CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION
COMMITTEE TELECONFERENCE ON THE
PRESIDING MEMBER'S PROPOSED DECISION

In the Matter of: )
) Application for Certification Docket No.
) for the Blythe Energy Project 99-AFC-8
) [BEF] )

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

FRIDAY, MARCH 16, 2001
10:00 a.m.

Reported By:
James Ramos
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
COMMITTEE MEMBERS PRESENT
William A. Keese, Chairman, Presiding Member
Robert A. Laurie, Commissioner, Associate Member
Terry O'Brien, Commissioner Advisor
Edwin Bouillon, Hearing Officer

STAFF PRESENT
Lisa DeCarlo
Lance Shaw

APPLICANT
Scott Galati
Grattan and Galati

Thomas L. Cameron, Project Director
Blythe Energy

Jeffrey G. Harvey
Greystone Environmental Consultants

INTERVENOR
Carmela Garnica

PUBLIC ADVISER
Roberta Mendonca, Public Adviser

ALSO PRESENT
Liliana Loofbourow
Spanish Language Interpreter

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
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PROCEDINGS

PRESIDING MEMBER KEESE: Call the meeting to order, continuation of the Committee Conference on the Presiding Member's Proposed Decision. I'm Bill Keese, Chair and lead on this Committee, and to my left is Bob Laurie, also on the Committee.

To my immediate left, Mr. Ed Bouillon, our Hearing Officer. To my right, Mr. Terry O'Brien, my advisor.

Good morning. We are here to hear on the PMPD. Mr. Bouillon, would you make some opening statement, please.

HEARING OFFICER BOUILLON: Yes. I'd like first of all to let everyone know that this meeting is also being held by teleconference, and we have several callers on the line now, and I would like to have some acknowledgment that they can hear me.

Would the callers on the line please respond if they can hear me?

(Parties on telephone respond.)

HEARING OFFICER BOUILLON: Thank you.

PRESIDING MEMBER KEESE: Okay.

PUBLIC ADVISER MENDONCA: Mr. Bouillon,
this is Roberta Mendonca. Will it be helpful if
the callers on the line would give their name for
the record, please?

HEARING OFFICER BOUILLON: We will do
that before we ask them to speak. I was just
trying to establish that we had some two-way
communication.

I would also like to inquire of everyone
in the room at this time, and everyone on the
phone, if anyone requires a Spanish translation.

I would like the Interpreter to make a
statement at this time and inquire whether anyone
needs a translation of my opening remarks.

Yes, please, if you would just ask
whether anyone requires a Spanish translation of
what I'm saying now.

(Thereupon Ms. Loofbourow, the
Interpreter, translated Hearing
Officer Bouillon's question into
Spanish.)

HEARING OFFICER BOUILLON: We've had a
request for a translation, as I understand. Is
that correct?

MS. LOOFBOUROW: That's correct.

HEARING OFFICER BOUILLON: All right.
What we will do from now on is I will speak in hopefully short sentences, and I will ask the Interpreter to repeat everything that I say in Spanish.

MS. LOOFBOUROW: Okay.

HEARING OFFICER BOUILLON: And would you -- now would you translate what I just said.

(Interpreter translating Hearing Officer Bouillon's comments.)

HEARING OFFICER BOUILLON: We will conduct this hearing as informally as possible, and we will hear from everyone who has something to say. But we will do so in an orderly manner, and we will have a definite order for the speakers to participate.

We will first discuss the comments that have been filed by the Applicant, the Staff, and the Intervenor, Carmela Garnica.

MS. LOOFBOUROW: Excuse me, could you repeat that, the names?

HEARING OFFICER BOUILLON: Yes, Carmela Garnica.

MS. LOOFBOUROW: Carmela Garnica.

HEARING OFFICER BOUILLON: And the Staff and the Applicant. Did you get that?
HEARING OFFICER BOUILLON: And any additional comments made by those parties. We will then receive public comment from anyone present or present by telephone.

I ask that anyone present that wishes to make a comment contact Roberta Mendonca, the Public Adviser, and fill out a participation card, or I notice Penny, one of her assistants, is back here, and -- oh, Roberta's in the back of the room.

We will then be able to determine in the time allotted, I believe we have noticed this to last until -- it appears we have not put a definite time limit on this conference, but I do know the Commissioners have other commitments at approximately 1:00 o'clock.

But we anticipate we will have time to hear from everyone. And we will divide the time accordingly, once we have some idea of how much public participation there will be.

At this time I will note that we have received, prior to the last meeting we had, which was continued to this date, comments from the

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Applicant on the Proposed Decision, which were received on March the 1st. We had received also Staff comments on that date, and we had received comments from -- and comments from Intervenor Carmela Garnica.

MS. LOOFBOUROW: Excuse me, how do you spell that?

MS. GARNICA: Carmela Garnica.

MS. LOOFBOUROW: Carmela Garnica, okay. Thank you.

(Interpreter translating Hearing Officer Bouillon's comments.)

HEARING OFFICER BOUILLON: Her comments were received, I believe, on March the 6th.

I have received, I believe yesterday, a document from the Staff indicating that they did not oppose any of the Applicant's proposed changes, with one exception. And that exception had to do with SOCIO-2. And we will discuss that at -- I'll ask for comments from both sides on that.

And at this time I will ask the Applicant to make any further comments he has about any of the comments that have been filed or any other comments that he has on the Proposed
Decision.

But before I do that I want to inform everyone that so that we can get through this in an orderly manner, I'm going to ask that only one person speak for any party. That means -- that means one party, probably a lawyer, from the Applicant. One person from the Staff. And one person for -- probably Carmela Garnica herself.

When we come to public comment, then anyone will be free to make additional comment. And for anyone who speaks, I would ask them first to identify themselves for the record, and make sure that they are speaking into a microphone so that it can be recorded.

And if anyone here needs some help with how to get to a microphone, I'm sure Roberta would be glad to help.

MR. BOYD: I have a question. This is Mike Boyd.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Yes, Mr. Boyd.

MR. BOYD: Okay. Just for the record, this is Mike Boyd, President of CARE. Carmela is a member of CARE, and has asked CARE to assist her.
in this matter. And I just want to object, for
the record, to you limiting it to only one person
to speak for the Intervenor. And that unfairly
prevents the Intervenor from participating, and we
believe that you're stifling her First Amendment
right in this matter.

HEARING OFFICER BOUILLON: Mr. Boyd, I'd
be glad to hear from you. If Ms. Garnica desires
to be heard herself, we will listen to her.

MR. BOYD: Well, I'm not asking --

HEARING OFFICER BOUILLON: Excuse me,
Mr. Boyd. I have to have that translated.

(Interpreter translates.)

HEARING OFFICER BOUILLON: In addition,
you will be heard --

(Interpreter translates.)

HEARING OFFICER BOUILLON: -- but not as

a part of the parties' comments.

(Interpreter translates.)

MR. BOYD: Okay. That leads me to

another question. Do you -- did you -- you

should've received in the docket preliminary

comments on the proposed Blythe Energy Center from

K. Shawn Smallwood, Ph.D., prepared by CARE at the

request of the Intervenor. Have you received that

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document?

MS. LOOFBOUROW: I'm sorry, I didn't get that name. Information from who?

MS. DeCARLO: Shawn Smallwood.

MS. LOOFBOUROW: Okay, from Shawn Smallwood.

(Interpreter translates.)

HEARING OFFICER BOUILLON: I do not have them in front of me, but it's my understanding that we have received them.

(Interpreter translates.)

MR. BOYD: I really think you should, because some of the -- the impacts that Dr. Smallwood have identified I think will be of concern to the public and the Applicant, in general.

(Interpreter translates.)

HEARING OFFICER BOUILLON: I can assure you that any comments that we received will be considered before issuance --

(Interpreter translates.)

MR. BOYD: And therefore, the --

HEARING OFFICER BOUILLON: Wait a minute, Mr. Boyd. I wasn't finished with my sentence.
MR. BOYD: Okay, I'm sorry. I can't see you, so --

HEARING OFFICER BOUILLON: Will be considered before issuance of either the -- a revised Proposed Decision or an errata to that decision.

(Interpreter translates.)

MR. BOYD: But everything will be part of the administrative record in this case; correct?

(Interpreter translates.)

HEARING OFFICER BOUILLON: That's correct.

MR. BOYD: Okay. Thank you.

MR. FIGUEROA: Excuse me. My name's Alfredo Figueroa. By golly, we traveled all night, and this is going to be the legal meeting. This meeting should've been held in Blythe, California, and we'll be having further meetings afterwards, but we want to have them in Blythe. And me, I'm President of the Mesa Verde Organizing Committee, has submitted to you a consumer rights complaint, due to the violations that the California Energy Commission has committed upon the people of Blythe and our native people there.
I'm a representative of the traditional people of the Chimawehe Tribe, and I know you folks took it very lightly when our traditional leader got up and gave his remarks of the sacredness of the Colorado River. That's why we are here today, and we traveled all night, but we'll travel as much as it takes to get to see that this ill-fated plant is stopped.

PRESIDING MEMBER KEESE: Sir, we're going to have an appropriate time for those comments, but the first part of business is going to be to hear the comments of the official participants in this proceeding on the document that we have in front of us. And we have to complete that first, and then we will take comments from anyone who cares to speak on this issue.

Ma'am.

MS. LOOFBOUROW: I'm going to try to translate all this.

PRESIDING MEMBER KEESE: I'm sorry.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Mister -- do you have a question regarding the procedure?

(Interpreter translates.)
MS. GARCIA: No, I don't. Were you asking me?

PRESIDING MEMBER KEESE: Yes.

MS. GARCIA: Because you said Mister.

PRESIDING MEMBER KEESE: This is -- we're going to proceed with the Applicant first, and then -- and then the Staff second, and then Ms. Garnica in the formal proceeding, and then we'll take comments afterwards. Do you understand that procedure?

MS. GARCIA: Yes, I do.

PRESIDING MEMBER KEESE: Thank you.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Thank you. Can we have comments of the Applicant regarding the PMPD, please.

(Interpreter translates.)

MR. GALATI: Thank you. My name is Scott Galati. I represent Blythe Energy LLC, and on my left --

(Interpreter translates.)

MR. GALATI: -- is Tom Cameron, project director for the Blythe Energy Project.

(Interpreter translates.)

MR. GALATI: And on my right is Dr. Jeff
Harvey, lead environmental consultant with
Greystone Environmental Consultants.

(Interpreter translates.)

MS. LOOFBOUROW: I'm sorry, I didn't get
the last part.

MR. GALATI: Environmental Consultants.

(Interpreter translates.)

HEARING OFFICER BOUILLON: If I might
interrupt, I'd like to ask Ms. Garnica a question,
if I might.

Trying to -- trying to translate every
sentence that's spoken here today may result in
not being able to hear everyone, and I'd like to
know if you can determine whether or not a Spanish
translation of everything that goes on is
necessary at this time.

(Interpreter translates.)

MS. GARNICA: Yes. Yes, I do, because
some of the people that traveled all night with us
only speak Spanish. They are monolinguals only.

PRESIDING MEMBER KEESE: That's --
that's fine. We'll translate everything you'd
like. Anything you would like will be translated.
If -- if you should at some point feel that --

(Interpreter translates.)
PRESIDING MEMBER KEESE: -- if at some
time you should feel that the comments being made
do not need to be translated, which would free up
more time for public comment at the end, let us
know.

(Interpreter translates.)

MS. MARZA: (Through Interpreter) My name
is Anna, and I -- I want to ask a couple of
questions. Can you hear me?

HEARING OFFICER BOUILLON: We can't hear
you.

(Interpreter translates.)

HEARING OFFICER BOUILLON: We will have
questions from members of the public after we have
dealt with the parties that are here. You will be
given an -- please stay on the line. You will be
given an opportunity to speak. But at the moment,
we are in the midst of Mr. Galati's comments on
behalf of the Applicant. We will come back to
you.

MS. GARCIA: Okay.

(Interpreter translates.)

MS. GARCIA: Okay. Thank you.

MS. GARNICA: I just wanted --

PRESIDING MEMBER KEESE: A procedural
question?

MS. GARNICA: Yeah, I had a question, because, you know, previously, Mr. Boyd had mentioned about, you know, that he was assisting me and the other group behind me, and yes, he is. And I would like that his comments be taken into account, because --

PRESIDING MEMBER KEESE: They will be.

MS. GARNICA: Oh, okay.

PRESIDING MEMBER KEESE: They will be.

MS. GARNICA: But I wanted him to be --

I wanted him to say, you know, like the way Mr. Galati has his muscle -- I -- I'd like to, also have my muscle, whatever. So --

(Laughter.)

HEARING OFFICER BOUILLON: I'll ask the translator to recap that as best she can.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Mr. Galati.

MR. GALATI: Thank you, Carmela. That's one of the nicer things I've been called.

(Interpreter translating Mr. Galati's comments.)

MR. GALATI: I'd like to begin, and try to be as brief as possible, and only discuss the
differences between Staff's comments and our comments, first.

The first discrepancy deals with Condition of Certification SOCIO-2 -- Condition of Certification SOCIO-2.

That's correct. We proposed changes in our comments filed March 1st.

My understanding is Staff agrees with some of those changes, and not others.

