of Ms. Dyas.

21 Is it your view that you have, in the
22 publication and filing and notice with respect to
23 the final initial study, that the staff has
24 followed all the requirements in the regulations
25 and guidelines of the California Environmental

1 Quality Act?

2 MS. DYAS: Yes.

3 MS. WILLIS: Thank you. I'd like to
4 turn to Mr. Ngo.

5 MR. NGO: Good morning. My name is Tuan
6 Ngo, spelled T-u-a-n, last name N-g-o.

7 MS. WILLIS: And what is your position
8 at the Energy Commission?

9 MR. NGO: I'm a mechanical engineer.

10 MS. WILLIS: Was a statement of your
11 qualifications attached to the final initial
12 study?

13 MR. NGO: Yes, it is.

14 MS. WILLIS: And could you briefly state
15 your experience?

16 HEARING OFFICER SHEAN: Perhaps rather
17 than do that, let's just cut this short. Is there
18 objection to the qualifications of Mr. Ngo --

19 MR. THOMPSON: None.

20 HEARING OFFICER SHEAN: -- to testify as
21 an expert? All right.

22 MS. WILLIS: Okay, thank you. What
23 documents are you sponsoring today?

24 MR. NGO: Air quality.

25 MS. WILLIS: Okay, and is that in the

1 errata, as well?

2 MR. NGO: Yes.

3 MS. WILLIS: Did you review the
4 authority to construct review issued by the
5 Imperial County Air Pollution Control District?

6 MR. NGO: Yes, I did.

7 MS. WILLIS: Were there any changes you
8 wish to make to your testimony as stated in the
9 final initial study based on this authority to
10 construct review?

11 MR. NGO: The only thing changed was the
12 already included in the errata.

13 MS. WILLIS: Okay, could you please just
14 describe those changes quickly?

15 MR. NGO: The change were pretty minor.
16 Previously we had 6.1 ton of NOx emission
17 reduction credit. Now it will be changed to 6.94.

18 And for SOx emission reduction credits,
19 previously 42.42; now it be changed to 42.62 ton.

20 MS. WILLIS: And just for clarification,
21 this is in condition of exemption air quality SC-
22 7, is that correct?

23 MR. NGO: Yes.

24 MS. WILLIS: Can you briefly explain why
25 the changes are needed?

1 MR. NGO: There were two reasons. One
2 of them is that the District calculated emission
3 based on maximum worst case emission. And their
4 counting system is slightly different than staff.

5 So that why they come up to those
6 number.

7 MS. WILLIS: By changing those numbers
8 in ACSC-7, does that change any of your
9 conclusions in the final initial study?

10 MR. NGO: No, it does not.

11 MS. WILLIS: Does that conclude your
12 testimony?

13 MR. NGO: Yes, it does.

14 HEARING OFFICER SHEAN: Let me do this
15 again with Mr. Ngo and maybe through you. Does
16 the staff have an objection -- and this is the
17 same question asked previously of the applicant --
18 to the use of the estimated annual emission
19 changes due to the project that's found on page 7
20 of the authority to construct. And I'll compound
21 my question, and the language in condition 7 also
22 in the authority to construct, do you object to
23 their use by the Committee?

24 MR. NGO: No, I am not.

25 HEARING OFFICER SHEAN: All right.

1 MS. WILLIS: And I'm not sure how you
2 wanted to do this procedurally, but we'd also like
3 to make sure that the authority to construct
4 review is entered into the record, as well.

5 HEARING OFFICER SHEAN: I'm going to get
6 that after you're done.

7 MS. WILLIS: Okay. Thank you, Mr. Ngo.
8 I'd like to turn to Mr. Baker.

9 Could you please state and spell your
10 name for the record.

11 MR. BAKER: Steve Baker, B-a-k-e-r.

12 MS. WILLIS: And what is your position
13 at the Energy Commission?

14 MR. BAKER: I'm a senior mechanical
15 engineer.

16 MS. WILLIS: Was a statement of your
17 qualifications attached to the final initial
18 study?

19 MR. BAKER: Yes, it was.

20 MS. WILLIS: And what document are you
21 sponsoring today?

22 MR. BAKER: I'm sponsoring the energy
23 resources portion of staff's errata to the final
24 initial study.

25 MS. WILLIS: Did you review the

1 submittal by Sempra?

