

DOCKETED

Docket Number:	79-AFC-04C
Project Title:	Compliance - Application for Certification of DWR Bottlerock Geothermal Project
TN #:	201756
Document Title:	Draft Order Approving Withdrawal of Appeal and Determining Penalty
Description:	Draft order for consideration by the Energy Commission at its February 18, 2014, Business Meeting. Prepared by Hearing Office
Filer:	Sabrina Savala
Organization:	California Energy Commission Hearing Office
Submitter Role:	Energy Commission
Submission Date:	2/18/2014 9:55:45 AM
Docketed Date:	2/18/2014



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

***IN THE MATTER OF THE
COMPLAINT AGAINST THE BOTTLE ROCK
GEOTHERMAL POWER PLANT***

DOCKET No. 12-CAI-04

**[DRAFT] COMMISSION ORDER APPROVING BOTTLE ROCK
POWER'S REQUEST TO WITHDRAW ITS APPEAL AND DETERMINING
THE PENALTY FOR VIOLATION OF A CONDITION OF CERTIFICATION**

This Commission Order approves the withdrawal of Bottle Rock Power LLC's (Bottle Rock) appeal of the Committee Decision Sustaining Complaint Against Bottle Rock Power, LLC dated February 6, 2013 (TN 69413, Committee Decision). It further determines [not to impose a penalty | that a penalty of \$_____ is appropriate] for the violation of a condition of certification found by the Committee Decision.

FINDINGS

The Commission hereby adopts the following findings:

1. On February 6, 2014, the Committee assigned to consider the Complaint filed by David Coleman issued the Committee Decision. That decision found that Bottle Rock violated a condition of certification requiring maintenance of a closure bond when it cancelled the then existing \$5 Million bond. The question of a possible penalty for the violation of the condition was referred to the full Energy Commission for resolution.
2. On February 20, 2013, Bottle Rock filed a timely appeal of the Committee Decision to the full Commission. (TN 69612.) No other appeals were filed.
3. On March 26, 2013, the Chair ordered that the appeal be stayed until a related amendment proceeding (79-AFC-04C), initiated by Bottle Rock to address whether and in what amount a closure bond should continue, concluded. (TN 70091.)

4. The amendment proceeding concluded on December 11, 2013 with the approval of an amendment to the project conditions of certification maintaining the bond requirement but adjusting the required amount from \$5 Million to \$1,341,500 in 2014, increasing to \$ \$1,676,875 in 2019. (79-AFC-04C TNs 201388, 201441.)
5. It is appropriate to accept Bottle Rock's request to withdraw its appeal.
6. After consideration of the record, arguments and public comment, we find that [no penalty is necessary | a penalty of \$_____ is appropriate] for the violation of the condition requiring a closure bond.

ORDER

Therefore, the Commission **ORDERS** the following:

The appeal of the Committee Decision is dismissed. The Committee Decision shall remain in full force and effect.

Bottle Rock Power, LLC is ordered to pay \$_____ to the Commission within 30 days of the docketing of this Order.

IT IS SO ORDERED

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Decision duly and regularly adopted at a meeting of the California Energy Commission held on February 18, 2014.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated: February 18, 2014, at Sacramento, California.

Harriet Kallemeyn
Secretariat
California Energy Commission