

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
) Docket No. 97-AFC-2
Application for Certification)
for the Sutter Power Plant)
Project (SPP))
_____)

Presiding Member's Proposed Decision

Veterans Memorial Community Building
1425 Circle Drive
Yuba City, California 95814

Thursday, February 11, 1999
10:00 a.m. to 12:00 p.m.

Reported and Transcribed by: Theresa Aguilar,
CSR No. 10498

A P P E A R A N C E S

Commissioners Present:

MICHAEL MOORE, Presiding Member

CYNTHIA PROUL

GARY FAY

SHAWN PITTARD

LOREEN McMAHON

For the Staff of the Commission:

PAUL RICHINS, Project Manager

GEORGE CARPENTER

DICK RATLIFF, Staff Counsel

For the Applicant:

KURT HILDEBRAND, Project Director

CHRIS ELLISON, Counsel for Applicant

CHARLENE WARDLOW

CAROLYN BAKER

For the Intervenor:

RICH TEXTIERA, Adams Joseph & Cardoza

On behalf of California Unions for Reliable Energy

For the Public:

BRAD FOSTER, JIM AIKEN, ROSE FOSTER, LOUIS BOISE,

KAREN DETTLING, MIKE SHANNON, HARRY HUNT, LEONARD

HENSON, DAVID DREX, MARY WOODS, WILMA PEARL, BURT

GONZALEZ

I N D E X

	Page
Proceedings	4
Staff of the Commission	6
Applicant	9
Adjournment	76
Certification and Declaration of Transcriber	77

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
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P R O C E E D I N G S

THURSDAY, FEBRUARY 11, 1999 YUBA CITY, CALIFORNIA

10:10 A.M.

COMMISSIONER MOORE: Good morning my name is Michael Moore. I'm the presiding member of the siting subcommittee that's considering the Sutter Power Plant Project, and we're convening a hearing today, February 11th, to discuss the nature and structure and depth and breadth of the presiding member's proposed decision, which I trust you've all had a chance to read. That decision represents the committee's consensus about whether or not the power plant ought to be sited, and if so, under what conditions and with what litigation measures. I'm joined today by Gary Fay, our hearing officer, Shawn Pittard, my aide, and Cynthia Proul, aide to the Commissioner Keese who is attending a meeting in Sacramento, and perhaps will join us later in the morning.

Right now, our job is to -- in a sense over the last year, we've come to know just about everyone in the room, so it's a little bit formal here, but at the same time we know you and you know what we're about, so our mission today is to entertain your comments on the proposed decision, and it's not to reopen the whole hearing, but really to get your

1 comments about what has been written on my behalf and
2 posted out. So with that, we'll ask for some opening
3 comments from Mr. Fay who can talk about the details
4 of today's hearing, and then I'll ask the comments
5 from Staff and from the Applicant.

6 COMMISSIONER FAY: Thank you, Commissioner.

7 Good morning, everybody. Today's hearing
8 was noticed as a committee conference to take
9 comments as proposed decision as Commissioner Moore
10 mentioned, and we would like to limit your comments
11 just to that, just to changes that you recommend to
12 the document. And at the end of the hearing, we will
13 take general public comment as we always do. So if
14 your comments are in general in nature, please hold
15 them until the end and we'll use this time to focus
16 on the document itself.

17 The notice for today's conference went out
18 with the presiding member of the proposed decision on
19 January 20th, and it did call for the parties to the
20 case to submit their comments in writing by
21 February 8th, and we've received written comments
22 from the applicant from the Staff and from CURE from
23 Sutter County as well. But we will take oral
24 comments from the public today.

25 So with that, I'd like to take appearances
26 for the sake of the court reporter. If people would 5

1 identify themselves, please, beginning with the
2 counsel table for the Applicant.

3 MS. WARDLOW: Charlene Wardlow,
4 Environmental Manager for Cal-Pine Corporation.

5 MR. ELLISON: Chris Ellis of Ellis &
6 Schneider, Counsel for Cal-Pine Corporation.

7 MR. HILDEBRAND: Kurt Hildebrand, Project
8 Director of Cal-Pine.

9 MS. BAKER: Carolyn Baker with Edison &
10 Monicett, consultant to Cal-Pine.

11 MR. RATLIFF: Dick Ratliff, counsel for
12 Staff.

13 MR. RICHINS: Paul Richins, California
14 Energy Commission.

15 MR. CARPENTER: George Carpenter, Sutter
16 County Community Services Department.

17 COMMISSIONER MOORE: Thank you very much.
18 Staff, do you have any comments as we open this
19 hearing? Mr. Richens?

20 MR. RICHINS: I won't really go over our
21 comments that we submitted in writing. I think they
22 are probably self-explanatory, although I can give
23 some information on the update. On the first
24 bulleted item, we're continuing the work as well as
25 Cal-Pine is continuing to work with the Sutter
26 National Refuge to receive approval as indicated in 6

1 the decision to extend the natural gas pipeline
2 across the refuge. And I think probably Charlene or
3 Cal-Pine will be able to provide additional
4 information on that, but our staff has been working
5 with them to secure that letter to clear that one
6 condition that was included in the PMPD.

7 The other items that I would indicate just
8 from a status standpoint we heard this morning, we
9 have been making calls to the upper management at the
10 U.S. Fish and Wildlife service as it relates to the
11 draft biological opinion and just this morning that
12 they finally gave us a date, and they said they would
13 have a draft biological opinion from the U.S. Fish
14 and Wildlife service by March 5th.

15 The other items then would be more comments
16 as it relates to Cal-Pine's comments on the PMPD. On
17 Page 4, they have a foot note, footnote No. 2, and
18 they had requested some information about Staff's
19 position on a 30-day trigger for certain conditions.
20 And I can go quickly through those if you would like
21 me to. I've asked our technical staff who have been
22 in conversation with Cal-Pine on this and the first
23 item land use conditions 1 through 5, they requested
24 a 30-day trigger, and those are okay with the Staff.

25 On the socioeconomics conditions 1 and 2,
26 that was also okay. Biological resources conditions 7

1 1, 5 and 6, No. 1 already has a 30-day trigger, so
2 that one is okay. 5 and 6 request 60 days and we
3 felt uncomfortable in changing 60 days to a shorter
4 time because that is something that we'll have to
5 coordinate and work with both Fish and Game and U.S.
6 Fish and Wildlife Service as it relates to what I
7 just announced on the biological opinion. So if
8 their needs to be back and forth or changes on that,
9 we felt the additional time is necessary.

10 On waste management No. 3, 30 days was
11 okay. Cultural resources 1 and 2, those required a
12 90 and a 60-day trigger. And I think what's
13 controlling on this is that not necessarily cultural
14 resources 1 and 2, but cultural resources No. 3 which
15 has a 60-day requirement for a monitoring plan, and
16 so the key is the 60 days on the monitoring plan,
17 which we felt was necessary to keep that in there.
18 And so we've indicated that to Cal-Pine and I think
19 it is manageable. And likewise to failing resources
20 1, 2 and 3. Those are parallel conditions, 1 and 2
21 is basically, 1 is to identify a resource specialist,
22 2 is to provide maps, and 3 is to develop a
23 monitoring plan. Those occur in sequence, and so the
24 critical time frame is the item No. 3, which is the
25 60 days. And then Air Quality 3 is 30 days is okay.

26 Then as it relates -- skipping now to the 8

1 County's comments, we reviewed the County's comments
2 and they appear fine with us.

3 COMMISSIONER MOORE: Thank you.

4 Does the Applicant have anything that they
5 would like to add before we open the hearing.

6 Mr. Ellison?

7 MR. ELLISON: Yes, Commissioner Moore. If
8 it's appropriate, I would briefly summarize our
9 comments.

10 COMMISSIONER MOORE: Please do.

11 MR. ELLISON: First and foremost, Cal-Pine
12 strongly supports the presiding members proposed
13 decision, and we reiterate our commitments to the
14 committee and everyone who worked on it for what we
15 think is an excellent document that fairly summarizes
16 this proceeding. Secondly, based on our support of
17 the document granted, we don't have significant
18 suggestive changes to it. We do want to respond
19 briefly to a couple of issues that the committee
20 raised. We did have three issues that we thought
21 were substantive and we had some minor changes or
22 technical corrections that are in the written
23 comments, but I'm not going to discuss them this
24 morning. Since we have filed written comments to
25 serve them, I'll be brief.

26 With regard to the committee's direction 9

1 for response on the proposed method of resolving
2 conformance with Sutter County land use ordinances,
3 Cal-Pine supports the proposal and presiding members
4 in viewing with that issue. We did submit our
5 written comments some thoughts about some of the
6 details about how that should be conducted, but
7 overall, we support that proposal. With regard to
8 the committee's question about the authority to
9 locate the natural gas pipe line within the Sutter
10 National Wildlife Refuge, the committee's comments on
11 that, the refuge has agreed to provide the letter to
12 the committee that will satisfy on that requirement,
13 and we're working on that letter.

14 With regard to the three substantive
15 changes mentioned in our comments, the first is the
16 issue about the trigger dates that Mr. Richins just
17 discussed and I think we're in agreement with the
18 Staff on the time lines that Mr. Richins just
19 described, so if there are changes that the PMPD that
20 he described, I think that issue will be resolve.

21 Secondly, we had a discussion with the
22 Staff on this issue of the discussion in the PMPD
23 although not in the conditions, regarding cease in
24 construction when wind speeds are above 20 miles per
25 hour. We will have language with the Staff when the
26 Applicant agree upon to address that issue. That 10

1 language will not remove this condition, but rather
2 simply make it clear, clarify that it's not all
3 construction that needs to be halted, just major
4 construction which produces a substantial vest. With
5 that clarification, we will accept that language.
6 The third area as I mentioned in our written
7 comments, the emission reduction credits that are
8 specifically described in the PMPD, it now appears as
9 though based on the negotiations of the final option
10 contracts, as though it is likely that Cal-Pine will
11 need to substitute for the PG&E ERC source, some
12 different ERC sources, there is a final -- let me
13 back up and give a little bit of background on this.

14 The commission statute requires that -- if
15 I were to summarize, it requires that the committee
16 make a finding that local air district has determined
17 that the off sets will be available. The Staff has
18 advised us that the cleanest way of doing that is to
19 have final option contracts for all the ERC sources
20 prior to the commission's final decision on this
21 matter, and we have been working to accomplish that.
22 I would drop a footnote at this point and add that
23 the statute is not clear that that's actually a
24 requirement of the law. It's certainly not a
25 requirement of any other agency that there be final
26 option contracts, nonetheless, Cal-Pine has been 11

1 working to do that and we submitted final option
2 contracts for ERC sources and letters of intent to
3 the editors including the letters of intent with
4 PG&E. And we've been working on those letters of
5 intent to turn them into final option contracts.

