



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. 12-CAI-04

California Energy Commission

**DOCKETED
12-CAI-04**

TN # 70091

MAR 26 2013

**COMMISSION CHAIR'S ORDER STAYING
CONSIDERATION OF BOTTLE ROCK'S APPEAL
OF THE FEBRUARY 6, 2013, COMMITTEE DECISION**

On February 20, 2013, Bottle Rock Power, LLC (Bottle Rock), filed an appeal (Docketed Document, TN #69612) of the Bottle Rock Complaint Committee's February 6, 2013, Decision Sustaining Complaint Against Bottle Rock Power, LLC (Decision). Although Bottle Rock remains in disagreement with the Committee's Decision as indicated by the appeal, it has stated its' interest in working with each party on resolution of the complaint issues through the Petition to Amend process. On February 28, 2013, Bottle Rock's counsel e-mailed the Hearing Adviser to request that consideration of its appeal be stayed until after the consideration of a Petition to Amend (TN #69780, Attachment A). On March 4, 2013, I issued an order soliciting comments on the stay request. No objections to the stay were received. David Coleman, the original complainant in this matter did, however indicate that his assent to the stay was contingent on timely review and decision of the Petition to Amend.

Bottle Rock filed its Petition to Amend on March 8, 2013 (TN #69880). On March 6, 2013, it filed proof that it had contracted for the preparation of remediation cost estimates (TN #69840), also required by the Decision in order to stay the requirement to file a bond to secure remediation of the power plant site. That filing did not specify a date for the filing of the cost estimate as the Decision required. After Mr. Coleman called that failure to our attention, Bottle Rock provided the missing date (April 15, 2013) by letter on March 13, 2013 (TN #69914), curing the defect.¹

¹ Mr. Coleman's March 25, 2013, response to Bottle Rock's letter asserts that by describing the submission date as an "anticipated" date rather than a "date certain," Bottle Rock has failed to comply. I do not find that distinction significant. Further, no particular deadline for submission was given in the Decision and April 15 is a reasonable date under the circumstances of this case.

After considering the request and the comments, I find it appropriate to postpone consideration of Bottle Rock's Appeal until after the Petition to Amend is decided. 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).

This stay may be modified or terminated by further order of the Chair or the Energy Commission.

Dated: March 26, 2013, at Sacramento, California.

Original Signed By:

ROBERT B. WEISENMILLER
Chair
California Energy Commission



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Docket No. 12-CAI-04
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(REVISED 3/4/2013)

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DECLARATION OF SERVICE

I, Maggie Read, declare that on March 26, 2013, I served and filed copies of the attached COMMISSION CHAIR'S ORDER STAYING CONSIDERATION OF BOTTLE ROCK'S APPEAL OF THE FEBRUARY 6, 2013, COMMITTEE DECISION, dated March 26, 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:

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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 26, 2013

Original Signed By:

Maggie Read
Hearing Office