

**ORDER**  
**BEFORE THE COLORADO RIVER COMMISSION OF NEVADA**

At the regular meeting of the Colorado River Commission of Nevada (“Commission”) on November 13, 2014, a public hearing was held on the proposed criteria for allocation of Hoover Schedule D power to Nevada applicants.

**PRESENT:** Chairman George F. Ogilvie III  
Vice Chairman Berlyn D. Miller  
Executive Director Jayne Harkins, P.E.  
Commissioner Bob Coffin  
Commissioner J. Brin Gibson  
Commissioner Duncan R. McCoy  
Commissioner Puoy K. Premsrirut  
Commissioner Steve Sisolak

**1. INTRODUCTION**

In 2011, the United States Congress passed the Hoover Power Allocation Act (“the Act”) (125 Stat. 777), which sets forth terms and conditions for contracts for delivery of Hoover power beginning October 1, 2017. In addition to authorizing the offering of new fifty year contracts to current federal Hoover power contractors such as the Commission, the Act also created a pool of Hoover power resources to be provided to new allottees who do not currently receive Hoover power, under a new Schedule D.

The Act directs the Commission to allocate 11,510 kW of capacity and 25,113,000 kWh of energy to Nevada new allottees. In order to carry out this responsibility, the Commission pursued legislation in the 2013 session of the Nevada legislature to obtain authority to provide electric services to the Schedule D new allottees. This legislation was approved and the Commission’s new authority is contained in Nevada Revised Statutes (“NRS”) 704.787.

Following the enactment of these amendments to NRS 704.787, Commission staff developed proposed revisions to the Commission regulations contained in Nevada Administrative Code (“NAC”) Chapter 538, to provide for the proceedings to be conducted to allocate Hoover Schedule D power in Nevada. These proposed revised regulations were approved by the Commission on June 10, 2014 and by the Legislative Commission on June 23, 2014, and await codification. A copy of the portions of the revisions to NAC Chapter 538 which apply to the development of Schedule D allocation criteria, are attached to this Order as Exhibit A.

Pursuant to NRS 538.161, the Commission represents and acts for the State of Nevada in the negotiation and execution of contracts for the purchase of Hoover power “for the greatest possible benefit to this state.”

The Commission staff developed the proposed Hoover Schedule D power allocation criteria and application form through a public process which included publication of proposed allocation

criteria and application form and conducting public meetings in Pahrump, Overton, and Las Vegas to provide interested persons the opportunity to actively participate and submit comments.

Commission staff also informed the public regarding this process by making documentation regarding this process available to the public on the Commission's Hoover allocation website at [www.crchoovertimeallocation.com](http://www.crchoovertimeallocation.com), which includes: notices of public meetings, meeting materials and sign-in sheets, written comments, meeting minutes, written questions and Commission staff responses, and the proposed criteria and application form.

The purpose of this hearing was consideration, possible amendment and possible adoption of the Commission staff's proposed allocation criteria and application form for the Commission's allocation of Hoover Schedule D power to Nevada new allottees.

## **2. SUMMARY**

The Commission approves, and will utilize in its future consideration of applications for Hoover Schedule D power, the allocation criteria and application form that are set forth in Exhibit C, which are identical to those proposed by Commission staff except for correction of one typographical error brought to the attention of the Commission during the hearing.

## **3. PROCEDURAL HISTORY**

- On August 25, 2014 Commission staff issued and posted the Notice, Agenda, Proposed Allocation Criteria and Application.
- On September 11, 2014 Commission staff held public meetings in Pahrump and Las Vegas, Nevada.
- On September 12, 2014 Commission staff held a public meeting in Overton, Nevada.
- Commission staff accepted oral and written comments by the comment deadline of September 17, 2014.
- Between September 11 and October 22, 2014 Commission staff answered questions and considered comments received to develop the proposed allocation criteria and application for Commission approval.

## **4. PROPOSED CRITERIA**

The allocation criteria and application form proposed by Commission staff following the procedural steps identified above are set forth in Exhibit B.

### **Commission Discussion and Findings**

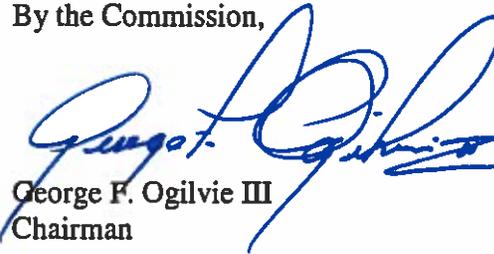
The Commission approves the allocation criteria and application form proposed by Commission staff in Exhibit B, as amended by the Commission in Exhibit C, and finds that utilization of these criteria and this application form for allocation of Hoover Schedule D power will serve "the greatest possible benefit to this state" as required by NRS 538.161.

All comments and questions submitted to Commission staff regarding proposed allocation criteria prior to the issuance of this order have been considered and accepted or rejected in whole or in part, in preparation of this order.

Therefore, it is ORDERED that:

1. The Hoover Schedule D allocation criteria and application form set forth in Exhibit C are APPROVED.
2. The Commission will utilize the Hoover Schedule D allocation criteria and application form set forth in Exhibit C in its future consideration of applications for Hoover Schedule D power.

By the Commission,



George F. Ogilvie III  
Chairman

Dated: Las Vegas, Nevada

NOVEMBER 17, 2014

## EXHIBIT A

### Excerpts from Provisions of Revised NAC 538 Regarding Approval of Schedule D Allocation Criteria (Sections 4 through 8)

**Sec. 4. A document is considered officially received by the Commission only if it is:**

- 1. Delivered to the Commission's office in Las Vegas in person or by United States mail;**
- 2. Presented to the Commission during a hearing;**
- 3. Filed electronically through the Commission's website, if an electric filing system is available, and by United States mail; or**
- 4. Filed with Commission in any other manner directed by the Executive Director.**

**Sec. 5. 1. The Commission will maintain a service list for each case for which a hearing will be held.**

**2. A person may submit to the Executive Director a written request to be placed on the service list maintained by the Commission pursuant to subsection 1. If a person makes such a request, the Commission will send the person either copies or electronic mail notification of all notices and orders issued by the Commission or a presiding officer in the case to which the service list applies.**

**3. A person placed on the service list maintained by the Commission pursuant to subsection 1 is responsible for notifying the Executive Director in writing of any changes in the electronic or physical address contact information for that person.**

