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Project Title:	STACK SVY03A Data Center Campus
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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

STACK SVY03A Data Center Campus

Docket No.: 23-SPPE-01

**ORDER ADOPTING THE MITIGATED
NEGATIVE DECLARATION 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 can 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.

STACK Infrastructure (Applicant) is seeking an SPPE for the STACK SVY03 Data Center Campus (Campus) located at 26062 Eden Landing Road in Hayward. The Campus would include a new three-story data center building, a security building, backup generators to support the data center building, an onsite project substation, a Pacific Gas and Electric switching station, and an onsite transmission line. The backup generators would provide up to 67.2 MW of emergency generation to replace the maximum electricity needs of the Campus in case of a loss of utility 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, the CEC staff prepared a Final Initial Study and a Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15070 (Cal. Code Regs., tit. 14, § 15070(b)). Based on the CEC staff's analysis in the Final Initial Study/Mitigated Negative Declaration, as well as other information filed in the proceeding including comments received during public review period, the Executive Director recommends the CEC find that the requirements of Public Resources Code, section 25541 are met, that the Final Initial Study/Mitigated Negative Declaration be adopted, 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 Final Initial Study/Mitigated Negative Declaration 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, set forth in Appendix C Mitigation Monitoring and Reporting Program of the Final Initial Study/Mitigated Negative Declaration, will ensure that the project complies with all mitigation requirements.

IV. CONCLUSION AND ORDER

Therefore, we ORDER the following:

1. We hereby ADOPT the Final Initial Study/Mitigated Negative Declaration.
2. We hereby ADOPT, and incorporate by reference, the Mitigation Monitoring and Reporting Program for the project that is set forth in Appendix C Mitigation Monitoring

and Reporting Program of the Final IS/Mitigated Negative Declaration, to be overseen by City of Hayward.

3. The SPPE application is GRANTED exempting the STACK SVY03A Data Center Campus from the Application for Certification provisions of the CEC's power plant licensing process.

4. This Order is adopted, issued, effective, and final on May 9, 2025.

5. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of May 9, 2025, 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 an order duly and regularly adopted at a meeting of the CEC held on May 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: May 9, 2025

SIGNED BY:

Kristine Banaag
Secretariat