



October 18, 2010

Mr. Christopher Meyer
CEC Project Manager
Attn: Docket No. 08-AFC-13
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
08-AFC-13	
DATE	<u>OCT 18 2010</u>
RECD.	<u>OCT 18 2010</u>

RE: Calico Solar (formerly Solar One) Project (08-AFC-13)
Applicant's Submittal of Comments on the Presiding Member's Proposed Decision

Dear Mr. Meyer:

Tessera Solar hereby submits Comments on the Presiding Member's Proposed Decision. I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.

Sincerely,

Felicia L. Bellows
Vice President of Development

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STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

Calico Solar (formerly known as)
SES Solar One) Project)
Calico Solar, LLC)
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Docket No. 08-AFC-13
**APPLICANT'S COMMENTS ON
THE PRESIDING MEMBER'S
PROPOSED DECISION**

Calico Solar, LLC, the Applicant for the Calico Solar Project, submits the following comments on the Presiding Member's Proposed Decision to approve the Project. Calico Solar greatly appreciates the extraordinary attention the Committee and the Commission's Staff have dedicated to considering the Project's benefits, its environmental impacts, and the minimization of those environmental impacts.

As reflected in the PMPD's Override Findings, the Project's most important benefit is the provision of 663.5 MW of clean, renewable energy. The Project will help the State combat climate change and improve air quality and public health while providing much-needed electrical power to California residences and businesses. In so doing, the Project will assist Southern California Edison in meeting its Renewable Portfolio Standard and will stimulate the state, regional and local economies. Through exhaustive effort on the part of Calico Solar, the Commission and its Staff, BLM, and other stakeholders, the Project has also been revised to avoid the vast majority of culturally and biologically sensitive and flood-prone areas, and has been conditioned to avoid or minimize all environmental impacts that can be avoided or minimized. The result is a PMPD that addresses impacts while making the Project's enormous benefits feasible.

Calico Solar's specific comments on the PMPD are listed below.

Introduction

1. Page 2. The PMPD mistakenly states that there will be about 26,450 SunCatchers constructed on the site. We believe that this is a typographical error because the 663.5 MW generated by Scenario 5.5 would be produced by 26,540 SunCatchers, which is 442.5 groups of 60 SunCatchers that produce 1.5 MW per group. (This calculation is based on the same 40-SunCatchers-per-MW formula as was used for the 6,215-acre version of the proposed project, which would have installed 34,000 SunCatchers to generate 850 MW.)

Therefore, the last sentence of the first paragraph on page 2 should be revised as follows:

About ~~26,450~~ 26,540 SunCatchers, configured in 442.5 1.5 MW groups of 60 SunCatchers will be constructed on the project site.

2. The number of SunCatchers also needs to be corrected in the Project Description section, pages 3 and 17; Alternatives section, page 3; Power Plant Efficiency section, twice on page 1 and once on page 3; Soil and Water Resources section, page 1; Cultural Resources section, page 59; and Land Use section, page 4.

Project Description

3. Page 8. The PMPD states that the operation and administration building, maintenance building and Main Services Complex, as well as the water treatment building, the water holding tanks and the exteriors of the assembly buildings, will be painted with a matching desert sand color. The official paint color that has been agreed upon by BLM and Calico is called "Carlsbad Canyon." Calico Solar suggests referencing the official paint color in the PMPD to avoid confusion because "desert sand" is the name of a different paint color.
4. Page 9. The PMPD states that the potable water supply would be delivered by truck or rail. The Project's potable needs will be satisfied by treated groundwater. (Supplement Staff Assessment, July 2010, at C.7-17) Calico Solar requests that the PMPD be revised to correct the source of the Project's potable water supply and to be consistent with the Supplemental Staff Assessment, as follows:

Potable Water: Potable water to meet plant requirements would be ~~delivered by truck or rail and stored in a 5,000-gallon tank in the water treatment area~~ satisfied by treated groundwater. This tank would be able to provide all required potable water for the operating facility for 2-3 days at which time it would need to be replenished. The groundwater would first be demineralized, then stored in a designated storage facility equipped with chemical dosage for disinfection. This treated potable water would be available at the Main Services Complex.

