

DOCKETED

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Project Title:	David Coleman Complaint Concerning Bottle Rock Power
TN #:	201758
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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***IN THE MATTER OF THE
COMPLAINT AGAINST THE BOTTLE ROCK
GEOTHERMAL POWER PLANT***

**DOCKET No. 12-CAI-04
Order No. 14-0218-5**

**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 that a penalty of \$2,500.00 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, 2013, 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, and assessing the factors set forth in Public Resources Code Section 25534.1(e) for determining the amount of an administrative penalty, we find that a penalty of \$2,500.00 is appropriate for the violation of the condition requiring a closure bond. The bond requirement was not so clearly stated as it could have been stated. While the potential for harm existed had the facility closed during the time when no bond was in place, no actual harm to the environment occurred. Bottle Rock complied with the Committee Decision by filing to amend the condition and then provided a new bond in the amount required by the revised condition.

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 \$2,500.00 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: Weisenmiller, Douglas, Hochschild, McAllister, Scott

NAY: None

ABSENT: None

ABSTAIN: None

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

Original Signed By:

Harriet Kallemeyn
Secretariat
California Energy Commission