

DOCKETED
08-AFC-13C

TN # 66225

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FENNEMORE CRAIG, P.C.

3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012-2913
(602) 916-5000

Matt Lensch

Direct Phone: (602) 916-5405
Direct Fax: (602) 916-5605
mlensch@fcclaw.com

Law Offices

Denver (303) 291-3200
Las Vegas (702) 692-8000
Nogales (520) 281-3480
Phoenix (602) 916-5000
Tucson (520) 879-6800
Reno (775) 786-5000

July 13, 2012

VIA EMAIL AND REGULAR MAIL

Craig Hoffman
Compliance Project Manager
California Energy Commission
Docket Unit
1516 Ninth Street, MS-2000
Sacramento, CA 95814

Re: Calico Solar Project 08-AFC-13C
BNSF Preliminary Comments on Second Petition to Amend

Dear Mr. Hoffman:

INTRODUCTION

BNSF Railway Company ("BNSF") submits the following comments on the amendment petition filed June 26, 2012 ("Second Petition to Amend") by K Road Calico Solar, LLC ("K Road Calico") regarding the Calico Solar Project, 08-AFC-013 (the "Calico Solar Project"). Factual omissions and the general lack of specific data in the Second Petition to Amend render it inadequate for review in accordance with CEQA and the Commission's EIR rules. BNSF therefore requests that the Commission dismiss the Second Petition to Amend and require K Road Calico to re-submit a revised document when necessary project details are available.

Alternatively, if the Commission accepts the Second Petition to Amend for review, BNSF requests: (1) that K Road Calico be required to submit planning documents that are sufficient for meaningful environmental review, and (2) that *after* reasonable documentation has been submitted, the new project receive the full scope of technical comments, analysis and mitigation planning required under California law,

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dealing with at least the issues outlined in these preliminary comments. BNSF is submitting general and procedural comments rather than technical engineering comments at this time because the Petition to Amend is not sufficiently detailed for meaningful technical analysis.

ANALYSIS

I. BNSF'S INTEREST IN THIS PROCEEDING

BNSF is one of two Class 1 railroads operating in California. BNSF provides long-haul freight service throughout the United States on more than 32,000 miles of track. The Calico Solar Project as proposed would run along both sides of BNSF's transcontinental main line tracks through the Mojave Desert near Barstow, California, on which BNSF and its predecessors have been operating since the 1880s. The main line is a critical freight artery between the eastern United States and west coast ports, and is the core of BNSF's business. Traffic on the main line exceeded 100 trains per day during peak periods prior to the 2008 recession, and more recently has been in excess of 80 trains per day during peak periods. Trains on this part of the main line move at speeds up to 70 miles per hour for freight trains and 90 miles per hour for Amtrak trains, which also use BNSF's main line.

BNSF intervened in this proceeding to protect the safety of its employees and the public, and to ensure the Calico Solar Project will not interfere with BNSF's core business. Some of the issues raised in this proceeding, if not adequately addressed, would have a major impact on the operation of BNSF's main line, including washouts or other damage to the track structure, derailment or other serious accidents involving a BNSF or Amtrak train, or significant service interruptions on this critical transcontinental artery.

II. K ROAD CALICO'S SUBMISSION IS INADEQUATE

The Second Petition to Amend represents the third iteration of the Calico Solar Project to come before the Commission. The Commission, Commission Staff, BNSF and other Intervenors will be required to spend significant time and resources to study and review the Second Amended Petition if it is accepted.

The original Calico Solar Project, submitted by K Road Calico's predecessor in December of 2008, envisioned 850 megawatts of Suncatchers. On December 1, 2010,

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the Commission's decision approving the Suncatcher version of the project became effective, subject to extensive Conditions of Certification. Shortly after project approval, it was revealed that serious doubts existed as to whether Suncatchers would ever be commercially available, a fact K Road Calico knew but never submitted to the Commission until the manufacturer of Suncatchers filed for liquidation under Chapter 7 of the U.S. Bankruptcy Code.