**Sec. 6. 1. The Commission may appoint one or more presiding officers to preside over and conduct hearings or other proceedings, or any portion thereof, in any matter pending before the Commission. The Commission, in its discretion, may appoint an employee of the Commission or any other person to serve as a presiding officer.**

**2. If the Commission appoints a presiding officer to preside over and conduct any hearing or proceeding, within 30 days after the close of all evidentiary hearings in the matter, the presiding officer shall file with the Commission a draft order that sets forth the findings and conclusions of the presiding officer and the reasons and bases for those findings and conclusions. The draft order must be served promptly on each party of record.**

**3. Any party of record may file comments to the draft order of a presiding officer. Any such comments must be filed with the Commission within 30 days after the issuance of the draft order.**

**4. Upon review of a draft order filed with the Commission by a presiding officer and any comments to the draft order filed by a party of record, the Commission may affirm or modify the draft order, in whole or in part, remand the draft order to the presiding officer for further proceedings or take any other just and reasonable action with regard to the draft order, including, without limitation, replacing the draft order with an order of the Commission.**

**Sec. 7. 1. The Commission will develop criteria for the allocation of power designated in Schedule D in accordance with this section.**

**2. The Commission's staff must prepare a draft order setting forth proposed criteria for the allocation by the Commission of power designated in Schedule D. To prepare the draft order, the Commission's staff must:**

**(a) Conduct a public meeting that complies with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation, the notice must:**

**(1) Describe the power designated in Schedule D for which allocation criteria is being developed;**

**(2) Set forth the proposed criteria to be used by the Commission for the allocation of power designated in Schedule D;**

**(3) Include a proposed form for applying for an allocation of power designated in Schedule D;**

**(4) State that, at the public meeting, the Commission's staff will accept questions and oral comments from persons attending the meeting; and**

**(5) State a deadline for the submission of written comments to the Commission's staff.**

**(b) Consider written comments submitted to the Commission's staff on or before the deadline for the submission of written comments and the questions and oral comments presented at the public meeting.**

**3. After preparing the draft order described in subsection 2, the Commission's staff must:**

**(a) Serve a copy of the draft order on each person who submits:**

**(1) Written comments to the Commission's staff on or before the deadline for the submission of written comments or submitted questions or oral comments at the public meeting conducted pursuant to subsection 2.**

**(2) A request to the Executive Director to be included on a service list for proceedings related to the development of criteria for the allocation of power designated in Schedule D.**

**(b) Post a copy of the draft order on the Commission's Internet website.**

**4. The Commission will conduct a hearing and issue a decision on the draft order prepared by the Commission's staff pursuant to subsection 1. The hearing will be conducted, and the Commission's decision issued, in accordance with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation, the notice must include, without limitation, a copy of the draft order prepared by the Commission's staff pursuant to subsection 2.**

**5. The proceeding described in this section is not a contested case as defined in NRS**

**233B.032.**

**Sec. 8. 1. *The Commission's staff must conduct a public meeting that complies with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation to discuss the process of allocating power designated in Schedule D and accept questions and comments concerning that process. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation, the notice must state:***

*(a) That applications for an allocation of power designated in Schedule D may be submitted after the public meeting;*

*(b) A deadline for the submission of applications for an allocation of power designated in Schedule D; and*

*(c) That, at the public meeting, the Commission's staff will accept questions and oral comments from persons attending the meeting.*

*2. After the public meeting conducted pursuant to subsection 1, a person who wishes to apply for an allocation of power designated in Schedule D may submit an application to the Commission's staff. The application must:*

*(a) Be on a form provided by the Commission.*

*(b) Set forth the applicant's full name and mailing address and any facts and exhibits required by law.*

*(c) Be signed by the applicant.*

*3. The Commission's staff must review any application submitted pursuant to subsection 2 and prepare a draft order containing a recommendation for the Commission's disposition of each application. The Commission's staff must provide a copy of the draft order to each applicant. An applicant must file any comments on the draft order with the Commission within 30 days after the Commission's staff issues the draft order.*

*4. The Commission will conduct a hearing and issue a decision on the draft order prepared by the Commission's staff pursuant to subsection 3. The hearing will be conducted, and the Commission's decision issued, in accordance with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this*

*regulation. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.330, inclusive, and sections 4 to 8, inclusive, of this regulation, the notice must include, without limitation, a copy of the draft order prepared by the Commission's staff pursuant to subsection 3.*

*5. After the issuance of the Commission's decision on the draft order prepared by the Commission's staff pursuant to subsection 3, the Commission's staff must advertise the notice required by subsection 4 of NRS 538.181. If the Commission receives an objection to its decision on the application within 10 days after the date of the last publication of the notice required by subsection 4 of NRS 538.181, the Commission will conduct a hearing on the objection not later than 30 days after the date of the last publication of the notice.*

*6. If an applicant that has been offered an allocation of power designated in Schedule D from the Commission fails to enter into a contract with the Commission within 90 days after being offered the allocation of power, the Commission will reallocate the amount of power offered to that applicant to other applicants at the Commission's discretion.*

*7. Except for a hearing conducted pursuant to subsection 5, the proceeding described in this section is not a contested case as defined in NRS 233B.032.*

## **Adopted Regulation R148-13**

**EXHIBIT B**

**Schedule D Allocation Criteria and Application Form  
Proposed by Commission Staff**

**PROPOSED ALLOCATION CRITERIA FOR MARKETING NEVADA'S SHARE OF  
HOOVER SCHEDULE D ELECTRIC POWER**

**I. Proposed Allocation Criteria and General Eligibility Requirements for Hoover Schedule D Power**

1. In making allocations, the Commission will consider how an Applicant's use of Hoover Schedule D power would support the following proposed public policy goals in the State of Nevada, which are in no particular order:
  - a. Economic development, (including but not limited to large, industrial, manufacturing or commercial businesses, and economic development zones),
  - b. Education, and
  - c. Support of state, local, and tribal governmental entities.
  
2. In support of public policy goals in Nevada, the Commission will consider the following factors, which are in no particular order:
  - a. In-state direct and indirect job creation (e.g. the number of new full time permanent employees, short term employees; job creation based on capital investment or technology upgrades),
  - b. Exports of made-in-Nevada products,
  - c. New or expanded community or education programs,
  - d. New or increased tax revenues,
  - e. Reductions in expenses for governmental entities,
  - f. Benefit economically disadvantaged areas, and
  - g. Benefit rural communities.
  
