

<b>DOCKET</b>
<b>08-AFC-13C</b>
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May 27, 2011

Ms. Kourtney Vaccaro  
Hearing Advisor II  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Siting Committee  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: 08-AFC-13C – BNSF's First Set of Data Requests to Calico Solar**

Dear Ms. Vaccaro and Members of the Siting Committee:

Pursuant to the Committee Scheduling, Briefing and Procedures Order issued on May 2, 2011 BNSF hereby requests the Siting Committee's approval to propound the attached Data Requests on Calico Solar. BNSF believes there is good cause for such approval for the following reasons.

- 1. Financial Viability.** As BNSF has expressed both throughout the certification proceeding for the Calico Solar Project certified by the CEC on December 1, 2010 ("Original Project") and thus far for the proceeding for the photovoltaic project ("PV Project"), Calico Solar's proposed utility-scale solar energy facility has the potential to result in serious harm to the railroad, its employees, agents, contractors and operations. As such, it is imperative that the entity developing either Project have the financial ability to properly construct, operate, maintain and decommission the Project. BNSF is not aware of any evidence supporting Calico Solar's ability to do so. The Data Requests in this category seek documents and information addressing whether Calico Solar is sufficiently well funded to properly carry out all phases of the proposed Project.
- 2. Commercial Availability of Solar Technology.** Calico Solar has acknowledged that its reason for abandoning the Original Project was the commercial unavailability of the SunCatcher technology. Moreover, Calico Solar has admitted that it was aware of this fact well before the certification of the Original Project was complete. The Data Requests in this category seek documents and information regarding the timing and disclosure of this information by Calico Solar.
- 3. Access.** Access to the northern portion of the Project site remains unresolved. Calico Solar asserts that development of the Project necessitates a crossing over the BNSF Right-of-Way to access the northern portion of the Project site. BNSF believes that Calico Solar has access to the northern portion of the Project site via already existing

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public access routes, as Calico Solar has admitted in its Brief re Access to Patrick Jackson's Property, dated August 11, 2010. BNSF believes there are alternative access routes to the northern portion of the Project site which pose fewer risks to BNSF employees, agents and critical rail operations, Project employees, and the public. In light of this, at the April 20, 2011 Informational Hearing and in its Petition to Intervene, BNSF has requested the Commission require Calico Solar to develop access alternatives to the northern portion of the Project site as an element of the PV Project. The Data Requests in this category seek documents and information regarding the efforts, if any, made by Calico Solar to develop alternative access routes to the northern portion of the Project site and regarding Calico Solar's representations to and communications with the Commission regarding access, in order to allow BNSF to comment on the impacts of the PV Project on the BNSF Right-of-Way, including BNSF employees, agents, contractors and operations, and in order to ensure a fair and reasonable process for all participants in this proceeding.

4. **Soil & Water Resources.** Calico Solar is required under the Soil & Water Conditions of Certification for the Original Project to prepare numerous studies, reports and plans to, among other things, evaluate and mitigate the adverse impacts from the Original Project from stormwater runoff and sediment transport on the BNSF Right-of-Way. Pursuant to the Soil & Water Conditions for the Original Project, BNSF has a right to review and comment on these deliverables. In addition, the Soil & Water Conditions also provide for BNSF to conduct an independent hydrology study (Soil & Water 12). The Data Requests in this category seek documents and information which will allow BNSF and its consultants to properly evaluate the deliverables required under the Soil & Water Conditions of Certification, to prepare their hydrology study, and to provide comments on the impacts of the PV Project on the BNSF Right-of-Way, including BNSF employees, agents, contractors and operations.
5. **Traffic and Transportation and Visual Resources (Glare/Glint).** During the certification proceeding for the Original Project, BNSF raised serious concerns about the potential for adverse impacts, including health impacts, on BNSF's employees, agents and critical rail operations, resulting from glare and glint from the approximately 24,000 SunCatcher modules proposed under the Original Project. Calico Solar's proposed modification to Condition of Certification Trans-7 requires Calico Solar to prepare a Glare/Glint study to evaluate those impacts resulting from both SunCatchers and photovoltaic technology. The Data Requests in this category seek documents and information which BNSF's consultants need to review and comment on the work product prepared by Calico Solar pursuant to the proposed Trans-7 and to provide comments on the impacts of the PV Project on the BNSF Right-of-Way, including BNSF employees, agents, contractors and operations.

