



**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**

## **DECISION SUSTAINING COMPLAINT AGAINST BOTTLE ROCK POWER, LLC**

### **Introduction**

This matter involves the complaint filed by David Coleman (“Coleman” or “Complainant”) against Bottle Rock Power, LLC, on October 11, 2012, regarding alleged violations of the conditions of approval on the transfer of ownership of the Department of Water Resources (DWR) Bottle Rock Power Plant, located in Lake County (the “Bottle Rock Plant”). DWR was originally granted a permit to operate the Bottle Rock Plant in 1980 (79-AFC-04). In 2001, DWR filed an application for a change of ownership. On May 30, 2001, the Commission granted the application, on the condition that the terms of the sale agreement between the DWR and Bottle Rock Power Corporation, LLC, the new owner, were adhered to. Key among those terms were the requirement for a \$5 million surety bond to secure the proper decommissioning of the power plant and remediation of the power plant site and an Environmental Insurance Policy of \$10 million. In 2006, there was a further change in ownership from Bottle Rock Power Corporation, LLC, to Bottle Rock Power, LLC, the current owner (“Respondent”). This change in ownership was approved by the Commission without any modification of the requirement for the bond and insurance.

Complainant contends that in August 2012 DWR and Bottle Rock Power, LLC, amended the sale agreement to eliminate the requirements for the surety bond and the insurance policy. This conduct, Coleman further alleges, violates the May 30, 2001 order.

As discussed below, after considering the parties' arguments and evidence, we conclude that Respondent has violated the terms and conditions of its permit to operate by failing to have a surety bond in the amount of \$5 million. This determination may result in the imposition of certain penalties, as set forth more fully below.

## **Procedural and Factual Summary**

The Energy Commission certified the 55 megawatt (MW) Department of Water Resources (DWR) Bottle Rock Power Plant in 1980, located in Lake County, California, for the purpose of providing electricity for the State Water Project. (Ex. 200.) On April 6, 2001, DWR submitted a Petition to transfer ownership of the Bottle Rock Geothermal Power Plant from DWR to the Bottle Rock Power Corporation. (Ex. 106.) On May 30, 2001, pursuant to California Code of Regulations, title 20, section 1769(b), the Commission conducted a hearing on the Petition for transfer of ownership. (Ex. 201.) During that hearing, Energy Commission staff raised concerns about releasing DWR from responsibility for plant closure and remediation. (Ex. 201, 83:4-9.)<sup>1</sup> In response to Staff's concerns, representatives from DWR discussed the "Purchase Agreement for Bottle Rock Power Plant and Assignment of Geothermal Steam Field Lease" ("Agreement"). (Ex. 106.) DWR focused on Sections 2.4 (Security for Decommissioning and Reclamation Liabilities) and 2.5 (Environmental Impairment Insurance) of the Agreement as providing security for closure, decommissioning, and remediation. (Ex. 106.) DWR stated that it would enforce those conditions in the Agreement to provide security to the Energy Commission that plant closure, decommissioning and remediation would occur as required by the license to operate. (Ex. 201, 86:10-18.) On the basis of the representations by DWR, the Commission approved the Petition for transfer of ownership. (Energy Commission Order #01-0530-07, hereafter "2001 Order"; Exs. 106; 201, 91:1-8.) In granting DWR's petition, the Commission's approval was specifically conditioned on compliance with the Agreement. (Ex. 201, 92:1-11; 93:1-7.)

On December 13, 2006, the Commission approved the change of ownership from Bottle Rock Power Corporation, LLC to Bottle Rock Power, LLC, filing an Order to that effect. (Energy Commission Order #06-1213-12; Ex. 107.) While that Order modified or deleted some Conditions of Certification, the requirements for a closure bond and environmental insurance were unchanged.