2 MR. BAKER: Yes, I did.

3 MS. WILLIS: And do you have any
4 comments on that?

5 MR. BAKER: No, I don't.

6 MS. WILLIS: Are those changes that
7 Sempra proposed included in the errata today?

8 MR. BAKER: Yes, they are.

9 MS. WILLIS: And by making those
10 additions does that, in any way, change your
11 conclusions in your testimony in the final initial
12 study?

13 MR. BAKER: No, it does not.

14 MS. WILLIS: Does that conclude your
15 testimony?

16 MR. BAKER: Yes.

17 MS. WILLIS: Thank you. At this point in
18 time staff would like to enter the staff errata
19 into the record.

20 HEARING OFFICER SHEAN: Is there
21 objection?

22 MR. THOMPSON: None.

23 HEARING OFFICER SHEAN: Admitted. Are
24 there any questions of the applicant to the
25 Commission Staff witnesses?

1 MR. THOMPSON: We have no questions.

2 HEARING OFFICER SHEAN: All right, I
3 believe I have asked the questions that the
4 Committee was interested in. And with that, I
5 would like to thank Ms. Dyas and Mr. Ngo and Mr.
6 Baker for your testimony. As witnesses, you are
7 excused.

8 We have one last item that as far as the
9 evidentiary record in the proceeding, and that
10 would be the admission into the record of the
11 Imperial County Air Pollution Control District's
12 authority to construct review, which was referred
13 to earlier.

14 I'm going to ask the parties for a
15 stipulation that it be entered into the record as
16 if fully testified to by a qualified witness from
17 the Air District. And that it may be used for any
18 evidentiary purpose by the Committee and the
19 Commission.

20 MR. THOMPSON: Applicant so stipulates.

21 MS. WILLIS: Staff does, as well.

22 HEARING OFFICER SHEAN: All right. So
23 we've saved the District, which is here on the
24 phone, a little bit of procedural dance to get it
25 in. But it is now officially in our record.

1 Thank you.

2 All right, is there any other comment,
3 question or closing statement by either of the
4 parties?

5 MR. THOMPSON: We have a couple closing
6 remarks when it would be an appropriate time.

7 HEARING OFFICER SHEAN: That's probably
8 now.

9 MR. THOMPSON: Before I turn this over
10 to Mr. Olstowski, I would like to personally say
11 something. I've been practicing at this
12 Commission for more years than I would like to
13 recall. And I want to personally commend the
14 staff. I think over the last couple years the
15 staff has become much much more user friendly,
16 informing applicants of the data and information
17 needed to get into the process and through the
18 process.

19 And I want everyone to know how much
20 that's appreciated by me, certainly, and I think
21 my clients, as well. Thank you.

22 HEARING OFFICER SHEAN: Thank you.

23 MR. OLSTOWSKI: And I, too, would like
24 to, you know, add that from IID's perspective, we
25 thank staff for all the hard work that they did on

1 this, up to this point, on issuing the final
2 initial study for the El Centro Repower.

3 And, you know, not too long ago an SPPE
4 was awarded for our Niland project, which we've
5 kicked off the detail engineering and
6 construction, and that project's underway. We
7 expect to have that project online, as we had
8 stated, before the summer of 2008.

9 And if everything goes well from this
10 point on with the El Centro project, we hope to
11 have it online for the summer of 2009.

12 But, again, I just would like to thank
13 staff and the Commission.

14 HEARING OFFICER SHEAN: Thank you.
15 Staff.

16 MS. WILLIS: Also, we'd like to thank
17 the staff and the applicant for working as well
18 together as they have in this process. Besides
19 the few changes that we had to make, you know,
20 today and yesterday, the process went very
21 smoothly.

22 HEARING OFFICER SHEAN: Thank you. Any
23 comments from the District or any other person on
24 the phone?

25 MR. HERNANDEZ: Yes. This is Jaime

1 Hernandez, Imperial County.

2 HEARING OFFICER SHEAN: Yes, sir, go
3 ahead.

4 MR. HERNANDEZ: Yes. I just would like
5 to point out that the first draft APC was under
6 number 1155(a). And this last, the final draft,
7 is number 3629. Just in case, you know, see that
8 different number, we did it on -- it was on the
9 permit. And the changes on this draft was
10 reflected on the final.

11 HEARING OFFICER SHEAN: Thank you. And
12 that's the one we have in our record and which we
13 are using as the basis for any recommendations by
14 the Committee and decision by the Commission.
15 Thank you, sir.

