

DOCKETED

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Project Title:	SJ2
TN #:	232812
Document Title:	Revision #2 Issues ID, Status Report, and Proposed Schedule
Description:	For the San Jose City Data Center SPPE
Filer:	Lisa Worrall
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Memorandum

To: Commissioner Karen Douglas, Presiding Member
Commissioner Patty Monahan, Associate Member

Date: April 22, 2020

From: California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Lisa Worrall
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Subject: REVISION #2: ISSUES IDENTIFICATION, STATUS REPORT, AND PROPOSED SCHEDULE FOR THE SAN JOSE CITY DATA CENTER SMALL POWER PLANT EXEMPTION (19-SPPE-04)

In its April 17, 2020 order (*Notice of Committee Conference and Orders on Hearings*), the SPPE Committee noted that staff may file any revisions to its Status Reports¹ in advance of the Committee Conference to be held on April 28, 2020. Staff has revised the summary of the major issues identified to date, the status of the Initial Study, and the proposed schedule.

Since filing staff's most recent Status Report on March 11, 2020 (TN 232231), staff filed a Second Motion For Leave To File Additional Data Requests (Set 4) on March 16, 2020 (TN 232418). On March 30, 2020, staff received the applicant's responses to Data Requests Set 3 (TN 232595). The applicant's responses identified the need for a revised interconnection between the Los Esteros Substation and the proposed on-site substation. The applicant also noted that, to avoid a thermal overload on the Newark – North Receiving Station #1 115 kV transmission line, a 9-mile long circuit would need to be reconductored. The applicant stated its intent to submit a supplemental response to its Set 3 data responses that provides a full discussion of the anticipated environmental impacts (and feasible mitigation measures, if needed) associated with the reconductoring. On April 8, 2020, the Committee granted Staff's Second Motion For Leave to file Data Requests (Set 4) (TN 232418). The applicant has agreed to respond to these requests; applicant's responses to these requests are pending.

At this time staff is unaware of any additional issues the San Jose City Data Center project presents that would require resolution before the staff's Initial Study can be published and

¹ Revised Issues Identification Status Report, and Proposed Schedule for the San Jose City Data Center Small Power Plant Exemption (TN 232231) and Issues Identification Status Report, and Proposed Schedule for the San Jose City Data Center Small Power Plant Exemption (TN 232375).

hearings conducted. However, staff does not currently know whether additional mitigation measures may be necessary for this project. If the applicant wishes to discuss or modify any mitigation measures identified by staff at a future date, staff would need to hold a public workshop prior to publication of the environmental document.

Because staff is still waiting to receive the additional information mentioned above, which includes several project description changes, it is not possible for staff to produce a definitive schedule for publication of the Initial Study. Our experience on this project is consistent with prior SPPE evaluation efforts. Publication delays most often result from project description changes made by the applicant after filing. In some cases, these changes are in response to changing market conditions. In other cases, such as here, the changes are in response to data requests made by staff or information that becomes available during concurrent planning reviews being conducted by the local permitting authority, which for this project is the City of San Jose. The proposed schedule provided below reflects this uncertainty in the evaluation process.

Staff's Proposed Schedule

Application materials docketed	11/15/2019
Committee named at Business Meeting	12/17/2019
Tribal consultation letters mailed	12/17/2019
Staff Data Requests Set 1 docketed	12/19/2019
Notice of Receipt and agency coordination letters docketed	1/6/2020
Staff Data Requests Set 2 docketed	1/10/2020
60-day discovery period closes	1/13/2020
Application for Confidential Materials docketed	1/28/2020
Applicant Responses to Data Requests Set 1 received	1/28/2020
Applicant Responses to Data Requests Set 2 received	2/13/2020
Memo re Issue ID and Schedule docketed	2/26/2020
Motion For Leave and Data Requests Set 3 docketed	2/28/2020
Revised Memo re Issue ID and Schedule docketed	3/11/2020
Motion For Leave and Data Requests Set 4 docketed	3/16/2020
Responses to Data Requests Set 3	3/30/2020
Committee Conference	4/28/2020
Supplemental Responses to Data Requests Set 3	TBD
Responses to Data Requests Set 4	TBD
Mitigation measures workshop (if needed)	TBD
Initial Study publication	TBD
Deadline for comments on the Initial Study (30 days per CEQA)	TBD
Public Comments / Opening Testimony due	TBD*
Response to Public Comments / Reply Testimony due	TBD*
Prehearing Conference	TBD
Evidentiary Hearing	TBD

* Staff requests that the Committee establish the same filing deadline for public comment on the Initial Study and Opening Testimony from any intervening parties. Staff further requests a minimum of 10 business days following the Opening Testimony filing deadline to prepare and submit its Reply Testimony, which would include responses to any substantive comments received on the Initial Study during the CEQA comment period, as well as any novel matters raised by parties in Opening Testimony. If, however, separate deadlines are established for staff to file its response to CEQA comments and its reply to opening testimony, staff requests a minimum of 10 business days for each of these tasks.

Committee Proposed Decision
Commission Decision at Business Meeting

TBD
TBD