Specifically, Staff agrees with the actual change to the condition but disagrees with our proposed changes to the verification. Our changes to the verification are necessary to ensure swift project construction, and more -- and reflects the Applicant's commitment to make a good faith effort to recruit employees and procure materials within the Blythe area.

Staff also submitted additional comments in which a new condition was proposed. This condition specifically addresses construction milestones. This condition is brand-new to the Commission's process, and Staff stated the reason for the condition was the Governor's Executive Order 25.

We would direct the Commission's
attention to that Executive Order. That Executive Order applies only to projects that have been expedited, and specifically those projects that involve conversions from a simple cycle to a combined cycle project.

The purpose of this Executive Order, as with the other Executive Orders issued recently, was intended to strike a balance. Certain projects couldn't be expedited with waivers of statutes and regulations in exchange for that expedited process. We believe this Executive Order was intended to assure that power would be brought to California quickly, to justify the expedited Commission review.

This project was not subject to expedited review. This project filed its application in 1999, and went through the full Commission process. At this late date, a condition such as this has a negative impact on financing of this project.

We request that the Commission not change its statutory requirement to begin construction within five years to implement this Executive Order, which does not apply to the Blythe project.
Further evidence of this is the recent Executive Order Number 28 which, by its very terms, were intended to clarify the earlier Executive Orders. Executive Order 28 does not direct the Commission to establish these milestones for projects that have not received expedited treatment.

If the Committee directs, we will file supplemental written comments on this point, as I have other reasons why the Committee should not adopt the condition which it may not be productive to go through now.

At this time I'd like to turn to the additional comments that we received today from Mr. Mike Boyd's group, CARE.

HEARING OFFICER BOUILLON: I would like to insert in the record at this point that I have been handed a copy of those comments.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Please continue.

(Interpreter translating Mr. Galati's comments.)

MR. GALATI: As we received this today at the hearing, we have not had time to review it.
We will file supplemental comments in response before the close of comment period. However, I might note that Mr. Boyd asked that these --

MS. LOOFBOUROW: (Translating for unidentified speaker on phone) I want to hear the comments, too. I would like to hear the comments also.

PRESIDING MEMBER KEESE: The submitted comments seem to be --

MS. LOOFBOUROW: Excuse me. I am not sure she said she wanted to hear the comment or make a comment. Should I clarify that?

HEARING OFFICER BOUILLON: Would you, please.

PRESIDING MEMBER KEESE: Yes. And -- yes.

(Interpreter questions speaker.)

MS. LOOFBOUROW: I -- she would like to make a comment.

PRESIDING MEMBER KEESE: That will be appropriate later.

(Interpreter translates.)

MS. LOOFBOUROW: (Translating for unidentified speaker on phone) How long do you think it will be, 10, 15 minutes?
HEARING OFFICER BOUILLON: It's very hard to say, but it will be before one o'clock, and beyond that, it's very difficult to say. We have a process going. We've yet to hear the completion of the Applicant's comments.

(Interpreter translates.)

HEARING OFFICER BOUILLON: And then we're going to hear the Staff's comments. And then we're going to hear Ms. Garnica's comments. And then we will turn to members of the public, such as you.

(Interpreter translates.)

HEARING OFFICER BOUILLON: In addition, any member of the public, or any party, has a right to submit written comments to this Committee so long as they are submitted within 30 days from the date the Presiding Member's Proposed Decision was issued.

(Interpreter translates.)

HEARING OFFICER BOUILLON: And if someone would refresh me on the date of that --

MR. SHAW: 17 February.

HEARING OFFICER BOUILLON: It was issued on 17 February, so anyone has a right to file written comments for 30 days after February 17th.
The Committee will consider each and every comment received.

(Interpreter translates.)

UNIDENTIFIED SPEAKER ON PHONE: What happens if it's a Sunday?

(Interpreter translates.)

HEARING OFFICER BOUILLON: Excuse me?

UNIDENTIFIED SPEAKER ON PHONE: If the 30 days expires on a Sunday.

HEARING OFFICER BOUILLON: The 30 days expires on a Sunday, everyone has until the following business day to file their comments.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Mr. Galati, would you continue, please.

(Interpreter translating Mr. Galati's comments.)

MR. GALATI: With respect to Mr. Boyd's request that these be admitted into the administrative record, we do not object. However, we do object to them being treated as evidence since we were not given an opportunity for cross examination.

MR. BOYD: Can I ask a question? This is Mike Boyd, of CARE, again.
PRESIDING MEMBER KEESE: No, Mr. Boyd.

HEARING OFFICER BOUILLON: Mr. Boyd, you will be given an opportunity, and we -- just as you would not like to be interrupted, we do not expect you to interrupt anyone else.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Please continue, Mr. Galati.

MR. GALATI: That concludes our comments on the Presiding Member's Proposed Decision.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Thank you, Mr. Galati.

HEARING OFFICER BOUILLON: I would now ask the Staff to make their comments.

MS. DeCARLO: Thank you. This is Lisa DeCarlo, Energy Commission Staff Counsel, and to my far left is Mr. Lance Shaw. He is the Energy Commission Project Manager for the Blythe project.

(Interpreter translating Ms. DeCarlo's comments.)

MS. DeCARLO: We have two brief comments in response to Applicant's comments.

In regards to SOCIO-2, Staff believes that in order for the condition to have any teeth
Staff will need to be able to review the procurement and hiring decisions before they occur. If review is to occur after the fact, it would be very difficult to change a decision that Staff has disagreed with.

In regards to the additional condition requiring milestones --

MS. LOOFBOUROW: Excuse me, could I get a little bit of clarification?

MS. DeCARLO: -- it is Staff's position that the paragraph referencing milestones in the Executive Order stands on its own and is not limited to facilities under expedited review.

(Interpreter translating Ms. DeCarlo's comments.)

MS. DeCARLO: Staff will be applying this requirement across the board to all projects under CEC jurisdiction. Given the energy crisis, Staff believes it is necessary to ensure that projects approved by the Commission start construction within one year, and proceed according to schedule. And we believe that the Executive Order gives us this authority.

We do not believe that this condition is overly burdensome, and it is necessary to ensure
that the project certified by the Commission gets built in a timely manner to alleviate the energy crisis.

Staff has not had a chance to review the comments submitted by Mr. Smallwood. Once we do have the opportunity to review them, we will submit written comments as appropriate. And we do not object to them being admitted into the administrative record.

And that concludes Staff's comments.

HEARING OFFICER BOUILLON: Thank you, Ms. DeCarlo.

Ms. Garnica, would you please come forward to the microphone and make whatever comments you have.

(Interpreter translates.)

MS. GARNICA: Yes. I do want to make sure I'm -- that means that now, during this time, I could talk and pick things over here, or -- and I can ask them questions, or I cannot, or is this just a one-way communication, or is it a two-way dialogue?

(Interpreter translates.)

HEARING OFFICER BOUILLON: At this time you can make comments about any topic that is in
the Presiding Member's Proposed Decision. You can
question statements in that Proposed Decision, but
you are not permitted to ask direct questions of
any other participant at this hearing.

(Interpreter translates.)

HEARING OFFICER BOUILLON: We will go
through each party again to hear their responses
to anything you might say, if they have any. And
then we will let you respond again. But there
will not be any direct question and answer
session.

(Interpreter translates.)

MS. GARNICA: Okay. And then, so that
would mean, then, that since the Blythe Energy
Project has not had the opportunity to read what
CARE has submitted, therefore they wouldn't be
able to ask him any questions. And so, therefore,
if he is not -- if they don't have a complete
understanding of what was submitted, then how
would -- how would they get their answers? Do we
-- do we meet again so that they can get their
answers to ask Mr. Boyd anything? Or can they ask
Mr. Boyd now that he is here, I mean, now that he
is on air.

(Interpreter translates.)

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HEARING OFFICER BOUILLON: No one is going to ask Mr. Boyd anything. We do not anticipate that there will be another conference. Any party or any member of the public may submit written comments commenting upon --

(Interpreter translates.)

HEARING OFFICER BOUILLON: -- Dr. Smallwood's comments, submitted by CARE, or not, as they see fit. There will be no cross examination of either Mr. Boyd or Dr. Smallwood. Nor will you, Ms. Garnica, be allowed to ask questions of either the Staff or the Applicant about those comments.

(Interpreter translates.)

HEARING OFFICER BOUILLON: But you can, at this time, add any information to those comments you wish to make.

MS. GARNICA: Okay. So how do the comments -- how are they taken into account when the comments are submitted, like Mr. Galati said earlier that he has not had a chance to read them, so how are they taken into account into this process?

(Interpreter translates.)

HEARING OFFICER BOUILLON: Those
comments, like any other comments filed by any
other person, will be read and considered by this
Committee. And they will be given whatever weight
and effect to which they are entitled.

(Interpreter translates.)

HEARING OFFICER BOUILLON: I cannot tell
you what effect that will be, because I have not
read them, nor has the Committee read them at this
time. But they will, before this decision is
presented to the California Energy Commission as a
whole.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Please
continue.

MS. GARNICA: Yes. I wanted to comment
on page 211 and 212 of Soil-Water 6, 7.

MS. GARNICA: And I wanted --

HEARING OFFICER BOUILLON: Excuse me, Ms. Garnica. What page did you say?

MS. GARNICA: 211 and 212.

HEARING OFFICER BOUILLON: All right.

(Interpreter translating Ms. Garnica's comments.)

MS. GARNICA: And I notice that -- that
in there it talks about reimbursement to the
community wells, specifically on -- on 212, where -- 212 where it says that -- the sentence shall mean that the mitigation as set forth herein is required if the Mesa Verde well is operating at 90 percent capacity. Now, I also notice that it says if. Now, do we know at what capacity those wells are operating presently?

So I -- okay. So am I going to get an answer to that, or -- or am I just supposed to ask and then it's going to be documented, and then I get a response -- a response from --

HEARING OFFICER BOUILLON: Your questions will be considered. Whether or not there will be any response today, I cannot say.

(Interpreter translates.)

MS. GARNICA: Okay.

HEARING OFFICER BOUILLON: The Committee itself will not make any response at this time. This is the time for the parties and the public to make their comments, not for the Committee to make its comments.

(Interpreter translates.)

MS. GARNICA: Okay. And, okay. That was one -- one of the questions.

(Interpreter translating Ms. PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
Garnica's comments.)

MS. GARNICA: And then -- and then it also indicates that alternatively, the project owner shall provide to Mesa Verde Community Service District an amount of money equal to the cost of either deepening the existing wells or installation of a new well, if the district makes such request.

Okay. What I need to know is since Mesa Verde, the community of Mesa Verde, is three hour drive from the -- the -- let's see, the person who's in charge of the district of Mesa Verde, which is Riverside, I wanted to know, like when that -- I guess this must mean that the service area, when it's impacted and the well -- the well needs to be -- let me get that right term in -- yeah, it needs to be deepened, now, who is -- is the person that is going to see to it that it is done right away? Because we have -- we will have testimonies of families from Mesa Verde who have already tried for several years with the -- the office in Riverside to get their wells -- because in here it doesn't specify a time --

HEARING OFFICER BOUILLON: Ms. Garnica, let me interrupt you for a moment, please.
MS. GARNICA: I beg your pardon:

HEARING OFFICER BOUILLON: Let me

interrupt you for a moment, please?

In spite of what I said a few minutes
ago, I am, with regard to that, Mr. Chairman,
going to ask either the Applicant or the Staff,
and maybe Mr. Shaw would be the appropriate person
from the Staff, if they can respond to that
concern.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Mr. Galati,
do you have any response for Ms. Garnica?

MR. GALATI: If I understand the
question, it is how will the -- the well be
deepened and coordinated with Riverside County.
Is that correct?

MS. GARNICA: Yeah, the service
district.

(Interpreter translating Mr.
Galati's comments.)

MR. GALATI: A condition that the
Applicant has agreed to requires that
determination of whether the well needs to be
deepened well before the project begins pumping
groundwater to support its power plant operations.
The verification of that condition requires the Applicant submit proof that the condition has been complied with by either showing that improvements have been completed, or that they are not required, 30 days prior to the production pumping.

So that I guess the short answer is the Applicant has the burden to resolve any problem prior to being able to operate.

HEARING OFFICER BOUILLON: Does that complete your response, Mr. Galati?

MR. GALATI: If I might have a moment just to make sure that was accurate.

(Interpreter translates.)

MR. GALATI: Ms. Garnica, is your concern that if the alternative section is approached where money is paid to the district, that the district won't fix the well?

(Interpreter translates.)

MS. GARNICA: Not -- I mean -- no, not that they're not going to resolve the problem, which most likely they might like in about ten years. But I'm talking about when it's immediately prior to knowing, like it's -- like the process indicates here that it's being
impacted. If -- if somebody else is going to be in charge of seeing to it that the well is installed. It can be done in years. Right?

(Interpreter translates.)

MR. GALATI: My understanding is that the Energy Commission Compliance Project Manager would have to sign off on that Blythe Energy has complied with the condition 30 days prior to being able to pump.

(Interpreter translates.)

MS. GARNICA: Who is that title manager, I mean that manager? Is that a title in the state, or is that --

(Interpreter translates.)

MS. DeCARLO: Yes, Steve Munro is the Compliance Project Manager that will be handling the Blythe project compliance aspect.

(Interpreter translates.)

MR. GALATI: And he is employed by the Energy Commission.

(Interpreter translates.)

