

Closing Remarks – Miscellaneous

Scheer: So before our closing speaker shows up, we're going to give it a shot and give it back to you [unintelligible]. So hopefully we'll get close to that, and so Brad, you're back up to do that.

Poston: Thanks very much. There were a number of questions that you folks asked in advance. We're going to try to post those for you as quickly as possible and give you the dates, or a date, or a target, for when we'll do that. We'll certainly post them by next week, early. The key issues that I have were the lien on the property, the tax questions, Buy American, Davis Bacon, and perhaps an attorney's forum on a host of those issues or part of those issues.

I did want to remind folks that we have, as I pointed out, a document that's very much a draft. There are certain areas it does not yet address. Some of the things that we owe you in there are items or language about data collection, cyber security (as we've just heard), the impact of the public utilities commission or city government or whatever your approving organizations are—if they do not approve your project—we'll have language for that. We will look for some language that will have a downward opening. If you don't have audit information and we have to go get one, we'll have it in there. And the last one I have for language that we'll need is a complete set of the reporting requirements and have those finalized.

Another item I have for us is a list of all the websites and why you might want to know which one. I do apologize. There have been a ton of them. We probably should have had a chart with that early on.

We're going to get onto the NEPA folks who are not categorically excluded as quickly as we can.

And the last one I have is that we will address the vendor versus recipient in the award. I freely admit I didn't quite agree with one of our earlier speakers, so we'll get that for you.

And that was my list of things. If there's anything that I haven't addressed that was part of mine, I'd be glad to take a note and...

Scheer: ...if you want to get up at the mike and tell us what it is...

Poston: Or you can email. Listen, again, thank you very much for coming and for your time.

Macdonald: All right, let me see if I can recap. I think Brad captured several of the things I was going to speak to as well—some of the key things. Trying to get a single place to go to get all these prospective requirements into place. There was another one that came up about something that helps to lay this out in a little more of a stepwise process, kind of a step-by-step way to look at walking through these reporting requirements for people, to

try to make that easier yet. Again, the need to make sure that we do clearly get these expectations defined for you all going into the negotiations, not to come up with them halfway through that process. I understand there's varying viewpoints, both on what I heard when I was up there and what I heard after I was up here, about quarterly versus monthly reporting. We'll have to grapple with that throughout this negotiation process, actually.

I think Brad covered most of the other things I had. Are there major things that I missed on project controls? Yes, sir.

Q: The definition of travel. I think we concluded that utility crews that are traveling to install stuff, that's not travel that's excluded. So what other things are travel that could be excluded?

A: I'll try to take a cut at that right now, a bit. If I go too far, somebody has arrived here this afternoon who can stop me. If there is something that goes on in the normal course of your business that you do to execute your work—and again, crews that go out to do installations, repairs, things like that, that's the normal course of business. And another way to think about this is, if somebody's traveling to go install meters, that travel to get to that house is effectively like an installation cost, right? It's not really travel. And while I haven't ever read the legislative language, I think what they were probably getting at in there is that they didn't want people running around to big group meetings, sort of like this one... Christine? This is Christine Taylor, who actually is with the Office of Counsel.

Taylor: I apologize for arriving late. I think it's helpful to discern travel versus transportation. Transportation is what we do in the normal course of trying to get the job done, going from job site to job site and so on. Taking equipment out and installing it. That would be transportation. I think Don's description of travel is right: it's more like this. Coming here, staying in hotels, having meetings. Hope that helps.

Q: Vendors coming on site to do work, traveling Monday–Friday kind of a thing, back and forth. Is that the normal course of business?

Macdonald: My sense of what the normal course of business is, is when you have a vendor who has to travel to your location to meet with you, to discuss design information... Let's say you went to a Landis + Gyr, somebody like that, for your meters, and they're going to do the design and the install and all that—then that's a part of the normal course of business. If the vendor decides the vendor's going to go off to a conference to talk about smart grid stuff, that probably is not transportation in the context of performing the project work.

This is not a clear area at all, and we'll work with everybody to try to get through this in a reasonable and rational fashion. Another thing Christine brought up this morning as an analogy: I'm actually a government employee based in Idaho, in the DOE Idaho office. The Idaho National Laboratory in Idaho, the major facilities are actually located 60 miles away. If you're working out there at any of those facilities, you drive 60 miles each way

each day. If I go out there during the day, I'm not "on travel." That's transportation to the job site. For me, for example, if I had to go out of town for a meeting, it's an airline ticket, it's a hotel, to go for a specific purpose like this that's not directly related to the execution of the job day-to-day, that's what I think travel is. So hopefully that provides some additional clarification.

Taylor: And one more item, protecting the information from disclosure. I raised it in a subsequent discussion. But it related to information—

Macdonald: Information confidentiality, yes.

Q: Brad made a comment that all those who were not categorically excluded under NEPA would be contacted. Will those who are be contacted?

A: Yes, thank you for that. There was a lunchtime discussion involving this. I understand that counsel office in various organizations may be looking at that, so we will provide a specific communication to you that says definitively you're categorically excluded or not. Don't take this to the bank 100 percent, but my recollection is, everybody that we've awarded, we've completed a categorical exclusion on. I think everybody who's receiving an award is categorically excluded under NEPA. We'll get that communication to you in the very near future. Hopefully we can get it to you some time early next week or before Thanksgiving. We'll work on that; that's another action item I took.

Scheer: Other questions? Comments? Concerns? Ideas?

Macdonald: The bottom-line message that Pat was going to deliver is the same message that Matt tried to deliver this morning. And that is that the Department of Energy really is excited about this work and excited about these grants. And we really do look forward to working with you to a successful conclusion on these 100 projects. At the end of this, we hope we can look back and be proud of what we've accomplished and having been a part of something that does mean something.

With that, I apologize for Pat getting tied up in the classic Washington, DC traffic. Thank you all again for coming, particularly because of this travel issue. I think it's a testament to your commitment that you were willing to go ahead and eat the cost on this and come engage in this discussion. We look forward to doing these negotiations in an expeditious manner and resolving issues quickly so we can get the awards done and get you people to work. So thank you for coming.