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JOINT COMMITTEE CONFERENCE

**Application for Small Power Plant Exemption for the
Walsh Backup Generating Facility (19-SPPE-02)**

**Application for Small Power Plant Exemption for the
Sequoia Backup Generating Facility (19-SPPE-03)**

**Santa Clara Central Park Library
February 26, 2020**



Energy Commission's Role

- Energy Commission has permitting authority over thermal power plants that are 50 megawatts or greater. [California Public Resources Code section 25120]
- The law allows the Energy Commission to grant an exemption to this authority if a project will generate between 50 and 100 MW.
- This exemption is known as the small power plant exemption (SPPE).
- The full Commission consists of five members. The Commission has appointed Commissioners Karen Douglas (Presiding Committee Member) and Patty Monahan (Associate Committee Member) to oversee the proceedings for these applications.



SPPE Findings

To grant an SPPE, the Energy Commission must make three distinct determinations:

- 1.The proposed powerplant has a generating capacity up to 100 MW;
- 2.No substantial adverse impact on the environment will result from the construction or operation of the powerplant; and
- 3.No substantial adverse impact on energy resources will result from the construction or operation of the powerplant.

[California Public Resources Code section 25541]



California Environmental Quality Act (CEQA)

- In addition to the Warren-Alquist Act's requirements about environmental and energy resource impacts, the Energy Commission must also analyze the SPPE under the California Environmental Quality Act (CEQA).
- The Energy Commission is the lead agency for SPPEs. [California Public Resources Code section 25519(c)]
- In reviewing an SPPE, the Energy Commission considers the “whole of the action.” [California Code of Regulations, title 14, section 15378(a)]
- For the Walsh and the Sequoia applications, the “whole of the action” means not just the backup generators, but also the Data Center they support and the other project features you'll hear about, such as substations and landscaping.



Public Participation

- Public participation is encouraged.
- Members of the public may become parties by petitioning to intervene.
 - The deadline to apply to be an intervenor in the Sequoia proceeding is March 6, 2020.
 - The deadline to apply to be an intervenor in the Walsh proceeding is March 30, 2020.



Ex Parte Rule

- All decisions made in this case will be made solely on evidence contained in the public record.
- Contacts between parties, interested persons outside of the Commission (the general public) are prohibited from “communicating” with presiding officers about anything in dispute unless it is in a public forum or in a writing distributed to all the parties and made available to the public.



Ex Parte Rule: Communications

Communications include:

- ✓ Voicemail messages
- ✓ Text messages
- ✓ Emails
- ✓ Letters
- ✓ Telephone calls
- ✓ In-person discussions



Ex Parte Rule: Presiding Officers

The Presiding Officers are:

- The Committee members: Comm. Douglas and Comm. Monahan
- The other members of the Energy Commission: Chair Hochschild, Vice Chair Scott, and Comm. McAllister
- The Hearing Officers (Susan Cochran and Galen Lemei)
- Advisors to Commissioners
- Any attorney or other experts assisting the Committee and Commission



Pause for the Public Advisor's Presentation



Walsh SPPE

Pause for Applicant's Presentation



California Energy Commission

Walsh SPPE

Pause for Staff's Presentation



Walsh SPPE: Schedule

JANUARY 2020 SCHEDULE

Staff Filed the IS/PMND	2/18/2020
Public Comment Period on IS/PMND Closes	3/23/2020
Staff responds to comments received on the IS/PMND	7 days after close of the public comment period
Last Day to File Petition to Intervene	3/30/2020

JANUARY 2020 SCHEDULE

Parties File Opening Testimony	7 days after Staff publishes responses to comments
Parties File Rebuttal Testimony	7 days after opening testimony filed
Prehearing Conference statements due	3-5- days after reply testimony filed
Prehearing Conference	7-10 days after statements filed



Walsh SPPE: Schedule (cont'd)

JANUARY 2020 SCHEDULE

Evidentiary Hearing	7 days after prehearing conference
Committee files Proposed Decision	30 days after Evidentiary Hearing
Final Adoption Hearing by the Commission	Second Quarter 2020



California Energy Commission

Sequoia SPPE

Pause for Applicant's Presentation



California Energy Commission

Sequoia SPPE

Pause for Staff's Presentation



Sequoia SPPE: Schedule

JANUARY 2020 SCHEDULE

Staff Filed the IS/PMND	1/23/2020
Public Comment Period on IS/PMND Closes	2/28/2020
Staff responds to comments received on the IS/PMND	7 days after close of the public comment period
Last Day to File Petition to Intervene	3/4/2020

JANUARY 2020 SCHEDULE

Parties File Opening Testimony	7 days after Staff publishes responses to comments
Parties File Rebuttal Testimony	7 days after opening testimony filed
Prehearing Conference statements due	3-5- days after reply testimony filed
Prehearing Conference	7-10 days after statements filed



Sequoia SPPE: Schedule (cont'd)

JANUARY 2020 SCHEDULE

Evidentiary Hearing	7 days after prehearing conference
Committee files Proposed Decision	30 days after Evidentiary Hearing
Final Adoption Hearing by the Commission	Second Quarter 2020



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