

DOCKETED	
Docket Number:	20-SPPE-01
Project Title:	Great Oaks South Backup Generating Facility Small Power Plant Exemption
TN #:	233721
Document Title:	Notice of Committee Conference and Related Orders
Description:	Monday, July 13, 2020 at 1:30 p.m.
Filer:	Patty Paul
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	7/2/2020 1:32:15 PM
Docketed Date:	7/2/2020



**State of California
State Energy Resources Conservation and
Development Commission**

1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

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

***GREAT OAKS SOUTH BACKUP
GENERATING FACILITY***

Docket No. 20-SPPE-01

NOTICE OF COMMITTEE CONFERENCE AND RELATED ORDERS

On March 19, 2020, SV1, LLC, a wholly owned subsidiary of Equinix, LLC (Applicant) submitted an application for a small power plant exemption (SPPE) for the Great Oaks South Backup Generating Facility (Application)¹ to the California Energy Commission (CEC).²

PLEASE TAKE NOTICE that the Committee³ has scheduled a Committee Conference:

**MONDAY, JULY 13, 2020
1:30 p.m.**

The Committee Conference will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing in order to slow the spread of COVID-19. The public and parties will be able to participate and/or observe the meeting consistent with the direction in these Executive Orders.

To participate remotely, please see the instructions below under the section “**REMOTE ATTENDANCE.**”

¹ Information about this proceeding, including a link to the electronic docket, may be found on the CEC’s [web page](https://ww2.energy.ca.gov/sitingcases/greatoakssouth/) at <https://ww2.energy.ca.gov/sitingcases/greatoakssouth/>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01>. The Application is TN 232466.

² The CEC is formally known as the “State Energy Resources Conservation and Development Commission.” (Cal. Pub. Resources, § 25200.) All further references are to the Public Resources Code unless otherwise specified.

³ On May 13, 2020, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and David Hochschild, Chair and Associate Member, to preside over this SPPE Application. (TN 233123)

PURPOSE OF THE COMMITTEE CONFERENCE

The purpose of this Committee Conference is to review the current status of the proceeding, to address any outstanding issues, and to develop a schedule. In addition to the formal parties, the Committee invites the attendance of interested public agencies and the public. We direct the parties' attention to the "Orders Regarding Issues Identification, Status Reports, Proposed Schedule, and Presentations by Applicant, Staff, and the Public Advisor," below, regarding their expected participation in and responsibilities for the conference.

BACKGROUND AND DESCRIPTION OF PROPOSED PROJECTS

Small Power Plant Exemptions

The CEC has the exclusive authority to consider, and ultimately approve or deny, applications for the construction and operation of thermal power plants that will generate 50 megawatts (MW) or more of electricity.⁴ The CEC may grant an exemption to its certification jurisdiction-- the SPPE-- for thermal powerplants generating between 50 and 100 MW.

To grant an SPPE, the CEC must make three distinct determinations:

- the proposed powerplant has a generating capacity up to 100 MW;
- no substantial adverse impact on the environment will result from the construction or operation of the powerplant; and
- no substantial adverse impact on energy resources will result from the construction or operation of the powerplant.⁵

The SPPE process provides a public forum allowing the applicant requesting the exemption, CEC staff (Staff), intervenors, governmental agencies, and members of the public to participate in the decision-making process.

In addition to the findings above, the CEC is the "lead agency"⁶ under the California Environmental Quality Act (CEQA).⁷

If an SPPE is granted, responsible local land use authorities and other agencies, most notably any local air management or air pollution control district, conduct further review of the project, including any necessary environmental review under CEQA.

⁴ §§ 25120, 25500.

⁵ § 25541.

⁶ § 25519, subd. (c).

⁷ The CEQA statutes, California Public Resources Code section 21000 *et seq.*, and CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq.* (Guidelines), detail the protocol by which state and local agencies comply with CEQA requirements. We refer to the statute and the Guidelines collectively as "CEQA."

