



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

**NOTICE OF COMMITTEE HEARING, POSSIBLE AMENDMENT
OF CONDITIONS OF CERTIFICATION
AND HEARING ORDERS**

PLEASE TAKE NOTICE that, the Committee designated by the Energy Commission to conduct proceedings on the Complaint Against the Bottle Rock Geothermal Power Plant has scheduled a Committee Hearing as follows:

A Committee Hearing will be conducted on:

Tuesday, January 22, 2013
Beginning at 10:00 a.m.

California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814
(Map Attached)

Parties, interested persons and agencies, and the public may attend the above Committee Hearing in person at the above location or by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate by WebEx, please see the "Participation in the Committee Hearing Through WebEx" directions attached to this notice.

Please note that the Committee may, in appropriate circumstances, continue the hearing into the evening hours or to a subsequent date certain.

Purpose of Hearing

The purpose of the hearing will be to take evidence and hear argument relevant to the Complaint filed by David Coleman on October 11, 2012, alleging that the Bottle Rock project violated conditions of a 2001 Energy Commission order approving a change of

ownership of the project. Following review of the Complaint, the Staff Response to Complaint filed on November 13, 2012, and other documents filed in this matter, the Committee is interested in hearing about the following:

1. Regarding the “reduced scope of decommissioning” negotiated with the underlying landowners, the facilities proposed to remain after the project is decommissioned, including, if available, photos depicting the relationship of those facilities to their surroundings. Do the structures conform with Lake County development standards?
2. The estimated costs of remediating the decommissioned facility and steam fields, including underlying assumptions.
3. The sale agreement between the Department of Water Resources and the project owner and subsequent amendments thereto.
4. The lease agreement between the project owner and the landowner.
5. The amount of and terms of bonds to secure remediation of the steam fields, generating facility, or both, required or held by other entities such as Lake County, the Department of Conservation Division of Oil, Gas, & Geothermal Resources, and any others.
6. The amount of and terms of environmental impairment insurance held by the project or required to be held by entities such as Lake County, the Department of Conservation Division of Oil, Gas, & Geothermal Resources, and any others.
7. Lake County’s conditions applicable to the steam fields.

The above list is not exclusive. Parties may offer evidence and make arguments on other issues that they believe are relevant to the Complaint. That evidence and identification of issues shall be included in the Prehearing Statements required below. Similarly, if a party believes that a topic identified above is not relevant, it may explain why in its Statement.

Possible Amendment of Conditions of Certification

Pursuant to Public Resources Code, section 25534(a), if the Committee determines that one of the situations in subsections (a)(1) through (a)(3)¹ exists, it may, as part of its decision in this matter, amend the Conditions of Certification for the project to the extent necessary to address the situation.

¹ (a) The commission may, after one or more hearings, amend the conditions of, or revoke the certification for, any facility for any of the following reasons:

- (1) Any material false statement set forth in the application, presented in proceedings of the commission, or included in supplemental documentation provided by the applicant.
- (2) Any significant failure to comply with the terms or conditions of approval of the application, as specified by the commission in its written decision.
- (3) A violation of this division or any regulation or order issued by the commission under this division.

PLEASE TAKE NOTICE that the Committee has established the following filing schedule:

DATE	ITEM
October 11, 2012	Complaint filed by David Coleman
November 13, 2012	Staff Response to Complaint filed
November 29, 2012	Committee appointed to conduct proceedings in this case
January 4, 2013	Respondent files direct testimony, Exhibit List, and Prehearing Statement
January 11, 2013	All other parties file direct testimony, Exhibit Lists, and Prehearing Statements
January 17, 2013	All parties file rebuttal testimony and, if necessary, Revised Exhibit Lists and Prehearing Statements
January 22, 2013	Committee Hearing

Prehearing Statements

In order to assist the Committee and other parties in preparing for the hearing, each party shall file a Prehearing Statement on or before the deadline set forth above, and identify and share its proposed exhibits as described below.

