

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-01
<b>Project Title:</b>	Laurelwood Data Center (MECP I Santa Clara I, LLC)
<b>TN #:</b>	228946
<b>Document Title:</b>	Revised Notice of Status Conference and Further Orders
<b>Description:</b>	Corrects error. Status conference is TUESDAY, July 23 (not Wednesday as in original notice)
<b>Filer:</b>	Susan Cochran
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	7/12/2019 11:26:44 AM
<b>Docketed Date:</b>	7/12/2019



Before the Energy Resources Conservation and Development  
Commission of the State of California  
1516 Ninth Street, Sacramento, CA 95814  
1-800-822-6228 – [www.energy.ca.gov](http://www.energy.ca.gov)

APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE:

***LAURELWOOD DATA CENTER***

**Docket No. 19-SPPE-01**

**REVISED NOTICE OF STATUS CONFERENCE AND FURTHER ORDERS**

On March 5, 2019, MECP1 Santa Clara 1, LLC (Applicant) submitted an application for a small power plant exemption (SPPE)<sup>1</sup>(Application) for the Laurelwood Data Center (Laurelwood or Proposed Project) to the California Energy Commission (Energy Commission).

**PLEASE TAKE NOTICE** that the Committee<sup>2</sup> has scheduled a Status Conference:

~~WEDNESDAY~~ **TUESDAY**, JULY 23, 2019  
1:30 p.m.

**California Energy Commission  
Art Rosenfeld Hearing Room (Hearing Room A)  
1516 Ninth Street  
Sacramento, CA 95814  
(Wheelchair accessible)**

**REMOTE ACCESS AVAILABLE BY COMPUTER OR PHONE VIA WEBEX™**  
(For instructions, please see the **Remote Attendance** section below.)

**BACKGROUND**

***Small Power Plant Exemptions***

The Energy Commission is responsible for reviewing, and ultimately approving or denying, the construction and operation of all thermal power plants in California that will generate 50 megawatts (MW) and greater. The Energy Commission may grant an exemption to this authority, and allow an applicant to obtain permission to construct and operate through local jurisdiction review and approval processes, if a project is less than

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<sup>1</sup> All of the documents comprising the SPPE application may be found at:  
<https://ww2.energy.ca.gov/sitingcases/laurelwood/>.

<sup>2</sup> The Energy Commission designated a committee of two commissioners consisting of Karen Douglas, Commissioner and Presiding Member, and Janea A. Scott, Vice Chair and Associate Member, at an Energy Commission Business Meeting on April 10, 2019 (TN 227638).

100 MW and will not result in substantial adverse impacts on the environment or energy resources.<sup>3</sup> In making these determinations, the Energy Commission is the “lead agency” under the California Environmental Quality Act (CEQA) and follows the substantive and procedural requirements of that law.<sup>4</sup>

### ***The Laurelwood SPPE***

Applicant applied for an SPPE for the proposed Laurelwood Data Center project at 2201 Laurelwood Road, in Santa Clara, California. Laurelwood would consist of two four-story buildings to be operated as a “server farm.” The Proposed Project also includes construction of a substation with connections to existing distribution lines with Silicon Valley Power (SVP).

Applicant proposes to install 56 3-MW diesel-fired, back-up generators to provide electricity in the event of an interruption of power delivery from SVP. According to the Application, these back-up generators would have a maximum output of 99 MW, the maximum building load of Laurelwood. One of the generators would be dedicated solely to use for fire suppression and other emergency operations.

CEQA requires the lead agency to consider the whole of the action. Therefore, the Energy Commission will include the entire data center project in its analysis, which includes the construction of two new four-story data center buildings, the substation, the switchyard, and the installation and operation of the generators.

### ***Status of SPPE Proceeding***

A Committee Conference was held on May 8, 2019, during which the parties and the public discussed the processing and schedule for the Application.<sup>5</sup> Applicant indicated that it would be providing a revised project description and additional information to previous data requests<sup>6</sup> by May 24, 2019.<sup>7</sup>

On May 31, 2019, the Committee issued a Committee Scheduling Order that required, among other things, that the parties file status reports by June 20, 2019, and that Energy Commission Staff (Staff) file its initial study and environmental analysis by July 11, 2019.<sup>8</sup>

On June 13, 2019, Applicant filed an “Updated SPPE Project Description.”<sup>9</sup>

On June 20, 2019, Staff and Applicant filed status reports.<sup>10</sup> In Staff’s status report, it anticipated it would propose that the Committee amend its scheduling order because of

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<sup>3</sup> Pub. Resources Code, §25541.

<sup>4</sup> Pub. Resources Code, §25519, subd. (c).

<sup>5</sup> TN 227871.

<sup>6</sup> TN 227447.

<sup>7</sup> TN 22889, pp. 25:1-17; 30:12- 31:6.

<sup>8</sup> TN 228431.

<sup>9</sup> TN 228748.

<sup>10</sup> TNs 228801 (Staff) and 228808 (Applicant).

delays in receiving requested information.<sup>11</sup> Applicant's status report indicated they filed an updated Project Description on June 13, 2019, as a result of discussions with the City of Santa Clara, and expected to submit additional information to Staff on or before June 28, 2019.

On June 21, 2019, Applicant filed a second "Updated SPPE Project Description,"<sup>12</sup> and responses to informal data requests.<sup>13</sup> On June 27, 2019, Applicant filed additional information responsive to previous data requests.<sup>14</sup> On July 8, 2019, Applicant submitted revised construction emission estimates.<sup>15</sup>

### ***Motion for Leave to File Additional Data Requests***

On July 8, 2019, Staff filed a motion seeking leave to present further data requests (Staff's Motion).<sup>16</sup> The Committee Scheduling Order set May 6, 2019, as the last day to file data requests.<sup>17</sup> Staff's request is based on the recent changes to the project description described above.

