

STATE OF CALIFORNIA
STATE ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

STACK Trade Zone Park

DOCKET 21-SPPE-02

ORDER APPOINTING A COMMITTEE

I. INTRODUCTION

In a series of filings dated December 10, 2021; March 8, 2022; March 30, 2022; April 4, 2022; and April 11, 2022; STACK Infrastructure (STACK) filed an application with the California Energy Commission (CEC) seeking an exemption from the CEC's jurisdiction (Small Power Plant Exemption) for the Trade Zone Boulevard Technology Park (STACK Trade Zone Park) (21-SPPE-02). The STACK Trade Zone Park would be located on two parcels of land encompassing approximately 9.8 acres at the corner of Trade Zone Boulevard and Ringwood Avenue (2400 Ringwood Avenue and 1849 Fortune Drive) in San Jose.

STACK Trade Zone Park would include an Advanced Manufacturing Building, the SVY Data Center (SVYDC), the SVY Backup Generating Facility (SVYBGF), a parking garage, and related utility infrastructure. The SVYBGF would be a diesel-fired emergency backup generating facility with a generation capacity of up to 90 megawatts (MW) to support the need for the SVYDC to provide uninterruptible power supply for its tenant's servers. The SVYBGF would consist of 36 3-MW and two 1-MW diesel-fired emergency backup generators (gensets) arranged in two generation yards, each designed to serve one of the two data center buildings that make up the SVYDC. All the gensets would be dedicated to replacing the electricity needs of the data center buildings in case of a loss of electrical power from the utility, with redundancy.

II. BACKGROUND

The CEC has the exclusive authority to certify all thermal power plants of 50 MW and greater and the related facilities proposed for construction in California. Pursuant to Public Resources Code section 25541, the Small Power Plant Exemption process allows applicants proposing to construct thermal power plants between 50 MW and 100 MW to obtain an exemption from the CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. The CEC may grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. Public Resources Code section 25519(c) designates the CEC as lead agency, in accordance with the California Environmental Quality Act, for all facilities

seeking a Small Power Plant Exemption.

Pursuant to Public Resources Code section 25211 and California Code of Regulations, title 20, sections 1204 and 1205, the CEC may appoint a committee of not less than two members to preside over a Small Power Plant Exemption filing.

III. STAFF RECOMMENDATION

Staff has reviewed the application and recommends the appointment of a committee of not less than two commissioners to preside over the STACK Trade Zone Park filing and other proceedings arising from it.

IV. FINDINGS

The CEC hereby establishes the STACK Trade Zone Park Committee to preside over the STACK Trade Zone Park filing and any other proceedings arising from it, pursuant to Public Resources Code section 25211 and California Code of Regulations, title 20, sections 1204 and 1205. The committee shall have the authority and duties necessary to conduct this proceeding as set forth in CEC regulations, including the authority of a presiding member to manage the proceeding in accordance with California Code of Regulations, title 20, section 1203.

Unless otherwise ordered by the CEC, this committee shall dissolve 35 days after a final action in the proceedings arising from the STACK Trade Zone Park filing.

The Committee members are as follows:

Presiding: Commissioner McAllister

Associate: Commissioner Vaccaro

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on May 11, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

Secretariat