3. In making allocations, the Commission will take into consideration whether the Applicant is a public entity, or a for-profit or non-profit private entity.
  
4. All Applicants will be subject to a creditworthiness review. In making allocations, all applicants will be evaluated based upon overall credit history and their ability to meet financial obligations.
  
5. Allocations will be made only to applicants that will be able to receive delivery of Hoover Schedule D power beginning on October 1, 2017 and have the necessary transmission and/or distribution arrangements in place by October 1, 2016.
  
6. Allocations will be made only to new allottees that currently do not have an allocation of Hoover Schedule A or Schedule B power.

7. The Commission may base allocations on actual loads experienced in one of the calendar years 2011, 2012, or 2013, as designated by the Applicant. The Commission may use estimated load values if actual load data does not exist. The Commission will evaluate and may adjust unreasonable estimates during the allocation process. The CRC is available to assist Applicants in developing load estimates if necessary.
8. Allocations of power will be made in amounts determined solely by the Commission in its discretion pursuant to NRS 538.161, 538.171, 538.181, 704.787 and related regulations.

### **GENERAL ELIGIBILITY CRITERIA**

The Commission will apply the following general eligibility criteria to Applicants seeking a Hoover Schedule D power allocation, pursuant to NRS 538.161, 538.171, 538.181, 704.787 and related regulations:

- 1) The Applicant must be an entity to which the Commission is authorized by law to sell electricity or provide transmission or distribution service.
- 2) The Applicant must be an entity which currently does not have an allocation of Hoover Schedule A or B power.
- 3) The Applicant must be able to receive energy directly or indirectly through its local utility, at a point of delivery authorized by the Commission. Authorized points of delivery currently include Amargosa Substation, Basic Substation, Boulder City Switchyard, Boulder City Tap, Clark Tie, Eastside Substation, Mead Substation, and Newport Substation.
- 4) The Applicant must have an annual peak load of at least 1 megawatt, which may be satisfied by aggregation of multiple loads [subject to certain conditions being met].
- 5) The Applicant must have load located within Western's defined marketing area (a map showing this marketing area is attached as Appendix "A").
- 6) An Applicant that is an electric utility must:
  - a. Maintain a power factor of at least 95 percent, or receive Hoover Schedule D power over the facilities of a utility that is able to maintain that power factor; and
  - b. Meet the requirements for integrated resource planning or a similar program.
- 7) An Applicant that is not an electric utility must:

- a. Receive Hoover Schedule D power over the facilities of an electric utility that is able to maintain a power factor of at least 95 percent, or receive Hoover Schedule D power over the facilities of a utility that is able to maintain that power factor; and
- b. Receive Hoover Schedule D power over the facilities of an electric utility that meets the requirements for integrated resource planning or a similar program.

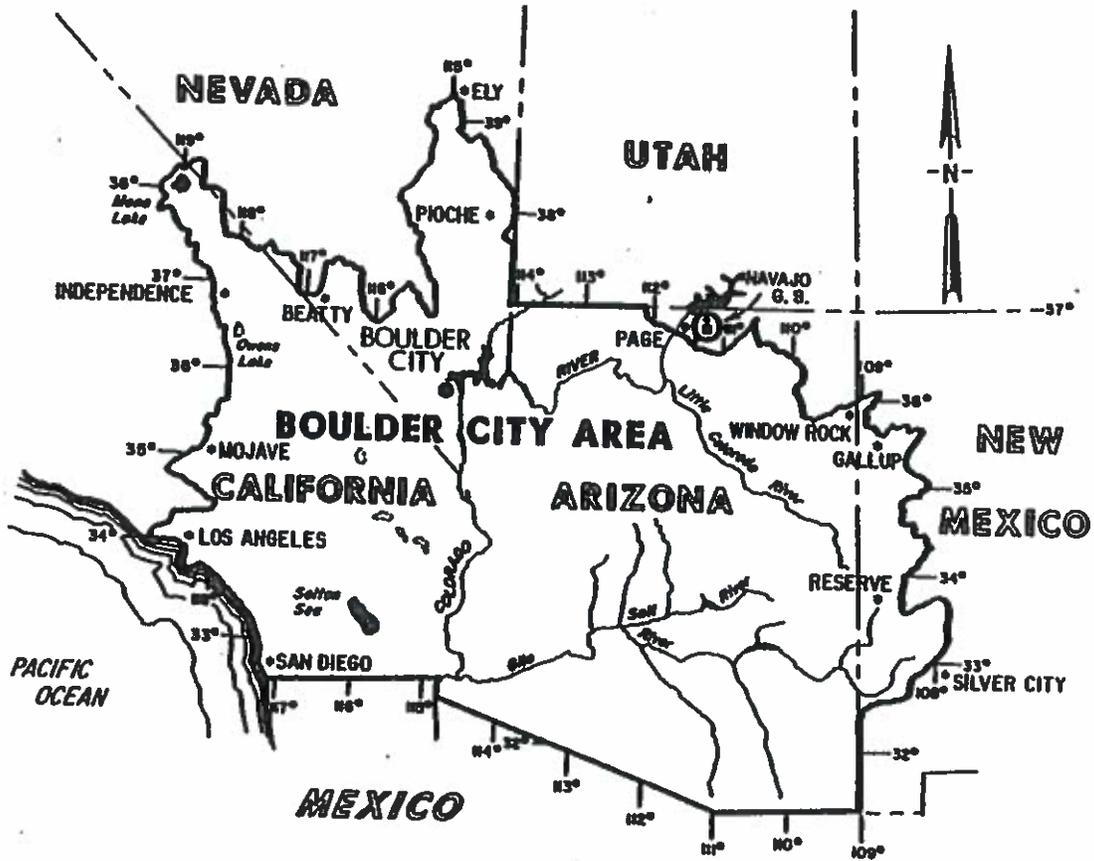
## **OTHER REQUIREMENTS AND CONDITIONS**