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As the Commission knows, BNSF has attempted for many months to coordinate the preparation of the deliverables required under the Soil & Water Conditions of Certification 1-15 and the proposed Glare/Glint study with Calico Solar, using a joint consultant. We have only recently learned that we will each be retaining separate consultants. In the short timeframe available, we have developed the attached Data Requests. If the Commission is unable to complete their review of the attached Data Requests in time for BNSF to serve them on Calico Solar on May 31, 2011, BNSF requests an extension of the time to serve Calico Solar. We would note that Calico Solar has recently advised the Commission that it “does not expect to commence project construction in 2011,” so a delay in service has no adverse consequences.

Given that the Petition to Amend does not include a basic plan supported by completed studies and reports, we would note that with respect to many of the deliverables required to be submitted over the coming months, BNSF will not know until it has an opportunity to review those studies, reports and plans whether or not additional data requests need to be served. We therefore respectfully request the right to propound additional data requests as BNSF considers necessary to adequately review and comment on the proposed modifications.

Finally, as the Commission is aware, we do not believe the Commission has jurisdiction over the PV Project. We submit these Data Requests without prejudice to that position until a final decision is rendered on jurisdiction.

Sincerely,

/s/

Cynthia L. Burch

**STATE OF CALIFORNIA**

**ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

In the Matter of:

The Calico Solar Project  
Amendment

DOCKET NO. 08-AFC-13C

**DATA REQUEST NO. 1 FROM BNSF RAILWAY COMPANY TO  
CALICO SOLAR, LLC**

Pursuant to Section 1716 of the California Energy Commission Siting Regulations (20 Cal. Code Regs. §1701 *et seq.*), BNSF Railway Company ("BNSF") seeks the information specified in the enclosed data requests. The information requested is necessary to (1) more fully understand the project; (2) assess whether the facility will be constructed and operated in compliance with applicable regulations; (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, and (5) assess potential alternatives and mitigation measures.

The Siting Regulations require a petition to amend to include "a discussion of the potential effect on nearby property owners, the public and the parties in the application proceedings." 20 Cal. Code Regs. §1769(a)(1)(I). The following requests are in

conformance with Section 1769(a)(1)(I) and Title 20, California Code of Regulations, Chapter 5, Article 6, Appendix B.

BNSF believes that it is not possible at this time to propound the full range of data requests necessary to evaluate Applicant's Petition to Amend because the preparation and delivery of the studies, reports and plans required by the Conditions of Certification adopted by the California Energy Commission ("Commission") in its Final Decision, effective December 1, 2010, have not been completed and will be an iterative process. BSNF nevertheless is attempting to comply with the Commission's May 2, 2011, Scheduling, Briefing and Procedures Order as best as it can in these circumstances.

If the Applicant had substantially complied with the Commission's Conditions of Certification prior to filing its Petition to Amend, many of the data requests propounded herein would not have been necessary. Instead, the various studies and reports required by the Commission's Conditions of Certification would have been completed and available for review and comment before the amendment process. As matters now stand, many of the critical studies or reports required by the Commission's Conditions of Certification are not available. Thus, absent many of the data requests below, BNSF has no way to ascertain what facts, assumptions, modeling or other factors are being used by Applicant to prepare the required studies and reports. BNSF reserves the right to propound additional data requests as Applicant provides additional information, studies and reports.

Pursuant to Section 1716(f) of the Siting Regulations, provide your responses to the following data requests within 30 days. If you are unable to provide the information

requested, or if you object to providing such information, please notify the Siting Committee, Project Manager Craig Hoffman, and BNSF of such inability or objection within 20 days.

