

<b>DOCKETED</b>	
<b>Docket Number:</b>	20-SPPE-01
<b>Project Title:</b>	Great Oaks South Backup Generating Facility Small Power Plant Exemption
<b>TN #:</b>	238471
<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>	California Energy Commission
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	6/24/2021 3:47:37 PM
<b>Docketed Date:</b>	6/24/2021

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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:**

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

**Docket No. 20-SPPE-01**

## **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 Great Oaks South Backup Generating Facility (Application)<sup>3</sup> has scheduled a **PREHEARING CONFERENCE** and an **EVIDENTIARY HEARING**:

The **PREHEARING CONFERENCE** will be held on:

**TUESDAY, SEPTEMBER 7, 2021**  
**Beginning at 10:00 a.m.**

The **EVIDENTIARY HEARING** will be held on:

**MONDAY, SEPTEMBER 13, 2021**  
**Beginning at 10:00 a.m.**

***The Prehearing Conference and Evidentiary Hearing will be held remotely,  
consistent with Executive Order N-08-21 to continue to help California respond to,***

<sup>1</sup> On May 13, 2020, the CEC designated 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.)

<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](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>.

***recover from, and mitigate the impacts of the COVID-19 pandemic. The public and parties will be able to participate in and/or observe the proceedings consistent with the direction in the Executive Order.***

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

### ***The Application***<sup>4</sup>

On March 19, 2020, SV1, LLC, a wholly owned subsidiary of Equinix, LLC, (Applicant) submitted the Application to obtain an exemption from the CEC’s exclusive jurisdiction to license thermal powerplants with a generating capacity of 50 megawatts (MW) or more of electricity. The Applicant seeks to construct and operate the Great Oaks South Data Center (Data Center), and the Great Oaks South Backup Generating Facility (Backup Generators), and related accessories (collectively, the Project). The Project site is located at 123, 127, and 131 Great Oaks Boulevard in the City of San Jose, California. The Project site is approximately 18 acres and is currently undeveloped.

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 Generators would ensure reliability to the Data Center in the event of loss of power from the Pacific Gas and Electric Company (PG&E), the local utility provider, and normally would operate only for testing and maintenance. The Backup Generators would consist of 36 diesel-fired backup generators, each with a maximum peak rating of 3.25 MW, located in six on-site generator equipment yards. The generators would generate up to 99 MW, the maximum demand of the Data Center. Each building would have a total of 12 generators; two of the generators would be designated as redundant and would primarily operate to support building demand if two of the primary generators failed. The Backup Generators 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 Generators would not be connected to the electric

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<sup>4</sup> The information in this section is taken from the Application (TN 232466).

distribution system (also referred to as the “transmission grid” or “grid”) and, therefore, could not feed power to it. The Backup Generators would supply power only to the Data Center.

### ***Environmental Documents***

On October 23, 2020, CEC staff (Staff) filed a Notice of Preparation (NOP) informing the responsible agencies,<sup>5</sup> trustee agencies,<sup>6</sup> and public about Staff’s intent to prepare a draft Environmental Impact Report (DEIR) for the Project and the opportunity to provide comment on its preparation.<sup>7</sup>

On May 21, 2021, Staff filed a DEIR that found no potentially significant and unavoidable impacts.<sup>8</sup> The DEIR concluded that with the implementation of the design and mitigation measures identified in the DEIR, potentially significant impacts in the areas of air quality, biological resources, cultural and tribal cultural resources, geology and soils (paleontology), and noise would be avoided or reduced to less than significant levels.<sup>9</sup>

The DEIR also concluded that the Project would result in no impacts to agricultural and forestry resources, mineral resources, or wildfire, and would have less than significant impacts, with no mitigation required, on energy and energy resources, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public resources, recreation, transportation, and utilities and service systems.<sup>10</sup>

### ***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 MW or more of electricity.<sup>11</sup> If a proposed project will generate between 50 MW and 100 MW of electricity, the CEC may grant an exemption to this exclusive certification jurisdiction through an SPPE proceeding if it makes three distinct findings:

- the proposed power plant has a generating capacity up to 100 MW;

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<sup>5</sup> City of San Jose and Bay Area Air Quality Management District.

<sup>6</sup> California Department of Fish and Wildlife and Santa Clara Valley Habitat Agency.

<sup>7</sup> TN 235414.

<sup>8</sup> TN 237875.

<sup>9</sup> See *Id.* at pp. 1-3 – 1-10.

