

DOCKETED	
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**Apparent Piecemealing by Developer and Request to Hold SPPE
Application in Abeyance (Docket 26-SPPE-01)**

Additional submitted attachment is included below.

Subject: Apparent Piecemealing by Developer and Request to Hold SPPE Application in Abeyance (Docket 26-SPPE-01)

Dear California Energy Commission,

I am a resident of Inyokern, Kern County, and strongly oppose approval of the Small Power Plant Exemption (SPPE) for the proposed RB Inyokern Data Center (99 MW Phase 1) at this time.

This application appears to constitute improper piecemealing in violation of CEQA.

CEQA Guidelines § 15378(a) defines a “project” as “the whole of an action,” which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. This requires agencies to consider all connected actions and reasonably foreseeable future phases rather than artificially segmenting a larger development.

The California Supreme Court in *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376 established the controlling test:

An EIR (or equivalent review) must analyze future expansions or related actions if (1) they are a reasonably foreseeable consequence of the initial project and (2) they will significantly change the scope, nature, or environmental effects of the initial project.

Clear evidence shows that the full ~198 MW+ “AI-ready hyperscale campus” — and potentially even more — is reasonably foreseeable:

- The developer’s own Cushman & Wakefield investor marketing materials promote an 80-acre expansion site approximately one mile away for an additional 99 MW, enabling “multiple data centers in close proximity.”
- An additional Method of Service (MOS) has already been filed for the extra 99 MW.
- R&L Capital, Inc. owns multiple nearby parcels.
- The project is being marketed as a larger campus, consistent with the developer’s history of phased projects in the area.

Furthermore, there is really no way of knowing at this point if the developer intends to buy additional parcels and expand even further.

I respectfully request that the CEC:

1. Hold the current SPPE application in abeyance until the developer submits the entire foreseeable project in its entirety (including the 80-acre expansion site, the additional 99 MW, any other owned or planned parcels, and all associated infrastructure) so a comprehensive CEQA EIR can be prepared.
2. Require full disclosure of all parcels owned, leased, or optioned by R&L Capital, Inc. (or any affiliated entities) in the Indian Wells Valley area, plus all future expansion plans and related filings (e.g., additional Method of Service requests, interconnection applications, or other permits). This disclosure must be provided before any further review proceeds.
3. Temporarily suspend review of this and any other new or expanded data center applications in the Indian Wells Valley until a complete project description covering the full foreseeable development is provided and full cumulative impact studies can be conducted.
4. Require a comprehensive cumulative impacts analysis of the entire project before any further processing or approvals.

The residents of Inyokern, Ridgecrest, and the Indian Wells Valley deserve full transparency. We should not allow the developer to segment the project piecemeal and avoid a proper environmental review of the full scope they are actively marketing.

Thank you for considering these comments.

Sincerely,

Stephen Ambrosius
PO Box 1133
Inyokern, CA 93527-1133
slacec@ratch.com
858-232-4119

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.

