

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

APPLICATION FOR CERTIFICATION )  
OF THE )  
BALDWIN ENERGY FACILITY NO. 1 ) (Application Found  
LA JOLLA ENERGY DEVELOPMENT ) Complete on: May 24,  
INC. ) 2001

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Monday, June 18, and Tuesday, June 19, 2001  
West Los Angeles College Fine Arts Theatre  
4800 Freshman Drive, Culver City, California  
5:30 O'Clock P.M.

Reported by:

Janet B. White, Certified Realtime Reporter  
CSR No. 1879

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT:

ROBERT PERNELL, Commissioner, Presiding Member  
ELLIE TOWNSEND-SMITH, Commissioner Advisor  
SUSAN FRANCES, GEFTNER, Hearing Officer

STAFF PRESENT:

JEFF OGATA, Senior Staff Counsel  
JIM BARTRIDGE, Project Manager  
RAMESH SUNDARESWARAN, Hazardous materials  
ROBERTA MENDONCA, Public Adviser  
PRISCILLA ROSS, Assistant Public Adviser  
KEVIN KENNEDY, Project Manager  
MARGIE HARKER, Biological Resources  
MICHAEL BERMAN, Land Use  
DAVID YOUNG, Land Use  
TOM CLEARY, Public Adviser  
ESRAIN CORNEJO, Public Adviser  
THOMAS GLAVIANO, Manager, Emergency Siting  
Hearing Office  
ROGER E. JOHNSON: Siting Officer Manager  
CAPRICE (Kip) HARPER, Cultural Resources  
Consultant

APPLICANT:

STEVE WILBURN, La Jolla Energy Development, Inc.  
TROY VALENZUELA, Stocker Resources

CITY AND OTHER AGENCY REPRESENTATIVES:

BARRY R. WALLERSTEIN, South Coast Air Quality  
Management District

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1           PRESIDING MEMBER PERNELL: Ladies and  
2 gentlemen -- ladies and gentlemen, my name is  
3 Commissioner Robert Pernel. I am a Commissioner at  
4 the California Energy Commission. I will be  
5 conducting these proceedings.

6           What we are doing, with the community's  
7 request, we went around to neighborhoods and toured  
8 the communities that are affected by this project.  
9 That's why we're late.

10           So, please, we will get this started, but,  
11 again, we have to be courteous to one another, and I  
12 will guarantee you that everyone will have a chance  
13 to speak.

14           Are we ready? On the record.

15           Good evening, ladies and gentlemen.

16           AUDIENCE (As a whole): Good evening.

17           PRESIDING MEMBER PERNELL: Thank you all for  
18 coming out this evening.

19           As I said earlier, we had a great  
20 opportunity to tour the various communities around  
21 Baldwin Hills and the proposed project.

22           So we're pretty grateful. We are grateful  
23 for all that we had with us on that tour.

24           Who can't be here this evening is Secretary  
25 Nichols. She is the -- Mary Nichols is the Secretary

1 of the Resource Department. And she also took that  
2 tour.

3           So we have been very concerned about your  
4 concerns for the plant. We have had tours of your  
5 neighborhoods; we have had a secretary that is a  
6 member of the Wesson cabinet on that tour, so we are  
7 doing what we can to be inclusive and to understand  
8 what some of your concerns are.

9           As I said before, my name is Robert  
10 Pernel. I'm one of five Commissioners of the  
11 California Energy Commission. I have been designated  
12 by the Commission to conduct proceedings on the  
13 proposed Baldwin Energy Facility.

14           This evening we will conduct a second public  
15 hearing on the proposal. At the previous Hearing on  
16 May 31st, I agreed to schedule an additional Hearing  
17 in response to the extensive community comments and  
18 concerns regarding this project.

19           Before we begin, I'd like to introduce the  
20 Committee that's working with me. First we have to  
21 my left, your right, Susan Gefter. She is the  
22 Hearing Officer.

23           To my left -- to my right, your left, is my  
24 advisor, Ellie Townsend-Smith. And for the record, I  
25 would like to introduce themselves starting with the

1 Applicant.

2 MR. WILBURN: My name is Steve Wilburn. I'm  
3 the President of La Jolla Energy Development.

4 MR. VALENZUELA: My name is Troy Valenzuela.  
5 I'm with Stocker Resources, Manager of Health and  
6 Environmental Safety.

7 PRESIDING MEMBER PERNELL: Is that all the  
8 people represented by the Applicant? Do you have any  
9 professionals out there in the audience for  
10 presentations?

11 MR. WILBURN: There is no one else today.

12 PRESIDING MEMBER PERNELL: Staff, will you  
13 introduce yourselves and your team.

14 MR. BARTRIDGE: My name is Jim Bartridge.  
15 I'm the Project Manager for this project.

16 This is Jeff Ogata, staff attorney.

17 MR. BARTRIDGE: Can you hear me now? Okay.

18 In the back of the room is Ramesh  
19 Sundareswaran. He did hazardous materials in the  
20 staff report.

21 Kevin Kennedy is the Project Manager for  
22 this facility.

23 Margie Harker did Biological Resources.

24 Kip Harper did cultural resources.

25 Michael Berman and David Young -- David, if

1 you are out there -- did land use.

2 And I think that's it.

3 PRESIDING MEMBER PERNELL: Okay. Thank you  
4 very much.

5 We also have a representative from the  
6 Public Adviser's office who will introduce her team,  
7 Roberta Mendonca.

8 Roberta, where are you?

9 MS. MENDONCA: Good evening, Commissioner  
10 Pernell.

11 PRESIDING MEMBER PERNELL: Is it on?

12 MS. MENDONCA: Good evening. My name is  
13 Robert Mendonca, and I'm the Energy Commission Public  
14 Adviser.

15 I would like to introduce the team that's  
16 with me tonight.

17 Representing the Public Adviser in Southern  
18 California has been Tom Cleary, behind me.

19 And representing my office is my Associate  
20 Public Adviser, Priscilla Ross.

21 Tom brought an assistant with him. His name  
22 escapes me at the moment.

23 MR. CLEARY: My assistant is outside, Esrain  
24 Cornejo, and he is also assisting in passing out and  
25 collecting blue cards.

1 MS. MENDONCA: Pretty much the role of the  
2 Public Adviser --

3 PRESIDING MEMBER PERNELL: Roberta, I'll call  
4 you up later.

5 MS. MENDONCA: Okay. I'm going outside.

6 PRESIDING MEMBER PERNELL: Okay. We'll get  
7 you.

8 I will be calling Roberta back up to explain  
9 her role as a Public Adviser and how this process is  
10 going to work in terms of your comments and getting  
11 and making sure that we have everyone with a question  
12 to write it on a blue card, as well.

13 if you want to address the Committee, you  
14 may do so, but again, it is all predicated upon  
15 having blue cards, so we don't have to worry about  
16 that right now.

17 Next what I would like to do is introduce  
18 and have them say a few words your elected  
19 officials. We have a number of elected officials  
20 here, and I have got to tell you that you're  
21 represented well.

22 We have gotten a lot of calls, not only from  
23 the community but from those that represent you.  
24 And the first one I would like to call up is  
25 Assemblyman Herb Wesson.

1           ASSEMBLYMAN WESSON: I want to be as brief as  
2 I can, but there are a few things that I feel  
3 compelled to say.

4           I want to first commend the Community for  
5 coming out and coming out in such large numbers.  
6 There are so many of us --

7           (Applause.)

8           There are so many of us that are here today  
9 that we've got an overflow crowd outside. I also  
10 want to thank Commissioner Pernell for his work on  
11 the issue. I want to thank you for the diligence of  
12 your staff and the way my office has been treated  
13 with such -- very courteous. And I think that you  
14 have been very professional.

15           I think the folk in the audience need to  
16 know that before our Commissioner Pernell was  
17 appointed to this current position that he spent his  
18 life as an advocate working for the rights of working  
19 families, and I'm sure, based on that background,  
20 that we will get a certain integrity in this process  
21 that will be based solely on the facts.

22           (Applause --)

23           You know, Commissioner, as the Assemblyman,  
24 I feel as though I have been hired by this community,  
25 hired to fight for their interests, to protect their

1 -- their way of life, and on issues like this, to be  
2 their mouthpiece.

3           When I was Chief Deputy, Supervisor Yvonne  
4 B. Burke had a vision. She had a dream that one day  
5 the Kenny Hahn Recreational Park would become one of  
6 the greatest parks in the United States of  
7 America, And through her efforts, we highly  
8 successfully acquired hundreds of acres within this  
9 property. They have also built a little league field  
10 so our children can play ball there.

11           Senator Kevin Murray and I, we share this  
12 vision. And together, we wrote a bill to create the  
13 Baldwin Hills Conservancy, and together we were  
14 successful in securing over 40 million dollars from  
15 the Governor for land acquisition within this  
16 Conservancy.

17           I'm sure you are aware that this is one of  
18 the poorest park lands within our park-poor areas  
19 within the State of California. There is one picnic  
20 table for every 10,000 residents, and at the Kenny  
21 Hahn Park, if you are not there by 10:00 on a good  
22 day, you won't find a parking space.

23           (Applause.)

24           I wanted to say these things because,  
25 unfortunately, I was unable to attend the first

1 hearing because I was taking care of the people's  
2 business up in Sacramento, but I wanted to set this  
3 up a little bit, and I wanted you to be assured that  
4 the people of this community recognize the need for  
5 additional power, and I believe that there are a  
6 number of constituents that are here today that would  
7 join me in the fight to locate a power plant at the  
8 appropriate place.

9 (Applause.)

10 When this crisis began, I believe it was  
11 this Commission and the Governor who called for an  
12 increase of a thousand megawatts of power created by  
13 peaker plants like this throughout the state.

14 Now, it is my understanding that up to this  
15 point, we've already had 10 plants approved, and  
16 that's an increased amount of megawatts of 876 -- 876  
17 megawatts. You are almost at the 1,000-megawatt goal  
18 that you set for yourself.

19 I say to you, without a doubt, this area, I  
20 think you need to let it pass because this is not the  
21 appropriate area.

22 (applause.)

23 You know, I think we have to try to balance  
24 the future with the current, and I believe a lot of  
25 the plants that have currently been approved would be

1 approved if they had to go through a normal process,  
2 not a fast-track process, but I question -- I  
3 question if this power plant -- if it had to go  
4 through a regular process, I question if it would be  
5 refused (sic).

6 In fact, I would guess -- I mean approved --  
7 I would guess that it would not be. There are many  
8 things that are different between this plant and some  
9 of the other plants that are being proposed. Some of  
10 the other plants, like in the Colton area, they are  
11 being built on existing plants.

12 Some of the plants are in rural areas.  
13 There is one area where, in a one-mile radius, there  
14 is 6.9 people.

15 In a one-mile radius here, there are over  
16 5,200 people.

17 (Applause.)

18 The closest plant to us density-wise,  
19 population density-wise, for a one-mile radius is  
20 only 2500 people.

21 When you expand that radius to three miles  
22 in this area, Mr. Commissioner, that 5,000 number  
23 increases to over 10,600 people that live within that  
24 three-mile radius.

25 When you do that in the other areas, the

1 second closest plant to this plant, the number goes  
2 up to 3,000, whereas when do you that here, it's  
3 10,000.

4 In fact, I submit to you if you take the  
5 total density of the nine plants that have already  
6 been approved, that you will find a total of less  
7 than 10,000 people within those other nine plants.

8 (Applause.)

9 I would like to just take a moment and focus  
10 on some concerns that I have with the staff  
11 analysis.

12 On the subject of air -- air quality, it is  
13 my understanding that this plant was proposed to  
14 initially be permitted without the use of the Best  
15 Available Control Technology.

16 Now, I therefore suggest that this plant not  
17 be permitted to operate without an SCR converter,  
18 and that the Energy Commission, at the very least,  
19 put a requirement in the Application that would not  
20 afford them the opportunity to operate unless they  
21 have this converter.

22 It is also my understanding that this  
23 project may trigger some Federal oversight process in  
24 which a public hearing may be requested.

25 It is our understanding that this process

1 will in fact -- that this process will in fact  
2 trigger that Hearing, so I would like to officially  
3 request today that public hearing take place.

4 I know you are supposed to wait until it's  
5 posted, but I'm going to guess that it is going to be  
6 posted, and I want to go on the record right now of  
7 urging the Committee, this Commission, to convene the  
8 Committee, which will include the AQMD and the  
9 individuals from the federal government.

10 I also have concerns where related to the  
11 process. Executive Orders D 2601 and D 2801, which  
12 this project was proposed under, allows this project  
13 to be fast track with minimal environmental review.

14 Now, that's if -- that's if this project is  
15 on line by September 30th, 2001.

16 Now, in your Staff Assessment on Page 53, it  
17 states, in general terms, that if this project is not  
18 ready by September 30th, the Commission will hold a  
19 hearing to pick an approving date.

20 In the event that this project is approved,  
21 I believe that the Executive Order is clear, and that  
22 if this plant is not operational and in compliance by  
23 September 30, 2001, the fast-track process should be  
24 null and void, and this proposed plant should go  
25 through all of the State and local procedures,

1 including seeking any Conditional Use Permits issued  
2 by the County of Los Angeles.

3 (Applause.)

4 On the issue of environmental justice, the  
5 Staff Report states, I believe, on Page 38, that the  
6 staff has not identified any environmental justice  
7 issues associated with this project.

8 It mystifies me that 8 of the 13 proposed  
9 power plants that we've received data on are in areas  
10 where the majority of the people are minorities.

11 (Applause.)

12 In fact, for this proposed project, it is  
13 suggested that 56 percent of the individuals that  
14 live within the six-mile radius are minorities.

15 However, I think that every power plant and  
16 every project in different parts of the State are  
17 different.

18 See, we're a coastal region, so we  
19 constantly have a breeze that comes in from the  
20 ocean, so I find it hard to believe that a  
21 significant number of toxins would be in the air in  
22 Santa Monica.

23 This moves east, and if it moves east, it  
24 moves in an area where the numbers which relate to  
25 minorities increase significantly, because if you go

1 east of La Cienega and east of La Brea, 80-plus  
2 percent of the area that live in those areas are of  
3 minority races.

4 So this 56 number I question and would hope  
5 that the staff would reevaluate that and try to come  
6 up with some numbers that I believe are a tad more  
7 realistic.

8 I want to close with a final couple of  
9 thoughts. You know, I find it ironic that I have to  
10 leave here to go catch a plane at LAX to fly back to  
11 Sacramento to participate in budget negotiations  
12 where I, along with Senator Kevin Murray, can try to  
13 fight and maintain 11 million dollars that we have in  
14 the budget to expand the Kenny Hahn Recreational  
15 Center, yet I have to fly here to fight with certain  
16 people about putting a power plant in the middle of  
17 the park that we have spent two years trying to  
18 create.

19 (Applause.)

20 And lastly, I would like to say this: I  
21 want to reiterate my opposition to this project and  
22 to make it crystal clear that I and this Community  
23 will not go quietly into the night.

24 (Applause.)

25 Please, please, please, please, please,

1 please, we have to have order.

2           And, Mr. Pernell, lastly, I would  
3 respectfully request that the Application submitted  
4 by Stocker Resources -- that if they want to prove  
5 that they are the good neighbors and good partners  
6 that they are, that they should pull the Application  
7 themselves, and if they don't, I strongly urge your  
8 opposition to this project.

9           Thank you very much.

10           (Applause.)

11           PRESIDING MEMBER PERNELL: Thank you  
12 Assemblyman Wesson. Okay. Ladies and gentlemen, at  
13 this time I would like to call up -- at this time I  
14 would like to call up Supervisor Burke.

15           (Applause.)

16           ASSEMBLYMAN BURKE: Thank you very much,  
17 Commissioner. I am here as really a representative  
18 of the County of Los Angeles, the 2nd District.

19           And the County of Los Angeles has taken a  
20 position on this power plant, and we are very  
21 concerned, and we would like to go on record in  
22 opposition.

23           (Applause.)

24           This is not my area of expertise, so what I  
25 have done is that I have with me tonight Dr. Charles

1 J. Cicchetti, the Jeffrey J. Miller Chair in  
2 Government, Business and the Economy at the  
3 University of Southern California, and the co-founder  
4 of Pacific Economics Group, that will go into more of  
5 the technical aspects of this Application that we  
6 believe cause tremendous concerns and also question  
7 its validity for a number of reasons.

8 I would like to certainly, first of all,  
9 make it very clear what our interest is.

10 Yes, we have, as a County, established a  
11 Joint Powers Authority, and that Joint Powers  
12 Authority has been in the process of acquiring land  
13 in this area that is adjacent to the proposed plant.

14 We have put together over 550 acres of the  
15 1200 acres in this area. It has been mentioned  
16 before that it started off with a little league field  
17 and the area around that, where we are in the process  
18 of putting up soccer fields, a driving range, and  
19 other improvements, is directly across from the  
20 proposed plant.

21 We are also in the process of negotiating  
22 for another 120 acres, and this will bring, if  
23 successful, over 770 acres of the 65 percent -- over  
24 65 percent of it, Baldwin Hills oil field, under some  
25 kind of Public Ownership.

1           There is question that this has been a  
2 30-year attempt, starting with Supervisor Ken Carnes.

3           (Reporter has difficulty hearing.)

4           And it is very significant that this is an  
5 attempt to recover these oilfields and make them into  
6 open space, green space, and an area that can be  
7 enjoyed for the children and generations to come in  
8 this entire region.

9           (Applause.)

10           I know that you are very familiar with the  
11 so called, "Not in my backyard," but what we're  
12 saying here is that there are particular reasons and  
13 specific reasons that must be addressed.

14           First of all, it seems to me that this is  
15 not the kind of a project that should go forward in a  
16 rush. We should have AQMD approval before you even  
17 make any kind of recommendation.

18           (Applause.)

19           I recognize that the Governor has made some  
20 statements in terms of reasons. One of the reasons I  
21 was very concerned about taking a position was --  
22 because I felt very, very -- based on the law, that  
23 in the County of Los Angeles, ordinarily we would  
24 have a right to review this kind of a project and we  
25 would have a right to determine whether or not there

1 should be a conditional use attached to this land or  
2 this project.

3           Apparently there is a difference of legal  
4 opinion, and in view of that, I feel that there is no  
5 reason why I cannot go forward and say that I'm  
6 opposed, because it doesn't look like I'm going to  
7 have a chance to review it from any objective point  
8 of view.

9           (Applause.)

10           And another thing that is very important  
11 that has been spoken about and has been brought up  
12 before, is there is not really a need for this  
13 plant.

14           The crisis is supposed to be between now and  
15 September. This will not come on before the end of  
16 September, and, from every indication -- because I  
17 don't believe you have AQMD approval yet -- it is  
18 probably going to be delayed further than that.

19           So, when the need is the most before us, we  
20 won't have this plant. It is not going to be able to  
21 meet the real crisis that all of the preemptions and  
22 all of the attempts to identify these contracts has  
23 been aimed to prevent.

24           Another thing that I think is very  
25 important, we're talking about people who have been

1 impacted over the years from oil production. They  
2 have already paid their dues. They have --

3 (Applause.)

4 They have been subject to the environmental  
5 impacts of this, which is not only drilling, but also  
6 the trucks and all of the things that go along with  
7 these oil plants that have been going on over the  
8 years, and the natural gas.

9 We have tried to mitigate it somewhat by  
10 putting up green ways so that at least people don't  
11 have to look at this every day when they pass by,  
12 but we are very concerned with the economy and with  
13 the economic issues that are raised by placing plant  
14 this where it's now being proposed.

15 And at this point, I am going to turn over  
16 my time -- if that's okay, if I can bring him up now  
17 -- I would like to ask Dr. Cicchetti --

18 PRESIDING MEMBER PERNELL: Supervisor Burke,  
19 it is not a good time to do that. Supervisor --

20 SUPERVISOR BURKE: I will go through them. I  
21 have them in front of me; I will give them.

22 PRESIDING MEMBER PERNELL: We will have time  
23 for professionals that have technical responses once  
24 we have the staff go through its Staff Assessment.  
25 That is the time that we have.

1           What I'm doing now, Supervisor Burke, is  
2    allowing those representatives of the communities,  
3    the public officials, to make their statements, and I  
4    would appreciate it if we do not go out of the order  
5    in which we have this because --

6           SUPERVISOR BURKE: I do have a right to raise  
7    some of these issues?

8           PRESIDING MEMBER PERNELL: You can do that,  
9    yes.

10          SUPERVISOR BURKE: I have no problem in doing  
11    that.

12          Well, first of all, the issue is why at this  
13    location.

14          The argument has been made that it is  
15    because there is natural gas that is flowing there,  
16    and they need it in order to capture that natural  
17    gas.

18          As a matter of fact, the natural gas of  
19    those pipelines are there all the time and are  
20    utilized. They purchase that or sell it from that  
21    location, so it's there all the time.

22          There is no reason it can't go somewhere  
23    else. Those lines travel all over the County of Los  
24    Angeles.

25          And there is no reason to prioritize this.

1 The only reason is because they have a lease on the  
2 land. It's not based on fact that there is what is  
3 being piped out of that ground, or the fact that is  
4 an oil field.

5 The reason that they are siting it there is  
6 because they have a lease, and that, to me, is not a  
7 sufficient reason to say that we should override all  
8 the considerations and the environmental  
9 considerations in order to site it at this location.

10 Why not put it over where Southern  
11 California Edison already has a facility? There are  
12 many other areas where it could be moved.

13 Another issue is the fact that there is very  
14 little power that is going to come from this. I  
15 can't go through all of the details of it, but I'll  
16 tell you this: In common sense, they're going to use  
17 some of that, of those 53 megawatts -- I understand  
18 14 -- for their own use.

19 So the actual amount that is going out to be  
20 -- to mediate or to mitigate the crisis is very  
21 little.

22 And I say to you that the County of Los  
23 Angeles is prepared by conservation to make up enough  
24 for those 48 megawatts that they are planning to put  
25 out. We are more than prepared by conservation to

1 make up --

2 (Applause.)

3 (Reporter has difficulty hearing)

4 This plant is very small. It is using the  
5 kind of technology that causes noise, as I  
6 understand, and that will have jet booms. I'll let  
7 someone else go through and explain all of that.

8 But there is no question that the very fact  
9 that the technology that they're using is that, and  
10 it is also such a small plant that it very well could  
11 be placed somewhere else.

12 The bottom line of what I'm trying to say is  
13 that there is not a need. It's too late, and it is  
14 too small to justify the kind of an impact it will  
15 have on the number of people and the businesses and  
16 economy of this entire region.

17 You also must realize that it's true they  
18 are residents that are there, but there are also all  
19 kinds of businesses that are in this area that would  
20 be impacted as much as anyone else.

21 You know, originally I said, "Well, why  
22 doesn't the power go to these people who are being  
23 impacted?"

24 I understand you can't make that guarantee.  
25 They will simply have the burden, but they will just

1 be as apt for a blackout as anyone else.

2           The reality is, they will take the burden,  
3 just as they have over all of these years, from the  
4 oil production, but there will be very few benefits,  
5 if any benefits, because the amount of the megawatts  
6 that is going actually into the public grid is so  
7 small.

8           So, I -- at this point, I want to say,  
9 Number 1, in the County of Los Angeles, we are in a  
10 position that we could certainly make up whatever  
11 amount that this plant would produce, and we can do  
12 it by conservation, because we are a large user of  
13 electric power in this area.

14           This whole facility is too little, it's too  
15 late, and it is not appropriately placed, and the  
16 impact far outweighs any benefit to anyone, including  
17 the entire State of California.

18           Thank you very much.

19           (Applause.)

20           PRESIDING MEMBER PERNELL: Thank you,  
21 Supervisor Burke.

22           All right. At this time I would like to  
23 call up Senator Kevin Murray. Senator Murray,  
24 please.

25           (Applause.)

1           SENATOR MURRAY: I want to thank you,  
2 Commissioner, for holding this hearing. We  
3 understand that it was not a scheduled hearing under  
4 this process, but that you proceeded today because of  
5 some of our wishes, and we appreciate that very  
6 much.

7           I particularly would like to thank my  
8 neighbors --

9           (Applause.)

10          (Reporter has difficulty hearing.)

11          At the last hearing, as you are aware, on  
12 24-hours notice, there was at least 200 people, and  
13 with four or five days' notice, look how many people  
14 we have. And had we been entitled to a normal 30-day  
15 hearing, just imagine how many of our neighbors we  
16 would get here this evening.

17          (Applause.)

18          This particular issue is a very personal one  
19 for me. I grew up in this neighborhood. I live in  
20 this neighborhood.

21          From the play yard of Windsor Hills  
22 Elementary School, if this plant were to go through,  
23 I would be able to see the smoke stacks and breathe  
24 their effects, as our children will be doing if this  
25 power plant were to be approved.

1           Certainly, we feel, that to the extent that  
2 we need power, we're prepared to do our share if it  
3 is appropriate. But we are not prepared to be put  
4 upon; we are not prepared to be railroaded with a  
5 short-term process into some very negative effects on  
6 our community.

7           This process with the park has been going on  
8 for a long time. It started with Kenny Hahn, has  
9 moved to Supervisor Burke and to Senator Murray,  
10 and we were able to get involved, and to get the  
11 Governor and the rest of the Legislature to consider  
12 the Baldwin Hills Park, not for just our community,  
13 but a park for statewide interest, a 1200-acre oasis,  
14 which will be bigger than Central Park and Golden  
15 Gate Park. It will be the largest park built in the  
16 United States in 100 years.

17           (Applause.)

18           The irony -- not the irony, but the fact  
19 that we were able to pursue this goal in an area that  
20 is largely minority I think is a great testament to  
21 the commitment that the State of California has in  
22 urban recreation and urban park space.

23           And I, for one, would like my grandchildren  
24 to take part in that, who may also probably move into  
25 this neighborhood.

1           The last time we were here, there was this  
2   sense that we got in the press that we were talking  
3   NIMBY; we just didn't want it in our backyard,  
4   how different we were than other places.

5           Tonight, Commissioner -- and we had 24-hour  
6   notice, so we had to react to community feelings.  
7   Tonight, we come with facts.

8           Supervisor Burke has an expert that  
9   mentioned a number of things.

10          The first thing we want to say again is the  
11   overwhelming majority of the proposed plants are for  
12   majority minority areas; there has got to be  
13   something wrong with that.

14          In a state of 32 million people -- in a  
15   state of 32 million people, why is it that all of  
16   these plants that are proposed, that the majority of  
17   them are proposed in majority minority areas.

18          The second thing, as Assemblyman Wesson  
19   said, the population of these areas is double the  
20   density of the next plant and ten times the density  
21   of some of the plants being proposed. So again, on  
22   top of all of the other issues, why take it to one of  
23   the most dense places that you can find for a site?

24                    (Appause.)

25          Secondly, just to bring it into context,

1 Supervisor Burke was absolutely right, this is two  
2 airplane engines, and frankly, not new airplane  
3 engines but used airplane engines.

4           So we've been fighting against the expansion  
5 of the Los Angeles Airport, because we didn't want  
6 planes flying over our house, but what you're  
7 proposing now is to take two airplane engines and sit  
8 them in our backyard and run them 24 hours a day.

9           (Applause.)

10           This area sits in a canyon. It will have  
11 60- to 70-foot smoke stacks. Those stacks will be  
12 right at backyard level for many of these residents.

13           You can't argue that the air takes -- the  
14 prevailing winds take it somewhere, because it comes  
15 out right at my neighbor's backyard and my backyard.

16           The Stocker Resources folks, who have  
17 participated in our park process, and has been  
18 relatively been good neighbors, some would say, and  
19 even the gentleman from La Jolla Energy -- who I have  
20 found to be a nice person to talk to -- will say  
21 that, over the past ten years, we've reduced our  
22 emissions from the oil field from so many hundreds of  
23 tons of nitrous oxide to five tons of nitrous oxide  
24 or ten tons.

25           So what they are in fact asking for is

1 credit for poisoning us a little less than they did.

2 (Shouting.)

3 And that therefore, we should allow them to  
4 poison us a little more now.

5 I don't think so.

6 This plant, again, as it relates to the  
7 energy crisis, sitting on the Utilities and Commerce  
8 Committee in the Senate -- and Supervisor Burke is  
9 absolutely right, the crisis for energy, when we  
10 suffer the threat of blackouts, is during the hot  
11 summer months. It's not at the end of September,  
12 when this plant is allowed -- is going to go on line.  
13 So, this plant doesn't address the crisis.

14 She's also absolutely right, from 53  
15 megawatts, 12 or 14 -- depending on whose number you  
16 are particularly using -- is going directly for the  
17 operation of the oil fields. So the State is not  
18 getting benefit of that.

19 We shouldn't be talking about a 53-megawatt  
20 plant; we should be talking about it as a 39-megawatt  
21 plant.

22 And the most debilitating thing I think  
23 that, again, Supervisor Burke referenced is the fact  
24 that we will suffer the effects of this plant. We  
25 get no benefit. Zero benefit. All of the power must

1 be sold to the grid, to the statewide grid, so you  
2 should be aware that many of these residents are in  
3 Southern California Edison territory; they are not  
4 LADWP.

5           Southern California Edison which claims and  
6 threatens that, it is on the verge of bankruptcy with  
7 its colleague, PG&E, and Southern California  
8 Edison -- which at this point is subject to rolling  
9 blackouts -- by taking a 53-megawatt plant and laying  
10 the air quality and health of their families and  
11 children on the line, these residents will get  
12 nothing for it.

13           And so, in conclusion, we don't argue that  
14 there shouldn't be new power plants. We support  
15 having a State source of energy. We all have jobs  
16 and homes, where we believe energy is very important.  
17 But that energy must be derived in an appropriate  
18 manner and in an appropriate place.

19           And I submit to you, Commissioner, that this  
20 is neither the appropriate manner or the appropriate  
21 place for this power plant to be sited.

22           (Applause.)

23           And again, to paraphrase something from  
24 Assemblyman Wesson, and a personal note, you see the  
25 amount of activity that has been generated behind

1 this. These are not people without means. With all  
2 due respect to you, this fight is not going to end  
3 based upon any positive decision by this Energy  
4 Commission, the site that's planned.

5 As Assemblyman Wesson said, we will not be  
6 going quietly into the night. Thank you.

7 (Applause.)

8 PRESIDING MEMBER PERNELL: Thank you,  
9 Senator Murray.

10 Is Assemblyman Rod Wright here? He was  
11 scheduled to appear. Okay. Are there any other  
12 elected officials? Is City Councilman Mike Feuer  
13 here?

14 Is the President of the School Board here?  
15 We know she is here, that we have her here.

16 The other thing that has been articulated to  
17 me is people need to speak up so they can hear us  
18 outside. Okay. And Ms. Hayes.

19 MS. HAYES: Thank you. I guess there is  
20 some confusion about people misunderstanding; that  
21 School Board members are also elected officials.

22 PRESIDING MEMBER PERNELL: I understand  
23 that.

24 MS. HAYES: In addition to being the  
25 President of the School Board, I'm also the elected

1 representative for District 1, which this community  
2 happens to be a portion of. I am also a resident of  
3 the community, so I guess I'm wearing all of those  
4 hats.

5           What Senator Murray has said, Supervisor  
6 Burke said, and what Assemblyman Wesson said  
7 absolutely are things that should be taken into  
8 consideration.

9           I do want to thank you for conducting this  
10 meeting, and I understand the difficulty. I've been  
11 in your shoes; I've sat on your side with an angry  
12 community coming forward and saying things aren't  
13 going to happen.

14           What I want to talk to you about is, first  
15 of all, the fact that I want to dissuade you from the  
16 notion this is a community of minorities. We're  
17 people of color, but we are not minorities, first of  
18 all. To characterize myself as a minority -- in the  
19 State of California, there is no such thing as a  
20 majority anymore, and so the use of the term minority  
21 is an oxymoron, for one, and tends to march on ones  
22 people, so that is problematic for me.

23           In terms of a power plant, what I want to  
24 talk to you -- Oh, I don't know what happened --  
25 within the proximity of this power plant, this

1 proposed plant, there are five elementary schools,  
2 one middle school, and two high schools. Windsor  
3 Hills is going to be the recipient of the smoke from  
4 this power plant.

5           The life blood of our community happens to  
6 be our children. That's what we have, and that's  
7 what we're talking about in terms of an impacted  
8 State.

9           In terms of population density and in terms  
10 of the space and a place that needs green, this park  
11 represents a quality of life issue for us. I do not  
12 understand how there cannot be an AQMD review; how  
13 there cannot be CEQA; how there cannot be an EIS to  
14 tell us about what happens with the methane that  
15 seeps up with oil fields; that talks about hydrogen  
16 sulfide and hydrogen chloride, which seeps up from  
17 the oil fields.

18           And we're talking about putting in a large  
19 structure over that community, and we don't  
20 understand what the technology will be to make sure  
21 that those things are mitigated properly on a 21-day  
22 fast track.

23           All of those things seem to me to be  
24 unseemly, and they seem to be in haste, and the  
25 community will be able to, at its leisure pay the

1 price.

2           And I think what we're saying to you today  
3 is that we don't intend anymore to be guinea pigs.  
4 The community should not put its children at risk.  
5 Windsor Hills, Baldwin Hills, Hillcrest, Coliseum,  
6 and the 54th Street School are within walking  
7 distances of this power plant. And our youngsters  
8 will be the ones who will be the recipients of higher  
9 incidence of asthma.

10           We already know there is a higher incidence  
11 of cancer in our community because of the  
12 carcinogens. We understand what the medical  
13 implications are.

14           And for the State of California to make a  
15 decision that we are, once again, a community of  
16 color -- and we happen to be the wealthiest African  
17 American community in the nation --

18           (Applause.)

19           -- not just on the West Coast, but we  
20 supplant by income even Atlanta in terms of the  
21 wealth of this community. It is a diverse community.  
22 Certainly it is largely African American, but it is a  
23 diverse community.

24           And so what I intend to do as the President  
25 of the School Board is, on the 26th of June, I intend

1 to ask my six colleagues to join and put forth a  
2 Resolution to let you know that the Los Angeles  
3 Unified School District will be in opposition to this  
4 project, as well.

5 (Applause.)

6 Thank you.

7 PRESIDING MEMBER PERNELL: Thank you. Are  
8 there any other elected officials? And, Ms. Hayes, I  
9 apologize. As a former elected official myself, I do  
10 know that School Board Members are elected.

