

DOCKETED

Docket Number:	19-SPPE-02
Project Title:	Walsh Data Center
TN #:	229542
Document Title:	WP, LLC's Response to Staff's Memo re Its Issue Identification Report and Proposed Schedule
Description:	N/A
Filer:	Scott Galati
Organization:	DayZenLLC
Submitter Role:	Applicant Representative
Submission Date:	8/26/2019 3:12:40 PM
Docketed Date:	8/26/2019

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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 **WALSH BACKUP
GENERATING FACILITY**

DOCKET NO: 19-SPPE-2

**651 WALSH PARTNERS, LLC'S
RESPONSE TO STAFF'S
MEMORANDUM REGARDING ITS
ISSUE IDENTIFICATION REPORT
AND PROPOSED SCHEDULE**

651 Walsh Partners, LLC (WP, LLC) in accordance with the Notice of Committee Conference and Related Orders (TN 229429), dated August 14, 2019, hereby files its response to Staff's Memorandum Regarding its Issue Identification Report and Proposed Schedule (TN 229507), dated August 22, 2019. In that Memorandum, Staff accurately described the status of the Walsh Backup Generating Facility (WBGF) Application for Small Power Plant Exemption (SPPE). Staff has recently docketed Data Request Set 1 and WP, LLC has provided its initial responses on August 26, 2019. Some of the data requests require additional studies that are underway but have not been completed. WP, LLC is working diligently on these studies, has provided partial responses where appropriate, and believes that Staff will have all that it needs to prepare its Initial Study/Mitigated Negative Declaration (IS/MND) shortly.

With respect to the schedule, we understand that Staff is not comfortable providing a schedule when it can produce the IS/MND without reviewing WP, LLC's data responses. However, WP, LLC believes that some of the detail requested in Data Request Set 1 goes beyond what is necessary to perform a legally defensible CEQA analysis. While WP, LLC has provided much of the detailed information to avoid filing objections with the Committee, WP, LLC urges Staff to consider the examples of

IS/MNDs conducted by the City of Santa Clara for data centers when completing its analysis.

WP, LLC acknowledges that Staff may have additional data needs after it reviews WP, LLC's initial and final responses to Staff Data Request Set 1. WP, LLC agrees not to object (on the grounds that discovery is closed) to additional Staff data requests as long as those data requests are promptly made, narrowly tailored to the WP, LLC's initial and final data responses, and are absolutely necessary to complete the IS/MND.

With respect to schedule, WP, LLC requests the Committee order the parties to file an updated schedule by September 20, 2019. WP, LLC commits to working with Staff to attempt to file a joint stipulated schedule.

Dated: August 26, 2019

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott A. Galati", with a horizontal line underneath it.

Scott A. Galati
Counsel to 651 Walsh Partners, LLC