

**DOCKET**

**08-AFC-13**

DATE JUL 30 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

**PREHEARING CONFERENCE STATEMENT**

July 30, 2010

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Attorneys for Intervenor  
BNSF Railway Company

Pursuant to the Notice of Prehearing Conference and Evidentiary Hearings, dated July 13, 2010, BNSF hereby submits its Prehearing Statement.<sup>1</sup>

**1. Topic Areas That Are Complete And Ready To Proceed To Evidentiary Hearing.**

- A. Transmission Line Safety
- B. Hazardous Materials – Hydrogen
- C. Biological Resources – Desert Tortoise
- D. Hydrology – Subsidence

**2. Topic Areas That Are Not Complete And Not Ready To Proceed To Evidentiary Hearing And The Reasons Therefor.**

E. *Hydrology – Detention Basins.* This topic is not complete because BNSF believes that further studies must be conducted to fully understand whether the detention basins for the proposed Project are sufficient to protect BNSF's tracks and their supporting structures.

F. *Transportation – Glint and Glare.* This topic is not complete because BNSF understands that the Supplemental Staff Assessment section on Transportation has not yet been published, and that a Glint and Glare study is currently underway.

**3. Topic Areas that Remain Disputed And Require Adjudication And The Precise Nature Of The Dispute For Each Topic.**

None.

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<sup>1</sup> Subject to the Presiding Member's grant of BNSF's Petition to Intervene of the same date.

**4. Identity Of Witnesses, Topic Areas Of Expected Testimony, Brief Summary, Qualifications, Time Required To Present Direct Testimony.**

**A. Witness: Mr. Dennis Skeels, Signals Manager – California Division,**

**BNSF. Topics: Transmission Line Safety; Glint and Glare**

*1) Transmission Line Safety – 20 minutes*

BNSF is concerned the proposed proximity of the transmission line to BNSF's mainline may result in electrical induction of the rail line. Avoiding electrical induction of the rail line is a critical safety requirement.

*2) Glint and Glare – 20 minutes*

Daytime glint and glare from the 34,000 SunCatcher mirrors and associated structures may impact BNSF engineers' ability to see the signal, potentially forcing the engineer to stop the train by emergency application of the brakes and risking derailment of the train. Resumption of regular operations after an emergency application of the brakes requires implementation of special procedures, causing significant delays to rail operations with ramifications reaching from the Ports of Los Angeles and Long Beach to Chicago and beyond.

**B. Witness: Mr. Edward P. Phillips, Manager of Environmental Operations – California Division, BNSF. Topics: Hazardous Materials - Hydrogen; Biological Resources - Desert Tortoise**

*1) Hydrogen – 20 minutes*

Due to critical safety concerns, BNSF opposes the transport of hydrogen above or beneath its transcontinental mainline tracks. The transport of hydrogen above or

beneath BNSF's tracks may adversely impact rail operations and create unacceptable safety risks.

2) *Desert Tortoise – 20 minutes*

BNSF workers and emergency response personnel must have full access to BNSF's right of way and the adjacent lands for emergency response purposes. Such access will likely require temporary removal of portions of the desert tortoise exclusionary fence the Applicant is required to install as part of the Project.

**C. Witness: Mr. Thomas Schmidt, Director Engineering Services – BNSF. Topics: Hydrology – Detention Basins and Subsidence**

1) *Hydrology – Detention Basins – 20 minutes*

Given the gradient of the Project site, the detention basins being proposed as part of the Project may not be adequate to ensure protection of the tracks and their supporting structures or soil.

2) *Hydrology – Subsidence – 20 minutes*

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 derailment.

**5. Topics for Cross-Examination; Scope of Cross-Examination; Time Required for Cross-Examination**

BNSF may elect to cross-examine the persons designated by Calico Solar and the Commission to testify with expertise on Glint and Glare – 30 minutes.

**6. Exhibit List**

See attached.

**7. Proposals for Scheduling**

None.

**8. Proposed Modifications to Proposed Conditions of Certification**

BNSF proposes the following additional Conditions of Certification:

A. *Transmission Line Safety.* The transmission line shall be set back at least 300 feet from the BNSF right of way.

B. *Transportation – Glint and Glare.* Prior to the first SunCatcher disc being mounted on a pedestal, a site-specific Glare/Glint study shall be performed to address the Glare /Glint issues raised by BNSF with respect to the potential impact of the proposed Calico Solar SunCatchers on BNSF rail operations and the recommended mitigation measures, once approved by BNSF, shall be implemented by Calico Solar at its expense.

C. *Hazardous Materials – Hydrogen.* The Project shall include two separate hydrogen generating facilities, one on the north side and one on the south side of the BNSF right of way, and hydrogen shall not be transported across the BNSF right of way.

D. *Biological Resources – Desert Tortoise.* Calico Solar shall provide BNSF access to the Project site in emergency response situations.

E. *Biological Resources - Desert Tortoise.* All Calico Solar contractors and employees shall complete BNSF's environmental sensitivity training prior to commencing work on the Project site.

F. *Hydrology – Subsidence.* Calico Solar shall provide quarterly groundwater monitoring reports to BNSF, and shall notify BNSF immediately of any noted ground subsidence in the Project area.

**9. Comments Regarding Use of Informal Hearing Procedures**

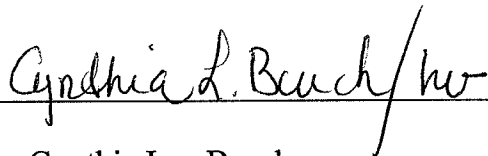
None.

**10. Comments on Location of August 18, 2010 Hearing**

None.

Dated: July 30, 2010

Respectfully submitted,



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**EXHIBIT LIST**

<b>Exhibit</b>	<b>Brief Description (Include date and docketed date)</b>	<b>Offered</b>	<b>Admitted</b>	<b>CEC Use Only</b>
1200	Prepared Direct Testimony of Dennis Skeels			
1201	Prepared Direct Testimony of Edward P. Phillips			
1202	Prepared Direct Testimony of Thomas Schmidt			



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
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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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\*indicates change



**DECLARATION OF SERVICE**

I, Harriet Vletas, declare that on July 30, 2010, I served and filed copies of the attached Prehearing Conference Statement, dated July 30, 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](http://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](mailto: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