16 MR. HERNANDEZ: Thank you.

17 HEARING OFFICER SHEAN: Other comments
18 from anybody else? This is the time we would
19 afford to any member of the audience, whether here
20 physically or here by telephone, to make any
21 comments that they may wish to.

22 All right, with that, this matter --

23 PRESIDING MEMBER BYRON: Mr. Shean, I
24 just wanted to briefly acknowledge Mr. Thompson's
25 remarks with regard to the staff. Thank you very

1 much. Means a great deal, and we appreciate those
2 compliments of the work of the staff here, and
3 their attention to detail.

4 Before we stopped I wanted to give
5 Commissioner Boyd one last opportunity to say
6 anything, because I believe this may be the last
7 power plant hearing case this year for
8 Commissioner Boyd --

9 ASSOCIATE MEMBER BOYD: Or ever.

10 PRESIDING MEMBER BYRON: Or ever, and
11 he's done so many of these. Commissioner Boyd.

12 ASSOCIATE MEMBER BOYD: Thank you. I
13 was just going to acknowledge the kind comments
14 that staff, I'm sure the harried staff,
15 appreciates that. But it does show we've made --
16 this agency's gained a lot of experience in the
17 last several years in this arena, which was a
18 neglected arena for quite some time.

19 So I'm sure the staff appreciates that.
20 And Commissioners like to hear that, as well.

21 So, it's been a pleasure. This has been
22 a relatively easy case. I commend, therefore, the
23 staff and the applicant for making it so. And I
24 wish you luck. Lord knows if I'll ever be in your
25 area when these plants are done and operating; but

1 should I be there, well, I might even stop and
2 take a look just for old time's sake.

3 But, thank you, all. It's been fun.
4 And who knows, I may be back.

5 HEARING OFFICER SHEAN: Well, I think we
6 all want to visit Slab City at least one more
7 time.

8 (Laughter.)

9 HEARING OFFICER SHEAN: There are a
10 couple of housekeeping measures that we need to
11 take care of. And let me just indicate for the
12 record then, that the final initial study has been
13 subject to a public comment period since it was
14 released, filed with the clearinghouse. And so it
15 is expected and normal that the draft that we have
16 had before us would be subject to comment. And,
17 of course, it has been, both from the applicant,
18 from Southern California Gas, and with respect to
19 the ERC issues and the offsets and so on like
20 that.

21 So, CEQA does work. This is what this
22 is intended to do. And with respect to the CEQA
23 regulations with regard to where we go from here,
24 it's fairly clear to the Committee that under the
25 law that if there are changes that would be made

1 to the final initial study, which are maybe
2 substantive, but are not significant, that the
3 Commission is under no legal obligation to
4 republish the final initial study as a revision,
5 and having further an additional public review
6 period.

7 Therefore, it will not be an action
8 contemplated by the Commission to re-issue the
9 final initial study. Rather the Committee will
10 include in its Presiding Member's Proposed
11 Decision a series of errata that will essentially
12 update and clarify the final initial study in
13 accordance with the information that we've had
14 come before us and put on the record.

15 The Committee is in the process of
16 preparing, and is prepared to release, a PMPD very
17 shortly. That is basically something we are
18 capable of doing because this is significantly
19 uncontested and allows us to move forward very
20 quickly.

21 And also indicate that after the
22 publication of the PMPD, it's the contemplation of
23 the Committee to present this PMPD to the full
24 Commission at its regularly scheduled business
25 meeting on January 3rd.

1 There will clearly be a comment period
2 afforded to not only the parties, but the public,
3 in the interim for either the filing of written
4 comments or at the public hearing on the 3rd to
5 receive comments at that point. And there is a
6 teleconferencing capability that is available for
7 that.

8 So that is the general layout of where
9 we go from here. And I also want to extend my
10 thanks to the applicant for its forthcomingness
11 with respect to the matters that you have reviewed
12 and agreed to with the staff; and also to the
13 staff, particularly the project manager, Mary
14 Dyas, and to Kerry Willis for the cooperation
15 we've had here in the building with respect to
16 document flow, et cetera, et cetera. We thank you
17 very much. It's made my job easier and I
18 appreciate it.

19 So, with that, we are prepared to
20 adjourn today with thanks to you all.

21 (Whereupon, at 10:10 a.m., the hearing
22 was adjourned.)

23 --o0o--

24

25

CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of December, 2006.