- 1) The Applicant for an allocation of Hoover Schedule D power must sign a statement it understands that it will be subject to the following contract provisions if it accepts a contract with the CRC to receive Hoover Schedule D power commencing on October 1, 2017.
  - a. The Applicant must pay a proportionate share of this State's contribution to the cost of the Lower Colorado River Multi-Species Conservation Program.
  - b. The Applicant must participate through the CRC in the Boulder Canyon Project Implementation Agreement.
  - c. The Applicant must pay a pro rata share of Hoover Dam repayable advances.
  - d. The Applicant must meet the requirements for integrated resource planning or a similar program, or receive power from the Commission over the facilities of an electric utility that meets the requirements for such program.
  - e. If located within Nevada Power Company's service territory, the Applicant must pay applicable fees, tariff rates and charges pursuant to NRS 704.787.
  - f. The Applicant must pay a proportionate share of the debt service securities for Nevada Hoover Visitor Center and Airstlot Debt which are applicable to all Nevada Contractors receiving Hoover power.
  - g. The Applicant may be required to make payments to a cash working capital fund, prepay for power purchased through the CRC, or provide collateral, or any combination thereof.
  - h. The Applicant must agree that it is subject to the jurisdiction of the courts of the State of Nevada or the courts of the United States of America for the ultimate resolution of any dispute which may arise under the contract and that any litigation addressing a dispute under the contract will be pursued only before those courts.
  - i. The Commission will determine the term of Nevada Hoover power contracts.

- 2) In order to assist the Commission in its consideration of applications and its deliberations, Staff will provide basic information for all Applicants to the Commission. The information will include but not be limited to the Applicant's: Name, physical location, annual peak load, current host electric utility, the portion of the Applicant's load currently derived from federal hydropower and the proposed Delivery Point and nature of provisions for delivery of any new Schedule D power allocation.
- 3) All allocations of Hoover Schedule D power will be made pursuant to applicable federal and state statutes and regulations.
- 4) If an Applicant does not contract for allocated Hoover Schedule D Power within 90 days of being offered a contract from the CRC, the CRC will reallocate that Hoover Schedule D Power to other Applicant(s) at the Commission's discretion using the allocation criteria established by the Commission.
- 5) The Commission reserves the authority to grant waivers, for good cause, from any allocation criteria.

APPENDIX "A"

WESTERN AREA POWER ADMINISTRATION DEFINED MARKETING AREA



**Colorado River Commission of Nevada  
Application for Allocation of Hoover Schedule D Power**

*This form was created in Microsoft Word and a digital copy is available on the CRC's website: <http://www.crchoverallocation.com/>. If the form is opened in Microsoft Word, responses may be entered directly into the text boxes which will expand as needed to accept the text entered. Alternatively, additional pages for your responses may be attached by the Applicant. Applicants are requested to clearly identify on any attachments the Applicant's name and the related numbered item on the form.*

ALL APPLICATIONS AND INFORMATION SUBMITTED TO THE COMMISSION  
WILL BE CONSIDERED PUBLIC RECORDS SUBJECT TO PUBLIC DISCLOSURE UPON REQUEST.  
PLEASE SEE NOTE ATTACHED TO THIS APPLICATION FORM FOR MORE INFORMATION.

**1. Applicant Information. Please provide the following:**

**a. Applicant's (entity/organization requesting an allocation) name and address:**

Applicant's Name	
Address	
City, State, Zip	

**b. Person(s) representing Applicant:**

Contact Person Title	
Address	
City, State, Zip	
Telephone	
Fax	
Email Address	

**c. Type of entity/organization:**

- |  |  |
|--|--|
| <input type="checkbox"/> State & Local Governmental Agency   | <input type="checkbox"/> Public Utility District   |
| <input type="checkbox"/> Corporation: Public <input type="checkbox"/> Private <input type="checkbox"/> | <input type="checkbox"/> Electric Utility          |
| <input type="checkbox"/> Municipality  | <input type="checkbox"/> Irrigation/Water District |
| <input type="checkbox"/> Native American Tribe   | <input type="checkbox"/> Other, please specify     |

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**d. Parent entity/organization of Applicant, if any:**

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**e. Name of the Applicant's member organizations, if any:**

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**f. Applicable law under which the entity/organization was established or license to do business:**

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**g. Describe the entity/organization that will interact with the Commission on contract and billing matters.**

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- h. Provide the amount of annual Hoover Schedule D power the Applicant is requesting to be provided by the Commission.**

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*kilowatts*

*Kilowatt-hours*

**2. Retail (End-Use) Applicant Data:**

- a. If applicable, provide the type of service the Applicant provides and identify the type of customers currently served:**

<b>Type of service:</b>						
<b>Customer Type and Number</b>						
	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>
<b>Number of customers</b>						

- b. Provide the actual monthly maximum demand (kilowatts) and energy use (kilowatt-hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013. If the actual demand and energy data are not available, provide the estimated monthly demand and energy use and answer 3c:**

Calendar Year ( )						
	January	February	March	April	May	June
<b>Demand (kilowatts)</b>						
<b>Energy (kilowatt-hours)</b>						
	July	August	September	October	November	December
<b>Demand (kilowatts)</b>						
<b>Energy (kilowatt-hours)</b>						

- c. If the demand and energy data above is estimated, provide a description of the method and basis for this estimation in the space provided below:**
- 
- d. Identify any factors or conditions in the next five (5) years which may significantly change peak demands and energy use:**
- 

**c. Applicant's Resources (All). Please provide the following information:**

- i. A list of current power supplies including power provided by a local utility, and the Applicant's own generation as well as purchases from others, including federal hydropower allocations if applicable. For each supply, provide the resource name, capacity supplied, and the resource's location.**

- ii. If applicable, for each power supplier, provide a description and status of the power supply contract (including the termination date):

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- iii. If applicable, for each power supplier, provide the types of power:

- Power supply is on a firm basis.  
 Power supply is not on a firm basis. Please explain.

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**f. Transmission:**

- i. Points of delivery/location of energy delivery: If applicable, provide the requested point(s) of delivery on the Commission’s transmission system (or a third party’s transmission system) the voltage of service required, and the capacity desired.

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- ii. Transmission arrangements: Attach a letter from Applicant’s local utility indicating that transmission and/or other arrangements will be in place by October 1, 2016 for the delivery of Hoover Schedule D power beginning on October 1, 2017, unless the Applicant is located in Nevada Power Company’s service area.

- iii. Provide a brief explanation of the Applicant’s ability to receive and use Hoover Schedule D power as of October 1, 2017.

