STATE OF NEVADA

OFFICE OF THE ATTORNEY GENERAL
BUREAU OF CONSUMER PROTECTION

10791 W. Twain Avenue, Suite 100
Las Vegas, Nevada 89135

CATHERINE CORTEZ MASTO
Attorney General

ERIC WITKOSKI
Consumer Advocate
Chief Deputy Attorney General

April 25, 2014

Jayne Harkins, P.E.
Executive Director
Colorado River Commission of Nevada
555 E. Washington Ave., Ste. 3100
Las Vegas, NV 89101-1065
Via mail and email: info@crchooverallocation.com

Re: LCB File No. R148-13

Dear Ms. Harkins:

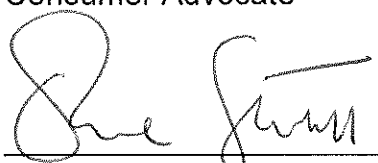
Please accept for filing the Comments of the Attorney General's Bureau of Consumer Protection in the above-referenced docket.

Should you have any questions regarding the filing, please contact me at (702) 486-3490.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

ERIC WITKOSKI
Consumer Advocate



PAUL E. STUHFF
Senior Deputy Attorney General
Bureau of Consumer Protection
pstuhff@ag.nv.gov

PES/bj
cc: Parties of Record

BEFORE THE COLORADO RIVER COMMISSION OF NEVADA

Rulemaking implementing the federal Hoover Power Allocation Act of 2011 and A.B. 199 enacted in the 2013 Nevada legislative session, and providing for other remedies.	)	LCB File No. R148-13

COMMENTS OF THE ATTORNEY GENERAL'S BUREAU OF CONSUMER PROTECTION

COMES NOW, the ATTORNEY GENERAL'S BUREAU OF CONSUMER PROTECTION ("BCP"), and files Comments pursuant to the Workshop Notice and Agenda issued by the Colorado River Commission of Nevada ("CRC" or "Commission") in the above-captioned proceeding on April 4, 2014.

I. INTRODUCTION

The BCP appreciates the opportunity to file comments on the proposed regulations of the CRC. Specifically, for the reasons detailed below, the BCP is supportive of the CRC's proposed amendment to Section 32(4) of NAC 538.540, to pass through the full benefits and costs of power from both Schedule A and Schedule B to Nevada Power Company's ("NPC's) residential customers. Further, the BCP would note, there is no statutory or regulatory ratemaking prohibition that would keep the CRC from adopting a regulation that would fully allocate Schedule A to the residential class of NPC.[1] Such an approach is consistent with what was done in 1987 with Schedule B and it causes the benefit of Schedule A to have a positive impact on the approximately 750,000 residential customers of NPC.

In addition, the BCP provides some technical corrections to Sections 9 and 39.

II. COMMENTS

A. FULL BENEFIT OF SCHEDULES A & B FOR NPC'S RESIDENTIAL CUSTOMERS

As the CRC is aware, Nevada law requires the CRC to "... receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other

[1] In 2013, NPC's residential customers were approximately 42.5 percent of annual sales and therefore would have received approximately 42.5 percent of the Hoover A benefit. The Commission's proposed Section 32(4) would flow through the remaining 57.5 percent of Hoover A to residential customers.

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rights, interests or benefits in and to the waters (of the Colorado River and tributaries), and to **the power generated** (on the Colorado River), held by or which may accrue to the State of Nevada under and by virtue of any Act of Congress of the United States..." NRS 538.171 (1). (emphasis added). The CRC on behalf of the State of Nevada has been an allottee of the Boulder Canyon Project since the original allocations under *Boulder Canyon Project* Act of 1928.[2]

Subsequently, in 1984, the *Hoover Power Plant Act*[3] was enacted to supplement the original *Boulder Canyon Project Act*. The 1984 *Hoover Power Plant Act* designated the previous Hoover contracts as Schedule A and the contracts resulting from the uprating program as Schedule B. Subsequent to the enactment of the *Hoover Power Plant Act*, the CRC conducted rulemaking to amend Chapter 538 of the NAC. On September 13, 1985, regulations defining Schedule B (NAC 538.380) and requiring NPC to "pass through to its residential class of ratepayers the benefits of power from Schedule B" (NAC 538.540(3)) were codified in the NAC.

