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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:

San José City Data Center

Docket No. 19-SPPE-04

**APPLICANT MICROSOFT CORPORATION'S RESPONSE TO
MOTION BY CALIFORNIA UNIONS FOR RELIABLE ENERGY
FOR LEAVE TO FILE DATA REQUESTS**

June 11, 2020

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**APPLICANT MICROSOFT CORPORATION'S RESPONSE TO
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FOR LEAVE TO FILE DATA REQUESTS**

Pursuant to section 1211.5(a) of Title 20 of the California Code of Regulations, Microsoft Corporation (“Microsoft”), the applicant (“Applicant”) for the Small Power Plant Exemption (“SPPE”) for the San José Data Center Project, hereby submits this response to the motion by California Unions for Reliable Energy (“CURE”), filed on May 28, 2020, seeking leave to file data requests pursuant to sections 1716 and 1941 of Title 20 of the California Code of Regulations (“Motion for Leave”).

The Applicant filed its SPPE application on November 15, 2019. Prior to filing its Motion for Leave, CURE filed a Public Records Act request on May 4, 2020. CURE claims that it is now filing the Motion for Leave because it needs additional information. (Motion for Leave, p. 2.) As acknowledged in CURE’s Motion for Leave, a request for data or information may be filed with respect to SPPE applications in accordance with the procedures in Section 1716, so long as the request for information is “submitted no later than 60 days from the application for exemption’s filing date, or a later date as approved by the presiding member.” (20 Cal. Code Regs. § 1941.) CURE’s Motion for Leave was filed on May 28, 2020, over 180 days after Microsoft filed its SPPE application. CURE must, therefore, obtain approval from the presiding member to submit the request. Given the considerable delay in CURE’s request, Applicant requests that the presiding member deny the Motion for Leave.

If the presiding member grants CURE’s Motion for Leave, Applicant will comply with the response deadlines provided under Section 1716(f), as calculated from the date Applicant receives notice that the Motion for Leave is granted and the data request is deemed submitted. (20 Cal. Code Regs., §§ 1716(f), 1941.) In accordance with the procedures and deadlines set forth in Section 1716, if the Motion for Leave is granted, Applicant will thereafter notify CURE and the committee whether it is unable to provide any of the requested information or otherwise objects to any of the categories of information requested, and will produce information

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responsive to requests that the Applicant does not object to, in accordance with the procedures of Section 1716. (20 Cal. Code Regs., § 1716(f) [20 days for objections, 30 days for producing information].)

Respectfully submitted,

Dated: June 11, 2020

MILLER STARR REGALIA

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