

COMMITTEE CONFERENCE
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for)
Certification for the) Docket No. 98-AFC-4
SUNRISE COGENERATION AND)
POWER PROJECT (SUNRISE))
(Amended))
_____)

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

TUESDAY, OCTOBER 10, 2000

10:00 A.M.

Reported by:
Debi Baker
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Michal C. Moore, Presiding Member

Robert Pernell, Associate Member

STAFF PRESENT

Gary Fay, Hearing Officer

Ellen Townsend-Smith, Advisor to
Commissioner Pernell

Caryn Holmes, Staff Counsel

Marc S. Pryor, Siting Project Manager

REPRESENTING THE APPLICANT

John P. Grattan, Attorney
Scott A. Galati, Attorney
Grattan & Galati
Renaissance Tower
801 K Street, Penthouse Suite
Sacramento, CA 95814

Mervyn A. Soares
Texaco Global Gas and Power
Domestic Power Operations
P.O. Box 81438 (93380)
SW China Grade Loop
Bakersfield, CA 93308

INTERVENORS PRESENT

Katherine S. Poole, Attorney
Adams, Broadwell, Joseph & Cardozo
651 Gateway Boulevard, Suite 900
South San Francisco, CA 94080
representing California Unions for Reliable
Energy (CURE)

ALSO PRESENT

David Stein
Don Muraoka
URS Corporation
10389 Old Placerville Road
Sacramento, CA 95827

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P R O C E E D I N G S

10:00 a.m.

HEARING OFFICER FAY: Good morning.

This is a Committee Conference to review the proposed schedules, the various proposals for the schedule on Sunrise Amended Power Project.

And I'd like to also use it just to highlight some outstanding issues and bring the record up to date.

We have no Commissioners here today, but this was noticed as a conference, not a hearing, so that complies with our regs. And if you have any concerns about that I think you ought to just write a letter to the Commissioner and express your views. But they can both certainly read the transcript of today's conference, so they'll be able to learn what your opinions are.

So why don't we start with Mr. Grattan. Can you give us a reaction to the extent that others disagree with your idea of a schedule? Is there any problem on that?

Looked to me like where the main changes was the staff had just targeted a regular business meeting two days later in December than you had proposed, but that there was general agreement

1 with your proposal on the schedule.

2 MR. GRATTAN: Yes, good morning. Nice
3 to have us all back together here. I would like
4 to raise a couple three points.

5 One is there is a difference between
6 CURE and the applicant, not between -- CURE and
7 the applicant have a difference with staff. And
8 that difference is basically whether everyone
9 should file testimony at the same time, or that
10 the parties should file testimony in response to
11 staff's FSA testimony.

12 Since I'm first out of the blocks, I
13 guess I would like to state that I think it's much
14 more efficient for the parties to be able to
15 comment on the FSA, rather than all three parties
16 just filing without having the benefit of
17 something to respond to.

18 HEARING OFFICER FAY: Realistically, how
19 soon after staff filed could you deliver your
20 testimony?

21 MR. GRATTAN: Well, our schedule, I
22 think, gave us six days.

23 HEARING OFFICER FAY: Um-hum.

24 MR. GRATTAN: And we can --

25 HEARING OFFICER FAY: You can live with

1 that?

2 MR. GRATTAN: We can telescope that,
3 three days, we can do it in three days.

4 HEARING OFFICER FAY: I'm beginning to
5 be concerned about what we would get. What I'm
6 interested in is obviously we'd like to meet this
7 schedule, but I'm receptive to what you and CURE
8 have said, that it's more efficient for you to
9 react to staff's proposal.

10 Therefore I think I'd be prepared to
11 recommend something like that to the Committee. I
12 just want to be sure that we make realistic use of
13 the time. If you have time to respond, you need
14 enough time and you actually receive staff's
15 document and adjusted your own.

16 MR. GRATTAN: We've done five days, I
17 think, on the previous go-round.

18 HEARING OFFICER FAY: Is there anything
19 wrong with this schedule, I mean which is based on
20 six days?

21 MR. GRATTAN: No, basically after that
22 we're pretty much in agreement. I mean we
23 requested a special meeting. I think that that's
24 going to be decided by greater powers than us,
25 whether it's a special meeting, or you know, the

1 regular meeting.

