

COMMITTEE MEMBERS PRESENT

Robert Pernell, Commissioner, Presiding Member

Major Williams, Jr., Hearing Officer

STAFF PRESENT

David Mundstock, Staff Counsel

Jack Caswell, Project Manager

Joseph Loyer

APPLICANT

Donald Brookhyser
Alcantar & Elsesser

Edmond Western
Western Midway Sunset

ALSO PRESENT

Thomas E. Goff
Melissa Adams
San Joaquin Valley Air Pollution Control District

Wendy Rosenberger
West Kern Water District

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

2 PRESIDING MEMBER PERNELL: Good morning,
3 and welcome to the formal Evidentiary Hearing on
4 the Application for Certification of the Midway
5 Sunset Power Project.

6 I'd like to take this opportunity to
7 introduce myself. My name is Robert Pernell, I'm
8 the Presiding Member on this case. My colleague
9 on this case is Commissioner Robert Laurie, who is
10 not here today. He's -- he's presiding over
11 another case.

12 And with me today is our Hearing
13 Officer, Major Williams, Jr., who will be
14 conducting the hearing.

15 And with that, I'd like to turn the
16 hearing over to Mr. Williams.

17 HEARING OFFICER WILLIAMS: Thank you,
18 Commissioner Pernell.

19 Good morning. This is the beginning of
20 formal Evidentiary Hearings on the Western Midway
21 Sunset Cogeneration Company Project's Application
22 for Certification for the Midway Sunset Power
23 Project.

24 Commissioner Pernell has already
25 introduced the Committee, and I am, again, Major

1 Williams, Jr., the Hearing Officer.

2 At this point I would ask the parties to
3 introduce themselves, and any people that have --
4 that you will be presenting here today or is
5 attending with you today.

6 We'll start with the Applicant.

7 MR. BROOKHYSER: Thank you, Mr.
8 Williams. My name is Donald Brookhyser. I'm the
9 attorney for the Applicant, Midway Sunset. And
10 with me are a number of people. Perhaps we could
11 just say that Mr. Edmond Western is the -- the
12 Director of the Midway Sunset Project, is present
13 with a number of his support persons who include
14 the witnesses whose testimony has been submitted.
15 And Mary Jane Wilson of WZI, Inc.

16 HEARING OFFICER WILLIAMS: Okay. Staff?

17 MR. MUNDSTOCK: I'm David Mundstock,
18 Attorney for the California Energy Commission
19 Staff.

20 MR. CASWELL: I'm Jack Caswell, Project
21 Manager for the California Energy Commission.

22 HEARING OFFICER WILLIAMS: Are there any
23 other parties present?

24 Seeing none, we'll continue.

25 Are there any agency representatives

1 here?

2 PRESIDING MEMBER PERNELL: Please come
3 to the mic and introduce yourself and what agency
4 you are with, please.

5 MR. GOFF: My name is Tom Goff. I'm
6 with the San Joaquin Valley Unified Air Pollution
7 Control District.

8 HEARING OFFICER WILLIAMS: Thank you,
9 sir.

10 MS. ADAMS: My name is Melissa Adams.
11 I'm with the San Joaquin Valley Unified Air
12 Pollution Control District.

13 HEARING OFFICER WILLIAMS: Thank you.

14 If you --

15 PRESIDING MEMBER PERNELL: Thank you.

16 We have another?

17 MS. ROSENBERGER: Wendy Rosenberger,
18 with West Kern Water District.

19 HEARING OFFICER WILLIAMS: Thank you.

20 If you have -- for those folks who have
21 introduced themselves, if you have business cards
22 we would appreciate it if you would give your --
23 if you have one, give your business card to the
24 court reporter.

25 Are there members of the public present?

1 Would you gentlemen please come forward
2 and introduce yourselves, please? And, again, if
3 you have business cards, please give a copy to the
4 court reporter.

5 MR. ELAM: Harley Elam, just part of the
6 public. I'm here to give my thoughts on the
7 project.

8 HEARING OFFICER WILLIAMS: Thank you,
9 sir.

10 MR. GOMEZ: Robert Gomez, Native
11 American Consultant.

12 HEARING OFFICER WILLIAMS: Thank you,
13 sir.

14 PRESIDING MEMBER PERNELL: Thank you.

15 HEARING OFFICER WILLIAMS: The Energy
16 Commission has a Public Adviser. The Public
17 Adviser is Roberta Mendonca. She's not present,
18 she could not be present with us today. She did,
19 however, provide a written statement that I will
20 read into the record at this time.

21 The Energy Commission has a unique
22 position entitled the Public Adviser. And as the
23 name suggests, the Public Adviser is an attorney
24 who is available to assist members of the public
25 who want to participate in the process leading to

1 a decision to certify construction of a power
2 plant.

3 Again, Ms. Roberta Mendonca is the
4 Public Adviser. She is unable to attend this
5 meeting, but she did want me to convey her welcome
6 to those members of the public who are attending
7 this Evidentiary Hearing.

8 As the decision-makers, the Siting
9 Commission -- the Siting Committee, Commissioner
10 Pernell, Presiding, and Commissioner Laurie, will
11 listen to the evidence and make findings of fact
12 in preparation for a proposed decision to be
13 presented to the full Energy Commission
14 approximately three months from now.

15 As members of the public, you will be
16 given an opportunity to make comments on what you
17 hear and what you think. And we'll do that after
18 the presentation of each topic.

19 At the Energy Commission, public
20 participation is an important part of the
21 decision-making process. I haven't had a chance
22 to check, but we will provide a sign-in sheet for
23 those folks who -- those members of the public who
24 are present, so that you may get on our mailing
25 list and may be informed about all future

1 meetings.

2 PRESIDING MEMBER PERNELL: Let me -- is
3 there a sign-in sheet?

4 MR. CASWELL: Yes, there is.

5 PRESIDING MEMBER PERNELL: And everyone
6 here has signed in? We encourage you to sign in
7 at the sign-in sheet, and if you're a member of
8 the public, please state -- state it, and we'll
9 make sure that you get on our mailing list.
10 That's what the Hearing Officer is saying. But we
11 want to make sure that everyone has signed in.

12 HEARING OFFICER WILLIAMS: Okay. With
13 that, I'm going to explain a little bit about the
14 Evidentiary Hearing procedure.

15 The purpose of Evidentiary Hearings is
16 to receive evidence, including sworn testimony, in
17 order to establish the factual record necessary to
18 reach a decision on the Application for
19 Certification. Evidentiary Hearings are formal in
20 nature. Witnesses will testify under oath or
21 affirmation, and are subject to cross examination.
22 The reporter will administer the oath.