On August 29, 2012, Bottle Rock Power, LLC, and DWR finalized the "Eighth Amendment to the Purchase Agreement for Bottle Rock Power Plant and Assignment of Geothermal Steam Field Lease" (the "Amendment"). (Ex. 410.)<sup>2</sup> The Amendment deleted the provisions requiring the maintenance of the \$5 million dollar closure bond,

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<sup>1</sup> Exhibit 201 is a Reporter's Transcript of the Business Meeting of May 30, 2001. The reference is to the page of the transcript and lines; e.g., 86:2-10 refers to page 86, lines 2 through 10 in the transcript.

<sup>2</sup> DWR and Respondent entered into a series of amendments in 2001. These amendments, which occurred between May and July, 2001, merely changed the closing date for the real estate transaction between DWR and Respondent; the amendments did not in any way affect the bonding or insurance requirements. (Exs. 403; 404; 405; 406; 407; 408 409.)

and deleted the requirement for an Environmental Impairment Insurance Policy. (*Id.*) However, neither Bottle Rock Power, LLC, nor DWR sought amendment of the Conditions of Certification for the Power Plant.

On October 11, 2012, Coleman filed the instant complaint, alleging that the Amendment between DWR and Bottle Rock Power, LLC, should be declared “null and void” and that the conditions relating to bonding and insurance be reaffirmed. As required by California Code of Regulations, Title 20, section 1237(b), Commission staff filed a Response to the Complaint on November 11, 2012. In that Response, Staff recommended that the Commission appoint a Committee and hold a hearing regarding whether the Conditions of Certification should be amended.

On November 29, 2012, the Energy Commission appointed a committee to take further action regarding the Complaint under Public Resources Code, section 25534. On December 21, 2012, the Committee issued its “Notice of Committee Hearing, Possible Amendment of Conditions of Certification and Hearing Orders”, indicating that it might consider amending the 2001 Order and its Conditions of Certification.

Pursuant to California Code of Regulations, title 20, section 1237(e)(3), the Committee appointed to hear this matter conducted a hearing on January 22, 2013, to determine whether there had been a violation of terms of the 2001 Order. At that hearing, Respondent requested that the proceedings be limited to a consideration of whether there had been a violation of the 2001 Order and, if so, what penalty should apply. (January 22, 2013 Reporter’s Transcript<sup>3</sup> 6:11-19; 8:2-8.) In specific, Respondent indicated that it would file a separate petition to amend the 2001 Order, but could not commit to a specific date for filing the petition. (*Id.* at 14:9-17.) The Committee agreed to limit the January 22, 2013, hearing to the issues of the occurrence of a violation and appropriate penalty in the event a violation were found to have occurred. (*Id.* at 14:2-8.)

During the January 22, 2013, hearing, counsel for Bottle Rock Power, LLC, stipulated that, as of September 2012, no bond to secure the cleanup of the Bottle Rock Power Plant was in place. (01/22/13 RT 27:7-10; 29:4-7.) Counsel for Bottle Rock Power, LLC, further stipulated that the Environmental Remediation Policy was still in effect until some time in 2014 or 2015. (*Id.* at 27: 11-15.) Finally, counsel for Respondent stipulated that there was no closure plan or other engineering study to determine the costs to wind down operations at the Bottle Rock Power Plant. (*Id.* at 27:16-25; 28:1-11.) Representatives from DWR confirmed that there had been no further closure plan created for the Bottle Rock Power Plant since the Agreement. (*Id.* at 36:1-5.)

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<sup>3</sup> Hereafter “01/22/13 RT”.

## Discussion

A. The 2001 Order requires a bond and insurance.

Pursuant to the Warren–Alquist Act, the California Energy Commission has “the exclusive power to certify all sites and related facilities in the state, whether a new site and related facility or a change or addition to an existing facility.” (Pub. Resources Code, § 25500.) “When it comes to power plant siting, the Energy Commission possesses ultimate authority within the state.” (City of Morgan Hill v. Bay Area Air Quality Management Dist., (2004) 118 Cal.App.4th 861, 879, 13 Cal.Rptr.3d 420.) The Commission thus has jurisdiction to consider this matter pursuant to Public Resources Code, section 25534.

