



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](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION FOR THE  
***CALICO SOLAR PROJECT***  
***(FORMERLY SES SOLAR 1)***

DOCKET No. 08-AFC-13

**COMMITTEE ORDER GRANTING PETITION TO INTERVENE**

Upon consideration of the Petition to Intervene filed by Petitioner the BNSF Railway Company (“Petitioner”), the Committee designated to conduct proceedings in this matter makes the following findings:

1. On July 29, 2010, a Petition to Intervene in the above-captioned proceeding was filed by:

**BNSF RAILWAY COMPANY**  
**Cynthia Lea Burch**  
**Steven A. Lamb**  
**Anne Alexander**  
**Katten Muchin Rosemann LLP**  
**2029 Century Park East, Suite 2700**  
**Los Angeles, CA 90067-3012**  
**(310) 788-4400**  
[cynthia.burch@kattenlaw.com](mailto:cynthia.burch@kattenlaw.com)  
[steven.lamb@kattenlaw.com](mailto:steven.lamb@kattenlaw.com)  
[anne.alexander@kattenlaw.com](mailto:anne.alexander@kattenlaw.com)

2. The Petition contains the information required by section 1207 of the Commission’s regulations (Cal. Code Regs., tit. 20, § 1207.);
3. The Petition was not timely filed in that the deadline for filing such petitions was July 6, 2010. The evidentiary hearings begin on August 4, 2010, less than a week following the Petition’s filing.
4. Late filed petitions may be granted upon a showing of good cause. [Cal. Code Regs., tit. 20, § 1207(c)];

<b>DOCKET</b>	
<b>08-AFC-13</b>	
DATE	<u>AUG 03 2010</u>
RECD.	<u>AUG 03 2010</u>

5. At the Prehearing Conference held on July 30, 2010, the parties were specifically asked if they wished to object to the Petition. No party indicated any objection to the Petition; and
6. Petitioner's interests—the safety of its employees and persons traveling on the railroad tracks that pass through the proposed Calico Solar project site—are relevant to the above-captioned proceeding.

**THEREFORE**, on the lack of objection by the parties, although the Petition is very late and Petitioner should have become aware of the potential effects of the proposed project upon its employees and operations much earlier and in time to file a timely Petition, the Committee **Orders** that the Petition to Intervene in this matter be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an Intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in Section 1712 of the Commission's regulations. (Cal. Code Regs., tit. 20, § 1712.) Due to its late entry into the matter, **Petitioner's participation shall be limited to** those issues it has identified in the Petition and its Prehearing Conference Statement.

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations is posted on the Energy Commission website page at <http://www.energy.ca.gov/siting/title20/>. As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the Commission's procedures and orders regarding presenting witnesses and evidence.

Petitioner is further required to review the rules regarding filings, the rules of evidence that apply at the evidentiary hearings, the rules prohibiting off the record contacts with Commissioners or the Hearing Adviser about the merits of a project, and the rules about filing data requests. (Cal. Code Regs., tit. 20, §§ 1001 through 1217, 1712 et seq.)

***PETITIONER'S FAILURE TO FULFILL THESE RESPONSIBILITIES MAY RESULT IN THE COMMITTEE LIMITING OR PRECLUDING PETITIONER'S PARTICIPATION IN THE PROCEEDINGS.***

Petitioner may obtain help with participating in the siting process from the Energy Commission's Public Adviser's Office at (916) 654-4489 or (800) 822-6228, or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

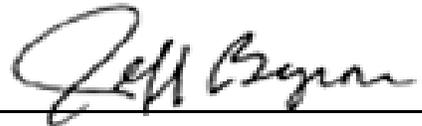
The Application for Certification in this matter was found data adequate on May 6, 2009. Under the Commission's regulations, all data requests in this matter were required to be submitted by no later than November 2, 2009, unless the Committee allows untimely requests for good cause shown. (Cal. Code Regs., tit. 20, § 1716.) The Committee will not permit unnecessary, irrelevant, or unreasonably burdensome data requests and may, on the motion of a party or on its own motion, exercise its authority pursuant to sections 1203 and 1204 (Cal. Code Regs., tit. 20, §§ 1203, 1204) to enforce the provisions of section 1716, setting forth procedures for obtaining information (Cal. Code

Regs., tit. 20, § 1716), in order to eliminate undue delay in the completion of these proceedings.

The Executive Director or her designee shall ensure that Petitioner is immediately provided with a copy of the Application for Certification.

Dated: August 3, 2010, at Sacramento, California.

