

DOCKETED	
Docket Number:	17-SPPE-01
Project Title:	McLaren Backup Generating Facility
TN #:	224726
Document Title:	Order Extending Time to Rule on Motions to Dismiss and To Amend Procedural Schedule
Description:	Extends Committee time to rule on the pending motions to October 12, 2018
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Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	9/14/2018 4:49:20 PM
Docketed Date:	9/14/2018



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 EXTENDING TIME TO RULE ON MOTIONS TO DISMISS AND TO AMEND PROCEDURAL SCHEDULE

Introduction

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

As described in the Revised Application, the Applicant seeks to build 47 diesel generators and three lifesaving emergency generators to provide backup generation to support the Data Center when electricity is unavailable. The Project would not be interconnected to the electrical transmission grid. The application,³ Revised Application,⁴ Energy Commission Draft Initial Study and Proposed Mitigated Negative Declaration (IS/MND),⁵

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).

³ TN 222041—1 to 22041-13

⁴ TNs 223484, 223484

⁵ TN 223911.

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>

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.⁸ Helping Hand argued that jurisdiction for an SPPE was to be determined according to section 2003 of the Energy Commission's regulations, as well as calculations used in prior SPPE decisions.⁹

The Applicant filed its opposition to the Motion to Dismiss on August 6, 2018, arguing that the generators to be used were not turbine generators and section 2003 did not apply. The Applicant also contended that, regardless of the gross output possible, the generators would not be connected to the electricity grid, the energy generated would be used solely to meet the needs of the Data Center, and the generation is therefore limited by the demand of the Data Center.¹⁰

Staff's written response 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

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 recommending the Committee maintain its current schedule.¹³ The Applicant did not respond to the motion to amend the schedule.

Discussion

The Energy Commission's regulations provide that the Presiding Member rule on motions within 21 days of their filing, unless a later deadline is established.¹⁴ On August 2, 2018, the Committee ordered that its time to rule on the motions was extended to September 14, 2018.¹⁵

⁶ TNs 224170, 224284, 224290, 224296.

⁷ TN 224479

⁸ TN 224402.

⁹ TN 224402.

¹⁰ TN 224411.

¹¹ TN 224479.

¹² TN 224460. The procedural schedule was set by the Committee as part of its Notice of Prehearing Conference, Evidentiary Hearing, Scheduling Order, and Further Orders on July 23, 2018 (TN 224237) (July 23 Notice and Order).

¹³ TN 224479.

¹⁴ Cal. Code Regs., tit. 20, §1211.5

¹⁵ TN 224542.

The Committee held a Prehearing Conference and Evidentiary Hearing on August 30, 2018.¹⁶ At that time, the Motion to Dismiss was discussed with the parties: Helping Hand Tools, Applicant, and Staff.

The Committee requires additional time to rule on the motions. The Committee therefore extends the time to rule on the motions to October 12, 2018.

IT IS SO ORDERED.

Dated: September 14, 2018, at Sacramento, California

ORIGINAL SIGNED BY:

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

¹⁶ Notice of the Prehearing Conference