In its Prehearing Statement, each party shall describe its position regarding the Complaint, including:

1. The outcome it desires, including any legal authority supporting that outcome.
2. If changes to the project's Conditions of Certification are desired, proposed language for the amended conditions. Where possible, show changes to existing conditions in underline/strikeout format (new language/~~deleted language~~).
3. The identity of each witness it proposes to offer, a summary of the testimony the witness will offer, and an estimate of the time necessary for the witness' direct testimony. Direct testimony may be offered in written form if desired, provided that the witness is made available at the Hearing for cross-examination and Committee questions.
4. The names of each witness offered by another party for which cross-examination is desired and the estimated time required for that cross-examination.
5. The amount of time the party desires for oral argument.

If the above information changes following a party's review of the direct evidence and Statements filed by other parties, it shall file a Revised Prehearing Statement by the deadline set forth above.

FAILURE TO COMPLY WITH THE FILING REQUIREMENTS STATED IN THIS NOTICE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE HEARING. EVIDENCE THAT IS NOT IDENTIFIED PRIOR TO THE HEARING MAY BE EXCLUDED UNLESS GOOD CAUSE IS SHOWN.

Format for Presenting Written Evidence

Documentary evidence must be filed with the Dockets unit at or before the time it is identified as a proposed Exhibit. (If the document was filed at an earlier time, it should not be filed again unless it was modified in some way. Simply provide the Docket Transaction [TN] Number on the Exhibit List.) Each party shall number and identify its exhibits on an **Exhibit List**. Parties shall use the attached Exhibit List form for this purpose.

- David Coleman's exhibits shall be numbered consecutively beginning at **Exhibit 1**.
- Bottle Rock Power's exhibits shall be numbered consecutively beginning at **Exhibit 100**.
- Staff's exhibits shall be numbered consecutively beginning at **Exhibit 200**.
- V.V. & J. Coleman, LLC's exhibits shall be numbered consecutively beginning at **Exhibit 300**.
- Department of Water Resources' exhibits shall be numbered consecutively beginning at **Exhibit 400**.
- Department of Conservation Division of Oil, Gas, & Geothermal Resources' exhibits shall be numbered consecutively beginning at **Exhibit 500**.
- Lake County's exhibits shall be numbered consecutively beginning at **Exhibit 600**.

The parties shall serve and file all of their direct written testimony and documents, along with their Exhibit Lists, by the time set forth in the filing schedule. Any additional documents in the nature of rebuttal testimony and a revised Exhibit List shall be served and filed by the time provided for that act in the filing schedule.

The parties shall submit **WORD or text file** versions of their exhibit lists to the Hearing Adviser via e-mail at the time they file them with the Dockets Unit. That information will be used to prepare a master exhibit list.

General Orders

The parties' attention is directed to the **GENERAL ORDERS REGARDING ELECTRONIC DOCUMENT FORMATS, FILING AND SERVICE OF DOCUMENTS and OTHER MATTERS**, dated December 21, 2012, for additional information about the service of documents by e-mail and other matters.

Notice of Committee's Intention to Use Informal Hearing Procedures

Pursuant to Government Code, section 11445.10 et seq. and section 1217 of the Commission's regulations, the Committee may conduct all or portions of the Committee Hearing in an informal manner in which, for example but not by way of limitation, a panel of witnesses sponsored by a single party or by multiple parties testify at one time, with an exchange of questions and responses between the witnesses and counsel for the various parties substituting for formal direct and cross-examination.

Closed Sessions

The Committee may, pursuant to Government Code, section 11126, temporarily adjourn the meeting to a closed session to deliberate on matters before the Committee for decision such as the preparation of its decision or motions and other matters then pending before the Committee.

Public Participation

Members of the public are welcome to attend and offer comments at the Committee Hearing. It is not necessary to be an intervenor to participate in the public process. Comments may also be submitted in writing. Written comments may be submitted for posting on the docket for the proceeding by handing them directly to the Public Adviser, by e-mailing them to docket@energy.ca.gov, or by US Mail to:

California Energy Commission
Dockets Unit
Docket number: 12-CAI-04
1516 Ninth Street, MS-4
Sacramento, CA 95814

Please include "**Bottle Rock Complaint, Docket No. 12-CAI-04**" on any e-mailed or written comments.

Please note that your written and oral comments, attachments, and associated contact information (e.g. your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.

Comments received after the January 22, 2013 Committee Hearing may not be considered by the Committee.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the complaint process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or e-mail: publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: lou.quiroz@energy.ca.gov.

