

COMMITTEE CONFERENCE
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for)
Certification of the) Docket 97-AFC-1
High Desert Power Project)
)
_____)

VICTORVILLE CITY HALL
COUNCIL CHAMBERS
14343 CIVIC DRIVE
VICTORVILLE, CALIFORNIA

TUESDAY, APRIL 18, 2000

1:00 P.M.

Reported by:
Debi Baker
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Robert A. Laurie, Presiding Member

STAFF PRESENT

Stanley Valkosky, Hearing Officer

Caryn Holmes, Staff Counsel

Richard Buell, Project Manager

APPLICANT

Allan J. Thompson, Attorney
CEC Project Counsel
21C Orinda Way
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Orinda, CA 94563

Thomas Barnett, Vice President and Project Manager
High Desert Power Project LLC
3501 Jamboree Road, South Tower, Suite 606
Newport Beach, CA 92660

INTERVENORS

Gary A. Ledford, Builder
Jess Ranch
11000 Apple Valley Road
Apple Valley, CA 92308

ALSO PRESENT

John Roberts, City Manager, City of Victorville

Peggy Sartor

Bob Almond

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

2 1:00 p.m.

3 PRESIDING MEMBER LAURIE: Ladies and
4 gentlemen, this is a public hearing on the High
5 Desert Power Project.

6 My name is Robert Laurie; I'm Presiding
7 Commissioner on the Committee hearing the case.
8 To my right is Mr. Stan Valkosky, the Hearing
9 Officer assigned to the case.

10 This meeting is being transcribed, so
11 anybody desiring to speak, we will ask that you
12 speak slowly so that the words can be recorded
13 properly. If there's any challenge with that
14 recordation we will interrupt you.

15 We'll have some introductions. Mr.
16 Valkosky will make some opening comments. And
17 then we'll talk about the agenda that we're going
18 to follow today.

19 Mr. Valkosky.

20 HEARING OFFICER VALKOSKY: Thank you,
21 Commissioner Laurie.

22 Before we begin I'd like the parties to
23 introduce themselves. Mr. Buell.

24 MR. BUELL: Yes, my name is Richard
25 Buell. I'm the Energy Commission Staff's Project

1 Manager. To my right is Caryn Holmes, our Staff
2 Attorney.

3 HEARING OFFICER VALKOSKY: Mr. Ledford.

4 MR. LEDFORD: My name is Gary Ledford,
5 and I am an intervenor in this proceeding with my
6 primary interest in water.

7 HEARING OFFICER VALKOSKY: Mr. Thompson.

8 MR. THOMPSON: Thank you. My name is
9 Allan Thompson. I'm CEC Project Counsel. To my
10 right is Mr. Tom Barnett, representing
11 Constellation and the project.

12 HEARING OFFICER VALKOSKY: Thank you.

13 By way of background, I'd like to note the
14 Committee issued its revised Presiding Member's
15 Proposed Decision, of which there are a few copies
16 up here at the table, and scheduled today's
17 conference on March 31st of this year.

18 The following parties submitted written
19 comments on the revised proposed decision: Staff,
20 Intervenor Gary Ledford, and Intervenor California
21 Department of Fish and Game.

22 The purpose of today's conference is to
23 provide an opportunity to present any comments on
24 the revised Presiding Member's Proposed Decision.

25 The parties may assume that the

1 Committee will incorporate appropriate technical
2 and minor editorial revisions as suggested. And
3 should therefore focus primarily on those comments
4 which affect the substance of the revised
5 document, with special emphasis on any
6 modifications necessary to the conditions of
7 certification.

8 The Committee will consider the comments
9 made today, along with the previously filed
10 written comments and may prepare an errata to the
11 revised PMPD.

12 The way in which I'd like to proceed is
13 to have the applicant, the staff, and then Mr.
14 Ledford make their comments. At the conclusion of
15 that we will open it up to any comments from
16 members of the public here present.

17 With that, unless there are any
18 questions? I see none.

19 Mr. Thompson.

20 MR. THOMPSON: Thank you. Those of you
21 listening will note that when Mr. Valkosky read
22 out the names of those submitting comments the
23 applicant was noticeably absent. The reason for
24 that is that we thoroughly reviewed the revisions
25 made to the PMPD that appear in the revised

1 Presiding Member's Proposed Decision, and agree;
2 not only with the language, but the changes that
3 were made to the conditions of certification.

4 The primary changes in the conditions of
5 certification came about with an agreement between
6 the parties as to the wording of a couple of the
7 water resources conditions and verifications.

8 So we really have no comments, and
9 wholeheartedly endorse the conclusions and
10 discussion contained in the revised PMPD.

11 With regard to the material submitted by
12 the other parties, our reading of California Fish
13 and Game comments are that they raise some issues,
14 or some points, but in the end, agreed that the
15 revised PMPD, as written, was acceptable.

16 Mr. Ledford raised a number of issues,
17 all of which we believe have been heard before and
18 addressed in the revised PMPD. We believe that
19 the Committee and Mr. Valkosky correctly weighed
20 the evidence on those issues raised by Mr.
21 Ledford, and endorsed the conclusions contained in
22 the revised PMPD.

23 With regard to staff, we take the
24 phrase, do not disagree, as, as close to an
25 agreement as we can get. We believe that while we

1 may disagree with some of the characterizations in
2 the body of the staff comments, at the end of the
3 staff presentation when they raise and put forth
4 the -- this is under Roman IV -- the suggested
5 changes that they wish to be incorporated, I
6 assume by errata, we have no objection to those.

7 So, I guess in summation, we do disagree
8 with Mr. Ledford, but have no disagreement with
9 either staff or Fish and Game comments.

10 HEARING OFFICER VALKOSKY: Thank you,
11 Mr. Thompson.

12 MS. HOLMES: Thank you. We don't have
13 anything to add to our prefiled comments with the
14 exception that one of the minor clarifications
15 that we had recommended be made under section 4
16 need further clarification.

17 We had pointed out that the verification
18 for soil and water 19 and soil and water 2 are
19 identical. Upon re-reading the conditions
20 closely, it appears to me that what the Committee
21 was doing was using soil and water 19 to reference
22 a storage agreement that would be between Victor
23 Valley Water District and the Mojave Water Agency
24 on behalf of Victor Valley, itself. And that the
25 storage agreement referred to in soil and water 2

1 would be the storage agreement that VVWD would
2 enter into on behalf of the project.

3 The only recommendation I would have is
4 that the Committee might wish to add language to
5 soil and water 2 to make sure that it's clear the
6 storage agreement there is the one that's entered
7 into on behalf of the project.