MS. GARNICA: So what this indicates here, then, us that you're going to hand in -- the Blythe Energy project hands in reports to the Energy Commission, and then they -- then they tell
you guys that yeah, it's time now to -- or is --
what's the time, the time -- from the time that
you submit that it needs to be installed, from the
time that the Energy Commission gets back to -- or
actually it gets -- the job gets done for the
community. You know, my -- my concern is that
families are going to be left with a trickle of
water.

(Interpreter translates.)

MR. GALATI: If families are left with a
trickle of water, it will not be -- be because the
project is pumping groundwater. Because the
project cannot pump groundwater until the project
manager signs off on the condition, and allows the
project to pump groundwater. It is impossible to
determine how long that process will take.

(Interpreter translates.)

MR. GALATI: The Applicant is committed
to making it happen quickly, so that they can
begin commercial operation of the power plant as
soon as possible.

(Interpreter translates.)

MS. GARNICA: Okay. So then there is no
specific time that this can happen, then. It's
not to where we can say okay, you have a certain
amount of days to do this, a certain amount of
days to do that. Because they'll just --

(Interpreter translates.)

HEARING OFFICER BOUILLON: Except I
think that I can add that any improvements that
need to be made in the Mesa water -- Mesa Verde
Water District will be made before they begin to
pump. And that is the responsibility of the
California Energy Commission Project Manager.

(Interpreter translates.)

MS. GARNICA: Okay. So then that would
mean, then, that until all that is taken care of,
then the -- the Blythe Energy Project cannot be
established until the water is going to be taken
care of first?

(Interpreter translates.)

MS. DeCARLO: This is Lisa DeCarlo,
Staff Counsel. All impacts to local wells caused
by the project must be mitigated before the
project can begin commercial operation.

(Interpreter translates.)

MR. GALATI: And I just want to be clear
to the members of the public, the project will not
be installing a new well at Mesa Verde if the
project will not impact that well.
MR. GALATI: Our analysis shows now that the project will not impact that well. The Energy Commission didn't believe us. They required this condition to further review very specific analyses, to ensure the project will not impact that well.

If such -- if the Energy Commission determines that an impact may occur, the well needs to be fixed prior to operation.

MS. GARNICA: So then that -- that means then that when you give a permit, or you give a license, the license is not that it is okay to start, the license is only that all the process, as far as the mitigation is completed, or --

(Interpreter translates.)

MS. GARNICA: -- or does that mean that from the time that the license is permitted, or the certification is permitted, does that only mean that it's only -- what does that -- exactly does that mean?

(Interpreter translates.)

HEARING OFFICER BOUILLON: I'm going to ask you, Ms. Garnica, to turn to some other area.
But before I do, I am going to try to summarize what has been said.

What this conditions means, as I understand Mr. Galati and the Staff, is that all required mitigation would take place before any groundwater is pumped for operation of that power plant.

(Interpreter translates.)

HEARING OFFICER BOUILLON: And not say at this time exactly what will be required. And this condition was required to ensure that all contingencies were covered, so that the net impact on the community of Mesa Verde will be zero.

(Interpreter translates.)

MS. GARNICA: Okay.

HEARING OFFICER BOUILLON: So if you would please turn to any other comments you have at this time.

MS. GARNICA: So then, I still didn't know what -- what exactly, when -- when actually starts, like if the Blythe Energy Project gets certified or permitted, or licensed, or whatever, I still didn't understand what is it exactly that they can do once that happens.

(Interpreter translates.)
HEARING OFFICER BOUILLON: We -- we're not going to have an answer to that question again. That question will be considered, and the parties may respond to it in the next round.

MS. GARNICA: It's just that I -- I don't understand how, because I don't know, you know, because if mitigation -- mitigation is entailed into certain components of this process, you know, of applying to set up a plant, I don't understand if the mitigation overlaps the permit, or if it's -- if it's mitigated prior to the permit, or if it's, you know, I don't understand how it goes, because -- and then if I don't understand how this -- how the process is to be done, and I can't get an answer, then it -- it's to say that I am just wasting my time.

(Interpreter translates.)

MS. GARNICA: Okay. I was just given a note that it's mitigation before operation.

(Interpreter translates.)

MS. GARNICA: Okay. So that would mean, then --

HEARING OFFICER BOUILLON: What it means is that if it needs to be fixed, it will be fixed before operation.
MS. GARNICA: And that I, as an Intervenor, can interject at any time during this process, as far as days, months, or whatever new discoveries or whatever, it's -- that's it. Does it become a dead issue, or --

HEARING OFFICER BOUILLON: You, or any member of the public, can interact with the Project Manager -- excuse me, the Compliance Project Manager to express concerns, or -- or point out deficiencies in compliance by the Applicant. And it is the responsibility of the California Energy Commission to make sure that those concerns are dealt with.

MS. GARNICA: Okay. So then that means that on -- on page -- is it this one -- then that means that the page where it indicated that -- 156, where it says, although no landfills are located onsite, the Blythe Airport has an inactive landfill less than one mile up gradient from the site, and yet previous to that it says on the first dot, the only toxic pit identified is located greater than one mile to the west of the...
site.

(Interpreter translates.)

MS. GARNICA: Okay. So now that what has been said, that what the California Energy Commission's responsibility is, and ours, as community people of interest, then shouldn't it be that we should thoroughly investigate and see to it that toxic levels of that landfill that's there be cleared up first? Because how can you mitigate that if that hasn't been finished, that task has not been accomplished yet?

(Interpreter translates.)

MS. GARNICA: So that -- so that's what now that, you know, that you have said that, the -- if that's our responsibility, okay. We can't comment, but the idea is that the comments be taken into account. I'm not only talking about an Intervenor, I am talking about as an Intervenor. I'm talking about other people who have pointed certain things that pertain to that toxic area in the Mesa Verde, be taken to account as was filed previously, so that therefore, that task of seeing that, like the tanks, be searched for. I didn't see anything in that.

(Interpreter translates.)

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
MS. GARNICA: So shouldn't that be investigated first, and isn't that part of the -- the thing, or -- see, if we just continue submitting documentation of certain things that we find, as community members, who actually goes and investigates to see if that's there, and completes the task of fulfilling that investigation?

(Interpreter translates.)

HEARING OFFICER BOUILLON: That question, like your other comments, may be commented on by either the Staff or the Applicant when they get their turn again. But in any event, your comments and questions will be carefully considered by this Committee in determining whether or not there needs to be any additions or corrections to the Proposed Decision.

(Interpreter translates.)

MS. GARNICA: So that would be by March 21st? If I'm not -- I could be -- is that the final day for these first 30 days, and then --

(Interpreter translates.)

HEARING OFFICER BOUILLON: The final date for public comment on the Proposed Decision is, I believe, this coming Monday.

MS. GARNICA: Okay. And then the date
by which the Commission makes their Final
Decision, is there a date, or it's just depending
on how everything is assessed and put together?

(Interpreter translates.)

HEARING OFFICER BOUILLON: If a revised
decision is not required, but can simply be
handled by preparing what we call an Errata, then
if it's currently on the full Commission's
calendar, I believe, for March the 21st, for the
regular Business Meeting of the California Energy
Commission, which I believe commences at 10:00
o'clock, in the morning. It may or may not be
considered and voted on at that hearing. The --
the Commission, as a whole, may decide to vote on
it on that date, or they may decide to continue it
to a later date. If they do decide to vote on it,
that will constitute the final decision of the
California Energy Commission.

(Interpreter translates.)

MR. BOYD: This is Mike Boyd. I have a
point of information.

HEARING OFFICER BOUILLON: Mr. Boyd, you
will get your turn.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Please
continue, Ms. Garnica.

MS. GARNICA: Okay. So then that means that to discover if the -- that toxic that's around the area, that Final Staff Assessment has, you know, has recorded that it's there, to find out whether those other tanks are there or not, isn't there a way that Staff can do that research instead of having -- the Blythe Energy Project had a company go out there that, I guess it's contracted by them, or it's by the city that --

PRESIDING MEMBER KEESE: Please, Ms. Garnica, make a statement.

MS. GARNICA: Okay. Well, I need to know if instead of having somebody else, you know, do internal monitoring, isn't there a way that some -- the Staff can go and see if those -- look for those discoveries, do the research themselves, instead of --

(Interpreter translates.)

HEARING OFFICER BOUILLON: Are you making any specific proposal about what could be done to the Proposed Decision?

MS. GARNICA: Yes.

HEARING OFFICER BOUILLON: To satisfy that criteria?
MS. GARNICA: Yes.

(Interpreter translates.)

MS. GARNICA: Yes.

HEARING OFFICER BOUILLON: And what is that proposal?

MS. GARNICA: That -- that the investigation be done for the toxic that is found near the proposed site, that -- but that it be done by an outside and not so much by people from the area of -- within Blythe.

(Interpreter translates.)

MS. GARNICA: Because I took it upon myself to go do some of that research, and I -- it was overwhelming, because I'm just an average citizen, and I don't have the resources to try to do that.

(Interpreter translates.)

MS. GARNICA: And the Blythe Energy Project, the whole group, they did go out there, but it was not -- I didn't get into that. My brain, part of it.

So that would be taken into account, then, that it be -- an investigation be done prior to the Proposed Decision?

That is the proposal that I am making.
HEARING OFFICER BOUILLON: All I can tell you at this time is that your comments will be taken into consideration by this Committee. We are not at this hearing going to make any decisions whatsoever.

MS. GARNICA: Okay. At this point I don't -- I don't have anything further for right now. I can come back up, right? Or is this --

PRESIDING MEMBER LAURIE: Thank you.

Yes, we're going to --

HEARING OFFICER BOUILLON: At this time I'd like to ask Mr. Galati if he has any response to anything that he's heard so far.

MR. GALATI: With respect to the references to toxic pit.

MR. GALATI: Earlier on in the process, Ms. Garnica contended that there were underground tanks that would somehow impact well owners in the area from the project's pumping. The City of Blythe and the County of Riverside conducted
investigations with Ms. Garnica, or a representative of Ms. Garnica, present at at least -- on at least two occasions.

The underground storage tanks were not found. In addition, the evidentiary record supports that even if there were tanks there is no evidence that the project pumping would cause any migration. However, to ensure this, the Energy Commission included another condition requiring the project to test its -- the water it pumps with a complete analysis to identify any potential contamination.

I believe that's the only comment, other than the water, which I already answered.

HEARING OFFICER BOUILLON: Ms. DeCarlo, do you have any response?

MS. DeCARLO: I would just like to add that Waste Condition of Certification 4 and 5 also requires that the Applicant hire an environmental professional, and that if there's any -- any evidence of contaminated soil found during construction, that -- that that professional be consulted and a plan of action.

(Interpreter translates.)

MS. DeCARLO: That a plan of action be
determined. And the CPM will be involved in all
of those decisions.

That's all of Staff's comments.

(Interpreter translates.)

MR. SHAW: I'd like to add, CPM is the
Compliance Project Manager.

(Interpreter translates.)

MR. GALATI: Excuse me. Mr. Bouillon, I
didn't address -- do I have an opportunity to
address Staff's response to our comments?

HEARING OFFICER BOUILLON: Absolutely.

(Interpreter translating Mr. Galati's
comments.)

MR. GALATI: With respect to SOCIO-2,
we'd point out that SOCIO-2 does not mitigate any
identified significant environmental impact, and
although the Applicant has repeatedly committed to
procure materials, when we can, that will not
violate federal law, as well as existing union
agreements, it would be extremely cumbersome to
have the CPM review every purchasing decision and
require Blythe Energy to demonstrate how it cannot
purchase materials in the Blythe area months
before the purchase, and -- and also keep an
expedited construction schedule.
Most of the supplies and purchases that will be obtained will not just be one month purchases. And so a verification that requires what has been purchased a month prior will give the Energy Commission ample opportunity to suggest changes without requiring a cumbersome approval process.

With respect to the condition on milestones, Staff also said this condition was not burdensome. With all due respect, we point out the Commission has not required such a condition, and the Applicant, who is in the business of building and constructing power plants, informs the Committee that it is extremely burdensome, and may have the opposite effect intended by Staff to ensure that projects are constructed expeditiously. If potential financing options see the ability of the Energy Commission to forfeit the license because foundations weren't completed by a special date, those financing opportunities may look elsewhere for attractive investments that are not subject to that same risk.

So if the Staff intends for the project to be constructed and feels that the market does not provide enough incentive, this condition
should not be adopted.

As well, as the investment that the Applicant has already made demonstrates the willingness, especially during these times in which commitments to purchase equipment are made prior to receiving a permit, we would reiterate that the Executive Order is a trade-off. If the Energy Commission expedites review and waives its regulations, it should be entitled to some assurance that that special treatment was -- actually would yield power to the State of California.

Although this project repeatedly asked for expedited review, it was not granted any waivers of regulations.

That concludes my rebuttal.

HEARING OFFICER BOUILLON: Ms. DeCarlo, would you like to respond?

(Interpreter translating Ms. DeCarlo's comments.)

MS. DECARLO: Yes, some minor comments. One, the milestones will be applied to all subsequent projects. Therefore, the Applicant will be on an equal footing with all subsequent projects approved by the California Energy
Commission.

Two, we believe that the milestones are required by the Executive Order.