When motions are filed, parties have 14 days to respond in writing, unless the presiding member establishes another schedule.<sup>18</sup> In order to consider this issue at the Status Conference, the Committee orders that any responses to the motion be included in the updated status reports as described below.

### **PURPOSE OF THE STATUS CONFERENCE**

The purpose of this Status Conference is to allow the Committee to evaluate whether the case is progressing satisfactorily and to discuss any potential schedule delays or other relevant matters. The Committee may modify the schedule at any time upon either its own motion or that of a party.<sup>19</sup>

### **ORDER REGARDING UPDATED STATUS REPORTS**

The parties are required to file status reports including information about current case development and any new or proposed schedules. The status reports may also include any other relevant matters. Any party wishing to respond to Staff's Motion shall include any such response in its status report.

Staff and Applicant shall, and other parties may, file status reports **no later than July 18, 2019**.

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<sup>11</sup> TN 228801.

<sup>12</sup> TN 228823.

<sup>13</sup> TN 228822.

<sup>14</sup> TN 228854.

<sup>15</sup> TN 228913.

<sup>16</sup> TN 228917.

<sup>17</sup> TN 228431, p. 4.

<sup>18</sup> Cal. Code regs., tit. 20, §1211.5, subd. (a).

<sup>19</sup> See Cal. Code Regs., tit. 20, §§ 1944, subd. (b);1945, subd. (b).

Copies of these documents will be posted on the Energy Commission's docket for the proceeding at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-01>.

## **NOTICE OF CLOSED SESSION DELIBERATIONS**

At any time during the Status Conference, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

## **PUBLIC ADVISER AND PUBLIC PARTICIPATION**

The Energy Commission invites members of the public and other interested parties to participate either on an informal basis or by intervening in the proceeding. Both types of participation allow written and oral comments. At the informal participation level, written and oral comments are considered by the Committee and are part of the record, but are not part of the evidence upon which the Energy Commission can base its decision. The Energy Commission must base its decision on the formal evidentiary record. Intervenors have the right to introduce evidence into the evidentiary record and cross-examine the other parties' witnesses.

The Energy Commission's Public Adviser's Office is available to assist the public in participating in the SPPE review process. For information on how to participate, contact Jennifer Martin-Gallardo, Acting Public Adviser, at [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov), (916) 654-4489, or (800) 822-6228.

## **OTHER ENERGY COMMISSION CONTACTS**

Questions of a procedural nature should be directed to Susan Cochran, Hearing Officer, at [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov) or (916) 654-3965.

Technical questions concerning the Proposed Project should be addressed to Leonidas Payne, Staff Project Manager, at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov) or (916) 651-0966.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

If you have a disability and require assistance to participate in this event, please contact Yolanda Rushin at [Yolanda.Rushin@energy.ca.gov](mailto:Yolanda.Rushin@energy.ca.gov) or (916) 654-4310 at least five days in advance.

## **REMOTE ATTENDANCE**

You may participate in this meeting through WebEx, the Energy Commission's on-line meeting service. Any presentations will appear on your computer screen and you may

listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

**Via Computer:** Go to <https://energy.webex.com> and enter the meeting number **929 692 920**. When prompted, enter your name and email address. No meeting password is needed.

The “Join Conference” menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International attendees: Click on the "Global call-in number" link.
3. To have WebEx call you: Enter your direct dial phone number (no extensions are permitted) and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on “Use Computer Headset,” then “Call Using Computer.”

**Via Telephone Only (No Visual Presentation):** Call (866) 469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number **929 692 920**. International callers may select their number from:

<https://energy.webex.com/energy/globalcallin.php>.

**Via Mobile Access:** Access to WebEx meetings is now available from your mobile device. To download an app, go to:

[www.webex.com/products/web-conferencing/mobile.html](http://www.webex.com/products/web-conferencing/mobile.html).

WebEx Technical Support is available at (866) 229-3239.

## **Muting**

We greatly appreciate your cooperation in reducing noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using WebEx, you may mute yourself by right clicking on your name in the panelists or attendees list and selecting “Mute.” If you are only using a telephone connection, press “\*6” once to mute and again to unmute.

**Availability of Documents**

Information about the Proposed Project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at

<https://ww2.energy.ca.gov/sitingcases/laurelwood/>.

**IT IS SO ORDERED.**

Dated July 9, 2019, at Sacramento, California

**ORIGINAL SIGNED BY:**

\_\_\_\_\_  
Karen Douglas  
Commissioner and Presiding Member  
Laurelwood Data Center SPPE Committee

**ORIGINAL SIGNED BY:**

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Janea A. Scott  
Vice Chair and Associate Member  
Laurelwood Data Center SPPE Committee

*Mailed to list number(s): 7529*

**AGENDA**  
**Laurelwood Data Center Project (19-SPPE-01)**  
**Status Conference**

**Tuesday, July 23, 2019**  
**1:30 p.m.**

**California Energy Commission**  
**Art Rosenfeld Room (Hearing Room A)**  
**1516 Ninth Street**  
**Sacramento, CA 95814**

1. Call to Order
2. Status Conference:
  - a. Discussion of case development, issues, schedule, or other relevant matters
  - b. Discussion on Staff's Motion for Leave to File Additional Data Requests

3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter related to this proceeding.

4. Closed Session<sup>20</sup> (if necessary)  
Committee closed session consideration of the following items:

***DELIBERATION ON THE APPLICATION FOR A SMALL POWER PLANT  
EXEMPTION FOR THE LAURELWOOD DATA CENTER***

5. Adjourn
6. Agency Contact: Susan Cochran, Hearing Officer, phone: (916) 654-3965, or e-mail at [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov).

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<sup>20</sup> The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.