In the case under review, the question is what are the terms and conditions of the permit under which the Bottle Rock Plant is operated. When DWR, the original permittee of the Bottle Rock Power Plant, sought to transfer ownership of the facility, it was adamant that it not be responsible for the costs to decommission and remediate the power plant. (Ex. 201, 86:2-10.) In response to concerns of Commission staff and the Commissioners, it cited to the Agreement, focusing on the provisions for insurance and a bond as security for performance of any necessary remediation. (*Id.* at 86:10-87:6.)

After extensive discussion of the measures necessary to ensure adequate funds for decommissioning at the end of the life of the project, the Commissioners incorporated the Agreement into the 2001 Order. (*Id.* at 92:1-11, 93:1-7; see also Ex. 106.) The transcript of the May 30, 2001 Energy Commission Business Meeting leaves no doubt that the Energy Commission understood and intended its 2001 Order to incorporate the bond and insurance requirements in the Purchase Agreement at that time as conditions of its approval.<sup>4</sup> We therefore find that the 2001 Order incorporated the requirements for a bond and for environmental insurance into Respondent’s permit, and that these conditions of approval of the Agreement carry as much force as any other Condition of Certification for the Bottle Rock Power Plant.

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<sup>4</sup> See, e.g., comments of Commissioner Moore in his motion to approve the 2001 Order:

I would move that we accept the transfer and accept the offer of liability protection for closure in the form of a bond, as suggested by the applicant, and as the Department of Water Resources has suggested would meet their requirements or it's the equivalent of what they would have to propose or spend in order to clean up. If we accept that, the Department of Water Resources will not be -- the transfer will go ahead and the Department of Water Resources will not be the owner anymore, but we will have a bond of adequate capacity to cover closure and any cleanup that might be there.

Ex. 201, 92:1-11

B. Only the Energy Commission has the authority to modify the Conditions for the Bottle Rock Power Plant.

DWR and Respondent contend that because the Agreement could be modified by them, the requirements for bond and environmental insurance can be eliminated without further Energy Commission action.

We reject this argument. The 2001 Order effectively incorporated the conditions in the Agreement before them at that time into Respondent's permit. While DWR and Respondent are correct that they remain free to alter their contractual obligations vis a vis each other, they have no power to amend the 2001 Order or any other condition in the Energy Commission permit.

The Energy Commission has a process to amend permits. (Cal. Code Regs., tit. 20, §1769.) This process includes the requirement that the requested modifications be supported by evidence of the need for such changes, including whether any of the changes will effect nearby property owners or cause new or unforeseen impacts to the environment. (*Id.*) The amendment process also includes notice to potentially affected property owners and gives the right for anyone affected to object, in which case a full evidentiary hearing is required. (*Id.*)

Proceedings under Section 1769 occurred in 2001 when DWR and Respondent were parties to a transfer, culminating in 2001 Order. Furthermore, in letters in both May and September 2009, DWR stated that it understood that Respondent could be relieved of the bonding and insurance conditions only if the Energy Commission amended the Conditions of Certification under which the plant operated. (Exs. 6; 7.)

At the January 22, 2013, hearing, DWR argued that the parties had previously amended the Agreement seven times almost immediately after the 2001 Order was issued. (01/22/13 RT 57:13 - 58:21; see also, Exs. 403; 404; 405; 406; 407; 408; 409.) None of these amendments were accompanied by review or approval of the Energy Commission. DWR appears to contend that these seven amendments thus constitute an acceptance by the Energy Commission that DWR and Respondent could modify the Agreement without further resort to the requirements of the Energy Commission regulation. First, there is nothing in the record that indicates that the Energy Commission had notice of these amendments. Second and more importantly, none of the seven amendments impacted the issues under the jurisdiction of the Energy Commission: the design, operation, or performance requirements of a geothermal power plant. Instead, they were focused exclusively on an extension of the closing date for the transaction. On the other hand, the Amendment does directly relate to the issue of proper decommissioning of a power plant—an area well within the Commission's jurisdiction.

