



February 4, 2020

Warren-Alquist State Energy Building
1516 Ninth Street
Art Rosenfeld Hearing Room
Sacramento, California 95814
10 a.m.
(Wheelchair Accessible)

Pursuant to California Code of Regulations Title 20 § 1104(e), any person may make oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes per person as to each item listed on the agenda that will be voted on today. Any person wishing to comment on information items or reports (non-voting items) shall reserve their comment for the general public comment portion of the meeting agenda and shall have three minutes total to address all remaining comments.

THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING:

1. Small Power Plant Exemption for the Laurelwood Data Center (19-SPPE-01).

Consideration and possible approval of an order adopting the Committee Proposed Decision on the Application for a Small Power Plant Exemption (SPPE) for the Laurelwood Data Center (19-SPPE-01). The Committee issued the Proposed Decision on January 24, 2020, that includes a Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act. The project would include 56 diesel-powered generators, with one generator dedicated to providing fire and life-safety support, when electrical power is not provided by the grid. Located at 2201 Laurelwood Road in the City of Santa Clara, California, generators would be restricted to generating electricity to meet the Laurelwood Data Center electrical load of approximately 99 megawatts and would not be connected to the grid. Staff Contact: Susan Cochran. (Staff presentation: 10 minutes)

- a. Possible closed session deliberation on the above described SPPE.
[Government Code §11126(c)(3)].

2. Lead Commissioner or Presiding Member Reports.

A lead commissioner on a policy matter may report to the California Energy Commission (CEC) on the matter and discussion may follow. A presiding member

on a delegated committee may report to the CEC on the matter and discussion may follow.

3. Executive Director's Report.

4. Public Advisor's Report.

5. Public Comment.

Individuals may speak up to three minutes on any matter concerning the CEC, with the exception of items appearing on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

6. Chief Counsel's Report.

- a. Pursuant to Government Code section 11126(e), the CEC may adjourn to closed session with its legal counsel to discuss any of the following matters to which the CEC is a party:
 - i. *In the Matter of U.S. Department of Energy (High Level Waste Repository)*, (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); *State of California v. United States Department of Energy* (9th Cir. Docket No. 09-71014).
 - ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller* (Alameda County Superior Court, Case No. RG13681262).
 - iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court, Case No. 34-2016-00204586).
 - iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, Case No. 17-cv-03404).
 - v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
 - vi. *Helping Hand Tools v. California Energy Commission, and Vantage Data Centers LLC* (Sacramento Superior Court, Case No. 34-2018-80003026)
 - vii. *In re: PG&E Corporation and In re: Pacific Gas and Electric Company* (United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088).
 - viii. *Chukwuemeka (Emeka) Okemiri v. California Energy Commission, et al.* (Sacramento Superior Court, Case No. 34-2018-00246019).
 - ix. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc.* (Sacramento County Superior Court No. 34-2019-00252543).
 - x. *National Electrical Manufacturers Association, et al. v. CEC, et al.* (U.S. Eastern District Court of California Case No. 2:19-cv-02504).

- xi. *Olson-Ecologic Testing Laboratories, LLC v. CEC*. (Orange County Superior Court. Case No. 30-2019-01115513)
- b. Pursuant to Government Code §11126(e), the CEC may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the Commission, which might include personnel matters.

Participate by Telephone. To participate by telephone, call 1-888-823-5065 on business meeting days after 9:50 a.m. (Pacific Time). The passcode is "business meeting" and the call leader is Jerome Lee. If you plan to speak about a specific item, please give the item number to the operator.

It is recommended that comments be submitted by email to publicadvisor@energy.ca.gov facsimile to (916) 654-4493 by 5 p.m., at least two days before the meeting.

[View the live broadcast of this meeting.](#)

<https://www.youtube.com/user/CalEnergyCommission/videos>

[Listen to this meeting via WebEx.](#)

<https://energy.webex.com/energy/onstage/g.php?t=a&d=924497176>

You may also access WebEx at this [address](https://energy.webex.com/ec), <https://energy.webex.com/ec>, and click on the link for the meeting. The meeting password is **mtg@10am**. If the link is not listed, click "Unlisted Events" on the left of the screen and enter event number **924 497 176**. The WebEx broadcast is listen only. To comment or ask a question, call in to the meeting as described above.

Public participation. Questions may be directed to the Public Advisor, Noemí O. Gallardo, via email at publicadvisor@energy.ca.gov, or by phone at 916-654-4489 or 800-822-6228.

Accommodation. Requests may be directed to Yolanda Rushin at 916-654-4310, at least five days before the meeting.

Wi-Fi. Access is available in the building's public areas (atrium, snack bar, and library).

Media. Inquiries may be directed to Media and Public Communications at 916-654-4989.

[Subscribe to Electronic Mail Lists.](http://www.energy.ca.gov/business_meetings/) www.energy.ca.gov/business_meetings/ To have the business meeting agenda emailed to you, enter your contact information under "Subscribe."

Adjournment of Hearings and Meetings. Depending on time and the orderly management of proceedings, the CEC may adjourn (recess or postpone) any noticed hearing or meeting to be continued the next day, another specific date or time, or the next business meeting. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code §§11128.5, 11129)