

DOCKETED	
Docket Number:	17-SPPE-01
Project Title:	McLaren Backup Generating Facility
TN #:	224542
Document Title:	Order Regarding Motions; Revised Agenda
Description:	Thursday, August 30, 2018 1:00 p.m. California Energy Commission Charles Imbrecht Room (Hearing Room B) 1516 Ninth Street Sacramento, CA 95814
Filer:	Muoi-Lynn Tran
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
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Before the Energy Resources Conservation and Development
Commission of the State of California
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

**APPLICATION FOR A SMALL POWER PLANT
EXEMPTION FOR THE:
MCLAREN BACKUP GENERATING
FACILITY PROJECT**

Docket No. 17-SPPE-01

ORDER REGARDING MOTIONS; REVISED AGENDA

Introduction

On December 26, 2017, Vantage Data Centers (Applicant) submitted an Application for a Small Power Plant Exemption (Application) to the California Energy Commission (Energy Commission) for the McLaren Backup Generating Facility (Backup Facility) project. Applicant submitted a revised application (Revised Application) on May 21, 2018.¹ The Backup Facility would be located in the city of Santa Clara, in Santa Clara County, California, and would provide power exclusively to the McLaren Data Center (Data Center).

The Energy Commission assigned a committee of two Commissioners (Committee) to conduct proceedings on the Revised Application.²

Background

The Energy Commission is responsible for reviewing, and ultimately approving or denying, all thermal electric power plants 50 MW and greater, proposed for construction and operation in California. Pursuant to Public Resources Code Section 25541, the Energy Commission may grant an exemption to this authority and allow applicants to obtain a license through the local review and approval process if a project is less than 100 MW. To grant this exemption, the Energy Commission must find that the proposed project would not create a substantial adverse impact on the environment or energy resources.

On December 21, 2017, Applicant, filed an application to the Energy Commission for the proposed Project. Subsequently amended on May 21, 2018, the Applicant seeks to build 47 diesel generators and three lifesaving emergency generators in Santa Clara, California. The Project would not be interconnected to the electrical transmission grid

¹ TN 223483, 223484.

² The Energy Commission appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Janea A. Scott, Commissioner and Associate Member, at its Business Meeting on January 17, 2018 (TN 222286).

and the generators would be exclusively used to provide backup generation to support the McLaren Data Center when electricity from their electricity provider, Silicon Valley Power is unavailable. More details regarding the proposed Project and associated data center may be found in the Application and Revised Application. The Application,³ the Revised Application,⁴ Energy Commission Draft Initial Study and Proposed Mitigated Negative Declaration (IS/MND),⁵ comments received on the IS/MND,⁶ Energy Commission staff's (Staff) responses to the comments received,⁷ and all proceeding-related documents are available at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=17-SPPE-01>

On July 23, 2018, the Committee filed its "Notice of Prehearing Conference, Evidentiary Hearing, Scheduling Order, and Further Orders" (Scheduling Order).⁸ The Scheduling Order also included an agenda for the Prehearing Conference and Evidentiary Hearing scheduled for August 30, 2018.

PENDING MOTIONS

Motion to Dismiss

On August 3, 2018, Intervenor Helping Hand Tools (Helping Hand) filed a motion to dismiss the proceeding, contending that the gross rating of the 47 generators exceeds the 100 MW limit for the SPPE.⁹

The Applicant filed its opposition to the Motion to Dismiss on August 6, 2018, arguing that, regardless of the gross output possible, the generators would not be connected to the electric grid. Accordingly, its argument continues, the capacity is limited by the demand of the Data Center.¹⁰

Staff filed its response to the Motion to Dismiss in an omnibus filing that also included its response to comments on the IS/MND. Staff concurred with Applicant that the essential factor for determining capacity is the maximum demand of the data, not the name plate capacity of the generators.¹¹

³ TN 222041—1 to 22041-13

⁴ TNs 223484, 223484

⁵ TN 223911.

⁶ TNs 224170, 224284, 224290, 224296.

⁷ TN 224479

⁸ TN 224237.

⁹ TN 224402.

¹⁰ TN 224411.

¹¹ TN 224479.

Motion to Amend the Schedule

On August 10, 2018, Helping Hand filed a motion to amend the procedural schedule.¹² Staff responded to this motion in its omnibus filing.¹³ Applicant has yet to respond to the motion to amend the schedule.