In addition, DWR stated that the Energy Commission received notice of the Amendment before it was executed in August 2012 and did not respond until October 2012, some 60 days later. (01/22/13 RT 57:13 – 58:3; see also Ex. 402.) Again, however, notice to the Energy Commission does not comply with the letter or spirit of the Commission's

regulations by providing for notice to affected property owners who may wish to participate in decisions regarding the siting and operation of a power plant. Indeed, only Lake County, outside of the Energy Commission addressees, received a copy of the letter outlining the proposed amendment; Coleman was not copied, nor do any other property owners near the Bottle Rock Power Plant appear to have been copied. (Ex. 402.)

Finally, we note that the Agreement sets forth a process by which the bond requirement may be modified. Before the bond can be changed, an engineering study is required to create an estimate of the costs to cease operations and remediate. Upon receipt of an engineering study, the bond amount may be changed in an amount equal to the cost estimate plus 25 percent. (Ex. 401, pp. 9-12.) At the January 22, 2013, hearing, Respondent stipulated that no engineering study had been prepared that would address the correct amount of security for plant shut down. (01/22/13 RT 27:16-25; 28:1-11.) Thus, the condition precedent to any change in the bond has not been met.

To allow DWR, or any other person or agency, to change conditions through a contract amendment would be an impermissible delegation of the Energy Commission's authority. To be relieved of the requirements, Respondent must both obtain DWR's consent (by amending the Agreement, which it obtained) and the Energy Commission's consent (by amendment of the 2001 Order, which it has not yet obtained). Consequently, the requirements to maintain a bond and insurance remain conditions to the operation of the Bottle Rock Power Plant that Respondent must satisfy.

C. Respondent violated a Condition of Certification by failing to maintain the bond as required by the 2001 Order.

As discussed above, the 2001 Order under which Respondent operates the Bottle Rock Power Plant contains provisions requiring it to obtain and maintain both an Environmental Impairment Insurance policy and a bond to secure the costs of decommissioning and remediation. The uncontroverted evidence is that no bond is currently in place for the decommissioning and remediation of the Bottle Rock Plant. Therefore, we find that Respondent is in violation of the 2001 Order. Respondent shall, as set forth below, file a new surety bond with the Energy Commission for closure and site restoration upon decommissioning of the Bottle Rock Power Plant.

As set forth above, the Respondent has indicated that it would seek an amendment to the Conditions of Certification. We recommend that compliance with this condition be delayed 30 days to encourage Respondent to make application expeditiously.

D. Respondent has not violated the Condition of Certification of the 2001 Order regarding insurance.

Despite language in the Amendment eliminating the requirement, the evidence demonstrates that Respondent still has in effect a policy of insurance for environmental remediation. Merely amending the Agreement is not a violation of the 2001 Order.

Accordingly, we find that Respondent has not violated the 2001 Order as it relates to maintaining a policy of insurance.

E. The penalty in this matter should be decided by the full Commission.

Once a violation of the Conditions of Certification has been found, the Energy Commission may impose a civil penalty. (Pub. Resources Code, §25534.1(b).) The maximum amount of the penalty may not exceed \$75,000. (*Id.*) The maximum penalty can be increased by \$1,500 per day, to a maximum of \$50,000, for continuing violations, for a potential total of \$125,000. (*Id.*)

We recommend that consideration of the amount of penalty, if any, be referred to the full Commission as provided for in Public Resources Code, section 25534.1. We further recommend that any such action be held in abeyance until the amendment process outlined above has been completed in order to conserve Energy Commission resources.

## Findings, Conclusions, and Orders

The Committee hereby finds and orders as follows:

