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Filer:	Robert Sarvey
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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

Robert Sarvey's Prehearing Conference Statement

On October 14, 2019 the committee for the Laurelwood Data Center set October 25, 2019 as the deadline for parties to file a Prehearing Conference Statement. Intervenor Sarvey now files his Prehearing Conference Statement and offers lists of exhibits and witnesses in accordance with the Committee's orders.

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.

All subjects are complete and ready to proceed.

2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.

Air Quality, Jurisdiction- generating capacity, Environmental Justice, Public Health, Energy Resources

3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefor.

All subjects are complete

4. The subject areas that remain disputed and require adjudication, the issues in dispute, and the precise nature of the dispute for each issue.

(a) Air Quality

Almost all of the disputes in air quality revolve around BAAQMD's new policy entitled, "Calculating Potential to Emit for Emergency Generators." These disputes could have easily been

resolved with one workshop with BAAQMD in air quality, but unfortunately at the one workshop we were only allowed to discuss biology and cultural resources. I recommend BAAQMD review the parties' positions and file some testimony, which would clear up almost all of the current disputes. There is no reason to take up a lot of hearing time with these issues as BAAQMD can inform the committee how the policy should be implemented. It is important for the committee to understand the regulation, as they will have to adjudicate the issue in 19-SPPE-02 and 19-SPPE-03.

Staff has proposed to evaluate this application based on the CEQA requirements of the Bay Area Air Quality Management District. I believe CEQA requires a cumulative impact analysis in this case because this is an environmental justice community surrounded by a large number of industrial sources and hundreds of backup generators.

PG&E's PSPS program has led to multiple day shutoffs and should be the baseline that the projects emergency operations should be assessed with; rather than the seven hours of operation that CEC Staff has proposed as the longest duration of any outage.

(b) Greenhouse Gas Emissions

Staff and I disagree on how BAAQMD's policy concerning backup diesel generators should be implemented. This issue once again should have been resolved in a workshop with BAAQMD and the public. BAAQMD needs to attend the hearing and provide testimony on how the new regulation concerning backup generators potential to emit is calculated.

(c) Energy Resources

The applicant has chosen to support this 99 MW project with 56 three megawatt diesel generators, totaling 168 megawatts. Other data center projects being processed by the commission have used far fewer generators to support a data center load of 99 MW. The McLaren data center recently approved by the commission supported its alleged 99 MW load with 47 generators with 2.75 MW capacity, totaling 129.25 megawatts. Every one of these generators must be tested, and criteria air pollution emissions and GHG emissions are much higher when more generators are involved. It is a waste of energy to test all of these generators unless they are needed to support 99 megawatts.

The PUE projected by the applicant is much higher than the data centers surrounding the project. Newer data centers have been achieving PUE's much lower than the LDC. This is a significant impact on energy resources as it will be an inefficient waste of finite resources which

could easily be avoided by making the data center more efficient. Even BAAQMD believes that the 1.2 PUE is achievable and should be required by these data centers.

(d) Jurisdiction

The Committee has already informed the parties that they intend to take this issue up in the decision. The committee already knows every one's position and no hearing time is necessary for this issue.

(e) Utilities and Service Systems

This topic is more about energy resources but staff has chosen to title it utilities and service systems, which is why I addressed it as such in my rebuttal testimony. My opening testimony addresses the topic under energy resources on Pages 9-12. CEC Staff has provided no rebuttal to that part of the opening testimony and would like the issue swept under the rug. It's clear that with the massive amounts of data centers currently in review and already approved that new substations, new transmission lines and new energy producing facilities will be needed. This is an impact on energy resources.

5. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically.

Robert Sarvey will be presenting written and oral testimony on air quality, energy resources, GHG emissions, jurisdiction, and environmental justice and cumulative impacts. The testimony will address the application of BAAQMD's new regulation, which requires 100 hours of emergency operation for each generator be included in the potential to emit. Total time for oral testimony will be 10 minutes. My qualifications are included in my resume attached to my testimony.

6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: a party who fails to provide, with specificity, the scope, relevance, and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.)

Air Quality - Staff Witness - 10 minutes - Questions on Maximum NO₂ impacts during emergency operation. - Modeling questions. - Questions on any oral testimony provided.

BAAQMD Witness - 20 minutes - Questions on application of new diesel generator policy. - Questions about how the new generator policy complies with the EPA's 500 hour policy for determining the potential to emit for emergency generators. - Question on PG&E PSPS shutoffs and whether 100 hours of emergency operation is truly a reasonable estimate of emergency operation.

Applicant's Air Quality Witness – 10 minutes- Modeling questions and choice of emission rates for emergency generators.

Environmental Justice - Staff Witness - 10 minutes - Public participation outreach.

7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists).

Exhibit 400	TN 229959	Opening Testimony of Robert Sarvey - All Topics
Exhibit 401	TN 230316	BAAQMD comments on the McLaren Data Center - Air Quality
Exhibit 402	TN 230329	BAAQMD Comments on the Santa Clara Climate Action Plan - GHG
Exhibit 403	TN 230314	Rebuttal Testimony of Robert Sarvey - All Topics
Exhibit 405	TN 230360	John Seitz 1995 Memo Calculating Potential to Emit (PTE) for Emergency Generators – Air Quality

8. Proposals for briefing deadlines or other scheduling matters.

Opening briefs should be due two weeks after the transcript is released and reply briefs due two weeks after opening briefs.

9. Any objection by the party to the use of the informal hearing procedure outlined above.¹²

No objection to the informal hearing process.

