

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-05
<b>Project Title:</b>	Mission College Data Center SPPE
<b>TN #:</b>	233464
<b>Document Title:</b>	Oppidan's Revised Prehearing Conference Statement
<b>Description:</b>	Prehearing Conference Statement and Proposed Exhibit List
<b>Filer:</b>	Scott Galati
<b>Organization:</b>	DayZenLLC
<b>Submitter Role:</b>	Applicant Representative
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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 **MISSION COLLEGE  
BACKUP GENERATING FACILITY**

**DOCKET NO: 19-SPPE-5**

**OPPIDAN'S REVISED PREHEARING  
CONFERENCE STATEMENT**

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Oppidan Investment Company (Oppidan), the applicant for the Mission College Backup Generating Facility (MCBGF), in accordance with the Revised Committee Order dated June 5, 2020, timely filed its Prehearing Conference Statement for its Application for Small Power Plant Exemption (SPPE) for the Mission College Backup Generating Facility (MCBGF) (TN 233383). After Oppidan filed its Prehearing Conference Statement, the Committee granted the Petition To Intervene of Robert Sarvey, which extended the time for Mr. Sarvey to file testimony and a Prehearing Conference Statement. The Committee issued an Order allowing Oppidan to revise its Prehearing Conference Statement.

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

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

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

Oppidan proposes to introduce all of its testimony in all areas in writing rather than through oral testimony, except for the right to present a summary and rebuttal to all of the areas in which Mr. Sarvey files testimony.

Oppidan is in complete agreement with Staff on every issue. Oppidan will, also have representatives available remotely for the evidentiary hearing to answer questions from the Committee in all topic areas.

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

None.

4. **Disputed Topic Areas Requiring Adjudication**

All areas disputed by Mr. Sarvey.

5. **Proposed Witnesses**

Oppidan requests that the following witnesses be allowed to testify as a panel. Each has filed Opening Testimony and anticipates that direct and rebuttal testimony would take no more than 30 minutes, excluding Committee questions.

- Drew Johnson,
- Michael Lisenbee, and
- Elizabeth Geller

6. **Cross-Examination**

Oppidan requests to cross-examine Mr. Sarvey for up to 30 minutes. Oppidan also requests to cross-examine Staff sponsored witnesses from Silicon Valley Power and the Bay Area Air Quality Management District for up to 10 minutes.

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

7. **Exhibit List**

Table 1 is Oppidan's Revised Proposed Exhibit List.

8. **Proposed Briefing Schedule**

Oppidan does not propose any legal briefs unless directed by the Committee for discrete legal issues. If helpful to the Committee, Oppidan proposes a 10 minute closing statement at the end of the evidentiary hearing.

Dated: June 12, 2020

Respectfully Submitted,



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Scott A. Galati  
Counsel to Oppidan Investment Company

Oppidan Investment Company  
Mission College Backup Generating Facility (19-SPPE-5)  
**Table 1 - EXHIBIT LIST**

EXHIBIT NO.	TN	TITLE	SUBJECT
1	230848	<u>MCBGF SPPE Application</u> 221 pages	All
2	230847	<u>MCBGF APPE Application Appendix C Part I - Prior MND</u> 304 page(s)	All
3	230846	<u>MCBGF SPPE Application Appendix B - Noise and Vibration Assessment</u> 38 page(s)	Noise
4	230845	<u>MCBGF Sppe Application Appendix A - Air Quality Impact Assessment</u> 411 pages	Air Quality, Public Health, Greenhouse Gases
5	230844	<u>MCBGF SPPE Application Appendix C Part II - Prior MND</u> 733 pages	All
6	231960	<u>MBGF Response to CEC Data Requests Set 1</u> 59 pages	Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Traffic and Transportation, Transmission System Engineering
7	232047	<u>MCBGF Supplemental Data Responses CEC Set 1</u> 16 pages	Air Quality and Transportation

EXHIBIT NO.	TN	TITLE	SUBJECT
8	232246	<u><a href="#">MCBGF Response to CEC Data Request Set 2, (60-63)</a></u> 52 pages	Biology, Cultural Resources, Transmission System Engineering
9	232279	<u><a href="#">Presentation - Oppidan MCBGF Status Conference</a></u> 15 pages	Project Description
10	232283	<u><a href="#">Oppidan's Response to Staff's Issue Identification, Status Report and Proposed Schedule</a></u> 4 pages	All
11	232565	<u><a href="#">Oppidan Response to Staff March 25 2020 Status Report</a></u> 2 pages	All
12	232673	<u><a href="#">Email - Applicant Acceptance of Mitigation Measure Language</a></u> 2 pages	All
13	233051	<u><a href="#">MCBGF SPPE Application Affidavit</a></u> 1 page	All
14	233087	<u><a href="#">Oppidan MCGF Opening Testimony Package</a></u> 5 pages	All
15	233449-1	<u><a href="#">BAAQMD Diesel Free Document</a></u> 5 pages	Air Quality, Public Health, Greenhouse Gases
16	233449-2	<u><a href="#">Excerpts From Laurelwood SPPE Final Decision</a></u> 3 pages	Air Quality, Public Health
17	233449-3	<u><a href="#">SVP Email to City of Santa Clara re Carbon Intensity Factor</a></u> 1 page	Greenhouse Gases

EXHIBIT NO.	TN	TITLE	SUBJECT
18	233449-4	<u><a href="#">CARB Resolution 18-26</a></u> 28 pages	Greenhouse Gases
19	233449-5	<u><a href="#">Attachment A to CARB Resolution 18- 26</a></u> 40 pages	Greenhouse Gases
20	233449-6	<u><a href="#">SVP 2018 Integrated Resource Plan</a></u> 110 pages	Greenhouse Gases