

Item 11

State of California

California Energy Commission

Minutes of the August 28, 2018, Energy Commission Business Meeting

The meeting was called to order by Chair Weisenmiller. The Pledge of Allegiance was led by Chair Weisenmiller.

Present:

Robert B. Weisenmiller, Chair
Karen Douglas, Commissioner

J. Andrew McAllister, Commissioner
Janea A. Scott, Commissioner

THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING ITEMS:

1. **OAKLEY GENERATING STATION (09-AFC-04C).** Proposed order approving the project owner's Facility Closure Plan and Request for License Termination for Oakley Generating Station (OGS). Limited construction activities, which occurred in June 2011, include installation of an 11x15.5 foot fire pump concrete foundation, approximately 20 acres of ground clearance and grading, creation of bio-swales, and construction of a storm water detention basin. Project construction was suspended in September 2011. Permanent closure of OGS would have no effect on environmental quality, and public health and safety, and would comply with applicable laws, ordinances, regulations and standards. Contact: Anwar Ali. (Staff presentation: 10 minutes)

Commissioner Douglas moved Item 1 and Commissioner McAllister seconded. The Chair announced Commissioner Hochschild is absent. The vote was 4-0.

2. **Minutes.** Possible approval of the August 1, 2018 Business Meeting minutes.

Commissioner Douglas moved Item 2 and Commissioner McAllister seconded. The vote was 4-0.

3. **Lead Commissioner or Presiding Member Reports.** The Commissioners reported on their recent activities. The Chair announced the Commission will now go into closed session as specified in Agenda Items 4a.vii and 4b.i. Item 4a.vii provides notice that the Commission will adjourn to closed session with Legal Counsel pursuant to Government Code Section 11126(e) to discuss the following litigation of which the Energy Commission is a party: *Rodriguez v. State of California, Energy Resources Commission.* Item 4b.i provides notice that the Commission will adjourn to closed session with its Legal Counsel pursuant to Government Code Section 11126(e) to discuss specified State Personnel Board, Department of Fair Employment and Housing and Equal Opportunity Commission matters.

4. **Chief Counsel's Report:** *There was no report out from the closed session referenced above in Item 3.*

- a. Pursuant to Government Code section 11126(e), the Energy Commission may adjourn to closed session with its legal counsel to discuss any of the following matters to which the Energy Commission is a party:

- i. *In the Matter of U.S. Department of Energy (High Level Waste Repository), (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); State of California v. United States Department of Energy (9th Cir. Docket No. 09-71014).*

- ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller* (Alameda County Superior Court, Case No. RG13681262).
 - iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court #34-2016-00204586)
 - iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, #17-cv-03404).
 - v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
 - vi. *State Energy Resources Conservation and Development Commission v. City of San Jose, JUM Global, L.L.C.* (Sacramento Superior Court, Case No. 34-2018-00230652).
 - vii. *Rodriguez v. State of California, Energy Resources Commission* (Workers' Compensation Appeals Board, Case No. ADJ10856829).
- b. Pursuant to Government Code section 11126(e), the Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the Commission, which may include:
- i. *SPB Case No. 17-1443W; DFEH No. 943831-303813/EEOC No. 37A-2018-00550-C.*

- 5. **Executive Director's Report:** None
- 6. **Public Adviser's Report:** None
- 7. **Public Comment:** None

Appearances:

Greg Lamberg, Radback Energy

Scott Galati, Dayzen, LLC

There being no further business, the meeting was adjourned.

Respectfully submitted,

CODY GOLDTHRITE
Secretariat