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STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY

Gavin Newsom, *Governor*

CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-70 (Revised 11/2021)



IN THE MATTER OF:

***SAN JOSE CITY BACKUP GENERATING
FACILITY***

Docket No. 19-SPPE-04

NOTICE OF COMMITTEE CONFERENCE (CLOSED SESSION) AND ORDER CLOSING THE EVIDENTIARY RECORD

On November 15, 2019, Microsoft Corporation (Applicant) submitted an application for a small power plant exemption (SPPE) for the San Jose City Backup Generating Facility (Application)¹ to the California Energy Commission (CEC).

PLEASE TAKE NOTICE that the Committee² has scheduled a **COMMITTEE CONFERENCE (CLOSED SESSION)**:

Friday, June 24, 2022

11:00 a.m. – 12:30 p.m.

In-person at:

Warren-Alquist State Energy Building
Imbrecht Hearing Room, First Floor

¹ Information about this proceeding, including a link to the electronic docket, may be found on the San Jose Data Center SPPE [web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/san-jose-data-center) at <https://www.energy.ca.gov/powerplant/reciprocating-engine/san-jose-data-center>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04>. The application is TNs 230741, 230762, 230763, 230765, and 230770, and a supplemental application is TNs 239409, 239410, 239411, 239412, 239413, 239419, 239420, 239421, 239422, and 239597.

² On March 24, 2022, the CEC amended the committee appointments for this Application, appointing Patricia Monahan, Commissioner and Presiding Member, and Kourtney Vaccaro, Commissioner and Associate Member. (TN 242445.)

1516 Ninth Street, Sacramento, CA 95814
(Wheelchair accessible)

Option for Remote Public Access via Zoom™
<https://zoom.us>, webinar ID: 979 0126 0102 and passcode: SSPPE@0624

Please note that the CEC aims to begin promptly at the start time and the end time is an estimate based on the agenda proposed. The event may end sooner or later than the time indicated depending on various factors.

BACKGROUND

On November 15, 2019, Applicant applied for a small power plant exemption (SPPE) for the proposed San Jose City Backup Generating Facility (Backup Generators) that will support the San Jose City Data Center (Data Center) and related accessories (collectively, the Project).³ The Data Center is proposed to be built on approximately 64.5 acres at 1657 Alviso-Milpitas Road in the City of San Jose, California.

The Data Center would consist of two single-story buildings with a total of 396,914 square feet, which would provide secure and environmentally controlled structures to house computer servers. Related accessories include a new utility substation, distribution lines to an existing substation, generator equipment yard, paved surface parking, landscaping, stormwater bio-swales, as well as offsite linears for potable water, reclaimed water, stormwater, sanitary sewer, natural gas, and electricity.

The Applicant proposes to install 226 backup generators at the project site to support the Data Center in the event of loss of power. Of those backup generators, 224 would be powered by renewable natural gas and have a standby output capacity of 0.45 megawatts (MW) to provide electrical power. Two additional diesel-fired generators, a 1.25 MW Tier 4 diesel generator and a 0.5 MW Tier 4 diesel generator, would provide emergency response power to the administrative buildings and features.

On December 23, 2021, Staff filed a draft Environmental Impact Report (DEIR) that found no potentially significant and unavoidable environmental impacts.⁴

On February 28, 2022, Staff filed a final Environmental Impact Report (FEIR) and response to public comments.⁵ The FEIR reached the same conclusions as the DEIR.

³ The information in this section is taken from section 1 of the Supplemental Application. (TN 239409.)

⁴ TN 241076.

⁵ TN 241977-1, TN 241977-2.

On May 26, 2022, the Committee held an Evidentiary Hearing where evidence was received into the hearing record from the parties to the proceeding.

PURPOSE OF THE COMMITTEE CONFERENCE

The Committee Conference will be held for the primary purpose of conducting Committee deliberations in closed session. The open meeting will be convened, public comment will be taken, and then the closed session will begin. The open meeting will reopen at the conclusion of the closed session for the purpose of disclosing any reportable action taken in closed session.

NOTICE OF CLOSED SESSION DELIBERATIONS

The Committee may adjourn to a closed session in accordance with California 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.

PUBLIC PARTICIPATION

In-person: Participants may join in-person at the following location: Warren-Alquist State Energy Building, Imbrecht Hearing Room, First Floor, 1516 Ninth Street, Sacramento, California. Please sign in at the security desk. Masks and social distancing are encouraged, but not required.

Remote Attendance: You may participate in this meeting 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 to seek help at publicadvisor@energy.ca.gov, and by phone at (916) 957-7910.

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 interpreting services are provided, to use the service, click Zoom's interpretation icon and select the language. Interpreting services are not available by phone.

[Click to join](https://energy.zoom.us/j/97901260102?pwd=UkdabWlVZBtWmF5YjM4T3AvU1grUT09) June 24, 2022, at 11:00 a.m. or <https://energy.zoom.us/j/97901260102?pwd=UkdabWlVZBtWmF5YjM4T3AvU1grUT09>

Webinar ID: 979 0126 0102

Password: SSPPE@0624

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>.

ORDER CLOSING EVIDENTIARY RECORD

The evidentiary record is hereby closed.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC’s Public Advisor 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 at publicadvisor@energy.ca.gov, or by phone at (916) 957-7910. Requests for interpreting services in Spanish, Vietnamese, or other languages and reasonable accommodations should be made as soon possible or before 5:00 p.m. at least five days in advance of the Committee Conference. The CEC will work diligently to accommodate all requests.

Direct questions of a procedural nature related to the Application to the Hearing Officers, [Deborah Dyer](mailto:deborah.dyer@energy.ca.gov) at deborah.dyer@energy.ca.gov, or [Caryn Holmes](mailto:caryn.holmes@energy.ca.gov) at caryn.holmes@energy.ca.gov.

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 [SJ02 Online Docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-04>.

IT IS SO ORDERED.

Dated: June 9, 2022

Dated: June 9, 2022

APPROVED BY:

APPROVED BY:

Patricia Monahan
Commissioner and Presiding Member
San Jose City Backup Generating Facility
SPPE Committee

Kourtney Vaccaro
Commissioner and Associate Member
San Jose City Backup Generating Facility
SPPE Committee

Mailed to list number: 7532

AGENDA

San Jose City Backup Generating Facility SPPE (19-SPPE-04) Committee Conference (Closed Session)

June 24, 2022

11:00 a.m. – 12:30 p.m.

1. Call to Order.

2. Public Comment.

Parties, members of the public, and other interested persons and entities may speak up to three minutes on a matter related to this proceeding.

3. Committee closed session deliberations on the application for a small power plant exemption for the San Jose City Backup Generating Facility.⁶

4. Adjourn.

⁶ 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.