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(909) 599-9914

**DOCKET**

**08-AFC-13**

DATE 8/23/2009

RECD. 8/24/2009

August 23, 2009

Felicia Bellows  
Vice President of Development  
Tessera Solar  
4800 North Scottsdale Road, Ste. 5500  
Scottsdale, Arizona 85251  
[felicia.bellows@tesseractosolar.com](mailto:felicia.bellows@tesseractosolar.com)

Camille Champion  
Project Manager  
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4800 North Scottsdale Road, Ste. 5500  
Scottsdale, Arizona 85251  
[camille.champion@tesseractosolar.com](mailto:camille.champion@tesseractosolar.com)

Re: Calico – SES Solar One Project (08-AFC-13)  
Hector Road

Dear Ms. Bellows and Ms. Champion:

People have been using Hector Road to access the public and private lands in the Hector area for over fifty years.

In the summer of 2008 Burlington Northern Santa Fe Railway Company (BNSF) and SES Solar One, LLC, entered into an Agreement for Private Crossing and added gates and barricades at the BNSF crossing at Hector Road. The locked gates and barricades prevent the public and private property owners from using Hector Road to access the land north of the BNSF railway tracks. I am one of these private property owners.

Section 5.7 of “SES Solar One Supplemental Information In Response to CEC Data Adequacy Requests Application for Certification (08-AFC-13)” states on pages 5.7-140, “An improved railroad crossing has been constructed at Hector Road, which is locked and is only used by local traffic with access permission.”

In October 2008 I contacted BNSF for information about the gated crossing and was informed by Denise M. Gauthier by e-mail on October 30, 2008, “The only authorized user of the private crossing is Stirling Energy Systems (SES).”

Ms. Bellows and Ms. Champion

August 23, 2009

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In December 2008 I contacted SES and requested a key to the gated crossing.

In February 2009 Hamid Arshadi, Manager of Land Development for SES, denied my request and stated I needed BNSF's authorization to use the crossing. I then sent a second letter explaining the need for private property owners to access their property. Mr. Arshadi did not respond to my second letter.

Within the last week the Applicant submitted "SES Solar One In Response to CEC and BLM Data Requests Set 1, Part 2: Data Requests 113-227." In response to Data Request 115, the Applicant provided Solar One - Site Plan Site Access Roads (TRAF-1). The Site Plan clearly shows: (1) Hector Road will be eliminated and (2) the private properties in Section 1, Township 8 North, Range 5 East, and Section 36, Township 9 North, Range 5 East, will be landlocked.

The elimination of Hector Road will also landlock the private properties in Sections 21, 29 and 33, Township 9 North, Range 5 East. In 1958 Southern Pacific Land Company, one of BNSF's predecessors, conveyed title to these sections along with Section 1, Township 8 North, Range 5 East, to a private individual. The property properties in these sections have an easement by implication. The private properties in Section 36 have an easement by necessity.

Hector Road is a county road and a Revised Statute 2477 right-of-way.

Please arrange with BNSF to have the gates and barricades at the BNSF crossing removed so private property owners can use Hector Road to access their properties.

If you are unable or object to this request, please send a written notice to Commissioners James Boyd and Jeffrey Bryon of the Committee overseeing SES's Application for Certification and me within 20 days of receipt of this request.

Respectfully,

Original Signed By

Patrick C. Jackson

Attachments

Declaration of Service

Proof of Service

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of: ) **08-AFC-13**  
)  
**SES Solar One Power Project** ) **DECLARATION OF SERVICE**  
\_\_\_\_\_ )

I, **Patrick C. Jackson**, declare that on **August 23, 2009**, I served and filed copies of the attached **August 23, 2009 Letter to Tessera Solar**. The original document filed with the Docket Unit, is accompanied by a copy of the most recent *Proof of Service* located on the web page for this project at:

<http://energy.ca.gov/sitingcases/solarone/>

The document has been sent to the Commission, as well as all parties in this proceeding as shown on the *Proof of Service*, in the following manner:

**FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:**

XX sent electronically to all e-mail addresses on the Proof of Service list and

XX by depositing in the United States mail at **San Dimas, California**, with first-class postage thereon fully prepaid and addressed as provided on the attached *Proof of Service* to the mailing addresses shown on the Proof of Service NOT marked "E-mail Service Preferred."

**AND**

**FOR FILING WITH THE ENERGY COMMISSION:**

XX sending the original signed document and one electronic copy, mailed and e-mailed respectively, to the address below:

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. **08-AFC-13**  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**I declare under penalty of perjury that the foregoing is true and correct.**

August 23, 2009

\_\_\_\_\_  
Date

Original Signed By

\_\_\_\_\_  
Patrick C. Jackson



**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 SES SOLAR ONE PROJECT**

**Docket No. 08-AFC-13**

**PROOF OF SERVICE**

*(Revised 7/20/09)*

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