

COMMITTEE CONFERENCE
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for Certification for the) Docket No.
CPV Sentinel Energy Project) 07-AFC-3
by the CPV Sentinel, LLC)
_____)

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

TUESDAY, NOVEMBER 2, 2010

1:00 p.m.

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

COMMITTEE MEMBERS

James D. Boyd, Vice Chairman and Presiding Member

HEARING OFFICER, ADVISORS

Kenneth Celli, Hearing Officer

Tim Olson, Advisor to Commissioner Boyd

STAFF, CONSULTANTS AND STAFF WITNESSES

Caryn Holmes, Staff Counsel

John Kessler, Project Manager

OFFICE OF THE PUBLIC ADVISER

Jennifer Jennings, Public Adviser

APPLICANT

Michael J. Carroll, Attorney
Latham & Watkins

Mark O. Turner
Will Mitchell
Competitive Power Ventures

INTERVENORS

None present

ALSO PRESENT

Mohsen Nazemi
Barbara Baird (via WebEx)
Lauren Nevitt (via WebEx)
John Yee (via WebEx)
South Coast Air Quality Management District (SCAQMD)

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1 moments.

2 So I at this point in time would like to introduce
3 or have introduced the representatives of the various
4 parties here. So if the applicant would lead off, please.

5 MR. CARROLL: Good afternoon. Mike Carroll
6 with --

7 (Laughter.)

8 MR. CARROLL: Sorry.

9 PRESIDING MEMBER BOYD: We not only share the mics
10 but the cord too.

11 MR. CARROLL: Good afternoon, Mike Carroll with
12 Latham & Watkins on behalf of the applicant. And with me
13 here today is Mark Turner and Will Mitchell from CPV
14 Sentinel, LLC.

15 PRESIDING MEMBER BOYD: Thank you. Commission
16 staff?

17 MS. HOLMES: Caryn Holmes, staff counsel. And I'm
18 certainly hoping that I will be joined shortly by the
19 project manager and co-counsel.

20 PRESIDING MEMBER BOYD: That would be helpful.

21 All right. Intervenors? California Communities
22 Against Toxics, are you on the phone since you're not in the
23 room?

24 (No response.)

25 PRESIDING MEMBER BOYD: Any evidence on your --

1 HEARING OFFICER CELLI: Somebody just hung up.
2 We'll never know who.

3 PRESIDING MEMBER BOYD: Okay.

4 HEARING OFFICER CELLI: I have another call-in
5 user, I don't know who they are.

6 PRESIDING MEMBER BOYD: All right. The other
7 intervenor is Citizens for a Better Environment. Are you on
8 the phone?

9 (No response.)

10 PRESIDING MEMBER BOYD: Okay. Any elected
11 officials listening in who would like to be acknowledged?

12 (No response.)

13 PRESIDING MEMBER BOYD: Hearing none, government
14 agency representatives, I'm going to turn to the South Coast
15 Air Quality Management District because they have a
16 representative in the room and I believe somebody on the
17 phone. So Mohsen, would you like to introduce yourself?
18 Push the little red button there.

19 MR. NAZEMI: Yes, good afternoon. My name is
20 Mohsen Nazemi, I'm the Deputy Executive Officer for
21 Engineering Compliance at South Coast Air Quality Management
22 District.

23 PRESIDING MEMBER BOYD: Welcome, Mohsen.

24 Barbara Baird, are you on the phone as I was told?

25 MS. BAIRD: Yes, we're on the phone. Barbara

1 Baird, District Counsel, and Lauren Nevitt, Deputy District
2 Counsel.

3 PRESIDING MEMBER BOYD: Thank you.

4 Any other government agency representatives on the
5 phone who would like to be acknowledged?

6 (No response.)

7 PRESIDING MEMBER BOYD: Hearing none I'll move on
8 to just acknowledge the presence of our -- I was ready to
9 acknowledge the presence of our Public Adviser who was
10 sitting there when I last bent my head down but -- Jennifer
11 Jennings is our Public Adviser, is usually present in the
12 room, and I'll bet you she ran out to find out what happened
13 to intervenors, if they wanted to participate they're
14 missing.

15 We are meeting in the small hearing room, the so-
16 called Hearing Room B of the Commission, since our other
17 room has some construction issues going with it at the
18 present time.

19 And with that -- so it makes for a very informal
20 and sometimes awkward hearing as we shuffle the microphones
21 around. So if you people on the phone wonder why the
22 remarks about microphones and cords and cables, we're
23 sharing microphones that are portable here and it gets -- it
24 should be okay but sometimes it gets a little awkward. I do
25 notice they have fixed it so it can handle more than one

1 microphone at a time.

2 So, Mr. Celli, I'm going to turn this over to you
3 if you would, please.

4 HEARING OFFICER CELLI: Thank you, Commissioner
5 Boyd. I just want to acknowledge the absence of Jennifer
6 Jennings. Actually she was here.

7 Also I just wanted to identify for the record that
8 the project manager for staff is John Kessler, correct?

9 MS. HOLMES: Yes.

10 HEARING OFFICER CELLI: Okay. And we do -- we
11 have Barbara Baird and Lauren Nevitt on the phone. And I
12 have one other call-in user. If you can hear me, if you
13 wouldn't mind telling me who you are, who else is listening
14 in on the phone.

15 MR. YEE: Yes, this is John Yee with the South
16 Coast AQMD.

17 HEARING OFFICER CELLI: Thank you, John Yee,
18 welcome. That helps a lot. Because if I know who is on the
19 phone then it's a lot easier to manage.

20 MR. NAZEMI: Mr. Hearing Officer, if that's a
21 problem I can ask John to join Barbara on her --

22 HEARING OFFICER CELLI: No, that's fine. Actually
23 I prefer everyone to have their own phone with their own
24 handset because then I can hear better.

25 MR. NAZEMI: Okay.

1 HEARING OFFICER CELLI: When people go on the
2 speaker phone it seems to mute them down.

3 Okay. And the record should reflect that John
4 Kessler is here.

5 The record should also reflect that the
6 intervenors, California Communities Against Toxics are not
7 present, and California -- no, it's Communities for a Better
8 Environment are also not present here today, at least
9 physically.

10 I have another call-in user. If you are on the
11 phone and you're not John Yee or Barbara Baird would you
12 please identify yourself, please. If you can hear, on the
13 telephone I have a new caller. Could you identify yourself,
14 please.

15 (No response.)

16 HEARING OFFICER CELLI: Some people just like to
17 hang out and listen anonymously. Actually under the Open
18 Meetings Act they don't have to say who they are, they're
19 welcome to remain anonymous. So with that we'll just go
20 right ahead.

