

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-03
<b>Project Title:</b>	Sequoia Data Center
<b>TN #:</b>	232600
<b>Document Title:</b>	C1's PreHearing Conference Statement and Exhibit List
<b>Description:</b>	N/A
<b>Filer:</b>	Scott Galati
<b>Organization:</b>	DayZenLLC
<b>Submitter Role:</b>	Applicant Representative
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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant  
Exemption for the **SEQUOIA BACKUP  
GENERATING FACILITY**

**DOCKET NO: 19-SPPE-3**

**C1-SANTA CLARA, LLC'S  
PREHEARING CONFERENCE  
STATEMENT**

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C1-Santa Clara, LLC (C1) in accordance with the Committee Order dated January 29, 2020, hereby files its Prehearing Conference Statement for its Application for Small Power Plant Exemption for the Sequoia Backup Generating Facility (SBGF). C1 is prepared to proceed to evidentiary hearing on all topic areas. In accordance with the above referenced order, C1 presents its Prehearing Conference Statement, as follows:

1. **Subject Areas Complete And Ready to Proceed To Evidentiary Hearing**

C1 believes that all subject areas (and/or disciplines) are complete and ready for adjudication at the Evidentiary Hearings.

2. **Subject Areas Where C1 Proposes To Introduce Testimony In Writing Rather Than Through Oral Testimony**

C1 proposes to introduce all of its testimony in all uncontested areas in writing rather than through oral testimony. C1 is in complete agreement with Staff on every issue and only disputes Intervenor Robert Sarvey's contentions outlined in Section 4 below. C1 will, however, have representatives available at the evidentiary hearing or via Webex to answer questions from the Committee in uncontested topic areas.

**3. Subject Areas Not Complete and Not Ready To Proceed to Evidentiary Hearing**

None.

**4. Disputed Topic Areas Requiring Adjudication**

C1 and Staff have reached complete agreement on all subject areas and therefore there are no disputed topic areas requiring adjudication relating to the Initial Study/Mitigated Negative Declaration (IS/MND) and Staff's Response to Comments, including Staff's findings, conclusions and proposed new and modified mitigation measures.

C1 disputes all issues raised by Intervenor Robert Sarvey. The topic areas that are therefore contested include:

- Jurisdiction and Generating Capacity
- Energy Resources
- GHG Emissions
- Air Quality and Public Health
- Utilities and Public Services
- Environmental Justice

**5. Proposed Witnesses**

At this time, C1 witnesses, which have filed Opening and/or Rebuttal Testimony, include Marcela DeLong, Steven Branoff, and Brianna Bohonok. C1 estimates that it would need no longer than 30 minutes for direct examination, but reserves up to 1 hour for rebuttal testimony and Committee questions. C1 also requests the ability to have all testimony be provided via Webex.

C1 reserves the right to provide additional live oral witness testimony for uncontested subject areas via Webex to rebut any Intervenor witness, and/or to answer questions from the Committee.

**6. Cross-Examination**

C1 proposes to cross-examine Intervenor Robert Sarvey in all contested topic areas.

- Jurisdiction and Generating Capacity – 5 minutes
- Energy Resources – 5 minutes
- GHG Emissions – 5 minutes
- Air Quality and Public Health – 20 minutes
- Utilities and Public Services – 5 minutes
- Environmental Justice – 5 minutes

C1 reserves the right for additional time to cross-examine Intervenor Robert Sarvey if any information is provided at evidentiary hearing that was not included in Intervenor's Opening or Reply Testimony.

**7. Exhibit List**

Table 1 is C1's Proposed Exhibit List.

**8. Proposed Briefing Schedule**

C1 does not propose any legal briefs unless directed by the Committee.

