

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

11-CAI-01	
DOCKET	
11-CAI-04	
DATE	SEP 29 2011
RECD.	SEP 29 2011

DOCKET NO. 11-CAI-01

In the Matter of:

The Calico Solar Project

**BNSF'S REQUEST TO
CONTINUE HEARING,
DATED OCTOBER 3, 2011
AND RESPONSE TO STAFF
ASSESSMENT OF BNSF'S
VERIFIED COMPLAINT TO
REVOKE CERTIFICATION**

In light of Mr. O'Shea's letter of today, September 29, 2011, advising the Commission that Stirling Energy Systems ("SES") has filed for liquidation under Chapter 7 of the Bankruptcy Code, BNSF requests a continuance of the hearing scheduled for October 3, 2011, and the due date for BNSF's response to the CEC Staff Assessment of BNSF's Complaint to Revoke Certification. As the Commission is well aware, SES is the manufacturer of the SunCatcher technology which is the basis for the Commission's jurisdiction.

Although SES filed for bankruptcy on September 22, 2011, this information was not disclosed by K Road Calico in its Hearing Statement filed yesterday. A copy of the docket for SES's bankruptcy filing is attached hereto. It would appear that CEC Staff also was unaware of this material development, as it is not reflected in the CEC Staff's Assessment filed yesterday afternoon.

In order to conserve the resources of the Commission and the parties and to allow time for the situation to become clarified, BNSF respectfully requests these two continuances.

Dated: September 29, 2011

_____/s/
Cynthia Lea Burch
Helen B. Kim
Katten Muchin Rosenman LLP

Attorneys for Intervenor BNSF Railway Company

Docket updated on Bloomberg Law on Sept. 29, 2011 14:21:01

**U.S. Bankruptcy Court
District of Delaware (Delaware)
Bankruptcy Petition #: 11-12991-KJC**

Stirling Energy Systems, Inc.

Date Filed: Sept. 22, 2011
Assigned to: Kevin J. Carey
Chapter 7
Voluntary
No asset

Creditor List

Parties and Attorneys

Debtor

Stirling Energy Systems, Inc.
aka: **Stirling Energy Systems Manufacturing, Inc.**
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Scottsdale, AZ 85251
Tax ID / EIN: 27-0420208

Attorneys and Firms

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U.S. Trustee

United States Trustee

844 King Street, Room 2207

Lockbox #35

Wilmington, DE 19899-0035

302-573-6491

Docket Proceedings

Reverse
Proceedings

Req #	Filed	#	Docket Text
1	Sept. 22, 2011	1	Chapter 7 Voluntary Petition. Amount Paid \$299. Filed by Stirling Energy Systems, Inc.. (Rucki, Justin) (Entered: 09/22/2011)
2	Sept. 22, 2011	2	Corporate Ownership Statement pursuant to F.R.B.P. 7007.1(a) Filed by Stirling Energy Systems, Inc.. (Rucki, Justin) (Entered: 09/22/2011)
3	Sept. 22, 2011	3	Receipt of filing fee for Voluntary Petition (Chapter 7)(11-12991) [misc,volp7] (299.00). Receipt Number 5496087, amount \$ 299.00. (U.S. Treasury) (Entered: 09/22/2011)
4	Sept. 22, 2011	4	List of Creditors Filed by Stirling Energy Systems, Inc.. (Rucki, Justin) (Entered: 09/22/2011)
5	Sept. 23, 2011		Judge Kevin J. Carey added to case (JohnstonJ, Julie) (Entered: 09/23/2011)
6	Sept. 23, 2011	5	Notice Regarding Deficient Filings ~ Must Submit Disclosure of Compensation, Schedules A,B,D,E,F,G,H, Summary of Schedules, Declaration Concerning the Debtor's Schedules, Statement of Financial Affairs & Declaration All due by 10/07/2011. (Entered: 09/23/2011)
7	Sept. 23, 2011	6	Meeting of Creditors 341(a) meeting to be held on 10/18/2011 at 11:00 AM at US District Court, 844 King St., Room 2112, Wilmington, Delaware. (CLO) (Entered: 09/23/2011)
8	Sept. 23, 2011	7	Notice of Appearance Filed by MARICOPA SOLAR, LLP. (Brown, Scott) (Entered: 09/23/2011)
9	Sept. 25, 2011	8	BNC Certificate of Mailing - Meeting of Creditors.

			(related document(s) 6) Service Date 09/25/2011. (Admin.) (Entered: 09/26/2011)
10	Sept. 25, 2011	9	BNC Certificate of Mailing. (related document(s) 5) Service Date 09/25/2011. (Admin.) (Entered: 09/26/2011)



**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 7/21/2011)**

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DECLARATION OF SERVICE

I, Helen Kim, declare that on, September 29, 2011, I served and filed copies of the attached BNSF's Request to Continue Hearing Dated October 3, 2011 and Response to Staff Assessment of BNSF's Verified Complaint to Revoke Certification, dated September 29, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/calicosolar/investigate/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 e-mail addresses on the Proof of Service list;

☐ Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail preferred."

AND

For filing with the Docket Unit at 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 – DOCKET UNIT
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:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Michael J. Levy, chief Counsel
1516 Ninth Street, MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California 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: /s/ Helen Kim