



FILED

01-18-11
12:33 PM

ATTACHMENT 1

From: Hecht, Jessica T.
Sent: Wednesday, December 22, 2010 10:38 AM
To: 'felicia.bellows@tesseractosolar.com'; 'cynthia.burch@kattenlaw.com'; 'brent.bailey@tesseractosolar.com'; 'Douglas.Werner@bnsf.com'; 'steven.lamb@kattenlaw.com'; 'mdjoseph@adamsbroadwell.com'; 'todd.edmister@bingham.com'; 'cem@newsdata.com'; 'sgallagher@stirlingenergy.com'; Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.
Cc: Reed, Jacqueline A.; Berdge, Patrick S.; King, Paul
Subject: C.10-10-015, Tessera Solar v. BNSF: PHC on 12/27/2010 removal from calendar

Importance: High

Attachments: Lamb, Steven A. (steven.lamb@kattenlaw.com).vcf
[Parties to C.10-10-015,](#)

Based on the joint request of counsel for the complainant and respondent, I am removing the pre-hearing conference formerly scheduled for next Monday, December 27, 2010, from the Commission's calendar. This change will be reflected on the Commission's daily calendar within the next few days. I understand that parties are currently engaged in settlement discussions, and I encourage parties to continue their work to reach a settlement if possible.

This PHC may be rescheduled in the future, depending on the outcome of settlement talks and any updated requests I receive from the parties.

If you have any questions, please feel free to contact me.

Jessica T. Hecht
Administrative Law Judge
California Public Utilities Commission
(415)703-2027
jessica.hecht@cpuc.ca.gov

From: Lamb, Steven A. [<mailto:steven.lamb@kattenlaw.com>]
Sent: Tuesday, December 21, 2010 3:44 PM
To: Hecht, Jessica T.
Cc: todd.edmister@bingham.com
Subject: Tessera Solar v. BNSF, C1010015
Importance: High

Judge Hecht:
Per the voicemail message that Todd Edmister and I left you around 3:30pm this afternoon, the parties jointly request that the Prehearing Conference presently scheduled for 12/27 be taken off calendar and

that no rulings be issued in this matter until further contact by a party.
Confirmation at your earliest convenience would be greatly appreciated.
Respectfully submitted,
Steve Lamb

STEVEN A. LAMB

Partner

Katten Muchin Rosenman LLP

2029 Century Park East, Suite 2600 / Los Angeles, CA 90067-3012

p / (310) 788-4679 f / (310) 712-8257

steven.lamb@kattenlaw.com / www.kattenlaw.com

=====
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the Internal Revenue Service, any tax advice contained herein is not intended
or written to be used and cannot be used by a taxpayer for the purpose of
avoiding tax penalties that may be imposed on the taxpayer.
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=====
NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability
partnership that has elected to be governed by the Illinois Uniform
Partnership Act (1997).
=====

(END OF ATTACHMENT 1)

ATTACHMENT 2

From: Edmister, Todd O. [todd.edmister@bingham.com]
Sent: Tuesday, December 28, 2010 1:31 PM
To: Nakahara, Martin M.; steven.lamb@kattenlaw.com; felicia.bellows@tesseractolar.com; cynthia.burch@kattenlaw.com
Cc: Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.; ALJ Docket Office; ALJ Process
Subject: RE: C.10-10-015 Tessera Solar Motion to Amend Complaint etc., rec'd 12/3/2010 (Efile Control #37853)

Mr. Nakahara -- Thanks for your note, and for taking the time to review the parties' submittals in this matter.

Regarding the issue you raise below; Calico Solar entered its appearance in C.10-10-015 at the pre-hearing conference and so is a party, pursuant to Rule 1.4(a)(3). For discussion of Calico becoming a party by entering an appearance, see the PHC transcript at pp. 53-55; Sean Gallagher submitted the appropriate form at the PHC. I hope this addresses your concern. If you want to discuss this further, let me know.