And, three, the milestones simply require that the Applicant give us a general idea of when certain aspects of the project will be completed, a general timeline. And there are several aspects that if the project owner does not meet the milestones, it doesn't necessarily mean that the certification is automatically forfeited. If the change in the milestone does not affect the established commercial operation time, there's no forfeiture. If the milestone is changed due to circumstances beyond the owner's control, there's no forfeiture.

If the milestone will be missed, but there's a good faith effort on the part of the Applicant to meet the project milestone, there will be no forfeiture. And if the milestone is missed due to unforeseen natural disasters, there will be no forfeiture.

MS. LOOFOUROW: I'm sorry, could you repeat that last sentence?

MS. DeCARLO: If the milestone is missed there will be -- due to unforeseen natural
disasters.

(Interpreter translating Ms. DeCarlo's comments.)

MS. DeCARLO: This just gives Staff an opportunity to review the progress of the construction of the power plant to ensure that things are going according to schedule.

And that concludes Staff's comments.

PRESIDING MEMBER KEESE: Ms. DeCarlo, may I ask a question.

MS. DeCARLO: Sure.

PRESIDING MEMBER KEESE: You -- you attached Order 25 in your filing?

MS. DeCARLO: Yes.

PRESIDING MEMBER KEESE: Are you -- are you suggesting that the Blythe plant was expedited, the process for Blythe was expedited?

MS. DeCARLO: No, not at all.

PRESIDING MEMBER KEESE: Are you suggesting that it involves post certification amendments?

MS. DeCARLO: No. It is Staff's contention that the paragraph requiring the milestones stands alone and apart from the previous paragraphs.
HEARING OFFICER BOUILLON: Ms. DeCarlo, if that paragraph stands alone, what is the meaning of this purpose in the first line?

MS. DeCARLO: I'm sorry, that's not the paragraph that requires the milestones. It's the paragraph below that one. And in the paragraph that requires the milestones, there's no mention made whatsoever of any simple cycle facility or expedited process.

MS. DeCARLO: It is Staff's belief that the Executive Order, at least this paragraph, is meant to ensure that even if a project approved by the Energy Commission is not on an expedited review, that it -- we at least can be assured that it will be built eventually, and on a -- a timeline that -- that allows for further energy to be put into California before -- to resolve the energy crisis as soon as possible.

PRESIDING MEMBER KEESE: Thank you.

HEARING OFFICER BOUILLON: Ms. Garnica, do you have any final responses or comments?
MS. GARNICA: Yes. You know, I forgot to attach some pictures that go along with what was introduced prior, so I guess I -- why don't I just hand this over to the Staff, or to --

(Interpreter translates.)

HEARING OFFICER BOUILLON: Would you please hand those to Roberta, our Public Adviser.

MS. GARNICA: And I have no other further comments.

HEARING OFFICER BOUILLON: Okay.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Thank you.

HEARING OFFICER BOUILLON: Ms. Garnica.

MR. BOYD: This is Mr. Boyd. I would request Ms. Garnica keep that --

HEARING OFFICER BOUILLON: Mr. Boyd, hang on a second, will you.

MR. BOYD: -- until I have an opportunity to speak, please.

HEARING OFFICER BOUILLON: Roberta, could I see those?

Ms. Garnica, these --

MS. GARNICA: Photographs.

HEARING OFFICER BOUILLON: -- apparently three photographs that I'm looking at, are you
saying those should have been attached to --

MS. GARNICA: The Smallwood --

HEARING OFFICER BOUILLON: -- the

comments that were submitted by CARE --

MS. GARNICA: Yes.

MR. BOYD: That's correct.

HEARING OFFICER BOUILLON: -- this

morning?

MS. GARNICA: Yes.

HEARING OFFICER BOUILLON: By Dr. Smallwood?

MS. GARNICA: That is correct. Yes.

(Interpreter translates.)

HEARING OFFICER BOUILLON: And am I to understand that none of the other parties received a copy of these?

MS. GARNICA: No, because they couldn't -- last night, when I was faxing them, I didn't want to fax the -- the pictures through the fax machine, it wouldn't -- it wouldn't get them, so, I mean, you know, as -- they wouldn't make an impact on your vision if they were -- where they're not as clear as you have them now. So --

(Interpreter translates.)

HEARING OFFICER BOUILLON: We will
accept those photographs, and I will make them
available both to the Applicant and to the Staff.
They are color photographs. I don't know how well
they will reproduce, but we'll make some
arrangements to distribute them.

MS. GARNICA: Thank you. CARE has hard
copies.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Thank you.

At this time we now have -- are going to
take -- hear from the public, and we have another
hour and 15 minutes to do that. We have nine
people at this hearing who have indicated that
they wish to speak by filling in the blue cards.

(Interpreter translating Presiding
Member Keese's comments.)

PRESIDING MEMBER KEESE: We have 13
members of the public on the phone who we also
will give a chance to make a comment. I will -- I
will call -- we will first hear from some of the
people who are here in the audience, and then we
will take people on the phone, and we will go back
and forth between people who are here in the
audience and people who are on the phone.

Could I at this time find out -- I will
ask the people on the phone to do this for me, please, to identify yourself, your organization, if you have one, and if all you want to indicate is your support or opposition, indicate that at this time.

If you would like to speak, let us know that and we will put you on our list.

At this time I am going to assume that Mike Boyd wishes to speak.

Could we hear from someone else who's on the phone?

MR. WEISE:  Randy Weise, from Blythe, California.  I don't wish to make a comment, other than the fact that I live within a two-mile radius of the projected plant.  I am in favor.  I operate two groundwater wells, one for my domestic use and one for farm agricultural use, and been shown no significance against my wells.

Thank you.

PRESIDING MEMBER KEESE:  Thank you, Mr. Weise.

(Interpreter translates.)

PRESIDING MEMBER KEESE:  Do we have Mr. Fulton on the line?

MR. FULTON:  Yes, I'm on the line.  I'm
in charge of the --

PRESIDING MEMBER KEESE: Do you care to speak, or do you -- would you just like to characterize a position on this issue?

MR. FULTON: I am a representative of the Blythe Chamber of Commerce, and we just want to put our support in. I don't wish to speak.

PRESIDING MEMBER KEESE: Thank you.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Do we have anybody else on the phone, please.

MR. BARROWS: I'm Floyd Barrows, I'm President of Palo Verde Healthcare District, and I wish to express very strong support for the facility.

PRESIDING MEMBER KEESE: Thank you.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Anyone else?

Under that circumstance, I believe the easiest way to handle this, we'll let Mike Boyd make an opening -- your statement at this time. At this time you're the only one on the phone who has indicated a wish to speak.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Mr. Boyd,
before you begin, please speak with frequent
pauses so that whatever you have to say can be
translated.

(Interpreter translates.)

COMMISSIONER LAURIE: Mr. Chairman, I
would suggest that when it comes to communications
with the individuals on the -- on the telephone,
that it's very -- going to be very difficult to
translate instantaneously. I would thus suggest
that the translator paraphrase following
statements by paragraph, as opposed to sentence by
sentence.

PRESIDING MEMBER KEESE: Thank you.
That's what we will do.

You heard that, Mike?

MR. BOYD: What you're saying is do one
paragraph at a time, and then stop?

PRESIDING MEMBER KEESE: At -- at
appropriate times we're going to have the
interpreter paraphrase what you have said. We're
not going to do a word by word.

MR. BOYD: Okay. Well, good luck.

PRESIDING MEMBER KEESE: Well, we're
going to give you about a maximum of seven minutes
here.
MR. BOYD: That should be more than adequate.

(Objections from the audience.)

MS. GARNICA: Can I object to that?

PRESIDING MEMBER KEESE: Just Mr. Boyd.

We're not --

MS. GARNICA: And just --

(Objections from the audience.)

PRESIDING MEMBER KEESE: Everybody here is going to be translated. We weren't talking about people on the phone, we were talking about only Mr. Boyd. If you'd like --

(Objections from the audience.)

PRESIDING MEMBER KEESE: That's fine. We have a limited amount of time. If that's what you'd like, that's fine.

Mr. Boyd, we'll translate everything verbatim. Take all the time you wish, Mr. Boyd.

(Interpreter translates.)

MR. BOYD: Just tell me when to go.

COMMISSIONER LAURIE: Mr. Chairman --

just a moment, Mr. Boyd.

Mr. Chairman, recognizing the time constraints, how much time are you going to provide Mr. Boyd?
PRESIDING MEMBER KEESE: All right. Mr. Boyd, we'll give you seven minutes.

MR. BOYD: That is sufficient.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Thank you.

(Interpreter translates.)

MR. BOYD: Just tell me when to begin.

(Interpreter translates.)

MR. BOYD: Okay. My name is Mike Boyd, and I'm the President of Californians for Renewable Energy, Inc., CARE. We're a non-profit 501C3 corporation.

PRESIDING MEMBER KEESE: You've got to stop.

(Interpreter translates.)

MS. LOOFBOUROW: I'm sorry, I didn't get the name of that organization. California --

MR. BOYD: For Renewable Energy.

(Interpreter translates.

MS. LOOFBOUROW: Thank you.

MR. BOYD: CARE is our acronym.

And the reason that CARE is involved in this proceeding is because Carmela is a member of CARE.

PRESIDING MEMBER KEESE: That's all --
that's all you can give, Mike. You have to just
stop after each --

(Interpreter translating
Mr. Boyd's comments.)

MR. BOYD: Okay. At the request of
Carmela, we have retained Dr. Smallwood to prepare
comment and provide an analysis --

MS. LOOFBOUROW: Excuse me?

MR. BOYD: -- for this project.

(Interpreter translating
Mr. Boyd's comments.)

MR. BOYD: A cursory review of the
project's environmental documents discloses
numerous instances of omission, piecemealing and
minimization of both environmental and
socioeconomic impact on the Blythe community.
The federal code requires equal
treatment irrespective of race or income. CARE
contends that the CEC is discriminating with
intent in regards to the low income and minority
community of Blythe. CARE contends that the same
standards of review and mitigation are not being
considered by the CEC in regard to the low income
and minority community of Blythe, as are being
provided in the low income and minority community
of Nueva Azalea, which is in South Gate, California, or an agricultural community of Sutter, California.

MS. LOOFBOUROW: I'm sorry, could you repeat that.

MR. BOYD: We've had --

PRESIDING MEMBER KEESE: He said as in the community of Nueva Azalea.

MS. LOOFBOUROW: Oh, okay.

PRESIDING MEMBER KEESE: Nueva Azalea was the first one.

(Interpreter translating Mr. Boyd's comments.)

MR. BOYD: And with the agricultural community of Sutter, California. In regards to the civil rights of the Blythe community, the Final Staff Assessment concludes because Staff determined that there was not a significant impact on any population, no disproportionate impact analysis was necessary. The Blythe FSA identifies the population of Blythe as 54 percent minority.

Now, Dr. Smallwood also did an in depth analysis on impacts, and in his impact analysis concluded some problem with the environmental documents. These include piecemealing release of
planning documents; deferring the formulation of
the mitigation plan to a later date, outside the
time period during which the public can
meaningfully participate; ignoring obvious
substantial impacts; minimizing estimates of
impacts; contriving and assessing overly narrow
ranges of alternative sites and energy generation
measures, project operation and mitigation
measures.

Okay. Now I will give two examples of
impacts that were not addressed. The first of
these impacts would be the creation of an
ecological sink.

MS. LOOFBOUROW: Did you say -- could
you read the last two words?

MR. BOYD: What's that?

MS. LOOFBOUROW: Could you repeat the
last two words, please.

MR. BOYD: The first of these impacts
would be the creation of an ecological sink.

(Interpreter translates.)

MR. BOYD: Ecological sink.

MS. LOOFBOUROW: Okay.

(Interpreter translating Mr. Boyd's comments.)
MR. BOYD: Okay. The 16 acres of solar evaporation ponds would more than displace 16 acres of habitat.

PRESIDING MEMBER KEESE: One minute, Mr. Boyd.

(Interpreter translating Mr. Boyd's comments.)

MR. BOYD: Okay. If you could hold those pictures up now, for the public to see.

HEARING OFFICER BOUILLON: Mr. Boyd, I don't believe that they're of such a size that anybody could really see them. I would be glad to hold them up, but I don't believe anybody can see these from the audience.

MR. BOYD: Well, if you could make them available if they wish to see them.

HEARING OFFICER BOUILLON: I will make them available for review of the audience at the conclusion of this hearing.

(Interpreter translates.)

MR. BOYD: Thank you.

(Interpreter translating Mr. Boyd's comments.)

MR. BOYD: The solar evaporation ponds were not assessed for their role in attracting
congregating birds which cause a bird aircraft
strike hazard, or BASH. As I understand it, FAA
regulations disallow actions that increase the
occurrence of congregating waterfowl within five
miles of an airport.

In this case, the solar evaporation
ponds would be constructed less than one mile from
the end of the runway of the local airport.

PRESIDING MEMBER KEESE: Thank you, Mr.
Boyd. You have one final sentence.

MR. BOYD: In conclusion, CARE requests
that other members who are speaking for the public
repeat what I'm going to say, which is that what I
have just said, I swear under penalty of perjury
that it is true, to the best of my knowledge. And
we have put this information in the record --

PRESIDING MEMBER KEESE: That --

MR. BOYD: -- to prepare for a judicial
challenge.

PRESIDING MEMBER KEESE: -- she's got --
we have to translate. We have to --

MR. BOYD: Thank you.

(Interpreter translates.)

