

DOCKETED	
Docket Number:	20-SPPE-02
Project Title:	Lafayette Backup Generating Facility
TN #:	237772
Document Title:	Order Granting Staff's Motion for Scheduling Order Modification and Revised Scheduling Order
Description:	N/A
Filer:	Ngoc Tran
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	5/10/2021 4:37:38 PM
Docketed Date:	5/10/2021



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:**

***LAFAYETTE BACKUP GENERATING
FACILITY***

Docket No. 20-SPPE-02

**ORDER GRANTING STAFF’S MOTION FOR SCHEDULING ORDER
MODIFICATION AND REVISED SCHEDULING ORDER**

On May 20, 2020, Digital Realty Inc. (Applicant) submitted an application for a small power plant exemption for the Lafayette Backup Generating Facility (Application)¹ to the California Energy Commission (CEC).² On July 8, 2020, the CEC appointed a committee consisting of Karen Douglas, Commissioner and Presiding Member, and David Hochschild, Chair and Associate Member, (Committee) to preside over this Application.³

The Committee issued a Scheduling Order on October 26, 2020.⁴ Among other things, the Scheduling Order set milestones for the completion of the proceedings on the Application. One such milestone required the CEC staff (Staff) to file its environmental document “No later than 30 days after receipt of the last data request response from Applicant.”

On April 9, 2021, Staff filed “Status Report #4 and Request for Scheduling Order Modification (Motion).”⁵ In the Motion, Staff requested that the Committee modify the Scheduling Order and extend its deadline to file its environmental document for the Application from “No later than 30 days after receipt of the last data request response

¹ Information about this proceeding, including a link to the electronic docket, may be found on the CEC’s [web page](https://ww2.energy.ca.gov/sitingcases/lafayette/) at <https://ww2.energy.ca.gov/sitingcases/lafayette/>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-02) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-02>. The Application is TN 233041-1 to TN 233041-6.

² The CEC is formally known as the “State Energy Resources Conservation and Development Commission.” (Cal. Pub. Resources, § 25200.) All further references are to the Public Resources Code unless otherwise specified.

³ TN 233902.

⁴ TN 235419.

⁵ TN 237406.

from Applicant” to “No later than 60 days following staff acknowledgement in a status report that is has no further data requests.” Staff’s basis for the request was that the anticipated changes to the project description and the need to evaluate Applicant’s responses to outstanding data requests raised concerns that Staff might be unable to publish the environmental document within the 30 days required by the current Scheduling Order.

The deadline for filing a response to the Motion was 14 days from the service of the motion, or April 23, 2021.⁶ No responses were submitted in response to the Motion.

The Committee hereby determines that given the circumstances of the proceeding Staff’s request is reasonable and **GRANTS** Staff’s Motion.

SCHEDULING ORDER

The Committee hereby adopts the schedule for the proceeding that is attached below. The Committee encourages the parties to make their best efforts to complete the milestones ahead of these dates.

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](#), at PublicAdvisor@energy.ca.gov, or by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for language services and reasonable accommodations should be made at least five days in advance of the event. The CEC will work diligently to accommodate late requests.

Questions of a procedural nature should be directed to the Hearing Officers, [Susan Cochran](#) at Susan.Cochran@energy.ca.gov or (916) 654-3965, and [Deborah Dyer](#) at Deborah.Dyer@energy.ca.gov or (916) 654-3950.

Technical questions concerning the Application should be addressed to [Leonidas Payne, Project Manager](#), at Leonidas.Payne@energy.ca.gov or (916) 651-0966.

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

⁶ Cal. Code Regs., tit. 20, section 1211.5, subd. (a).

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://ww2.energy.ca.gov/sitingcases/lafayette/) at <https://ww2.energy.ca.gov/sitingcases/lafayette/>.

IT IS SO ORDERED.

Dated: May 10, 2021

APPROVED BY:

Karen Douglas
Commissioner and Presiding Member
Lafayette Backup Generating Facility
SPPE Committee

Mailed to list number(s): 7535

**LAFAYETTE BACKUP GENERATING FACILITY SPPE (20-SPPE-02)
SCHEDULING ORDER
MAY 2021**

EVENT	DATE
Staff Publishes its Environmental Document and Sends the Appropriate Notice to the State Clearinghouse	No later than 60 days following staff acknowledgement in a status report that it has no further data requests
Public Comment Period on Staff's Environmental Document closes ⁷	TBD
Last Day to File Petition to Intervene ⁸	30 days after publication of Staff's Environmental Document
Staff Files Responses to Comments on Staff's Environmental Document Received During the Public Comment Period	15 working days after close of public comment period
All Parties File Opening Testimony	15 working days after Staff files its responses to comments received during the public comment period
All Parties to File Reply Testimony and any Errata or Addendum to the Environmental Document ⁹	10 days after opening testimony
All Parties File Prehearing Conference (PHC) Statements	5 days after reply testimony
PHC	7 days after PHC statement
Evidentiary Hearing (EH) ¹⁰	To be determined
Committee files Proposed Decision	To be determined
Final Adoption Hearing by the Commission	To be determined

The Committee may modify the schedule at any time. The Committee will issue final dates in a later Order.

⁷ Please note that the State Clearinghouse has 3 working days to distribute. (Pub. Resources Code, § 21091, subd. (c)(3).)

⁸ The deadline to file a petition for intervention shall be established by the presiding member, or if no deadline is established, at least 30 days prior to the first day of the evidentiary hearing. (Cal. Code Regs., tit. 20, § 1211.7, subd. (b).)

⁹ Seven days prior to the evidentiary hearing or at such other times as ordered by the presiding member. (Cal. Code Regs., tit. 20, § 1943.)

¹⁰ Evidentiary hearings shall commence no later than 100 days after filing the application for an SPPE unless otherwise ordered by the presiding member. (Cal. Code Regs., tit. 20, § 1944 subd. (b).) In the "General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters," the Committee extended the deadline for the hearing pursuant to California Code of Regulations, Title 20, sections 1203, subdivision (f) and 1944, subdivision (b). (TN 234298.)