On October 1, 1987, when Schedule B was first effective, residential ratepayers had a given level of benefit associated with NPC's allocation of 283,824 megawatt-hours ("MWH") of energy from Schedule B and residential energy consumption in 1987.

In the following years in the 1990s as part of NPC's annual deferred energy proceeding, the Hoover B allocation and the ratemaking NPC employed to pass on the Hoover B benefits and costs to the residential class was reviewed. During those cases, on occasion there would be discussions on the specific method and nuances in the method employed by NPC to pass on the Hoover B benefits and costs to the residential class. In an effort to bring certainty to the methodology and to quell some of the concerns on an annual basis, a stipulation was entered into on March 3, 2000, in Docket No. 99-7035 at the Public Utilities Commission of Nevada ("PUCN"). The Hoover B Power Stipulation[4] ("Hoover Stipulation") provided, at pg. 1:

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[2] 43 USC § 617, 45 Stat. 1057 (December 21, 1928).

[3] 43 USC § 619, 98 Stat. 1333 (August 17, 1984).

[4] *See* Attachment 1.

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> WHEREAS, the provisions of subsection 8.6 of the Hoover Contract requiring NPC to pass through full costs of Hoover B power to its residential customers are required by, and conform with, the regulations duly issued and promulgated by CRC [i.e. "Commission"] governing the marketing of Nevada's share of electric power from the Boulder Canyon and Parker-Davis Projects, specifically NAC 538.540(3), effective September 13, 1985; and . . .

This provision refers to the January 1, 1987 Hoover Contract, which governs the allocation of Hoover power following the 1984 *Hoover Power Plant Act*, and demonstrates that the Hoover Contract was to be consistent with the regulations of the CRC. This provision indicates that the CRC had previously adopted regulations regarding Hoover power, and that the parties to the stipulation sought a Hoover B power stipulation consistent with the existing regulations. The purpose of the stipulation was to clarify some ratemaking nuances and how Hoover B benefits and costs were passed on to the residential ratepayers. Prior to the stipulation, Hoover B benefits and costs were passed on to the residential ratepayers pursuant to the CRC's regulations and contract with NPC, but the stipulation clarified a methodology that would be used to simplify the annual review process that occurred in NPC's annual deferred cases.

The past practice and experience with Hoover B benefits and costs being passed on to residential customers, as well as the CRC's 28 year-old regulation requiring NPC to "pass through to its residential class of ratepayers the benefits of power from Schedule B" (NAC 538.540(3)), demonstrates that the CRC may adopt regulations which clarify that Hoover power, Schedule A, can be and should be allocated to residential ratepayers.

While some may argue that NPC's residential customers should not be fully allocated power from Schedule A, the BCP observes that is consistent with the CRC's objective of providing far reaching benefits that will impact the rates of approximately 750,000 residential customers of NPC. Thus, such an allocation that reaches so many customers allows the CRC to pass on a benefit to the greatest number of citizens in the State of Nevada. Further, such an allocation is consistent with the CRC's statutory mission to "receive, protect and safeguard

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and hold in trust" the power generated from the Colorado River and to allocate its benefits in a way that has a wide reaching benefit – all the residential ratepayers of NPC.

B. WAPA AND THE CRC SET HOOVER RATES

Pursuant to NRS 704.187, NPC must use deferred energy accounting to pass through its prudently incurred costs of purchased fuel and purchased power. In addition, pursuant to NRS 704.110(10), NPC is required to adjust its base tariff energy rate ("BTER") quarterly based on the recorded costs of purchased fuel and purchased power and may request approval from the PUCN to adjusts its deferred energy accounting adjustment ("DEAA") on a quarterly basis. Pursuant to NRS 704.110(11) and 704.187, the PUCN conducts an annual review of NPC's purchased fuel and purchased power costs to ensure that these costs were prudently incurred. There is nothing in the CRC's proposed Section 32(4) that would affect the PUCN's review of recorded costs of purchased fuel and purchased power.