K Road Calico never met the Conditions of Certification for the Suncatcher version of the project, and never completed the deferred analysis and mitigation planning. Instead, K Road Calico submitted an amendment petition in 2011 seeking to change the Calico Solar Project from 100% Suncatchers to 90% linear photovoltaic arrays. Although the 2011 amendment petition had serious shortcomings, the Commission, BNSF and the other Intervenors again embarked on a review of the Calico Solar Project requiring significant time and expense. This effort proved futile when the 2011 version of the Calico Solar Project was abandoned after the Commission ordered K Road Calico to provide "a more robust analysis than that presented in the Petition." Committee Order at 3 (Sept. 7, 2011).

The September 2011 Committee Order prompted Staff to issue two broad data requests. Staff Data Request 1 instructed K Road Calico to break down the impacts of the thermal component and the photovoltaic component of the 2011 proposal so mitigation measures could be proposed for the different impacts of the two components. Staff Data Request 2 instructed K Road Calico to provide information on the following alternative actions, among others:

- A project located exclusively south of the BNSF tracks that uses only PV technology.
- A water well located south of the BNSF tracks.
- A project configuration that avoids washes and minimizes drainage impacts – with particular focus on impacts to the BNSF tracks and adjacent properties.

K Road Calico did not respond to Staff's data requests, but instead filed the Second Petition to Amend several months later. The analysis in the Second Petition to Amend is even less "robust" than the 2011 amendment petition, because it does not even specify the type of solar arrays to be installed.

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Unlike the original Suncatcher proposal, the Second Petition to Amend simply does not represent a specific plan with sufficient factual detail for meaningful evaluation. K Road Calico seeks blanket approval to use either of two substantially different photovoltaic systems. Moreover, the Second Amended Petition only superficially addresses critical planning and engineering issues, especially relating to stormwater runoff and sediment transport. K Road Calico suggests the stormwater hydrology of the area will not change very much after construction, even though Calico now admits approximately 63% of the surface will be disturbed during construction. K Road Calico also maintains the unsupportable position that the unimproved access roads between the rows of PV panels do not need to be analyzed as roads. K Road Calico does not even appear to acknowledge that large photovoltaic arrays are impervious surfaces, and they will be lined up in a way that will increase erosion by concentrating rainwater and channelizing runoff across the entire project site.

Instead of addressing these issues, the Recommended Findings in the Second Amended Petition include generalized statements that the impact of the modified project will be less than the original Suncatcher project, so “significant restudy” is not required. This is premature at best, and is directly contrary to the conclusion the Commission reached after several months of reviewing K Road Calico’s previous amendment petition. As the Commission and Staff previously recognized, linear photovoltaic arrays are not Suncatchers, and will not have the same environmental impacts as Suncatchers. The aspects of the project that are significantly different from the Suncatcher version of the project must be fully analyzed to allow for appropriate mitigation.

Procedurally, BNSF is concerned about spending additional time and resources to analyze and provide comments on yet another version of the Calico Solar Project that, by its own terms, is not sufficiently definite to be built. Given the June 30, 2012 deadline presented in SB 226, the Second Petition to Amend may simply represent a placeholder filed by K Road Calico in an effort to comply with SB 226, rather than a good faith effort to present a plan sufficient for environmental review. BNSF and the other Intervenors should not be required to spend time and resources reviewing such an inadequate plan.

In order for the project to move forward in compliance with CEQA and the Commission’s EIR rules, K Road Calico should be required to present a plan for the photovoltaic installation that is at least comparable in scope and detail to the original Suncatcher plan submitted for Commission review. This will allow the Commission, the Intervenors and the public to provide meaningful comments and analysis, and propose measures that will mitigate the actual effects of the project on the actual environment.

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BNSF therefore requests that the Commission reject the Second Petition to Amend, and require K Road Calico to re-submit a petition or application once the technology has been selected and reasonably detailed site plans are available.

III. BNSF'S COMMENTS ON THE PETITION

In the alternative, if the Commission accepts the Second Petition to Amend for review, BNSF submits comments on the following procedural and substantive issues:

1. A finding of no significant effect under CEC Regulation § 1769(a)(2) is clearly not appropriate.
2. The baseline for the 2012 Amendment Petition must be the real conditions on the ground, not hypothetical conditions based on the Suncatcher project that was never built.
3. The Calico Solar Project still has significant engineering hurdles to overcome based on the many deficiencies in K Road Calico's submissions to date. BNSF's major concerns fall into three areas:
 - (a) The hydrology and sediment transport studies provided after approval of the original project have been grossly inadequate.
 - (b) Glint and glare studies have not yet been performed.
 - (c) Railroad crossing issues have not been resolved.
 - (d) Assertions regarding electrical induction must be verified.

