

MANDATORY STATUS CONFERENCE  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
 )  
Application for Certification for ) Docket No.  
the Rice Solar Energy Power ) 09-AFC-10  
Plant Project )  
\_\_\_\_\_ )

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

WEDNESDAY, SEPTEMBER 29, 2010

2:00 p.m.

Reported by:  
Peter Petty  
Contract No. 170-09-002

COMMITTEE MEMBERS PRESENT

Robert B. Weisenmiller, Presiding Member

Karen Douglas, Chairman and Associate Member

HEARING OFFICER, ADVISORS PRESENT

Kourtney Vaccaro, Hearing Officer

Eileen Allen, Advisor to Commissioner Weisenmiller

Galen Lemei, Advisor to Commissioner Douglas

STAFF AND CONSULTANTS PRESENT

Kevin Bell, Staff Counsel

Deborah Dyer, Staff Counsel (via telephone)

John Kessler, Project Manager

Robert Worl

APPLICANT

Scott Galati, Attorney  
Robert Gladden, Attorney  
Galati and Blek

Jeff Benoit (via telephone)  
Matt Held (via telephone)  
Solar Reserve

Andrea Grenier (via telephone)  
Grenier and Associates

ALSO PRESENT

Dale Evenson, Deputy Fire Marshal  
Riverside County Fire Department

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1 line. But more particularly, do we have anyone from the  
2 Bureau of Land Management or the Western Area Power  
3 Administration on the line today?

4 (No response.)

5 HEARING OFFICER VACCARO: Okay, it doesn't sound  
6 like it. Any other member of a local, federal or state  
7 agency that is on the telephone line?

8 (No response.)

9 HEARING OFFICER VACCARO: Okay, I don't hear any.  
10 I am aware, however, that we do have a  
11 representative from Riverside County here in person. I  
12 don't have your name. If you wouldn't mind just letting us  
13 know who you are so we can acknowledge your presence.

14 MR. EVENSON: Dale Evenson, Deputy Fire Marshal,  
15 Riverside County Fire.

16 HEARING OFFICER VACCARO: Thank you for being here  
17 today.

18 Well, I think Commissioner Weisenmiller said it  
19 succinctly. Really what we are aiming to accomplish today  
20 is to figure out how we are going to accomplish the goals  
21 that have already been set for this project.

22 We're looking at an end of the year decision from  
23 this Commission, that's the ideal scenario. In order to get  
24 there we need to have a hearing. In order to have a hearing  
25 we need to have a Staff Assessment published.

1 I think what we need to talk about is the timing  
2 of the expectation as we sit here today of the publication  
3 of the SA/DEIS and what that means to the existing schedule  
4 that we have.

5 As all of you know, October 11th and 12th are  
6 currently reserved for the prehearing conference and  
7 evidentiary hearing in this matter. I think maybe with a  
8 little bit of adjustment we can still preserve at least one  
9 of those dates. And the Committee has already looked at its  
10 calendar and has been able to identify a backup date, which  
11 is Friday October 22, to conduct a hearing. So I think what  
12 we're proposing is that we move forward with an October 11  
13 prehearing conference and look more realistically towards an  
14 October 22 hearing.

15 I'd certainly like to hear from the parties on  
16 that proposal. And when we hear from you, if you could also  
17 give us a sense of what success you might have had with the  
18 workshop. What you anticipate in terms of being the  
19 uncontested issues. What we can expect to accomplish within  
20 the next few weeks so that this project can stay on the  
21 schedule or close to it.

22 So with that I think we'll start with the  
23 applicant. Mr. Galati, if you would go ahead and introduce  
24 yourself, I'm sorry, I should have done that earlier, as  
25 well as the members of the Rice team that are on the

1 telephone. Mr. Galati.

2 MR. GALATI: Scott Galati representing Solar  
3 Reserve in the Rice Solar Energy Project. And I believe on  
4 the phone that we have Andrea Grenier who is our team leader  
5 on the environmental side. And our project director from  
6 Solar Reserve is Jeff Benoit, he is on the phone, and his  
7 colleague. I apologize for your title, Matt. Matt Held, I  
8 think he is director of development for Solar Reserve. And  
9 to my right is the smart guy in our firm, Bob Gladden. I  
10 decided to bring him with me.