11 Anyone here from the City Council?

12 Okay. We will proceed. I want to thank all  
13 of you elected officials, and I will say again that I  
14 visited many communities, and you are well  
15 represented here in Sacramento as well as in L.A.  
16 County. So you should be proud of your  
17 representatives.

18 (Applause.)

19 Okay. I would like to go to the agencies,  
20 and this will be -- just please raise your hand and  
21 introduce yourself for the record because everyone  
22 will have presentations later.

23 First of all, South Coast Air Quality  
24 Management District. I know we have to have the name  
25 for the record. Sorry to have you -- why don't you

1 just remove the tape right there. People are going  
2 to be coming up to the mike; they don't need to step  
3 over the tape.

4 MR. WALLERSTEIN: Good evening, Commissioner,  
5 members of the panel, members of the audience. I'm  
6 Dr. Barry Wallerstein, Executive Officer at the South  
7 Coast Air Quality Management District.

8 And, at the appropriate time, I have some  
9 comments I would like to make.

10 PRESIDING MEMBER PERNELL: Thank you.

11 The California Air Resources Agency, we know  
12 that Secretary Mary Nichols was with us on the  
13 visiting of the communities, and we also passed a  
14 school that you mentioned and toured that as well.

15 Department of Parks and Recreation, do we  
16 have a representative from the Parks and Recreation?

17 Baldwin Hills Regional Conservation  
18 Authority? No? Someone from Baldwin Hills  
19 Conservation Authority?

20 Okay. If you are outside, please make your  
21 way in as I continue to call agencies.

22 Los Angeles County Planning Department?  
23 Anyone from the Planning Department?

24 Representatives from the City of Culver --  
25 Culver City. I hear you. Any representatives from

1 the City.

2 By the way, they were very gracious to let  
3 us use their City Hall last time we were here. We  
4 appreciate that.

5 Any other agencies? Any other  
6 agencies.

7 Okay. We have a number of community  
8 organizations that have representatives here, and we  
9 want to get those representatives up for the record.  
10 I know that you will have statements later as  
11 representatives of your community, but if we have a  
12 member of community organizations representing a  
13 homeowners' association, please make your way to the  
14 mike, and just introduce yourselves, and we will have  
15 comments from you later.

16 MR. WILLOUGHBY: I'm Anthony Willoughby. I'm  
17 on the County Tax Assessment Review Board, the City  
18 Area Planning Commission, the Department of Water and  
19 Power, and the former President of the Ladera  
20 Heights Homeowners Association. I do intend  
21 to speak.

22 PRESIDING MEMBER PERNELL: Spell your last  
23 name.

24 MR. WILLOUGHBY: W-I-L-L-O-U-G-H-B-Y, first  
25 name Anthony.

1                   PRESIDING MEMBER PERNELL: Thank you.

2                   DR. SMITH: I'm Dr. Delaney Smith. I'm here  
3 on behalf of the President of the Cloverdale  
4 Stillwater Terezza Weatherford homeowners Association  
5 as an Advisor. I'm a physician, I'm a  
6 pharmacologist, I'm a homeowner in the area, and I  
7 have a business in the area, and I'm here to address  
8 issues that relate to the health care and  
9 environmental impact of what's going on up here  
10 already.

11                  PRESIDING MEMBER PERNELL: Thank you, Dr.  
12 Smith.

13                  MR. NICHOLAS: Yes. My name is Tony  
14 Nicholas. I'm the President of the United Homeowners  
15 Association. I'm here representing more than 5500  
16 households in the area and a 25-year resident of  
17 Windsor Hills.

18                  PRESIDING MEMBER PERNELL: Thank you, Mr.  
19 Nicholas. Thank you for your hospitality earlier in  
20 the evening.

21                  MS. COOPER: I'm Ronni Cooper, President of  
22 the Ladera Heights Civic Association. I'm here  
23 representing the 4,000 homes in Ladera Heights and  
24 the 10,000 residents.

25                  PRESIDING MEMBER PERNELL: Thank you, Ms.

1 Cooper.

2 MR. CREVE: My name is Heidi Creve,  
3 representing the Fox Hills Neighborhood Association.

4 PRESIDING MEMBER PERNELL: Thank you.

5 MR. HALL: My name is Calvin Hall, and I'm  
6 here representing Baldwin Hills/ Village Greens Homes  
7 Association, and our property touches the park and  
8 then moves south and/or north all the way up through  
9 Jefferson.

10 PRESIDING MEMBER PERNELL: Did you say Hall?

11 MR. HALL: Hall, H-A-L-L.

12 PRESIDING MEMBER PERNELL: Thank you, Mr.  
13 Hall.

14 MS. YOUNG: Good evening. I'm Opac Young.  
15 I'm Chair of the Baldwin Hills Crenshaw Homeowners  
16 Coalition. We represent most of all the homes in the  
17 Baldwin Hills area, Crenshaw, from Baldwin Hills  
18 Estates, Baldwin Village Garden Greens, Baldwin Hills  
19 Village Green, Orange Drive, Crenshaw Neighbors.  
20 I've been in the area for 30 years, and I'm here to  
21 make a point that we are very dissatisfied with the  
22 decision that the Governor has made.

23 PRESIDING MEMBER PERNELL: Thank you,  
24 ma'am.

25 MR. HUTCHENS: I'm Spencer Hutchens,

1 H-U-T-C-H-E-N-S. I'm representing Punta Alta  
2 Homeowners Association. I am a professional engineer  
3 in the State of California and Washington, D.C. My  
4 specialty is quality.

5 PRESIDING MEMBER PERNELL: I also want to  
6 thank you for your hospitality and tour earlier in  
7 the evening.

8 MR. HUTCHENS: Thank you for coming to visit  
9 with us, sir.

10 MS. JONES: Hello, Commissioner, and fellow  
11 guests. My name is Robin Greene Jones, and I'm  
12 representing and President of the Orange Drive  
13 Homeowners Association, and I just need to say we  
14 already have sewer storage issues that we're dealing  
15 with. The community has an LAX expansion issue we're  
16 dealing with. There are several things going on in  
17 the community already, and I must say I'm tired, and  
18 this we do not need, so I was here to say that, and  
19 I'll talk later.

20 PRESIDING MEMBER PERNELL: Thank you.

21 MS. GREENE: My name is Mary Ann Greene. I'm  
22 the President of the Blair Hills Homeowners  
23 Association, Culver City. I'm here to represent my  
24 neighbors and myself and discuss with you our  
25 concerns about our specific environmental impacts

1 that the park will have on our community.

2 PRESIDING MEMBER PERNELL: Thank you. I  
3 would also like to thank you for your hospitality  
4 earlier in the evening.

5 MS. WASHINGTON: I'm Geraldine Washington.  
6 I'm President of the Los Angeles NAACP, and I'm also  
7 a resident of the area.

8 PRESIDING MEMBER PERNELL: Thank you,  
9 ma'am.

10 MS. DAY: Good evening. My name is Juanita  
11 Day. I'm Executive Director of Concerned Citizens of  
12 South Central Los Angeles, an organization which  
13 works with social change, economic and environmental  
14 justice. We are coming to represent our community.  
15 We are concerned what is happening in Baldwin Hills.

16 Thank you very much.

17 PRESIDING MEMBER PERNELL: Thank you, ma'am.

18 MR. SHAPIRO: I'm Nim Shapiro, and on the  
19 Board of the Blair Hills Association, a 45-year  
20 resident of Blair Hills, and we have come through a  
21 great many hardships impacting our neighborhood, and  
22 this is the culmination of our efforts for ten years  
23 of trying to get a park in those hills instead of  
24 housing and other things, which has come to pass.  
25 And now we're basically in another battle to maintain

1 that victory and that space.

2 I appreciate the time you have given me to  
3 talk. Thank you.

4 PRESIDING MEMBER PERNELL: Thank you,  
5 ma'am.

6 SPEAKER: Good afternoon. My name is Nigel,  
7 Executive Director of Project Hope, standing for  
8 Helping the Oppressed People. I'm a resident of  
9 Baldwin Hills, a member of the community. I'm  
10 speaking on behalf of my community, opposed to  
11 Governor Gray Davis' State Homicide program with this  
12 power plant. I'm opposing this, and I do think it is  
13 unnecessary, so I'm going to go on record opposing  
14 Gray Davis, and we feel that our children and  
15 everyone else's health is at risk.

16 Thank you for your time, sir.

17 PRESIDING MEMBER PERNELL: Thank you.

18 MS. BOUTTE: I'm Jewell Boutte, a resident,  
19 32-year resident, of Baldwin Hills, and I'm a member  
20 of the Baldwin Hills Estates. I don't represent  
21 them, but I belong to that organization and for a  
22 time, I lived in the East Bay, and I want to share  
23 firsthand experience from having lived in that  
24 corridor of plants and refineries in that area.

25 PRESIDING MEMBER PERNELL: Ms. Boutte, could

1 you spell your name for the record, please.

2 MS. BOUTTE: My last name is B-O-U-T-T-E.

3 PRESIDING MEMBER PERNELL: Thank you.

4 MS. GOSNELL: My name is Liz Gosnell, and I  
5 am a part of the --

6 PRESIDING MEMBER PERNELL: We can't hear  
7 you.

8 MS. GOSNELL: My name is Liz Gosnell, and I  
9 represent the Cone Trust and numerous other owners of  
10 the Baldwin Hills Oil Fields, which is rented by  
11 Stocker, and we are here to support the plant and --

12 PRESIDING MEMBER PERNELL: Spell your last  
13 name.

14 (Reporter unable to hear speaker because of  
15 audience comments)

16 Ladies and gentlemen, you have to be  
17 courteous. We are all professionals here.

18 MS. GOSNELL: G-O-S-N-E-L-L. Thank you for  
19 your time.

20 PRESIDING MEMBER PERNELL: Thank you.

21 MS. TEASLEY: Erica Teasely, Western Regional  
22 Counsel with the NAACP. We submitted a letter to  
23 the Commission on June 13th in opposition to the  
24 power plant, and I have some remarks later on too to  
25 address the Staff Assessment report.

1           PRESIDING MEMBER PERNELL: Thank you, and we  
2 do have your letter.

3           MR. VAUGHN: My name is George Vaughn,  
4 V-A-U-G-H-N. I'm a retired lawyer and a practicing  
5 economist. And I was asked by the --

6           (Some words unintelligible and cannot be  
7 deciphered by the court reporter.)

8 -- Neighborhood Association, of which I'm a member,  
9 and I have lived in View Park for 41 years. And I  
10 have fought everything, and I thank Supervisor Burke  
11 for helping us to stop

12           PRESIDING MEMBER PERNELL: Yes, ma'am?

13           MS. MC NEISH: Hello -- Good Evening,  
14 Commissioner. I'm asking this of Stocker Resources.  
15 I'm concerned about our residual --

16           PRESIDING MEMBER PERNELL: What is your  
17 name?

18           MS. MC NEISH: Sandra McNeish, M-C-N-E-I-S-H.  
19 We have not received our residual checks for a couple  
20 of months. I don't know if any of you --

21           PRESIDING MEMBER PERNELL: Excuse me.

22           MS. MC NEISH: Excuse me. You let this lady  
23 over here speak, who isn't living in our community,  
24 and she's for them, and we are against them. We  
25 would like to receive our checks.

1 Thank you.

2 PRESIDING MEMBER PERNELL: Thank you,  
3 Ma'am.

4 Okay. If you would get close to the mike  
5 so they can hear outside. Thank you.

6 MR. LEON: Steve Leon. I'm the Secretary of  
7 a Ladera Heights Civic Association. I will speak  
8 later representing the Coalition of Homeowners  
9 Association.

10 PRESIDING MEMBER PERNELL: Thank you, Mr.  
11 Leon, and thank you for your hospitality this  
12 evening.

13 Any other representatives of homeowners  
14 associations or organizations?

15 Seeing none, we shall proceed.

16 MS. FELDMAN: Esther Feldman, Community  
17 Conservancy International, representing a large  
18 coalition including the NAACP, public interest  
19 groups, and the Natural Resources Defense Council.

20 And, Counsel, I believe you have the brief  
21 in front of you representing a coalition of  
22 homeowners of up to 40,000 residents.

23 Thank you.

24 PRESIDING MEMBER PERNELL: Thank you,  
25 Esther.

1 (Applause.)

2 PRESIDING MEMBER PERNELL: Okay. We shall  
3 proceed. I don't see anyone else coming down.

4 The Applicant, La Jolla Energy Development,  
5 filed an Application under the California Energy  
6 Commission's emergency power siting process to  
7 conduct and operate the Baldwin Hills Energy  
8 Facility.

9 The emergency review process was a result of  
10 an Executive Order issued by Governor Gray Davis  
11 earlier this year, which declared a state of an  
12 emergency, due to constraints on electricity supply  
13 in California, and directed the Energy Commission to  
14 expedite review of power plant Applications.

15 This project is being reviewed under that  
16 expedited basis.

17 On June 14th, the Energy Commission staff  
18 issued a Staff Assessment for the proposed project.  
19 The Staff Assessment was posted on the Energy  
20 Commission's web site and distributed to your elected  
21 officials and community organizations by overnight  
22 delivery.

23 The purpose of this hearing is to discuss  
24 the Staff Assessment and the Applicant's proposals  
25 for the mitigation of any potential environmental

1 impact related to the project.

2           The hearing will begin with the Applicant's  
3 brief overview of the project proposal, then the  
4 Commission staff will provide a summary of the Staff  
5 Assessment.

6           The Staff Assessment represents what we call  
7 a Fatal Flaw Analysis to determine if there are any  
8 reasons, in these emergency conditions, that the  
9 proposed project should not be licensed under the  
10 abbreviated process.

11           After the staff presentation, we will take a  
12 break and distribute blue cards -- which we've  
13 already done -- to those of you who may have  
14 questions.

15           Both the Applicant and staff will be  
16 available during the break to talk to you, and we  
17 would encourage that informal conversation for  
18 clarification of any questions that you might have.

19           After the break, we will address the  
20 questions we receive. Also, near the end of the  
21 hearing, we will ask the public to provide additional  
22 comments that may not have been addressed in the  
23 question and answering period.

24           Our Public Adviser will assist members of  
25 the public with their questions and comments. She

1 will be in charge of handing out the blue cards and  
2 collecting them, and we've done that.

3 At this time, we introduced our Public  
4 Adviser, Ms. Roberta Mendonca, and we are aware that  
5 there are several public officials who have stated  
6 what they needed to state.

7 And moving right along -- okay.

8 MS. MENDONCA: Are you expecting me to say  
9 something right now?

10 PRESIDING MEMBER PERNELL: Not right now.

11 MS. MENDONCA: I misunderstood.

12 PRESIDING MEMBER PERNELL: We're taking this  
13 a little bit out of order to accommodate the public  
14 officials.

15 I do want to remind the members of the  
16 audience that we would appreciate your courtesy as  
17 others are addressing the committee. Please hold  
18 your applause or any other expressions of your views  
19 since it is time consuming and does not add to the  
20 record.

21 We have a reporter here who will be  
22 transcribing the events of this evening. She needs  
23 to hear everyone clearly, and noise from the audience  
24 will interfere with her transcripts.

25 One of the things we're trying to do is

1 ensure that we have a record, and one of the reasons  
2 we're back here, with the encouragement of Senator  
3 Murray and Assemblyman Wesson is to ensure everyone  
4 has an opportunity to speak on the record.

5           Last time, we had a video. This time we  
6 have a court reporter so the record will be  
7 complete.

8           At this time, I would like to turn the  
9 hearing over to our hearing officer, Susan Gefter,  
10 Ms. Gefter.

11           HEARING OFFICER GEFTER: Okay. Before we  
12 begin, I would like to ask Roberta Mendonca to come  
13 forward for a minute -- I don't know where she  
14 went -- to explain her role in collecting blue  
15 cards. Here she is.

16           MS. MENDONCA: Good evening. I'm Roberta  
17 Mendonca. You've seen me running around with the  
18 blue cards. I'm going to be extremely brief. You've  
19 got a huge crowd of the public that want to get their  
20 comments heard.

21           So basically my job, and the job that the  
22 Public Adviser at the Energy Commission, is to be a  
23 resource for you, to answer your procedural  
24 questions.

25           Let me give you an 800 number.

1 1-800-273-4459. My e-mail is pao -- which stands for  
2 Public Adviser Office -- at energy.state.ca.us.

3 And what you need to know is the next days  
4 after this evening, we will facilitate your comments  
5 and do everything we can to get your comments on the  
6 record.

7 The next step will be the Business Meeting  
8 on Friday, and there is an ability for people to  
9 participate in that.

10 So with that, I'm done.

11 HEARING OFFICER GEFTER: Say the phone  
12 number again.

13 Okay. 800-273-4459.

14 And because we have many, many, many people  
15 outside, we're going to need everybody's cooperation.  
16 To make sure that they come forward, we'll call names  
17 about six at a time.

18 Please line up at the door if your name is  
19 called. When you're done, we will bring in -- take  
20 people out and bring the next group in, so please be  
21 helpful and cooperate.

22 Thank you very much.

23 HEARING OFFICER GEFTER: Thank you. We're  
24 going to try to move this, and I would ask the  
25 Applicant for your presentation at this time.

1 Do you have an overhead? Okay.

2 MR. WILBURN: Yes.

3 HEARING OFFICER GEFTER: Would you spell  
4 your name for the record.

5 MR. WILBURN: My name is Steve Wilburn,  
6 W-I-L-B-U-R-N.

7 Before I begin my remarks, I would like to  
8 introduce a spokesperson for Stocker, Orenthal James,  
9 who is the Head Operator for Stocker Resources.

10 MR. JAMES: Thank you, Steve. I'm the Head  
11 Operator at Stocker Resources.

12 (Reporter unable to hear speaker because of  
13 audience comments)

14 HEARING OFFICER GEFTER: Please be quiet and  
15 give him courtesy.

16 MR. JAMES: Commissioner, if you don't mind,  
17 can I address the audience?

18 HEARING OFFICER GEFTER: Yes, if you are  
19 speaking on behalf of the Applicant.

20 Thank you. This turnout lets me know about  
21 the political process in this country.

22 UNIDENTIFIED VOICE FROM AUDIENCE: We can't  
23 hear you.

24 MR. JAMES: What I would like to --

25 HEARING OFFICER GEFTER: Speak into the

1 microphone. Put it right in front of your mouth.

2 Thank you.

3           What I would like to say is I grew up in  
4 this neighborhood myself. I work at Stocker  
5 Resources. I've been in the oil field for 20 years.  
6 I will be more affected by this plant, the proposed  
7 plant, than anybody in this room. I will be working  
8 real close with it.

9           I work now in the Facilities Department. We  
10 process water and gas there, the same gas that will  
11 be burned in this turbine, and just to reassure you,  
12 I got involved in this, because, through this  
13 process, I seen and heard a lot of stuff that I  
14 didn't really think was true.

15           And so I started asking around, and they  
16 asked me to come out tonight and just let you know,  
17 on behalf of Stocker Resources, and give me a minute  
18 to explain this plant to you and how it is actually  
19 going to work, and that it is a very small impact.  
20 It is a very small plant.

21           (Reporter unable to hear speaker because of  
22 audience comments)

23           HEARING OFFICER GEFTER: Please, please give  
24 him courtesy -- please be quiet.

25           MR. JAMES: I'm not going to take up a lot of

1 your time tonight. We have a presentation, and we'll  
2 get on with that.

3 There you go, Steve.

4 MR. WILBURN: Thank you, Mr. James. Are  
5 with prepared? Are we ready?

6 Baldwin Energy is a joint venture of La  
7 Jolla Energy Development, Incorporated and Stocker  
8 Resources, Incorporated.

9 La Jolla Energy Development, Inc. is a  
10 builder, owner, and an operator of power plants. It  
11 is currently developing 300 megawatts of power  
12 facilities in the State of California.

13 Stocker Resources, Inc. was formed in 1990,  
14 and it operates oil and gas production fields in  
15 California, including Inglewood Oil Field in Baldwin  
16 Hills.

17 The facility was proposed in response to  
18 Governor Davis's urgent call for locating new power  
19 generators to address the state's current energy  
20 crisis.

21 We've heard some remarks here tonight which  
22 said the energy crisis may be over, that this  
23 facility is too small or too late. Let me just  
24 address that.

25 I answered the call that the Governor put

1 out. This was not a call that was taken lightly. I  
2 answered a similar call in 1967 when I went to  
3 Vietnam. I care about this Country. I care about  
4 the State.

5 I'm used to taking on tough challenges.  
6 I've also used to understanding the intricacies of a  
7 power plant. I'm trained in this, and I know you are  
8 not. I know you don't understand all the terms and  
9 conditions.

10 (Reporter unable to hear speaker because of  
11 audience comments)

12 Please. I'm not here to address anything but  
13 to explain this plant, but I wanted to put a couple  
14 things on the record very clear.

15 As far as the environmental concerns, there  
16 is an adequate record, and there will be continued  
17 dialogue on those. We are not ducking any issue, not  
18 one.

19 Second, I would also like to say that I have  
20 personally developed six other power plants in the  
21 State of California in the late 1980's. None of  
22 those plants were located in areas, that have been  
23 described here tonight, with any type of racial  
24 overtones.

25 I want to assure you that that was never a

1 consideration of La Jolla Energy Development. The  
2 other plant we're developing is a peaker plant which  
3 is located in the city of Lancaster, California.

4 With that, I would like to continue. I live  
5 in Huntington Beach, a half a mile away from one of  
6 the largest power plants in the State.

7 (Reporter unable to hear speaker because of  
8 audience comments)

9 HEARING OFFICER GEFTER: Excuse me, please.  
10 Give him courtesy to speak. Everyone will have their  
11 opportunity to present their views to us. It is now  
12 his turn.

13 MR. WILBURN: The California Energy  
14 Commission scrutinized dozens of sites to assess  
15 those that pose the least environmental impact.

16 Stocker's operating oil field made the final  
17 list of 32 preferred sites in late February, 2001.

18 In late March, the CEC brought together La  
19 Jolla, which had equipment available, and Stocker.

20 La Jolla and Stocker met early in April.  
21 Both companies agreed to form a joint venture. A CEC  
22 Permit Application was filed on May 15th, 2001 under  
23 the Governor's expedited permitting process.

24 The overhead is explaining where the project  
25 is located.

1           Next slide, please.

2           The proposed power generator facts: We've  
3 heard a lot of dialogue; let's talk about the facts.

4           The generator will consist of two small  
5 gas-fire turbines that will produce enough  
6 electricity to light 41,000 homes and run Stocker's  
7 electric powered oil field and gas facilities.

8           It will be located in the middle of a  
9 900-acre existing oil, gas and water production  
10 industrial complex and will include two 70-foot  
11 exhaust stacks, which are necessary to house  
12 state-of-the-art emissions control equipment.

13          There will be no visible steam clouds,  
14 and the proposed stacks will be shorter than those  
15 of existing facilities on the property and nearby  
16 Southern Cal. Edison and the Los Angeles Department  
17 of Water and Power high-voltage towers.

18          The entire area, including parking and  
19 administration buildings, amounts to roughly two  
20 acres. And, if it were not for the advanced  
21 emissions controls, the entire facility could be  
22 contained and operated from semi-trucks.

23          In short, what is proposed is consistent  
24 with the current operations at the site, the life of  
25 which is expected to last approximately 30 years.

1           The overhead shows, on the right, with the  
2 arrow, the proposed 70-foot stacks. Those are  
3 imposed on the existing surrounding facilities, with  
4 the existing 70-foot tall tower to the left, the  
5 existing gas compression and processing facility, and  
6 an existing 75-foot-tall heater stack.

7           This is a view from the eastern edge of  
8 Kenneth Hahn State Park. This is before landscaping  
9 that we would put in place. This is the proposed  
10 stack location.

11           The view from Ken Hahn State Park, near a  
12 small pond, and this is another view of the proposed  
13 location, this time near the basketball courts.

14           What you are looking at is an existing  
15 facility located at the Fox Hills Mall, to give you  
16 an idea of how these facilities can be integrated.

17           Many of you have probably been to Fox Hill  
18 Mall and weren't even aware this facility exists.  
19 These are 40-foot stacks. They're operated by Mobil  
20 Oil for a pipeline heater.

21           There are no air pollution control devices  
22 on this equipment.

23           (Reporter unable to hear speaker because of  
24 audience comments)

25           I'm not saying it is okay; I'm just saying

1 what is in the community, sir.

2           Basically there has been some questions  
3 asked at the last hearing, and we've been responsive  
4 to the community, and we have a desire to continue  
5 the dialogue.

6           Will state and local governments and private  
7 foundations stop investing money in Kenneth Hahn Park  
8 if the generator is installed?

9           We believe the simple answer is no.

10           The oil field has existed since 1924. Its  
11 previous and current operators and landowners donated  
12 the majority of the property for the Kenneth Hahn  
13 Park, including space for softball and soccer fields.  
14 Even with the presence of Stocker's oil field, the  
15 gas treating facilities and transmission lines near  
16 the park, the two have peacefully coexisted.

17           The State will continue to invest in Kenneth  
18 Hahn Park, as evidenced by the State and the County's  
19 recent purchase of 42.7 million dollars' worth of  
20 local land to expand the Kenneth Hahn Recreation  
21 Area.

22           The proposed facility will not present a  
23 permanent impediment to a future incorporation of the  
24 site into a larger regional park. Its operation will  
25 be tied to the remaining life of the existing oil

1 fields -- approximately 30 years -- and when the  
2 current use ends, the property could be made  
3 available by its owners for variety of uses.

4           How will Baldwin mitigate the environmental  
5 impacts?

6           All emissions will be offset with emission  
7 reductions from other sources in Los Angeles,  
8 resulting in a net air quality benefit to the L.A.  
9 basin. This includes the emission from the initial  
10 start-up period before full NOx nitrous oxide control  
11 is installed.

12           The natural gas turbines proposed for the  
13 facility will be fitted with state-of-the-art  
14 emission controls. They will be able to reduce air  
15 emissions to 50 percent more than similar generators  
16 licensed by the State.

17           During the last decade, Stocker has reduced  
18 emissions in Baldwin Hills over 98 percent, or about  
19 370 tons per year. Emissions generated by the  
20 proposed facility amount to less than 10 percent of  
21 those generated by local automobiles and household  
22 appliances.

23           This is the existing amount of nitrous oxide  
24 in 1993, the reductions in 1997, as a result of  
25 electrifying the oil field processes. The graph on

1 the right shows 18 tons. That's after the proposed  
2 plant is constructed currently. The emissions, by  
3 2003, from the oil field operation will be down to 3  
4 tons per year.

5 To give you an idea, 152 represented in the  
6 red box is from the local area traffic through the  
7 facility -- near the facility, not through the  
8 facility -- I apologize. And that's 153 tons a year.  
9 That's based on data that's recent. The 1993 number  
10 is probably low.

11 How will Baldwin Energy mitigate the  
12 environmental impacts?

13 Studies conducted by the L.A. County Museum  
14 of Natural History indicate that there are no  
15 endangered animal or plant species at the site or in  
16 the entire Baldwin Hills region.

17 The facility will be enclosed and noise  
18 attenuated to me current community noise standards.

19 Exterior landscaping will be added to  
20 further reduce the potential visual impact to the  
21 surrounding community.

22 How does the State -- how does the power  
23 generator benefit the State and the community?

24 First, it addresses the Governor's call for  
25 more California generated and purchased electricity.

1 The generator will provide enough energy to the State  
2 to power 41,000 homes at prices significantly lower  
3 than the out-of-state electricity providers.

4 It will reduce the reliance upon older  
5 dirtier peaker plants and out-of-state power  
6 suppliers.

7 It will contribute approximately 550,000  
8 dollars a year in local property taxes each year.

9 Finally, during blackouts, the generator  
10 ensures an uninterrupted supply of natural gas to the  
11 Watson Cogen Plant, which serves the electrical needs  
12 of the L.A. Basin.

13 In closing, in less than ten years, Stocker  
14 cleaned up the air in the Baldwin Hills by  
15 eliminating 98 percent of the emissions from the  
16 Inglewood Oil Field.

17 The landowners and Stocker have been working  
18 in good faith with the Baldwin Hills Conservancy to  
19 find ways to further reduce the vision of the park  
20 once oil -- further the vision of the park -- excuse  
21 me --

22 (Reporter unable to hear speaker because of  
23 audience comments)

24 PRESIDING MEMBER PERNELL: Ladies and  
25 gentlemen, ladies and gentlemen, please.

1           MR. WILBURN: -- find ways to further the  
2 vision of the park once oil and gas operations cease.

3           And I can state that La Jolla has definitely  
4 met with the community leaders. We met with Senator  
5 Murray; we met with Assemblyman Wesson, and other  
6 officials. We understand that vision and support it.

7           The only reason there is any land, any space  
8 even considered in the future is the fact there is an  
9 existing oil operation there currently, and at the  
10 end of that, I think it is a local goal -- and one La  
11 Jolla supports -- that we are not going to be there  
12 one day longer than the oil field, contrary to the  
13 claims by Community Conservancy International.

14           That's a fact, and one we are willing to  
15 guarantee.

16           In the past year, Stocker was the first  
17 landowner to negotiate an easement along Los Angeles  
18 County Parks and Recreation to install a greenbelt  
19 along La Cienega Boulevard.

20           Stocker was instrumental in the early 1990's  
21 in releasing land now occupied by and enjoyed by the  
22 Ladera Little League.

23           Baldwin Energy intends to be a good neighbor  
24 as well and wishes to continue to work with the  
25 Baldwin Hills Conservancy and the County on their

1 ultimate vision of a world class park.

2 Thank you for the opportunity to address  
3 you.

4 (Applause.)

5 PRESIDING MEMBER PERNELL: Thank you.

6 HEARING OFFICER GEFTER: Thank you. Next  
7 we're going to ask the staff to make a presentation  
8 about the Staff Assessment, and they're going to talk  
9 about specific topics, including land use, visual  
10 resources, biology, and we're going to ask Jim  
11 Bartridge of the staff to begin the presentation.

12 Thank you, Jim.

13 MR. BARTRIDGE: Good evening. This is  
14 summary of the -- this is a summary of our Staff  
15 Assessment for the Baldwin Energy Facility.

16 First of all, the site is located within the  
17 Inglewood Oil Fields, which is expected to operate  
18 for 30 years -- for at least another 30 years.  
19 Okay.

20 It is within the jurisdiction of the Baldwin  
21 Hills Conservancy and is not located within the  
22 Kenneth Hahn State Recreation Area.

23 (Reporter unable to hear speaker because of  
24 audience comments)

25 HEARING OFFICER GEFTER: Please let him

1 speak.

2 MR. BARTRIDGE: Recommended conditions  
3 include to make the project consistent with the  
4 development of the Baldwin Hills Park in the future.

5 Within our Staff Analysis, we lead the  
6 analysis for land use, biological resources, soil and  
7 water resources, hazardous materials, cultural  
8 resources, paleontological resources, geological  
9 resource and hazards, noise, visual resources,  
10 traffic and transportation, public services, and  
11 environmental justice, and engineering.

12 We worked with federal, state, regional, and  
13 local agencies in review of this proposal.

14 And the South Coast Air Quality Management  
15 District led the analysis for air quality and public  
16 health.

17 We included conditions of certification  
18 within our proposal. One of them was a three-year  
19 Permit without a power purchase agreement with the  
20 Department of Water Resources;

21 Facility closure within 30 years, or when  
22 the oil field closes or is bought by the Conservancy;

23 The facility must meet community noise  
24 standards and avoid noise impacts on sensitive birds;

25 There is an Accidental Release Prevention

1 Plan for aqueous ammonia;

2 And, the project construction will be done  
3 at California Building Code Seismic Zone 4.

4 Further conditions include:

5 Preconstruction geotechnical studies;

6 A requirement to screen views of the project  
7 from the recreation area and neighborhoods;

8 Landscaping consistent with the Baldwin  
9 Hills Park plan. We took a look at the planning  
10 documents, and there will be landscaping as  
11 necessary;

12 We limited project deliveries to non-peak  
13 times;

14 And, in response to your concerns of traffic  
15 in the area, we mandated they must comply with the  
16 requirements of air permits;

17 And, of course, they have to be on line by  
18 September 30th, 2001.

19 In addition, compliance monitoring will  
20 occur. We have a compliance manager who works to  
21 monitor project compliance with all the Conditions of  
22 Certification.

23 We wrote in the report we will monitor  
24 construction and operation for the life of the  
25 project.

1           And we will also approve the Closure Plan  
2 and monitor closure of the facility in the future.

3           What we found is the project is consistent  
4 with the existing local land uses.

5           Closure requirements will allow development  
6 of the Baldwin Hills Park.

7           The project will not have significant  
8 adverse impacts in technical areas analyzed by the  
9 staff.

10          And we cannot recommend approval at this  
11 time.

12          We will, however, make a final  
13 recommendation after review of the analysis from the  
14 air emissions impacts.

15          PRESIDING MEMBER PERNELL: Okay. Thank you  
16 very much.

17          He kind of ran away with the mike.

18          Okay. At this time, I would like to turn  
19 the hearing back over to our Hearing Officer, Ms.  
20 Gefter.

21          HEARING OFFICER GEFTER: Thank you. We  
22 recently had scheduled a break in the hearing, but we  
23 don't have time for that as we have so many people  
24 that want to address us.

25          At this point, we would like Mr. Barry

1 Wallerstein from the Air District to come forward and  
2 offer some comments on the Air District's role in  
3 this process.

4 MR. WALLERSTEIN: Good evening. Again, for  
5 the record, I'm Dr. Barry Wallerstein, Executive  
6 Officer of the South Coast Air Quality Management  
7 District.

8 What I would like to do this evening is give  
9 you a brief status report on our efforts relative to  
10 the Air Quality Analysis as well as a vision of  
11 future actions to come in the near future.

12 We are nearing completion of our Engineering  
13 Analysis of the proposed project, and we expect to  
14 have that completed in the next few days, at which  
15 time we would forward it to the Commission to make it  
16 available to the general public.

17 I would like to briefly review some of the  
18 likely findings and highlight for you some issues  
19 that I think that you should look at very carefully.

20 First of all, the project is proposed in two  
21 phases. The first phase is proposed without the use  
22 of Best Available Control Technology.