Proposed Project⁸

The proposed project site is located at 123 Great Oaks Boulevard; 127 Great Oaks Boulevard, and 131 Great Oaks Boulevard in the City of San Jose, California (Project Site). The Project Site is approximately 18 acres and is currently undeveloped.

The Applicant proposes to construct and operate the Great Oaks South Data Center (Data Center), and the Great Oaks South Backup Generating Facility (Backup Generating Facility). The Data Center would consist of three two-story buildings totaling approximately 547,050 square feet that would house computer servers in secure and environmentally controlled structures.

The Backup Generating Facility would consist of 36 diesel-fired back-up generators, each with a maximum peak rating of 3.25 MW, located in six on-site generator equipment yards. The generators would provide up to 99 MW, the maximum building electrical load of the Data Center. Each building would have a total of 12 generators; two of the generators would be designated as redundant and would operate only to support building load when two of the primary generators have failed. The Backup Generating Facility would also include three 0.5 MW life safety generators, one per building, to support life safety systems, including fire suppression and other emergency operations. The Backup Generating Facility would supply power only to the Data Center.

Even though the Application describes the Data Center as separate from the Backup Generating Facility, CEQA requires the CEC to consider the “whole of an action.”⁹ Therefore, the CEC will include both the Data Center and the Backup Generating Facility in its environmental analysis.

ORDERS REGARDING ISSUES IDENTIFICATION, STATUS REPORTS, PROPOSED SCHEDULE, AND PRESENTATIONS BY APPLICANT, STAFF, AND THE PUBLIC ADVISOR

To assist the Committee, parties, participating agencies, and members of the public in understanding the Proposed Project, Staff shall file an Issues Identification Report, Status Report, and Proposed Schedule, summarizing the major issues identified to date, status on activities conducted to date and issues that require resolution before hearings can be conducted, and proposing a schedule for the conduct of this proceeding. This report will also indicate what additional information is necessary to resolve issues of concern. Staff shall file its Issues Identification Report, Status Report, and Proposed Schedule **no later than July 7, 2020**. Applicant shall file a response to

⁸ The information in this section is taken from the Application (TN 232466).

⁹ Cal. Code Regs., tit. 14, § 15378, subd. (a) (under CEQA “project” means the whole of the action).

the Issues Identification Report, Status Report, and Proposed Schedule **no later than July 10, 2020**.

Copies of these documents will be posted to the online docket for this proceeding.

Applicant shall be prepared to offer an overview of the Proposed Project at the Committee Conference. Staff shall also be prepared to offer an overview of the SPPE process and their Issues Identification Report, Status Report, and Proposed Schedule. Overviews may include presentations and should not be longer than 15 minutes.

The Public Advisor's Office is invited, but is not required, to provide a brief overview of the function of the Public Advisor's Office regarding this proceeding.

Pursuant to sections 1203, subdivision (f), and 1944, subdivision (b), of Title 20 of the California Code of Regulations, the Committee hereby extends the date for evidentiary hearings to be conducted until a schedule can be established based on the information provided by the parties pursuant to this Order. After the Committee Conference, the Committee will establish a schedule for this proceeding.

NOTICE OF CLOSED SESSION DELIBERATIONS

At any time during the Committee Conference, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body is required by law to conduct.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC's Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this proceeding, or to request language services or other reasonable accommodations, please contact the [Public Advisor, Noemí O. Gallardo](mailto:PublicAdvisor@energy.ca.gov), at PublicAdvisor@energy.ca.gov, or by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

Parties and members of the public may contact Hearing Officers, [Susan Cochran](mailto:Susan.Cochran@energy.ca.gov) at Susan.Cochran@energy.ca.gov or at (916) 654-3965, and [Rebecca Westmore](mailto:Rebecca.Westmore@energy.ca.gov) at Rebecca.Westmore@energy.ca.gov or at (916) 654-3951, for clarifications about this order or general procedural questions.

Technical questions concerning the Application should be addressed to [Lisa Worrall, Project Manager](mailto:Lisa.Worrall@energy.ca.gov), at Lisa.Worrall@energy.ca.gov or at 916-654-4545.

