

DOCKETED

Docket Number:	19-SPPE-03
Project Title:	Sequoia Data Center
TN #:	233115
Document Title:	Staff's Prehearing Conference Statement
Description:	N/A
Filer:	Pamela A Fredieu
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	5/26/2020 11:24:51 AM
Docketed Date:	5/26/2020

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov
CEC-57 (Revised 1/19)



**STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

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

SEQUOIA BACKUP GENERATING FACILITY

Docket No. 19-SPPE-03

**ENERGY COMMISSION STAFF'S PREHEARING
CONFERENCE STATEMENT**

On May 8, 2020, the Committee overseeing the Sequoia Data Center/Backup Generating Facility Small Power Plant Exemption application issued a scheduling order requiring parties to file a Prehearing Conference Statement and Exhibit List by May 26, 2020. The requested information is presented below.

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

All subject areas are complete and ready to proceed to evidentiary hearing.

- 2. The subject areas upon which staff proposes to introduce testimony in writing rather than through oral testimony.**

Staff proposes to introduce all of its initial direct testimony in writing. This testimony consists of the documents identified in the exhibit list provided later in this document. To the extent disputed issues are identified, staff will provide a summary of the pertinent testimony orally and will make itself available for cross-examination and questions from the Committee.

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

There are no technical areas that are not ready to proceed to evidentiary hearing.

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

Staff does not have any dispute with the applicant in any subject area. Staff disputes various comments and testimony filed by Intervenor Robert Sarvey in the areas of Air Quality, Energy and Energy Resources, and Greenhouse Gas Emissions as well as his assertions regarding the jurisdictional analysis.

5. The identity of each witness staff intends to examine 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 witnesses, qualifications of each witness, and the time required to present testimony by each witness.

The Committee has invited Silicon Valley Power and BAAQMD representatives, among others, to provide comment or testimony in the areas of their expertise. To assist the Committee, staff is prepared to lead representatives from these agencies through direct testimony as follows:

Kevin Kolnowski, P.E. – Electric Utility Chief Operating Officer, City of Santa Clara’s Silicon Valley Power, to discuss Mr. Sarvey’s assertions regarding grid capacity. The testimony would be oral and would take approximately 10 minutes.

Henry Hilken – Director of Planning and Climate Protection, Bay Area Air Quality Management District, to discuss the Air Quality and Greenhouse Gas Emissions analysis. The testimony would be oral and would take approximately 10 minutes.

Because their analysis overlaps, staff proposes to present the following witnesses as a panel to discuss the Air Quality (including Public Health) and Greenhouse Gas Emissions analysis and testimony. Ms. Record and Dr. Chu will provide opening statements summarizing the pertinent aspects of their testimony that are at issue and the other members, who provided important support for the analysis, will be available for cross-examination and to answer any questions from the Committee:

Jacquelyn Leyva Record – Air Quality and GHG
Dr. Huei-an (Ann) Chu – Public Health and Health Risk Assessment
Dr. Wenjun Qian, P.E. – Modeling of the health risk impacts from the airport
Brewster Birdsall, P.E. – Air Quality criteria pollutant modeling

The above panel's testimony would mainly consist of written testimony and the brief opening statements mentioned above and would take approximately 15 minutes. The main portions of this testimony are contained in chapters 5.3, 5.8, and Appendix B of the Initial Study/Proposed Mitigated Negative Declaration (IS/PMND), CEC Staff's Responses to Comments on the IS/PMND, and CEC Staff's Responses to Committee Questions. Jacquelyn Record's and Dr. Chu's qualifications were provided in staff's opening testimony. Dr. Qian's and Mr. Birdsall's qualifications were provided in the response to Committee questions.

Lastly, staff will present staff witnesses:

Shahab Khoshmashrab, P.E. and Kenneth Salyphone – Energy and Energy Resources and Jurisdiction and Generating Capacity

The panel's testimony will consist mainly of written testimony, with an opening statement taking approximately 5 minutes. The witnesses' qualifications were provided in CEC Staff's Response to Committee Questions. The main portions of the written testimony are contained in chapter 5.6 and Appendix A of the Initial Study/Proposed Mitigated Negative Declaration, and in CEC Staff's Responses to Comments on the IS/PMND

Staff requests leave from the Committee to present all or a portion of its opening statements in question and answer form with the staff attorney to help better highlight the key points and conclusions of staff's testimony.

6. Subject areas upon which staff desires to question the other parties' witness(es), a summary of the scope of the questions (including witness

qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness.

Staff may have questions for Mr. Sarvey related to statements he has made in his filed testimony in the following documents: Intervenor Sarvey’s Reply Testimony (TN 232505), Robert Sarvey’s Testimony on the Sequoia Data Center IS/MND (TN 232270), and various exhibits (TN232048, TN232273, TN232272) and anything Mr. Sarvey files prior to or during the evidentiary hearing. The issues the questions would pertain to involve the following areas: Air Quality, Greenhouse Gas Emissions, and Energy and Energy Resources. If staff does decide to ask questions, staff anticipates needing no more than 20 minutes.

7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply.

Proposed Exhibit Number	Document TN	Title of the Document as shown in the docket	Subject area
200	231651	Sequoia Data Center Initial Study and Proposed Mitigated Negative Declaration	All
201	232338	CEC Staff Responses to Comments on the Initial Study and Proposed Mitigated Negative Declaration	Air Quality (including Public Health), Greenhouse Gas Emissions, Generating Capacity, Energy and Energy Resources, Environmental Justice, Hazards and Hazardous Materials

