

| <b>DOCKETED</b>         |                                                                                                |
|-------------------------|------------------------------------------------------------------------------------------------|
| <b>Docket Number:</b>   | 24-SPPE-01                                                                                     |
| <b>Project Title:</b>   | AVAIO Pittsburg Backup Generating Facility                                                     |
| <b>TN #:</b>            | 270673                                                                                         |
| <b>Document Title:</b>  | ORDER ADOPTING THE MITIGATED NEGATIVE DECLARATION AND GRANTING THE SMALL POWER PLANT EXEMPTION |
| <b>Description:</b>     | This Order is adopted, issued, effective, and final on December 8, 2025                        |
| <b>Filer:</b>           | Ali Jahani                                                                                     |
| <b>Organization:</b>    | California Energy Commission                                                                   |
| <b>Submitter Role:</b>  | Commission Staff                                                                               |
| <b>Submission Date:</b> | 6/17/2026 10:47:21 AM                                                                          |
| <b>Docketed Date:</b>   | 6/17/2026                                                                                      |

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

***AVAIO Pittsburg Backup Generating  
Facility***

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**Docket No.: 24-SPPE-01**

**ORDER ADOPTING THE MITIGATED  
NEGATIVE DECLARATION AND  
GRANTING THE SMALL POWER  
PLANT EXEMPTION**

**I. BACKGROUND**

Under Public Resources Code section 25500, the California Energy Commission (CEC) has the exclusive jurisdiction to approve or deny applications for the construction and operation of thermal power plants that have the capacity to generate 50 megawatts (MW) or more of electricity. Public Resources Code section 25541 creates an exemption to this exclusive jurisdiction whereby local permitting entities can obtain jurisdiction over the approval of the site and related facility if, among other criteria, the site and related facility would not generate more than 100 MW of electricity. This exemption is referred to as a Small Power Plant Exemption (SPPE).

The CEC may grant an SPPE for a thermal power plant with a generating capacity from 50 MW to 100 MW if the CEC finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility. Moreover, Public Resources Code section 25519(c) designates the CEC as the “lead agency” under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for SPPE applications.

AVAIO Infrastructure (applicant) is seeking an SPPE for the AVAIO Pittsburg Backup Generating Facility (project) located at 2232 Golf Club Road in the city of Pittsburg, Contra Costa County, California. The project would include a three-story data center building (AVAIO Pittsburg Data Hub), backup generators to support the data center building, an onsite project substation, a Pacific Gas and Electric Company switching station, and an onsite transmission line. The backup generators would only serve the AVAIO Pittsburg Data Hub, by providing up to 92 MW of emergency generation to replace the maximum electricity needs of the data hub in case of a loss of utility power.

## **II. EXECUTIVE DIRECTOR'S RECOMMENDATION**

California Code of Regulations, title 20, section 1942 requires the Executive Director to recommend findings to the CEC on whether the application meets the requirements of Public Resources Code, section 25541.

Based on the SPPE application, the CEC staff prepared a Final Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15070 (Cal. Code Regs., tit. 14, § 15070(b).) Based on the CEC staff's analysis in the Final Initial Study/Mitigated Negative Declaration, as well as other information filed in the proceeding including comments received during the public review period, the Executive Director recommends the CEC find that the requirements of Public Resources Code, section 25541 are met, that the Final Initial Study/Mitigated Negative Declaration be adopted, and that the SPPE application be granted.

## **III. ENERGY COMMISSION FINDINGS**

Based on the exercise of our independent judgment and review, and considering the record as a whole, we hereby adopt the following findings pursuant to Public Resources Code, sections 21000 et seq. and 25541, and applicable implementing regulations:

1. The generating capacity of the facility will not exceed 100 megawatts.
2. The construction and operation activities of the project will not create a substantial adverse impact on the environment.
3. The construction and operation activities of the project will not create a substantial adverse impact on energy resources.
4. The Final Initial Study/Mitigated Negative Declaration has been prepared in compliance with the CEQA and thoroughly and adequately analyzes potential environmental and energy resources impacts.
5. The imposition and implementation of the mitigation measures will ensure that the project will not have any significant environmental impacts.
6. The Mitigation Monitoring and Reporting Program, set forth in Appendix C Mitigation Monitoring and Reporting Program of the Final Initial Study/Mitigated Negative Declaration, will ensure that the project complies with all mitigation requirements.

## **IV. CONCLUSION AND ORDER**

Therefore, we ORDER the following:

1. We hereby ADOPT the Final Initial Study/Mitigated Negative Declaration.
2. We hereby ADOPT, and incorporate by reference, the Mitigation Monitoring and Reporting Program for the project that is set forth in Appendix C Mitigation Monitoring

and Reporting Program of the Final IS/Mitigated Negative Declaration, to be overseen by the City of Pittsburgh.

3. The SPPE application is GRANTED exempting the AVAIO Pittsburgh Backup Generating Facility from the Application for Certification provisions of the CEC's power plant licensing process.

4. This Order is adopted, issued, effective, and final on December 8, 2025.

5. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of December 8, 2025, subject to Applicant paying all applicable filing fees.

**IT IS SO ORDERED.**

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat