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Project Title:	RB Inyokern Data Center (RBIDC)
TN #:	270094
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*Comment Received From: SARAH L OUTERBRIDGE
Submitted On: 5/19/2026
Docket Number: 26-SPPE-01*

Formal Objection and Demand for Denial Improper Application Procedure; Anti-Segmentation Violation; Unlawful Use of SPPE Process

This objection is submitted pursuant to California Code of Regulations, Title 20, Â§1704, and Public Resources Code Â§21167. The objector is a California resident, Kern County property owner with a direct legal interest in the environmental and land-use decisions affecting this community.

This objection demands that the Commission deny the SPPE application as improperly filed and require the applicant to submit a full Application for Certification (AFC) under Public Resources Code Â§25500. [1] The grounds are threefold, each independently sufficient for denial: (1) the application was filed in the wrong regulatory process because total installed generating capacity exceeds 100 MW; (2) the application constitutes impermissible CEQA anti-segmentation of a 198 MW combined project into a 99 MW SPPE filing; and (3) the applicant's own marketing materials and SCE's confirmed infrastructure commitments make it legally and factually impossible to evaluate Phase 1 in isolation from Phase 2.

These are not technical arguments about permit conditions or mitigation measures. They are threshold procedural objections: the SPPE process is unavailable for this project as designed and disclosed. The Commission lacks authority to grant an SPPE for a project whose combined scope requires full AFC review. Granting the SPPE would violate CEQA and the Warren-Alquist Act and would be subject to immediate judicial challenge by writ of mandate under PRC Â§21167 and Code of Civil Procedure Â§1094.5.

Additional submitted attachment is included below.

FORMAL OBJECTION TO APPLICATION

DEMAND FOR DENIAL OR CONVERSION TO FULL APPLICATION FOR CERTIFICATION

California Energy Commission — CEC Docket No. 26-SPPE-01

RB Inyokern Data Center — R&L Capital, Inc.

Application for Small Power Plant Exemption Pursuant to PRC §25541

Inyokern, Kern County, California | May 2026

Submitted by: Sarah Outerbridge **Date:** 5/19/2026

TO: The Honorable Commissioners, California Energy Commission

RE: Formal Objection and Demand for Denial — CEC Docket No. 26-SPPE-01, RB Inyokern Data Center — Improper Application Procedure; Anti-Segmentation Violation; Unlawful Use of SPPE Process for a 198 MW Combined Project

I. PRELIMINARY STATEMENT

This objection is submitted pursuant to California Code of Regulations, Title 20, §1704, and Public Resources Code §21167. The objector is a California resident, Kern County property owner with a direct legal interest in the environmental and land-use decisions affecting this community.

This objection demands that the Commission **deny the SPPE application as improperly filed** and require the applicant to submit a full **Application for Certification (AFC)** under Public Resources Code §25500.

⁽¹⁾ The grounds are threefold, each independently sufficient for denial: (1) the application was filed in the wrong regulatory process because total installed generating capacity exceeds 100 MW; (2) the application constitutes impermissible CEQA anti-segmentation of a 198 MW combined project into a 99 MW SPPE filing; and (3) the applicant's own marketing materials and SCE's confirmed infrastructure commitments make it legally and factually impossible to evaluate Phase 1 in isolation from Phase 2.

These are not technical arguments about permit conditions or mitigation measures. They are threshold procedural objections: the SPPE process is **unavailable** for this project as designed and disclosed. The Commission lacks authority to grant an SPPE for a project whose combined scope requires full AFC review. Granting the SPPE would violate CEQA and the Warren-Alquist Act and would be subject to immediate judicial challenge by writ of mandate under PRC §21167 and Code of Civil Procedure §1094.5.

II. GROUND FOR DENIAL NO. 1 — IMPROPER APPLICATION: TOTAL GENERATING CAPACITY EXCEEDS 100 MW

A. The Statutory Framework and the 100 MW Ceiling

The California Legislature created the SPPE process for small, standalone power plants between 50 and 100 MW.⁽¹⁾ Public Resources Code §25541 authorizes the Commission to grant an SPPE only upon finding that the proposed facility 'does not exceed 100 megawatts.'⁽¹⁾ The CEC's own regulatory program confirms: 'The SPPE program allows CEC to exempt from its licensing authority thermal power plants that do not

exceed 100 MW.^[2] This ceiling applies to the **total installed generating capacity of the project** — not merely the capacity dedicated to one load category.

B. CEC Precedent: All Generators Count Toward the 100 MW Threshold

The Commission's own precedent is dispositive. In the **San José Data Center 04** proceeding, the applicant disclosed 'thirty-two 3 MW primary emergency generators, two 0.5 MW administrative emergency generators, and two 0.8 MW storage tank area emergency generators' — all separately categorized and all counted toward the SPPE capacity determination.^[3] In the **STACK SVY03** proceeding, the Commission's Executive Director required the specific finding: '*The generating capacity of the project will not exceed 100 megawatts.*'^[4] The critical phrase is '*the project*' — encompassing all generators on site, of all types, for all purposes.

C. The RB Inyokern Application Already Exceeds 100 MW on Primary Generators Alone

The application proposes forty (40) Cat 3516E generator sets rated at 3,000 kW each standby.^[5] $40 \times 3,000 \text{ kW} = \mathbf{120,000 \text{ kW (120 MW) nameplate capacity}}$ from primary generators alone — 20% above the SPPE ceiling. The application acknowledges this in its own CEC project summary: 'forty (40) diesel-fired generator sets... used exclusively to provide up to 99 megawatts (MW) of backup emergency generation.'^[6] But the CEC counts nameplate capacity, not operational load, toward the 100 MW threshold. 40 units at 3 MW nameplate = 120 MW — regardless of what load percentage they serve during operation.