Todd O. Edmister
Attorney
T 415.393.2520
F 415.393.2286
todd.edmister@bingham.com

B I N G H A M
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

From: Nakahara, Martin M. [mailto:martin.nakahara@cpuc.ca.gov]
Sent: Tuesday, December 28, 2010 11:01 AM
To: Edmister, Todd O.; steven.lamb@kattenlaw.com; felicia.bellows@tesseractolar.com; cynthia.burch@kattenlaw.com
Cc: Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.; ALJ Docket Office; ALJ Process
Subject: C.10-10-015 Tessera Solar Motion to Amend Complaint etc., rec'd 12/3/2010 (Efile Control #37853)

To: The Representative of the parties herein.

My name is Martin Nakahara, and I am a Senior Legal Analyst in the Docket Office. I've been requested to assist assigned Administrative Law Judge Jessica Hecht in this proceeding. My function is to review the several pleadings that have been tendered herein to determine whether they are in compliance with our threshold filing

requirements and are otherwise in the proper format for Electronic filing. I may have occasion to contact you from time to time regarding various procedural matters in this Docket and I hereby solicit your cooperation under those circumstances.

To: Todd Edmister, Esq, Bingham McCutchen, LLP (For Tessera Solar and Calico Solar, LLC):

This is the prior Courtesy Notice of the Docket Office of the California Public Utilities Commission of our intention to reject and to return, unfiled, the referenced Motion to Amend Complaint for the following reasons, to wit:

- Calico Solar, LLC is not yet a party to this proceeding as that term is defined in Rule 1.4. As such, it cannot file any pleadings in any Docket, or be part of any filings that are tendered. Instead, Tessera Solar, alone, must be the filer of the Motion to Amend to add Calico Solar, LLC as a Co-Complainant Party. If and when that Motion is granted, Calico Solar will then have acquired Party Status and may participate in co-filing any documents thereafter.

ALJ Jessica Hecht, will determine how and when Calico Solar, LLC will be added to the pleading of this matter, assuming she grants the motion.

Based on the above, please re-submit the Motion with a revised title as follows:

Tessera Solar Motion to Amend Complaint to Add Calico Solar, LLC
as a Co-Complainant Party and for Order Shortening Time to file Responses

The second doc of Efile Control #37853 was a Verification executed by Felicia Bellows, Vice President of both Tessera and Calico. The Motion to Amend Complaint need not be verified and as such, you may remove the Verification form upon re-submission. Likewise, a "Proposed Amended Complaint" form need not be appended in that ALJ Hecht will decide the pleading format later.

N.B. Please call me before you re-submit the revised Motion electronically bec I want to make sure you are incorporating the correct default info in Tab #1 of the Efiling template. My direct line is set forth below.

Unless noted otherwise, all references to "RULES" or "RULES OF PRACTICE AND PROCEDURE" are to the CPUC RULES OF PRACTICE AND PROCEDURE http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/105138.htm)

Happy New Year

Martin M. Nakahara

Senior Legal Analyst

Docket Office - Room 2001

☎ Telephone (Direct) (415) 703-2291

✉ Email: mmn@cpuc.ca.gov

California Public Utilities Commission

505 Van Ness Avenue

San Francisco CA 94102-3298

☎ Telephone (Office) (415) 703-1929/1927

Website: www.cpuc.ca.gov

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Bingham McCutchen LLP Circular 230 Notice: To ensure compliance with IRS requirements, we inform you that any U.S. federal tax advice contained in this communication is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of avoiding any federal tax penalties. Any legal advice expressed in this message is being delivered to you solely for your use in connection with the matters addressed herein and may not be relied upon by any other person or entity or used for any other purpose without our prior written consent.

(END OF ATTACHMENT 2)

ATTACHMENT 3

From: Nakahara, Martin M.

Sent: Tuesday, December 28, 2010 11:01 AM

To: 'todd.edmister@bingham.com'; 'steven.lamb@kattenlaw.com';
'felicia.bellows@tesseractolar.com'; 'cynthia.burch@kattenlaw.com'

Cc: Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.; ALJ Docket Office; ALJ Process

Subject: C.10-10-015 Tessera Solar Motion to Amend Complaint etc., rec'd 12/3/2010 (Efile Control #37853)

Attachments: Tessera Motion Amend Complaint Efile 37853.pdf

To: The Representative of the parties herein.

