

**DOCKETED**

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<b>Project Title:</b>	SJ2
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<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.
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<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**State of California  
State Energy Resources Conservation and  
Development Commission**

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***APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE:***

***SAN JOSE CITY DATA CENTER***

**Docket No. 19-SPPE-04**

**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 15, 2019, 105 days ago. Accordingly, staff is filing this motion for leave to file additional data requests, which are attached as Appendix A.

On December 19, 2019, staff filed its first set of data requests (Set 1) and requested expedited responses by January 9, 2020 to facilitate accelerated review. Pursuant to Title 20, California Code of Regulations, section 1716(f), responses to data requests "shall be provided within 30 days of the date that the request is made." The applicant submitted its responses to these data requests on January 28, 2020 (TN 231774), 40 days after the request. Staff filed a second set of data requests (Set 2) on January 10, 2020 and requested expedited responses by January 29, 2020. The applicant subsequently filed its responses to Set 2 on February 13, 2020, 34 days after the request.

In addition to being untimely, both sets of responses to staff's data requests are incomplete. In total, there are eleven data requests in the areas of Project Description, Transmission, and Cultural Resources that have not received responses or that received only partial responses from the applicant. Staff recognizes that some of the incompleteness may be due to the applicant's need to obtain information from third party entities, such as PG&E. Thus, in lieu of filing a petition for the Committee to direct the applicant to supply such information pursuant to Title 20, California Code of Regulations,

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Staff's Motion for Leave to File Additional Data Requests

section 1716(g), staff seeks to renew its prior requests for this information and seeks a timeline from the applicant for when this information can be provided to staff.

Additionally, staff has several follow-up data requests now that it has received and evaluated the applicant's responses to the two prior sets of data requests. Staff's follow-up data requests in the areas of Air Quality and Public Health seek clarification of and expansion upon certain information contained in the applicant's previous responses. Both the renewed request for the eleven missing responses and a timeline for providing this information, and these follow-up data requests, are attached in Data Request Set 3 as Appendix A.

Staff has good cause to submit these data requests beyond the initial 60-day period. The applicant's responses to Data Request Sets 1 and 2 were untimely, incomplete, and they contained information which requires clarification before staff can complete its analyses in the areas of Air Quality and Public Health. Thus, staff hereby moves for leave to file Data Request Set 3, attached as Appendix A.

DATED: February 28, 2020

Respectfully submitted,

*/s/ Nicolas Oliver*

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February 28, 2020

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**DATA REQUESTS SET 3 FOR THE SAN JOSE CITY DATA CENTER  
(19-SPPE-04)**

Dear Mr. Salamy:

Pursuant to Title 20, California Code of Regulations, sections 1941 and 1716, the California Energy Commission staff requests the information specified in the enclosed data requests necessary to conduct a complete environmental review of the small power plant exemption (SPPE) application for the San Jose City Data Center.

The requested information in Data Requests Set 3 (Requests 53-56) covers the topic areas of Project Description, Transmission, Cultural Resources, Air Quality, and Public Health. Staff requests written responses to the enclosed data requests (Set 3) on or before March 30, 2020.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to me and the Committee. The notification must contain the reasons for not providing the information, the need for additional time, or the grounds for any objections (see Title 20, California Code of Regulations, section 1716(f)).

If you have any questions email me at [scott.polaske@energy.ca.gov](mailto:scott.polaske@energy.ca.gov).

|s|

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Scott Polaske, Planner II  
Environmental Office

Enclosure

**SAN JOSE CITY DATA CENTER (19-  
SPPE-04) DATA REQUESTS SET 3  
(Nos. 53 – 56) Table of Contents**

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## SAN JOSE CITY DATA CENTER

### DATA REQUEST SET 3

Follow-up to Responses to  
Staff's Data Request Set 1 (Nos. 1-31, TN 231774, 1/28/2020)  
and Set 2 (Nos. 32-52, TN 232027, 2/13/2020)

#### **I. Renewed Request for Missing Information from Responses to Data Request Sets 1 and 2**

##### **BACKGROUND**

Between the applicant's responses to Data Request Sets 1 and 2, not all of the responses were provided or complete. Complete responses to the particular questions listed below are necessary for staff's CEQA analysis. The applicant's response to Data Request Set 1, question 3, regarding contradictory presentation of the low-voltage side of the onsite substation transformers, was not provided. Additionally, question 3a appears to be erroneously repeated as an applicant response to Data Request Set 1, question 8a, and erroneously labeled as response "8c." Because of this apparent typographical error, the applicant's responses to Data Request Set 1, questions 8 and 8a, were not provided. Furthermore, Data Request questions 3b, 4-6, 19, 46, 47, and 49 each require additional pending information. In total, there are eleven data requests in the areas of Project Description, Transmission, and Cultural Resources that have not received responses or have received only partial responses.