MR. BOYD: I only have a sentence,

though.

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PRESIDING MEMBER KEESE: Thank you, Mr. Boyd.

MR. BOYD: Thank you.

PRESIDING MEMBER KEESE: We will next call on Maria Rubio.

MS. LOOFBOUROW: Mario Rubio, R-u-b-i-o?

PRESIDING MEMBER KEESE: Maria Rubio.

MS. GARNICA: I was just unclear on something. If somebody's given like seven minutes, as Mr. Boyd, does that mean that's included in the translation, or is the seven minutes included for Mr. Boyd only?

PRESIDING MEMBER KEESE: What I have is I have nine people who would like to speak. We have one hour.

FROM THE AUDIENCE: Why is that? Why does this have to end at one o'clock? This is supposed to be a public conference.

PRESIDING MEMBER KEESE: This is a public --

MR. BOYD: I thought you worked for the public, that you should be there.

PRESIDING MEMBER KEESE: This is a
public conference.

FROM THE AUDIENCE: This is a public conference --

MR. BOYD: But you're working for the public. You need to -- whatever you have to go to is not more important than this meeting to these people that have come here.

(Presenter translates.)

PRESIDING MEMBER KEESE: That's correct.

(Parties speaking simultaneously.)

FROM THE AUDIENCE: And I think you need to reschedule -- go to one o'clock and then schedule a new hearing in Mesa Verde or Blythe --

(Parties speaking simultaneously.)

PRESIDING MEMBER KEESE: We -- we have a translator here. We can't handle more than one conversation at the same time.

My plan is to allow each person now, nine people, if we give them each seven minutes, we will finish. So I would -- if somebody doesn't take seven minutes, that will leave more time for others.

(Presenter translates.)

MS. GARNICA: I just wanted to know if the seven minutes is included with the
translation, or is the seven minutes per person.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Seven minutes
-- seven minutes per person, with translation,
will get us -- will take care of the nine
witnesses I have here.

(Parties speaking simultaneously.)

PRESIDING MEMBER KEESE: We're delaying
the start of public testimony right now.

FROM THE AUDIENCE: No, you're making a
mockery of public testimony by saying it has to
end at one o'clock.

(Interpreter translates.)

PRESIDING MEMBER KEESE: Maria Rubio.

MR. BOYD: Ed, or the -- I just have a
question, that's all. A quick question, real
quick.

We -- the Intervenor filed a request for
a continuance, and we have heard no response to
that request. And that request was made at the
request of Dr. Smallwood, because we just got the
mitigation plan on the first.

(Interpreter translates.)

HEARING OFFICER BOUILLON: I'm not aware
of any unanswered motion in this case.
(Interpreter translates.)

PRESIDING MEMBER KEESE: Ms. Rubio.

MS. RUBIO: (Through Interpreter) Good afternoon. My name is Maria Rubio. I live in Mesa Verde, 1880 Blythe Way. And I am hearing what you are talking about the plant that you want to build there.

Personally, I want to tell you that I -- I've lived in Mesa Verde for seven years, and you want to build a plant that is going to be using gallons and millions of gallons of water, and in seven years I have not been able to obtain water for my own use in my own home?

My -- I am telling you that this is not just. My husband built a little wheelbarrow where I carry water from Mesa, and for our own personal use. It's less than a mile from where I live from the little town of Mesa Verde, and I have -- I have still not been able to obtain water.

I had four children. Right now I only have two with me. For three gallons of water that I carried to my house, they're containers of 100 gallons each, and they would last for two or three days. Sometimes at 12 -- from 12:00 o'clock at night or 1:00 o'clock in the morning, water would
run out and I would just be out of water for our
own use.

When it was hot, we were -- we felt
horrible. We -- it was extremely hot. I have
talked to the water representatives and I have
been told that I don't belong to Mesa Verde. So
where am I supposed to go? I pay my taxes. I
come from Blythe, we spent the night traveling to
find out whether you can help me.

Since 1994 I have been living there. I
am ill. I suffer from diabetes. I suffer from
high blood pressure. Summertime, when it's really
hot, I have to go get water and I have to walk
about a mile and a half. I would like everybody
who's here today to consider that. For these
seven years my showers have been with a can, we
pour the can over our heads, with children.

Maybe you would say this is not what
we're talking about, because you're talking about
things that are more important. But to me, that
is really important, for seven years I have not
had water.

PRESIDING MEMBER KEESE: Thank you.

MS. RUBIO: (Through Interpreter) And I
would like you to consider that. And I want to
thank you.

PRESIDING MEMBER KEESE: Thank you, Ms. Rubio.

Martha Guzman.

MS. LOOFBOUROW: Martha Guzman, G-u-z-m-a-n.

MS. GUZMAN: Good morning. I'm just going to read something that I sent to the Commission already previously.

(Interpreter translating Ms. Guzman's comments.)

MS. GUZMAN: My name is Martha Guzman. I'm from the United Farm Workers here in Sacramento. We went to Blythe a few months ago for another issue, and we became aware of this -- actually, we were in Mesa Verde. And this issue became a big concern to us because our membership -- because our membership that is primarily in Mesa Verde also works on the area that's adjacent to the plant. And without going to full detail of all the conversations, there was just a complete lack of communication to the community, and misinformation.

The Blythe Energy plant has a couple of impacts to the community that we're primarily
concerned with. And we hope that the Energy
Commission, with the plant and the city and
counties will work to mitigate them.

The first one that's been brought up
earlier today is the well draw-down impacts on the
community of Mesa Verde.

(Ms. Guzman speaks in Spanish to the
Interpreter.)

MS. LOOPBOUROW: Oh, okay. I'm sorry.

(Interpreter translating Ms.
Guzman's comments.)

MS. GUZMAN: And -- and the further
degradation of the water quality.

The basic theory here is that there's no
assurance to the community of Mesa Verde that
other outlying members of the community have.

PRESIDING MEMBER KEESE: I'm sorry.

Could you repeat that, please?

MS. GUZMAN: There is no assurance for
the community of Mesa Verde. There is this
commitment to look prior to the operation of the
plant that there be a study done to see that there
will be a well impact, a well draw-down impact.

(Interpreter translating Ms.
Guzman's comments.)
MS. GUZMAN: But as all parties here know, studies can be construed to the result that we wish them to be. And what I mean that the assurance that are given to other communities, I'm talking about those members that spoke earlier via the phone that are -- receive their water, guaranteed, with the absence of a drought, that is, through the irrigation district.

Mesa Verde is a community service area. Not only does it have that reliability, but it doesn't have a direct communication --

(Party on telephone speaking in Spanish.)

MS. GUZMAN: They don't have this direct communication like the city does, or -- and I think this was something that Carmela was trying to relate earlier. We need to have that connection with the CEC Project Manager, or with, you know. That connection is currently lacking.

(Interpreter translating Ms. Guzman's comments.)

MS. GUZMAN: And the reason why is because we're talking about an unconfined aquifer here. You may do a study that may or may not lead to the actual results that happen. And I believe
that's why the Commission has continuous monitoring. But we need somebody from the community who has a -- the whole community needs to have the reassurance, but we need someone like -- from the community, like Carmela, to be able to speak to someone and have direct results.

And let me just read from your report. Because the aquifer in Palo Verde Mesa is unconfined, an unconfined aquifer, being an unconfined aquifer, draw-down causes the aquifer to de-water within the radius of influence.

Furthermore --

(Parties on telephone speaking in Spanish.)

MS. LOOFBOUROW: She's asking if she can talk. I'm sorry.

(Interpreter speaking with parties on telephone in Spanish.)

MS. LOOFBOUROW: I'm sorry.

MS. GUZMAN: Okay. Furthermore, there are no states of clay layers to buffer shallow wells from the draw-down impacts of pumping from deep production wells.

(Interpreter translating Ms. Guzman's comments.)
(Ms. Guzman speaks in Spanish to the Interpreter.)

MS. LOOPBOUROW: Okay. She's just explaining the technical words.

(Laughter.)

MS. GUZMAN: And this is in your report, and your Staff has an excellent job in relaying this to you.

(Interpreter translating Ms. Guzman's comments.)

MS. GUZMAN: We hope that the study does show the concerns of the community and that it does result in a sure, good quality supply of water, whether that be a new well or some other solution that can be formed through the community involvement with the CEC and the plant.

Secondly, in the same type of recognition of the problem, but not a confirmed in writing commitment to the problem, second, the plant and the CEC recognize that certain emissions, CO and NOx, are too high during startup. Yet they are not requiring the plant to use the best available control technology. The CEC must ensure that the air emissions will be strictly controlled, similar to how it is
proposing with the well draw-down impacts. Part
of the CEC's monitoring must include a citizen
monitoring component to ensure community members,
especially those who work adjacent to the plant,
that no emissions will exceed their limits.

And this is obviously a higher concern
for us, since our workers will be working
underneath the plant, and we want them to have
enough assurance and the commitment of this public
agency to be able to express their concerns and
get immediate response.

COMMISSIONER LAURIE: Mr. Chairman, may
I ask a question.

PRESIDING MEMBER KEESE: Yes.

Commissioner Laurie.

COMMISSIONER LAURIE: Ms. Guzman, good
morning. My name is Robert Laurie, and I'm a
Commissioner at the Energy Commission.

(Interpreter translates.)

COMMISSIONER LAURIE: Two questions. In
reference to the persons who work in the fields
adjacent to the plant, is that a community of
persons different from the community of Mesa
Verde, or is it pretty much the same community; do
you know?
MS. GUZMAN: They are mostly in the community of Mesa Verde. There are some who live in Blythe.

COMMISSIONER LAURIE: In regards to the ability to communicate with the Energy Commission, do you have the understanding that there is a specific member of the Staff that is responsible for ensuring compliance with the conditions imposed on the project, if that person acts as liaison between the public and the project operator?

MS. GUZMAN: Yes. And if I'm not mistaken, I think that was a concern that was raised, again earlier by Carmela, that when we do raise these concerns, as we do at different levels of public involvement, including our counties, there is an extreme lag time to response. So we would like to see is some measures of accountability to those responses.

MS. GUZMAN: For example, if these emissions exceed their limits, will they be given
one week, six months, a year; what is the -- what
is the timeframe? This is a particular concern,
because other plants of this magnitude do have
these types of controls.

(Interpreter translates.)

COMMISSIONER LAURIE: Thank you for the explanation.

MS. GUZMAN: And just to conclude. It is the CEC's responsibility to ensure that the plant is a good neighbor by working cooperatively with the city, the county, and most importantly, the community of Mesa Verde.

(Interpreter translating Ms. Guzman's comments.)

MS. GUZMAN: The fears that our UFW members have of being exposed to toxic emissions at their workplace, and the uncertainty of having increasingly substandard water quality are not fears any Californian should have to confront.

The United Farm Workers of America is depending on the California Energy Commission's commitment to ensuring public health and environmental justice for all by guaranteeing mitigation of the above adverse impacts prior to approval of the project, and continuous monitoring...
with the community involvement.

Thank you.

PRESIDING MEMBER KEESE: Thank you.

Alfredo Figueroa.

MR. BOYD: This is Mike Boyd. I'm going
to depart now. I'm -- I apologize, but I'm out of
time.

(Interpreter translates.)

MR. FIGUEROA: Thank you very much.

Like I stated before, this is an illegal meeting.

We're here at great sacrifice. My name is Alfredo
Figueroa. I'm a descendant --

(Interpreter translating Mr.
Figueroa's comments.)

MR. FIGUEROA: To be here today, when
this meeting should've been held in Blythe, we
would've had hundreds of people there protesting,
like we had the other day --

(Party on telephone speaking in
Spanish. Interpreter speaking to
party in Spanish.)

HEARING OFFICER BOUILLON: I believe the
Interpreter just told the caller on the phone to
hang on for a minute, and she would get her chance
to speak. Is that correct?
MS. LOOFBOUROW: Right.

MR. FIGUEROA: So we would've -- if you had gone to Blythe, like the Chamber of Commerce called right now, they were able to gather 250 signatures supporting this plant. And we --

(Interpreter translating Mr. Figueroa's comments.)

MR. FIGUEROA: Excuse me. The Chamber of Commerce has got 250 signatures in favor. Then I was -- us, we were able to get 1,600 signatures in two weeks.

And I challenge the California Commission here, and the Blythe City Council, like we did, then, to have a referendum. Let the people of Palo Verde Valley decide. Let's not have five people -- five people decide for us.

That's right. We came over here. Of course, we had more people that could've come, but they were working.

One of our main concern is that -- also is that 400 of our workers there are going to be displaced. Now that the City Council has recognized that, that they are going to dry up their orchards, they are depleting -- they are taking away the water to -- to have it there in
the -- as a reserve so they could further, in the
near future, if they do, want to construct that,
they would have water, from the orchards.

MS. LOOFBOUROW: I'm sorry, in the --

MR. FIGUEROA: That they're going to
bank it, they're going to use it as stored, store
the water that they're using right now to
irrigate, but they're not -- they're not
irrigating the orchards no more, because they're
going to dry up.

(Interpreter translating Mr. Figueroa's comments.)

MR. FIGUEROA: I'm glad the city mayor
has acknowledged that, but he says, well, what's
the problem? They're going to plant new orchards
anyway. And meanwhile, what's going to happen to
those 400 people that are going to be displaced?
Oh, we've got 20 people that are going to be
employed. And what happened three weeks ago? One
of our major industries in Mesa Verde, the
Richfield 76 truck stop stopped functioning
because the well went dry. The water went dry,
I'm sorry.

