

DOCKETED

Docket Number:	20-SPPE-03
Project Title:	Gilroy Backup Generating Facility
TN #:	238169
Document Title:	NOTICE OF COMMITTEE CONFERENCE AND RELATED ORDERS
Description:	Monday, June 28, 2021 at 11:00 a.m
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	6/9/2021 4:46:28 PM
Docketed Date:	6/9/2021

En Español: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=238168>



State of California
State Energy Resources Conservation and
Development Commission
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:

**GILROY BACKUP GENERATING
FACILITY**

Docket No. 20-SPPE-03

NOTICE OF COMMITTEE CONFERENCE AND RELATED ORDERS

On December 17, 2020, Amazon Data Services, Inc. (Applicant) submitted an application for a small power plant exemption (SPPE) for the Gilroy Backup Generating Facility (Application)¹ to the California Energy Commission (CEC).²

PLEASE TAKE NOTICE that the Committee³ has scheduled a Committee Conference:

MONDAY, JUNE 28, 2021
11:00 a.m.

The Committee Conference will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing in order to slow the spread of COVID-19. The public and parties will be able to participate in and/or observe the proceedings consistent with the direction in these Executive Orders.

¹ Information about this proceeding, including a link to the electronic docket, may be found on the CEC's [web page](https://ww2.energy.ca.gov/sitingcases/gilroybackupgen/) at <https://ww2.energy.ca.gov/sitingcases/gilroybackupgen/>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-03) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-03>. The Application and related addenda are TN 236004 to TN 236016 and TN 237352, TN 237353, TN 237425, and TN 237502.

² The CEC is formally known as the "State Energy Resources Conservation and Development Commission." (Cal. Pub. Resources, § 25200.) All further references are to the Public Resources Code unless otherwise specified.

³ On April 14, 2021, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Andrew McAllister, Commissioner and Associate Member, to preside over this Application. (TN 237479.)

To participate remotely, please see the instructions below under the section “**REMOTE ATTENDANCE.**”

To submit public comment in advance of the Committee Conference, please see the instructions below under the section “**AGENCY AND PUBLIC PARTICIPATION.**”

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 “**ORDERS REGARDING ISSUES IDENTIFICATION, STATUS REPORTS, PROPOSED SCHEDULE, AND PRESENTATIONS BY APPLICANT, STAFF, AND THE PUBLIC ADVISOR,**” below, 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 will generate 50 megawatts (MW) or more of electricity.⁴ The CEC may grant an exemption to its certification jurisdiction—the SPPE—for thermal powerplants generating 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.⁵

⁴ §§ 25120, 25500.

⁵ § 25541.

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.

The CEC must also make the latter two findings as the “lead agency”⁶ under the California Environmental Quality Act (CEQA).⁷

If an SPPE is granted, responsible local land use authorities and other agencies, most notably any local air management or air pollution control district, conduct further review of the project, including any necessary environmental review under CEQA.

Proposed Project⁸

The proposed project site is located on an undeveloped parcel located east of Arroyo Circle and between two segments of Camino Arroyo within the City of Gilroy, Santa Clara County, California (Project Site).

The Applicant proposes to construct and operate the Gilroy Data Center (Data Center), and the Gilroy Backup Generating Facility (Backup Generating Facility). The Data Center would consist of two data storage center buildings, which would provide secure and environmentally controlled structures to house computer servers, and a security building, all totaling approximately 438,500 square feet.

The Backup Generating Facility would ensure reliability to the Data Center in the event of loss of power from the Pacific Gas and Electric Company (PG&E), the local utility provider, and normally would operate only for testing and maintenance. The Backup Generating Facility would consist of 50 diesel-fired backup generators each with a maximum peak rating of 2.5 MW, located in two on-site generator equipment yards. Four of these generators would be designated as redundant and would operate only to support building load if a primary generator fails. The Backup Generating Facility would also include three additional diesel-fired generators: two 600-kilowatt (kW) house and life safety emergency generators each to support its respective building in an emergency, and one 175-kW emergency generator that will serve the security building. None of the generators will be interconnected to the electrical transmission system and therefore no electricity can be delivered off site. The Backup Generating Facility would

⁶ § 25519, subd. (c).

⁷ 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.”

⁸ The information in this section is taken from the Application (TN 236004).

supply power only to the Data Center. The maximum electrical demand of the Data Center is 96 MW.

The Applicant also proposes to construct an electrical substation, which will encompass approximately four acres on the western boundary of the Project Site. PG&E will install approximately three electric transmission poles and approximately 1,000 feet of overhead 115-kV transmission line to interconnect the new substation.