D. Mandatory Additional Generators Push Capacity Further Above 100 MW

Beyond the primary generators, the facility requires — as a matter of code — separate dedicated generators for the fire pump system and administrative life-safety loads:

- **Fire pump generator — required by NEC Article 695:** The National Electrical Code requires fire pump supply conductors to be 'entirely independent of all other wiring.'^[7] NEC §695.3(A) requires the power source to carry the locked-rotor current of the fire pump motor. At the required 3,000 GPM fire flow,^[8] the fire pump motor is approximately 300 HP, requiring a dedicated generator of 500–750 kW minimum. This generator cannot share the IT bus and must be counted separately per NEC Article 695^[7] and San José DC04 precedent.^[3]
- **Administrative life-safety generator — required by NFPA 110 and NEC Article 700:** Emergency egress lighting, fire alarm systems, and life-safety communication systems require dedicated emergency power per NFPA 110 Level 1 standards^[9] and NEC Article 700. Consistent with the San José DC04 precedent (0.5 MW and 0.8 MW administrative generators^[3]), a minimum 500–1,000 kW dedicated administrative generator is required.

Total minimum installed generating capacity: 120 MW (primary) + 0.5–0.75 MW (fire pump) + 0.5–1.0 MW (administrative) = **121.0–121.75 MW — exceeding the SPPE ceiling by 21–22%.**^[1,2,3,4]

GROUND FOR DENIAL — Wrong Regulatory Process: The application's total installed generating capacity — counted per CEC's own precedent in San José DC04 [3] and STACK SVY03 [4] — exceeds 100 MW. The SPPE process is legally unavailable. The Commission must require a full Application for Certification under PRC §25500 [1]. The current SPPE proceeding must be denied.

III. GROUND FOR DENIAL NO. 2 — CEQA ANTI-SEGMENTATION: THE TRUE PROJECT IS 198 MW

A. The Laurel Heights Doctrine

The California Supreme Court established the anti-segmentation doctrine in *Laurel Heights Improvement Assoc. v. Regents of the University of California* (1988) 47 Cal.3d 376.^[10] The Court held that CEQA requires lead agencies to evaluate 'the whole of an action' and prohibits the piecemeal division of a single project into phases to avoid comprehensive environmental review. CEQA Guidelines §15378(a) defines 'project' as the 'whole of an action,' and Guidelines §15003(h) expressly prohibits project segmentation to reduce the apparent size of a project below an applicable threshold.^[11]

Laurel Heights establishes three conditions for mandatory combined analysis: (1) the future phases must be **reasonably foreseeable** at the time of initial filing; (2) the future phases must involve **related impacts**; and (3) the project must be **divided to avoid more comprehensive review**. All three conditions are satisfied here with documentary precision.^[10]

B. Condition 1: Phase 2 Is Unmistakably Reasonably Foreseeable — Not Speculative

Reasonable foreseeability is typically the most contested Laurel Heights prong. It is not contested here. Phase 2 is documented in the applicant's own commercial marketing materials, confirmed in writing by SCE, and supported by a second active MOS study filed with SCE during the SPPE review period.

1. The Cushman & Wakefield Marketing Brochure

The applicant's retained real estate agent, Cushman & Wakefield, publicly marketed Phase 2 capacity to prospective hyperscale tenants simultaneously with the Phase 1 SPPE filing. The Cushman brochure states explicitly:^[12]

"Southern California Edison (SCE) has confirmed that there are no system-wide upgrades required and they can support a total of 99 MW by 2029. An additional Method of Service (MOS) is expected to be issued within the next four months, delivering an extra 99 MW to the site by 2030-2031."^[12]

This statement discloses three facts that individually and collectively establish Phase 2 as reasonably foreseeable beyond any credible dispute: (a) SCE has confirmed 99 MW of Phase 1 capacity; (b) a **second MOS study** for an additional 99 MW was already in progress at the time of the SPPE filing; and (c) Phase 2 has a specific delivery timeline (2030-2031). A project that has SCE infrastructure commitments, an active MOS study in progress, and a specific delivery date is not speculative — it is a committed commercial transaction.

2. The Two MOS Studies Are Proof of Two Independent SCE Service Commitments

SCE's MOS study process is governed by its published Method of Service Study application form.^[13] SCE conducts one MOS study per customer service request, evaluating infrastructure requirements for a specific maximum demand at a specific location. SCE does not issue two MOS studies for a single phased project — it issues one MOS study sized for the project's maximum anticipated demand, which the application form explicitly requires to include 'future expansions and if multiple stages or phases are part of the project.'^[13]

The existence of two separate MOS studies — MOS174 (March 30, 2026) for 99 MW^[14] and a second MOS for 'an additional 99 MW'^[12] — is conclusive proof that Phase 1 and Phase 2 are **separate SCE service commitments for separate project scopes**, not internal phases of a single service request. If Phase 2 were merely an internal phase of the 99 MW project, SCE would have sized MOS174 for 99 MW — the project's maximum demand. The existence of a second MOS study means SCE is evaluating an additional 99 MW **beyond** what MOS174 covers.

3. R&L Capital's Own Land Holdings Confirm Phase 2 Is Planned

The applicant's filed site plan shows R&L Capital, Inc. owning approximately 150–200 contiguous acres adjacent to the 50-acre Phase 1 footprint.^[15] The Phase 2 expansion parcels — at coordinates 35.649770, -117.779456 and 35.646680, -117.778563 — are R&L Capital-owned land approximately 1.7 miles east of the Phase 1 data center, positioned immediately adjacent to the Inyokern Substation.^[16] A developer who owns 150–200 contiguous acres in a configured industrial layout, has retained a global commercial real estate firm to market Phase 2 capacity, has obtained an SCE confirmation of 198 MW total availability, and has an active second MOS study in progress cannot credibly claim Phase 2 is speculative. *Laurel Heights* required only that future phases be 'reasonably foreseeable' — Phase 2 here is affirmatively confirmed.^[10]

C. Condition 2: Phase 1 and Phase 2 Have Directly Related Impacts

The second *Laurel Heights* prong — relatedness of impacts — is satisfied because Phase 1 and Phase 2 share every material environmental system. They are not geographically proximate projects with incidentally overlapping impacts. They are planned as components of a single hyperscale campus served by the same infrastructure:

