

DOCKETED

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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-3

**C1-SANTA CLARA, LLC'S
PREHEARING CONFERENCE
STATEMENT**

C1-Santa Clara, LLC (C1) in accordance with the Revised Committee Order dated May 8, 2020, hereby files its Revised Prehearing Conference Statement for its Application for Small Power Plant Exemption (SPPE) for the Sequoia Backup Generating Facility (SBGF). C1 is prepared to proceed to evidentiary hearing on all topic areas. In accordance with the above referenced order, C1 presents its Prehearing Conference Statement, as follows:

1. **Subject Areas Complete And Ready to Proceed To Evidentiary Hearing**

C1 believes that all subject areas (and/or disciplines) are complete and ready for adjudication at the Evidentiary Hearings.

2. **Subject Areas Where C1 Proposes To Introduce Testimony In Writing Rather Than Through Oral Testimony**

C1 proposes to introduce all of its testimony in all uncontested areas in writing rather than through oral testimony. C1 is in complete agreement with Staff on every issue and only disputes Intervenor Robert Sarvey's contentions outlined in Section 4 below. C1 will, however, have representatives available at the evidentiary hearing or via Webex to answer questions from the Committee in

uncontested topic areas.

3. **Subject Areas Not Complete and Not Ready To Proceed to Evidentiary Hearing**

None.

4. **Disputed Topic Areas Requiring Adjudication**

C1 and Staff have reached complete agreement on all subject areas and therefore there are no disputed topic areas requiring adjudication relating to the Initial Study/Mitigated Negative Declaration (IS/MND) and Staff's Response to Comments, including Staff's findings, conclusions and proposed new and modified mitigation measures.

C1 disputes all issues raised by Intervenor Robert Sarvey. The topic areas that are therefore contested include:

- Jurisdiction and Generating Capacity
- Energy Resources
- GHG Emissions
- Air Quality and Public Health
- Utilities and Public Services
- Environmental Justice

5. **Proposed Witnesses**

At this time C1 witnesses, which have filed Opening, Reply, and Supplemental Testimony, are Marcela DeLong, Steven Branoff, and Brianna Bohonok. C1 estimates that it would need no longer than 30 minutes for direct examination for all subjects, but reserves up to 1 hour for rebuttal testimony and time to answer Committee questions.

C1 reserves the right to provide additional live oral witness testimony for uncontested subject areas via Webex to rebut any Intervenor witness, and/or to answer questions from the Committee.

6. Cross-Examination

C1 proposes to cross-examine Intervenor Robert Sarvey in all contested topic areas.

- Jurisdiction and Generating Capacity – 5 minutes
- Energy Resources – 5 minutes
- GHG Emissions – 5 minutes
- Air Quality and Public Health – 20 minutes
- Utilities and Public Services – 5 minutes
- Environmental Justice – 5 minutes

C1 reserves the right for additional time to cross-examine Intervenor Robert Sarvey if any information is provided at evidentiary hearing that was not included in Intervenor’s Opening or Reply Testimony.

7. Exhibit List

Table 1 is C1’s Proposed Exhibit List.

8. Proposed Briefing Schedule

C1 does not propose any legal briefs unless directed by the Committee for discrete legal issues. Legal briefs should not be required simply to repeat arguments made in testimony or at the evidentiary hearing. C1 requests that the parties be allowed to make a closing argument for the purposes of summarizing the facts that support their respective positions. C1 requests 10 minutes per party for such purposes.

Dated: May 27, 2020

Respectfully Submitted,



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

C1-Santa Clara, LLC
Sequoia Backup Generating Facility (19-SPPE-3)
Table 1 - EXHIBIT LIST

EXHIBIT NO.	TN	TITLE	SUBJECT
1	229419-1	<u>Application for Small Power Plant Exemption</u> Main application, absent appendices. 221 pages	All
2	229419-2	<u>Appendices A-N - part 1</u> Appendices A-F of the SPPE application 304 page(s)	Project Description, Geology and Soils, Air Quality, Public Health, Greenhouse Gasses
3	229419-3	<u>Appendices A-N - part 2</u> Appendices F (continued)-L of the SPPE application 207 page(s)	Project Description, Air Quality, Public Health, Energy Resources, Cultural Resources, Soil and Water, Hazardous Materials
4	229419-4	<u>Appendices A-N - part 3</u> Appendices L (continued)-N of the SPPE application 1175 page(s)	Soil and Water, Hazardous Materials, Noise

