

DOCKETED

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State of California
State Energy Resources Conservation and
Development Commission
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:

***GREAT OAKS SOUTH BACKUP
GENERATING FACILITY***

Docket No. 20-SPPE-01

NOTICE OF COMMITTEE CONFERENCE AND RELATED ORDERS

On March 19, 2020, SV1, LLC, a wholly owned subsidiary of Equinix, LLC, (Applicant) submitted an application for a Small Power Plant Exemption for the Great Oaks South Backup Generating Facility (Application)¹ to the California Energy Commission (CEC).²

PLEASE TAKE NOTICE that the Committee³ has scheduled a Committee Conference on the following date and time:

SEPTEMBER 23, 2020
1:00 p.m.

The Committee Conference will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and recommendations from the California Department of Public Health to encourage physical distancing in order to slow the spread of COVID-19. The public and parties will be able to participate and/or observe the meeting consistent with the direction in these Executive Orders.

To participate remotely, please see the instructions below under the section “REMOTE ATTENDANCE.”

¹ Information about this proceeding may be found on the CEC’s [web page](https://ww2.energy.ca.gov/sitingcases/greatoakssouth/) at <https://ww2.energy.ca.gov/sitingcases/greatoakssouth/>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01>. The Application is TNs 232466 and 232467-1 through -3.

² The CEC is formally known as the “State Energy Resources Conservation and Development Commission.” (Pub. Resources Code, § 25200.)

³ On May 13, 2020, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and David Hochschild, Chair and Associate Member, to preside over this SPPE Application. (TN 233123.)

BACKGROUND

The Proposed Project⁴

The proposed project site is located at 123 Great Oaks Boulevard, 127 Great Oaks Boulevard, and 131 Great Oaks Boulevard in the City of San Jose, California (Project Site). The Project Site is approximately 18 acres and is currently undeveloped.

The Applicant proposes to construct and operate the Great Oaks South Data Center (Data Center), and the Great Oaks South Backup Generating Facility (Backup Generators) (collectively, the Project). The Data Center would consist of three two-story buildings totaling approximately 547,050 square feet that would house computer servers in secure and environmentally controlled structures.

The Backup Generators would consist of 36 diesel-fired backup generators, each with a maximum peak rating of 3.25 MW, located in six on-site generator equipment yards. The generators would provide up to 99 MW, the maximum building electrical load of the Data Center. Each building would have a total of 12 generators; two of the generators would be designated as redundant and would primarily operate to support building load when two of the primary generators have failed. The Backup Generators would also include three 0.5 MW life-safety generators, one per building, to support life-safety systems, including fire suppression and other emergency operations. The Backup Generators would supply power only to the Data Center.

The CEC is the “lead agency”⁵ under the California Environmental Quality Act (CEQA).⁶ Even though the Application describes the Data Center as separate from the Backup Generators, CEQA requires the CEC to consider the “whole of an action.”⁷ Therefore, the CEC will include both the Data Center and the Backup Generators in its environmental analysis.

CEC Staff’s August 7, 2020 Status and Issues Identification Update and Updated Staff Proposed Schedule

On August 7, 2020, CEC staff (Staff) filed a memorandum updating its July 7, 2020 memorandum that included an issues identification, status report, and proposed schedule for this Project.⁸ In the August 7 update, Staff stated that in its July 7 memorandum it “recommended a schedule assuming, among other things, that it would likely produce an initial study and proposed mitigated negative declaration (MND)

⁴ The information in this section is taken from the Application (TN 232466).

⁵ Pub. Resources Code, § 25519, sub, (c).

⁶ The CEQA statutes, California Public Resources Code section 21000 *et seq.*, and CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq.*, detail the protocol by which state and local agencies comply with CEQA requirements.

⁷ Cal. Code Regs., tit. 14, § 15378, subd. (a) (under CEQA “project” means the whole of the action).

⁸ TNs 234271 (August 7, 2020 memorandum); 233795 (July 7, 2020 memorandum).

similar to what has been done in prior small power plan exemption (SPPE) proceedings.”⁹ However, Staff now intends to prepare an environmental impact report (EIR) as its environmental review document for the Project.

According to Staff, the preparation of an EIR is prudent because residents potentially affected by the Project have increasingly voiced concern over the Project. Staff also stated that its analysis for an EIR would not involve a large expenditure of time or resources, and multiple responsible agencies will likely need to use the resulting document for their permitting approvals.¹⁰

Staff intends to file a “Notice of Preparation” of an EIR in August 2020, and stated that any EIR would be published no sooner than 30 days thereafter. In addition, Staff reported that it expects to hold an EIR Scoping Meeting to afford other agencies and the public an opportunity to help identify areas of concern for review. Staff also updated its previously proposed schedule to incorporate the additional tasks associated with the preparation of an EIR.¹¹

Staff stated it notified the Applicant of its proposal.¹²

PURPOSE OF THE SEPTEMBER 23, 2020 COMMITTEE CONFERENCE

The primary purpose of the September 23, 2020 Committee Conference is to discuss Staff’s proposal to prepare an EIR as the environmental review document for the Project.

In addition, the Committee Conference will facilitate discussion among Staff, Applicant, CEC’s Public Advisor, and the Committee about opportunities for expanded public outreach and engagement.

The Committee and the parties may also discuss the status of the Applicant’s responses to Staff’s discovery data requests, address any outstanding issues, and discuss proposals for the schedule for this proceeding.

We direct the parties’ attention to the section “RELATED ORDERS,” regarding their expected participation in and responsibilities for the Committee Conference and for submitting monthly status reports.

In addition to the formal parties, the Committee invites interested public agencies and the public to attend.

⁹ TN 234271, p. 1.