- **Same aquifer:** Both phases draw from the Indian Wells Valley groundwater basin — confirmed critically overdrafted at 3.3× sustainable yield by USGS SIR 2026-5114 (March 2026).^[17] Inyokern CSD's single Well 03 cannot serve even Phase 1 reliably; Phase 2 doubles the demand on a system the SWRCB has formally ordered into mandatory consolidation.^[18]
- **Same transmission corridor:** Both phases connect to the Inyokern Substation on the 115 kV Haiwee-Inyokern and Kramer-Inyokern-Randsburg circuits — confirmed at 115 kV by SCE's own CPUC application^[19] (contradicting the Cushman brochure's false claim of 230 kV service, discussed in Section IV.C below).^[12] Phase 1's two 115 kV routes (Route 1: ~8,000 LF; Route 2: ~4,000 LF) serve the substation that Phase 2 will also use.^[14]
- **Same substation expansion:** The 300×300 foot customer POI on APN 084-010-48^[15] is sized for combined 198 MW capacity. For 99 MW alone, a 150×150 foot transformer bay is sufficient. The oversized POI footprint was designed from inception for Phase 2. Phase 2 is the infrastructure beneficiary of Phase 1's triggered substation expansion — sharing costs without sharing CEQA analysis.
- **Same air basin:** Both phases discharge diesel exhaust, ammonia, PM2.5, and combustion synthesis products (HCl, PBDD/Fs, HF) into the same Eastern Kern air basin, affecting the same sensitive receptors — including Inyokern School, confirmed at approximately 500–800 feet from the Phase 1 south generator yard per the filed site plan.^[15]
- **Same community:** Both phases affect the same 782 residents of a state-classified disadvantaged community,^[18] the same mobile home park immediately adjacent to the Phase 2 expansion parcel,^[16] and the same biological resources confirmed in the 2017 Initial Study (desert tortoise, Mohave ground squirrel, burrowing owl, bat species, and known cultural resources).

D. Condition 3: The Segmentation Is Deliberate and Designed to Avoid the AFC Requirement

The third *Laurel Heights* prong — that the segmentation is deliberate — is demonstrated by the confluence of three independently telling facts:

1. **The one-megawatt-below-threshold filing:** The SPPE application proposes exactly 99 MW of IT load — precisely one megawatt below the 100 MW AFC threshold^[1] — while simultaneously marketing 198 MW total capacity through Cushman & Wakefield.^[12] A combined 198 MW facility requires full CEC Certification under PRC §25500, not the expedited SPPE process. The deliberate underdisclosure of Phase 2 in the SPPE filing achieves a threshold-avoidance result that the CEC regulations were specifically designed to prevent.^[2]

2. **SCE's MOS form required Phase 2 disclosure and it was apparently not provided:** SCE's published MOS application form requires the applicant to include 'future expansions and if multiple stages or phases are part of the project' in the load schedule.^[13] When R&L Capital filed MOS174 for 99 MW^[14] while simultaneously having Cushman market Phase 2, the applicant either (a) disclosed Phase 2 to SCE in the MOS study but not to the CEC — in which case the sealed MOS study contains Phase 2 information the CEC is not evaluating — or (b) did not disclose Phase 2 to SCE — in which case the MOS application contains materially false load information. Either scenario is independently disqualifying.
1. **The three-phase internal build sequence confirms awareness of future expansion at time of filing:** The applicant's own cultural resources report (Appendix B, TN #269595) states the project is 'Constructed in three phases (35 MW → 70 MW → 99 MW).'^[20] A developer who structures their own internal construction sequencing as a three-phase buildout toward 99 MW, while simultaneously marketing a second 99 MW phase, cannot claim Phase 2 was not planned at the time of SPPE filing. The internal phasing toward 99 MW and the external marketing of Phase 2 are simultaneous, coordinated commercial activities.

E. The Legal Consequence of Anti-Segmentation

Under *Laurel Heights*, when all three prongs are satisfied, CEQA requires analysis of the full project scope before any phase can be approved.^[10] CEQA Guidelines §15003(h) states: 'CEQA applies to the whole of a project. The EIR or negative declaration shall reflect the whole of an action, not merely a portion of it.'^[11] The Commission acts as CEQA lead agency in the SPPE process. Granting an SPPE based on analysis of 99 MW while Phase 2 is already commercially marketed and SCE-confirmed at 198 MW would constitute a CEQA violation rendering the SPPE legally defective and immediately challengeable by writ of mandate.^[10,21]

GROUND FOR DENIAL — Laurel Heights Anti-Segmentation: All three Laurel Heights conditions [10] are satisfied: Phase 2 is confirmed by two SCE MOS studies and active commercial marketing [12]; Phase 1 and Phase 2 share all environmental systems and infrastructure; and the one-MW-below-threshold SPPE filing while Phase 2 is already marketed demonstrates deliberate avoidance of the AFC requirement [1,2]. The Commission cannot grant the SPPE without violating CEQA. The application must be denied.

IV. GROUND FOR DENIAL NO. 3 — PHASE 2 IS THE COST BENEFICIARY OF PHASE 1'S TRIGGERED INFRASTRUCTURE: THE PROJECTS CANNOT BE UNLINKED

A. The Substation Expansion Is Sized for 198 MW — Not 99 MW

The application discloses a 300×300 foot (90,000 sq ft) customer-owned Point of Interconnection on APN 084-010-48, housing two 60/80/100 MVA transformers.^[14] Engineering analysis establishes that two 100 MVA transformers in an N+1 configuration for a 99 MW load require a transformer bay footprint of approximately 150×150 feet — less than half the disclosed POI footprint. The additional footprint — consistent with two additional 100 MVA transformers for Phase 2 — was engineered into the site design from the beginning.

This is confirmed by the Cushman brochure's delivery timeline: Phase 2's 'additional 99 MW' would be available 'by 2030-2031.'^[12] For Phase 2 to connect to the grid by 2030-2031, the Inyokern Substation expansion and the 115 kV route infrastructure triggered by Phase 1 must already be complete. Phase 2 is

not only foreseeable — it is **structurally dependent** on Phase 1's infrastructure. Phase 2 cannot operate without Phase 1's substation expansion being in place. This is the textbook infrastructure dependency that *Laurel Heights* requires to be analyzed together.^[10]

B. The Inyokern Substation Serves Phase 2 at No Additional Infrastructure Cost to Phase 2

The Phase 2 expansion parcels — at 35.649770, -117.779456 and 35.646680, -117.778563 — are located approximately 1.7 miles east of the Phase 1 data center,^[16] immediately adjacent to the Inyokern Substation itself. Phase 2 does not require new transmission routes from the Inyokern Substation to a new point of delivery — the substation expansion triggered by Phase 1 is Phase 2's point of delivery. Phase 2 parasitically benefits from the transmission infrastructure, substation expansion, and SCE operational arrangements that Phase 1's MOS study triggered and that are being paid for — either by Phase 1's developer or by SCE ratepayers — without any analysis of Phase 2's contribution to or responsibility for those costs.

