

January 17, 2018, California Energy Commission Business Meeting

Item 1a. LOS ANGELES DEPARTMENT OF WATER & POWER (LADWP) PETITION FOR CORRECTION TO TRANSCRIPT.

OCTOBER 11, 2017 BUSINESS MEETING AUDIO

http://www.energy.ca.gov/business_meetings/2018_packets/2018-01-17/Item_01a/2017-11-08_Business%20Meeting.mp4

PETITION FOR CORRECTIONS TO COMMISSION BUSINESS MEETING TRANSCRIPT OF OCTOBER 11, 2017

http://docketpublic.energy.ca.gov/PublicDocuments/17-BUSMTG-01/TN221985_20171215T100119_Petition_for_Corrections_to_Commission_Businness_Meeting_Transcr.pdf

TRANSCRIPT OF THE OCTOBER 11, 2017 BUSINESS MEETING

http://docketpublic.energy.ca.gov/PublicDocuments/17-BUSMTG-01/TN221545_20171019T144926_Transcript_of_10112017_Business_Meeting.pdf

M e m o r a n d u m

To: Chair Robert Weisenmiller
Commissioner Karen Douglas
Commissioner David Hochschild
Commissioner Andrew McAllister
Commissioner Janea Scott

Date: January 11, 2018

From: Mona Badie, Staff Counsel
Office of Chief Counsel
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Docket No. 17-BUSMTG-01 Los Angeles Department of Water and Power Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017 (TN 221985)

On December 15, 2017 the Los Angeles Department of Water and Power (LADWP) filed a Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017 (Petition). The Petition included a total of 31 requests for corrections to the Energy Commission October 11, 2017 business meeting transcript.

Energy Commission regulation section 1105 allows any person to petition the Energy Commission to correct a transcript of his or her own statements during an Energy Commission business meeting. (Cal. Code Regs., tit. 20, § 1105(d).) In turn, the Energy Commission is to consider such a petition at a business meeting, on the consent calendar if warranted by the facts presented. (*Id.*; Cal. Code Regs., title 20, § 1104(d).)

As discussed below, the facts warrant presentation and consideration of LADWP's Petition as a consent item, as the Energy Commission's Chief Counsel's Office (CCO) and LADWP's legal counsel have agreed on the scope of requested corrections that merit correction.

Background

At the October 11, 2017, business meeting the Commissioners heard and issued a decision in the matter entitled "Los Angeles Department of Water and Power Renewables Portfolio Standard (RPS) Appeal." Energy Commission staff and LADWP representatives appeared before the Commissioners and discussion of the matter was transcribed. Pursuant to Energy Commission regulation section 1105, LADWP legal counsel Todd J. Guerrero and Jean-Claude Bertet petitioned for corrections to the transcription of certain of their oral statements at the October 11, 2017 business meeting.

The Energy Commission Chief Counsel's Office (CCO) reviewed the Petition and compared the requested corrections in the Petition to the audio recording of the October 11, 2017 business meeting. Based on this review and practical considerations, CCO determined that all but eight of the 31 requested corrections were appropriate and consistent with the audio recording. CCO apprised Mr. Guerrero and Mr. Bertet of this determination and provided them with access to the audio recording. Mr. Guerrero and Mr. Bertet agreed with CCO. **Attachment 1** to this memo comprises copies of the

email communications supporting the assertions in this paragraph. **Attachment 2 to this memo** identifies the requests that are not supported by the audio recording.

We note that the attached email exchange also reflects agreement that the October 11, 2017 business meeting transcript at 35:21 requires a correction. The proposed corrected phrase for the transcript at 35:21 should read as follows: ". . . *in the regulatory scheme.*"

Recommendation

Based on the discussion above and attachments hereto, CCO recommends that the Energy Commission:

- Grant all requests for corrections from the Petition except the eight (8) requests appearing in attachment 2 hereto.
- Deny the Petition as to the eight (8) requests appearing in attachment 2 hereto.
- Grant a correction to the October 11, 2017 business meeting transcript at 35:21, changing "steam" to "scheme" such that the corrected phrase reads as follows: ". . . *in the regulatory scheme.*"

Attachment 1:

**Email Exchange Between the Energy Commission's Chief Counsel Office and
LADWP Legal Counsel Documenting the Agreed Upon Corrections to the
October 11, 2017 Business Meeting Transcript**

From: Guerrero, Todd J.
To: [Badie, Mona@Energy](mailto:Badie.Mona@Energy); [Bertet, Jean-Claude](mailto:Bertet.Jean-Claude)
Cc: [John Sasaki](mailto:John.Sasaki); [Kasha, Priscila](mailto:Kasha.Priscila); [Hewitt, Antoinette P.](mailto:Hewitt.Antoinette.P)
Subject: RE: Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017
Date: Friday, January 05, 2018 9:59:29 AM

Yes on #9 - it's a deal – have a good weekend.

