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September 16, 2010

Via E-Mail

Mr. Christopher Meyer
Energy Commission Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
08-AFC-13	
DATE	SEP 16 2010
RECD.	SEP 16 2010

Re: Docket No.: 08-AFC-13
Calico Solar Hydrologic and Hydraulic Study

Dear Mr. Meyer:

We understand from this afternoon's response by Calico Solar to BNSF's data request that on January 8, 2010, Calico Solar docketed a study entitled "Existing Condition Hydrologic and Hydraulic Study for Solar One (Phase 1 and 2) Project Site," prepared by Huitt-Zollars and dated April 23, 2009. This study was also identified in the response to the Sierra Club's data requests received yesterday afternoon. However, this study does not appear to have been posted on the CEC Project Licensing Case Documents Page for the Calico Solar Project, nor does it appear to be listed on the Docket Log. We would appreciate a response from the CEC regarding whether this document has actually been docketed with the CEC.

In addition, we would like to know from the CEC which, if any, other documents listed on the Applicant's response to BNSF's data request received this afternoon have in fact been docketed. We note that BNSF has been unable to locate the documents below. BNSF again requests that copies of the following be provided:

8. Applicant's Submittal of Information Requested at the April 16 Workshop, docketed April 20, 2010.
9. Existing Condition Hydrologic and Hydraulic Study for Solar One (Phase 1 and 2) Project Site, Huitt-Zollars (April 23, 2009).
10. Responses to CEC and BLM DR, Set 2, part 2, docketed on December 4, 2009.

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Our data request of yesterday was addressed to CEC staff. The Applicant's response attached none of the documents requested. A list, with no attachment of the documents, is simply non-responsive. Moreover, it would appear that under the guise of responding to a specific request for what had already been docketed prior to the evidentiary deadline, Calico Solar has taken the opportunity to submit a new study which had not previously been provided to either the CEC or BNSF. We would appreciate the CEC's response to the question of whether this document, the "Sediment Study for Washes at Calico Solar Project Site in San Bernardino County," prepared by Howard H. Chang and dated July 2010, had ever been docketed with the CEC prior to the evidentiary deadline of Monday, September 13. We would also appreciate knowing the precise date of this study.

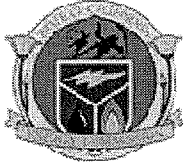
We have repeatedly requested the above documents this week, and they have not been provided. As a result BNSF has been unable to adequately prepare testimony for the evidentiary hearing scheduled for next Monday, September 20. Please advise.

Sincerely,



Cynthia L. Burch

cc: Steven A. Lamb, Esq.



**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

Docket No. 08-AFC-13

For the CALICO SOLAR (Formerly SES Solar One)

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

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DECLARATION OF SERVICE

I, Harriet Vletas, declare that on September 16, 2010, I served and filed copies of the attached Letter to Mr. Christopher Meyer with the California Energy Commission, dated September 16, 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