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STATE OF CALIFORNIA

CALIFORNIA ENERGY COMMISSION

In the Matter of:)
Application for Small Power Plant)
Exemption for the:)
San José City Data Center)

Docket No. 19-SPPE-04

**SAN JOSÉ CITY DATA CENTER
APPLICANT STATUS REPORT #20**

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October 15, 2021

Attorneys for Microsoft Corporation

STATE OF CALIFORNIA

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**SAN JOSÉ CITY DATA CENTER
APPLICANT STATUS REPORT #20**

Microsoft Corporation, the applicant (“Applicant”) for the Small Power Plant Exemption for the San José City Data Center Project submits this status report in accordance with the *Committee Scheduling Order* docketed May 13, 2020 (TN: 232976) (“Order”).

INTRODUCTION

The Applicant proposes to construct and operate the San José City Data Center (“SJC02”) in San José, California. The SJC02 will consist of two, one-story data center buildings and related improvements. The maximum load of the servers, including the cooling and ancillary load of the buildings, is 99 megawatts (“MW”), meaning the SJC02 is subject to the California Energy Commission (“CEC” or “Commission”) Small Power Plant Exemption (“SPPE”) process.

Data Request Set #6

The CEC Staff filed a new Data Request #6, dated September 15, which seeks additional information from the applicant regarding the use of the natural gas generators. (Transaction Numbers 239692 and 239719.) Staff have requested responses to the Data Request within 30 days.

Applicant submitted responses to Data Request #6 on October 15, 2021 (Transaction Number 240082).

Traffic Analysis

The City of San José issued another round of comments on the Applicant’s Traffic Analysis on September 27, 2021 (Transaction Number 239941). The Applicant filed a revised Traffic Analysis responsive to the City of San José’ comments (Transaction Number 239941), on October 1, 2021 (Transaction Number 239940).

SCHEDULE

In Staff’s Status Report 18, it requested a modification to the current scheduling order which currently requires the Staff to publish the Draft Environmental Impact Report (DEIR) within 30 days of the applicant providing the information responsive to Staff data requests. At this time, Staff has all of the information needed to publish the DEIR, with the sole exception of construction air quality modeling anticipated to be delivered on or before November 5, 2021¹. While Microsoft supports additional time for Staff to prepare the DEIR based on Staff’s current workload and the

¹ Staff’s recent request for air quality construction modeling is unrelated to the recently proposed project changes and until the recent request, comparison of emissions to the BAAQMD CEQA thresholds appeared to be sufficient since Staff had not raised the need for additional modeling throughout the proceeding. While we believe such modeling is not required for a defensible and thorough CEQA analysis, it is being performed and will be provided, in order to cooperate with Staff and to proceed expeditiously to the publication of the DEIR.

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recent changes to the project description, it does not agree with the Specific language proposed by Staff which would allow Staff to take a considerable amount of time to review the information before making a Status Report to the Committee.

Therefore, Project Counsel discussed the issue with Staff Counsel and came to an agreement that if Staff would commit to reviewing the recently docketed data responses and traffic information and provide a Status Report to the Committee within 10 days confirming it has all of the information necessary to prepare the DEIR or identification of any data deficiencies, Microsoft would not object to Staff's request for modification to the scheduling order allowing up to 60 days for Staff to publish the DEIR. We also request that Staff not wait until delivery of the construction air quality modeling recently requested in Data Request Set 6 before deeming it has all of the information necessary to complete the DEIR.

October 15, 2021

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