

DOCKETED

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Project Title:	Great Oaks South Backup Generating Facility Small Power Plant Exemption
TN #:	239858
Document Title:	ORDER CLOSING THE EVIDENTIARY RECORD AND PROVIDING DIRECTION FOR THE SUBMISSION OF OPTIONAL POST-HEARING BRIEFS
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**State of California
State Energy Resources Conservation and
Development Commission
715 P 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

**ORDER CLOSING THE EVIDENTIARY RECORD AND
PROVIDING DIRECTION FOR THE SUBMISSION OF
OPTIONAL POST-HEARING BRIEFS**

BACKGROUND

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 Applicant seeks to construct and operate the Great Oaks South Data Center, the Great Oaks South Backup Generating Facility, 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.³

The Application initiated a formal proceeding with the CEC, which initially included two parties, Applicant and CEC staff (Staff).⁴ On May 13, 2020, the CEC designated a Committee to preside over the proceeding (Committee).⁵ On August 2, 2021, the Committee granted a petition to allow Robert Sarvey (Mr. Sarvey) to intervene as a

¹ All of the documents in this proceeding including those 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>. E.g., TNs 232466, 232467-1, 232467-2, 232467-3.

² The CEC is formally known as the "State Energy Resources Conservation and Development Commission." (Cal. Pub. Resources, § 25200.)

³ The information in this section is taken from the Application (TN 232466.)

⁴ Cal. Code Regs., tit. 20, § 1937.

⁵ 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.)

party to the proceeding.⁶ (Staff, Applicant, and Mr. Sarvey are each a “Party” and collectively the “Parties”.)

Mr. Sarvey’s prehearing conference statement proposed the Committee allow post-hearing briefing.⁷ Applicant’s prehearing conference statement did not propose briefing nor oppose it.⁸ Staff’s prehearing conference stated briefing is not necessary.⁹ On September 7, 2021, the Committee held a prehearing conference, at which the Committee stated it would allow voluntary briefs following the evidentiary hearing.¹⁰ On September 21, 2021, the Committee held an evidentiary hearing.

ORDERS

Order Closing Evidentiary Record

The evidentiary record is hereby closed.

Order Providing Direction for the Preparation of Optional Post-Hearing Briefs

As stated at the September 7, 2021 prehearing conference¹¹ and the September 21, 2021 evidentiary hearing,¹² the Parties may file a post-hearing brief. Each Party may submit only one brief; reply briefs are not allowed unless the Committee orders otherwise. Any Party wishing to file a brief shall do so **by 5:00 pm October 5, 2021**, which is seven (7) business days after the Reporter’s Transcript from the September 21, 2021 Evidentiary Hearing was filed.¹³

Briefs shall apply the law to only the evidence in the hearing record, citing the evidence by exhibit and page number. No new evidence may be submitted. Briefs shall be limited to 15 pages; shall be in a font size no less than 12 point; and shall not include any attachment. Briefs should discuss factual or legal issues that remain after the evidentiary hearing, if any, to assist the Committee in drafting its proposed decision.

⁶ TN 239151.

⁷ TN 239568, p. 4.

⁸ TN 239567.

⁹ *Id.* at p. 4.

¹⁰ TN 239801, p. 36.

¹¹ *Ibid.*

¹² TN 239839, p. 83, lns. 7-14.

¹³ *Ibid.*

Briefs should not summarize a Party's testimony or discuss matters that were not disputed.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC's Public Advisor's Office provides the public with 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.

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 27, 2021

Dated: September 28, 2021

APPROVED BY:

APPROVED BY:

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