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State Energy Resources Conservation and  
Development Commission  
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APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE:

**SAN JOSE CITY DATA CENTER**

**Docket No. 19-SPPE-04**

## **GENERAL ORDERS REGARDING MOTIONS, ELECTRONIC FILING, SERVICE OF DOCUMENTS, AND OTHER MATTERS**

The Committee<sup>1</sup> for the Application for a Small Power Plant Exemption (SPPE) for the San Jose City Data Center **ORDERS** the following requirements to apply to this proceeding. Many of these requirements are set forth in the regulations of the California Energy Commission (CEC) guiding the conduct of proceedings.<sup>2</sup> Additional requirements are adopted pursuant to the Presiding Member's authority to regulate the conduct of proceedings.<sup>3</sup>

### **Motions**

Written motions submitted by a party shall state the motion clearly in the document's title and include a statement of the relief or action requested, the grounds for the requested relief or action, and citation to a rule, law, or other authority authorizing the Committee or CEC to grant the request.

Unless the Presiding Member sets forth a different schedule, responses to a motion shall be filed within 14 days of the filing of the motion. No replies to the responses are allowed unless ordered by the Presiding Member.<sup>4</sup>

### **Document Filing, Deadlines, and Service of Documents**

All parties to this SPPE proceeding are required to submit documents and provide service of documents using the CEC's e-filing system.<sup>5</sup> There is no need to attach a

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<sup>1</sup> At the December 11, 2019 Business Meeting, the Energy Commission designated a committee of two commissioners consisting of Commissioner Karen Douglas as Presiding Member and Commissioner Patty Monahan as Associate Member as the Committee to conduct proceedings on the application. (TN 231265.)

<sup>2</sup> See California Code of Regulations, title 20, division 2, chapter 2, articles 2 & 3 (commencing with sections 1200 and 1210, respectively). All subsequent citations are to title 20 of the California Code of Regulations unless otherwise specified.

<sup>3</sup> See section 1203.

<sup>4</sup> See section 1211.5.

<sup>5</sup> See sections 1208 and 1211(b).

Declaration of Service to the uploaded or e-mailed document unless delivery of a paper copy of a document to a party is required, as described below.<sup>6</sup>

After an uploaded document is approved for filing by the CEC's Docket Unit, the e-filing system will automatically send an e-mail to the Proof of Service list and the project's electronic listserv<sup>7</sup> with a link to the document on the CEC's website. Documents submitted into the CEC's e-filing system are considered to be filed at the time and date they are uploaded and accepted by the e-filing system, except that documents uploaded after 5:00 p.m. on business days or on a Saturday, Sunday, holiday, or other day the CEC is closed are deemed filed on the next business day.<sup>8</sup>

Unless a different deadline is stated in a notice, order, or other document, a deadline shall mean 5:00 p.m. Pacific Time. If the Committee sets an earlier time as a filing deadline, the document must be uploaded by the specified time.

All filed documents will be available via the "Documents for this Proceeding (Docket Log)" link on the project's web page: <https://ww2.energy.ca.gov/sitingcases/sj2/>. Applications for confidentiality may be filed pursuant the CEC's regulations.<sup>9</sup> If a document has an approved confidentiality designation, it will not be available to parties or the public, except as provided for in the CEC's Regulations.<sup>10</sup>

### **Hardship Waiver for Paper Copy Filers/Recipients**

The Presiding Member may grant a waiver of e-filing requirements upon a showing that a person or party does not have reasonably efficient access to e-file his or her documents. Any person may request permanent service of all documents in paper form. The Presiding Member may order such service only upon a showing that a person or party does not have reasonably efficient access to equipment that would allow the person to receive electronic notice of documents, or view information on the proceeding's website.<sup>11</sup>

A party that is granted a waiver to file paper copies of documents shall mail or deliver a paper copy to the Docket Unit and any other party(ies) on the Proof of Service that require paper copies. The Docket Unit will convert all delivered paper copies to electronic files and e-file the documents for delivery to the other parties, electronic listserv, and posting to the website.