2 The time for going back, the time for
3 response to CURE's data requests is fine with us.
4 And we would oppose the requirement for a labor
5 contract on the 24th. We don't think the law
6 requires it. And as far as we know there's never
7 been any evidence of a party not being able -- of
8 an applicant not being able to build a project
9 because it didn't have a labor contract.

10 The socioeconomic section indicates that
11 there's a surfeit of labor even considering the
12 other projects.

13 That's basically where we are.

14 HEARING OFFICER FAY: Okay, on the
15 schedule, okay. Staff?

16 MS. HOLMES: I just want to make sure I
17 understand. I thought, Mr. Grattan, you said you
18 had three points, and I heard two. One was the
19 filing of --

20 MR. GRATTAN: The filing, the special
21 meeting versus the regular meeting, and the third
22 was the substantive issue of the need for a labor
23 contract.

24 MS. HOLMES: Thank you, sorry about
25 that.

1 HEARING OFFICER FAY: Before staff
2 starts I'll just welcome Ellen Townsend-Smith, who
3 is Commissioner Pernel's Advisor. She joins us
4 up here.

5 Go ahead, Ms. Holmes.

6 MS. HOLMES: Thank you.

7 HEARING OFFICER FAY: First of all,
8 what's the problem with having the parties respond
9 six days after staff?

10 MS. HOLMES: We just saw it as an
11 opportunity to shorten the schedule to have
12 parties all file their testimony on the same day.

13 The other part, of course, is that
14 typically what happens is parties have the
15 opportunity to rebut staff's testimony and then we
16 don't have the opportunity for rebuttal to other
17 people's testimony. It's not a big issue for
18 us --

19 HEARING OFFICER FAY: I think we can --

20 MS. HOLMES: -- one way or the other.

21 HEARING OFFICER FAY: -- in fairness to
22 staff we can make an adjustment to give you a
23 rebuttal opportunity. Having done it both ways,
24 I'm inclined to recommend that we do sequence it
25 because the staff is so pivotal and the parties do

1 want to know what staff's position is.

2 And we also welcome Presiding
3 Commissioner Moore to the dias.

4 PRESIDING MEMBER MOORE: Good morning.

5 MS. HOLMES: So the issue of whether the
6 testimony is sequential is not a big issue for us,
7 we just proposed that --

8 HEARING OFFICER FAY: All right.

9 MS. HOLMES: -- all parties file
10 simultaneously. So that's fine.

11 HEARING OFFICER FAY: Any other
12 scheduling?

13 MS. HOLMES: There's a couple of others.
14 One is that staff has been in contact with EPA
15 about the NOV issue. I think that the most recent
16 conversation I had I wrote up in a report of
17 conversation, docketed it, provided it to all
18 parties.

19 Mr. Mulaney, who was the EPA
20 representative who testified at the hearing last
21 spring has indicated he'd be willing to work with
22 us so that the Committee can understand what the
23 legal issues are surrounding issuance of a
24 Commission decision while there are outstanding
25 NOVs. But I have not heard from him since he made

1 that commitment.

2 So, hopefully as we get closer to
3 hearings we'll get some closure on that issue. He
4 has indicated that EPA has issued guidance which I
5 have not seen with respect to whether or not
6 projects can begin construction when they are --
7 at what phase in the resolution of NOV issues
8 projects can begin construction.

9 So I'm looking forward to getting that
10 guidance from EPA. I think that will be helpful
11 to the Committee, as well.

12 Another --

13 HEARING OFFICER FAY: Now, since EPA has
14 said they basically have no problem, I assume that
15 you're not concerned about their later disputing
16 the adequacy of the DOC that you relied on, but
17 rather that you would have trouble finding LORS
18 compliance when a federal agency was citing NOV's?

19 MS. HOLMES: That's correct. When I
20 talked with him, at the last instance I asked him
21 whether or not the DOC is valid, he said, no, it's
22 not and it won't be until these NOV's are resolved.