6 Based on those negotiations, though it
7 appears that we will not be able to get a final
8 option contract for PG&E prior to the full
9 commission's meeting, so in order to meet the
10 requirement that there be final option requirements,
11 Cal-Pine has found other ERC sources which it does
12 have final option contracts, submitted that to the
13 air district and they are satisfied with them. But
14 they are subject to certain regulatory approvals and
15 approval by the Staff, so the issue is two fold
16 first, correctly characterizing the ERCs in this
17 document in the PMPD because it does specifically
18 name the ERC sources and three conditions in Table 5.
19 And secondly, the process we're dealing with the
20 Staff's review make sure that they are comfortable
21 with those ERC sources and with ARB and EPA review as
22 well. In discussions with the Staff, what we thought
23 the cleanest way of dealing with both of those issues
24 would be to submit proposed findings -- I'm sorry --
25 proposed conditions and in a new proposed Table 5 to
26 the committee by the 17th that correctly describe 12

1 where we think that the ERC sources would be,
2 together with proposed language that we hope to agree
3 will work out with the Staff and submit with the
4 committee and that the committee can use to describe
5 the process for incorporating the Staff's final
6 review of these substitutions required to the
7 commission's decisions. So we would proposed to work
8 with the Staff on those conditions and in that
9 proposed descriptive process language and get that to
10 the committee before the period is over.

11 COMMISSIONER MOORE: I have a question for
12 you, Mr. Ellison, does that mean that PG&E credits
13 are out or are they on hold and you are using these
14 others as a back up?

15 MR. ELLISON: We are still in negotiations
16 with PG&E, and it is possible that the deal could
17 still go through, but it is highly unlikely that it
18 would happen in time to satisfy those within the
19 commission. I believe that you have to have option
20 contracts by the end of the decision. So, I don't
21 think I'd want to characterize the substitute ERCs as
22 back-ups. Cal-Pine does have other projects, as you
23 know, that Delta Energy Center Project has been filed
24 and some of the discussions would be of potentially
25 using PG&E projects there as well. That's the most
26 candid description that I can give you. The

1 continued status with PG&E. But for the purpose of
2 this proceeding, the substitute ERCs are the ones
3 that Cal-Pine believes will be used for this project
4 and so based on that we would propose to make that
5 substitution in the PMPD in the way that I described.

6 COMMISSIONER MOORE: Okay. Other comments.

7 With that, let me indicate that I've
8 received a letter from Commissioner David Roy who
9 passes on a comment from a SMUD board member
10 regarding transmission facilities. We've documented
11 that and I'll make sure the letter gets out to
12 everyone who is on the list, and make sure you have a
13 copy of it for the record. And with that, let me
14 then open the hearing and ask anyone who would like
15 to address us to come up. Please identify yourself
16 for the record, give us your name. You don't have to
17 give the address, but your name as clearly as you can
18 and the hearing is open. We appreciate your comments
19 on the proposed decision.

20 COMMISSIONER FAY: I'd like to suggest that
21 we begin by hearing comments from the other parties
22 in the case, and the next one in line would be CURE,
23 if they'd like to comment on the document.

24 COMMISSIONER MOORE: Before you do that,
25 let me turn to the County.

26 I'm sorry, George. I meant to ask you for 14

1 your comments and I went passed you.

2 MR. CARPENTER: Thank you. Our comments
3 are summarized in a letter that we forwarded to you
4 this week.

5 COMMISSIONER MOORE: Just for the audience,
6 would you summarize the nature?

7 MR. CARPENTER: Sure. In our comments, we
8 recommended that there be a condition of
9 certification requiring that Cal-Pine go through a
10 development rights agreement for the remainder of the
11 property that is not proposed for development that
12 would be an agreement between the County board of
13 supervisors and between Cal-Pine, which would limit
14 the extent of development of that which would be
15 approved as part of this project, if this were to be
16 approved. And then also that we recommend a
17 condition of certification that the 12 kilovolt PG&E
18 line that runs along side of O'Banion Road between
19 Township Road and East Levee as discussed in the
20 document, and then a final substantive condition
21 suggesting that there be either a permit from the
22 Regional Water Quality Control Board or County
23 Environmental Health Department for the development
24 of all the sanitary waste from the project.

25 COMMISSIONER FAY: My impression after
26 reading the County's comments was that these were 15

1 essentially understood as being part of the proposal,
2 and that they were just recommending that they'd be
3 reduced to conditions. Am I correct that Cal-Pine
4 has no disagreement with these comments?

5 MR. ELLISON: That's correct, Mr. Fay.
6 Actually, maybe this is an appropriate time what
7 Cal-Pine's response is. We have no problems with the
8 County's. We have no problem with CURE's or
9 suggestions with commission's staff with one
10 exception. The only exception is that the Commission
11 staff recommends the deletion of paragraph described
12 on Page 2 of their comments, third bullet. They
13 describe the proposal for deleting the paragraph at
14 the bottom of Page 249 and the top of Page 250 of the
15 PMPD. I'm not going to dwell on the subject. I'll
16 simply say that we think that PMPD does accurately
17 state it for the record and we encourage that it not
18 make the changes. But with that exception, Cal-Pine
19 has reviewed all of the comments from the written
20 parties and we have no problems.

21 COMMISSIONER FAY: And before we move down
22 the line, I'd like to go back to Staff. Do you have
23 any comments on the other written comments filed?

24 MR. RICHINS: No. And I think I indicated
25 in my initial comments that we reviewed the County's
26 comments and we're okay with those as well as

1 Cal-Pine.

2 MR. RATLIFF: In terms of the conditions
3 that have been proposed, we don't have any objection
4 to any of the conditions such as the County's landing
5 condition, although we think that that is probably
6 covered by Land Use 2, which would already require
7 any county approval of any change to the site plan,
8 other than correcting anything that pertained
9 directly to this project, county approval would be
10 required. But if some additional assurance by itself
11 by the County, it's certainly agreeable to us and
12 that seems to be what the nature of that condition
13 would be.

14 COMMISSIONER FAY: And Staff has no
15 problem, I take it, with County's recommendation to
16 change protocol in Condition 3, which would add the
17 County Community Service Department to the CPM as a
18 second review of the lighting plan?

19 MR. RICHINS: No problem.

20 COMMISSIONER FAY: And there were some
21 other cases where the County added a review to the
22 to that of the CPM. I think the other one was on
23 closure for the fire and emergency services.

24 MR. RICHINS: No problem.

25 COMMISSIONER FAY: Thank you.

26 COMMISSIONER MOORE: Okay. Representative 17

1 from CURE?

2 MR. TEXTIERA: Good morning. My name is
3 Rich Textiera. I'm a paralegal with Adams & Cardoza.
4 Our firm is relating --

5 COMMISSIONER MOORE: Speak right into it,
6 and speak a little more slowly.

7 MR. TEXTIERA: Sorry about that. Thank
8 you. Good morning to you all. My name is Rich
9 Textiera, I'm a paralegal with Adams, Joseph &
10 Cardoza, which represents CURE for the California
11 Unions for Reliable Energy. Unfortunately, due to
12 scheduling conflicts, neither Mr. Reynolds or Moore
13 could be here today. They have already submitted the
14 written proposed comments to you folks, so I just
15 want to add in short that we support the Commission's
16 approval of this project because Cal-Pine has
17 substantially addressed the projects air and water
18 quality impacts, and the project provided significant
19 economic benefits to the local community. CURE urges
20 the Commission to grant the Cal-Pine application.
21 Thank you. That's all you I have.

22 COMMISSIONER MOORE: Thank you very much.
23 Supervisor, do you want to address us? We've had
24 comments from County Staff prior to you coming in.

25 Good morning.

26 MR. AIKEN: Thank you, Commissioner. It's 18

1 a pleasure to be able to talk to you once again. I'm
2 sure you are aware that early on in the problem that
3 I had a conflict of interest with the power plant.
4 With the change in the route of the power line, it
5 has been deemed that I do not have a conflict of
6 interest, and so I am able to represent people in my
7 district here. I come before you today with the
8 concerns of the location of the Cal-Pine power plant
9 in the area and tremendous concerns about the power
10 line location. This plant being located with the
11 present plant out there is in an agricultural area.
12 That area is always going to be agriculture. And for
13 that reason, I think that it comes down to a best use
14 issue of the land. The best use for that land out
15 there is agriculture. It is not industrial. It is
16 not for a power plant location, but the one thing
17 that I want to revamp with everybody here is that a
18 power line is very detrimental to the agricultural
19 applications in the area. And I know that you are a
20 pilot, Mike, with experience and when you place
21 something out there like a power line of a hundred
22 foot high tower, it's just as well you build a
23 hundred foot high wall, 'cause aircraft cannot any
24 longer fly through and do the same kind of
25 application that they normally have done in the past.
26 There's two places of tremendous concern, one is on 19

1 the west end of the power line where it runs into the
2 PG&E, and CBC power line, and the other is on the
3 east end. What you are doing is forming a box in
4 both areas. On the west end on the Bellview property
5 and the properties on the north side of the road make
6 it very hard for those people to ever use aerial
7 applications of fertilizer or pesticides in the
8 future. The same thing would happen on the Siller
9 property on the east end. It's been stated that you
10 can use a helicopter. That's not an option. Ground
11 rigs are not an option. The thing with a helicopter,
12 everything is calibrated at speeds, elevations. That
13 is a raise in elevation, you increase the chain link
14 you spread and the material you fly. As you slow
15 down, you increase the rate of that application, so
16 these things become very, very complicated. The
17 other thing is that application by helicopter is much
18 more expensive. It has been stated, and I know that
19 you have conditions of fact that the new power line
20 would go in the old PG&E power line and would come
21 down with the hole that you can fly underneath the
22 new power line. The one thing I want to address
23 there from my view as a county supervisor, is that
24 would place the county, the agricultural people in
25 the area at an extreme position of liability, because
26 you have a line there that's 45 feet at the slow 20

1 point above the ground right over right next to or
2 adjacent to county road, a very busy county road.
3 You get an airplane that stands 10 feet high off the
4 ground beginning with it sitting on the ground trying
5 to fly 45 feet high with an automobile driving down
6 the road, somebody is going to go in a ditch or an
7 aircraft is going to get tangled in the line. Now,
8 the simple solution is to raise the power line even
9 hire, but my discussions with fish and game this past
10 week is that they would have a tremendous concern
11 over raising that power line.