8 HEARING OFFICER VALKOSKY: Okay. Thank
9 you. Before we move off staff, I'd like to note
10 for clarification that the Committee received
11 earlier this week a letter from a Mr. Bagwell
12 concerning the routing of the project's
13 transmission line.

14 And my understanding -- well, our
15 understanding is it's composed of two parts. One,
16 the project's transmission line will not go
17 through the area of concern. And the second part
18 is that Mr. Buell has spoken with Mr. Bagwell, is
19 that correct?

20 MR. BUELL: That is correct, and that is
21 my understanding, also, that the project does not
22 enter the area where he would be concerned.

23 HEARING OFFICER VALKOSKY: Okay. Mr.
24 Thompson, are you familiar with that letter, Mr.
25 Bagwell's concern?

1 MR. THOMPSON: We are. And we could not
2 find his location on our project map, so we make
3 the assumption that he is some distance away.

4 Plus the fact that we take some comfort
5 in the fact that everybody within, I think it's
6 500 feet of the corridors, received notice in this
7 proceeding. And I guess he didn't.

8 So, I'm making the assumption that he is
9 some distance away.

10 HEARING OFFICER VALKOSKY: Okay. Mr.
11 Buell, is that your understanding, that he is, in
12 fact, sufficient distance away as to not be
13 affected by the project's transmission lines?

14 MR. BUELL: That's correct, and we had
15 both looked at -- I had looked at the project map
16 that's in the proposed decision and described that
17 to him, and he has identified that based upon that
18 location he was not concerned.

19 HEARING OFFICER VALKOSKY: Okay, thank
20 you. Is Mr. Bagwell present? Okay, he is not
21 present, so we'll leave the matter with
22 clarification for the parties. Thank you.

23 Mr. Ledford.

24 MR. LEDFORD: Thank you. I'd like to
25 start again by saying what the decision says in

1 it, that I'm not opposed to this project, per se.

2 But, for some reason I feel that I've
3 been inept in communicating adequately. And I
4 would like to take one more chance at this time to
5 review these items in some detail.

6 I believe the opportunity has presented
7 itself somewhat uniquely today in that the
8 decision had a footnote that somehow when I was
9 doing my comments I overlooked. However, staff
10 was gracious enough to point it out.

11 And I ended up doing some research, most
12 of which I have just done in the last two days.
13 The primary part of that is a letter, I believe,
14 that was sent to Randy Hill -- was addressed to
15 Randy Hill, and is footnoted, I believe, as
16 footnote number 51 in the decision.

17 The letter is from Tom Dodson &
18 Associates, and attaches some 200 pages of
19 documents, which are reported to be portions of
20 the environmental documents for the regional water
21 management plan of the Mojave Water Agency, as
22 well as the environmental impact study for the
23 Barenda-Mesa acquisition of water.

24 I have an argument that I'll probably
25 make in a moment or two about whether or not this

1 is appropriately included in the decision,
2 although I believe that there are probably a
3 number of issues that I have raised in the past
4 that are in these documents that appropriately
5 support the position of consumptive use.

6 And this has been the argument from the
7 very beginning, that this particular project, in
8 utilizing 4000 acrefeet of water at 100 percent
9 consumptive use, does not treat all of the rest of
10 the parties involved in water management, in the
11 regional water management of a high desert, the
12 same.

13 I believe these documents, and even in
14 fact the letters sent to Mr. Hill and incorporated
15 in the decision, and even a finding made in the
16 decision supports my position over the position
17 taken by the Commission.

18 In that regard I'd like to read a few
19 excerpts from the letter. In the first paragraph,
20 and he's addressing himself to the fact that he
21 has talked to Mr. Buell. And he says: As you
22 describe the current situation to me, the
23 Commission Staff reviewing the High Desert Power
24 Project has raised concerns regarding potential
25 growth-inducement related to imported water that

1 will be recharged to the Mojave River Basin by
2 High Desert Power.

3 I think this raises the first argument.
4 There is no recharge. The water that is being
5 proposed to be placed in the ground is a part of a
6 proposed water storage agreement, it is not a part
7 of a recharge agreement.

8 And yet, as he goes further in his
9 letter, he talks about the Mojave River Basin is
10 in over-draft. In order to eliminate this over-
11 draft a combination of imported water resources
12 and in-basin transfers will be necessary. And the
13 management of these sources will allow growth
14 projections for the Mojave River Basin,
15 particularly the Victor Valley, through the year
16 2015 to be met.

17 Again, the problem is the cure of the
18 over-draft. And the Mojave regional water
19 management plan addresses the water resources, the
20 critical nature of the over-draft. It was
21 developed as a part of the physical solution, and
22 it was developed as a mechanism to cure the over-
23 draft and recharge the basin.

24 These are the issues that the Commission
25 has stated that they don't believe that they have

1 an obligation to consider. And yet, they make a
2 finding in their decision that says that this work
3 has been done.

4 I think one of the significant
5 deficiencies in the decision, although the staff
6 had recognized that there was 75,000 acrefeet of
7 entitlement now with Barendia Mesa, that there's
8 only about 60 percent of the time that the -- they
9 can only deliver on average about 60 percent of
10 that water.

11 So, when you begin to make conclusions
12 based on the total numbers, they simply don't add
13 up.

14 On the second page of his letter, Mr.
15 Dodson's letter, he says by adopting and
16 implementing this stipulated judgment the regional
17 water management plan has already committed the
18 water producers within the Mojave River Basin to a
19 program designed to eliminate the over-draft, and
20 to meet the needs of growth. And yet it's clear
21 in this decision that no water is being purchased
22 under this commitment.

23 In the next paragraph down it states:
24 As in the case of the regional water management
25 plan the effect of approving MWA's acquisition of

1 25,000 acrefeet, giving MWA 75,000 acrefeet of
2 table A entitlement, again there is not that much
3 water available.

4 And staff's report, which is the only I
5 would say credible evidence of the actual amount
6 of water available is what's important.

7 And the last paragraph on page 2, Mr.
8 Dodson states: The analysis mandates -- I think
9 this is a key word -- the analysis mandates that
10 imported water or internal water transfers must
11 fully offset water consumption so as not to
12 increase the over-draft. That is the mandate.

13 The regional water management plan
14 envisions both percolation of imported water into
15 the Mojave River Basin aquifers and direct use of
16 imported water after appropriate treatment.

17 I again submit to you that the judgment
18 that is on appeal to the California Supreme Court
19 argues that the reason that the judgment is
20 equitable to all of the parties is because of
21 return flows.