EXHIBIT NO.	TN	TITLE	SUBJECT
5	229938-1	<u>C1 Santa Clara, LLC's Response to CEC Staff Data Request - Set 1 (1-92)</u> 60 pages	Air Quality, Greenhouse Gases, Thermal Plumes, Biology, Cultural, Land Use, Paleontology, Population and Housing, Project Description, Transportation
6	229938-2	<u>C1 Santa Clara, LLC's Response to CEC Staff Data Request - Set 1 - SBGF Appendices</u> 187 pages	Air Quality, Project Description, Thermal Plumes,
7	229973	<u>Appendix BIO DR-64 Tree Removal Plan - C1 Response to CEC Data Request Set 1</u> 2 pages	Biology
8	230348	<u>C1 Response to CEC Data Request Set 2</u> 12 pages	Biology, Cultural, Hazardous Materials, Land Use, Project Description, Transportation
9	230347	<u>C1 Appendix BIO DR-93 Response to CEC DR Set 2</u> 15 pages	Biology
10	230353	<u>C1 Appendix TRANS DR-103 Part I of IV Response to DR Set 2</u> 63 pages	Transportation
11	230354	<u>C1 Appendix TRANS DR-103 Part II of IV Response to DR Set 2</u> 18 pages	Transportation

EXHIBIT NO.	TN	TITLE	SUBJECT
12	230356	<u>C1 Appendix TRANS DR-103 Part III of IV Response to DR Set 2</u> 16 pages	Transportation
13	230357	<u>C1 Appendix TRANS DR-103 - Part IV of IV Response to DR Set 2</u> 14 pages	Transportation
14	230507	<u>Appendix BIO DR-62 to Data Request Set 1</u> 10 pages	Biology
15	230893	<u>Generator Tank Detail Revision to Respond to ALUC - Supplemental Response to DR 89</u> 1 page	Hazardous Materials, Land Use, Transportation
16	231011	<u>Numbered Project Design Measures - SBGF SPPE Application, Section 2-7</u> 6 pages	Project Description
17	231257	<u>C1 Responses to CEC Staff DR Set 3</u> 95 pages	Air Quality, Project Description, Public Health, Transportation
18	231355	<u>ALUC Final Consistency Determination - SDC</u> 2 pages	Land Use and Transportation
19	232020	<u>Sequoia Data Center FAA No Hazard Determination</u> 4 pages	Transportation
20	232315	<u>C1 Clairificaiton and Response to BAAQMD ISMND Cumulative HRA Comment</u> 3 pages	Air Quality and Public Health
21	232420	<u>C1-Santa Clara, LLC SBGF Opening Testimony and Declarations</u> 17 pages	All Subjects

EXHIBIT NO.	TN	TITLE	SUBJECT
22	232496	<u>C1 Reply Testimony Package</u> 3 pages	Air Quality, Facility Design, Project Description, Public Health, Socioeconomics, Greenhouse Gases
23	232601	<u>BAAQMD Diesel Free Document</u> 5 pages	Air Quality, Greenhouse Gases, Public Health
24	232610	<u>CEC Executive Director's Jurisdictional Determination VDC</u> 2 pages	Project Description
25	233052	<u>2017 CEQA Guidelines - BAAQMD</u> 224 pages	Air Quality, Public Health, Greenhouse Gases
26	233053	<u>Annual Data Center Survey Results - Uptime Institute</u> 6 pages	Energy Resources, Efficiency, and Project Description
27	233055	<u>SVP's 2018 IRP</u> 109 pages	Energy Resources, Greenhouse Gases, and Utilities
28	233056	<u>BAAQMD Methodology Risk and Hazards Screening Tool</u> 5 pages	Air Quality and Public Health
29	233084	<u>CEC Staff ROC with SVP regarding reliability of system</u> 18 pages	Air Quality, Public Health, Energy Resources, Utilities

EXHIBIT NO.	TN	TITLE	SUBJECT
30	233086	<u>Excerpts From Laurelwood Final Decision</u> 5 pages	Project Description, Energy Resources, Air Quality and Public Health
31	233088	<u>SVP Email to City of Santa Clara on Carbon Intensity Factor</u> 1 page	Greenhouse Gases
32	233102	<u>C1-Santa Clara LLC's Supplemental Testimony Package</u> 18 pages	Air Quality, Public Health, and Greenhouse Gases