My name is Martin Nakahara, and I am a Senior Legal Analyst in the Docket Office. I've been requested to assist assigned Administrative Law Judge Jessica Hecht in this proceeding. My function is to review the several pleadings that have been tendered herein to determine whether they are in compliance with our threshold filing requirements and are otherwise in the proper format for Electronic filing. I may have occasion to contact you from time to time regarding various procedural matters in this Docket and I hereby solicit your cooperation under those circumstances.

To: Todd Edmister, Esq, Bingham McCutchen, LLP (For Tessera Solar and Calico Solar, LLC):

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- Calico Solar, LLC is not yet a party to this proceeding as that term is defined in Rule 1.4. As such, it cannot file any pleadings in any Docket, or be part of any filings that are tendered. Instead, Tessera Solar, alone, must be the filer of the Motion to Amend to add Calico Solar, LLC as a Co-Complainant Party. If and when that Motion is granted, Calico Solar will then have acquired Party Status and may participate in co-filing any documents thereafter.

ALJ Jessica Hecht, will determine how and when Calico Solar, LLC will be added to the pleading of this matter, assuming she grants the motion.

Based on the above, please re-submit the Motion with a revised title as follows:

Tessera Solar Motion to Amend Complaint to Add Calico Solar, LLC
as a Co-Complainant Party and for Order Shortening Time to file Responses

The second doc of Efile Control #37853 was a Verification executed by Felicia Bellows, Vice President of both Tessera and Calico. The Motion to Amend Complaint need not be verified and as such, you may remove the Verification form upon re-submission. Likewise, a "Proposed Amended Complaint" form need not be appended in that ALJ Hecht will decide the pleading format later.

N.B. Please call me before you re-submit the revised Motion electronically bec I want to make sure you are incorporating the correct default info in Tab #1 of the Efiling template. My direct line is set forth below.

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Happy New Year

Martin M. Nakahara

Senior Legal Analyst

Docket Office - Room 2001

☎ Telephone (Direct) (415) 703-2291

✉ Email: mmn@cpuc.ca.gov

California Public Utilities Commission

505 Van Ness Avenue

San Francisco CA 94102-3298

☎ Telephone (Office) (415) 703-1929/1927

Website: www.cpuc.ca.gov

(END OF ATTACHMENT 3)

ATTACHMENT 4

From: Lamb, Steven A. [steven.lamb@kattenlaw.com]
Sent: Tuesday, December 28, 2010 2:27 PM
To: Edmister, Todd O.; Nakahara, Martin M.; felicia.bellows@tesseractolar.com; Burch, Cynthia Lea
Cc: Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.; ALJ Docket Office; ALJ Process
Subject: RE: C.10-10-015 Tessera Solar Motion to Amend Complaint etc., rec'd 12/3/2010 (Efile Control #37853)
Mr. Nakahara:

In response to Mr. Edmister's email, below, my understanding is that Calico Solar LLC was discussing intervening in the action during the Prehearing Conference. Mr. Edmister asked that the complaint be amended to include Calico Solar during the Prehearing Conference and that request was denied by Judge Hecht. I have not seen the form referenced in Mr. Edmister's email, but Judge Hecht made it clear that Calico Solar did not become a party pursuant to Rule 1.4. Moreover, this is an adjudicatory complaint, not an investigation proceeding. I am not aware of any basis or standing in the Rules for a third party to intervene in an adjudicatory proceeding. Regardless, I believe that your email is correct in that the only party who can move to amend their pleading is the party that filed the complaint, namely Tessera Solar. Assuming that Calico Solar did intervene, an intervenor cannot move to amend a complaint.