Information

Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Adviser, at (916) 654-5103 or e-mail: paul.kramer@energy.ca.gov.

Technical questions concerning the project should be directed to Camille Remy-Obad, the Staff Compliance Project Manager, at (916) 654-3940, or e-mail: camille.remy-obad@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: mediaoffice@energy.ca.gov.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: <http://www.energy.ca.gov/sitingcases/bottlerock/documents/index.html#cai-04>.

Dated: December 21, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Committee re Complaint Against
Bottle Rock Geothermal Power Plant

Original Signed By:

ROBERT B. WEISENMILLER
Commissioner and Associate Member
Committee re Complaint Against
Bottle Rock Geothermal Power Plant

Mailed to list: 771

PARTICIPATION IN THE COMMITTEE HEARING THROUGH WEBEX
 THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE
 IN THE MATTER OF THE COMPLAINT AGAINST BOTTLE ROCK GEOTHERMAL POWER PLANT (12-CAI-04)

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the MEETING NUMBER, below.
- When prompted, enter your information and the MEETING PASSWORD, below.

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio portion of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the MEETING NUMBER and the MEETING PASSWORD (below).
- After you login, a prompt will ask for your phone number. Click "CANCEL."
- Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the MEETING NUMBER below and your unique Attendee ID number which is shown on the top left area of your computer screen after you login.

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the MEETING NUMBER below.

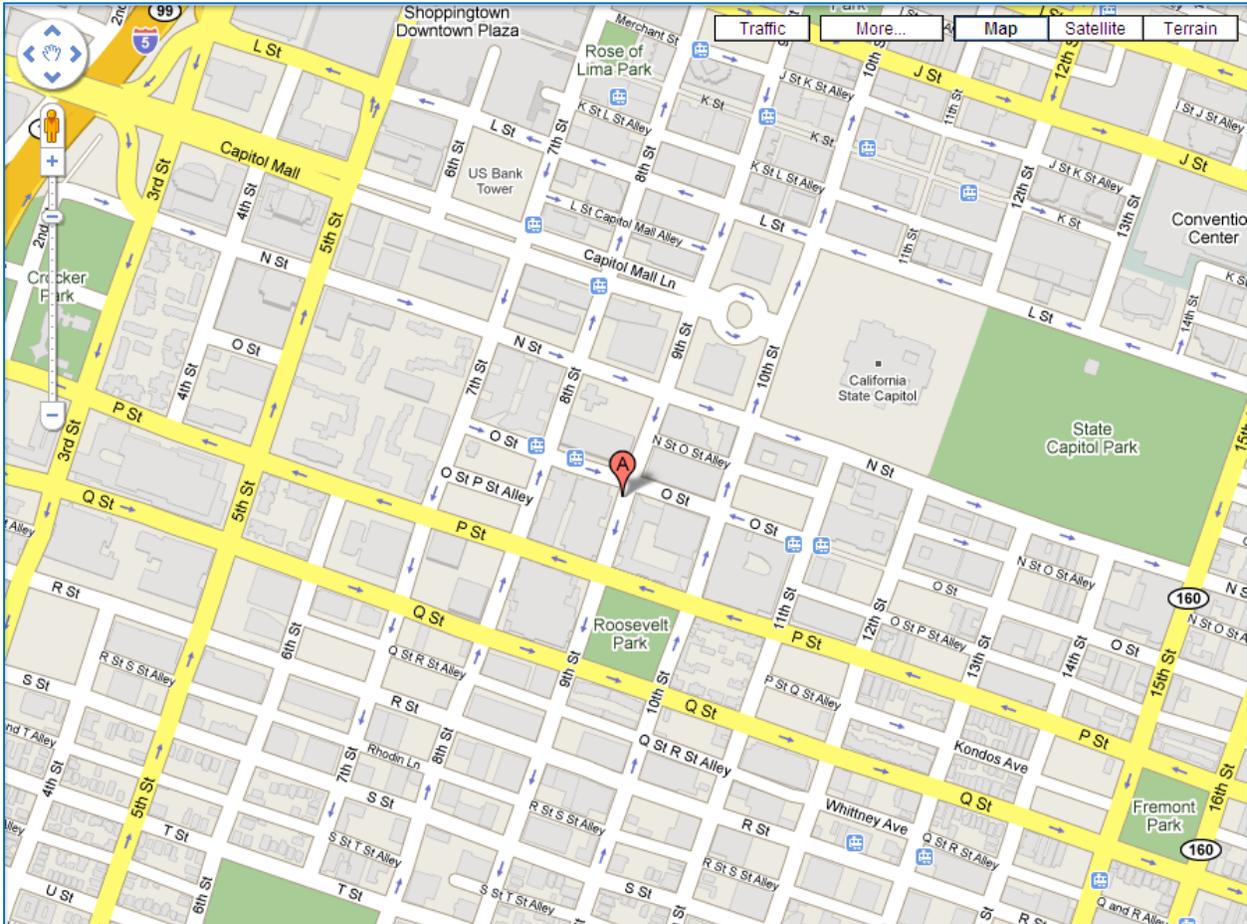
If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>.