¹⁰ Id., p. 1.

¹¹ Id., pp. 1, 4.

¹² Id., p. 1.

NOTICE OF CLOSED SESSION DELIBERATIONS

During the Committee Conference noticed herein, the Committee for the Application may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body is required by law to conduct.

RELATED ORDERS

The Committee hereby **ORDERS** the parties to file a status report no later than the 10th of each month, beginning on September 10, 2020.

The Committee hereby **ORDERS** the parties in their September 10, 2020 status reports to identify the specific facts or law underlying the recommendation to prepare an EIR and identify the additional analyses that will be included in the EIR to assist the Commission in rendering a decision on the Application.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC's Public Advisor's Office provides the public with assistance in participating in CEC proceedings. For information on how to participate in this proceeding, or to request language services or other reasonable accommodations, please contact the [Public Advisor, Noemí O. Gallardo](mailto:PublicAdvisor@energy.ca.gov), at PublicAdvisor@energy.ca.gov, or by phone at (916) 654-4489, or toll free at (800) 822-6228. **Requests for interpreter services in Spanish, Vietnamese, or other languages and requests for reasonable accommodations should be made before 5:00 p.m. at least five days in advance of the event. The CEC will work diligently to accommodate late requests.**

Parties and members of the public may contact Hearing Officers, [Ralph Lee](mailto:Ralph.Lee@energy.ca.gov) at Ralph.Lee@energy.ca.gov or at (916) 654-3953, and [Linda Barrera](mailto:Linda.Barrera@energy.ca.gov) at Linda.Barrera@energy.ca.gov or at (916) 628-2221, for clarifications about this order or general procedural questions.

Technical questions concerning the Application should be addressed to [Lisa Worrall, Project Manager](mailto:Lisa.Worrall@energy.ca.gov), at Lisa.Worrall@energy.ca.gov or at 916-654-4545.

Media inquiries should be sent to the [Media and Public Communications Office](mailto:MediaOffice@energy.ca.gov) at MediaOffice@energy.ca.gov or (916) 654-4989.

REMOTE ATTENDANCE

You may participate in these meetings through the on-line meeting service, Zoom. Any presentations will appear on your computer screen and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

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Zoom technical support is available at (888) 799-9666, ext. 2 and you may visit [Zoom's help center](https://support.zoom.us/hc/) at <https://support.zoom.us/hc/>. Or you may [email the CEC's Public Advisor's Office](mailto:PublicAdvisor@energy.ca.gov) to seek help at PublicAdvisor@energy.ca.gov, or by phone at (800) 822-6228.

Via Computer: Participants may join noticed events by clicking on the links below. You may also [access Zoom](https://join.zoom.us) at <https://join.zoom.us>, and enter the unique Webinar ID and password for the event (listed below). To comment, use Zoom's "raise hand" feature and unmute.

[Click to join the Committee Conference](https://energy.zoom.us/j/91059313627?pwd=VTJmeUFDckZOSmc1RXpyZWx3VXBQdz09)

(<https://energy.zoom.us/j/91059313627?pwd=VTJmeUFDckZOSmc1RXpyZWx3VXBQdz09>) Webinar ID: 910 5931 3627. Passcode: GOSPPE@916.

Event	Dates	Webinar ID	Passcode
Committee Conference	SEPTEMBER 23, 2020, 1:00 p.m.	910 5931 3627	GOSPPE@916

Via Telephone Only (No Visual Presentation): Call Zoom at (877) 853-5257 (toll free) or (888) 475-4499 (toll free). When prompted, input the unique Webinar ID (listed above). To comment or ask a question over the telephone, dial *9 to "raise your hand" and *6 to mute/unmute your phone line.

Via Mobile Access: Access to Zoom meetings is available from your mobile device. To download the app, [visit the Zoom Download Center](https://zoom.us/download) at <https://zoom.us/download>.

Muting

We greatly appreciate your cooperation in reducing noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using Zoom, you may mute yourself by right clicking on the mute icon. If you are solely using a telephone connection, press "*6" once to mute and again to unmute.

AVAILABILITY OF DOCUMENTS

Information regarding the status of the Application, as well as notices and other relevant documents, are available on the [CEC's web page](https://www.energy.ca.gov/sitingcases/greatoakssouth/) for the Great Oaks South Backup Generating Facility proceeding found at <https://ww2.energy.ca.gov/sitingcases/greatoakssouth/>.

IT IS SO ORDERED.

Dated: August 26, 2020

Dated: August 27, 2020

APPROVED BY:

APPROVED BY:

Karen Douglas
Commissioner and Presiding Member
Great Oaks South Backup Generating
Facility SPPE Committee

David Hochschild
Chair and Associate Member
Great Oaks South Backup Generating
Facility SPPE Committee

Mailed to list number(s): 7534

AGENDA

Great Oaks South Backup Generating Facility Application (20-SPPE-01)

Committee Conference and Closed Session

September 23, 2020

1:00 p.m.

REMOTE ACCESS ONLY

1. Call to order and introductions
2. Discussion items
 - a) Staff's proposal to prepare an EIR for the Project.
 - b) Opportunities for expanded public outreach and engagement.
 - c) Feasibility of holding an in-person event in San Jose, CA.
 - d) Status of discovery, any outstanding issues, proposed schedule, and next steps.
3. Public Comment

Individuals may speak up to three minutes on any matter concerning the Small Power Plant Exemption Application for the Great Oaks South Backup Generating Facility, including the items on this agenda. Comments may be limited to one person per entity.
4. Committee closed session¹³ consideration of the following items:

Deliberation on the Small Power Plant Exemption Application for the Great Oaks South Backup Generating Facility
5. Adjourn

¹³ The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body is required by law to conduct.