

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-SPPE-03
<b>Project Title:</b>	Martin Backup Generating Facility (MBGF)
<b>TN #:</b>	256855
<b>Document Title:</b>	Order Certifying the Final Environmental Impact Report and Granting the Small Power Plant Exemption
<b>Description:</b>	N/A
<b>Filer:</b>	Kristine Banaag
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

***Martin Backup Generating Facility***

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**Docket No.: 22-SPPE-03**

**ORDER CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT  
AND GRANTING THE SMALL POWER  
PLANT EXEMPTION**

**I. BACKGROUND**

Under Public Resources Code section 25500, the California Energy Commission (CEC) has the exclusive jurisdiction to approve or deny applications for the construction and operation of thermal power plants that have the capacity to generate 50 megawatts (MW) or more of electricity. Public Resources Code section 25541 creates an exemption to this exclusive jurisdiction whereby local permitting entities would obtain jurisdiction over the approval of the site and related facility if, among other criteria, the site and related facility would not generate more than 100 MW of electricity. This exemption is referred to as a Small Power Plant Exemption (SPPE).

The CEC may grant an SPPE for a thermal power plant with a generating capacity from 50 MW to 100 MW if the CEC finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility. Moreover, Public Resources Code section 25519(c) designates the CEC as the “lead agency” under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for SPPE applications.

Martin Avenue Properties, LLC is seeking an SPPE for the Martin Backup Generating Facility (22-SPPE-03). The facility would be part of the Martin Data Center, which together constitute the “project” under CEQA. The project would be located at 651 Martin Avenue in Santa Clara. The generating facility would provide up to 96 MW of backup emergency generation to the Martin Data Center in the event electricity cannot be supplied from Silicon Valley Power.

## **II. EXECUTIVE DIRECTOR'S RECOMMENDATION**

California Code of Regulations, title 20, section 1942 requires the Executive Director to recommend findings to the CEC on whether the application meets the requirements of Public Resources Code, section 25541. Based on the SPPE application, CEC staff's Final Environmental Impact Report (FEIR) and other information filed in the proceeding, the Executive Director recommends the CEC find that the requirements of Public Resources Code, section 25541 are met, that the FEIR be certified, and that the SPPE application be granted.

## **III. ENERGY COMMISSION FINDINGS**

Based on the exercise of our independent judgment and review, and considering the record as a whole, we hereby adopt the following findings pursuant to Public Resources Code, sections 21000 et seq. and 25541, and applicable implementing regulations:

1. The generating capacity of the project will not exceed 100 megawatts.
2. The construction and operation activities of the project will not create a substantial adverse impact on the environment.
3. The construction and operation activities of the project will not create a substantial adverse impact on energy resources.
4. The FEIR has been prepared in compliance with the CEQA and thoroughly and adequately analyzes potential environmental and energy resources impacts.
5. The imposition and implementation of the mitigation measures will ensure that the project will not have any significant environmental impacts.
6. The Mitigation Monitoring and Reporting Program (MMRP), set forth in Section 7 Mitigation Monitoring and Reporting Program of the FEIR, will ensure that the project complies with all mitigation requirements.

## **IV. CONCLUSION AND ORDER**

Therefore, we order the following:

1. We hereby CERTIFY the Final Environmental Impact Report and that the requirements of California Code of Regulations, title 14, section 15090(a) have been met.
2. We hereby ADOPT, and incorporate by reference, the MMRP for the project that is set forth in Section 7 Mitigation Monitoring and Reporting Program of the FEIR. The SPPE application is GRANTED exempting the Martin Backup Generating Facility from the Application for Certification provisions of the CEC's power plant licensing process. This Order is adopted, issued, effective, and final on June 12, 2024.

3. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of June 12, 2024, subject to Applicant paying all applicable filing fees.

**IT IS SO ORDERED.**

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on June 12, 2024.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: June 13, 2024

***SIGNED BY:***

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Kristine Banaag  
Secretariat