1. The original purchase contract was incorporated by reference into the 2001 Order to define performance requirements and its terms are to be treated as Conditions of Certification for the Bottle Rock Power Plant.
2. The Department of Water Resources is no longer a party to the power plant license.
3. Bottle Rock Power, LLC, is in violation of its license for failing to maintain the \$5 million bond required by the 2001 Order.
4. Bottle Rock Power, LLC, has not violated the 2001 Order regarding insurance because a policy of insurance is still in full force and effect.
5. Amendment of the contract with DWR of itself is not a violation of the 2001 Order. The Amendment does not amend the Energy Commission's conditions and orders unless appropriate action to do so is taken by the Energy Commission.
6. Bottle Rock Power, LLC, shall, on or before March 8, 2013, file a new surety bond in the principal amount of \$5 million, naming the California Energy Commission as obligee for closure and site restoration of the Bottle Rock Power Plant upon decommissioning. Filing of this surety bond shall be stayed if Bottle Rock Power, LLC, files a petition to amend the bond requirement on or before March 8, 2013. This stay shall last for no more than one hundred twenty (120) days, but may be extended for good cause, to allow for consideration of the amendment by the Energy Commission. To invoke the stay, Respondent must, on or before March 8, 2013, either submit an engineering study establishing the costs of decommissioning the Bottle Rock Power Plant, or else provide documentation indicating that Respondent has entered into a contract for completion of such a study and specifying the date by which the study will be completed and submitted to the Energy Commission for use in acting upon the amendment application.
7. Bottle Rock Power, LLC, shall continue to maintain in full force and effect the policy of insurance for Environmental Impairment, as set forth in Paragraph 2.5 of the Agreement, until such time as an amended requirement is approved by the Energy Commission.
8. The amount of penalty, if any, for the foregoing violation of the 2001 Order is hereby referred to the full Commission, as provided for in Public Resources Code, section 25534.1. We recommend that consideration of the penalty be held in abeyance until the amendment process outlined above has been completed.



9. This decision shall take effect immediately.

10. Pursuant to California Code of Regulations, Title 14, section 1237(f), within 14 days after issuance of this Decision, either the project owner or the complainant, if dissatisfied with the Decision, may appeal this Decision, to the full Energy Commission.

**IT IS SO ORDERED.**

Dated: February 6, 2013, 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



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1516 NINTH STREET, SACRAMENTO, CA 95814 - 1-800-822-6228 - WWW.ENERGY.CA.GOV

Docket Number: 12-CAI-04

Date: February 6, 2013

Project Name: Complaint Against Bottle Rock Geothermal Power Plant

**EXHIBIT LIST**

**Complainant David Coleman**

<b>Exhibit</b>	<b>Docket Transaction Number</b>	<b>Brief Description</b>	<b>Offered</b>	<b>Admitted</b>	<b>Refused</b>
<b>1</b>	<b>TN 69108</b>	<b>Direct Testimony of David Coleman</b>	<b>1/22/2013</b>	<b>1/22/2013</b>	
<b>2</b>	<b>TN 69175</b>	<b>Photos submitted by David Coleman (88 Photos)</b>	<b>withdrawn</b>		
<b>3</b>	<b>TN 67659</b>	<b>Complaint Regarding Bottle Rock Power, LLC's Noncompliance with a decision of the California Energy Commission dated October 11, 2012</b>	<b>1/22/2013</b>	<b>1/22/2013</b>	
<b>4</b>	<b>TN 69108</b>	<b>Commission Order Approving Ownership Transfer dated May 30, 2001</b>	<b>withdrawn</b>		
<b>5</b>	<b>TN 69108</b>	<b>Letter dated August 3, 2012 from Cathy Cruthers, Chief Counsel, Department of Water Resources to Robert Weisenmiller, Chairman, California Energy Commission</b>	<b>withdrawn</b>		
<b>6</b>	<b>TN 69108</b>	<b>Letter dated September 24, 2009 from Robert James, Staff Counsel, Department of Water Resources to Brian Harms, General Manager, President, Bottle Rock Power, LLC</b>	<b>1/22/2013</b>	<b>1/22/2013</b>	

7	TN 51637	Letter dated May 21, 2009 from Robert James, Staff Counsel, Department of Water Resources to Thomas King, Managing Director, USRG Management Company, LLC	1/22/2013	1/22/2013	
8	TN 69108	Letter dated December 10, 2007 from Ronald Suess, President, Bottle Rock Power, LLC to Robert James, Department of Water Resources	1/22/2013	1/22/2013	
9	TN 69108	Letter dated February 5, 2008 from Ronald Suess, President, Bottle Rock Power, LLC to Robert James, Department of Water Resources	1/22/2013	1/22/2013	
10	TN 69108	Letter dated October 9, 2008 from Robert James, Staff Counsel, Department of Water Resources to Ronald Suess, President, Bottle Rock Power, LLC	1/22/2013	1/22/2013	
11	TN 69108	Letter dated November 27, 2012 from Robert S. Habel, Chief Deputy, Department of Conservation Division of Oil Gas & Geothermal Resources to California Energy Commission	1/22/2013	1/22/2013	