##### Prior Data Request 3: Not Answered

Data Request 3: Please clarify Figure 2-6 (Interconnection to PG&E System and One Line Diagram). The transformer rating shown in the figure for the New Microsoft Data Center Substation is 230/13.8 kilovolt (kV). The IC Substation Adder indicates that the transformer rating is 230/21 kV. Which rating is correct?

##### Prior Data Request 3b: Pending Information

Applicant Response: The Applicant is in consultation with PG&E to determine the feasibility of the request.

##### Prior Data Request 4: Pending Information

Applicant Response: The Applicant will consult with PG&E to determine if additional information is available at this time and will update/docket Figure 2-6 when additional information is provided.

## Appendix A

### Prior Data Request 5: Pending Information

Applicant Response: The Applicant will consult with PG&E to determine if additional information is available at this time.

### Prior Data Request 6: Pending Information

Applicant Response: The Applicant will consult with PG&E to determine if additional information is available on the proposed pole structures. However, the figure below presents a typical 230 kV tubular steel pole structure used on other PG&E projects.

### Prior Data Request 8: Not Answered

Data Request 8: Section 2.2 states “the receiving station step voltage down to 60 kV for distribution along the Northwest Loop, which can then provide electricity to facilities interconnected to the loop from either end, making electrical service reliable.” How does the 60 kV loop fit into the 230 kV interconnection to the Los Esteros substation?

### Prior Data Request 8a: Not Answered

Data Request 8a: If the Northwest Loop is relevant to the project, please provide detailed descriptions and one-line diagrams showing detailed interconnection information of the Northwest Loop transmission segment with the project.

### Prior Data Request 19: Pending Information

Applicant Response: A schedule for conducting the surveys of the linear routes will be developed by the middle of February 2020.

### Prior Data Request 46: Pending Information

Applicant Response: Tables DR46-1 and DR46-2 presents the outage historic, frequency, and duration for the Los Estero-Metcalf and Los Esteros-Newark 230 kilovolt (kV) transmission lines supplying the 230-kV bus at the Los Esteros Substation. The Applicant will request PG&E provide information regarding the reliability of service historically provided by PG&E to other similar datacenters in its service territory and will docket this information when received.

### Prior Data Request 47: Pending Information

Applicant Response: See the response to Data Request #46.

Prior Data Request 49: Pending Information

Applicant Response: PG&E proposed two 230-kV interconnecting within the Los Esteros Substation at two separate buses to provide reliable electric (electricity). The Applicant will consult PG&E to determine if looping in the existing Newark-Los Esteros or Metcalf-Los Esteros 230 kV circuits into the SJC02 substation is feasible. The Applicant will docket PG&E's response when received.

**DATA REQUEST**

53. Please provide the missing and pending information associated with Data Request questions 3, 3b, 4-6, 8, 8a, 19, 46, 47, and 49. If this information is still unavailable, please confirm the schedule to provide the information.

**II. Follow-up Data Requests**

The applicant's responses to Data Request Set 1, question 3a, and Data Request Set 2, questions 26 and 34, have brought forth additional clarifying questions that staff needs answered to complete its analysis. The following are the additional data requests.

**Air Quality, Public Health**

**BACKGROUND**

The applicant's response to Data Request question 34 (Set 2) shows that air permits would include enforceable limitations on maintenance and testing of each engine. These limitations would specify that only one engine at a time operate for maintenance purposes and that each engine would operate for maintenance no more than 42 hours per engine per 12 month period. Staff recognizes that use of the engines would not be subject to these aforementioned limitations if there is an "emergency" interruption of the electricity supply.

For staff's analysis, "emergency use" is defined in the Airborne Toxic Control Measure (ATCM) for Emergency Standby Diesel-Fueled Engines [17 CCR § 93115.4(a)(30)]. Staff expects normal electrical power service to be continually available during all types of routine and scheduled maintenance of the proposed onsite substation. Maintenance of the substation should be foreseeable and would not qualify as an "emergency."

Information in the application and responses to data requests do not describe whether routine maintenance of the proposed onsite substation including the two proposed 45 megavolt ampere (MVA) transformers could result in total or partial loss of PG&E's electricity service to the data center.



## **DATA REQUEST**

54. Please describe the frequency and nature of maintenance activities that would be needed for upkeep of the proposed onsite substation, and include the plan for maintenance or servicing the transformers.

## **BACKGROUND**

The response to Data Request question 3a (Set 1) indicates that both of the 45 MVA transformers at the new onsite substation would be required to serve the data center electric loads. It is our understanding that both transformers would be needed at all times; however, transformers like these could require maintenance, like cooling oil change, as often as one day per-year.

## **DATA REQUESTS**

55. Please describe whether the data center would be able to continue to operate using power from PG&E during regularly scheduled maintenance of the onsite substation, and if not, what strategy would be used to avoid non-emergency use of the diesel-powered generators?
56. Please describe under what conditions maintenance of the proposed onsite substation could contribute to a total or partial loss of PG&E's electricity service to the data center and lead to operation of the diesel-powered generators.