5. Page 15. The PMPD states that control, metering, and protection systems for the line, substation, and collection systems would be contained within a control building located adjacent to the Calico Solar Substation. The control building will be located within the Calico Solar Substation. Therefore, Calico Solar requests that the first sentence of the second paragraph be revised as follows:

Control, metering, and protection systems for the line, substation, and collection systems would be contained within

a control building located ~~adjacent to~~ within the Calico Solar Substation.

Greenhouse Gas (GHG) Emissions

6. Page 14. Finding of Fact 9 currently states: "The SB 1368 EPS is applicable to the Calico Solar Project GHG emissions." This sentence is not consistent with the correct information that is provided at page 6 of the PMPD's discussion of GHG Emissions (as well as in the September 2010 Final Decision for the Imperial Valley Solar Project). The sentence should be deleted and replaced with:

The Calico Solar Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]). Regardless, the Calico Solar Project has an estimated GHG emission rate of 0.00190 MTCO₂E/MWh, well below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO₂/MWh.

(See PMPD GHG p. 6.)

7. Page 15. Conclusion of Law 4 currently states:

The SB 1368 EPS applies to the Calico Solar Project. Calico Solar has an estimated GHG emission rate of 0.00190 MTCO₂E/MWh, well below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO₂/MWh.

Please delete and replace this conclusion with the following conclusion from GHG page 6 of the PMPD:

The Calico Solar Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]). Regardless, the Calico Solar Project has an estimated GHG emission rate of 0.00190 MTCO₂E/MWh, well below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO₂/MWh.

Air Quality

8. Page 7. In Air Quality Table 6, Calico Solar Operation Emission Impacts, two numbers have been changed from the same table in the SSA (Air Quality Table 13, Calico Solar Operation Emission Impacts, SSA p. C.1-27). These are the first number,

(California) NO₂ 1-hr, which has been changed from 51.8 in the SSA to 47.8 in the PMPD, and the third number, which is the sum of the first number and the background concentration. Calico Solar is aware of no reason that these numbers would have changed. Calico Solar also notes that because of the way they are calculated, the California NO₂ 1-hr number must be equal to or greater than the federal 1-hr number, which is reported as 51.8 in both the SSA and the PMPD. Accordingly, Calico Solar believes that the changed numbers in the PMPD result from a typographical error and should be revised to match the numbers in the SSA.

9. Page 12. Finding of Fact 5 should be revised to delete the word “ozone” preceding “PM10 air quality standards.” We believe this is a typographical error because there are no “ozone PM10 air quality standards.”

Public Health

10. Pages 3-4. The following sentence is incorrect and should be deleted and replaced. The sentence currently states: “With respect to the air emissions from diesel-fueled engines, the Applicant estimated worst-case emissions of 457 pounds per day of particulate matter less than 10 microns in diameter (PM10) and 57.56 pounds per day and 71 pounds per day of fine particulate matter less than 2.5 microns in diameter (PM2.5) during construction.” Both the PM10 estimate and the two conflicting PM2.5 estimates are incorrect. The sentence should be revised as follows:

With respect to the air emissions from diesel-fueled engines, the Applicant estimated worst-case emissions of ~~457~~ 23.5 pounds per day of particulate matter less than 10 microns in diameter (PM10) and ~~57.56 pounds per day and 71~~ 21.8 pounds per day of fine particulate matter less than 2.5 microns in diameter (PM2.5) during construction. See Exhibit 96 (spreadsheet docketed Aug. 4, 2010).

Biological Resources

11. Page 11. In the Biological Resources Table, Nelson’s bighorn sheep (*Ovis Canadensis nelsoni*) is listed as a State Fully Protected Species (SP). Nelson’s bighorn sheep is not a State Fully Protected Species (California Fish & Game Code §§ 4700, 4902(b); CDFG’s Special Animals (883 taxa) list, July 2009). Therefore, we ask that the incorrect SP label be deleted for Nelson’s bighorn sheep.

12. Page 42. The discussion of construction noise impacts to common wildlife contains two erroneous sentences that should be deleted:

A maximum noise level of 75 dBA Ldn is estimated to occur at a distance of 50 feet from the acoustic center of the construction activity (most often the power block) and attenuate to 40 dBA Ldn or less at project site boundaries.

Assuming that construction noise for this project would be relatively constant, the 40 dBA Ldn estimated at the site boundaries for construction noise would be similar to levels of ambient noise.