  
\_\_\_\_\_  
**ANTHONY EGGERT**  
Commissioner and Presiding Member  
Calico Solar AFC Committee

  
\_\_\_\_\_  
**JEFFREY D. BYRON**  
Commissioner and Associate Member  
Calico Solar AFC Committee



**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 (Formerly SES Solar One)***

**Docket No. 08-AFC-13**

**PROOF OF SERVICE  
(Revised 8/3/10)**

**APPLICANT**

Felicia Bellows  
Vice President of Development  
& Project Manager  
Tessera Solar  
4800 North Scottsdale Road,  
#5500  
Scottsdale, AZ 85251  
[felicia.bellows@tesseractosolar.com](mailto:felicia.bellows@tesseractosolar.com)

**CONSULTANT**

Angela Leiba  
AFC Project Manager  
URS Corporation  
1615 Murray Canyon Rd.,  
#1000  
San Diego, CA 92108  
[angela\\_leiba@URSCorp.com](mailto:angela_leiba@URSCorp.com)

**APPLICANT'S COUNSEL**

Allan J. Thompson  
Attorney at Law  
21 C Orinda Way #314  
Orinda, CA 94563  
[allanori@comcast.net](mailto:allanori@comcast.net)

Ella Foley Gannon, Partner  
Bingham McCutchen, LLP  
Three Embarcadero Center  
San Francisco, CA 94111  
[ella.gannon@bingham.com](mailto:ella.gannon@bingham.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)  
  
Jim Stobaugh  
BLM – Nevada State Office  
P.O. Box 12000  
Reno, NV 89520  
[jim\\_stobaugh@blm.gov](mailto:jim_stobaugh@blm.gov)

Rich Rotte, Project Manager  
Bureau of Land Management  
Barstow Field Office  
2601 Barstow Road  
Barstow, CA 92311  
[richard\\_rotte@blm.gov](mailto:richard_rotte@blm.gov)

Becky Jones  
California Department of  
Fish & Game  
36431 41st Street East  
Palmdale, CA 93552  
[dfgpalm@adelphia.net](mailto:dfgpalm@adelphia.net)

**INTERVENORS**

County of San Bernardino  
Ruth E. Stringer,  
County Counsel  
Bart W. Brizzee,  
Deputy County Counsel  
385 N. Arrowhead Avenue,  
4<sup>th</sup> Floor  
San Bernardino, CA 92415-  
[bbrizzee@cc.sbcounty.gov](mailto:bbrizzee@cc.sbcounty.gov)

California Unions for Reliable  
Energy (CURE)  
c/o: Loulena A. Miles,  
Marc D. Joseph  
Adams Broadwell Joseph  
& Cardozo  
601 Gateway Boulevard, Ste. 1000  
South San Francisco, CA 94080  
[lmiles@adamsbroadwell.com](mailto:lmiles@adamsbroadwell.com)

Defenders of Wildlife  
Joshua Basofin  
1303 J Street, Suite 270  
Sacramento, California 95814  
*e-mail service preferred*  
[jbasofin@defenders.org](mailto:jbasofin@defenders.org)

Society for the Conservation of  
Bighorn Sheep  
Bob Burke & Gary Thomas  
P.O. Box 1407  
Yermo, CA 92398  
[cameracoordinator@sheepsociety.com](mailto:cameracoordinator@sheepsociety.com)

Basin and Range Watch  
Laura Cunningham &  
Kevin Emmerich  
P.O. Box 70  
Beatty, NV 89003  
[atomicoadranch@netzero.net](mailto:atomicoadranch@netzero.net)

## INTERVENORS CONT.

Patrick C. Jackson  
600 N. Darwood Avenue  
San Dimas, CA 91773  
*e-mail service preferred*  
[ochsjack@earthlink.net](mailto:ochsjack@earthlink.net)

Gloria D. Smith, Senior Attorney  
Sierra Club  
85 Second Street, Second floor  
San Francisco, CA 94105  
[gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)

Newberry Community  
Service District  
Wayne W. Weierbach  
P.O. Box 206  
Newberry Springs, CA 92365  
[newberryCSD@gmail.com](mailto:newberryCSD@gmail.com)

\*Cynthia Lea Burch  
Steven A. Lamb  
Anne Alexander  
Katten Muchin Rosenman LLP  
2029 Century Park East,  
Ste. 2700  
Los Angeles, CA 90067-3012  
[Cynthia.burch@kattenlaw.com](mailto:Cynthia.burch@kattenlaw.com)  
[Steven.lamb@kattenlaw.com](mailto:Steven.lamb@kattenlaw.com)  
[Anne.alexander@kattenlaw.com](mailto:Anne.alexander@kattenlaw.com)

## ENERGY COMMISSION

ANTHONY EGGERT  
Commissioner and Presiding Member  
[aeggert@energy.state.ca.us](mailto:aeggert@energy.state.ca.us)

JEFFREY D. BYRON  
Commissioner and Associate Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Lorraine White, Adviser to  
Commissioner Eggert  
*e-mail service preferred*  
[lwhite@energy.state.ca.us](mailto:lwhite@energy.state.ca.us)

Kristy Chew, Adviser to  
Commissioner Byron  
*e-mail service preferred*  
[kchew@energy.state.ca.us](mailto:kchew@energy.state.ca.us)

Caryn Holmes  
Staff Counsel  
[cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us)

Steve Adams  
Co-Staff Counsel  
[sadams@energy.state.ca.us](mailto:sadams@energy.state.ca.us)

Christopher Meyer  
Project Manager  
[cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us)

Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on August 3, 2010, I served and filed copies of the attached Committee Order Granting Petition to Intervene, dated August 3, 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](http://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](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.

Original Signed By:  
**ROSEMARY AVALOS**  
Hearing Adviser's Office