<sup>10</sup> See *Ibid.*

<sup>11</sup> §§ 25120, 25500.

- no substantial adverse impact on the environment will result from the construction or operation of the power plant; and
- no substantial adverse impact on energy resources will result from the construction or operation of the power plant.<sup>12</sup>

The CEC must also make the latter two findings as the “lead agency”<sup>13</sup> under the California Environmental Quality Act (CEQA).<sup>14</sup> In reviewing an SPPE application, the CEC considers the “whole of an action.”<sup>15</sup> For the Application, the “whole of an action” means the Backup Generating Facility, the Data Center, and the other Project features.

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

### ***Parties to the Proceeding***

Currently, the parties to the proceeding are:

1. Applicant; and
2. Staff.<sup>16</sup>

Intervenors may still be added as parties. The deadline to petition to intervene is July 6, 2021.

Parties have the right to call and examine witnesses, to offer oral and written testimony under oath, to introduce exhibits, to cross-examine opposing party witnesses on any matters relevant to the issues in the proceeding, and to rebut evidence, subject to the presiding member’s authority to regulate this proceeding and other rights identified.<sup>17</sup>

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<sup>12</sup> § 25541; Cal. Code Regs., tit. 20, §§ 1934 et seq.

<sup>13</sup> § 25519, subd. (c).

<sup>14</sup> 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 statutes and the Guidelines collectively as “CEQA.”

<sup>15</sup> Cal. Code Regs., tit. 14, § 15378, subd. (a) (under CEQA “project” means the whole of an action).

<sup>16</sup> Cal. Code Regs., tit. 20, § 1937.

<sup>17</sup> Cal. Code Regs., tit. 20, § 1212, subd. (a).

## **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**

The Committee's review is primarily conducted through an administrative adjudicatory process. As part of the review process, the Committee will conduct an evidentiary hearing and receive public comment.<sup>18</sup> The Evidentiary Hearing is a major component of the administrative adjudicatory process where evidence is received into the hearing record from the parties to the proceeding. Only the parties (Applicant, Staff,<sup>19</sup> and any intervenors) may present evidence for inclusion into the hearing record.

Members of the public may present comments at the Evidentiary Hearing that become part of the hearing record.<sup>20</sup>

### ***Formal Hearing Procedures***

Although Committees have typically opted to utilize informal hearing processes in similar proceedings, this proceeding will follow formal hearing procedures.

The formal hearing procedure will proceed in the following order:

1. All parties' experts on the contested subject area are sworn in as a group.
2. Opening Testimony: The designated expert witness(es) for each party provides a brief opening statement summarizing the key points and conclusions of the expert's testimony. The order of opening testimony and examination of witnesses shall be as follows: Applicant, Staff, intervenors, if any.
3. Cross Examination: At the conclusion of the opening statements from each party's designated expert witness(es), parties may cross-examine the other parties' expert(s). Each witness will testify and respond to questions individually (not as a group). The order of examination of witnesses shall be as follows: Applicant, Staff, intervenors, if any.

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<sup>18</sup> Cal. Code Regs., tit. 20, § 1212, subd. (b).

<sup>19</sup> Cal. Code Regs., tit. 20, § 1937.

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

4. At the conclusion of the parties' examination of the experts, the Committee may ask witnesses additional questions.

## **NOTICE OF CLOSED SESSION DELIBERATIONS**

At any time during the Prehearing Conference and/or 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**

On October 10, 2020, the Committee issued a Committee Scheduling Order.<sup>21</sup> Staff published its DEIR on May 21, 2021,<sup>22</sup> as discussed above. The public review period for the DEIR will end on July 6, 2021.<sup>23</sup> The Committee hereby adopts the schedule attached to this Notice, which **supersedes** all other schedules issued by the Committee.

## **ORDERS REGARDING PREFILING EVIDENCE, USE OF DOCUMENTS, PREHEARING CONFERENCE STATEMENTS, EXHIBIT LISTS**

All written testimony (whether opening or rebuttal) and documentary evidence must be filed in this proceeding's docket (20-SPPE-01) 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, filed July 8, 2020.<sup>24</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

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<sup>21</sup> TN 235279.

<sup>22</sup> TN 237875.

<sup>23</sup> TN 237990, p. 1.

<sup>24</sup> TN 233813.

Evidentiary Hearing. Any party precluded may still offer public comment during the Evidentiary Hearing.