21 The purpose of this conference is to discuss the
22 comments on the Presiding Member's Proposed Decision or PMPD
23 which was filed, those comments were filed by the parties.
24 The applicant filed their comments on the PMPD on October
25 28, 2010. Staff filed their comments on October 29, 2010.

1 Intervenor California Communities Against Toxics, which we
2 refer to as C-CAT, and Communities for a Better Environment,
3 which we refer to as CBE, have not filed comments. South
4 Coast Air Quality Management District filed comments on
5 October 28, 2010.

6 The comments that we have received heretofore have
7 all been incorporated into a Draft Errata, copies of which
8 were emailed to the Proof of Service List yesterday and we
9 have hard copies available here today.

10 I would like to begin first with the applicant and
11 start off asking, have you had a chance to review the Draft
12 Errata?

13 MR. CARROLL: Yes, we have.

14 HEARING OFFICER CELLI: And do you have any
15 comment on the draft so far?

16 MR. CARROLL: We do have maybe a dozen comments,
17 all of which I believe are minor, some of which are
18 extremely minor and some of which may require some
19 discussion amongst the parties. And at an appropriate time
20 we'd be happy to identify those.

21 HEARING OFFICER CELLI: This is the appropriate
22 time.

23 MR. CARROLL: Okay.

24 HEARING OFFICER CELLI: Let's go through all 12
25 and find out what they are.

1 MR. CARROLL: Okay. The first one is on page
2 three. It's Errata item 13. And it was really just a
3 question mark. At least in the copy of the document I have
4 it appears to be highlighted so I didn't know if that was
5 something the Committee was looking for discussion on or
6 whether that was inadvertent highlighting.

7 HEARING OFFICER CELLI: That wasn't inadvertent,
8 that was I couldn't figure out where to put that in.
9 Because there's necessarily a reference to a strikeout or
10 anything so I couldn't figure out where we want to put that
11 in at pages 3-4, 10-11. This is in the Greenhouse Gas
12 section.

13 There's up sides and down sides to this non-
14 sequential pagination that we've gone with here.

15 MR. CARROLL: I haven't discovered the upside yet.

16 HEARING OFFICER CELLI: Well the upside is if we
17 can make changes and slip them back in at the last minute.
18 That's the only upside.

19 So I am now at page three. It said pages three
20 and four. And I wasn't exactly sure what I was supposed to
21 strike or add in with this comment. Was this applicant's
22 comment or South Coast's comment?

23 MR. CARROLL: This was applicant's comment. And I
24 don't know if I want to make more of it than is necessary
25 because the fact of the matter is that the project does

1 comply with the Emissions Performance Standard. But it's
2 also the case that the Emissions Performance Standard is
3 applicable to baseload facilities and this is a peaking
4 facility. So we just thought that the record should be
5 clear on that point.

6 HEARING OFFICER CELLI: Do you have a --

7 MR. CARROLL: I think one place to address it
8 might be on page three in the LORS table, Greenhouse Gas
9 Table 1. That's one place where the EPS is identified. And
10 it could just be stricken from that table. Or alternatively
11 there could be a parenthetical which states that, while the
12 project meets the EPS standard it's not technically subject
13 to the EPS standard.

14 HEARING OFFICER CELLI: We're talking about Title
15 20 --

16 MR. CARROLL: It's the last --

17 HEARING OFFICER CELLI: The last --

18 MR. CARROLL: It's the last item in the table,
19 Greenhouse Gas Table 1.

20 HEARING OFFICER CELLI: So you are suggesting that
21 we insert that paragraph as sort of a parenthetical within
22 the box under the description?

23 MR. CARROLL: I think that would be one way to
24 address it, yes.

25 HEARING OFFICER CELLI: Staff, do you have any

1 position on that one way or another?

2 MS. HOLMES: That sounds like a reasonable
3 approach.

4 HEARING OFFICER CELLI: Okay. And again I see
5 Jennifer Jennings. Hello, I see you're on the phone. Can
6 you hear me?

7 MS. JENNINGS: Yes I can.

8 HEARING OFFICER CELLI: Have you had any further
9 contact from the intervenors?

10 MS. JENNINGS: No. I called them but I was not
11 able to reach them.

12 HEARING OFFICER CELLI: Okay, thanks. I do have a
13 call-in user number four on the line, I don't know who that
14 is. I was hoping that would be either Ms. Johnson Meszaros
15 or Ms. Lazerow. If you're on the line would you please
16 identify yourself.

17 (No response.)

18 HEARING OFFICER CELLI: Okay, not hearing anything
19 we'll move on. So I am going to go ahead.

20 What I would do then is just insert that paragraph
21 that's Item number 13 under Greenhouse Gas Emissions in the
22 table as a parenthetical. That would be Greenhouse Gas
23 Table 1. Okay, thank you.

24 PRESIDING MEMBER BOYD: One down, 11 to go.

25 HEARING OFFICER CELLI: That's right.

1 MR. CARROLL: I said about a dozen. The next one
2 that we had was -- and these are very minor but as long as
3 we're going through it. Comment 20 on page five of the
4 Errata. I think these amount to typos. It looks like the
5 strike-through and the underlining may have gotten off. It
6 looks like there's a capital T there at the end of the new
7 inserted phrase and it should be a lower case T.

8 HEARING OFFICER CELLI: You're looking at Page 6,
9 First paragraph, change to read, Item 20?

10 MR. CARROLL: Yes. There's the new phrase: "At
11 the time the project application was submitted" comma, and
12 then the next word begins with a capital T.

13 HEARING OFFICER CELLI: Right.

14 MR. CARROLL: It should be lower case.

15 HEARING OFFICER CELLI: Okay.

16 MR. CARROLL: The next comment is on Item 22. In
17 the second line at the end there's some deleted text, "and
18 annual PM10" is all deleted and I believe that all that
19 should be deleted is "and annual." So the phrase or the
20 acronym "PM10" should remain.

21 The point here was that the federal annual PM10
22 standard has been revoked but the federal 24 hour --

23 HEARING OFFICER CELLI: PM10.

24 MR. CARROLL: It should say "PM10 ambient air
25 quality standards."

1 HEARING OFFICER CELLI: Okay.

2 PRESIDING MEMBER BOYD: We could argue that the
3 applicant is catching all the tricks we put in to prove that
4 he read it. But in reality, thank you for catching these
5 things.

6 MS. BAIRD: Mr. Commissioner?

7 HEARING OFFICER CELLI: Yes. Who is speaking,
8 please.

9 MS. BAIRD: Yes, this is Barbara Baird.

10 HEARING OFFICER CELLI: Go ahead. Barbara, if you
11 wouldn't mind picking up the handset so we can hear you
12 better.