Dated: March 30, 2020

Respectfully Submitted,



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Scott A. Galati  
Counsel to C1-Santa Clara, LLC

**C1-Santa Clara, LLC**  
**Sequoia Backup Generating Facility (19-SPPE-3)**  
**Table 1 - EXHIBIT LIST**

<b>EXHIBIT NO.</b>	<b>TN</b>	<b>TITLE</b>	<b>SUBJECT</b>
1	229419-1	<b><u>Application for Small Power Plant Exemption</u></b> Main application, absent appendices. 221 pages	All
2	229419-2	<b><u>Appendices A-N - part 1</u></b> Appendices A-F of the SPPE application 304 page(s)	Project Description, Geology and Soils, Air Quality, Public Health, Greenhouse Gasses
3	229419-3	<b><u>Appendices A-N - part 2</u></b> Appendices F (continued)-L of the SPPE application 207 page(s)	Project Description, Air Quality, Public Health, Energy Resources, Cultural Resources, Soil and Water, Hazardous Materials
4	229419-4	<b><u>Appendices A-N - part 3</u></b> Appendices L (continued)-N of the SPPE application 1175 page(s)	Soil and Water, Hazardous Materials, Noise
5	229938-1	<b><u>C1 Santa Clara, LLC's Response to CEC Staff Data Request - Set 1 (1-92)</u></b> 60 pages	Air Quality, Greenhouse Gases, Thermal Plumes, Biology, Cultural, Land Use, Paleontology, Population and Housing, Project Description, Transportation

EXHIBIT NO.	TN	TITLE	SUBJECT
6	229938-2	<u>C1 Santa Clara, LLC's Response to CEC Staff Data Request - Set 1 - SBGF Appendices</u> 187 pages	Air Quality, Project Description, Thermal Plumes,
7	229973	<u>Appendix BIO DR-64 Tree Removal Plan - C1 Response to CEC Data Request Set 1</u> 2 pages	Biology
8	230348	<u>C1 Response to CEC Data Request Set 2 -without Appendices</u> 12 pages	Biology, Cultural, Hazardous Materials, Land Use, Project Description, Transportation
9	230347	<u>C1 Appendix BIO DR-93 Response to CEC DR Set 2</u> Landscape and Tree Removal Plans Biological Resources 15 pages	Biology
10	230353	<u>C1 Appendix TRANS DR-103 Part I of IV Response to DR Set 2</u> 63 pages	Transportation
11	230354	<u>C1 Appendix TRANS DR-103 Part II of IV Response to DR Set 2</u> 18 pages	Transportation
12	230356	<u>C1 Appendix TRANS DR-103 Part III of IV Response to DR Set 2</u> 16 pages	Transportation
13	230357	<u>C1 Appendix TRANS DR-103 - Part IV of IV Response to DR Set 2</u> 14 pages	Transportation
14	230507	<u>Appendix BIO DR-62 to Data Request Set 1</u> 10 pages	Biology
15	230893	<u>Generator Tank Detail Revision to Respond to ALUC - Supplemental Response to DR 89</u> 1 page	Hazardous Materials, Land Use, Transportation

EXHIBIT NO.	TN	TITLE	SUBJECT
16	231011	<u>Numbered Project Design Measures - SGBF SPPE Application, Section 2-7</u> 6 pages	Project Description
17	231257	<u>C1 Responses to CEC Staff DR Set 3</u> 95 pages	Air Quality, Project Description, Public Health, Transportation
18	231355	<u>ALUC Final Consistency Determination - SDC</u> 2 pages	Land Use and Transportation
19	232020	<u>Sequoia Data Center FAA No Hazard Determination</u> 4 pages	Transportation
20	232315	<u>C1 Clairificaiton and Response to BAAQMD ISMND Cumulative HRA Comment</u> 3 pages	Air Quality and Public Health
21	232420	<u>C1-Santa Clara, LLC SGBF Opening Testimony and Declarations</u> 17 pages	All Subjects
22	232496	<u>C1 Reply Testimony Package</u> 3 pages	Air Quality, Facility Design, Project Description, Public Health, Socioeconomics, Greenhouse Gases
23	Pending (docketed on March 30, 2020)	<u>Excerpts from BAAQMD Diesel Free by '33 Website</u> 5 pages	Air Quality, Greenhouse Gases, Public Health