



**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 FOR THE
*CALICO SOLAR PROJECT AMENDMENT***

DOCKET No. 08-AFC-13C

**COMMITTEE AUTHORIZATION AND DENIAL OF SPECIFIC DATA REQUESTS
FROM BNSF RAILWAY TO CALICO SOLAR, LLC**

1. Approved insofar as the request seeks information readily available in the format requested by BNSF and to the extent the information is not already included in the Petition to Amend or otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
2. Approved insofar as the request seeks studies and designs that are not readily available in the format requested by BNSF and to the extent the studies and designs are not already included in the Petition to Amend, Calico's previously filed Data Responses, or otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
3. Denied. Please explain how the request applies to a California Environmental Quality Act (CEQA) analysis, assessment of compliance with applicable laws, ordinances, regulations, and standards (LORS), or findings required under the Warren-Alquist Act and its implementing regulations as they specifically relate to the Petition to Amend as distinguished from the approved Calico Solar Project.
4. Denied. Please explain how the request applies to a CEQA analysis, assessment of compliance with applicable LORS, or findings required under the Warren-Alquist Act and its implementing regulations as they specifically relate to the Petition to Amend as distinguished from the approved Calico Solar Project.
5. Denied. Please explain how the request applies to a CEQA analysis, assessment of compliance with applicable LORS, or findings required under the Warren-Alquist Act and its implementing regulations as they specifically relate to the Petition to Amend as distinguished from the approved Calico Solar Project.
6. Denied. Calico is already required to provide to Commission Staff and all other parties to this proceeding, several studies and reports relative to the Petition to Amend (as distinguished from the approved Calico Solar Project) pursuant to Commission Staff's first set of Data Requests. Calico is expected to make the various studies and reports available during the period from May 31 through September 1, 2011.

7. Approved insofar as the request seeks studies, designs and reports are not already included in the Petition to Amend, Calico's previously filed Data Responses, or otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
8. Denied. On its face, the request does not directly relate to the Petition to Amend.
9. Denied. On its face, the request does not directly relate to the Petition to Amend.
10. Denied. On its face, the request does not directly relate to the Petition to Amend.
11. Approved insofar as the request pertains to reasonably available, existing wind erosion calculations relating specifically to the Petition to Amend that are not already included in the Petition to Amend, Calico's previously filed Data Responses, or otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
12. Denied. Calico is already required to provide to Staff and all other parties to this proceeding, an infiltration report including an analysis for the potential for soil erosion as requested by Commission Staff's Data Requests 14 and 18. Calico is expected to make the various studies and reports available about July 27, 2011.
13. Approved if such data is readily available to Calico.
14. Approved.
15. Approved.
16. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend that not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.

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

17. Approved.
- 18 – 24. Denied. Please explain how the request applies to a CEQA analysis, assessment of compliance with applicable LORS, or findings required under the Warren-Alquist Act and its implementing regulations as they specifically relate to the Petition to Amend as distinguished from the approved Calico Solar Project.
25. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend that are not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.

FEASIBILITY AND/OR AVAILABILITY OF PROPOSED SOLAR TECHNOLOGY

26. Approved.
27. Approved.
28. Approved.
29. Approved.
30. Approved.
31. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend that are not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.

ACCESS TO THE SITE

32. Approved insofar as the request seeks information that has not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
33. Approved insofar as the request seeks information that has not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
34. Denied. Please explain how the request is relevant to a CEQA analysis, compliance with applicable LORS, or findings required under the Warren-Alquist Act and its implementing regulations.
35. Approved as hereby limited to Calico providing copies of communications if any between Calico (or its agents) and the Federal Bureau of Land Management regarding the Petition to Amend that have not already been provided in the Petition to Amend or is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from the Federal Bureau of Land Management.
36. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and the Energy Commission regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from the Energy Commission.
37. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and the California Public Utilities Commission regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from the California Public Utilities Commission.

38. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and Caltrans regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from Caltrans.
39. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and Newberry regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from Newberry.
40. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and Ludlow regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from Ludlow.
41. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and the County of San Bernardino regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit or from the County of San Bernardino.
42. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and any private person or governmental agency regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
43. Approved as hereby limited to Calico providing copies of any communications between Calico (or its agents) and any private person or governmental agency regarding the Petition to Amend that have not already been provided in the Petition to Amend and is not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
- 44 – 69. Approved.
70. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend that are not otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.

DRAINAGE, EROSION, AND SEDIMENT CONTROL PLAN

71. Denied. On its face, the request does not directly apply to the Petition to Amend.
72. Denied. On its face, the request does not directly apply to the Petition to Amend.
- 73 – 75. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the requests.

76. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request should Calico answer the first part of the question in the negative.
77. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend that are not otherwise available to BNSF from the Energy Commission website or Siting/Dockets Unit.

SCOUR ANALYSIS AND POLE FOUNDATION STABILITY REPORT

78 – 81. Denied. Facially, these requests do not apply to the Petition to Amend.

GEOMORPHIC AND HYDRAULIC ANALYSIS; GEOMORPHIC AND BIOLOGIC ANALYSIS; GEOTECHNICAL REPORT DETENTION BASIN DESIGN

- 82 - 84. Denied. Calico is already required to provide to Commission Staff and all other parties to this proceeding, several studies and reports relative to the Petition to Amend (as distinguished from the approved Calico Solar Project) pursuant to Commission Staff's first set of Data Requests. Calico is expected to make the various studies and reports available during the period from May 31 through September 1, 2011.
85. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
86. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request should Calico answer the first part of the question in the negative.
87. Approved as hereby limited to Calico producing any such available surveys responsive to the request, that are not already included in the Petition to Amend, Calico's previously filed Data Responses, or otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit. already included in the Petition to Amend, Calico's previously filed Data Responses, or otherwise equally available to BNSF from the Energy Commission website or Siting/Dockets Unit.
88. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
89. Denied. Calico is already required to provide to Commission Staff and all other parties to this proceeding, several studies and reports relative to the Petition to Amend (as distinguished from the approved Calico Solar Project) pursuant to Commission Staff's first set of Data Requests. Calico is expected to make the various studies and reports available during the period from May 31 through September 1, 2011.

90. Denied. Calico is already required to provide to Commission Staff and all other parties to this proceeding, several studies and reports relative to the Petition to Amend (as distinguished from the approved Calico Solar Project) pursuant to Commission Staff's first set of Data Requests. Calico is expected to make the various studies and reports available during the period from May 31 through September 1, 2011.
91. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
92. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
93. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend and which are not otherwise available to BNSF from the Energy Commission website or Siting/Dockets Unit.

HYDROLOGIC STUDY

- 94 – 96. Denied. Facially, these requests relate to post-compliance activities for the previously approved Calico Solar Project.

INFILTRATION REPORT

97. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
98. Approved insofar as the request seeks information relating exclusively to the Petition to Amend that is readily available in the format requested by BNSF and to the extent the information is not already included in the Petition to Amend or otherwise available to BNSF from the Energy Commission website or Siting/Dockets Unit.
99. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
100. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.
101. Approved as hereby limited to Calico producing any such readily available, existing maps responsive to the request.
102. Approved as hereby limited to Calico producing any such readily available, existing maps responsive to the request.
103. Approved as hereby limited to Calico producing any such readily available, existing data responsive to the request.

104. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend and which are not otherwise available to BNSF from the Energy Commission website or Siting/Dockets Unit.

TRAFFIC AND TRANSPORTATION

105. Approved as hereby limited to Calico producing any such existing scope of work.

106. Approved only as hereby limited to Calico producing any such existing timeline.

107. Approved only as hereby limited to Calico producing any such existing bibliography.

108. Approved only as hereby limited to Calico producing any such existing documents and to the extent such documents have not already available in the Petition to Amend, Calico's previously submitted data responses, or from the Energy Commission's website or Siting/Dockets Unit.

109. Approved.

110. Approved as hereby limited to Calico producing any such existing technological specifications.

111. Approved as hereby limited to Calico producing any such existing information responsive to the request.

112. Denied.

113. Denied.

114. Approved to the extent Calico is readily capable of doing so.

115. Approved.

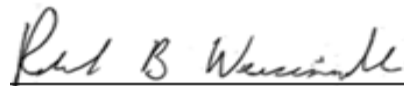
116. Denied.

117. Approved insofar as the request pertains to communications specifically relating to the Petition to Amend and which are not otherwise available to BNSF from the Energy Commission website or Siting/Dockets Unit.

Dated: July 26, 2011, at Sacramento, California.



KAREN DOUGLAS
Commissioner and Presiding Member
Siting Committee



ROBERT B. WEISENMILLER
Chairman and Associate Member
Siting Committee



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***FOR THE CALICO SOLAR PROJECT
AMENDMENT***

**Docket No. 08-AFC-13C
PROOF OF SERVICE
(Revised 7/18/2011)**

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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on July 26, 2011, I served by U.S. mail and filed copies of the attached COMMITTEE AUTHORIZATION AND DENIAL OF SPECIFIC DATA REQUESTS FROM BNSF RAILWAY TO CALICO SOLAR, LLC, dated July 26, 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
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:
RoseMary Avalos
Hearing Adviser's Office