13 MS. BAIRD: I think I can. Can you hear me?

14 HEARING OFFICER CELLI: That's much better, thank
15 you.

16 MS. BAIRD: It looks like we're talking about the
17 strikeout of the word "and annual PM10."

18 HEARING OFFICER CELLI: That's correct.

19 MS. BAIRD: I think we struck that out in our
20 comments because the annual standard has been revoked.

21 MR. CARROLL: Yes, Barbara, this is Mike. This is
22 really just a typo. All I was saying was that the PM10
23 acronym should remain so that it reads "for the federal 24-
24 hour PM10 ambient air quality standards."

25 MS. BAIRD: Oh, I'm sorry, all right.

1 HEARING OFFICER CELLI: Thank you.

2 MR. CARROLL: And then the next comment is in Item
3 23 and it's actually the same issue. And it's the words
4 "and annual" which were struck out above did not get struck
5 out in this paragraph. It's the same issue so they should
6 be. So the second line there, over towards the right hand
7 margin.

8 HEARING OFFICER CELLI: Very good. There's
9 another mention of it further down. It's on the second line
10 and then one, two, three, four, five --

11 MS. HOLMES: The sixth.

12 MR. CARROLL: You're right.

13 HEARING OFFICER CELLI: Six down.

14 MR. CARROLL: Same thing.

15 HEARING OFFICER CELLI: Okay.

16 MR. CARROLL: And then on Item 24 there were
17 ellipses at the end and I just -- I wasn't sure if that was
18 intentional or not.

19 HEARING OFFICER CELLI: I'm going to take that to
20 be that there's a lot more to that paragraph.

21 MR. CARROLL: Okay.

22 HEARING OFFICER CELLI: And that all they wanted
23 to show was the addition of that language and the rest of
24 the paragraph would remain the same. Let me check that out,
25 page 10. I think it's supposed to be page 9.

1 MR. CARROLL: Yeah.

2 HEARING OFFICER CELLI: Yes.

3 MR. CARROLL: Yes.

4 HEARING OFFICER CELLI: So the record should
5 reflect that I am going to strike -- Item number 24 on page
6 6 of our Errata says "Page 10, First Paragraph, add the
7 following text:" I'm going to strike the 10, insert 9.
8 It's on page 9, the first paragraph. And I am going to
9 insert the language, after Figure 3 add the following text.
10 I guess the second sentence, adds "PM2.5 to the extent
11 required by federal law" and then it goes on. Am I reading
12 the right section here? Oh, I see, before the period then.
13 So the ellipses will be stricken.

14 MR. CARROLL: Yeah, I think that's right. We're
15 just adding that phrase to the end of that sentence.

16 HEARING OFFICER CELLI: Right.

17 MR. CARROLL: Which is on page 9 as opposed to 10.

18 HEARING OFFICER CELLI: Leave ellipses. I'll make
19 that clear in the new Erratas that we have. Okay.

20 MR. CARROLL: Okay. And then again on Item 28.
21 These again are minor changes but as long as we're going
22 through it. I believe it's the same phenomena that happened
23 in a previous provision. "Ordinarily" comma, it should be a
24 lower case T.

25 HEARING OFFICER CELLI: Item?

1 MR. CARROLL: Item 28 in the Errata.

2 HEARING OFFICER CELLI: I see, there we go.

3 MR. CARROLL: And then there is a missing closing
4 parenthetical in the third line. The inserted text "or
5 Priority Reserve offsets" should be close paren.

6 HEARING OFFICER CELLI: Correct.

7 MR. CARROLL: Then moving to Items 33 and 34. The
8 underlying issue here is the fact that the Salton Sea Air
9 Basin is not designated non-attainment for either the state
10 or the federal PM2.5 standard. So I think that in Item 33
11 "and federal" has been stricken, but it is also the case
12 that it is not a non-attainment area for the state standard.

13 I think the easiest way to fix this, I think
14 probably two parties commented on this particular sentence
15 because the same sentence is picked up in Item 34 and is
16 handled in an appropriate way. So I think the easiest way
17 to deal with this is just to strike Item 33 because it's
18 repetitive.

19 HEARING OFFICER CELLI: Staff, do you have a
20 comment on that or position? On page eight of our Draft
21 Errata there's Item 33 and 34 and they're addressing the
22 same language.

23 MS. HOLMES: Right.

24 HEARING OFFICER CELLI: And the proposal would be
25 to strike Item 33 and go with --

1 MS. HOLMES: Strike the sentence?

2 HEARING OFFICER CELLI: Right. Strike the item
3 and go with Item 34 essentially.

4 MS. HOLMES: Right. I think that's correct.

5 HEARING OFFICER CELLI: Okay. Okay.

6 MR. CARROLL: On Item 39. The second sentence of
7 the language that's reproduced here begins "Non RECLAIM
8 criteria pollutants" and then in parentheses it says "(CO,
9 VOC, SOx and PM10) will be offset". CO will not be offset
10 because it is an attainment pollutant.

11 I think we had proposed a change that for one
12 reason or another did not get picked up. What we had
13 proposed to fix the sentence was to insert the word "non-
14 attainment" after "Non-RECLAIM." So it would be "Non-
15 RECLAIM non-attainment criteria pollutants" and then strike
16 "CO."

17 HEARING OFFICER CELLI: Staff, do you have any --

18 MS. HOLMES: I think that's correct also.

19 HEARING OFFICER CELLI: So we're striking "CO" and
20 adding "non-attainment" after the word "RECLAIM" on the
21 fourth sentence down, the fourth line down.

22 MR. CARROLL: Correct.

23 HEARING OFFICER CELLI: Okay.

24 MR. CARROLL: A minor comment on Item 45, Finding
25 23, in the second line of the text. I believe the word

1 "were" W-E-R-E, should be inserted in-between offsets" and
2 "generated." And again it's a minor issue. But since it's
3 a finding.

4 HEARING OFFICER CELLI: I believe that was
5 actually the staff's proposed language.

6 MS. HOLMES: So you can blame that typo on me,
7 that's fine.

8 HEARING OFFICER CELLI: I just want to make sure
9 that's what you had intended.

10 MS. HOLMES: We did but we were referring to
11 offsets that were generated.

12 HEARING OFFICER CELLI: Okay.

13 MR. CARROLL: Another minor glitch that I'm sure
14 others have already seen, in Item (sic) 27 there's an extra
15 space. So this is -- I'm sorry, Item 45, Finding 27.
16 There's just an extra space in the "132,816" number.

