

LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

1280 Street, Suite 2
Davis, California 95616
Telephone: (530) 758-2377
Fax: (530) 758-7169
dbmooney@dcn.org

March 12, 2013

VIA ELECTRONIC MAIL

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

Re: Bottle Rock Power, LLC (12-CAI-04)

Dear Commissioner Douglas and Chair Weisenmiller:

Complainant David Coleman objects to Bottle Rock Power's March 6, 2013 submittal of purchase order purportedly for completion of an engineering study establishing costs of decommissioning the Bottle Rock Power Plant. Bottle Rock's letter and "purchase order" fails to satisfy the requirements of the Committee's February 6, 2013, Decision Sustaining Complaint Against Bottle Rock Power, LLC. Neither the letter nor the purchase order specifies "the date by which the study will be completed and submitted to the Energy Commission" as required by paragraph 6 of the Findings, Conclusions and Orders.

Paragraph 6 requires that on or before March 8, 2013, Bottle Rock Power shall "file a new surety bond in the principal amount of \$5 million, naming the California Energy Commission as obligee for closure and site restoration of the Bottle Rock Power Plant upon decommissioning." To invoke the stay, on or before March 8, 2013, Bottle Rock must "submit an engineering study establishing the costs of decommissioning the Bottle Rock Power Plant, or else provide documentation indicating that Respondent 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.*" (Emphasis added.)¹ The purchase order submitted by Bottle Rock fails to specify the date the study will be completed.

This is no mere oversight but instead a flagrant disregard of the Committee's February 6, 2013 Order. Bottle Rock's March 6, 2013 letter and March 8, 2013 Petition selectively quote only a portion of paragraph 6 regarding the contract for a decommissioning study. Both documents deliberately omit the last part of the sentence which states: "and specifying the date by which the study will be completed and submitted to the Energy

California Energy Commission

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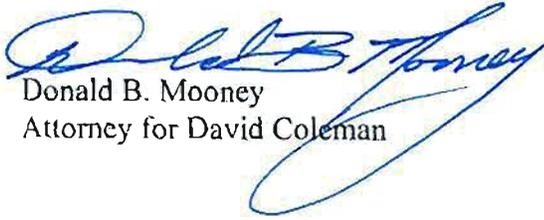
Commission for use in acting upon the amendment application.” Both documents ignore this requirement for the stay to be invoked.

Bottle Rock elected not to provide this required information. As Bottle Rock has failed to satisfy the requirements to invoke the stay of the bond requirement, Bottle Rock must submit a surety bond as required by the Committee’s February 6, 2013 Order. Bottle Rock is not only in violation of the May 2001 Order, Bottle Rock is now in violation the Committee’s February 6, 2013, Order.

The purchase order also does not satisfy the requirement that Bottle Rock provide documentation that it has entered into a contract a contract for completion of such an engineering study establishing the costs of decommissioning the Bottle Rock Power Plant. (See February 6, 2013, Order at ¶ 6.) Bottle Rock did not attach a contract to the Purchase Order even though a Consulting Agreement is referenced at the bottom of the Purchase Order. Also, for unexplained reasons, the Purchase Order redacts the price. Finally, the Purchase Order’s “Item Description” inappropriately limits the scope of the decommissioning study.

As Bottle Rock has failed to meet the requirements to invoke a stay of the bond requirement as set forth in the February 6, 2013 Order, the Commission should direct Bottle Rock to file a new surety bond in the principal amount of \$5 million without further delay.

Sincerely,



Donald B. Mooney
Attorney for David Coleman

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of the)
)
COMPLAINT AGAINST THE)
BOTTLE ROCK GEOTHERMAL)
POWER PLANT (79-AFC-4C))

Docket No. 12-CAI-04
Proof of Service

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

Stoel Rives, LLP
John A. McKinsey
Kristen T. Castaños
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
jamckinsey@stoel.com
ktcastanos@stoel.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

Jennifer Jennings
Public Adviser
publicadviser@energy.ca.gov

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

DECLARATION OF SERVICE

I, Donald B. Mooney, declare that on March 12, 2013, I served and filed copies of the attached letter dated March 12, 2013 to Karen Douglas, Commissioner and Presiding Member Robert B. Weisenmiller, Chair and Associate Member. This document is accompanied by the most recent Proof of Service list, which I copied from the web page for this project at:
<http://www.energy.ca.gov/sitingcases/bottlerock/documents/index.html#cai-04>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, as appropriate, in the following manner:

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 12, 2013


Donald B. Mooney