23 The Federal Clean Air Act requires that such  
24 technology be utilized at the outset of the project.

25 (Applause.)

1           I want to give you some further detail on  
2 that relative to Phase Two, which would incorporate  
3 the select catalytic reduction.

4           We do believe that could be permitted under  
5 our rules and regulations; however, there are a  
6 number of open issues that need to be very carefully  
7 looked at by the Commission.

8           First of all, Section 173 (a) 5 of the  
9 Federal Clean Air requires an alternatives analysis  
10 for a project of this size.

11           In the past, we have used the California  
12 Environmental Quality Act as our surrogate to fulfill  
13 that requirement.

14           In the unusual circumstances of this  
15 project, where the Governor, through the Executive  
16 Order, has granted a statutory exemption, we are not  
17 sure that that allows us to move on without an  
18 alternatives analysis, and therefore, we have written  
19 the U.S. Environmental Protection Agency today a  
20 letter requesting their opinion.

21           We will not be issuing the Permits to  
22 construct and moving forward until we hear from the  
23 U.S. EPA on that issue.

24           (Applause.)

25           Relative to the Phase I Proposal to Operate

1 without the Best Available Control Technology, I do  
2 need to note that there is some precedent for such  
3 operation, and that would be done under what is  
4 called an Order of Abatement; however, that would  
5 require a special administrative approval by the AQMD  
6 Hearing Board, which can only be granted after a  
7 Public Hearing.

8           It is uncertain whether our staff would  
9 recommend such an action or that such approval would  
10 be granted by the Hearing Board for a project as  
11 controversial as this one located in the middle of a  
12 park.

13           (Applause.)

14           It's also important to note that this  
15 project is subject to a Federal Title V Permit under  
16 the Clean Air Act, and once we proceed to notify the  
17 public of the Preliminary Issuance of Permits, if  
18 there is a request for a Hearing on that Permit, then  
19 we have to give 30 days notice, and as you heard  
20 earlier, I think, we have received a request to have  
21 such a hearing.

22           So, I think the upshot is that if you look  
23 at these various issues, the very earliest that we  
24 could issue a Permit to Construct is going to be at  
25 least 30 to 60 days down the road.

1           And so I would encourage the Commission to  
2 look very strongly at the proposed schedule. It is  
3 my understanding that your staff is estimating that  
4 it will take three to four months to construct this  
5 facility. And if one assumes that the Permit cannot  
6 be issued until the 30- or 60-day window, or beyond,  
7 to go through all our legal requirements, it seems it  
8 would push this project beyond the September deadline  
9 that allows it to qualify under the --

10           (Reporter unable to hear speaker because of  
11 audience comments and cheering)

12           Those are my key comments this evening. We  
13 do hope to release our initial engineering analysis  
14 and Air Quality Evaluation within the next couple of  
15 days, and we will work with your staff to ensure that  
16 the public receives full notice and availability of  
17 those documents.

18           (Applause.)

19           PRESIDING MEMBER PERNELL: Thank you, Dr.  
20 Wallerstein.

21           HEARING OFFICER GEFTER: Thank you, Dr.  
22 Wallerstein.

23           We also have Dr. Cicchetti, who came with  
24 Supervisor Burke, and he would like to address us.  
25 Thank you.

1 DR. CICCHETTI: Yes. My name is Charles  
2 Cicchetti. I'm a professor at the University of  
3 Southern California, and I'm here to discuss my  
4 analysis of the economics of this project.

5 In some ways this project is really pretty  
6 simple. In fact, when you really take this project  
7 down to its basic issues, it's what we would call a  
8 "no-brainer."

9 And the reason we call it a "no-brainer" is,  
10 really, there is no basic reason for this project to  
11 go forward.

12 (Applause.)

13 I'm sort of the technical person, but I  
14 don't think we have to get very technical, given the  
15 facts in this case, because the facts in this case  
16 show that the project is too little; it comes on line  
17 too late; it's too expensive; and it's essentially  
18 not needed, particularly in this location.

19 (Applause.)

20 In terms of the "too little," this project  
21 is 53 megawatts. Nobody knows what a megawatt is,  
22 but, let's think about what 53 of those things,  
23 whatever they are, amounts to.

24 It turns out that the State has currently,  
25 in the midst of its capacity shortage, either

1 megawatts in place or under contract to bring in from  
2 places out of state, like Hoover Dam and the Four  
3 Corners Region, 69,000 megawatts.

4           This would be 53 of those megawatts. If you  
5 take the 14 megawatts off the top, the 39 megawatts  
6 out of 69,000 megawatts represents about one half of  
7 a tenth of a percent. It is an incredibly small  
8 amount. This -- this project is just very, very  
9 small.

10           It also turns out that the project itself  
11 wouldn't be completed until, at the earliest, the  
12 fall of this year.

13           The energy crisis -- and I've been the  
14 principal authority of the California State Audit  
15 Report on the causes of the energy crisis -- when you  
16 understand the cause of the energy crisis, the plans  
17 in effect are such that they are making this summer  
18 the height of the crisis.

19           Next summer there may be some problems, but  
20 not very significant problems, and this very small  
21 plant coming on line after the summer crisis is over  
22 is just too late.

23           (Applause.)

24           It also turns out that the County of Los  
25 Angeles is a major generator of electricity, a major

1 conservator of electricity, and major user of  
2 electricity, and the County of Los Angeles is against  
3 this project.

4           In fact, this project would represent 53  
5 megawatts, and the County's use alone in its own  
6 facilities are 270 megawatts.

7           In fact, this project, if it is operated  
8 like normal peaking plants around the country, would  
9 operate maybe a thousand hours a year.

10           A thousand hours times 53 megawatts would be  
11 53 megawatt hours -- whatever they are -- but I can  
12 tell you, the County already has conserved 78,000  
13 megawatt hours of electricity, has plans to conserve  
14 an additional hundred thousand megawatts of  
15 electricity, and compared to the total County use of  
16 electricity of about a billion kilowatt hours -- or  
17 about a billion megawatt hours of electricity.

18           This conservation effort in the State would  
19 be such that California's 20-20 plan is probably  
20 first going to be met by the County of Los Angeles.  
21 The County of Los Angeles has done more for  
22 conservation and has been an exemplary leader in the  
23 conservation field.

24           Their plans currently would put them at  
25 about 18 percent conservation over their base use.

1 They can certainly add an extra two percent, and  
2 stopping this project would be an important thing  
3 that would make them want to push the County beyond  
4 where they are currently.

5 In fact, the County conservation efforts are  
6 four times the expected output of this project.

7 This project is simply --

8 (Reporter unable to hear speaker because of  
9 audience comments and cheering)

10 Los Angeles County generates, at its own  
11 facilities, 365,000 megawatt hours a year. Compared  
12 to the 53,000 megawatt hours of this project, the  
13 County's own cogeneration efforts are about 7 times  
14 the total output of this project.

15 You are not hearing from any opposition in  
16 the form of the County that it isn't, A, doing  
17 something about the energy crisis, because they're  
18 already generating about 7 times more electricity  
19 than this project; they're already conserving about  
20 four times the electricity output of this project --  
21 or at least they plan to do so.

22 Under those circumstances, this is not  
23 simply a case of some people coming forward saying,  
24 "Not in my backyard. We don't need this power  
25 plant." The fact is, we all know -- those of us who

1 specialize in electricity -- 39 megawatts in a state  
2 as large as California is simply a drop in the  
3 bucket.

4           If we conserve the electricity -- and we  
5 understand that the State is currently moving forward  
6 with licensing major power plants that will add  
7 between 10,000 and 15,000 megawatts in the next three  
8 years, 39 megawatts, when we're already getting  
9 10,000, 15,000 megawatts is again much too small.

10           We've got to understand that California  
11 needs to conserve, needs to be more efficient, but  
12 one thing it doesn't need to do is to build a  
13 39-megawatt plant in the middle of a gas field with  
14 gas already committed to Southern California Gas, and  
15 therefore, this plant will have to buy gas from  
16 Southern California to operate under the guise that  
17 this is somehow a good location and something we need  
18 to do to help electricity reliability in Southern  
19 California.

20           Those facts, we all know, who understands  
21 numbers, just simply don't add up. They don't make  
22 any sense.

23           (Applause.)

24           So finally, as I said at the beginning, this  
25 plant and this Application is really a no-brainer. I

1 say that having formerly been Chair of the Siting  
2 Commission in the State of Wisconsin, and I know the  
3 position you are in.

4 But the fact is that this plant is just not  
5 needed, and it's too expensive. The applicant said  
6 this plant might cost as much as a thousand dollars a  
7 megawatt. That would put the cost at 53 million  
8 dollars for this plant.

9 There is no way in the world that anybody  
10 should build peaking plants at a thousand dollars a  
11 megawatt. The national average for peaking plants is  
12 much more like 350 dollars, not a thousand dollars  
13 that these folks are talking about, so this plant is  
14 also too expensive.

15 And when we put it all together, the  
16 no-brainer aspect leads me to recall that really  
17 today is L.A. Laker Day in California, and we all  
18 know that the most famous of the cheers for the L.A.  
19 Lakers is, "You say Lakers, we say go."

20 Here I think the answer is, "They say  
21 Stocker's, and we say no."

22 (Applause and cheering.)

23 PRESIDING MEMBER PERNELL: Ladies and  
24 gentlemen, the time is going. Ladies and gentlemen,  
25 I'm going to need to set some parameters here because

1 we're not going to get out of here like this, if you  
2 spend three minutes after every speaker applauding.  
3 We're going to be here at 4:00 o'clock in the  
4 morning. I'll stay if you can stay. Let me set some  
5 parameters. Ladies and gentlemen, ladies and  
6 gentlemen. Let me set some parameters.

7           And that is, we want to hear from you now.  
8 That's what we are doing, but we cannot -- we cannot  
9 have three or four minutes of applause and yelling in  
10 the background. We have to be professionals, and we  
11 have to be courteous.

12           (Reporter unable to hear speaker because of  
13 audience comments)

14           Any time you're ready. Any time you're  
15 ready.

16           HEARING OFFICER GEFTER: Ladies and  
17 gentlemen, we have a legal team that was put together  
18 as a Coalition of Homeowners Groups, and I would like  
19 to call them forward. And I'll name them, and they  
20 can come forward.

21           Al Pak from Jeffer, Mangels, Butler &  
22 Marmaro -- I can't read it. I'm sorry. Esther  
23 Feldman; Robert Garcia, from the Center for Law in  
24 the Public Interest; Joel Reynolds, a senior attorney  
25 with NRDC; Erica Teasley -- we met you earlier --

1 from NAACP.

2 Will this group come forward. We understand  
3 you represent some of the homeowners associations.

4 And after this group speaks, we are going to  
5 call the homeowners association representatives  
6 forward.

7 Please state your name and spell it for the  
8 record.

9 MS. FELDMAN: Esther Feldman, E-S-T-H-E-R,  
10 F-E-L-D-M-A-M, Community Conservancy International --

11 (Reporter unable to hear speaker because of  
12 audience comments)

13 -- and the brief refers to the legal team  
14 that is sitting behind me.

15 We're here tonight representing ten  
16 homeowners' organizations representing over 40,000  
17 people and the Coalition of Conservatism and  
18 community organizations.

19 We speak in support of Baldwin Hills Park,  
20 that has already become a reality, and those of you  
21 on the tour saw some of that today.

22 We believe there are significant legal flaws  
23 in this Application. We're here to present those to  
24 you, and there is a document that is being submitted  
25 right now for the record.

1           And just in closing, I want to ask this  
2 question on the topic of Baldwin Park, and it is  
3 important to ask, which is, "What is a park?"

4           It is not just green grass; it is not just a  
5 playground; it is a place where children can come, as  
6 they are growing up, and have a safe place to play.

7           Particularly important in the dense  
8 populated area like Los Angeles, it is a place where  
9 senior citizens can come and have a safe place to  
10 walk.

11           I don't need the screen.

12           It is a place where, in this area of dense  
13 population with concrete streets and paving, we can  
14 have a breath of aesthetic beauty, something all of  
15 us crave and need a place of tranquility and open  
16 space, and a place where some have, of the unique  
17 plants and animals, 166 native birds alone can  
18 continue to live, as they have for many centuries.

19           And that's why we're here today.

20           PRESIDING MEMBER PERNELL: Thank you.

21           HEARING OFFICER GEFTER: Mr. Pak, please  
22 spell your name and state your affiliation.

23           MR. PAK: Your Honor, Alvin Pak. I am  
24 Counsel to the United Homeowners Association, and I'm  
25 a member of the firm Jeffer, Mangels, Butler &

1 Marmaro here in Los Angeles.

2 We were asked by the United Homeowners  
3 Association to --

4 HEARING OFFICER GEFTER: Mr. Pak, you have  
5 to hold the mike next to your mouth.

6 MR. PAK: Is that better.

7 We were asked by the United Homeowners  
8 Association to do a technical and legal analysis of  
9 the Application and the Staff Report, and we have  
10 filed today with the Energy Commission our brief  
11 detailing the technical errors and omissions that we  
12 found in the Staff Report.

13 HEARING OFFICER GEFTER: Do you have a copy  
14 of that with you? If you would bring that to the  
15 Committee, please. Also to the Staff. Thank you.  
16 Give to it Mr. Glaviano.

17 MR. PAK: We have additional copies if you  
18 require them.

19 If you go to the second half of our filing,  
20 you will see a number of technical issues and our  
21 recommendations with respect to additional  
22 Commission-- conditions that should be part of the  
23 Certificate that you issue.

24 I suppose I could spend some time talking  
25 about the legal protections that the Endangered

1 Species Act affords to the San Diego Jack Rabbit, but  
2 my sense is this is the wrong crowd for that.

3 So let me talk about the larger issues that  
4 we found and want to address in this Application.

5 There are essentially two basic issues that  
6 we see in this case:

7 First of all, should this case be processed  
8 under the Commission's 21-day rule;

9 And secondly, does this project merit  
10 Certification at all.

11 When you decide these questions,  
12 Commissioner, I assume that you know that you are  
13 going to be building the Commissioners' legacy in the  
14 face of this emergency, that is, what did we do; how  
15 did we conduct ourselves; and how did we respond to  
16 the terms and conditions of the legacy created by the  
17 marginal cases.

18 And this, Commissioner, is one of those  
19 marginal cases. This is one of the cases that will  
20 be used to judge the Energy Commission's response to  
21 the energy emergency, so, as you decide this case,  
22 consider the facts that put this matter before you.

23 First of all -- and we've touched on this --  
24 this project by itself is marginal. It won't help us  
25 avert any outages. It is simply too small.

1           If there are going to be rotating outages  
2 and shortages this summer, we simply can't calibrate  
3 with any level of precision what 40 megawatts would  
4 represent. If there are going to be outages, there  
5 will be outages of the same magnitude with or without  
6 this plant.

7           Secondly, this project is located in an  
8 extraordinary location compared to other plants. It  
9 is in the middle of a park plan. It represents the  
10 most densely populated site of any site that's come  
11 before the Commission.

12           And thirdly -- and Dr. Cicchetti touched on  
13 this as well -- we are seeing significantly changed  
14 market conditions that simply don't warrant the  
15 Certification of this plant.

16           You have already approved almost 900  
17 megawatts of peaking power; you have an additional  
18 500 megawatts of plants that are pending  
19 Certification without this project; and, as the  
20 Commission has recently issued in its press releases,  
21 California has responded to the call for  
22 conservation. Demand response programs are working.  
23 We simply do not need another project, and  
24 particularly not one of this size.

25           So Commission, we ask you to be

1 deliberative; we ask you to think about the long  
2 term; we want you to think about building legacy; and  
3 we ask you to be deliberative and scrutinize the  
4 Application for yourself.

5           When we first looked at this Application and  
6 the Staff Report, the first question that came to our  
7 mind was this: "Why did this Applicant come to the  
8 Commission?"

9           We all know that the Energy Commission  
10 jurisdiction begins at thermal power plants of 50  
11 megawatts or more. And I think we're all familiar  
12 with the fact that a lot of Applicants or a lot of  
13 project owners have nominated their plants at 40.9  
14 megawatts to escape this Commission's jurisdiction.

15           So why did this one marginally over your 50  
16 megawatt jurisdiction of limitation come to you?

17           It is pretty simple. They are trying to  
18 take advantage of the 21-day rule.

19           (Applause.)

20           A serious aspect we found on this record is  
21 both the Staff Report and the Application seemed to  
22 indicate that they came here because of the Governor  
23 call; that they could have gone for a Conditional Use  
24 Permit with the County of Los Angeles; and that that  
25 Conditional Use Permit would be relatively easy to

1 obtain.

2 I think, as Counsel or Supervisor Burke  
3 indicated, the County would no way consider an  
4 additional Conditional Use Permit, so they had to  
5 come here. They wanted to benefit from the truncated  
6 review.

7 And I think we all agree that it is a harder  
8 job that the staff had, and as diligent as they  
9 pursued their obligations in this case, there is a  
10 considerable difference between issuing an  
11 Environmental Impact Review and performing all of the  
12 requirements under CEQA and performing under the  
13 21-day rule.

14 I think if you take into account the  
15 interest of the Legislature, as it has been expressed  
16 here tonight, expressed in the Baldwin Hills Park  
17 Plan, as we listened to our public officials who have  
18 come to the mike before me, as we heard the community  
19 speak out against this project, and as we look at the  
20 long list of issues that surround this project, I  
21 think it is fair to say this project would be doomed  
22 for the County; it would not receive a Conditional  
23 Use Permit.

24 And so, as you deliberate and consider this  
25 Application, think about why you would grant a

1 Certificate to this project that the County itself,  
2 in all likelihood, would reject.

3 That takes us to the second question: "Does  
4 this project qualify for expedited review?"

5 Under the Commission's rules, this project  
6 needs to be on line by September 30th of this year,  
7 that is, the rules are designed so solve this  
8 electricity shortfall.

9 This project does not have a Permit to  
10 Construct; it has no Permit to Operate from AQMD;  
11 and, as Dr. Wallerstein already said, it is not  
12 likely to have either of those Permits in time for it  
13 to be operational by September 30th.

14 The record demonstrates this Applicant does  
15 not have site control; there is no Purchase Power  
16 Agreement with the Department of Water Resources that  
17 we're aware of; and the 100-day construction window  
18 that would be available to this Applicant if this  
19 Permit issued this Friday, as currently planned, they  
20 simply can't do it, which means they're going to miss  
21 the September 30th deadline, which brings us to the  
22 most disappointing aspect of the Staff Report.

23 The staff would grant this Applicant, if  
24 they miss the September 30th deadline, an extension  
25 of time, even where the Applicant has failed to

1 exercise due diligence under the Governor's Order.

2 PRESIDING MEMBER PERNELL: Let me stop you  
3 right there. Staff -- would you repeat -- would you  
4 repeat that?

5 (Reporter unable to hear speaker because of  
6 audience comments)

7 MR. PAK: There is a condition in the Staff  
8 Report that would permit the Commission to grant an  
9 extension of time for the Applicant in the event that  
10 the September 30th date was missed.

11 PRESIDING MEMBER PERNELL: Right. And my  
12 partner says that the Staff Report, that Report goes  
13 before the full Commission, and so we got to -- we  
14 got to be -- and you know this -- we got to be clean  
15 here and relay the facts. The Staff Report is not  
16 the final report. You know that.

17 MR. PAK: I agree, Commissioner.

18 PRESIDING MEMBER PERNELL: But when you are  
19 making your presentation and you alluded to the Staff  
20 Report as law, and then everybody hear that, you are  
21 misrepresenting what the process is about.

22 MR. PAK: Commissioner, I apologize. What I  
23 was attempting to indicate was that the Staff Report,  
24 by providing -- by suggesting to the Commission that  
25 it had authority to do that -- and I agree that it

1 is the Commission, not the staff, that issues the  
2 Certificates -- that condition, in our view, is  
3 impermissible.

4 The Governor's orders are pretty clear on  
5 this point. The plant must be operating by September  
6 30th.

7 In that regard -- And we say this in our  
8 filing -- we do not believe the Commission has the  
9 authority to adopt the Staff condition, Because this  
10 plants will not be operational by September 30th, and  
11 I frankly can't believe that the Applicant has a good  
12 faith belief that it will be operating by September  
13 30th.

14 We don't believe that this plant is  
15 qualified for the fast track 21-day rule, and at the  
16 very least, its qualifications for the 21-day rule is  
17 in serious doubt.

18 And so we would ask, if you all want to  
19 preserve the option and the benefits that you think  
20 this plant might confer on the State of California,  
21 you ought to place it under your four-month rules or  
22 twelve-month rules, so we can take a serious look at  
23 the true benefits and cost of this.

24 And I simply suggest that I don't think that  
25 one of the benefits that this plant is going to

1 confer is to help us resolve this coming summer's  
2 energy supply shortfalls, and that is the purpose of  
3 the 21-day rule.

4           Lastly, does the project warrant any  
5 Certificate on its own merits?

6           Commissioner, this project, as you've  
7 already heard, is inconsistent with the County  
8 General Plan for land use; this plant is inconsistent  
9 with the Draft Master Plan of the Baldwin Hills  
10 Conservancy; and, under Section 25527 of the Public  
11 Resources Code, because this plant -- because this  
12 project site has been designated as scenic areas by  
13 the State of California, you require the approval of  
14 the Conservancy in order to issue a Certificate for  
15 this project.

16           Now, if you ignore 25527 on the grounds of  
17 an energy emergency, you probably can get away with  
18 that, but we ask that you not try to do that for  
19 several reasons.

20           Again, this is a heavily populated area;

21           It is near by schools that will be affected  
22 by the emissions, potential release of ammonia in the  
23 atmosphere, and electromagnetic field radiation from  
24 the project.

25           This is a currently heavily-used parkland,

1 and one of the conditions we ask for next door to a  
2 park, because it is next door to schools, is that the  
3 Applicant, before they go forward, work with the  
4 County Fire Department on an emergency evacuation and  
5 medical treatment plan in the event there is a  
6 release of ammonia.

7 This plant is adjacent to heavily-traveled  
8 roadways, which complicate the evacuation program and  
9 exacerbates the potential problems that the release  
10 of ammonia might have on the community.

11 There are sensitive habitats near the area.  
12 The U.S. Department of Fish and Wildlife has issued  
13 to the staff its concerns with respect to the  
14 destruction of those habitats by nitrogen deposition.

15 That is the kind of issue that the staff  
16 traditionally has looked at quite seriously. It is  
17 not the kind of thing that you can look at in the  
18 21-day review, but that is the kind of thing that  
19 triggers a Staff Review in the past, in my  
20 experience. And we're not able to do that here.

21 There is also an indication that the  
22 increased injections of wastewater may have an  
23 impact, with runoff below the creek, and that is  
24 again another kind of issue that we would have  
25 expected the staff to pay more attention to.

1           Allowing this project to go forward at  
2 almost 100,000,000 kilowatt hours per year, from the  
3 Public Utilities Commission's Jurisdiction, with  
4 respect to rate conciliations through Southern  
5 California, as you know, several billions of dollars  
6 are uncollected, should be considered by the  
7 Commission and how to get those back, and whether or  
8 not they should collect all of that.

9           To the extent this project goes forward,  
10 12,000 megawatts -- or 12,000 kilowatts of load from  
11 this system, we can't surcharge any consumption this  
12 particular Applicant has of its own site. That could  
13 have a detrimental impact on the Public Utilities  
14 Commission Jurisdiction.

15           Because this project will be consuming  
16 12,000,000 cubic feet of gas per day, you are  
17 essentially taking the gas that could serve 100,000  
18 homes a day to serve 40,000 homes in electricity.

19           The tradeoff doesn't make sense,  
20 particularly as we saw this past winter, we are much  
21 more subject to gas curtailments than electricity  
22 shortages.

23           So all of these cumulative impacts are the  
24 kinds of things we would expect the Staff Report to  
25 take a look at, and if all of these were taken

1 together, you would have found a fatal flaw.

2 I spent all of my Father's Day looking at  
3 all the Staff Reports in these emergency cases. And  
4 I haven't found a fatal flaw. I need -- I need a  
5 better definition of what a fatal flaw is. And if  
6 there is no fatal flaw in this case, I think at least  
7 the staff can admit, given the community interest and  
8 the kind of things you heard about tonight, at least  
9 there are a lot of bullets flying in this case.

10 These are all, Commissioner --

11 (Because of audience background noise, some  
12 words unintelligible and cannot be  
13 deciphered by the court reporter.)

14 -- 21-day proceeding, we recommend you go to a  
15 four-month proceeding, if you don't reject the  
16 Application outright.

17 Based on our review, we don't believe a  
18 Certificate for a 21-day rule is justified; it  
19 certainly is not fair, and we don't think it is  
20 right.

21 (Applause.)

22 PRESIDING MEMBER PERNELL: Thank you.

23 Okay. Who is next? We got to -- let's move this  
24 along.

25 MR. REYNOLDS: Good evening, Commissioner,

1 members of the staff. My name is Joel Reynolds. I'm  
2 a senior attorney at the Natural Resources Defense  
3 Council, who has 500,000 members nationally and a  
4 hundred thousand members in California.

5 NRDC has been involved in energy  
6 conservation and renewables in California for a long  
7 time, working closely with this Commission and with  
8 its staff.

9 NRDC, to my knowledge, has never opposed the  
10 siting of a natural gas-powered plant, but we oppose  
11 this one.

12 (Applause.)

13 We oppose it plain and simple because power  
14 plants do not belong in the middle of parks.

15 I've been practicing environmental law in  
16 Los Angeles for over 20 years, and I have never seen  
17 a public response to equal this one.

18 (Reporter unable to hear speaker because of  
19 audience comments and cheering)

20 PRESIDING MEMBER PERNELL: Ladies and  
21 gentlemen, please let him finish.

22 MR. REYNOLDS: All of the affected  
23 communities around this site have risen up in  
24 opposition to it.

25 All of the elected officials that represent

1 this area have appeared before you to oppose the site  
2 of this plant.

3           The turnout that we saw two weeks ago and  
4 the turnout that you see tonight, with over 400  
5 people inside and another 500 people outside, is  
6 absolutely unprecedented, and you must -- you must hear  
7 it.

8           Under these circumstances and recognizing  
9 that the Applicants before you are people of  
10 goodwill, we urge them to withdraw the Application.

11           But if they don't -- but if they don't, we  
12 ask this Commission to deny the Application.

13           And I'm not going to repeat a lot of legal  
14 points that Mr. Pak has just laid out, that have been  
15 briefed in an extensive document before you.

16           But I do want to emphasize one point in  
17 particular. This proceeding is an abuse of the  
18 21-day process. This application simply does not  
19 qualify.

20           Under any definition of the term "peaker,"  
21 whether it is that of this Commission, or the AQMD,  
22 or the public generally, the Commission has said that  
23 to qualify for a 21-day process, the plant must be  
24 operating by September 30th.

25           But you have heard tonight evidence that is

1 undeniable by the Executive Officer of the South  
2 Coast Air Quality Management District, that that  
3 deadline cannot and will not be met.

4 I would submit that you cannot ignore that  
5 evidence.

6 If you take the definition for peaker that  
7 has been adopted as regulation before the South Coast  
8 Air Quality District, a peaking unit is defined as a  
9 turbine used intermittently to reduce the energy  
10 demand basis, and does not operate more than 1300  
11 hours per year.

12 That definition simply does not apply to  
13 this plant. Under either definition, you cannot  
14 process this Application and thereby foreclose the  
15 public in a 21-day process.

16 At minimum, you have to go to the four-month  
17 or the six-month or the twelve-month process, and we  
18 urge you to reject the Application on that basis  
19 alone.

20 I think it is also worth noting what the Air  
21 Quality Management District is being asked to do in  
22 order to issue the Permit.

23 Under Title V, the Clean Air Act, you have  
24 heard tonight that they cannot legally issue a Permit  
25 for the single-cycle version of this plant without

1 SCR, so what that means is that for the first six  
2 months or so, or whatever the period would be before  
3 SCR is installed, this project cannot operate  
4 legally.

5 We would submit that that is also a ground  
6 for denial of this Application.

7 You have heard, as well, that this plant is  
8 inconsistent with the County's General Plan  
9 Designation of open space for the site.

10 You've heard also that this plant is  
11 inconsistent with the fundamental principles of equal  
12 justice and non-discrimination, and in the brief that  
13 has been filed, we go on and on and on about the  
14 problems presented by this Application.

15 We urge you to take that seriously.

16 In closing, I just want to offer an old  
17 proverb, in my judgment, which seems applicable here,  
18 which says that, "We didn't inherit the land from our  
19 ancestors; we borrowed the land from our children."

20 What the people that you see before you are  
21 doing is they are trying to turn back the land in the  
22 Baldwin Hills to their children in better condition  
23 than they inherited it.

24 (Applause.)

25 Commissioner, we ask you tonight to honor

1 that effort. We ask you tonight to reject this  
2 Application once and for all.

3 Thank you very much.

4 (Applause.)

5 HEARING OFFICER GEFTER: Ladies and  
6 gentlemen, Mr. Garcia, from the Center for Law in the  
7 Public Interest, is he not here tonight?

8 MS. TEASLEY: We are going to go out of  
9 order. Again, I'm Erica Teasley, and Western  
10 Regional Counsel with the NAACP, legal defense team,  
11 and I'm here representing a body of civic  
12 organizations, civil rights groups, environmental  
13 groups and community members that are here in  
14 opposition to the power plant.

15 Now, I'm here testifying today not only as  
16 a civil rights attorney that's concerned about  
17 injustice for a group up in Baldwin Hills, my family  
18 still lives there and have been there for 30 years.

19 My mother and I went on May 31st to the site  
20 visit and stayed for the Informational Hearing that  
21 day, and a few things became apparent at that time,  
22 and that become even clearer since that time.

23 One is that this project is improper under  
24 the 21-day emergency permit process, and many have  
25 already spoken to that, so I'm not going to go into

1 that in depth.

2 Second, is that notice to the community of  
3 the proposed project was locally and perhaps  
4 constitutionally inadequate.

5 (Applause.)

6 Third is serious environmental injustice  
7 concerns, and as a representative of legal defense, I  
8 want to address those last three points.

9 After speaking with community members who  
10 attended the site visit and the hearing on May 31st,  
11 we were concerned about the lack of proper notice  
12 afforded to residents of the affected communities.

13 Several residents of Baldwin Hills explained  
14 they were never notified of the hearing, and many  
15 heard first of the proposed plans on the evening news  
16 the night before. I think the story ran that night,  
17 or they heard the day of the hearing from their  
18 neighborhood association.

19 Even our state-elected officials appeared  
20 somewhat unaware of the project until the Application  
21 had been filed, and we heard from the Applicants that  
22 they had been looking at the site for at least a  
23 couple months.

24 So, this was not a surprise. It didn't just  
25 happen, but folks were not aware of what was coming

1 down the pipeline.

2 Under such an expedited approval process,  
3 one would hope the Commission would undertake even  
4 greater efforts to inform the public, and that  
5 Applicants might also do their part to inform their  
6 neighbors of their plans to build a controversial  
7 power plant in the middle of an area designated for a  
8 park, especially since property rights are at stake.

9 We can thank the affected neighborhood  
10 associations and the community for organizing their  
11 e-mails for the excellent turnout for the May 31  
12 Hearing, but not the Commission, unfortunately.

13 The Commission did not expect many people to  
14 attend, as evidenced by the fact that the Commission  
15 Staff had only made 50 copies of the Commission  
16 materials for the public.

17 In addition -- in addition, the  
18 representative from Culver City that provided the  
19 space, if he had known there would be so many people,  
20 they would have gotten the auditorium. Apparently in  
21 the communications, you didn't expect many people  
22 would attend, and I have to take offense to that.

23 You probably didn't expect so many people  
24 because you knew the Energy Commission did not  
25 provide proper notice to the community.

1 (Applause.)

2 We all know minority and low-income  
3 communities continue to bear a disproportionate share  
4 of environmental hazards and unwanted land.

5 Here in the Application for this permit, La  
6 Jolla said the affected area is over 58 percent  
7 minority.

8 We all know that the Baldwin Energy Facility  
9 is sited in the heart of an African-American  
10 Community in Los Angeles County.

11 That necessitates a thorough review of  
12 racial impact studies, especially in light of State  
13 and Federal civil right laws and regulations related  
14 to environmental fairness.

15 And yet the Commission Staff Assessment only  
16 contains about a page of environmental justice issues  
17 and basically brushes off any environmental concerns.

18 I question the wisdom and even the motive of  
19 siting such a power plant in the middle of an African  
20 American community and in an area that is slated for  
21 a world-class 1200-hundred acre park, especially  
22 since this area is park-deprived, as you heard from  
23 previous speakers.

24 In closing, we want to urge you to consider  
25 all the facts brought to you tonight by the legal

1 groups and the community members and deny  
2 Certification of the Baldwin Facility.

3 Thank you.

4 (Applause.)

5 MR. GARCIA: Good evening. I'm Robert  
6 Garcia. I'm an attorney with the Center for Law in  
7 the Public Interest, together with Johnnie Cochran's  
8 law offices, represent Concerned Citizens of South  
9 Central Los Angeles.

10 We are part of the overwhelming diverse  
11 coalition of civil rights, environmental, and  
12 environmental justice, homeowners, and business  
13 advocates who have come together for one purpose: We  
14 must keep our eyes on the purpose and keep in mind  
15 what that purpose is: To stop the power plant and  
16 save the community and the State Park in Baldwin  
17 Hills.

18 It was absolutely stunning to me, as a civil  
19 rights attorney, to read the Staff Analysis in this  
20 case, on Pages 36 and 37, where they conclude three  
21 things: One, there is no environmental justice  
22 issues here because surrounding communities are not  
23 more than 50 percent people of color or low income;

24 Two, they don't even address the fact that  
25 the community is disproportionately people of color

1 and low income. They cite that rule and ignore it;

2           Three, they conclude it doesn't matter  
3 whether the community is disproportionately people of  
4 color or more than 50 percent people of color  
5 because, in any event, the power plant will have no  
6 significant impact.

7           I used to be a law professor. If that was  
8 written in an exam, that answer would flunk.

9           The members of the Commission, the Staff,  
10 the people in this room, know the truth is the  
11 opposite of what is in the Staff Analysis.