22 And if you avoid placing water in the
23 ground and use it directly for 100 percent
24 consumptive use, there will be no return flows.

25 I'm going to jump over to the staff's

1 comments, and I kind of have a little argument
2 here as to whether or not utilizing this document
3 is -- I'd like to say it's just plain not fair.

4 On two very separate occasions in these
5 proceedings we discussed the creating of
6 evidentiary material of the underlying Base re-use
7 EIR, does everybody remember that? I remember it
8 quite well.

9 Because at the first hearing I
10 questioned Mr. Buell as to whether or not it was
11 available and the staff would put it in the
12 record, and I thought my understanding was fairly
13 clear that that was what was going to happen.

14 And then between that time and the next
15 hearing we found that Mr. Buell actually didn't
16 have the EIR, and none of his staff had it,
17 although it had been referred to in the various
18 staff's testimony before the Commission.

19 In order for me to have that document in
20 the record, and the key reason for having it in
21 the record was to demonstrate that although water
22 had been studied, and although there had been a
23 lawsuit filed, and although there had been a
24 settlement entered into, that the idea or even the
25 conception of a power plant using 4000 feet of

1 consumptive use water was never considered.

2 This project is part and parcel of the
3 base re-use. That particular EIR is now over five
4 years old and even if it had been part of the
5 original EIR, would still have been required to be
6 restudied in accordance with CEQA.

7 I think the unfairness is that when I
8 found that I felt personally that that particular
9 document needed to be in the record, that this
10 Committee said, Mr. Ledford, if you want that in
11 the record or some part of it, you'll have to file
12 it and serve it on all the parties, which I did.

13 I think that these environmental
14 documents that came in after the proceeding was
15 closed, and I haven't had a chance to read them
16 because I was just given them, to me, a few
17 minutes ago, will probably have additional
18 material that would support the position that I've
19 just argued.

20 And if that is deemed to be the case I
21 would think that it would be appropriate to amend
22 the record to include these documents, to have
23 people testify on the documents.

24 HEARING OFFICER VALKOSKY: Mr. Ledford,
25 let me just add, I think, a clarifying point here.

1 You reference staff's comments concerning a
2 paragraph on page 226, I believe it is, of the
3 PMPD. I'd like to indicate the Committee does not
4 agree with staff's interpretation of that portion
5 of the decision. I think it's specifically lines
6 3 to 5 or 3 to 7.

7 To the Committee's reading staff seems
8 to be interpreting the documents, the Committee's
9 reference to the documents from Mr. Dodson as
10 having included an analysis of the High Desert
11 Power Project's water usage. That simply is not
12 the case. I mean that was not an intended
13 reading. The Committee doesn't believe that's a
14 fair reading.

15 What that sentence was included for, as
16 was the reference to Mr. Dodson's comments, is
17 solely to indicate that the general matter of the
18 importation of state water project water into the
19 basin, the 50,000 and then the 75,000 foot
20 entitlement, had been studied, that's it. That's
21 the sole purpose of that reference. It has
22 nothing to do with the particular impacts of the
23 project.

24 MR. LEDFORD: Well, I mean with all due
25 candor, sir, there may be many other things that

1 are in this particular document that would say
2 other things. And maybe exactly the thing that I
3 have been saying. And would be supported by the
4 letter that I have just read excerpts from that
5 say things like the basin needs to be recharged,
6 and that there's a mandate to recharge.

7 And that these environmental documents,
8 in each and every case, my point would be that in
9 each of these documents there is no reference or
10 indication of a power project using 4000 acrefeet
11 of consumptive use from the regional water
12 management plan.

13 This is a significant change. This is
14 -- now, I know your position has been, well, fine,
15 let MWA figure it out, that's their job. And,
16 of --

17 HEARING OFFICER VALKOSKY: Right.

18 MR. LEDFORD: -- course, we will make
19 that argument there.

20 HEARING OFFICER VALKOSKY: No, but I
21 think the points you're making are points that are
22 accepted. I mean there is no dispute. The
23 decision clearly states that the basin is over-
24 drafted. I mean that's not a secret. That's not
25 something that has to be established.

1 MR. LEDFORD: This version of the
2 decision also states --

3 HEARING OFFICER VALKOSKY: No, no --

4 MR. LEDFORD: -- that there's 75,000
5 acrefeet to fix it. That's just not the case.

6 HEARING OFFICER VALKOSKY: -- no, that
7 there's an entitlement to 75,000 acrefeet.

8 MR. LEDFORD: I'm probably jumping ahead
9 of myself, so maybe I could just work through it.

10 HEARING OFFICER VALKOSKY: Yes, okay.
11 You bet.

12 MR. LEDFORD: Doesn't look like there's
13 going to be a whole lot of people talking. Until
14 you cut me off I'll just keep working.

15 HEARING OFFICER VALKOSKY: Go ahead.

16 MR. LEDFORD: All right.

17 And I would also re-point out that the
18 staff has highlighted findings and conclusions,
19 they say, on page 32. It's on page 232. It's
20 conclusion number 20.

21 And that particular conclusion is that
22 these environmental documents were prepared. But
23 it has an inference of being prepared in support
24 of what your position is.

25 I suggest to you, even though I haven't

1 read what documents have been submitted, they may
2 say something entirely different. That would give
3 rise to a motion for reconsideration or reopening
4 the record, I'm sure. I haven't had a chance to
5 look at that.

6 But I would point out, and I think my
7 frustration with the fairness issue is that no
8 other party was served with this document. As
9 innocuous as the one-page letter from a nonparty,
10 from a member of the public who has an interest in
11 the transmission lines, that was docketed about
12 three days ago, I received that in the mail
13 yesterday.

14 This 200 pages of environmental
15 documentation and a letter that explains it, that
16 is somehow incorporated into the record I never
17 saw. And as of yesterday I found out, although it
18 was docketed stamped, it has never been docketed.
19 Docketed means logged into the docket register.
20 As of yesterday this document was not docketed.
21 It has a docket stamp on it, albeit I believe a
22 mistake. It had not gotten to all the right
23 people. It did get to some. It got to the
24 Committee, it got to the lawyers. But it never
25 got to dockets, and it certainly never got to

1 somebody that has a significant interest in water.

2 And I think that's --

3 HEARING OFFICER VALKOSKY: Okay.

4 MR. LEDFORD: -- a pretty unfair issue.

5 HEARING OFFICER VALKOSKY: Okay,

6 understood.

7 MR. LEDFORD: Okay. Try to get on.

8 Talking about growth-inducing impacts,
9 the issue of growth-inducing impacts and I'll look
10 at this more specifically in the PMPD, but the
11 point of this project is to be growth-inducing.
12 Everyone that has testified from the public,
13 including the Mayor of the City of Victorville,
14 believes this project is going to be growth-
15 inducing. It's going to generate some additional
16 tax base.