23 Both Applicant and Staff have submitted
24 sworn witness declarations for the topics that we
25 will be reviewing today. We discussed these

1 topics at the Prehearing Conference, and all
2 parties agreed to waive cross examination on the
3 testimony submitted by declaration.

4 The Evidentiary Hearing order shows
5 these topics, and the Committee to date has not
6 seen any requests for oral testimony.

7 Do the parties still wish to waive cross
8 examination on the testimony submitted by
9 declaration?

10 MR. BROOKHYSER: Yes, Mr. Williams.
11 Other than the Air Quality issue, and as to that,
12 I don't think there will be any cross examination,
13 or at least substantive cross examination, but
14 that is a matter we'll have to take up separately
15 in the hearing.

16 HEARING OFFICER WILLIAMS: Right. I
17 understand.

18 MR. MUNDSTOCK: Yes, we are also waiving
19 cross examination.

20 HEARING OFFICER WILLIAMS: Okay.

21 MR. CASWELL: I'd like to mention that
22 Joe Loyer, who is the Staff specialist, has just
23 entered.

24 And if I could ask someone to give Mr.
25 Loyer a copy of the final DOC, if there is a copy

1 of the final DOC.

2 HEARING OFFICER WILLIAMS: Right on the
3 wall right here, there's a box.

4 Okay. The record should reflect that
5 Mr. Loyer has a copy of the FDOC.

6 MR. CASWELL: Which he is now seeing for
7 the first time.

8 HEARING OFFICER WILLIAMS: Which he is
9 now seeing for the first time.

10 Should a party sponsor oral testimony,
11 the sponsoring party shall establish the witness's
12 qualifications and ask the witness to summarize
13 his or her testimony. Multiple witnesses may
14 testify as a panel, as necessary. The Committee
15 may also ask questions.

16 Regarding our proceedings today, the
17 Committee has distributed an updated version of
18 Applicant's proposed exhibit list. And I take it
19 that the parties have that in front of them,
20 because I think we need to indicate some changes.

21 As Exhibit 16, I'm proposing to have all
22 erratas put forth within that exhibit. Exhibit
23 16-A will be the Air Quality errata that I have
24 been told is -- is forthcoming. 16-B will be the
25 Biological Resources errata, and 16-C will be the

1 Traffic and Transportation errata. And I have
2 marked those for identification.

3 (Thereupon Exhibits 16-A, 16-B, and
4 16-C were marked for identification.)

5 HEARING OFFICER WILLIAMS: Have the
6 parties seen those -- has everyone seen those
7 particular erratas? I don't know if there has
8 been distributed the Air Quality one.

9 PRESIDING MEMBER PERNELL: Okay. Can we
10 go off the record a minute, please.

11 (Off the record.)

12 PRESIDING MEMBER PERNELL: Mr. Williams.

13 HEARING OFFICER WILLIAMS: Yes. We've
14 distributed copies of the erratas, Exhibits 16-A,
15 B, and C, for identification. And we've also
16 marked as Exhibit 17 for identification the Final
17 Determination of Compliance from the Air District.

18 (Thereupon Exhibit 17 was marked
19 for identification.)

20 HEARING OFFICER WILLIAMS: Are there any
21 objections to these exhibits?

22 MR. MUNDSTOCK: None from Staff.

23 MR. BROOKHYSER: Applicant has no
24 objection to the introduction of the exhibits.
25 However, with regard to Exhibit 16-A, the Air

1 Quality errata, we have some dispute about that
2 presently, so we'd reserve the right to discuss
3 that further.

4 HEARING OFFICER WILLIAMS: Okay. Those
5 will be -- those will remain marked as exhibits
6 for identification. They will not be admitted at
7 this time.

8 Well, I think if there's no objection,
9 at least to 16-B and C, we can admit those. Okay.
10 So the erratas on Biological Resources and Traffic
11 and Transportation are admitted as Exhibits 16-B
12 and C.

13 (Thereupon Exhibits 16-B and 16-C
14 were received into evidence.)

15 MR. BROOKHYSER: Mr. Williams.

16 HEARING OFFICER WILLIAMS: Yes.

17 MR. BROOKHYSER: We wanted to admit
18 another exhibit. Would this be the time at which
19 to get that marked?

20 HEARING OFFICER WILLIAMS: Yes, I think
21 we ought to do that at this point.

22 MR. BROOKHYSER: Okay. This is a data
23 response which the Applicant supplied to Staff in
24 July. It was docketed by the Commission's Docket
25 Unit, and was utilized by the Staff, in part, in

1 preparing their Final Staff Assessment. So we'd
2 like to have this marked as Exhibit 18.

3 HEARING OFFICER WILLIAMS: Okay. And
4 what are we going to call it?

5 MR. BROOKHYSER: Data Response Number 4,
6 I believe.

7 HEARING OFFICER WILLIAMS: Okay. Is
8 there any objection from Staff to Data Request
9 Response Number 4?

10 MR. MUNDSTOCK: No objection.

11 HEARING OFFICER WILLIAMS: Okay. Data
12 Response Number 4 will be admitted as Exhibit 18.

13 (Thereupon Exhibit Number 18 was
14 marked for identification and
15 was received into evidence.)

16 HEARING OFFICER WILLIAMS: I would like
17 to turn now to our schedule, and indicate that we
18 will not be continuing tomorrow, as the order for
19 Evidentiary Hearings indicated. December 14th has
20 been cancelled as our backup date.

21 Instead, we will convene, if necessary,
22 for further hearing in Sacramento on Thursday,
23 January 11th, 2001. Should it be necessary, we
24 will convene on Thursday, January 11th, in
25 Sacramento, to receive any additional oral or

1 documentary evidence necessary for the Committee
2 to render its Presiding Member's Proposed
3 Decision.

4 MR. MUNDSTOCK: Mr. Hearing Officer, do
5 you have a time for that hearing, if necessary?

6 HEARING OFFICER WILLIAMS: At 10:00 a.m.
7 Before we turn to the presentation by
8 the parties, I would ask if there are any other
9 housekeeping matters that we should take up at
10 this point.

11 MR. MUNDSTOCK: I have one housekeeping
12 suggestion, that we can probably get into the
13 record without any problems all subject areas,
14 except Air Quality. At that point I would propose
15 a short recess for an Air Quality workshop between
16 the parties.

17 HEARING OFFICER WILLIAMS: Okay. That's
18 fine.

19 PRESIDING MEMBER PERNELL: Any objection
20 by the Applicant?

21 MR. BROOKHYSER: No.

22 HEARING OFFICER WILLIAMS: Again, I
23 would state for the record that the parties and
24 the Committee have just received today the Final
25 Determination of Compliance from the Air District,

1 so that fact alone will probably necessitate at
2 least a workshop, and probably the continuation of
3 discussion on January 11th, 2001.