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**3. Electric Utility Applicant Data:**

- a. If applicable, provide the number and type of customers served (e.g., commercial, industrial, agricultural):

Customer Type and Number				
	Commercial	Industrial	Agricultural	Other
Number of customers				
If not applicable, explain why:				

- b. Provide the actual monthly maximum demand (kilowatts) and energy use (kilowatt-hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013:

Calendar Year ( )						
	January	February	March	April	May	June
Demand (kilowatts)						
Energy (kilowatt-hours)						
	July	August	September	October	November	December
Demand (kilowatts)						
Energy (kilowatt-hours)						

- c. **Applicant's geographic service area (please attach a map of the service area and indicate the date prepared):**

- d. **Describe any factors or conditions which may significantly change peak demands or load duration or profile curves in the next five (5) years:**

- e. **Applicant's Resources. Please provide the following information:**

- i. **A list of current power supplies if applicable, including the Applicant's own generation as well as purchases from others, including federal hydropower allocations. For each supply, provide the resource name, capacity supplied, and the resource's location.**

*Power supplies (resource name, capacity & location):*

- ii. **For each power supplier, provide a description and status of the power supply contract (including the termination date)**

- iii. **For each power supplier, provide the types of power:**

*Power supply is on a firm basis.*

*Power supply is not on a firm basis. Please explain.*

- f. **Transmission:**

- i. **Points of delivery:** Provide the requested point(s) of delivery on the Commission's transmission system (or a third party's transmission system) the voltage of service required, and the capacity desired, if applicable.

- ii. **Transmission arrangements:** Have necessary transmission arrangements in place by October 1, 2016 and be able to receive delivery of Hoover Schedule D power beginning October 1, 2017. Include a brief description of the Applicant's transmission and distribution system including major inter-connections. Provide a single-line drawing of Applicant's system, if one is available.

- iii. **Provide a brief explanation of the Applicant's ability to receive and use, or receive and distribute Hoover Schedule power as of October 1, 2017.**

**4. Attach a statement from the Applicant identifying what the Hoover Schedule D power will be used for.**

Applicants should demonstrate how receipt of a Hoover Schedule D power allocation would provide the “greatest possible benefit to this state.” For example, indicate how a receipt of a Hoover Schedule D power allocation would support the vision and goals of the state in areas such as economic development (including but not limited to large, industrial, manufacturing or commercial business, and economic development zones), education, and support of state, local or tribal governmental entities. Applicants should also quantify in-state direct and indirect job creation (new full time permanent employees and short term employees; job creation based on capital investment or technology upgrades), exports of made-in-Nevada products, new or expanded community or education programs, new or increased tax revenue, reductions in expenses for governmental entities, benefit to economically disadvantaged areas, and benefit rural communities that would be realized from receipt of Schedule D power.

**5. Creditworthiness:**

a) **If publically traded, provide exchange and symbol:**

b) **Provide Dun and Bradstreet number:**

c) **Provide most recent bond and credit rating if available:**

d) **Attach a copy of all financial statements that have been issued within the last three (3) year period, audited if available.**

e) **Attach a list of least three credit references, including company name, address, contact name, email and phone number.**

f) **Attach a chart showing all equity interests, including corporate structure of the parent and subsidiary organization, if applicable.**

g) **If Applicant has a parent company, provide the above requested information for the parent company, and attach a signed statement by the parent company that the parent company is willing to provide a parental guarantee if required.**

h) **If applicable, does the Applicant have independent rate setting authority to raise rates to cover expenses?  
Please explain.**

i) **If applicable, does the Applicant have the taxing authority to cover expenses? Please explain.**

j) **The Applicant may provide any other information pertinent to its ability to meet its financial obligations.**

**6. Other Information:**

**The Applicant may provide any other information pertinent to the application.**

**7. By signing this application, the Applicant acknowledges that if the Applicant accepts a contract with the Commission for Hoover Schedule D power commencing on October 1, 2017, the Applicant will be subject to, but not limited to, the following contract provisions:**

- a. The Applicant must pay a proportionate share of this State's contribution to the cost of the Lower Colorado River Multi-Species Conservation Program;
- b. The Applicant must participate through the CRC in the Boulder Canyon Project Implementation Agreement;
- c. The Applicant must pay a pro rata share of Hoover Dam repayable advances;
- d. The Applicant must meet the requirements for integrated resource planning or a similar program, or receive power from the Commission over the facilities of an electric utility that meets the requirements for such program;
- e. If located within Nevada Power Company's service territory, the Applicant must pay applicable fees, tariff rates and charges pursuant to NRS 704.787;
- f. The Applicant must pay a proportionate share of the debt service securities for Nevada Hoover Visitor Center and Airstlot Debt which are applicable to all Nevada Contractors receiving Hoover power;
- g. The Applicant may be required to make payments to a cash working capital fund, prepay for power purchased through the CRC, or provide collateral, or any combination thereof; and,
- h. The Commission will determine the term of Nevada Hoover power contracts.
- i. The Applicant must agree that it is subject to the jurisdiction of the courts of the State of Nevada or the courts of the United States of America for the ultimate resolution of any dispute which may arise under the contract and that any litigation addressing a dispute under the contract will be pursued only before those courts.

**8. Signature:**

**The Colorado River Commission of Nevada requires the signature and title of an appropriate official who is able to attest to the validity of the application and who is authorized to submit the request for an allocation.**

**By signing below, I certify the information which I have provided is true and correct to the best of my information, knowledge and belief.**

**Signature** \_\_\_\_\_

**Title** \_\_\_\_\_

**Applications may be addressed to the Executive Director and submitted:**

- **By email addressed to [info@crchoverallocation.com](mailto:info@crchoverallocation.com),**
- **By fax to (702) 486-2695, or**
- **By personal delivery or U.S. Mail to the Commission's office, 555 E. Washington Avenue, Suite 3100, Las Vegas, NV 89101.**

**NOTE ON SUBMITTAL OF CONFIDENTIAL  
OR COMMERCIALY SENSITIVE INFORMATION  
TO THE COLORADO RIVER COMMISSION OF NEVADA**

The Colorado River Commission of Nevada, as a State agency, is subject to the Public Records Law of Nevada, Nevada Revised Statutes (NRS), Chapter 239, which generally provides for public access upon request to all records, data and information in the possession of a state agency. *As a result, all Applications and all data or information supplied to the Commission in support of an Application will be considered "public records" subject to public disclosure upon request, unless these documents are either covered by one of the very limited exceptions to "public record" status recognized under the law, or granted confidential treatment by the Commission.*

An Applicant seeking confidential treatment for data or information it plans to submit to the Commission should discuss its potential request for confidential treatment of data with the staff of the Commission at least two weeks in advance of the date of submission of the Application. Through such discussions staff can advise the Applicant whether it needs to submit the identified confidential or commercially sensitive data or information to the Commission.