Cynthia Lea Burch  
Anne Alexander  
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[anne.alexander@kattenlaw.com](mailto:anne.alexander@kattenlaw.com)

## DEFINITIONS

1. "APPLICANT" means Calico Solar, LLC; Stirling Energy Systems, Inc.; SES Solar One, LLC; or Tessera Solar North America; K Road Sun, LLC; K Road Power Holdings, LLC; or K Road Power Management LLC including its agents, employees, attorneys, representatives, consultants and any other PERSON acting on its behalf.
2. "CALICO SOLAR PROJECT" means the project approved by the California Energy Commission in its Final Decision, effective December 1, 2010.
3. "CEC" means the California Energy Commission, the California Energy Commission staff, attorneys for the California Energy Commissioners, Hearing Officers, staff or attorneys for the Hearing Officers, the Executive Director of the California Energy Commission, staff or attorneys for the Executive Director, and consultants of the California Energy Commission.
4. "COMMUNICATION" or "COMMUNICATIONS" means, without limitation, letters, telegrams, email or electronic mail messages, notices, telephone calls, face-to-face conversations, notes, memoranda, publications and postings.
5. "DELIVERABLE" means any document, study, report, plan, analysis, design, survey, map, topographic file, model, data or other information related to the CALICO SOLAR PROJECT or the PV PROJECT.
6. "DOCUMENT" or "DOCUMENTS" means all materials referred to in Evidence Code section 250, including, but not limited to, any written, printed, recorded,

graphic, photographic material of any kind or description however produced or reproduced including, without limitation, any mechanical or electronic recording of any oral material or other sound or visual reproduction, or any drawing, sketch, schematic or diagrammatic rendering or other descriptive materials, or any retrievable data or information, however stored, recorded, or coded, which is now or was at any time in APPLICANT'S actual or constructive possession, custody or control, or in the constructive possession, custody or control of APPLICANT'S attorneys, investigators, insurers, experts, or consultants who have any such information or knowledge.

7. "GLARE/GLINT STUDY" means all studies, including reviews of scientific literature, consultation with other experts, calculations, and modeling which are performed to understand and prevent any adverse effects of glare and/or glint created by the PV PROJECT on rail and other modes of transportation, and to ensure that there will be no adverse health impacts to train crews and other personnel operating within either the project SITE, the BNSF right-of-way, or adjacent properties.

8. "PEEVEY LETTER" means the letter, dated May 13, 2011, from Melissa Jones, Executive Director of the California Energy Commission, to President Michael Peevey, California Public Utilities Commission.

9. "PERSON" means any natural person, corporation, partnership, limited liability company, association, federal or state agency, any county, municipality or other legal entity or PERSON working for or employed by any corporation, partnership, association, federal or state agency, any county, municipality or other legal entity.

10. "PV PROJECT" means the project proposed in Applicant's Petition to Amend, dated March 18, 2011, and docketed on March 22, 2011 with the CEC.

11. "SITE" means and refers to the specific real property that is the subject of the Right of Way Lease/Grant from the Federal Bureau of Land Management to APPLICANT that was granted on or about October 21, 2010 in connection with the CALICO SOLAR PROJECT.

## **DATA REQUESTS**

### **GENERAL REQUESTS**

1. Provide all AutoCAD files serving as the basis of project design in digital format associated with the proposed layout of the PV PROJECT including the proposed locations of the SunCatcher and photovoltaic collectors, roads, transmission lines, electrical conduit, structures, grading plans, flood control infrastructure, etc. These documents should also be presented in Adobe PDF files on 24" x 36" sheets with a scale of 1 inch=60 feet.
2. Provide copies of all studies and designs that were utilized by APPLICANT in its March 2011 Petition to Amend.
3. Provide all DOCUMENTS reflecting any formal or informal requests for proposal to perform any of the DELIVERABLES required in connection with the CALICO SOLAR PROJECT or PV PROJECT and all responses thereto by any consultants or contractors interviewed by APPLICANT.
4. Provide copies of all contracts with any consultants retained by APPLICANT to perform any of the DELIVERABLES.
5. Provide all DOCUMENTS reflecting any formal or informal scope of work issued by APPLICANT in connection with the CALICO SOLAR PROJECT or the PV PROJECT.
6. Provide all DELIVERABLES under Soil&Water 1-15, Civ-1, the proposed Petition to Amend, and the GLARE/GLINT STUDY consistent with the requirements of Soil&Water-14. All deliverables submitted by APPLICANT and

all engineering plans, reports, documents, maps and surveys relied upon, shall be made available to BNSF and the CPM in electronic format. All surveys and plans shall be provided in AutoCAD and all reports shall be provided in editable format to the commenting parties. Provide any and all source files or input and output files in digital format for the computer models used to perform the analyses required in all deliverables submitted by the APPLICANT pursuant to the Conditions of Certification and the GLARE/GLINT STUDY.

