

DOCKETED

Docket Number:	20-SPPE-01
Project Title:	Great Oaks South Backup Generating Facility Small Power Plant Exemption
TN #:	233487
Document Title:	Request for Agency Participation in the Review of the Great Oaks South Backup Generating Facility
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Submitter Role:	Commission Staff
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Docketed Date:	6/15/2020



TO: AGENCY DISTRIBUTION LIST

REQUEST FOR AGENCY PARTICIPATION IN THE REVIEW OF THE GREAT OAKS SOUTH BACKUP GENERATING FACILITY

On March 19, 2020, SV1, LLC, a wholly owned subsidiary of Equinix, LLC (SV1 or applicant) filed an application with the California Energy Commission (CEC) seeking an exemption from the CEC's jurisdiction (Small Power Plant Exemption, or SPPE) for the Great Oaks South Backup Generating Facility (GOSBGF) (20-SPPE-01). The GOSBGF would be part of the Great Oaks South Data Center (GOSDC) to be located in the City of San Jose. The project was approved by the city on February 1, 2017. Since its approval, SV1, LLC has made project design changes and is now seeking approval of an SPPE for the GOSBGF.

Project Description

The GOSDC would consist of three 182,350 square foot, two-story data center buildings. The approximately 18-acre project site is associated with three addresses (123, 127, and 131 Great Oaks Boulevard) in the City of San Jose.

The GOSBGF would consist of 36, 3.25-megawatt (MW) diesel fired generators in six generation yards that would each be separately electrically interconnected to the three data center buildings. The GOSBGF would be used exclusively to provide backup generation and uninterruptible power supply for the GOSDC, and other than for routine maintenance and testing, would only operate in the event of a failure of the electrical service from Pacific Gas and Electric Company (PG&E) to the data center. In addition, the GOSBGF would include three life safety diesel fired generators, each capable of generating 0.50 MW. GOSBGF would have a generating capacity of up to 99.0 MW.

The GOSDC would connect to a new PG&E substation via five new 21 kilovolt (kV) distribution feeders that would extend underground along Via Del Oro to the project site. The California Public Utilities Commission has granted PG&E approval to construct the new substation, which is called the "Santa Teresa Substation".

Small Power Plant Exemption Process

CEC has the exclusive authority to certify all thermal power plants (50 MW and greater) and related facilities proposed for construction in California. The SPPE process allows applicants with facilities between 50 and 100 MW to obtain an

exemption from CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. In this case, the GOSBGF is subject to CEC's licensing authority unless the exemption is granted. Should the exemption be granted, the applicant would still need to secure the appropriate licenses and permits for the project from relevant local, state, and federal agencies.

Staff Evaluation of the SPPE Application and Further Steps

Public Resources Code section 25519(c) designates CEC as the lead agency, in accordance with the California Environmental Quality Act (CEQA), for all facilities seeking an SPPE. CEQA requires the lead agency to consider the whole of the action; therefore, CEC will include the entire project in its analysis, which includes the construction and operation of the data center buildings, backup generating facility, and electric distribution feeders from the Santa Teresa Substation to the project site. As lead agency, CEC is required by Public Resources Code section 21080.3 and CEQA Guidelines section 15063(g) to consult with responsible and trustee agencies to ascertain whether a negative declaration or environmental impact report is required. CEC staff has begun its review of the application and a Committee of two Commissioners was appointed at the CEC's May 13, 2020 Business Meeting to oversee the SPPE proceeding.

Over the coming months, staff will evaluate the project and prepare an environmental analysis document—for SPPE projects this typically takes the form of an Initial Study and Proposed Mitigated Negative Declaration (IS/PMND). The IS/PMND will be published and made available for a 30-day public comment period. The assigned Committee will then conduct a hearing to determine whether to propose adoption of the proposed CEQA documents by the full Commission and to determine whether to recommend to the full Commission that the proposed project should be exempt from CEC's power plant certification process. This hearing will provide the public as well as local, state and federal agencies and California Native American tribes the opportunity to provide input on the exemption request. Subsequent steps include issuance of a proposed decision by the Committee, and possible adoption of that decision by CEC at a business meeting or hearing. CEC's regulations setting forth the SPPE process are primarily located in Title 20, California Code of Regulations, sections 1934-1947.

Project Webpage and Listserve

CEC maintains a website for this project at:
<https://ww2.energy.ca.gov/sitingcases/greatoakssouth/>. The SPPE application

and related project documents are viewable by clicking the "Documents for this Proceeding (Docket Log)" link located near the upper right corner of the project webpage. The direct link to the project docket log is:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01>.