4 Okay. With that, we will move on to the
5 presentation of evidence by the parties. We will
6 follow the schedule, except for the Air Quality
7 presentation, as shown in the Evidentiary Hearing
8 order, beginning with Project Description.

9 So with that, I'll turn it over to Mr.
10 Brookhyser.

11 MR. BROOKHYSER: Thank you, Mr.
12 Williams.

13 The Applicant has previously filed with
14 the Commission and delivered to Staff testimony of
15 14 witnesses. I'm not sure how you'd like to
16 handle this, but I can either identify them
17 individually, or you've marked them all -- all of
18 those testimonies as Exhibit 14, and I would
19 simply move the admission of that testimony.

20 Each piece of testimony is accompanied
21 by a signed declaration.

22 HEARING OFFICER WILLIAMS: Yes. Why
23 don't we just take it topic by topic, as set forth
24 in the -- in our order, Evidentiary Hearing order.
25 And we'll just go down -- down the list, except

1 for Air Quality.

2 MR. MUNDSTOCK: Mr. Hearing Officer,
3 we'd stipulate to them all coming in at once,
4 without any need to go down the list.

5 HEARING OFFICER WILLIAMS: Okay. I
6 think, because we do have members of the public
7 here who may wish to make comments on the -- on
8 the topics, on one or more topics, that in terms
9 of our presentation we -- we go through it as set
10 forth in Attachment A, and then at the conclusion
11 of the short presentation, I'll ask if the members
12 of the public would like to make a statement, and
13 then we can proceed that way.

14 So, again, we'll just start with Project
15 Description. And perhaps a short summary, and
16 we'll stipulate the testimony in, and we'll move
17 on.

18 MR. BROOKHYSER: Okay. Might I also ask
19 for some guidance? Each of the witnesses is
20 sponsoring one or part of an exhibit. I guess I
21 would prefer to simply ask, at the end of my
22 presentation of all the testimony, ask that all
23 the evidence -- all the exhibits be admitted into
24 evidence. Would that be acceptable?

25 HEARING OFFICER WILLIAMS: That's fine.

1 That's fine.

2 MR. BROOKHYSER: Thank you.

3 Our first -- the first area is Project
4 Description, and the witness for the Applicant is
5 Edmond Western. His prepared direct testimony has
6 previously been submitted and is accompanied by a
7 declaration.

8 He testifies basically that certain
9 parts of the Application describe the project.
10 There are no specific conditions for compliance in
11 the Final Staff Assessment that apply to this.
12 But he testifies that the -- that the project will
13 satisfy all laws, ordinances, regulations and
14 statutes.

15 HEARING OFFICER WILLIAMS: Is there any
16 objection to the testimony of Mr. Western being
17 admitted into evidence?

18 MR. MUNDSTOCK: No objection.

19 HEARING OFFICER WILLIAMS: Okay. That
20 testimony is admitted.

21 Is there any comment, is there any
22 public comment on this section of our project?

23 Okay. Seeing none, we'll move on to the
24 next topic, which is Project Alternatives.

25 MR. BROOKHYSER: Applicant's witness for

1 this area is Mary Jane Wilson, of WZI.

2 Ms. Wilson testifies that the -- the
3 Alternatives to the project are described in the
4 Application. The record demonstrates that the
5 project, together with the Conditions of
6 Compliance specified by Commission Staff in the
7 FSA, is the best option, and will not cause any
8 significant adverse environmental impacts.

9 HEARING OFFICER WILLIAMS: Thank you.
10 Is there any objection to the testimony on the
11 topic of Project Alternatives, the written
12 declaration being admitted?

13 MR. MUNDSTOCK: No objection.

14 HEARING OFFICER WILLIAMS: The Project
15 Alternatives declaration and testimony will be
16 admitted.

17 Next we have Compliance Monitoring --
18 excuse me. Is there any public comment on Project
19 Alternatives?

20 Seeing none, we will continue to
21 Compliance Monitoring and Closure.

22 MR. BROOKHYSER: Applicant's witness in
23 this area is Mr. Raymond Smith. Mr. Smith
24 testifies with regard to several areas, including
25 Compliance and Closure.

1 He testifies that the Application,
2 together with the Conditions of Certification set
3 forth a plan for Compliance Monitoring and Closure
4 that's reasonable and will satisfy all laws,
5 ordinances, regulations and statutes.

6 HEARING OFFICER WILLIAMS: Any objection
7 to this testimony being received into evidence?

8 MR. MUNDSTOCK: No objection.

9 HEARING OFFICER WILLIAMS: Is there any
10 public comment on this area, Compliance Monitoring
11 and Closure?

12 Seeing none, we will continue to the
13 next topic, which is Facility Design.

14 MR. BROOKHYSER: Applicant's witness,
15 only witness in this area is Glen Griffith. Prior
16 written testimony has been filed, together with a
17 declaration. Mr. Griffith testifies that the
18 Application, together with the Supplements and the
19 Conditions of Certification, set forth the design
20 of the facility that will be constructed in a
21 reasonable and workmanlike manner, and that it can
22 be operated -- constructed and operated
23 efficiently and reliably.

24 HEARING OFFICER WILLIAMS: Is there any
25 objection to Applicant's Facility Design

1 testimony, with declarations?

2 MR. MUNDSTOCK: No objection.

3 HEARING OFFICER WILLIAMS: Is there any
4 public comment?

5 Seeing none, we will move on to the next
6 topic area, which is Power Plant Reliability.

7 MR. BROOKHYSER: Applicant has two
8 witnesses in this area, Glen Griffith, whose
9 testimony I've just described previously, and Greg
10 Jans. Both of their written testimonies have been
11 filed, together with declarations, and they both
12 testified with regard to the reliability of the
13 plant, and that based on the design as set forth
14 in the Application, together with the Conditions
15 of Certification, that the plant can be
16 constructed and operated reliably.

17 HEARING OFFICER WILLIAMS: Any objection
18 to the written declarations being admitted into
19 evidence?

20 MR. MUNDSTOCK: No objection.

21 HEARING OFFICER WILLIAMS: Any public
22 comment?

23 Seeing none, those -- that testimony
24 will be admitted.

25 And when I say testimony, I'm also --

1 well, for clarification, I want to admit, except
2 for the exceptions that we've already discussed on
3 Air Quality, I would like to formally admit
4 Applicant's prior exhibits that are indicated on
5 the exhibit list.