Attachment 2 shows NPC's deferred accounting report for fuel and purchased power costs for the month of December 2013.[5] The CRC's proposed Section 32(4) would simplify this report because it would no longer be necessary to distinguish between Schedule A and Schedule B for all purposes. The only rate changes to the deferred accounting report that would result from the CRC's proposed Section 32(4) would be the calculation of a slightly larger Hoover Benefit for residential customers and therefore a slightly lower BTER and DEAA rate for NPC's residential customers.

Finally, rates for Hoover power are set by the Western Area Power Administration ("WAPA") and the CRC. The PUCN does not set these rates. The rates and costs shown in the second page of Attachment 2 were provided to NPC by the CRC. Furthermore, the base charges for Hoover are set by WAPA.[6] Any representation by a party that the CRC's proposed Section 32(4) would infringe on the PUCN's ratemaking authority is not accurate.

[5] This month was used because it is the latest month that NPC's deferred accounting report is no longer confidential.

[6] *See* Attachment 3 – WAPA Notice of Proposed Base Charge and Rates from the February 5, 2014 Federal Register.

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C. PRACTICAL REASONS SUPPORT HOOVER A ALLOCATION TO RESIDENTIAL

Since 1987, when Schedule B was first effective for residential ratepayers, there have been several factors that have reduced the level of benefit for NPC's residential customers from Schedule B.

First, the number of NPC's residential customers and residential MWH sales has increased by more than 100 percent since 1987. Data that NPC filed with the United States Energy Information Administration ("EIA") show that NPC's residential MWH sales were 4,027,302 in 1990 compared to 9,012,407 in 2013.[7] In 1990, NPC's allocated share of Schedule B would have provided approximately 7 percent (283,824 ÷ 4,027,302) of the residential customer's energy compared to approximately 3 percent (283,824 ÷ 9,012,407) in 2013.

Second, the actual energy that NPC receives from Schedule B will depend on the availability of energy from Hoover Dam. In 2013, according to NPC's 2013 deferred energy filing with the PUCN (Docket No. 14-02040), NPC received 239,998 MWH of energy from Schedule B. NPC's actual 2013 Schedule B energy was approximately 85 percent (239,998 ÷ 283,824) of its allocated share provide for in NAC 538.690.

Third, the *Hoover Power Allocation Act of 2011*[8] will reduce available energy from Schedule A and Schedule B by 5 percent beginning in October 2017 to provide energy for the new Schedule D. This will further reduce NPC's residential customers' level of benefit from Schedule B than what was originally provided for in 1987 when Schedule B was first effective.

The CRC's proposed Section 32(4) to amend NAC 538.540 to require NPC to pass through to its residential class of ratepayers the full benefits and costs of Schedule A and Schedule B will result in residential customers receiving approximately 5 percent of their energy from Hoover in 2017 based on the 2013 sales levels and NPC's proposed allocated

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[7] *See* Attachment 4 – Data from EIA Form 826 for NPC. Note: Data for EIA Form 826 is only available back to 1990.

[8] 43 USC § 619a, 125 Stat. 777 (December 20, 2011).

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share of energy from Schedule A and Schedule B in Section 39 of the proposed regulations.[9] While residential customers will receive less benefit from Hoover Power than they did in 1987, the CRC's proposed Section 32(4) will minimize this reduction in benefits.

Fourth, as shown in the second page of Attachment 4, NPC's residential customers have experienced rate increases of approximately 147 percent since 1990 compared to approximately 62 percent for commercial customers and approximately 46 percent for industrial customers. The CRC's proposed Section 32(4) will provide some rate relief for NPC's residential class of customers who have borne the greatest share of the rate increases over the past 27 years when Hoover B was first effective.[10]

For all the reasons stated above, the BCP supports the CRC's proposed Section 32(4) which would require NPC to pass through all of Schedule A and Schedule B power to residential customers.

D. TECHNICAL CORRECTIONS

The BCP will note that there is a slight inconsistency in how Schedule A is defined in Section 9 of the CRC's proposed regulations and how Schedule B is defined in NAC 538.380.

In Section 39(1), BCP believes that Schedule A energy should be 613,689,000, not the 13,689,000 in the proposed regulation. Also, in this subsection, BCP believes that Schedule B energy should be 391,400,000, not the 341,400,000 in the proposed regulation.