12           And that is our job as civil rights  
13 attorneys, is to prove what we all know is true.

14           Let's look in this room today. It is  
15 overwhelmingly African American.

16           The demographics of the community  
17 surrounding Baldwin Hills -- keep in mind, this is  
18 Baldwin Hills, Crenshaw, South Central -- this is the  
19 heart of African-American Los Angeles. This is the  
20 historical part of African-American Los Angeles.

21           This is a community of excellence that is  
22 known throughout the United States by African  
23 Americans.

24           As my colleague Erica pointed out, the  
25 Application points out that 85 percent of the

1 surrounding community is people of color. 75 percent  
2 to 100 percent of the communities to the east of the  
3 state park are African American.

4 This is the demographic analysis that the  
5 staff ignores. That's the demographics.

6 What are the lessons of environmental  
7 justice that are central to this Application.

8 One, communities of color disproportionately  
9 suffer environmental degradation.

10 Two, communities of color are  
11 disproportionately deprived of the benefits of public  
12 works projects with environmental impacts.

13 And three, communities of color are  
14 systemically excluded from the decisions that affect  
15 their lives.

16 Each one of those lessons has proven true in  
17 this case.

18 As has been emphasized, what the impacts of  
19 Los Angeles is it is park-poor. Los Angeles has less  
20 acres of parks per thousand residents compared to any  
21 other major city in the country.

22 (Some words unintelligible and cannot be  
23 deciphered by the court reporter.)

24 Los Angeles, because of its disparities, has  
25 different access to parks and recreation.

1           Immediately to the east of Baldwin Hills  
2 there are .3 or .4 acres of parks per thousand  
3 residents.

4           (Some words unintelligible and cannot be  
5 deciphered by the court reporter.)

6           Compared to 1.7 acres in the white, wealthy  
7 parts of Los Angeles, compared to the national  
8 standard of 10 acres per thousand residents.

9           Those are the facts that again the staff  
10 analysis ignored.

11           Within a five-mile radius of Baldwin Hills,  
12 there is one picnic table for every 10,000  
13 residents. There is one playground for every 23,000  
14 children. There is one soccer field for every 30,000  
15 people. There is one basketball court in the City of  
16 Los Angeles for every 36,000 people.

17           The Baldwin Hills Park will bring the simple  
18 joys of playing in the park to the community of  
19 Baldwin Hills.

20           It will increase property values.

21           It will create quality jobs.

22           It will increase stores in the area and  
23 generate additional tax revenues for the State.

24           Given these facts which were ignored in the  
25 Staff Analysis, we ask ourselves, "Why Baldwin

1 Hills? Why is the only power plant in a State park  
2 in the State proposed for Baldwin Hills?"

3           Again, we can not ignore the election of  
4 environmental injustice notion, and we cannot ignore  
5 the very-well documented history of racism in Los  
6 Angeles.

7           The fact that the Baldwin Hills area is the  
8 heart of African-American Los Angeles is not an  
9 accident of unplanned growth. It is not a mere  
10 happenstance.

11           It is the product of a history and  
12 continuing pattern of discrimination throughout the  
13 20th century.

14           Los Angeles explored the used of restricted  
15 covenants in mortgages, and most of Los Angeles  
16 throughout the 20th century was off limits to African  
17 Americans, Asians, Mexican Americans, and Hispanics.

18           South Central, and later West Central, and  
19 later La Cienega, was the area where African  
20 Americans were relegated.

21           In addition to exploring the use of  
22 restrictive covenants and mortgages, the federal  
23 government subsidized selling --

24           (Some words unintelligible and cannot be  
25 deciphered by the court reporter.)

1 -- housing throughout the 20th century by mortgage  
2 subsidies related to racially homogenous  
3 neighborhoods.

4 That explains why African-American Baldwin  
5 Hills, South Central, and Crenshaw is the way it is.

6 To put a plant in the only state park being  
7 proposed in an African-American community today is to  
8 continue that history and pattern of discrimination.

9 These are some of the demographics that the  
10 Staff Analysis ignores and some of the impacts the  
11 Staff Analysis ignores.

12 What is the justification of the plant?

13 There is none.

14 As the electrical engineer from USC  
15 testified, the expert on energy issues, the plant is  
16 too little, too late, too expensive, and not needed  
17 in this area.

18 There is no justification for destroying the  
19 Baldwin Hills Plan for the sake of this plant.

20 Finally, the expedited review process has  
21 been emphasized repeatedly, which has denied the  
22 community full and fair participation in deciding the  
23 future not only of Baldwin Hills but of their own  
24 lives.

25 In conclusion, to put a plant in the middle

1 of the State Park in Baldwin Hills, number one,  
2 perpetuates environmental degradation of this  
3 community;

4 Two, this is the greatest public works  
5 project that has ever been brought to this community;  
6 and,

7 Number three, would deny them full and fair  
8 participation in deciding their own lives.

9 For the sake of equal justice, democracy,  
10 and the civil rights for the people of Baldwin Hills,  
11 we ask that you stop the power plant and save the  
12 community and the State Park in Baldwin Hills.

13 Thank you very much.

14 PRESIDING MEMBER PERNELL: Thank you.

15 HEARING OFFICER GEFTER: Representatives  
16 from the homeowners' associations, I'm going to call  
17 everybody's names, so the people in the front row can  
18 go to your other seats.

19 And I'm going to ask Steve Leon, Ladera  
20 Heights, to come forward; Tony Nicholas, President of  
21 the United Homeowners Association; Mary Ann Greene,  
22 President of the Blair Hills Association; Juanita  
23 Cooper of Ladera Heights -- actually, Steve or  
24 Juanita may speak. Those two are people from Ladera  
25 Heights, so, please one, please, just to move it

1 along. Also, Mr. Milt Phillipson, Blair Hills,  
2 between you and Mary Ann Greene, please decide which  
3 one is going to address us. Also, Dr. Delaney Smith  
4 from Cloverdale Stillwater. Is Dr. Smith here? Okay.  
5 Also, I have a card for a Mr. Sean Cary from Orinda  
6 Avenue Block Association. Could you come up too,  
7 please.

8           Okay. Someone can actually -- also, there  
9 was Sandra McNeish. I don't remember which group you  
10 were representing, if you are still here, Sandra  
11 McNeish.

12           Let's start with this group, and we will ask  
13 Mr. Leon or Ms. Cooper to begin -- I don't know which  
14 one -- as a representative of Ladera Heights.

15           MR. LEON: I would like to clarify that I'm  
16 speaking as a member of the Coalition, not  
17 necessarily only as the representative of Ladera.

18           My name is Steve Leon, and I am speaking as  
19 a member of the Coalition of Homeowners  
20 Associations.

21           We are unifying in our opposition to the  
22 power plant and are still unified in our support for  
23 the proposed Baldwin Hills Park.

24           A coalition for the power plant and the park  
25 cannot coexist.

1           My coalition includes every community in a  
2 360-degree circle around the site of the proposed  
3 plant, every community -- no exceptions.

4           On the other hand, Commissioner, welcome  
5 back, and thank you for convening the second public  
6 hearing, thank you for taking the second site tour,  
7 and, on behalf of my wife, thank you for investing  
8 ten minutes in our backyard earlier today.

9           The last time, you did not tour our diverse  
10 communities, and this time we opened our homes and  
11 schools to you and staff.

12           You have now walked our streets, visited our  
13 neighborhood, walked with us, and you talked with us.  
14 You have now seen much more than the barren, brown,  
15 degraded piece of oil-soft ground in the working oil  
16 field that the Applicant showed to you on your first  
17 bus tour nearly three weeks ago.

18           The last time you were here on May 31, you  
19 asked us to speak to and identify fatal flaws in the  
20 power plant proposal.

21           My task is to challenge the presumption in  
22 the Staff Analysis that the Commission has no option  
23 but to approve the plant.

24           First, the Fatal Flaw Analysis requires that  
25 fast-track rules focuses on technical compliance with

1 the law.

2 The Commission claims there is no metric for  
3 community opposition.

4 Commissioner, there may be no metric, but  
5 there is precedent. On March 7, 2001, Sonar Energy  
6 dropped its plan to build power plant in South Gate.  
7 They dropped the plant after residents in South Gate  
8 voted two to one to reject that proposal. So there  
9 is precedent.

10 Second, the Application for Certification  
11 fails to site in any of its 27 pages, and various  
12 supporting documents, the fact that the power plant  
13 would be located inside the Baldwin Hills  
14 Conservancy.

15 I read every damn one of those pages.

16 Based on that Application, if we had not  
17 brought it to your attention, the Commission would  
18 not have known the Baldwin hills Conservancy exists.

19 Whether the omission is deliberate or by  
20 mistake, from one perspective, renders the  
21 Application incomplete, and, from another  
22 perspective, renders the Application misleading.

23 If I understand the Commission procedures  
24 correctly, the Commission cannot review an  
25 Application that is incomplete. The Commission

1 certainly can't approve an Application that is  
2 misleading.

3           Third, the Governor signed the legislation  
4 which created the Conservancy, and at his direction,  
5 the state paid for the acquisition. That is clear  
6 evidence of what the Governor intends for this  
7 property. His instructions are "Create the park."

8           That is all the direction the Commission  
9 needs to deny the Applicant.

10           (Applause.)

11           Fourth, the Commission is just 125 megawatts  
12 away from reaching the Governor's goal of 1,000  
13 megawatts of peaker power; however, the Commission is  
14 reviewing five projects, including Baldwin.

15           If the Commission approved them all -- and  
16 so far, the Commission has approved every project in  
17 front of it -- that puts 552 more megawatts into the  
18 grid.

19           That is way beyond what the Governor calls  
20 for. In fact, the Commission could deny four of  
21 those five projects in review, including Baldwin,  
22 approve Lancaster Energy Number 1 only, and still  
23 give the Governor 1,115 megawatts.

24           The simple fact is, this plant is not  
25 needed. This gives the Commission the ability to

1 deny the Applicant.

2 Fifth, if I read all the documents posted to  
3 the Commission web site, all of the other plants  
4 delivered every last megawatt that was generated  
5 directly to the public grid.

6 In contrast, Stocker keeps the first 13  
7 megawatts generated by Baldwin. It keeps that power  
8 and uses it to run the oil fields.

9 This cuts Stocker's electric bill by 500,000  
10 dollars a month by its own admission.

11 But it delivers just 40 megawatts to the  
12 public grid.

13 The Governor did not sign the Executive  
14 Order permitting fast-track approval in order to  
15 allow an oil company to build a private power plant  
16 that helps to solve the power crisis in California.

17 Only as an afterthought, only to the highest  
18 bidder, only after the oil company uses its own  
19 private power plant to first cut its own electric  
20 bill by six million dollars a year. This --

21 (Applause.)

22 (Reporter unable to hear speaker because of  
23 audience comments)

24 Sixth, the fact is today is Day 26 of the  
25 so-called 21-day-approval process. Obviously the

1 rules of the 21-day process can be flexed, and if one  
2 rule can be flexed, so too can every other rule.

3 In other words, the Commission has given  
4 itself the broad ability to deny the Applicant and to  
5 consider public opposition.

6 So let's look at this. The Commission is  
7 already outside the box; you have precedent; you have  
8 an incomplete or false Application; you have the  
9 Governors endorsement of the park; you don't need  
10 four of the five plants in the review process; you  
11 have an oil company with its own avowed interest,  
12 that wants to cut its own electric bills by keeping  
13 the first 13 megawatts for itself; and the rules of  
14 the 21-day fast-track approval process are already  
15 bent, if not broken.

16 In other words, if you can in fact vote to  
17 deny the Applicant, you can in fact vote to build a  
18 safe park that does not have a power plant driven  
19 into its geographic heart.

20 We invite you to work with us and vote to  
21 help us create the park, and vote to deny the  
22 Applicant.

23 Thank you.

24 (Applause.)

25 HEARING OFFICER GEFTER:

1 (Reporter unable to hear speaker because of  
2 audience comments)

3 Next.

4 MR. NICHOLAS: Thank you very much. I'm Tony  
5 Nicholas, and I'm the President of the United  
6 Homeowners Association.

7 (Applause.)

8 I'm very pleased that the legal staff that  
9 represents the UHA gave such a fine presentation, and  
10 we're looking forward to having the presentation read  
11 again in Sacramento when we're all up there again.  
12 You will see us.

13 After this meeting, those of you that are  
14 interested in going to Sacramento, see me, because we  
15 are putting a list together, and we are getting buses  
16 together, and we're going up there to Sacramento, so  
17 you will see us again.

18 I'll be very brief, because there have been  
19 many eloquent speakers that have come before you on  
20 this evening, but there are a couple points that I  
21 would like to make.

22 Number one, I really appreciated the fact  
23 that we had this tour today so you could, you know,  
24 put some faces on, you know, what we're talking about  
25 as far as our community is concerned. You had an

1 opportunity to see our school, a school that, when  
2 you looked at, when you stepped onto the playground,  
3 you could see where the site is going to be for the  
4 power plant and the 70-foot towers are going to be  
5 spilling that gas, and it's going to be there on that  
6 playground yard for our children to breathe.

7           You had an opportunity to drive around our  
8 community and see the homes that we all worked so  
9 hard to get, and you had an opportunity to link some  
10 faces when driving by Crenshaw and seeing our hood,  
11 where we work and laugh and play, and you had a  
12 chance to put a face on our community.

13           I have a concern about the presentation that  
14 was made by Stocker Resources, the good-neighbor  
15 policy, and giving up land so we could have Ladera  
16 Oil Field.

17           What I'm here to say is the only reason we  
18 gave up that land is that they were finished raping  
19 the land of all the oil and finished paying the taxes  
20 on the land by giving it up. This was no  
21 good-neighbor policy; that was an accounting policy  
22 that they had.

23           The staff -- the staff has a report, and I  
24 couldn't believe it. They were more concerned about  
25 the noise for birds rather than the noise for

1 people. We are human beings out here. We have to  
2 listen to that noise too; it is not just birds.

3 In closing, I would like to say that we  
4 will -- we will be in Sacramento; we will hear --  
5 they will hear our voices. The full Commission will  
6 hear our voices.

7 Mr. Pernell, I would like to say it is such  
8 a shame that only you are here today to see 400  
9 people here and see 500 people outside. I wish the  
10 entire Commission could be present here.

11 I would like to ask this. Nobody has asked  
12 this yet.

13 What about if the Commission could come down  
14 here on Friday rather than us going up there?

15 (Applause.)

16 PRESIDING MEMBER PERNELL: Well, I don't  
17 know that we can't. However, we haven't -- I haven't  
18 noticed that, nor have I talked to my colleagues  
19 about it. I would take it back, but I can't  
20 guarantee that we will, but I can tell you this:  
21 That we will welcome anybody who comes to  
22 Sacramento.

23 And one of the reasons I'm here is because  
24 we Commissioners -- as you know, we do power plants  
25 as well as conservation, so we have got people spread

1 all over, and there is only five of us, so this is a  
2 community that is concerned about what is happening  
3 to them; that is evident.

4 We are a Commission that are concerned about  
5 the input of communities, which I think is also  
6 evident by having a separate meeting here, so I can't  
7 answer the question. I will take it back, however.

8 MR. NICHOLAS: All right. I'll still put  
9 that list together just in case.

10 HEARING OFFICER GEFTER: Thank you very  
11 much. All right.

12 MR. NICHOLAS: We urge a no vote to this  
13 power plant.

14 HEARING OFFICER GEFTER: The next speaker,  
15 before you begin, we would like to take a break for  
16 our reporter. She's been typing for the last three  
17 hours. Let's give her a minute or two off.

18 We also have to replace the batteries. This  
19 -- this entire meeting is being video-taped. The  
20 video-tape will be taken to Sacramento and shown to  
21 all the Commissioners, and it will be available to  
22 community representatives also.

23 We're going to take a break for a minute.

24 (Discussion off the record.)

25 (Recess taken.)

1           HEARING OFFICER GEFTER: Mr. Willoughby, you  
2 had a few comments, and I'm going to ask you to come  
3 up first.

4           MR. WILLOUGHBY: Thank you. Good afternoon.

5           I would like to address a couple of issues  
6 that are very serious.

7           I heard from the Commissioner that one of  
8 the reasons why they are looking at this is this is  
9 an industrial area. Well, I would like to put a face  
10 on this industrial area.

11           I live on Sheraton, which is the first  
12 street west of La Cienega. From my backyard, from my  
13 bedroom window, and from my five-year-old's and from  
14 my 20-month-old baby's room, they will be able to see  
15 this power plant. This is not an industrial area.

16           In addition to that, there is several  
17 problems. One is we feel that there should be a  
18 thorough Environmental Impact Report done, especially  
19 since this is a power plant being built in the  
20 community as opposed to the industrial area.

21           The smoke stacks are 70 feet and will be  
22 visible to everyone that lives along the Ladera  
23 Crest, and as a representative of the Ladera Crest  
24 Homeowners Association, I don't believe this is a  
25 proper place for a power plant to be located.

1           In addition, when you talking about a power  
2 plant that is going to be here for 30 years, that  
3 will outlive the life expectancy of most of us here.  
4 You are talking about for the rest of our lives, this  
5 power plant will affect our community.

6           We believe that this is an improper use of  
7 this park and definitely unsightful.

8           As to whether or not Stocker Resources is a  
9 good neighbor, I'm sorry, there was a Ladera Little  
10 League back before you were here; it was merely  
11 rebuilt, and that was already in our community.

12           In addition to that, it's necessary, if you  
13 look at this park, it is bordered on the north by an  
14 African-American Community, Baldwin Vista; boarded on  
15 the east by an African-American community, where my  
16 mother lives, Baldwin Hills; boarded on the south by  
17 an African-American community, and on the west by the  
18 Ladera Heights community.

19           That's approximately 65 percent  
20 African-American. I'm sorry. This power plant is in  
21 the wrong place at the wrong time.

22           And as you related this to the technology, I  
23 have had to look at your old oil wells every day.  
24 You use old technology in those oil wells because  
25 what you do is you take the old rocking horses, and

1 you capitalize it for new rocking horses, and there  
2 is new technology out there where you can place oil  
3 wells underground, but you don't use it.

4           And so I anticipate that you will continue  
5 to use secondhand resources and facilities in  
6 building your power plant, and I'm sorry, I don't  
7 think my community nor myself nor my fellow residents  
8 should be exposed to any toxic chemicals that would  
9 be emitted from your facility.

10           In addition, I don't -- none of you up on  
11 this panel, I take it, live in Ladera, and at  
12 approximately 4:00 p.m. until 8:00 p.m., the wind  
13 blows, and it blows hard, in different directions,  
14 and when this wind blows, your emissions will be  
15 flowing in our backwards and into our homes. And I  
16 don't care if the smoke is invisible. That's the  
17 worst type of smoke because you can't see it coming.

18           One more minute. As a person that traveled  
19 down Slausson and La Cienega, we have a high density  
20 traffic situation already, and I can't see how you  
21 are going to have any evacuation plan if there is a  
22 serious problem, because there being no egress from  
23 the community, we will be landlocked, especially in  
24 Ladera if we can't exit on Slausson.

25           And for the rest of the community, this

1 power plant, I'm sorry, is bad business. It doesn't  
2 belong in this park; it doesn't belong in the area;  
3 it sure doesn't belong in the community and in the  
4 Baldwin Hills Park.

5 Thank you.

6 HEARING OFFICER GEFTER: Thank you, Mr.  
7 Willoughby.

8 Ms. Cooper, before you begin, it's been hard  
9 for you to get to the mike tonight, but because it's  
10 getting very late, we are going to try and limit  
11 comments to three minutes. So we have a timer.  
12 Okay. You are the lucky one.

13 MS. COOPER: I have a little housekeeping.  
14 Everyone with a sign, if you want them to go to  
15 Sacramento, please give them to Tony on the way out.

16 HEARING OFFICER GEFTER: That's fine. The  
17 timer is right there -- Mr. Glaviano -- and he will  
18 be starting the timer for three minutes. He'll tell  
19 you when you have two minutes left.

20 MS. COOPER: I'm Ronni Cooper, President of  
21 the Ladera Heights Civic Association. We have a  
22 neighborhood association that represents over 3500  
23 homes.

24 Not everyone who's affected by this power  
25 plant is black. Not everyone who's affected by this

1 power plant is poor. We're not poor, not black, and  
2 we don't want the power plant neither; that's  
3 simple.

4           Okay. I live in Ladera and it has been by  
5 home for 27 years. I cannot tell you why Stocker  
6 Resources is proud of themselves for cleaning up the  
7 air; it still stinks.

8           The other thing is noise. I can tell you  
9 every time they drill a new well because I hear  
10 everything reverberating throughout the community, as  
11 everybody else does that lives on either side of this  
12 project.

13           So you can tell me that they're going to  
14 mitigate the sound of the jet engines, but we had  
15 someone come and speak to us at our homeowners'  
16 group, and what they told us -- and he works by the  
17 Southern California Edison plant that has two jet  
18 engines -- when you are near those, you can't even  
19 hear anybody speak, even when there are hearing  
20 protectors.

21           I don't care if the solution is they are  
22 going to put up sound controls; it will still carry,  
23 as the sound does now, from the oil fields.

24           What do we need that for? We want the park  
25 developed for our community, not for ourselves. I

1 doubt I'll be here -- I don't know that I will be in  
2 my house, but people will follow me, and they're  
3 entitled to have a quality of life.

4           And that's what we're looking for, is  
5 quality of life. That gets taken away when our  
6 community is bombarded by parking lots, by proposed  
7 bus stations, by proposed maintenance, bus  
8 maintenance yards.

9           Culver City has all these intrusions into  
10 our community. It is a likely place to put things --

11           (Some words unintelligible and cannot be  
12           deciphered by the court reporter.)

13 -- and people try to put something or other on us,  
14 and this isn't going to happen either.

15           Being one of the people that worked on that  
16 little league field, the person who is responsible  
17 for the little league field being where it is  
18 Supervisor Burke, not Stocker Resources -- nobody  
19 else.

20           I'm proud of myself and my community. I  
21 think it is pretty clear we are opposed to this, as  
22 well.

23           HEARING OFFICER GEFTER: Thank you. Please  
24 state and spell your name, and we will start your  
25 three minutes.

1 DR. VOG: I'm Dr. George Vaughn. I'm a  
2 retired lawyer, and I'm a Ph.D. in economics.

3 HEARING OFFICER GEFTER: Spell your last  
4 name.

5 DR. VAUGHN: V-A-U-G-H-N I spell it, and I  
6 won't repeat the things that other lawyers have  
7 said.

8 I was asked to talk about personally one  
9 thing, and we made a study of it: What effect does  
10 this kind of industrialization have on the property  
11 values in the community in which it is located.

12 And your staff did not address that at all.

13 The facts are, and they are public facts,  
14 that a minimum of \$300,000 will be lopped off the top  
15 value of every property next to this in today's  
16 economy, and a maximum of \$500,000 and there are  
17 houses in View Park, where I live, that have sold in  
18 the last year for a little over a million dollars.

19 And I only have one little thing to say. If  
20 I, George Vaughn, have to pay for it myself, you'll  
21 be 20 years before you get to the United States  
22 Supreme Court on this case.

23 (Applause.)

24 HEARING OFFICER GEFTER: Please state your  
25 name and spell it for the record, and your three

1 minutes will start.

2 MS. JONES: Hi. My name is Robin Greene  
3 Jones, Robin like the bird; Greene as in green with  
4 an "E" on the end, and Jones as in Jones.

5 I'm President of the Orange Drive Homeowners  
6 Association. I just want to say that when the  
7 gentleman from Stocker Resources made his  
8 presentation, he stated -- and he was correct in  
9 doing so -- that the power plant is consistent with  
10 the operations, the current operations, of the site,  
11 which is now an oil field, gas and whatever.

12 What the needs to know is we don't want that  
13 either, and if we could do something to break that  
14 lease, trust me, we would.

15 So, from my vantage point, being here  
16 tonight, I learned something myself. The only true  
17 benefits in any of this is the increase in the net  
18 profit of Stocker Resources, and I just bet you guys  
19 spend more than 21 days crunching those numbers to  
20 ensure profitability.

21 So, what I want to say is that I don't  
22 think -- in fairness to you, I really don't think  
23 there is anything you could say to us about the  
24 minimal environmental impact that this would cause.

25 We want zero impact, so we really don't care

1 about all of the technical environmental issues being  
2 brought up -- I don't think we care. The truth is,  
3 we simply don't want it. It is ugly; it is  
4 inappropriate, and we don't want it.

5           And with this overwhelming opposition from  
6 the community, I have one question -- and I don't  
7 know who -- probably I need to address the  
8 Commissioner.

9           Could there be any overriding factor, other  
10 than the great opposition to this project, that could  
11 ever cause this approval.

12           And who would be responsible for making that  
13 final -- who has the authority for making that final  
14 approval.

15           Could anything -- what else is there that  
16 you need?

17           PRESIDING MEMBER PERNELL: Well, in terms of  
18 the final approval, that's done by the Commissioners  
19 once all of the facts are in.

20           And at this point, as you have heard, we  
21 don't have all of the facts, so what we're doing is  
22 taking testimony, taking all of the technical issues.  
23 I will do a Proposed Presiding Member's Decision and  
24 present that to the other Commissioners.

25           And we will vote on it. So in terms of who

1 has the final say, it is with the Commission of the  
2 California Energy Commission.

3 MS. JONES: Okay. And one other question,  
4 which was, what factors could override in this  
5 enormous opposition to convince you at all --

6 PRESIDING MEMBER PERNELL: What facts can  
7 override the opposition?

8 MS. JONES: What else is there to take into  
9 account? That's my question.

10 PRESIDING MEMBER PERNELL: Well, what we  
11 will take into account is the facts for the record.  
12 And what that has to do with does not come from me  
13 but come from all the technical folks and you.

14 And I think we heard a lot. We want the  
15 record to be complete.

16 I can't tell you anything other than we're  
17 going to review what's on the record. That's why it  
18 is important for everyone to get up and speak their  
19 mind about this particular project.

20 MS. JONES: Okay. You didn't answer it, but  
21 that's all right.

22 HEARING OFFICER GEFTER: Before we go on to  
23 the next speaker from one of the homeowners  
24 association, we also wanted to thank the West Los  
25 Angeles College for hosting us this evening. And

1 particularly, we want to thank the President, Mr.  
2 Frank Quiambao, who I don't know if he is still in  
3 the room. Thank you very much. This is a beautiful  
4 facility, the sound system beautiful, and it has been  
5 a real pleasure to work in this room. Thank you very  
6 much.

7           And also, now, who is next among the  
8 homeowners? Let's go. You folks work it out among  
9 yourselves, but we're going to go with three minutes.  
10 Please state your name and spell it, and then the  
11 three minutes begin. Thank you.

12           My name is Jewell Boutte, last name  
13 B-O-U-T-T-E, former high school principal in the  
14 community. Also, I was a resident and am a resident  
15 of Baldwin Hills; I belonged to the Baldwin Hills  
16 Estate for a period of time, and I lived in the Bay  
17 area.

18           And there is a lesson, I think, we can learn  
19 from them, and I'm here simply to share with you an  
20 observation that I saw there, in an area where there  
21 were at least four to five plants or so within a  
22 small amount of miles, and what happened in that  
23 situation.

24           There are several factory -- I mean  
25 plants -- excuse me -- in a certain corridor in the

1 East Bay, and it is true that 85 percent of the  
2 people who live in that area actually are people of  
3 color.

4           There have been several accidents in that  
5 particular area. The accidental release of chemical  
6 programs established by the power plant for the  
7 refinery failed to work, and the monitors of the  
8 emission release were not effective.

9           Therefore, there have been many explosions,  
10 and there have been many electric outages, and  
11 sometimes there have been many losses of lives.

12           Whenever there were accidents, we were not  
13 always notified in time to take cover or be safe.  
14 The alert was not done in a timely manner.

15           There is an ongoing release of emissions.  
16 Whether you see them or not, they're there, and if it  
17 just happens to rain, they really let go from those  
18 power plants. And they let go during the night.

19           There are an extraordinary amount of  
20 children who are suffering because of the air in this  
21 community. They have chronic respiratory conditions.  
22 They miss school a lot, they're eyes are red, and  
23 their asthma is so bad that they sound like radios  
24 going, even though the sound is really coming from  
25 humans.

1           They have lead poisoning; there are birth  
2 defects; there is a high incidence of cancers; and it  
3 goes on and on in terms of the health issues.

4           Once those plants are built, no one seems to  
5 really care about what happens to the residents, no  
6 one -- not even the environmental protection  
7 agencies.

8           I have witnessed these accidents where the  
9 explosion is happening, and you think the world is  
10 ending.

11           I have also seen the companies reach out to  
12 create a bridge between their companies and the  
13 community. And so, yes, there is a school in the  
14 backyard.

15           And what do they do? There are little perks  
16 given to the schools and other services provided,  
17 because sometimes -- is there a guilt feeling we have  
18 here?

19           So these things are given to us. They are  
20 little perks that are given to the community to kind  
21 of appease the community, because they know that  
22 those plants are dangerous.

23           HEARING OFFICER GEFTER: Ms. Boutte, time is  
24 --

25           MS. BOUTTE: In closing, I heard recently on

1 the news, just last week, that a power plant was  
2 being proposed in El Segundo, and that the community  
3 there opposed it. Is that true?

4 Bellflower, South Gate; it doesn't matter  
5 where it was, it seemed like there was a degree of  
6 respect given to the wishes of the people and their  
7 concerns in that community, and we would hope that  
8 you would consider the same thing in terms of our  
9 community.

10 (Applause.)

11 HEARING OFFICER GEFTER: Thank you. Please  
12 tell us your name and the organization you represent  
13 and spell your name for us.

14 MS. GREENE: My name is Mary Ann Greene. I'm  
15 President of the Blair Hills Homeowners Association.  
16 That Mary Ann is spelled Mary Ann -- with an "E" on  
17 the end, Greene.

18 Thank you, Commissioner Pernell and Madam  
19 Hearing Officer for visiting with us today, to take  
20 time out of your very busy schedule to do that and  
21 for creating a second hearing.

22 I don't need to add a lot to the other  
23 voices in opposing the power plant. At the last  
24 hearing, though, you mentioned that you would be --  
25 you would be taking testimony on issues in the staff

1 report and issues that we -- that appear to be fatal  
2 flaws.

3           And I wanted to do that very thing. I  
4 wanted to discuss what I think is a fatal flaw, even  
5 though you are going to give us a definition of it.  
6 But I use my own definition, which is essentially  
7 that a fatal flaw is an error that cannot be  
8 corrected and cannot ever be corrected, or at least  
9 it cannot be corrected in a timely fashion, given the  
10 21-day process. So that's the definition I'm going  
11 to use. And without any other definition, it seems  
12 to work okay for me.

13           I want to talk just very, very briefly about  
14 a failing in the staff report. I acknowledge that  
15 the staff cannot possibly have done a comprehensive  
16 report on this controversial site in the two-week  
17 time period that they had. But I do want to commend  
18 them on putting the references in and doing the kind  
19 of job they did in that short period of time.

20           There is an issue about the instability of  
21 the land that I had hoped -- I would have hoped that  
22 staff would have been able to do a great deal more  
23 investigation to.

24           We have a homeowners' association that  
25 effectively, I think, is a development of 241 homes

1 in the adjacent hillside known as Vista Pacific, and  
2 the issue we raised there is the issue I want to  
3 raise here, the geologic instability of the land.

4 That is, I believe that the land cannot  
5 support a great amount of building and tonnage, and  
6 even though you are saying that there is not going to  
7 be much building here, this plant is going to call  
8 for two exhaust stacks, seven stories high, or 70  
9 feet high, that will be concrete.

10 That's a significant tonnage added to the  
11 this area, unstable area.

12 We did hire a geologist, Richard Nieman, of  
13 Stanford to do an assessment of the area for us. His  
14 assessment included the entire Baldwin Hills area.  
15 He is also the investigator, chief investigator, for  
16 the Baldwin Hills Dam, that burst in 1963.

17 I was surprised that the staff report didn't  
18 even reference that, nor did it reference the 1983  
19 report that was done by the State, entitled, "Soils  
20 Developing in the Baldwin Hills Area."

21 (Some words unintelligible and cannot be  
22 deciphered by the court reporter.)

23 I would think that certainly any discussion  
24 of geologic instability would have at least  
25 referenced those two very vital issues.

1           Dr. Nieman pointed out for us that the  
2 ground shaking -- he called it something else, and I  
3 won't use the technical terms because I don't  
4 understand them that well -- but the geologic fault,  
5 the hazardous gas and fluid released from the oil  
6 field contribute to and exacerbate the already  
7 existing ground movement caused by the Newport Fault  
8 and the secondary Faults that run over and crisscross  
9 it.

10           He also commented to the Los Angeles County  
11 Geologist that the injection of waste fluids can lead  
12 to migration of fluids through and gases to the  
13 ground surface.

14           As a third involvement, in the Fairfax  
15 District --

16           HEARING OFFICER GEFTER: You have passed the  
17 three minutes. But the reports you refer to are very  
18 interesting, and perhaps when you finish your  
19 comments, you can speak to our staff about your  
20 references.

21           But we need to wind up your presentation.

22           MS. GREENE: Thank you very much. And I will  
23 wind it up. I just want to make one final comment.

24           You are giving us a false choice. There is  
25 no -- there should be no choice between parks and

1 power. We are entitled to both.

2 As citizens of this State, you are our  
3 representatives, and you are given the obligation to  
4 look after our well-being, and even though your job  
5 is to develop energy sources, your greater  
6 responsibility, I believe, is to take into account  
7 the well-being of the entire community.

8 And in order to do that now, we urge that  
9 you deny the Application. There is no way that we  
10 can have a park and enjoy it for generations in the  
11 shadow of a power plant.

12 Thank you.

13 (Applause.)

14 HEARING OFFICER GEFTER: Thank you very  
15 much.

16 Please tell us your name and what  
17 organization you represent.

18 MS. POST: Ann Post, P-O-S-T. I'm  
19 Vice-resident of Fox Hills Neighborhood Association.

20 HEARING OFFICER GEFTER: Your three minutes  
21 start now.

22 MS. POST: Yes. I'm going to tell you a  
23 personal story, take you on a journey.

24 We're in Baldwin Hills, and it is December  
25 14th, 1963. I have not heard it mentioned, until

1 Mary Ann just mentioned it, and I wondered.

2           We lost everything we had except the clothes  
3 on our back when Baldwin Hills Reservoir broke. The  
4 water came pouring down, and the current was so  
5 tremendous, the water destroyed everything in its  
6 path, including our home, my baby pictures,  
7 everything that we owned except what we were  
8 wearing.

