



California Energy Commission
DOCKETED
12-AFC-04
TN 71456
JUN. 28 2013

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June 28, 2013

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VIA EMAIL

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

**Re: Bottle Rock Geothermal Power Plant (Docket Nos. 12-CAI-04 and 79-AFC-04C)
Request for Extension of Stay of Filing of Surety Bond**

Dear Commissioners:

Pursuant to the Decision Sustaining Complaint Against Bottle Rock Power, LLC (dated February 6, 2013) (the "Decision"), Bottle Rock Power, LLC ("Bottle Rock") submits this request for an extension of the stay related to the Decision's requirement to file a new surety bond in the amount of \$5 million as such relates to the Bottle Rock Geothermal Power Plant (the "Plant"). For good cause, as demonstrated below, Bottle Rock requests that the stay be extended until the conclusion of the related Petition to Amend, which is currently under review.

Paragraph 6 of the Decision, states in pertinent part:

... 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, [Bottle Rock] must, on or before March 8, 2013, either submit an engineering study establishing the costs of decommissioning [the Plant], or else provide documentation indicating that [Bottle Rock] 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.



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(Decision at p. 8.)

On March 6, 2013, to comply with Paragraph 6 of the Decision and to invoke the stay, Bottle Rock submitted to the Committee a purchase order indicating that Bottle Rock had entered into agreement with Plant Reclamation for development of a detailed report of cost estimates related to the decommissioning of the Plant. (See Docket Log TN69840.) Moreover, on March 8, 2013, Bottle Rock filed a Petition to Amend (“Petition”) its license; specifically, the Petition seeks to remove a “condition” set forth in Commission Order No. 01-0530-07. (See Docket Log TN69880.) Finally, on April 15, 2013, Bottle Rock submitted a report prepared by Plant Reclamation entitled “Bottle Rock Power Plant Decommissioning Estimate.” (See Docket Log TN70305.) Bottle Rock has fully complied with the Decision’s requirements relating to the stay, but by Bottle Rock’s calculation July 6, 2013 is the 120th day upon which the stay will expire unless extended.

While the parties continue to pursue resolution of the Petition, such resolution is not imminent. The need for additional time is reflected in Staff’s June 21, 2013 Memorandum regarding Bottle Rock Geothermal Project Amendment Schedule Modification Request. (See Docket Log TN71352.) In addition, it is anticipated that the Committee assigned to the Petition will be issuing a scheduling order for the Petition proceeding in the near term.

We further note that on February 20, 2013, Bottle Rock filed an appeal of the Committee’s February 6th Decision. On March 26, 2013, Commission Chair Weisenmiller issued an order thereon stating, in pertinent part:

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 consideration of Bottle Rock’s Appeal be stayed until the conclusion of the amendment proceeding (79-AFC-4C).

(March 26 Order at p. 2.)

As the complaint proceeding and Bottle Rock’s appeal are related, Bottle Rock requests that the stays issued in each proceeding remain in effect until the conclusion of the Petition proceedings. To that end, because the Petition remains under review and because the parties continue to attempt to resolve the issue, Bottle Rock respectfully requests that this Committee issue a stay of the requirement in the complaint proceeding (12-CAI-04) to reinstate the bond until such time as the Commission has issued an order on the Petition.



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For the reasons set forth above, Bottle Rock respectfully requests this Committee issue an order that stays the requirement for the filing of the surety bond until such time as an order by the Commission has been issued in the Petition proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KT Castaños'.

Kristen T. Castaños

KTC:jmw

cc: Proof of Service List



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

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

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provide a copy to the persons listed below.
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Commissioner and Presiding Member

ROBERT B. WEISENMILLER
Chair and Associate Member

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Adviser to Presiding Member

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Adviser to Presiding Member

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Adviser for Facility Siting

DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on June 28, 2013, I served and filed copies of the attached Bottle Rock Power, LLC's Request for Extension of Stay of Filing of Surety Bond dated June 28, 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)

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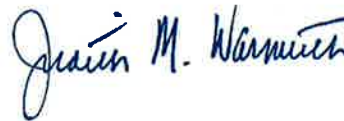
I e-mailed the document to all e-mail addresses on the Service List above or deposited it in the US mail with first class postage to those parties noted above as "hard copy required";

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: June 28, 2013



Judith M. Warmuth