17 And that is the benefit to the community
18 of the project. That would be the case. The
19 problem is, is it going to compete with other
20 types of growth that were never studied. That is
21 the significant separate issue. And that is what
22 has not been studied.

23 You've indicated in your decision that
24 there's no expectation in growth. And that simply
25 isn't the case. All of the land planning

1 documents, the regional water management plan all
2 expect growth, and all show growth.

3 And in all of those documents that we
4 have before us, and are now in the record,
5 indicate how that water is an important part of
6 that growth, and how the costs will be shared.

7 I would point out that in your staff's
8 comments that they spelled it out. The documents
9 referred to do not contain the analysis required
10 by the California Environmental Quality Act for
11 High Desert Power Project relative to growth-
12 inducing impacts.

13 Going on to PM10 and the staff's
14 comments, and to highlight those to some degree,
15 the witness, who I believe was Mr. Balentine,
16 stated at page 51 in the transcript, that it was a
17 limited analysis and that he had not completed a
18 total analysis. It was preliminary.

19 And you were talking in your PMPD about
20 stack height. I'd just like to refer you once
21 again to the dry cool process. This dry cool
22 plant, which is in operation, gives us an
23 inaccurate description, is no more than 100 feet
24 high. The stack height on this plant is no higher
25 than 100 feet.

1 And that the fan cooling towers for the
2 air cool process is not above the stack height.
3 So the issue of stack height in a dry cool process
4 is inaccurately described.

5 And I would also like to point out that
6 at the very end of Mr. Balentine's testimony I
7 asked him the question, I said, Mr. Balentine, if
8 we use dry cooling then we wouldn't have any air
9 quality issues relative to cooling towers, is that
10 correct?

11 And his testimony was there would be no
12 particulate matter emissions from the dry cooling
13 tower. Your staff also says the elimination of
14 state water project water would be a significant
15 benefit. This is a quote from their comments.

16 They go on to say that the reduction of
17 health risk associated with exposure to additives
18 and make-up water, public health, would also be a
19 benefit.

20 I think the most significant issue
21 relative to water, other than the issues of
22 consumptive use, is that we have a project before
23 us and my initial involvement in the project was
24 to see a will-serve letter employed from one
25 qualified vendor.

1 It's unfortunate that you don't
2 understand what goes on amongst the water
3 purveyors up here. But, you can probably get a
4 hint from as much litigation as has gone on. You
5 don't have a will-serve letter, sir.

6 The aquifer storage and recovery
7 agreement, which you indicate is the equivalent of
8 a will-serve letter, looks nothing like any will-
9 serve letter that I have ever seen. And, in fact,
10 the components that will go into providing water
11 service to this project are a long ways away. We
12 will carry our arguments on consumptive use before
13 the Mojave Water Agency, and any other court that
14 we need to, to exhaust our remedy.

15 I believe that I have quoted significant
16 portions of the record that support this position.

17 What I would like to do is to look at,
18 specifically at the conditions, and the first
19 comment that I have that is, I think, important to
20 me is that when the record is complete that at
21 least the public knows the issues that I was
22 concerned about.

23 And the first thing that I'm concerned
24 about is on page 16 of my comments. And I would
25 hope that the Committee would do an errata that

1 would clearly state what my issues are. Because
2 what your interpretation of my issues are in the
3 PMPD is not correct.

4 There are four -- pardon me, there are
5 five. Allowing the project to use imported water
6 for its intended consumptive use gives High Desert
7 Power Project twice the amount of water -- the
8 words "twice the" would be inserted -- at a
9 reduced rate than all other -- inserting the words
10 "all other" -- producers in the basin, and thus
11 creates an inequity.

12 Adding the next four paragraphs,
13 paragraph 2, no will-serve letter providing for a
14 continuous and uninterrupted source of water for
15 the power project has been provided.

16 Number 3, as required by law, a CEQA
17 analysis has not been conducted by the water
18 agencies that intend to provide water to the
19 project.

20 Number 4, the pipelines, wells, and
21 treatment facilities planned to serve this project
22 are over-sized for the purpose of providing water
23 service to the redevelopment of George Air Force
24 Base, and has not been studied under CEQA.

25 And number 5, article 10, section 2 of

1 the California Constitution prohibits 10 percent
2 or more of the annual limited water entitlements
3 of the Mojave Water Agency not be used for 100
4 percent consumptive use for evaporative cooling.

5 Those, gentlemen, are my issues.

6 At page 210 the issue of water
7 availability, I've asked that you incorporate the
8 words that the staff has advised you that on the
9 average, only 65 percent of the state project
10 water will be available in any one year, or
11 approximately 50,000 feet per year.

12 Based upon the evidence in the record,
13 50,000 acrefeet of water will not be enough to
14 cure the regional over-draft. I don't believe
15 that there's anything in the record that states
16 anything but that.

17 And on page 18, and this was in your
18 finally overall, you state the key concerns in
19 evaluating applicant's water supply plan are
20 insuring, one, that only imported water will be
21 used for the project so that the project will not
22 cause the groundwater basin to be further
23 depleted; and two, that the water plan be used to
24 supply water for only the High Desert Power
25 Project.

1 I ask that you insert the following:
2 Mr. Ledford disagrees with this contention because
3 he feels the evidence presented by staff clearly
4 shows that the Victor Valley Water District is
5 continuing to over-draft the regional aquifer, for
6 which there is no recharge. I refer to exhibit
7 87.

8 Further, that the water facilities
9 designed as acknowledged by the staff to be over-
10 designed by 100 percent. And that no CEQA
11 analysis has been conducted. And I refer to
12 exhibit 146A.

13 And finally, Mr. Ledford's position is
14 that the plant cannot be certified until a will-
15 serve letter is provided. However, only one in a
16 proposed series of five contracts has been
17 provided, and there is no assurance that the
18 balance of the agreements will be provided.

19 On page 19 I will not read this for the
20 record, but I believe that these provisions that I
21 have cited in the past support the fact that this
22 facility is going to be used for other projects,
23 other than what has been studied.

24 I have request that you take also a
25 close look at the findings and conclusions on page

1 230. I've asked that you add a finding that says
2 that the soils under the project site and the
3 perched aquifer are seriously contaminated, and
4 there is no current plan to cure the contamination
5 prior to HDPP construction. I believe that is a
6 valid concern of many. I have raised the issue in
7 the past.