17 HEARING OFFICER CELLI: Okay.

18 MR. CARROLL: Another minor comment, still on Item
19 45, Finding 37. At the very top of the page the word "does"
20 should be the word "do."

21 HEARING OFFICER CELLI: Very good.

22 MR. CARROLL: And then there is a stray quotation
23 mark just down below that in the third line of the text
24 after "PM2.5." There's a quotation mark that is not
25 required.

1 HEARING OFFICER CELLI: Well there's also, I see
2 there was originally a quote at the beginning of the
3 sentence so I guess these are both coming out.

4 MR. CARROLL: I think that one had been stricken
5 out but I guess you're right.

6 HEARING OFFICER CELLI: Okay.

7 MR. CARROLL: Another minor comment, Item 50. In
8 the second line after "PM10" there is an unnecessary
9 parentheses.

10 HEARING OFFICER CELLI: The second line after
11 "PM10." Okay.

12 MR. CARROLL: And then on Item 91.

13 HEARING OFFICER CELLI: Traffic and
14 Transportation?

15 MR. CARROLL: Yes. I just wasn't sure if this was
16 the exact language that was -- the way this is phrased, and
17 obviously this was an applicant comment. So at the end of
18 that first paragraph it says: "the Applicant proposes
19 addition of the following provision to TRANS-3:" If this
20 language were going straight into the Errata then I think
21 probably what would be appropriate would be to say: "the
22 following provisions are added to TRANS-3" as opposed to
23 "the Applicant proposes."

24 HEARING OFFICER CELLI: Right. Actually that was
25 obviously a cut and paste. And I think the way we would

1 proceed is to treat, I would strike that whole paragraph. I
2 understand the purpose of the change in the language. I
3 think that's, we don't need to state that in the PMPD
4 itself. And so we would begin with "The traffic control and
5 implementation plan." Is there any problem with that,
6 Ms. Holmes?

7 MR. CARROLL: I think that makes sense.

8 MS. HOLMES: That's fine.

9 HEARING OFFICER CELLI: So what I'm proposing to
10 do is just strike that. Item 91, strike the first paragraph
11 that starts with "To address" and ends with "TRANS-3:"

12 MS. HOLMES: Um-hmm.

13 HEARING OFFICER CELLI: That's okay? So could you
14 turn on your mic.

15 MS. HOLMES: Yeah. Staff doesn't have a problem
16 with that. I think at some point when the applicant is
17 through walking through the comments we would like to talk
18 just very briefly about the findings.

19 HEARING OFFICER CELLI: Thank you.

20 MR. CARROLL: And that actually concludes our
21 comments. Those were obviously all very minor so we want to
22 express our appreciation for a very accurate and timely
23 produced PMPD and Errata.

24 HEARING OFFICER CELLI: When you have someone with
25 an eagle eye going this, they did a great job.

1 For the record, I'm just going to describe for the
2 record that on WebEx we have a column called participants.
3 It shows the host, Ken Celli, we have Barbara Baird and
4 Lauren Nevitt on-line, we have Call-in User number 4 who
5 chose to remain Anonymous, we have Jennifer Jennings on-line
6 and we have John Yee and no one else.

7 And several times I've asked whether the
8 intervenors are on the hoping that if Caller number 4 were
9 an intervenor they would identify themselves as such. But
10 it appears that at this time we do not have the intervenors
11 participating yet. Hopefully they'll call in at some point.

12 With that I'm going to now turn to staff and ask
13 for staff's comments on the Errata.

14 MS. HOLMES: Thank you, thank you. I think we
15 have been through the Air Quality conditions so I don't
16 think we have anything further on that.

17 Mr. Kessler is passing out a few additional
18 changes that did not make it. Actually I believe that the
19 comments that he is handing out today do have a further
20 discussion of one or two Air Quality items as well as Worker
21 Safety and Fire Protection.

22 PRESIDING MEMBER BOYD: I would comment that
23 Commissioner Byron might be surprised, if not shocked, to
24 find himself listed in this memo as the Presiding Member.

25 MR. KESSLER: My apologies.

1 PRESIDING MEMBER BOYD: Another cut and paste job.

2 HEARING OFFICER CELLI: So how would you like, do
3 you have a method that you would like to employ in terms of
4 how you want to proceed with these Air Quality --

5 MS. HOLMES: I think --

6 HEARING OFFICER CELLI: Are these addressing
7 anything that we have talked about so far?

8 MS. HOLMES: These are just typographical areas
9 with the exception of the one reference to addition of the
10 phrase "eight hour" as you can see on page 2 of the staff
11 comments.

12 HEARING OFFICER CELLI: So let's just take a look
13 at this. I'm looking at page 2 of staff's -- what are we
14 calling this, staff's comments?

15 MS. HOLMES: Comma, Set 2.

16 HEARING OFFICER CELLI: Set 2. And the first item
17 is page 45, Item 27. It addressed that space that I think
18 Mr. Carroll brought up so that was covered.

19 MR. KESSLER: Yes.

20 HEARING OFFICER CELLI: So now we're at page 7,
21 first paragraph of the Air Quality section. And this looks
22 like -- okay. Is this a completely different paragraph that
23 what we have discussed so far? This isn't Item 23, is it?
24 No, it's not. So this looks like an entirely new change.

25 MR. CARROLL: This is Item 20, I believe, of the

1 Errata.

2 HEARING OFFICER CELLI: Thank you.

3 MR. NAZEMI: Officer Celli, can I ask a procedural
4 question?

5 HEARING OFFICER CELLI: Sure.

6 MR. NAZEMI: As you walk through these changes
7 would you prefer that if anybody else has on that same item
8 anything to bring it up at that time or do you want to wait
9 until we go through for each party?

10 HEARING OFFICER CELLI: I think what I would like
11 to do is run through everyone's changes first separately;
12 and then when we finish with staff we'll get South Coast's.
13 And then we can have discussion on those parties that need
14 to be discussed if there's any dispute.

15 MR. NAZEMI: Great, no problem.

16 HEARING OFFICER CELLI: So we're at page 2 of
17 staff's Set 2 of their comments, addressing page 5 of the
18 Committee's Errata.

19 MR. CARROLL: I'm sorry, I should let staff do the
20 talking. I mis-spoke, it's Item 21, not Item 20.

21 HEARING OFFICER CELLI: Item 21 on page 6 of the
22 Errata.

23 MS. HOLMES: Thank you. I was getting very
24 confused when I was trying to match up Item 6.

25 HEARING OFFICER CELLI: Okay. Okay, applicant, do

1 you have any problem with those changes?