In addition, if Applicant decides to request confidential treatment for information submitted to the Commission, Applicant should make its request for confidential treatment at the time the material is submitted, explain the basis for the request including any applicable legal justification, and clearly identify on each page of the document the specific information for which confidential treatment is sought.

Any Applicant desiring to discuss issues concerning potentially confidential or sensitive information should contact the Commission staff through:

James D. Salo  
Deputy Executive Director  
(702) 486-2484  
[jsalo@crc.nv.gov](mailto:jsalo@crc.nv.gov)

**EXHIBIT C**

**Hoover Schedule D Allocation Criteria and Application Form**

## **ALLOCATION CRITERIA FOR MARKETING NEVADA'S SHARE OF HOOVER SCHEDULE D ELECTRIC POWER**

### **I. Allocation Criteria and General Eligibility Requirements for Hoover Schedule D Power**

1. In making allocations, the Commission will consider how an Applicant's use of Hoover Schedule D power would support the following proposed public policy goals in the State of Nevada, which are in no particular order:
  - a. Economic development, (including but not limited to large, industrial, manufacturing or commercial businesses, and economic development zones),
  - b. Education, and
  - c. Support of state, local, and tribal governmental entities.
  
2. In support of public policy goals in Nevada, the Commission will consider the following factors, which are in no particular order:
  - a. In-state direct and indirect job creation (e.g. the number of new full time permanent employees, short term employees; job creation based on capital investment or technology upgrades),
  - b. Exports of made-in-Nevada products,
  - c. New or expanded community or education programs,
  - d. New or increased tax revenues,
  - e. Reductions in expenses for governmental entities,
  - f. Benefit economically disadvantaged areas, and
  - g. Benefit rural communities.
  
3. In making allocations, the Commission will take into consideration whether the Applicant is a public entity, or a for-profit or non-profit private entity.
  
4. All Applicants will be subject to a creditworthiness review. In making allocations, all applicants will be evaluated based upon overall credit history and their ability to meet financial obligations.
  
5. Allocations will be made only to applicants that will be able to receive delivery of Hoover Schedule D power beginning on October 1, 2017 and have the necessary transmission and/or distribution arrangements in place by October 1, 2016.
  
6. Allocations will be made only to new allottees that currently do not have an allocation of Hoover Schedule A or Schedule B power.

7. The Commission may base allocations on actual loads experienced in one of the calendar years 2011, 2012, or 2013, as designated by the Applicant. The Commission may use estimated load values if actual load data does not exist. The Commission will evaluate and may adjust unreasonable estimates during the allocation process. The CRC is available to assist Applicants in developing load estimates if necessary.
8. Allocations of power will be made in amounts determined solely by the Commission in its discretion pursuant to NRS 538.161, 538.171, 538.181, 704.787 and related regulations.

### **GENERAL ELIGIBILITY CRITERIA**

The Commission will apply the following general eligibility criteria to Applicants seeking a Hoover Schedule D power allocation, pursuant to NRS 538.161, 538.171, 538.181, 704.787 and related regulations:

- 1) The Applicant must be an entity to which the Commission is authorized by law to sell electricity or provide transmission or distribution service.
- 2) The Applicant must be an entity which currently does not have an allocation of Hoover Schedule A or B power.
- 3) The Applicant must be able to receive energy directly or indirectly through its local utility, at a point of delivery authorized by the Commission. Authorized points of delivery currently include Amargosa Substation, Basic Substation, Boulder City Switchyard, Boulder City Tap, Clark Tie, Eastside Substation, Mead Substation, and Newport Substation.
- 4) The Applicant must have an annual peak load of at least 1 megawatt, which may be satisfied by aggregation of multiple loads [subject to certain conditions being met].
- 5) The Applicant must have load located within Western's defined marketing area (a map showing this marketing area is attached as Appendix "A").
- 6) An Applicant that is an electric utility must:
  - a. Maintain a power factor of at least 95 percent, or receive Hoover Schedule D power over the facilities of a utility that is able to maintain that power factor; and
  - b. Meet the requirements for integrated resource planning or a similar program.

7) An Applicant that is not an electric utility must:

- a. Receive Hoover Schedule D power over the facilities of an electric utility that is able to maintain a power factor of at least 95 percent, or receive Hoover Schedule D power over the facilities of a utility that is able to maintain that power factor; and
- b. Receive Hoover Schedule D power over the facilities of an electric utility that meets the requirements for integrated resource planning or a similar program.

