

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Big Bird Partnership, a California General
Partnership,

Complainant,

vs.

Union Pacific Railroad Company,

Defendant.

Case No. 06-10-012

Certified Mail

7003 3110 0002 3114 1438

INSTRUCTIONS TO ANSWER

Union Pacific Railroad Company
Attn.: Carol A. Harris
General Commerce Counsel
49 Stevenson Street, 15th Floor
San Francisco, CA 94105

You are hereby notified that the above-entitled complaint has been filed against you as defendant. You are directed to answer the complaint in writing within 30 days after today. The answer shall be in compliance with Rule 4.4 of the Commission's Rules of Practice and Procedure. Your answer shall be sent to California Public Utilities Commission, Attn.: Docket Office, 505 Van Ness Avenue, San Francisco, CA 94102.

This matter has been assigned to Commissioner Dian Grueneich and Administrative Law Judge Maribeth A. Bushey. It has been determined that the complaint will be categorized as Adjudicatory. A hearing will be scheduled by the assigned Administrative Law Judge, unless the matter is otherwise resolved by the parties.

Dated at San Francisco, California this 23rd day of October, 2006.

/s/ ANGELA K. MINKIN

by Martin Nakahara

Angela K. Minkin
Chief Administrative Law Judge

AM/pcg

Enclosures: Complaint and Rule 4.4

cc: Complainant

cc via email only, w/o copy of encls.: Cmmr. Grueneich and ALJ Bushey

4.4. (Rule 4.4) Answers

The answer must admit or deny each material allegation in the complaint and shall set forth any new matter constituting a defense. Its purpose is to fully advise the complainant and the Commission of the nature of the defense. At least one of the defendants filing an answer must verify it, but if more than one answer is filed in response to a complaint against multiple defendants, each answer must be separately verified. (See Rule 1.11.) The answer should also set forth any defects in the complaint which require amendment or clarification. Failure to indicate jurisdictional defects does not waive these defects and shall not prevent a motion to dismiss made thereafter.

The answer must state any comments or objections regarding the complainant's statement on the need for hearing, issues to be considered, and proposed schedule. The proposed schedule shall be consistent with the categorization of the proceeding, including a deadline for resolving the proceeding within 12 months or less (adjudicatory proceeding) or 18 months or less (ratesetting or quasi-legislative proceeding). (See Article 7.)

Answers must include the full name, address, and telephone number of defendant and the defendant's attorney, if any, and indicate service on all complainants.