7. Provide copies of all studies, designs and reports provided by APPLICANT to its contractors and consultants for the CALICO SOLAR PROJECT and/or the PV PROJECT.

8. Provide the Initial Drainage Report prepared for APPLICANT for the CALICO SOLAR PROJECT by Stantec Consulting, dated October 7, 2008, including:

- a. All HEC-RAS files in digital format discussed in the Stantec October 7, 2008 Initial Drainage Report.
- b. All FlowMaster files in digital format discussed in the Stantec October 7, 2008 Initial Drainage Report.
- c. All pier scour calculations in digital format discussed in the Stantec October 7, 2008 Initial Drainage Report, including associated volumes of sediment associated with these computations.
- d. All AES hydrologic analysis files in digital format discussed in the Stantec October 7, 2008 Initial Drainage Report.

9. Provide the Drainage Erosion and Sediment Control Plan prepared for APPLICANT for the CALICO SOLAR PROJECT by Huitt Zollars, dated August 25, 2009, including all computer model input/output files in digital format used to develop the runoff calculations presented in the Huitt-Zollars August 25, 2009 Draft Drainage Erosion & Sediment Control Plan.

10. Provide the Existing Conditions Hydrologic and Hydraulics Study prepared for APPLICANT for the CALICO SOLAR PROJECT by Huitt Zollars dated April 23, 2009 ("the April 2009 Huitt Zollars Study"), and with respect to the April 2009 Huitt Zollars Study:

- a. All input and output files in digital format used by Huitt-Zollars for their hydrologic analysis of the Site (e.g., AES input files, watershed delineations in AutoCAD format, etc.);
- b. High-resolution copies of all historical aerial photographs used by Huitt-Zollars and/or West Consultants in their analyses (e.g., USDA aerial photos obtained by West Consultants and referenced in their April 2009 Geomorphic Analysis report) discussed in the April 2009 Huitt Zollars Study;
- c. All sediment yield computations performed by West Consultants and appended to the April 2009 Huitt Zollars Study;
- d. All scour calculations for the piers/foundations including the volume of sediment scour for the SunCatchers discussed in the April 2009 Huitt Zollars Study;

- e. FEMA FAN input and output files in digital format from the hydraulic analyses discussed in the April 2009 Huitt Zollars Study;
  - f. HEC-RAS input and output files in digital format from the hydraulic analyses discussed in the April 2009 Huitt Zollars Study;
  - g. Any debris basin or detention basin design considerations and computer files in digital format prepared by Huitt-Zollars and discussed in the list of conclusions, alternatives, and recommendations presented in the April 2009 Huitt Zollars Study;
  - h. All AutoCAD files in digital format associated with the Huitt-Zollars mapping of inundated areas under various storms over the project site presented in the April 2009 Huitt Zollars Study.
11. Provide all wind erosion calculations using Chepil wind erosion equations and modified Chepil wind erosion equations.
12. Provide an erosion analysis that meets the requirements of the Soil&Water Conditions of Certification.
13. Provide digital elevation model (DEM) data and 1-foot resolution topographic contour data in digital format for the SITE for both existing and proposed conditions.
14. With respect to APPLICANT'S proposed schedule of DELIVERABLES, as set forth in APPLICANT'S letter, dated May 25, 2011, to Craig Hoffman, Project Manager, California Energy Commission, identify which DELIVERABLES that APPLICANT has allotted time to BNSF for review and time

to the Commission for comment and approval before proceeding with the subsequent preparation or finalization of other DELIVERABLES.

15. With respect to the studies or reports identified in response to Data Request #14 above, identify how much time APPLICANT has allotted to BNSF to review and comment on each study or report and to the Commission and BNSF to subsequently review and comment on each study or report.

16. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

**REQUESTS CONCERNING APPLICANT'S NEW OWNERSHIP AND FINANCIAL CAPACITY TO CONSTRUCT, OPERATE, MAINTAIN AND DECOMMISSION THE PV PROJECT**

17. Please disclose all owner(s) of APPLICANT.
18. Provide all contracts for the sale and purchase of APPLICANT, including any provisions for the assumption of APPLICANT's liabilities.
19. Provide an organizational chart showing the ownership of APPLICANT, the ownership of APPLICANT's owner(s), and the ownership of the owner of APPLICANT'S owner, including the member(s) of each of those entities.
20. Provide all financial statements and reports of APPLICANT, APPLICANT's owner and the owner of APPLICANT's owner, sufficient to demonstrate APPLICANT'S financial viability and ability to construct, operate, maintain and decommission the PV PROJECT, throughout the life of the PV PROJECT.
21. Provide all financial statements and reports of APPLICANT sufficient to demonstrate APPLICANT'S financial viability and ability to secure a bond sufficient to pay for decommissioning of the PV PROJECT, if necessary.
22. Provide Attachment B to Form 299 that APPLICANT provided to the Federal Bureau of Land Management regarding APPLICANT's financial condition.
23. If APPLICANT intends to rely on a guaranty or financial resources of anyone other than the immediate owner of APPLICANT, please disclose the

identity of any intended guarantor or source of financial support and the amount of their guaranty or financial resources.

24. Provide copies of all contracts, DOCUMENTS and COMMUNICATIONS with any consultants retained by APPLICANT to perform any of the DELIVERABLES.

25. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

**REQUESTS CONCERNING THE FEASIBILITY AND/OR AVAILABILITY OF PROPOSED SOLAR TECHNOLOGY IN PV PROJECT**

26. Provide all contracts or other agreements relating to APPLICANT's purchase of SunCatchers.

27. Provide all documents from Tessera Solar, Stirling Energy Systems, Inc., or any other source of SunCatchers that confirm when SunCatchers will be commercially available in sufficient quantities (i.e., more than 4,000) to support APPLICANT's proposed use of SunCatchers in its Petition to Amend.

28. Provide all contracts or other agreements relating to APPLICANT's purchase of photovoltaic panels.

29. Provide all contracts or other agreements relating to APPLICANT's purchase of tracks, rails, poles and other infrastructure designed to allow APPLICANT to array photovoltaic panels at variable heights from the ground surface.

30. Provide all reports or documents which APPLICANT believes support its position that it can array photovoltaic panels at variable heights from the ground surface, and evaluate the impact on solar facility operations.

31. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

## **REQUESTS CONCERNING ACCESS TO THE SITE**

32. Please disclose all public roads and public routes that APPLICANT considered to access the portion of the SITE north of the BNSF railway, including but not limited to those discussed in APPLICANT's Brief Regarding Access to Patrick Jackson's property, filed with the California Energy Commission, dated August 11, 2010.

33. Please disclose all public roads and public routes that APPLICANT intends to use to access the portion of the SITE south of the BNSF railway.

34. Please provide all documents and information relating to APPLICANT'S prior blading and grading of roads to drill its monitoring well, including but not limited to the identity of the contractor, when the work was commenced, when the work was completed, what was the cost, and which roads or routes were bladed and graded.

35. Provide all documents referencing communications with the Federal Bureau of Land Management regarding access to the SITE.

36. Provide all documents referencing communications with the CEC regarding access to the SITE.

37. Provide all documents referencing communications with the California Public Utilities Commission regarding access to the SITE.

38. Provide all documents referencing communications with CALTRANS regarding access to the SITE.

39. Provide all documents referencing communications with Newberry Springs regarding access to the SITE.
40. Provide all documents referencing communications with Ludlow regarding access to the SITE.
41. Provide all documents referencing communications with the County of San Bernardino regarding access to the SITE.
42. Provide all documents referencing any request by APPLICANT to any private person or governmental agency to allow APPLICANT access to the SITE.
43. Provide all documents with any private person or governmental agency reflecting Applicant's consideration of alternative routes of access to and from the SITE.
44. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and the CEC regarding the PEEVEY LETTER.
45. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and the CEC regarding CALICO'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.
46. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and Melissa Jones, Executive Director of the CEC, regarding the PEEVEY LETTER.
47. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and Melissa Jones, Executive Director of the CEC, regarding

APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

48. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and any member of the CEC staff regarding the PEEVEY LETTER.

49. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and any member of the CEC staff regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

50. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and any member of the CEC Chief Counsel's Office regarding the PEEVEY LETTER.

