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State of California
State Energy Resources Conservation and
Development Commission
715 P Street, Sacramento, CA 95814
(800) 822-6228 – www.energy.ca.gov

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

***SAN JOSE CITY BACKUP
GENERATING FACILITY***

Docket No. 19-SPPE-04

REVISED SCHEDULING ORDER

BACKGROUND

On November 15, 2019, Microsoft Corporation (Applicant) submitted an application for a small power plant exemption (SPPE) for the San Jose City Backup Generating Facility to the California Energy Commission (CEC).¹ On December 17, 2019, the CEC appointed a committee consisting of Karen Douglas, Commissioner and Presiding Member, and Patricia Monahan, Commissioner and Associate Member, (Committee), to preside over this Application.²

On October 14, 2021, the Committee adopted a revised schedule for the proceeding.³ On December 23, 2021, the CEC staff (Staff) filed a Draft Environmental Impact Report,⁴ and on February 28, 2022, Staff filed a Final Environmental Impact Report⁵ and Response to Comments.⁶

REVISED SCHEDULING ORDER

¹ Information about this proceeding, including a link to the electronic docket, may be found on the [CEC's web page at https://www2.energy.ca.gov/sitingcases/sj2/](https://www2.energy.ca.gov/sitingcases/sj2/). Documents related to this proceeding may be found in the [online docket at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04). The application is TN 230741.

² TN 231265.

³ TN 240070.

⁴ TN 241076.

⁵ TN 241977-1.

⁶ TN 241977-2.

The Chair of the CEC, David Hochschild, hereby issues the revised schedule with testimony due dates. The revised schedule for the proceeding is attached below.⁷

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 meeting or to request interpreting services or other reasonable modification or accommodations, reach out via email at PublicAdvisor@energy.ca.gov, by phone at (916) 957-7910. Requests for interpreting services, reasonable modifications and accommodations should be made as soon as possible but at least five days in advance. The CEC will work diligently to meet all requests based on the availability of the service or resource requested.

Questions of a procedural nature should be directed to the Hearing Officers, [Caryn Holmes](mailto:Caryn.Holmes@energy.ca.gov) at Caryn.Holmes@energy.ca.gov, and [Deborah Dyer](mailto:Deborah.Dyer@energy.ca.gov) at Deborah.Dyer@energy.ca.gov.

Technical questions concerning the Application should be addressed to [Lisa Worrall](mailto:Lisa.Worrall@energy.ca.gov), at Lisa.Worrall@energy.ca.gov or (916) 661-8367.

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

AVAILABILITY OF DOCUMENTS

Information regarding the status of the Application, as well as notices and other relevant documents are available on the [San Jose Data Center SPPE web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/san-jose-data-center) at <https://www.energy.ca.gov/powerplant/reciprocating-engine/san-jose-data-center>.

IT IS SO ORDERED.

Dated: March 11, 2022

APPROVED BY:

David Hochschild
Chair
California Energy Commission

Mailed to list number(s): 7532

⁷ The Chair of the CEC or the Presiding Member of the Committee has the power to manage proceedings, including scheduling. (Cal. Code Regs., tit. 20, § 1203.)

**SAN JOSE CITY BACKUP GENERATING FACILITY SPPE (19-SPPE-04)
SCHEDULING ORDER**

| EVENT | DATE |
|--|---|
| All Parties File Status Reports | No later than the 15 th of every month |
| Staff Filed Notice of Preparation of an Environmental Impact Report (EIR) | February 1, 2021 |
| Staff Held EIR Scoping Meeting | February 19, 2021 |
| Staff Published its Draft EIR and Sends the Appropriate Notice to the State Clearinghouse | December 23, 2021 |
| Close of Public Comment Period on Staff's Draft EIR ⁸ | February 7, 2022 |
| Last Day to File Petition to Intervene ⁹ | February 7, 2022 |
| Staff Filed Responses to Public Comment and Final EIR | February 28, 2022 |
| All Parties File Opening Testimony | <u>April 14, 2022</u> |
| All Parties File Reply Testimony and any Errata or Addendum to the Final EIR ¹⁰ | <u>April 28, 2022</u> |

⁸ Please note that the State Clearinghouse has 3 working days to distribute. (Pub. Resources Code, § 21091, subd. (c)(3).)

⁹ 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).)

¹⁰ Seven days prior to the evidentiary hearing or at such other times as ordered by the presiding member. (Cal. Code Regs., tit. 20, § 1943.)

| | |
|---|--------------------------------|
| All Parties File Prehearing Conference (PHC) Statements | <u>To be determined</u> |
| PHC | <u>To be determined</u> |
| Evidentiary Hearing (EH) ¹¹ | To be determined |
| Committee files Proposed Decision | To be determined |
| Final Adoption Hearing by the CEC | To be determined |

¹¹ 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 "Notice of Committee Conference and Orders on Hearings," 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 232773.)