### ***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.

### ***Prehearing Conference Statements***

The Prehearing Conference Statement must specify under separate headings:

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.
2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.
3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefor.
4. The subject areas that remain disputed and require adjudication, the issues in dispute, and the precise nature of the dispute for each issue.
5. The identity of each witness the party intends to sponsor 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 witness(es), qualifications of each witness, and the time required to present testimony by each witness.
6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. **(Note: a party who fails to provide,**



**with specificity, the scope, relevance, and time for questioning the witness of another party risks preclusion from questioning the witness on that subject area.)**

7. A list identifying exhibits with TN that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists).
8. Proposals for briefing deadlines or other scheduling matters.

### ***Exhibit Lists***

The parties shall exchange documentary evidence and written testimony by filing an **Exhibit List**. Each document shall be numbered and identified on the Exhibit List as follows:

- Applicant's exhibits shall be numbered consecutively as **Exhibits 1 through 199**.
- Staff's exhibits shall be numbered consecutively as **Exhibits 200 through 299**.

If the Committee grants a petition to intervene, any order on that petition will include information for marking the intervenor's exhibits.

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, and federal agencies, tribal governments, and members of the public are welcome to attend and offer oral comments throughout the proceeding, including at the Prehearing Conference and/or Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Comments may be submitted electronically at the [20-SPPE-01 docket page](https://efiling.energy.ca.gov/20-SPPE-01_docket_page) found at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=20-SPPE-01>.

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 Prehearing Conference and/or Evidentiary 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 Great Oaks South SPPE docket. The CEC will work diligently to accommodate all requests.

For all comments, please include the docket number and proceeding name "**Docket No. 20-SPPE-01, Great Oaks South 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 address, etc.) become part of the viewable public record. Additionally, this information may become available via search engines such as Google and Bing.

## 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](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>. You may [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 to seek help at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), by phone at (916) 654-4489, or toll-free at (800) 822-6228.

**Via Computer:** Participants may join noticed events by clicking on the links below. You may also [access Zoom](https://join.zoom.us) at <https://join.zoom.us> and entering the Webinar ID and password for the event (listed below). To comment, use Zoom’s “raise hand” feature and unmute. If a request for interpreting service was made to the CEC’s Public Advisor’s Office at least five days before the hearing, then to listen to and participate in the conference in that language, click on the icon at the bottom right that lists that language.

**Prehearing Conference.** Click to join [September 7, 2021, 10:00 a.m.](https://energy.zoom.us/j/91494360781?pwd=UW9kdWNlaW9xUS94QURXQW4yNVh6Zz09)  
(<https://energy.zoom.us/j/91494360781?pwd=UW9kdWNlaW9xUS94QURXQW4yNVh6Zz09>)

Webinar ID: 914-9436-0781

Password: GOSPPE@10

**Evidentiary Hearing.** Click to join [September 13, 2021, 10:00 a.m.](https://energy.zoom.us/j/91494360781?pwd=UW9kdWNlaW9xUS94QURXQW4yNVh6Zz09)  
(<https://energy.zoom.us/j/91494360781?pwd=UW9kdWNlaW9xUS94QURXQW4yNVh6Zz09>)

Webinar ID: 914-9436-0781

Password: GOSPPE@10

Event	Date	Webinar ID	Password
Prehearing Conference	September 7, 2021 10:00 a.m.	914-9436-0781	GOSPPE@10
Evidentiary Hearing	September 13, 2021 10:00 a.m.	914-9436-0781	GOSPPE@10

**Via Telephone (No Visual Presentation)**: Dial (877) 853-5257 (toll free), (888) 475-4499 (toll free), or (669) 219-2599. 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](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 solely using a telephone connection, press “\*6” once to mute and again to unmute.

## **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 in Spanish, Vietnamese, or other languages and reasonable accommodations should be made before 5:00 p.m. at least five days in advance of the Prehearing Conference and/or Evidentiary Hearing. 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) 891-8078, or Ralph Lee, Hearing Officer, at [ralph.lee@energy.ca.gov](mailto:ralph.lee@energy.ca.gov) or (916) 776-3408.

**Direct technical subject inquiries** concerning the Application to Lisa Worrall, Project Manager, at [lisa.worrall@energy.ca.gov](mailto:lisa.worrall@energy.ca.gov) or at 916-661-8367.

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

**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](https://ww2.energy.ca.gov/sitingcases/greatoakssouth/) at: <https://ww2.energy.ca.gov/sitingcases/greatoakssouth/>.

