

DOCKETED

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Item 8: STACK Backup Generating Facility (21-SPPE-02)

January 25, 2023

Ralph Lee, Senior Staff Attorney and Hearing Officer
Hearing & Advisory Unit
Chief Counsel's Office



Trade Zone Boulevard Technology Park

2400 Ringwood Ave. & 1849 Fortune Dr., San Jose, CA

- 2 Data Center Buildings
- Backup Generating Facility
 - 36 3-MW diesel-fired generators
 - 3 1-MW diesel-fired generators
- Advanced Manufacturing Building
- Parking Garage
- Other Project Features
- Application for SPPE filed December 10, 2021



Artist's rendition, source: Application (TN 240910)



Updated Small Power Plant Exemption (SPPE) Regulations

1. Updated SPPE regulations, effective 12/14/22, eliminated adjudicatory process for SPPEs.
2. Project retains environmental review and public participation requirements under California Environmental Quality Act.
3. Applicant filed a motion on 12/12/22, seeking to dissolve Committee as no longer needed pursuant to updated regulations.



Findings in Proposed Order

1. Amended SPPE regulations, effective 12/14/22, apply to all existing SPPE proceedings.
2. Adjudicatory process for SPPE proceedings has been eliminated.
3. Services of STACK Committee and its ongoing orders are no longer necessary.



Recommendation & Next Steps:

1. Adopt proposed order granting Applicant's motion.
2. Withdraw STACK proceeding from Committee, dissolve Committee, and vacate ongoing Committee rulings and orders.
3. CEC remains lead agency under Warren-Alquist Act and California Environmental Quality Act.
 - a. Staff will conduct remaining steps necessary:
 - i. Prepare appropriate environmental document
 - ii. Recommend whether CEC should grant SPPE
 - b. CEC will decide whether to grant an SPPE.