8 Where the words in number 3, which would
9 change number 4, Mojave groundwater basin, I would
10 ask that you insert the words critically and
11 severely.

12 Number 4 would be number 5. And I would
13 ask that the High Desert Power Project will use
14 wet cooling technology, which is what you've said,
15 and add the words which is a hotly contested
16 controverted issue in this over-drafted basin.
17 Water may not be available for the cooling plant
18 in the future.

19 I'd like you to add the finding that the
20 Mojave Water Agency is entitled to approximately
21 75,000 acrefeet of water per year, of which it is
22 estimated that only approximately 50,000 acrefeet
23 will be available to the agency on an annual
24 basis.

25 And I'd like you to add the evidence of

1 record directly shows that all the proposed
2 project's water pipelines and water treatment
3 facilities is fully over-designed for the HDPP
4 needs. The future development of George Air Force
5 Base and beyond has been identified to develop
6 projects in the reasonably foreseeable future as a
7 result of the High Desert Power Project.

8 In addition, the conditions of
9 certification adequately insure the project's
10 water facilities will not remove an impediment to
11 growth, but are expected to result in growth,
12 inducing impacts to spur the economy of this area.

13 With that, gentlemen, I thank you for
14 bearing with me on my comments, and the
15 opportunity to participate in these proceedings.

16 HEARING OFFICER VALKOSKY: Thank you,
17 Mr. Ledford.

18 Before I turn to the parties for any
19 response, I've got a couple questions. First, for
20 staff, I notice in Mr. Ledford's comments, and,
21 sir, I think it's on page 16 of your submission,
22 you indicate a desire to be involved, to be
23 notified, at least, --

24 MR. LEDFORD: Correct.

25 HEARING OFFICER VALKOSKY: -- post-

1 certification. And, Mr. Buell, I was wondering if
2 you could explain for the benefit of the record
3 what the typical proceedings, or the typical
4 public involvement post-certification would be?

5 MR. BUELL: It's my understanding that
6 once the project is certified that what's called
7 our compliance project manager will send a notice
8 to the existing mailing list for the High Desert
9 Project, and ask those that are on that list
10 whether they want to maintain themselves on that
11 list post-certification for items that may come up
12 on compliance issues that come up post-
13 certification.

14 HEARING OFFICER VALKOSKY: So that
15 anytime there would be a project change or a
16 workshop dealing with compliance issues, or
17 anything, a request by applicant for a project
18 change or something, that those items would be
19 summarized in a notice. And the notice would then
20 be sent to anyone such as Mr. Ledford, who would
21 be on the list, is that correct?

22 MR. BUELL: That's my understanding,
23 yes.

24 HEARING OFFICER VALKOSKY: Okay. And
25 also is it not true that if any member of the

1 public believed that applicant was violating a
2 condition of certification that member of the
3 public could file a complaint with the
4 Commission's compliance unit, which would be
5 investigated?

6 MR. BUELL: That's my understanding,
7 yes.

8 HEARING OFFICER VALKOSKY: Okay.

9 MR. BUELL: I think that's spelled out
10 in the general conditions of certification.

11 HEARING OFFICER VALKOSKY: All right.
12 So, I don't know if this is precisely the nature
13 of the involvement you anticipated or what?

14 MR. LEDFORD: My interest lies along the
15 same lines as the California Department of Fish
16 and Game. And those areas where specifically the
17 Department has requested to be noticed, I would
18 like to be noticed on the same terms as the
19 Department. Because my interests and my
20 participation in the adjudication is similar to
21 theirs.

22 HEARING OFFICER VALKOSKY: Okay, would
23 you --

24 MR. LEDFORD: So to the extent that it
25 would be any different, I would like it to be the

1 same.

2 HEARING OFFICER VALKOSKY: When you say
3 noticed, I think that may be an ambiguous term,
4 because to my recollection of the conditions,
5 there are certain instances where the California
6 Department of Fish and Game, as a trustee agency,
7 either jointly reviews or consults in the review
8 with the Commission project manager for certain
9 conditions. Isn't that true?

10 MS. HOLMES: That's correct, the
11 Department of Fish and Game is going to be
12 assisting us in review of the data that comes in,
13 for example, the pumping tests and the annual
14 calculations that are made with respect to the
15 water bank. Those are areas in which the
16 Department of Fish and Game, as you point out, has
17 trustee agency responsibility. And we intended to
18 work with them as sister agencies, not as co-
19 parties in this proceeding. We're within our
20 rule, a sister agencies, with them having
21 jurisdiction over --

22 HEARING OFFICER VALKOSKY: Right, so --

23 MS. HOLMES: -- those resources.

24 HEARING OFFICER VALKOSKY: -- so it
25 would be, in effect, a consolidated review, is

1 that a --

2 MS. HOLMES: That's our expectation.

3 HEARING OFFICER VALKOSKY: Right. You
4 see, and that would be -- that's a role that
5 frankly is typically reserved for governmental
6 agencies.

7 Now, if --

8 MR. LEDFORD: The issue though is that
9 there's reports. There's reports that are going
10 to be submitted, and the --

11 HEARING OFFICER VALKOSKY: Right.

12 MR. LEDFORD: -- reports are going to be
13 reports relative to monitoring and how the stuff
14 is going.

15 HEARING OFFICER VALKOSKY: Okay.

16 MR. LEDFORD: And, I would like --

17 HEARING OFFICER VALKOSKY: Okay, now
18 that's --

19 MR. LEDFORD: -- to have copies. This
20 doesn't say anything about sister agencies and all
21 that stuff, so --

22 HEARING OFFICER VALKOSKY: No, no, I
23 understand. I'm just trying to discern exactly
24 where your interest is. So, what you would want
25 is notice of the fact that the reports had been

1 submitted, and access to them?

2 MR. LEDFORD: I'd just like to -- this
3 says the project owner shall submit to the CEC PM
4 and to CDFG six months prior to the start, of
5 pumping tests, work plan, results and methodology.
6 I'd just like to have that kind of thing so I know
7 what's going on.

8 HEARING OFFICER VALKOSKY: Okay.

9 MR. LEDFORD: I mean I think that I've
10 been pretty much involved in how this process got
11 to this point. Because when we started out it
12 didn't look anything like this.

13 HEARING OFFICER VALKOSKY: No, I don't
14 think that will --

15 MR. LEDFORD: I'm sure the poor
16 applicant's looking at me saying, jeez, but --

17 HEARING OFFICER VALKOSKY: Okay.
18 Again, --

19 MS. HOLMES: We typically don't do --
20 what we've done, as the siting case has gone
21 along, is we've done something like notices of
22 availability when large documents come in that we
23 can't necessarily get to every single person
24 because it would require a long period of time or
25 be very expensive to copy and duplicate. And then

1 we let the individuals contact us if they want a
2 copy.