9           Now, after we were recovered from the shock  
10 of this and worked with the L.A. City, helping us to  
11 try to develop an inventory of what we had lost, they  
12 had planned to rebuild the reservoir.

13           And what I would like you to know now is  
14 they were told they couldn't build it because the  
15 reservoir broke since it was on unstable ground, and  
16 they could not replace it.

17           We don't know why you don't have that report  
18 and you don't know. But the land is unstable. Mary  
19 Ann just spoke of it, and no one else has done much.

20           Now we are facing a power plant that most of  
21 us don't want anyhow, but seriously, there is no  
22 Environmental Impact Study. We don't know how sturdy  
23 the land is.

24           Are we going let our children play right  
25 next door to these towers? Are we going to let the

1 park be destroyed because we haven't studied the  
2 stability of the land.

3 I don't know how we can go ahead and let  
4 this be built on land that is probably very  
5 unstable.

6 Thank you.

7 (Applause.)

8 HEARING OFFICER GEFTER: Thank you very  
9 much. We're going to ask our staff to speak to Ms.  
10 Greene about that report -- if you want to speak to  
11 our staff, and perhaps tell them where they can get  
12 that.

13 Okay. Please go ahead. Say your name.

14 PRESIDING MEMBER PERNELL: Ms. Greene, go  
15 right there; someone will address you. Thank you.

16 HEARING OFFICER GEFTER: Could you please  
17 state your name and --

18 MS. HODGES: My name is Tina Hodges, and I'm  
19 talking today as a individual, but I'm part of the  
20 Fox Hills Neighborhood Association Board.

21 And I just want to express my frustration to  
22 the CEC since the last public hearing, because of all  
23 the meetings dates being changed, and so on and so  
24 forth. It has been very difficult for us, and we had  
25 to depend on our own communication through web sites

1 that we have had to create in our neighborhood,  
2 laderaheights.org; foxhillsneighbors.org. And this  
3 we shouldn't have to do to disseminate information to  
4 the public in order to get participation through our  
5 own efforts.

6 That's not part of the process, and I don't  
7 think that that's meant to be part of the due  
8 process. And so I would like to mention that.

9 And I would like to speak to the Applicant  
10 and ask him -- I'm sure both the Applicant and also  
11 Commissioner Pernell and the Hearing Officer -- I'm  
12 sure you've been to Baldwin Hills State Park.

13 I'm sure you've been to Central Park, and I  
14 hope that you come to this park. I hope that you  
15 make a decision to withdraw your Application, and  
16 that you come to this world-class park we're trying  
17 to build with your grandson or grandchildren, and  
18 say, with great pride, "You know, I made a choice to  
19 withdraw this Application. I found another creative,  
20 brilliant way to make money that I would have with  
21 this project. I found a more creative way," through  
22 the power of prayer, whatever you found -- some other  
23 creative idea -- "And I will walk through that park  
24 with pride and touch and smell and hear and listen  
25 and enjoy it."

1 Thank you very much.

2 HEARING OFFICER GEFTER: Thank you.

3 MS. CREVE: My name is Heidi Creve,  
4 representing the Fox Hills Neighborhood Association.

5 HEARING OFFICER GEFTER: Could you spell your  
6 name.

7 MS. CREVE: C-R-E-V-E. I am a 23-year  
8 resident of Fox Hills. Our community is opposed to  
9 the power plant.

10 Stocker Resources has owned the oil field  
11 for over ten years. Why did they not place a power  
12 plant on this so-called brown field site much  
13 earlier? Why did they wait until the fast-track  
14 method was put in place so they could bypass a full  
15 environmental review.

16 We are not impressed by the CEC Executive  
17 Director, Steve Larson's, written statement to State  
18 Senator Kevin Murray that, quote, "My staff is  
19 conducting a thorough review of all the emergency  
20 projects that addresses the full range of  
21 environmental and public health issues," end quote.

22 How can this be done in 21 days? We do not  
23 know.

24 The oil field worked by Stocker Resources  
25 peaked production in 1925. It has since declined in

1 production by 86 percent.

2 Over 40 million dollars has already been  
3 spent in purchasing land and planning for this park.  
4 Residents have dreamed of a park on this land for  
5 over 30 years.

6 We feel that this power plant would destroy  
7 the careful plans already in place to transition the  
8 land from oil field to park land.

9 These plans involved extensive technical and  
10 site analysis, community outreach, and biological  
11 studies conducted in the Baldwin Hills over the last  
12 three years.

13 I suppose they could have fast-tracked it  
14 and completed the work in 21 days, but they spent the  
15 time necessary to do the job correctly.

16 As you know, this is one of the most  
17 park-poor regions in Los Angeles County. Can you  
18 listen to the plans of long-term homeowners and  
19 dreams, including those of the one million people  
20 within a five mile radius of the park?

21 Or can you only listen to the short-term  
22 plans to increase the profits of a few oil men?

23 Thank you for listening.

24 HEARING OFFICER GEFTER: Thank you.

25 MS. FRANKLIN: Hi. My name is Sherri

1 Franklin, S-H-E-R-R-I. I'm a member of the View Park  
2 Estates Homeowners Association and also a member of  
3 Concerned Citizens of South Central Los Angeles, an  
4 African-American environmental organization here in  
5 Los Angeles.

6 I just wanted to point out a few technical  
7 things that were in the Staff Report, primarily the  
8 fact that 1990 census data was utilized when we  
9 actually have 2000 census data available.

10 And the City of Los Angeles and the County  
11 work very hard to make sure our census data is  
12 correct, and that we knew who was in our communities,  
13 and it is available for you on many web sites,  
14 including the City of L.A., the County of L.A. web  
15 site, and if you go to census dot-com, you can get  
16 the demographic, the economic, and also other  
17 information about our communities that you should  
18 research.

19 I'm President of the Department of  
20 Transportation Commission and a former Zoning  
21 Commissioner of the City of Los Angeles, and I just  
22 can't believe you are asking to waive the CEQA  
23 requirements --

24 (Some words unintelligible and cannot be  
25 deciphered by the court reporter.)

1 -- and actually money is being taken away from this  
2 park to build power plants. You are required to  
3 follow extensive CEQA rules just to put lights up in  
4 a park. I'm just not understanding why this is  
5 happening.

6           In the Staff Report, the other thing, it was  
7 mentioned that it would only create 2.5 additional  
8 trips per day, and I think you have to include the  
9 existing trips that are already occurring at Stocker  
10 Resources, combine those, and then you will know the  
11 full impact of what the trucks and the traffic that's  
12 happening both on Fairfax and Stocker, and what  
13 happens along La Cienega when we have a problem with  
14 that street, how far it backs up traffic all the way  
15 down to Hollywood, all the way to Beverly Hills.

16           We have to also combine what's going to  
17 happen during construction. We cannot just say that  
18 once this is built, we're not going to have impact,  
19 detailed information, about the impact of building  
20 this facility, for the impact of the trucks; how they  
21 are going to come by, extensive drainage that comes  
22 down Stocker, through View Park Estates.

23           I cannot tell you the additional assessments  
24 that we have had to pay because of the dirt that  
25 comes down Stocker Boulevard that backs up into our

1 drainage right at the bottom of the hill, but we have  
2 to pay for that, and that's coming right down from  
3 Stocker Resources.

4           The other thing is Stocker Resources is not  
5 a good neighbor. A good neighbor would care about  
6 what the community would like to see every day. How  
7 about some green? How about some trees? How about  
8 just something better for all of the residents who  
9 are trying to improve those communities. Anything.  
10 We have asked for better fencing, and there is a lot  
11 of things that you could have done before today to  
12 prove that you were a better neighbor.

13           The other issue, with regards to CEQA, I'm  
14 so happy the other homeowner brought up the fact that  
15 we are in a geographically unstable community.

16           We have many different earthquake faults and  
17 zones in our area. We can't even build housing  
18 without structural steel in many of our areas, and  
19 the communities, I know, at the top of many of the  
20 hills, they can't do anything over there because of  
21 the earthquake faults under there.

22           And when you are building a tower that high,  
23 how far you have to trench -- with at least 70 feet  
24 up, you have to go 70 feet below, in order to build,  
25 you know, something that is going to stand erect,

1 that tall.

2 So we need to be involved, and we need to  
3 get our Building and Safety Department involved if  
4 CEQA is going to be waived.

5 We still have to safety requirements, we  
6 have to make sure we are complying for this  
7 particular project, and I want to know how that is  
8 going to be mitigated, all of the issues, regarding  
9 construction during this process if you ignore the  
10 community's need and the desire to not have this  
11 plant built in our community and ignore our requests  
12 for adequate information as to how this is going to  
13 happen.

14 Thank you.

15 HEARING OFFICER GEFTER: Thank you. Time is  
16 up.

17 I did have a question for you with respect  
18 to the census data you referred to. Can you walk  
19 over and speak to Mr. Johnson and tell him about the  
20 data you have available.

21 Thank you.

22 MS. WILLIAMS: Carla Williams,  
23 W-I-L-L-I-A-M-S. And I'm a Baldwin Hills homeowner.

24 I have been a resident of Baldwin Hills for  
25 the better part of 38 years. My parents moved there,

1 and my husband and I bought a house on the street  
2 that I grew up on.

3 I have a four-year-old son who's not here  
4 this evening because, for the first time in my life,  
5 I'm really concerned about the safety of the area.  
6 And in the event that that power plant opens, as a  
7 parent, I cannot have my son feeling that he is  
8 living in an unsafe area. My husband and I made a  
9 decision to leave him home on that count alone.

10 Now he knows about the power plant. He  
11 has --

12 (Some words unintelligible and cannot be  
13 deciphered by the court reporter.)

14 -- petitioned, with me, to stop it. He was at the  
15 valley yesterday.

16 We have children that live in this area.  
17 This is a home to us. This is not an economic  
18 entity; this is a community.

19 There was an article in the "L.A. Times"  
20 last week, which I don't know if representatives from  
21 Stocker Resources have had the opportunity to read,  
22 that spoke in depth about the pride of the Crenshaw  
23 community, which is not strictly the affluent.

24 These are people that have worked hard and  
25 take pride. We cannot sit quietly while our safety

1 is taken away, from a health standpoint and from an  
2 economic standpoint, if we go to 300- from 500,000.

3           Where is the safety for our children? When  
4 my parents bought that home, they frankly landed  
5 there by accident because the real estate company  
6 refused to sell to them in any other part of the  
7 city.

8           My mother looked up and she said, "You know  
9 what? We'll keep our money."

10           So what they did was they simply looked in  
11 one more place. They looked in Baldwin Hills, and  
12 she has been on the street ever since. We're there  
13 now, and ironically close to 40 years later, we are  
14 looking at the loss of an area that has been home to  
15 us.

16           We have seen the baseball field. I took our  
17 four-year-old and said, "Honey, you are going to be  
18 able to play next year."

19           Not if there is a power plant across the  
20 way. There is no way in the world I would ever allow  
21 our sons out there, like he deserves to play little  
22 league.

23           I will work to do everything I can to stop  
24 this plant from going up. We need our home safe.

25           Thank you for hearing us.

1 HEARING OFFICER GEFTER: Thank you, Ms.  
2 Williams.

3 MR. HALL: Calvin Hall. I spelled it the last  
4 time. I got my card.

5 HEARING OFFICER GEFTER: Spell it again for  
6 the reporter.

7 MR. HALL: H-A-L-L, Calvin Hall, retired  
8 Deputy County Superintendent of Schools.

9 And I am here, and I would like, for the  
10 staff -- two points I would like to make, but I would  
11 like for the Commissioner staff to have a copy of  
12 this.

13 In the Report, there are only two points I  
14 want to make -- there are other issues, but I just  
15 want to cover two points.

16 If you will turn to Page 2 and excuse the  
17 artwork -- not dealt with this before -- the AQMD  
18 will deal with this -- I have lived in the area 30  
19 years -- over 30 years.

20 If you look at the diagram in the report,  
21 there is nothing that deals with the flow patterns of  
22 the air, if you look at La Cienega, La Brea, and  
23 Stocker and Crenshaw, that is all hilly terrain.

24 There is a down draft that occurs as a  
25 result of that. In addition, that down draft shifts

1 in accordance with the arrows. We see this all the  
2 time. We have lived with it over 30 years. A  
3 tremendous down drift.

4 In addition to that, when the arrows get  
5 down to Rodeo, there is a major sewer that runs under  
6 ground there all the way to the corner, and when  
7 they go up from there, loaded with the overflow and  
8 the down drafts from over the back of the hills, it  
9 is absolutely terrible.

10 And we are asking the Commission to ask the  
11 AQMD that is going to do the study to make sure these  
12 arrow points are considered in their evaluation and  
13 their analysis. That's the first point.

14 The second point is on Page 3. Earlier,  
15 people mentioned the fact that there are students in  
16 the schools. If you will look at the list, there are  
17 at least 14 schools in the footprint area. It is not  
18 one school or two or three. 14 schools.

19 And if you will look at the population of  
20 those schools, the student population, there are over  
21 18,000 students within the footprint area.

22 With that, I will stop and say that our  
23 homeowners association is opposed to the plant, and  
24 we would hope that the Application either be rejected  
25 or that it be withdrawn and that you have this report

1 available to address the issues contained.

2 Thank you.

3 HEARING OFFICER GEFTER: Thank you. Are  
4 there any other homeowners' association  
5 representatives?

6 Yes. Okay. This lady too.

7 MS. LIGHTNER: My name is Martha E. Lightner,  
8 L-I-G-H-T-N-E-R, with the Baldwin Hills Homeowners  
9 Association, representing Don Jose Drive.

10 I'm also a victim of the Baldwin Hills fire.  
11 We lost everything.

12 This area has a history of being impacted by  
13 the lack of long-range planning. The Baldwin Hills  
14 Dam failure and the disaster fire were the results of  
15 a fire they were fighting in Ojai, and there was no  
16 one to protect us.

17 I want to address the magnetic field. The  
18 major concern, when a generating facility is  
19 operational and producing enormous amount of voltage  
20 and electric current, is an electromagnetic field is  
21 created.

22 I am a science teacher for L.A. USD.

23 Some of the questions are, "What is the  
24 intensity?

25 "How far will it reach into the community?

1           "What impact does it have on the human  
2 organism.

3           "How will it impact radio-television cables  
4 and computer operations?

5           "Why is this not addressed?

6           "What are the possible underground  
7 etiological impacts due to discharging of cooling  
8 water at the facility's location near the earthquake  
9 fault?

10          "Are the water cooling towers servicing the  
11 turbines reciprocal, or are they recirculating?

12          "What are the effects of the prevailing  
13 winds?"

14          We've addressed that.

15          "Will the chemicals in the steam vaporize  
16 and be dispersed under our conversion layer?

17          "Will residents be compensated for the  
18 decline in the market value of our homes  
19 should the facility be constructed and become  
20 operational?"

21          I built my home 40 years ago with my late  
22 husband.

23          "What is the impact on our area?"

24          We have reason to believe that the efforts  
25 by the State to get the facility done and on line as

1 quickly as possible, ignoring the safety and health  
2 factors of the community, is basically due to the  
3 growing unrest of the voting public regarding  
4 run-away utilities bills and the fact that  
5 politicians, both Democrat and Republican, made an  
6 aggrievous decision to stop utilities from owning  
7 electric generating facilities.

8           Their political longevity may be cut short  
9 in the next election by our voters --

10           (Applause and cheering.)

11           (Reporter unable to hear speaker because of  
12 audience comments)

13           -- regulatory bodies to cut corners and  
14 ignore human safety for self benefit, the Governor's  
15 ability to waive the impact studies and to add just  
16 one plant at his will is a very serious concern.

17           Many of our residents received a brochure  
18 about a facility known as Baldwin Energy.

19           How adequately were the questions on the  
20 brochure answered.

21           And who financed and produced this brochure?

22           Thank you for your attention.

23           HEARING OFFICER GEFTER: Thank you very  
24 much.

25           Another question? Go ahead.

1 MS. PERSON: I am Mary Person, and I'm a  
2 resident in Baldwin Vista.

3 Our community is located between La Cienega  
4 and La Brea and also between Coliseum and Stocker,  
5 so therefore, the new plant would be in our backyard,  
6 is really what this amounts to.

7 There were a couple questions that I had the  
8 other day for the Stocker representative to answer,  
9 and I didn't -- we did not receive an answer to it.

10 And that was, what was the proposed site for  
11 the plant?

12 And primarily the reason for asking this  
13 question was that there were a number of homes that  
14 are in the Baldwin Hills community that were  
15 identified as being 500 feet from the site or some  
16 portion of the site.

17 I have a feeling that there are plans for  
18 more than we know about. In our particular  
19 community, we didn't even know about the hearing that  
20 was being held on May the 31st. We found out by way  
21 of a person just passing the word around that there  
22 was something going on.

23 Then we were told that it was going to be --  
24 the next meeting would be held or an event would be  
25 held on the 20th of June.

1           That was a wrong date. People in the  
2 community had informed others of that particular  
3 date, and then instead, it was rescheduled to the  
4 18th.

5           We really feel insulted because we were not  
6 really given an opportunity to assess what was going  
7 on. We had not heard anything, and it's just tragic.  
8 It is really tragic.

9           We happen to be in the sediment of Baldwin  
10 Hills that suffered the most from the break of the  
11 damn. The water flowed down, and as you heard others  
12 say, it destroyed many of the homes in our area.

13           My husband and I and our family have been in  
14 that community for 28 years. Many of the residents  
15 have been there 30, 35, even up to almost 40 years,  
16 those that were not affected by the water, and in  
17 some cases, they actually rebuilt.

18           So now my question is, why are some homes  
19 that are located on Stoneview viewed as being 500  
20 feet from the site?

21           I ask that question.

22           PRESIDING MEMBER PERNELL: Who -- on staff?

23           MS. PERSON: This is in the Application.

24           PRESIDING MEMBER PERNELL: That's in the  
25 Staff Assessment?

1           MS. PERSON: I guess you call it Staff  
2 Assessment. I don't know. Because the school that  
3 is located on that particular street is identified as  
4 being that close.

5           There are homeowners whose names are listed  
6 as being that close. There are no homeowners that  
7 are identified in our community, and we have some who  
8 are going to be right in the -- less than probably  
9 500 feet from the location of the site.

10           And you are welcome to come and view it, if  
11 you would like to. I mean, it is just an insult, and  
12 we knew nothing of it.

13           PRESIDING MEMBER PERNELL: Let me see if I  
14 can get your question answered.

15           MS. PERSON: Okay.

16           PRESIDING MEMBER PERNELL: Was that in your  
17 Application?

18           MS. PERSON: It's names and addresses of  
19 property owners within five hundred feet of the  
20 project site or related facility.

21           MR. WILBURN: The answer is, Commissioner,  
22 that we complied with the notice requirements of the  
23 California Energy Commission staff, as presented.

24           I don't have the exact list in my memory  
25 bank -- excuse me -- but we'll check that.

1           MS. PERSON: The other item that I had a  
2 concern with, because I had it with me today, and  
3 that is the information brochure that had been  
4 prepared by the U.S. Army Corps of Engineers in  
5 reference to the Baldwin Hills land-slide study.

6           And, in essence, the land is probably  
7 unstable, and I would say probably almost everything  
8 Stocker is doing is making it even more unstable.

9           And that's my comments.

10          PRESIDING MEMBER PERNELL: Thank you very  
11 much.

12          MR. MINTZ: Good evening. My name is Jeffrey  
13 Mintz, and that's M-I-N-T-Z, as in zebra. I represent  
14 the Village Green Homeowners Association.

15          And for those of you who are not familiar  
16 with Village Green, it is boarded on the north by  
17 Rodeo, to the west by La Cienega, to the south by  
18 Coliseum, and to the east by La Brea.

19          Village Green, in January of 2001, became a  
20 national historic landmark. It is something Village  
21 Green residents and myself are very proud of.

22          And the reason why the Village Green -- at  
23 least one of the main reasons that the Village Green  
24 became a national historic landmark is because it is  
25 an urban forest, and in fact, it is one of the few

1 urban forests in the United States, definitely the  
2 only one within nine western states.

3           The Village Green contains 2000 trees.  
4 These trees are over 60 years old, and they are of  
5 specimen tree size and shape. There is a number of  
6 species of trees that are in the Village Green that  
7 are in no other place in Los Angeles, and just  
8 recently, last week, I took a walk with the arborist,  
9 the consulting arborist, for the Village Green, and I  
10 was noticing that several trees were in decline, and  
11 he commented that those trees were dying. And in  
12 fact, one of them was dead. It was a Liriodendron  
13 tree or tulip tree.

14           And he mentioned that the reason why those  
15 trees were dying is because of the air pollution  
16 that's within the air.

17           I told him that the air pollution would  
18 probably increase because there was a proposed power  
19 plant that will be put just very close within our  
20 backyard.

21           And he said that if the power plant is to be  
22 built, that at the minimum, we would lose ten percent  
23 of the trees, depending on the amount of pollution  
24 that would be emitting from these power plants, and a  
25 maximum of 50 percent of the trees would die within

1 the Village Green.

2           The Village Green is really a national  
3 treasure, and for us to lose this amount of trees  
4 would cost millions of dollars to replace because the  
5 value of the trees within the Village Green range  
6 from 30,000 to 300,000 dollars apiece.

7           These include redwood trees, and again, the  
8 Village Green is the only place that has them.

9           There is a Macaranga, which is indigenous to  
10 the Amazon, and there is other unusual trees. I  
11 don't want to see these trees lost. The Village  
12 Green could not afford to replace those trees, and if  
13 enough trees were to die, the Village Green would no  
14 longer be an urban forest and therefore would no  
15 longer being a national historic landmark.

16           So I urge you not to approve of this power  
17 plant and help preserve this national treasure for  
18 all of us.

19           Thank you very much.

20           HEARING OFFICER GEFTER: Thank you.

21           Somebody else from a neighborhood  
22 association who hasn't spoken yet?

23           MR. HUTCHENS: Good evening, Commissioner and  
24 your Committee. My name is Spencer Hutchens, and I  
25 am President of the Punta Alta Homeowners

1 Association.

2 HEARING OFFICER GEFTER: Spell your name.

3 MR. HUTCHENS: H-U-T-C-H-E-N-S.

4 PRESIDING MEMBER PERNELL: Spencer?

5 MR. HUTCHENS: S-P-E-N-C-E-R.

6 First we want to say thank you so much for  
7 having toured our area today. You know where we are,  
8 the perimeter of the park, and that it is a very nice  
9 place to be.

10 We are very happy with our homes. We are  
11 very concerned what is going on here. Of major  
12 concern is the fact that there has been no  
13 environmental study completed that was studied by  
14 you. We think something must be done.

15 We are very concerned about the quality of  
16 the management group. They need to understand what  
17 is going on, and we need -- I think you need to have  
18 that report.

19 I think you recognize that in your report  
20 that has not been completed, and perhaps not been  
21 used to make some decisions. But very, very  
22 important.

23 We think that if things continue, like the  
24 Application, it would be an assault on the humanity  
25 represented by the hard-working tax-paying citizens

1 of Baldwin Hills.

2 We have tried so much in this neighborhood  
3 to improve it. Many of us were there when the park  
4 was first conceived, so we had something to do with  
5 working with the Commissioner and also the people who  
6 had the responsibility for getting money approved for  
7 it, and we think it is something that we are very  
8 proud of.

9 We would like to see it continue because we  
10 think it must be continued in order for our kids and  
11 our grandkids to understand and what it is like to  
12 have a good life.

13 So we ask that the Application be rejected,  
14 and I urge that we consider the testimony of everyone  
15 that you have heard here, especially from the doctor  
16 from USC.

17 I think he was right on, and we think this  
18 is the way to go.

19 Thank you very much for your attention.

20 HEARING OFFICER GEFTER: Thank you very  
21 much.

22 The Applicant had some comments on one of  
23 the earlier questions.

24 MR. WILBURN: Yes. One of the questions was  
25 specifically the requirements of notification.

1           The requirements of notification were of  
2 names and addresses of all property owners within 500  
3 feet of the project site.

4           There are no homes within 500 feet, and we  
5 did comply with that request.

6           HEARING OFFICER GEFTER: Thank you.

7           UNIDENTIFIED SPEAKER: What about the  
8 individuals listed in your Application?

9           HEARING OFFICER GEFTER: You need to come to  
10 the mike.

11          MR. WILBURN: The thing is, that that was  
12 elicited, the property owners, and that was what  
13 was --

14          UNIDENTIFIED VOICE: There are residents on  
15 Stoneview. What would be the --

16          HEARING OFFICER GEFTER: You need to  
17 actually -- you know what? Come to the Mike and ask  
18 the question.

19          UNIDENTIFIED SPEAKER: My question is the  
20 persons identified in the Application who live on  
21 Stoneview, including the elementary school site.  
22 Okay? And notification was supposedly given to them;  
23 however, the persons on one side of the street -- one  
24 of the individuals who lives directly in front of the  
25 school was here tonight, and I asked her if she had

1 heard anything or had their community organization  
2 heard anything about that, and they had not. All  
3 right.

4           There is another person who is here who also  
5 has said that that community had not received any  
6 information, yet you have names of persons who are  
7 identified as being notified because they are five  
8 hundred feet from the proposed site.

9           What is it that is going to be there?  
10 That's the question. Why would you identify them?

11           MR. WILBURN: We were required by the  
12 California Energy Commissions Guidelines, number one,  
13 to send notices to all affected property owners  
14 within 500 feet of the project site.

15           UNIDENTIFIED SPEAKER: The project site is  
16 been La Cienega and La Brea north of Stocker. These  
17 residents live west of La Cienega. Did you know  
18 that? That is why I asked the other night what was  
19 the proposed site?

20           MR. WILBURN: I believe it is from the  
21 center of our proposed facility, my understanding,  
22 and I would probably have to direct this -- but my  
23 understanding is that it is going to be the center of  
24 the proposed facility within a 500-foot radius.

25           UNIDENTIFIED SPEAKER: What I'm saying is it

1 looks -- it does not look right because in the  
2 Baldwin Vista area, there are people who are closer  
3 to the site than these individuals, and I'm not  
4 trying to say they are not concerned, because they  
5 are very concerned. But it sounds like to me there  
6 is something else that would possibly end up at that  
7 location.

8           Why would you have to notify them and yet  
9 the individuals who live in that community said they  
10 have not heard anything?

11           MR. WILBURN: I can only speak on behalf of  
12 La Jolla. The Application is complete, and that's  
13 the facility that we are going to locate at that  
14 particular location, and --

15           UNIDENTIFIED SPEAKER: That's on the west  
16 side of La Cienega, and you described to us it was on  
17 the east side of La Cienega.

18           MR. WILBURN: Again, all I can -- all I can  
19 say is we attempted to comply --

20           UNIDENTIFIED SPEAKER: You better get your  
21 information correct.

22           MR. WILBURN: Thank you for your  
23 assistance.

24           HEARING OFFICER GEFTER: Are there any other  
25 homeowners -- representatives of homeowner

1 associations?

2 MS. YOUNG: Good evening. My name is Opac  
3 Young, O-P-A-C Y-O-U-N-G. I represent the Baldwin  
4 Hills Crenshaw Homeowners Coalition.

5 A lot has been said tonight. Our community  
6 has really shown a presence here and interest in  
7 what's going on.

8 I feel that we should not be before you on  
9 our knees asking you to allow us for our well-being  
10 and the quality of life. This is something -- this  
11 is our right; it is not a privilege.

12 We have fought long and hard in these 21  
13 days that you put upon us.

14 I don't know whether the Governor was aware  
15 of his intangible decision to permit a fast-track  
16 plant to be built here, and I think there should be  
17 some area of questioning of the Governor from the  
18 Commission, knowing that all of the necessary basic  
19 analyses have not been done, especially EIR and air  
20 quality.

21 That's life right there. But you continue.  
22 We are here again tonight, which is a very  
23 unnecessary meeting.

24 You have heard civilly, legally, and  
25 technically what this plant will do to our

1 community. But yet, we are still here, and we got to  
2 go some more. We'll be up in Sacramento on Friday.  
3 Hopefully everyone that was here will be there.

4 I -- I have a lot of comments to make, but I  
5 will cut it short because it's getting late, and we  
6 all have to get home, and most of us have to work in  
7 the morning, so, we want you -- we are asking the  
8 Commission to deny the Application; we are asking La  
9 Jolla to withdraw the Application, either one or  
10 both.

11 HEARING OFFICER GEFTER: Thank you. Are  
12 there any other homeowner association representatives  
13 other than that?

14 Okay. We're going to move on to  
15 individuals.

16 Mr. Royal has been waiting to talk to us.  
17 He has some photos, and I understand you just have a  
18 couple comments and you also have pictures?

19 MR. ROYAL: Hello.

20 HEARING OFFICER GEFTER: State your name and  
21 spell it for the record.

22 MR. ROYAL: Ed Royal, and I'm a resident of  
23 the area, and I'm an engineer and have worked with  
24 Cal. Tech for more than 25 years.

25 And one of the major research efforts that I

1 did there was solar energy research, and I led a team  
2 of research for colleges and universities on sitings  
3 of terrestrial solar systems, but I'm not an expert  
4 on gas turbine systems and gas, but I am -- I know a  
5 little bit, and I'm interested in what's going on  
6 here.

7           One of the things I decided to do, since I'm  
8 in this short three-minute time, is to show you and  
9 turn over to you, Mr. Pernel, some photographs that  
10 I think are needed by you in your presentation and  
11 your communications with the other Commissioners.

12           They will kind of hear that you visited some  
13 homes and some parks and places, but I've taken -- I  
14 went out with my digital camera on the weekend, and I  
15 took some pictures of the park, the park with people  
16 in it, and it shows the lake, the people fishing, and  
17 some homes standing near the site where Stocker  
18 Research is, and seeing homes in the background from  
19 the site, and so it will be more realistic to you.

20           So I think it would be a useful  
21 communication, and you can -- I would like to have it  
22 put in the record also so that you can have  
23 photographs other than the ones that are already in,  
24 so these are them.

25           Now, I have one other thing here I would

1 like to also add to the record. I have a hard copy --  
2 and I got additional copies if you want additional  
3 ones -- but I have another thing I want to add to the  
4 record, and I'll come at it with a one-minute preview  
5 of what it is all about.

6           It is dated June the 11th, 2001. That's  
7 Monday, and everyone remembers that June the 11th,  
8 last Monday, was the day that Timothy McVeigh was  
9 executed, and it took over the news and everything.  
10 Everything we saw on television was about that, and  
11 we saw more than we wanted to hear about it --  
12 horrible thing -- and we just didn't want to hear  
13 very much about it, but I guess what happened on June  
14 the 11th also is the "Los Angeles Times," in their  
15 world-class newspaper that no politician would  
16 probably ever go to bed without reading the "L.A.  
17 Times" to know what is going on -- and that is well  
18 known around the world -- they had in the morning  
19 paper, their editorial staff had decided that they  
20 wanted to write an editorial not about the Timothy  
21 McVeigh case and other things, but they -- they wrote  
22 an editorial, and there is -- and I brought a copy  
23 that I would like for you to put in your portfolio to  
24 show to the other members that the "L.A. Times" says  
25 no to this.

1           And they have a good rationale for why this  
2 park should remain, and I would like to have it put  
3 into the record so the other Commissioners will know  
4 this also, that the "L.A. Times" has come out with a  
5 recommendation on the Editorial Page saying that this  
6 park should not be built.

7           HEARING OFFICER GEFTER: Thank you very  
8 much. We'll take that into the record. Okay.

9           Also I understand that -- there is Mr.  
10 Theodore Irving has Petitions -- is Mr. Irving here,  
11 from the United Homeowners -- and you have Petitions  
12 that you wanted to enter into the record? Is that  
13 what you are intending?

14          MR. IRVING: Yes, I have some petitions here  
15 to enter into the record.

16          It is also my understanding that staff and  
17 the Public Adviser has already collected a hundred  
18 and fifty pages already, so I want to make certain  
19 that's included in the staff report.

20          HEARING OFFICER GEFTER: Okay. Yeah, we are  
21 going to take those, and we'll include them in the  
22 record, and the Public Adviser has indicated she has  
23 additional petitions, and we'll put them all into the  
24 record. Thank you. All right.

25          We also understand Mr. Mike Scavo -- are you

1 still here? Yes? Would you like to come forward.

2 Mr. Scavo, do you want to come forward and make a  
3 presentation?

4 MR. SCAVO: Hello. Mike Scavo, if you  
5 remember me from Lancaster two weeks ago. It's  
6 S-C-A-V-O, my last name.

7 Mr. Pernell, I wanted to state that after  
8 the Huntington Beach situation, I will not allow that  
9 to happen in any other community.

10 I have a couple questions to ask the man  
11 from La Jolla Energy.

12 When is this park slated to be built, the  
13 new park? Is it on the docket? I mean, when is this  
14 park supposed to be built? I'm talking about --  
15 because what I saw on the bus two weeks ago, this was  
16 away from the park that I saw.

17 The way they are talking, this is right next  
18 to the park. Is there a park scheduled, or is that  
19 30 years away, or what?

20 (Reporter unable to hear speaker because of  
21 audience comments)

22 HEARING OFFICER GEFTER: We can't have  
23 people talking from the audience, so, is that your  
24 question?

25 MR. SCAVO: That is my question.

1 HEARING OFFICER GEFTER: You are asking the  
2 Applicant that question. Mr. Wilburn?

3 MR. WILBURN: The facility is on a lease --  
4 and we have the executed lease signed -- that is  
5 consistent with the oil lease, and at the end of the  
6 oil lease -- which is expected to be 30 years -- then  
7 there are other contingency plans. The landowner of  
8 that particular park would have to determine the  
9 use. It's not in the park proper.

10 MR. SCAVO: Now I want to give my  
11 presentation, if you start the timer.

12 Mike Scavo is my name, and I am here for one  
13 reason, and I go to Lancaster, and I go wherever I  
14 can to speak in any of these hearings, because I  
15 started out in Huntington Beach, and I just talked to  
16 a lawyer about one of these neighborhood foundations  
17 that we actually used.