12 The fact is that the higher you go, the
13 more damage you are going to do to the ducks and
14 geese and swans in the area. It's going to become a
15 real concern to them. And it's my understanding that
16 if this is the case, that they will want to relook at
17 power line designs. The other thing is that with the
18 burial of the present PG&E line, I think you would
19 have to look for a new easement to the present PG&E
20 line would have to be moved to get the location away
21 from the county road a little further, so that when
22 we treat the road side and so forth, it wouldn't have
23 to be hit with the buried cable. So the other thing
24 in talking with the land owners in the area, I am
25 told by people from the Sutter extension that there
26 will not be a power line located on their property. 21

1 And anything that's done there will be by taking the
2 eminent domain. The land owners in the area all of
3 them feel the same way, that you are going to take
4 this land, that you are going to take it by eminent
5 domain process. I'm probably the only supervisor in
6 Sutter County that has had any experience with the
7 eminent domain process and that's been through the
8 Sacramento air control agency. It is no fun, believe
9 me. And it is a rough process and very seldom is
10 there ever a situation there with the land owner that
11 is fairly treated. That's all I have to say.

12 COMMISSIONER MOORE: I certainly share your
13 remarks about eminent domain proceedings and how
14 tough they are. Thank you, Supervisor. We
15 appreciate your comments. There were representatives
16 of the other intervenors.

17 COMMISSIONER FAY: The Farm Bureau.

18 COMMISSIONER MOORE: Does the Farm Bureau
19 have any comments on proposed decision.

20 MR. FOSTER: Besides we disagree with it,
21 no, we didn't put any written comment this morning.

22 COMMISSIONER MOORE: But you can make them
23 right now. In other words, if you want to pick apart
24 what I've said, this is the time to do it. In fact,
25 it might be good to get your comments on the record
26 about the fact that you do disagree. I have a couple22

1 of letters as well from folks in the area that we'll
2 make sure are in the docket, but you just might point
3 to the areas that you disagree with and we'll have it
4 on the record.

5 MR. FOSTER: I wanted to get between my
6 neighbors. And it reads "I am writing concerning air
7 quality found on Page 46 of that PMPD states that the
8 emissions for the PFFP, unless offset contribute to a
9 violation acceptable air quality standards in Sutter
10 County for ozone. Since the offsets for the SSP are
11 consources that have not been polluting for years, is
12 it the committee's serious belief that the SSP will
13 impose no significant impact on the environment as
14 stated on Page 9 of the PMPD or is the Commission
15 saying that the SSP simply complies with the law on
16 paper concerning this issue without regard to the
17 results in the physical world.

18 I don't have any questions upon the
19 comments, besides we disagree. The crop duster that
20 I believe Mr. Serris came in for I believe for
21 Cal-Pine kind of caught us off guard. He made a
22 comment that he can fly over a hundred foot power
23 line, and be back in working height within 200 feet.
24 I've talked to several pilots. They said that would
25 be pretty tough to do in a heavy crop. In fact, they
26 don't think it could be done. You might want to move23

1 that 200-foot a little over. That slope working
2 height between 3 and 5-foot off the ground turning
3 the spray back only without drift, it's not going to
4 happen. My mind is going blank, but, I have a
5 question: Are there any easements on the power line,
6 whatsoever? I mean, I know this project continues.
7 I don't know how the easements work. Do they have to
8 be in place before we approve a project, or do we
9 approve the project and then hope to find easements?

10 COMMISSIONER MOORE: They have to meet the
11 test. Whenever we put a condition in this, they have
12 to meet all the tests literally before construction.
13 So in the absence of meeting the test, means that the
14 project, for all intents and purposes, fails and
15 can't go forward.

16 MR. FOSTER: Another comment I thought
17 about was a witness stated that the SSP plant would
18 help by taking earlier dirtier plants off line. I
19 really don't see how this could take place, being
20 that there's a shortage, and that is part of the
21 reason of building this plant, how it is going to
22 take older plants off line, that is the SSP plant.
23 That's why we built this plant. Sacramento is
24 running out of power, we got to have it. We got to
25 have this power. How are we going to shut off
26 another plant? Maybe five or six more plants down 24

1 the line, we are going to have an abundance of power
2 and we can shut the plant off, but I don't see how
3 this plant is going to shut an old plant off line and
4 save air quality and fuel. Not this plant. Maybe
5 five or six down the line, deregulation comes in and
6 we will have a bunch of power, but right now with the
7 shortage, I can't see that happening.

8 Another problem we had was the transmission
9 line being buried. I noticed in there one of the
10 comments was a lot of weight was put on the fact that
11 Western said they would not own or maintain the
12 buried power line. Again, is this Western's line,
13 you know, or Cal-Pine's line? To them, to get a lot
14 of weight put on, I'm not sure who is going to own
15 it, so how much weight is going to put on it, just by
16 them saying we will not own or maintain the power
17 line? I heard they are burying a power line in the
18 Pittsburg area. It's feasible out there, but we are
19 told it's not feasible here. I guess another one was
20 on the visual, the 200 people in Sacramento in one
21 site. Negative the impact, it's an approved site.
22 They were comparing, "Well, if you put a plant there,
23 there's 200 residents within a mile it's going to
24 effect." Here it's only nine residents. Well, they
25 are kind of saying these people really don't count as
26 much as these people over here, is what you are 25

1 saying, if you use that as part of your reasoning
2 here. And I'm going to sit down. I really wasn't
3 ready to get up and I'll think of something later.

4 COMMISSIONER MOORE: I'm sorry. I didn't
5 realize you weren't ready.

6 MR. FOSTER: That's fine. I didn't think
7 we were allowed to comment because we didn't send in
8 our cards.

9 COMMISSIONER MOORE: Not at all. I'm here
10 to listen and I issued the report, and part of my
11 responsibility is to take criticism and respond to
12 it, so that's what you pay me for.

13 COMMISSIONER FAY: Just to clarify, Brad,
14 the comment for everybody, the 30-day comment period
15 closes February 19th and the committee will consider
16 anything submitted up to that date. The reason for
17 today's meeting is a head start to listen to your
18 comments to work it in on the revised version, and
19 the written comments were so that everybody here will
20 understand what the parties were commenting on so
21 you'd have a chance to know what Cal-Pine thought in
22 the report and what Staff thought.

23 MR. FOSTER: Okay. I guess this is more of
24 a question than a thought. We really never discussed
25 any workshops, the operations of dry cool. I
26 understand it's a large grading area. And the

1 problem that farmers have with grading areas is that
2 they plug up with dirt, the equipment overheats.
3 Now we have this \$25 million grading area, and if we
4 work in the spring and the north wind is blowing,
5 then there will be a dust cloud blowing directly at
6 the grading area. Are they going to call Mr. Hunt
7 and say, "Are you going to stop what you are doing?
8 You are plugging up my grading area." Think about
9 it.

10 Monitoring construction, monitoring
11 everything after it has taken place. I realize the
12 energy commission is monitoring the construction. I
13 was reading here that the loads will be tarped and to
14 keep the dirt from coming off the vehicles, the tires
15 will be rinsed and washed. Honestly, is someone
16 really going to be there or are the neighbors going
17 to call in and say, "Hey, they are not tarping their
18 loads," and this is how it usually is. Another one
19 is the site itself. Who is going to monitor the
20 maintenance of that ground? Are we going to do like
21 we did last year, where they didn't touch a single
22 weed on that piece of property until all the natives
23 complained or is there going to be a set schedule
24 where they come in monthly by monthly where they
25 monitor the control of the pests that will be on that
26 property of the surrounding farming community? I 27

1 know these aren't comments that weren't in here, but
2 I think that is something to be added to this. And
3 I'll have other comments.

4 COMMISSIONER MOORE: Brad, I think on the
5 comment that you made on the tarp loads as a
6 practical matter because we do do the enforcement, it
7 seems to me that if there was a call that came in to
8 us, we would probably adjust and begin to focus and
9 we'd probably have someone there on a routine or
10 surprise basis.

11 MR. FOSTER: Well, the way this is written
12 up, this is going to be the cleanest construction job
13 I've ever seen. They are rinsing the tires off
14 before going on the county road.

15 COMMISSIONER MOORE: If they sign it -- if
16 it passes and they sign it, then they are saying that
17 they can keep up with that.

18 MR. FOSTER: But like I said, I'll have
19 more comments later. Does anybody want to get
20 comment on record?

21 I have a newspaper article, but I'll give
22 it to you at the break.

23 COMMISSIONER MOORE: Anyone else?

24 MR. RICHINS: I can make a clarification on
25 that biology condition. There is a requirement that
26 there be an environmental specialist out in the field28

1 under biological condition No. 4, and one of their
2 duties is to be an enforcement person to ensure that
3 certain things are complied with, and those items to
4 be complied with are contained in the various
5 biological resource conditions.

6 COMMISSIONER MOORE: Okay. Supervisor
7 Aiken, you had something else you wanted to add?

8 MR. AIKEN: Right, and I don't mean to
9 dominate or take over this meeting, but like Brad,
10 I've had a lot of people say that as a supervisor or
11 somebody in your position, I guess it's easier to
12 speak in front of a group of people, and I think the
13 longer you do, the harder it gets and especially if
14 you are upset. But one of the things I think that we
15 really have to take a look at and I think it's often
16 times forgotten is that one of those -- each one of
17 those farms and parcels is a business, just as a
18 business in Yuba City is a business. This power line
19 and power plant is going to be an economic disaster
20 for those people for issues that I mentioned a little
21 while ago. If we were going to locate that plant in
22 Yuba City and we're going to damage 12 to 13
23 businesses or more, because it's my understanding
24 that there is room at the Cal-Pine room here at sun
25 sweep to relocate, we wouldn't be here today because
26 the people of Yuba City wouldn't allow this, the cuts29

1 that would be in the backyard, or cuts in other
2 businesses across the Feather River. They wouldn't
3 want it over their houses or over their place of
4 business. You know, there's static electricity,
5 either microwave or whatever, and it's my
6 understanding that also down at the Olverta
7 substation, I had raised the issue that perhaps this
8 is where the power is going. That maybe we ought to
9 locate the plant there. But it's my understanding
10 that you have also already licensed a plant near
11 there. And the people have not allowed Sacramento
12 County or the local jurisdiction to build. Again,
13 it's a land use issue similar to what we've been
14 facing here. So Sutter County would not be the first
15 place that has opposed a power plant in the location.
16 And I also understand that about four years ago, you
17 licensed a plant at Hunter's Point in San Francisco
18 after a license was granted and the people of San
19 Francisco and the people who lived in that area who
20 had concerns and businesses, got over turned and the
21 plant has not been built. I know that Duke Power has
22 recently bought a couple of PG&E plants in Central
23 California, one, I believe, is a moss landing plant
24 in Morrow Bay, and I think this is some of the things
25 we should be looking at is rebuilding and repowering
26 and bringing up an old plant to better specifications30

1 and more higher efficiency. It makes sense if these
2 are the kind of plants in the Bay Area. Maybe
3 Cal-Pine should be looking to buy and doing the same
4 thing that Duke Power is doing along the coast. That
5 solves some of our problems, but I think it goes
6 beyond that. Part of the thing that we're here today
7 is that Western Power Authority had done basically a
8 very poor job over the past year of developing a grid
9 to deliver the power. It is my understanding that
10 there is enough power in the Western United States
11 right now to suffice. It's a grid system, a delivery
12 system that really is at fault. And if we don't step
13 back, use power commission and power authority and
14 master plan this, we're going to have a spider web of
15 power lines all over the State of California that
16 makes no rhyme or reason. And the problem today is
17 we'll run a line over here and build another plant
18 here.

