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September 6, 2012

VIA EMAIL AND REGULAR MAIL

Craig Hoffman
Compliance Project Manager
California Energy Commission, Docket Unit
1516 Ninth Street, MS-2000
Sacramento, CA 95814

Mr. William Kriegel
Chief Executive Officer
K Road Calico Solar, LLC
1 Embarcadero Center, Suite 360
San Francisco, CA 94111

Re: Calico Solar Project 08-AFC-13C – 2012 Amendment
BNSF Data Requests

Gentlemen:

Pursuant to Title 20, section 1716, of the California Code of Regulations, BNSF Railway Co. ("BNSF") submits the following supplemental data requests on Soil and Water Resource Issues to K Road Calico Solar, LLC. The requested information is necessary to: (1) more fully understand the project; (2) assess whether the project will be constructed and operated in compliance with all laws, ordinances, regulations and standards; (3) assess whether the project will result in significant environmental impacts; (4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, (5) assess how construction of the facilities will affect BNSF as a neighboring land owner, and (6) assess potential mitigation measures.

In particular, the broader landscape-scale effects of photovoltaic arrays are not adequately addressed in Calico's amendment petition, and BNSF's first two data requests seek additional information on that subject. BNSF's third data request simply clarifies that

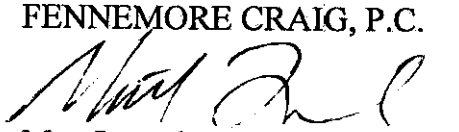
appropriate quantitative data should be produced along with Calico's deliverables throughout the process.

Because data adequacy has not been determined and no procedural order has yet been issued, BNSF requests that the Energy Commission Staff adopt these data requests as a supplement to the initial Staff data requests filed August 13, 2012. BNSF believes all parties would benefit from having the additional responsive data at the earliest possible stage of the proceedings so the data can be considered in connection with scoping, issue identification, and data adequacy evaluation.

Alternatively, these data requests are submitted as party data requests pursuant to Title 20, section 1716(b), of the California Code of Regulations, to be addressed during the discovery phase of the proceedings. BNSF reserves the right to submit additional data requests as appropriate.

Very truly yours,

FENNEMORE CRAIG, P.C.



Matt Lensch

MLEN/ldp

BNSF'S FIRST DATA REQUESTS TO K ROAD CALICO SOLAR, LLC

TECHNICAL AREA: Soil & Water

Background: Large Scale Impacts of System Components

The design concept behind both of Calico's proposed PV systems requires the installation of thousands of parallel linear components over large areas. Significant components include the impervious PV panel arrays, runoff from which would tend to create dripline channels beneath the bottom edge of each array, and unimproved access roads running in the same direction as the potential dripline channels. Large-scale effects would presumably vary depending on the underlying landforms, but linear features running perpendicular to contours would have a channeling effect that could significantly increase runoff and erosion. To assess the large-scale impacts of these significant components on runoff and erosion over the entire project area, it is necessary to first analyze rainfall and runoff at the local scale and then aggregate or "scale up" those local-scale impacts to the scale of the project.

Data Requests:

1. Please provide a sufficiently detailed site plan to allow analysis of the potential channeling effects of the parallel system components on the underlying land forms.

2. Please provide an analysis of the channeling effects of the parallel system components on the underlying local-scale land forms, as well as an analysis of the aggregate impacts of these local-scale impacts on the hydraulics, hydrology and sediment transport analysis of the project as a whole.

TECHNICAL AREA: Soil & Water

Background: Quantitative Analysis

BNSF has retained experts to review and comment on Calico's soil and water impact studies. These experts cannot provide meaningful quantitative analysis and comment based solely on generalizations in an application or report.

Data Request:

3. Please provide the digital data as well as details concerning the models and assumptions underlying any quantitative hydrology, hydraulic, sediment transport or scour analysis or conclusions. At a minimum, please provide sufficient information to reproduce and verify results of "detailed" analyses and conclusions by Calico's consultants.