And what's going to happen south of the
freeway? There's where 2,500 members of --
residents that live there, and I'm a landowner there. There's grave concern that -- to be sure to take this under consideration. You need to have a meeting in Blythe. I know that just the sitting committee was there, which we were very glad to have had. But I was so disappointed when the people from the Blythe Energy plant, the whole group, had a meeting, had a secret meeting there in Blythe, there in Mesa Verde, it was just -- this is -- this is the flyer that they handed out. It didn't have anything concerning the Blythe Energy Commission, it didn't have anything concerning the whole group or the Blythe -- it just said Mesa Verde, are you -- people want to be informed yourself? It said in Spanish.

And then I -- I call up to the Commission, and Priscilla -- who's Priscilla? Anyway, and she says, yes, there was a -- the whole group, they had a meeting. But then I was shocked to know that Mr. Shaw was there. And that was a meeting that was conducted just by the whole group and the Blythe Energy project. And a representative from the Commission was there, and we were never informed.

None of us were informed. In fact, they
-- they put that article --

PRESIDING MEMBER KEESE: Mr. Figueroa,

one moment please.

MR. FIGUEROA: Yes, sir.

PRESIDING MEMBER KEESE: We're -- do you

have a comment on the project?

MR. FIGUEROA: Yes. We're totally

opposed to it. And we're going to fight it tooth

and nail, and these illegalities, and I challenge,

I challenge the archeological team that you have,

or the Commission, to go down there, to let you

know how the sacredness of our area is.

PRESIDING MEMBER KEESE: Two minutes.

(Interpreter translating Mr.

Figueroa's comments.)

MR. FIGUEROA: Mesa Verde -- see, now

that's another illegality. I mean, I -- you know,

two minutes, and here we come 600 miles. My land,

this is about the last straw. This is really the

last straw. And Mr. Shaw goes down all the way to

Blythe, we were never informed. Now we come -- we

have come here to Sacramento. This is the first

time we've been able to come to Sacramento. But

we'll keep coming.

But let me tell you one thing. We will
stop at nothing to make sure that that plant is stopped. We don't want to go to the extremes that the people from South Gate went. We don't want to go the extremes that the people from South Gate did to stop that plant, but we will go to all the other extremes. And like what we just finished celebrating -- we need to celebrate that when we stopped North Valley Nuclear Toxic Dump, and we have to get -- we will. So you're warned that the battle has just begun.

I'm a descendant, like I said, of the Reservation there. And we didn't get off the Greyhound Bus. So this is our sacred -- and put in the record, I want to take you out there, I will just -- just show them the truth, the truth of our creation. The truth of civilization. We will stop at nothing.

PRESIDING MEMBER KEESE: Thank you.

MR. FIGUEROA: I'm not through yet, sir.

This group is about to be -- we have a saying in Spanish (speaks in Spanish.)

MS. LOOFBOUROW: Oh, gosh.

MR. FIGUEROA: It's just one is a sinner that kills the cow that who -- he gets it from the -- (speaks in Spanish.) So you people don't want
to be with all this -- these crimes, these evil
crimes against Mother Nature.

(Interpreter translating Mr. Figueroa's comments.)

MR. FIGUEROA: You will hear about these
publications. I know you're public, you want to
-- that native people are never taken under
consideration. But those times are over. Five,
nine 52 year cycles of darkness are over since the
Europeans came over. So I'm telling you here, our
new -- Gray Davis is a good friend of mine. We
worked like hell for Gray Davis. I know that he's
doing all these things, but he picked the wrong
place and the wrong people to go in there and try
to build this god-awful contaminating, 380 tons of
pollution, according to your studies, 380 tons of
pollution, according to the Staff here that says
that a 580 megawatt plant will emit.

Another thing that I have to say about
the Blythe Energy plant public relations lady.
The other day, when we had around 400 people there
at a city park --

PRESIDING MEMBER KEESE: Mr. Figueroa.

MR. FIGUEROA: Yes, sir.

PRESIDING MEMBER KEESE: About the
(Interpreter translating Mr. Figueroa's comments.)

MR. FIGUEROA: Yes, this is about the project. So when we were there, the lady said they ought to just get the Border Patrol and take them all, including the Figueroas. And that, you can stipulate it in your record here, and the Blythe Energy Commission can go back to Blythe and tell that lady that we are alive and well, and anybody else that just got off the Greyhound Bus, and try to dictate how we're supposed to live. We didn't come in a Greyhound bus.

So I want to leave you with that comment. Like I said, where they had the illegal meeting at the Blythe Airport, you put it down here, at status eight, status eight, how come you don't have our meetings that we've been having in your status report. No. But you did put the energy -- I mean the -- the Blythe, the energy plant personnel and the whole group in status eight, and being -- I mean, that the Mesa Verde people were all included.

So equal justice. Environmental justice. And, above all, support mother earth.
If you don't love your mother, you're -- we support the efforts of -- of public groups like the California Energy Commission, and that's why we -- that's why we need, we need advocacy. We need that, but we don't have -- we don't have a voice.

So it's -- it's upon you to make the decision. Either way you go, we're not going to go away. We're not going to go away. Somebody else that just got in there is not going to dictate to us our future for our seven generations. See, us, we think about seven generations.

PRESIDING MEMBER KEESE: Thank you.

MR. FIGUEROA: Well, I leave that with you. And I will --

PRESIDING MEMBER KEESE: We appreciate your testimony.

MR. FIGUEROA: -- really, that you have the next hearing in Blythe, before you go and make any other decisions.

Thank you very much.

PRESIDING MEMBER KEESE: Thank you.

We have six more witnesses who have indicated they would like to speak.
Mr. Angel, would you like to try?

(Interpreter translating Mr. Angel's comments.)

MR. ANGEL: When can I talk? We'll testify.

Hi. My name is Bradley Angel. And I'm the Executive Director of Green Action for Health and Environmental Justice.

It's good that you have translation here today, because it's something that you should've done from the start of this process. And by example, it shows one of the things that is so defective and, we believe, illegal about this process.

The Staff study that omitted the existence of thousands of residents of Mesa Verde is a prime example of the illegality and inadequacy of the study. The fact that the Energy Commission has failed to translate any of the studies into Spanish, or even summaries of the studies, is also an example of the illegality of this process.

As your Commission is a recipient of federal funding, you're subject to the provisions of Title 6, the United States Civil Rights Act of...
1964. And under the Civil Rights Act, you are prohibited from taking any actions that would have a discriminatory or a disproportionate impact on people of color or other low income populations. Your failure to translate documents into the language that the people in the impacted community speak is one such impact. Your -- your failure to have a hearing, so-called public conference, in the community on your final proposed decision is another of those discriminatory impacts.

Your attempt to cut off public comments here today is an excellent example of another discriminatory impact. Your failure to study the impact on potential job loss of farm workers is another discriminatory impact. Your allowing of air emissions into an area that is in non-attainment of air standards is another disproportionate impact.

MS. LOOFBOUROW: I'm sorry, could you repeat.

MR. ANGEL: Your intention to allow large amounts of air pollution into an area that is a non-attainment area is another discriminatory impact.
(Interpreter translating Mr. Angel's comments.)

MR. ANGEL: Your finding of a no significant impact is discrimination, and makes a mockery of legitimate studies.

Mr. Keese's comments a few minutes ago to Mr. Figueroa are another example of discriminatory action. Mr. Figueroa was testifying about the drying up of the orchards and the threat to the jobs. And yet you said, Mr. Figueroa, do you have any comments about the project. Well, it's clear to most people that the drying up of orchards and impacts on jobs is an impact, and is about the project.

Now, it's true that the farm workers have dark skins. And it's true many of them are monolingual Spanish speakers. But their health and their children and their jobs are every bit as important as yours. The fact is that the farm workers are a population at risk that was not studied. And specifically, these are workers and people who are -- live and work around pesticides that can have ill health effects.

Where is your study that analyzed the cumulative impacts? Can anybody in this room show
me where that was studied, where the cumulative
impacts of people who live and work around
pesticides were studied? But, of course, if you
believe the Blythe Energy project, this gentleman
to my right last week told me that the pollution
from their plant would end at the fence line.
That's an insult to my intelligence.

And that is why, or some of the reasons
why the California Energy Commission today has
been charged by this community with violation of
the Civil Rights Act.

If you take your job seriously, as
public servants, if you're truly interested in
finding out all the facts before you make a
decision, if you're interested in more than paying
lip service to public participation, if you want
to comply with the United States Civil Rights Act
and uphold environmental justice, we challenge you
today to announce that there will be extended
public comment, there will be additional studies
to address the issues that have been raised. The
studies will be translated into Spanish. Notice
will be given in Spanish. And a hearing will be
scheduled in the community.

So I hope you do that. And I think

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you're required to do that under the law. But if
you don't do that, this project will meet the same
fate of a toxic incinerator that was proposed in
Kettleman City about nine years ago, where the
Spanish-speaking public was excluded, just like
this, and the court threw out the environmental
studies.

But let's not have to go through the
court. Just do the right thing. Stop mocking the
testimony of the public. They may be poor, maybe
don't have lots of degrees, but they know a
lot more about the community than you do.

(Applause.)

PRESIDING MEMBER KEESE: Thank you, Mr.
Angel.

Mary Lou Garcia. Hello.

MS. GARCIA: Hello? (Speaks in
Spanish.)

MS. LOOFBOUROW: Could I request a
little break?

PRESIDING MEMBER KEESE: Yes, do you
need a break? We're going to take a five minute
break.

(Off the record.)

PRESIDING MEMBER KEESE: We'll then go
back to the people who are waiting, and we're sorry we didn't detect your entering into this. We had, before we started -- we're trying -- we are translating, by the way, so please bear with us.

(Interpreter translating Presiding Member Keese's comments.)

PRESIDING MEMBER KEESE: At the beginning of the public comment we asked anyone who was on the phone at that time to identify themselves, their entity, and whether they wished to speak to the issue or to indicate their support or opposition to the project. We'll do that again at this time. We're not asking for a statement at this time.

All right. Mr. Rogers.

MR. ROGERS: This is Jim Rogers with the City of Blythe, and the City of Blythe supports the project certification, and especially the SOCIO-2.

(Presenter translates.)

PRESIDING MEMBER KEESE: Thank you. And do we have a Mr. Garcia on the line?

MR. GARCIA: My name is Salvador Camargo Garcia. And I live in Pueblo Mesa Verde,
PRESIDING MEMBER KEESE: And, Mr. Garcia
--

MR. GARCIA: I have two quick comments.

PRESIDING MEMBER KEESE: Okay.

(Interpreter translating Mr. Garcia's comments.)

MR. GARCIA: There is a social and environmental misrepresentation here on the way Blythe Energy project negotiated for, and based on that alone there's an ethical order of misconduct by Blythe City Manager, and the way -- and he should be asked to step down from public office at this time.

MS. LOOFBOUROW: I'm sorry, could you repeat the position of that person? City manager.

(Interpreter translating Mr. Garcia's comments.)

MR. GARCIA: And my second comment is that if the Blythe City Manager is looking for new tax revenues, then he should be looking into the sludge waste dumping industry. That would be an alternative for him to pick up new revenue.

PRESIDING MEMBER KEESE: Thank you, Mr. Garcia.
MR. GARCIA: Thank you.

PRESIDING MEMBER KEESE: Do we have anyone else on the line?

MS. DORAME: (Through Interpreter) Yes. I am completely opposed to that -- to the construction of that plant. I want to ask you why this meeting was not held in Blythe. We are all farm workers here, and we should -- this meeting should have been in Blythe with us, and Mrs. Garnica. A lot of the farm workers are working right now, and they have to work because that's really how they support themselves.

And so it would be a lot easier for you to come and held the meeting here, you would be surprised as to how many people would show up to let you know that they are opposed to that -- the construction of that plant.

I have five children, school age children, and I have several concerns about how the tube -- the tubing will go through, whether there could be an explosion. I -- I am worried about that.

PRESIDING MEMBER KEESE: Would you ask her -- you said tubing? She meant pipeline.

Would you ask her --
MS. DORAME: (Through Interpreter) I was confused. Yes, that's what I meant. She said.

PRESIDING MEMBER KEESE: Thank you.

MS. DORAME: (Through Interpreter) I hope that you will take my comments into consideration, not because we are Spanish speakers means that we are less, and that I -- I truly believe that we should have this meeting in Blythe. That would be the right thing to do.

Thank you very much.

PRESIDING MEMBER KEESE: Thank you.

MS. MARZO: (Through Interpreter) My name is Anna Marzo. I have -- we have been living in this community for 25 years. I am completely opposed to the construction of this plant, because I worked in the field for 20 years, and we don't want -- and this little town, we don't want this little town to become all dirty. We love our fields, and we would like to have a voice and a vote.

Why is it that your meetings are held so far away where we would have to drive 11 hours? Who made the decisions that the meetings needed to be here? Why are you having the meetings in Sacramento?
PRESIDING MEMBER KEESE: I -- I will interrupt to make one comment, that we had a broad series of meetings and workshops in Blythe.

(Interpreter translates.)

MS. MARZO: (Through Interpreter) Why wasn't -- why wasn't -- weren't these meetings published? We never heard about these meetings, and they shouldn't be held in secret. They should be public meetings, where we could all attend.