3 We haven't typically done that in
4 compliance, but there's no reason why we couldn't
5 do that in compliance in this particular case. We
6 could establish a requirement that as part of the
7 compliance process the compliance project manager
8 issue a notice of availability when these specific
9 reports come in. And send it to everybody who's
10 on that list. And if Mr. Ledford wants to request
11 a copy, then he can do so.

12 I'm a little reluctant to have us be
13 sending them out to everybody who's going to be on
14 that compliance service list.

15 HEARING OFFICER VALKOSKY: No, I
16 understand that. So, Mr. Ledford, apparently that
17 would be the accommodation that would be reached,
18 is that as one of these reports came in you would
19 get a notice of availability. If it's something
20 that you're interested in, --

21 MR. LEDFORD: I could just ask for it?

22 HEARING OFFICER VALKOSKY: -- you would
23 then contact the compliance project manager.

24 MR. LEDFORD: So as long as --

25 HEARING OFFICER VALKOSKY: As I

1 interpret it, and correct me if I'm wrong, please,
2 but as I interpret it, basically it's an easier
3 workload burden for staff, the compliance staff,
4 to say okay, we have the list of people that are
5 interested in what happens to this plant after
6 it's certified.

7 Now, Mr. Ledford, I assume that you
8 would be on that list, you would want to be on
9 that list.

10 MR. LEDFORD: I'm interested in the
11 issues relative to water that CDFG is interested
12 in.

13 HEARING OFFICER VALKOSKY: Right.

14 MR. LEDFORD: I don't care about
15 anything else that's in the four corners of this
16 document. Build the plant. But if the water deal
17 doesn't work you'll hear from me.

18 HEARING OFFICER VALKOSKY: Okay, and
19 that's fair. There's not a problem.

20 So, I'm wondering -- what staff is
21 proposing is that, at least for what are there,
22 probably half a dozen conditions it references,
23 CDFG, I would imagine --

24 MS. HOLMES: Correct?

25 HEARING OFFICER VALKOSKY: In the water

1 section?

2 MS. HOLMES: Right.

3 HEARING OFFICER VALKOSKY: That we add
4 language essentially requiring the project
5 manager, the compliance project manager to provide
6 notice of availability of that report to the
7 people that have indicated an interest in it.
8 Right?

9 MS. HOLMES: That's fine.

10 HEARING OFFICER VALKOSKY: So that's
11 where we're at, on those -- and, again, I'm just
12 estimating the number of conditions, the six or so
13 conditions. The compliance project manager would
14 get the report, would send a notice to the list.
15 And, again, I'm assuming you're on the list. It's
16 then your option as to whether or not you want to
17 see that report.

18 MR. LEDFORD: Most of these aren't
19 voluminous documents. They're just reports.

20 HEARING OFFICER VALKOSKY: Okay.

21 MR. LEDFORD: Reports on a quarterly
22 basis of groundwater accounting, and --

23 HEARING OFFICER VALKOSKY: Right.

24 MR. LEDFORD: -- wells, and what-have-
25 you.

1 HEARING OFFICER VALKOSKY: But, anyway,
2 that's the kind of procedure staff is proposing.
3 So, I take it that's acceptable then?

4 MR. LEDFORD: I suppose.

5 HEARING OFFICER VALKOSKY: Okay. The
6 next issue I have concerns one of the issues that
7 Mr. Ledford brought up, and it's the plum
8 remediation, and I'll note that in the draft EIS
9 EPA had also made a comment to Fish and Wildlife
10 concerning site access.

11 The Committee's understanding is that
12 there is a specific condition here in the decision
13 which would require applicant to allow access to
14 the site for any plume remediation activities.
15 And that was based on the testimony which, to my
16 recollection, indicated that the project design
17 and construction wouldn't interfere with any
18 remediation efforts.

19 And I'd like to ask both applicant and
20 staff if that still remains the case. Mr.
21 Thompson?

22 MR. THOMPSON: I was trying to find the
23 specific reference, but that is still the case.
24 And, in fact, if I recall I think that the
25 condition requires either not interfering or

1 coordinating.

2 MR. LEDFORD: Well, it actually says
3 something different than that.

4 HEARING OFFICER VALKOSKY: Do you have a
5 reference to the condition, again, Mr. Ledford?
6 That would certainly help.

7 MR. BUELL: It's condition 14 on page
8 247.

9 MR. LEDFORD: Actually I cited it in my
10 comments verbatim.

11 HEARING OFFICER VALKOSKY: Mr. Thompson,
12 has the applicant had any further contact with the
13 federal authorities in terms of any site
14 remediation efforts?

15 Could you tell us what's transpired?

16 MR. BARNETT: It's our understanding
17 that the Air Force, which is responsible for the
18 clean-up for both defining the extent of the
19 contamination and for the clean-up, has received
20 funding to do so. And that they are shortly going
21 to have a timetable out, if they don't already,
22 for going forward with the delineation of any
23 contamination. And that that would be followed by
24 a plan to clean up.

25 And we had been coordinating with both

1 them and the EPA and Lahontan as to the timing for
2 that. And I believe that all the parties involved
3 agree that the project will not interfere with
4 that process. That the footprint on the site is
5 so small that it would not interfere with the
6 ability to do the testing, or any subsequent
7 clean-up.

8 So, there has been further coordination,
9 there has been movement forward. And I think that
10 if it's not already out, there will shortly be out
11 a timetable from the Air Force for the first step
12 of the delineation process.

13 HEARING OFFICER VALKOSKY: And, in any
14 result, the remediation, if there was a conflict
15 between necessary remediation and plant
16 construction, which would take precedence?

17 MR. BARNETT: Yes, the necessary
18 remediation would clearly take precedence.

19 HEARING OFFICER VALKOSKY: Thank you.
20 Do you have anything further on that remediation
21 matter, Mr. Buell?

22 MR. BUELL: My understanding is the same
23 as Tom Barnett's.

24 HEARING OFFICER VALKOSKY: Mr. Ledford,
25 does that clarify the matter in your mind?

1 MR. LEDFORD: Not in my mind. I mean if
2 you're certifying the project prior to the time
3 that you know what the plan is, I think that that
4 seems to be a step in the wrong direction.

5 This says that there's soil and
6 groundwater contamination. The Base re-use EIR
7 indicates that there's TCP in the ground and in
8 the soil in the northeast quadrant of George Air
9 Force Base, which is where this project is
10 located.

