STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION



In the Matter of:)	Docket No. 12-CAI-04
BOTTLE ROCK GEOTHERMAL)	STAFF RESPONSE AND COMMENTS TO BOTTLE ROCK POWER LLC'S
POWER PLANT))	REQUEST TO SUSPEND CONSIDERATION OF ITS APPEAL OF THE COMMITTEE'S DECISION

On October 11, 2012, David Coleman filed a Complaint pursuant to California Code of Regulations, title 20, section 1237 regarding a recent amendment to the original 2001 Purchase Agreement between the current facility owner, Bottle Rock Power LLC, and the previous facility owner, the California Department of Water Resources (DWR).

On January 22, 2013, the Committee assigned to hear the above entitled matter conducted an evidentiary hearing, and after hearing all of the evidence found that Bottle Rock Power LLC violated the terms and conditions of its permit to operate by failing to maintain a surety bond in the amount of \$5 million. The Committee ordered Bottle Rock Power LLC to either file a new surety bond in the amount of \$5 million by March 8, 2013, or file a petition to amend the bond requirement. Consideration of penalties was ordered held in abeyance until the amendment process is completed.

On February 20, 2013, Bottle Rock Power LLC filed an Appeal of the Committee's Decision sustaining the Complaint. On March, 1, 2013, staff filed a Response to that Appeal, noting that the appeal was without merit, and respectfully requesting that the Energy Commission affirm the Committee's findings and decision.

On March 1, 2013, February 28, counsel for Bottle Rock Power LLC e-mailed the hearing advisor requesting that the Appeal in this matter be stayed.

Pursuant to the Request for responses and comments regarding the above entitled matter filed by the chairman on March 1, 2013, staff hereby notifies the parties that it has no further response or comment regarding Bottle Rock Power LLC's request to suspend consideration of its appeal.

Date: March 4, 2013

Respectfully Submitted,

KEVIN W. BELL Senior Staff Counsel



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

SERVICE LIST:

COMPLAINANT

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RESPONDENT/PROJECT OWNER

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INTERESTED AGENCIES

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ENERGY COMMISSION – PUBLIC ADVISER

Jennifer Jennings Public Adviser publicadviser@energy.ca.gov Docket No. 12-CAI-04 PROOF OF SERVICE (12/21/2012)

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. <u>Do not</u> send copies of documents to these persons unless specifically directed to do so.

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Commissioner and Presiding Member

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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, <u>Pamela Fredieu</u> declare that on <u>March 4, 2013</u>, I served and filed copies of the attached "STAFF RESPONSE AND COMMENTS TO BOTTLE ROCK POWER LLC'S REQUEST TO SUSPEND CONSIDERATION OF ITS APPEAL OF THE COMMITTEE'S DECISION", dated <u>March 4, 2013</u>. 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/documents/index.html#cai-04.

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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: March 1, 2013

/s

Pamela Fredieu Legal Secretary