

DOCKETED

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Memorandum

To: Commissioner Karen Douglas, Presiding Member
Commissioner Patty Monahan, Associate Member

Date: June 15, 2020

From: California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

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Subject: STATUS REPORT #3 FOR THE SAN JOSE CITY DATA CENTER SMALL POWER PLANT EXEMPTION (19-SPPE-04)

In its May 12, 2020 order (*Committee Scheduling Order*), the Committee ordered all parties to file and serve a Status Report on the 15th of each month, beginning with May 15, 2020. Since staff filed Status Report #2 on May 15, 2020, staff docketed a Notice of Receipt that was published in the local English newspaper, San Jose Mercury News on May 8, 2020 and published in the local Vietnamese newspaper, Vietnam Daily on May 9, 2020.

Staff will be holding a meeting with City of San Jose staff on Wednesday June 18, 2020 to further coordinate jurisdictional roles and responsibilities under CEQA, to consult with the city about this project as required under Public Resources Code section 21080.3 and CEQA Guidelines section 15063(g), and to ensure CEC staff's environmental document is inclusive and responsive of relevant local regulations and policies. CEC staff anticipates discussion of both the San Jose City Data Center and Great Oaks South Backup Generating Facility (20-SPPE-01) proceedings with city staff.

On May 26, 2020, the applicant filed a request for additional time to provide responses to staff's Data Requests Set 5, which were due by June 8, 2020. Responses are now expected by July 7, 2020. Supplemental responses to staff Data Requests Set 2, responses to staff Data Requests sets 3 and 4 are also outstanding. Staff looks forward to receiving this information.

On May 28, 2020, intervenor California Unions for Reliable Energy (CURE) filed a Motion for Leave with its Data Request Set 1. CURE is seeking additional project information related to electricity demand, water use, pollution controls, the health risk assessment, and air quality. Staff does not object to the Motion for Leave or the data requests, and if CURE's motion is granted, staff will publish its environmental document within 30 days of

the final data request response to either staff's outstanding requests or CURE's request, whichever is latest.