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Before the Energy Resources Conservation and Development
Commission of the State of California
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IN THE MATTER OF:

LAURELWOOD DATA CENTER

Docket No. 19-SPPE-01

STAFF'S LIMITED OPPOSITION TO INTERVENOR ROBERT SARVEY'S MOTION TO COMPEL

On October 10, 2019, intervenor Robert Sarvey filed a "Motion to Compel Staff to Recognize and Respond to Intervenor Sarvey's Comments and Testimony on the IS/MND and extend the deadline for rebuttal testimony" (TN 230110) to the Laurelwood Data Center (LDC) docket. Subsequently, on October 12, 2019, the LDC Committee issued an "Order Shortening Time on Motion to Compel, Vacating the Rebuttal Testimony Deadline, and Suspending the Prehearing Conference and Evidentiary Hearing" (Order; TN 230172). In this Order, the Committee set October 15, 2019 at 3 p.m. as the deadline for staff to file a response to Mr. Sarvey's Motion to Compel.

On August 16, 2019, the Committee filed an order (TN 229475) directing staff to end the public comment period for the Initial Study and Proposed Mitigated Negative Declaration on October 3, 2019, and directing all parties to file opening testimony on October 8, 2019. The Committee further ordered staff to include in its opening testimony "responses to any comments received during the public review and comment period." On October 3, 2019, Mr. Sarvey filed "Testimony of Robert Sarvey on the Initial Study/MND for the Laurelwood Data Center" (TN 229959) which included both his resume and signed declaration that this document was indeed Mr. Sarvey's testimony. Furthermore, Mr. Sarvey admits in his Motion to Compel that he did not include a request in his testimony that staff consider it public comment, and he did not file any additional opening testimony on October 8, 2019. Therefore, staff appropriately construed Mr. Sarvey's filing to be intended as his testimony.

Staff, as it indicated in its opening testimony, is filing a reply to Mr. Sarvey's testimony on October 15, 2019. Accordingly, Mr. Sarvey's motion for the Committee to direct staff to reply to his testimony has or will soon become moot.

To the extent that Mr. Sarvey also seeks a seven-day extension of time to reply to staff's opening testimony or rebut staff's reply testimony, staff opposes such a request as needlessly dilatory and neither supported by the law nor adherence to the Committee's prior orders in this proceeding. However, staff does not oppose a grant of

leave to allow Mr. Sarvey to submit a response to staff's opening or reply testimony on or before October 18, 2019.

Date: October 15, 2019

Respectfully submitted,



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