19 I think if we see this right now, it's my
20 understanding that there's about 18 power plant
21 applications that are possibly being worked on at
22 this time with probably upwards of about 34 or 35
23 eventual plant applications. Some of these going up
24 to a thousand a minute. And that's fine if they are
25 in the right place and they are all plant, but is
26 this is going to be a mismatched helter skelter 31

1 location all over the state causing somebody else
2 problems? Maybe we ought to look at clustering these
3 plants, and there are a lot of people who view the
4 Western Power Authority to take a little bit of a
5 different view and step back and take a look at
6 things in their proper scope maybe. Thank you.

7 COMMISSIONER MOORE: Thank you, Supervisor.
8 I appreciate those comments. Brad, you had something
9 else you wanted to add?

10 MR. FOSTER: One of the land owners asked
11 where's the switching station. We were of the
12 understanding that it's on the south side of o'Banion
13 Road, and I saw the maps that it's crossing the south
14 side, and now it's being moved to north. Has it been
15 changed or something?

16 COMMISSIONER MOORE: I don't think there's
17 been a change. To indicate for the record exactly
18 where that switching station is --

19 MR. ELLISON: There has not been a change.
20 It would be on the south side.

21 COMMISSIONER FAY: Has the Applicant
22 indicated a preference for either the east side or
23 the west side of the existing transmission lines? I
24 know on the west side there's the duck club and lay
25 down area, and on the east side it's currently
26 agriculture.

1 MR. ELLISON: No, we have not indicated a
2 particular preference. I think that's something we'd
3 want to work out with the land owner.

4 COMMISSIONER FAY: Brad, was there a
5 particular map that misled you to think that?

6 MR. FOSTER: I don't have it with me. It
7 just shows a dotted line going to the south side and
8 continuing up.

9 COMMISSIONER FAY: That's the original map.

10 COMMISSIONER MOORE: That was the original
11 map?

12 MR. FOSTER: Okay.

13 COMMISSIONER MOORE: And after we got
14 testimony in the workshops and in the hearings, it
15 was changed.

16 COMMISSIONER FAY: If you do find it in the
17 PMPD, give me a call or drop me a note or fax me.

18 MS. FOSTER: No, it was. It wasn't in the
19 PMPD. It was a letter sent to the house from the
20 energy commission.

21 COMMISSIONER FAY: They used an old map and
22 we tried to have our cartographers to regraph the map
23 to show that it's on the south side.

24 MR. FOSTER: And then a neighboring plant
25 concerning a noise 45 decibels to the nearest
26 residence, is this how the energy commission is going33

1 to work this or are we going to go to the nearest
2 residence, or are we going to go at a residence?
3 Depending on the how the wind blows, you may not be
4 the nearest residence that is getting the noise and
5 maybe could we have the property lines so it will not
6 go to the neighbor's property or any further growth
7 that might take place out there? I mean, the noise
8 on their own property?

9 COMMISSIONER MOORE: I'm going to reword
10 your question in a comment and just say that your
11 comment is that it ought to be at the property line
12 because depending on the way the wind blows, it could
13 be louder and you might not be the nearest person,
14 but you might have a louder decibel level. I'll take
15 that comment and consider that.

16 MR. FOSTER: Because just with winter being
17 here, and no longer having to listen to the noisy
18 frost, where in the summertime, we don't hear the
19 plant, you hear it 24 hours a day, almost two and a
20 half miles away at our home, and I'm not going to
21 keep you here in the house sitting in the living room
22 and hear the constant noises. Like I said,
23 summertime, we don't hear it. You don't hear it, but
24 now I was talking to Mr. Shannon, we were about
25 two miles away and it sounds like a diesel engine out
26 there, and that's the old plant. The new one is a 34

1 lot bigger. They say it will be quieter, but
2 hopefully if they do -- if this all comes about, you
3 can keep it to 45 and not change the rules. Thank
4 you.

5 COMMISSIONER MOORE: Thank you. Other
6 comments on the proposed decision?

7 MR. ELLISON: Commissioner, just to Brad's
8 comment, the 45 decibels of the nearest ordinance is
9 what the county ordinance reads.

10 COMMISSIONER FAY: And in addition, we
11 talked about this before, there is a noise complaint
12 resolution form that is included in the proposed
13 decision, and will be available to people. There
14 will phone numbers posted, so if these things come up
15 in construction or operations, people do have an
16 ongoing way to address the energy commission and the
17 county regarding the particular noise problems.

18 Brad?

19 MR. FOSTER: Just for clarification, the
20 new plant is going to be under state control?

21 COMMISSIONER FAY: Yes.

22 MR. FOSTER: So the noise problem will come
23 through the state?

24 COMMISSIONER FAY: Yes.

25 MR. FOSTER: Thank you.

26 COMMISSIONER FAY: The phone numbers will 35

1 be the numbers at the energy commission at the
2 compliance unit and they deal with specific
3 complaints that covers the parties in this case.

4 And now we're taking comments from the
5 members of the public. Who would like to comment?

6 MR. BOISE: My name is Louis Boise. I'm
7 just an interested citizen of Sutter County. One
8 thing I'd like to point out --

9 COMMISSIONER MOORE: Could you speak closer
10 to the microphone so that everyone else can hear you?

11 MR. BOISE: One thing is the economics of
12 this power plant of 25 parcels or farm land to the
13 south and west of this power plant, 25 parcels of
14 farm land will generate \$88,590 in property tax,
15 where this power plant is going to generate about
16 \$3 million. And then if I want to go into pollution,
17 I have some papers here that I'd like to pass out to
18 you and give one set to Cal-Pine, and you can read
19 them over and you can make your own consideration on
20 what is pollution and what is not pollution.

21 COMMISSIONER MOORE: Thank you very much.

22 COMMISSIONER FAY: Thank you.

23 COMMISSIONER MOORE: You've just given us
24 an article entitled Kesterson Reservoir and Kesterson
25 National Wildlife Refuge History, Current Problems
26 and Management Alternatives, in case anybody wondered36

1 what we have just been handed.

2 We're open for comments from the public.

3 Yes, Mr. Aiken?

4 MR. AIKEN: Thank you very much. My name
5 is Jim Aiken. I am a farmer in the area. I was out
6 yesterday morning very early. We had a very
7 beautiful day. The air was very calm, something that
8 we don't usually have, and I was on the bike pass by
9 the causeway on Highway 113. You could see the three
10 plumes of steam and the exhaust from the plant that
11 are generating currently. Everybody says that those
12 plumes of steam are what the odors are coming from.
13 In that time that they were still there, they had a
14 very light tinge of darkness to it. It wasn't like
15 the steam. Steam was coming out white. When you say
16 there's no air pollution, that's not true. There is
17 a condition there that you can see. You can see it
18 visually when the air condition is right, you can see
19 that we've got something that is going to increase
20 our air pollution here.

21 There's another thing that when we raise
22 the height of these power lines and make them safer
23 to fly under, if that's possible, with the road being
24 along there, possibly a truck or car could come along
25 there and a pilot might be watching the lines and you
26 know he's watching the lines and he's watching the 37

1 ground also, but usually in a farming community, a
2 vehicle when an airplane is coming in on a pass will
3 slow down so the airplane goes by. But if that fails
4 to happen, there is a potential, should we say, risk,
5 for an accident when you have to go under the power
6 lines. This is just some of the things that do
7 happen occasionally, and it can happen particularly
8 if the pilot has to watch the power lines and he has
9 to watch for his flag lining up on the line or
10 watching the electronic gauges that are hooked up to
11 the satellites up there. There's a multitude of
12 things that a pilot has to do, and they have to be
13 done or he's going to not live long.

14 One of the other things is the 5 or 6 feet
15 of water that was around the proposed location of the
16 plant. I don't think if I was building a plant I
17 would want to take that chance. We've a lot of money
18 in this up there, and if you've lived here as long as
19 I have and moved out as many times as I've had to
20 move -- I live out in Sutter basin in a farm up
21 there -- it makes you very, very weary of the levees
22 and so forth because I don't care how well they are
23 constructed and so forth, it seems like there's
24 always a flood coming down the river on one of these
25 winters that something happens and you have to go.
26 This is not a safe area. When you say to be happy 38

1 and live here without any problems, there are
2 problems. And you put a plant like that here, it
3 could be shut down -- I don't know how long it would
4 take to get it and so forth, to get a damage by
5 siting, I'm sure it would put it out of business.
6 And then another thing, if you fly parallel to a
7 power line, when you are fertilizing, it's impossible
8 to spray in a cluster part. The spray does not move
9 out like fertilizer. If you get in close enough to
10 get in enough material on the edge of your fields and
11 adjacent to the edge of the field, you are going to
12 be putting some in the ditches that is along side the
13 fields. Most fields -- our fields have drain ditches
14 and fish and game is becoming very protective of
15 their charges. And you can put fertilizer or
16 something in the ditches and they if they find it,
17 you are going to pay a heavy fine.

18 So that's one of the other things that is
19 happening to agriculture that is not too well
20 documented and so forth, but the higher you fly, the
21 wider the stream, the more the spread is on your
22 aircraft. This is just a few of the things that
23 we're going to have to put up with. Thank you.

24 COMMISSIONER MOORE: Thank you, Mr. Aiken.
25 Anybody else who would like to address us on the
26 proposed decision? Yes, ma'am. Good morning.

