

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-03
<b>Project Title:</b>	Sequoia Data Center
<b>TN #:</b>	237428
<b>Document Title:</b>	Notice of Prehearing Conference, Evidentiary Hearing, Scheduling Order, and Further Orders
<b>Description:</b>	N/A
<b>Filer:</b>	Ngoc Tran
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	4/12/2021 4:37:17 PM
<b>Docketed Date:</b>	4/12/2021



**State of California  
State Energy Resources Conservation and  
Development Commission  
1516 Ninth Street, Sacramento, CA 95814  
1-800-822-6228 – [www.energy.ca.gov](http://www.energy.ca.gov)**

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

**SEQUOIA BACKUP GENERATING  
FACILITY**

**Docket No. 19-SPPE-03**

## **NOTICE OF PREHEARING CONFERENCE, EVIDENTIARY HEARING, SCHEDULING ORDER, AND FURTHER ORDERS**

**PLEASE TAKE NOTICE** that the Committee<sup>1</sup> appointed by the California Energy Commission (CEC)<sup>2</sup> to conduct proceedings on the application for a small power plant exemption (SPPE) for the Sequoia Backup Generating Facility (Application)<sup>3</sup> has scheduled a **PREHEARING CONFERENCE** to be followed immediately by an **EVIDENTIARY HEARING** on:

**May 11, 2021  
Beginning at 10:00 a.m.**

***The Prehearing Conference and Evidentiary Hearing 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 proceedings consistent with the direction in these Executive Orders.***

To participate in the Prehearing Conference and/or Evidentiary Hearing remotely,

<sup>1</sup> The CEC designated a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Patty Monahan, Commissioner and Associate Member, to preside over the Application on September 11, 2019 (TN 229721.)

<sup>2</sup> The CEC is formally known as the “State Energy Resources Conservation and Development Commission.” (Pub. Resources Code, § 25200.) All subsequent citations are to the Public Resources Code unless otherwise specified.

<sup>3</sup> All of the documents related to the Application can be found in the [online docket](#) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-03>.

please see the instructions below under the section “**REMOTE ATTENDANCE.**”

To submit public comment in advance of the Prehearing Conference and/or Evidentiary Hearing, please see the instructions below under the section “**AGENCY AND PUBLIC PARTICIPATION.**”

## **BACKGROUND**

On August 14, 2019, C1-Santa Clara, LLC (Applicant) submitted the Application to obtain an exemption from the CEC’s exclusive jurisdiction to license thermal powerplants that will generate at least 50 megawatts (MW) of electricity. Among other things, the Applicant sought to construct and operate 54 Tier 2-compliant diesel backup generators to provide an uninterrupted source of power to the Sequoia Data Center in Santa Clara, California (Project).<sup>4</sup>

On January 23, 2020, Energy Commission staff (Staff) filed an Initial Study and Proposed Mitigated Negative Declaration (IS/PMND) that analyzed the impacts from the Project’s use of Tier 2-compliant diesel backup generators.<sup>5</sup> Staff subsequently revised portions of the IS/PMND.<sup>6</sup>

After an Evidentiary Hearing on June 5, 2020,<sup>7</sup> the Committee issued a Committee Proposed Decision on August 21, 2020 that recommended that the CEC adopt a mitigated negative declaration and grant an SPPE for the Project.<sup>8</sup> On September 9, 2020, the CEC voted to remand the proceeding to the Committee in order to address concerns raised by the California Air Resources Board (CARB) and the Bay Area Air Quality Management District (BAAQMD) regarding aspects of the proposed decision’s air quality analysis.<sup>9</sup>

On November 16, 2020, the CEC voted to affirm its remand and provided further direction to the Committee.<sup>10</sup> The subsequent order memorializing the action at the business meeting (Order Affirming Remand) directed the Committee to conduct limited additional proceedings to consider those comments raised by CARB and BAAQMD in this proceeding that address 1) input assumptions regarding NO<sub>2</sub> impacts from routine testing

---

<sup>4</sup> TNs 229419-1 through 229429-4.

<sup>5</sup> TN 231651.

<sup>6</sup> TN 232338 ([hereinafter “Exhibit 201”]), TN 233095 ([hereinafter “Exhibit 203”].)

<sup>7</sup> TN 233421.