51. Please provide any and all DOCUMENTS and COMMUNICATIONS between APPLICANT and any member of the CEC Chief Counsel's Office regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

52. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and the CEC regarding the PEEVEY LETTER.

53. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and the CEC regarding APPLICANT'S complaint

C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

54. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and Melissa Jones, Executive Director of the CEC, regarding the PEEVEY LETTER.

55. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and Melissa Jones, Executive Director of the CEC, regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

56. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and any member of the CEC staff regarding the PEEVEY LETTER.

57. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and any member of the CEC staff regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

58. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at

Bingham McCutchen LLC and any member of the CEC Chief Counsel's Office regarding the PEEVEY LETTER.

59. Please provide any and all DOCUMENTS and COMMUNICATIONS regarding any and all telephone communications between APPLICANT'S counsel at Bingham McCutchen LLC and any member of the CEC Chief Counsel's Office regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks.

60. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with the CEC regarding the PEEVEY LETTER, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

61. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with the CEC regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

62. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with Melissa Jones, Executive Director of the CEC regarding the PEEVEY LETTER, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

63. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with Melissa Jones, Executive Director of the CEC regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

64. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with any member of the CEC staff regarding the PEEVEY LETTER, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

65. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with any member of the CEC staff regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

66. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with the CEC Chief Counsel's Office regarding the PEEVEY LETTER, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

67. Please disclose the date, time and identity of all individuals who communicated on APPLICANT'S behalf with the CEC Chief Counsel's Office

regarding APPLICANT'S complaint C1010015 before the California Public Utilities Commission for temporary and permanent access across the BNSF railroad tracks, and for each such communication, please disclose the manner and substance of each COMMUNICATION.

68. Please provide any and all drafts of the PEEVEY LETTER that APPLICANT received, and for each draft, the date that APPLICANT received such draft.

69. Please provide any and all drafts of the PEEVEY LETTER that APPLICANT sent to the CEC, Melissa Jones, any member of the CEC staff or the CEC Chief Counsel's Office, and for each draft, the date that APPLICANT sent such draft and the identity of the PERSON to whom the draft was sent.

70. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

## **REQUESTS REGARDING DRAINAGE, EROSION AND SEDIMENT CONTROL PLAN**

71. Identify existing reports, data analyses, models, studies which will demonstrate the pre-existing and post-construction storm water flows as required by Soil&Water 1.

72. Provide the infiltration/runoff calculations from the Infiltration Report in Data Request #103 below.

73. Provide analyses demonstrating how pre- and post-construction site conditions will affect the Time of Concentration and hence the unit hydrograph shape and duration.

74. Provide hydrologic model input and output files predicting peak flows and hydrograph duration/volume for a 100yr-6 and 24 hour design storm.

75. Provide sediment transport analysis, including all modeling input/output files.

76. Please confirm that the sediment transport analysis used for the Drainage, Erosion and Sediment Control Plan will be based on the hydrologic modeling results provided in response to Data Request #74 above. If not, please provide the hydrologic modeling data used for the sediment transport analysis.

77. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

**REQUESTS REGARDING SCOUR ANALYSIS AND POLE FOUNDATION STABILITY REPORT**

78. Provide the geotechnical report required by Soil&Water-8.
79. Provide the hydrologic and sediment transport analyses/modeling used for the scour analysis and pole foundation stability report.
80. Provide the scour calculation/analyses required by Soil&Water-3.
81. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

**REQUESTS REGARDING  
GEOMORPHIC AND HYDRAULIC ANALYSIS;  
GEOMORPHIC AND BIOLOGIC ANALYSIS;  
GEOTECHNICAL REPORT  
DETENTION BASIN DESIGN**

82. Identify existing reports, data analyses, models, studies which will demonstrate the pre-existing and post-construction storm water flows as required by Soil&Water 8(1)(a)-(p).

83. Please identify all reports, data analyses, models, studies and calculations ("Reports") that demonstrate APPLICANT'S compliance with the requirements of Soil&Water 8(1)(a)-(p).

84. Provide all Reports identified in response to Data Request #83.

85. Provide flood routing calculations for design storms through existing and proposed drainage channel systems to include model input/output files, including flood routing of design storms through BNSF right-of-way and structures.

