

DOCKETED

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State of California
State Energy Resources Conservation and
Development Commission
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**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

***GILROY BACKUP GENERATING
FACILITY***

Docket No. 20-SPPE-03

ORDER TERMINATING PROCEEDING

BACKGROUND

On December 17, 2020, Amazon Data Services, Inc. (Applicant) submitted an application for a small power plant exemption (SPPE) for the Gilroy Backup Generating Facility (Application)¹ to the California Energy Commission (CEC)² seeking to construct and operate the Gilroy Data Center, the Gilroy Backup Generating Facility, and related accessories.³

On February 9, 2022, the Applicant filed ADS Notice of Withdrawal of SPPE Application, stating the Applicant is redesigning the facility and the new facility will not be required to obtain an SPPE from the CEC.⁴ On February 16, 2022, the hearing officer filed a memo requesting the Applicant file a revised notice of withdrawal that is verified by the Applicant rather than by its counsel.⁵

¹ Information about this proceeding, including a link to the electronic docket, may be found on the CEC's [web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/gilroy-backup-generating-facility) at <https://www.energy.ca.gov/powerplant/reciprocating-engine/gilroy-backup-generating-facility>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-03) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-03>. The Application and related addenda are TN 236004, TN 236007 to TN 236016 and TN 237352, TN 237353, TN 237425, and TN 237502.

² The CEC is formally known as the "State Energy Resources Conservation and Development Commission." (Cal. Pub. Resources, § 25200.)

³ See TN 236004.

⁴ TN 241498.

⁵ TN 241553.

On February 17, 2022, the Applicant filed a revised ADS Notice of Withdrawal of SPPE Application.⁶ The Applicant's revised notice was properly dated and signed under penalty of perjury in compliance with sections 1936 and 1709.8 of the CEC's regulations.⁷ Section 1709.8, subdivision (b), provides that the presiding member shall issue a written order terminating proceedings upon receipt of a properly executed notice of withdrawal.

ORDER

The Presiding Member⁸ of the assigned Committee therefore **ORDERS** that the SPPE proceeding for the Gilroy Backup Generating Facility is **TERMINATED**. Docket 20-SPPE-03 shall be closed. The records and documents of the proceeding shall continue to be maintained by the Docket Unit.

AVAILABILITY OF DOCUMENTS

Information about the Application, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the [Gilroy SPPE web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/gilroy-backup-generating-facility) at: <https://www.energy.ca.gov/powerplant/reciprocating-engine/gilroy-backup-generating-facility>.

IT IS SO ORDERED.

Dated: February 22, 2022

APPROVED BY:

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

⁶ TN 241579.

⁷ Cal. Code Regs., tit. 20, §§ 1936(e), 1709.8(a).

⁸ On April 14, 2021, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Andrew McAllister, Commissioner and Associate Member, to preside over this SPPE Application. (TN 237479.)