<sup>8</sup> TN 234416.

<sup>9</sup> TN 234830; TN 234840, pp. 19-23, 25-26.

<sup>10</sup> [Business Meeting Transcript](#) (TN 235820), pp. 134-136.

and maintenance; and 2) direct and cumulative impacts of emergency operations of the Project's backup generators.<sup>11</sup>

The Committee held a Committee Conference on December 16, 2020.<sup>12</sup> The notice for the Committee Conference directed the parties to respond in writing to specific questions regarding the air quality analysis and requested that CARB and BAAQMD provide additional information deemed relevant to resolving the outstanding issues identified in the Order Affirming Remand.<sup>13</sup> Staff,<sup>14</sup> Applicant,<sup>15</sup> and Intervenor Robert Sarvey<sup>16</sup> filed written responses to the Committee questions, and CARB and BAAQMD filed a joint recommendation that the Applicant use Tier 4-compliant diesel backup generators rather than the original Tier 2-compliant diesel backup generators proposed for the Project.<sup>17</sup> On December 22, 2020, BAAQMD submitted a letter outlining that it had established a new guideline for large diesel backup engines (such as the Project's diesel backup generators) that would require them to meet Tier 4 standards established by the United States Environmental Protection Agency.<sup>18</sup>

The Applicant filed a revised project description on January 25, 2021 (Revised Project Description).<sup>19</sup> The Revised Project Description included a change from Tier 2-compliant diesel backup generators to Tier 4-compliant diesel backup generators to conform with BAAQMD's new guideline that requires Tier 4-compliant diesel backup generators to reduce the nitrogen oxides (NOx) emissions (Revised Project). Applicant also filed at least two separate documents that contained additional air quality emissions data and calculations for the Revised Project (Applicant's Filings).<sup>20</sup>

On February 5, 2021, the Committee issued the Second Revised Scheduling Order and Related Orders (Second Revised Scheduling Order).<sup>21</sup> The Second Revised Scheduling Order set forth deadlines and milestones for the conduct of the proceedings, including directing Staff to prepare a revised analysis of the Revised Project based on the Applicant's Filings. Staff was directed to file the revised analysis and to include facts to support conclusions regarding the Revised Project, such as changes in emissions, noise levels, and visual impacts (if stack height modified), and impacts associated with hazards and hazardous materials, land use, and transportation. Staff was also directed

---

<sup>11</sup> TN 235758.

<sup>12</sup> TN 236175.

<sup>13</sup> TN 235857.

<sup>14</sup> TN 235936.

<sup>15</sup> TN 235937.

<sup>16</sup> TN 235934.

<sup>17</sup> TN 235939.

<sup>18</sup> TN 236088.

<sup>19</sup> TN 236429.

<sup>20</sup> TNs 236443, 236451, 236832.

<sup>21</sup> TN 236651.

to identify all replacements, additions, substitutions, and corrections from the previously-filed IS/PMND. Staff timely filed a Revised Initial Study/Proposed Mitigated Negative Declaration (Revised IS/PMND) on February 26, 2021.<sup>22</sup>

The Committee held a Committee Conference, primarily for the purpose of conducting a closed session, on March 12, 2021 (March 12 Committee Conference).<sup>23</sup> At the conclusion of the March 12 Committee Conference, the Committee reported that it would issue a revised scheduling order that would include Committee questions and clarifications and provide direction to Staff about preparing a compilation of all environmental analyses for the Revised Project that would include all prior revisions to the IS/PMND.

## **PURPOSE OF THE PREHEARING CONFERENCE**

The Prehearing Conference is a public forum where the Committee will identify matters in dispute and discuss the remaining schedule and procedures necessary to conclude the SPPE process.

## **PURPOSE OF THE EVIDENTIARY HEARING**

Because the Committee previously held an Evidentiary Hearing on the Project, the Evidentiary Hearing on May 11, 2021, will be limited to issues associated with the additional information submitted to address 1) input assumptions regarding NOx impacts from routine testing and maintenance; 2) direct and cumulative impacts of emergency operations of the Revised Project's Tier 4-compliant backup generators; 3) other matters discussed and evaluated by the Parties as result of Applicant changing the project description; and 4) new Additional Information, as described below.

