

**DOCKETED**

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<b>Project Title:</b>	Sequoia Data Center
<b>TN #:</b>	237674
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# Memorandum

To: All Parties and Persons Interested  
in the Sequoia Backup Generating Facility SPPE  
(19-SPPE-03)

Date: May 5, 2021

From: Susan Burns Cochran, Hearing Officer  
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Subject: **STAFF MOTION TO DIRECT INTERVENOR SARVEY TO COMPLY WITH  
COMMITTEE ORDER 5-3-21**

On April 12, 2021, the California Energy Commission (CEC) Committee<sup>1</sup> filed its [Notice of Prehearing Conference, Evidentiary Hearing, Scheduling Order, and Related Orders](#) (Notice and Orders). The Notice and Orders contained directions to the parties about the method of conducting cross-examination. The parties were directed to file written cross-examination questions no later than April 30, 2021. The questions were to “identify the issue(s) that require a factual determination by the Committee and the identity of the witness(es).” The Notice and Orders also include direction to parties responding to cross-examination questions that if an objection were interposed to a question, the party was nonetheless to answer the questions presented by the deadline for answers. The Notice and Orders then provided that the objections would be ruled on prior to the admission of any evidence into the hearing record.

On April 30, 2021, within the deadline for written cross-examination questions, Intervenor Robert Sarvey submitted [Intervenor Sarvey's Evidentiary Hearing Questions](#). Mr. Sarvey neither identified any witness to whom the question was directed nor specified which party should answer the question.

On May 3, 2021, the Hearing Officer issued a [Memo re Intervenor Sarvey's Evidentiary Hearing Questions and Schedule Update](#) (Hearing Officer Memo). Mr. Sarvey was directed to file revised questions that, at a minimum, specified the party to whom his questions were directed; the revised questions were due to be filed on May 4, 2021. The Hearing Officer Memo also extended the deadline for responses to the questions to May 7, 2021.

Staff filed [Staff Motion to Direct Intervenor Sarvey to Comply with Committee Order 5-3-21](#) (Staff's Motion) on May 3, 2021, after the Hearing Officer Memo. Staff seeks an order from the Committee that would direct Mr. Sarvey to specify how his questions related to the four topic areas specified in the Notice and Orders. ([Notice and Orders](#), p. 4.)

Mr. Sarvey filed [Intervenor Sarvey's Sequoia Data Center Evidentiary Hearing Questions](#) (Revised Questions) that included the identity of the party to whom the

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<sup>1</sup> On September 11, 2019, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Patty Monahan, Commissioner and Associate Member, to preside over this SPPE Application. (TN 229721.)

questions are addressed, specified certain witnesses for some questions, and described the topic area (e.g., air quality, greenhouse gas emissions) that the question encompassed.

Given the filing of the Revised Questions, the parties are reminded of the direction in the Notice and Orders:

If there is an objection to any question, the person responding shall state the objection and the basis for the objection. **The person responding to the question shall still respond to the question.** The Committee will consider any objections to questions before the answers are admitted into the hearing record. ([Notice and Orders](#), p. 9 (emphasis added).)

If you have any questions of a procedural nature, please contact me as shown above.