11 Is there anyone I missed on the phone from Solar  
12 Reserve's team?

13 (No response.)

14 MR. GALATI: Bull's eye.

15 HEARING OFFICER VACCARO: Okay, so if you would go  
16 ahead and respond to the Committee's proposal for the dates,  
17 how we move forward with the schedule and what your sense is  
18 of the successes, if there were any, from day one of the  
19 workshop.

20 MR. GALATI: First of all, this would be rare for  
21 you so hang on a second. The Staff Assessment has slipped  
22 and I'm not going to scream. We understand the Staff  
23 Assessment has slipped. Staff has been good enough to share  
24 with us draft sections. Our team turned around and reviewed  
25 the draft sections in less than a week and some of them came

1 out even a couple of days before the workshop. We were able  
2 to be very, very productive at the workshop.

3 I think that there's a -- there are some sections  
4 we have not talked about yet but we have seen and reviewed  
5 and those we are going to talk about tomorrow in the  
6 continuation of our workshop. And we hope that's as  
7 productive as it was yesterday.

8 If I could give you my perspective as we sit here  
9 today. It's probably easier for me to list the number of  
10 areas that I think that are not -- that might be contested  
11 versus the ones, the number that are uncontested, since  
12 there's only a few that might be contested. And I'm only  
13 saying that they might be contested, some we have not yet  
14 spoken, so I am just reserving the right that we might need  
15 a hearing. And that would be on Biological Resources. And  
16 from our perspective we're talking about four or five  
17 conditions, not wholesale topic areas, but some condition  
18 languages.

19 Cultural Resources. There might be, again there's  
20 some condition language that we'd like to see. And there is  
21 only one topic area and it has to do with the project  
22 applicants providing a cultural area to be preserved. And  
23 it's the extent that that cultural area needs to be  
24 preserved and what that looks like. We're going to have  
25 further conversations about that on Thursday. We again

1 remain hopeful.

2 Land Use we haven't yet discussed, although there  
3 was one thing I'd like to inform the Committee.

4 And I guess this -- I take the opportunity, it  
5 piggybacks on what you heard today in the, in the Commission  
6 Hearing. And I'd like to tell the Commissioners that I  
7 actually very much defend the Energy Commission's CEQA  
8 process because it encourages design changes. And while  
9 that might be difficult for people to follow, that's exactly  
10 what CEQA intended when it was adopted. It's exactly what  
11 all the environmental leadership leaders, especially if you  
12 look at the environmental leadership that Mark Reisner set  
13 out when he started much of the movement, he wanted  
14 companies to be able to talk to environmental constituencies  
15 and actually make design changes. That happens here at the  
16 Commission.

17 And unfortunately when it happens sometimes it's  
18 hard to keep track of the design change. But it's  
19 absolutely what should happen and should continue to happen.

20 Maybe we can report it a little differently but I don't  
21 want to discourage it. I very much defend the process  
22 because that is how we are able to come to hearings and not  
23 take your valuable time up and have a lot of issues taken  
24 off the table with applicants that are willing to change.

25 So one of those design changes was we had designed

1 a person camp where the workers could be housed. At the  
2 time we designed the person camp it was because we thought  
3 there might be a Traffic and Transportation commute problem  
4 to this particular location. So we intended to solve one  
5 problem and what it did is open up a can of worms on several  
6 other problems that the staff after evaluation identified.

7           So we have now removed the person camp. The staff  
8 had already evaluated the Traffic and Transportation in a  
9 worst case scenario. We actually presented information both  
10 ways. And so that, I think, is going to go a long way to  
11 solving some of the problems we had with Land Use. And in  
12 Socioeconomic there was a possible impact on the Sheriff's  
13 Department about managing that camp. So we have removed  
14 that; we think that that's very helpful. So we're pretty  
15 hopeful that Land Use will also be uncontested and we're  
16 going to talk about that more tomorrow.

