

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
 SACRAMENTO, CA 95814-5512
 www.energy.ca.gov

**DOCKET****11-SPPE-1**

DATE FEB 21 2012

RECD. FEB 21 2012

MEMORANDUM

TO: Karen Douglas, Commissioner and Presiding Member
 Carla Peterman, Commissioner and Associate Member

FROM: Robert Worl, Project Manager

SUBJECT: Staff Findings for Exemption for the Xeres Ventures, LLC, Santa Clara SC-1 Data Center Application for a Small Power Plant Exemption (11-SPPE-1)

DATE: February 21, 2012

Staff proposes that the Committee make the following findings for the Xeres Ventures LLC, Santa Clara SC-1 Data Center project (11-SPPE-01).

STAFF FINDINGS FOR EXEMPTION

The Energy Commission considered the Initial Study and Negative Declaration filed February 1, 2012, together with comments received, in reaching a decision. Based on the record of this proceeding and the absence of controversy over the following documents:

- the Initial Study and Negative Declaration filed February 1, 2012,
- the Application for Small Power Plant Exemption (Exhibit 1) filed November 21, 2011, and
- Attachments to the Application (Exh. 1-A—1-Q), which include the City of Santa Clara's Initial Study and Mitigated Negative Declaration dated February 6, 2008, and the Bay Area Air Quality Management District's Authority to Construct and Addendum issued in June and July of 2010,

the Energy Commission adopts the Negative Declaration and its conclusions and finds that they reflect the Energy Commission's independent judgment and analysis. Based on the analysis of direct and cumulative impacts from the Santa Clara SC-1 Data Center and the absence of substantial evidence to the contrary, the Energy Commission further finds that the construction and operation of the Santa Clara SC-1 Data Center will cause no substantial adverse impact on the environment or energy resources. Under Public Resources Code section 25541, the Commission thereupon grants Xeres Ventures LLC, a Small Power Plant Exemption for the Santa Clara SC-1 Data Center.

PROOF OF SERVICE (REVISED 2/21/12) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 2/21/12

EKS



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION For The SANTA CLARA
SC-1 DATA CENTER**

DOCKET NO. 11-SPPE-01
PROOF OF SERVICE
(revised 1/20/12)

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DECLARATION OF SERVICE

I, Elizabeth Stewart declare that on February 21, 2012, I served and filed a copy of the attached Santa Clara SC-1 Data Center Notice of Findings, dated February 21, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at:
[<http://www.energy.ca.gov/sitingcases/santaclara/index.html>].

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-SPPE-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
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mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally signed by
Elizabeth Stewart