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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

**NOTICE OF AVAILABILITY OF THE COMMITTEE PROPOSED
DECISION, NOTICE OF PUBLIC COMMENT PERIOD, AND NOTICE OF
CALIFORNIA ENERGY COMMISSION HEARING**

I. NOTICE OF AVAILABILITY

AVAILABILITY OF PROPOSED DECISION

On November 24, 2021, the Committee¹ appointed by the California Energy Commission (CEC)² to conduct proceedings on the application for a small power plant exemption (SPPE) for the Great Oaks South Backup Generating Facility (Application)³ issued its Committee Proposed Decision (Proposed Decision), as required by California Code of Regulations, title 20, section 1945(a). The Proposed Decision was filed with the CEC's Docket Unit and a link to the internet-posted document was e-mailed to the Proof of Service list and the Great Oaks South Backup Generating Facility SPPE listserv. The Proposed Decision may be viewed or downloaded from the CEC's website at:

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=240715>

¹ 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.)

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

³ 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>.

A printed copy of the Proposed Decision is available for a fee. To request a printed copy, please email the CEC's Publications Unit at BSORequests@energy.ca.gov or call (916) 654-5200 and refer to Publication No. **CEC-800-2021-001**.

EXECUTIVE SUMMARY OF PROPOSED DECISION

The Application was submitted on March 19, 2020, to the CEC under Public Resources Code section 25541. The Warren-Alquist Act⁴ grants the CEC the exclusive jurisdiction to approve or deny applications for the construction and operation of thermal powerplants that will generate 50 megawatts (MW) or more of electricity.⁵ Section 25541 creates an exemption to this exclusive jurisdiction that is referred to as a “Small Power Plant Exemption.”

To grant an exemption, the CEC must make three distinct findings:

- the proposed powerplant has a generating capacity up to 100 MW;
- no substantial adverse impact on the environment will result from the construction or operation of the powerplant; and
- no substantial adverse impact on energy resources will result from the construction or operation of the powerplant.⁶

In addition, the CEC is required by law to serve as the “lead agency” under the California Environmental Quality Act (CEQA)⁷ for SPPE applications.⁸ Under CEQA, “project” means the “whole of an action.”⁹ Accordingly, the CEC evaluates the entire proposed project—the Great Oaks South Data Center, the backup generators that serve the Data Center, and other project features—under CEQA. This is collectively referred to as the “Project.”

To help the Committee in reviewing the Project's potential environmental impacts, CEC staff prepared a draft environmental impact report that was circulated to the public and to responsible and trustee agencies for a 45-day public review and comment period beginning on May 21, 2021. After the public review and comment period, CEC staff reviewed and responded to the substantive environmental comments received. CEC staff then prepared a final environmental impact report that included the comments

⁴ Formally known as the Warren-Alquist State Energy Resources Conservation and Development Act. See Pub. Resources Code, § 25000 *et seq.*

⁵ Pub. Resources Code, §§ 25120, 25500.

⁶ Pub. Resources Code, § 25541.

⁷ The CEQA statutes (Pub. Resources Code, § 21000 *et seq.*), and the Guidelines for the Implementation of CEQA (Cal. Code Regs., tit. 14, § 15000 *et seq.*), detail the protocol by which state and local agencies comply with CEQA requirements. We refer to the statute and the guidelines collectively as “CEQA.” We will cite to the guidelines as “Guidelines, § ____.”

⁸ Pub. Resources Code, § 25519(c).

⁹ Guidelines, § 15378.

received, the responses to those comments, and changes to the text of the draft environmental impact report following from the responses. CEC staff later prepared an addendum to the final environmental impact report that contained a revised mitigation measure and a proposed mitigation monitoring or reporting program.

The Committee conducted a public evidentiary hearing on September 21, 2021, to admit evidence, including the final environmental impact report and addendum, into the hearing record, to allow for testimony and cross-examination, and to receive public comment. Based on the hearing record, the Committee prepared a Proposed Decision.

In its Proposed Decision, the Committee recommends that the CEC find: (1) the backup generators will have a generating capacity of more than 50 MW but less than 100 MW; (2) the construction and operation of the Project will not have any substantial adverse impact on the environment; and (3) the construction and operation of the Project will not have any substantial adverse impact on energy resources. The Committee further recommends that the CEC certify the final environmental impact report and addendum, adopt the mitigation monitoring and reporting program, and grant the small power plant exemption.

II. NOTICE OF PUBLIC COMMENT PERIOD

The CEC and the Committee invite interested persons, public agencies, and other entities to submit written comments on the Proposed Decision prior to the CEC hearing where it will be considered for adoption. Any written comments on the Proposed Decision must be received by **5:00 p.m. on December 6, 2021**.

To ensure that your comments are considered, they must be electronically uploaded to the e-filing system, or received by the Docket Unit via email, or physically delivered via mail on or before the above date and time.