**Bottle Rock Power Plant, LLC**

Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
100	TN 69025	Direct Testimony of Brian Harms, dated January 3, 2013	withdrawn		
101	TN 69025	Photographs of the surrounding area of the Bottle Rock Geothermal Power Plant	withdrawn		
102	TN 69025	Bottle Rock Power Plant and Steam Field Decommissioning Report from Plant	withdrawn		

103	TN 69025	California Energy Commission Decision on the Bottle Rock Geothermal Power Plant, dated November 1980 (79-AFC-4)	withdrawn		
104	TN 69025	Lake County Use Permit No. 85-27 (MMU 10-01), dated January 13, 2012	withdrawn		
105	TN 69025	Lake County Use Permit No 09-01, dated December 22, 2010	withdrawn		
106	TN 69025	California Energy Commission Order Approving Ownership Transfer from California Department of Water Resources to the Bottle Rock Power Corporation, dated May 30, 2001 (Order No. 01-0530-07)	1/22/2013	1/22/2013	
107	TN 69025	California Energy Commission Order Approving the Change of Ownership, the Restart of Operation after Suspension, and 11 Facility Design Changes, dated December 13, 2006 (CEC Order No. 06-1213-12)	1/22/2013	1/22/2013	
108	TN 69025	Lake County Zoning Designations, Exhibit 5.1-4 of the Draft Environmental Impact Report for Steamfield Project	withdrawn		
109	TN 69025	Lake County Zoning Code (current as of January 3, 2013)	withdrawn		
110	TN 69025	Purchase Agreement for Bottle Rock Power Plant and Assignment of Geothermal Steam Lease by and among the State of California Department of Water Resources and Bottle Rock Power Corporation, dated April 5, 2001	withdrawn		
111	TN 69025	Amended and Restated Geothermal Lease and Agreement, dated August 2012	1/22/2013	1/22/2013	
112	TN 69025	Settlement Agreement and Release of Claims, by and among the State of California Department of Water Resources, V.V. & J. Coleman, LLC, and Bottle Rock Power, LLC, dated August 2012	withdrawn		

**Energy Commission Staff**

<b>Exhibit</b>	<b>Docket Transaction Number</b>	<b>Brief Description</b>	<b>Offered</b>	<b>Admitted</b>	<b>Refused</b>
200	TN 20552	Original Commission Decision approving Department of Water Resources' Bottle Rock Project (79-AFC-4)	Official notice taken 1/22/2103		
201	TN 68949	May 30, 2001 Business Meeting Transcript	1/22/2013	1/22/2013	

**V.V. & J. Coleman, LLC**

<b>Exhibit</b>	<b>Docket Transaction Number</b>	<b>Brief Description</b>	<b>Offered</b>	<b>Admitted</b>	<b>Refused</b>
300	TN 69100	Geothermal Lease Agreement dated February 25, 1975	withdrawn		

**Department of Water Resources**

<b>Exhibit</b>	<b>Docket Transaction Number</b>	<b>Brief Description</b>	<b>Offered</b>	<b>Admitted</b>	<b>Refused</b>
400	TN 69109	Record Certification, Marie Buric	withdrawn		
401	TN 69109	Purchase Agreement between DWR and Project Owner, dated 4/5/2001	1/22/2013	1/22/2013	
402	TN 69109	Letter dated August 3, 2012 from Cathy Cruthers, Chief Counsel, Department of Water Resources to Robert Weisenmiller, Chairman, California Energy Commission	1/22/2013	1/22/2013	
403	TN 69109	First Amendment to Purchase Agreement, dated 5/31/2001	1/22/2013	1/22/2013	

