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**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of the Application for a  
Small Power Plant Exemption for the:

**SEQUOIA BACKUP GENERATING  
FACILITY**

Docket No. 19-SPPE-03

**PETITION TO INTERVENE BY  
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

February 14, 2020

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**PETITION TO INTERVENE BY  
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

Pursuant to section 1211.7 of Title 20 of the California Code of Regulations, California Unions for Reliable Energy (“CURE”) files this Petition to Intervene (“Petition”) to the California Energy Commission (“Commission”) for the Sequoia Backup Generating Facility, Docket No. 19-SPPE-03 proceeding (“Project”).

Section 1211.7(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and telephone number of the petitioner.” Section 1211.7(c) provides that the “presiding member may grant intervention and may impose reasonable conditions on an intervenor’s participation.... An intervenor is a party to a proceeding.”

This Petition is timely. The Committee Scheduling Order (January 29, 2020) established that the last day to file a Petition to Intervene is March 4, 2020. This Petition was filed prior to that date and thus is timely.

CURE has an interest in the proceeding. CURE is a coalition of unions whose members construct and operate power plants and other industrial facilities in California. The Project therefore directly affects the union members' immediate economic interests.

The Project also affects the union members' longer term economic and environmental interests. Environmental degradation jeopardizes future jobs by causing construction moratoriums, depleting limited air pollutant emissions offsets, consuming limited freshwater resources, and imposing other stresses on the environmental carrying capacity of the State. This in turn reduces future employment opportunities.

Additionally, union members live in the communities that suffer the impacts of projects that are detrimental to human health and the environment. Unions have a corresponding interest in acting to minimize the adverse impacts of projects that would degrade the environment, and in enforcing environmental laws to protect their members.

Finally, union members are concerned about projects that cause serious environmental harm without providing countervailing economic benefits. The Commission's environmental review process provides for a balancing of the Project's socioeconomic and environmental impacts. CURE's ultimate position and participation in this proceeding will be determined based on all of the factors that will be considered by the Commission.

CURE has been granted intervention in all prior siting cases and small power plant exemption cases in which it has sought to intervene since the enactment of AB 1890. The Commission rejected the only challenge to CURE's participation in those cases, finding CURE's interests "undeniably relevant" to the proceedings. (In the Matter of Application for Certification for the High Desert Power Project, Docket No. 97-AFC-1, Order Granting Petition to Intervene at 2 (Dec. 24, 1997).) Most recently, CURE was granted intervenor status In the Matter of Application for Small Power Plant Exemption for the Walsh Backup Generating Facility, Docket No. 19-SPPE-02 and In the Matter of Application for Small Power Plant Exemption for the Laurelwood Data Center, Docket No. 19-SPPE-01. The same decision should be reached here.

CURE has participated in permit proceedings for data center projects, including their backup power generation and other facilities, in the City of Santa Clara and surrounding regions. In those cases, CURE identified informational deficiencies in the project descriptions that prevented adequate assessments of impacts to air quality and public health and from greenhouse gas emissions and energy use. CURE also identified underestimated, unanalyzed and unmitigated impacts from construction air emissions, operational air emissions, greenhouse gas emissions, energy use, hazards and

noise. For those data center projects, CURE provided evidence showing that the data centers, including their backup power generation, may result in significant impacts to air quality and public health and from greenhouse gas emissions, energy use, hazards and hazardous materials, and noise. CURE also reviewed the water use associated with data center projects. Finally, for these identified issues, CURE proposed feasible mitigation measures to reduce impacts from data center projects to less than significant.

If granted intervention in this data center proceeding, CURE would like to participate in the topics of air quality, public health, greenhouse gas emissions, noise, hazards and hazardous materials, energy and energy resources, wildfire, and water resources. Due to the number of data centers being proposed in the City of Santa Clara, CURE would also like to participate in cumulative impacts associated with these resource areas. CURE respectfully reserves the right to participate in other topics should issues be identified warranting such participation. CURE may provide testimony, briefing, and cross-examination of witnesses.

For the foregoing reasons, CURE respectfully requests that the Commission grant its petition to intervene in this proceeding and allow CURE to participate as a party.

Dated: February 14, 2020

Respectfully submitted,



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