Even though the Application describes the Data Center as separate from the Backup Generating Facility, CEQA requires the CEC to consider the “whole of an action.”⁹ Therefore, the CEC will include both the Data Center and the Backup Generating Facility in its environmental analysis.

ORDERS REGARDING ISSUES IDENTIFICATION, STATUS REPORTS, 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 Proposed Project, Staff shall file an Issues Identification Report, Status Report, and Proposed Schedule, summarizing the major issues identified to date, reporting the status on activities conducted to date and issues that require resolution before hearings can be conducted, and proposing 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 Report, Status Report, and Proposed Schedule **no later than June 14, 2021**. Applicant shall file a response to the Issues Identification Report, Status Report, and Proposed Schedule **no later than June 21, 2021**.

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

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

The Public Advisor’s Office is invited, but is not required, to provide a brief overview of the function of the Public Advisor’s Office regarding this proceeding.

⁹ Cal. Code Regs., tit. 14, § 15378, subd. (a) (under CEQA “project” means the whole of an action).

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. Comments may be submitted electronically at the [20-SPPE-03 docket page](https://efiling.energy.ca.gov/20-SPPE-03) found at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=20-SPPE-03>.

Otherwise, 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 hearing 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's Office. Comments submitted after the Committee Conference starts will be filed in the Gilroy SPPE docket. The CEC will work diligently to accommodate all requests.

For all comments, please include the docket number and proceeding name "**Docket No. 20-SPPE-03, Gilroy 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, email, etc.) become part of the viewable public record. Additionally, this information may become available via search engines such as Google and Bing.

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-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's Office](mailto:PublicAdvisor@energy.ca.gov) to seek help at PublicAdvisor@energy.ca.gov, or by phone at (800) 822-6228.

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 a request for interpretation into a non-English language was made to the CEC's Public Advisor's Office at least five days before the hearing, then to listen to and participate in the conference in that language, click on the icon at the bottom right that lists that language.

[Click to join June 28, 2021, 11:00 a.m. Committee Conference](https://energy.zoom.us/j/93194563590?pwd=RXpUUnkxT1hVSGxuOEhTTnM0U1FkUT09.)

(<https://energy.zoom.us/j/93194563590?pwd=RXpUUnkxT1hVSGxuOEhTTnM0U1FkUT09.>)

Webinar ID: 931 9456 3590.

Password is GSPPE@0628.

Event	Date	Webinar ID	Password
Committee Conference	June 28, 2021 11:00 a.m.	931 9456 3590	GSPPE@0628

Via Telephone (No Visual Presentation): Call Zoom at (877) 853-5257 (toll free), (888) 475-4499 (toll free), or (213) 338-8477. 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>.

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’s Office 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's Office](mailto:publicadvisor@energy.ca.gov) at publicadvisor@energy.ca.gov, or by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Direct questions of a procedural nature related to the Application to [Ralph Lee, Hearing Officer](#), at ralph.lee@energy.ca.gov or (916) 776-3408.

Direct technical subject inquiries concerning the Application to [Leonidas \(Lon\) Payne, Project Manager](#), at leonidas.payne@energy.ca.gov or at (916) 838-2324.

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 [CEC's web page](https://ww2.energy.ca.gov/sitingcases/gilroybackupgen/) at: <https://ww2.energy.ca.gov/sitingcases/gilroybackupgen/>.

IT IS SO ORDERED.

Dated: June 8, 2021

Dated: June 7, 2021

APPROVED BY:

APPROVED BY:

Karen Douglas
Commissioner and Presiding Member
Gilroy Backup Generating Facility SPPE
Committee

Andrew McAllister
Commissioner and Associate Member
Gilroy Backup Generating Facility SPPE
Committee

Mailed to list number(s): 7540

AGENDA
Committee Conference
Gilroy Backup Generating Facility SPPE Application (20-SPPE-03)

June 28, 2021, at 11:00 a.m.

REMOTE ACCESS ONLY

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, 5 mins.)
 - b. Overview of opportunities for public participation (CEC Public Advisor's Office, 5 mins.)
 - c. Presentation of the Gilroy Backup Generating Facility and Data Center Project (Applicant, 5 mins.)
 - d. Presentation on CEC Staff's Issues Identification Report, Status Report, and Proposed Schedule (CEC Staff, 5 mins.)
3. Discussion of issues, status, schedule, and next steps (Committee and Parties).
4. Public Comment.
5. Committee closed session¹⁰ consideration of the following items:

Deliberation on the Small Power Plant Exemption Application for the Gilroy Backup Generating Facility.
6. Adjourn.

¹⁰ 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.