23 So that indicates, you know, what EPA is
24 telling us is the DOC's not valid, but they don't
25 oppose us issuing a license. I think that raises

1 some questions that we probably ought to have a
2 discussion on at the hearing.

3 And I'm hopeful that the guidance that
4 he referred to will be helpful.

5 HEARING OFFICER FAY: And this is
6 something that they have already published?

7 MS. HOLMES: I don't know, --

8 HEARING OFFICER FAY: That he referred
9 to?

10 MS. HOLMES: -- I did do a search in the
11 Federal Register and didn't find anything. EPA
12 guidance comes in many forms, so it can be
13 difficult to track down. So, again, hopefully by
14 the time we reach hearings on this we'll have a
15 little bit more information.

16 HEARING OFFICER FAY: Okay.

17 MS. HOLMES: Another issue is the fact
18 that we need to have a DOC by next Monday, and the
19 District had originally told us, I think, it was
20 going to be issued on the 22nd of September. And
21 obviously that date has come and gone and as we
22 get closer to the 16th of October we become a
23 little more concerned about when that's going to
24 happen.

25 We cannot --

1 PRESIDING MEMBER MOORE: What's holding
2 it up?

3 MS. HOLMES: We don't know.

4 MR. GRATTAN: If I can --

5 PRESIDING MEMBER MOORE: Sure, if you
6 know the answer.

7 MR. GRATTAN: We've talked with the
8 District before we came to the hearing, and
9 supposedly the DOC is complete and it will take a
10 couple days to notice it, final review and
11 noticing.

12 So, it should be officially noticed by
13 Friday.

14 PRESIDING MEMBER MOORE: Okay.

15 MS. HOLMES: The last issue is that
16 staff missed one issue when they sent out their
17 data requests. We discovered this when we
18 received a phone call from EPA.

19 My understanding of the issue is that
20 the revised AFC or whatever the document is
21 referred to, the amended AFC, mentions that the
22 wastewater from the peaking facility will go to
23 TCI mainline, which, in turn, goes to Valley
24 Waste.

25 EPA pointed out that because it's a

1 stand-alone facility they can't use Valley Waste,
2 since Valley Waste uses the class two injection
3 wells, which are limited to oil fields waste.

4 So there has to be some resolution of
5 the wastewater issue. They could dispose of their
6 water in some other way, or they could go to a
7 zero discharge system which a number of other
8 projects have.

9 Joe O'Hagan is the staff person assigned
10 to this, is hoping to follow up on that within the
11 next couple of days with Sunrise.

12 The project as originally proposed was
13 going to dispose of its wastewater to Valley
14 Waste. Valley Waste uses a series of ponds and
15 then some class two injection wells.

16 You can use class two injection wells
17 for oil field production waste which the
18 wastewater from the cogen plant would have
19 qualified as. But since it's now a stand-alone
20 facility, it's not related to the oil field, they
21 can't use those class two injection wells to get
22 rid of the wastewater.

23 Mr. O'Hagan says he doesn't think this
24 is a significant issue, but we do need to know
25 exactly what resolution will be reached, whether

1 or not they're going to go to a zero discharge
2 system or dispose of the wastewater in some other
3 way.

4 HEARING OFFICER FAY: Who will resolve
5 this?

6 MS. HOLMES: We will be asking Sunrise
7 to resolve this in the next couple of days when
8 the staff witness has an opportunity to talk --

9 HEARING OFFICER FAY: Okay.

10 MS. HOLMES: -- about the technical
11 issue, I don't know what the technical details are
12 with the Sunrise --

13 HEARING OFFICER FAY: What agency
14 besides the Energy Commission?

15 MS. HOLMES: EPA was concerned, that's
16 how we found out about it, was EPA called us and
17 reminded us that those class two injection wells
18 couldn't be used for wastewater disposal from the
19 peaker facility.

20 HEARING OFFICER FAY: Okay. And do you
21 know if variances are demanded on this kind of
22 thing, or if it requires a re-design or what?