17           Soil and Water Resources. We had a lot of  
18 technical changes. It was a highly technical conversation  
19 yesterday. And it looked like we had agreement on just  
20 about everything so I think that we're probably going to be,  
21 from a Soil and Water Resources perspective, an uncontested  
22 matter as well.

23           Traffic and Transportation has a couple of  
24 conditions that are unique to a solar tower site. It has to  
25 do with managing the luminescence or monitoring the

1 luminescence of the tower. It also has to do with heliostat  
2 positioning.

3           And we had very, very productive conversations  
4 yesterday about things, the way the conditions were written,  
5 that we would like to see different. And we've come up with  
6 some joint language and we're also proposing some language.

7           We may not get it all right ourselves but if we do take the  
8 Committee time I actually see it just being pretty minor if  
9 there is anything that is not quite disputed -- not quite  
10 resolved.

11           And lastly, Visual Resources. There is a -- there  
12 is an issue that we're working on right now that has to do  
13 with how much with a project that has a significant impact  
14 that needs an override according to staff, how much  
15 additional painting and blending is necessary. And  
16 specifically, some of the areas that are difficult for us to  
17 treat and paint. We're continuing to work through those  
18 issues. We're continuing to work through the transmission  
19 tower issues. And I actually think that we have a good  
20 chance of getting there.

21           So my prediction is that if we go to hearing the  
22 most topic areas that might be contested would be four and  
23 everything else would be uncontested. And that is if we are  
24 not productive on Thursday. That's my best guess.

25           And then because of that I think that I would ask

1 the Committee to waive the 14 day rule for purposes of going  
2 to evidentiary hearing on the 11th or 12th for purposes of  
3 taking into the record the uncontested matters so that you  
4 can continue to work on the Presiding Member's Proposed  
5 Decision on those matters.

6 If there were comments from the public on those  
7 matters one idea would be to leave the record open until the  
8 22nd just for comment, public comment on those areas, and  
9 then go to evidentiary hearing on the 22nd for those areas  
10 that weren't taken in on the 11th or 12th. And then that  
11 way it's possible to keep moving forward and minimize the  
12 effect of the Staff Assessment not being published this  
13 week.

14 HEARING OFFICER VACCARO: Okay, thank you. How  
15 about discussing sort of the briefing schedule. That was  
16 another aspect.

17 You are expected to get us some opening testimony  
18 and a prehearing conference statement in advance of the  
19 October 11 date. Knowing that there isn't an SA/DEIS right  
20 now but let's say we're anticipating that it will come out  
21 this week --

22 MR. GALATI: Yes.

23 HEARING OFFICER VACCARO: What does that mean?  
24 Are these dates still viable? And if not, do they need to  
25 be changed? Do you need more time? Can you get your work

1 done in a reduced amount of time? And does it help at all  
2 for me to suggest that what we do is focus the opening  
3 testimony and prehearing conference statement primarily on  
4 those issues that are uncontested and use the secondary  
5 hearing date, the October 22nd date, to brief and to get all  
6 the remaining testimony in with respect to what looked like  
7 the contested issues?

8 MR. GALATI: Yes, thank you for reminding me of  
9 that because we would -- currently right now we have to file  
10 our testimony on the 5th. And I believe our prehearing  
11 conference is -- is our prehearing conference on the 5th or  
12 the 7th?

13 HEARING OFFICER VACCARO: The 7th.

14 MR. GALATI: Okay. I think as long as the Staff  
15 Assessment comes out this week we can continue to file our  
16 testimony on the 5th and the prehearing conference on the  
17 7th. What I would ask is that we be given until the 10th to  
18 be able to file the contested issues.

19 So what we can still do is meet the 5th with all  
20 of our exhibits and our uncontested matters and then  
21 prehearing conference statement on the 7th outlining for you  
22 the areas that we may still have disputes. And file our  
23 testimony on contested areas on the 10th for the ability to  
24 go to evidentiary hearing on the 22nd on those contested  
25 matters. So we'd appreciate another five days or so on the

1 contested matter testimony. I think that's the only thing  
2 that would need to change.