PRESIDING MEMBER KEESE: I recognize a number of the people here today. When we were in Blythe we heard from Mr. Alfredo Figueroa and Ms. Carmela Garnica at a number of our meetings. And they gave us very good input at those hearings.

(Interpreter translates.)

MS. MARZO: (Through Interpreter) And why, if this is the most important meeting, it wasn't held in Blythe?

HEARING OFFICER BOUILLON: With all due respect, I would like to point out this is probably not the most important meeting. The most important meeting was the Evidentiary Hearings, all of which were conducted in Blythe.

(Interpreter translates.)

HEARING OFFICER BOUILLON: Excuse me.
MS. MARZO: (Through Interpreter) I'm sorry.

HEARING OFFICER BOUILLON: The purpose of this hearing is to receive comments on the Proposed Decision.

(Interpreter translates.)

MS. MARZO: (Through Interpreter) Then my comment is that we are completely opposed. Thank you very much.

PRESIDING MEMBER KEESE: Thank you. Do we have anyone else on the phone?

MS. VASQUEZ: (Through Interpreter) Yes.

PRESIDING MEMBER KEESE: Do they wish to comment, or explain -- or give us their position on this project.

(Interpreter translates.)

MS. VASQUEZ: (Through Interpreter) I only wanted to say that I do not agree with the -- with the plant they're planning to build here.

PRESIDING MEMBER KEESE: And the name?

MS. VASQUEZ: (Through Interpreter) Margarita Vasquez.

PRESIDING MEMBER KEESE: Thank you very much.

All right. We will resume again with
Mary Lou.

      (Interpreter translating Ms. Garcia's comments.)

      MS. GARCIA: I'm very glad to be here because I'm here to voice the concerns of the people of Blythe and Mesa Verde. And I know that I have a testimony myself for this project.

      And I would just like, in addition to -- to Alfredo Figueroa's comment, that we were able to get 1,800 signatures on a petition against the power -- proposed energy plant in two weeks or less. We also got 200 declarations signed in two weeks or less. People personally came up to me, people called me at my house, and they -- they are very concerned about -- about the proposed power plant, and what will be the long-term effects on them.

      And, come on, don't -- if the meetings were -- the meetings were never publicized. My family and I, and other Mesa Verde residents have been keeping up with the issue, and we -- we were never -- we never even got one of those flyers that Alfredo showed you. We didn't get one. Neither did my neighbor, and neither did my -- my -- both of my neighbors on both sides didn't get
one. And that meeting was held for us?

Okay. And I'm assuming, I'm just
assuming that everybody here knows what civil
rights is. I'm just assuming that. And they are
broader than political rights. They are natural
rights. And they have a -- a legal as well as a
philosophical basis to them.

So why doesn't -- why are we being
overlooked? Are these not our natural rights?
Are civil rights just like -- is it just an ideal
now? So why are we even here? These are not my
questions. These are the questions of everybody
in the community of Blythe and Mesa Verde. And is
not a natural right to -- to have clean air and
water?

I mean, a family, I cannot imagine a
family that has lived for six or seven years
without water. People who supposedly, the city,
that supposedly provides the -- the people that
they serve for, that they supposedly provide them
with everything they need, these people -- these
people pay taxes. These people work. These
people have listed in Mesa and Blythe all their
life. But I guess none of this matters, right?

I've been hands on with this project
ever since Friday, and -- and I see the mentality,
they have this mentality and they have this
attitude of -- of like, oh, you know, oh, there's
life in Mesa Verde. And -- and that's on
document, like, what is that, like what's their
mentality against -- what do they have against
these people that oh, you know, let's just go and
dump the power plant on them, you know.

And somebody -- one of the engineers of
the -- of the power plant told me they've been
working on this for three years. But then the
purpose of this power plant, right, of this energy
plant, is because it's -- it's for the recent
emergency crisis in California? Wow. That's an
emergency, a three-year emergency? So they like
found the emergency before -- before they got the
ambulance out there? Do you know what I'm saying?

I actually thank you for giving me that
information, because you're actually just hanging
yourselves. I mean, gosh, what is this? Like,
what is this? I mean, you're -- you're supposed
to be the people that represent your people. Are
we not people with civil rights? And you're
supposedly, I mean, have you -- like, have you dug
in the Constitution, have you -- do you know? Do
you know what pertains to us naturally, as well as legally?

This is -- this is, I mean, this is the reason for our complaint. And -- and I'm not -- to tell the truth, I have not done my homework as much as Carmelita, Figueroa, as well as Alfredo, as much as Bradley Angel from -- from the -- from the Green Action. But anybody, anybody who thinks, anybody who -- who's an analytical thinker, anybody that -- that knows the way things are supposed to go, come on, it doesn't take a genius to figure this out. Our civil rights are being stepped on, and we have been overlooked.

It's not because people don't know that we live there. They just -- we were just, oh, ignored. It's as simple as that. And that's why we're filing a suit against the state. And I'm sure you've probably found some time, you know, some -- a couple of minutes in between to read it, you know, if it matters. If it matters.

And I'm not speaking just for the site residents around Mesa Verde. I'm speaking for everybody that lives in Blythe, I'm speaking for the people that live in Blythe. Nobody wants the power plant in Blythe. There's only a handful of
people. Those are the people that have been working behind the scenes for three years to get -- to get ready for this emergency, supposed emergency.

And I don't know if you keep up with research studies, and -- and things of that nature, but I have this article, that power study questions, claim of -- demand. But I'm not even going to go there, because -- it's right here, and there is not enough evidence. And California's power providers --

(Party on phone speaks in Spanish.)

MS. GARCIA: -- have blamed soaring electricity cost -- have blamed soaring electricity costs on skyrocketing demand. But a newspaper analysis suggests that's not exactly the case. And basically, this article, if you would like to see it, just covers -- it is like so -- it's just -- I mean, who can turn their heads on this. I mean, who can say oh, there's -- there's an energy crisis, and -- and, but, you know, we've been planning for this, just like I said.

And somebody from the -- I was very upset to read this. To read this person's quote that's from the Commission, and he said, one can
hardly say that this has been a very public and
open process. What does hardly mean? I'd like to
know what hardly means. How can -- how can a
person hardly say something? Is he suggesting
that we can only attempt to tell the truth? I
mean, that's what it sounds like to me.

And then in the same article -- let me
see what I can call him -- our mayor, yeah. Our
mayor, he says that -- that the power plant is
right in between Mesa Verde and Blythe. When, in
fact, both of those, Blythe and Mesa Verde are
seven miles apart. And I'm sure you don't know
what Mesa Verde means. We're on a hill, you know,
and that's where the power plant -- that's where
the power plant is at, and he said it's right in
between. It's right in between Blythe and Mesa
Verde. But, in fact, the plant is 2.3 miles away
from -- from Mesa Verde. And he said there are
few people that live right next door the power
plant?

I mean, and -- and there's people even
that live even closer than residents of Mesa Verde
to the power plant. And those people have shown
concern. But they just didn't -- they didn't know
who to go to. And now they know.
And -- and, I mean, and then he said, he also said that -- that okay, I already said this, that few people live right next door to the power plant. That's as next door as it gets. And what is few? I always thought a few was just a few, right?

Come on. Common sense here. And a few is not 2,500, or more. Right? So, come on, we are being overlooked, and we have been ignored, and this -- people are seeing that there's a group like us that cares, that cares about what's going on, and there's going to be like a link, and then we're going to see everything that's coming out of the light, just like we -- I live in Mesa Verde and I didn't know there was a family that never -- that didn't have water there.

PRESIDING MEMBER KEESE: Ms. Garcia, we have a few more witnesses. Can you --

MS. GARCIA: Okay. Okay, let me conclude, then.

But I'm not concluding. I'm not concluding anything, because there's still much to be said. But I can't say it all.

(Interpreter translating Ms. Garcia's comments.)
MS. GARCIA: Because I barely graduated from high school in June. I haven't experienced what my parents have. I haven't worked in the fields like they have. I haven't worked -- I just -- going to high school, and I've seen these people that work -- I didn't want anything to do with this until Friday, when I saw those people that don't know how to speak English at my house, because of how concerned they are about this. And they can't do anything about it. They cannot help themselves.

And the people, the people that -- the people that are putting up this plant, the -- the planners, or whatever they want to call themselves, the engineers, whatever they are, they just overlook that. They know that they can just build that power plant there, because those people cannot help themselves.

And I just, come on, it's not -- it's not -- it's not something that you have to tear up and manipulate, and you have to investigate. It's there. It's there. All the evidence is there that our civil rights have been -- have been ignored.

(Parties speaking simultaneously.)
MS. GARCIA: And I don't have anything to say. I -- I just don't have anything to say.

PRESIDING MEMBER KEESE: Thank you, Ms. Garcia.

(Applause.)

PRESIDING MEMBER KEESE: Howard Anderson, please.

(Interpreter translating Mr. Anderson's comments.)

MR. ANDERSON: Good evening, my name is Howard Anderson. I'm a pastor of the Temple Garden of Prayer Church in Blythe, and Director of the TGP Youth Instructional Center in Blythe.

I first acknowledge that I am in favor of the energy plant. I also want to say that I'm a resident of Blythe, like many of the people that is against. I certainly sympathize with the lady that said that she has no water. I think that's very bad that the Mesa Verde water company has not did anything about that. And I just also want to say since I've heard about that today, being a community involved person, as I am, I'm going to personally get involved with seeing if I can do anything to -- to call to the Mesa Verde water company, to see if we can help resolve the
problem.

The -- there will be many energy plants built in California. I know there is a great debate about whether or not it is safe, and -- and whether or not there's great risk. But we do have a problem of -- of an energy problem, we do have an energy problem. As a resident in the City of Blythe, my concern deals, and the reason why I'm in favor of the plant -- my concern, and the reason I am in favor of the plant is that according to the Bible, safety is brought about through multitude of counseling. And with all of the counseling that we are hearing through the community and through the energy constituencies that's in charge, I know that a safety decision is going to be derived at.

The -- there will be communities in California that is going to benefit prosperous from this energy plant, whether it be in Blythe, or some other town. I am cautioning all of the Blythe residents to really give this a very good thought, because this energy plant is going to be -- is going to mean millions of dollars today and in the future for jobs, for tax revenues.

I also want to say that the Blythe
Energy Commission and all of the Staff is in favor of the people. I know that a safety resolution in regards to the people is going to be reached. Many of the ordinary citizen, as myself, we are not experts in the environment, we're not -- and we're not experts in the water system or in the water tables, but I believe that with all of the laws that are in effect today, I don't believe that -- that all of this board that is sitting here today will come together and deceive the people. It's too great of a risk. There's too many laws in place, there's too many people can read and write now, for anything to be overlooked.

So my conclusion is I believe that when we get through with the negotiating, a safe resolution going to be made. I believe that the Mexican community is going to be made to understand because I believe, as I was listening today, as a sample of many people that just don't understand about the energy plant.

So my conclusion is that I am for the energy plant, and I want all the community of Blythe to know that I'm on your side. I want the best for you. But I don't want the City of Blythe to miss out on the opportunities of the jobs, the
moneys, and the revenues that poor Blythe needs.

Thank you.

PRESIDING MEMBER KESEE: Thank you, Mr. Anderson.

Mr. Hanson.

(Interpreter translating Mr. Hanson's comments.)

MR. HANSON: My name is Quenton Hanson. I'm a faculty member of Palo Verde College in Blythe, also the Director of the Small Business Economic Development Center. I don't have any signs, like some of the group here today. However, the only thing I do have is Wednesday's newspaper, that announced that another business in town, Winston Tires, was closing.

We have too many businesses that have been boarded up in Blythe. And I can assure this audience that some of the employees of Winston Tires were, in fact, Hispanics.

So let's talk a little bit about the economic benefits of this plant in town. I see it in five areas, and this isn't just about money, ladies and gentlemen. I truly believe that one way to raise yourself above your station in life presently is through education. But it doesn't do
us any good to have a college in town if all of
our youth wants to get degrees, leave our area to
find jobs elsewhere.

So in the area of jobs, we're looking at
immediately in excess of 200 construction workers
for a period of roughly about 18 months.

The second item was this January meeting
that was, in fact, well publicized in the
community, both Spanish and English. We had two
very high-ranking union officials from the AFL-
CIO, as well as the Teamsters, present, informing
the community of apprenticeship jobs that would be
available during the construction of this site.
These are all areas, millwrights, ironworkers,
masons, carpenters, you name it. Whereas in the
past, some unions have had the reputation of being
exclusionary, they are in fact opening up their
doors to apprenticeships for power plant
construction. These are jobs that'll be paying
$11 to $14 an hour, and, upon becoming a
journeyman, as much as $26 or $30 an hour.

Now, it's true that in construction, you
somewhat have to become a gypsy, as migrant
workers on the farm do, in that you have to follow
the construction jobs. But these are just some of
the opportunities available for the residents of
Mesa Verde, as well as Blythe and surrounding
areas.

In addition, once the plant is
operational, there will be 20 to 30 highly trained
technicians operating this plant. And while it's
very likely we don't have a single one of those
technicians currently resident in Blythe, it's
very likely these 20 to 30 individuals will, in
fact, the majority of them move to Blythe. Our
school district, K through 12, has experienced
three years of declining enrollment. Additional
students in our school system means additional
opportunity for those students.