11 If this was a service station that had
12 groundwater contamination and soil contamination,
13 it certainly would be cleaned up before it ever
14 got a permit.

15 I don't know, the verification says the
16 project owner shall submit in writing a copy
17 within two weeks of receipt of any requests by the
18 Air Force for site access. It doesn't say
19 anything about there's going to be some
20 certification that the remediation is done before
21 the project gets started.

22 I mean I would think that would be a
23 condition.

24 When's it enough? When's it an
25 environmental issue that's enough? When the

1 groundwater basin is a million acrefeet over-
2 drafted, is it time to fix it? When it's two
3 million acrefoot over-drafted it is time to fix
4 it? When you have contaminated ground and
5 contaminated groundwater under the site? When's
6 it time to fix it?

7 When is it an environmental issue that's
8 enough? I don't know. Seems like a strange
9 process to me.

10 HEARING OFFICER VALKOSKY: Any response
11 by staff on the sufficiency of the condition,
12 talking specifically about soil and water 14?

13 MR. BUELL: My recollection is that
14 these issues were dealt with in either or both the
15 staff's testimony on water resources and soils
16 resources. And also on waste management. And I
17 was not the expert for those areas, but my
18 recollection is that there was not soil
19 contamination on the project site. But that there
20 was contamination, groundwater contamination
21 possible underneath the site that the Air Force
22 Base were concerned that they'd have access to
23 clean up, primarily to pump.

24 MR. LEDFORD: Well, the condition says
25 soil and groundwater, so.

1 MR. BUELL: That's what it says. As I
2 said, I was not the witness at the time of that
3 testimony, and I can only refer the Committee back
4 to the original staff testimony.

5 HEARING OFFICER VALKOSKY: Right, and I
6 assume it says soil and groundwater just to be
7 inclusive rather than exclusive, just in case.

8 MR. BUELL: I suspect so, too.

9 HEARING OFFICER VALKOSKY: And that
10 would -- okay. Mr. Thompson, do you have any
11 response to Mr. Ledford's general comments?

12 MR. THOMPSON: Only to reiterate a bit
13 of what I said before. I don't think that the
14 record has suffered because of Mr. Ledford's
15 inability to get his point across. In fact, I
16 think he does that very very well.

17 What I do think is that many of the
18 issues that were brought to this Committee may be
19 in the province of others, such as the MWA or
20 other agencies.

21 I do believe that all of the issues that
22 were raised have been dealt with during the
23 evidentiary phase of the proceeding. And Mr.
24 Ledford's input is fairly reflected in the record,
25 in the revised PMPD, and indeed, he has had input

1 into the conditions of certification, which will
2 govern the project construction and operation.

3 So I think that this is a combination of
4 what I perceive is a bit of frustration at the
5 jurisdictional limits of this agency and its
6 relationship with other agencies in raising issues
7 that have been raised before and dealt with by the
8 trier of fact, which is the Committee.

9 HEARING OFFICER VALKOSKY: Does that
10 conclude, Mr. Thompson?

11 MR. THOMPSON: It does.

12 HEARING OFFICER VALKOSKY: Ms. Holmes,
13 any further comments to add?

14 MS. HOLMES: No additional comments from
15 staff.

16 HEARING OFFICER VALKOSKY: Okay. Before
17 I open it up to members of the public, anything in
18 conclusion, Mr. Ledford?

19 MR. LEDFORD: I think I've monkeyed it
20 up enough for one day.

21 HEARING OFFICER VALKOSKY: Thank you.
22 With that, are there any members of the public who
23 wish to offer any comment on this matter today?

24 Sir, if you could approach the
25 microphone and identify yourself for the record,

1 please.

2 MR. ROBERTS: John Roberts, City
3 Manager, City of Victorville.

4 Committee Members Laurie and Valkosky, I
5 would like to, on behalf of the City of
6 Victorville and the Southern California Logistics
7 Airport Authority, extend our gratitude to your
8 efforts, your dedication of time and your
9 expertise to thoroughly study this project. And
10 to bring forth this revised Presiding Member's
11 Proposed Decision.

12 I would also like to recognize the
13 efforts of your staff, the dedication of the
14 applicant to see through this process, and the
15 dedication and involvement of all the various
16 government agencies and individuals that had an
17 interest in the outcome of these proceedings.

18 The primary purpose of this project is
19 to meet the ever-increasing energy demands of the
20 southern California region. But this project
21 could have been located in any number of places.
22 Although each one of those locations would have
23 similarly required an exhaustive study, would each
24 had their own challenges, some of which were more
25 extensive than this project.

1 But by locating this project here you
2 have served a secondary purpose, and a very
3 important purpose. And that is to re-invigorate
4 the very much needed revitalization of former
5 George Air Force Base. As I have previously
6 submitted to you, the closure of that facility had
7 a tremendous negative impact upon the economy and
8 the quality of life in this valley. There has
9 been a ten-year commitment to revitalize that
10 project, to bring back those jobs to this
11 community that hurt this community so badly. And
12 a major component of that project is the
13 redevelopment plan.

14 The siting of this project on Southern
15 California Logistics Airport will do more to
16 further that project and to bring back the economy
17 of this valley, and the jobs that are so dearly
18 needed.

19 So, on behalf of the community I wish to
20 applaud you on your dedication, your thoroughness,
21 considering all of the impacts, certainly the
22 water is an important impact, and we appreciate
23 your thoughtfulness and your consideration and
24 your time and dedication to bring this project to
25 this point.

1 PRESIDING MEMBER LAURIE: Thank you, Mr.
2 Roberts.

3 MS. SARTOR: Thank you for allowing us
4 this opportunity. My name is Peggy Sartor and
5 Victorville is my home town. I live at 14657
6 Rodeo Drive.

7 I spoke at a previous hearing in favor
8 of the power project, and I really didn't intend
9 to speak again today. But I was reminded
10 yesterday by Mayor Caldwell the adage that we have
11 lived by during the many years I've been involved,
12 that the price of freedom is eternal vigilance.
13 So here I am.

14 Lest anyone get the impression that
15 there is little support and much opposition to the
16 power project, I would like to state just for the
17 record that I served 20 years on the Victorville
18 City Council; I served three terms on the state
19 water resources control board, Lahontan Region. I
20 also am a past member of the Mojave Water Agency
21 Board, the Board of the Victor Valley Wastewater
22 Authority, the Waste Management Committee, solid
23 waste; and I'm a recent past president of CASA,
24 the California Association of Sanitary Agencies.