1 MS. DETTLING: Good morning. My name is
2 Karen Dettling. I'm with the family that had
3 probably the most impact from --

4 COMMISSIONER FAY: Spell your last name?

5 MS. DETTLING: D-E-T-T-L-I-N-G. We were
6 late this morning because we were held up because
7 there's some company putting fiberoptics underground
8 all the way through Yolo and Sutter County. We're
9 not really for the plant, however the transmission
10 lines are of the greatest impact on us. Right now we
11 have PG&E power lines going north and south over our
12 property, and in order to fly our field which has
13 been historically been rice farm since 1930, it's not
14 a good branch for other crops. We don't have too
15 much of an option. Right now pilots can only fly
16 north and south because flying east and west is very
17 dangerous. I reviewed some testimony that some pilot
18 had given you earlier on and I don't know where he
19 flies or if he flies any more, but his type of flying
20 wouldn't apply to our range, our ranch.

21 I was also reviewing this and somebody in
22 the economics section said that there was only a
23 \$42,000 loss of income that the power lines would
24 generate. I don't know where they got their figures.
25 But if you cannot farm 4200 acres of rice, I think
26 you would have a larger rice loss at 42,000. We have40

1 to fly pesticides on our rice. We have very strict
2 rules and regulations as to drift. Our pilots have
3 to fly in certain directions and they cannot put this
4 into the canals or you are subject to heavy fines.
5 There's no way that coming down with these airplanes
6 that you can, and our flyers -- and they will be put
7 on record and they are coming on record that this
8 cannot be flown without having some impact on our
9 pesticide regulations. I just want everybody to know
10 that if this is going to go through, and if they are
11 not going to bury their power lines, that we are
12 considering filing a lawsuit on the basis of the
13 right to farm. So any way, we'll have a real problem
14 with this.

15 COMMISSIONER FAY: Just so we can
16 understand, Mr. Dettling, can you describe where your
17 property is? Is it along O'Banion?

18 MS. DETTLING: We're located on the south
19 side of O'Banion Road just east of where the proposed
20 station --

21 COMMISSIONER FAY: Switching station?

22 MS. DETTLING: Switching station. We're
23 right where the PG&E power lines are coming through
24 the large towers on the south side, probably a tenth
25 of a mile east.

26 COMMISSIONER FAY: So the proposed line 41

1 would be at the north end?

2 MS. DETTLING: Yes, the proposed line would
3 be going east and west. So right now we're impacted
4 north and south because of the PG&E lines, and if
5 these go east and west, we're going to lose
6 approximately over half the ranch before they can
7 drop down to get down to the legal and getting the
8 pesticides put on and the herbicides put on the
9 ranch. Also in here it says something like there's
10 1 percent of agriculture that's going to be effected,
11 however, we are people, too. We have some owners of
12 the property relying on the income from this
13 property, so I think that they should be heard also.

14 COMMISSIONER MOORE: Ms. Dettling, in terms
15 of my proposed decision, I can only issue a decision
16 based on what's in the record. In a funny way,
17 unlike the days where I was on the board of
18 supervisors where I don't have as much leeway here,
19 but the board of supervisors does, so in terms of the
20 land use decision, the kind of things that you are
21 talking about, I can only comment of what was put on
22 the record. So in terms of the pilot who testified
23 about flight patterns 100 to 200-foot drop off, in
24 spite of being a pilot, I'm not allowed to comment
25 whether I think that's reasonable or not. I simply
26 can't. All I can do is act on what's been put into 42

1 the record and those were the only comments put in
2 the record, so I appreciate your comments.

3 MS. DETTLING: I'd be more prepared, but I
4 was under the assumption that we could not talk
5 because we didn't find out about this meeting, and I
6 thought the letter said that unless you put in for
7 it, the permission to speak.

8 COMMISSIONER MOORE: I'm sure sorry if that
9 impression got left, but along with everyone who has
10 come to these meetings I'm pretty open to hearing
11 what you have to say.

12 MS. DETTLING: We just found out about a
13 month ago that meetings have been going on. We have
14 not been informed or no correspondence.

15 COMMISSIONER MOORE: I apologize for that.
16 Anybody else who would like to address this on the
17 proposed decision. Mike?

18 MR. SHANNON: I'm Mike Shannon. First off
19 I want to be on record, as you know, I'm not for this
20 plant, this location. I do farm next to it. I live
21 next to it. The noise is bad. When Brad was talking
22 about when we heard the noises, I was sitting on the
23 west side of my dryer with the house two miles away,
24 and he asked me if I had something running in my
25 shop. I said no, that's the plant. I guess I can't
26 ask questions 'cause there a couple things I wanted 43

1 to know. Under county ordinances, if there are 45
2 decibels allowed at that plant, are they allowed to
3 build a bigger plant? And if they are, are they
4 allowed to make more noise. If it's air cooled and I
5 have fans on my rice dryers, and I know how loud
6 those little 20 horsepower fans run. How much noise
7 they make? Second of all, as far as the wires go,
8 one of the questions is that I guess wires are going
9 to go in on Old Township Road. If they are going to
10 be between the Sutter extension road and Oswald Road,
11 that means they are going to be Sutter extension
12 property. Sutter extension is a public utility.
13 It's voted as a board unanimously not to let the
14 wires go in. Western is a public utility, so who has
15 more power? Sutter extension is not going to dodge.
16 We voted on it three times. We made letters. It's a
17 done deal. They are not going to go on Sutter
18 extension property, which means that if that goes to
19 court or if we have equal footing as far as Western
20 does, that means all those wires are going to go on
21 private property, which means there are going to be
22 an awful lot of property going to be condemned. I
23 really don't know who has the power, but I know that
24 Sutter extension has voted three times, and I don't
25 believe they are going to change. I think there's a
26 lot of problems with this plant here. It's an 44

1 agricultural area and I think it should stay, and I
2 don't think it's the proper place or the time.

3 COMMISSIONER MOORE: Thank you. Anyone
4 else who has a comment on the proposed decision?

5 Yes, sir.

6 MR. HUNT: I'm Harry Hunt, and we should
7 run a happy new year. Every time I pick up the
8 paper, the local paper during the Christmas season,
9 they have a very big merry Christmas. I know that
10 wasn't too cheap. I don't understand why I'm here
11 actually. Everything that these fellows have been
12 speaking about have been pretty well covered before.
13 The planning commission turned it down and yet you
14 people keep coming back, like corncobs.

15 COMMISSIONER MOORE: I'm here because I
16 issued a decision. And it's under my name and it
17 says that this is my recommendation. And as a
18 consequence what I'm doing is holding that up and
19 saying "Do you find fault with it? Have I made
20 misassumptions? Have I misquoted? Have I put facts
21 out wrong? And if I have, then by God you need to
22 tell me about it," and that's why I'm here.

23 MR. HUNT: For one thing, you just spoke
24 about one aviator that was here and there was at
25 least three that I know that you didn't comment on.
26 The other two that came in and spoke here, you didn't45

1 listen to at all. You just listened to the one that
2 was with Cal-Pine, I believe, so I don't know how
3 that fits into if we're just talking to ourselves
4 here, I guess.

5 COMMISSIONER MOORE: No, I didn't mean to
6 suggest that I only listened to one person. I was
7 actually referring to the comment that was made about
8 that one aviator, and that was what was on the
9 record, so all I can comment on here is the what was
10 in the record.

11 MR. HUNT: But when I say "hear us," you
12 didn't hear us. You didn't hear the other fellow
13 that was here. You didn't take that into
14 consideration at all. The one that they had here,
15 that's the one that you was interested in.

16 COMMISSIONER MOORE: That's part of the
17 reason that we're having this today, is if I've
18 missed something, then you tell me about it and I'll
19 go back and dig it up in the records and I'll figure
20 out where I went wrong. That's part of the reason
21 why you are here to talk to me.

22 MR. HUNT: I'm a next door neighbor to this
23 and I told you that before, and I told you at that
24 time I couldn't prove where it came from, but all the
25 knocks out of the existing plant -- my son has
26 cancer. I'm from a big family and we've never had 46

1 any cancer in our genes, in other words, and right
2 now, I've got skin cancer. I had a lesion cut off.
3 I don't know what the results of that will be. I
4 have to get the stitches out at 2:00 o'clock. So I
5 don't think that's the cleanest plant in the world
6 any way.

7 I'd like everyone has that extra amount of
8 knocks in their backyard -- I don't know if that's
9 doing us any good, but yet it's turned down by the
10 planning commission and they just keep coming back.

11 Thank you.

12 COMMISSIONER MOORE: Thank you. Anyone
13 else who would like to address us today on the
14 proposed decision from the public? Yes, sir?

15 MR. HENSON: Good morning. My name is
16 Leonard Henson. The visual impact is very subjective
17 and I don't feel you gave any importance about how
18 Sutter County residents feel about there views.
19 There's a new proposed subdivision plan development
20 going in on the north end of Saber Lane about
21 two miles from here, at the stop light, just go north
22 to the end of the road, and it's 240 acres which is
23 half a mile. There's an article in the paper on it.
24 It's a half mile by three-quarters of a mile. It's
25 240 acres, I think. And what they did, they are
26 going to realign the main road in the community. 47

1 They are not going to run it straight on a grid.
2 They are going to realign it so it's aimed right at
3 the Buttes, and that's just one example of how
4 important we think the view is in this area. And I
5 want you to reconsider that a little bit. Thank you.

6 COMMISSIONER MOORE: Thank you. Anyone
7 else?

8 MS. FOSTER: I'm Rosie Foster, neighbor of
9 the plant. This came to my attention this last week
10 and I have to laugh. One of the comments that
11 Mr. Hunt made has a lot to do with this. When he
12 says merry Christmas or happy new year, no one had
13 ever heard of Cal-Pine in the area and there was no
14 community involvement by Cal-Pine in this area until
15 they needed something. Cal-Pine was a very bad
16 neighbor and it's kind of like when you know someone
17 and they will treat you real shabbily and all of a
18 sudden that person needs something and they are your
19 best friend. That is what Cal-Pine has been to
20 Sutter County.

21 This has been passed out to some of the
22 businesses here in town. It's being passed out by
23 Cal-Pine. One of the comments -- and we'd like this
24 clarified -- they are asking for people to contact
25 their supervisors and tell them that Cal-Pine brings
26 low cost electricity to Sutter County. Well, we were48

1 under the impression that this was a merchant plant.
2 It would be shipped down to the grid and it goes from
3 there. We didn't realize that -- maybe we've been
4 fighting the wrong thing -- but we are going to have
5 the lowest power rates around, but that's not what
6 we've been understanding all along, but I've brought
7 a copy, and I'll talk about a couple of things. It
8 talks about the reduction in County farm land. Well,
9 when they first applied -- I shouldn't say they.
10 Greenleaf was the first applicant on this about 14
11 years ago. They were going to leave the rest of that
12 in farming, and many neighbors had asked, "Can we
13 farm that," Mr. Shannon and myself. They all told
14 them no, they didn't want them there. One main crop
15 has been taken off the property by Mr. Art Anthony
16 who lives here in town. It would take as little as a
17 turn of a key on a tractor to farm the rest of that,
18 but they refused to let that happen. So yeah, it's
19 going to be a reduction in farm land, if you take the
20 12 acres that's left on the 77, and that's what you
21 have in farm land.