3 Now if the Staff Assessment, heaven forbid, did  
4 not come out this week, and the Staff Assessment moved to  
5 next week, I think that would be problematic. But I'm  
6 hoping the Staff Assessment comes out this week.

7 HEARING OFFICER VACCARO: Okay, thank you. And  
8 we'll hear from the staff in just a moment.

9 It is my understanding, I think, that Deborah  
10 Dyer, are you on the telephone?

11 (No response.)

12 HEARING OFFICER VACCARO: Okay, not quite yet.  
13 It's my understanding that she might be joining us by way of  
14 the telephone.

15 Mr. Kessler, if you would go ahead and do  
16 introductions from staff that would be appreciated. And  
17 then if you could also address the initial questions that  
18 were posed and any response that you might have to what  
19 Mr. Galati has stated.

20 MR. KESSLER: Okay. I'm John Kessler, project  
21 manager. To my left is Kevin Bell, our stand-in counsel.  
22 Thank you for being spontaneous. And Robert Worl is behind  
23 me, he's our senior in the project management group for  
24 siting.

25 In terms of schedule I guess the most interest

1 that I'll get right to, what is our publication date. I was  
2 advised yesterday afternoon by my counterpart at Western  
3 Area Power Administration that their legal team was not able  
4 to turn around as quickly as they had hoped and needed a few  
5 more days. So his best guess as of yesterday afternoon,  
6 which is the latest information I have, is that they could  
7 give us a green light on either Friday of this week or  
8 Monday of next week.

9           With regard to the schedule that has been  
10 discussed and Mr. Galati was suggesting. We did have a  
11 chance with Deborah Dyer and myself to discuss that  
12 yesterday at the close of the workshop and staff agrees with  
13 the concepts that Mr. Galati has indicated. And we might  
14 add that for the prehearing conference on the 11th, should  
15 we be done early after going through, if the Committee were  
16 to consider discussing the non-contested issues at that  
17 time. Should there be additional remaining time in the day  
18 that we would also encourage that we leave open the option  
19 to have a workshop to continue any discussions that we need  
20 for outstanding issues.

21           As far as the productivity of the workshop  
22 yesterday. I would say it was highly productive. We  
23 touched on -- not just touched but went through in detail  
24 the topics of Air Quality and Worker Safety, Fire  
25 Protection, Soil and Water, Visual Resources, General

1 Conditions, Socioeconomics and Traffic. If I missed  
2 anything, Scott or Bob, let me know. Soil and Water, okay.

3 And I think I agree with Mr. Galati's characterization as  
4 to where we think we have closure of those issues.

5 We do have some -- and we're trying to make  
6 updates to the section since we do have a couple of extra  
7 days to reflect that so that we will not require additional  
8 updates in the future.

9 HEARING OFFICER VACCARO: I apologize for that, I  
10 did hear you. But I'm sorry that I diverted my attention.

11 MR. KESSLER: No, that's okay. I just wanted to  
12 give you the chance to hear it.

13 With regard to the -- we have the second, another  
14 development yesterday besides working through conditions of  
15 certification. We're actually getting edits to our  
16 assessment or the way we describe certain features of the  
17 project. We also learned that there was no longer going to  
18 be a construction RV camp and so we're trying to reflect  
19 that throughout the assessment. So it's not only the topics  
20 we discussed yesterday but it has some other carryover  
21 effect. So we're trying to capture those the best we can.

22 We have another workshop scheduled tomorrow and  
23 those will be more environmental issues. We are --  
24 certainly Bio and Cultural will be included. And we expect  
25 it to be as productive as yesterday's was.

1           So if there's any questions I can answer beyond  
2 that I'd be glad to.

3           HEARING OFFICER VACCARO: Well actually, yes.  
4 Let's just go back to the Friday or Monday green light.  
5 What does that mean in real terms though from getting the  
6 green light and actually publishing the document? So if you  
7 heard from the federal reviewers by a certain time on  
8 Friday, what is that time so that that document could still  
9 be published by Friday?

10          MR. KESSLER: Somewhere in the time frame of one  
11 or two o'clock to still get everything posted on the web and  
12 get it -- make sure there's no final edits based on their  
13 feedback, as long as they're minor. And to, you know, have  
14 the document docketed and so on.