The main point of BNSF's comments is that K Road Calico must be required to create and submit a sufficiently detailed plan, which is then subject to thorough review and study to ensure BNSF's concerns over adverse safety impacts and operational interference are addressed.

BNSF also suggests that the Commission consider bifurcating the review process to address Phase 1 of the Calico Solar Project first, then review Phase 2 at a later date when plans are finalized. Such an approach may prevent the further misallocation of resources studying and analyzing plans, or portions of plans, that may be characterized as speculative, at best. While concerns certainly exist with respect to Phase 1, the challenges facing Phase 2 appear to be significantly greater.

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1. A “No Significant Effect” Finding is Not Appropriate.

As a threshold matter, the Commission’s regulations ordinarily allow a minor amendment petition to be approved summarily based on a “no significant effect” finding by the Commission Staff. CEC Regulation § 1769(a)(2). BNSF does not understand K Road Calico’s Petition to request a “no significant effect” finding. To the extent such a finding is under consideration, BNSF objects pursuant to § 1769(a)(3). The Second Petition to Amend is not the type of minor amendment contemplated by § 1769(a)(2).

SB 226 provides that a proponent of a solar project meeting certain criteria

may petition the commission not later than June 30, 2012, to review an amendment to the facility’s certificate to convert the facility, in whole or in part, from solar thermal technology to photovoltaic technology, without the need to file an entirely new application for certification or notice of intent pursuant to Section 25502, *provided that the commission prepares supplemental environmental review documentation, provides for public notice and comment on the supplemental environmental review, and holds at least one public hearing on the proposal.*

Cal. Pub. Res. Code § 25500.1(a) (emphasis added). This legislation allows a project like K Road Calico’s to remain under Commission jurisdiction, but the statute does not indicate any intent to relax CEQA requirements for new plans submitted by this alternative route. Indeed, Section 25500.1(a) expressly requires supplemental documentation and hearings. Despite the statutory authorization to treat photovoltaic conversions as amendments, § 1769(a)(2) cannot reasonably be applied in this situation. The environmental impact of a photovoltaic project still must be thoroughly analyzed and the effects mitigated as required by CEQA and the Commission’s EIR rules.

2. This proceeding must evaluate new impacts from a real baseline.

In its 2011 amendment petition, K Road Calico took the position that the Commission should only evaluate the incremental change from the original project to the new project, based on hypothetical compliance with the 2010 Suncatcher decision. Commission Staff partially adopted this position, stating that the 2011 version of the project was governed by CEQA Guidelines § 15162 as a “subsequent” EIR. *See Staff’s Reply Brief at 1-3 (June 3, 2011).* At the same time, however, Staff recognized that

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information submitted by K Road Calico for the 2011 version of the project would need to be fully evaluated under CEQA, rather than merely being evaluated for compliance with the 2010 Suncatcher decision. *Id.* at 4-5. This eventually led to the Committee Order requiring “more robust analysis,” followed by the additional Staff Data Requests in September of 2011.

Despite this clear direction from the Commission, K Road Calico has once again submitted a conclusory amendment petition, seeking to gloss over the issues raised about the impact of a photovoltaic project. K Road Calico has even gone so far as to propose findings and conclusions that would give blanket authorization for K Road Calico to choose between significantly different configurations of the photovoltaic arrays. This is inappropriate and contrary to California law.

“An approach using hypothetical allowable conditions as the baseline results in illusory comparisons that can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts, a result directly at odds with CEQA’s intent.” *Communities for a Better Environment v. S. Coast Air Quality Mgt. Dist.*, 48 Cal. 4th 310, 321, 226 P.3d 985 (2010). K Road Calico has an established history of trying to “subvert consideration” by piggybacking significant changes on past approvals. K Road Calico must be required to provide adequate submittals for the photovoltaic project, and those submittals must be fully analyzed regardless of whether this is a new proceeding or an amendment proceeding. The Commission must consider the environmental impact of the 2012 version of the project based on conditions that actually exist, not hypothetically allowable conditions under the 2010 Suncatcher decision. Even if the hypothetical effects of the Suncatchers could be measured, they are not readily comparable to the expected effects of large, linear photovoltaic arrays.

