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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

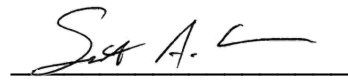| In the Matter of: Application For Small Power Plant Exemption for the **TRADE ZONE PARK**	**DOCKET NO: 21-SPPE-2** **STACK'S RESPONSE TO COMMITTEE SCHEDULING ORDER AND REQUEST FOR SUPPLEMENTAL INFORMATION**

STACK Infrastructure (STACK), files this early response to the Committee Scheduling Order and Request For Supplemental Information dated September 15, 2022, TN246119 (Committee Scheduling Order) for the Trade Zone Park (TZP) Application for Small Power Plant Exemption (SPPE), 21-SPPE-2. The Committee Scheduling Order specifically requests the parties to provide legal briefs addressing the need for a Water Supply Assessment to be performed for the TZP. While STACK does not concede a Water Supply Assessment is required, the issue is moot as the City of San Jose has determined it will request a Water Supply Assessment be performed by San Jose Water Company. Our understanding is that the formal request has been made and the Water Supply Assessment preparation should have begun. STACK will update the Committee in its September 28, 2022 Status Report on the timing of the Water Supply Assessment and understands that Staff will require its submittal to be included in the Draft Environmental Impact Report (DEIR).

Therefore, since there will be a Water Supply Assessment will be performed for the TZP, STACK respectfully requests that the Committee relieve the parties of the burden for providing legal briefs addressing the questions identified in the Committee Scheduling Order

Dated: September 21, 2022

Respectfully Submitted,

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Scott A. Galati
Counsel to STACK Infrastructure