**IT IS SO ORDERED.**

Dated: June 19, 2021

Dated: June 19, 2021

**APPROVED BY:**

**APPROVED BY:**

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

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

*Mailed to list number(s): 7534*

## **AGENDA**

### **Great Oaks South Backup Generating Facility SPPE (20-SPPE-01)**

#### **Prehearing Conference and Closed Session**

**September 7, 2021**

**10:00 a.m.**

**REMOTE ACCESS ONLY**

***To participate in the Prehearing Conference remotely, please see the instructions above under the section “REMOTE ATTENDANCE.”***

1. Call to Order.

2. Prehearing Conference.

Report from the Applicant, Staff, and any intervenors regarding their readiness for the upcoming Evidentiary Hearing, proposed testimony and witnesses, Committee discussions with the parties about the order of subject areas, use of formal 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. Committee closed session deliberations on the application for a small power plant exemption for the Great Oaks South Backup Generating Facility.<sup>25</sup>

5. Adjourn.

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<sup>25</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.

## **AGENDA**

### **Great Oaks South Backup Generating Facility SPPE (20-SPPE-01)**

#### **Evidentiary Hearing and Closed Session**

**September 13, 2021**

**10:00 a.m.**

**REMOTE ACCESS ONLY**

***To participate in the Evidentiary Hearing remotely, please see the instructions above under the section “REMOTE ATTENDANCE.”***

1. Call to Order.
2. Evidentiary Hearing.

Receipt of evidence from the Applicant, Staff, and any intervenors on the application for a small power plant exemption for the Great Oaks South Backup Generating Facility.

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. Committee closed session deliberations on the application for a small power plant exemption for the Great Oaks South Backup Generating Facility.<sup>26</sup>
5. Adjourn.

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<sup>26</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.

**GREAT OAKS SOUTH  
BACKUP GENERATING FACILITY SPPE (20-SPPE-01)  
REVISED SCHEDULING ORDER  
June 2021**

EVENT	DATE
All Parties File Status Reports	No later than the 10th of every month
Staff Filed Notice of Preparation of a draft Environmental Impact Report (DEIR)	October 23, 2020
Staff Held EIR Scoping Meeting	November 17, 2020 and December 11, 2020
Staff Published its DEIR and Sent Notice to the State Clearinghouse <sup>27</sup>	May 21, 2021
Close of Public Comment Period on Staff's DEIR <sup>28</sup>	July 6, 2021
Last Day to File Petition to Intervene <sup>29</sup>	July 6, 2021
Staff Files Responses to Public Comment and Final EIR	July 28, 2021
All Parties File Opening Testimony	August 11, 2021
All Parties File Reply Testimony <sup>30</sup> and any Errata or Addendum to the Final EIR	August 25, 2021
All Parties File Prehearing Conference Statement	August 31, 2021
All Parties File Exhibit Lists	September 2, 2021

<sup>27</sup> Staff may not publish DEIR less than 30 days after issuance of the Notice of Preparation. (Pub. Resources Code, § 21080.4, subd. (a); Cal. Code Reg., tit. 14, § 15082, subd. (b).)

<sup>28</sup> Please note that the State Clearinghouse has 3 days to distribute the environmental review document after receipt. (Pub. Resources Code, § 21091, subd. (c)(3).)

<sup>29</sup> The deadline to file a petition for intervention shall be established by the presiding member, or if no deadline is established, at least 30 days prior to the first day of the evidentiary hearing. (Cal. Code Regs., tit. 20, § 1211.7, subd. (b).)

<sup>30</sup> Seven days prior to the evidentiary hearing or at such other times as ordered by the presiding member. (Cal. Code Regs., tit. 20, § 1943.)



EVENT	DATE
Prehearing Conference	September 7, 2021
Evidentiary Hearing <sup>31</sup>	September 13, 2021
Committee Files Proposed Decision	To be determined
Final Adoption Hearing by the Commission	To be determined
Notice of Determination published	Within 5 working days of Commission Decision

The Committee may modify the schedule at any time.

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<sup>31</sup> Evidentiary hearings shall commence no later than 100 days after filing the application for an SPPE unless otherwise ordered by the presiding member. (Cal. Code Regs., tit. 20, § 1944 subd. (b).) In the July 13, 2020 “Notice of Committee Conference and Related Orders,” the Committee extended the deadline for the hearing pursuant to California Code of Regulations, Title 20, sections 1203, subdivision (f) and 1944, subdivision (b). (TN 233721, p. 4.)