404	TN 69109	Second Amendment to Purchase Agreement, dated 6/14/2001	1/22/2013	1/22/2013	
405	TN 69109	Third Amendment to Purchase Agreement, dated 6/21/2001	1/22/2013	1/22/2013	
406	TN 69109	Fourth Amendment to Purchase Agreement, dated 6/28/2001	1/22/2013	1/22/2013	
407	TN 69109	Fifth Amendment to Purchase Agreement, dated 7/6/2001	1/22/2013	1/22/2013	
408	TN 69109	Sixth Amendment to Purchase Agreement, dated 7/20/2001	1/22/2013	1/22/2013	
409	TN 69109	Seventh Amendment to Purchase Agreement, dated 7/27/2001	1/22/2013	1/22/2013	
410	TN 69109	Eighth Amendment to Purchase Agreement, Settlement Agreement and Release of All Claims, dated 8/29/2012	1/22/2013	1/22/2013	

**Department of Conservation Division of Oil, Gas, & Geothermal Resources**

Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
		No Exhibits			

**Lake County**

Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
601	TN 69110	Use Permit Conditions for UP 85-27 and UP 09-01	1/22/2013		1/22/2013
602	TN 69110	County of Lake Bonds for the Bottle Rock Power Site	1/22/2013		1/22/2013



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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  
(REVISED 2/6/2013)**

**SERVICE LIST:**

**COMPLAINANT**

David Coleman  
3733 Canon Avenue  
Oakland, CA 94602  
redandcurly@yahoo.com

**COMPLAINANT'S COUNSEL**

Donald B. Mooney  
129 C St #2  
Davis, CA 95616  
dbmooney@dcn.org

**RESPONDENT/PROJECT OWNER**

Bottle Rock Power, LLC  
Brian Harms  
General Manager  
7385 High Valley Road  
P.O. Box 326  
Cobb, CA 95426  
bharms@bottlerockpower.com

**PROJECT OWNER'S COUNSEL**

Stoel Rives, LLP  
Kristen T. Castaños  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
kcastanos@stoel.com

\*Locke Lord LLP  
John A. McKinsey  
jmckinsey@lockelord.com

**PROJECT LANDOWNER**

V.V. & J. Coleman LLC  
c/o Mark Peterson  
Diepenbrock Elkin LLP  
500 Capitol Mall, Suite 2200  
Sacramento, CA 95814  
mpeterson@diepenbrock.com

**INTERESTED AGENCIES**

California ISO  
e-recipient@caiso.com  
  
Department of Water Resources  
John Dunnigan  
Senior Staff Counsel  
1416 Ninth Street, Room 1104  
Sacramento, CA 95814  
jdunniga@water.ca.gov

Department of Conservation  
Division of Oil, Gas, &  
Geothermal Resources  
Elizabeth Johnson  
Geothermal Officer  
801 K Street, MS 20-20  
Sacramento, CA 95814  
ljohnson@consvr.ca.gov

Lake County Community  
Development Department  
Planning Division  
c/o Will Evans  
Richard Coel  
255 North Forbes Street  
Lakeport, CA 95453  
will.evans@lakecountyca.gov  
richard.coel@lakecountyca.gov

**ENERGY COMMISSION –  
PUBLIC ADVISER**

\*Blake Roberts  
Assistant Public Adviser  
publicadviser@energy.ca.gov

**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  
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Commissioner and Presiding Member  
ROBERT B. WEISENMILLER  
Chair and Associate Member  
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Chief Hearing Adviser  
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  
Camille Remy-Obad  
Compliance Project Manager  
Kevin W. Bell  
Staff Counsel

**DECLARATION OF SERVICE**

I, RoseMary Avalos, declare that on February 6, 2013, I served and filed copies of the attached DECISION SUSTAINING COMPLAINT AGAINST BOTTLE ROCK POWER, LLC, dated February 6, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/bottlerock/index.html>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service) 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:**

  X   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: February 6, 2013

***Original Signed By:*** \_\_\_\_\_

Rose Mary Avalos  
Hearing Office