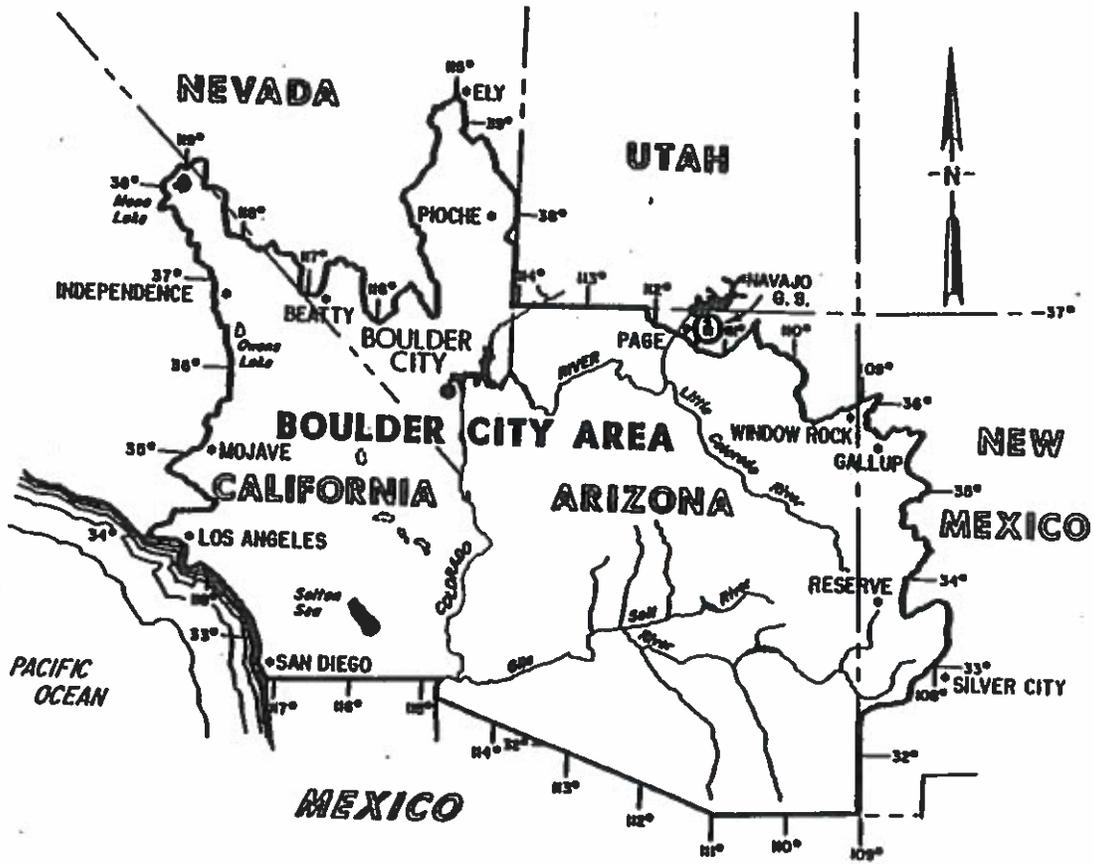
**OTHER REQUIREMENTS AND CONDITIONS**

- 1) The Applicant for an allocation of Hoover Schedule D power must sign a statement it understands that it will be subject to the following contract provisions if it accepts a contract with the CRC to receive Hoover Schedule D power commencing on October 1, 2017.
  - a. The Applicant must pay a proportionate share of this State's contribution to the cost of the Lower Colorado River Multi-Species Conservation Program.
  - b. The Applicant must participate through the CRC in the Boulder Canyon Project Implementation Agreement.
  - c. The Applicant must pay a pro rata share of Hoover Dam repayable advances.
  - d. The Applicant must meet the requirements for integrated resource planning or a similar program, or receive power from the Commission over the facilities of an electric utility that meets the requirements for such program.
  - e. If located within Nevada Power Company's service territory, the Applicant must pay applicable fees, tariff rates and charges pursuant to NRS 704.787.
  - f. The Applicant must pay a proportionate share of the debt service securities for Nevada Hoover Visitor Center and Airstlot Debt which are applicable to all Nevada Contractors receiving Hoover power.
  - g. The Applicant may be required to make payments to a cash working capital fund, prepay for power purchased through the CRC, or provide collateral, or any combination thereof.



APPENDIX "A"

WESTERN AREA POWER ADMINISTRATION DEFINED MARKETING AREA



**Colorado River Commission of Nevada  
Application for Allocation of Hoover Schedule D Power**

*This form was created in Microsoft Word and a digital copy is available on the CRC's website: <http://www.crchoverallocation.com/>. If the form is opened in Microsoft Word, responses may be entered directly into the text boxes which will expand as needed to accept the text entered. Alternatively, additional pages for your responses may be attached by the Applicant. Applicants are requested to clearly identify on any attachments the Applicant's name and the related numbered item on the form.*

ALL APPLICATIONS AND INFORMATION SUBMITTED TO THE COMMISSION  
WILL BE CONSIDERED PUBLIC RECORDS SUBJECT TO PUBLIC DISCLOSURE UPON REQUEST.  
PLEASE SEE NOTE ATTACHED TO THIS APPLICATION FORM FOR MORE INFORMATION.

**1. Applicant Information. Please provide the following:**

**a. Applicant's (entity/organization requesting an allocation) name and address:**

Applicant's Name	
Address	
City, State, Zip	

**b. Person(s) representing Applicant:**

Contact Person Title	
Address	
City, State, Zip	
Telephone	
Fax	
Email Address	

**c. Type of entity/organization:**

<input type="checkbox"/> State & Local Governmental Agency	<input type="checkbox"/> Public Utility District
<input type="checkbox"/> Corporation: Public <input type="checkbox"/> Private <input type="checkbox"/>	<input type="checkbox"/> Electric Utility
<input type="checkbox"/> Municipality	<input type="checkbox"/> Irrigation/Water District
<input type="checkbox"/> Native American Tribe	<input type="checkbox"/> Other, please specify

**d. Parent entity/organization of Applicant, if any:**

**e. Name of the Applicant's member organizations, if any:**

**f. Applicable law under which the entity/organization was established or license to do business:**

**g. Describe the entity/organization that will interact with the Commission on contract and billing matters.**

- h. Provide the amount of annual Hoover Schedule D power the Applicant is requesting to be provided by the Commission.

<i>kilowatts</i>	<i>Kilowatt-hours</i>

**2. Retail (End-Use) Applicant Data:**

- a. If applicable, provide the type of service the Applicant provides and identify the type of customers currently served:

<b>Type of service:</b>						
<b>Customer Type and Number</b>						
	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>	<b>Type:</b>
<b>Number of customers</b>						

- b. Provide the actual monthly maximum demand (kilowatts) and energy use (kilowatt-hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013. If the actual demand and energy data are not available, provide the estimated monthly demand and energy use and answer 2c:

Calendar Year ( )						
	January	February	March	April	May	June
<b>Demand (kilowatts)</b>						
<b>Energy (kilowatt-hours)</b>						
	July	August	September	October	November	December
<b>Demand (kilowatts)</b>						
<b>Energy (kilowatt-hours)</b>						

- c. If the demand and energy data above is estimated, provide a description of the method and basis for this estimation in the space provided below:

- d. Identify any factors or conditions in the next five (5) years which may significantly change peak demands and energy use:

- e. Applicant's Resources (All). Please provide the following information:

- i. A list of current power supplies including power provided by a local utility, and the Applicant's own generation as well as purchases from others, including federal hydropower allocations if applicable. For each supply, provide the resource name, capacity supplied, and the resource's location.

- ii. If applicable, for each power supplier, provide a description and status of the power supply contract (including the termination date):

--

- iii. If applicable, for each power supplier, provide the types of power:

- Power supply is on a firm basis.  
 Power supply is not on a firm basis. Please explain.

