

DOCKETED

Docket Number:	19-SPPE-01
Project Title:	Laurelwood Data Center (MECP I Santa Clara I, LLC)
TN #:	230110
Document Title:	Motion to Compel Staff to Recognize and Respond to Intervenor Sarvey's Comments and Testimony on IS MND & extend the deadline
Description:	Motion to compel CEC Staff
Filer:	Robert Sarvey
Organization:	Robert Sarvey
Submitter Role:	Intervenor
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State of California
State Energy Resources Conservation and Development Commission

In the matter of:

Laurelwood Data Center

Docket # 19-SPPE-01

Motion to Compel Staff to Recognize and Respond to Intervenor Sarvey's
Comments and Testimony on the IS/MND and extend the deadline for rebuttal
testimony.

On August 16, 2019 the committee for the Laurelwood Data Center 19-SPPE-01 filed a document entitled, "*Orders after July 23, 2019 Status Conference and Revised Scheduling Order.*"¹ In the order the Committee set the deadline for filing comments on the Initial Study Mitigated Negative Declaration (IS/MND) as October 3, 2019. The Committee also established the deadline for submitting opening testimony as October 8, 2019 and the deadline for rebuttal testimony as October 15, 2019. The Committee also stated, "***We further ORDER that Staff's Opening Testimony shall include responses to any comments received during the public review and comment period.***"

On October 3, I timely filed my comments in the form of testimony on the IS/MND pursuant to the Committees direction.² CEC Staff has arbitrarily decided in a footnote of their testimony that my submission was not comments on the IS/MND.³ CEC Staff has taken timely submitted testimony on the initial study and unilaterally decided that they were not comments. CEC staff has my phone number in fact they have called me twice during this proceeding. My email and contact information are included on the

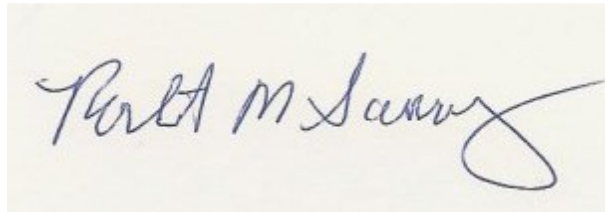
¹ TN229475

² TN 229959

³ TN 230062 "Robert Sarvey filed testimony to the project docket on October 3, 2019 which staff considers opening testimony."

proof of service list. If CEC staff had any ambiguity about my October 3, 2019 submission, they should have contacted me. CEC Staff has not responded to my comments on the IS/MND as directed by the committee in the August 16, 2019 scheduling order.⁴ I hereby move that the committee direct staff to recognize and respond to my comments on the IS/MND and amend their “*CEC Staff Responses to Comments on the Initial Study and Proposed Mitigated Negative Declaration, et al.*”⁵ to include their responses to my comments⁶ as directed by the Committee. I further move that the deadline for rebuttal testimony be extended until seven days after the CEC Staff responds to my initial study comments. By doing so the public will not be prejudiced by the CEC Staff’s unlawful procedural move. I request an immediate response from the committee as the request is time sensitive.

Respectfully Submitted,

A handwritten signature in blue ink on a light-colored background. The signature is cursive and reads "Robert M. Sarvey".

Robert M. Sarvey
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⁴ TN 229475 Page 6 of 7 “We further **ORDER** that Staff’s Opening Testimony shall include responses to any comments received during the public review and comment period.”

⁵ TN 230062

⁶ TN 229959