

**State of California**  
California Energy Commission  
Minutes of the February 4, 2020, 2020, Energy Commission Business Meeting

The meeting was called to order by Chair Hochschild. The Pledge of Allegiance was led by Chair Hochschild.

Present:

Janea A. Scott Vice Chair

Karen Douglas, Commissioner

Patricia Monahan, Commissioner

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)].

*Vice Chair Scott announced Chair Hochschild and Commissioner McAllister are absent. Commissioner Douglas moved to adopt the Proposed Commission Adoption Order, as amended to include the date of the publication of the Errata and the inclusion of the transaction number in footnote 2, to adopt the Committee Proposed Decision and Errata, as amended to change item 16 to (d) instead of (b) and Commissioner Monahan seconded. The vote was 3-0.*

## **2. Lead Commissioner or Presiding Member Reports.**

*The Commissioner's reporter on their recent activities.*

## **3. Executive Director's Report.**

*None.*

## **4. Public Advisor's Report.**

*None.*

## **5. Public Comment.**

*None.*

## **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.

*None.*

Appearances:

(\*by telephone)

Jeffery D. Harris, Ellison Schneider

Jerry Salamy, Jacobs

\*Robert Sarvey

There being no further business, the meeting was adjourned.

Respectfully submitted,

Original Signed by:

CODY GOLDTHRITE  
Secretariat