Comments may be submitted electronically to the [20-SPPE-01 comment page](#), 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 the [Public Advisor](#) at publicadvisor@energy.ca.gov or e-mailing them to the [Docket Unit](#) at docket@energy.ca.gov, or sending them by U.S. Mail to:

California Energy Commission
Docket Unit
Docket number: 20-SPPE-01
715 P Street, MS-14
Sacramento, CA 95814

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, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via internet search engines.

Following the end of the comment period, the Committee, if appropriate, may prepare errata describing any changes to the Proposed Decision it recommends after its consideration of comments from the parties and the public.

III. NOTICE OF CEC HEARING AT THE BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will conduct a public hearing as an item at the December 8, 2021, Business Meeting to consider the Proposed Decision, any errata, and comments. The Business Meeting information is as follows:

**Wednesday, December 8, 2021
10:00 a.m. to 4:00 p.m.**

REMOTE ACCESS ONLY

The CEC’s December 8, 2021, Business Meeting will be held remotely, consistent with Assembly Bill 361 (Rivas, Chapter 165, Statutes of 2021) to improve and enhance public access to state meetings during the COVID-19 pandemic by allowing broader access through teleconferencing options. The public will be able to participate in the business meeting consistent with the direction provided below.

To participate remotely, see the instructions below under the section “**PARTICIPATING REMOTELY.**”

PURPOSE OF THE CEC HEARING

The purpose of this hearing is to consider whether the CEC should adopt, modify, or reject the Proposed Decision and any errata. Parties and members of the public may participate and offer oral comments on the CEC’s consideration of the Proposed Decision and any errata when the matter is heard at the Business Meeting. The agenda is usually available about 10 business days before the date of the meeting. Please go to: <https://www.energy.ca.gov/proceedings/business-meetings>.

If the Proposed Decision is adopted, the CEC will prepare a Final Commission Decision that incorporates the CEC Adoption Order, Committee Proposed Decision, any errata,

and any modifications made by the CEC during the December 8, 2021, Business Meeting into a single document for the convenience of the parties and the public.

PARTICIPATING REMOTELY

Remote access is available by either internet or call-in options.

Zoom: Click the link below to participate and provide public comment via Zoom.

<https://energy.zoom.us/j/93869230237?pwd=Zm96c09ULzdXTjd4eldtUXdnUGErZ09>.

Zoom may also be accessed at <https://zoom.us/join>. To join, enter the meeting **ID 938-6923-0237** and the **password: mtg@10am**. To participate by phone, dial (669) 900-6833 or toll free at (888) 475-4499 and enter **meeting ID: 938-6923-0237**. For Zoom technical support dial (888) 799-9666 ext. 2, or contact the CEC's Public Advisor for help at publicadvisor@energy.ca.gov or at (916) 957-7910.

If participating via Zoom's online platform, use the "raise hand" feature to indicate you would like to make a comment. The Public Advisor will open your line to speak. Please restate and spell your name for the record; indicate if you have an affiliation; and begin your comments. If participating by telephone, press *9 to "raise your hand" and *6 to mute/unmute. The Public Advisor will announce the last three digits of the phone number listed and open your line. Make sure to unmute your phone before speaking then restate and spell your name for the record, indicate if you have an affiliation; and begin your comments.

Verizon: The CEC's Verizon phone line will solely be available if the Zoom service disconnects and shuts down. If that situation arises, the CEC's Verizon line will be available for the public to listen and make public comment. Call the CEC's Verizon line at **(888) 823-5065** and enter the **passcode: business meeting**. To make public comment about a specific item, please provide your name, affiliation if any, and the item number to the operator. Once connected, press *0 for help or to speak with the operator. The operator will open your line when it is your turn to speak. Restate and spell your name for the record. The operator will mute your line when you are finished commenting.

Zoom's closed captioning service will be enabled for CEC business meetings.

Attendees can enable the service by clicking on the "live transcript" icon and then choosing either "show subtitle" or "view full transcript." The closed captioning service can be stopped by closing out of the "live transcript" or selecting the "hide subtitle" icon. Those joining by phone do not have the option to end closed captioning once it has begun. A transcript rendered by a court reporter will be taken and posted in the [CEC's docket for 2021 Business Meetings](#) at

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-BUSMTG-01>.

Information regarding the Business Meeting is available on the [CEC's Business Meeting Web Page](https://www.energy.ca.gov/proceedings/business-meetings) at <https://www.energy.ca.gov/proceedings/business-meetings>. To subscribe to the Business Meeting Email List, enter your contact information under "Subscribe."

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC's Public Advisor provides the public with assistance in participating in CEC proceedings. For information about how to participate or to request interpreting services or other reasonable modification and accommodations, please contact the Public Advisor at publicadvisor@energy.ca.gov or by phone at (916) 957-7910. Requests for interpreting services, modifications, and reasonable accommodations should be made as soon as possible and at least five days in advance of the Business Meeting. The CEC will work diligently to meet all requests based on the availability of the service or resource needed.

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, is available on the [Great Oaks South SPPE web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility) for the Great Oaks South Backup Generating Facility proceeding found at: <https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility>.

Dated: November 22, 2021

Dated: November 22, 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

Mailed to list number(s): 7534