25 I've spent a great deal of time and

1 effort learning all that I can about water. My
2 first reaction was negative about any project that
3 was going to use excess water, which drove me to
4 study the situation, conversations, background
5 material. And the more I get into it the more I
6 realize that this is going to make a great deal of
7 difference to the people who live in this area.

8 I believe that much of the controversy
9 about the power project comes from a small group
10 of naysayers with personal agendas. I am in touch
11 with ten times their numbers, good citizens who
12 recognize that the power project is an offer we
13 cannot afford to refuse.

14 Most people are more concerned over the
15 location of big housing developments in the wrong
16 part of the desert where water may be a bigger
17 problem than in some of the other locations.

18 The question is when is enough is
19 enough, I think we have all addressed that. And I
20 certainly did, as a member of the Mojave Water
21 Agency, where we traveled extensively throughout
22 the state, into some other states studying the
23 situation with an open mind. And realized that a
24 desert is for living on, but it's how we develop
25 the desert that makes the difference.

1 I think that it's important to know that
2 my father was the area's first licensed
3 contractor. He installed most of the early water
4 systems all over the Victor Valley, including the
5 one at the Jess Ranch.

6 Were it not for the effort of those
7 foresighted citizens who develop ranches,
8 communities and infrastructure, I doubt that most
9 of the people who live here today would have
10 chosen to make their home here. Victorville would
11 still be a pit stop on the way to Las Vegas.

12 The Mojave Water Agency is the regional
13 water wholesaler, which also serves as a
14 watermaster. Mojave Water Agency buys water from
15 the state water project and sells it to their
16 customers, who are mainly farmers and water
17 purveyors, municipal purveyors. Or they bank it
18 for the future through groundwater storage, which
19 we know is a slow and costly process.

20 If no water is sold, if they have no
21 product, no money is earned by the Mojave Water
22 Agency, and the Mojave can't do its job or meet
23 its debt service on contracts that are already
24 agreed to. Like any other business, if they have
25 no product to sell they face bankruptcy. And we,

1 the taxpayers, will end up picking up the tab.

2 Yes, I believe the power project is an
3 offer we can't afford to refuse. And I would like
4 to just commend Mr. Robert Laurie, Mr. Keese for
5 their very succinct statement on the first page of
6 the Presiding Member's Decision document.

7 I think that it's very important that
8 we, the people in this community, look at it on
9 the broad picture with the least rhetoric, the
10 least attempt to divert the real cause for which
11 we are here. And I want to commend you people for
12 taking the time to dig into it with infinite
13 patience and grace.

14 Thank you.

15 PRESIDING MEMBER LAURIE: Thank you,
16 ma'am.

17 HEARING OFFICER VALKOSKY: Anyone
18 further?

19 MR. ALMOND: I wasn't going to say
20 anything. My name is Bob Almond, I live at 12875
21 Bear Valley Road.

22 I just would like to tell the Commission
23 and the staff that I really don't believe that the
24 dry process for cooling this particular power
25 project was fully studied. And I think it's

1 something that should be done.

2 There's nobody here that's against this
3 power project. What we're against is the total
4 use of the consumptive use of the water.

5 And I want to see this power plant come
6 to fruition, but what I would like to see is I'd
7 like to see it cooled by the dry process, so we're
8 not using the taxpayers' water. By not using it,
9 I mean wasting it.

10 Four-thousand acrefeet a year
11 consumptive use is a total waste of water.

12 Thank you.

13 PRESIDING MEMBER LAURIE: Thank you,
14 sir.

15 HEARING OFFICER VALKOSKY: Anyone
16 further?

17 PRESIDING MEMBER LAURIE: Mr. Valkosky,
18 can you, at this point, talk about next steps,
19 please.

20 HEARING OFFICER VALKOSKY: Certainly,
21 Commissioner.

22 Within approximately the next week, if
23 not sooner, the Committee will issue an errata to
24 its Presiding Member's Proposed Decision
25 incorporating such revisions as it deems

1 appropriate in light of the comments made today,
2 and the written comments.

3 After that, and again I'm assuming that
4 everything remains scheduled as it is presently,
5 the full Energy Commission will consider the
6 Committee's recommendation at its May 3rd business
7 meeting.

8 Members of the public are invited to
9 speak at that meeting. Be aware, however, that if
10 you wish to address the full Commission that you
11 should file any written comments concerning the
12 matters which you wish to bring forth to the full
13 Commission by April 28th.

14 And after that, the present expectations
15 are that at the May 3rd business meeting the full
16 Commission will decide whether to adopt, reject or
17 modify the recommendations that the Committee
18 brings forth.

19 PRESIDING MEMBER LAURIE: Thank you.
20 Just a final note from myself on behalf of the
21 Committee, being myself and Commissioner Keese,
22 I'd certainly like to extend my gratitude to the
23 City for your assistance in providing the
24 accommodations; they're very deeply appreciated.

25 My thanks to staff and other state

1 agencies, and the applicant for the process that
2 was followed.

3 I also wish to extend my appreciation to
4 Mr. Ledford for a very competent and professional
5 presentation.

6 A final opportunity for public comment?

7 MR. BARNETT: If I could just make a
8 brief comment. I, too, on behalf of the applicant
9 would like to add our thanks to everyone involved
10 in this process. It's been a long and grueling,
11 at times, process, but inasmuch as it would appear
12 this is the last of the meetings in Victorville,
13 we certainly want to express our appreciation, not
14 only to the Committee Members and to the staff,
15 but also to the City of Victorville for their
16 patience, their hospitality, their support, and
17 also to all of the members of the public, both
18 supporters and opponents who have participated in
19 this process. It's that kind of attention to
20 these very sometimes confusing and drawn-out
21 processes that, in the end, make them a process
22 that reflects the public's desires.

23 So we are very appreciative of it. And
24 we look forward to seeing those of you who can
25 make it at the May 3rd meeting.

1 Thank you.

2 PRESIDING MEMBER LAURIE: Thank you, Mr.
3 Barnett.

4 I would note I'd like to reiterate Mr.
5 Valkosky's comment that the report of this
6 Committee is a recommendation only to the full
7 Commission. Thus, it is the full Commission that
8 will be acting in May, and will be the ultimate
9 determinate of the project.

10 The full Commission consists of myself,
11 Commissioner Keese and three other Commissioners.

12 If there are no additional comments, the
13 meeting stands adjourned. Ladies and gentlemen,
14 thank you very much.

15 (Whereupon, at 2:12 p.m., the conference
16 was concluded.)

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CERTIFICATE OF REPORTER

I, DEBI BAKER, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Conference; 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, nor in any way interested in outcome of said conference.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of April, 2000.

DEBI BAKER

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