From: [Badie, Mona@Energy](mailto:Badie.Mona@Energy) [<mailto:Badie.Mona@Energy>]
Sent: Friday, January 5, 2018 11:57 AM
To: Guerrero, Todd J. <Todd.Guerrero@KutakRock.com>; Bertet, Jean-Claude <Jean-Claude.Bertet@ladwp.com>
Cc: John Sasaki <John.Sasaki@doj.ca.gov>; Kasha, Priscila <Priscila.Kasha@ladwp.com>; Hewitt, Antoinette P. <Antoinette.Hewitt@KutakRock.com>
Subject: RE: Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017

Thank you. So for #9 we agree that “steam” should be changed to “scheme”?
If so, then we are in agreement regarding all the changes/non-changes and this item can be heard on the consent calendar.

Mona

From: Guerrero, Todd J. [<mailto:Todd.Guerrero@KutakRock.com>]
Sent: Friday, January 05, 2018 9:52 AM
To: [Badie, Mona@Energy](mailto:Badie.Mona@Energy); Bertet, Jean-Claude
Cc: John Sasaki; Kasha, Priscila; Hewitt, Antoinette P.
Subject: RE: Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017

Yes – we are ok with not making those corrections (other than the one you note in #9).
Thank you.

Todd J. Guerrero
Partner, Chair, National Energy Group
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60 South Sixth Street
Minneapolis, MN 55402
o: 612-334-5000
d: 612-334-5007
c: 651-341-0781
todd.guerrero@kutakrock.com

Atlanta - Chicago - Denver - Fayetteville - Irvine - Kansas City - Little Rock - Los Angeles - Minneapolis -
Oklahoma City - Omaha - Philadelphia - Richmond - Scottsdale - Washington - Wichita

From: [Badie, Mona@Energy](mailto:Badie.Mona@Energy) [<mailto:Badie.Mona@Energy>]
Sent: Friday, January 5, 2018 11:50 AM
To: Guerrero, Todd J. <Todd.Guerrero@KutakRock.com>; Bertet, Jean-Claude <Jean-Claude.Bertet@ladwp.com>

Cc: John Sasaki <John.Sasaki@doj.ca.gov>; Kasha, Priscila <Priscila.Kasha@ladwp.com>; Hewitt, Antoinette P. <Antoinette.Hewitt@KutakRock.com>
Subject: RE: Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017

Good Morning. Thank you for the quick review and response. Just to clarify – is LADWP ok with not making the 8 changes noted in my email? These 8 are changes that LADWP requested in its Petition, but are not supported by the audio.

Thank you,
Mona

From: Guerrero, Todd J. [<mailto:Todd.Guerrero@KutakRock.com>]
Sent: Friday, January 05, 2018 9:35 AM
To: Badie, Mona@Energy; Bertet, Jean-Claude
Cc: John Sasaki; Kasha, Priscila; Hewitt, Antoinette P.
Subject: RE: Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017

Good morning Mona. Thank you for your review of the October 11, 2017 transcript. The Los Angeles Department of Water and Power has no objections to the eight proposed transcript clarifications you note below; and specifically agree with your proposed change in Request 9 that “steam” should be changed to “scheme.”

Can you please clarify for us that this matter will be put on the Commission’s consent agenda for its January 17 business meeting as DWP does not intend to have any representative in attendance.

Please let us know if you have any questions. Thank you.

Todd J. Guerrero
Partner, Chair, National Energy Group
KUTAK ROCK LLP
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60 South Sixth Street
Minneapolis, MN 55402
o: 612-334-5000
d: 612-334-5007
c: 651-341-0781
todd.guerrero@kutakrock.com

Atlanta - Chicago - Denver - Fayetteville - Irvine - Kansas City - Little Rock - Los Angeles - Minneapolis –
Oklahoma City - Omaha - Philadelphia - Richmond - Scottsdale - Washington - Wichita

From: Badie, Mona@Energy [<mailto:Mona.Badie@energy.ca.gov>]
Sent: Thursday, January 4, 2018 6:30 PM
To: Bertet, Jean-Claude <Jean-Claude.Bertet@ladwp.com>; Guerrero, Todd J. <Todd.Guerrero@KutakRock.com>
Subject: Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017

Good Afternoon,

This email is in reference to LADWP's Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017. Pursuant to Commission regulations section 1105, the Petition will be presented for consideration at the January 17, 2018 Commission business meeting.

The Chief Counsel's Office compared the audio recording of the October 11, 2017 business meeting with the transcript of the same and considered punctuation requests that would not be captured in an audio recording. Based on the audio recording and the reasonableness of the punctuation requests, we have no objection to all but eight of the requested corrections. The eight requests shown below are not supported by the audio recording.