To receive electronic notices of all project-related activities and documents related to the exemption evaluation, go to CEC's listserve web page (https://ww2.energy.ca.gov/listservers/index_cms.html), and check the "Great Oaks South Backup Generating Facility" box under "PROJECTS UNDER REVIEW."

Agency Participation

Your agency's participation is encouraged and would consist of identifying and working to resolve issues of concern to your agency in connection with the SPPE proceeding. Pursuant to Title 20, California Code of Regulations, section 1936(d), we request any "analyses, comments, and recommendations" on the exemption application which you wish to provide. Again, please note that should the exemption be granted, the applicant would then be responsible for obtaining all necessary local, state, and federal permits required to construct and operate the project, which may entail additional analysis by relevant permitting authorities.

You may provide comments at any time, however, pursuant to Title 20, California Code of Regulations, section 1936(d), any written comments your agency may have must be filed with CEC prior to the conclusion of the hearing, unless otherwise specified by law or by order of the presiding committee member. The date of this hearing is not yet known, as the Committee assigned to oversee the SPPE proceeding has not yet issued a schedule for the major milestones in the proceeding, including publication of staff's initial study. In addition, the CEC will provide separate, advance notice of the hearing via the listserve once it has been scheduled.

You may submit comments electronically. To use CEC's electronic commenting feature, go to CEC's webpage for this proceeding, cited above, click on the "Comment on this Proceeding" link, and follow the instructions in the online form. Be sure to include the project name in your comments. Once filed, you will receive an e-mail with a link to them and the comments will be part of the proceeding's public record.

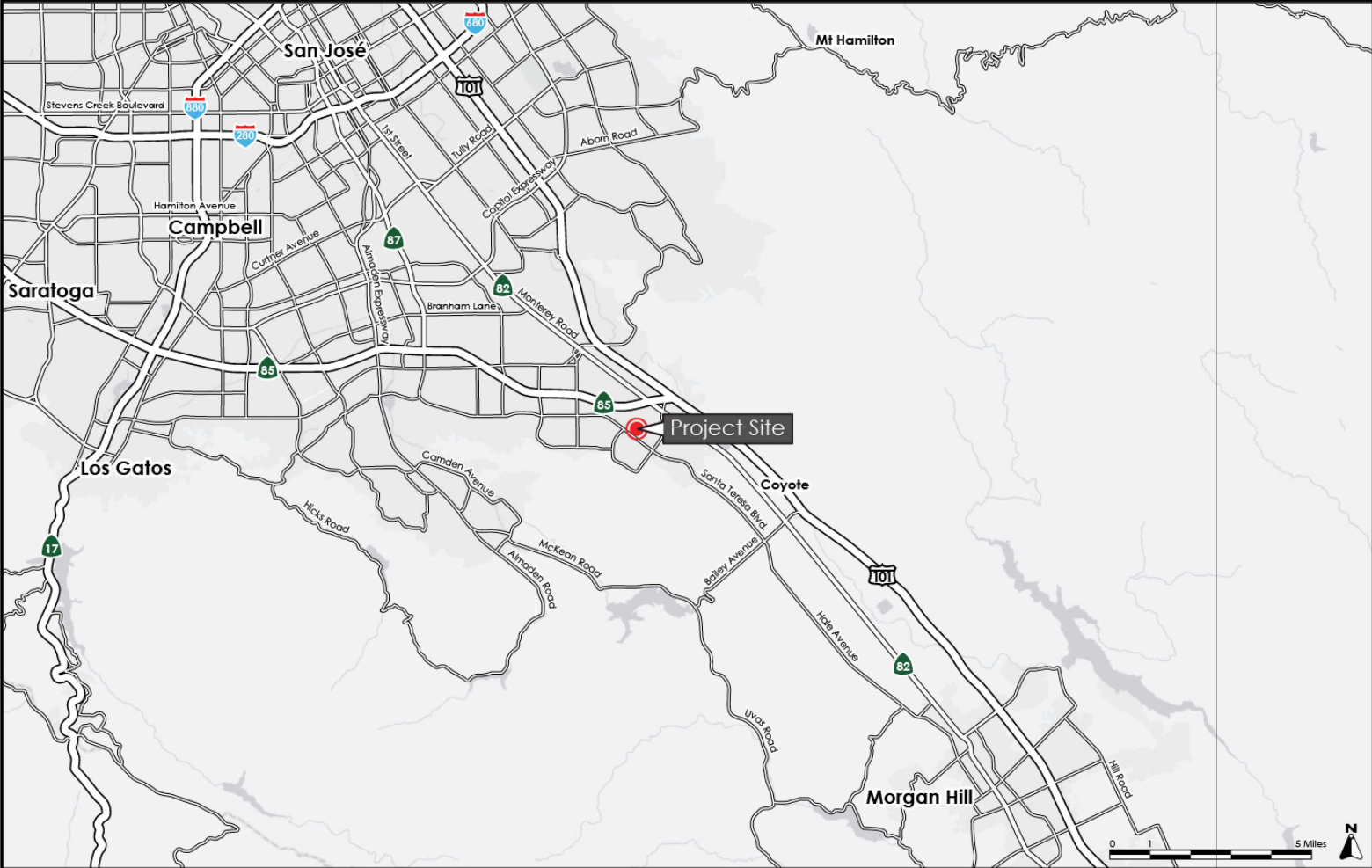
If you have any questions or need additional information on how to participate in CEC's review of the proposed project, please contact Lisa Worrall, Senior Environmental Planner, by email to lisa.worrall@energy.ca.gov.