23 MS. HOLMES: Joe indicated to me that he
24 thought that the simplest way was to go to a zero
25 discharge system. But I'm not familiar enough

1 with how these systems work to know whether that's
2 what Sunrise is likely to propose or not.

3 I think that probably the technical
4 people ought to talk to each other and then we
5 ought to have something put into the record
6 probably about what the resolution is.

7 HEARING OFFICER FAY: Okay.

8 MS. HOLMES: With respect to the staff's
9 amendment just about all of the sections will have
10 some minor amendments to them. Some of them will
11 be a little bit more significant. For example, in
12 the area of air quality would be more significant.

13 But we still believe that we can meet
14 the schedule that we've proposed on the 27th.

15 And I think that concludes the comments
16 I have to make about the schedule.

17 HEARING OFFICER FAY: Okay.

18 MR. GRATTAN: If I might, on the water
19 issue this is the first time we've heard that, but
20 we'll work on resolving the issue as of now.

21 PRESIDING MEMBER MOORE: The wastewater,
22 you mean?

23 MR. GRATTAN: Yes.

24 HEARING OFFICER FAY: Okay. I'm
25 surprised there's not some local jurisdiction,

1 more local than EPA that would license either that
2 type of discharge or an alternative --

3 MS. HOLMES: My understanding is if you
4 were to discharge to an injection well it would be
5 a class one well, which the regional board would
6 license, or I'm not certain.

7 MS. POOLE: I was just going to add that
8 class two wells, which is what Valley Waste has,
9 are licensed --

10 MS. HOLMES: Right, but they can't use
11 the class two wells. There doesn't seem to be any
12 dispute that I'm aware of about that, since it's a
13 stand-alone facility now.

14 So the question is, is it -- I believe
15 it's a class one well that they would be
16 discharging to, and I don't know whether the
17 regional board or EPA issues permits for those.
18 Again, Mr. O'Hagan indicated that it's simpler not
19 to get involved in licensing of the well; it's
20 simpler to go to a zero discharge system. But
21 that's really for the applicant to decide.

22 HEARING OFFICER FAY: So, Ms. Poole.

23 MS. POOLE: Well, I'd like to highlight
24 my agreement with Mr. Grattan, since it's so
25 infrequent we get to, about the staggering of the

1 FSA and other parties' testimony. I think that's
2 really important since that's going to be the
3 first indication that we have of where staff lies
4 on many positions.

5 Three days sounds pretty tight to me.
6 I'd like to see the six days retained.

7 We agree with staff that there needs to
8 be some resolution of the NOV issue. And the only
9 other issue I wanted to touch on was the labor
10 contracts.

11 This situation is a little bit
12 different. We're all trying to move this
13 licensing process along as quickly as we can
14 because the Legislature and other parties have
15 recognized that it would be good to get some
16 simple cycle plants on line by next summer.

17 Doesn't make any sense though to cram
18 through the licensing process and end up without a
19 project that can immediately go into construction
20 and immediately go into operation when it's ready.

21 That's why we suggested that the
22 Commission follow the direction of AB-970 here,
23 and require evidence of a labor contract by a
24 certain date.

25 HEARING OFFICER FAY: You're not

1 suggesting that this is required, though, since
2 970 does not apply to this project?

3 MS. POOLE: No, we agree that 970
4 doesn't apply. But it just doesn't seem to make
5 sense to push this through very quickly, which
6 we're willing to do and which I think, you know,
7 staff, which is very overworked, has conceded
8 should be done, if construction is not going to
9 begin immediately once the project is licensed.

10 And there has to be people available to
11 do that, for that to occur.

12 HEARING OFFICER FAY: Okay. All right,
13 another thing I wanted to, if I may, just go back.
14 Has staff resolved the concern about a biological
15 opinion mentioned earlier?

16 MS. HOLMES: I don't think we have any
17 new information.

18 HEARING OFFICER FAY: So that's still an
19 uncertainty?

20 MS. HOLMES: Right. And if we need to
21 be certain, as we were with the original testimony
22 that we filed a year ago or so, that U.S. Fish and
23 Wildlife Service is comfortable telling us or
24 testifying that the kinds of mitigation and the
25 kinds of conditions that we're recommending be

1 included are consistent with what they're going to
2 be including in their biological opinion.