The Committee's review is primarily conducted through an administrative adjudicatory process. The Evidentiary Hearing is a major component of the administrative adjudicatory proceeding where evidence is received into the hearing record from the parties to the proceeding. As part of the review process, the Committee will conduct evidentiary hearings and receive public comment.<sup>24</sup> Only the parties (Applicant, Staff<sup>25</sup>, and Intervenors<sup>26</sup>) may present evidence for introduction into the hearing record.

Members of the public may present comments at the Evidentiary Hearing that become part of the hearing record.<sup>27</sup>

---

<sup>22</sup> TN 236919.

<sup>23</sup> TN 237210.

<sup>24</sup> Cal. Code Regs., tit. 20, § 1212, subd. (b).

<sup>25</sup> Cal. Code Regs., tit. 20, § 1937.

<sup>26</sup> Robert Sarvey (Mr. Sarvey), TN 231546; California Unions for Reliable Energy (CURE), TN 232401.

<sup>27</sup> Cal. Code Regs., tit. 20, § 1212 (b)(1)(B) and (c)(4).

### ***Informal Hearing Procedures***

Pursuant to California Government Code section 11445.10 et seq., and California Code of Regulations, title 20, section 1210, the Committee may conduct all or portions of the Evidentiary Hearing using formal or informal procedures.

Pursuant to Government Code section 11445.30, the Committee hereby notifies the parties that it has elected to utilize informal hearing procedures.

The Committee intends that the Evidentiary Hearing will be held for the primary purpose of receiving previously identified exhibits into the hearing record. The informal hearing process would thus generally proceed in the following order:

1. The Committee will entertain motions to admit exhibits previously identified by the parties for admission into the hearing record. Parties opposing the introduction of any exhibit shall be prepared to state any objections and the basis therefor. Notwithstanding California Code of Regulations, title 20, section 1211.5(d), the Committee may rule on any such objections after the close of the Evidentiary Hearing.
2. Cross-examination shall be by written questions, as described below. **Note:** a party who fails to submit written cross-examination questions risks preclusion from questioning witnesses.
3. The Committee may allow parties who filed cross-examination in accordance with this notice, limited cross-examination of witnesses during the Evidentiary Hearing upon a showing of good cause.

### **NOTICE OF CLOSED SESSION DELIBERATIONS**

At any time during the Evidentiary Hearing, 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 was required by law to conduct.

### **SCHEDULING ORDER**

The schedule attached to this Notice **supersedes** all other schedules issued by the Committee.

## **ORDERS REGARDING ADDITIONAL INFORMATION AND PREFILING EVIDENCE, UPDATED EXHIBIT LISTS, AND CROSS-EXAMINATION QUESTIONS AND RESPONSES**

### ***Additional Information***

1. Applicant has filed several documents that contain data and analysis regarding the emissions from the Tier 4-compliant diesel backup generators.<sup>28</sup> However, these documents contain different values for the same types of emissions. For example, in Applicant's Revised AQ Emission Tables and Ammonia Calculations,<sup>29</sup> Table 4.3-7 contains emissions for the Maximum Annual Emissions for NOx for both routine testing and maintenance (RTM) and emergency operations; the total is 13 tons per year. In Applicant's Revised Emissions Table with BAAQMD Offset Screening Calculation,<sup>30</sup> Table 1 shows the emissions to be 27 tons per year for the same operations (RTM and emergency operations).

In addition, Table 4.3-8 in Applicant's Revised AQ Emission Tables and Ammonia Calculations,<sup>31</sup> appears to have an incorrect threshold for NOx. Also, Table 4.3-8 appears to have the wrong measurement and threshold (lbs/day v. parts per million) for CO.

The Applicant is **hereby ordered** to file updated information to reflect the correct numbers for each type of emission described above **no later than April 19, 2021.**

2. Staff has filed four documents that contain environmental analysis of the Project: the IS/PMND, Exhibit 201, Exhibit 203, and the Revised IS/PMND. Staff is **hereby ordered** to compile these filings into a single document that incorporates all of the completed environmental analyses (Compiled Revised IS/PMND) for the Project. Staff shall identify all replacements, additions, substitutions, and corrections in the Compiled Revised IS/PMND, and explain these changes in the Compiled Revised IS/PMND and shall file it **no later than April 23, 2021.**
3. Table 4.3-8 in Applicant's Revised AQ Emission Tables and Ammonia Calculations<sup>32</sup> appears to show that the daily emissions of NOx exceed the maximum BAAQMD threshold (the table shows that the Project will emit 80 lbs/day but applies an incorrect standard of 10 lbs/day; the actual standard is 54

---

<sup>28</sup> See TNs 236429, 236443, 236451, 236832.