Attachments (from the SPPE application):

Regional Map (Figure 1.1-1)

Aerial Photograph and Surrounding Land Uses (Figure 1.1-3)

Site Plan (Figure 2.2-1)



**Figure 1.1-1
Regional Map**

Sources: SV1 2020a

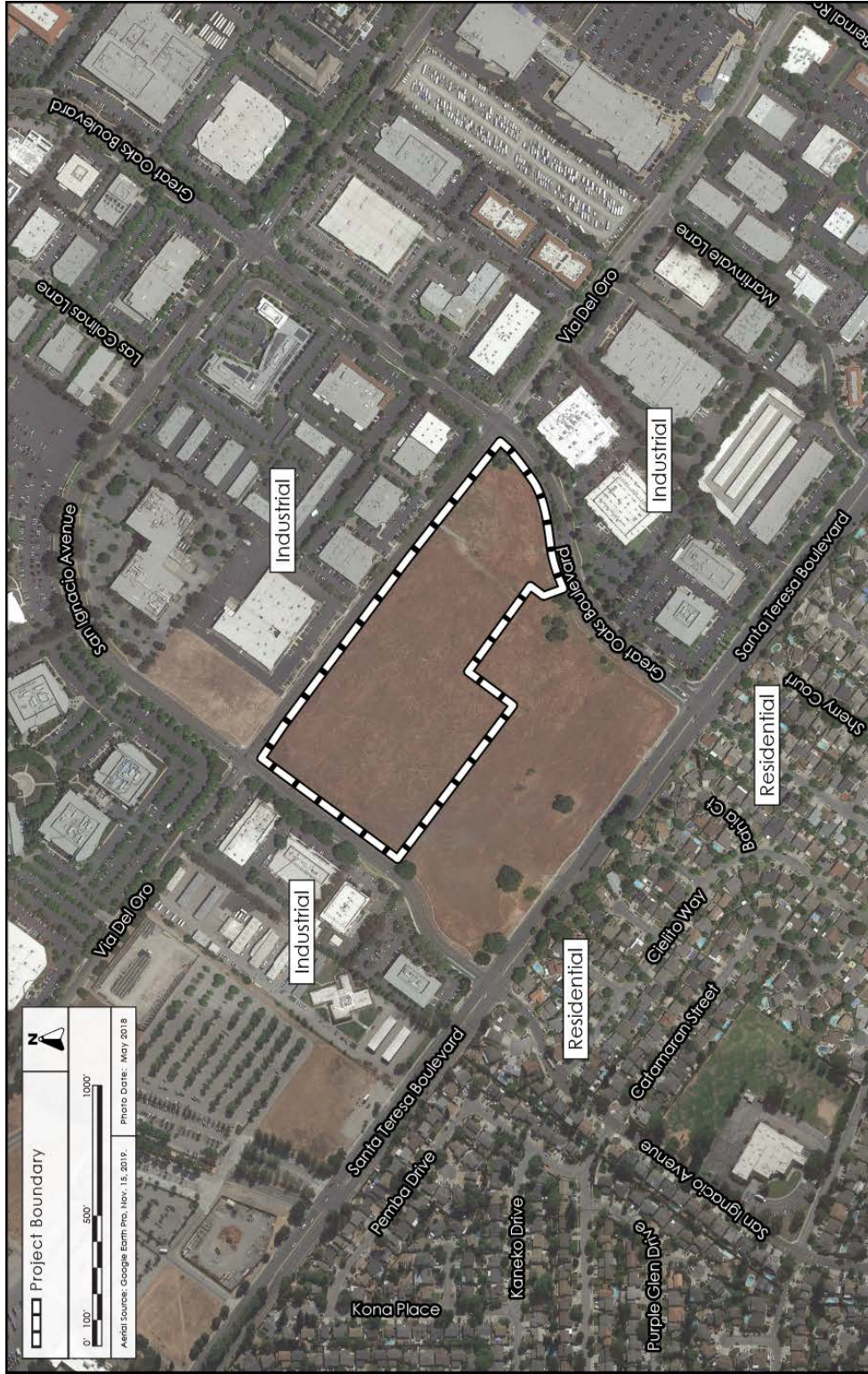


Figure 1.1-3
Aerial Photograph and
Surrounding Land Uses