18 And we got, in Huntington Beach, gamed by a  
19 company, A. E. S. Williams, and they started out  
20 saying they were going to be building Plants three  
21 and four, and they lied in front of the same  
22 assemblyman and all of that.

23 And, because of that fact, I produced  
24 letters, and I went there, and they actually have to  
25 go up in front of the State Commission, and then the

1 fast track came, and they lost that.

2           They were supposed to go forward with new  
3 powerhouses, clean powerhouses, and when they got to  
4 build, they rebuild a beat-up, old 1961 Powerhouse  
5 that is going to destroy the economy of Huntington  
6 Beach, because the economy of Huntington Beach works  
7 from tourism, and because the outflow of that plant  
8 is not going to be up to par, you are going to have  
9 no tourism, because of the outflow of the sewage  
10 treatment plants.

11           I go and I research people, because my  
12 people will build them if they are right. And I  
13 researched this gentleman over here. And I followed  
14 him up to Lancaster. And Lancaster voted five O five  
15 O for it. There wasn't one person there that came  
16 out against these people.

17           I came down here -- and I didn't get to  
18 speak at the last one, and I'm going to speak right  
19 now -- I'm going to tell you people right now, if  
20 this thing is a go -- and there is a pretty good  
21 chance it will go -- this is valid, real gentleman  
22 right here.

23           He builds powerhouses right. He used to be  
24 in charge of L.A. Signal, where they put 18 up in  
25 Northern California, he did it with Union, and he did

1 it the right way. He did it with certified  
2 mechanics.

3 (Reporter unable to hear speaker because of  
4 audience comments)

5 MR. SCAVO: That is not up to you, is it.

6 I will tell you one thing, I've waited, and  
7 I have waited way too long to speak the truth here.  
8 Okay. And what I'm saying is this -- you see the  
9 respect you get?

10 I believe that Stocker is proactive, and  
11 I'll tell you, I also researched Stocker. And the  
12 reason why Stocker wants to spend this 13 percent, or  
13 whatever it is -- that 13 megawatts -- is because  
14 they got diesel generators sitting on trailers out  
15 there. And when your kids play in the park, I am  
16 sure you would rather have them play around a  
17 clean-burning powerhouse than a diesel generator that  
18 has got to fire up because their oil --

19 (Reporter unable to hear speaker because of  
20 audience comments)

21 MR. SCAVO: Can I speak, please, sir? Can I  
22 speak?

23 PRESIDING MEMBER PERNELL: Let's be  
24 courteous, let's be courteous. It is getting late.  
25 Everybody else he has sat through, and he has a right

1 to speak.

2 MR. SCAVO: And I've researched my  
3 presentation. The fast-track states that you cannot  
4 have diesel-burning generators. It states you have  
5 to have a valid generator facility. All right.

6 The fast track is what these guys filed  
7 under. The fast track is what we are deciding right  
8 now.

9 If you have an energy blackout, they got to  
10 fire up these diesel generators on trailers that  
11 produce a whole lot of pollution out there. And this  
12 is your alternative to a clean-burning powerhouse.

13 PRESIDING MEMBER PERNELL: Okay. Please.  
14 We need you to get to your summation, please.

15 MR. SCAVO: In summary, what I'm saying is  
16 this: They're judging on fast track, and believe me,  
17 I saw it. The fast track is -- you are all judging  
18 on what the fast track is.

19 Read what the governor has put into the fast  
20 track, and a lot of this stuff here is just going to  
21 go right by the wayside.

22 I do appreciate the time, and you know who I  
23 am. I've been around.

24 Thank you very much.

25 HEARING OFFICER GEFTER: Thank you very

1 much.

2 All right. We have -- there are several  
3 questions that were submitted which are questions for  
4 La Jolla, and I'm going to read them from the cards.  
5 I don't know if the individuals are still here this  
6 evening, but let us just ask these questions because  
7 I think they are representative of questions for the  
8 Applicant.

9 The first question from Althea -- and I  
10 don't know if you are still here -- she wants to know  
11 the reason for Stocker's interest in developing this  
12 project, and why in Baldwin Hills?

13 MR. WILBURN: I can't speak on behalf of  
14 Stocker. I can speak on behalf of La Jolla as a  
15 partner with Stocker -- so maybe I should defer the  
16 question to Troy Valenzuela from Stocker for at least  
17 part of that.

18 MR. VALENZUELA: Just as the community has  
19 been impacted by the blackouts, Stocker has also been  
20 impacted. We have been blacked out over 120 hours  
21 this year alone, and we were looking for ways to  
22 secure our own power supply, and this was one way of  
23 doing that.

24 HEARING OFFICER GEFTER: Is this project  
25 intended to replace existing diesel-burning plants

1 that you have, as the previous speaker indicated?

2 MR. VALENZUELA: The only diesel back-up  
3 power that we had was for our emergency computers  
4 that provide our PRC systems for our field and our  
5 office.

6 HEARING OFFICER GEFTER: Okay. The next  
7 question is from Mr. Charles Britsten, if you are  
8 still here.

9 The question is how much does Baldwin  
10 Energy -- which I expect means the project -- hope to  
11 make from the power plant? This is referring to La  
12 Jolla.

13 MR. WILBURN: That I can speak to.

14 Right now, we currently do not have a  
15 contract with the Department of Water Resources.  
16 We're in negotiations for that as we speak.

17 I cannot tell you anything that would be in  
18 conflict with the existing dollars that we saw in the  
19 newspapers, but we were offered nowhere near the  
20 dollar amounts that were talked about with the  
21 out-of-state energy suppliers.

22 We expect to make a very modest rate of  
23 return on the investment that we are going to put  
24 forth in the Baldwin Energy Facility.

25 (Reporter unable to hear speaker because of

1 audience comments)

2 MR. WILBURN: Somewhere in the 15 percent  
3 range, invested capital.

4 PRESIDING MEMBER PERNELL: We can't do it  
5 this way.

6 HEARING OFFICER GEFTER: Let's move on to  
7 some of the other questions which might capture that  
8 information.

9 In fact, here is a question by Mr. -- I  
10 believe Olufunke Ojuri. I don't know if that person  
11 is still here.

12 The question is how much is the cost of  
13 construction for the plant compared to the potential  
14 energy savings, and how long before the savings is  
15 actually realized?

16 MR. WILBURN: We are not addressing savings  
17 at La Jolla. What we are doing is addressing the  
18 peaker proposal put forth by the Governor, and we are  
19 going to supply electricity in regards to that.

20 So as far as paying back investment, it is  
21 going to be an investment of the revenue received  
22 versus the costs, operating costs.

23 And may I also state that our costs are not  
24 quantified in its entirety because there are some  
25 mitigation proposals that we have to take into

1 consideration, both from the California Energy  
2 Commission staff and also through some of the  
3 comments we heard tonight from the Air Quality  
4 District, as well.

5 HEARING OFFICER GEFTER: Okay. How much do  
6 you anticipate the cost of construction would be at  
7 this point, estimated, or adding on new mitigation  
8 that you might propose?

9 MR. WILBURN: Well, an estimate as we speak,  
10 I can tell you it is less than a thousand dollars per  
11 megawatt, which the gentleman from USC addressed. It  
12 would be closer to 800 dollars per KW.

13 HEARING OFFICER GEFTER: 800 per megawatt or  
14 kilowatt? Per megawatt wouldn't you say? You  
15 said --

16 MR. WILBURN: Yes. It is late.

17 Also, with all due respect to the gentleman  
18 that is no longer here, I read his report, and I find  
19 it to be a very self-serving report, but let me just  
20 also state that we have to expedite all of the  
21 equipment. We have to expedite the construction  
22 schedules in order to make the September 30th  
23 deadline. So there are significant increases in our  
24 costs to comply with those orders.

25 HEARING OFFICER GEFTER: Okay. The other

1 question is -- and this is a question I saw in many  
2 of the blue cards -- and this one is from Valerie  
3 Williams -- I don't know if you are still here.

4           How will the power plant benefit those that  
5 live near it.

6           That was a question I saw through many blue  
7 cards.

8           MR. WILBURN: Based on the other power  
9 plants I built in communities that have been  
10 successfully integrated into those communities -- and  
11 I think that they would be better to speak to it --  
12 but we are good citizens, good neighbors, first of  
13 all, and we are going to be supplying much-needed  
14 power for those areas; we are going to be protecting  
15 the jobs of about 16 employees at Stocker's. We are  
16 going to be paying property taxes of approximately  
17 500,000 dollars a year. We will be environmentally  
18 landscaping areas that I think would enhance the  
19 function of the existing park area.

20           HEARING OFFICER GEFTER: All right. The  
21 next question is -- and I saw this question also  
22 appear, and several people have indicated they have  
23 been in the neighborhoods for a long time and haven't  
24 received checks from the oil company.

25           I don't know what that refers to, but

1 perhaps someone from Stocker Resources can answer  
2 that about royalties from the oil company.

3 MR. VALENZUELA: Stocker has over 17,000 cut  
4 checks in a variety of amounts, and I'm not in that  
5 department, so I don't know how to respond to that  
6 question, but it is an ongoing process, and we have a  
7 good relationship with our royalty owners.

8 HEARING OFFICER GEFTER: All right. So  
9 there is a process in place for people to receive  
10 royalty checks. Okay

11 (Comment from unidentified speaker from the  
12 audience unheard by the court reporter.)

13 HEARING OFFICER GEFTER: Is it on the royalty  
14 question?

15 MS. LAWRENCE: This is on the royalty  
16 question, but they do have my name, and I did  
17 recently receive a check, and the check was for one  
18 dollar and 52 cents.

19 HEARING OFFICER GEFTER: What is your name?

20 MS. LAWRENCE: Thomasina, T-H-O-M-A-S-I-N-A,  
21 Lawrence, L-A-W-R-E-N-C-E.

22 HEARING OFFICER GEFTER: Thank you.

23 Another question which appeared also in many  
24 of the comments is what is the value to La Jolla and  
25 Stocker of the 12 megawatts that will be used for

1 Stocker.

2 MR. WILBURN: The value to La Jolla would be  
3 zero.

4 HEARING OFFICER GEFTER: To Stocker.

5 Perhaps they are asking how much is Stocker  
6 going to pay to La Jolla, and how much is Stocker  
7 going to save by buying electricity from La Jolla.

8 MR. WILBURN: There is a joint venture of  
9 Stocker and La Jolla Baldwin Energy Facility LLC, and  
10 that partnership has not been finalized, but Stocker  
11 will own its own and pay for its own operating  
12 maintenance expenses and capital costs for the  
13 portion that it will own of that facility.

14 So, La Jolla will not, in effect, sell one  
15 kilowatt hour to Stocker's under this program.

16 HEARING OFFICER GEFTER: Another question is  
17 I guess along the same lines from Anthony Pak, who is  
18 also -- I don't know if he is still here -- as to how  
19 much and whether there is going to be rebate or  
20 reimbursement to residents by the -- by I guess La  
21 Jolla for producing electricity in the neighborhood.

22 MR. WILBURN: We have a Variety of community  
23 outreach programs that we successfully implemented in  
24 other areas where we constructed facilities.

25 We're open to the dialogue we commenced,

1 that discussion, with several of the groups.

2 In fairness to me, I met some of you tonight  
3 for the first time. There is a lot of questions. Is  
4 Mary Greene still here? I did speak with her at  
5 length about some of their concerns and issues along  
6 with some of the others.

7 La Jolla is committed to keeping that  
8 dialogue open and establishing an effective community  
9 outreach program.

10 HEARING OFFICER GEFTER: Next is Ronda  
11 Jones. Are you here? Okay. Ronda, you had said you  
12 had a question for Stocker Resources and La Jolla.

13 MS. JONES: Well --

14 HEARING OFFICER GEFTER: You need to come to  
15 the microphone, please. State your name and spell it,  
16 please.

17 MS. JONES: My name is Ronda T. Jones, no "H"  
18 in Ronda, Jones, typical spelling.

19 I had questions, but the questions were  
20 answered throughout the evening.

21 But I heard so many statements in reference  
22 to facts, that I would like to kind of break down  
23 some facts that I've discovered after taking a look  
24 at the propaganda, so as --

25 HEARING OFFICER GEFTER: Are these questions

1 you have for La Jolla?

2 MS. JONES: This is not a question. I would  
3 like to make some statements, if possible.

4 HEARING OFFICER GEFTER: Three minutes.

5 MS. JONES: Looking at the facts proposed  
6 today by Stocker Resources, I urge you to read  
7 between the lines, to use common sense and human  
8 decency and vote people over prosperity.

9 The facts here show us that Stocker  
10 Resources indeed is not a good neighbor.

11 In this pamphlet, it states that there will  
12 be environmental impacts referred to as insignificant  
13 or minimal.

14 I tell you that any impact that it shall  
15 have on human life should never be referred to as  
16 insignificant or minimal.

17 I ask the Commission to carefully review  
18 this document, noting not only Stocker Resources'  
19 stance, but the Energy Commission's stance, as well,  
20 for in here it states that the California Energy  
21 Commission chose this site in Baldwin Hills because  
22 it felt this site would produce less disruption than  
23 other sites and allow the CEC to proceed forward with  
24 Governor Gray Davis's request.

25 Well, as you can see, this is probably going

1 to be the most disruptive site of all, because we  
2 will not stand still for this.

3 I urge you to urge Stocker Resources at this  
4 point, so we don't have to go any further, to  
5 withdraw their Application to our environment, to  
6 decrease our property values.

7 Another factor I would strongly urge you to  
8 reviews is the manner in which the CEC and Governor  
9 Gray Davis and Stocker Resources have proceeded to  
10 procure a Permit for this plant.

11 In here it states that the Environmental  
12 Report prepared by the CEC will substitute for the  
13 Environmental Impact Report.

14 Well, I say to you that during graduate  
15 school, I would compare this with me writing my own  
16 thesis and correcting it myself, which is  
17 unacceptable.

18 Seeing as how the Commission has proposed  
19 this plant in our community, wrote the Environmental  
20 Report themselves, and then reviewed it, how can you  
21 expect for us to perceive your stance as objective  
22 and leave it up to you to make a decision as to our  
23 well-being.

24 I tell you, you are not objective; you are  
25 subjective. And subjecting us to your will. We are

1 human beings with rights, and you don't have the  
2 right to decide for us.

3 I am pleading with the CEC to take a look  
4 closely at their decisions and look at their actions  
5 and nullify this plant. Don't let Stocker Resources  
6 trick you.

7 For earlier today, when he made the Freudian  
8 slip stating that Stocker Resources in good faith  
9 will find ways to further reduce the vision of the  
10 park, he meant just that.

11 And if you join him in this effort, trust  
12 me, hear me clearly, and hear me good: We are voters;  
13 we are taxpayers; and we will see that you reap the  
14 same reductions that we reap as a benefit of this  
15 power plant.

16 Put it in our neighborhood if you think you  
17 can.

18 PRESIDING MEMBER PERNELL: Excuse me.  
19 Who's the author of the document you are holding up?

20 MS. JONES: They are -- you mean to tell me  
21 you don't have a copy?

22 PRESIDING MEMBER PERNELL: If you can just  
23 answer the question --

24 MS. JONES: "True facts about the proposed  
25 Baldwin Hills Power Generator."

1           I was at a meeting last week, and this was  
2   passed out, and it was also passed out here today.  
3   And everything that I stated that it says about the  
4   CEC is in here in black and white.

5           PRESIDING MEMBER PERNELL:   Could we borrow  
6   your copy?

7           MS. JONES: I'll give you my copy, but I  
8   honestly have one question.  I have this prior to  
9   giving up a copy.  I'm concerned as to how the  
10  citizens have all this information and you don't  
11  when you are making the decision.

12          PRESIDING MEMBER PERNELL:  I understand.  
13  But something you just said, that the information  
14  wasn't correct, did you not say that?

15          MS. JONES: I'm wondering, because I'm  
16  wondering if you in fact stated that this community  
17  would produce less disruption than other sites and  
18  allow the California Energy Commission to meet the  
19  Governor's request, Mr. Representative.

20          PRESIDING MEMBER PERNELL:  Okay.

21          MS. JONES: Was it in here?  I'm not kidding  
22  you.  It is from -- there was a gentleman who said  
23  that he is with the Baldwin Energy, and he spoke last  
24  week on behalf of La Jolla and Stocker Resources at a  
25  meeting in Audubon.

1           PRESIDING MEMBER PERNELL: He did not speak  
2 on behalf of the CEC.

3           What we have here is a document. We will  
4 enter it into the record. Thank you.

5           MS. JONES: Okay.

6           HEARING OFFICER GEFTER: We also have  
7 several questions from the audience on this too, I  
8 think, which is the plant is identified as Plant  
9 Number 1. Is that implied there is going to be  
10 several other plants after Plant Number 1?

11          MR. WILBURN: The answer to that question is  
12 there are no power plants envisioned after this  
13 particular facility by La Jolla or Stocker.

14          Is that correct?

15          MR. VALENZUELA: Yes.

16          MR. WILBURN: Or Stocker.

17          (Unintelligible comments from the audience.)

18          HEARING OFFICER GEFTER: You can't yell from  
19 the audience. If you have a question -- and this  
20 lady has been asking -- come forward, would you  
21 please, and state your name.

22          MS. COOK: Hello again, Commissioner  
23 Pernell. My name is Cheryl Cook, and I live in  
24 Ladera Heights, and I spoke at the last hearing at  
25 midnight, and I said then, and I still do, would like

1 to kiss my son good night instead of being here.

2 He is six years old, but this is very  
3 important. And I won't repeat those comments because  
4 they on the record.

5 Tonight I do have a question. La Jolla said  
6 in their presentation -- and I hadn't planned to  
7 speak tonight -- said they had been working with and  
8 cooperating with Conservancy International.

9 Then why did they never disclose their plant  
10 or power plant during numerous meetings and  
11 conversations with Baldwin Hills Conservancy?

12 According to David McNeil, with Baldwin  
13 Hills, he had -- he mentioned that there was no hint  
14 or no mention of this power plant, and in your  
15 presentation tonight, you said you had been talking  
16 and working on this for two months at least, since --  
17 correct me if I'm wrong -- February, and like the  
18 rest of us, and like them, we were not aware of the  
19 Application or this project until of course it became  
20 an Application, and at that point it became public.

21 That makes me very suspicious.

22 And regarding the brochure that they just  
23 alluded to, I didn't receive one, but I had a  
24 neighbor in upper Ladera who did, and found it very  
25 interesting there was nobody's name on it. There was

1 no return address, so it made it look like whoever  
2 had the web site for the California Emission  
3 Committee -- Commission -- Energy Commission, so it  
4 made it seem like to us, that's who it was coming  
5 from.

6           Again something misleading.

7           And also I would like to state I was at a  
8 party the other night on Stoneview in Blair Hills,  
9 and again there was confusion about the date of the  
10 hearing.

11           I think if there had been proper  
12 rescheduling of this Hearing, you probably would have  
13 had 2 or 3,000 people out here tonight instead of 900  
14 or a thousand.

15           That again makes me suspicious why the State  
16 is changing the date. Are you trying to reduce our  
17 attendance at these meetings.

18           In closing, I would like to say one more  
19 thing: Baldwin Hills can be abbreviated by the  
20 initials "B. H." which also stands for Beverly  
21 Hills. Well, this is our Beverly Hills, and I want  
22 to protect it like the other Beverly Hills, and  
23 finally, at the most, deny this project, but at the  
24 least, make it a full review. Take it off the fast  
25 track.

1 Thank you.

2 HEARING OFFICER GEFTER: Thank you. There  
3 are other questions that I have on the blue cards for  
4 La Jolla.

5 UNIDENTIFIED SPEAKER: Can I --

6 HEARING OFFICER GEFTER: Just a second. We  
7 are going to intersperse one of the questions which  
8 comes up quite a bit a question about the noise level  
9 on the gas turbines, and whether there has been a  
10 noise assessment. And if one of you can address  
11 this. There were several questions on this topic.

12 MR. WILBURN: The noise level from the  
13 facility will be in accordance with the DB rating at  
14 the plant limits, and that is consistent with the  
15 noise standards as we understand it.

16 HEARING OFFICER GEFTER: There is another  
17 question regarding who supplies electricity to  
18 Stocker at this point, before the La Jolla plant is  
19 built? Who does Stocker purchase electricity from?

20 MR. VALENZUELA: Southern California  
21 Edison.

22 HEARING OFFICER GEFTER: Thank you. Wait a  
23 second. We -- the lady is at the mike and then --

24 (Comments from unidentified speaker out of  
25 the hearing of the court reporter.)

1 HEARING OFFICER GEFTER: Okay. All right.

2 That was requested.

3 Please come up and identify yourself.

4 MR. UMEH: Thank you. My name is Patrick

5 Umeh, P-A-T-R-I-C-K U-M-E-H.

6 You are not correct that Edison is the only

7 supplier of electricity to Stocker.

8 MR. WILBURN: You have information to the

9 contrary?

10 MR. UMEH: Los Angeles Power and Water

11 supplies electricity also.

12 MR. VALENZUELA: That's correct, but that's

13 at a site that's four miles away from the oil field

14 at Inglewood. Our only supplier of electricity is

15 Southern California Edison.

16 MR. UMEH: Again, electricity doesn't matter

17 where the locality is, it also can be transferred.

18 (Some words unintelligible and cannot be

19 deciphered by the court reporter.)

20 -- they're high voltage lines, and since for Stocker

21 Resources, La Jolla is there primarily to take out

22 California and make money for your entire demand,

23 which is lower than what you are trying to allocate

24 to Stocker Resources.

25 And if you are really a good neighbor,

1 you --

2 (Some words unintelligible and cannot be  
3 deciphered by the court reporter.)

4 -- might think about alternative fuel technologies,  
5 and you can use it besides, take advantage of State  
6 money and improve your own efficiencies and increase  
7 demand.

8 HEARING OFFICER GEFTER: Thank you. State  
9 your name, please, and spell it.

10 MS. NEGUSSIE: Okay. My name is Suzanne  
11 Negussie. I'm a pediatrician. My husband --

12 HEARING OFFICER GEFTER: Could we get the  
13 spelling of your last name?

14 MS. NEGUSSIE: N-E-G-U-S-S-I-E. My husband,  
15 who couldn't be here, also is a doctor.

16 I'm not going to tell you how insulted I am  
17 about how we went about finding out what your recent  
18 plans are. And I'm going to make it very brief.

19 We bought in the Golden Hills less than six  
20 months ago, because it is a pristine, beautiful  
21 environment. It is our neighborhood. A lot of our  
22 families have been there since the '60's.

23 When I first heard about the power plant, I  
24 was a little confused because I thought, "Well, there  
25 is the State park there. I just cannot imagine

1 that."

2 Do any of you live around the power plant?

3 Do any of you have a peaker plant near your home?

4 I can tell you the answer. And I will not  
5 have one. I'm not going to beg; I'm not going to ask  
6 for my land I paid for, Stocker, or whoever the  
7 company paid for theirs.

8 The environment is everybody's. The  
9 protection of the environment is everybody's  
10 concern.

11 We know from history, Corporate America does  
12 not care about anything but making money. It is a  
13 lot neater to make money on people that look like  
14 me. And environmental racism is rampant, and that is  
15 what that is. I would call it nothing less.

16 If you are only going to build one power  
17 plant, I have a perfect location for you. UCLA,  
18 right behind there, when you take the 405 to the  
19 valley, there is a vast wasteland that nobody will be  
20 able to do much with it. Go for it. Buy the land  
21 and build there, Number 1.

22 I'm not being facetious -- I am not being  
23 facetious. I'm quite serious. The impact of you  
24 trying to do that we're not even going to get into.

25 And another thing I want to tell you, I'm

1 not going to Sacramento to further argue this. I pay  
2 way too much tax, and I work real hard, as everybody  
3 else around me does.

4 If you think this is something funny or if  
5 you are going to go ahead with it, I'll give you a  
6 very simple example.

7 When I was in college, when we started  
8 marching in South Africa, people were laughing at us.  
9 By the time I got to medical school, South Africa was  
10 no longer apartheid country.

11 So yes, you're Corporate America; yes, you  
12 have this, that, and the other. But if you are going  
13 to dump in my neighborhood, don't expect me to accept  
14 whatever you are dumping on me and not responding, or  
15 by me saying "That's okay."

16 At the least, there are several  
17 hundred Baldwin Hills residents where our approach  
18 will be a human chain, or whatever it takes.

19 We will not have that, and it will not be  
20 without us having a say in what happens in our  
21 neighborhood.

22 That's all I want to say.

23 HEARING OFFICER GEFTER: Thank you. I have  
24 a card from Tina Hodges. Are you still here? Come  
25 forward.

1 MS. HODGES: Yes. Good evening, everyone,  
2 and I thank you, panel, for being available to us.

3 HEARING OFFICER GEFTER: State your name.

4 MS. HODGES: Tina Hodges, T-I-N-A, last name  
5 Hodges, H-O-D-G-E-S.

6 I am a concerned resident. Okay.

7 In regards to the representative's  
8 presentation, during the presentation, you stated  
9 there are no visible steam -- there will be no  
10 visible steam cloud, but I just wanted to share with  
11 you -- and of course you are already aware of it --  
12 that colorless and odorless does not mean  
13 hazardous -- does not mean nonhazardous.

14 And let me see. And also, you stated that  
15 power plants won't be there a day longer than the oil  
16 refinery.

17 Well, to me, it just sounds as though you're  
18 saying that doubling up on the hazardous material  
19 that we will be receiving is okay.

20 One -- one crime begets another. And that  
21 is unacceptable to me as a resident.

22 And also, the power companies say that there  
23 are going to be no potential health hazards to us.

24 Why don't you all at least -- well, I -- I  
25 ask that the Commission, for the record, make a

1 requirement of a minimum of a 15-billion-dollar bond  
2 issue for potential health-related matters and  
3 home-related matters in the future, a minimum of 15  
4 billion dollars.

5           And I heard several speakers speak about  
6 children and the effects of playing in the parks and  
7 what have you.

8           I'm an adult, and I am concerned about my  
9 health and the health of all of my neighbors, as  
10 well, and if we are not healthy adults, we can't  
11 raise healthy children.

12           And lastly, I would like to ask the  
13 Commissioners to place humans before profit at all  
14 costs.

15           Thank you.

16           HEARING OFFICER GEFTER: Thank you. There  
17 are many questions for the Applicant on the topic of  
18 why this location is opposed to any other location.  
19 And a lot of the cards have a problem with they don't  
20 want it to be here in the Baldwin Hills area --  
21 summarizing a pile of cards.

22           Basically the question is, why did the  
23 Applicant choose this particular site and not a  
24 different site?

25           MR. WILBURN: I can speak to that. I'm the

1 one that chose this site. I personally reviewed a  
2 number of sites screened by the California Energy  
3 Commission staff. I had numerous discussions with  
4 staff concerning potential sites as they became  
5 available and as they were screened, and I was giving  
6 a lot of the evaluations that are probably on the  
7 record now -- I believe on the web site, as far as  
8 the screening of them, mostly from the availability  
9 of adequate gas supply, consistent with the land use,  
10 and the ability to interconnect readily with the  
11 grid.

12           When I first toured the facility, when I  
13 came down on the site, I met Stocker for the first  
14 time, and I believe the date was April the 4th. That  
15 might be off by a day or so. I think it was April  
16 4th, according to my Daytimer.

17           On April the 4th, I toured the facility and  
18 looked at the potential for that particular site as a  
19 power plant, and, from that day forward, looked on it  
20 as an opportunity.

21           So, as far as I was concerned, the middle of  
22 a 900-acre oil field, in a situation that was  
23 compatible with a local industrial use.

24           This is a -- it's been referred to as a  
25 small facility on a number of occasions. I would

1 agree somewhat that it is a small facility, but  
2 nonetheless, important.

3           And it is important enough to pass the  
4 initial screening of the Commission staff and my own  
5 personal screening, for what I thought would be a  
6 good peaker plant for that particular location.

7           HEARING OFFICER GEFTER: In conjunction with  
8 that comment, I'm also going to ask staff to, if they  
9 could, briefly explain how the sites are screened  
10 initially when the emergency process was developed.

11           MR. JOHNSON: Roger Johnson, Manager of the  
12 siting office of the California Energy Commission.

13           When the Executive Order of the Governor was  
14 issued, one of the requirements was the Energy  
15 Commission was to prepare a report identifying sites  
16 throughout California that could accomplish the  
17 permitting of a peaker power plant in the expedited  
18 permitting process.

19           So the commission staff started reviewing  
20 potential sites throughout the State.

21           We contacted the oil industry and asked them  
22 to provide us with a list of potential sites that  
23 might meet the criteria.

24           Mr. Wilburn just explained that criteria,  
25 which was, you know, close to gas, close to an

1 electricity interconnection, and there were a minimum  
2 of facilities that could be constructed with the  
3 appropriate land use designated.

4 And so with that, we sent teams of staff out  
5 to investigate these sites, prepare a report, issued  
6 it to the Governor, and put it on the web page, and  
7 offered it to developers like La Jolla to consider  
8 these sites for their projects.

9 HEARING OFFICER GEFTER: Thank you. All  
10 right. Also there was an unusual question here  
11 regarding senior centers. This was -- apparently was  
12 there a senior center close to the area? And I don't  
13 have the name of the person who --

14 Is that your question? Do you want to come  
15 forward, please? State and spell your name for the  
16 record.

17 MR. CABALLERO: The name is Charles  
18 Caballero, C-A-B-A-L-L-E-R-O.

19 I would like to talk about senior centers  
20 and seniors in the Ladera Heights, View Park, and  
21 Windsor Hills.

22 We do not have a senior center. There is no  
23 center. There is no site available for a center. We  
24 have many, many seniors that live in these three  
25 communities.

1           The expanded Baldwin Hills Park includes a  
2 community slash senior center. Many of us have been  
3 working on this plan for the last two years.

4           The plan calls for locating this center,  
5 senior center, approximately south of where the  
6 proposed power plant is to be built.

7           So naturally, we have a concern. We have a  
8 concern because we do have a site identified that  
9 would be agreed, and then our concern is that a power  
10 plant is going to be there.

11           Now, again, I understand what staff goes  
12 through. In fact, you have an impossible job.  
13 You, many times, are working, first of all, on a  
14 fast schedule to try to provide information to the  
15 Commissioners. And it's impossible for you to know  
16 all the ramifications when you select a site. I  
17 heard what you just said.

18           But I think what we're missing is the human  
19 aspect of what is needed when we make a plant of this  
20 nature, something that is going to last 30 years.

21           I am simply asking staff and of course the  
22 Commission to just be cognizant of human needs as  
23 well as power needs, and monetary needs for Mr.  
24 Wilburn, and Stocker.

25           I'm simply asking that we be conscious of

1 the concerns for seniors as well as other human  
2 beings.

3 Thank you.

4 HEARING OFFICER GEFTER: I have a card from  
5 Ms. Betty Willis. Are you still here.

6 Okay. She's concerned about, again, why the  
7 plant is being built in this community as opposed to  
8 somewhere else like Beverly Hills? In fact, there  
9 are a lot of cards like that.

10 MR. WILBURN: Again, when we looked at this  
11 particular site, it was selected after the screening  
12 process that we also had.

13 And as far as the assertions -- I want to go  
14 on record here. As far as the assertions that there  
15 is environmental racism afoot, for those charges to  
16 be made by those people that don't know me, don't  
17 know my history, don't know my origins, don't know  
18 where I grew up, don't know my experiences, I think  
19 is unfortunate.

20 But I understand your concerns. And I share  
21 them. And I can personally attest to you that there  
22 is not one ounce of racism in this body, not one  
23 ounce of that in this body.

24 Please respect my ability to address you  
25 openly and forthright. And my record is public

1 information. I have developed other power plants in  
2 this state, and I'm proud to say those are producing  
3 enough power for approximately 200,000 homes today,  
4 and all those communities, I can walk in there and  
5 look at those community representatives in the eye  
6 and be treated with respect. And if I'm able to  
7 develop a much needed and important facility in this  
8 area some day, I think I can do the same here.

9 HEARING OFFICER GEFTER: Thank you, sir.  
10 Go ahead. You have a question? Please  
11 state your name.

12 MR. BRITSTEN: Yes. My name is Charles  
13 Britsten from 1-800-Unite Us. I have a couple  
14 questions here.

15 I was looking at your brochure, and one of  
16 the things you say is you contribute 500,000 dollars  
17 in increased property taxes.

18 I think that is offset many times over by  
19 the loss of property taxes due to the loss of  
20 property value in the areas this plant is built.

21 Another thing they mention, 14 megawatts,  
22 that's just a drop in the bucket. That's really not  
23 going to do much to help supply electricity to  
24 people.

25 You can have a ship in the harbor that can

1 supply 41 megawatts; you don't need to build a plant  
2 to do that.

3 That's it.

4 HEARING OFFICER GEFTER: Thank you. Yes?

5 State your name.

6 MS. THOMASINA: Thomasina Lawrence. Thomas  
7 with an I-N-A on the end, Lawrence.

8 We've heard a lot about money; we've heard a  
9 lot about the park; we heard about taxes; we heard  
10 about big business. But I just have one question:  
11 How does it affect the reproductive organs of little  
12 girls and little boys? Because in 50 years,  
13 everybody in this room is going to be dead. Because  
14 we're dying and we're aging, so what decisions we  
15 make today are going to be left for the children that  
16 are going to be in the schools. Those 18,000  
17 children that has just been alluded to, if 17 tons of  
18 vapor is released -- because that's what was said  
19 will be released -- 17 tons of vapor will be released  
20 from these power plants, and let's say it does affect  
21 the reproductive system of the children 10 years old  
22 and younger, that's genocide on an entire race of a  
23 community.

24 And you all have the decision to determine  
25 the future of these people here. Now, I would say

1 close your eyes and put us up there, and you all be  
2 out here, and with that ability that's given to us,  
3 make the wisest choice.

4           And I'm not your enemy, and the way this  
5 society has been developed is because of capital  
6 gain, and I know that, as big as the County of Los  
7 Angeles and San Bernardino is, that there is some  
8 place other than this city in Baldwin Hills to place  
9 this plant for the betterment for the State of  
10 California.

11           Thank you.

12           HEARING OFFICER GEFTER: Is there a public  
13 health person on staff with a correct answer to --  
14 staff -- okay.