This does not mean K Road Calico must start from scratch. The environmental baseline documentation for the project site remains relevant to determining the baseline for the photovoltaic installation, even if the Second Petition to Amend is dismissed and K Road Calico is required to submit a new petition or application. By contrast, the engineering and planning documentation for installation of Suncatchers is much less relevant. Specific and credible planning submittals for the photovoltaic installation are absolutely necessary. K Road Calico’s conclusory suggestion that the effects of a photovoltaic installation will be similar to (or less than) the effects of a Suncatcher installation, no matter how the photovoltaic panels are installed, defies common sense and is insufficient to support meaningful environmental review as a matter of California law.

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3. K Road Calico Must Cure Significant Information Deficiencies.

The Commission's December 2010 decision approving the original Suncatcher project included Conditions of Certification requiring significant additional study and mitigation measures. With regard to stormwater hydrology and sediment transport, for example, the Huitt Zollars Drainage Erosion and Sediment Control Plan filed on September 3, 2009 in response to Commission Data Request 81 outlined the engineering challenges K Road Calico would need to meet in order to build and operate the original Suncatcher project safely on an active alluvial fan. The Soil and Water Conditions expressly required the proponent to produce additional technical reports culminating in a site specific Drainage Erosion and Sediment Control Plan consistent with the requirements identified by Huitt Zollars, and sufficient to ensure protection of BNSF's right of way.

K Road Calico never met these requirements. Instead, when K Road Calico sought to change the project from 100% Suncatchers to 90% photovoltaic, K Road Calico provided technical submissions that did not adequately address either the original Conditions of Certification or the engineering challenges outlined in the Huitt Zollars report. K Road Calico also glossed over the additional environmental effects of the change to photovoltaic technology, and proposed to reduce the project footprint by simply eliminating all of the large runoff detention basins.

As explained in BNSF's comments in the 2011 compliance proceeding, K Road Calico has not provided adequate information or analysis to evaluate the environmental effects of a massive photovoltaic installation at this location.¹ BNSF's main concerns fall into four areas: (A) stormwater hydrology and sediment transport; (B) interference with rail operations due to glint and glare; (C) railroad crossings; and (D) electrical induction.

¹ See BNSF Preliminary Comments on Calico Solar Project Infiltration Report (Sept. 26, 2011); BNSF Comments on Geotechnical Engineering Report (Sept. 26, 2011); BNSF Preliminary Comments on Calico Solar Project Geomorphic and Hydraulic Analysis and Geomorphic and Biologic Analysis Report (Sept. 28, 2011); BNSF Railway Company's Objection to Calico Solar LLC's Response to Data Request Set 1 from BNSF to Calico, Petition to Compel Response to Approved Data Requests and Petition for Leave to Propound Denied Data Requests (Sept. 29, 2011).

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(A) Stormwater hydrology and sediment transport.

The Calico Solar Project is expected to discharge its stormwater runoff onto the BNSF main line right of way. It is readily apparent that the use of large scale photovoltaic technology will change the expected hydrologic behavior of the 2012 version of the project significantly, both from existing conditions and from the expected conditions of the Suncatcher version of the project. As explained in BNSF's 2011 comments, the studies submitted in support of the 90% PV plan in 2011 were based on unrealistic and contradictory assumptions, putting BNSF at significant risk for catastrophic flood damage, increased water infiltration and fouling of the rail substructure, and increased sedimentation or erosion affecting the existing hydrologic features on BNSF's right of way. The post-approval soil and water studies K Road Calico submitted in 2011 proved grossly inadequate, and the Commission should not similarly defer analysis and mitigation this time around.

"[R]eliance on tentative plans for future mitigation . . . significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond*, 108 Cal.Rptr.3d 478, 495, 184 Cal. App. 4th 70, 92 (2010). To the extent some degree of planning flexibility is necessary, future action must be defined by specific criteria and performance standards. *San Joaquin Raptor Rescue Center v. County of Merced*, 57 Cal. Rptr. 3d 663, 683-84, 149 Cal. App. 4th 645, 669-70 (2007). Merely requiring an applicant to adopt mitigation measures recommended in a future study is not sufficient. *Sundstrom v. County of Mendocino*, 248 Cal Rptr. 352, 358-59, 202 Cal. App. 3d 296, 306-07 (1988).