STEVEN A. LAMB
Partner
Katten Muchin Rosenman LLP
2029 Century Park East, Suite 2600 / Los Angeles, CA 90067-3012
p / (310) 788-4679 f / (310) 712-8257
steven.lamb@kattenlaw.com / www.kattenlaw.com

From: Edmister, Todd O. [mailto:todd.edmister@bingham.com]
Sent: Tuesday, December 28, 2010 1:31 PM
To: 'Nakahara, Martin M.'; Lamb, Steven A.; felicia.bellows@tesseractolar.com; Burch, Cynthia Lea
Cc: Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.; ALJ Docket Office; ALJ Process
Subject: RE: C.10-10-015 Tessera Solar Motion to Amend Complaint etc., rec'd 12/3/2010 (Efile Control #37853)

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Gallagher submitted the appropriate form at the PHC. I hope this addresses your concern. If you want to discuss this further, let me know.

Todd O. Edmister

Attorney

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F 415.393.2286

todd.edmister@bingham.com

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Bingham McCutchen LLP

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Cc: Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.; ALJ Docket Office; ALJ Process

Subject: C.10-10-015 Tessera Solar Motion to Amend Complaint etc., rec'd 12/3/2010 (Efile Control #37853)

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Happy New Year

Martin M. Nakahara

Senior Legal Analyst

Docket Office - Room 2001

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San Francisco CA 94102-3298
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=====
NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).
=====

(END OF ATTACHMENT 4)

ATTACHMENT 5

From: Nakahara, Martin M.

Sent: Tuesday, December 28, 2010 3:29 PM

To: 'steven.lamb@kattenlaw.com'; 'cynthia.burch@kattenlaw.com'

Cc: 'todd.edmister@bingham.com'; 'felicia.bellows@tesseractolar.com'; Hecht, Jessica T.; Cooke, Michelle; TerKeurst, Charlotte; Reed, Jacqueline A.; Econome, Janet A.; Gilbert, Daren S.; ALJ Process; ALJ Docket Office

Subject: C.10-10-015 BNSF Railway (1) Motion to Dismiss Complaint BNSF Railway (2) Motion for an Order Shortening Time and for a Briefing Schedule Regarding BNSF's Motion to Dismiss, both rec'd 12/6/2010 (Efile Control #37861)

Attachments: BNSF Motion Dismiss Efile 37861 1 of 2.pdf; BNSF OST Efile 37861 2 of 2.pdf

To: Steve Lamb, Esq./Cynthia Burch, Esq.

Ref: C.10-10-015 BNSF Railway (1) Motion to Dismiss BNSF Railway (2) Motion for an Order Shortening Time and for a Briefing Schedule Regarding BNSF's Motion to Dismiss Complaint, both rec'd 12/6/2010 (Efile Control #37861)

This is the prior Courtesy Notice of the Docket Office of the California Public Utilities Commission of our intention to reject and to return, unfiled, the referenced document(s) for the following reasons, to wit:

- Both docs are not PDF/A Compliant as required by Rule 1.13(b)(1)(i).
- Although not in violation of our Rules, the practice of submitting two (2) Motions in a single Efiling effort should not be followed bec the only document type that will appear in the Commission's Database will be that of a single Motion, i.e., the lead Motion to Dismiss by BNSF and the Attachment Motion for an Order Shortening time will not be prominently reflected. The better practice upon re-submission is for counsel to re-submit the two (2) Motions in separate Efiling Efforts after the PDF/A requirement is achieved so that the fact of two (2) Motions is clearly shown.

C.10-10-015 JHE/tcg

Please re-format both docs for PDF/A Compliance and re-submit them in separate Efiling efforts.

Please call if you have any questions.

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Happy New Year

Martin M. Nakahara

Senior Legal Analyst

Docket Office - Room 2001

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✉ Email: mmn@cpuc.ca.gov

California Public Utilities Commission

505 Van Ness Avenue

San Francisco CA 94102-3298

☎ Telephone (Office) (415) 703-1929/1927

Website: www.cpuc.ca.gov

(END OF ATTACHMENT 5)

ATTACHMENT 6

From: Nakahara, Martin M.

Sent: Wednesday, December 29, 2010 7:42 AM

To: 'Lamb, Steven A.'

