

DOCKETED	
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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:

STACK Backup Generating Facility

Docket No. 21-SPPE-02

NOTICE OF COMMITTEE CONFERENCE AND RELATED ORDERS

In December 2021, STACK Infrastructure (Applicant) submitted an application for a small power plant exemption (SPPE) for the STACK Trade Zone Boulevard Technology Park Backup Generating Facility (Application)¹ to the California Energy Commission (CEC).

PLEASE TAKE NOTICE that the Committee² for the Application has scheduled a Committee Conference:

TUESDAY, August 2, 2022

1:30 p.m. – 3:30 p.m.

In-person at:

Warren-Alquist State Energy Building
Rosenfeld Hearing Room (Hearing Room A)
1516 Ninth Street
Sacramento, California 95814

¹ Information about this proceeding, including a link to the electronic docket, may be found on the CEC's [web page](https://www.energy.ca.gov/powerplant/tradezonepark) at <https://www.energy.ca.gov/powerplant/tradezonepark>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SPPE-02) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SPPE-02>. The Application consists of various documents filed in the online docket beginning with TN 240910.

² On May 11, 2022, the CEC appointed a Committee consisting of Andrew McAllister, Commissioner and Presiding Member, and Kourtney Vaccaro, Commissioner and Associate Member, to preside over any proceedings arising from the Application. (TN 243043.)

(Wheelchair accessible)

Remote Option via Zoom™

<https://zoom.us/>, webinar ID: **958 3740 8384** and passcode: **SSPPE@0802**

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

PURPOSE OF THE COMMITTEE CONFERENCE

The purpose of this Committee Conference is to review the current status of the proceeding, to address any outstanding issues, and to develop a schedule for the proceeding. In addition to the formal parties, the Committee invites the attendance of interested public agencies and the public. We direct the parties' attention to the section below, "**ORDERS REGARDING ISSUES IDENTIFICATION AND STATUS REPORT, PROPOSED SCHEDULE, AND PRESENTATIONS BY APPLICANT, STAFF, AND THE PUBLIC ADVISOR,**" regarding their expected participation in and responsibilities for the conference.

BACKGROUND AND DESCRIPTION OF PROPOSED PROJECT

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 have the capacity to generate 50 megawatts (MW) or more of electricity.³ The CEC may grant an exemption to its certification jurisdiction, the SPPE, for thermal powerplants with a generating capacity between 50 and 100 MW.

To grant an SPPE, the CEC must make three distinct determinations:

- 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.⁴

³ Pub. Resources Code, §§ 25120, 25500.

⁴ Pub. Resources Code, § 25541.

The CEC must also make the latter two findings as the "lead agency"⁵ under the California Environmental Quality Act (CEQA).⁶

The SPPE process provides a public forum allowing the applicant requesting the exemption, CEC staff (Staff), intervenors, governmental agencies, and members of the public to participate in the decision-making process.

If an SPPE is granted, the project proponent must then secure the appropriate licenses and permits from relevant local, state, and federal agencies.

Proposed Project⁷

Applicant proposes to construct and operate the Trade Zone Boulevard Technology Park on two adjacent parcels encompassing approximately 9.8 acres located at 2400 Ringwood Avenue and 1849 Fortune Drive in San Jose, Santa Clara County, California (Project Site). The Project Site is currently developed with two existing one-story buildings and associated paved parking and loading areas. The 2400 Ringwood Avenue parcel has an 80,000 square-foot building used for offices and research and development. The 1849 Fortune Drive parcel has a 55,000 square-foot building formerly used for light manufacturing. Applicant would demolish the existing improvements on the Project Site.

With the development of the Trade Zone Boulevard Technology Park, Applicant proposes to construct and operate the SVY Data Center (Data Center), the SVY Backup Generating Facility (Backup Generating Facility), an advanced manufacturing building, and a parking garage. The Data Center would consist of two three-story buildings totaling approximately 526,800 square feet, which would provide secure and environmentally controlled structures to house computer servers.

The Backup Generating Facility would ensure reliability to the Data Center in the event of a disturbance or interruption of power from the utility supply and normally would operate only for testing and maintenance. The Backup Generating Facility would consist of 36 3-MW and 2 1-MW diesel-fired backup generators located in two generation yards, each designed to serve one of the two data center buildings. Six of the 3-MW backup generators would be redundant in case a primary generator is taken out of service. None of the generators will be interconnected to the electrical transmission system and therefore no electricity can be delivered off site. The Backup

⁵ Pub. Resources Code, § 25519(c).

⁶ 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."

⁷ The information in this section is taken from the Application, TN 240910.

Generating Facility would supply power only to the Data Center. The maximum electrical demand of the Data Center would be 90 MW.

The advanced manufacturing building would be a four-story building of approximately 136,573 square feet of light industrial and ancillary support uses and will be located in the northwest corner of the Project Site. The parking garage would be five levels totaling 174,751 square feet, located onsite, and would provide a total of approximately 339 parking spaces. Pacific Gas & Electric Company (PG&E), the utility, would construct a “looped” transmission interconnection involving two approximately 0.25-mile offsite transmission line extensions approaching the Project Site from the west along Trade Zone Boulevard, one overhead and one underground.

CEQA requires the CEC to consider the “whole of an action.”⁸ Therefore, the CEC will include all components of the Trade Zone Boulevard Technology Park development, including the Data Center, the Backup Generating Facility, the advanced manufacturing building, the parking garage, the substation, and other related features and activities, in its environmental analysis.