Unfortunately, K Road Calico appears to be taking an even less robust approach with the Second Petition to Amend. K Road Calico has not even decided how it will mount its photovoltaic arrays, but assures the Commission that the changes in environmental impact will be minimal. To the contrary, BNSF expects that the orientation of the photovoltaic arrays across the landscape will create enormous parallel impervious surfaces interspersed by parallel unimproved access roads. These arrays can be expected to concentrate and channelize rainwater. Parallel arrays running north-south would be expected to have a different impact than arrays running east-west, depending on local slopes and the existence of crosscutting channels. The parallel arrays will certainly have a different impact than isolated Suncatchers on large concrete pedestals.

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At a minimum, K Road Calico must be held to standards equivalent to the original Conditions of Certification, with sufficient analysis to determine whether the conditions really are equivalent under the changed circumstances. The Commission should insist on full disclosure and mitigation planning before approving the latest version of the project, recognizing that “[a] study conducted after approval will inevitably have a diminished influence on decisionmaking.” *Sundstrom*, 248 Cal Rptr. at 359, 202 Cal. App. 3d at 307. At least the following issues must be addressed:

- Credible and consistent analysis of changes to soil permeability and erosion resistance based on changes to the existing desert crust or pavement.²
- Credible and consistent analysis of the effect of the large impervious photovoltaic arrays, and different arrangements of the arrays.
- Credible analysis of the need for detention basins or other large scale hydrologic control devices, especially if K Road Calico’s proposals contradict the original studies and recommendations in the Huitt Zollars report.
- Credible and consistent analysis of the impact of both improved and unimproved roadways.
- Credible and consistent estimates of baseline surface flow.

Excessive reliance on the terms and conditions of the Suncatcher decision without further analysis of the photovoltaic installation would not meet CEQA requirements or comply with the Commission’s EIR rules.

(B) Interference with rail operations due to glint and glare.

BNSF has repeatedly expressed concern that glint and glare from solar arrays could interfere with critical safety and operational functions, including signaling and the ability of train crews to see potential safety hazards. K Road Calico has not yet produced

² Under existing conditions, the ground surface is armored with a thin crust of hardpan soil comprised of relatively coarse soil from which finer-grained materials have been removed over the years by the effects of water and wind erosion. The thin crust is underlain by loose, relatively fine-grained materials that have been protected from erosion by the presence of the crust.

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any glint and glare study for either the Suncatcher project or the subsequent photovoltaic projects. The Second Petition to Amend should not be approved without adequate information to analyze and mitigate glint and glare.

To begin with, specific systems need to be determined before carrying out a comprehensive glint/glare analysis. Modeling solar modules that do not behave as the actual modules will not yield meaningful data. In addition to determining which technologies will be used, the configuration of those modules must be determined such that glare/glint can be assessed from relative vantage points that represent the real-world environment. Generally, the language in Section 6.5 of the Second Petition to Amend suggests that the removal of the Suncatchers from the site plan largely alleviates glare/glint concerns. To the contrary, a comprehensive study is required before reaching such conclusions.

Section 6.5.2.2 of the Second Petition to Amend discusses key observation points (KOPs), which are described as “viewing locations chosen to be representative of the view from the most visually sensitive areas of the. [sic]” How these KOPs are to be determined is unclear. The goal of a glare/glint analysis is to identify potential problem locations, so restricting the analysis to a fixed number of locations that were predetermined before the analysis defeats the purpose of the analysis itself. Further, the use of KOPs misrepresents the dynamic nature of activities within BNSF’s right of way which include the movement of trains through the right of way and the potential presence of maintenance personnel at any point along the right of way, whether on the ground or in various types of equipment, stationary or moving, with the need to make critical safety observations and perform duties while facing in any direction.

Section 6.5.2.3 states, “Two specific concerns have been raised by BNSF and are the subject of the study. The first is the potential to cause flash blindness to an engineer on a train. The second is the potential to interfere with the ability of the engineer to see railroad traffic signals.” To the contrary, BNSF’s expert David Krauss provided a 12-point list of BNSF’s concerns. While the two concerns stated in the Second Petition to Amend are among those concerns, they certainly do not represent the only two concerns raised by BNSF.

Section 6.5.6 refers to a 223-foot setback. The setback was initially determined to be the setback for calculations related to glare from a single Suncatcher. The current proposal no longer utilizes Suncatchers, and BNSF’s primary criticism of that calculation, that there are thousands of modules (not one), still holds. The setback

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distance needs to be reconsidered and a suitable distance determined based on the technology actually selected.