The CPUC has held in Decision D.06-06-066 that utility cost recovery requires disclosure 'so that the Commission and the public can satisfy themselves that the request is just and reasonable.'^[22] FERC's pending ANOPR RM26-4 (October 2025) — seeking comment on whether large load customers should pay 100% of triggered infrastructure costs^[23] — makes the cost allocation in MOS174 even more material: if FERC adopts participant funding, Phase 2's share of the substation upgrade cost must be separately analyzed. Phase 2 cannot receive free infrastructure benefits from Phase 1's MOS study without that cost allocation being evaluated in the full 198 MW AFC proceeding.

C. The 115 kV Voltage Misrepresentation Exposes the Marketing Materials as Unreliable

The Cushman & Wakefield marketing brochure claims the Inyokern Substation provides 230 kV service to the site.^[12] This claim is factually incorrect. SCE's own CPUC application for the Ivanpah-Control Project (A.19-07-015) identifies the specific circuits serving Inyokern as: 'Haiwee-Inyokern **115 kV** circuit' (Segment 1, approximately 126 miles from Control Substation) and 'Kramer-Inyokern-Randsburg No. 1 **115 kV** circuit' (Segment 2, approximately 48 miles).^[19] The applicant's own Appendix L (TN #269626) one-line diagram confirms the on-site transformers are rated '115/13.5 kV' — definitively 115 kV.^[24]

230 kV transmission and 115 kV subtransmission are categorically different infrastructure. 230 kV systems have NERC bulk reliability protection, looped redundancy, and deliver 2–4× more power capacity than 115 kV subtransmission systems. Prospective tenants making commitments based on the Cushman brochure's 230 kV representation are receiving materially less reliable infrastructure than represented. This voltage misrepresentation in commercial marketing materials — combined with the Tier 3 vs. Tier 4 Final vs. Tier 2 emissions inconsistency across the application's own exhibits^[25,6] — establishes a pattern of material misrepresentation that this Commission should not reward with an expedited SPPE exemption.

D. Internal Application Contradictions Independently Require Denial

The exhibits filed with this application contain internal contradictions that independently demonstrate the application is not ready for SPPE approval:

Document	Claim	Contradicted By	Significance
CEC Project Summary [6]	Tier 4 Final emissions controls	Cat Ratings Guide [25]: Tier 2 Stationary Emergency; Thermal Plume Analysis [5]: Tier 3	Application claims three different emission tiers simultaneously
Thermal Plume Analysis [5]	Maximum generator load: 80% of peak capacity	99 MW IT load stated; 40 units at 80% load = 96 MW	Operational cap makes fleet inadequate on its face

Document	Claim	Contradicted By	Significance
		— cannot serve IT load alone	
Cultural Resources Report [20]	'70/30 load split'; 28 units for IT, 12 units for facility	28 units × 3 MW = 84 MW — 15 MW below the 99 MW IT load	IT-dedicated generators cannot serve IT load at nameplate
Application Summary	50-acre project site	Site Plan Appendix A [15]: 'Acreage: 41.20 Acres'	18% site area discrepancy affects all area-based calculations
Cushman Brochure [12]	230 kV service from Inyokern Substation	SCE CPUC App. A.19-07-015 [19]: Haiwee-Inyokern 115 kV; Appendix L one-line: 115/13.5 kV [24]	Material misrepresentation of grid infrastructure to prospective tenants
Application	Single-phase 99 MW project	Cushman Brochure [12]: Two separate MOS studies for 198 MW total; second MOS for additional 99 MW already filed	Confirms Phase 2 is a committed project, not speculative future development
CEC Summary [6]	R&L Capital, Inc. is the project proponent	Cultural Resources Report [20]: 'Intuva Inc. and Valley Wide Engineering & Construction have proposed the Inyokern Data Center'	Actual project proponents differ from nominal SPPE applicant

GROUND FOR DENIAL — Cumulative Misrepresentations: The application simultaneously claims three different emission standards for the same generators [5,6,25], states a facility area 18% smaller than the application summary [15], misidentifies the project proponents [6,20], and presents marketing materials with a fundamentally incorrect voltage claim [12,19,24]. A CEQA analysis that cannot maintain internal consistency about fundamental physical parameters — emissions tier, site area, voltage level, and project identity — cannot form the basis for a finding of less-than-significant environmental impact.

V. RELIEF REQUESTED

For the foregoing reasons, the objector respectfully requests that the California Energy Commission:

- DENY the SPPE application as improperly filed.** Total installed generating capacity — including primary IT generators (120 MW nameplate),^[5] mandatory fire pump generator (0.5–0.75 MW per NEC Article 695^[7] and NFPA 20^[8]), and administrative life-safety generators (0.5–1.0 MW per NFPA 110^[9]) — exceeds 100 MW per CEC's counting methodology in San José DC04^[3] and STACK SVY03.^[4] The SPPE process is legally unavailable. The application must be denied and resubmitted as a full AFC under PRC §25500.^[1]
- FIND that the full 198 MW project scope requires AFC-level CEQA review under the Laurel Heights doctrine.** *Laurel Heights Improvement Assoc. v. Regents of UC* (1988) 47 Cal.3d 376^[10] requires combined analysis when, as here: Phase 2 is confirmed by two SCE MOS studies and active commercial marketing (reasonably foreseeable^[12]); both phases share all environmental systems including the IWV aquifer,^[17] the 115 kV corridor,^[19] the substation

expansion,^[14] and sensitive receptors including Inyokern School^[15] and the mobile home park adjacent to Phase 2^[16] (related impacts); and the one-MW-below-threshold SPPE filing while Phase 2 is commercially marketed demonstrates deliberate avoidance of the AFC threshold (deliberate segmentation).^[1,2]