2 MR. CARROLL: No.

3 HEARING OFFICER CELLI: And I'm sorry, Mr. Nazemi,
4 I probably should have asked you also when the applicant was
5 reciting some of their proposed changes whether you had any
6 comment on any of the changes that they were making.

7 MR. NAZEMI: You know, I wasn't following through
8 with every change the applicant made at the time so I
9 wasn't, I'm not sure if I did or not. But since you want to
10 go through each party's changes separately then I'll bring up
11 whatever changes we want to make.

12 HEARING OFFICER CELLI: Okay.

13 MR. NAZEMI: I'm sorry about that.

14 HEARING OFFICER CELLI: Thank you. Okay, so we're
15 back with the staff.

16 MS. HOLMES: And then there are additional changes
17 with respect to Worker Safety and Fire Protection which I
18 believe may have been reflected in the Errata to reference
19 Riverside County instead of Palm Springs.

20 HEARING OFFICER CELLI: And that, let's just make
21 sure that we did. That would be, let me find that in here.

22 Worker Safety begins on page 15 of the Committee's Proposed
23 Errata. Let's see. Page 3. Okay. So on page 3 of Staff's
24 Comments, Set 2, those proposed changes occur as Item 57 in
25 our, in the Committee's Errata. And the same --

1 MS. HOLMES: They do but you are lacking a
2 strikeout for the "PS" in the abbreviation.

3 HEARING OFFICER CELLI: That's correct, good call.
4 Okay, that's Item 57.

5 MS. HOLMES: Correct. And I believe that your
6 Item 58 is --

7 PRESIDING MEMBER BOYD: Back on 57. You're
8 striking any reference to Palm Springs.

9 MS. HOLMES: Correct.

10 HEARING OFFICER CELLI: Right.

11 PRESIDING MEMBER BOYD: It now says "Riverside
12 County Palm Springs" all in one phrase. So not only strike
13 "Palm Springs" but strike the --

14 HEARING OFFICER CELLI: "PS."

15 PRESIDING MEMBER BOYD: "PS" in the parenthetical.

16 MS. HOLMES: Right.

17 HEARING OFFICER CELLI: Right.

18 PRESIDING MEMBER BOYD: And other representations.

19 HEARING OFFICER CELLI: Okay.

20 MS. HOLMES: And I think we are in agreement on
21 your Item 58.

22 On your Item 59 I believe you caught one that we
23 did not.

24 And then we move to the conditions. And I believe
25 that we found a reference in the condition as well as the

1 verification whereas your Errata only identifies a
2 correction to the verification.

3 HEARING OFFICER CELLI: Okay. Well there's page
4 -- Item 60 is actually, should be referring to the
5 condition.

6 MS. HOLMES: Is that the condition itself? I
7 don't -- I don't have all three documents open in front of
8 me.

9 HEARING OFFICER CELLI: That's right. So yes,
10 that's the construction -- that is covered.

11 MS. HOLMES: Okay.

12 HEARING OFFICER CELLI: So staff's page three
13 under the bullet points into page four is covered under our
14 Errata Item number 59.

15 MS. HOLMES: No, I believe 60 and 61.

16 HEARING OFFICER CELLI: Sixty, that's right. And
17 then the verification is 61.

18 MS. HOLMES: But 59 is the one that staff does not
19 have, your Item 59. As I said, I believe you captured one
20 that we did not have.

21 HEARING OFFICER CELLI: Okay.

22 MS. HOLMES: We did not find.

23 And then Worker Safety-2. It looks as though
24 that's a mirror of Worker Safety-1 where you have correctly
25 identified both of the references that need to be changed

1 from "Palm Springs" to "Riverside County."

2 HEARING OFFICER CELLI: And is that everything?

3 MS. HOLMES: I believe that there is going to be a
4 discussion of some minor Air Quality issues that have gone
5 on between the staff and Mr. Nazemi on the record in just a
6 moment.

7 I do want to address briefly the Traffic and
8 Transportation section. I think that the changes are an
9 improvement. I would encourage the Committee to consider
10 making a clearer connection between the factual evidence and
11 the conclusions that are presented in the findings. In
12 other words, as we had suggested with the air quality
13 findings and conclusions. To draw kind of a road map
14 between the facts and the conclusion as opposed to just
15 including a conclusory statement if impacts are mitigated.

16 There is some confusion in the text. the
17 highlighted yellow text of the PMPD indicates that there are
18 some unresolved issues whereas the proposed revised findings
19 do not. And I think it would be helpful to clear that up.

20 HEARING OFFICER CELLI: So that would be -- my
21 sense when I read this was that the purpose behind all of
22 the Traffic and Transportation proposed language was
23 specifically to address the yellow highlighted section of
24 Traffic and Transportation. Do you have like a proposed
25 insertion of some language at some point?

1 MS. HOLMES: Well, obviously we didn't prepare
2 draft language so perhaps what I'm doing is a bit unfair.

3 HEARING OFFICER CELLI: Well let me take you,
4 everyone, if you have your PMPD, the first section that was
5 yellow highlighted by the Committee. Again, the record
6 should reflect that this case is aging and weren't aware of
7 any changed facts. We didn't know, because this happened so
8 long ago, I think this was over almost two years ago,
9 whether the development that was going to generate all this
10 extra traffic even was going to go forward or not.

11 MS. HOLMES: Well I think staff bears some
12 responsibility for the confusion because, quite frankly, the
13 Traffic section of the Final Staff Assessment is ambiguous
14 as to whether or not these impacts are mitigated. But as we
15 indicated in our, in our comments, we do agree that the
16 findings should be changed to say that there's no
17 significant adverse direct or cumulative impacts.

18 I'm just -- go ahead, Mr. Carroll.

19 MR. CARROLL: If I could offer a suggestion. In
20 applicant's comments on the PMPD we endeavored to do exactly
21 what I think Ms. Holmes is suggesting needs to be done in
22 the PMPD, which is to draw a link between the facts in the
23 record and the conclusions reached in the document.

24 What has been inserted into the Errata from
25 applicant's comments on the PMPD are the specific changes to

1 the conditions of certification.

2 HEARING OFFICER CELLI: All right.

3 MR. CARROLL: But what might also be helpful is to
4 also insert some of the discussion. So I'm looking at
5 applicant's comments on the PMPD, page 12.

6 MS. HOLMES: And 13 as well, I believe.

7 MR. CARROLL: Right. There actually are, there
8 are two issues here. There are the impacts to the three
9 identified intersections and then there are the impacts to
10 the Murray Canyon Road.

11 HEARING OFFICER CELLI: Before we go on I want to
12 make sure that all of applicant's proposed changes and
13 corrections made their way into the Errata. So we didn't
14 omit anything, is that correct?