If a waiver is granted, other parties will be made aware by a ruling and the party granted the waiver will be shown on the Proof of Service list with a physical mailing address

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<sup>6</sup> Prior to uploading documents to the e-filing system, parties shall review the Proof of Service list to determine if any parties require paper copies. If paper copies are required, a Declaration of Service, in or similar to the form also linked from the web page, shall be filed with or separately uploaded to confirm that the paper copies were provided. If no paper copies are required, no Declaration need be filed.

<sup>7</sup> To sign up for or remove yourself from a listserv, see <https://www.energy.ca.gov/listservers/index.html>.

<sup>8</sup> See section 1208(b).

<sup>9</sup> See section 2505.

<sup>10</sup> See section 2507.

<sup>11</sup> See section 1211(c).

without an e-mail address. Parties submitting documents to the e-filing system shall, at the time of uploading, provide by mail or personal delivery a paper copy of the documents to any party who received a waiver and requires printed copies. If the document is larger than 50 pages, they may instead mail or deliver a compact disk, DVD, or USB stick (thumb drive) containing an electronic copy of the document, provided that the recipient is offered the opportunity to request a paper copy.

### **Proof of Service List**

The Hearing Officer maintains the Proof of Service List for this proceeding.<sup>12</sup> The current list is available via the “Proof of Service List” link on the proceeding’s web page in the “Original Proceeding” box. If you need a printed copy of the Proof of Service List for reference or to attach to a Declaration of Service when service of paper copies is required, print the list from the proceeding or contact the Public Advisor for assistance. Report any changes to the Proof of Service List to the assigned Hearing Officer.

### **Format of Electronic Documents and Signatures**

E-filed documents must be word-searchable, if feasible.<sup>13</sup> In some instances, electronic copies created by scanning a printed document are unable to be word searched, read by programs that assist the visually impaired, or easily read on small screen devices such as smart phones. The preferred method for creating a word searchable document is to create a “.pdf” (Portable Document Format) file.<sup>14</sup>

Signatures on electronic documents may be electronic; a copy of a wet signature is not required.<sup>15</sup> Signatures may be indicated on electronic copies by embedding a scanned signature graphic, “Original Signed By,” “/S/,” or similar notation. The original printed copy of a document containing an original signature shall be retained by the party filing that document and produced if requested by the Presiding Member or CEC.

Cover or transmittal letters that do not add any substantive information to uploaded documents are not necessary.

### **Transcripts**

Parties are responsible for identifying errors in the transcripts of the proceedings. Proposed corrections to the transcripts must be filed within 30 days of the filing of a transcript.

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<sup>12</sup> <https://efiling.energy.ca.gov/Lists/POSList.aspx?docketnumber=19-SPPE-04> .

<sup>13</sup> Section 1208.1(b).

<sup>14</sup> The CEC’s e-filing system also accepts uploads of Microsoft Word formatted files (.doc, .docx) and converts them to .pdf as part of the uploading process. If you choose to complete the conversion process this way, you are advised to click on the link to the file on the filing confirmation page to verify that the converted file accurately represents the Word file you uploaded.

<sup>15</sup> Section 1208.1(e).

## Questions

Parties and members of the public may contact Caryn Holmes and Deborah Dyer, Hearing Officers, at [Caryn.Holmes@energy.ca.gov](mailto:Caryn.Holmes@energy.ca.gov) and [Deborah.Dyer@energy.ca.gov](mailto:Deborah.Dyer@energy.ca.gov), or at (916) 654-3951, for clarifications about this order or general procedural questions.

The CEC's Public Advisor, Noemí O. Gallardo, provides assistance to members of the public participating in CEC proceedings. For information on how to participate in this forum, please contact her at [PublicAdvisor@energy.ca.gov](mailto:PublicAdvisor@energy.ca.gov), or (800) 822-6228 (toll free) or (916) 654-4489.

Further information about electronic filing and commenting is also provided on the CEC's website: <https://www.energy.ca.gov/proceedings/e-filing-and-e-commenting>.

Dated: February 4, 2020, at Sacramento, California.

*ORIGINAL SIGNED BY:*

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Karen Douglas  
Commissioner and Presiding Member  
San Jose City Data Center SPPE Committee