4. **ORDER that no SPPE may be granted for Phase 1 unless the applicant provides a binding recorded restriction — enforceable as a Condition of Certification — prohibiting Phase 2 construction without a full new AFC proceeding, complete with independent CEQA analysis of Phase 2's impacts on all sensitive receptors including the mobile home park at 35.646680, -117.778563.**^[16]
5. **REQUIRE the applicant to publicly disclose:** (a) the MOS application filed with SCE for both Phase 1 (MOS174)^[14] and Phase 2, per SCE's published MOS application form requirement to include 'future expansions and if multiple stages or phases are part of the project'^[13]; (b) total installed generator count for all generator systems including fire pump and administrative generators; (c) total installed fuel tank capacity in gallons; and (d) the identity and ownership structure of all project proponents including Intuva Inc. and Valley Wide Engineering & Construction.^[20]
6. **REQUIRE CEC staff to formally verify** in the Staff Assessment that the sealed MOS174 study: (a) accounts for Phase 2 in its infrastructure sizing and cost allocation; (b) is based on 115 kV service, not the 230 kV falsely claimed in marketing materials^[12,19,24]; and (c) addresses the generator-to-grid re-energization transient for the full 198 MW combined load on the Inyokern 115 kV Local Distribution Facility corridor.^[19]
7. **REFER the marketing misrepresentation regarding voltage** (230 kV claimed vs. 115 kV actual) to the CPUC Public Advocates Office under PUC §454.5(g)^[26] and to the California Attorney General for review under Business and Professions Code §17200 (unfair business practices), as the misrepresentation was made in commercial marketing to prospective tenants and potentially to financing counterparties.

VI. CONCLUSION

This is not a case where community members ask the Commission to impose stricter conditions on an otherwise approvable project. This is a case where the application was filed in the wrong regulatory process (SPPE instead of AFC), for a project whose true scope is twice what is disclosed (198 MW instead of 99 MW), with marketing materials that misrepresent the grid infrastructure (230 kV instead of 115 kV), while hiding Phase 2's existence from a CEQA analysis that Laurel Heights requires to include it. The Commission's SPPE program exists for small, standalone power plants — not as a procedural device to exempt the first half of a 198 MW hyperscale AI campus while the developer's real estate agent markets the second half to Fortune 500 tenants. Granting this SPPE would validate exactly the anti-segmentation conduct that the California Supreme Court condemned in Laurel Heights. The Commission is respectfully urged to deny the application.

Respectfully submitted,

Sarah Outerbridge

REFERENCES AND SOURCES CITED

A — Statutory and Regulatory Authority

- [1] California Public Resources Code §25541. SPPE Program — available for thermal power plants '50 to 100 MW' that will not create substantial adverse environmental impact. The 100 MW ceiling applies to total installed generating capacity of the project.
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=25541.&lawCode=PRC
- [2] California Energy Commission. Power Plant Licensing — SPPE Program. 'The SPPE program allows CEC to exempt from its licensing authority thermal power plants that do not exceed 100 MW.' <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/power-plant-licensing>
- [3] California Energy Commission. San José Data Center 04. 'Includes 32 backup generators at 3 MW each; two 0.5 MW administrative emergency generators; two 0.8 MW storage tank area emergency generators.' All counted toward SPPE capacity threshold. <https://www.energy.ca.gov/powerplant/reciprocating-engine/san-jose-data-center-04>
- [4] California Energy Commission. STACK SVY03 SPPE — Executive Director's Recommendation. Required finding: 'The generating capacity of the project will not exceed 100 megawatts.' All generator types counted.
<https://www.energy.ca.gov/filebrowser/download/7562?fid=7562>

B — Application Exhibits (CEC Docket 26-SPPE-01)

- [5] R&L Capital, Inc. / Yorke Engineering LLC. (January 2026). Thermal Plume Analysis — Appendix E, Part 3 (TN #269605). States: 'forty (40) 3-MW Caterpillar diesel-fired generators... to comply with Tier 3 emissions standards' and 'maximum load on each generator will be designed to be 80% of peak capacity.'
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=269605&DocumentContentId=106697>
- [6] California Energy Commission. RB Inyokern Data Center Project Summary Page. States: 'All generators would be equipped with Tier 4 Final emissions controls.' <https://www.energy.ca.gov/powerplant/backup-generating-system/rb-inyokern-data-center>
- [7] National Electrical Code (NFPA 70). Article 695 — Fire Pumps. §695.6(A): conductors must be 'entirely independent of all other wiring'; §695.3(A): source must carry locked-rotor current; §695.7: voltage drop ≤15% under LRC.
<https://www.nfpa.org/codes-and-standards/nfpa-70-standard-development/70>
- [8] National Fire Protection Association. NFPA 20 — Standard for Installation of Stationary Pumps for Fire Protection. §9.3 generator supplies; LRC requirements; Will-Serve Letter requires 3,000 GPM fire flow necessitating ~300 HP motor. <https://www.nfpa.org/codes-and-standards/nfpa-20-standard-development/20>
- [9] National Fire Protection Association. NFPA 110 — Emergency and Standby Power Systems (2023). Level 1 requirements; TIA 22-1 (May 2024). NEC Article 700 — Emergency Systems (egress lighting, life-safety communications). <https://www.nfpa.org/codes-and-standards/nfpa-110-standard-development/110>
- [10] Laurel Heights Improvement Assoc. v. Regents of the University of California (1988) 47 Cal.3d 376. California Supreme Court — CEQA anti-segmentation doctrine: full project scope must be analyzed together when future phases are reasonably foreseeable, impacts are related, and segmentation serves to avoid comprehensive review.
- [11] California Code of Regulations, Title 14, §§15003(h) and 15378(a). CEQA Guidelines — definition of 'project' as the 'whole of an action'; prohibition on project segmentation to reduce apparent size below applicable thresholds.
- [12] Cushman & Wakefield on behalf of R&L Capital, Inc. (2026). RB Inyokern Data Center Marketing Brochure. States: 'SCE has confirmed... 99 MW by 2029. An additional Method of Service is expected to be issued within the next four months, delivering an extra 99 MW to the site by 2030-2031.' Claims 230 kV service at Inyokern Substation (contradicted by all official SCE documents). [https://platform.reverecre.com/api/project-file/d79cb331-da71-4bfb-b105-941ebc7d674e/Inyokern Data Center Flyer.pdf](https://platform.reverecre.com/api/project-file/d79cb331-da71-4bfb-b105-941ebc7d674e/Inyokern%20Data%20Center%20Flyer.pdf)
- [13] Southern California Edison. (2017). Method of Service Study Application Form — General. Explicitly requires: 'Load Schedule should include future expansions and if multiple stages or phases are part of the project.' Contact: MOS-AF@sce.com. https://www.sce.com/sites/default/files/inline-files/2017%20MOS%20Application_General.pdf
- [14] R&L Capital, Inc. / SCE. Method of Service Study MOS174 (March 30, 2026). Referenced in SPPE Application as basis for electrical service; designated Appendix M.3 CONFIDENTIAL; confidentiality permanently granted by CEC Executive Director (TN #269992, May 15, 2026). Discloses: two 115 kV corridors; Inyokern Substation expansion 136×101 ft; two 60/80/100 MVA transformers.
- [15] R&L Capital, Inc. / Quad Knopf. SPPE Application — Appendix A: Site Plan (TN #269593). Discloses: 'ACREAGE: 41.20 ACRES'; tank configuration (Tank 1-100K, Tank 2-100K, Tank 3-100K per generator yard × 2 yards = 600,000

