



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

California Energy Commission
DOCKETED
12-CAI-04
TN # 69780
MAR 04 2013

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

DOCKET No. 12-CAI-04

**REQUEST FOR RESPONSES AND COMMENTS REGARDING BOTTLE
ROCK'S REQUEST TO SUSPEND CONSIDERATION OF ITS APPEAL
OF THE FEBRUARY 6, 2013, COMMITTEE DECISION**

On February 20, 2013, Bottle Rock Power, LLC (Bottle Rock), filed an appeal (Docket TN 69612) of the Bottle Rock Complaint Committee's February 6, 2013, Decision Sustaining Complaint Against Bottle Rock Power, LLC (Decision). Although Bottle Rock remains in disagreement with the Committee's Decision as indicated by the appeal, it has stated its' interest in working with each party on resolution of the complaint issues through the Petition to Amend process. Therefore, on February 28, 2013, Bottle Rock's counsel e-mailed the Hearing Adviser to request that consideration of its appeal be stayed until after the consideration of a Petition to Amend, to be filed by the March 8 deadline set forth in the Decision, is completed. That e-mail is attached hereto as Attachment A.

Under the powers granted to me as Energy Commission Chair to regulate the conduct of proceedings and decide procedural requests (Cal. Code Regs., tit. 20, § 1203), I hereby **Order** that any party or other interested person, including the public, who wishes to respond to or comment on Bottle Rock's stay request file those responses or comments with the Commission's Docket unit no later than 5:00 p.m. on Monday, March 18, 2013, by e-mailing them to docket@energy.ca.gov, or by U.S. Mail to:

California Energy Commission
Docket 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.

In addition to filing responses or comments with the Docket Unit, parties shall serve them on the other parties and persons listed on the Proof of Service List.

Please note that your 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.

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.

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/complaint.html>.

Dated: March 4, 2013, at Sacramento, California.

Original Signed By:

ROBERT B. WEISENMILLER
Chair
California Energy Commission

Kramer, Paul@Energy

From: McKinsey, John [jmckinsey@lockelord.com]
Sent: Thursday, February 28, 2013 7:16 AM
To: Kramer, Paul@Energy
Subject: 12-CAI -04; Project owner agreement to stay action on the appeal until after PTA process resolved.

Hearing Officer Kramer:

On February 20, 2013, Bottle Rock Power, LLC (BRP) filed an appeal of the Decision on 12-CAI-04.

This email is to affirm BRP's agreement to waiving the schedule requirements set forth in 20 CCR section 1237(f).

BRP intends to file a Petition To Amend no later than March 8, 2013 as requested in the Decision and agrees to staying action on its appeal of the 12-CAI-04 decision until after the PTA process has been resolved.

Best,
John

John A. McKinsey
Locke Lord LLP

In Sacramento
500 Capitol Mall, Suite 1800
Sacramento, CA 95814
T: 916-930-2527
C: 213-819-2615

In Los Angeles
300 S. Grand Avenue, Suite 2600
Los Angeles, CA 90071
T: 213-687-6797
C: 213-819-2615
jmckinsey@lockelord.com
www.lockelord.com

Atlanta, Austin, Chicago, Dallas, Hong Kong, Houston, London, Los Angeles, New Orleans, New York, Sacramento, San Francisco, Washington DC

IRS Circular 230 Disclosure: United States Treasury Regulations provide that a taxpayer may rely only on formal written advice meeting specific requirements to avoid federal tax penalties. Any tax advice in the text of this message, or in any attachment, does not meet those requirements and, accordingly, is not intended or written to be used, and cannot be used, by any recipient to avoid any penalties that may be imposed upon such recipient by the Internal Revenue Service.

IMPORTANT/CONFIDENTIAL: This message from the law firm of Locke Lord LLP is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or authorized to act on behalf of the intended recipient) of this message, you may not disclose, forward, distribute,

copy, or use this message or its contents. If you have received this communication in error, please notify us immediately by return e-mail and delete the original message from your e-mail system. Thank you.



**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
PROOF OF SERVICE
(REVISED 3/4/2013)

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

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

John A. McKinsey
Locke Lord LLP
*500 Capitol Mall, Suite 1800
Sacramento, CA 95814
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

Camille Remy-Obad
Compliance Project Manager
*camille.remy-obad@energy.ca.gov

Kevin W. Bell
Staff Counsel
*kevin.w.bell@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

Paul Kramer
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

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on March 4, 2013, I served and filed copies of the attached REQUEST FOR RESPONSES AND COMMENTS REGARDING BOTTLE ROCK'S REQUEST TO SUSPEND CONSIDERATION OF ITS APPEAL OF THE FEBRUARY 6, 2013, COMMITTEE DECISION. 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:

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 March 4, 2013

Original Signed By:

RoseMary Avalos
Hearing Office