 Sources: SV1 2020a

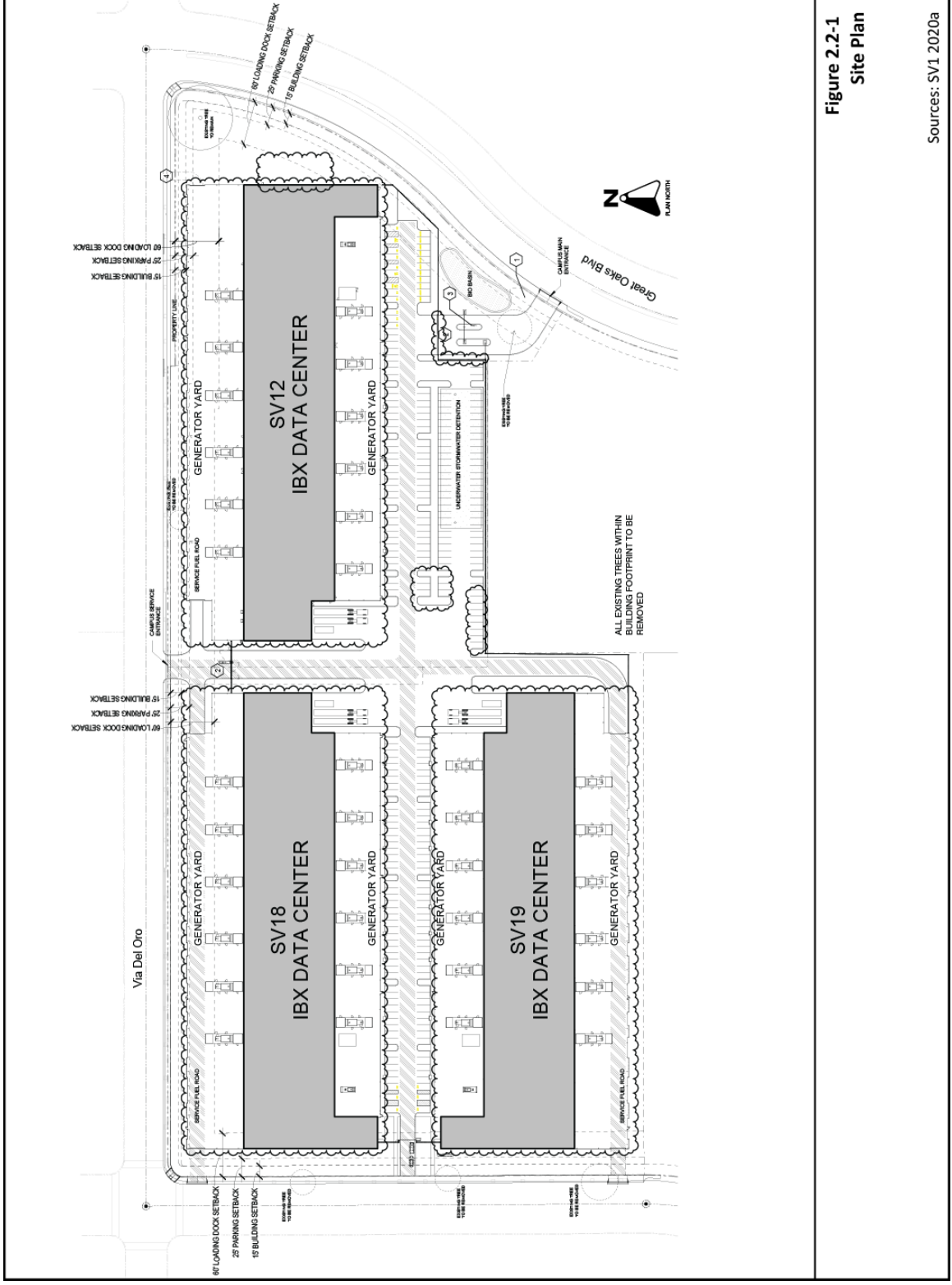


Figure 2.2-1
Site Plan

Sources: SV1 2020a

The table below includes the list of agencies staff has sent a Request for Agency Participation letter (Agency Participation letter). The Agency Participation letter was also emailed.

