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| Project Title: | Great Oaks South Backup Generating Facility Small Power Plant Exemption |
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| Document Title: | ORDER SHORTENING TIME ON APPLICANT'S MOTION IN LIMINE |
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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

ORDER SHORTENING TIME ON APPLICANT'S MOTION IN LIMINE

BACKGROUND

On March 19, 2020, SV1, LLC, a wholly owned subsidiary of Equinix, LLC, (Applicant) applied for a small power plant exemption for the Great Oaks South Backup Generating Facility (Application).¹ The Committee² appointed by the California Energy Commission (CEC)³ to conduct proceedings on the Application scheduled a Prehearing Conference on September 7, 2021, and an Evidentiary Hearing on September 13, 2021.⁴ The notice scheduling the Prehearing Conference and Evidentiary Hearing also set dates for the filing of opening and reply testimony.⁵ On August 24, 2021, Intervenor Robert Sarvey filed reply testimony concerning the Application (Mr. Sarvey's Reply Testimony).⁶ Mr. Sarvey had not filed opening testimony.

On August 27, 2021, Applicant filed a "Motion in Limine to Strike Sarvey Reply Testimony" (Motion to Strike).⁷ The Motion to Strike seeks an order from the Committee

¹ TNs 232466, 232467-1, 232467-2, 232467-3.

² 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 Application. (TN 233123.)

³ 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.

⁴ TN 238471.

⁵ *Id.* at p. 15.

⁶ TN 239449.

⁷ TN 239489.

striking Mr. Sarvey's Reply Testimony. In addition to the Motion to Strike, Applicant seeks an order shortening time, specifically requesting that the Committee hear and consider the Motion to Strike at the Prehearing Conference and requests a shortened time for the filing of responses to the Motion to Strike.⁸

DISCUSSION AND ORDER

In general, responses to motions are due within 14 days after the motion is filed.⁹ The Presiding Member has authority to regulate the conduct of the proceeding, including the discretion to shorten the time allowed to respond to motions in a manner that preserves the parties' notice and provides an opportunity to be heard.¹⁰

Here, the fourteenth day after the date the Motion to Strike was filed is September 10, 2021. While the Committee will not consider the Motion to Strike at the Prehearing Conference, it will issue an order shortening time to resolve the Motion to Strike prior to the Evidentiary Hearing to help conduct an orderly proceeding.

The Committee therefore **GRANTS** the request for an order shortening time to respond to the Motion to Strike and **ORDERS** as follows: the parties shall file any response to the Motion to Strike no later than 5:00 p.m. on September 8, 2021. No further briefing or oral argument will be allowed.

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, or by phone at (916) 654-4489, or toll free at (800) 822-6228.

Direct questions of a procedural nature related to the Application to Susan Cochran, Hearing Officer, at susan.cochran@energy.ca.gov or (916) 891-8078, or Ralph Lee, Hearing Officer, at 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 or (916) 661-8367.

⁸ *Id.* at p. 2. The request for an order shortening time is not reflected in the title of the Motion to Strike, contrary to the requirements of the General Orders for this proceeding. (TN 233823, p.1.)

⁹ TN 233813, p. 1; Cal. Code Regs., tit. 20, § 1211.5, subd. (a).

¹⁰ Cal. Code Regs., tit. 20, § 1203, subds. (c) and (f), 1210; see Gov. Code, § 11425.10.

Direct media inquiries to mediaoffice@energy.ca.gov or (916) 654-4989.

AVAILABILITY OF DOCUMENTS

Information regarding the status of the Application, as well as notices and other relevant documents, are available on the [Great Oaks South SPPE web page](#) for the Great Oaks South Backup Generating Facility proceeding found at:

<https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility>.

IT IS SO ORDERED.

Dated: September 3, 2021

APPROVED BY:

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