ORDER ON MOTIONS AND AMENDED AGENDA

The Energy Commission's Regulations provide that, unless otherwise ordered by the Presiding Member, responses to motions are to be filed within 14 days of the service of the motions. The presiding member must then rule on the motion within 21 days unless a later deadline is established.¹⁴

Under this regulation, the Committee would be required to rule on the Motion to Dismiss by August 24, 2018, and on the Motion to Amend by September 1, 2018. Because this matter is already scheduled for a Prehearing Conference and Evidentiary Hearing on August 30, 2018, the motions will be considered at the Prehearing Conference. An amended agenda is attached to reflect this change; the purpose of the Prehearing Conference as described in the Scheduling Order is not changed by the addition of the consideration of the motions described above.

The Committee hereby orders that its time to rule on the motions is extended to September 14, 2018.

Public Participation

Members of the public are welcome to submit comments about this proceeding. It is not necessary to be an Intervenor to participate in the public process. Members of the public may also submit written comments electronically by visiting the website at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=17-SPPE-01>, by e-mailing them to docket@energy.ca.gov, or sending them by U.S. Mail to:

California Energy Commission
Docket Unit
Docket number: 17-SPPE -01
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all mailed comments, please include the docket number and proceeding name "**Docket No. 17-SPPE-01, McLaren Backup Generation Facility**" in the subject line and on the cover page.

PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g., address, phone, e-mail, etc.) become part of the viewable public record.

¹² TN 224460.

¹³ TN 224479.

¹⁴ Cal. Code Regs., tit. 20, §1211.5.

Additionally, this information may become available via search engines such as Google and Yahoo.

Public Adviser and Other Energy Commission Contacts

The Energy Commission Public Adviser's Office is available to assist the public with participating in the proceeding. For assistance, please contact Alana Mathews, Public Adviser at publicadviser@energy.ca.gov or (916) 654-4489, or toll free at (800) 822-6228.

Questions of a legal or procedural nature should be directed to Susan Cochran, Hearing Officer, by e-mail at susan.cochran@energy.ca.gov or (916) 654-3965.

Technical questions about the Project should be directed to Leonidas Payne, Staff Project Manager, by e-mail at leonidas.payne@energy.ca.gov or (916) 651-0966.

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989.

REMOTE ATTENDANCE

You may participate in this Prehearing Conference and Evidentiary Hearing through WebEx, the Energy Commission's online meeting service. Any presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

Via Computer: Go to <https://energy.webex.com> and enter the meeting number **928 307 880**. When prompted, enter your name and email address. No meeting password is needed.

The "Join Conference" menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International Attendees: Click on the "Global call-in number" link.
3. To have WebEx call you: Enter your direct dial phone number (no extensions are permitted) and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on "Use Computer Headset," then "Call Using Computer."

Via Telephone Only (No Visual Presentation): Call (866) 469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number **928 307 880**. International callers may select their number from:

<https://energy.webex.com/energy/globalcallin.php>

Via Mobile Access: Access to WebEx meetings is now available from your mobile device. To download an app, go to:

www.webex.com/products/web-conferencing/mobile.html

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at (866) 229-3239.

Muting

We greatly appreciate your cooperation in reducing noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using WebEx, you may mute yourself by right clicking on your name in the panelists or attendees list and selecting "Mute." If you are only using a telephone connection, press "*6" once to mute and again to unmute.

Availability of Documents

Information regarding the status of the Project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/mclaren/>.

Dated: August 20, 2018, at Sacramento, California

Original signed by

KAREN DOUGLAS
Commissioner and Presiding Member
McLaren Backup Generation Project
Facility Committee

McLaren Backup Generating Facility Project (17-SPPE-01)
Prehearing Conference and Evidentiary Hearing Revised Agenda
Thursday, August 30, 2018

1:00 p.m.

California Energy Commission
Charles Imbrecht Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814

1. Call to Order
2. Prehearing Conference
 - a. Consideration of Motions
3. Evidentiary Hearing
4. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter related to this proceeding.

5. Closed Session (if necessary)¹⁵
Committee closed session consideration of the following items:

***DELIBERATION ON THE SMALL POWER PLANT EXEMPTION FOR THE
McLAREN BACKUP GENERATING PROJECT***

6. Adjourn
7. Agency Contact: Susan Cochran, Hearing Officer, phone: (916) 654-3965, or e-mail at susan.cochran@energy.ca.gov.

¹⁵ The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.