15          HEARING OFFICER VACCARO: Okay. So is it fair to  
16 say probably within a matter of hours you could get it  
17 published, depending on the nature of the comments that you  
18 receive. But do you anticipate any comments that would  
19 delay publication by more than a number of hours?

20          MR. KESSLER: Not at this time.

21          HEARING OFFICER VACCARO: Okay. And so you could  
22 get something anywhere from Friday through the end of the  
23 day Monday, which means that conservatively we could be  
24 looking at a Tuesday publication?

25          MR. KESSLER: Well, I'm assuming that that's

1 possible.

2 HEARING OFFICER VACCARO: Okay. So, Mr. Galati,  
3 you were mentioning a few moments ago in response to my  
4 questions about the timing and the briefing and how quickly  
5 you could put together opening testimony and a prehearing  
6 conference statement with respect to the uncontested  
7 matters. What does a Monday or Tuesday publication do to  
8 your ability to meet the current schedule and what would you  
9 propose as an alternative in terms of dates? Because we  
10 still do need those documents in advance of the prehearing  
11 conference.

12 MR. GALATI: Here is what I would propose. First  
13 of all to let the Committee know, we are about three-  
14 quarters done with our uncontested testimony based on the  
15 kinds of things we talked about yesterday. So what ends up  
16 happening is, when the Staff Assessment comes out we'll  
17 check to see that the changes were made the way we thought  
18 about them and the way we discussed them. And if they are  
19 okay then I leave the testimony as is, it says we agree with  
20 the conditions of certification and none of our exhibits  
21 change, none of that.

22 If there's -- if it didn't quite get captured the  
23 way we thought or we were talking past each other, I might  
24 need to make some changes. So in order to have that  
25 flexibility I would ask the Committee to indulge us until

1 the 7th and we'll file our prehearing conference statement  
2 and our uncontested topics on the 7th.

3 And then if we could have until the 12th on our  
4 contested topics since I lose a day on the 11th because  
5 we'll be here. It also might be helpful for me to have the  
6 12th for contested topics if we have a workshop on the 11th  
7 because we might be able to turn it into uncontested for our  
8 testimony on the 12th.

9 So I would ask for prehearing conference on the  
10 7th, to the end of the day instead of the three o'clock or  
11 noon time line. Uncontested topic testimony, the end of the  
12 day on the 7th. We'd come to evidentiary hearing, present.

13 We'll bring our boxes and our evidence, submit that into  
14 the record on the 11th. Workshop the rest of the day. And  
15 then on the 12th by the end of the day we could have time to  
16 finish up our contested testimony in time for a 22nd  
17 hearing.

18 So I could accommodate a Monday, Tuesday  
19 publication date if I had until Thursday the 7th.

20 HEARING OFFICER VACCARO: Okay.

21 MS. DYER: I --

22 HEARING OFFICER VACCARO: Thank you.

23 MS. DYER: I'm sorry to interrupt.

24 HEARING OFFICER VACCARO: We'll address the  
25 contested, the briefing for contested matters separately.

1 The Committee will go ahead and probably issue an order that  
2 sort of takes into consideration where we are at that point  
3 in time and gets us better prepared for the October 22nd.

4 I do want to move backwards though because I think  
5 what you suggested presupposes that the Committee might very  
6 well waive that 14 day time period so that the evidentiary  
7 hearing could commence. And I think that is an invitation  
8 that is made really looking, I think, to assist the  
9 Committee and the Hearing Advisor's Office in preparing the  
10 PMPD, and we certainly appreciate that.

11 At this point though, given the timing of the  
12 publication of the SA/DEIS, what the Committee is more  
13 inclined to do is to move forward on the 11th with the  
14 prehearing conference and to have the hearing on October  
15 22nd, at which time we will take in the evidence. It  
16 certainly doesn't preclude you from providing the Hearing  
17 Advisor's Office and the parties with the exhibits earlier  
18 and doing all that you can to be poised to move swiftly on  
19 the 22nd. But we are not inclined at this point to waive  
20 that 14 day period between the publication of the Staff  
21 Assessment and the conduct of the evidentiary hearing.

