

DOCKETED

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In Closed Session

Pursuant Government Code Section 11126

The November 16, 2020 Business Meeting will resume shortly.

We appreciate your patience.



Item 4: Small Power Plant Exemption for the Walsh Backup Generating Facility (19-SPPE-02)

November 16, 2020 Business Meeting



Item 4 Walsh Data Center – Public Comment

Two ways to provide comments:

1) Email PublicAdvisor@energy.ca.gov to have the CEC's Public Advisor verbally relate comments during the meeting.

OR

2) Call (888) 823-5065. Passcode: "business meeting"

- 1) Tell Operator: name, organization and item number.
- 2) Tell Operator if you represent: federal or state legislature; tribal nation or California tribal government; state agency; or county/city government.
- 3) Spell your first and last name.
- 4) Do not use speaker phone when talking.
- 5) Mute Zoom while calling to comment.

Public comments are limited to 3 minutes per person and 1 person per organization.



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Item 5: Small Power Plant Exemption for the Mission College Backup Generating Facility (19-SPPE-05)

November 16, 2020 Business Meeting

Lisa DeCarlo, Senior Attorney, Chief Counsel's Office
representing the Siting, Transmission, and Environmental Protection
Division



Item 5 Mission College Data Center - Public Comment

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Item 3: Small Power Plant Exemption for the Sequoia Backup Generating Facility (19-SPPE-03)

November 16, 2020 Business Meeting

Lisa DeCarlo, Senior Attorney, Chief Counsel's Office
representing the Siting, Transmission, and Environmental Protection
Division



Benefits to California



- Data centers centralize an organization's shared IT operations
- Any entity that generates or uses data has the need for data centers
- Data centers are vital to the continuity of daily operations



Overview



- The Committee Proposed Decision is legally sufficient
- There is no substantial evidence that the project may result in a significant adverse impact
- No evidence that the CEC's analysis of impacts in Sequoia was flawed



Process

- SPPE application was filed on August 14, 2019
- A formal Request for Agency Participation was sent out on August 30, 2019
- Initial Study/Proposed Mitigated Negative Declaration was published on January 23, 2020
- Evidentiary Hearing was held on June 5, 2020
- Committee Proposed Decision was published on August 21, 2020



BAAQMD Participation



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

- BAAQMD participated extensively in this process
- BAAQMD submitted written and oral comments and testified at the evidentiary hearing
- Staff worked with BAAQMD and followed their written CEQA guidance in conducting the analysis
- Upon the CEC's exemption, BAAQMD would have permitting jurisdiction



Comments

- Ambient Air Quality Impact Evaluation
- Emergency Operations
- CEQA Significance Thresholds
- Best Available Control Technology (BACT)
- Alternatives



Ambient Air Quality Impact Evaluation

- Staff relied on the best available modeling guidance from US EPA and CAPCOA
- Staff implemented appropriate modeling assumptions based on this guidance





Emergency Operations



- Thoroughly analyzed qualitatively in this proceeding
- Engine use during an emergency would be unlikely and, at worst, infrequent
- Too many speculative assumptions to model meaningful results
- No established significance thresholds during emergencies



SVP Reliability

- Two power outages over last 10 years
- 7 hours and 35 minutes out of 87,600 hours
- 6 data center interruptions out of 37 operating data centers in last 10 years





CEQA Significance Thresholds

California Environmental Quality Act Air Quality Guidelines



- Staff used multiple thresholds as appropriate in the analysis
- Short-term project impacts were analyzed without the proposed NOx offsets
- Staff followed BAAQMD threshold guidance



Best Available Control Technology

- BAAQMD is responsible for making the BACT determination
- BAAQMD testified in this proceeding that Tier 2 is BACT



Alternatives

No significant adverse impact was identified, therefore no alternatives analysis was required



Staff Recommendation

- No new facts or substantial evidence that CEC's analysis of impacts in Sequoia was flawed.
- The record shows that the requirements of Warren-Alquist Act section 25541 and CEQA have been met
- An exemption from the CEC's jurisdiction is warranted
- Staff recommends the CEC vacate its Motion to Remand and adopt the Committee Proposed Decision



Item 3 Sequoia Data Center – Public Comment

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**The November 16, 2020 Business Meeting is running past 5:00 p.m.
This meeting will resume at 5:45 p.m.**

We appreciate your patience.



Item 9 - Public Comment Instructions

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