In addition, this power plant will
require periodic maintenance with an annual basis
and other -- and this means 30 to 50 additional
maintenance individuals coming to town to perform
this specialized maintenance.

That's just the jobs at the power plant.
Let's take a look at some corollary benefits from
this plant.

Agreements signed between the City of
Blythe and the power plant, if it should in fact
be built, ensures that we will, in fact, have a
stable and reliable power source in our local community. What this means is a terrific magnet for other possible plants to locate in our community. In fact, I've already been approached by about three different possible plants seeing and inquiring just whether we will, in fact, have a stable energy source. One of these plants located in San Diego County saw their monthly bill for electricity go from $35,000 to in excess of $100,000. That was per month. So this is an opportunity for Blythe to really have a magnet for additional opportunities for our youth in our community.

Another issue that has been alluded to here by a prior speaker was the tax inflow, roughly about $2 million a year in real estate taxes and other taxes, 500,000 of that to the City of Blythe, 1,500,000, 75 percent to the County of Riverside. I would point out that Mesa Verde is located not in the City of Blythe, but the County of Riverside. There has already been a verbal commitment from the county commission that serves our area that if, in fact, Mesa Verde or other outlying areas come up with projects, the county will make an effort to spend part of that $1.5
million back in the Mesa Verde and the area around Blythe.

Part of the problem has been community involvement. There is great apathy out there. An example, the residents of Mesa Verde here today, they have a CSEA. This is a county organization that administers local programs, and for the last two years when they've had their board meetings they haven't been able to get more than four people to attend.

And so there's got to be some involvement of the community, not just when there's a hearing like this, but also day to day, as far as the operation of the local government entity within the area.

Speaking about community activities, I understand one of the agreements of the Blythe Energy project is to, in fact, provide $25,000 for a local community committee to do with as they see fit, whether it be retraining programs, scholarships at college, or what have you.

Now, looking over the proposed plant --

PRESIDING MEMBER KEESE: Almost --

MR. HANSON: Two more minutes?

PRESIDING MEMBER KEESE: Two more.
MR. HANSON: -- proposed plant, I do have one area of issue that I have -- would like to take issue with. And that is stipulation BIO-12 and BIO-13, on page 178. BIO-12 and BIO-13.

PRESIDING MEMBER KEESE: Page 138?

MR. HANSON: 178. In this BIO, we have roughly $92,580 being paid to the Desert Tortoise Preserve Committee, and $25,000 to, once again, the Desert Tortoise Preserve Committee or the Rancho Santa Ana Botanical Garden, for tortoise habitat. The reason for being -- this money being paid to organizations outside of our community was that we apparently do not have the experts locally. I would take issue with that.

I've handed to your Staff and to the Applicant, as well as I'll turn it over to the officers, a BIO from a local biologist, as well as a BIO on his consultant, who is an expert on desert tortoise habitat, and I would like to suggest that I wish this money had been kept in the Blythe area so our children could benefit from the habitat, because I, too, recognize the economic disadvantages we have in our community,
and therefore a local habitat would benefit our local children.

Finally, two points before I close. I would like to urge that a local biologist be used at least as far as this bird count, bird monitoring program that's required. And as Mr. Anderson spoke earlier, I take comfort in the Blythe Energy project in that they are owned by Caithness Energy, and that this company has a history of being involved in geothermal, solar and wind generated energy, and so therefore, more than any other company, I believe this company has some sense of the importance of the environment. And I realize that all communities basically have the NIMBY effect, not in my neighborhood. But I, too, have been watching this project develop over the past two years, and as when you find in an airplane you have to have confidence that the pilot knows what they're doing, I have to have confidence in the experts that have done these environmental studies, and so forth, and the PUC, and so forth, that they know what they are doing. And perhaps that is the greatest fear in our community, is a lack of faith in the experts and the government officials that
we may in fact have.

I strongly urge approval of this project
as expeditiously as possible.

Thank you for your time.

PRESIDING MEMBER KEESE: Thank you, Mr. Hanson.

Well, we have two speakers left, and
evidently someone on the phone. I apologize for
as long as it's taken, but Mr. Grotke. I hate to
keep you towards the last. And then we'll -- then
we have Belda Caballero.

(Interpreter translating Mr.
Grotke's comments.)

MR. GROTKE: My name is Chuck Grotke.
I'm a member of the Blythe City Council, and I'll
be very, very brief.

I'm here to reaffirm the complete
backing of the City Council of the City of Blythe
for this project, the hope that it will not be
delayed and can go forward as scheduled, and the
belief that it is good for the entire community.
That is Blythe, Mesa Verde, and the Palo Verde
Valley.

Thank you for your hearing.

PRESIDING MEMBER KEESE: Thank you very
much.

Ms. Caballero.

(Interpreter translating Ms. Caballero's comments.)

MS. CABALLERO: Hello. My name is Belda Caballero. I'm a resident, a resident from Mesa Verde. And my main concern --

PRESIDING MEMBER KEESE: Would you speak a little closer to the microphone so we can hear you?

MS. CABALLERO: Sorry.

MS. LOOFBOUROW: Excuse me, could I interrupt? Could you ask if there is anybody here who doesn't speak Spanish? I think most of the people are gone. I don't -- I don't know.

MR. GALATI: I think the people on the phone.

(Interpreter translating Ms. Caballero's comments.)

MS. CABALLERO: Okay. My main concern is with this power plant that they're going to build, that it's going to leave 300 people without a job, which this -- these people, that's all they know how to do, pick lemons. I understand that there was a business that closed in Blythe,
Winston Tires. I understand there is, you know, a lot of Hispanic people that also work there. But has the president of the Palo Verde College, you know, taken in consideration that those people do speak English, they do know how to read, they do know how to count. All these people that pick lemons do not know how to count, know how to read? I mean, these people, I know I know how to speak English. I know I was born here. A lot of these people, like I said, don't know. And they're really, really scared about what they're going to do after this happens. I'm sure if all of you guys were to lose your job, you guys would be at the same place I am, standing right here, trying to stop whatever they're doing that's going to make you lose your job.

My mother, which is Maria Rubio, she spoke that we haven't had water for seven years, and that is true. We talked to the County of Riverside, asking, hey, you know, can you help us out, what can we do, what's -- what does it take to get some back, you know, backup here. How do we go about getting some water? They denied us. So ever since that, we would have to, you know, carry our water from about two miles away.
Sometimes, when I would go to school at 6:00 a.m., hey, we wouldn't have water. Guess what? I was going to be late to school, because I had to go drive two miles to go get my water.

Now, they're supposed to pump out so much, you know, gallons of water each year, and yet some of the residents in Mesa Verde don't even have water? And most of these people that are against this are Hispanic, as you guys have heard. So I don't know if it's a race thing, but I sure believe that's what it is. I mean, I don't see -- I don't see, you know, any -- I'm sorry, but white people, you know, not wanting this plant, because they couldn't go and get another job.

Like I said, these Hispanic people don't know any better. And that's really all I've got to say. And I want to thank Mr. Anderson -- Mr. Anderson, for, you know, taking his time and say he was going to go and try to work something out. Thanks a lot.

PRESIDING MEMBER KEESE: Thank you very much.

Do we have anyone still on the phone?

You may have to ask.

(Interpreter translates.)
MS. LOOFBOUROW: Maria Rodriguez? Okay.

PRESIDING MEMBER KEESE: Maria, we have finished with all our witnesses here at the Commission. I believe you're the only one on the phone?

(Interpreter speaks to parties on the phone in Spanish.)

MS. LOOFBOUROW: Three.

PRESIDING MEMBER KEESE: Would you please -- would any of you like to express your position on this and a statement, if you -- a brief statement, if you'd like?

(Interpreter translating Ms. Rodriguez' comments.)

MS. RODRIGUEZ: I live in the Mesa Verde community. This is Maria Rodriguez. I would like them to build the plant closer to the desert, because I don't want to be left without water. I am opposed completely, because my whole family works in agriculture.

You talked about providing jobs for -- for people in this new plant, but the jobs are going to be for others, not for the people who live here. Because we are not really educated to do that kind of job, are you going to provide
training for these kinds of jobs?

That's all I wanted to say. Thank you very much.

PRESIDING MEMBER KEESE: Thank you.

(Interpreter translating Ms. Luna's comments.)

MS. LUNA: I work in -- I live in Blythe. I work picking lemons, and I have heard the testimony of several people there stating that most of the people who work there don't know how to read or write. We work picking lemons, and we don't want this plant to take away our jobs and we don't want the health of our children to be affected.

If you have so much money to build this project, why don't you move it to the desert where you would not be affecting anybody?

Thank you very much. That's all I wanted to say.

PRESIDING MEMBER KEESE: Thank you very much.

And we have one more.

(Interpreter translating Ms. Cardenas' comments.)

MS. CARDENAS: Why, if this plant is
going to be built in Mesa Verde, why are you
having the meeting in Sacramento? Why couldn't
you come and meet with us here, if the plant is
going to be built here?

And I -- I agree with the lady who just
talked, and suggested that this plant be built far
away where we -- it would not really interfere
with any -- anybody here. We feel that they are
not really considering us, just because we are low
income people, they really don't care what we
think. They just want to build this plant.

There are many people here who don't
speak English. The jobs that are going to be
available are not for us. So this plant is really
not benefitting any of us. We are just going to
be affected, not benefitted.

And that's -- that's my point of view,
and my question is why is it that we don't count,
is it because we are ignorant, why -- why is it
that we don't count.

Thank you.

PRESIDING MEMBER KEESE: Thank you.

MS. RIOS: Hello, we have one more call.

Hello, my name is Shelley Rios. I am the current
president of the Associated Student Body at Palo
Verde College.

MS. GOMEZ: My name is Gloria Gomez.

Hello? I would like to speak, is that okay?

PRESIDING MEMBER KEESE: Briefly, two minutes. Let's hear from the --

MR. ANGEL: Why are you limiting people when the people in favor, I notice that they were not --

PRESIDING MEMBER KEESE: Mr. Angel --

MR. ANGEL: You just said --

MS. RIOS: Excuse me. Am I going to be permitted to speak?

MR. ANGEL: Let them speak. Notice the contradiction.

PRESIDING MEMBER KEESE: Mr. Angel.

HEARING OFFICER FAY: If you'll shut up we'll let her speak.

PRESIDING MEMBER KEESE: We'll hear from the student --

MR. ANGEL: All right.

PRESIDING MEMBER KEESE: -- we'll hear from the student at Palo Verde.

MS. RIOS: Hi. I've been listening to this since we began. I'd like to start by letting you all know that I have great respect for those
that would wish to speak for the entire Hispanic population of Blythe. I am a Hispanic resident in Blythe. I am a student at Palo Verde College. And I can tell you first-hand, do we educate all those? We offer ESL classes, which is English as a Second Language. We cater to low income through EOPS and non-credit courses at no cost.

PRESIDING MEMBER KEESE: Stop one moment while we translate.

(Interpreter translating Ms. Rios' comments.)

MS. RIOS: And I'd like to let you all know that this Blythe power energy project is in full cooperation with the college to educate those and train those for these positions. For anyone that would say that these jobs are not to be made available to them -- not to take these jobs, because the training will be available.

I am in full support of this Blythe Energy project. And I want to thank you for your time.

PRESIDING MEMBER KEESE: Okay. Thank you very much.

What was the last name?

MS. RIOS: Rios.
PRESIDING MEMBER KEEESE: Thank you.
Do we have one other person on the line?
(Interpreter translates.)
MS. GAMEZ: My name is Gloria Gamez, G-
a-m-e-z.
(Interpreter translating Ms. Gamez’ comments.)
MS. GAMEZ: Yes. I’m calling because we
-- we do not want that -- we don’t want the energy
plant here, and because that will affect us, and
the whole -- I mean, the whole -- I mean,
everywhere. And all the people and everything.
And we do not want the plant here.
PRESIDING MEMBER KEEESE: Is that -- is
that your comment?
MS. GAMEZ: Yes.
PRESIDING MEMBER KEEESE: Thank you very
much.
Is there anyone else on the phone?
MS. PEREZ: Yes. Maria Perez.
PRESIDING MEMBER KEEESE: What is your
name? Your comments?
MS. PEREZ: Yes. I’m opposed for you
having the energy plant here in Blythe, because
you don’t take into account in a community and all
the children that live here. That's why I don't want it to be -- have it here in Blythe.

(Interpreter translates.)

MS. PEREZ: Yes, that's it.

PRESIDING MEMBER KEESE: Thank you very much.

MS. SANCHEZ: (Through Interpreter) Hi. My name is Maria Sanchez.

I don't agree that you should build the plant here, because we would all be affected. I would like them to build the plant out farther from Blythe, because it will contaminate our city.

That's all.

PRESIDING MEMBER KEESE: Thank you.

MS. SANCHEZ: (Through Interpreter) Have a good day.

PRESIDING MEMBER KEESE: Thank you. The same.

Do we have anyone else on the phone?

Hearing none, having arrived at the hour of 2:10 p.m., we have heard from all the witnesses who cared to speak on this issue. Thank you, this meeting is adjourned.

(Thereupon the Committee Conference was adjourned at 2:10 p.m.)
CERTIFICATE OF REPORTER

I, JAMES RAMOS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Committee Conference; that it was thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March, 2001.

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