

DOCKETED

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Project Title:	Laurelwood Data Center (MECP I Santa Clara I, LLC)
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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 SMALL POWER PLANT
EXEMPTION FOR THE:

LAURELWOOD DATA CENTER

Docket No. 19-SPPE-01

COMMITTEE SCHEDULING ORDER

Background

On March 5, 2019, MECP1 Santa Clara 1, LLC (Applicant) submitted an application for a small power plant exemption (SPPE)¹ for the Laurelwood Data Center to the California Energy Commission (Energy Commission).

The SPPE is an expedited process designed to exempt small power plants from the Energy Commission's Application for Certification jurisdiction.² If an SPPE is granted, the Energy Commission relinquishes jurisdiction over the power plant to the responsible local land use authorities and other agencies such as the local air management district. Those other agencies would conduct any necessary environmental review under the California Environmental Quality Act (CEQA).

Summary of Proceedings

The Energy Commission appointed a committee consisting of Karen Douglas, Commissioner and Presiding Member, and Janea A. Scott, Vice Chair and Associate Member (the Committee), on April 10, 2019.³ The Committee held a Committee Conference on May 8, 2019 (May 8 Committee Conference).⁴

In the notice for the May 8 Committee Conference, the Committee ordered Energy Commission staff (Staff) to file an Issues Identification Report and proposed schedule by May 1, 2019, and for the Applicant to provide a response, if any, by May 6, 2019.⁵ Staff filed its Issues Identification Report and proposed schedule on May 1, 2019. Staff's proposed schedule included various milestones, including issuance of an Initial Study by July 11, 2019, and an Evidentiary Hearing in August 2019. Staff proposed that a final decision on the SPPE could be considered at either the October or November Energy Commission Business Meeting.⁶

¹ All of the documents comprising the SPPE application can be found at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-01>.

² See Cal. Pub. Resources Code, §22541; Cal. Code Regs., tit. 20, §§1934 *et seq.*

³ TN 227638.

⁴ TN 227871.

⁵ *Id.*

⁶ TN 228030.

Applicant responded to Staff's proposed schedule, suggesting that the Initial Study and Negative or Mitigated Negative Declaration could be filed by June 11, 2019, with an Evidentiary Hearing on August 2, 2019. Applicant proposed the SPPE be considered at the September 2019 Energy Commission Business Meeting.⁷

During the May 8 Committee Conference, the Committee, Staff, and Applicant discussed the outstanding issues from the SPPE. For example, Applicant's response to Staff's Issues Identification Report also indicated that there may be changes to the conceptual site plan, which would in turn require updated modeling for air quality impacts. The Committee, Staff, and Applicant also discussed other outstanding topics, including, but not limited to, how thresholds of significance would be determined, that compliance with applicable laws, ordinances, regulations, and standards was not equivalent to a lack of environmental impacts, and that Staff had not yet received full information from all of its previously-issued data requests.

Scheduling Order

Pursuant to the Energy Commission's regulations, the Committee hereby adopts the attached Committee Schedule, which is based on Applicant's and Staff's proposed schedules and related discussion at the May 8 Committee Conference.⁸

Each party shall serve and file Status Reports as indicated in the attached schedule below. Status Reports shall state whether case development is progressing satisfactorily, and bring potential schedule delays or other relevant matters to the Committee's attention.

Public Adviser and Other Commission Contacts

The Energy Commission's Public Adviser's Office provides the public with assistance in participating in Energy Commission proceedings. If you would like information on how to participate in this proceeding, please contact Jennifer Martin-Gallardo, Acting Public Adviser, at PublicAdviser@energy.ca.gov or (916) 654-4489, or toll free at (800) 822-6228.

If you have a disability and need assistance to participate in any upcoming Committee events, contact Yolanda Rushin at least five days prior to the event at Yolanda.Rushin@energy.ca.gov or (916) 654-4310.

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

Technical questions concerning the Petition should be addressed to Leonidas Payne, Project Manager, at leonidas.payne@energy.ca.gov or at (916) 651-0966.

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

⁷ TN 228060.

⁸ Cal. Code Regs., tit. 20, §§ 1941, 1943, 1944, subd. (b) and 1945, subd. (b).

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 www.energy.ca.gov/sitingcases/laurelwood/.

Dated: May 30, 2019, at Sacramento, California

ORIGINAL SIGNED BY:

Karen Douglas
Commissioner and Presiding Member
Laurelwood Data Center SPPE Committee

ORIGINAL SIGNED BY:

Janea A. Scott
Vice Chair and Associate Member
Laurelwood Data Center SPPE Committee

**LAURELWOOD DATA CENTER SPPE SCHEDULE
MAY 2019**

<u>Event</u>	<u>Date</u>
Applicant Filed Application for SPPE	March 5, 2019
Last Day to File Data Requests ⁹	May 6, 2019
Parties file Status Reports	June 20, 2019
Staff Files Initial Study and Proposed Negative or Mitigated Negative Declaration	July 11, 2019
Committee Conference	July 31, 2019
Public Comment Period on Initial Study and Negative or Mitigated Negative Declaration Ends ¹⁰	August 12, 2019
Last Day to File Petition to Intervene ¹¹	August 12, 2019
Opening Testimony Due	August 22, 2019
Reply Testimony Due ¹²	August 29, 2019
Prehearing Conference	September 4, 2019
Evidentiary Hearing ¹³	September 5, 2019
Committee Issues Proposed Decision	September 2019
Final Decision (Commission Business Meeting) ¹⁴	October 2019

The Committee may modify the schedule at any time upon either its own motion or that of a party.

⁹ Cal. Code Regs., tit. 20, § 1941 (all data requests shall be filed within 60 days of filing of the SPPE application).

¹⁰ Pub. Resources Code, § 21082.1; Cal. Code Regs., tit. 14, § 15073.

¹¹ Cal. Code Regs., tit. 20, § 1222.7, subd. (b) (last day to file petition to intervene shall be 30 days prior to first Evidentiary Hearing, unless otherwise ordered).

¹² Cal. Code Regs., tit. 20, § 1943 (reply testimony due seven days prior to Evidentiary Hearing).

¹³ Cal. Code Regs., tit. 20, § 1944, subd. (b).

¹⁴ Cal. Code Regs., tit. 20, § 1945, subd. (b).