

**DOCKETED**

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<b>Project Title:</b>	Gilroy Backup Generating Facility
<b>TN #:</b>	240897
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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant  
Exemption for the **GILROY BACKUP  
GENERATING FACILITY**

**DOCKET NO: 20-SPPE-3**

**ADS STATUS REPORT NUMBER 3**

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Amazon Data Services (ADS), in accordance with the Committee Scheduling Order (TN 239824), dated, September 23, 2021, hereby files its Status Report Number 3. ADS has filed its responses to CEC Staff Data Request Set 4 on December 10, 2021.

ADS continues to work with the City of Gilroy regarding the legal effect of its Agricultural Mitigation Policy, considering the guidance identified in CEQA Guidelines 15183. ADS is also continuing to evaluate additional or substitute mitigation programs that may satisfy the City and not be inconsistent with Staff's interpretation of the holding in *King and Gardiner Farms*. ADS anticipates filing a motion to the Committee for a determination of the appropriate legal standard and threshold of significance that should be applied to the facts in this case and/or a determination that the mitigation as proposed or modified is sufficient to support granting the Small Power Plant Exemption.

Dated: December 10, 2021

Respectfully Submitted,

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Scott A. Galati  
Counsel to Amazon Data Services