6 So as we go through the topics, so if
7 there are no objections, when I say testimony,
8 that will be inclusive of all the former exhibits.

9 Okay. I think next is Power Plant
10 Efficiency.

11 MR. BROOKHYSER: Applicant's witness in
12 this area is Glen Griffith, whose testimony has
13 already been described and admitted.

14 In this area, he testifies that the
15 Application, supplements, together with the
16 Conditions of Certification, describe the
17 construction and operation of the power plant, and
18 that it can be operated efficiently.

19 HEARING OFFICER WILLIAMS: Is there any
20 objection to this testimony?

21 MR. MUNDSTOCK: There's no objection.

22 HEARING OFFICER WILLIAMS: Any public
23 comment on Power Plant Efficiency?

24 Seeing none, those will be admitted.

25 We will move down to Transmission System

1 Engineering.

2 MR. BROOKHYSER: Applicant has two
3 witnesses in this regard, Raymond Smith, his
4 testimony has already been admitted, and John
5 McGrew. Together, they testify with regard to the
6 engineering set forth in the Application, and that
7 the project as described in the Application,
8 together with the Conditions of Certification,
9 will provide for a plant that can be constructed
10 and operated properly in line with industry
11 standards.

12 HEARING OFFICER WILLIAMS: Thank you.
13 Any objection?

14 MR. MUNDSTOCK: No objection.

15 HEARING OFFICER WILLIAMS: Is there any
16 public comment?

17 Seeing none, we'll move to the next
18 topic, which is Transmission Line Safety and
19 Nuisance.

20 MR. BROOKHYSER: The Applicant's
21 witnesses are the same two witnesses as with
22 Engineering, John McGrew and Raymond Smith. Their
23 testimony is the same, that the project as
24 described in the Application, together with the
25 Conditions of Certification in the FSA, will

1 provide for a project that would be constructed
2 according to all industry standards and would meet
3 all laws, ordinances, regulations and statutes.

4 HEARING OFFICER WILLIAMS: Any
5 objection?

6 MR. MUNDSTOCK: No objection.

7 HEARING OFFICER WILLIAMS: Any public
8 comment?

9 Seeing none, we will move -- we will
10 skip Air Quality, and move to Public Health.

11 MR. BROOKHYSER: Applicant's witness in
12 this regard is Scott Weaver, who's also the Air
13 Quality witness. But Mr. Weaver testifies with
14 regard to Public Health that the project as
15 described in the Application, together with the
16 Conditions of Certification contained in the FSA,
17 will provide for a project which does not provide
18 for, or will not cause any significant adverse
19 impacts on Public Health, and will comply with all
20 Public Health standards and meet all laws,
21 ordinances, regulations, and statutes.

22 HEARING OFFICER WILLIAMS: Any
23 objection?

24 MR. MUNDSTOCK: No objection.

25 HEARING OFFICER WILLIAMS: Any public

1 comment?

2 Seeing none, we'll move to Hazardous
3 Materials Management.

4 Oh, excuse me. Public Health? Sir,
5 could you come to the podium, please?

6 MR. ELAM: Harley Elam, public -- part
7 of the public.

8 I do have an issue on the -- on the
9 health. Even though that we do have compliance
10 rules for -- I'm worried about the heat being
11 generated here in the valley, because of our
12 ceiling level that we do experience here in the
13 valley, it has a tendency to also hold them in the
14 heat, too, that's going to be generated from these
15 combined cycle units.

16 HEARING OFFICER WILLIAMS: Thank you for
17 your comments.

18 MR. MUNDSTOCK: Can we go off the
19 record, please?

20 (Off the record.)

21 HEARING OFFICER WILLIAMS: Yes. During
22 our break the Applicant has indicated that there
23 will be a discussion with the gentleman who just
24 made the comments, the Public Health comments.
25 And try to answer any questions that he may have

1 on that -- on that subject, and try to discuss
2 with him those -- those areas of his concern.

3 We'll now move on to Hazardous -- oh, by
4 the way, Staff will also be available to you, sir,
5 to -- Commission Staff will also be available to
6 answer any questions that you may have in that
7 area.

8 Okay. We'll move on now to Hazardous
9 Materials Management.

10 MR. BROOKHYSER: Applicant's witness in
11 this area is Greg Jans, whose testimony has been
12 previously admitted.

13 He testifies with regard to Hazardous
14 Waste Management, that as he's currently the Plant
15 Manager for the existing project, and as that
16 project is managed, and as it is -- the new
17 project is described in the Application, together
18 with the Conditions of Certification, that the
19 project will comply with all laws, ordinances,
20 regulations and statutes in the area of Hazardous
21 Waste Management, and will be operated in a way
22 that meets the standards for industrial hygiene
23 and safety.

24 HEARING OFFICER WILLIAMS: Thank you.
25 Any objection?

1 MR. MUNDSTOCK: None.

2 HEARING OFFICER WILLIAMS: Any public
3 comment?

4 Moving on to Worker Safety and Fire
5 Protection.

6 MR. BROOKHYSER: Applicant's witness in
7 this regard is also Mr. Jans, and in the same
8 manner, he testifies that the project as it
9 currently exists and the project as described in
10 the Application will be operated in a manner that
11 meets all industrial safety standards and will not
12 provide a significant impact on worker safety.

13 HEARING OFFICER WILLIAMS: Any
14 objection?

15 MR. MUNDSTOCK: No objection.

16 HEARING OFFICER WILLIAMS: Any public
17 comment?

18 Biological Resources.

19 MR. BROOKHYSER: Applicant's witness in
20 this area is Thomas Mull. Mr. Mull testifies that
21 the project as described in the Application,
22 together with the Conditions of Certification,
23 will provide a project that will not provide any
24 significant adverse impact on Biological
25 Resources.

1 HEARING OFFICER WILLIAMS: Any

2 objection?

3 MR. MUNDSTOCK: No objection.

4 HEARING OFFICER WILLIAMS: Any public

5 comment?

6 Seeing none, we'll move now to Cultural

7 Resources.

8 MR. BROOKHYSER: Witnesses --

9 Applicant's witness in this regard is David

10 Whitley. His testimony is that the project that's

11 described in the Application, together with

12 complying with the Conditions of Certification,

13 will provide for a project that does not provide a

14 significant adverse impact on Cultural Resources.

15 HEARING OFFICER WILLIAMS: Any

16 objection?

17 MR. MUNDSTOCK: No objection.

18 HEARING OFFICER WILLIAMS: Public

19 comment? Yes, sir.

20 We -- I would indicate that -- Sir, your

21 name, again?