22 MS. DYER: Excuse me. Can you hear me?

23 HEARING OFFICER VACCARO: Yes we can.

24 MS. DYER: I'm sorry, this is Deborah Dyer, I  
25 hesitated to interrupt. I apologize for not being on at the

1 beginning of the hearing, I didn't have it on my calendar.

2 HEARING OFFICER VACCARO: Okay. Well thank you  
3 for joining us now. We do have staff counsel here in the  
4 room as well so we have two of you.

5 Mr. Bell, it looked as though that you wanted to  
6 say something at some point so why don't you go ahead and  
7 give us your thoughts.

8 MR. BELL: I'm sorry, Ms. Vaccaro, yes. Kevin  
9 Bell, staff counsel. I'm somewhat peripherally  
10 knowledgeable of the situation with Rice. Ms. Dyer is now  
11 on the line. I was just going to bring that to your  
12 attention. I heard her trying to interrupt there. So if  
13 I'm not needed here I'll let Ms. Dyer take it.

14 HEARING OFFICER VACCARO: Okay, thank you and  
15 thank you for your willingness to be present to help move  
16 this along.

17 MS. DYER: Thank you, Mr. Bell.

18 HEARING OFFICER VACCARO: Okay and --

19 MR. GALATI: I hesitate to ask. Because as I  
20 moved through my calendar here -- and again, it's more  
21 important if the Committee were available. On the 22nd I  
22 was actually scheduled to speak at the Environmental Law  
23 Conference on Renewable Energy. I was the only applicants'  
24 attorney invited to speak. Otherwise there would be a very  
25 skewed view. So if there was another date like the 21st

1 that was available to the Committee -- And again, I give it  
2 a one because I will be here, that's a ten. so it's a one  
3 on my scale. Only if it was easy for the Committee to  
4 accommodate. They could easily get another speaker.

5 PRESIDING MEMBER WEISENMILLER: I'm afraid -- we  
6 really struggled to find a date that worked. So maybe your  
7 associate will have to take your place at the conference.

8 MR. GALATI: Yes, that's why I said it was a one.  
9 So okay, but I thought I would at least ask.

10 PRESIDING MEMBER WEISENMILLER: Please, please,  
11 please check. But as you can imagine -- always ask. But I  
12 must confess, the scheduling -- particularly when we saw  
13 that we were likely to need another date, we were  
14 scrambling.

15 MR. GALATI: No problem. We'll be here on the  
16 22nd. And I understand that that will take all the evidence  
17 in and that's fine. And again, I think that Ms. Vaccaro hit  
18 it right on the head. Our goal to get evidence in the  
19 record on the 11th was to help the Hearing Officer. And if  
20 the Hearing Officer does not need that help -- to waive the  
21 14 -- there's no reason to waive the 14 day. Our job was to  
22 try to get the Hearing Officer to see the evidence.

23 I know that she would see the evidence because I  
24 would have filed it. So whether or not it's been taken in,  
25 she certainly can start reviewing. We can certainly have

1 the boxes of our exhibits. Since it's us and staff and it's  
2 uncontested matters and there are no other parties in the  
3 proceeding I think that it's probably prudent not to waive  
4 the 14 day. And if the Committee is fine with that we  
5 certainly are.

6 And we'll be here on the 22nd and we hope that  
7 there are no contested items on the 22nd. But to the extent  
8 there are we'll, we'll get in and out very quickly.

9 HEARING OFFICER VACCARO: Okay, thank you. I  
10 think at this point we have heard everything from the  
11 applicant and staff. Is there anything to add from either  
12 party? Okay.

