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July 18, 2013

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VIA EMAIL

Ms. Camille Remy Obad, Compliance Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, California 95814



**Re: Bottle Rock Geothermal Project (79-AFC-4C)
Bottle Rock Power, LLC's Objections to Staff's Data Requests, Set 1 (#1-5)**

Dear Ms. Remy Obad:

On June 28, 2013, Bottle Rock Power, LLC ("BRP") received Staff's Data Requests, Set 1 (#1-5) as such relate to the Bottle Rock Geothermal Project's (the "Project") Petition to Amend ("Petition").¹ Herein, BRP objects to certain requests, as further detailed below.

Data Request #1

Please provide a detailed description of alternative financial assurance mechanisms, other than that proposed in your PTA, that would allow the Energy Commission (as the beneficiary) to access, within 30 days, the total amount of the CPM approved closure cost estimate and closure plan.

BRP objects to Data Request #1 on the ground that the request calls for excessive speculation. "[T]he total amount of the CPM approved closure cost estimate and closure plan" has not been determined. Without knowing this total amount, BRP cannot accurately or meaningfully speculate as to "alternative financial assurance mechanisms ... that would allow the Energy Commission (as the beneficiary) to access, within 30 days, the total amount of the CPM approved closure cost estimate and closure plan." For this reason, BRP cannot provide the information requested and therefore objects to this request.

¹ Applicant notes that the version of Staff's Data Requests served on June 28, 2013 was missing a page. Service of the complete set of data requests was effectuated on Monday, July 1, 2013.



Ms. Camille Remy Obad, Compliance Project Manager

July 18, 2013

Page 2

Data Request #2

The background section for Data Request #2 assumes “[c]losure is considered demolition and removal of everything except for the turbine generator plant building, water treatment and storage building, and perimeter access roads (which would require ongoing cost of maintenance and security, until an alternative use is implemented).”

BRP disagrees with and objects to the applicability and accuracy of this assumption in Data Request #2. As detailed in the more specific objections below, decommissioning does not necessarily contemplate “removal of everything except [the identified facilities].” Thus, BRP further objects, as delineated below, to Data Request #2 to the extent it is based on assumptions regarding the scope of closure.

BRP also objects to Data Request #2 to the extent it assumes BRP would be responsible for any costs associated with the site post-closure (e.g., “ongoing cost of maintenance and security, until an alternative use is implemented”). Following closure of the facility, BRP will have no further rights or responsibilities related to the property. Post closure, maintenance and security of the property do not relate to decommissioning and closure, and will be the responsibility of the landowner. Such costs, therefore, are properly excluded from the decommissioning estimate.

Specific objections to Data Request #2 are as follows:

- *Costs to remove all building utilities unrelated to the buildings that will remain (such as electrical and fire protection)*

BRP objects to this request to the extent that it assumes all building utilities will be removed. Some inert underground items will remain in place, terminated at each end, and there will not be costs associated with removal of such utilities. To the extent building utilities will be removed, BRP will respond to this request by July 29, 2013.

- *Costs for permits and authorizations, such as modification of the Storm Water Pollution Prevention Plans (SWPPP), Section 401 Water Quality Certification and Regional Board Waste Discharge Requirements, and California Department of Fish and Wildlife Section 1600 Streambed Alteration Agreement*

BRP objects to this request to the extent it assumes all the listed permits and authorizations will be required for decommissioning. BRP will respond to this data request, subject to the limits outlined in the above objection, by July 29, 2013.



Ms. Camille Remy Obad, Compliance Project Manager

July 18, 2013

Page 3

- *Costs to remove underground equipment (pipes, valves, etc) within the fence line that are not associated with maintenance and future use of the buildings and access roads*

BRP objects to this request to the extent that it assumes all underground equipment within the fence line will be removed. Some minor lines and wiring will remain underground, terminated at each end. To the extent underground equipment will be removed, BRP will respond to this request by July 29, 2013.

- *Costs to maintain stormwater drains within the fence line*

BRP objects to this request to the extent that it assumes there will be additional costs to maintain stormwater drains within the fence line. BRP also objects to the extent this request assumes BRP will be responsible for stormwater control post-closure. Post-closure site activity will be the responsibility of the landowner. BRP will provide stormwater control as required by law during decommissioning. BRP will otherwise respond to this request by July 29, 2013.

- *Costs to install or enhance erosion control measures (jute netting, straw waddles, etc) along southern and western fence line to control intermittent drainage*

BRP objects to this request to the extent it includes assumptions about specific erosion control measures that will be employed during decommissioning. BRP also objects to the extent this request assumes BRP will be responsible for erosion control post-closure. Post-closure site activity will be the responsibility of the landowner. BRP will respond to this data request, subject to the limits outlined in the above objection, by July 29, 2013.

- *Costs to perform pre-demolition biological surveys, presence of an approved biological monitor, and any other measures to avoid or minimize the potential for impacts to nesting or foraging wildlife or offsite rare plant occurrences (such as dust abatement) during demolition activities*

BRP objects to this request to the extent it includes assumptions about specific biological mitigation measures that will be employed during demolition. Notwithstanding the foregoing objection, BRP will otherwise respond to this request by July 29, 2013.

- *Costs for maintenance and security of the facility*

BRP objects to this request to the extent it assumes BRP will be responsible for maintenance and security of the facility post-closure. Maintenance and security of the property post-closure will



Ms. Camille Remy Obad, Compliance Project Manager

July 18, 2013

Page 4

be the responsibility of the landowner. BRP will respond to this data request, subject to the limits outlined in the above objection, by July 29, 2013.

Data Request #5

Please provide a description of the damages contained in item 8 indicated above.

BRP objects to this request on the ground that the information in item 8 of the Amended and Restated Geothermal Lease and Agreement dated July 25, 2012 between V.V. & J. Coleman, LLC and BRP is confidential and a description cannot be provided. Subject to the limits outlined in the above objection, BRP will respond to the other portions of this request by July 29, 2013.

Except as objected to herein, BRP will submit responses to Data Requests, Set 1 no later than July 29, 2013.

Very truly yours,

Kristen T. Castaños

KTC:jmw

cc: Service List



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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**BOTTLE ROCK GEOTHERMAL
POWER PLANT AMENDMENT**

DOCKET No. 79-AFC-04C
PROOF OF SERVICE
(REVISED 07/03/2013)

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*Indicates change

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COMMISSION DOCKET UNIT

California Energy Commission
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***After docketing, the Docket Unit
will provide a copy to the persons
listed below. Do not send copies
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so.***

KAREN DOUGLAS
Commissioner and Presiding
Member

JANEA SCOTT
Commissioner and Associate
Member

Paul Kramer
Chief Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

Jim Bartridge
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Marilyn Sykes, declare that on July 18, 2013, I served and filed copies of the attached **Bottle Rock Power, LLC's Objections to Staff's Data Requests, Set 1 (#1-5)** dated July 18, 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/>.

The document has been sent to the other persons on the Service List above 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 persons 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: July 18, 2013



Marilyn Sykes