<sup>29</sup> TN 236451.

<sup>30</sup> TN 236832.

<sup>31</sup> TN 236451.

<sup>32</sup> *Id.*

lbs/day.) The Project also exceeds the annual threshold for NOx, but the Table indicates that because offsets are provided on an annual basis and the Project's NOx emissions are fully offset, there is no exceedance of the BAAQMD annual threshold. The Revised IS/PMND states: "The BAAQMD significance thresholds for daily emissions are daily average values that scale to equal the annual thresholds. Therefore, a separate comparison of the project's average daily emissions versus the BAAQMD average daily significance thresholds is unnecessary."<sup>33</sup>

Because there could be exceedances of the daily threshold without a commensurate exceedance at the annual level, Applicant is **hereby ordered** to file information that explains whether the daily threshold for NOx will be exceeded and, if so, why that does not constitute a significant impact **no later than April 19, 2021**.

Staff is **hereby ordered** to supplement its analysis to explain how the Revised Project does not exceed the applicable threshold for daily emissions and shall include any supplemental analysis in the Complied Revised IS/PMND to be filed **no later than April 23, 2021**.

4. During the November 16, 2020 business meeting for the reconsideration of the decision to remand, BAAQMD and CARB both described new information on the use of diesel backup generators at data centers in the region. According to BAAQMD, this information was not previously available on or before the June 6, 2020 evidentiary hearing. A BAAQMD representative described the information as follows:

Regarding the emergency operation issue, the upshot is that emergency operations over the past year significantly exceed the assumptions made in CEC staff's analysis. This is new data. It's new substantial evidence and it should be analyzed.<sup>34</sup>

To date, the information has not been submitted by any of the parties, BAAQMD, or CARB into this proceeding. In his March 18, 2021 status report, Mr. Sarvey describes this information as having been submitted in the Great Oaks South

---

<sup>33</sup> TN 236919, p. 5.3-19.

<sup>34</sup> [Business Meeting Transcript](#) (TN 235820), p. 124.

SPPE (20-SPPE-01)<sup>35</sup> and San Jose City SPPE (19-SPPE-04)<sup>36</sup> and argues that the information should be considered in this proceeding.<sup>37</sup>

Staff is **hereby ordered** to analyze the information submitted by BAAQMD in the Great Oaks South SPPE (20-SPPE-01) and San Jose City SPPE (19-SPPE-04) and explain whether this information alters the prior analysis and conclusion in the IS/PMND that the modeling of emergency operations is speculative. Staff shall include this analysis and explanation in the Compiled Revised IS/PMND to be filed **no later than April 23, 2021.**

The parties **shall submit** reply testimony to Staff's analysis **no later than April 28, 2021.** The Committee requests that BAAQMD and CARB also submit comments in response to Staff's analysis by the specified deadline.

### ***Prefiling Evidence***

All documentary evidence must be filed in this proceeding's docket (19-SPPE-03) and have a transaction number (TN) assigned by the CEC Docket Unit in accordance with the General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters, dated November 18, 2019.<sup>38</sup>

All parties intending to submit evidence for consideration at the Evidentiary Hearing are **ORDERED** to docket evidence and exhibit lists, **no later than 5:00 p.m.** on the dates specified in the attached Scheduling Order, unless otherwise directed by the Committee.

Because the Evidentiary Hearing will be held with remote access only (no physical location for participants to gather), failure by a party to comply with the filing requirements stated in this Order shall preclude that party from participating in the Evidentiary Hearing. Any party precluded may still offer public comment during the Evidentiary Hearing.

### ***Cross-Examination Questions***

Except as discussed above, the parties may cross-examine witnesses only by written questions. The questions shall identify the issue(s) that require a factual determination by the Committee and the identity of the witness(es). The parties shall submit written cross-examination questions **no later than April 30, 2021. Failure to submit written**

---

<sup>35</sup> [Great Oaks South SPPE](#), TN 235803.

