

STATE OF CALIFORNIA
Energy Resources Conservation and
Development Commission

DOCKET
11-CAI-01

DATE AUG 23 2011

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In the Matter of:

Complaint and Investigation

CALICO SOLAR PROJECT
Calico Solar, LLC

Docket No. 11-CAI-01

**OPPOSITION TO PETITION FOR INTERVENTION OF PATRICK JACKSON AND
REQUEST FOR INVESTIGATION**

August 23, 2011

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STATE OF CALIFORNIA

**Energy Resources Conservation and
Development Commission**

In the Matter of:

Complaint and Investigation

CALICO SOLAR PROJECT
Calico Solar, LLC

Docket No. 11-CAI-01

**OBJECTION TO MR. PATRICK JACKSON'S (1) PETITION TO INTERVENE
AND (2) REQUEST FOR INVESTIGATION**

On August 10, 2011, Mr. Patrick Jackson filed a Petition to Intervene in the above captioned complaint proceedings initiated by BNSF. Without referencing any allegation in BNSF's complaint, Mr. Jackson explains that he is intervening because: "I am concerned about my property; my property rights; my health and safety; the health and safety of visitors to my property; and the rights, health and safety of the public accessing public lands surrounding the Project."

Section 1207(a) states: "The petition shall set forth the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner." 20 CCR 1207(a). Mr. Jackson does not state his "position" with respect to the complaint as required by Regulation 1207(a), let alone the "grounds" for that position. To the extent that Mr. Jackson seeks to take the position of the complainant, Mr. Jackson's petition to intervene also does not meet the requirements of Regulation 1231(b). 20 C.C.R. § 1231(b). While Mr. Jackson appears to have attempted to state his "interest" in intervention as required by Regulation 1207(a), Mr. Jackson's interest in his property rights and in health and safety do not have anything to do with the allegations in BNSF's complaint. Further, Mr. Jackson has not stated any reason why he has any information to offer that will help advance the evaluation of BNSF's complaint. If the presiding member deems Mr. Jackson's participation relevant, then Mr. Jackson may be allowed to testify or comment without becoming a party, 20 CCR § 1236.5, but Mr. Jackson should not be allowed to become a party when his petition gives no reason to conclude that he should be allowed to participate at all.

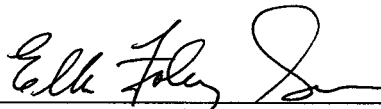
A decision with respect to Mr. Jackson's Petition to Intervene is also premature as a practical matter. For numerous reasons BNSF's complaint is substantively and procedurally invalid. There is no reason why Mr. Jackson should be made a party prior to the Commission's decision with regard how to address the complaint.

Mr. Jackson also filed a "Request for Investigation" on August 13, 2011, simply referencing BNSF's complaint. This document makes no factual allegations or legal claims, and accordingly this document does not meet the requirements of Regulation 20 CCR § 1231(b).

Accordingly, Calico respectfully requests that Mr. Jackson's Petition to Intervene and Request for Investigation be denied.

Date: August 23, 2011

Respectfully submitted,



Ella Foley Gannon
Attorneys for Calico Solar, LLC



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**FOR THE CALICO SOLAR PROJECT
COMPLAINT AND INVESTIGATION**

Docket No. 11-CAI-01

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DECLARATION OF SERVICE

I, Margaret Pavao, declare that on August 23, 2011, I served and filed copies of the attached Opposition to Petition for Intervention of Patrick Jackson and Request for Investigation, dated August 23, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulations, 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 document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

Served electronically to all email addresses on the Proof of Service list;

Served by delivering on this date, either personally, or 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:

by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**

BY depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 11-CAI-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, §§ 1720

Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

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I declare under penalty of perjury under the laws of the State of California that 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.