FIRST	LAST	TITLE	AGENCY	ADDRESS	CITY	ST	ZIP
David	Keyon	Principal Planner	San Jose Planning, Building & Code Enforcement (PBCE)	200 East Santa Clara Street	San Jose	CA	95113
Greg	Stone	Supervising Air Quality Engineer	Bay Area Air Quality Management District	375 Beale Street, Suite 600	San Francisco	CA	94105
Ariana	Husain	Permit Engineer	Bay Area Air Quality Management District	375 Beale Street, Suite 600	San Francisco	CA	94105
Gregg	Erickson	Regional Manager	California Department of Fish and Wildlife	2825 Cordelia Road Suite 100	Fairfield	CA	94534
			Santa Clara Valley Habitat Agency	535 Alkire Avenue	Morgan Hill	CA	95037
Simon	Baker	Director, Energy Division	California Public Utilities Commission	505 Van Ness Avenue	San Francisco	CA	94102
Ryan	Olah	Division Chief	US Fish & Wildlife Service, Sacramento Fish & Wildlife Office, Coast Bay Division	2800 Cottage Way Rm W-2605	Sacramento	CA	95825
Kerri	Kisko	Environmental Scientist	California Department of Conservation	801 K Street, MS 14-15	Sacramento	CA	95814
Laura	Miranda	Commissioner	Native American Heritage Commission	1550 Harbor Blvd, Suite 100	West Sacramento	CA	95691
Sylvia	Fung		IGR, Caltrans, District 4	P.O. Box 23660	Oakland	CA	94623-0660
Keith	Lichten	Regional Program Lead	San Francisco Bay RWQCB	1515 Clay Suite 1400	Oakland	CA	94612
Lori	Koch	Acting Chief Berkeley/HQ	Dept. of Toxic Substances Control	700 Heinz Avenue Suite 200	Berkeley	CA	94710-2721
			San Francisco Bay Conservation & Development Commission	375 Beale Street, Suite 510	San Francisco	CA	94105
			San Jose Parks, Recreation and Neighborhood Services	200 East Santa Clara Street	San Jose	CA	95113
Robert	Sapien	Fire Chief	San Jose Fire Department	1661 Senter Rd.	San Jose	CA	95112
Edgardo (Eddie)	Garcia	Chief of Police	San Jose Police Department	201 W. Mission Street	San Jose	CA	95110
Doug	Moody		San Jose Department of Transportation, Transportation Planning	200 East Santa Clara Street	San Jose	CA	95113
Ryan	Do	Development Services Division Manager	San Jose Public Works	200 East Santa Clara Street	San Jose	CA	95113
Kerry	Romanow		San Jose Environmental Services	200 East Santa Clara Street 10th Floor Tower	San Jose	CA	95113

FIRST	LAST	TITLE	AGENCY	ADDRESS	CITY	ST	ZIP
Cherise	Orange	Associate Planner	County of Santa Clara Parks and Recreation Department	298 Garden Hill Drive	Los Gatos	CA	95032-7669
Binaya	Shrestha	Subject Matter Expert, PG&E	California Independent System Operator	250 Outcropping Way	Folsom	CA	95630
Ned	Thomas	Planning Director	City of Milpitas Planning and Neighborhood Services	455 East Calaveras Blvd.	Milpitas	CA	95035
Wade	Crowfoot	Secretary	Natural Resources Agency	1416 Ninth Street, Suite 1311	Sacramento	CA	95814
Phillip	Crader		State Water Resources Control Board, Water Quality Division	P.O. Box 100	Sacramento	CA	95812-0100
Alyson	Aquino		Natural Resources Conservation Services	3585 Greenville Road Suite 2	Livermore	CA	94550-6707
Karla	Nemeth	Director	Department of Water Resources	P.O. Box 942836	Sacramento	CA	94236-0001
			County of Santa Clara, Office of the Clerk Recorder	70 West Hedding Street	San Jose	CA	95110