Cc: 'todd.edmister@bingham.com'; 'felicia.bellows@tesseractolar.com'; Hecht, Jessica T.; Cooke, Michelle; TerKeurst, Charlotte; Reed, Jacqueline A.; Econome, Janet A.; Gilbert, Daren S.; ALJ Process; ALJ Docket Office

Subject: C.10-10-015 BNSF Railway (1) Motion to Dismiss Complaint BNSF Railway (2) Motion for an Order Shortening Time and for a Briefing Schedule Regarding BNSF's Motion to Dismiss, both rec'd 12/6/2010 (Efile Control #37861)

Attachments: BNSF Mtn Dismiss etc Efile 37861 not PDF/A.pdf

To: Steve Lamb, Esq./Cynthia Burch, Esq.

We know the docs were submitted in a PDF format. However, all such docc submitted in a PDF format contain technical errors that we check on to determine if they should be rejected. Most errors are harmless; some are fatal; these two docs contained two fatal errors, each (Please refer to encls.). The other listed errors are deemed harmless by our IT staff.

What I suggest you do is to have your staff go to our website (www.cpuc.ca.gov) and locate the heading "Efile Documents" in the lower left quadrant. When you get to the next screen, click on "User's Guide" & follow the instructions to confirm that you doc is PDF/A compliant. If, after doing so, you're not sure, & if your IT folks can't help you further, send me the doc as an Attachment to an Email & request that I check it for compliance before you submit it. I'll be happy to do so as will all of my other staff here.

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Martin M. Nakahara

Senior Legal Analyst

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California Public Utilities Commission

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Website: www.cpuc.ca.gov

From: Lamb, Steven A. [mailto:steven.lamb@kattenlaw.com]

Sent: Tuesday, December 28, 2010 3:37 PM

To: Nakahara, Martin M.

Subject: RE: C.10-10-015 BNSF Railway (1) Motion to Dismiss Complaint BNSF Railway (2) Motion for an Order Shortening Time and for a Briefing Schedule Regarding BNSF's Motion to Dismiss, both rec'd 12/6/2010 (Efile Control #37861)

Mr. Nakahara:

These were submitted in .pdf. Is there something special in PDF Archive Format (PDF/A)?

Thanks for your help.

STEVEN A. LAMB

Partner

Katten Muchin Rosenman LLP

2029 Century Park East, Suite 2600 / Los Angeles, CA 90067-3012

p / (310) 788-4679 f / (310) 712-8257

steven.lamb@kattenlaw.com / www.kattenlaw.com

From: Nakahara, Martin M. [mailto:martin.nakahara@cpuc.ca.gov]

Sent: Tuesday, December 28, 2010 3:29 PM

To: Lamb, Steven A.; Burch, Cynthia Lea

Cc: todd.edmister@bingham.com; felicia.bellows@tesseractosolar.com; Hecht, Jessica T.; Cooke, Michelle; TerKeurst, Charlotte; Reed, Jacqueline A.; Econome, Janet A.; Gilbert, Daren S.; ALJ Process; ALJ Docket Office

Subject: C.10-10-015 BNSF Railway (1) Motion to Dismiss Complaint BNSF Railway (2) Motion for an Order Shortening Time and for a Briefing Schedule Regarding BNSF's Motion to Dismiss, both rec'd 12/6/2010 (Efile Control #37861)

To: Steve Lamb, Esq./Cynthia Burch, Esq.

Ref: C.10-10-015 BNSF Railway (1) Motion to Dismiss BNSF Railway (2) Motion for an Order Shortening Time and for a Briefing Schedule Regarding BNSF's Motion to Dismiss Complaint, both rec'd 12/6/2010 (Efile Control #37861)

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Martin M. Nakahara

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NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).
=====

(END OF ATTACHMENT 6)

ATTACHMENT 7

-----Original Message-----

From: Edmister, Todd O. [mailto:todd.edmister@bingham.com]

Sent: Wed 1/12/2011 3:13 PM

To: 'Lamb, Steven A.'; Hecht, Jessica T.; felicia.bellows@tesseractosolar.com; Burch, Cynthia Lea; brent.bailey@tesseractosolar.com; Douglas.Werner@bnsf.com; mdjoseph@adamsbroadwell.com; cem@newsdata.com; sgallagher@stirlingenergy.com; Laya, Virginia; Gilbert, Daren S.