15           PRESIDING MEMBER PERNELL: Could you leave  
16 your name with someone so we can get your question  
17 answered? We will need your name and address, and we  
18 will have someone answer that question and give that  
19 to you.

20           Is that all right?

21           MS. LAWRENCE: Just make it a part of the  
22 report. I'm just one person

23           PRESIDING MEMBER PERNELL: All right. We can  
24 do that. Thank you.

25           HEARING OFFICER GEFTER: Christopher

1 Harris, H-A-R-R-I-S.

2 MR. HARRIS: I'm usually work as a lawyer,  
3 and I thank you very much for your diligence this  
4 evening. I'm married to a court reporter, and I  
5 brought my sign. I was one of the hundreds and  
6 hundreds of people outside. I thought there was  
7 Lakers game going on or something.

8 At any rate, I think the fact-finding  
9 process has been dramatically and substantially  
10 evidenced and suggests to the Commissioners that the  
11 tide has turned; that the public's interest now  
12 dramatically outweighs the very legitimate interests  
13 of the business community.

14 We have heard about many facts, and we don't  
15 need to go any further than this staff. And I do  
16 commend the staff for their good work on a very short  
17 time basis.

18 The staff says -- and I quote -- "Staff  
19 cannot recommend approval of this project until it  
20 has had the opportunity to evaluate the analysis of  
21 air impacts."

22 There is absolutely no way by Friday that  
23 this analysis can be done. I think it would be --

24 (Some words unintelligible and cannot be  
25 deciphered by the court reporter.)

1           such a ridiculous short amount of time.

2           Common sense suggests that operating for 30  
3 years, 24 hours a day, 7 days a week, is going to  
4 have an impact.

5           There has been another study by Boston  
6 Research --

7           (Some words unintelligible and cannot be  
8 deciphered by the court reporter.)

9           And they released the study that there was  
10 a heart attack as result of pollution emanating  
11 from power plants.

12           As I understand it, particles from pollution  
13 in the lungs are destructive to the heart's rhythm,  
14 and this will dramatically affect the elderly.

15           In law school, we had a class in  
16 environmental health which suggested that children  
17 will also have this disproportionate impact as well  
18 as expectant mothers. There are various public  
19 health impacts.

20           But I don't think you can address the public  
21 health impacts until we have the correct census data.  
22 If you don't know who and how we are going to be  
23 impacted -- and I think you have to acknowledge that  
24 -- that alone would be a reason to take this off fast  
25 track.

1           And going to the part of the report which  
2   says that property values will not be affected, I own  
3   a home in Village Green, and I know my property is  
4   going to be decreased in value. And I can't imagine  
5   who on earth would move by a power plant.

6           No offense, but would you move by a power  
7   plant? How can it not be affected.

8           You talked about the process. I'm not going  
9   to go over this again, but Erica Teasley talked about  
10  environmental justice, and we talked about the lack  
11  of notification, we talked about the lack of  
12  environmental impact report, we talked about the  
13  problems that the staff report had, and how it can't  
14  be better in this short amount of time.

15          You heard that, Commissioners, and it is  
16  your duty as a public servant to get all of the  
17  facts, to give them a judicious or at least  
18  common-sense evaluation, and there is absolutely no  
19  way that that can be done by Friday.

20          I think, on that basis alone, it has to be  
21  taken off fast track. And I think, in the final  
22  analysis, staff and the Commissioners would have to  
23  deny the Permit, and that these developers should  
24  find another suitable place for the development.

25          HEARING OFFICER GEFTER: Thank you very

1 much.

2 We're going to take about a minute break for  
3 our reporter. Off the record.

4 (Recess.)

5 PRESIDING MEMBER PERNELL: All right. We  
6 may begin. On record, please.

7 MS. IVORY: Good evening. My name is Nelle  
8 Ivory, N-E-L-L-E- I-V-O-R-Y. I live in View Park,  
9 and my son lives in View Park, and I'm here for name  
10 he'll I Stocker in La Jolla Energy Development  
11 California Energy Commission, South Coast Water  
12 Quality Management District on the environmental  
13 assessment report, Baldwin Energy and California  
14 Energy Commission and the system assessment of this  
15 facility, and everybody else connected with this  
16 project.

17 (Some words unintelligible and cannot be  
18 deciphered by the court reporter.)

19 And this is the way I feel. That all of you  
20 that's connected with this, this is my assessment.  
21 You came in my city to kill off my children, our  
22 community, our people, and whatever else you want to  
23 put there. And I'm very angry about it, because I  
24 happen to live by that park. You have an area by the  
25 airport, you have vacant land by El Segundo to put a

1 plant down there and to choose from. Why come in our  
2 community and assassinate us and kill us off?

3 That is my feeling, and that is the feeling  
4 of my community. And I believe that you were sent, I  
5 guess, by Governor Davis to destroy our community,  
6 and that's what I feel, along with my neighbors.

7 And with all of that vacant land you can  
8 use -- and I don't know if you went around to try and  
9 find it -- but I want you to take back to him, or  
10 whoever sent you, to the Commission, that that's the  
11 way we feel.

12 And like the lady said, "Over our dead  
13 bodies will you build this plant."

14 That's what I to have say.

15 HEARING OFFICER GEFTER: Thank you very  
16 much.

17 Mrs. Mendonca has a list, and we're going to  
18 Tom -- I'll get it -- okay. We're going to go in  
19 order. A lot of people were here earlier today, and  
20 this is according to the people who were here early  
21 -- okay. Actually, Dr. Bennett, yes, and then  
22 Dorothy.

23 DR. BENNETT: My name is -- I'm Dr.

24 Bennett -- do you want me to spell it for --

25 (Some words unintelligible and cannot be

1           deciphered by the court reporter.)

2           HEARING OFFICER GEFTER: You need to speak  
3 into the microphone.

4           DR. BENNETT: Can you hear me now?

5           There are two things I want to mention.  
6 Most of the other things were already mentioned. As  
7 a opportunity to -- there is -- one of the issues I  
8 heard a lot of people talking about was unstable  
9 formations, and I have never heard this kind of thing  
10 from any commission, about the impact of the  
11 Commissioners' work onto the formation, that could  
12 seriously affect land formation.

13           (Some words unintelligible and cannot be  
14 deciphered by the court reporter.)

15           I tell you, as an engineer, that's our  
16 environment.

17           Number two, that's another issue that has  
18 health impacts and the --

19           (Some words unintelligible and cannot be  
20 deciphered by the court reporter.)

21           -- and all that, that's what is called  
22 genotoxicity, and what happens is these power plants,  
23 that natural gas-power plants, emit a large amount of  
24 particles, and you never see them. These particles  
25 pass through your lungs, into your bloodstream, and

1 just go around, and it stays inside, and while it is  
2 doing that, it will go and attack your genes.

3           And that is where the problems starts and  
4 right now, these particles are not included in the  
5 national ambient standards, if you go to this -- and  
6 this is not mentioned -- but you have to understand  
7 that's very serious.

8           Recently, Technologies, Incorporated in  
9 Oxford, London, what they said is the lung is a part  
10 of the counter. You hit it with a certain number of  
11 particles, it will not act, but afterwards, your  
12 allergies will.

13           (Some words unintelligible and cannot be  
14 deciphered by the court reporter.)

15           I give you one example. In the last 20  
16 years, because of the change in polluting standards,  
17 we have reduced by 50 percent the air pollution, and  
18 the --

19           (Some words unintelligible and cannot be  
20 deciphered by the court reporter.)

21 -- increased by more than a hundred percent. Okay?  
22 Now, what about the count? Did it go down.

23           No, it still is climbing, so there is  
24 another thing that you have looked for, and that is  
25 what is called and what we are seeing is particles,

1 millions of these particles are emitted, and these  
2 particles will form the highways and byways, and it  
3 will, at the speed of five miles per hour, it will be  
4 downtown Los Angeles, everywhere --

5 HEARING OFFICER GEFTER: Thank you very  
6 much, sir. Thank you. Dorothy Steiner.

7 MS. STEINER: Yes.

8 HEARING OFFICER GEFTER: Please state your  
9 name and spell it.

10 MS. STIENER: Dorothy Steiner, S-T-E-I-N-E-R.  
11 I'm a resident of Blair Hills for 35 years, and in  
12 1976, our Golden State Senator spoke in a meeting of  
13 an association and asked and received approval for  
14 the proposed Baldwin Hills Park. This was before any  
15 land was purchased.

16 Before Stocker Resources bought the land  
17 from Chevron, my husband and I attended a Culver City  
18 Council meeting, approximately 20 to 30 years ago,  
19 supporting Standard Oil's requests for the water  
20 injection so they could push up more of the oil.

21 (Some words unintelligible and cannot be  
22 deciphered by the court reporter.)

23 We thought -- we spoke for them, because we  
24 felt with the use of water injection and that that  
25 land would become park land.

1           I would like to correct a statement I heard  
2 earlier. Okay? If I can read my writing. Okay.  
3 For many years I was a member of a Baldwin Hills  
4 Citizen Advisory Committee, and I would like to  
5 correct a statement that I heard earlier.

6           In the Baldwin Hills State Recreation Area  
7 General Plan, which dates back to 1985, this project  
8 is within the boundary lines, and I have a nice  
9 map -- okay.

10           This, then, power plant is not consistent  
11 with the land use, and is not consistent to the  
12 general plan.

13           Why do people have to constantly fight for  
14 the open space promised to them for over -- over 25  
15 years ago?

16           Another thing people were mentioning is this  
17 plant is on the Newport Fault Line. Remember the  
18 Long Beach earthquake.

19           Anyway, I think this is a very serious  
20 situation, and I think that putting a power plant  
21 there would be the worst decision. I hope you vote  
22 against it.

23           Thank you.

24           HEARING OFFICER GEFTER: Mr. Gary Gless?

25           MR. GLESS: Gary Gless, G-L-E-S-S. And I

1 just want to thank Mr. Pernell and Susan and Ellie  
2 for being here and hearing all of this.

3 I am a member of the homeowners association  
4 and Vice-President of the Archcrest/SeaCrest  
5 community, and there is quite a few things that  
6 actually really bothered me.

7 First, when your proposal, if your proposal  
8 ever goes through -- what alternatives do you have?

9 Because one thing that is definitely not  
10 wanted in this area -- and I live right east of where  
11 the proposed site is going to be on -- actually, my  
12 housing is going to be higher than the top of the  
13 smoke stacks. And if you come to my house, you will  
14 feel the wind blow, and like from 4:00 to 8:00  
15 o'clock, the leaves and trees go sideways. So the  
16 toxins would go directly to my house.

17 And I am an asthmatic. I carry sprays with  
18 me, and the last thing I need is to step outside and  
19 get toxins thrown into my face and have to go to the  
20 hospital emergency room.

21 Plus, I just purchased a house up there  
22 about four years ago, and the last thing I want to do  
23 is have my property values go down.

24 I've been working on this house constantly  
25 and trying to raise the value in the area, and I

1 don't know how you can think that this would benefit  
2 the neighborhood.

3           The only way it could and save face for you  
4 is to withdraw your proposal for this plant.

5           Thank you.

6           HEARING OFFICER GEFTER: Mr. Eric Jackson.  
7 Mr. Jackson. Thank you.

8           MR. JACKSON: Good evening. Eric Jackson,  
9 J-A-C-K-S-O-N.

10           Again, my name is Eric Jackson. And I am  
11 very upset. I will keep my comments short and  
12 brief.

13           I've been here since 5:00 o'clock tonight.  
14 We signed a list, and gentlemen jumped in front.

15           I'm a graduate of a fine institution, and in  
16 1973, when I came back from Vietnam, there were the  
17 oil fields with Chevron.

18           I have an 86-year-old father that still  
19 lives in this community, and I am going to withdraw  
20 from comment because the hour is late, and I will  
21 probably see you in Sacramento.

22           Thank you.

23           PRESIDING MEMBER PERNELL: Thank you.

24           HEARING OFFICER GEFTER: Mr. Robert James.  
25 Mr. James.

1           MR. JAMES: Yes. Panel, Board, good evening.  
2 My name is Robert James, J-A-M-E-S. I'm a science  
3 teacher and a Windsor Hill resident. In fact, I am  
4 across from the oil field, and I hear the 11:00  
5 o'clock shift begin, and they stop at 6:00 o'clock in  
6 the morning, just in time for me to go to work.

7           Mr. Valenzuela and Mr. Wilburn, this is not  
8 personal and nothing about how you are doing your  
9 business. You probably do quality work.

10           What I'm looking at is in your own staff  
11 report, it lays the groundwork for noise pollution, a  
12 gentleman like Mr. Wilburn can build his plant per  
13 your guidelines, and where it says that the noise  
14 decibel is allowed to be 70 decibels in an industrial  
15 area -- which this plant is industrial.

16           Also it says in the staff report that is  
17 only 700 feet away.

18           As a basic physics teacher, we all know  
19 sound travels by wave, sound waves, which doesn't  
20 come 700 feet and say this is no longer industrial,  
21 it is now park land.

22           Your same staff have no decibel readings for  
23 the public, because if there is a park, you don't  
24 expect to hear airplanes or automobiles. With this  
25 park, he can build his plant per law, and if he is at

1 70 decibels, he is not violating anything. He is  
2 going by the Code. He is not the bad guy.

3 I'm sitting 700 feet away, and he has his 25  
4 LM engines -- which I looked at on the Internet --  
5 and they were used to power airplanes used in the  
6 power battle cruisers. Chinese used two G. E.

7 (Some words unintelligible and cannot be  
8 deciphered by the court reporter.)

9 -- turbines, 2500's, and he can use these 25  
10 hundreds, and we're supposed to hear these things 24  
11 hours a day with no deleterious effect of the noise  
12 on the quality of life.

13 Based on what the technology is that they  
14 are using and what your report says, there is no  
15 reason you can approve this plant on a 21-day basis  
16 because you can't even tell me that once we leave his  
17 area, the sound doesn't affect us.

18 I'm not talking about the people 500 feet  
19 away. There could be homes -- sound waves don't go  
20 500 feet and say, "We're going to stop. We are now  
21 in a residential area. We are going to drop down."

22 (Some words unintelligible and cannot be  
23 deciphered by the court reporter.)

24 As far as geology, as a science teacher, I  
25 think your plant is going to be built on what they

1 call unconsolidated, and probably twice, if you go  
2 back to the last Ice Age, in every-day person speech,  
3 the sand is not compacted yet.

4           With an earthquake, the sand moves like  
5 water. So anything on top of it will continue to  
6 slide. There is no foundation unless they are going  
7 to dig very deep.

8           Your report says they need at least three  
9 burr holes, they can break that water level and see  
10 what its effect is.

11           And all of this has to be done in 21 days.  
12 No disrespect or an attack on what his ability is to  
13 build this. He can do all this, possibly.

14           If we really need this plant -- and quite  
15 honestly, with all the yelling of others, and at the  
16 other guy, I couldn't hear all these --

17           (Some words unintelligible and cannot be  
18           deciphered by the court reporter.)

19 -- why don't we wait long enough until technology is  
20 maybe something all of us can be proud of, and not  
21 just the park. Maybe a power supply that the State  
22 can stand for, and what can be done as opposed to  
23 rush to judgment to build something that no one is  
24 going to be happy with.

25           And once it is built, he will probably be

1 one of the first to admit that to retrofit an  
2 existing plant is way more difficult than building  
3 the correct plant to start with, and now we got to  
4 tear the whole thing.

5 Now, let's go back and --

6 HEARING OFFICER GEFTER: Mr. James, your  
7 three minutes are up.

8 MR. JAMES: I voted for Gray Davis once,  
9 but --

10 (Some words unintelligible and cannot be  
11 deciphered by the court reporter.)

12 -- I will think better about it the next time around,  
13 I sure will.

14 HEARING OFFICER GEFTER: Thank you.

15 Mr. Jonathan Tunnell.

16 MR. TUNNELL: Good evening. Glad to see  
17 everyone again, Mr. Pernell, Mr. Johnson -- I'm sorry.

18 HEARING OFFICER GEFTER: Could you state and  
19 spell your name.

20 MR. TUNNELL: Jonathan Tunnell,  
21 T-U-N-N-E-L-L.

22 I want to speak to you quickly about this.

23 First of all, I just think everybody up here  
24 needs to know this has become a national issue, this  
25 particular project.

1           A friend of mine from New York called me and  
2   said, "Hey, I heard it on the news that they're  
3   trying to build a plant -- they are trying to build a  
4   power plant right next to a park in Baldwin Hills.  
5   Is that true? You got to be kidding me, right?"

6           I said, "No, it's true."

7           He couldn't believe it. So, understand that  
8   what you are doing here is going to become a national  
9   issue. Environmentalists are going to kill you if  
10  you build this thing here.

11          Just to understand, you are running your own  
12  death sentence politically if you build this next to  
13  a park.

14          With that being said, land use again -- I  
15  don't know if I can repeat this right -- this is  
16  designated as, according to the Los Angeles General  
17  Plan of the Los Angeles County, Section 1, Page 53,  
18  as urban open space, not standard open space, as the  
19  Applicant put on his Application, which makes his  
20  Application invalid.

21          To realize its importance, it is because  
22  urban open space is supposed to be used primarily for  
23  the purpose of recreation, conservation of natural  
24  resources, and the promotion of public health and  
25  safety.

1           That's why it is important. And that's why  
2 putting the right designation on there, on your staff  
3 report, would be important.

4           If you have any questions about that, I'll  
5 leave you this map that shows it designated as urban  
6 open space.

7           That's why our Supervisor Burke was here and  
8 was so upset about it.

9           I know I'm running out of time.

10          It is also important to realize that -- and  
11 I read your report, staff report -- regarding the  
12 impact on ownership of land.

13          Well, the reports use the Metcalf Report,  
14 and that there is no home within five hundred feet,  
15 so that's bogus.

16          How did you put that in that report? It's  
17 totally incorrect.

18          And then also, since we don't have anybody  
19 here from public health and safety, I want to submit  
20 for the record an EPA regulation fact sheet from the  
21 EPA itself about the health and environmental effects  
22 of particulate matter on people. Okay? Not birds,  
23 not flowers, not shrubs, people.

24          HEARING OFFICER GEFTER: Mr. Tunnell, I  
25 think your three minutes are up.

1           MR. TUNNELL: Also I want to submit -- I'm  
2   sorry, ma'am -- public health and safety effects of  
3   ground level ozone, which nobody has talked about  
4   here at all, and considering we have a marine layer  
5   that comes in every night, which will shove the  
6   emissions down at ground level, so you should put  
7   this also in your report.

8           Thank you.

9           And also another 500,000 megawatts of power  
10   coming on line soon, unopposed by anyone. No one  
11   cares if they build a power plant there, I don't know  
12   why this makes any sense to do, considering, if you  
13   review your map, 12 million megawatts is what Los  
14   Angeles County is going to save; 40,000 megawatts is  
15   what they are talking about generating a year.

16           If you do the math, we're already saving 300  
17   percent, so we've doing our part, folks.

18           HEARING OFFICER GEFTER: Thank you.

19           MR. CARBADO: Thank you. Devon Carbado.

20           HEARING OFFICER GEFTER: Please spell your  
21   name when you get up here.

22           MR. CARBADO: Devon Carbado, C-A-R-B-A-D-O is  
23   the last name. D-E-V-O-N is the first.

24           I'm a resident of Baldwin Vista. I've been  
25   there for a while. I'm also a lawyer and a law

1 professor, and I don't even know quite where to  
2 begin, but let me just place four points very  
3 quickly.

4 First the point about process, I am  
5 completely shocked at the way in which process has  
6 been abused here. There was not a meaningful notice;  
7 there was not a meaningful opportunity to review.

8 This feels like it is your sense of telling  
9 us, "We're going to stick this in your backyard.  
10 Lump it or leave it."

11 Needless to say, we're not going to leave  
12 it.

13 It is ironic that this is being proposed in  
14 response to a blackout. Many of us experience this  
15 process as exactly that, a blackout of our concerns.

16 Environmental justice; you mentioned that  
17 you are not quite sure why people would raise an  
18 justice concern or racism, and I'm not sure, quite  
19 frankly, what evidence your personal views raises as  
20 to the question of environmental justice is.

21 The issue is that our particular community  
22 or particular communities get systemically burdened  
23 by these kinds of facilities, and it seems to me, the  
24 answer to that is obviously yes.

25 In that respect, I am especially

1 disappointed with the report that seems to create the  
2 impression in a few pages that there is no  
3 environmental concern here.

4           The environmental justice concern  
5 demographics of this community alone, and that is  
6 left to be a racial impact simply uncontestible, and  
7 that your report simply ignores.

8           You suggest that we don't know you. I will  
9 submit to the public that you don't know us.

10           Part of the problem with this particular  
11 proposal is that it is based on a conception of our  
12 community as an industrial site.

13           That conception only makes sense if you  
14 ignore the people who are living in homes in and  
15 around this community, people who are likely to be  
16 seriously impacted by this particular decision.

17           The Commission: I would ask the Commission  
18 simply to do this: When we think about implementing  
19 any particular rule of law, we ask ourselves what is  
20 the cost and what is the benefit.

21           If you just draw a piece of paper and  
22 construct the columns and identify what are the costs  
23 and think about those costs in light of the benefits,  
24 it is clear that the costs outweigh the benefits.

25           And going to conservation, this is a point

1 that the Applicant has not sufficiently addressed, at  
2 least for my satisfaction.

3 Here today, L.A. County says that they can  
4 conserve what you are going to produce. Now, it  
5 seems to me that conservation should be chosen over  
6 energy creation, and L.A. County is saying they can  
7 conserve what you people use, and it is uncontestible  
8 what you produce. It is not a whole lot of energy.  
9 Why are we even here?

10 HEARING OFFICER GEFTER: Thank you. Erica  
11 Blythe.

12 MS. BLYTHE: Good evening. Erica Blythe,  
13 B-L-Y-T-H-E.

14 I'm an Environmental Specialist with the  
15 City of Los Angeles, and I am very familiar with the  
16 EIR, CEQA process, and I would like to challenge your  
17 biology study.

18 I do have reason to believe that endangered  
19 species reside -- and I will try to be brief -- at

20 (Some words unintelligible and cannot be  
21 deciphered by the court reporter.)

22 -- and I don't know if you looked at that species to  
23 be endangered species, found in several soils, and I  
24 challenge your study on that.

25 I am a resident of Windsor Hills, where I

1 went elementary school, and I played in the park.  
2 That park meant a lot to me and my friends. That  
3 park influenced me to study environmental studies and  
4 continue that major at my university, and it  
5 benefitted me a lot.

6           And I don't think you can ignore the impact  
7 of having and making a thing like a park, which is  
8 going to affect all the children.

9           You are not going to -- if there is a power  
10 plant, I mean, that's an effect. You make the park a  
11 brown field, and people perceive of genuine effects  
12 of toxic pollution.

13           The Kenneth Hahn Park will become a brown  
14 field. People will perceive it to be, and people  
15 will not visit.

16           That is going to affect children who have a  
17 chance to see biology and all the effects and the  
18 positive things that can come from that park, and it  
19 really upsets me that you not taking that into  
20 consideration.

21           Another thing that bothers he is the noise  
22 level. You say 70 decibels, and I know for a fact  
23 people who get affected by 60 decibels around LAX,  
24 which is soundproof, so I don't think if our  
25 community is going to soundproofing, to get that 70

1 Decibels is quite loud, and to hear that constant  
2 base all day, that's just not worthwhile.

3 Speaking of that, at night, just last night,  
4 I heard the train, and we can hear that train when it  
5 is quiet, and I don't know what it is going to be  
6 like. That train is about -- I think it is a ways  
7 away, but you hear that train at night, and we know  
8 we are going to hear this power plant going.

9 I just want everyone to know that in terms  
10 of noise, in terms of endangered species, and the  
11 negative impact you are going to have on children,  
12 this is not sound.

13 And that's all I have to say.

14 HEARING OFFICER GEFTER: Thank you.

15 Terrence Montgomery.

16 MR. MONTGOMERY: Good evening. I'm Terrence  
17 Montgomery, last name M-O-N-T-G-O-M-E-R-Y. 47th  
18 Assembly District Committee for the California  
19 Democratic Party.

20 This district includes Crenshaw, Baldwin  
21 Hills, Ladera, Beverly Wood, over on the west side of  
22 L.A. a little bit, as well.

23 (Some words unintelligible and cannot be  
24 deciphered by the court reporter.)

25 This decision about park versus power plant

1 I feel is a political incidence, and I think this  
2 Commission is capable of making that decision.

3 Now, in this case, we have the will of the  
4 people and we have the interest of a business.

5 This project may make business sense, but it  
6 doesn't make political sense. And so I think I want  
7 the Commission to consider the political impacts of  
8 the decision of approving this project.

9 The Commission people are political  
10 appointees, as well. They understand that they  
11 represent the interests of the government; so do we.

12 We work for Democrats every day, so I'm  
13 asking that this Application be denied. It doesn't  
14 need to be withdrawn, it needs to be denied, because  
15 that will make a statement about it.

16 And as far as we are concerned, we don't  
17 want --

18 (Some words unintelligible and cannot be  
19 deciphered by the court reporter.)

20 -- in November 2002. We want the Commission to take  
21 that into account. Thank you.

22 HEARING OFFICER GEFTER: Thank you.

23 MS. COOPER: My name is Judith Cooper,  
24 C-O-O-P-E-R.

25 First I would like to ask the Applicant, are

1 you buying your resources from Houston, Texas? A  
2 question for you.

3 MR. WILBURN: No, I'm not.

4 MS. COOPER: There was a rumor going  
5 around --

6 HEARING OFFICER GEFTER: For Stocker?

7 MS. COOPER: Is it owned by Houston --

8 MR. VALENZUELA: It is a subsidiary of.

9 MS. COOPER: So all of this is coming from  
10 Texas, right?

11 It seems to me -- this is the way I feel  
12 personally -- this is my personal feelings -- that we  
13 in California, I actually do not believe that we are  
14 in an energy crisis.

15 I can't understand how the President is  
16 saying "I do," and the next day California didn't  
17 have any lights.

18 I personally don't believe that this power  
19 plant is needed, and I do think that the Applicant  
20 should take a long hard look at this.

21 The ball park that you sit at, Stocker, was  
22 created, as one person said early on -- the park was  
23 destroyed by fire and this was brought in by the  
24 community.

25 My grandson plays there -- three of them

1 have, and as far as I'm concerned, as long as I live,  
2 the other four will play there too, and including a  
3 granddaughter. I have eight grandchildren.

4           What you propose, that you can't see, is  
5 going to blow all over Los Angeles, Los Angeles  
6 County, Culver City, Inglewood -- not only Baldwin  
7 Park -- I mean Baldwin Hills, but View Park, which  
8 where is I live. It is going to blow all the way  
9 down to the racetrack; it is going to blow all over  
10 the area. For one, it is going to blow in your  
11 neighborhood also.

12           And I'm surprised at the staff -- I didn't  
13 know who the staff belonged to, and when I see you,  
14 see the staff, how in the world can you say that you  
15 know nothing about this, and I was very surprised,  
16 Mr. Pernell, that you only saw this community today.

17           This community has been here for years. If  
18 you're part of the government in California, you  
19 should know something about California, Los Angeles,  
20 and the outlying areas.

21           And as far as the community having to give  
22 the staff, who have been sitting here with a blase  
23 attitude, "Oh, God, I wish these stupid people would  
24 just go away," well, we are not, and I will be one of  
25 those that whatever we have to do to keep this plant

1 from going on, I say to the Applicant, "I feel sorry  
2 for you, because you are letting "cha-ching,  
3 cha-ching, cha-ching" before your eyes look at the  
4 people.

5 We are people. We're not just the only race  
6 that lives in this area. There are Hispanics; there  
7 are Orientals and Caucasians, so it is a multi-racial  
8 area that you are ready to affect.

9 You should take it -- and one lady says  
10 there is room in the Santa Monica Mountains, the  
11 peninsula, out near the Pacific Coast Highway --  
12 there are all kind of blighted areas, that are --  
13 areas that have nothing there.

14 Especially with all the homes that are  
15 located here, maybe you need to get into a car and  
16 drive around this area yourself --

17 HEARING OFFICER GEFTER: Your time is up.

18 MS. COOPER: I figured it was.

19 HEARING OFFICER GEFTER: Thank you very  
20 much. Richard Johnson. Mr. Johnson.

21 MR. JOHNSON: Good evening. I'm a concerned  
22 citizen of the community. I'm very much against this  
23 power plant. I'm highly offended at the idea it was  
24 even presented.

25 PRESIDING MEMBER PERNELL: We need your name.

1           MR. JOHNSON: It is Richard Johnson,  
2 J-O-H-N-S-O-N.

3           Anyway, I'm highly offended that this wasn't  
4 presented -- I don't think it has been presented in  
5 an area comparable to this, such as Bel Air or  
6 Beverly Hills or something like that, but I think  
7 that these people could just come here figuring these  
8 people aren't going to respond and wait.

9           They did, and we got a great turnout, and I  
10 would like to say something about the health effects.

11           I happen to be a science teacher, and I have  
12 a bit of a medical background, and I can respond to  
13 that, but anyway, I have an article here from the  
14 "Journal of Environmental Health" dated December,  
15 1998. And in this article -- the title of it is  
16 "Ozone Exposure in Rural Maryland, Lower Eastern  
17 Shore."

18           It is my understanding, according to the  
19 "L.A. Times," that one of the pollutants supposedly  
20 low level that will come out of ozone -- am I correct  
21 on that? Okay.

22           Just briefly, some of the effects, it says  
23 the health effects of ozone is mainly respiratory  
24 effects, which occur with the exposure to the  
25 Irritant of gas, and according to the Harvard Study,

1 pneumonia was the most common cause of hospital  
2 admissions relative to elevated ozone levels, while  
3 asthma was the second-most common.

4           The article later goes on to explain  
5 environmental damage from this pollutant, which  
6 appears to be related to peak concentrations, and  
7 that respiratory effects may occur with exposure to  
8 low levels over several hours.

9           Pulmonary effects appear to be cumulative  
10 resulting in premature aging of the lungs.

11           We've got about 14 schools, the gentleman  
12 mentioned earlier, that are within the vicinity of  
13 this facility. Okay?

14           Premature aging of the lung tissue with  
15 continuing exposure. Then it says permanent  
16 structural damage may occur within months to years of  
17 ozone exposure.

18           Lastly, a second article -- and this one is  
19 on cancer at a school from radiation, from  
20 teachers --

21           (Some words unintelligible and cannot be  
22 deciphered by the court reporter.)

23 -- working near the high voltage lines, contract  
24 cancer. This is in the "New Yorker" dated December  
25 7th, 1992.

1           A brief excerpt from this says that  
2 epidemiologists met in -- at a Cincinnati workshop --  
3 Okay? And in their workshop, they stress the  
4 importance of a possible association between female  
5 breast cancer and electromagnetic fields -- which  
6 this we can expect, electromagnetic fields, from this  
7 power plant. Okay.

8           This investigation -- this was an  
9 investigation that was done by several physicians,  
10 and I don't want to go through it. It is in the  
11 article. Okay? One of the physicians was from the  
12 University of Southern California. The investigation  
13 was funded by the Electric Power Research Institute,  
14 okay.

15           And, by the way, this -- this article with  
16 respect to --

17           HEARING OFFICER GEFTER: Your time has run  
18 out, mr. Johnson. Sorry. You can go ahead and  
19 finish one more comment.

20           MR. JOHNSON: One quick point: It said that  
21 the investigation found children living near high  
22 electric fields stand risk of developing leukemia and  
23 two and a half times that of any other group.

24           Okay. I appreciate your time. Thank you.

25           HEARING OFFICER GEFTER: Eric Creer.

1           MR. CREER: That's right, Eric Creer,  
2 C-R-E-E-R. I'm a resident of View Park.

3           I would like to comment on this park. It  
4 has a lot of history. It is the oldest section of  
5 the hill. I like to call it historic, because back  
6 in -- I believe it was 1932 -- you can research this,  
7 it was called Olympic Village. This is where the  
8 Olympic athletes was housed, up in this park.

9           It is well known and has a lot of history.  
10 And Village Green was historical; as a matter of  
11 fact, this area, View Park, is going to be considered  
12 a historical site because of the Olympic Village.  
13 There are a lot of nice homes there, very -- really  
14 nice.

15           I was here at the first hearing with the  
16 Commissioner here, and I want you to deny the power  
17 plant.

18           But just, I don't know if you went to View  
19 Park. You went to a Ladera, View Park, which is an  
20 historical area, like I say. History of the  
21 Olympics. A lot of homes were built there, and you  
22 probably heard of an architect called -- I'm a little  
23 nervous -- Paul Williams.

24           He has done a lot of homes at Beverly Hills,  
25 Bel Air, and a lot of homes in View Park were

1 designed by Paul Williams. The airport -- you guys  
2 can help me out -- right -- restaurants by Paul  
3 Williams.

4 This power plant here at the Hahn Park is  
5 terrible. I was really happy when they put the park  
6 there. It was going to expand -- the park and  
7 property values go up.

8 My property value will go down. My  
9 two-bedroom house goes for at least 400,000-up, and  
10 we have had quotes of over a million dollars in this  
11 property, so, just keep that in mind, Brother, just  
12 keep it in mind.

13 It is a very diverse neighborhood. Well,  
14 hey -- primarily African American, you got  
15 historical, View Park, you got Village Greens,  
16 Baldwin Hills, and not to even talk about the famous  
17 people who live up here Kevin Murray, Diane Watson.  
18 I mean, even Tom Bradley lives right --

19 (Some words unintelligible and cannot be  
20 deciphered by the court reporter.)  
21 -- has a house, who played for the Lakers.

22 There is a lot of history here. I wouldn't  
23 like the area to go down with a power plant. I want  
24 to keep our property value up, pass it on to our  
25 kids.

1 I mean, that's about all I have to say, but  
2 just deny the Application; be done with it, because,  
3 you know, I don't want this area to turn into 1992  
4 again, when people were really upset.

5 And if you want to know what was happening  
6 in 1992, talk to some of the people about it.

7 Thank you.

8 HEARING OFFICER GEFTER: Thank you. Robert  
9 Gaylord. Is Robert Gaylord here?

10 MR. GAYLORD: Yes. I'm Robert Gaylord,  
11 G-A-Y-L-O-R-D. I live Florence Avenue, Ladera  
12 Heights, and I'm familiar with the area.

