

**DOCKETED**

<b>Docket Number:</b>	17-SPPE-01
<b>Project Title:</b>	McLaren Backup Generating Facility
<b>TN #:</b>	224626
<b>Document Title:</b>	McLaren Data Center Revised pre hearing confernce statemnt to include exhibit number
<b>Description:</b>	Revised pre hearing conference statement to add exhibit numbers All changes listed in Red which are just adding exhibit numbers.
<b>Filer:</b>	Robert Sarvey
<b>Organization:</b>	Robert Sarvey
<b>Submitter Role:</b>	Intervenor
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of  
McLaren Backup Generating Facility

Docket Number 17-SPPE-01

**PREHEARING CONFERENCE STATEMENT OF HELPING HAND TOOLS (2HT)**

Pursuant to the Committee's July 23, 2018 order Helping Hand Tools (2HT) hereby submits its prehearing conference statement for the evidentiary hearing for the McLaren Data Center.

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.

2HT believes all subject areas except air quality are ready to proceed to evidentiary hearings. We believe that the BAAQMD ATC will help staff and the commission understand the severity of the impacts from the McLaren Data Centers operations.

2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.

2HT has submitted the Testimony of Robert Sarvey related to the air quality impacts for the McLaren Data Center.

3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor.

Air Quality and Public Health are not ready to proceed. The BAAQMD analysis and approval of the project should be required to inform the Committee of possible significant impacts.

4. The subject areas that remain disputed and require adjudication, the issues in dispute, and the precise nature of the dispute for each issue.

1. The McLaren Data Center does not qualify for SPPE treatment as its gross generating capacity is over 100 MW,
2. The McLaren Data Center will lead to excessive health risks and NO<sub>2</sub> exceedances when operating in emergency mode which is a significant impact preventing the use of the SPPE process.
3. The McLaren Data Center will lead to excessive health risks and possible NO<sub>2</sub> exceedances even in normal operating mode.
4. The McLaren Data Center can and must achieve a PUE lower than 1.5.
5. The project's environmental justice community has not been engaged or informed by the Energy Commission of this proposal in violation of Federal and State Environmental Justice requirements and guidelines.
6. The Energy Commission has not followed its public and agency participation procedures for this project.

5. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically.

2HT will sponsor the Testimony of Robert Sarvey. The testimony will be in writing and will cover air quality and public health impacts of data centers.

6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: a party who fails to provide, with specificity, the scope, relevance, and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area).

2HT would like to question the following witnesses:

CEC Staff Air Quality Witness.	45 Minutes	Air Quality Impacts
CEC Staff Public Health witness	30 Minutes	health risk assessment
Applicants Air Quality Witness Libiki	60 Minutes	Air Quality Impacts, HRA
CEC Staff's Environmental Justice Witness	15 Minutes	Commission Outreach
Applicants Efficiency witness Stoner, Myles,?	20 Minutes	Efficiency and Capacity
Applicant Project description witness	10 Minutes	Capacity of Project

7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists).

**Exhibit 300-** TN Number: 224536 REPLY TESTIMONY OF ROBERT SARVEY FOR HELPING HAND TOOLS

**Exhibit 301-** TN Number: 224523 Attachment 1 - Sarvey Reply Testimony - Washington State Department of Ecology -Revised Health Impact Assessment Review Document for Vantage Data Center Quincy, Washington Prepared by Air Quality Program Olympia, Washington- May 11, 2017

**Exhibit 302-** TN Number: 224524 Attachment 2- Sarvey Reply Testimony - Public Record Request Response Engineering Evaluation Microsoft Data Center Santa Clara Plant 19686 Application 24737

**Exhibit 303 -** TN Number: 224525 Attachment 3 – Reply Testimony of Robert Sarvey Washington State Department of Ecology Technical Support Document for the Third Tier Petition for Microsoft Columbia Data Center Expansion Project Quincy, Washington August 20, 2010

**Exhibit 404-** TN Number: 224526 Attachment 4- Reply Testimony of Robert Sarvey- Energy Commission Decision Santa Clara Data Center

8. Proposals for briefing deadlines or other scheduling matters.

2HT proposes opening briefs 4 weeks after the evidentiary hearing transcripts are delivered. Reply briefs two weeks after submission of opening briefs.

9. Any objection by the party to the use of the informal hearing procedure outlined above.

2HT prefers a formal hearing procedure so questions can be directed at specific witnesses. It creates a better evidentiary record.

2HT will be represented by Robert Sarvey at the evidentiary hearings who will testify and conduct cross examination.

Respectfully Submitted,

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Rob Simpson Director 2HT  
Original signed and in possession of 2HT

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