ORDERS REGARDING ISSUES IDENTIFICATION AND STATUS REPORT, PROPOSED SCHEDULE, AND PRESENTATIONS BY APPLICANT, STAFF, AND THE PUBLIC ADVISOR

To assist the Committee, parties, participating agencies, and members of the public in understanding the Project, Staff shall file an Issues Identification and Status Report that summarizes the major issues identified to date, the status of activities conducted to date, and issues that require resolution before hearings can be conducted, and that proposes a schedule for the conduct of this proceeding. This report will also indicate what additional information is necessary to resolve issues of concern. Staff shall file its Issues Identification and Status Report, including the proposed schedule, **no later than July 20, 2022**. Applicant shall file a response to the Issues Identification Report and Status Report and proposed schedule **no later than July 27, 2022**.

Copies of these documents will be posted to the online docket for this proceeding.

Applicant shall be prepared to offer an overview of the Project at the Committee Conference. Staff shall also be prepared to offer an overview of its Issues Identification and Status Report, and Proposed Schedule. Overviews may include presentations and should not be longer than 15 minutes.

⁸ Cal. Code Regs., tit. 14, § 15378, subd. (a) (under CEQA, “project” means the whole of an action).

The Public Advisor is invited to provide a brief overview of the function of the Office of the Public Advisor, Energy Equity, and Tribal Affairs regarding this proceeding and opportunities for public participation in this proceeding.

NOTICE OF CLOSED SESSION DELIBERATIONS

At any time during the Committee Conference, 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.

AGENCY AND PUBLIC PARTICIPATION

Local, state, and federal agencies, tribal governments, and members of the public are welcome to attend and offer oral comments at the Committee Conference. It is not necessary to be an Intervenor to participate in the public process. Written comments may be submitted electronically at the [21-SPPE-02 docket page](#) found at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-SPPE-02>.

Alternatively, written comments may be submitted for posting on the proceeding docket by emailing them to 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 Committee Conference 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 Committee Conference to the Public Advisor. Comments submitted after the Committee Conference starts will be filed in the STACK SPPE docket.

For all comments, please include the docket number and proceeding name "**Docket No. 21-SPPE-02, STACK 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 number, email address, etc.) become part of the viewable public record. Additionally, this information may become available via search engines.

REMOTE ATTENDANCE

You may participate in this meeting through the online meeting service, Zoom. Any presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. 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-Zoom-meeting) at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Zoom-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/en-us) at <https://support.zoom.us/hc/en-us>. Or you may email the CEC's Public Advisor to seek help at PublicAdvisor@energy.ca.gov, or 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 enter the unique Webinar ID and password for the event (listed below). To comment, use Zoom's "raise hand" feature and unmute. If interpreting services are provided for the conference, in order to listen to and participate in the conference in that language, click on the icon at the bottom right that lists that language.

[Click here to join the August 2, 2022, 1:30 p.m. Committee Conference](https://energy.zoom.us/j/95837408384?pwd=ejNveFZ3ZWt6SXkzT05maWJWSFJvUT09) (<https://energy.zoom.us/j/95837408384?pwd=ejNveFZ3ZWt6SXkzT05maWJWSFJvUT09>) or scan (use the camera on your mobile device and hold it over the QR code) the following Quick Response (QR) code:



Webinar ID: **958 3740 8384**.

Password: **SSPPE@0802**.

Via Telephone (No Visual Presentation): Dial (877) 853-5257 (toll free), (888) 475-4499 (toll free), or (213) 338-8477. When prompted, input the 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> or scan the following QR code:



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 provides assistance to members of the public participating in CEC proceedings. For information on how to participate in this proceeding, please contact the Public Advisor at publicadvisor@energy.ca.gov, or (916) 957-7910. Requests for interpreting services, reasonable accommodations, and other modifications should be made at least five days in advance. The CEC will work diligently to accommodate all requests based on the availability of the service or resource needed.

Direct questions of a procedural nature related to the Application to Hearing Officers Ralph Lee at ralph.lee@energy.ca.gov or (916) 776-3408, or Deborah Dyer at deborah.dyer@energy.ca.gov.

Direct technical subject inquiries concerning the Application to Project Manager, Lisa Worrall 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 about the Application, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the [STACK web page](#) at:

<https://www.energy.ca.gov/powerplant/tradezonepark> or scan the following QR code:



IT IS SO ORDERED.

Dated: July 9, 2022

Dated: July 8, 2022

APPROVED BY:

Andrew McAllister
Commissioner and Presiding Member
STACK Backup Generating Facility
SPPE Committee

APPROVED BY:

Kourtney Vaccaro
Commissioner and Associate Member
STACK Backup Generating Facility
SPPE Committee

Mailed to: List Number: 7545

AGENDA
Committee Conference
STACK Backup Generating Facility SPPE (21-SPPE-02)

August 2, 2022, 1:30 p.m. – 3:30 p.m.

Please note that the Committee 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.

Meeting Agenda

1. Call to order and introductions.
2. Presentations:
 - a. Overview of the Small Power Plant Exemption (SPPE) process and the rules applicable to this proceeding. (Hearing Officer, 15 mins.)
 - b. Overview of opportunities for public participation. (CEC Public Advisor's Office, no more than 15 mins.)
 - c. Presentation of the STACK Backup Generating Facility and Data Center Project. (Applicant, no more than 15 mins.)
 - d. Presentation on CEC Staff's Issues Identification and Status Report, and Proposed Schedule. (CEC Staff, no more than 15 mins.)
3. Discussion of issues, status, schedule, and next steps. (Committee and Parties).
4. Public Comment.
5. Committee closed session⁹ consideration of the following items: Deliberation on the Small Power Plant Exemption Application for the STACK Backup Generating Facility.
6. Adjourn.

⁹ The Committee may adjourn to closed session in accordance with 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 is required by law to conduct.