We have found no source for these statements of fact in the SSA or the AFC and believe that they are inaccurate, given the close proximity of noisy (albeit short-term) construction activity to site boundaries in numerous locations. In addition, we have found no explanation for applying the Ldn metric rather than the Leq metric that is commonly used for construction noise levels, is used in the noise analyses for the SSA and the AFC, and is referred to elsewhere in the “common wildlife” section of the PMPD.

13. Page 74. Throughout the PMPD, there are different requirements of checking desert tortoise exclusionary fencing based upon construction, operation, storm events, temporary fences, permanent fences, etc. In condition BIO-9, the tortoise exclusion fences are required to be checked on a daily basis during construction. Calico Solar requests that this condition be changed to weekly inspection during construction as set forth below. Construction will be localized and will not be occurring all over the Project site at the same time. Therefore, the integrity of the entire fence is not challenged by construction on a daily basis. If a portion of the fence is damaged during construction, under BIO-15, the damage would have to be temporarily repaired immediately and permanently repaired within 48 hours of observing the damage. It would therefore be unnecessarily costly for Calico to inspect the perimeter of the entire fenced area on a daily basis, when construction will be localized and localized damage is covered under BIO-15.

BIO-9 (excerpt)

3. Fence Monitoring. During construction maintain and check all of the desert tortoise exclusion fences on a ~~daily~~ weekly basis to ensure the integrity of the fence is maintained. The Designated Biologist shall be present on site to monitor construction and determine fence placement during fence installation. During operation of the project, fence inspections shall occur at least once per month throughout the life of the project, and within 24 hours after storms or other events that might affect the integrity and function of desert tortoise exclusion fences.

Soil and Water Resources

14. Page 42. Calico Solar requests that the timing trigger of condition SOIL&WATER-5 be revised to be prior to Phase 1b construction as set forth below. The design for the sanitary waste septic system will be determined following soil boring tests, which cannot be completed until Calico Solar has control of the site. Further, the sanitary waste septic system will not be

constructed until the Main Service Complex is built in Phase 1b; therefore, there is no need for the CPM to review the design of the system until prior to the start of the Phase 1b construction. During the construction phase of the Project, portable restrooms will be provided on site for employees.

SOIL&WATER-5 Prior to the start of Phase 1b construction, the project owner shall provide the design of a sanitary waste septic system that complies with the County of San Bernardino requirements for the construction and operation of the project's proposed sanitary waste septic system and leach field to the CPM for review and approval.

15. Page 43-45. Condition SOIL&WATER-7 requires the project owner to submit a Groundwater Level Monitoring and Reporting Plan to the San Bernardino County and the CPM for review and approval in accordance with the County ordinance. Calico Solar is happy to inform the Commission that Calico Solar finalized this plan in September 2010 and the County has approved it. The plan's official title is "Groundwater Monitoring and Management Plan." Calico Solar suggests revising the condition and verification of SOIL&WATER-7 to use the official title to avoid unnecessary confusion in the future.
16. Page 44. A new paragraph has been added to SOIL&WATER-7 requiring that the project owner install survey markers between the railroad right-of-way and the water supply well. If the measured static groundwater level drops 5' or more, the project owner shall: (1) notify the CPM and BNSF of the drop and (2) prepare a Subsidence Mitigation Plan that will be reviewed and commented on by BNSF, and approved by the CPM. Calico Solar agreed at the August 5th Evidentiary Hearing to monitor groundwater levels and to notify the CPM and BNSF if any subsidence is noted (R.T. 330-331). We did not agree, nor do we understand the basis for requiring that the trigger for notifying CPM and BNSF and developing a Subsidence Mitigation Plan be a 5 foot drop in static groundwater level. A drop in groundwater levels does not necessarily equate with land subsidence. We suggest that the trigger for taking action be a six inch change in land level. We suggest that the following replace the referenced paragraph:

In addition, the project owner shall install 5 surveyed monument markers between the Railroad ROW and the water supply well, with one marker adjacent to the supply well. If land subsidence of 6 inches or more is measured ~~if the measured static groundwater level drops 5' or more~~, the project owner shall: (1) notify the CPM and BNSF of the subsidence and (2) prepare a Subsidence Mitigation Plan that will be reviewed and commented on by BNSF, and approved by the CPM.