<sup>36</sup> [San Jose City SPPE](#), TN 236946.

<sup>37</sup> TN 237213.

<sup>38</sup> TN 230792.

**cross-examination questions may be deemed a waiver of that party's right to cross-examine witnesses.<sup>39</sup>**

Parties shall provide written responses to any cross-examination questions. Responses shall be made under oath. If there is an objection to any question, the person responding shall state the objection and the basis for the objection. The person responding to the question shall still respond to the question. The Committee will consider any objections to questions before the answers are admitted into the hearing record. Responses to cross-examination questions shall be filed **no later than May 5, 2021.**

### ***Use of Documents***

Because the Evidentiary Hearing will be held with remote access only (no physical place for participants to gather), no party may use a document that is not included on the Exhibit List.

If a party wishes to use a document during cross-examination, including for the purpose of impeachment, the document shall be identified at least one (1) business day prior to the start of the Evidentiary Hearing by reference to its number on the Exhibit List. This identification will allow for the documents to be available at the start of the Evidentiary Hearing, to be shared with the participants to the hearing, and to avoid delays in locating documents for use. When documents are used during the questioning of witnesses, the questioner shall provide cites to the page(s) of the relevant document.

### ***Exhibit Lists***

The parties shall exchange documentary evidence and written testimony, including the Additional Information ordered by the Committee, by filing an **Exhibit List**. The Second Revised Scheduling Order included a deadline for exhibit lists; only Applicant timely filed an Exhibit List.<sup>40</sup> Applicant shall file a revised Exhibit List and each other party shall file an Exhibit List **no later than May 7, 2021.** Each document shall be numbered and identified on the Exhibit List as follows:

- Applicant's exhibits shall be numbered *consecutively*, beginning with **Exhibit 36 and continuing through 199.**
- Staff's exhibits shall be numbered *consecutively*, beginning with **Exhibit 205 and continuing through 299.**

---

<sup>39</sup> Cal. Code Regs., tit. 20, §§ 1210, 1212.

<sup>40</sup> TN 237144.

- Mr. Sarvey's exhibits shall be numbered *consecutively*, beginning with **Exhibit 312 and continuing through 399**.
- CURE's exhibits shall be numbered *consecutively* as **Exhibits 400 through 499**.

The Exhibit Lists shall be formatted with four columns. The first column shall list the proposed exhibit number. The second column shall identify the TN of the corresponding document. The third column shall state the title of the document as shown in the docket. The fourth column shall state the subject area(s) to which the exhibit applies. The Hearing and Policy Unit of the CEC's Chief Counsel's Office will ensure the addition of the exhibit number information into the e-filing system and the issuance of a Master Exhibit List.

All exhibits must have a TN and be filed in this proceeding's docket. Exhibits will not be received into evidence unless they have been previously identified in both the Exhibit List and under the "Use of Documents" procedure set forth above.

## **TRANSCRIPTS**

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be filed within 10 days of the filing of a transcript.

## **AGENCY AND PUBLIC PARTICIPATION**

Local, state, federal, and tribal governmental agencies and members of the public are welcome to attend and offer oral or written comments at the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Comments may be submitted electronically at the [19-SPPE-03 docket page](#) found at

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=19-SPPE-03>.

Otherwise, written comments may be submitted for posting on the proceeding docket by emailing them to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

The Public Advisor may, upon the request of public participants who may be absent from the CEC's place of business or during the hearing when a matter of interest to them is being considered, neutrally and publicly relate those participants' points to the CEC on behalf of members of the public. If you are interested in this service, please email concise comments, specifying your main points, before the start of the Prehearing Conference and/or Evidentiary Hearing to the Public Advisor's Office. Comments submitted after the Prehearing Conference and/or Evidentiary Hearing starts will be filed in the Sequoia SPPE docket. The CEC will work diligently to accommodate all requests.

For all comments, please include the docket number and proceeding name “**Docket No. 19-SPPE-03, Sequoia Backup Generating Facility**” in the subject line and on the cover page.

**Please note:** Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the viewable public record. Additionally, this information may become available via search engines such as Google and Yahoo.

