

LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

129 C Street, Suite 2
Davis, California 95616
Telephone (530) 758-2377
Facsimile (530) 758-7169
dbmooney@den.org

May 29, 2013

California Energy Commission

DOCKETED
12-CAI-04

TN 71043

MAY 29 2013

VIA ELECTRONIC MAIL

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

**Re: Bottle Rock Geothermal Project PV Amendment (79-AF-4C)
Response to Staff's Issues Identification Report**

Dear Commissioner Douglas, Chair Weisenmiller and Mr. Kramer:

Pursuant to May 16, 2013, Notice of Public Site Visit and Committee Conference, Friends of Cobb Mountain (FOCM) and David Coleman submit this letter in response to the Commission Staff's Issues Identification Report regarding Bottle Rock Power's (BRP) March 8, 2013 Petition to Amend.

As an initial matter, Friends of Cobb Mountain and David Coleman intend to file a Petition to Intervene in this matter. (See 20 Cal. Code Regs. § 1207(a).) The Petition to Intervene will be filed by June 13, 2013.

FOCM and Mr. Coleman are in general agreement with the Staff's Issues Identification Report. In addition to the issues raised by staff, FOCM and Mr. Coleman submit the additional issues that are raised as a result of the Petition to Amend:

1. **BRP's financial stability.** In Petition the Commission to be relieved of the bonding and environmental insurance requirement, BRP has put its financial stability at issue. This includes documentation that BRP has the necessary financial resources for expansion and decommissioning without the bond and environmental insurance and confirmation of the terms of the power purchase agreement with PG&E.

2. **BRP's history of compliance and operation.** Again, BRP has put its compliance and expertise at issue through the statements made in the Petition to Amend. A thorough review of BRP's compliance needs to part of the review associated with the Petition to Amend.

3. **Soil and Water Resources/Waste Management.** While the Issues Identification Report indicates that Soils and Water Resources are major issues, the report

Karen Douglas, Commissioner and Presiding Member
Robert B. Weisenmiller, Chair and Associate Member
Paul Kramer, Hearing Officer
May 29, 2013
Page 2

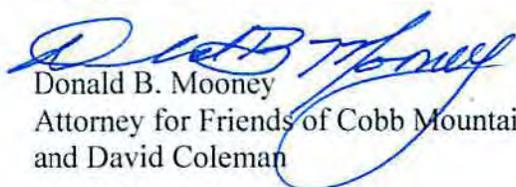
does not elaborate on them as it does with Biological Resources and General Resources. The environmental analysis must also address potential impacts to soil and water resources associated with decommissioning and the sudden and/or planned plant closure. As for waste management, the environmental analysis must address potential environmental impacts if there is sudden and/or planned plant closure and BRP does not have adequate financial resources to ensure proper handling and removal materials.

4. Adequacy of the plant closure cost estimate. As indicated in the Staff's Issue Identification Report, the plant closure cost estimate does not adequately address all of the issues associated with decommissioning. The cost estimate underestimates the potential costs associated with all that is required for complete decommissioning of the Project.

5. The timelines proposed in the Petition to Amend. The proposed modifications in the Petition to Amend set forth various timelines for BRP to complete tasks regarding decommissioning the funding for decommissioning. The timing of these reports are issues should be addressed by the parties and the Commission.

FOCM and Mr. Coleman reserve the right to raise additional issues as they continue their review and investigation into this matter.

Sincerely,


Donald B. Mooney
Attorney for Friends of Cobb Mountain
and David Coleman



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

Docket No. 79-AFC-4C
Docket No. 12-CAI-04
PROOF OF SERVICE
(REVISED 3/4/2013)

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

Kristen T. Castaños
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
kcastanos@stoel.com

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
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

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

Kevin W. Bell
Staff Counsel
*kevin.w.bell@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.
Do not 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, Donald B. Mooney, declare that on May 29, 2013, I served and filed copies of the attached Friends of Cobb Mountain and David Coleman's Response to Staff's Issues Identification Report, dated May 29, 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)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

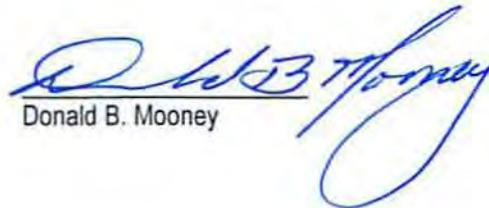
I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required";

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: May 29, 2013


Donald B. Mooney