22 MR. GOMEZ: Robert Gomez.

23 HEARING OFFICER WILLIAMS: Mr. Gomez did

24 provide to the Committee a document that I'm

25 holding now, and the Committee has -- has the

1 document, and the document is available for the
2 parties, as well.

3 Mr. Gomez.

4 MR. GOMEZ: Okay. Briefly, what I want
5 to say is I'm not here to object or endorse the
6 project. I'm only here to give you input on my
7 involvement, which is very limited, in the
8 project.

9 I did a detailed examination of a
10 mitigation proposal that WZI had -- has proposed.
11 I did a plant tour site here back in the spring,
12 when the Commission was here. And an
13 archaeological and cultural resource survey with
14 Mr. Whitley and Mr. Simon. And I also contacted,
15 or did a record search on archaeological
16 excavations in that particular area. So it
17 appears to me that the Applicant is taking all the
18 precautions and mitigations, as far as Cultural
19 Resources is concerned.

20 What I do want to add, though, is on my
21 letter to you, on Attachment 1, there's some
22 personal philosophies that I think are important
23 in projects of this nature, and I think are
24 important -- that are important enough to be
25 inserted into the record. And I'm going to

1 briefly describe those to you, as I indicated on
2 that attachment.

3 And the first one I have is -- it's a No
4 Project Alternative. And this position to me is
5 an imperative position, whenever cultural
6 resources are going to be impacted, and because
7 many times projects of this nature do have some
8 impact on Cultural Resources. And, to me, the
9 best position is no project. Okay.

10 Secondly, I believe that Indian
11 consultation should be initiated at the inception
12 of these types of projects. And I think that's --
13 it would be prudent on the developer, the project
14 applicant, because he would be aware of those
15 particular Cultural Resources that may or may not
16 be impacted.

17 Thirdly, on cultural artifacts, I
18 recognize the concept of -- of private property
19 rights, civil laws, and penal laws that attach to
20 them. However, I think we ought to move over and
21 look at the moral obligation that we have, and the
22 legal justification for that moral obligation, and
23 that those property artifacts, those cultural
24 artifacts that are found on these project sites,
25 really and truly belong -- still belong to the

1 Native Americans.

2 And unfortunately, at this point in our
3 history, Native Americans do not have a repository
4 where they can deposit these things to their
5 liking and to their justifications, and so on and
6 so forth. So I would suggest that these type of
7 artifacts that are found on these properties be
8 temporarily -- and I underline temporarily --
9 housed or stored at a location which complies with
10 current National Historic Preservation Act
11 standards. Because I understand there's a
12 standard that these museums and places of that
13 nature have to comply with.

14 And lastly, in regards to human remains,
15 and associated funerary artifacts that are
16 discovered, I would suggest, or I would encourage,
17 I think it's imperative, rather, that they not be
18 subjected to any destructive or corrosive
19 analysis. Meaning radio carbon, or things of that
20 nature.

21 I think that they -- in fact, they
22 should be left on the site, buried appropriately,
23 as per tradition, so on and so forth. But I don't
24 think that they should be examined, taken to a lab
25 for scientific analysis, et cetera and et cetera.

1 Okay. I also want to state that this
2 area here in the southern valley is really
3 culturally and archaeologically sensitive and
4 rich. There are several instances in the past ten
5 years where developers and applicants have found
6 instances of new knowledge in archaeology and
7 cultural resources, and have outlined some of the
8 -- some of these projects, the New Town San
9 Emigdio Project, which is just south of us, the
10 McAlister Ranch just north of us, about 10 or 15
11 miles, and the Pacificana Project.

12 There's one project just very recently,
13 the Elk Hills Oil Preserve, that was sold here,
14 NPR1, and there were some unanticipated
15 discoveries that were made there.

16 So my point being that there is a
17 potential, regardless of what mitigation measures
18 you take, there's always a potential because this
19 area is so rich in archaeological and cultural
20 resources yet to be discovered, it's so rich that,
21 you know, there's always a potential of them being
22 discovered. And we have to take and make sure,
23 ensure that there's appropriate measures, that
24 laws are followed, proper notifications are made,
25 and so on and so forth.

1 So it's my recommendation to that end
2 that a Native American consultant be hired
3 whenever there is a potential for negative impacts
4 on cultural resources.

5 So I would -- I'm open to any comments,
6 any questions you may have. I'm free, I left my
7 number there, so on and so forth. And if you have
8 any questions, feel free to call me.

9 So that's basically what I have, and I
10 hope this would be inserted into the record.

11 PRESIDING MEMBER PERNELL: Mr. Gomez,
12 have you discussed your concerns with the
13 Applicant?

14 MR. GOMEZ: Absolutely.

15 PRESIDING MEMBER PERNELL: And what --
16 can you share their response?

17 MR. GOMEZ: Well, like I -- like I
18 indicated, in talking with Mr. Whitley and Mr.
19 Simon, talking with Mr. Brady, and when I did the
20 site tour, I made some of these -- these concerns
21 and issues to them, and I -- I feel confident
22 right now that they are going to take
23 precautionary measures to ensure that these
24 statutes and these notifications and that these
25 guidelines are -- are going to be adhered to, are

1 going to be followed.

2 PRESIDING MEMBER PERNELL: So just to be
3 clear, you're not objecting to the project. What
4 you're saying then is you want to be sure that all
5 of the cultural resources be handled properly and
6 -- and, in some instances, not taken to a lab, and
7 --

8 MR. GOMEZ: That --

9 PRESIDING MEMBER PERNELL: -- and worked
10 over for --

11 MR. GOMEZ: -- to me, absolutely. That,
12 to me, is -- I'm not objecting, and emphatically,
13 I'm not endorsing. However, it appears, just on
14 my analysis, my research, that it appears that the
15 Applicant has been very diligent in attempting to
16 mitigate and attempting to follow proper
17 procedures and all the steps necessary.

18 In regards to analysis, that, to me, is
19 a red flag, when it comes to the human remains.
20 Because I feel that whether they were buried
21 there, or somebody just happened to fall and --
22 and die there, and be covered by nature, et cetera
23 and et cetera, I think that they should remain
24 there, and end of case, no more. No analysis, no
25 nothing. You know, the scientific community can

1 find other ways of discovering new knowledge, but
2 when it comes to burials, human remains, I believe
3 that they should be intact, left there, period.

4 PRESIDING MEMBER PERNELL: Okay. One
5 final question. And this is, I guess, for the
6 Applicant.

7 In a situation where you would run
8 across some artifacts, what happens there? Do you
9 contact the Native American Consultant, or you
10 contact -- just give me a brief description of
11 what happens there.