13 The Governor's plan is inherently biased by  
14 the fossil fuel industry and toward centralized power  
15 generation. This is not the direction that our energy  
16 system should go in for new investment.

17 I wrote the California authorities, who are  
18 asking the operators of some existing so-called  
19 peaker plants, to reduce their emissions because  
20 apparently the past peaker plants were allowed to get  
21 by with less stringent emission requirements.

22 The question for you folks is, is this true?  
23 That this proposed plant is a called a peaker, and  
24 would therefore be allowed to use less air pollution  
25 controls even though it would probably operate more

1 of the time than a peaker would.

2 And I'll ask that be in my comment.

3 All fossil fuel power plants consume  
4 precious oxygen if located in an urban area where --

5 (Some words unintelligible and cannot be  
6 deciphered by the court reporter.)

7 -- average levels are already lower than the level in  
8 urban areas, which human beings were adapted to  
9 deplete the available urban areas, which need all of  
10 the oxygen it can get, not further depletion of it.

11 Furthermore, all fossil fuel plants produce  
12 carbon dioxide as well as other gases and contribute  
13 to the global warming problem.

14 We must invest in not exacerbating the  
15 global warming; we must invest in solving it, the  
16 welfare, G. W. Bush, notwithstanding.

17 The L.A. Basin is a known smog basin, which  
18 you must make every effort to remove fossil fuel  
19 combustion plants, especially a stationary plant,  
20 not add to them.

21 Baldwin Hills park areas could be planted as  
22 an urban force and enormously benefit the only L.A.  
23 basin with increasing available oxygen supply.

24 (Some words unintelligible and cannot be  
25 deciphered by the court reporter.)

1           100,000 or more small power plants all over  
2 this town in the form of on-the-roof-tops where  
3 everyone who wants it -- I don't have that on my roof  
4 top -- pollution free. I run my electric meter  
5 backwards, ongoing expense, fossil fuel, no CO2.

6           Let's not emphasize centralized power plants  
7 but decentralized as a way to go.

8           The founder of a retail company, well-known  
9 retailer of alternative energy goods, for example,  
10 wrote in his recent catalog, that purchasing --

11           (Some words unintelligible and cannot be  
12           deciphered by the court reporter.)

13 -- every residence and every institution or building  
14 energy crisis will be gone, plus we turn off existing  
15 power plants -- that is only a small, creative  
16 option.

17           Options of fossil fuel plants are the option  
18 of fossil thinking.

19           I'm sure all of you folks are capable and  
20 better than that. Thank you very much.

21           HEARING OFFICER GEFTER: Thank you. Mary  
22 Person.

23           MS. PERSON: My name is Mary Person,  
24 P-E-R-S-O-N.

25           My comment is in reference or directed to

1 the Stocker Company or La Jolla. And it has to do  
2 with the fact that what -- let's see -- I don't know  
3 how to ask the question in a way -- I sense that this  
4 community will bear the burden of the pollution and  
5 all of the noise.

6           Independent of whether it is noise or it's  
7 items that will cause cancer or whatever, but we will  
8 not benefit from anything that's done there,  
9 primarily because we sense and we know that it is for  
10 profit.

11           You follow what I'm saying? The grid that  
12 it will support has nothing to do with our area.  
13 Many have of us receive our power from the Department  
14 of Water and Power, probably 80 percent of us. There  
15 are few who do not.

16           But why should we suffer? Put it where the  
17 people are going to use the power.

18           That's all I have to say.

19           HEARING OFFICER GEFTER: Thank you. Ruth  
20 Sarnoff.

21           MS. SARNOFF: Ruth Sarnoff, S-A-R-N-O-F-F.

22           First I would like to ask that the  
23 video-tape from this evening -- which I assume you  
24 can purchase for all of the Commissioners, and  
25 perhaps the Governor and other interested people --

1 become docketed as well as the tape from the last  
2 meeting, which had no record in writing because the  
3 stenographer or whatever did not come. And so we had  
4 no record of the May 31st meeting other than the  
5 video-tape.

6 I think it is important that Mr. Pernell  
7 indicated that he was going to get copies of that to  
8 all of the organizations here.

9 I don't know if that has happened yet, but  
10 if it hasn't, it needs to happen, and perhaps make  
11 those available to individuals, as well.

12 And I would like to ask that all be  
13 docketed. Also I would like for the public record  
14 the editorial from the "Los Angeles Times" -- that  
15 would be from June 11th -- and I would like to bring  
16 just a couple of points here that I don't think  
17 anybody has put it quite the way the "L.A. Times" put  
18 it -- the article put it.

19 After referring to the park space per 1,000  
20 people, they went on to say that that breaks down to  
21 one picnic table for every 10,000 residents.

22 On the weekend, and especially on holidays,  
23 the gates to the Kenneth Hahn Recreation Area  
24 sometimes close before noon because it has simply run  
25 out of space.

1           The community's outcry against the power  
2 plant is not just another example of "Not in my  
3 backyard" colloquialism; rather, it is an outpouring  
4 of support for a granting of a park in one of those  
5 park-deprived areas of park-poor Los Angeles.

6           The million people who live within a  
7 five-mile radius need this oasis for the public, and  
8 the Energy Commission should say "no" to putting a  
9 power plant here.

10           I would like that to go in the public record  
11 also.

12           I would also like to say that perhaps we'll  
13 just put Stocker on the defensive if you go ahead and  
14 try to do this project.

15           There were some indications that Stocker may  
16 not be totally in compliance with everything. That  
17 was number one.

18           Number two, what is Stocker going to be  
19 asked to do now before the lease has run out to start  
20 cleaning up? Is there a reason why the places where  
21 the oil pumps are is brown.

22           It is brown because they're there.  
23 Otherwise, it would be green like the whole rest of  
24 Baldwin Hills.

25           And I really think that the way in which the

1 trip went up to the park originally, and took people  
2 to a bunch of dirt, and did not take people to see  
3 the vast array of plants and animals, where it is a  
4 beautiful and lush place. It is beautiful, lush  
5 terrain. And what was left of the mountains and  
6 everything else there was really wrong.

7           And I understand the trip today may have  
8 taken people into a different area, and that's a step  
9 in the right direction.

10           PRESIDING MEMBER PERNELL: Ma'am, can you  
11 begin your summation, please.

12           MS. SARNOFF: Sure. And I want to say  
13 this: If you think that the homeowners' association  
14 is giving you a hard time, wait until all the young  
15 people in the schools today, seven schools -- and I  
16 can tell you, we are going to move the high school  
17 students; we're going to move the college students;  
18 and when they start coming before you, you are going  
19 to know what an organized, angry community is.

20           These are the kids that need the space and  
21 the park. That's it.

22           PRESIDING MEMBER PERNELL: Thank you very  
23 much.

24           HEARING OFFICER GEFTER: Michelle  
25 Weinerwolner.

1                   MR. WEINERWOLNER: Hello. It is  
2 W-E-I-N-E-R-W-O-L-N-E-R.

3                   I'm a resident of Culver City, which  
4 under-represented here. I feel really ashamed about  
5 that.

6                   Anyway, I'm a teacher, and my school is  
7 located near the park.

8                   For 15 years, and once a week, for the past  
9 ten years, I've been bringing groups of kids to the  
10 park. It is a wonderful place. We enjoy every single  
11 time, and every time we leave our classroom for this  
12 park, we are not using any energy because we are at  
13 the parks. Our classroom lights are out when we're  
14 at the park. We meet many hundreds of people.  
15 They're all out of their homes, offices, and  
16 classrooms. Whatever they are doing, they are not  
17 using any energy. And if we make the park bigger, we  
18 will have more people using less energy in the park.

19                   When the children and I hike to the top of  
20 the mountains in Kenneth Hahn Park -- which we do  
21 each month -- we look out at La Cienega, the brown  
22 hills, and we dream about a whole green space and a  
23 continuation of the Olympic Forest that's in Kenneth  
24 Hahn Park, to replace the wasteland we are currently  
25 gazing upon.

1           The children are natural environmentalists.  
2 They are instantly appalled, when they care, about  
3 the idea and suggestions of a power plant in that  
4 place, where they can envision a forest.

5           I encourage you to continue that vision  
6 yourself.

7           HEARING OFFICER GEFTER: Thank you.  
8 Sean Cary.

9           MR. CARY: I'm Sean Cary, C-A-R-Y. I'm a  
10 member of the Orinda Avenue Block Association and was  
11 very disturbed to get the notice of the meeting.

12           Unfortunately, we missed the first one  
13 because we only knew about it through the homeowners'  
14 association.

15           On our block we're 26 families ranging in  
16 age from 87 to four months old. One of the big  
17 problems that we have there are concerned about  
18 health.

19           I went to your web site on the California --  
20 California Government -- I'm so tired; I'm sorry.  
21 I've been up since 4:30 -- siting cases, peaker and  
22 Baldwin Hills notices, and I discovered that in the  
23 fast track, certain controls have been allowed until  
24 the service is on line? Is that true.

25           Yeah, it is on Page 2.

1           PRESIDING MEMBER PERNELL: I'll direct that  
2 to staff. Can you ask the question again?

3           MR. CARY: Yeah. I read here the project  
4 will initially use water injection to reduce nitrous  
5 oxide emissions to 25 -- do you know where it is?  
6 Page 2? Okay.

7           It says down at the bottom, these catalyst  
8 systems are needed to meet the Best Available Control  
9 Technology requirements, though the project may be  
10 allowed to initially operate without the assistance  
11 for a period of months to allow the project to come  
12 on line.

13           Why are you allowing, or why would you allow  
14 this to happen? I know you want to speed up the  
15 process. But isn't that really dangerous,  
16 considering it is nitrous oxide CO2?

17           MR. JOHNSON: I will try to answer your  
18 question. The reason that the Executive Orders have  
19 allowed these fast-track projects to delay putting on  
20 these controls is to get them on line and generating  
21 electricity as quickly as they can.

22           Sometimes these catalysts aren't available,  
23 and you have to install them as you are building your  
24 project initially, so you can go ahead and do your  
25 project in simple cycles, to get the energy into the

1 grid.

2           And then when the peak demands are over in  
3 the winter, or as soon as possible, you can then add  
4 the catalyst.

5           And the maximum allowable emission rate is  
6 25 parts per million, which is significantly less  
7 than a lot of the old existing power plants in the  
8 region right now.

9           MR. CARY: I know. Unless those are applied,  
10 there is no nothing on line, is there, on these  
11 systems?

12           MR. JOHNSON: No. You can get an Abatement  
13 Order from the Air District that allows you to  
14 operate 25 parts per million until you add the  
15 catalyst on, and then take it down to five parts per  
16 million, simple cycle.

17           This project will go down to two and a half  
18 parts per million when they add the catalyst.

19           UNIDENTIFIED VOICE FROM AUDIENCE: You did  
20 not answer the question. Put that in the record.  
21 That's not the answer to that question.

22           HEARING OFFICER GEFTER: She can ask --

23           MR. CARY: I'm so tired I can't think  
24 straight.

25           HEARING OFFICER GEFTER: Do you want to

1 rephrase your question?

2 MR. CARY: I can't. I'm so tired. I've been  
3 up since 4:30.

4 HEARING OFFICER GEFTER: Please state your  
5 name again.

6 MR. ROYAL: Ed royal, and I came up and gave  
7 all of the --

8 HEARING OFFICER GEFTER: We have the  
9 pictures. Just ask the question.

10 MR. ROYAL: Not to be technical, but I  
11 referred my time to others, and this is a very  
12 serious incident we need to address.

13 Now, you say that you send out a request for  
14 proposal which say you want this, this, and this, and  
15 we need to meet this and this.

16 Is this the way we do things in the world?

17 HEARING OFFICER GEFTER: Mr. Royal, please  
18 state your question.

19 MR. ROYAL: I want to explain it so you will  
20 understand how to answer.

21 The question is, there are specifications  
22 required, and there is new technology needed to meet  
23 the specifications, the requirements.

24 You say go ahead and build it for less than  
25 something that meets the specifications, and if the

1 new technology comes on line later, if and when, down  
2 the line, you put it on, and then everything will be  
3 fine. We'll accept that then; you didn't meet the  
4 specifications at first.

5           What if you didn't meet it for September  
6 31st? You can't mean -- I deal with engineering. If  
7 we did that, and that's the way you build -- I spent  
8 25 years in systems engineering --

9           PRESIDING MEMBER PERNELL: Sir, I think we  
10 got the question. The question is why aren't you  
11 putting these Best Available Control Technology on  
12 when the project is built?

13           MR. ROYAL: No. Why aren't you meeting the  
14 specifications required for September 31st? And of  
15 course it takes --

16           PRESIDING MEMBER PERNELL: The requirements  
17 for September 30th is for the plant to be up and  
18 running. That is the requirement for September  
19 30th.

20           MR. ROYAL: There are specifications that  
21 need to be met on September 31st.

22           PRESIDING MEMBER PERNELL: Roger, do you  
23 want to try it again?

24           MR. JOHNSON: I'll try it again.

25           The Air District was here tonight, and Mr.

1 Wallerstein explained it to the group. He said that,  
2 Phase I -- he described it as Phase I and Phase II.

3 Phase I is simple cycle with minimum  
4 emission controls. That is going to be water  
5 injection, keeping the NOx down to 25 parts per  
6 million. That is the rule for the District for those  
7 projects this summer. They can operate at that parts  
8 per million this summer by the Executive Order.

9 MR. ROYAL: That's not the specifications.  
10 June 1st, 2002 --

11 MR. JOHNSON: As far as 2002 --

12 PRESIDING MEMBER PERNELL: No. We can't do  
13 it this way, gentlemen.

14 Roger, continue.

15 MR. JOHNSON: The District will require them  
16 to put on the controls as soon as they're  
17 available -- as soon as they're available after the  
18 summer emergency period is over.

19 So, this winter, this spring, the Applicant  
20 will install the SCR and then bring their emissions  
21 down to two and a half parts per million.

22 MR. ROYAL: If you approve them for not  
23 meeting the specifications, then they will do it, but  
24 they would not be meeting the specifications, and you  
25 are giving them away. They don't meet the

1 specifications. Meet it next June. Go on line now.

2 You can't do that. That's not the way --

3 PRESIDING MEMBER PERNELL: All right, sir.

4 Your point is well taken.

5 MR. ROYAL: Will that go in the record?

6 PRESIDING MEMBER PERNELL: Everything is  
7 going -- sir, everything is going in the record. We  
8 have someone taking the record.

9 Will you please move from the podium. Your  
10 point is well taken; it has been recorded.

11 We now have David Love.

12 MR. LOVE: Good evening. My name is David  
13 Love. L-O-V-E is the last name, first name is  
14 David.

15 I have lived in South Los Angeles for all my  
16 life. Basically I heard enough information from the  
17 my fellow neighbors and residents, and I think you  
18 have enough in terms of the some of the technical  
19 objections.

20 I'm just here because a few months ago I  
21 recall hearing about the fact that Kenneth Hahn Park  
22 was going to be expanded. I mean, we're going to  
23 have the of the few parks that's in an area that has  
24 been derived of recreational areas, and it has been  
25 deprived of things to enhance the lives of people in

1 the community, particularly our young people.

2           That was going to be a new haven, and now  
3 just a few months ago, because of power, price, and  
4 that type of thing -- now we're told that we're going  
5 to be stuck with a power plant.

6           And I don't think it is just a matter of the  
7 issue being for the people who have spoken against it  
8 as just another situation of "Not in my backyard."

9           But I think the situation is that we already  
10 have it in our backyard, over and over and over  
11 again.

12           And I think when we look at situations like  
13 the 1992 civil unrest, different and other situations  
14 like that, those are the direct responses to the fact  
15 that there has been an insensitivity to the  
16 environmental injustice that occurs to us on a  
17 regular basis.

18           If you look around and think about the parks  
19 that are in this area, that for holidays, where would  
20 you go? You would have to regularly go out of the  
21 area, with the exception of Kenneth Hahn Park.

22           Kenneth Hahn Park just recently in my  
23 lifetime, recently became a major area, and now we're  
24 looking at putting a power plant in that area.

25           Dr. King said that peace is not merely the

1 absence of tension, it is the presence of justice.

2           So what we're really asking is that you, as  
3 the Energy Commission, you're empowered to not only  
4 look out for the energy needs of a state, but to make  
5 sure that there is justice that is administered.

6           And I think that what the people are saying,  
7 and what I'm saying, and what other people around us  
8 are saying, is that there is a sense that this is not  
9 just.

10           You may have the authority to do whatever  
11 you are going to do, and I come from a generation  
12 where I probably am a victim of this -- we're  
13 somewhat cynical, where all the different people and  
14 thousands of people have come and spoken -- we really  
15 don't believe it is going to make a difference.

16           We believe the people who have the money and  
17 the power will make a decision regardless.

18           I'm asking to you prove that wrong. I don't  
19 know if that's going to happen. But we need your  
20 assistance to make sure that those of us who are  
21 young, those of us coming after us, know we can have  
22 a Kenneth Hahn Park and Baldwin Park, and it is going  
23 to be safe, not invisible -- it won't be there -- we  
24 actually have a safe park, we can be healthy and  
25 happy and begin to improve our communities.

1           We should not be looking at what else --  
2    what other threats we can put in our backyards, but  
3    how we can eliminate some of the threats we already  
4    have.

5           So that's the only thing I really have to  
6    say.

7           All the different things that other persons  
8    have said I agree with, but different things, and the  
9    information, you have that.

10          But I'm just asking you to strike a blow for  
11    justice and to really think on behalf of the people.

12          All these Commissions, all these different  
13    decisions, it would just seem to me it is even --  
14    almost one last point -- I know my time is up -- it  
15    would just be so ironic that one of the places where  
16    you really need and should have the most strenuous --  
17    if you are going to do anything like that -- the most  
18    strenuous requirement to go through all of the  
19    regulations and all the permitting, that we're on the  
20    fast track so you can get to skip steps because of  
21    the situation.

22          This is not -- should not be, not for this  
23    area, not for this area.

24          And that's why you have the responses like  
25    you have often in terms of crime, in terms of

1 outbursts, because it is a direct response to the  
2 insensitivity and the injustice that is often handed  
3 out by those people who have power, authority and  
4 influence.

5           So I ask you to take that into your  
6 consideration.

7           HEARING OFFICER GEFTER: Thank you very  
8 much. Rich Waters. And you are the last name we have  
9 on our list, so we are going to wind up after you.  
10 Thank you.

11           MR. WATERS: I am Rich Waters, W-A-T-E-R-S.  
12 For those chemically inclined H2O. And any way I  
13 state -- levity aside -- I think the way this was  
14 presented on the 31st is that you do indeed have a  
15 fatal flaw.

16           Your fatal flaw is in your own -- is on your  
17 own record here. First of all, J.O.L. dash 1, you  
18 are talking about foundation, and an engineer,  
19 structural engineer, geological situations, and you  
20 should have a seismic geologist with experience in  
21 the northern end of the Newport Inglewood Fault.

22           Second of all, talking about the liquid  
23 factions in D.O. L. dash 3, in your liquid faction,  
24 there is something nobody ever talked about here, not  
25 to mention the fact that you are injecting water into

1 the ground.

2 First of all, nobody took into consideration  
3 what we just went through about three or four years  
4 ago, El Nino. If we take El Nino, and you add that,  
5 plus what you are putting into the ground, and you  
6 add that to an aquifer, then you have a liquid  
7 fraction.

8 And I don't think -- the staff really needs  
9 to take a look into this a little bit more.

10 Second of all, I would like to point out  
11 that on Page 80 you have reference here to --

12 (Some words unintelligible and cannot be  
13 deciphered by the court reporter.)

14 -- the planning scenario for major earthquakes was  
15 published in 1988. That is way outdated, considering  
16 that they just found a new fault going under  
17 Hollywood just a few years ago.

18 I really don't think that that makes me feel  
19 safe, as far as the seismology, and that's the fatal  
20 flaw that I'm talking about. You really can't -- the  
21 information you had is way outdated, and it should be  
22 reexamined.

23 I don't know how you do that in seven days,  
24 but if you reexamine this, this should be eliminated  
25 completely, and this should be refused because it is

1 seismologically not sound at all.

2           Not to mention that you are having -- not to  
3 mention that you are having a poisonous gas, such  
4 as -- such as -- it is late for all of us -- ammonia  
5 in the plant, and you allow 75 parts per million to  
6 just go off.

7           The last thing I would like to do is  
8 challenge Stocker Resources. Stocker, you are  
9 supposed to beautify the plant. And all you are  
10 putting in there is shrubs.

11           Now, this is a 75-foot tower, stack, that  
12 you are putting in. I suggest that you put in some  
13 trees also --

14           (Some words unintelligible and cannot be  
15 deciphered by the court reporter.)  
16 -- like at Kenny Hahn State Park, that you also allow  
17 volunteers, such as myself and other tree people that  
18 come on the property, to plant trees, so in 30 years,  
19 the trees can be growing, and that's the way you can  
20 be a good neighbor.

21           Thank you very much.

22           MS. MENDONCA: On Saturday I received an  
23 e-mail from George Totten, T-O-T-T-E-N, English  
24 Professor Emeritus, University of Southern  
25 California, and resident of Village Green, who was

1 not able to be here this evening, and he addressed  
2 this letter to Chairman Keese and ask it to be read  
3 into the record.

4 "Chairman Keese, as a resident of Village  
5 Green and theoretically representing over a thousand  
6 Village Green residents, I and the rest call for  
7 keeping the California Energy Commission from  
8 building the proposed power plant in Baldwin Hills  
9 Park and beside the Kenneth Hahn State Recreation  
10 Area.

11 "This area needs to have clean air for  
12 people who use the park and people that live in the  
13 area. To put in the plant contradicts the purpose of  
14 the park and recreation. The air would be fouled and  
15 the surrounding area suffer deterioration.

16 "The United States government has recently  
17 declared that Village Green, which is adjacent to the  
18 recreational area, to be a national landmark. This  
19 means it should be protected and not spoiled, which  
20 it would be by the power plant.

21 "Village Green must proudly call on the U.S.  
22 Government to fight the building of the plant to  
23 preserve a whole neighborhood.

24 "Yours very truly, George Totten."

25 PRESIDING MEMBER PERNELL: Okay. Do you

1 have any others, Roberta?

2 MS. MENDONCA: I got one on Sunday I will  
3 have entered into the record. I didn't bring it with  
4 me.

5 PRESIDING MEMBER PERNELL: Okay. Is there  
6 anybody else that wants to speak on this issue  
7 before the Committee? Is there anyone else that wants  
8 to speak on the Baldwin Hills Power Plant facility?

9 MR. LEON: Steve Leon. I just want to say  
10 thank you all for putting in a very long day and for  
11 listening to all of us.

12 And I hope you look at the record, look at  
13 all the documentation presented to you, and I hope  
14 you reconsider every damn one of those pages in the  
15 staff analysis.

16 PRESIDING MEMBER PERNELL: Thank you, Mr.  
17 Leon.

18 Is there any other business to come before  
19 the Committee? Applicant? Staff.

20 Let me take the opportunity -- yes, ma'am.  
21 Would you come to the mike, please.

22 MS. SARNOFF: I have question as to the  
23 Commission meeting I believe is scheduled for this  
24 Friday in Sacramento.

25 I would like, first of all, to know the

1 time, and I would like to know if it's listed on the  
2 agenda as an action item or a discussion item.

3 And I want to know what kind of reports we  
4 can expect to look for on the web in the next day or  
5 two in preparation for participating.

6 A lot of us are coming to Sacramento. There  
7 are already, I think, probably well over a hundred  
8 people coming, and who knows how many will come by  
9 Friday.

10 We want the best information that we can get  
11 and where we can get it in the coming couple, three  
12 days.

13 My name is Ruth Sarnoff.

14 HEARING OFFICER GEFTER: As we indicated in  
15 the notice of today's hearing, we are going to post  
16 the proposed decision on the evening of Wednesday the  
17 20th, which is the day after tomorrow, and the  
18 Adoption Hearing Commission will consider the  
19 proposal, which will be June 22nd, Friday morning, at  
20 10:00 a.m.

21 There is a teleconference phone number, 800  
22 toll-free number, for those of you who are not coming  
23 to Sacramento, to call in. And that number is  
24 888-566-6173. And you may call beginning at 9:45  
25 a.m. on Friday morning, and we can hear you, and you

1 will be able to hear us on the telephone.

2 The meeting starts at 10:00 a.m.

3 888-566-6173.

4 MS. MENDONCA: They have to use the pass  
5 code "Business Meeting," and ask for the conference  
6 leader, Jerome Lee.

7 PRESIDING MEMBER PERNELL: Okay. Did you  
8 get that? Roberta, do you want to repeat that  
9 again.

10 MS. MENDONCA: Once you dial the toll-free  
11 number, you get the pass code, which is "Business  
12 meeting," and they will ask you for the conference  
13 leader's name, and the conference leader's name is  
14 Jerome Lee.

15 PRESIDING MEMBER PERNELL: Okay. Thank  
16 you. Well, it has been a long evening. Let me just  
17 say on behalf of the California Energy Commission, we  
18 want to thank you for coming out, for participating.

19 Your comments are on the record. We have a  
20 court reporter here, and to answer one of the  
21 questions the young lady asked sitting in the front  
22 row, as to what happened to the video-tape, we did  
23 have that transcribed, and it is up on our web site,  
24 for the first meeting that we had. So those comments  
25 are up on the web site, as well.

1           We're trying to be inclusive here. We're  
2 not trying to do anything under the table or behind  
3 your back. However, we do have a process, a  
4 21-day -- we call it the 21-day process -- which  
5 means that the permitting process should take 21  
6 days.

7           Now, you might ask the question whether we  
8 would begin then, and the answer is no, because we're  
9 having this meeting, and we were allowing the  
10 community, because we heard you, an opportunity to  
11 know that there was going to have another meeting  
12 because we had some concern from the community that  
13 the notice wasn't done in a timely manner.

14           And I have to also say that that is not  
15 Stocker or La Jolla's fault in terms of the notices  
16 of the meetings, because that is something that is  
17 within the Commission.

18           So, we hope we did a better job this time in  
19 noticing and certainly at a better, larger facility  
20 to accommodate the community.

21           And if there is nothing else, I want to  
22 thank the Applicant and staff and certainly my  
23 Advisor and the Hearing Officer.

24           We have what looks like about 350 cards, so  
25 there is -- we know there is interest in this project

1 from the community.

2 I will be making my decision, writing my  
3 Proposed Decision, on Wednesday, and again, the full  
4 Commission will hear this item on the 22nd, which is  
5 Friday.

6 It will be at 10:00 a.m. at the Energy  
7 Commission Building, and that is 1516 9th Street.

8 If you have any other questions, please  
9 check our web site. There are numbers you can call  
10 on the web site.

11 Yes, sir?

12 UNIDENTIFIED SPEAKER FROM AUDIENCE: Are you  
13 going to get the video-tape from this meeting?

14 PRESIDING MEMBER PERNELL: Are we -- Mr.  
15 Glaviano says we are going to get the video-tape from  
16 this meeting.

17 The purchase price, I believe, is five  
18 dollars, so, I think you have some cards. If not,  
19 give us your name and phone number, and I'll have  
20 them --

21 UNIDENTIFIED SPEAKER FROM AUDIENCE: If you  
22 have it, bring it up with you.

23 PRESIDING MEMBER PERNELL: Tom, do you have  
24 a copy of it.

25 MR. GLAVIANO: Of the tape? We will have it

1 tomorrow morning, yes.

2 MS. SARNOFF: Ruth Sarnoff. Maybe I'm just  
3 not seeing it in here, but I still would like to ask  
4 the question of the meeting on Friday, is this -- is  
5 this an action item or is this a discussion item?

6 HEARING OFFICER GEFTER: It is an action  
7 item.

8 MS. SARNOFF: Which means you can make a  
9 final decision on this plant on Friday?

10 HEARING OFFICER GEFTER: The Commission can  
11 make a final decision if they choose to.

12 MS. SARNOFF: If they choose to, on this  
13 coming Friday, that's what I wanted to find out.

14 Do you know what the parameters of the --  
15 what will take place? Will there be time for open --

16 HEARING OFFICER GEFTER: There will be time  
17 for members of the public to ask questions or to make  
18 comments. It will be limited, though, but you will be  
19 able to make your comments.

20 MS. SARNOFF: Thank you.

21 HEARING OFFICER GEFTER: State your name.

22 MR. CREER: Eric Creer, C-R-E-E-R.

23 How many people from the Commission?

24 HEARING OFFICER GEFTER: There are five  
25 members of the Commission.

1 MR. CREER: And it takes what? A majority  
2 or --

3 HEARING OFFICER GEFTER: Yes, a majority  
4 vote, three votes.

5 MR. CREER: Three votes?

6 PRESIDING MEMBER PERNELL: Three votes to  
7 move any item.

8 MR. CREER: Three votes and it is over?

9 PRESIDING MEMBER PERNELL: There is -- there  
10 is five members on the Commission. This will be a  
11 majority vote, which means that three votes would  
12 carry whatever motion there is, whether to accept,  
13 deny, or whatever the Commission decides. There will  
14 be -- they would need three votes to do that.

15 MR. CREER: And you are on the Committee?

16 PRESIDING MEMBER PERNELL: I'm on the  
17 Committee. I'm the Presiding Member of this  
18 proceeding.

19 MR. CREER: Okay. We got -- okay.

20 PRESIDING MEMBER PERNELL: There are four  
21 other members of the Committee --

22 MR. CREER: I'm referring to the math.

23 PRESIDING MEMBER PERNELL: The math is  
24 three.

25 MR. CREER: Okay. Three. All right. Thank

1 you very much.

2 I know you want to go home.

3 HEARING OFFICER GEFTER: Name?

4 MS. LAWRENCE: Thomasina Lawrence.

5 Is it actually a fact that the people that  
6 we see on this stage are the decision-makers, or is  
7 there an unseen power that has the influence to make  
8 the decision?

9 PRESIDING MEMBER PERNELL: Well, one of the  
10 people you see on this stage is a decision-maker;  
11 that's me. There are four other Commissioners, and  
12 we are the Commission.

13 The Commission was developed by statute, and  
14 that statute gave us the authority to do power plant  
15 siting and energy efficiency and some other things.

16 So that what you see here is what you will  
17 see if you come to Sacramento.

18 It sounds like a lot of you are. It is a  
19 five-member Commission. We are approved by the  
20 Senate, means that we are an independent body.

21 MS. LAWRENCE: Independent from the  
22 Governor?

23 PRESIDING MEMBER PERNELL: From what?

24 MS. LAWRENCE: From the Governor.

25 PRESIDING MEMBER PERNELL: Yeah. We have

1 authority by the Legislature to make these decisions  
2 on behalf of the People of California.

3 MS. LAWRENCE: So that means this Mandate is  
4 not more powerful than your decision as a Committee?

5 PRESIDING MEMBER PERNELL: What Mandate?

6 MS. LAWRENCE: That he commission this  
7 particular --

8 PRESIDING MEMBER PERNELL: The Executive  
9 Order? The Executive Order -- the Executive Order is  
10 putting us, as it states, it is an emergency  
11 situation.

12 MS. LAWRENCE: Period.

13 PRESIDING MEMBER PERNELL: Right. But it  
14 doesn't mandate us to make a decision that is not in  
15 the best interests of the People of California.

16 MS. LAWRENCE: Thank you.

17 PRESIDING MEMBER PERNELL: Thank you. Yes,  
18 ma'am.

19 MS. COPPER: Judith Cooper. I would like to  
20 know the information that the other four get. They  
21 will be getting that information from yourself?

22 PRESIDING MEMBER PERNELL: They will be  
23 getting a report from me and the transcripts, as  
24 well. So they will have the information from both  
25 meetings, by the way, so that information they would

1 have, and they will also have my report.

2 MS. COOPER: When you have something as  
3 important as this plant going up, why is it the whole  
4 Commission can't come down? You did everything you  
5 did in one day. It seems to me they could have come  
6 down here the same day.

7 PRESIDING MEMBER PERNELL: Again, we have,  
8 as Commissioners, this is not the only plant that  
9 we're doing. We have the base-load plants and peaker  
10 plants, and we have Commissioners on renewables --  
11 which is wind and hydro and audible, which somebody  
12 mentioned tonight -- so, to be quite honest with you,  
13 there is no time. The Commissioners are pretty  
14 stretched across the state.

15 MS. COOPER: So it is only five Commissioners  
16 for all these plants for the whole State of  
17 California?

18 PRESIDING MEMBER PERNELL: Yes, ma'am.

19 MS. COOPER: Five people. So --

20 PRESIDING MEMBER PERNELL: We have a very  
21 competent professional staff that are working with  
22 us, and as you can see, I have an Advisor and a  
23 Hearing Officer, so, although I would like to think  
24 I'm doing a whole lot of hard work, I have a lot of  
25 backup, and I certainly appreciate that.

1 MS. COOPER: But your staff didn't know a lot  
2 of information that people gave them, so their  
3 reports were --

4 PRESIDING MEMBER PERNELL: We can't get into  
5 that conversation --

6 MS. COOPER: I'm not knocking them; I'm just  
7 saying that the information that they have is  
8 outdated, so how in the world can the community feel  
9 that maybe won't happen, to have this power plant?

10 PRESIDING MEMBER PERNELL: Well, I think  
11 what the community has done, which has come and  
12 voiced their opinion, if we have outdated  
13 information, you told us the right information.

14 MS. COOPER: Hum.

15 PRESIDING MEMBER PERNELL: Thank you very  
16 much.

17 If there is nothing else, this meeting is  
18 adjourned.

19 (Adjourned at 12:25 a.m.)

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STATE OF CALIFORNIA        ) ss:  
COUNTY OF SAN DIEGO        )

I, Janet B. White, C.S.R. No. 1879, do hereby  
certify:

That the foregoing Informational Hearing was  
taken before me at the time and place therein set  
forth, at which time all proceedings were recorded  
stenographically by me, were thereafter transcribed  
under my direction and supervision, and that the  
foregoing is a true record of same.

I further certify that I am neither counsel for nor  
related to any party to said action, nor in any way  
interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name  
this 21st day of June, 2001.

JANET B. WHITE, C.S.R. No. 1879

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