

California Energy Commission DOCKETED 79-AFC-4C TN # 69915 MAR. 13 2013

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March 13, 2013

VIA EMAIL

The Honorable Karen Douglas, Commissioner and Presiding Member The Honorable Robert B. Weisenmiller, Chair and Associate Member California Energy Commission 1516 Ninth Street Sacramento, CA 95814

Re: Bottle Rock Power Plant (12-CAI-04; 79-AFC-4C) Compliance with the Committee's Decision Sustaining Complaint Against Bottle Rock Power, LLC

Dear Commissioner Douglas and Chair Weisenmiller:

This letter is in response to Complainant David Coleman's (the "Complainant") correspondence dated March 12, 2013, in which the Complainant contends that Bottle Rock Power, LLC ("Bottle Rock") failed to satisfy the requirements of the Committee's February 6, 2013 Decision Sustaining Complaint Against Bottle Rock ("Decision"), as necessary to invoke the stay of the obligation to reinstate the bond. Bottle Rock has made every effort to comply with the orders and decisions issued by the California Energy Commission, including the Committee's Decision. Bottle Rock's March 6, 2013 correspondence to this Committee and March 8, 2013 Petition to Amend were submitted with every intention to fully comply with the Committee's Decision and meet the conditions necessary to invoke the stay of the requirement to reinstate the bond. Bottle Rock's inadvertent omission in those submittals of the date by which the decommissioning study will be provided to the Commission was not intentional and, by this correspondence, Bottle Rock provides that date.

As set forth in Bottle Rock's March 6th correspondence and the related attachment, Bottle Rock has entered into an agreement with an engineering firm to obtain an engineering study to establish the costs of decommissioning of the Bottle Rock Power Plant. Bottle Rock anticipates the study to be completed and submitted to the Commission on or before April 15, 2013.

On behalf of Bottle Rock, we apologize for this oversight in the March 6, 2013 and March 8, 2013 submittals. It is Bottle Rock's intention to continue working with this Committee, the

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Complainant, and all other parties to resolve the complaint proceeding as efficiently and timely as possible.

Should you have any questions regarding this correspondence, or Bottle Rock's March 6th letter or March 8, 2013 Petition to Amend, please contact John A. McKinsey or me.

Very truly yours,

KO Carto

Kristen T. Castaños

KTC:jmw cc: Proof of Service List



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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COMPLAINANT'S COUNSEL

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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

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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 Ijohnson@consrv.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 Docket No. 79-AFC-4C; Docket No. 12-CAI-04 *PROOF OF SERVICE* (REVISED 3/4/13)

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

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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.

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, Kimberly J. Hellwig, declare that on March 13, 2013, I served and filed copies of the attached Bottle Rock Power, LLC's Correspondence to the Committee Providing Date Engineering Study will be Docketed, dated March 13, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <u>http://www.energy.ca.gov/sitingcases/bottlerock/index.html</u>.

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 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 13, 2013

//ORIGINAL SIGNED_ Kimberly J. Hellwig