3 And we don't know yet whether we will
4 have that by the hearings. We hope we will, but
5 we don't know.

6 MR. GRATTAN: We can respond to that.
7 Mervyn Soares.

8 HEARING OFFICER FAY: Sure.

9 MR. SOARES: My name is Mervyn Soares,
10 and Susan Jones from the Fish and Wildlife Service
11 actually sent us an email and copied Marc, if I'm
12 not mistaken, on that email.

13 And she is working on the biological
14 opinion. And the email identified that she will
15 have the biological opinion completed by October.

16 PRESIDING MEMBER MOORE: By email?

17 MR. SOARES: Yes.

18 PRESIDING MEMBER MOORE: Marc, you talk
19 to Susan?

20 MR. PRYOR: I haven't spoken with Susan.
21 I did get the email, but past track record with
22 that -- Fish and Wildlife makes me skeptical.
23 That's all.

24 HEARING OFFICER FAY: Should we rely on
25 past history to count on that date?

1 MS. HOLMES: Well, I think all we can
2 do, Hearing Officer Fay, is, you know, encourage
3 Fish and Wildlife Service to testify at our
4 hearing and let us know where they are.

5 And if they can provide the same kind of
6 testimony that they provided last year, staff
7 certainly wouldn't have any objection with going
8 forward based upon that.

9 HEARING OFFICER FAY: Okay, that's
10 constructive. I think if all the parties can just
11 be sure that Fish and Wildlife Service has as much
12 information as they could possibly need, so that
13 if they do have to testify before their opinion
14 comes out, you know, they know all the parameters,
15 and they can give an informed judgment of, you
16 know, if the following things are done, then
17 whatever, we're favorable or unfavorable.

18 But that may be the best we can get from
19 them. But it would be an indication of the
20 likelihood of what the biological opinion would
21 look like.

22 And you said the data requests were no
23 problem, CURE's requests?

24 MR. GRATTAN: Haven't seen it, but we'll
25 respond within nine days.

1 HEARING OFFICER FAY: Oh, based on your
2 proposal I thought it would have been issued by
3 now. Yesterday.

4 MS. POOLE: Well, we proposed that
5 thinking that we would be issuing data requests,
6 but we decided not to, so that --

7 MR. GRATTAN: Okay, then we can respond.

8 MS. POOLE: -- issue disappeared.

9 (Laughter.)

10 HEARING OFFICER FAY: Good resolution to
11 that issue, okay.

12 Now, given the situation at the
13 Commission now, with all these projects coming in,
14 can the applicants help us at all by essentially
15 working on a revision to the PMPD and proposing
16 that as a draft? Is that something that you're in
17 a position to do?

18 MR. GRATTAN: Yes, that's something we
19 can do. And I would like to state, at least for
20 the record, that we have marked up the conditions
21 to the PMPD in our application, appendix J, I
22 believe. But we can certainly --

23 HEARING OFFICER FAY: Okay, so it's a
24 strike-out and underline? I haven't seen that.

25 MR. GRATTAN: Yes, it's appendix -- all

1 the conditions are done in underline and strike-
2 out of appendix J.

3 HEARING OFFICER FAY: Okay, since that's
4 already in the record, then, the other parties --

5 MR. GRATTAN: Yes.

6 HEARING OFFICER FAY: -- ought to, you
7 know, be prepared to react to that.

8 I just think, since the Committee has
9 issued the proposed decision, that's sort of the
10 state of the record, it would be more efficient if
11 we continued to work from there.

12 I know staff is going to be creating new
13 testimony, but I think it's going to be easier for
14 everybody if we used the PMPD as a reference, and
15 then see how things need to change.

16 Any questions?

17 MS. HOLMES: If I could ask a question,
18 I'm a little uncertain will the revised PMPD be
19 offered as testimony, as something we're supposed
20 to be commenting on, what would the timeframe be?

