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State of California
State Energy Resources Conservation and
Development Commission
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**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

***SAN JOSE CITY BACKUP
GENERATING FACILITY***

Docket No. 19-SPPE-04

**ORDER REGARDING PETITION OF CALIFORNIA UNIONS FOR
RELIABLE ENERGY TO COMPEL PRODUCTION OF INFORMATION**

On November 15, 2019, Microsoft Corporation (Applicant) submitted an application to the California Energy Commission (CEC)¹ for a small power plant exemption (SPPE)¹ for the San Jose City Backup Generating Facility.²

On May 28, 2020, Intervenor California Unions for Reliable Energy (CURE) filed a Motion for Leave to File Data Requests (Motion).³ On July 20, 2020, Applicant objected to six of CURE's Data Requests, including Data Request #24.⁴ On August 17, 2020, CURE filed a Petition to Compel Production of Information in Response to CURE Data Request, Set One, #24 (Petition).⁵

Section 1716 of the CEC's siting regulations, which addresses obtaining information during an SPPE proceeding, allows a party to petition the assigned committee to direct the applicant to provide information relevant to the proceeding.⁶ That section also allows – but does not require – the assigned committee to hold a hearing on any such petition. At this time, the assigned Committee does not plan to hold a hearing on the Petition.

¹ The CEC is formally known as the "State Energy Resources Conservation and Development Commission." (Pub. Resources Code, § 25200)

¹ The CEC appointed a committee (Committee) to conduct proceedings on this SPPE application on December 11, 2019. The Committee consists of Karen Douglas, Commissioner and Presiding Member, and Patty Monahan, Commissioner and Associate Member (TN 231265).

² Information about this proceeding, including a link to the electronic docket, may be found on the [CEC's web page at](https://www2.energy.ca.gov/sitingcases/sj2/) <https://www2.energy.ca.gov/sitingcases/sj2/>. Documents related to this proceeding may be found in the [online docket at](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04): <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04>. The application is TNs 230741, 230762, 230763, 230765, 230770.

³ TN 233196.

⁴ TN 233960.

⁵ TN 234332.

⁶ Cal. Code Regs., tit. 20, section 1716.

However, the Committee invites all parties to file any additional information that is relevant to Data Request #24 or to the Committee's consideration of the Petition. Any such information shall be submitted by Friday, September 4, 2020.

IT IS SO ORDERED.

Dated: August 28, 2020

Original Signed by:

Karen Douglas
Commissioner and Presiding Member
San Jose City Backup Generating Facility SPPE Committee

Dated: August 28, 2020

Original Signed by:

Patty Monahan
Commissioner and Associate Member
San Jose City Backup Generating Facility SPPE Committee