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State of California
State Energy Resources Conservation and Development Commission

In the matter of:

Walsh Data Center

Docket 19-SPPE-02

Robert Sarvey's Prehearing conference statement.

Introduction

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.

Due to the coronavirus pandemic the evidentiary hearing should be postponed. While the governor's executive orders allow public meetings, the order is silent on public hearings. Evidentiary hearings are the type of meeting which requires the attendance of the parties. The Commission's web-ex is unreliable and has never made it through a meeting without malfunction.

Further the California State Senate is considering Bill 858 which would remove data center backup generators from Energy Commission jurisdiction. Why waste the parties time if the decision is meaningless.

2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.

I have already submitted testimony on energy resources, utilities and service system, GHG emissions and air quality and public health.

3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefor.

All areas are complete.

4. The subject areas that remain disputed and require adjudication, the issues in dispute, and the precise nature of the dispute for each issue.

Air Quality – The IS/MND does not contain an analysis of emergency operation of the project. The purpose of the project is for the backup generators is to supply energy during

an emergency at the data center. Staff relies on historical outages at SVP to determine emergency operations are not foreseeable but there are many reasons for the projects emergency generators to operate. During emergency operation the Federal and State 1-hour NO₂ standard could be exceeded. Diesel particulate matter concentrations could reach unhealthy levels but neither staff nor applicant has analyzed these impacts. PG&E PSPS events were not considered which is a fatal flaw in the analysis.

GHG Emissions- The projects GHG emissions are a significant individual and cumulative impact. The IS/MND has not demonstrated that the GHG emissions from the project are compliant with local, regional and state plans for reducing GHG emissions.

Utilities and Service Systems – The project will require construction of a new substation and in conjunction with the other 6 data centers the CEC is permitting will create a significant cumulative impact requiring expansion of SVP's system.

Energy Resources- The project will increase reliance on fossil fuels as the data center is an around the clock operation and renewables are intermittent. The IS/MND fails to accurately estimate the projects GHG emissions as it relies on SVP's overall power content and ignores that SVP's non-residential power mix utilizes all of SVP's natural gas resources and all of SVP's unspecified sources of power. The non-residential power mix is identical to the California overall power mix which has a much higher GHG content. The project in conjunction with the other data centers the Commission is approving will require SVP to procure additional resources much of which will be fossil fuel to match the operating profile of the data centers. (Cumulative Impact) The PUE is higher than the other data centers that the commissions is reviewing leading to a waste of energy

5. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, and the time required to present testimony by each witness.

I will sponsor my own testimony on the topics listed above. The testimony has already been submitted and I will present limited oral testimony on the topics and issues described above.

6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: a party who fails to provide, with specificity, the scope, relevance, and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.)

Air Quality

BAAQMD Representative- I would like to question BAAQMD's witness pertaining to the letter the air district submitted on the IS/MND and whether Staff has modified its testimony to satisfy BAAQMD's comments. 20 minutes

Staff Air Quality witnesses- I have questions related to emergency operation of the data center. I would like to discuss the cumulative impacts from this project and the other data centers and industrial facilities near the project. 20 minutes

Applicants witness- I have questions on the inconsistencies in the applicant's air quality and GHG testimony. 10 minutes

Energy Resources and Utilities and Service Systems

Silicon Valley Witness – I would like to question the SVP witness on the carbon intensity of the non-residential power mix utilized by industrial customers. I would like to question the SVP witness on future power purchases needed to accommodate the buildout of the seven data centers and other projects planned in the SVP service area. I would like to question the SVP witness on additional infrastructure required for this project and the other data centers approved or reviewed by the Commission.

I would reserve the right to question other witnesses on any oral testimony presented at the evidentiary hearing.

7. A list identifying exhibits with transaction numbers that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists).

| Exhibit Number | TN | Title | Subject |
|----------------|--------|---|----------------------------------|
| 500 | 232974 | Intervenor Sarvey Opening Testimony | GHG/Air Quality |
| 501 | 232748 | Energy Resources Reply Testimony | Energy Resources |
| 502 | 232749 | Utilities and Service Service Systems Reply Testimony | Utilities and Service Systems |
| 503 | 232507 | BAAQMD Comments On IS/MND | Air Quality |
| 504 | 232956 | SVP IRP CEC Evaluation | Energy Resources |
| 505 | 232998 | Santa Clara General Plan EIR | GHG/ Air Quality |
| 506 | 233000 | Friendstar Outage | Air Quality |

8. Proposals for briefing deadlines or other scheduling matters.

I propose an opening brief two weeks after transcripts are issued. Reply briefs two weeks after opening briefs. Considering the limited nature of the evidentiary hearing briefs are necessary.