86. Please confirm that the base hydrographs for the geomorphic and hydraulic analysis will be derived from modeling in support of the Drainage, Erosion and Sediment Control Plan to be performed pursuant to Soil&Water 1. If not, please provide all base hydrographs used for the geomorphic and hydraulic analysis and the report under which they will be prepared.

87. All existing biological surveys of the SITE.

88. Provide the Drainage, Erosion and Sediment Control Plan data used to determine whether detention basins are needed.

89. Provide the geotechnical report, including site specific investigations of individual detention basin sites, used to determine whether detention basins are needed.

90. Provide the hydrologic modeling and flood routing analysis used to determine whether detention basins are needed.

91. Provide all boring information, including the number of borings and the locations of the borings.

92. Provide all analysis of subsurface soil, rock and water conditions.

93. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

## **REQUESTS REGARDING HYDROLOGIC STUDY**

94. Please confirm that the hydrologic study required by Soil&Water 12 will draw, among other studies, on hydrologic analyses and modeling performed in the Drainage, Erosion and Sediment Control Plan (S&W-1) and Geomorphic and Hydraulic Analysis (S&W-8).

95. Please confirm that the hydrologic modeling performed in the Drainage, Erosion and Sediment Control Plan (S&W-1) and Geomorphic and Hydraulic Analysis (S&W-8) will include flood routing of design storms across the BNSF right-of-way and prediction of flow rates/velocities through individual bridge crossings based on pre- and post-construction conditions.

96. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

## **REQUESTS REGARDING INFILTRATION REPORT**

97. Provide soil survey and land cover maps.
98. Provide conceptual site plan with specific level of detail needed to prepare the Infiltration Report.
99. Provide rainfall temporal histograms for 6-hour and 24 hour – 100 year design storms.
100. Provide mapping of the spatial distribution and estimates of the area of directly-connected (roadways and buildings) and indirectly-connected (PV panels) impervious surfaces.
101. Provide pre-grading topographic maps and a detailed site grading plan.
102. Provide watershed and sub-watershed drainage area map(s) showing watershed boundaries within the project and to points of ingress/egress on BNSF right-of-way and sub-watershed boundaries in the project area.
103. Provide infiltration/runoff calculations for each land use/soil type based on pre-existing/construction/post-construction conditions (aggregated on a watershed/sub-watershed basis) including sensitivity analysis of aggregate runoff from each design storm.
104. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

## **REQUESTS REGARDING TRAFFIC AND TRANSPORTATION AND VISUAL RESOURCES**

### **BACKGROUND**

The traffic and transportation and visual sections of the Petition to Amend present only a brief and subjective discussion of glare and glint impacts of the PV PROJECT. The Petition to Amend does not provide a detailed analysis sufficient to address glare and glint concerns, including the potential hazard, disability or nuisance glare from the PV and SunCatcher technologies on BNSF employees, agents or contractors, motorists, Calico Solar employees or agents, or rail operations. BNSF and its experts believe the data requested below is necessary to produce a model that will accurately capture potentially hazardous conditions that may arise due to glare and glint from the PV PROJECT. It is BNSF's intent to protect the safety of BNSF employees by virtue of ensuring the GLARE/GLINT STUDY being done by APPLICANT sufficiently addresses all relevant factors.

### **DATA REQUESTS**

105. Scope of Work: Provide a description of all work to be performed in relation to the GLARE/GLINT STUDY. This data should include a detailed methodology as well as a description of the final work product.

106. Timeline: Provide a detailed timeline for when the GLARE/GLINT STUDY will begin and end, as well as timing for progress milestones, which should include: completion of background research/literature search, completion of modeling topography, completion of modeling BNSF right-of-way, completion of modeling placement of solar technology, beginning of model implementation, delivery of results, and delivery of reports.

107. Bibliography. Provide a bibliography of initial background research/literature search, which will be supplemented on an ongoing basis and copies of research as requested by BNSF.

108. Copy of the plans that are being modeled: Provide a copy of all plans that are being modeled, including all topographical maps (as the terrain will be at time of GLARE/GLINT STUDY completion) in electronic format (e.g., DEM), plan drawings for the GLARE/GLINT STUDY , detailed maps indicating where the solar technology will be placed, rail maps indicating the trajectory of the BNSF right-of-way as well as placement of signals and any other documents that are to be consulted in the development of the virtual project site layout.