gal total); 200×250 ft Point of Interconnection.

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=269593&DocumentContentId=106685>

- [16] Coordinate analysis based on applicant-provided expansion parcel locations: Phase 2 primary parcel at 35.649770, -117.779456; Phase 2 secondary parcel at 35.646680, -117.778563 (borders mobile home park). Inyokern Substation at approximately 35.641, -117.773 per Google Maps link provided by objector.
- [17] Saleh, D., Flint, L., and Stern, M. (March 18, 2026). Assessing Natural Recharge in Indian Wells Valley, California: A Basin Characterization Model Case Study. USGS Scientific Investigations Report 2026-5114. Natural recharge: ~8,680 AFY vs. ~25,000 AFY current extraction — 3.3:1 overdraft ratio. Published approximately 60 days before the SPPE filing. <https://pubs.usgs.gov/sir/2026/5114/sir20265114.pdf>
- [18] California State Water Resources Control Board, Division of Drinking Water. (June 6, 2025). Consolidation Letter — Inyokern CSD (System No. CA1510036). Confirms: Well 04 decommissioned January 23, 2025; three boil water notices in 2024; financially insolvent; mandatory consolidation order. <https://www.waterboards.ca.gov>
- [19] SCE / CPUC. Application A.19-07-015 — Ivanpah-Control Project. Identifies circuits serving Inyokern: 'Haiwee-Inyokern 115 kV circuit' (Segment 1, ~126 miles) and 'Kramer-Inyokern-Randsburg No.1 115 kV circuit' (Segment 2, ~48 miles). Confirms Inyokern Substation is 115 kV — not 230 kV as claimed in Cushman marketing materials. <https://ia.cpuc.ca.gov/environment/info/asp/ivanpah-control/application.pdf>
- [20] ASM Affiliates (prepared for Quad Knopf). (March 2026). Phase I Cultural Resources Survey — Appendix B Part 1 (TN #269595). States: 'As designed, Intuva Inc. and Valley Wide Engineering & Construction have proposed the Inyokern Data Center.' Also states: 'Constructed in three phases (35 MW → 70 MW → 99 MW)' and 'The design adheres to a 70/30 load split.' <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269595&DocumentContentId=106687>
- [21] California Public Resources Code §21167. Persons aggrieved by decisions made without compliance with CEQA may seek judicial review by writ of mandate. CPC §1094.5. Writ must be filed within 30 days of approval. Court of Appeal has jurisdiction for SPPE appeals.
- [22] California Public Utilities Commission, Decision D.06-06-066. 'IOUs present complicated cases before the Commission wherein they request recovery of costs associated with their utility function. That process requires disclosure so that the Commission and the public can satisfy themselves that the request is just and reasonable.' https://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/57772-11.htm
- [23] FERC. (October 27, 2025). Advance Notice of Proposed Rulemaking — Large Load Interconnections (Docket RM26-4). Proposes 100% participant funding model requiring large load customers to pay full cost of network upgrades their projects trigger. DOE directed final action by April 30, 2026. <https://www.ferc.gov>
- [24] R&L Capital, Inc. SPPE Application — Appendix L: Project One-Line, POI Location, Substation One-Line (TN #269626). One-line diagram shows: 'HV TRANSFORMER 66/88/110WVA 115/13.5kV' — definitively confirming 115 kV voltage, not 230 kV. <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269626&DocumentContentId=106718>
- [25] Caterpillar Inc. (2018). Electric Power Ratings Guide — 23rd Edition (CM20180319-16263-55470). Lists Cat 3516E as: '3,000 kW Standby, EPA Tier 2, Stationary Emergency Only.' Neither Tier 3 nor Tier 4 Final. <https://s7d2.scene7.com/is/content/Caterpillar/CM20180319-16263-55470>
- [26] California Public Utilities Code §454.5(g). The Public Advocates Office and non-market participant consumer groups have mandatory access rights to utility procurement information under confidentiality procedures authorized by the commission — exercisable independently of this CEC proceeding.
- [27] California Energy Commission. (May 15, 2026). Response to Application for Confidential Designation (TN #269992). Executive Director determination: MOS174 confidentiality granted permanently; Will-Serve Letter confidentiality DENIED — 'the will-serve letter is publicly available online.' CEC staff may disclose or release previously designated confidential records upon petition under 20 CCR §§2506-2508.
- [28] R&L Capital, Inc. SPPE Application — Appendix M: Application for Confidential Designation (TN #269642). Confirms Appendix M.3 contains: Will-Serve Letter (April 2, 2026, signed by Holly Gallier, General Manager, Inyokern CSD) and SCE Method of Service Study (March 30, 2026). States MOS study was marked 'Confidential and Proprietary' on every page by SCE. <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269642&DocumentContentId=106730>

END OF FORMAL OBJECTION | CEC Docket No. 26-SPPE-01 | May 2026

This document does not constitute legal advice. Persons seeking to file formal legal proceedings should consult a licensed California attorney with CEQA and utility regulatory experience.