Cc: Reed, Jacqueline A.; Berdge, Patrick S.; King, Paul

Subject: RE: C.10-10-015, Tessera Solar v. BNSF: PHC on 12/27/2010 removal from calendar

ALJ Hecht --

We write to briefly respond to BNSF counsel's e-mail.

First, Tessera has made no concessions regarding standing. In noting the sale of Calico, we suggested only that further briefing might be appropriate. This would allow parties to address the sort of argument that BNSF has made below.

Second, regardless of Tessera's status, the CPUC should allow the proposed amendment to the complaint to make Calico a complainant for the reasons set forth in our motion to amend.

Rather than further address these issues at this time, we will await procedural guidance in your upcoming ruling.

Todd O. Edmister

Attorney

T 415.393.2520

F 415.393.2286

todd.edmister@bingham.com

B I N G H A M

Bingham McCutchen LLP

Three Embarcadero Center

San Francisco, CA 94111-4067

From: Lamb, Steven A. [mailto:steven.lamb@kattenlaw.com]
Sent: Wednesday, January 12, 2011 12:16 PM
To: Hecht, Jessica T.; Edmister, Todd O.; felicia.bellows@tesseractosolar.com; Burch, Cynthia Lea; brent.bailey@tesseractosolar.com; Douglas.Werner@bnsf.com; mdjoseph@adamsbroadwell.com; cem@newsdata.com; sgallagher@stirlingenergy.com; Laya, Virginia; Gilbert, Daren S.
Cc: Reed, Jacqueline A.; Berdge, Patrick S.; King, Paul
Subject: RE: C.10-10-015, Tessera Solar v. BNSF: PHC on 12/27/2010 removal from calendar

Judge Hecht:

BNSF reiterates its previous request that Tessera Solar either dismiss the complaint in this matter or that the PUC grant BNSF's motion to dismiss the complaint. Tessera Solar concedes that it has sold Calico Solar. Accordingly, Tessera Solar concedes it has no standing to assert a complaint before the PUC. The PUC, the ALJ, and the parties are all spending considerable time, energy, and financial resources on a complaint where the complainant acknowledges that it lacks standing to assert a complaint. As you know, the parties had been engaged in settlement discussions at the time of the sale in late December and BNSF is currently trying to ascertain whether or not the new owner is interested in continuing those discussions and how the change in ownership may affect the substance of those discussions.

Respectfully,
Steve Lamb

STEVEN A. LAMB

Partner

Katten Muchin Rosenman LLP

2029 Century Park East, Suite 2600 / Los Angeles, CA 90067-3012

p / (310) 788-4679 f / (310) 712-8257

steven.lamb@kattenlaw.com <mailto:steven.lamb@kattenlaw.com> / www.kattenlaw.com

<<http://www.kattenlaw.com/>>

From: Hecht, Jessica T. [mailto:jessica.hecht@cpuc.ca.gov]
Sent: Monday, January 10, 2011 3:40 PM
To: Edmister, Todd O.; felicia.bellows@tesseractosolar.com; Burch, Cynthia Lea; brent.bailey@tesseractosolar.com; Douglas.Werner@bnsf.com; Lamb, Steven A.; mdjoseph@adamsbroadwell.com; cem@newsdata.com; sgallagher@stirlingenergy.com; Laya, Virginia; Gilbert, Daren S.
Cc: Reed, Jacqueline A.; Berdge, Patrick S.; King, Paul; Hecht, Jessica T.
Subject: RE: C.10-10-015, Tessera Solar v. BNSF: PHC on 12/27/2010 removal from calendar

Mr. Edmister and parties,

I plan to issue a ruling later this week rescheduling the pre-hearing conference and providing some procedural guidance. At the pre-hearing conference, we will discuss a schedule for addressing the issues involved in this proceeding.