Request 1: Transcript at 14:24 – the word “minutes” should be changed to “minute.” The proposed corrected phrase of the sentence contained on the transcript 14:24 should read as follows: *minute of presentation?*

Request 3: Transcript at 33:25 – the last word on line 25 “buzzwords” should be replaced with the word “buzzword.” The proposed corrected phrase contained on the transcript at 33:25 should read as follows: *renewable energy resource – there's the buzzword, . . .*

Request 8: Transcript at 35:9 – the word “it” should be deleted. The proposed corrected phrase contained on the transcript at 35:9 should read as follows: . . . *intended to do otherwise.*

Request 9: Transcript at 35:21 – the word “steam” should be replaced with the word “system.” The proposed corrected phrase contained on the transcript at 35:21 should read as follows: . . . *in the regulatory system.* The audio recording indicates Mr. Guerrero stated “scheme” not “system.” If any change is made, the word “steam” should be changed to “scheme.”

Request 18: Transcript at 38:19 – a comma should be inserted after the word “stated.” The proposed corrected phrase contained on the transcript 38:19 should read as follows: . . . *history as mere “generalized statements.”*

Request 21: Transcript at 39:6 – the word “the” should be inserted before the word “vague” and quotation marks should be inserted around the phrase “vague reference to rules in place.” The proposed corrected phrase contained on the transcript 39:6 should read as follows: *But finds the “vague reference to rules in place,” . . .*

Request 29: Transcript at 69:18 – the word “Commission” should be added to the end of the sentence in place of “- -.” The proposed corrected phrase contained on the transcript at 69:18 should read as follows: . . . *that known to the Commission.*

Request 30: Transcript at 61:15 – the word “If” should be added to the beginning of the sentence that begins on line 15, page 61. The proposed corrected phrase of the sentence contained on the transcript 61:15 should read as follows: *If the Legislature wanted to specify each and every contract . . .*

Finally, while we do not object to Request 6 (Transcript at 34:21-22 – quotations should be inserted around the words “eligible renewable energy resource.”), we do note that the audio recording captures Mr. Guerrero saying “eligible renewable resource.”

We invite you to review the audio recording, access to which will be provided to you in a separate email from Energy Commission Secretary Cody Goldthrite. If you concur with our assessment of the audio recording and your above-listed requests, consideration of the Petition can occur at the January 17 business meeting by way of the consent calendar. Items on the consent calendar are voted on en masse without discussion, in accordance with Commission regulation 1104. The consent calendar is used for items where there is no discussion or controversy. The Energy Commission business meeting agenda will be posted tomorrow, so your response is requested by 1:30 pm tomorrow Friday, January 5, so that if there is agreement as to the transcript changes there is time to place this item on the consent calendar.

Thank you,
Mona

Mona Badie
California Energy Commission
Chief Counsel's Office
Attorney III
(916) 654-4636
Mona.Badie@energy.ca.gov

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message. Thank you.

Attachment 2:

**LADWP Requested Corrections to the October 11, 2017 Business Meeting
Transcript Not Supported by the Audio Recording**

LADWP Requested Corrections to the October 11, 2017 Business Meeting Transcript Not Supported by the Audio Recording

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STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION - RE: LOS ANGELES DEPARTMENT OF WATER AND POWER
PETITION FOR CORRECTIONS TO TRANSCRIPT OF CEC BUSINESS MEETING
HELD ON OCTOBER 11, 2017**

WHEREAS, State Energy Resources Conservation and Development Commission (Energy Commission) regulation section 1105 allows any person to petition the Energy Commission to correct a transcript of his or her own statements during an Energy Commission business meeting and in turn, the Energy Commission is to consider such a petition at a business meeting on the consent calendar pursuant to Energy Commission regulation section 1104.

WHEREAS, on December 15, 2017 the Los Angeles Department of Water and Power (LADWP) filed a Petition for Corrections to Transcript of CEC Business Meeting Held on October 11, 2017 (Petition) in Docket No. 17-BUSMTG-01 which was docketed as TN 221985.

WHEREAS, the Energy Commission's Chief Counsel's Office (CCO) reviewed the Petition, compared the requested corrections to the audio recording of the October 11, 2017 business meeting, and determined that all but eight (8) of the 31 requested corrections were appropriate and consistent with the audio recording.

WHEREAS, CCO and legal counsel for LADWP reached an agreement regarding the scope of corrections to the October 11, 2017 Energy Commission business meeting transcript, which are documented in a Memorandum by CCO dated January 11, 2018.

RESOLVED, that the Energy Commission approves the corrections to the transcript of the October 11, 2017 Energy Commission business meeting as agreed to by CCO and legal counsel for LADWP as documented in the Recommendation portion of the CCO Memorandum dated January 11, 2018; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee, or the Energy Commission Secretariat, shall take all actions necessary to implement this resolution, including, but not limited to, instructing California Reporting, LLC, or other

appropriate entity, to make the adopted changes to the October 11, 2017 Energy Commission business meeting transcript.

CERTIFICATION

The undersigned Secretariat to the Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on January 17, 2018.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

Cody Goldthrite,
Secretariat