INVESTMENT SALES OFFERING

INYO KERN DATA CENTER

Inyokern, CA

[CLICK HERE](#)
to View SPPE Application 



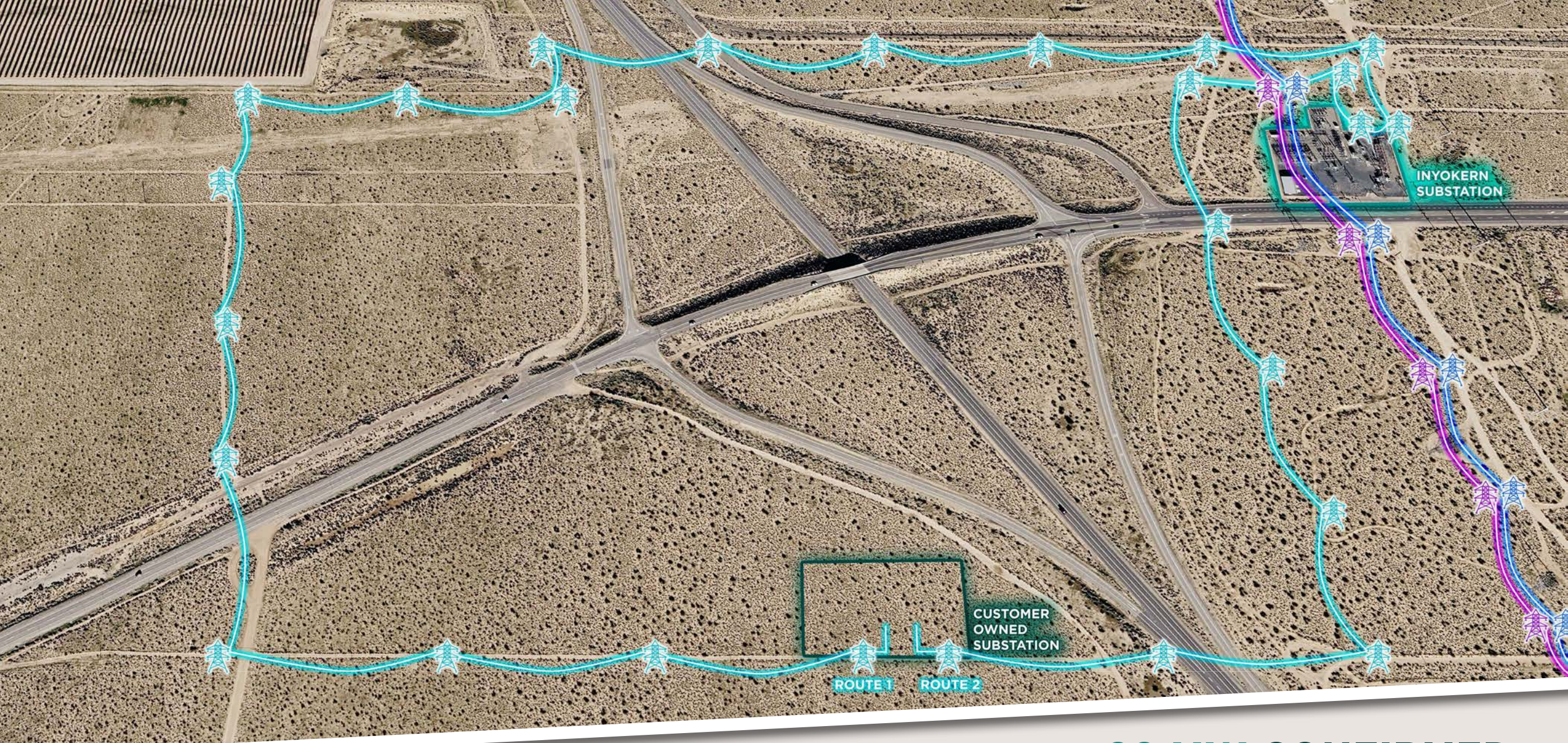
Method of Service (MOS) Issued

Zero Grid Upgrades Required

50 Acres
of Powered Data Center Land

70 Miles
from Bakersfield, CA

99 MW | **198** MW
in 2029 | Total in 2030-2031



99 MW CONFIRMED

New 115 kV Line

115 kV Line

230 kV Line

Southern California Edison (SCE) has confirmed that there are no system-wide upgrades required and they can support a total of 99 MW by 2029. An additional Method of Service (MOS) is expected to be issued within the next four months, delivering an extra 99 MW to the site by 2030-2031.

SCE will create approximately 0.5 miles of transmission corridor linking the SCE Inyokern Substation to a planned on-site customer substation. Once constructed, the on-site substation will step down the incoming 115 kV transmission feed, delivering usable medium-voltage power to support full data center operations.

PROCUREMENT TIMELINE

Q2 2026

- Method of Service (MOS) issued by Southern California Edison (SEC) confirming 99 MW by 2029

- Small Power Plant Exemption (SPPE) filed for California Energy Commission's (CEC) environmental review of backup generation

