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San Jose Mercury News

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PROOF OF PUBLICATION IN THE CITY OF SAN JOSE IN THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA

FILE NO. STACK Trade

In the matter of

San Jose Mercury News

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to or interested in the above entitled proceedings; and was at and during all said times and still is the principal clerk of the printer and publisher of the San Jose Mercury News, a newspaper of general circulation printed and published daily in the City of San Jose, County of Santa Clara, State of California as determined by the court's decree dated June 27, 1952, Case Numbers 84096 and 84097, and that said San Jose Mercury News is and was at all times herein mentioned a newspaper of general circulation as that term is defined by Sections 6000; that at all times said newspaper has been established, printed and published in the said County and State at regular intervals for more than one year preceding the first publication of the notice herein mentioned. Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a true printed copy, has been published in each regular or entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

05/10/2022

Dated at San Jose, California
May 11, 2022

I declare under penalty of perjury that the foregoing is true and correct.



Principal clerk of the printer and publisher of the San Jose Mercury News

Legal No.

0006667307

NOTICE OF RECEIPT OF AN APPLICATION FOR A SMALL POWER PLANT EXEMPTION FOR STACK TRADE ZONE PARK

In a series of filings dated December 10, 2021; March 8, 2022; March 30, 2022; April 4, 2022; and April 11, 2022, STACK Infrastructure (STACK) filed an application with the California Energy Commission (CEC) seeking an exemption from the CEC's jurisdiction (Small Power Plant Exemption, or SPPE) for the Trade Zone Boulevard Technology Park (STACK Trade Zone Park) (21-SPPE-02). The STACK Trade Zone Park would be located on two parcels of land encompassing approximately 9.8 acres at the corner of Trade Zone Boulevard and Ringwood Avenue (2400 Ringwood Avenue and 1849 Fortune Drive) in San Jose.

Project Description

STACK Trade Zone Park would include an Advanced Manufacturing Building (AMB), the SVY Data Center (SVYDC), the SVY Backup Generating Facility (SVYBGF), a parking garage, and related utility infrastructure, which together constitute the "project" under the California Environmental Quality Act (CEQA).

The SVYBGF would be a diesel-fired emergency backup generating facility with a generation capacity of up to 90 megawatts (MW) to support the need for the SVYDC to provide uninterruptible power supply for its tenant's servers. The SVYBGF would consist of 36.3 MW and two 1 MW diesel-fired emergency backup generators (gensets) arranged in two generation yards, each designed to serve one of the two data center buildings (SVYDC 05 and SVYDC 06) that make up the SVYDC. All of the gensets would be dedicated to replacing the electricity needs of the data center buildings in case of a loss of electrical power from the utility (with redundancy).

CEC Jurisdiction and SPPE Process

The CEC has the exclusive authority to certify all thermal power plants (50 MW and greater) and related facilities proposed for construction in California. The SPPE process allows applicants proposing to construct thermal power plants between 50 and 100 MW to obtain an exemption from the CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. The CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. Public Resources Code section 25519(c) designates the CEC as lead agency, in accordance with CEQA, for all facilities seeking an SPPE.

As the lead agency, the CEC is required by Public Resources Code section 21080.3 and CEQA Guidelines, California Code of Regulations, title 14, section 15063(g), to consult with responsible and trustee agencies to ascertain whether a negative declaration or environmental impact report is required. The CEC staff has begun its review of the application. Over the coming months, the staff will evaluate the proposed project and prepare the appropriate environmental analysis document for public review.

A committee of two energy commissioners will then conduct a hearing to determine whether to propose that the full commission adopt (or certify) the CEQA document and to determine whether to recommend to the full commission that the proposed project should be exempt from the CEC's power plant certification process. In addition to other opportunities to comment in the proceeding, such as the public comment period following the release of the environmental document, this hearing will provide the public as well as local, state, and federal agencies and California Native American tribes the opportunity to provide input on the exemption request.

Subsequent steps include the issuance of a proposed decision by the committee and the possible adoption of that decision by the CEC at a business meeting. Should the exemption be granted, the applicant would still need to secure the appropriate entitlements and permits from the relevant local, regional, state, and federal agencies to construct and operate the proposed project. The CEC's regulations setting forth the SPPE process are primarily located in California Code of Regulations, title 20, sections 1934-1947.

Public Participation

The CEC welcomes public participation in the SPPE review process. A copy of the SPPE application as well as other project information, can be found on the CEC website at <https://www.energy.ca.gov/power-plant/tradezonepark>. To stay informed about this project and receive notice of upcoming meetings and workshops, subscribe to the project listserve, which can be accessed on the same project webpage. The list serve sends out email notifications when documents and notices are posted to the project webpage.

For questions about the project please contact Lisa Worrall, project manager, at (916) 661-8367 or by email at lisa.worrall@energy.ca.gov.

The CEC Public Advisor's Office is available to provide information on, and assistance with, public participation in CEC proceedings. The Public Advisor's Office can be reached by phone at (916) 957-7910 and by email at publicadvisor@energy.ca.gov.

Media questions should be directed to the CEC's Media Office by phone at (916) 654-4989 or by email at mediaoffice@energy.ca.gov.

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