21 HEARING OFFICER FAY: Well, there is no
22 revised PMPD, but what they have done is --

23 MS. HOLMES: The revisions to the --

24 HEARING OFFICER FAY: -- made a
25 proposal. And I think just as you react to an

1 AFC, if you react to that it would be helpful.

2 If we have something in writing that is
3 the applicant's desired changes to the PMPD, it
4 would just help us focus and staff can agree or
5 disagree, and CURE, also.

6 MS. HOLMES: Well, when is it going to
7 be provided and what's the mechanism for us to
8 respond?

9 HEARING OFFICER FAY: Well, he said it
10 was in appendix J of their filing.

11 MR. GALATI: Yeah, right now it's
12 appendix J.

13 PRESIDING MEMBER MOORE: Appendix J is
14 literally the changes that you proposed, --

15 MR. GALATI: Right.

16 PRESIDING MEMBER MOORE: -- not the
17 entire PMPD?

18 MR. GALATI: Correct, it's the findings,
19 conclusions and --

20 MS. HOLMES: Right.

21 MR. GALATI: -- conditions of
22 certification in a redline mark-out with a one-
23 page description for each section of why the
24 changes were made.

25 MS. HOLMES: Right, and we're prepared

1 to respond to that in our testimony that we're
2 filing. I'm just wondering where the additional
3 revisions that you're referring to, when they
4 would be filed, and when we're supposed to be
5 responding to them. Or are you only talking about
6 appendix J? Originally I thought you were talking
7 about other revisions to the text of the PMPD.

8 HEARING OFFICER FAY: Yeah, actually I
9 was, but I think since they've taken this step it
10 might be easier to react to that.

11 MS. HOLMES: Right, we're already
12 planning to react --

13 HEARING OFFICER FAY: Okay.

14 MS. HOLMES: -- I thought you were
15 asking for new text. Okay.

16 HEARING OFFICER FAY: Yeah, --

17 MR. GRATTAN: Understood.

18 HEARING OFFICER FAY: -- my fault on the
19 confusion.

20 MR. GRATTAN: Understood where we are.

21 HEARING OFFICER FAY: Yeah. I think in
22 the sequence of things that might be the easiest
23 way --

24 MS. HOLMES: That's fine.

25 HEARING OFFICER FAY: -- to do that.

1 MR. GRATTAN: So what we've done is
2 sufficient at this point?

3 HEARING OFFICER FAY: I think so, yes.
4 It looks to me like the parties can use that and
5 state their position in light of what you've
6 proposed.

7 Anything further, then? I think it's
8 premature to really specifically schedule the
9 hearings in terms of prehearing conference, and I
10 realize it's probably only two weeks before we'd
11 have to have one.

12 And I think we're just going to have to
13 think about if there's more efficient ways to use
14 our time. Perhaps a conference call. Just so
15 that we all have a meeting of the minds before the
16 testimony is filed.

17 But, I'm open to that. Obviously this
18 is kind of a hybrid schedule, so we're willing to
19 consider your suggestions so that we can meet the
20 schedule and get everything done we need to.

21 Any further comments or suggestions?
22 Mr. Grattan?

23 MR. GRATTAN: In the nature of a final
24 comment, in the discussion of biology we discussed
25 U.S. Fish and Wildlife Service. We have another

1 issue, and I just want to put it out there and
2 maybe with a meeting of the red team tomorrow
3 maybe we can solicit a little help.

4 And that other issue is the State
5 Department of Fish and Game. The State Department
6 of Fish and Game will not issue its incidental
7 take permit until CEQA has cleared. And CEQA is
8 cleared basically when the Commission -- when the
9 gavel comes down here early in December.

10 All the work has been done or will have
11 been done by State Fish and Game. What we would
12 need is for them to issue a final as shortly after
13 the Commission decision as possible.

14 We've gone from November into December
15 with our Commission schedule which, you know,
16 honestly we had to do. But if Fish and Game waits
17 30 days, as they would if the document were
18 regularly in their queue, then our construction,
19 our initiation of construction becomes seriously
20 problematical.