22 There's also a line that says it provides
23 clean and economic development and this is a benefit
24 for Sutter County. I don't understand how we're
25 going to get a benefit from this. I don't understand
26 how it's going to make our power rates go down. As 49

1 we understand, SMUD is going to use most of this.
2 It's going to Sacramento and point south. Another
3 one of their comments is it provides support for
4 local community programs. There again, you ask
5 anybody in town about Cal-Pine, they don't know who
6 Cal-Pine is. All they know is that they've come into
7 the limelight since they wanted to develop this land.
8 Now it's Beckworth days, etc., and none of these
9 people that run these events had ever heard of these
10 people. They've infiltrated like borgs in trees.
11 Because they've been such poor neighbors, they've had
12 to turn it around, and that's why you have to hire
13 somebody like Bonnie Hayes to make you look good when
14 you've been so bad.

15 They talk about funding for new emergency
16 response equipment. We wouldn't need the emergency
17 response equipment if we didn't have their problems
18 coming in with them, and that's the ammonia that
19 they'll be using. And as far as providing it, no,
20 they are going to front the money on the taxes so
21 they are not providing anything. I think it's very
22 misleading. And I want you to have a copy of it.
23 You look at it and see what we've been dealing with
24 as far as people in our neighborhood. We don't want
25 them. We know our neighbors. We trust our
26 neighbors. We don't trust them.

1 COMMISSIONER FAY: All these things
2 submitted we will put into the docket.

3 COMMISSIONER MOORE: Thank you and I have
4 not seen this. Anyone else who would like to address
5 this? Let me find out if there's anyone else in the
6 public who would like to address us.

7 MR. DREX: I'm David Drex. We have the 53
8 acres on the proposed switching station. I was under
9 the impression that the switching station was going
10 to be moved north of the road, but I guess my
11 impression was wrong. It's still going to be on the
12 south side of O'Banion Road, is that the way of the
13 proposed road?

14 COMMISSIONER MOORE: I have no information
15 other than that.

16 MR. DREX: Well, there is the ground north
17 of the road there. We have a duck club, a shop
18 building and 53 acres with two power lines going
19 right through it and now we're going to have a
20 substation, I guess.

21 COMMISSIONER MOORE: All I can say is the
22 location on the south side is where we have it in the
23 proposal. I'm unaware of any change.

24 MR. DREX: Will it eventually be changed
25 for consideration of the north side of the road?

26 COMMISSIONER MOORE: As far as I know, no. 51

1 It's not up for change as it is submitted. It's the
2 document that evaluates the plan as it is submitted.
3 Who else would like to comment on the proposed
4 decision?

5 MS. WOODS: I'm Mary Woods and I live about
6 a half a mile from the plant. And I'll eat my hat if
7 you get \$3 million out of these people at any time.
8 Number 1, that money goes to the general fund. We
9 get 17 cents on the dollar, which would give us about
10 \$800,000, and you are going to lose that much from
11 us. We probably produce more than that. Another big
12 problem I have with these people is that believing
13 what they tell us. Now they tell us that this new
14 plant is going to put out 204 tons of emissions. 204
15 tons of emissions is not clean air. 204 tons of
16 nothing is not clean air. He we already have 31 tons
17 with one at sun sweep, and the old one puts out a 197
18 tons, the one where they are trying to build a new
19 one. That equals to me 666,000 pounds. You ask
20 these farmers who raises 606,000 pounds of anything
21 this year. This has been a tough year. The noise --
22 I would invite any of you to come down and bring your
23 motor homes. I'll even feed you, and you try to get
24 up the next morning and tell me you slept that night
25 when they decide to turn that thing loose. I've had
26 to drag my husband out of bed more than once at 1:00 52

1 or 2:00 o'clock in the morning to go down and see
2 that that thing hasn't come completely blown wide
3 open and maybe we'll have to escape. Now they are
4 going to make this thing 10 times larger and it's
5 going to be quieter? There is no way. There is no
6 way that anything 10 times larger is going to be
7 quieter when they add it on to what they already
8 have. Common sense tells you that. I'll take common
9 sense any day. The fire truck I was going to talk
10 about, Rosemarie took care of the fire truck. They
11 aren't giving us nothing. The fire truck comes right
12 back out of their tax statement. We don't need the
13 fire truck if we don't have them, that's the other
14 thing. I don't want to get wound up too tight, so
15 I'm going to sit down, but these people have not been
16 forthcoming with us on a lot of their statements, and
17 I'm a little fed up with them. I do not approve of
18 rezoning that area. Why would anybody want to rezone
19 an area 10 miles from the nearest place that's
20 already in an industrial area? And just pick this
21 little thing out of nowhere and rezone it -- it
22 doesn't make sense. It don't make one bit of sense
23 to me. Thank you.

24 COMMISSIONER MOORE: Thank you, Mary.
25 Anyone else who would like to address us in the
26 public? Yes ma'am?

1 MS. PEARL: I'm Wilma Crepsa Pearl from
2 Bakersfield, and it's my brother who just spoke to
3 you. Well, I want Cal-Pine to know that we will not
4 sell them, the switching station site. They'll have
5 to condemn it. It really does effect our farm
6 operation. It effects the whole thousand acres that
7 we farm inside the bike pass. We can take our
8 equipment right off of O'Banion Road right now and
9 put it into our storage facility. Our duck club
10 members from San Francisco who are mostly attorneys
11 and doctors, they don't want to come up and sit right
12 down to a switching station. They are going to move
13 to other duck clubs, so this material is affecting
14 our whole operation and we don't want it and we will
15 not sell.

16 COMMISSIONER MOORE: Thank you. Anyone
17 else in the public? Supervisor?

18 MR. AIKEN: One very important thing has
19 been addressed a few times, but it really needs to be
20 emphasized is the safety of those power lines and the
21 hazards that it creates. Right after I got out of
22 college, I went to high school and college with a
23 real good friend. And while he was flying for my
24 neighbors, he made a turn over our property and
25 because of the power line, had to pull that plane
26 back. He put the plane into the ground on our

1 property while he was flying for a neighbor because
2 of the power line. He was in a coma for 22 years
3 before he passed away. You know, you live with this.
4 We had a pilot flying for us come over the top of the
5 power line because he was going up above. You don't
6 have any control of what the airplane is putting out.
7 It's a guess. Closer to the ground you are, the
8 better application is. Come over underneath the
9 line, hook the stabilizer on the bottom line of the
10 CP power line. When that plane quit burning, you
11 could have put it in this podium, that was how much
12 left of that pilot. Luckily that pilot walked away.
13 I was coming home from work one night down in the
14 Sutter basin south on Highway 113. I saw a plane go
15 into the ground, hit the static wire on top of the
16 PG&E line. The sun was in the pilot's eyes. He
17 thought he could evade it. He never knew what hit
18 him when he hit the ground. The second person there
19 helped that person out. We started CPR, but we were
20 wasting our time. He was so busted up, everything
21 you touched was broken up.

22 Mike Shannon can tell you of another pilot
23 that died over in his area. I can also tell you in
24 the meridian area, Mobile Oil Corporation has a big
25 high radio tower. I believe that if my recollection
26 is right, one of the aviation pilots hit that and was55

1 killed about 15 or 20 years ago. And that was just
2 one tower, and I believe there was also another
3 accident where another pilot lost his life. So you
4 don't have to have a whole bunch. You have to have
5 something out there that you have to fly around, and
6 you have to maneuver around and it creates a hazard.
7 So you are creating a definite hazard for life. One
8 other thing I'd like to address when you pick up a
9 classified ad today in the Appeal Democrat and flip
10 through it, on the vision or the destroying your view
11 of the Buttes, when you look at that classified ad
12 and there will be probably a half dozen right there,
13 right now that says clear view of the Buttes. Now
14 when Mr. Massey comes in here and states he built his
15 house out there where he wanted, it's a beautiful
16 home, one of the nicest in Sutter County, and with
17 his view of the Buttes, you are going to change that.
18 It really doesn't make sense, but you really, really
19 need to take into account the economic damage that
20 you are going to do to the people in this area, and
21 safety of the people who are going to do the crop
22 dusting.

23 COMMISSIONER MOORE: Thank you, Supervisor.
24 Anyone else? Brad, do you have something else you
25 want to add?

26 MS. FOSTER: When you say you can go only 56

1 by what's in the record, when a judge -- I'm assuming
2 that you are sitting here as a judge.

3 COMMISSIONER MOORE: I'm sitting in a quasi
4 judicial position.

5 MS. FOSTER: When I heard this crop duster
6 testify and of course I'm sitting back there saying,
7 "I know he's a pilot, so he's able to weigh some of
8 this out," and I'm wondering if a judge doesn't have
9 to weigh credibility of a witness. That's what we
10 were assuming. We were sitting here going, "He can
11 see through this." It was too bad that we couldn't
12 have our own crop dusters come. But when we came in
13 this interview process, we weren't allowed to bring
14 in any witnesses.

15 COMMISSIONER FAY: Do you know why?

16 MS. FOSTER: Believe me, I know why, but it
17 seems to me a simple thing would have been to have
18 somebody come in from the other side and say, "This
19 is what you have as a crop duster." You were more
20 than fair to let us in. It's like saying you can
21 swim with us, but we're tying your hands behind your
22 back. I think that you should be able to read
23 through some of this yourself. The other thing that
24 when Mr. Aiken was talking about the hazards, I can
25 see where this is setting us up for lawsuits as far
26 as Sutter County goes. And as much as I don't like 57

1 to coming to things like this, I'll be the first one
2 to contact the family and say, "I would love to
3 testify on your behalf against Sutter County." I
4 would work for a wrongful death suit. Might as well.
5 I spent enough time and money fighting this. And the
6 only thing I can think of is when I think of farm
7 land and transmission lines, I'm sure that some of
8 you have been to a motor cross race. I have a son
9 that loves them. That's all he talks is motor cross.
10 Can you imagine taking a motor cross complex and
11 stretching a cable cross it? That's what is this, in
12 essence, is doing, because you have to have crop
13 dusters with rice and big acreages that we're talking
14 about here. It's the same thing. You have a motor
15 cross complex, you are going to have motorcycles and
16 you are going to have jumping. Are you going to
17 stretch cable across it and say go for it? It
18 doesn't fit in. It's square pegs in round bolts. It
19 doesn't fit. So I think you really need to think
20 about that before this goes any further. That's all
21 I have. Thank you.