Cultural Resources

17. Page 99-89. The PMPD includes a new condition CUL-11 regarding the treatment of human remains. Calico Solar is happy to inform the Commission

that Calico Solar has entered into a Programmatic Agreement with BLM as contemplated in CUL-4. The Programmatic Agreement contains provisions regarding the treatment of human remains and references NAGPRA requirements. For consistency, Calico Solar requests that equally protective requirements from the NAGPRA and the PA be included in this condition. Calico Solar suggests a revision along the following lines:

CUL-11 If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made necessary findings as to origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The following actions, or other equally protective actions provided for in the Native American Grave Protection and Repatriation Act or the Programmatic Agreement, must be taken in the event that human remains are discovered on Federal, private or State land:

Land Use

18. The Land Use section of the PMPD reflects some confusion regarding the Project's inclusion of donated lands and lands acquired with assistance from the federal Land and Water Conservation Fund (LWCF). At Land Use page 4, second paragraph, the PMPD states:

Based on the evidence, it appears that LWCF lands are located within the revised project site boundary. However, the exact acreage of the affected LWCF lands within the proposed project site boundary has not been provided by the applicant. (Ex. 300, p. C.8-6.)

In fact, both LWCF and donated lands are located within the revised Project boundary and Calico Solar has provided an approximate total acreage for this area using the same methodology Calico Solar has used to calculate other project acreages. Accordingly, the two sentences of the PMPD quoted above should be replaced as follows:

Some LWCF lands (southwest corner of Section 5), and donated lands (northwest corner of Section 17) are located within the revised project site boundary. Ex. 114 (Bellows Testimony 9/13/10), Attachment B. The total acreage of these lands is approximately 96 acres. Ex. 125 (Leiba Testimony 9/13/10), ¶ 8.

19. Page 9, second full paragraph, the following sentence is inaccurate and should be deleted:

Based on Staff's independent review of applicable LORS documents, the proposed project would not be consistent with certain applicable land use LORS; in particular the current BLM Interim Policy Memorandum regarding LWCF mitigation lands (see discussion in the table below). (Ex. 300, p. C.8-14.)

The May 28, 2009 BLM Interim Policy to which this statement refers provides:

- Lands acquired by BLM under donation agreements, lands acquired for mitigation/compensation purposes, or lands acquired with LWCF funds, are to be managed as avoidance/exclusion areas for land use authorizations that could result in surface disturbing activities.
- Should BLM-California managers have use authorization applications pending, or receive new applications on lands that meet the above criteria, they are required to notify the State Director and set up a briefing to address how to respond to those applications.
- Should managers have inquiries related to pre-application activities for any land use authorizations on lands that meet the above criteria, please notify applicants regarding the location of these lands as soon as possible and *advise them to avoid these lands or provide details on how they would plan to operate or mitigate their project in a manner consistent with the values of the lands donated or acquired for conservation purposes.* (Emphasis added.)

The Interim Policy applies to both donated and LWCF-acquired lands. Through the CEC and BLM processes, Calico Solar has avoided most donated and LWCF-acquired lands, reducing the use of such lands from 1,020 acres under the 6,215-acre BLM-preferred project alternative, to approximately 96 acres under the 4,613-acre Scenario 5.5. In addition, the Project will provide large-scale, high quality compensatory habitat mitigation in locations better suited to long-term habitat protection than the donated and LWCF-acquired lands that would be affected by the Project. There is no basis for a conclusion that the project would be inconsistent with the BLM Interim Policy.

20. Agricultural Lands and Rangelands, page 10. Because it does not include the lengthier discussion provided by the SSA, the PMPD paragraph describing cumulative agricultural and rangeland impacts could be misinterpreted to conclude that the Calico Solar Project would contribute to cumulative impacts on agricultural and range lands. The paragraph currently reads:

Although, the proposed project by itself would not convert agricultural land to nonagricultural uses, the conversion of lands due to past and present projects, and the potential development of the approximately one million acres of land, would all combine to result in adverse effects on agricultural lands (one of the state's most important resources) and rangeland. Therefore, although the development of renewable resources in compliance with federal and State mandates is important and required, this conversion would contribute to a significant and unavoidable cumulative impact to agricultural resources. (Ex. 300, p. C.8-34.)

