Memorandum

To: Dockets Date: June 9, 2011

From : Reneé Webster-Hawkins
Assistant Chief Counsel
California Energy Commission

1516 Ninth Street
Sacramento CA 95814-5512
rwebster@energy.state.ca.us
(916) 654-3873

DOCKET
11-CAI-01

DAT
DAT
JUN 09 2011

RECD. JUN 09 2011

Subject: Amended Request to Open a New Complaint & Investigation Proceeding (See Corrected Proceeding Number)

The Chief Counsel's Office is in receipt of a document entitled Verified Complaint to Revoke Certification, filed by BNSF Railway Company, and proposed for docketing in the Calico Solar Project Amendment (08-AFC-13C).

Upon examination of the document, it is a determined to be a complaint filed pursuant to Title 20, California Code of Regulations, Sections 1231 and/or 1237. Therefore, it is proper to initiate a new complaint and investigation (CAI) proceeding and a new docket log for this proceeding. Please open a new CAI proceeding (i.e 11-CAI-XX, where the XX is the next-sequential number for CAI proceedings this calendar year), and accept for docketing the above-referenced document under the new proceeding. The Verified Complaint should not be docketed under 08-AFC-13C. The attached sheet shall serve as the initial Proof of Service list for the proceeding.

Thank you.



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 & INVESTIGATION**

Docket No. 11-CAI-01 PROOF OF SERVICE (New 6/8/2011)

APPLICANT

Calico Solar, LLC Daniel J. O'Shea Managing Director 2600 10th Street, Suite 635 Berkeley, CA 94710 dano@kroadpower.com

CONSULTANT

URS Corporation Angela Leiba AFC Project Manager 4225 Executive Square, #1600 La Jolla, CA 92037 angela leiba@URSCorp.com

APPLICANT'S COUNSEL

Allan J. Thompson Attorney at Law 21 C Orinda Way #314 Orinda, CA 94563 allanori@comcast.net

Bingham McCutchen, LLP Ella Foley Gannon, Partner Three Embarcadero Center San Francisco, CA 94111 e-mail service preferred ella.gannon@bingham.com

COMPLAINANT

BNSF Railroad Cynthia Lea Burch, Helen B. Kim, Anne Alexander Katten Muchin Rosenman LLP 2029 Century Park East, Suite 2700 e-mail service preferred Los Angeles, CA 90067-3012 cvnthia.burch@kattenlaw.com helen.kim@kattenlaw.com anne.alexander@kattenlaw.com

BNSF Railroad Steven A. Lamb Katten Muchin Rosenman LLP 2029 Century Park East, Suite 2700 Los Angeles, CA 90067-3012 steven.lamb@kattenlaw.com

ENERGY COMMISSION

KAREN DOUGLAS

KAREN DOUGLAS

Commissioner and Presiding Member Senior Staff Counsel Member Senior Senior Staff Counsel Member Senior Se kldougla@energy.state.ca.us

Galen Lemei Adviser to Commissioner Douglas glemei@energy.state.ca.us

ROBERT B. WEISENMILLER Chairman and Associate Member rweisenm@energy.state.ca.us

Eileen Allen Adviser to Chairman Weisenmiller eallen@energy.state.ca.us

Kourtney Vaccaro **Hearing Officer**

kvaccaro@energv.state.ca.us

Michael J. Levy Chief Counsel

mlevy@energy.state.ca.us

Renee Webster-Hawkins **Assistant Chief Counsel** e-mail service preferred rwebster@energy.state.ca.us

Caryn Holmes Staff Counsel IV e-mail service preferred cholmes@energy.state.ca.us

Kerry Willis kwillis@energy.state.ca.us

Stephen Adams Co-Senior Staff Counsel e-mail service preferred sadams@energy.state.ca.us

Craig Hoffman **Project Manager** e-mail service preferred choffman@energy.state.ca.us Jennifer Jennings
Public Adviser

<u>e-mail service preferred</u>

publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, <u>Lynn Tien-Tran</u>, declare that on <u>June 9, 2011</u>, I served by U.S. mail and filed copies of the attached <u>Memo re Amended Request to Open a New Complaint & Investigation Proceeding (See Corrected Proceeding Number)</u>, dated <u>June 9, 2011</u>. 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:

FOR SERVICE TO ALL OTHER PARTIES:

(Check all that Apply)

Χ	sent electronically to all email addresses on the Proof of Service list;	
	by personal delivery;	
<u>X</u>	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:	
X	delivering an original paper copy and sending one electronic copy by e-mail to the address below (<i>preferred method</i>);	
OR		
	depositing in the mail an original and 12 paper copies, as follows:	

CALIFORNIA ENERGY COMMISSION

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

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.

 /S/	