STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION
PREHEARING CONFERENCE

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION DOCKET NO. 99-AFC-8
FOR THE BLYTHE ENERGY PROJECT
(BLYTHE ENERGY, LLC)

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

MONDAY, NOVEMBER 20, 2000
10:15 A.M.

JAMES F. PETERS, CSR, RPR
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LICENSE NUMBER 10063

CONTRACT NO: 170-99-001

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APPEARANCES

COMMISSIONERS
William Keese, Chairperson, Presiding Member
(via teleconference)

HEARING OFFICER
Mr. Ed Bouillon

STAFF
Ms. Lisa De Carlo, Staff Counsel
Mr. Lance Shaw, Project Manager

APPLICANT
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INTERVENOR
Ms. Carmela Garnica (via teleconference)

PUBLIC ADVISER
Roberta Mendonca

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PROCEEDINGS

HEARING OFFICER BOUILLON: Good morning. We are here today for a continued prehearing conference conducted by a Committee of the California Energy Commission on Blythe Energy's application for certification for the Blythe Energy Power Project.

For the record, the docket number assigned to this matter is 99-AFC-8. Present at this conference is Mr. Lance Shaw, the Project Manager for the staff, Ms. Lisa De Carlo, the staff counsel for the staff, Scott Galati, the applicant's attorney, the court reporter, Roberta Mendonca the public adviser and myself Ed Bouillon, the hearing officer.

Participating in this prehearing conference by telephone is Chairman William Keese, the Chairman of the California Energy Commission and the presiding member of this committee. In addition, Carmela Garnica, intervenor, is also present by telephone; is that correct?

MS. GARNICA: Yes.

CHAIRPERSON KEESE: Yes.

HEARING OFFICER BOUILLON: The purpose of this continued conference is to include the participation of Ms. Garnica. And for her benefit, I will very briefly summarize the facts that occurred last Friday. We had a prehearing conference at, I believe it was, 9:00 a.m. At
which time, both the staff and the applicant were able to
agree that a great many witnesses would not need to
personally testify and that much of the testimony could
come in by written stipulation, or at least written
agreement.

In addition, it was agreed that the many pieces
of evidence that were prepared by Ms. Garnica in the form
of witness testimony would be admitted into evidence and
there would be no need to cross examine those witnesses.

It's my understanding that Ms. Mendonca has had a
conversation this morning with Ms. Garnica about what
areas she has questions for the various witnesses. And
Ms. Garnica, I'd like to ask you, at this time, whether
you have questions for both the staff witnesses and the
applicant's witnesses or just the applicant's witnesses?

MS. GARNICA: Mainly, I guess it would be the
applicant's witnesses. I'm waiting on some of the -- you
know, I'm just having trouble with the applicant and
staff. Those are two different groups, and so therefore
I'm presuming that when it says Final Staff Assessment, it
means that it is only the assessment of all the studies
that were done of what the applicant is admitting; is that
correct?

HEARING OFFICER BOUILLON: Yes, that is correct.

MS. GARNICA: Okay. So my main -- there's quite
a bit of questions, and they all pertain to what is not
answered in the Final Staff Assessment. And I presume
that that automatically goes into the submissions of the
applicant's application.

HEARING OFFICER BOUILLON: As I understand it,
your primary concerns, from the prehearing conference
statement that you filed, are in the area of the use of
the water and the reduction of agricultural production and
environmental safety. Am I correct in saying that your
concern is the health and welfare of the local farm
workers?

MS. GARNICA: That is correct.

HEARING OFFICER BOUILLON: And I also understand
that your primary basis of concern is the location of the
power plant; is that correct?

MS. GARNICA: That is correct.

HEARING OFFICER BOUILLON: And you'd like to see
it moved farther out in the desert?

MS. GARNICA: That is correct.

HEARING OFFICER BOUILLON: Now, with regard to
the natural gas pipeline that's going to go to the plant,
you still have some disagreement over the location of
that?

MS. GARNICA: Yes.

HEARING OFFICER BOUILLON: And you do understand
the difference between this natural gas pipeline and the
one being constructed by PG&E?

MS. GARNICA: That is correct.

HEARING OFFICER BOUILLON: Now, specifically have
you read the testimony being offered by the applicant in
this matter?

MS. GARNICA: What I've read is the -- what I
read was your last conference, the one that was on October
10th. I read that whole document, and then I read the
whole Final Staff Assessment. So as far as being able to
pull out certain things from it, just from the top of my
head, I cannot. I would have to take time to go back and
see, you know, anything that I would be able to -- I do
not have all of the Final Staff Assessment in my mind, you
know what I'm saying, so I can just pull it out the minute
you ask me a question.

HEARING OFFICER BOUILLON: I don't either. I
wouldn't be too concerned about that.

But specifically, can you tell me the areas in
which you want witnesses to be present? Do you know the
names of any of the witnesses you want to question?

MS. GARNICA: Well, the ones that would pertain
to -- well, you know what, no because, you know, on
your -- on the witnesses, staff's witnesses, I have not
looked at those names and then put it with what area that
I would have questions, because they pertain to either the land use or socioeconomic, or water resources, biological resources, cultural resources, and then, you know, the facility land itself.

And so I haven't matched those yet, but there is a list and so -- you need that now? I can, kind of, I guess, put those into some type of a little chart, I guess, you know, put the questions with the categories which they would fall under. And then, therefore, point to the person you have there that would be able to answer those questions. Is that what you're asking?