As the SSA states, even the 6,215-acre version of the project did not affect any agricultural or range land uses and, therefore, would not contribute to the effects of any other energy projects that would involve agricultural or range lands. This paragraph of the PMPD should be clarified or deleted because it does not refer to any effect of the Calico Solar Project. If a discussion of cumulative impacts to agricultural and rangelands is retained in the PMPD, the following version would provide the requested clarity:

The proposed project would not convert agricultural land or rangeland to other uses, and therefore would make no contribution to cumulative loss of agricultural land and rangeland. Other past, present and reasonably foreseeable future projects, including renewable energy projects, are anticipated to cause significant cumulative effects to agricultural resources (one of the state's most important resources) and rangeland. (Ex. 300, pp. C.8-11, C.8-33 - C.8-35.)

21. Page 11, last paragraph: "6,215 acres" should be "4,613 acres."
22. Page 12. Finding of Fact 6 should be revised to reflect the facts described in the comments above, the text of the BLM Interim Policy, and Conclusion of Law 3 on page 13 of the PMPD. Finding of Fact 6 currently reads:

The proposed project may not be consistent with a BLM Interim Policy prohibiting surface disturbing activities on lands donated to BLM or acquired with assistance from the federal Land and Water Conservation Fund. We are uncertain if any such lands remain in the Scenario 5.5 footprint and, if they do, whether BLM will find the project compliant with the Policy.

The Finding should be revised for the following reasons. First, as described above, Scenario 5.5 includes approximately 96 acres of donated and LWCF lands, and BLM's Interim Policy on its face does not "prohibit surface disturbing activities on such lands."

Calico Solar notes that BLM's FEIS, which discussed the Interim Policy, also identified the 6,215-acre version of the Calico Solar Project as BLM's preferred alternative, even though that alternative would have resulted in surface disturbing activities on 1,020 acres of donated and acquired lands. FEIS, p. 4-260. In addition, through the CEC and BLM processes, Calico Solar has committed to provide hundreds of acres of high quality compensatory habitat mitigation lands, which will mitigate the project "in a manner consistent with the values of the lands donated or acquired for conservation purposes," consistent with the Interim Policy. Accordingly, Calico Solar is confident that BLM will find Scenario 5.5, which would affect fewer than 100 acres of such lands, consistent with the Interim Policy. However, because BLM has not, as of the date of these comments, made that determination, and because Calico Solar agrees with PMPD Conclusion of Law 3, Calico Solar submits the following revised Finding of Fact 6:

Scenario 5.5 includes approximately 96 acres of lands donated to BLM or acquired with assistance from the federal Land and Water Conservation Fund. BLM will determine whether the project is compliant with a BLM Interim Policy addressing surface disturbing activities on such lands.

23. Pages 19-20, Table 2, columns 3 and 4 ("LM Interim Policy Memorandum"). As stated in PMPD Conclusion of Law 3, p. 13, the third column of Land Use Table 2 should be revised to state: "To Be Determined By BLM."

Calico Solar requests that the fourth column of Table 2 be revised to read as follows:

The proposed project site includes approximately 96 acres of lands that have been donated or acquired with Land and Water Conservation Funds (LWCF). In an Interim Policy dated May 28, 2009, the State Director of the BLM issued an Instruction Memorandum regarding management of donated lands and lands acquired with LWCF. The Interim Policy states:

- Lands acquired by BLM under donation agreements, lands acquired for mitigation/compensation purposes, or lands acquired with LWCF funds, are to be managed as avoidance/exclusion areas for land use authorizations that could result in surface disturbing activities.
- Should BLM-California managers have use authorization applications pending, or receive new applications on lands that meet the above criteria, they are required to notify the State Director and set up a briefing to address how to respond to those applications.

- Should managers have inquiries related to pre-application activities for any land use authorizations on lands that meet the above criteria, please notify applicants regarding the location of these lands as soon as possible and advise them to avoid these lands or provide details on how they would plan to operate or mitigate their project in a manner consistent with the values of the lands donated or acquired for conservation purposes.

In its FEIS for the Calico Solar Project, BLM identified the 6,215-acre version of the project, which would cause surface disturbance to 1,020 acres of donated and LWCF-acquired lands, as BLM's "agency preferred alternative," and did not find the alternative inconsistent with the Interim Policy. If BLM issues the needed Right of Way grant for the 4,613-acre Scenario 5.5, BLM will necessarily conclude that the Project's surface disturbance to approximately 96 acres of donated and LWCF-acquired lands does not conflict with the Interim Policy.

