

**DOCKETED**

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|-------------------------|----------------------------------|
| <b>Docket Number:</b>   | 19-SPPE-05                       |
| <b>Project Title:</b>   | Mission College Data Center SPPE |
| <b>TN #:</b>            | 232706                           |
| <b>Document Title:</b>  | Scheduling Order                 |
| <b>Description:</b>     | N/A                              |
| <b>Filer:</b>           | Pamela A Fredieu                 |
| <b>Organization:</b>    | California Energy Commission     |
| <b>Submitter Role:</b>  | Committee                        |
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| <b>Docketed Date:</b>   | 4/9/2020                         |



**State of California  
State Energy Resources Conservation and  
Development Commission  
1516 Ninth Street, Sacramento, CA 95814  
1-800-822-6228 – [www.energy.ca.gov](http://www.energy.ca.gov)**

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

***MISSION COLLEGE BACKUP  
GENERATING FACILITY***

**Docket No. 19-SPPE-05**

## **COMMITTEE SCHEDULING ORDER**

### **BACKGROUND**

On November 25, 2019, Oppidan Investment Company (Applicant) submitted an application for a small power plant exemption (SPPE) for the Mission College Backup Generating Facility to the California Energy Commission (CEC).<sup>1</sup>

On February 20, 2020, the CEC Committee<sup>2</sup> (Committee) issued a “Notice of Committee Conference and Orders on Hearings,”<sup>3</sup> which among other things directed CEC Staff (Staff) to submit a proposed schedule by February 26, 2020 and directed the Applicant to file a response to Staff’s proposal by March 3, 2020. Staff and Applicant met these deadlines.<sup>4</sup>

During the Committee Conference held on March 4, 2020, the parties indicated that there are no outstanding discovery requests. Staff also indicated that it has the information it needs to prepare its environmental assessment of the proposed project

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<sup>1</sup> Information about this proceeding, including a link to the electronic docket, may be found on the CEC’s web page at <https://ww2.energy.ca.gov/sitingcases/missioncollege/>. Documents related to this proceeding may be found in the online docket at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-05>. The application is TN 230848.

<sup>2</sup> On January 22, 2020, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Janea Scott, Vice Chair and Associate Member, to preside over this SPPE application (TN 231784).

<sup>3</sup> TN 232158.

<sup>4</sup> On February 25, 2020, Staff filed its “Issues Identification, Status Report, and Proposed Schedule for the Mission College Data Center Small Power Plant Exemption (19-SPPE-05),” (TN 232216), and on March 2, 2020, Applicant filed “Oppidan’s Response to Staff’s Issue Identification, Status Report and Proposed Schedule” (TN 232283).

and that it will publish its environmental review document between April 9 and April 16, 2020.<sup>5</sup>

Since the March 4, 2020 Committee Conference, circumstances changed due to impacts associated with the novel coronavirus (COVID-19). On March 19, 2020, the hearing officer filed a Memorandum requesting Staff to file a status report addressing whether Staff plans to publish its environmental review document of the proposed project by April 9, 2020, and if not, to specify when the environmental review document will issue.<sup>6</sup>

On March 25, 2020, Staff filed its status report stating that Staff will publish its environmental review document on or before April 23, 2020.<sup>7</sup> On March 27, 2020, Applicant filed a response to Staff's status report in support of Staff's proposed schedule to publish the environmental review document on or before April 23, 2020.<sup>8</sup>

### **SCHEDULING ORDER**

The Committee hereby adopts the schedule for the proceeding that is attached below. The Committee encourages the parties to make their best efforts to complete the milestones ahead of these dates.

### **PUBLIC ADVISOR AND OTHER CEC CONTACTS**

The CEC's Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this proceeding, or to request language services or other reasonable accommodations, please contact the Public Advisor, Noemí O. Gallardo, at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), by phone at (916) 654-4489, or toll free at (800) 822-6228, or by fax at (916) 654-4493. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

Questions of a procedural nature should be directed to Ralph Lee, Hearing Officer, at [ralph.lee@energy.ca.gov](mailto:ralph.lee@energy.ca.gov) or (916) 654-3953.

Technical questions concerning the application should be addressed to Leonidas (Lon) Payne, Project Manager, at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov) or at 916-651-0966.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

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<sup>5</sup> TN 232471, at pdf page 20, lines 13-25.

<sup>6</sup> TN 232460.

<sup>7</sup> TN 232525.

<sup>8</sup> TN 232565.

**AVAILABILITY OF DOCUMENTS**

Information regarding the status of the Proposed Project, as well as notices and other relevant documents, are available on the CEC's web page at <http://ww2.energy.ca.gov/sitingcases/missioncollege/>.

**IT IS SO ORDERED.**

Dated: April 9, 2020

Dated: April 9, 2020

Original signed by \_\_\_\_\_  
Karen Douglas  
Commissioner and Presiding Member  
Mission College Backup Generating  
Facility SPPE Committee

Original signed by \_\_\_\_\_  
Janea A. Scott  
Vice Chair and Associate Member  
Mission College Backup Generating  
Facility SPPE Committee

**MISSION COLLEGE BACKUP GENERATING FACILITY SPPE (19-SPPE-05)  
SCHEDULING ORDER  
APRIL 2020**

| EVENT   | DATE  |
|---|---|
| Staff Publishes its Environmental Review Document and sends the appropriate notice to the State Clearinghouse | No later than April 23, 2020  |
| Public Comment Period on Staff's Environmental Review Document closes   | 30 days after publication of Staff's Environmental Review Document <sup>9</sup> |
| All Parties File Opening Testimony  | 30 days after publication of Staff's Environmental Review Document              |
| Last Day to File Petition to Intervene <sup>10</sup>  | To be determined  |
| Staff responds to comments on Staff's Environmental Review Document   | 10 days after close of public comment period                                    |
| All Parties to File Reply testimony <sup>11</sup>   | 10 days after opening testimony   |
| Prehearing Conference (PHC) statement filed   | 3-5 days after reply testimony  |
| PHC   | 7-10 days after PHC statement   |
| Evidentiary Hearing (EH)  | 7-14 days after PHC <sup>12</sup>   |
| Committee files Proposed Decision <sup>13</sup>   | 30 days after EH  |
| Final Adoption Hearing by the Commission  | Third quarter 2020  |

The Committee may modify the schedule at any time. The Committee will issue final dates in a later Order.

<sup>9</sup> Please note that the State Clearinghouse has 3 days to distribute. (Pub. Resources Code, § 21091, subd. (c)(3).)

<sup>10</sup> The deadline to file a petition for intervention shall be established by the presiding member, or if no deadline is established, at least 30 days prior to the first day of the evidentiary hearing. (Cal. Code Regs., tit. 20, § 1211.7, subd. (b).)

<sup>11</sup> Seven days prior to the evidentiary hearing or at such other times as ordered by the presiding member. (Cal. Code Regs., tit. 20, § 1943.)

<sup>12</sup> Evidentiary hearings shall commence no later than 100 days after filing the application for an SPPE unless otherwise ordered by the presiding member. In the "Notice of Committee Conference and Orders on Hearings," (TN 232158), the Committee extended the deadline for the hearing pursuant to California Code of Regulations, Title 20, sections 1203, subdivision (f) and 1944, subdivision (b).

<sup>13</sup> Cal. Code Regs., tit. 20, § 1945, subd. (a).