

DOCKET

08-AFC-13

DATE JUL 29 2010

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STATE OF CALIFORNIA

**Energy Resources Conservation
And Development Commission**

In the Matter of:
The Application for Certification
for the Calico Solar Power Project
Licensing Case

Docket No. 08-AFC-13

**PREPARED DIRECT TESTIMONY OF THOMAS SCHMIDT
BNSF RAILWAY COMPANY**

July 29, 2010

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PREPARED DIRECT TESTIMONY

OF

Thomas Schmidt

Director Engineering Services – BNSF

Q.1 Please state your name and occupation?

A.1 My name is Thomas Schmidt. I am Director of Engineering Services, BNSF Railway Company ("BNSF"). My resume is attached to this testimony.

Q.2 What is the purpose of your testimony in this proceeding?

A.2 I will testify on two areas of concern to BNSF:

- (1) soil and water resources (detention basins); and
- (2) hydrology (subsidence).

Q.3 Why does BNSF have concerns regarding the Calico Solar Project?

A.3 BNSF is one of two Class 1 railroads operating in California. BNSF's mainline, which is traversed by as many as 80 trains per day, carries interstate commerce from the Ports of Los Angeles and Long Beach to U.S. Midwestern, Southwestern and Eastern markets. The proposed Project would surround both sides of several miles of BNSF's mainline tracks. Accordingly, BNSF has significant concerns that the construction and operation of the Project do not adversely impact BNSF operations or otherwise impose unacceptable safety risks to BNSF personnel and operations.

The consummation of the Project would require the granting of several licenses and permits from BNSF, which Applicant Calico Solar ("Calico Solar") has requested in a piecemeal fashion over the course of the past year. To date, none of these requested licenses or permits have been granted. Before BNSF can grant such licenses and permits, BNSF must be assured that its significant safety and operational concerns are addressed.

Q.4 What are BNSF's safety and operational concerns in relation to soil and water resources (detention basins)?

A.4 BNSF is concerned that detention basins in the present documentation are possibly not sufficient to protect the tracks and their supporting structures. The Project incorporates detention basins that have been designed for a 100 year flood. SSA. P. C.7-26. Given the gradient of the Project site, BNSF is concerned that the steps being proposed are not adequate to ensure protection of the tracks and their supporting structures or soil. A characteristic of high desert environs such as the Project site is an increased likelihood of flash floods, which over a sustained period of hours or days may cause the detention basins to overflow and cause a high volume of water in a concentrated flow to wash through the area, eroding the terrain around and supporting the tracks. As the former roadmaster for territory adjacent to this portion of the mainline, I have personal experience with sudden flash floods in the desert.

Q.5 Are you aware of any site specific studies that address the potential impact to the rail if there is a sudden and catastrophic rupture or overtopping of one or more of the detention basins?

A.5 No. It needs to be determined whether Calico Solar should be required to fund the reinforcement of rail infrastructure.

Q.6 What are BNSF's safety and operational concerns in relation to hydrology (subsidence)?

A.6 BNSF understands that, under the current application, Calico Solar intends to draw water from a water well on the Project site. BNSF is concerned the potential drawdown of the groundwater basin by the newly proposed water well may cause subsidence which might adversely affect rail track alignment, increasing the risk of increased maintenance of a derailment. While the SA/DEIS briefly addresses the issue of possible subsidence due to groundwater pumping at p. C.4-12, and the SSA discusses the issue at C.4-13 (Geology and Paleontology), BNSF is concerned that the analysis may not be sufficient. In addition, while Calico Solar represents that it is currently the only water user in the groundwater basin, BNSF notes that it intends to preserve the option of replacing its abandoned wells in the Hector Road location.

BNSF understands that Calico Solar is required to conduct groundwater monitoring on a quarterly basis. BNSF requests that as a Condition of Certification, Calico Solar be required to provide BNSF with such quarterly reports, and that a notification procedure be put in place for any

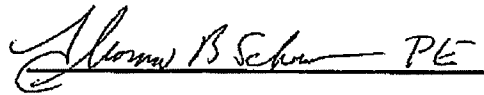
noted subsidence, whereby BNSF maintenance teams would be alerted of the issue.

Q.7 Does this complete your direct testimony?

A.7 Yes, it does.

I swear under penalty of perjury that this testimony is true and correct to the best of my knowledge and belief.

Dated: July 29, 2010

A handwritten signature in black ink, reading "Thomas B. Schmidt" followed by a horizontal line and the letters "PE".

Thomas Schmidt

Thomas Schmidt, P.E.

Curriculum Vitae

As Director Engineering Services – BNSF Railway Company, Mr. Schmidt is responsible for management of construction activities within the BNSF railway system from Chicago to Los Angeles. As part of his 34-year tenure with BNSF, Mr. Schmidt spent 14 years working in BNSF's track department handling the issues to which the railroad is exposed on a regular basis throughout the country arising from flooding and other natural disasters. During this time, Mr. Schmidt spent six months in Needles, California, where, among other things, he handled the specific flood and disaster issues which arise in a desert environment.

1990-current

BNSF Railway Engineering Department

Director Engineering Services (1995-current)

- Responsible for management of new construction and expansion of facilities and physical plants pertinent to railroads, including mainlines, sidings and intermodal facilities.
- Assist track department with maintenance of track and roadbed.
- Responsible for permitting, mitigation, and reconstruction both for new development and in response to catastrophic events, as needed.

Construction Engineer (1990-1995)

1976-1990

BNSF Railway Track Department

Assistant Division Engineer (1982-1990)

Roadmaster (1980-1982)

Assitant Roadmaster, Management Trainee (1976-1980)

Education

B.S. Civil Engineering University of Kansas 1975
Licensed Professional Engineer licensed in State of Kansas



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APPLICATION FOR CERTIFICATION

For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 7/12/10)

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DECLARATION OF SERVICE

I, Harriet Vletas, declare that on July 30, 2010, I served and filed copies of the attached Prepared Direct Testimony of Thomas Schmidt, dated July 29, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/solarone].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States 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 "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-13
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury 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.


HARRIET VLETAS