15 MR. CARROLL: They did. Yes, the proposed changes
16 to the conditions of certification did make it into the
17 Errata.

18 HEARING OFFICER CELLI: Okay.

19 MR. CARROLL: All I'm suggesting is that perhaps
20 some of the logic behind our proposed changes should also go
21 into the Errata. And so at the top of page 12 of our
22 comments, the paragraph that begins "Applicant believes."
23 Obviously strike the "Applicant believes" language.

24 But we cited the evidence in the record that we
25 believe supports a conclusion that with the conditions as

1 now proposed there will not be any significant impacts at
2 those three intersections. And so some very slight
3 variation on that first paragraph I think would draw the
4 link from the evidence in the record. And obviously we have
5 citations to the relevant exhibits there to the conclusions.

6 And then the same could be said for the other
7 issue, which is the impacts to South Murray Canyon Drive.
8 At the top of page 13 of our comments is a paragraph that
9 again provides the logic behind the proposed change to the
10 condition. And so an insertion of some slight variation on
11 that would also draw the link between the evidence and the
12 conclusions.

13 MS. HOLMES: I agree with that. And I hope I'm
14 not repeating myself but I also recommend that language
15 along the lines of page 5 of the Traffic and Transportation
16 section of the PMPD that says we're concerned that the
17 absence of performance standards and the lack of clear
18 mitigation will result in a lack of specificity and
19 impermissible deferral of mitigation, we believe that there
20 is evidence in the record that would allow you to delete
21 that kind of language and we recommend that you do.

22 There's similar kinds of language on page 7 of the
23 Traffic and Transportation sections of the PMPD. It's the
24 yellow highlighted language that talks about lacking
25 sufficient evidence to conclude that impacts are

1 insignificant.

2 We believe that there is enough evidence and would
3 recommend that not only do you reflect that in the findings
4 and make the changes that Mr. Carroll was suggesting but I
5 think it should be a substitute for this language. Because
6 this language would seem to indicate that the Committee has
7 some continued concerns about the sufficiency of the traffic
8 mitigation, which staff doesn't believe is the case.

9 MR. CARROLL: I would volunteer to prepare a
10 second Errata on behalf of the applicant that includes
11 specific additions and strikeout of the text of the section.

12 So what we proposed in our first errata were strike-
13 throughs and additions to the conditions.

14 I would be prepared to prepare a second errata
15 that identified specific changes to the text of the document
16 consistent with what Ms. Holmes just discussed and then
17 provide that to staff for their review and concurrence so
18 that we could make a joint filing with the Committee on
19 proposed changes to this section.

20 HEARING OFFICER CELLI: That would be great.

21 MS. HOLMES: I think that's an excellent idea.

22 MR. CARROLL: Okay.

23 HEARING OFFICER CELLI: That's an excellent idea.

24 And I just want to make sure that you -- so you're going to
25 actually create some new language and give us, tell us where

1 you want it.

2 MR. CARROLL: Yes.

3 HEARING OFFICER CELLI: Where you're going to
4 strike it from. That would be great.

5 MR. CARROLL: Okay.

6 HEARING OFFICER CELLI: That would help a lot.
7 And again, I just want the record to reflect that these
8 yellow highlighted sections were highlighted over a year ago
9 when that section was written. Because we closed the
10 record, I can't even remember when we closed the record.
11 Wasn't it in 2009, on Traffic and Transportation? Obviously
12 there's been some new changes and new information. So thank
13 you, I appreciate you doing that.

14 MR. CARROLL: We'll make that filing tomorrow.

15 HEARING OFFICER CELLI: Mr. Carroll, that would be
16 great. Thank you, staff, for your concurrence on that.

17 MS. HOLMES: And then lastly, as I said, I think
18 there's a couple of items that the South Coast staff and our
19 air quality staff have been discussing over the last couple
20 of hours. And rather than having a lawyer try to capture
21 them I think I'll let them discuss them themselves.

22 HEARING OFFICER CELLI: Okay, so that concludes
23 all of staff's comments on the Committee Errata and PMPD.

24 MS. HOLMES: Correct.

25 HEARING OFFICER CELLI: That's great, thank you

1 very much. Mr. Nazemi, did you happen to prepare any
2 written errata that you're going to pass around or is this
3 just, you're just going to describe it?

4 MR. NAZEMI: No, we have not prepared anything in
5 writing, although I've communicated via email with CEC staff
6 on one of the items. But what I would like to do is go
7 through the Errata to the PMPD. And with your indulgence,
8 ask Barbara Baird to also chime in as necessary as we go
9 through these conditions to make sure there are some
10 clarification or corrections made to the Errata.

11 HEARING OFFICER CELLI: Absolutely.

12 MR. NAZEMI: Okay, so I'm going to start on page
13 5, Item 20. I would just to make it clear that the first
14 underlined sentence that says: "Since that time EPA has re-
15 designated the SCAQMD as extreme". I want to highlight that
16 SCAQMD contains more than one air basin. So to be precise
17 it should say -- instead of SCAQMD it should say South Coast
18 Air Basin.

19 HEARING OFFICER CELLI: So I'm going to -- we're
20 talking about Item 20 on page 5 of the Draft Errata.

21 MR. NAZEMI: It's the fifth line down.

22 HEARING OFFICER CELLI: The fifth line down. The
23 "SCAQMD" is going to be "South Coast Air Basin?"

24 MR. NAZEMI: That's correct.

25 HEARING OFFICER CELLI: Okay.

1 MR. NAZEMI: And then the last line on that page.
2 And I'm going to ask Barbara to chime in if I am
3 misrepresenting this. The date in parentheses for
4 attainment for Coachella Valley, instead of 2013 it should
5 be 2019.

6 HEARING OFFICER CELLI: Is that correct,
7 Ms. Baird?

8 MS. BAIRD: That's the best of our understanding.
9 I'm double-checking that right now. So I'll let you know
10 if there is any different information.

11 HEARING OFFICER CELLI: So that sentence is:
12 "Through these control measures, California and the SCAQMD
13 are required to reach attainment of the federal 8-hour ozone
14 ambient air quality standard by 2024 (2019 in the Coachella
15 Valley). And then a cite.