109. Provide the date(s) when the designs being modeled were finalized and any updates.

110. List of technological specifications being used for the model. Provide the following technological specifications being used for the model:

- a. Train data: details of the speed of the trains, the frequency of the trains passing through the SITE, geometry of the trains, locations for virtual cameras in the model, settings for the virtual camera (including focal length)
- b. Train signal data: describe, in detail, the precise locations for each signal in and near the SITE, the functions of each signal, the brightness/luminance of each signal, the color of each signal
- c. Solar technology: describe, in detail, the types of technology being used, number of units of each type of technology, detailed design specifications for each technology being modeled, precise locations where the technology will be placed, reflectance properties of each

technology, sun-tracking algorithms, stowage procedures, and mathematical equations used to simulate each of the above properties

111. Provide all sources for the technical specifications, assumptions, measurements and equations described in Data Request #110 including, but not limited to, product brochures, maps, technical or scientific references, photographs, direct measurements, notes or information from other existing solar sites, notes or information from other experts and exemplar products.

112. Provide a detailed description of the plan for implementing the model.

This description must include the following:

- a. The total number of simulations to be conducted;
- b. The times of day and days of the year that are to be simulated;
- c. The location(s) of the virtual camera(s) within the simulation;
- d. Define all issues being assessed including, but not limited to, flash blindness, adverse effects on the retina, the effects on an observer of multiple solar collectors, distraction, discomfort and visual obstructions;
- e. Criteria that will be used to determine whether there are any adverse effects on human health, perception or comfort due to the presence of the solar technology;
- f. Detailed description of methodology used to determine the number of simulations and times of day/year simulations are run, taking into account all variables, including the following:

- i. Variability in sun position;
  - ii. Variability in positioning of solar technology;
  - iii. Variability in viewer position.
- g. A statistical or otherwise scientifically valid explanation of how the output of the GLARE/GLINT STUDY provides sufficient data to generalize to every day and time of year at every location along the BSNF right-of-way.

113. Provide weekly status reports during the GLARE/GLINT STUDY, including:

- a. Status updates on the state of the model
- b. Initial findings
- c. Problems that are causing delays in the GLARE/GLINT STUDY timeline
- d. Plan for progress over the next week
- e. Description of any changes to the model
- f. Any deviations, new information, or new data sources that have arisen subsequent to the initial responses to Data Requests #105-111 above
- g. Updated bibliography referenced in Data Request #107 above, and copies of any background research/literature as requested by BNSF.

114. Provide electronic copies of the model, once it is built.

- a. File types to include will be those from 3D Studio Max, Maya or similar modeling programs;

- b. Include all animations and textures that have been incorporated into the model;
  - c. All render settings;
  - d. Provide all rendered animation/movie files;
  - e. Any other hardware or software requirements that were necessary to generate and render the model, including, but not limited to, installed and uninstalled software, computer performance specifications, configuration files, script files, and necessary hardware-component removal or addition.
115. Provide all quantitative data leading to conclusions, including:
- a. Spreadsheets, computer code, handwritten calculations detailing inputs to a geometric analysis
  - b. Output of geometric analysis, which must include locations and times sampled, observed glare/glint intensities, and any conclusions based on the data
116. Provide a final report detailing all methods, results and conclusions.

117. Provide all COMMUNICATIONS between the APPLICANT and the CEC regarding the topics covered by the Data Requests set forth in this section.

May 27, 2011

          /s/            
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**FOR THE CALICO SOLAR PROJECT  
AMENDMENT**

**Docket No. 08-AFC-13C  
PROOF OF SERVICE  
(Revised 5/25/2011)**

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DECLARATION OF SERVICE

I, \_\_\_\_\_, declare that on \_\_\_\_\_, 2011, I served by U.S. mail and filed copies of the attached \_\_\_\_\_, dated \_\_\_\_\_, 2011. 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/calicosolar/compliance/index.html].

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:

- delivering an original paper copy and sending one electronic copy by e-mail 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-13C  
1516 Ninth Street, MS-4  
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[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.

\_\_\_\_\_