



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

APPLICATION FOR CERTIFICATION FOR THE
CALICO SOLAR PROJECT
(FORMERLY SES SOLAR 1)

DOCKET No. 08-AFC-13

COMMITTEE ORDER GRANTING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene filed by Petitioner the BNSF Railway Company ("Petitioner"), the Committee designated to conduct proceedings in this matter makes the following findings:

1. On July 29, 2010, a Petition to Intervene in the above-captioned proceeding was filed by:

BNSF RAILWAY COMPANY
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2. The Petition contains the information required by section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207.);
3. The Petition was not timely filed in that the deadline for filing such petitions was July 6, 2010. The evidentiary hearings begin on August 4, 2010, less than a week following the Petition's filing.
4. Late filed petitions may be granted upon a showing of good cause. [Cal. Code Regs., tit. 20, § 1207(c)];

5. At the Prehearing Conference held on July 30, 2010, the parties were specifically asked if they wished to object to the Petition. No party indicated any objection to the Petition; and
6. Petitioner's interests—the safety of its employees and persons traveling on the railroad tracks that pass through the proposed Calico Solar project site—are relevant to the above-captioned proceeding.

THEREFORE, on the lack of objection by the parties, although the Petition is very late and Petitioner should have become aware of the potential effects of the proposed project upon its employees and operations much earlier and in time to file a timely Petition, the Committee **Orders** that the Petition to Intervene in this matter be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an Intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in Section 1712 of the Commission's regulations. (Cal. Code Regs., tit. 20, § 1712.) Due to its late entry into the matter, **Petitioner's participation shall be limited to** those issues it has identified in the Petition and its Prehearing Conference Statement.

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations is posted on the Energy Commission website page at <http://www.energy.ca.gov/siting/title20/>. As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the Commission's procedures and orders regarding presenting witnesses and evidence.

Petitioner is further required to review the rules regarding filings, the rules of evidence that apply at the evidentiary hearings, the rules prohibiting off the record contacts with Commissioners or the Hearing Adviser about the merits of a project, and the rules about filing data requests. (Cal. Code Regs., tit. 20, §§ 1001 through 1217, 1712 et seq.)

PETITIONER'S FAILURE TO FULFILL THESE RESPONSIBILITIES MAY RESULT IN THE COMMITTEE LIMITING OR PRECLUDING PETITIONER'S PARTICIPATION IN THE PROCEEDINGS.

Petitioner may obtain help with participating in the siting process from the Energy Commission's Public Adviser's Office at (916) 654-4489 or (800) 822-6228, or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

The Application for Certification in this matter was found data adequate on May 6, 2009. Under the Commission's regulations, all data requests in this matter were required to be submitted by no later than November 2, 2009, unless the Committee allows untimely requests for good cause shown. (Cal. Code Regs., tit. 20, § 1716.) The Committee will not permit unnecessary, irrelevant, or unreasonably burdensome data requests and may, on the motion of a party or on its own motion, exercise its authority pursuant to sections 1203 and 1204 (Cal. Code Regs., tit. 20, §§ 1203, 1204) to enforce the provisions of section 1716, setting forth procedures for obtaining information (Cal. Code

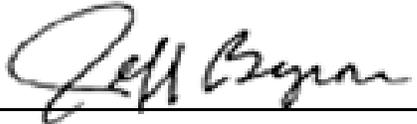
Regs., tit. 20, § 1716), in order to eliminate undue delay in the completion of these proceedings.

The Executive Director or her designee shall ensure that Petitioner is immediately provided with a copy of the Application for Certification.

Dated: August 3, 2010, at Sacramento, California.



ANTHONY EGGERT
Commissioner and Presiding Member
Calico Solar AFC Committee



JEFFREY D. BYRON
Commissioner and Associate Member
Calico Solar AFC Committee