22 COMMISSIONER MOORE: Thank you. Brad?

23 MR. FOSTER: Rose hit on it a little bit.

24 In the papers that I got from Mr. Moore it stated --
25 I can't put it word for word, that there was no
26 witnesses to say, you know, dispute what the Cal-Pine58

1 witnesses said. And it didn't state in there the
2 reason there was because of our being late, being
3 that we were not allowed to bring witnesses in, we
4 pretty much just kept to asking questions and it
5 would be nice if that was written up in that piece so
6 people know that it's not like we didn't bring them.
7 It was because we were late.

8 Mr. Hunt kind of hit on it. It's like
9 people are coming out to the public, the area land
10 out there, and ask if they could build a power plant,
11 put up the power lines and everybody said no. You
12 went to the planning commission, they said no. It's
13 kind of like my 7-year old. You just keep asking. I
14 mean, if you are going to ask three times, if you ask
15 one more time that's going to be the decision, and I
16 guess we all knew that in the very beginning when
17 this all started. We hoped the Commission was going
18 to see things our way. It didn't happen.

19 Reliability of power, this is a big thing.
20 At least I was told it used to be before these
21 merchant plants come around. It is a big concern on
22 how reliable the power was. A couple years ago the
23 levee broke and flooded the meridian area. It would
24 have been easy to go the other way and put this plant
25 out of commission. The liability is no longer there.
26 We want a reliable plant or no plant at all. They 59

1 brought in a retired pilot who is out of the area.
2 They didn't bring a pilot in from our area. He was
3 not from our area. He said he worked in this area.
4 When I realized I didn't question him properly on
5 this certain piece of property, he wasn't familiar
6 with the area so he really couldn't get a good
7 testimony on how he would work in that area. Being a
8 retired pilot, he may not realize that the new drift
9 rules on herbicides or pesticides isn't what it was
10 five years ago. It's a lot stricter. The County is
11 constantly out there. You put it the use report and
12 notice of intent you have to tell them 24 hours
13 before you do it, and they literally come out and
14 watch you do it to make sure you are doing that.
15 Because we cannot drift certain material. Five years
16 ago you wouldn't have seen that. Rules have changed.
17 Things are getting tougher. And the power lines
18 aren't going to make it easier.

19 Thirteen years I worked in construction in
20 a rock pit in Rock Valley Road. For 13 years I went
21 across it. Two full size vehicles better pay
22 attention and slow down to get across. In 13 years,
23 no problem. One night coming home an elderly lady
24 was coming home and I literally had to rub the guard
25 rail in order not to hit her. Put a power line, the
26 crop duster has to go underneath it.

1 That crop duster when he takes his off,
2 he's not going to keep coming down the road. He's
3 going in a pile. In here I saw where it stated that
4 Cal-Pine was going -- the energy commission was going
5 to make Cal-Pine paint the old plant so it's not so
6 rough on our eyes. They were going to make them
7 change the lighting so not to make it so rough. Why
8 is it that you can make them do this, but you don't
9 have the authority to quiet down the old plant? It's
10 just a question.

11 I was out duck hunting with my boy here on
12 junior hunting day. Went down to Bolt Road and ran
13 by a couple of people and I said, "What do you think,
14 guys? In a couple of years, this is going to be a
15 paved road. Right now your blinds are something like
16 100 yards off the dirt road." And how are we going
17 to pay the this road? Right now the only people that
18 are out there most of the time are people that belong
19 out there because access is so limited. You pave
20 these roads, you open up access, and like I said,
21 dumping, trespassing, vandalism. It all comes with
22 it. We have dumping and vandalism now, but along the
23 paved roads the dumping is a lot worse. Vandalism,
24 we all try to keep an eye on it.

25 The water -- there are big issues about
26 3,000 gallons a minute using more than our share. 61

1 Right now to this date that piece of property uses
2 more ground water for any agriculture crop
3 surrounding that area. They are going to add a
4 175 gallons to the new plant. Who will guarantee
5 that that number will not change? Let's say their
6 dry cooling is not as sufficient. Are they going to
7 have to start pumping more water to make their dry
8 cooling more sufficient?

9 Is there going to be a line drawn about how
10 much water is going to come out? Some sort of
11 guarantee, 'cause they are going to build their
12 plant, guarantee no more than 850 gallons of water?
13 We don't want the plant, but if you are a able to
14 give us guarantees -- and I read that statement
15 earlier, and you think about it a little bit. A lot
16 of these ERCs are six years old. Two years from now,
17 they will be back on line 'cause that's how long it
18 would take to build the plant. There's no way it
19 will clean the air. Sure, on paper it cleans the
20 air, but realistically it doesn't. Our air has
21 gotten worse over the past six years, and now they
22 are going to bring them back on 'cause you are
23 telling us the air is going to get cleaner. The only
24 way you can offset that plant and not damage our air
25 is by finding 205 emission reduction credits the same
26 day you want to start that new plant. And the only 62

1 way you are going to find those is shutting down
2 Greenleaf one. Then you are actually going to help
3 clean our air or keep to adding from our air
4 pollution by literally stopping pollution the same
5 time you start the new one.

6 COMMISSIONER MOORE: Brad, can you remind
7 me of something that was earlier? If you had to
8 retire an acre of rice land, what's it worth on the
9 market?

10 MR. FOSTER: Excuse me. There was
11 properties for 37,500 down on O'Banion Road that
12 didn't sell, but one acre --

13 COMMISSIONER MOORE: I'm just using an
14 average value.

15 MR. SHANNON: Basically, the last piece of
16 property that was sold out for \$2,600 an acre. There
17 was a piece of property across from my house at 2600
18 that hasn't had a touch. So you are look being at
19 2600.

20 COMMISSIONER MOORE: And how many tons in a
21 good year?

22 MR. SHANNON: The county average two years
23 was maybe 85 sacks which was 8500, four and a quarter
24 tons.

25 COMMISSIONER MOORE: Okay. Thank you.

26 MR. FOSTER: Phase 2 --

1 COMMISSIONER MOORE: Of your talk?

2 MR. FOSTER: The 23 miles of transmission
3 lines no one wants to talk about. I can see they
4 would never be built in California. I understand
5 that. But to say that no one is really dead set that
6 we're not going to look at it, I mean, why didn't
7 they look at the other project the 30-mile one or the
8 44? They looked at it, nothing is set in stone on
9 this other. You build this plan to make the power
10 more reliable, but after the plant is built, I bet we
11 look at it different. I'd be able to bet on five
12 years of your salary, that if that plant goes that
13 transmission line will go.

14 COMMISSIONER MOORE: Thank you.

15 MR. HUNT: In other words, put it in the
16 Ranch Seco, that's where they want the electricity
17 any way.

18 COMMISSIONER MOORE: You are going to wrap
19 it up for us, Mike.

20 MR. SHANNON: I wanted to come back up, but
21 since you said this is going to kind of debate what
22 you said in this, what you wrote in this report I was
23 going to write a letter to you.

24 COMMISSIONER MOORE: You can still write it
25 in a letter.

26 MR. SHANNON: I probably will. One of the 64

1 concerns as you heard many times is the effect on the
2 values of the real properties out there. And it said
3 that the -- wrong one. Any ways, basically in your
4 study, it was hard to come up with a value if there
5 is any loss to the properties out there. About a
6 month ago, I was talking to one of my bankers. His
7 name is Craig Henny. And I asked him, "In your
8 opinion, would this have any effect on the value of
9 my property?" He said, "No, I don't think it would."
10 I said okay. I said, "Craig, would you buy a house
11 next to mine or next to the plant?" And he said,
12 "No, I wouldn't."

13 "So that means automatically, if I sell my
14 house and if you are looking for a house, I have now
15 taken one potential buyer out, and he says, "Yes."

16 "So that devalues my property," and he
17 says, "Yes," I think that's right." So I don't know
18 how you come up with a value of loss, but there's
19 definitely going to be a value of loss. This other
20 part in here that kind of got my attention, it said
21 that the loss of production totally was 94 pounds of
22 rice. And I'm taking that 94 pounds of rice per acre
23 along those wires, which means on a normal year or an
24 average year, you are looking at probably 100 sacks.
25 We are talking about one sack which is less than
26 1 percent. Now I can guarantee you that if a plane 65

1 doesn't get in close enough to do a good seeding
2 rate, that's automatically going to cost you yield.
3 I have a field with wires that go across the center
4 of my field. The only way I can get a good seed out
5 of it is to buy 30 to 40 sacks of rice, that costs me
6 16 and a half dollars a sack. My crop duster is nice
7 enough to cross these wires length wise over the
8 wires, which I don't get a good seeding coverage, but
9 I do get enough seed in there to grow crop. Before I
10 did that, that field averaged about 78 sacks. Since
11 I've been doing I'm up to about 83 on that field. So
12 it shows that those wires go from one corner to the
13 field right across the middle, so it takes up
14 probably 25 acres, 30 acres. So there are areas that
15 I don't have any seed at all. If the wind is blowing
16 or if it doesn't come out of the plane just right,
17 you don't get good seeding coverage, so basically 94
18 pounds per acre, I think this estimate is way off on
19 what the damage of wires can do to a field. And the
20 other thing too, is that you have a weed control
21 problem and you have an insect control problem. And
22 if you do a poor job of putting the seed on and then
23 you do an inadequate job of doing the herbicides, and
24 they are either a granular that goes in the water and
25 that shouldn't hurt too bad, but to contact the
26 herbicides, you need to contact the property.

1 Otherwise you'll have a weed problem. So if you have
2 a weed problem, a less than normal sand of rice and
3 insect problem, you could very easily look at 50
4 sacks. Now you are talking about \$500 of major loss
5 if you are using 10 installer sack. We can go up and
6 down depending on the year.

7 But 94 pounds depending on the acre, I know
8 for a fact it is way, way off. Okay.

9 COMMISSIONER MOORE: Thank you very much.
10 I didn't mean to imply that.

11 MR. GONZALEZ: I wasn't going to say
12 anything, and then I came here. My name is Burt
13 Gonzalez, and I am a biased Cal-Pine employee. I
14 really don't know where to start. I won't be long,
15 but basically I totally support the decision up to
16 this point.