13 MS. GRENIER: Kourtney, this is Andrea, I just  
14 have a quick question.

15 Would that be a morning scheduled hearing on the  
16 22nd? Do you know yet?

17 HEARING OFFICER VACCARO: Yes I do. I know that  
18 it's scheduled for the entire day.

19 MS. GRENIER: Okay, great.

20 HEARING OFFICER VACCARO: We're planning to start  
21 at about nine o'clock.

22 MS. GRENIER: Okay, thank you.

23 HEARING OFFICER VACCARO: So, Mr. Kessler, just in  
24 follow-up to your suggestion that we use October 12 as a  
25 workshop day. Then I will put on your plate the task of

1 ensuring that we get that noticed, timely notice of a  
2 possible continuation of the public workshops for this  
3 matter. And I think we've got plenty of time to get that  
4 notice out.

5 MR. KESSLER: I'd be glad to do so, thank you.

6 HEARING OFFICER VACCARO: Okay, thank you.

7 MR. GALATI: Can I have clarification on that?

8 Would that mean that we continue to have the prehearing  
9 conference on the 11th?

10 HEARING OFFICER VACCARO: Yes.

11 MR. GALATI: And then we would have a workshop on  
12 the 12th?

13 HEARING OFFICER VACCARO: If need be, yes.

14 MR. GALATI: Okay, could I ask the Committee to  
15 also notice the workshop starting on the 11th immediately  
16 after the prehearing conference. Because we might be able  
17 to -- while we're all gathered it might be easier just to do  
18 that. I think it's scheduled now at ten. And so once we're  
19 done. I would prefer that either after lunch or something  
20 we could continue to stay here. Because I know I have -- my  
21 people travel and it might not be necessary for them to be  
22 here for the second day.

23 HEARING OFFICER VACCARO: Okay. I think that's a  
24 good idea. Mr. Kessler, you could include that in your  
25 notice?

1 MR. KESSLER: Yes, we agree with that, thank you.

2 HEARING OFFICER VACCARO: Okay, thank you.

3 Okay, I think with that why don't we go ahead and  
4 move to any public -- Mr. Gladden, did you have something  
5 that you wanted to add?

6 MR. GALATI: Actually he -- I know exactly what he  
7 wants to add because we don't have enough time to notice  
8 that through staff, I believe. So I'd ask the Committee to  
9 order that workshop and order us to go be productive on the  
10 11th after the prehearing conference. That way -- because  
11 I'm worried about you being able to get a notice out within  
12 ten days.

13 MS. DYER: We could also -- this is Deborah Dyer.  
14 We could also have a continuation of tomorrow's workshop.

15 MR. GALATI: Great.

16 HEARING OFFICER VACCARO: Yes. That's exactly, I  
17 think, what we had in mind.

18 MR. GALATI: That's why we have Deb with us.  
19 Good, thank you, Deb.

20 HEARING OFFICER VACCARO: Okay, thank you.

21 So I think with that why don't we move to public  
22 comment since we have a representative of Riverside County  
23 here. I don't know if you have a comment that you would  
24 like to make or if you are just here to sort of witness the  
25 proceedings.

1 MR. EVENSON: I was here for an earlier proceeding  
2 and I stayed.

3 HEARING OFFICER VACCARO: Okay, well thank you for  
4 being here. Is there anyone on the telephone who would like  
5 to make public comment?

6 (No response.)

7 HEARING OFFICER VACCARO: Okay, hearing none I  
8 think we all understand what the next steps are in this  
9 process so I'll leave any closing comments to the Committee  
10 Members if they might have any.

11 PRESIDING MEMBER WEISENMILLER: I certainly want  
12 to thank the staff and the applicant for -- as you know, we  
13 have obviously been dealing with a crush of other competing  
14 projects. Appreciate the activity now to try to move this  
15 one along. I certainly encourage people to have more  
16 productive workshops in terms of trying to narrow the issues  
17 so when we go into the hearings we can take in the evidence  
18 and resolve those. Certainly thanks for your time and  
19 effort on this.

20 ASSOCIATE MEMBER DOUGLAS: Thank you,  
21 Commissioner. And I have very little to add. We'll look  
22 forward to seeing you on the 22nd.

23 MR. GALATI: Thank you.

24 (Whereupon, at 2:53 p.m. the  
25 Status Conference was adjourned.)

## CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of October, 2010.

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PETER PETTY, CER\*\*D-493

## CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

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RAMONA COTA, CERT\*\*478

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October 4, 2010