<i>DATE</i>	<i>MEETING NUMBER</i>	<i>PASSWORD</i>
1/22/2013	929 559 843	pwd#1516

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

Bottle Rock Complaint Committee Hearing: *Tuesday, January 22, 2013*
Beginning at 10:00 a.m.

California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814



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Meeting Agenda

1. Call to Order
2. Committee Hearing on the Complaint Against the Bottle Rock Geothermal Power Plant (12-CAI-04)
 - a. Consider pending motions (if any)
 - b. Confirm topics and issues to be presented, order of testimony
 - c. Testimony
 - d. Discussion, argument
 - e. Briefing schedule (if necessary)
 - f. Other matters related to the Complaint

3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

4. Closed Session

Committee closed session consideration of the following Item:

Complaint Against the Bottle Rock Geothermal Power Plant (12-CAI-04). Deliberation on the Committee's decision on the Complaint Against the Bottle Rock Geothermal Power Plant (12-CAI-04) and any other matters for decision by the Committee such as pending motions and scheduling. (Contact: Paul Kramer)

The Committee will adjourn to closed session in accordance with Government Code, section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct. The Committee may adjourn to a closed session at any point during the meeting and may conduct multiple closed sessions as necessary.

5. Adjourn

Agency Contact: Paul Kramer, Chief Hearing Adviser, (916) 654-5103 or e-mail: paul.kramer@energy.ca.gov.



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COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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*IN THE MATTER OF THE
COMPLAINT AGAINST THE
BOTTLE ROCK GEOTHERMAL POWER PLANT*

Docket No. 12-CAI-04
*PROOF OF SERVICE
(12/21/2012)*

SERVICE LIST:

COMPLAINANT

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Oakland, CA 94602
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COMPLAINANT’S COUNSEL

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RESPONDENT/PROJECT OWNER

Bottle Rock Power, LLC
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PROJECT OWNER’S COUNSEL

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PROJECT LANDOWNER

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INTERESTED AGENCIES

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Department of Conservation
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Lake County Community
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**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser
publicadviser@energy.ca.gov

**COMMISSION DOCKET UNIT
CALIFORNIA ENERGY COMMISSION
– DOCKET UNIT**

Attn: Docket No. 12-CAI-04
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

*After docketing, the Docket Unit will
provide a copy to the persons listed
below. **Do not** send copies of
documents to these persons unless
specifically directed to do so.*

KAREN DOUGLAS
Commissioner and Presiding Member

ROBERT B. WEISENMILLER
Chair and Associate Member

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

Sekita Grant
Adviser to Associate Member

Eileen Allen
Commissioners’ Technical
Adviser for Facility Siting

Paul Kramer
Chief Hearing Adviser

Camille Remy-Obad
Compliance Project Manager

Kevin W. Bell
Staff Counsel

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on December 21, 2012, I served and filed copies of the attached NOTICE OF COMMITTEE HEARING, POSSIBLE AMENDMENT OF CONDITIONS OF CERTIFICATION and HEARING ORDERS, dated December 21, 2012. This document is accompanied by the most recent Proof of Service list, which I copied from the web page for this project at:
<http://www.energy.ca.gov/sitingcases/bottlerock/documents/index.html#cai-04>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, as appropriate, in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

- I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**
- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: December 21, 2012

Original Signed By:

RoseMary Avalos
Hearing Advisers Office