16 MR. NAZEMI: That's correct. The 2024 obviously
17 applies to the South Coast Air Basin.

18 HEARING OFFICER CELLI: Okay. The 2024?

19 MR. NAZEMI: 2024.

20 HEARING OFFICER CELLI: Right, okay.

21 MR. NAZEMI: Okay. And then on page 7, Item 28.
22 The language reads: "The project would need to obtain
23 sufficient offsets to satisfy SCAQMD Rule 1303" and then in
24 parentheses it states that: "(which requires Emission
25 Reduction Credits or Priority Reserve offsets --". I'm not

1 sure where that parentheses closes but --

2 HEARING OFFICER CELLI: I think it should close
3 after that word "offsets."

4 MR. NAZEMI: After that word. Okay. So let's add
5 the parentheses close there. However, I want to point out
6 that under our new source review regulation and Rule 1303 a
7 project can also be exempt from offsets under Rule 1304. So
8 if we are to include Priority Reserve in this sentence we
9 should also right after the word "offsets" say, "or is
10 exempt from offsets under Rule 1304." It does not state
11 that and I'm afraid that it may imply that the projects are
12 either required to provide ERCs or be subject to Priority
13 Reserve offsets. It does not mention anything about the
14 exemptions under our new source review rule.

15 HEARING OFFICER CELLI: So --

16 MR. NAZEMI: So I give you two choices, whichever
17 one you prefer. You could either just leave it as -- let's
18 see. It can be Rule 1303 which requires Emission Reduction
19 Credits, and then right after that say "unless exempt" and
20 close the parentheses. Or if you want to have "or Priority
21 Reserve" I would then add after the word "or Priority
22 Reserve offsets", "or is exempt under Rule 1304."

23 HEARING OFFICER CELLI: I'm just going to throw
24 this out. What if we instead of having that be a
25 parenthetical statement. After "Rule 1303" we insert a

1 comma rather than a parentheses. And have it be "Rule 1303,
2 which requires Emission Reduction Credits (ERCs) or Priority
3 Reserve Offsets," another comma, insert a parentheses there
4 that says "unless exempt under 1304" end parentheses and
5 then continue with the sentence as it is.

6 MR. NAZEMI: That would work with South Coast. If
7 it doesn't, Barbara please speak up.

8 MS. HOLMES: Except that I think the comma needs
9 to go after the parentheses.

10 HEARING OFFICER CELLI: Okay.

11 MS. HOLMES: Now that's getting really picky.

12 MR. CARROLL: Here's one more variation. That
13 particular sentence is already fairly messy in the middle.
14 One way to deal with this might be to insert the 1304
15 language at the outset. Say: "Ordinarily, unless exempt
16 under Rule 1304" comma.

17 HEARING OFFICER CELLI: Yes.

18 MR. CARROLL: And then it could just continue the
19 way it is with the new parenthetical that we have already
20 agreed should be inserted.

21 HEARING OFFICER CELLI: All right. So it's unless
22 exempt under Rule 1304. Okay, we will insert that.
23 Everyone seems to be okay with that language. Okay. That
24 certainly clarifies things. My apologies for any awkward
25 paragraphs.

1 PRESIDING MEMBER BOYD: It's certainly not the
2 first time nor will it be the last time for all of us I'm
3 sure.

4 MR. NAZEMI: Barbara, do you have any comments
5 then regarding the combination of the two sentences relative
6 to the first sentence requiring the offsets and the second
7 pursuant to AB 1318?

8 MS. NEVITT: Hello, this is Lauren speaking.
9 Barbara and I were just discussing. That sounds fine, what
10 you all were just discussing.

11 HEARING OFFICER CELLI: Okay, all right. So we're
12 going to move on then to page 9.

13 HEARING OFFICER CELLI: Page 9. Before we do let
14 me just, I want to make an inquiry. I see on WebEx that we
15 have acquired a new call-in user. I wanted to know if that
16 person wanted to identify themselves, please.

17 MR. MITCHELL: Will Mitchell from CPV has joined
18 by cell phone.

19 HEARING OFFICER CELLI: Excellent. I'm sorry, can
20 you give me your name and spell it, please.

21 MR. MITCHELL: The last name is Mitchell, M-I-T-C-
22 H-E-L-L, the first name is Will, W-I-L-L. I'm with the
23 applicant, Competitive Power Ventures.

24 HEARING OFFICER CELLI: CPV, I'm sorry.

25 MR. CARROLL: That's the guy that was just here.

1 MR. TURNER: He was just here.

2 HEARING OFFICER CELLI: When he said CPV I heard
3 CBE.

4 MR. MITCHELL: Hello again.

5 HEARING OFFICER CELLI: And I thought -- okay.

6 PRESIDING MEMBER BOYD: He made him an intervenor.

7 MR. TURNER: Unless he's changed affiliations just
8 a moment ago.

9 HEARING OFFICER CELLI: I'll be your intervenor
10 for the day.

11 MR. TURNER: Maybe I should have bought him
12 breakfast after all.

13 MR. MITCHELL: I'm not sure my current, I'm not
14 sure my current employer would be happy with that.

15 HEARING OFFICER CELLI: Okay. Well you're welcome
16 to join us by phone as well.

17 I'm sorry, go ahead Mr. Nazemi.

18 MR. NAZEMI: Okay. On page 29 -- I'm sorry, page
19 9, Item 39. I believe Mr. Carroll already requested that CO
20 be removed from the parentheses and we agree with that.

21 And also just for clarification purposes I would
22 like to point out that the sentence in the middle says:
23 "Non-RECLAIM pollutants will be offset by either the
24 purchase of ERCs at a 1.2 to 1 ratio and/or other means, as
25 allowed under District Rules and Regulations, state law, and

1 the SIP amendment regarding AB 1318." I would like to
2 clarify by adding the words "for SOx and PM10 at a 1 to 1
3 offset ratio" right after AB 1318.

4 HEARING OFFICER CELLI: For SOx and PM10. What
5 was the rest of the sentence, please?

6 MR. NAZEMI: For SOx and PM10 at a 1 to 1 offset
7 ratio."

8 HEARING OFFICER CELLI: Any problem with that,
9 applicant?

10 MR. CARROLL: No.

11 HEARING OFFICER CELLI: Staff?

12 MS. HOLMES: No.

13 HEARING OFFICER CELLI: Okay, then we would insert
14 after "AB 1318" the third line from the bottom of that
15 paragraph in Item 39, "for SOx and PM10 at a 1 to 1 offset
16 ratio" period.

17 MR. NAZEMI: May I move on?

18 HEARING OFFICER CELLI: Yes, please.

19 MR. NAZEMI: Oh, okay. And then on that same page
20 9, Item 40. The last sentence that is underlined begins
21 with: "Since the project was evaluated, SCAQMD has received
22 partial delegation --" We would just like to make it clear,
23 because it's not clear, when was the project evaluated.
24 What we would like to suggest is to insert right after
25 "Since the project was evaluated," insert "on July 25, 2007

1 SCAQMD has received partial delegation --"

2 HEARING OFFICER CELLI: Evaluated, comma, on July.

3 MR. NAZEMI: Then insert: "On July 25, 2007."

4 HEARING OFFICER CELLI: Okay. No objection, I

5 take it?