21 So, we would be looking to convince the
22 Department of Fish and Game of the importance of
23 turning their document around as quickly as
24 possible after the Commission decision. And may
25 solicit Commission help in doing that.

1 The next thing I have to say, finally,
2 since there are two Commissioners here, CURE and
3 the applicant disagree on one issue, and that is
4 the need for a labor contract on the 24th of
5 October.

6 It's clear the law does not require it.
7 I would suggest that the Commission would be
8 legislating if it did impose this requirement on
9 the applicant. The applicant will have a labor
10 contract and will build the project.

11 HEARING OFFICER FAY: Okay, any other
12 final comments? Ms. Holmes?

13 MS. HOLMES: None.

14 HEARING OFFICER FAY: Ms. Poole?

15 MS. POOLE: Just to respond to that
16 final comment about the labor contract. Many of
17 the steps that we're taking here, including the
18 three-year time period for the project, the
19 shortened schedule, are consistent with AB-970.
20 That's the framework we're working in.

21 We simply suggest the labor contract as
22 another piece that's consistent with the
23 Legislature's view on this. We're not suggesting
24 that the Committee should legislate something.
25 And if the Committee required that evidence they

1 wouldn't be legislating, they'd simply be assuring
2 that the applicant could move forward as soon as
3 they got the license.

4 HEARING OFFICER FAY: Okay.

5 PRESIDING MEMBER MOORE: I'll only close
6 by saying that this is obviously a precursor to
7 the 970 process, what we learn in this we're
8 really only weeks ahead, a couple weeks of the
9 other process, considering that it initiates at
10 5:00 today.

11 So, what we learn here will help guide
12 us, I think, through the next phase, and you have
13 our assurance that we'll treat this seriously and
14 considerately, especially since we've been through
15 this now over a good period of time on this case.

16 We'll take all of your points of view,
17 and especially the scheduling and the expedited
18 handling of information very seriously. So, when
19 it comes to dealing with other state agencies
20 we'll lend our good auspices to that to make sure
21 that the process gets moved along as expeditiously
22 as it can.

23 I'm not a member of the red team or any
24 other color team, so all I can say is from the
25 relationships that I have with people who are,

1 we'll extend ourselves as far as we can into the
2 fray.

3 Robert.

4 COMMISSIONER PERNELL: Well, I would
5 just agree with my colleague and say that if we're
6 under the, which it seems like we're under, the
7 970 expedited process, as you know that process is
8 designed to move smoothly and quickly.

9 And I would expect that it do so from
10 both the applicant, as well as staff. So, you
11 know, it's a business decision on your part, but
12 we will go forward as Commissioner Moore has said.

13 MR. GRATTAN: We have greatly
14 appreciated, by the way, the cooperation of staff,
15 the Commission, and intervenors as we've gone
16 forward here. And again, it is appreciated.

17 HEARING OFFICER FAY: We, I think in
18 fairness to the parties, should get an order out
19 identifying the schedule, but I think if you need
20 a heads up right now what I would say is that I
21 will be discussing with the Committee and
22 recommending to them the sequence of filing
23 testimony, as we discussed, so that the parties
24 would file six days after the staff.

25 I think there's going to have to be a

1 contingency if the District doesn't deliver on the
2 16th, and staff cannot be expected to file its FSA
3 as proposed.

4 And my guess is that the Commission's
5 going to find it a lot easier to address this at
6 the normal business meeting on December 6th than
7 to try to hold a special meeting for the power
8 plant. So that's only two days in that factor.

9 And I think those are the only real
10 matters to dispute in the schedule. So there's
11 not much for the Committee to decide on in any
12 case as to the schedule.

13 Any last questions before we adjourn?

14 COMMISSIONER PERNELL: No, none from me.

15 HEARING OFFICER FAY: Okay, thank you

16 all very much, we're adjourned.

17 (Whereupon, at 10:35 a.m., the Committee
18 Conference was adjourned.)

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CERTIFICATE OF REPORTER

I, DEBI BAKER, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission 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 13th day of October, 2000.

DEBI BAKER

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