Jessica T. Hecht
Administrative Law Judge
California Public Utilities Commission
jessica.hecht@cpuc.ca.gov

-----Original Message-----

From: Edmister, Todd O. [mailto:todd.edmister@bingham.com]
Sent: Mon 1/10/2011 2:30 PM
To: Hecht, Jessica T.; felicia.bellows@tesseractosolar.com; cynthia.burch@kattenlaw.com; brent.bailey@tesseractosolar.com; Douglas.Werner@bnsf.com; steven.lamb@kattenlaw.com; mdjoseph@adamsbroadwell.com; cem@newsdata.com; sgallagher@stirlingenergy.com; Laya, Virginia; Gilbert, Daren S.
Cc: Reed, Jacqueline A.; Berdge, Patrick S.; King, Paul
Subject: RE: C.10-10-015, Tessera Solar v. BNSF: PHC on 12/27/2010 removal from calendar

ALJ Hecht --

We write on behalf of complainant Tessera and also Calico Solar to ask that the CPUC reschedule the prehearing conference originally set for 12/27/10, and move forward as appropriate on the pending motions and briefing already submitted in this proceeding.

We write further to inform you that Tessera has sold Calico Solar. This may warrant supplementation of existing briefing on jurisdictional issues. This fact does not, in our view, impact the submitted motion to amend the complaint to make Calico Solar a complainant, and we invite the CPUC to take that motion up at the earliest opportunity.

From: Hecht, Jessica T. [mailto:jessica.hecht@cpuc.ca.gov]
Sent: Wednesday, December 22, 2010 10:38 AM
To: felicia.bellows@tesseractosolar.com; cynthia.burch@kattenlaw.com; brent.bailey@tesseractosolar.com; Douglas.Werner@bnsf.com; steven.lamb@kattenlaw.com; mdjoseph@adamsbroadwell.com; Edmister, Todd O.; cem@newsdata.com; sgallagher@stirlingenergy.com; Hecht, Jessica T.; Laya, Virginia; Gilbert, Daren S.
Cc: Reed, Jacqueline A.; Berdge, Patrick S.; King, Paul
Subject: C.10-10-015, Tessera Solar v. BNSF: PHC on 12/27/2010 removal from calendar
Importance: High

C.10-10-015 JHE/tcg

Parties to C.10-10-015,

Based on the joint request of counsel for the complainant and respondent, I am removing the pre-hearing conference formerly scheduled for next Monday, December 27, 2010, from the Commission's calendar. This change will be reflected on the Commission's daily calendar within the next few days. I understand that parties are currently engaged in settlement discussions, and I encourage parties to continue their work to reach a settlement if possible.

This PHC may be rescheduled in the future, depending on the outcome of settlement talks and any updated requests I receive from the parties.

If you have any questions, please feel free to contact me.

Jessica T. Hecht
Administrative Law Judge
California Public Utilities Commission
(415)703-2027
jessica.hecht@cpuc.ca.gov

From: Lamb, Steven A. [mailto:steven.lamb@kattenlaw.com]
Sent: Tuesday, December 21, 2010 3:44 PM
To: Hecht, Jessica T.
Cc: todd.edmister@bingham.com
Subject: Tessera Solar v. BNSF, C1010015
Importance: High

Judge Hecht:

Per the voicemail message that Todd Edmister and I left you around 3:30pm this afternoon, the parties jointly request that the Prehearing Conference presently scheduled for 12/27 be taken off calendar and that no rulings be issued in this matter until further contact by a party.

Confirmation at your earliest convenience would be greatly appreciated.

Respectfully submitted,
Steve Lamb

STEVEN A. LAMB
Partner
Katten Muchin Rosenman LLP
2029 Century Park East, Suite 2600 / Los Angeles, CA 90067-3012
p / (310) 788-4679 f / (310) 712-8257
steven.lamb@kattenlaw.com<mailto:steven.lamb@kattenlaw.com> /
www.kattenlaw.com<http://www.kattenlaw.com/>

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(END OF ATTACHMENT 7)