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DOCKET	
11-CAI-01	
DATE	AUG 13 2011
RECD.	AUG 15 2011

August 13, 2011

Michael J. Levy, Chief Counsel
California Energy Commission
1516 Ninth Street MS-14
Sacramento, California 95814
mlevy@energy.state.ca.us

[US MAIL & E-MAIL]

Re: Docket No. 11-CAI-01, Calico Solar Project - Complaint and Investigation
Request For Investigation

Dear Mr. Levy:

Pursuant to California Code of Regulations, Title 20, § 1231 which authorizes any person to file a request for investigation, I request the California Energy Commission investigate BNSF Railway Company's allegation the "Applicant's application and supplemental documentation contained material false statements regarding the commercial viability and availability of SunCatchers for the Calico Solar Project." (BNSF Railway Company Verified Complaint to Revoke Certification, p. 2 (Complaint))

BNSF's allegation is based on Section 25534(a)(1) of the Public Resources Code which states:

The commission may, after one or more hearings, amend the conditions of, or revoke the certification for, any facility for any of the following reasons:

- (1) Any material false statement set forth in the application, presented in proceedings of the commission, or included in supplemental documentation provided by the applicant.

On June 14, 2011, Chairman Robert Weisenmiller filed Service of Complaint and Scheduling Order (Order) relating to BNSF's Complaint. The Order directed staff to investigate allegations raised in the Complaint as to whether Calico significantly failed to comply with the terms and conditions of certification. The Order did not direct the staff to investigate BNSF's

allegation the “Applicant’s application and supplemental documentation contained material false statements.”

A full investigation into BNSF’s allegation as to whether the “Applicant’s application and supplemental documentation contained material false statements” is necessary for the Parties, Intervenors, interested agencies, entities and persons and the public to better understand and fully participate in this proceeding and the Compliance Proceeding.

Commission staff should investigate all facts pertaining to BNSF’s allegation including but not limited to the statement of facts set forth in the BNSF Complaint and its Exhibits.

The Commission has the authority to conduct an investigation and act on the investigation pursuant to Section 25534(a)(1) of the Public Resources Code and Sections 1230, 1232, 1233.5, 1234, 1235 of Title 20, California Code of Regulations.

I am filing this Request For Investigation. My name is Patrick C. Jackson. My address is 600 N. Darwood Avenue, San Dimas, CA 91773. Telephone Number: (909) 599-9914. E-Mail address: ochsjack@earthlink.net.

The Applicant is Calico Solar, LLC, c/o Daniel O. O’Shea, Managing Director, 2600 10th Street, Suite 635, Berkeley, CA 94710. Telephone Number: (510) 981-1656. E-Mail address: dano@kroadpower.com.

I certify under penalty of perjury under the laws of the State of California the foregoing is true and correct and this request was executed on August 13, 2011, in San Dimas, California.

The Declaration of Service and the Proof of Service located on the web page for the Complaint and Investigation Proceeding are attached.

Respectfully submitted,



Patrick C. Jackson

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:

Calico Solar Project
Complaint and Investigation

Docket No. 11-CAI-01

Request For Investigation

DECLARATION OF SERVICE

I, **Patrick C. Jackson**, declare that on **August 13, 2011**, I served and filed copies of the attached ***Request For Investigation***. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/calicosolar>

The document has been sent to Michael J. Levy, all the other parties in this proceeding (as shown on the Proof of Service) and to the Commission's Docket Unit, in the following manner.

FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:

XX sent electronically to all e-mail addresses on the Proof of Service and

XX by depositing in the United States mail at **San Dimas, California**, with first-class postage thereon fully prepaid and addressed as provided on the attached Proof of Service to the mailing addresses shown on the Proof of Service.

AND

FOR FILING WITH THE ENERGY COMMISSION:

XX sending the original signed document and one electronic copy, mailed and e-mailed respectively, to the addresses below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. **11-CAI-01**
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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CALIFORNIA ENERGY COMMISSION
Michael J. Levy, Chief Counsel
1516 Ninth Street, MS-14
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mlevy@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

August 13, 2011

Date



Patrick C. Jackson



**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**

**FOR THE CALICO SOLAR PROJECT
COMPLAINT AND INVESTIGATION**

Docket No. 11-CAI-01

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