17 COMMISSIONER MOORE: Proposed decision.

18 MR. GONZALEZ: Proposed decision. I have
19 to say for all these people here and I have to look
20 at them that everybody here has a legitimate, and
21 this is a free country everybody can come here and
22 they have legitimate concerns, and I personally
23 respect all these people's concerns. I know some of
24 them personally. If I have any fault with my own
25 company or a fatal flaw that I might find with
26 Cal-Pine, is just the fact that maybe they've taken 67

1 the high road a little too much, and in a sense that
2 we've been slandered here. People would come up and
3 say whatever they want to say about Cal-Pine. As a
4 Cal-Pine employee, I take that personally because
5 when you look at these guys here, they are talking
6 about me. They are talking about the 20 something
7 employees that work here. I've been a resident of
8 this community for 24 years, and so I have concern
9 for the community. I might be speaking a lot of
10 things at once. I have to say for the record I
11 didn't get a chance to talk to Dick, but I just moved
12 into his district and bought a home. And I've tried
13 to get ahold of him and I'd like to say for the
14 record that when he's standing up here as a
15 supervisor, he's not representing what I feel or my
16 position. He has a right to do that, but I'm just
17 saying that we definitely don't agree as far as
18 his -- I'm taking it from his stance here that he's
19 definitely opposed to the project. But what I would
20 just like to say is for the most part, you know,
21 bottom line that piece of property out there has not
22 been farmed since 1984. There's an existing plant
23 that's been there since '89 and we're proposing to
24 put another plant. And I know there was a comment
25 made that why isn't that land being farmed. Now it
26 would almost be like if Cal-Pine was saying we want 68

1 some of this farmer's land to build this plant, is if
2 someone were to come to us and say, "Hey, you are not
3 doing anything with that land. Why don't you allow
4 us to farm it," and this is Cal-Pine's land.
5 Cal-Pine owns it and that is the best site in this
6 county for us to put that project there. And so more
7 than anything else, I'm just thinking that, and
8 they've instructed us, like these are some of the
9 things that I have a hard time with this, is when
10 people say that Cal-Pine has the support of the
11 community. A lot of the things that I think these
12 people have a problem with I would say LSE the
13 company that Cal-Pine bought this plant from, which I
14 used to work for them. I guarantee, I wouldn't be
15 standing here putting my reputation on the line for
16 that company. And the only reason why I'm here is
17 not because I work there, just because of the kind of
18 people that I know that they are and how they treated
19 us. They didn't have to raise our wages from what
20 LSE paid us. There's a lot of things that they've
21 done from us and they've done in this community from
22 the minute that they've came, and that's just policy
23 and procedure, where they've made it known to us as
24 they were initiating us to the Cal-Pine way. "Hey,
25 we support the community. If there's something out
26 there and you let us know." In the circle of friends69

1 and the people that I know, everybody knows about
2 Cal-Pine. We all have our difference of opinion,
3 that's fine, but more than anything else, I'd say
4 that they were the ones that instructed us because
5 some of us are more passionate than others that work
6 for Cal-Pine and work in the community about how we
7 maybe should have gone about doing some things. And
8 they specifically told us don't slander any farmers.
9 Don't say anything about any of your neighbors and I
10 know of some personally, and some of the people that
11 are opposed. So I just want to basically -- I just
12 want to close by saying that there's a lot of heated
13 emotion in all these things, and I understand some of
14 the people's frustration, and understand mine a
15 little bit, that you are going through this process
16 here, everybody is speaking their mind, and yet at
17 the same time, just take a look at what Cal-Pine has
18 done to this point.

19 The things that they have mitigated and
20 it's a lot, and maybe some people might think well
21 they are a big company, they've got all this money,
22 that 25 to 30 million dollars, that decision right
23 there was not just "okay. Let's just do it. No
24 problem." That took some thought. And so those are
25 the kind of things where they are considering. It
26 might not seem like a lot, but they are trying to 70

1 consider the people that are here. They are trying
2 to take that into consideration. And you can slander
3 that however you want and say it's for profit or
4 whatever, but really those are things they really
5 don't have to do. And they are not trying to push
6 their way and they are trying to at least be
7 sensitive. And so that's all I have to say.

8 COMMISSIONER MOORE: I appreciate it.

9 MR. DONALDSON: My name is Mr. Donaldson as
10 you all know and I live just south of the plan of the
11 proposed plant on south. We have discussed this at
12 other meetings and with a certain number of people,
13 however, for the record I would like to say that one
14 of my main concerns is I have a 60,000 volt line and
15 a 12,000 volt line from PG&E, and they run right --
16 not directly over my house, but in front of my house.
17 I live underneath it. Now, one of my main concerns
18 is electromagnetic field in conjunction with a health
19 problem. So I have not read your new manuscript this
20 morning, however, if it has not been considered I
21 think that we should look into that. I don't feel
22 that I need another 250,000 volts added to this
23 electromagnetic field in my living area. Thank you.

24 COMMISSIONER MOORE: Okay. Rosie, you
25 really are going to be the last one.

26 MS. FOSTER: I have a couple of things to 71

1 add to what Mr. Gonzalez said. We are passionate
2 about this, that's for sure. You touched on the
3 subject earlier, you asked Mike about what the sales
4 were. It's hard to tell because it goes from
5 generation to generation to generation. Nobody
6 sells. We keep it. It's not for sale, that's why
7 eminent domain is a problem. He also talked about
8 farming that piece of property and how it's
9 Cal-Pine's and they should do with it as they wish.
10 Yes, but when they applied for the original use
11 permit and it's in the minutes.

12 COMMISSIONER MOORE: In the record.

13 MS. FOSTER: Yes, but that it would remain
14 in agriculture. Another thing, this was in the paper
15 yesterday because. It is funny, because it is
16 somebody from Aptos near San Jose, writing to
17 complain that in our little local paper, that
18 Cal-Pine has been mistreated and from what we can
19 gather, they have just had to jump through the normal
20 hoops that all power companies would have to go
21 through. And when I hear about the 25 million that
22 they threw in, and how that's a hard decision, I have
23 to say that with a 17 year old, we went to a very
24 private meeting in Bonanza, neighbors of Cal-Pine,
25 and it was last June, and it was the grandson of Andy
26 Siller who will be one of these people that they 72

1 refer to being boxed in by the power lines, a 17 year
2 old kid and he was in the high school and he had the
3 forethought on the dry cooling. And when it was
4 brought up that night, we were concerned about the
5 \$7 million gallons of water decision. Cal-Pine told
6 us that it was not feasible, that it could not be
7 done. That was in June and I believe it was in
8 September that the new offer was made. I don't think
9 that in three months that that technology came into
10 view. I think that was always there. It's kind of
11 they started out with Plan A, that was the cheapest
12 plan, and they've gone to Plan B, Plan C, as they've
13 had to. Anybody would take the cheapest route. Here
14 is -- I'll give you this also. You can look at this
15 at your leisure.

16 COMMISSIONER MOORE: Thank you. I'm going
17 to close it up now and tell you thanks. Thanks in a
18 lot of different ways for all of the meetings that
19 everyone attended and the help that you've given.
20 This is open for 10 days. And if you have other
21 comments you want to submit them in writing to us,
22 we'll make sure that they get into the docket. I
23 promise you I will take your comments seriously and
24 we'll incorporate them into my thinking in terms of
25 revisions that I offer to my colleagues, and to my
26 seat mate who shares the committee with me,

1 Commissioner Keese. So with that --

2 COMMISSIONER FAY: Just before Commissioner
3 Moore closes, I want to point out again that the
4 comment period closes on February 19th. It's the
5 last day to submit comments for the record, and that
6 our schedule now is that no later than March 2nd
7 there will be a revised version of the baby blue
8 document of the proposed decision. A revised
9 decision will come out and I encourage you to look at
10 it. And I believe the committee will probably have a
11 committee conference on that sometime around
12 March 11th, if people want to bring in comments on
13 the revisions. Again, everything is narrowing down
14 just to be limited on the revisions. And at this
15 point it looks like the energy commission will take
16 up -- the entire industry commission will take up the
17 proposed decision for it's final action on the
18 adequacy on the proposed decision at its business
19 meeting on March 17th. What the commission proposes
20 to do is rule not on whether the plant can be built
21 and operated at that time, but whether or not the
22 environmental review and all other aspects are
23 adequate. In other words, it would be a final
24 decision that Sutter County could use as the
25 environmental document to make its land use decision.
26 As you know, there's a proposed general plan

1 amendment. And sometime after March 17th, the county
2 would address the land use question, and then after
3 that has been decided by the county whichever way it
4 goes, then the energy commission would make its final
5 decision on whether the plant could be built.

6 And that final decision would be limited to
7 just the question of does the land use comply based
8 on what Sutter County decides. So I just wanted to
9 lay out the schedule.

10 And the March 17th meeting of the full
11 engineer commission and the subsequent meeting after
12 Sutter County addresses the land use question, both
13 of those will be at the energy commission in
14 Sacramento, and will be decided by the full energy
15 commission.

16 MS. DETTLING: Where do we get a copy of
17 the new report?

18 COMMISSIONER FAY: Roberta, could you stand
19 up. Ms. Mendonca is a our public advisor. If you
20 give her your name and address.

21 COMMISSIONER MOORE: You can also get a
22 copy, by the way, on the website. If you go to our
23 website and look under my name, you'll find the
24 proposed decision and download it in the HTML format.

25 MR. ELLISON: I wanted to say something
26 quickly. First of all, to thank Mr. Gonzalez for his75

1 comments personally. It's difficult for us to sit up
2 here, personally, and I appreciate what he had to
3 say. I want to clarify for the record that we did
4 not ask Mr. Gonzalez to make that statement. And for
5 those of you who are new, the rules of the game here
6 are that we don't want to get into a debate and so we
7 do not respond to public comments in these
8 proceedings, but we do have responses or answers or
9 concerns. And we would invite any of you who would
10 want to come to us after this meeting, to talk to you
11 about this. We think there is a lot of
12 misinformation about this community about these
13 issues. So, mainly I want to say that to make clear
14 that if you didn't hear a response here, please don't
15 construe our silence as agreement. Please don't
16 construe our silence by not having any response to
17 these concerns.

18 COMMISSIONER MOORE: Mr. Richins? Nothing.
19 With that I thank you all very much personally for
20 the effort and the energy put into this. Thank you.

21 (The hearing was adjourned at 12:00 p.m.)

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CERTIFICATE OF TRANSCRIPT

I, Theresa Aguilar, as the Official
Transcriber, hereby certify that the attached
proceedings before Chief Hearing Officer Moore,
California Energy Commission,

In the Matter of:)	Docket No. 97-AFC-2
)	
Application for)	
Certification for the)	
Sutter Power Plant)	
(SPP))	
)	

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