

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-05
<b>Project Title:</b>	Mission College Data Center SPPE
<b>TN #:</b>	232214
<b>Document Title:</b>	Staff's Motion for Leave to File Additional Data Requests
<b>Description:</b>	This document contains CEC staff's motion for leave to file additional data requests, and the associated follow-up data requests.
<b>Filer:</b>	Steve Kerr
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/24/2020 3:48:39 PM
<b>Docketed Date:</b>	2/24/2020

**CALIFORNIA ENERGY COMMISSION**1516 Ninth Street  
Sacramento, California 95814Main website: [www.energy.ca.gov](http://www.energy.ca.gov)  
CEC-57 (Revised 1/19)**STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION****APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE:****MISSION COLLEGE BACKUP GENERATING FACILITY****Docket No. 19-SPPE-05****Staff's Motion for Leave to File  
Additional Data Requests**

Energy Commission staff (staff) is authorized under Title 20, California Code of Regulations, sections 1716 and 1941 to issue data requests in connection with the review of a small power plant exemption (SPPE) application. Data requests may cover any information which is "reasonably available to the applicant" and "reasonably necessary" to make a decision on an SPPE application. (Cal. Code Regs. tit. 20, §1716(b).) However, Section 1941 states that "all requests for information shall be submitted no later than 60 days from the application for exemption's filing date *or a later date as approved by the presiding member.*" (*Emphasis added.*) The exemption application was filed on November 25, 2019, 91 days ago.

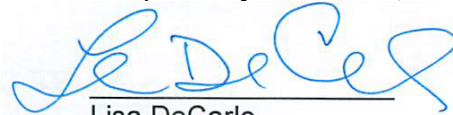
On December 27, 2019, staff filed its first set of data requests and requested the applicant to file responses as expeditiously as possible to facilitate accelerated review. Pursuant to Title 20, California Code of Regulations, section 1716(f), data responses "shall be provided within 30 days of the date that the request is made." The applicant submitted initial responses on February 6, 2020 (TN 231960) followed by supplemental responses on February 18, 2020 (TN 232047), 41 days and 53 days respectively.

Staff has a few clarifying questions on the responses provided and it is necessary for staff to file additional data requests, attached as Appendix A, to clarify aspects of the proposed project and to evaluate the potential effects for staff's initial study for the Mission College Data Center. The requested information covers the project description and the technical areas of **Biological Resources** and **Cultural and Tribal Cultural Resources**.

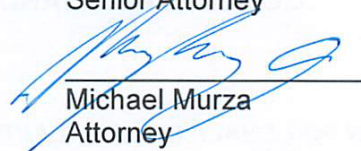
Because the applicant's data responses were late and require clarification, staff has good cause to submit these data requests beyond the initial 60-day period and hereby moves for leave to file additional data requests, attached as Appendix A.

DATED: February 24, 2020

Respectfully submitted,



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Lisa DeCarlo  
Senior Attorney



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Michael Murza  
Attorney

## APPENDIX A



**CALIFORNIA  
ENERGY COMMISSION**



February 24, 2020

Oppidan Investment Company  
c/o Scott Galati  
1720 Park Place Drive  
Carmichael, CA 95608

**Re: Follow-up Data Requests for the Mission College Data Center  
(19-SPPE-05)**

Dear Mr. Galati:

Pursuant to Title 20, California Code of Regulations, sections 1941 and 1716, California Energy Commission staff is asking for the information specified in the enclosed follow-up Data Requests necessary for a complete staff analysis of the Mission College Data Center project.

Responses to the data requests are due to staff within 30 days. To facilitate an expedited review, staff requests written responses to the enclosed data requests on or before February 28, 2020.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send written notice to me and the Committee within 20 days of receipt of this letter. Such written notification must contain the reasons for not providing the information, the need for additional time, or the grounds for any objections (see Cal. Code Regs., tit. 20, § 1716 (f)).

If you have any questions, please call me at (916) 651-0966, or email me at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov).

\_\_\_\_\_  
/s/

Leonidas Payne  
Project Manager

Enclosure

## **Technical Area: Biological Resources**

**Author: Tia Taylor**

60. In its response to Data Request 27, the applicant stated the following:

“The City issued demolition and tree removal permits for the site on 1/20/2020, and tree removal commenced on 1/20/2020. The arborist report in Appendix C of the application was relied upon by the City to determine required tree replacement ratios and fees associated with the tree removal permits and therefore is still applicable to the MCDC.”

Staff would like to confirm the number of trees removed, and the number of trees thus expected to be replaced based on the City of Santa Clara's policies outlined in its General Plan. Also, please specify if there were any trees removed that border San Tomas Aquino Creek. If so, please provide details as to the number and species of tree.

61. In its response to Data Request 28, the applicant stated the following:

“The entirety of the project site consists of developed areas. As described in the adopted 2018 MND and subsequent SPPE Application, special status plant and wildlife species are not present on the highly urbanized project site, although raptors (birds of prey) could use the trees on the site for nesting or as a roost. The 2018 MND required completion of a nesting bird survey prior to any construction activities or tree removal on the site. As described in Response to Data Request 27, tree removal on the site commenced in 1/20/2020. A nesting bird survey was completed in January 2020 and is attached to these responses as Attachment BIO DR-28. No additional surveys have been completed nor are required.”

The ornithologist report included in the data responses clearly stated that no nesting raptors were present onsite. However, it is typical, within such a report, that any other bird species observed are noted during the survey and listed in the report. Please indicate if any other bird species were observed, and if so, provide a species list.

**Technical Area: Cultural and Tribal Cultural Resources**

**Author(s): Gabriel Roark and Cameron Travis**

62. In its response to Data Requests 30 and 31, the applicant stated that the data center buildings would be supported on auger cast foundation piles drilled to about 30 feet below the new base elevation of the project site.

Staff has three follow-up questions:

- a) What is the expected diameter of the foundation piles? [A range is acceptable.]
- b) Approximately how many foundation piles would be needed to support each building?
- c) Is the spacing pattern of the foundation piles indicated on any of the plans submitted with the application or data responses?

**Subject: Project Description (Transmission System Interconnection)**  
**Authors: Laiping Ng**

63. In its response to Data Request 54, the applicant stated that “[t]he MCDC will be interconnected to the SVP North Loop.”

According to the SVP Transmission Overview available to staff, there is no North Loop. Please clarify which loop the MCDC would be interconnected to.