--

**f. Transmission:**

- i. Points of delivery/location of energy delivery: If applicable, provide the requested point(s) of delivery on the Commission's transmission system (or a third party's transmission system) the voltage of service required, and the capacity desired.

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- ii. Transmission arrangements: Attach a letter from Applicant's local utility indicating that transmission and/or other arrangements will be in place by October 1, 2016 for the delivery of Hoover Schedule D power beginning on October 1, 2017, unless the Applicant is located in Nevada Power Company's service area.

- iii. Provide a brief explanation of the Applicant's ability to receive and use Hoover Schedule D power as of October 1, 2017.

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**3. Electric Utility Applicant Data:**

- a. If applicable, provide the number and type of customers served (e.g., commercial, industrial, agricultural):

Customer Type and Number				
	Commercial	Industrial	Agricultural	Other
Number of customers				
If not applicable, explain why:				

- b. Provide the actual monthly maximum demand (kilowatts) and energy use (kilowatt-hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013:

Calendar Year ( )						
	January	February	March	April	May	June
Demand (kilowatts)						
Energy (kilowatt-hours)						
	July	August	September	October	November	December
Demand (kilowatts)						
Energy (kilowatt-hours)						

c. Applicant's geographic service area (please attach a map of the service area and indicate the date prepared):

d. Describe any factors or conditions which may significantly change peak demands or load duration or profile curves in the next five (5) years:

e. Applicant's Resources. Please provide the following information:

i. A list of current power supplies if applicable, including the Applicant's own generation as well as purchases from others, including federal hydropower allocations. For each supply, provide the resource name, capacity supplied, and the resource's location.

*Power supplies (resource name, capacity & location):*

ii. For each power supplier, provide a description and status of the power supply contract (including the termination date)

iii. For each power supplier, provide the types of power:

*Power supply is on a firm basis.*

*Power supply is not on a firm basis. Please explain.*

f. Transmission:

i. **Points of delivery:** Provide the requested point(s) of delivery on the Commission's transmission system (or a third party's transmission system) the voltage of service required, and the capacity desired, if applicable.

ii. **Transmission arrangements:** Have necessary transmission arrangements in place by October 1, 2016 and be able to receive delivery of Hoover Schedule D power beginning October 1, 2017. Include a brief description of the Applicant's transmission and distribution system including major inter-connections. Provide a single-line drawing of Applicant's system, if one is available.

iii. Provide a brief explanation of the Applicant's ability to receive and use, or receive and distribute Hoover Schedule power as of October 1, 2017.

**4. Attach a statement from the Applicant identifying what the Hoover Schedule D power will be used for.**

Applicants should demonstrate how receipt of a Hoover Schedule D power allocation would provide the “greatest possible benefit to this state.” For example, indicate how a receipt of a Hoover Schedule D power allocation would support the vision and goals of the state in areas such as economic development (including but not limited to large, industrial, manufacturing or commercial business, and economic development zones), education, and support of state, local or tribal governmental entities. Applicants should also quantify in-state direct and indirect job creation (new full time permanent employees and short term employees; job creation based on capital investment or technology upgrades), exports of made-in-Nevada products, new or expanded community or education programs, new or increased tax revenue, reductions in expenses for governmental entities, benefit to economically disadvantaged areas, and benefit rural communities that would be realized from receipt of Schedule D power.

**5. Creditworthiness:**

**a) If publically traded, provide exchange and symbol:**

**b) Provide Dun and Bradstreet number:**

**c) Provide most recent bond and credit rating if available:**

**d) Attach a copy of all financial statements that have been issued within the last three (3) year period, audited if available.**

**e) Attach a list of least three credit references, including company name, address, contact name, email and phone number.**

**f) Attach a chart showing all equity interests, including corporate structure of the parent and subsidiary organization, if applicable.**

**g) If Applicant has a parent company, provide the above requested information for the parent company, and attach a signed statement by the parent company that the parent company is willing to provide a parental guarantee if required.**

**h) If applicable, does the Applicant have independent rate setting authority to raise rates to cover expenses? Please explain.**

**i) If applicable, does the Applicant have the taxing authority to cover expenses? Please explain.**

**j) The Applicant may provide any other information pertinent to its ability to meet its financial obligations.**

**6. Other Information:**

**The Applicant may provide any other information pertinent to the application.**

**7. By signing this application, the Applicant acknowledges that if the Applicant accepts a contract with the Commission for Hoover Schedule D power commencing on October 1, 2017, the Applicant will be subject to, but not limited to, the following contract provisions:**

- a. The Applicant must pay a proportionate share of this State's contribution to the cost of the Lower Colorado River Multi-Species Conservation Program;
- b. The Applicant must participate through the CRC in the Boulder Canyon Project Implementation Agreement;
- c. The Applicant must pay a pro rata share of Hoover Dam repayable advances;
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- f. The Applicant must pay a proportionate share of the debt service securities for Nevada Hoover Visitor Center and Airstlot Debt which are applicable to all Nevada Contractors receiving Hoover power;
- g. The Applicant may be required to make payments to a cash working capital fund, prepay for power purchased through the CRC, or provide collateral, or any combination thereof;
- h. The Commission will determine the term of Nevada Hoover power contracts; and,
- i. The Applicant must agree that it is subject to the jurisdiction of the courts of the State of Nevada or the courts of the United States of America for the ultimate resolution of any dispute which may arise under the contract and that any litigation addressing a dispute under the contract will be pursued only before those courts.

**8. Signature:**

**The Colorado River Commission of Nevada requires the signature and title of an appropriate official who is able to attest to the validity of the application and who is authorized to submit the request for an allocation.**

**By signing below, I certify the information which I have provided is true and correct to the best of my information, knowledge and belief.**

**Signature** \_\_\_\_\_

**Title** \_\_\_\_\_

**Applications may be addressed to the Executive Director and submitted:**

- **By email addressed to [info@crchoooverallocation.com](mailto:info@crchoooverallocation.com),**
- **By fax to (702) 486-2695, or**
- **By personal delivery or U.S. Mail to the Commission's office, 555 E. Washington Avenue, Suite 3100, Las Vegas, NV 89101.**

**NOTE ON SUBMITTAL OF CONFIDENTIAL  
OR COMMERCIALY SENSITIVE INFORMATION  
TO THE COLORADO RIVER COMMISSION OF NEVADA**

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