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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Tessera Solar,

Complainant,

Complaint 10-10-015

(Filed October 21, 2010)

vs.

BNSF Railway Company,

Defendant.

**DECLARATION OF IRENE JAMES IN SUPPORT OF TESSERA SOLAR AND
CALICO SOLAR, LLC BRIEF RE JURISDICTION**

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Attorneys for
Tessera Solar and Calico Solar, LLC

December 8, 2010

I, Irene James, declare:

1. I have been a Business Developer for Tessera Solar since April 2010. Prior to that date, I was the Managing Member of IM James Enterprises, LLC and have worked on the Calico Solar Project beginning in 2008. I have personal knowledge of the matters set forth in this declaration, and if called as a witness, I could and would competently testify thereto.

2. I have visited the project site and its surroundings on many occasions and am familiar with them. I have also worked with BLM and County of San Bernardino personnel on project issues since 2008.

3. The nearest public crossing of the BNSF rail line to the west of the Hector Road private crossing is at Newberry Springs, more than 14 miles away via Route 40. To begin the journey to the Calico Solar Project site from the Newberry Springs public crossing would require travel over County-maintained roads in residential/agricultural neighborhoods, over the objections of the residents. Then the vehicles and construction equipment would have to travel over 15 miles on unpaved, sandy BLM access routes through washes and, I believe, over lava rocks. A four-wheel-drive vehicle could probably occasionally travel this route, but it is not practical for construction equipment.

4. Regular use of the 15-mile cross-country route from the Newberry Springs public crossing to the Calico Solar Project site by commute vehicles and construction traffic would damage the area; heavy construction equipment might not be able to use this route at all.

5. The nearest public crossing of the BNSF rail line other than the Hector Road Crossing is approximately 6 miles east of the Hector Road exit from Route 40, where the Route 40 bridge overpass crosses the railroad tracks. To use this crossing and then access the project site, vehicles and equipment would have to be driven on Route 40 approximately 17 miles east of the Hector Road BNSF Crossing, across this bridge, to the Highway 40 exit at

Ludlow. From Ludlow, several unconnected BLM Open Routes and some non-specific routes—which are unpaved, sandy routes through washes—lead back west for about 5 miles to and through approximately 8-10 miles of the Pisgah Crater Area of Critical Environmental Concern, and then another 4 miles before reaching the project site.

6. There is a private crossing north of the Pisgah Substation which I believe is for Southern California Edison maintenance of transmission lines. If Calico Solar were able to use this private crossing, it would be necessary to exit Route 40 at Hector Road and drive approximately 5 miles on Old Historic Route 66 to Pisgah Crater Road, then north on an unpaved SCE maintenance route for approximately 1 mile and then west on a BLM Open Route approximately 4 miles to the project site.

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

Executed on December 8, 2010.


Irene James

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of “DECLARATION OF IRENE JAMES IN SUPPORT OF TESSERA SOLAR AND CALICO SOLAR, LLC BRIEF RE JURISDICTION” by using E-Mail Service, sending the entire document as an attachment to an e-mail message to all known representative of parties of record to this proceeding and CPUC staff who provided electronic mail addresses as set forth in the attached list.

Executed on December 8, 2010 at San Francisco, California.

/s/ Todd O. Edmister

Todd O. Edmister

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