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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

California Energy Commission

DOCKETED
12-CAI-04

TN 71043

MAY 29 2013

**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
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Page 2

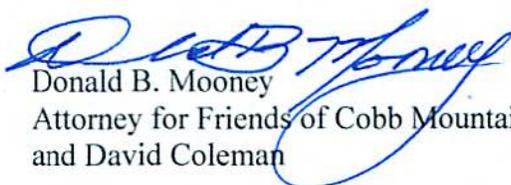
does not elaborate on them as it does with Biological Resources and General Resources. The environmental analysis must also address potential impacts to soil and water resources associated with decommissioning and the sudden and/or planned plant closure. As for waste management, the environmental analysis 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
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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 3/4/2013)

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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