

DOCKETED	
Docket Number:	19-SPPE-04
Project Title:	SJ2
TN #:	243023
Document Title:	Ruling on CURE's Motion to Remove Party Status
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	5/12/2022 9:10:47 AM
Docketed Date:	5/12/2022



**State of California
State Energy Resources Conservation and
Development Commission**

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

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

Docket No. 19-SPPE-04

RULING ON CURE’S MOTION TO REMOVE PARTY STATUS

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 (Application)¹ to the California Energy Commission (CEC).² On January 23, 2020, California Unions for Reliable Energy (CURE) timely filed a Petition to Intervene in the proceeding pursuant to Cal. Code Regs., tit. 20, Section 1211.7(a).³ Section 1211.7(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and telephone number of the petitioner.” The Committee⁴ assigned to manage the proceeding granted CURE intervenor status on February 14, 2020.⁵

On May 9, 2022, CURE filed a Motion to Remove Party Status.⁶ CURE stated that it will no longer be an active participant in the proceeding and wishes to withdraw as a party

¹ Information about this proceeding, including a link to the electronic docket, may be found 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>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04>.

² The CEC is formally known as the “State Energy Resources Conservation and Development Commission.” (Pub. Resources Code, § 25200.) All further references are to the Public Resources Code unless otherwise specified.

³ TN 231653.

⁴ On March 24, 2022, the CEC amended the members of the committee appointed to preside over this Application, appointing Patricia Monahan, Commissioner and Presiding Member, and Kourtney Vaccaro, Commissioner and Associate Member (Committee). (TN 242445.)

⁵ TN 232066.

⁶ TN 242968.

prior to the May 12, 2022 deadline for Prehearing Conference Statements. CURE characterized its filing as a Motion, which under Section 1211.5 (a), may be responded to by parties within 14 days of service. However, Section 1211.7(f), specifically governing intervention in an adjudicative proceeding, states that a party may withdraw from a proceeding by a filing a notice. We therefore treat CURE's May 9 filing as a such a notice, acknowledging that CURE has withdrawn from this proceeding and is no longer a party. The motion is **GRANTED**, and CURE is **ORDERED** to be removed from the Proof of Service List.

IT IS SO ORDERED.

Dated: May 11, 2022

APPROVED BY:

Patricia Monahan
Commissioner and Presiding Member
San Jose City Backup Generating Facility
SPPE Committee