

DOCKETED

Docket Number:	19-SPPE-03
Project Title:	Sequoia Data Center
TN #:	232493
Document Title:	C1 Reply to Sarvey Motion to Suspend Proceedings
Description:	N/A
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Organization:	DayZenLLC
Submitter Role:	Applicant Representative
Submission Date:	3/23/2020 7:59:15 AM
Docketed Date:	3/23/2020

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant
Exemption for the **SEQUOIA BACKUP
GENERATING FACILITY**

DOCKET NO: 19-SPPE-03

**C1-SANTA CLARA, LLC'S REPLY TO
INTERVENOR ROBERT SARVEY'S
MOTION TO SUSPEND**

C1-Santa Clara, LLC (C1) hereby files its Reply to Intervenor Robert Sarvey's Motion To Suspend the Sequoia Backup Generating Facility (SBGF) Small Power Plant Exemption (SPPE) Proceedings. The basis for Mr. Sarvey's Motion is that the only way to protect the health and safety of the Staff, Committee, parties and the public from the coronavirus is to suspend all public meetings including the upcoming prehearing conference and evidentiary hearings. While C1 supports social distancing and other mitigation measures to prevent spread of the coronavirus, it does not believe suspension of the proceedings is warranted.

First, it is important to note that to date the only member of the public that has participated in any of the public hearings was a representative of the Santa Clara Building and Trade Council to express support for the SBGF and SDC. No other member of the public has filed comments on the Staff Proposed IS/MND or provided public comment at any public hearing, either in person or via WebEx and/or telephone.

The Committee should hold the PreHearing Conference/Evidentiary Hearings via WebEx which would provide the parties, their witnesses, and members of the public with adequate participation without violating limited gathering guidelines issued by the Center For Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH). The Commission has used WebEx access in its proceedings for

a long time; participants and Staff of the Commission are familiar with the WebEx platform; and members of the public often utilize WebEx rather than travel to Sacramento for public hearings. The Committee could limit the number of persons present to operate the WebEx platform from a Commission hearing room and still conduct effective and safe PreHearing Conference/Evidentiary Hearings for the SBGF. A suspension is simply unnecessary and it is important that the Committee proceed to provide C1 with the ability to finalize its permitting. C1 has engaged a general contractor that is ready, willing and able to start site work and grading as soon as the CEC makes a final decision on the SPPE and the City of Santa Clara issues its permits.

Therefore, we urge the Committee to deny Mr. Sarvey's motion as unnecessary to protect public health and safety of the Staff, Committee, parties and members of the public. We further urge the Committee to schedule the PreHearing Conference and Evidentiary Hearing on the same day and conduct the hearings using the WebEx platform.

Dated: March 23, 2020

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott A. Galati", with a horizontal line underneath it.

Scott A. Galati
Counsel to C1-Santa Clara, LLC