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State of California
State Energy Resources Conservation and
Development Commission
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**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

LAURELWOOD DATA CENTER

Docket No. 19-SPPE-01

**ORDER DENYING PETITION TO INTERVENE
BY HELPING HAND TOOLS**

Introduction

On March 5, 2019, MECP1 Santa Clara 1, LLC (Applicant) submitted an application to the California Energy Commission (CEC) for a small power plant exemption (hereafter, the application is referred to as the “SPPE”)¹ for the Laurelwood Data Center in Santa Clara, California. The Applicant intends to build 56 3-MW diesel-fired generators to provide emergency electrical generation in support of approximately 640,000 square feet of data center and related facilities, such as office space, elevators, restrooms, and storage.² The Applicant has calculated that the maximum electrical load of these facilities will be 99 MW.³

The CEC has the exclusive authority to consider, and ultimately approve or deny, applications for the construction and operation of thermal power plants that will generate 50 megawatts (MW) or more of electricity.⁴ An SPPE is subject to an expedited process designed to potentially exempt thermal power plants that will generate between 50 MW and 100 MW from the CEC’s certification jurisdiction.⁵ To grant an SPPE, the CEC must determine the generating capacity of the proposed facility and analyze whether the construction or operation of the project would result in substantial adverse impacts on the environment or energy resources.⁶ In reviewing an SPPE, the CEC acts as the “lead agency” under the California Environmental Quality Act (CEQA).⁷

¹ All of the documents comprising the SPPE can be found at:
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-01>.

² TN 227273-1, pp. 1-1, 2-1.

³ *Id.* at pp. 1-1, 2-1 – 2-2.

⁴ Pub. Resources Code, §§ 25120, 25500.

⁵ Pub. Resources Code, § 25541; Cal. Code Regs., tit. 20, §§ 1934 et seq.

⁶ Pub. Resources Code, §§ 25500, 25541.

⁷ Pub. Resources Code, § 25519, subd. (c).

Summary of Proceedings

On April 10, 2019, the CEC appointed a committee consisting of Karen Douglas, Commissioner and Presiding Member, and Janea A. Scott, Vice Chair and Associate Member (the Committee) to preside over this proceeding.⁸

On May 8, 2019, the Committee held a Committee Conference.⁹ The Committee filed a Committee Scheduling Order on May 31, 2019 (May 31 Scheduling Order); that order set a deadline of August 12, 2019, as the last day to file a petition to intervene.¹⁰

On July 23, 2019, the Committee conducted a Status Conference.¹¹ The Committee issued “Orders after July 23, 2019 Status Conference and Revised Scheduling Order” (Revised Scheduling Order). The Revised Scheduling Order reiterated the deadline of August 12, 2019, to file a petition to intervene.¹²

Petitioner Helping Hand Tools (HHT) filed a petition to intervene (Petition) on September 19, 2019, seeking to intervene on the topics of alternatives, air quality, public health, biology, and reliability.¹³

CEC staff (Staff) and the Applicant each opposed the Petition.¹⁴ Both Staff and the Applicant first argue that the Petition is untimely because it was filed past the deadline contained in the May 31 Scheduling Order and the Revised Scheduling Order. Secondly, Staff and the Applicant argue that HHT did not establish good cause for the Petition’s late filing.

Order on Petition

The CEC’s regulations state that a petition for intervention must be filed “no later than the deadline established by the presiding member...”¹⁵ Late petitions may be granted only “on a showing of good cause by the petitioner.”¹⁶

The Committee issued two scheduling orders, each of which contained a deadline of August 12, 2019, for the filing of a petition to intervene. This deadline passed over one month prior to HHT filing the Petition. HHT did not request leave to file an untimely petition nor did it attempt to show good cause.

We thus DENY the Petition as being untimely. HHT has not presented any evidence or argument to explain the untimely filing or to show good cause enabling the Committee

⁸ TN 227638.

⁹ TN 228897.

¹⁰ TN 228431, p. 4.

¹¹ TN 229345.

¹² TN 229475, p.6.

¹³ TN 229782.

¹⁴ TN 229807 (Applicant); 229848 (Staff) (citing Cal. Code Regs., tit. 20, §1211.7, subd. (a).).

¹⁵ Cal. Code Regs., tit. 20, § 1211.7, subd. (b).

¹⁶ Cal. Code Regs., tit. 20, § 1211.7, subd. (d).

and the other parties to address those contentions.

Public Advisor and Other Commission Contacts

The CEC’s Public Advisor’s Office provides the public with assistance in participating in CEC proceedings. If you would like information on how to participate in this proceeding, please contact Noemi Gallardo, Public Advisor, at PublicAdvisor@energy.ca.gov or (916) 654-4489, or toll free at (800) 822-6228.

If you have a disability and need assistance to participate in any upcoming Committee events, contact Yolanda Rushin at least five days prior to the event at Yolanda.Rushin@energy.ca.gov or (916) 654-4310.

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

Technical questions concerning the Petition should be addressed to Lisa Worrall, Project Manager, at Lisa.Worrall@energy.ca.gov or at (916) 654-4545.

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

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the CEC's web page at <https://ww2.energy.ca.gov/sitingcases/laurelwood/>.

Dated: October 4, 2019, at Sacramento, California

ORIGINAL SIGNED BY:

Karen Douglas
Commissioner and Presiding Member
Laurelwood Data Center SPPE
Committee

ORIGINAL SIGNED BY:

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