

MEETING
STATE OF CALIFORNIA
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

IN THE MATTER OF:)
) DOCKET NO. 99-AFC-9
THE APPLICATION FOR THE)
MIDWAY SUNSET POWER)
PROJECT)
_____)

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

TUESDAY, MARCH 13, 2001

10:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

CONTRACT NO. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

HEARING OFFICER:

Major Williams

STAFF

David Mundstock, Staff Counsel

Mark Pryor, Siting Manager

APPLICANT

Mr. Donald Brookhyser, Counsel, (Via teleconference)

Mr. Ray Smith

Ms. Mary Jane Wilson

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 MR. BROOKHYSER: Good morning.

3 HEARING OFFICER WILLIAMS: So you're there.

4 And, Mr. Smith, you want to come up to the podium
5 there. You're welcome, too.

6 MR. SMITH: Good morning.

7 HEARING OFFICER WILLIAMS: You can come to, Ms.
8 Wilson.

9 The order of business this morning is to take
10 comments on the PMPD in the Western Midway Sunset
11 Cogeneration Company Project's AFC for the Midway Power
12 Project. My name is Major Williams, and I'll be serving
13 as the hearing officer. Both of our Commissioners are
14 away on other matters today, so I'll be doing this alone.

15 As I said earlier, I think Mr. Ray Smith is
16 present for the applicant as well as Ms. Mary Jane Wilson.
17 And applicant's counsel, Mr. Donald Brookhyser is
18 teleconferencing in. Is that right, Mr. Brookhyser, are
19 you there?

20 MR. BROOKHYSER: That's correct, Mr. Williams.
21 And thank you very much for accommodating me like this.

22 HEARING OFFICER WILLIAMS: No problem at all.
23 And I see Mr. Dave Mundstock is present for staff and Mr.
24 Mark Pryor is also present in place of Jack Caswell, who's
25 also away on other business.

1 I don't see any representatives from the Public
2 Adviser's office here, nor do I see any members of the
3 public.

4 On February 13th, the Committee issued the PMPD
5 in this proceeding and today we'll take any comments. The
6 Committee has reviewed and -- has received and reviewed
7 the written comments of staff. And the Committee
8 understands that the applicant will be providing only
9 modest, perhaps grammatical, changes to the PMPD; is that
10 correct, or more substantive -- zero, Mr. Smith?

11 MR. SMITH: No, sir.

12 HEARING OFFICER WILLIAMS: Okay, Mr. Brookhyser,
13 what is your understanding as to the applicant's comments?

14 MR. BROOKHYSER: It was my understanding that we
15 were accepting the staff's comments except perhaps with
16 some grammatical corrections.

17 HEARING OFFICER WILLIAMS: Okay.

18 MR. BROOKHYSER: Ms. Wilson should be able to
19 confirm that.

20 MS. WILSON: That's correct and we accept the
21 staff's comments as written.

22 HEARING OFFICER WILLIAMS: Okay. Mr. Mundstock,
23 are the written comments that were docketed staff's final
24 comments?

25 STAFF COUNSEL MUNDSTOCK: As of right now.

1 HEARING OFFICER WILLIAMS: All right, moving
2 right along.

3 The Committee's expectation is to publish an
4 errata to the PMPD prior to the business meeting where the
5 full commission will decide whether to adopt the PMPD and
6 any errata as its final decision. These materials will be
7 presented for adoption before the full commission at its
8 business meeting on March 21st, 2001.

9 Is that acceptable to the parties?

10 MR. SMITH: Yes.

11 STAFF COUNSEL MUNDSTOCK: Yes.

12 MR. BROOKHYSER: Yes.

13 HEARING OFFICER WILLIAMS: Well, I think that
14 should pretty much wrap things up.

15 Any final comments?

16 MR. BROOKHYSER: Not on behalf of the Applicant.

17 STAFF COUNSEL MUNDSTOCK: Nothing further from
18 staff at this time.

19 HEARING OFFICER WILLIAMS: And, again, there are
20 no members of the public and I thank you very much for
21 attending and I thank you on behalf of the Committee.

22 MR. BROOKHYSER: Thank you, Mr. Williams.

23 (Thereupon the Energy Commission meeting
24 adjourned at 10:05 a.m.)

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Energy Commission hearing was
7 reported in shorthand by me, James F. Peters, a Certified
8 Shorthand Reporter of the State of California, and
9 thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 20th day of March, 2001.

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JAMES F. PETERS, CSR, RPR

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