

DOCKETED

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Document Title:	Staff Status Report #25
Description:	Status Report #25 and Motion to Suspend or Revoke the Order that Parties Provide Monthly Status Reports
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Memorandum

To: Commissioner Patty Monahan, Associate Member

Date: March 15, 2022

From: California Energy Commission
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Subject: STATUS REPORT #25 FOR THE SAN JOSE DATA CENTER SMALL POWER PLANT EXEMPTION AND MOTION TO SUSPEND OR REVOKE THE ORDER THAT PARTIES PROVIDE MONTHLY STATUS REPORTS (19-SPPE-04)

In its May 12, 2020, Scheduling Order, the Committee ordered all parties to file and serve a Status Report on the 15th of each month, beginning with May 15, 2020.

Staff filed its Final EIR including responses to comments received on the Draft EIR on February 28, 2022. Staff intends to submit its Opening Testimony on or before March 21, 2022, based on the October 14, 2021, Revised Scheduling Order language stating that it should be filed "15 working days after Staff files its responses to public comment."

Staff notes that the Revised Scheduling Order does not include specific dates for future proceeding filings and events such as opening testimony, reply testimony, prehearing conference statements, the prehearing conference, and the evidentiary hearing. Staff requests that the Committee provide specific dates for future proceeding filings and events—up to and including the date for the evidentiary hearing—at its earliest convenience.

Now that staff's Final EIR has been docketed, staff hereby submits this motion, under California Code of Regulations Title 20, section 1211.5, requesting that the Committee suspend or revoke its prior order that parties file Status Reports on the 15th of each month. All parties, including staff, will be engaging directly with the Committee as part of the evidentiary hearing process, thus eliminating the need for monthly status updates.