12 MR. BROOKHYSER: First of all, there is
13 a provision in the Conditions of Certification
14 that provides that we will have a specialist in
15 Cultural Resources present during excavations. So
16 --

17 PRESIDING MEMBER PERNELL: So that
18 specialist then --

19 MR. BROOKHYSER: -- at least part of Mr.
20 Gomez' --

21 PRESIDING MEMBER PERNELL: -- would know
22 what to do.

23 MR. BROOKHYSER: And I believe there are
24 -- there are laws on the subject, dealing with how
25 human remains are handled. I do not know those in

1 any detail. During the Air Quality break, perhaps
2 I can become more familiar with those, and if
3 you'd like further explanation I can surely
4 provide it.

5 PRESIDING MEMBER PERNELL: Well, I just
6 want to make sure that you -- it sounds like you
7 have someone, or will have someone on site in case
8 these situations arise.

9 MR. BROOKHYSER: Absolutely.

10 PRESIDING MEMBER PERNELL: And -- and if
11 that's fine with Mr. Gomez, I would -- I would
12 recommend that Mr. Gomez be contacted, or -- or at
13 least put in touch with your specialist, because
14 it sounds like, you know, he'd want to be involved
15 in some way if something is discovered. So I
16 would hope that he's put in contact with whomever
17 you have on your team if these types of situations
18 arise.

19 MR. BROOKHYSER: We will make sure that
20 Mr. Gomez at least knows who that consultant
21 monitor is, and that his -- his monitoring the
22 project meets with -- that Mr. Gomez and he have
23 some conversation about that.

24 PRESIDING MEMBER PERNELL: Is involved.
25 Okay.

1 HEARING OFFICER WILLIAMS: Can we go off
2 the record for one second?

3 (Off the record.)

4 HEARING OFFICER WILLIAMS: Back on the
5 record.

6 PRESIDING MEMBER PERNELL: Thank you,
7 Mr. Gomez.

8 MR. GOMEZ: Thank you.

9 HEARING OFFICER WILLIAMS: I would
10 indicate for the record that it's been brought to
11 the Committee's attention that Mr. Gomez is the
12 Native American Consultant to the project, and the
13 Committee has decided to admit his document as
14 Exhibit 19.

15 It's a four-page -- four-page document,
16 signed by Mr. Gomez, and dated December 12. And
17 we'll call it Native American Consultant
18 Information Sheet.

19 Any objection to this document as
20 Exhibit 19?

21 MR. BROOKHYSER: No objection.

22 MR. MUNDSTOCK: Staff has no objection.

23 HEARING OFFICER WILLIAMS: Okay. That
24 will be admitted.

25 ///

1 (Thereupon Exhibit Number 19 was
2 marked for identification and
3 was received into evidence.)

4 HEARING OFFICER WILLIAMS: Okay. Thank
5 you, Mr. Gomez.

6 MR. MUNDSTOCK: Just a note for the
7 record. Cultural Resources Condition of
8 Certification 6 specifically deals with what
9 happens if an unexpected unknown cultural resource
10 is encountered. And clearly, the Applicant's
11 consultants will be part of that process,
12 including Mr. Gomez. So that is explicitly
13 covered in Cultural Resources Condition of
14 Certification 6. Which is on page 275 of the
15 Final Staff Assessment.

16 HEARING OFFICER WILLIAMS: Thank you.
17 Okay. I think we can move on now to
18 Geology.

19 MR. BROOKHYSER: Applicant's witness in
20 this area is Mr. Wagner, whose pre-filed testimony
21 is before the Commission. It has a declaration
22 attached.

23 Mr. Wagner testifies both as to
24 geological resources as well as surface hydrology,
25 and testifies that the project as described in the

1 Application will meet all laws, ordinances,
2 regulations and statutes, and will not pose a
3 significant adverse impact on either geological
4 resources or surface hydrology.

5 HEARING OFFICER WILLIAMS: Any
6 objection?

7 MR. MUNDSTOCK: No objection.

8 HEARING OFFICER WILLIAMS: Any public
9 comment?

10 So admitted.

11 Paleontology.

12 MR. BROOKHYSER: Applicant's witness in
13 this area -- and I won't try to pronounce it -- is
14 Dr. Finger, whose testimony has been pre-filed
15 with the Commission and has a declaration
16 attached.

17 His testimony is that the project as
18 described in the Application, together with the
19 Conditions of Certification specified in the FSA,
20 will satisfy all legal requirements and
21 specifically will not have a significant adverse
22 impact on paleontological resources.

23 HEARING OFFICER WILLIAMS: Any
24 objection?

25 MR. MUNDSTOCK: No objection.

1 HEARING OFFICER WILLIAMS: Any public
2 comment?

3 So admitted.

4 Soil and Water Resources.

5 MR. BROOKHYSER: Witness has -- the
6 Applicant has one witness in this area, Glen
7 Griffith, whose testimony has already been
8 admitted in prior areas.

9 And with regard to Soil and Water
10 Resources, he testifies that the project as
11 described in the Application will not have a
12 significant adverse impact on soil or water
13 resources.

14 HEARING OFFICER WILLIAMS: In this
15 regard, too, I would indicate that we previously
16 admitted Data Response Number 4 as Exhibit 18.

17 Is there any objection to the testimony?

18 MR. MUNDSTOCK: No objection.

19 HEARING OFFICER WILLIAMS: Any public
20 comment?

21 Yes, sir. And, sir, your name again? I

22 --

23 MR. ELAM: Harley Elam, E-l-a-m.

24 HEARING OFFICER WILLIAMS: Thank you.

25 MR. ELAM: On the issue of water

1 quality, in our location here, our potable water
2 aquifer I believe is overburdened, because years
3 ago we used to have pretty good water quality.
4 Nowadays, I'm seeing a lot of calcium carbonate,
5 and I believe this is coming from the recharge of
6 our aquifer. The more that's pulled out, the more
7 that's got to go in, the more it's going to stir
8 up all the alkali and everything else that's in
9 the soil.

10 Two, I think the aqueduct, which is the
11 closer source than our aquifer, is overburdened,
12 too, statewide. And to alleviate the water
13 burden, I suggest that -- purchases the
14 wastewater, or steam, from the La Paloma PG&E
15 plant. They intend to cool their water, and I
16 guess dispose of it, but since the locale is so
17 close they could buy the steam from them for
18 second recovery, like they intend to do down home.

19 That's it.

20 HEARING OFFICER WILLIAMS: Mr. Elam,
21 could you give us just a summary of -- of who you
22 are, and your interest in the project? I don't
23 know if we've gotten that.