## **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 participation or to request interpreting services or reasonable accommodations, please contact the [Public Advisor’s Office](#) at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), or by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

**Direct questions of a procedural nature** related to the Application to [Susan Cochran, Hearing Officer](#), at [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov) or (916) 654-3965.

**Direct technical subject inquiries** concerning the Application to [Leonidas \(Lon\) Payne, Project Manager](#), at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov) or at (916) 651-0966.

**Direct media inquiries** to [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

## **REMOTE ATTENDANCE**

You may participate in these meetings through the on-line meeting service, Zoom. Please be aware that the meeting may be recorded.

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

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

**Via Computer:** Participants may join noticed events by clicking on the links below. You may also [access Zoom](#) 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 May 11, 2021, Prehearing Conference and [Evidentiary Hearing:](#) (<https://energy.zoom.us/j/99726989347?pwd=UGtndWdHSDN5QURkTmVvd2E3Vm11UT09>)

Webinar ID: 997 2698 9347

Password: SSPPE0511

Event	Date	Webinar ID	Password
Prehearing Conference and Evidentiary Hearing	May 11, 2021	99726989347	SSPPE0511

**Via Telephone (No Visual Presentation):** Call Zoom at (877) 853-5257 (toll free), (888) 475-4499 (toll free), or (213) 338-8477. 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 Device:** Access to Zoom meetings is available from your mobile device. To download the app, [visit the Zoom Download Center](#) 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 solely using a telephone connection, press "\*6" once to mute and again to unmute.

## **AVAILABILITY OF DOCUMENTS**

Information about the Application, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the [CEC's web page](#) at:  
<https://ww2.energy.ca.gov/sitingcases/sequoia>.

## **IT IS SO ORDERED.**

Dated April 12, 2021

Dated April 12, 2021

### **APPROVED BY:**

---

Karen Douglas  
Commissioner and Presiding Member  
Sequoia Backup Generating Facility  
SPPE Committee

*Mailed to list number: 7531*

### **APPROVED BY:**

---

Patty Monahan  
Commissioner and Associate Member  
Sequoia Backup Generating Facility  
SPPE Committee

## **AGENDA**

### **Sequoia Backup Generating Facility SPPE (19-SPPE-03)**

**May 11, 2021  
10:00 a.m.  
Remote Access Only**

***To participate in the Prehearing Conference and/or Evidentiary Hearing remotely, please see the instructions above under the section "REMOTE ATTENDANCE"***

#### **Prehearing Conference**

1. Call to Order.
2. Committee discussion with the parties about use of informal procedures and other matters in preparation for the Evidentiary Hearing.
3. Public Comment: Members of the public and other interested persons and entities may speak up to three minutes on a matter related to this proceeding.
4. Break (10 minutes).

#### **Evidentiary Hearing**

5. Receipt of evidence from the Applicant, Staff, and Intervenors Sarvey and CURE on the application for a small power plant exemption for the Sequoia Backup Generating Facility.
6. Public Comment: Members of the public and other interested persons and entities may speak up to three minutes on a matter related to this proceeding.
7. Committee Closed Session Deliberations on the Application for a small power plant exemption for the Sequoia Backup Generating Facility.<sup>1</sup>
8. Adjourn.

---

<sup>1</sup> The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

**SEQUOIA BACKUP GENERATING FACILITY SPPE (19-SPPE-03)**  
**SCHEDULING ORDER**  
**APRIL 2021**

<b>EVENT</b>	<b>DATE</b>
<b>Applicant files revised documents for air quality analysis</b>	<b>April 19, 2021</b>
<b>Staff files Compiled Revised IS/PMND</b>	<b>April 23, 2021</b>
<b>Parties, BAAQMD, and CARB provide Rebuttal Testimony to Complied Revised IS/PMND</b>	<b>April 28, 2021</b>
<b>Parties file Cross-Examination Questions</b>	<b>April 30, 2021</b>
<b>Responses to Cross-Examination Questions Due</b>	<b>May 5, 2021</b>
<b>Parties file Exhibit Lists</b>	<b>May 7, 2021</b>
<b>Prehearing Conference</b>	<b>May 11, 2021</b>
<b>Evidentiary Hearing</b>	<b>May 11, 2021</b>
<b>Committee files Proposed Decision</b>	<b>To be determined</b>
<b>Final Adoption Hearing by the Commission</b>	<b>June 2021</b>