6 MR. CARROLL: No.

7 HEARING OFFICER CELLI: Okay.

8 MR. NAZEMI: Okay. And the last comment that I
9 have is on page 14, Item 53. That first bullet indicates
10 "35,323 lbs for each of Units 1-8,". That number should be
11 changed to 35,839.

12 HEARING OFFICER CELLI: Eight-thirty-nine?

13 MR. NAZEMI: Eight-thirty-nine.

14 HEARING OFFICER CELLI: Three-five-eight-three-
15 nine.

16 MR. NAZEMI: Correct.

17 HEARING OFFICER CELLI: Okay. Is that everyone
18 else's understanding? Applicant?

19 MR. CARROLL: Yes.

20 HEARING OFFICER CELLI: Okay. And staff?

21 MS. HOLMES: Yes.

22 MR. NAZEMI: And then the third bullet down.

23 PRESIDING MEMBER BOYD: Does that change the
24 total?

25 MR. NAZEMI: No, the total stays the same.

1 PRESIDING MEMBER BOYD: I hadn't done the math
2 yet, okay.

3 MR. NAZEMI: I did the math and it was correct.

4 PRESIDING MEMBER BOYD: Thank you.

5 HEARING OFFICER CELLI: Okay.

6 MR. NAZEMI: And then the third bullet down that
7 starts with the number "29,595 lbs for each of Units 1-8,".
8 That number should be changed to "30,110" or three-zero-
9 comma-one-one-zero.

10 HEARING OFFICER CELLI: Any objection from
11 applicant?

12 MR. CARROLL: No.

13 HEARING OFFICER CELLI: Or staff?

14 MS. HOLMES: No.

15 HEARING OFFICER CELLI: Okay.

16 MR. NAZEMI: Commissioner Boyd, that total also
17 stays the same.

18 And that concludes my comments. I would just like
19 to ask Barbara or Lauren if they had any other comments they
20 would like to raise.

21 MS. NEVITT: No, Mohsen, you did a great job I
22 think. I think that reflects all of our comments as well.

23 HEARING OFFICER CELLI: Excellent.

24 MR. NAZEMI: That concludes our comments.

25 HEARING OFFICER CELLI: Thank you very much. I

1 want to thank South Coast Air Quality Management District
2 for your participation in these proceedings, which have been
3 invaluable.

4 And I want to thank the applicant and staff for
5 doing really an excellent job of closely scrutinizing the
6 Errata. We will await your additional comments that we hope
7 to get. We'll get these this week from both the staff and
8 applicant. And then we will put out a new Errata, hopefully
9 within a day or so of receiving that.

10 I just want to make sure, and especially staff. I
11 know that it's not you personally, Ms. Holmes, but from time
12 to time when I go to a Business Meeting I get surprised by
13 staff because there's a new Errata or a change that I didn't
14 know about and should have known about but didn't. And I
15 really would like to not have to make changes on the fly at
16 the Business Meeting if we can. So please, parties, if you
17 see anything please bring it to my attention ASAP so I can
18 make sure that I've got it in the record and in the Errata.

19 So that, if there's anything further from
20 Applicant on the Errata?

21 MR. CARROLL: No, thank you.

22 HEARING OFFICER CELLI: Or staff?

23 MS. HOLMES: No.

24 HEARING OFFICER CELLI: Or South Coast?

25 MR. NAZEMI: No.

1 HEARING OFFICER CELLI: Thank you. And we still
2 seem to have no participation from the intervenors for
3 whatever reason today. So with that the PMPD will be before
4 the full Commission at the Business Meeting on Wednesday,
5 November 17, 2010.

6 Now I want to inform everyone that yesterday I
7 went to the agenda review meeting and received word that the
8 November 17 Business Meeting may be postponed due to a
9 failure to convene a quorum. Apparently one of the
10 Commissioners may be gone. And they're finding out --

11 PRESIDING MEMBER BOYD: There's more than one
12 that's gone, there's several.

13 HEARING OFFICER CELLI: There's a couple of them
14 at least.

15 The Executive Office says that a notice will go
16 the people who subscribe to the List Server for the Business
17 Meeting agendas. And if that doesn't cover the parties in
18 my case, which is the Sentinel case, then I can provide a
19 notice via a separate mailing or we can have the web team
20 send it to an additional list.

21 I just want everyone to be aware that this problem
22 is looming. I fully expect that we may very well have a
23 November 17th Business Meeting but it's possible that we
24 won't. We may have to be continued to the next one. I
25 think it's the first week in December if I'm not mistaken.

1 PRESIDING MEMBER BOYD: I see the conflict.
2 There's the Governor's Climate Summit, another climate
3 change conference in Sacramento this Thursday and yet a
4 third. It may be a very real conflict in terms of pulling
5 Commissioners in various directions.

6 HEARING OFFICER CELLI: So as long as everybody is
7 on notice of that.

8 ADVISOR OLSON: December 1st is the next one.

9 HEARING OFFICER CELLI: December 1st would be the
10 next one. Thank you, Mr. Olson.

11 If there is nothing further then I am going to ask
12 for public comment at this time.

13 I want the record to reflect that ever since
14 Ms. Jennings left to go get on the phone there hasn't been
15 anybody sitting in the audience. The only people here are
16 the applicant and staff and South Coast Air Quality
17 Management District, the Committee and a court reporter.

18 So I am now going to go to the phone and ask if
19 there is anyone. And I have one person, Call-in User number
20 4, who just hung up. Is there anyone who wishes to make a
21 public comment at this time on the telephone?

22 (No response.)

23 HEARING OFFICER CELLI: And hearing none and in
24 the absence of any members of the public in today's
25 conference I am going to hand the Committee Conference back

1 to Commissioner Boyd.

2 PRESIDING MEMBER BOYD: Thank you, Hearing Officer
3 Celli.

4 I am not used to no one else in this room, nor
5 Erratas under 100 pages of late, so this has been a distinct
6 pleasure. And such in-depth correction of the Errata well
7 in advance of the meeting. I anticipate the meeting will be
8 hopefully easier than some have been of late.

9 If there are no other comments, contributions,
10 thank you all. Thank you all very much for your attendance
11 today and your participation. The hearing stands adjourned.

12 (Whereupon, at 2:12 p.m. the Committee
13 Conference was adjourned.)

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CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter and Transcriber, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Committee 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 hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November, 2010.

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.

RAMONA COTA, CERT**478

November 5, 2010