24 MR. ELAM: I'm just part of the public.
25 I read the paper yesterday, and seen that you was

1 down here. I've been wanting to write a letter,
2 but I'm not very good at writing. And this was my
3 opportunity to just stand my voice here.

4 HEARING OFFICER WILLIAMS: Okay. Thank
5 you, sir.

6 PRESIDING MEMBER PERNELL: Thank you for
7 doing that.

8 HEARING OFFICER WILLIAMS: Applicant, do
9 you have any comment to make?

10 MR. BROOKHYSER: I would just note that
11 as described in the Application, and I think is
12 set forth in the FSA, the -- the Applicant is
13 drawing its water resources, or the water needs
14 for the project from the West Kern Water District.
15 We've complied with all requirements made for
16 that, and to meet their -- their standards with
17 regards to efficacy of water. That does not seem
18 to be a problem.

19 HEARING OFFICER WILLIAMS: Staff, do you
20 have any comment?

21 MR. MUNDSTOCK: Staff concurs in that
22 position, and it's so indicated in the Final Staff
23 Assessment.

24 HEARING OFFICER WILLIAMS: Okay.

25 PRESIDING MEMBER PERNELL: Is there

1 anyone from the Western Water District here?

2 HEARING OFFICER WILLIAMS: West Kern?

3 PRESIDING MEMBER PERNELL: Yes.

4 HEARING OFFICER WILLIAMS: Good morning.

5 PRESIDING MEMBER PERNELL: Good morning.

6 HEARING OFFICER WILLIAMS: Your name,
7 again?

8 MS. ROSENBERGER: Good morning. Wendy
9 Rosenberger.

10 HEARING OFFICER WILLIAMS: And you're
11 with the West Kern Water District?

12 MS. ROSENBERGER: Yes. I'm coming in
13 place of Brian Patrick, our engineer at the Water
14 District. So as far as answering a lot of the
15 questions, I'll answer what I can.

16 HEARING OFFICER WILLIAMS: What is your
17 position?

18 MS. ROSENBERGER: I'm Assistant to the
19 Director of Operations.

20 PRESIDING MEMBER PERNELL: And is the
21 Western Water District satisfied with the project
22 and the fact that they could deliver the necessary
23 water required to the project?

24 MS. ROSENBERGER: Yes. We have signed a
25 contract with them, and we feel we can supply the

1 water with no harm to any of our already -- our
2 customers' already.

3 PRESIDING MEMBER PERNELL: I have
4 nothing further.

5 HEARING OFFICER WILLIAMS: Thank you.

6 Again, perhaps the parties could meet
7 with Mr. Elam during the break, and discuss his
8 concerns with him, and answer any questions that
9 he may have -- that he may have. Again, if you
10 would do that, I think that would be helpful.

11 Okay. Moving on to Waste Management.

12 MR. BROOKHYSER: Applicant's witness in
13 this area is Glen Griffith, whose testimony has
14 been previously admitted for other purposes.

15 Mr. Griffith testifies that with regard
16 to Waste Management, the project will not cause
17 any significant adverse impacts on the
18 environment; that the Applicant will accept the
19 Conditions of Certification proposed in the FSA.

20 HEARING OFFICER WILLIAMS: Any
21 objection?

22 MR. MUNDSTOCK: No objection.

23 HEARING OFFICER WILLIAMS: Any public
24 comment?

25 So admitted, seeing no objection or

1 comment.

2 Land Use.

3 MR. BROOKHYSER: Applicant's witness in
4 this area is Raymond Smith. His testimony has
5 been previously admitted in other -- for other
6 areas.

7 And he testifies that the project as
8 described in the Application, together with the
9 Conditions of Certification, will not have any
10 significant adverse impacts on Land Use, at least
11 that cannot be mitigated to a level below
12 significance.

13 HEARING OFFICER WILLIAMS: Any
14 objection?

15 MR. MUNDSTOCK: No objection.

16 HEARING OFFICER WILLIAMS: Any public
17 comment?

18 So admitted.

19 Socioeconomics.

20 MR. BROOKHYSER: Actually, Noise was
21 next. And our witness in the area of Noise is
22 Jesse Frederick.

23 HEARING OFFICER WILLIAMS: Noise. I'm
24 sorry.

25 MR. BROOKHYSER: And he testifies that

1 with regard to noise pollution or noise impacts,
2 that the project as described in the Application,
3 together with the Conditions of Certification,
4 would not have a significant adverse impact on the
5 noise levels in the area of the project.

6 HEARING OFFICER WILLIAMS: Any
7 objection?

8 MR. MUNDSTOCK: No objection.

9 HEARING OFFICER WILLIAMS: Any public
10 comment?

11 Now, Socioeconomics.

12 MR. BROOKHYSER: Our witness in this
13 area is Susan Weaver. And her testimony is that
14 the project, as described in the application,
15 during construction and operation will not have a
16 significant adverse impact on the socioeconomic
17 makeup or condition of the surrounding area.

18 HEARING OFFICER WILLIAMS: Any
19 objection?

20 MR. MUNDSTOCK: No objection.

21 HEARING OFFICER WILLIAMS: Any public
22 comment? Thank you.

23 Traffic and Transportation.

24 MR. BROOKHYSER: Applicant's witness in
25 this area is James Brady. Testimony has been pre-

1 filed with the Commission, with the declaration.
2 And he testifies that the project that's described
3 in the Application, together with the Conditions
4 of Certification, will have minimum adverse
5 impacts on local and regional roadways, and that
6 the Applicant will comply with the Conditions of
7 Certification specified by the Staff.

8 HEARING OFFICER WILLIAMS: Any
9 objection?

10 MR. MUNDSTOCK: No objection.

11 HEARING OFFICER WILLIAMS: Public
12 comment?

13 Seeing none, so admitted.

14 We'll move on to Visual Resources.

15 MR. BROOKHYSER: In this area, Mr. Brady
16 also testifies, and in his pre-filed testimony he
17 states that with regard to Visual Resources, the
18 project that's described will have less than
19 significant adverse impact on Visual Resources.

20 HEARING OFFICER WILLIAMS: Any
21 objection?

22 MR. MUNDSTOCK: No objection.

23 HEARING OFFICER WILLIAMS: Public
24 comment? Seeing none.

25 Those matters that we've covered will be

1 admitted into evidence.

2 MR. MUNDSTOCK: If I could just note for
3 the record, Mr. Williams, that based on your prior
4 direction, that also means that Exhibits 1 through
5 14 and 18 have been admitted into evidence, also.

6 HEARING OFFICER WILLIAMS: They have.
7 We've admitted the testimony in exhibits on all
8 topic areas except for Air Quality.

9 (Thereupon Exhibits 1 through 14
10 were received into evidence.)