- Conditional Use Permit (CUP) filed with Kern County

Q4 2026

- Issuance of additional MOS confirming 99 MW to the expansion site

Q2 2027

- Issuance of SPPE and CUP and construction can commence

2029

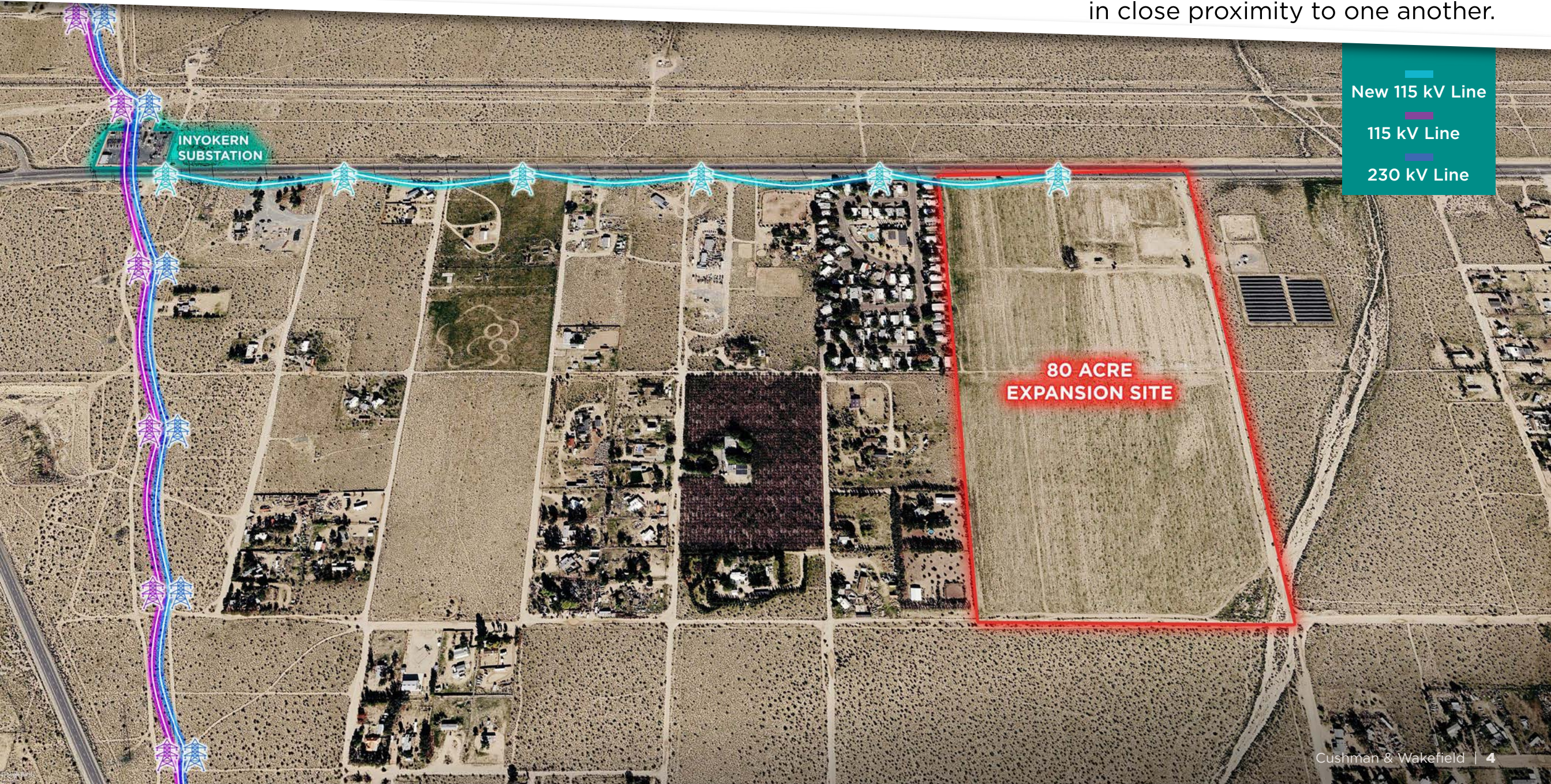
- Construction of data center finalized and 99 MW delivered to the site

2030 - 2031

- Delivery of 99 MW to the expansion site

EXPANSION POTENTIAL

An additional MOS has been filed to deliver an extra 99 MW to the 80-acre expansion site a mile from the subject property. The MOS is anticipated to be received within the next 4 months and will allow a developer to deploy multiple data centers in close proximity to one another.



New 115 kV Line
115 kV Line
230 kV Line

80 ACRE
EXPANSION SITE

EXCELLENT FIBER CONNECTIVITY

The Inyokern campus delivers sub-6 ms latency to every major Western US data center market simultaneously

The proposed 99 MW data center campus at Inyokern, California sits directly adjacent to the Digital 395 middle-mile backbone — a \$120 million, 620-mile, 432-strand fiber optic network representing the largest fiber infrastructure project in California and the first fully functional segment of the state's 10,000-mile Middle-Mile Broadband Network.



6ms

Confirming Ring RTT Latency



432

Single-Mode Fiber Strands



620 miles

Total Network Length



\$225K

Last-Mile Construction Cost



\$120M

Infrastructure Investment



65

Points of Interconnection

The engineered fiber delivery solution provides carrier-neutral, open-access connectivity with true path diversity through dual Meet Me locations and north/south ring separation

Key Data

Barstow
~1.5 ms

Los Angeles
~2.5 ms

Silicon Valley
~4.8 ms

Reno
~6 ms

Sacramento
~6.3 ms



BY-RIGHT ZONING WITH **FAST TRACK** PERMITTING

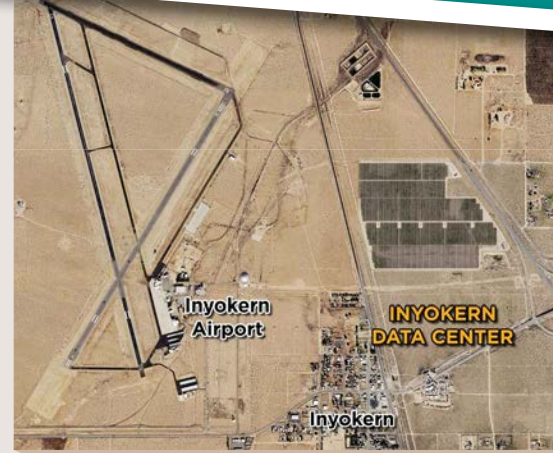
Existing industrial zoning allows data center development by right, while the site's proximity to the airport and location within an established industrial corridor reduce potential community impacts during construction and operation.

Supported by Kern County's pro-business incentives and expedited review processes, the Inyokern Data Center can be advanced to shovel-ready on an accelerated timeline.



San Jose

Fresno



Las Vegas

255 MILES
INTERSTATE 5

130 MILES

150 MILES

INVOKERN
DATA CENTER

70 MILES

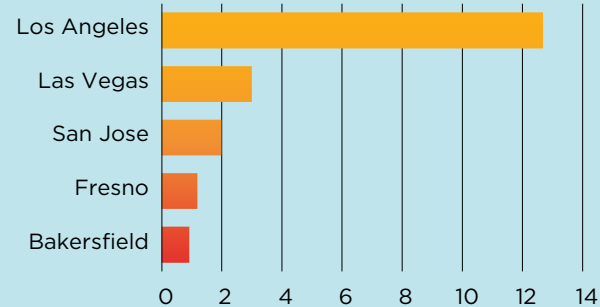
Bakersfield

110 MILES

Los Angeles

**CENTRALLY
LOCATED**
BETWEEN
MAJOR METRO
AREAS

Population (in millions)



Connectivity
to Over
20
Million
People

INVOKERN

DATA CENTER

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