HEARING OFFICER BOUILLON: Well, yes. And that's what should have been here last week. The problem is these hearings are going to start next Monday afternoon and people have to make travel arrangements that they have to come, if they have to come down from Sacramento.

MS. GARNICA: You know what, I gave a category to Ms. Mendonca. There is at least, I think, there's like 12 sections that I think that maybe she can give you that list and then from there we can see what person fits under those categories.

HEARING OFFICER BOUILLON: Well, my question is in trying to schedule these hearings, I need to know how much time you need to cross examine these witnesses. I mean, are you talking about five minutes for each witness
or are you talking about maybe several hours with a

witness?

MS. GARNICA: Well, I would just -- I'm presuming

that -- I've never been to a hearing of this type, I'm

presuming that you ask the question and then depending on

if the expert can answer, then depending on how long it

goes to answer. You know, I would be able to -- I can't

foresee that. I don't understand how that would be my

decision as far as how long it would be.

HEARING OFFICER BOUILLON: I have to inform you,

Ms. Garnica, it is the responsibility of every party to

this proceeding to be able to provide estimates to the

Committee of how long they need for their part of the

questioning.

MS. GARNICA: Well, you know what, to be on the

safe side, can I take ten minutes?

HEARING OFFICER BOUILLON: Ten minutes for each

witness?

MS. GARNICA: Yes.

HEARING OFFICER BOUILLON: That would be fine.

That enables us to plan. From my conversations with Ms.

Mendonca from what your conversation was, is that I

understand you have questions on the following areas: It

will include project alternatives and facility design,

public health, biological resources, water resources, land
use, socioeconomic, hazardous material and air quality.

I understand you also brought up or somebody
brought up the topic of cultural resources. And I want to
explain to you that cultural resources really has to do
with artifacts and things that might be buried in the
ground and not the current living conditions, all of which
would be covered by the socioeconomic witnesses, which I
think is more your concern.

MS. GARNICA: Well, we can go to socioeconomics,
that's correct.

HEARING OFFICER BOUILLON: That's your big area,

isn't it?

MS. GARNICA: Yes.

HEARING OFFICER BOUILLON: When you talk about
public health, do you really need to talk to some
technical expert about air quality or do you need to talk
to somebody about its effect on the public health?

MS. GARNICA: It's effect on the public health.

HEARING OFFICER BOUILLON: Okay. So as long as
that person can answer the questions that you have, you
don't need an air quality witness that talks about

numbers?

MS. GARNICA: No.

HEARING OFFICER BOUILLON: That information will
be available for you. But it is our intention, at this
time, not to bring any air quality witnesses, but simply
the public health people, the socioeconomic people and the
people that can talk about why the plant is being built
where it is.

    MS. GARNICA: And the water, yes, uh-huh.

    HEARING OFFICER BOUILLON: And what's the effect
on the water by using the water for the plant?

    MS. GARNICA: Yes.

    HEARING OFFICER BOUILLON: You don't, for
instance, when you talk about project alternatives, one of
the things that comes up is could it be better built
someplace else, and I know you're interested in that.

    MS. GARNICA: Yes.

    HEARING OFFICER BOUILLON: But that's also part
of facility design, the way the plant is designed. Do you
have any questions about the way the plant is designed
other than it should be someplace else?

    MS. GARNICA: No, no. No, my only interest is to
move it miles out, where we have other -- where there's
other commercial areas or industrial areas already.

    HEARING OFFICER BOUILLON: Okay. Okay, I think I
can put together an order and we'll proceed to the hearing
at the scheduled time, next Monday.

    And, Chairman Keese, unless you have something to
add, I think we can conclude this hearing.
CHAIRPERSON KEESE: We can conclude the hearing. Are you going to let Ms. Garnica know what our order of proceeding is, which is what we will take up in the first Monday afternoon and what's on Monday night?

HEARING OFFICER BOUILLON: Oh, yes, I could tell her that. Ms. Garnica, for your information, we decided that we would start on Monday with the project design and water and land use parts of this proceeding.

And then after the dinner break on Monday, we would go into facility design and hazardous materials. And on the second day of the hearing, we'll talk about biological resources and such other areas as we can fit in, because you have some question for some of these witnesses and we'll try to organize them around the order that I just gave you, providing witnesses for your examination. So I'm afraid you're going to have to be there the whole time.

MS. GARNICA: That's fine. I'm very much looking forward to it.

HEARING OFFICER BOUILLON: But we will specifically -- we're going to take up facility design and hazardous materials in the evening of the first day, so as many members of the public as can be present can be.

MS. GARNICA: Okay, great.

HEARING OFFICER BOUILLON: And I'll have Ms.
Mendonca contact you again, because we're going to try, through Chairman Keese, try to issue an order here about the order of witnesses and things like that. And I'll have Ms. Mendonca make sure you get it before the end of the week.

MS. GARNICA: Okay. If you could fax the materials, yeah.

HEARING OFFICER BOUILLON: Okay, Chairman Keese?

CHAIRPERSON KEESE: That sounds like that's it to me.

HEARING OFFICER BOUILLON: Okay.

CHAIRPERSON KEESE: Are we going -- this will conclude the hearing?

HEARING OFFICER BOUILLON: This concludes the hearing.

Thank you all for your participation.

CHAIRPERSON KEESE: Thank you.

(Thereupon the Air Resources Board prehearing conference for the Blythe Energy Project was concluded at 10:35 a.m.)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing California Energy Commission prehearing conference was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of November, 2000.

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