11 PRESIDING MEMBER PERNELL: Which is
12 topic number nine.

13 HEARING OFFICER WILLIAMS: Topic number
14 nine.

15 Okay. Does that conclude your
16 presentation?

17 MR. BROOKHYSER: Yes. Other than with
18 regard to Air Quality, that concludes our
19 presentation.

20 HEARING OFFICER WILLIAMS: Okay. We'll
21 continue now with Staff.

22 MR. MUNDSTOCK: Since the Staff
23 document, the Final Staff Assessment, is a
24 comprehensive document, may I ask the Committee's
25 permission to present it simply in one fell swoop,

1 as a comprehensive document.

2 HEARING OFFICER WILLIAMS: Yes.

3 MR. MUNDSTOCK: Staff has submitted the
4 Final Staff Assessment. The witnesses are those
5 listed, with their declarations presented in the
6 document, and listed by the Committee.

7 The Staff conclusions are summarized in
8 the Staff recommendation, which is on page 4 of
9 the Executive Summary, and I'll just quote from
10 that.

11 The Commission Staff has concluded that
12 if all mitigation measures and recommended
13 Conditions of Certification for the project are
14 adopted by the Commission and implemented by the
15 Applicant, then all applicable laws, ordinances,
16 regulations and standards will be complied with,
17 and no significant adverse impacts will result
18 from the Western Midway Sunset Cogeneration
19 Company project.

20 Staff therefore recommends certification
21 of the project, subject to all the Conditions of
22 Certification as proposed in the Final Staff
23 Assessment.

24 And we have two errata that the
25 Committee should have in its possession. The

1 subjects they are covering, one is in Biology, and
2 the other is in Traffic.

3 HEARING OFFICER WILLIAMS: Yes. And
4 we've admitted those.

5 And if there is no objection, we will
6 now admit the Final Staff Analysis as Exhibit 15.

7 MR. BROOKHYSER: No objection from the
8 Applicant.

9 HEARING OFFICER WILLIAMS: That will be
10 admitted.

11 (Thereupon Exhibit Number 15 was
12 received into evidence.)

13 HEARING OFFICER WILLIAMS: Let's go off
14 the record now.

15 (Off the record.)

16 PRESIDING MEMBER PERNELL: The Committee
17 at this time will take a five minute recess. We
18 will reconvene at 10:10, so it's a little bit more
19 than five minutes.

20 Thank you.

21 (Off the record.)

22 PRESIDING MEMBER PERNELL: Mr. Williams.

23 HEARING OFFICER WILLIAMS: Yes. Thank
24 you, Commissioner Pernell.

25 At the break the parties were able to

1 discuss the Final Determination of Compliance with
2 the -- with the Air District, and I believe that
3 the parties are prepared to at least tell us, at
4 this point, how they plan to proceed.

5 MR. BROOKHYSER: Mr. Williams, we
6 believe that the Committee was correct in setting
7 the date of January 11th for the purposes of a
8 second Evidentiary Hearing that would only be on
9 Air Quality. That would allow sufficient time for
10 the finalization of the Determination of
11 Compliance by the Air District presentation of
12 that, and the proper review by the Energy
13 Commission Staff. So we believe the Air Quality
14 should be postponed until January 11th.

15 HEARING OFFICER WILLIAMS: That's fine.
16 Applicant, do you wish to --

17 MR. BROOKHYSER: No, Mr. Williams,
18 that's satisfactory with the Applicant.

19 Let me just note two things for the
20 record. First, in terms of the document which the
21 Commission has received and has marked as Exhibit
22 17, it's my understanding, and certainly the
23 record after January 11th will fully explain this,
24 but it's my understanding that that document is
25 complete. However, there are several appendices

1 that are not included in that document which will
2 be included in the official FDOC delivered to the
3 Commission later.

4 Just so it's clear that that -- there
5 may be a slightly different document that we're
6 talking about on January 11th.

7 Also, with regard to document -- or,
8 Exhibit 16-A, which is the Air Quality errata,
9 there is a -- a change which I -- which the
10 Applicant has proposed to one of the
11 verifications, which I believe Mr. Loyer would
12 testify that he finds acceptable.

13 MR. MUNDSTOCK: But we're putting it
14 over --

15 MR. BROOKHYSER: But let's --

16 MR. MUNDSTOCK: -- so he'll do it on the
17 11th.

18 MR. BROOKHYSER: -- just -- yeah. Just
19 for the record --

20 HEARING OFFICER WILLIAMS: That has not
21 been admitted.

22 MR. BROOKHYSER: Yeah. Just for the
23 record, that's another issue that we'll bring up
24 at that time.

25 HEARING OFFICER WILLIAMS: Okay.

1 For the District, is there any problem,
2 are you prepared to come to Sacramento on the 11th
3 to present the document?

4 MR. GOFF: I'm confident we can have a
5 representative there.

6 HEARING OFFICER WILLIAMS: Thank you,
7 sir.

8 PRESIDING MEMBER PERNELL: Would you
9 state your name and --

10 MR. GOFF: My name is Tom Goff. I'm
11 with the San Joaquin Valley Unified Air Pollution
12 Control District.

13 HEARING OFFICER WILLIAMS: Well, with
14 that, we will have an additional hearing on Air
15 Quality in Sacramento beginning at 10:00 a.m. on
16 January 11th, 2001.

17 Again, we will leave the record open at
18 this point to tie up all -- any loose ends that
19 may come up on the 11th. And we would anticipate
20 closing the record for this proceeding on January
21 11th.

22 Commissioner Pernell, do you have any
23 further comments?

24 PRESIDING MEMBER PERNELL: Thank you,
25 Mr. Williams.

1 Is there any other housekeeping matters?
2 We got all of our exhibits in order? And I would
3 just ask whether Staff or the Applicant have
4 anything else to add before I close the hearing.

5 MR. MUNDSTOCK: Nothing further from
6 Staff.

7 MR. BROOKHYSER: Nothing further from
8 Applicant.

9 PRESIDING MEMBER PERNELL: Thank you.

10 In that -- in that case, as Mr. Williams
11 has said, this proceeding will continue on January
12 the 11th. I understand it's at 10:00 a.m., in
13 Sacramento. And a notice will be distributed both
14 here and to all of the stakeholders.

15 And with that, if there's nothing -- no
16 other business to come before this Committee, this
17 Committee is adjourned.

18 Thank you all for coming.

19 (Thereupon the Hearing was adjourned
20 at 10:20 a.m.)

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22
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24
25

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 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 Hearing, nor in any way interested in the outcome of said Hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of December, 2000.

DEBI BAKER

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