

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

San Jose City Backup Generating
Facility

Docket No. 19-SPPE-04

ADOPTION ORDER ON COMMITTEE
PROPOSED DECISION

I. BACKGROUND

By this **ORDER**, the State Energy Resources Conservation and Development Commission, also known as the California Energy Commission (CEC), hereby adopts as its own Commission Decision the Committee Proposed Decision, dated July 1, 2022.¹

The Committee Proposed Decision addresses the Application for a Small Power Plant Exemption² submitted by Microsoft Corporation (Applicant) for the San Jose City Backup Generating Facility, which includes 224 0.45-megawatt (MW) natural gas generators, a 1.25 MW Tier 4 diesel generator, and a 0.5 MW Tier 4 diesel generator (Backup Generators) to provide an uninterruptable power supply to the San Jose City Data Center. The Backup Generators and the San Jose City Data Center would be located at 1657 Alviso Milpitas Road in the City of San José, California. The Backup Generators, the San Jose City Data Center, and related activities, are collectively referred to herein as “the Project.”

The Commission Decision is based upon the hearing record of these proceedings. The Final Environmental Impact Report, addendum, and hearing record are on file in the CEC’s Docket Unit, located at 715 P Street, Sacramento, CA 95814, and are available for inspection by any person. The documents and other materials that make up the

¹ TNs 243824-1, 243824-2.

² Information about this proceeding, including a link to the electronic docket, may be found on [the San Jose Data Center web page](https://www2.energy.ca.gov/sitingcases/sj2/) at <https://www2.energy.ca.gov/sitingcases/sj2/>. 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.

record of this proceeding relied upon in making this decision are also available on the [San Jose Data Center web page](https://ww2.energy.ca.gov/sitingcases/sj2/) at: <https://ww2.energy.ca.gov/sitingcases/sj2/>.

II. ENERGY COMMISSION FINDINGS

We hereby adopt the following findings pursuant to Public Resources Code sections 21000 et seq. and 25541 and applicable implementing regulations, in addition to those contained in the Commission Decision:

1. The generating capacity of the Backup Generators will not exceed 100 megawatts.
2. The construction and operation activities of the Project will not create a substantial adverse impact on the environment.
3. The construction and operation activities of the Project will not create a substantial adverse impact on energy resources.

III. ORDER

Therefore, we order the following:

1. The San Jose City Backup Generating Facility is **GRANTED** a Small Power Plant Exemption from the Application for Certification provisions of the CEC's power plant licensing process. This Order is adopted, issued, effective, and final on July 13, 2022.
2. The Hearing and Advisory Unit of the CEC's Chief Counsel's Office shall incorporate the Commission Decision and any modifications made by the Commission during the July 13, 2022, Business Meeting into a single document. Preparation and publication of the Commission Final Decision shall not affect the adoption, issuance, effectiveness, or finality of this Order.
3. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five (5) business days of July 13, 2022, subject to Applicant being responsible for payment of all applicable filing fees.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on July 13, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: Vaccaro

ABSTAIN: NONE

Dated: July 14, 2022

SIGNED BY:

Liza Lopez
Secretariat