Socioeconomics and Environmental Justice

24. Page 2. In the discussion of job creation, Calico Solar requests that the PMPD clarify the fact that the same number of construction jobs and operational jobs would be created by the 663.5 MW project as by the 850 MW project. (See Ex. 122, Declaration of Matt Dadswell.) Calico Solar requests revising page 2 of the Socioeconomics and Environmental Justice section as follows:

During the 41-month construction period for the Calico Solar Project, the project owner will employ an average of 400 construction workers a month, with a peak of 700 workers in the seventh month. The types of construction workers sought by the project will include laborers, craftspeople, technicians, supervisory, support, and management personnel. The construction trades include occupations that will assemble the proposed SunCatcher units; workers engaged in these occupations will require on-site training. (Exs. 1, p. 5.10.16; 300, p. C.10-7.) Construction employee estimates remain the same for the 633.5 as for the 850 MW facility since the quantity of people will not change although the timeframe may be shorter for these people to be employed onsite doing construction. The Applicant assumes, however, that the construction period is the same length to build in some additional flexibility on commissioning of the power plant.

* * *

The project would have 180 full-time employees, the same as for the 850 MW facility. Maintenance needs do not increase or decrease on a linear basis depending on the number of SunCatchers, and a certain number of people is required to operate a facility regardless of the size within certain parameters. The majority of these employees whom are expected to already reside in the area or within a one hour commute of the project site. The Applicant expects to recruit 20 operational jobs from outside the immediate project area.

Visual Resources

25. Page 30. Calico Solar requests that condition VIS-3 (Setback of SunCatchers from Highway I-40) be revised to eliminate the additional setback from the pipeline right-of-way, as shown below. Based on the Staff's glint and glare analysis, the 223 feet setback from the highway is sufficient to reduce visual impacts from glint and glare. Requiring an additional set back to the pipeline right-of-way does not significantly reduce visual impacts, but reduces the area that can be used for power generation. VIS-3 as drafted eliminates 84 acres of land from development and would reduce the power output of the Project by 12 MW.

VIS-3 To reduce the visual dominance and glare effects of the SunCatchers to motorists on Highway I-40, the Applicant shall set back the nearest units to ~~the area north of the existing pipeline right-of-way, and at~~ a minimum distance of 223 feet from the edge of the roadway, ~~whichever is greater.~~

Override Findings

26. Page 2. In the Project Benefits section of the Override Findings (fourth bullet point), 709 MW should be changed to 663.5 MW. (Ex. 114, Testimony of Felicia Bellows, p. 2)
27. Page 3. In the fourth bullet point on this page, the Project Benefits repeats earlier estimates of the sales and use taxes that the Project will generate during construction and annually during operation. Although the most important benefit of the Project is that it will provide clean renewable energy, at the Commission's request, Calico Solar provides the following updated information regarding the Project's economic benefits:
- Construction and operation of CSP will add to the economy a \$159 million construction payroll over 44 months, and a local annual operation payroll of \$10.1 million. Sales and use taxes

during construction ~~of \$623,100 and during operation of \$387,500~~ annually and operation are estimated to total \$93 million over the life of the project. An estimated \$8.4 million would be spent annually for local operations and maintenance. Possessory taxes are estimated at \$950,000 per year and property tax on power plant equipment is estimated at \$1,000,000 per year.

Appendix B

28. Appendix B, Draft Exhibit List, should be updated with respect to Applicant's Exhibits. The following exhibit should be added: "Exhibit 129, Scenario 5.5 Tortoise Sightings and Burrows 2007 – Feb. 2010 Map." All of Calico Solar's Exhibits 1 through 129, with the exception of Exhibits 102 and 105, should be listed as "Admitted." (See Transcript, Aug. 25, 2010, pp. 336-350; Sept. 20, 2010 pp. 560-563.)

Respectfully submitted,

Date: Oct 18, 2010

BINGHAM McCUTCHEN LLP

By : Ella Foley Gannon
Ella Foley Gannon
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION

For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

**PROOF OF SERVICE
(Revised 8/9/10)**

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DECLARATION OF SERVICE

I, Darin Neufeld, declare that on October 18, 2010, I served and filed copies of the attached Applicant's Submittal of Comments on the Presiding Member's Proposed Decision. 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.

Original Signed By
Darin Neufeld