Finally, the 2010 Suncatcher decision appeared to require BNSF, rather than K Road Calico, to implement mitigation measures for glint and glare. This is inconsistent with the normal burden of mitigating environmental effects under CEQA, and also exceeds the Commission's jurisdiction. The federal Interstate Commerce Commission Termination Act ("ICCTA") grants exclusive jurisdiction over rail transportation to the federal Surface Transportation Board ("STB"), and preempts state or local laws or regulations that have the effect of regulating rail transportation. 49 U.S.C. § 10501(b). Any decision issued in this matter must put the burden on K Road Calico to mitigate the effects of its proposed project.

(C) Railroad crossings.

Because the Calico Solar Project is located on both sides of BNSF's transcontinental right of way, K Road Calico seeks to use the right of way for connecting roads and other infrastructure. K Road Calico brought a CPUC proceeding to compel BNSF to provide a crossing, but the crossing rights K Road Calico obtained from the CPUC were much more limited than the crossing rights K Road Calico discusses in the Second Amended Petition. Most notably, the CPUC expressly declined to order BNSF to allow a water line crossing, and the CPUC did not authorize K Road Calico to use the Hector Road grade crossing for construction and operations pending delayed construction of an elevated crossing for Phase 2. The project design and proposed sequencing contained in the Second Petition to Amend do not reflect the reality of K Road Calico's limited crossing rights.

(D) Electrical Induction.

The potential for electrical induction from the Calico Solar Project's transmission lines was a significant issue in the original proceedings. K Road Calico asserts that electrical induction is not an issue with its new design, but the Petition to Amend does not contain sufficiently definite data to support this conclusion.

IV. PROCEDURAL STEPS

In order to meet the requirements of CEQA and the Commission's EIR rules, BNSF suggests that the Commission order at least the following procedural steps:

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1. Require K Road Calico to file a new application, or at least supplement its Second Petition to Amend, to provide the information necessary to evaluate the environmental effects of the photovoltaic installation, and allow time for data requests and comments.
2. Require K Road Calico to respond to Commission Staff's September 2011 data requests, as modified in light of the Second Petition to Amend, and allow time for comments on K Road Calico's responses.
3. If K Road Calico cannot make a final decision on technology prior to providing the above information, require K Road Calico to include the different types of technology as fully developed alternatives for study.
4. Define the additional deliverables necessary to evaluate soil and water and glint and glare impacts of the photovoltaic installation, and allow time for comments.
5. Consider bifurcating the review process to allow for separate approval of Phase 1 if appropriate.
6. Schedule any necessary status conferences or workshops.
7. Schedule at least one hearing.

We appreciate the Commission's and Staff's careful consideration of the foregoing comments, and remain available to provide clarification if necessary. Please do not hesitate to contact us if you have any questions.

Very truly yours,

FENNEMORE CRAIG, P.C.



Matt Lensch

MLEN/ldp

DECLARATION OF SERVICE

I, Linda Polcha, declare that on July 13, 2012, I served and filed a copy of the attached letter to Craig Hoffman, compliance Project Manager, California Energy Commission, re Calico Solar Project 08-AFC-13C, BNSF Preliminary Comments on Second Petition to Amend. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/calicosolar/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. 08-AFC-13C
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

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
Sacramento, CA 95814
michael.levy@energy.ca.gov

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.





BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**FOR THE CALICO SOLAR PROJECT
AMENDMENT**

**Docket No. 08-AFC-13C
PROOF OF SERVICE**
(Revised 6/26/2012)

APPLICANT

K Road Calico Solar, LLC
Daniel J. O'Shea,
Managing Director
Sean Gallagher
One Embarcadero Center,
Suite 360
San Francisco, CA 94111
dano@kroadpower.com
seang@kroadpower.com

CONSULTANT

URS Corporation
Angela Leiba
AFC Project Manager
4225 Executive Square, #1600
La Jolla, CA 92037
angela_leiba@URSCorp.com

APPLICANT'S COUNSEL

Bingham McCutchen, LLP
Ella Foley Gannon, Partner
Three Embarcadero Center
San Francisco, CA 94111
ella.gannon@bingham.com

