



August 28, 2018

1516 Ninth Street
Art Rosenfeld Hearing Room – First Floor
Sacramento, California 95814

10 a.m.

(Wheelchair Accessible)

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)
2. **Minutes.** Possible approval of the August 1, 2018 Business Meeting minutes.
3. **Lead Commissioner or Presiding Member Reports.** A lead commissioner on a policy matter may report to the Commission on the matter and discussion may follow. A presiding member on a delegated committee may report to the Commission on the matter and discussion may follow.
4. **Chief Counsel's Report:**
 - 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.**

6. **Public Adviser's Report.**

7. **Public Comment:** People may speak up to three minutes on any matter concerning the Energy Commission, with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

If you require special accommodations, contact Poneh Jones at 916-654-4425, five days before the meeting.

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To avoid occasional technical problems with the Commission's telephone link, the Commission recommends that a written comment also be submitted either by facsimile or email to the Public Adviser by 5 p.m. two days before the scheduled business meeting. Fax (916) 654-4493 or email publicadviser@energy.ca.gov.

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Adjournment of Hearings and Meetings: Depending upon time available and the orderly management of proceedings, the Commission may order adjournment (recess or postponement) of any noticed hearing or meeting, to be continued to the next day, another specific date or time, or to the next business meeting, as appropriate. Any such adjournment will be noticed at the time the order of adjournment is made (Government Code §§11128.5, 11129).