

DOCKETED

Docket Number:	19-SPPE-01
Project Title:	Laurelwood Data Center (MECP I Santa Clara I, LLC)
TN #:	229476
Document Title:	Motion to Dismiss
Description:	Motion to dismiss application for not qualifying for SPPE treatment
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of
Laurelwood Data Center

Docket Number 19-SPPE-01

MOTION OF ROBERT SARVEY TO DISMISS THE PROCEEDING

The Project does not qualify for SPPE Treatment

As provided in PRC section 25541, *“The commission may exempt from this chapter thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.”* In order to qualify for the small power plant exemption a project must have a generating capacity less than 100 MW. The Commission determines the generating capacity of a project pursuant to § 2003 of the Commission’s Rules of Practice and Procedure. (Generating Capacity). § 2003 provides that

(a) The "generating capacity" of an electric generating facility means the maximum gross rating of the plant's turbine generator(s), in megawatts ("MW"), minus the minimum auxiliary load.

(b) The "maximum gross rating" of the plant's turbine generator(s) shall be determined according to this subdivision. If there is more than one turbine generator, the maximum gross rating of all turbine generators shall be added together to determine the total maximum gross rating of the plant's turbine generator(s).

(1) The maximum gross rating of a steam turbine generator shall be the output, in MW, of the turbine generator at those steam conditions and at those extraction

and induction conditions which yield the highest generating capacity on a continuous basis.

(2) The maximum gross rating of a combustion turbine generator shall be the output, in MW, of the turbine generator at average operating site conditions, with the proposed fuel type, and at those water or steam injection flow rates, which yield the highest generating capacity on a continuous basis.

(A) The average dry bulb temperature and relative humidity of the inlet air at the plant site shall be calculated using 10-year data for temperature and relative humidity from the nearest meteorological data point, using the most recent published data from the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), the National Oceanographic and Atmospheric Administration (NOAA), the U.S. Air Force, or commercial airport weather stations.

(B) The barometric pressure at the site shall be one standard atmosphere, corrected for actual site elevation.

(3) The maximum gross rating cannot be limited by an operator's discretion to lower the output of the turbine generator(s) or by temporary design modifications that have no function other than to limit a turbine generator's output.

(4) The maximum gross ratings specified in the overall plant heat and mass balance calculations shall be subject to verification by commission review of the steam or combustion turbine generator manufacturer's performance guarantee, specifications and procurement contract, if available.

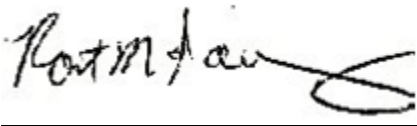
(c) The "minimum auxiliary load" means the electrical rating (in MW) of the sum of the minimum continuous and the average intermittent on-site electrical power requirements necessary to support the maximum gross rating as defined in subsection (b) of this regulation and which are supplied directly by the power plant. For geothermal projects, the minimum auxiliary load includes the minimum electrical operating requirements for the associated geothermal field which are necessary for and supplied directly by the power plant. Discretionary loads, i.e., those which can be curtailed without precluding power generation, are not included in minimum auxiliary loads.

There is currently no other CEC approved regulation which would allow an alternative method of computing generating capacity. According to the Laurelwood Data Centers most recent project description, *"The standby generation system for the LDC consists of 56 3.0-MW diesel-fired generators, each with a peak output capacity of 3.0 MW and a continuous steady state output capacity of 2.725 MW to support the need for the LDC to provide an uninterruptible*

power supply.”¹ The gross rating of the 56 generators alone is 168 MW. There is no listed parasitic load so the 56-generators alone exceed the Commissions 100 MW limit for a SPPE application. The continuous rating of the 56 generators is 154 MW also well above the Commissions 100 MW SPPE limit. Currently there is no other method other than section 2003 to compute generation capacity under the Commissions Rules of Practice and Procedure. This is evinced by the Commissions most recent opening of a new rulemaking proceeding docket, 19-SIT-01. “The new rulemaking docket is opened to updating title 20 sections 2001 and 2003 relating to the methodology for determining generating capacity of power generating facilities. The rulemaking will amend regulatory language to clarify the methodology for calculating generating capacity for non-grid tied electrical generating facilities.”

Since the gross output of the Laurelwood Data Center exceeds 100 MW as computed under the Commission’s approved regulation Section 2003 the project does not qualify for SPPE treatment. Accordingly, Intervenor Sarvey moves to dismiss the proceeding and require the applicant to file an Application for Certification as required by the Commissions current Rules of Practice and Procedure.

Respectfully Submitted



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