INTERVENORS

Society for the Conservation of
Bighorn Sheep
Bob Burke, Gary Thomas
1980 East Main St., #50
Barstow, CA 92311
[e-mail service preferred
cameracoordinator@sheepsociety.com](mailto:cameracoordinator@sheepsociety.com)

Basin and Range Watch
Laura Cunningham
Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
[e-mail service preferred
atomicoadranch@netzero.net](mailto:atomicoadranch@netzero.net)

California Unions for Reliable
Energy (CURE)
c/o: Tanya A. Gulesserian
Marc D. Joseph
Adams Broadwell Joseph
& Cardozo
601 Gateway Boulevard,
Ste. 1000
South San Francisco, CA 94080
[e-mail service preferred
tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)

Patrick C. Jackson
600 Darwood Avenue
San Dimas, CA 91773
[e-mail service preferred
ochsjack@earthlink.net](mailto:ochsjack@earthlink.net)

Sierra Club
Gloria D. Smith
Travis Ritchie
85 Second Street, Second floor
San Francisco, CA 94105
[e-mail service preferred
gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)
travis.ritchie@sierraclub.org

Newberry Community
Service District
c/o Wayne W. Weierbach
P.O. Box 206
Newberry Springs, CA 92365
[e-mail service preferred
newberryCSD@gmail.com](mailto:newberryCSD@gmail.com)

Defenders of Wildlife
Kim Delfino, California Program Director
1303 J Street, Suite 270
Sacramento, California 95814
[e-mail service preferred
kdelfino@defenders.org](mailto:kdelfino@defenders.org)

Defenders of Wildlife
Jeff Aardahl, California Representative
46600 Old State Highway, Unit 13
Gualala, California 95445
[e-mail service preferred
jaardahl@defenders.org](mailto:jaardahl@defenders.org)

INTERVENORS (con't.)

BNSF Railroad
Cynthia Lea Burch
Helen B. Kim, Anne Alexander
Katten Muchin Rosenman LLP
2029 Century Park East,
Suite 2700
Los Angeles, CA 90067-3012
cynthia.burch@kattenlaw.com
helen.kim@kattenlaw.com
anne.alexander@kattenlaw.com

County of San Bernardino
Jean-Rene Basle,
County Counsel
Bart W. Brizzee,
Principal Assistant
County Counsel
385 N. Arrowhead Avenue, 4th Fl.
San Bernardino, CA 92415-0140
bbrizzee@cc.sbcounty.gov

INTERESTED
AGENCIES/ENTITIES/PERSONS
California ISO
e-recipient@caiso.com

BLM – Nevada State Office
Jim Stobaugh
P.O. Box 12000
Reno, NV 89520
e-mail service preferred
jim_stobaugh@blm.gov

Bureau of Land Management
Joan Patrovsky, Specialist/
Project Manager
CDD-Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
jpatrovs@blm.gov

California Department of
Fish & Game
Becky Jones
36431 41st Street East
Palmdale, CA 93552
dfgpalm@adelphia.net

**ENERGY COMMISSION –
DECISIONMAKERS**

KAREN DOUGLAS
Commissioner and Presiding
Member
e-mail service preferred
karen.douglas@energy.ca.gov

ROBERT B. WEISENMILLER
Chair and Associate Member
e-mail service preferred
robert.weisenmiller@energy.ca.gov

Galen Lemei
Advisor to Presiding Member
e-mail service preferred
galen.lemei@energy.ca.gov

Sekita Grant
Adviser to Chairman Weisenmiller
e-mail service preferred
sekita.grant@energy.ca.gov

*Paul Kramer
Chief Hearing Adviser
e-mail service preferred
*paul.kramer@energy.ca.gov

ENERGY COMMISSION STAFF

Kerry Willis
Staff Counsel
e-mail service preferred
kerry.willis@energy.ca.gov

Stephen Adams
Co-Staff Counsel
e-mail service preferred
stephen.adams@energy.ca.gov

Craig Hoffman
Project Manager
e-mail service preferred
craig.hoffman@energy.ca.gov

Caryn Holmes
e-mail service preferred
caryn.holmes@energy.ca.gov

**ENERGY COMMISSION PUBLIC
ADVISER**

Jennifer Jennings
Public Adviser
e-mail service preferred
publicadviser@energy.ca.gov

* Indicates Change