Media inquiries should be sent to the [Media and Public Communications Office](mailto:MediaOffice@energy.ca.gov) at MediaOffice@energy.ca.gov or (916) 654-4989.

REMOTE ATTENDANCE

You may participate in this meeting through the on-line meeting service, Zoom. Any presentations will appear on your computer screen and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

[Learn about joining a Zoom meeting](https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting) at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. [Download Zoom software](https://zoom.us/download) at <https://zoom.us/download>.

Zoom technical support is available at (888) 799-9666, ext. 2 and you may visit [Zoom's help center](https://support.zoom.us/hc/) at <https://support.zoom.us/hc/>. Or you may [email the CEC's Public Advisor's Office](mailto:PublicAdvisor@energy.ca.gov) to seek help at PublicAdvisor@energy.ca.gov, or by phone at (800) 822-6228.

Via Computer: Participants may join the noticed events by clicking on the links below. You may also [access Zoom](https://join.zoom.us) at <https://join.zoom.us>, and enter the unique Webinar ID and password for the event (listed below). To comment, use Zoom's "raise hand" feature and unmute.

[Click to join July 13, 2020, 1:30 p.m. Notice of Committee Conference.](https://energy.zoom.us/j/95660646231?pwd=dIpIMHVTK1Zzc0lsR3pGUzkrYVFhdz09)

(<https://energy.zoom.us/j/95660646231?pwd=dIpIMHVTK1Zzc0lsR3pGUzkrYVFhdz09>)
Webinar ID: 956 6064 6231. The meeting password is GOSPPE@713.

Event	Date	Webinar ID	Computer Password
Notice of Committee Conference	July 13, 2020, 1:30p.m.	956 6064 6231	GOSPPE@713

Via Telephone Only (No Visual Presentation): Call Zoom at 1-877-853-5257 (toll free) or 1-888-475-4499 (toll free). When prompted, input the unique Webinar ID listed above. To comment or ask a question over the telephone, dial *9 to "raise your hand" and *6 to mute/unmute your phone line.

Via Mobile Access: Access to Zoom meetings is now available from your mobile device. To download the app, [visit the Zoom Download Center](https://zoom.us/download) at <https://zoom.us/download>.

Muting

We greatly appreciate your cooperation in reducing noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using Zoom, you may mute yourself by right clicking on the mute icon. If you are only using a telephone connection, press "*6" once to mute and again to unmute.

AVAILABILITY OF DOCUMENTS

Information regarding the status of the Application, as well as notices and other relevant documents are available on the [CEC's web page](https://ww2.energy.ca.gov/sitingcases/Great%20Oaks/) at <https://ww2.energy.ca.gov/sitingcases/Great Oaks/>.

IT IS SO ORDERED.

Dated: July 2, 2020

Dated: July 2, 2020

Approved by:

Karen Douglas
Commissioner and Presiding Member
Great Oaks Backup Generating Facility
SPPE Committee

Approved by:

David Hochschild
Chair and Associate Member
Great Oaks Backup Generating Facility
SPPE Committee

Mailed to list number(s): 7534

AGENDA
Committee Conference
Great Oaks South Backup Generating Facility Application (20-SPPE-01)

July 13, 2020, at 1:30 p.m.

REMOTE ACCESS ONLY

1. Call to order and introductions
2. Presentation on Small Power Plant Exemptions
 - a. Overview of the Small Power Plant Exemption process and the rules applicable to this proceeding (Hearing Officer, 5 mins.)
 - b. Opportunities for public participation (CEC Public Advisor's Office, 5 mins.)
 - c. Presentation of the Great Oaks South Backup Generating Facility and Data Center Project (Applicant, 5 mins.)
 - d. Overview of CEC Staff's role and its review of the SPPE Application (Staff, 5 mins.)
 - e. Discussion of issues, status, schedule, and next steps (Committee and Parties)
3. Public Comment
4. Committee closed session¹⁰ consideration of the following items:

Deliberation on the Small Power Plant Exemption Application for the Great Oaks South Backup Generating Facility
5. Adjourn

¹⁰ The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body is required by law to conduct.