In Section 39(2), the schedule should refer to Nevada Power Company, not NV Energy, Inc.

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[9] In Section 39, NPC's allocated share of energy from Hoover is 497,726 MWH for both Schedule A and Schedule B. Dividing this number by NPC's 2013 residential MWH sales of 9,012,407, results in approximately 5.5 percent of energy from Hoover. However, given that NPC's actual share of energy from Hoover will likely be less than its allocated share and some level of growth in residential MWH sales, BCP expects that residential customers will receive 5 percent or less of their energy from Hoover in 2017 under the Commission's proposed Section 32(4).

[10] Moreover, Nevada Power rates will soon increase significantly as 800 MW of coal fired generation capacity is retired and replaced by 350 MW of renewable energy and 550 MW of other replacement capacity. The ratepayer cost of these new capacity additions will significantly exceed the cost of the 2011 addition of 484 MW to plant at the Harry Allen generating station, which increased revenue requirement by almost $100 million per year.

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III. CONCLUSION

The BCP appreciates the opportunity to provide these comments in support of the proposed CRC regulation implementing the *Hoover Power Allocation Act of 2011*.

Respectfully submitted April 25, 2014.

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LCB File No. R 148-13

BCP Comments

ATTACHMENT 1

EXHIBIT 20

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In Re Application of NEVADA POWER COMPANY for an increase in rates to reflect clearance of its deferred account balances at May 31, 1999; increased fuel and purchased energy expenses; and and termination of deferred accounting. (Advice Letter No. 229)	Docket No. 99-7035

HOOVER "B" POWER STIPULATION

Pursuant to NAC 703.750 of the Rules of Practice and Procedure before the Public Utilities Commission of Nevada, this Stipulation is made and entered into by and among the Bureau of Consumer Protection in the Office of the Attorney General; the Colorado River Commission ("CRC"); Nevada Power Company ("NPC"); the Regulatory Operations Staff of the Public Utilities Commission of Nevada; the Southern Nevada Water Authority; and the Utility Shareholders Association of Nevada, Inc., hereinafter collectively referred to as "Parties".

WHEREAS, effective January 1, 1987, CRC and NPC entered into Contract No. P09-50 (the "Hoover Contract") in which CRC agreed, among other things, to allocate to NPC certain electric energy and capacity, designated Schedule B power, generated at the Hoover Power Plant ("Hoover B power"), and NPC agreed, among other things, to pass through the full benefits of Hoover B power to its residential customers; and

WHEREAS, the provisions of subsection 8.6 of the Hoover Contract requiring NPC to pass through the full costs of Hoover B power to its residential customers are required by, and conform with, the regulations duly issued and promulgated by CRC governing the marketing of Nevada's share of electric power from the Boulder Canyon and Parker-Davis Projects, specifically NAC 538.540(3), effective September 13, 1985; and

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WHEREAS, subsection 8.6 of the Hoover Contract requires NPC, throughout the term of the contract, to adjust the rates of its residential customers as provided in the subsection so as to attribute to those customers the full costs, if any, of all Hoover B power delivered under the contract, and that subsection specifically requires NPC to file for adjustments in residential rates in deferred energy accounting proceedings and such other applicable proceedings before the Public Service Commission or its successor agency so that those adjusted rates can become effective upon the completion of those proceedings; and

WHEREAS, the methodology for valuing Hoover B power for use in deferred energy accounting proceedings was agreed to in a series of stipulations in Docket Nos. 89-432, 90-1037 and 94-3002, dated December 4, 1989, February 12, 1991, and June 30, 1994, respectively (the "Pass-through Methodology Stipulations"), and approved by the Public Service Commission in orders related to those dockets; and

WHEREAS, in Docket No. 99-7035, NPC has sought the approval of the Public Utilities Commission of Nevada ("PUCN") to terminate deferred energy accounting, and the Pass-through Methodology Stipulations are no longer applicable after termination of deferred energy accounting; and

WHEREAS, NRS 704.9823 requires the PUCN to establish for each class of customers of electric service in this state, effective through February 28, 2003, a total rate for components of electric service provided pursuant to subsection 1 of NRS 704.982, which rate is capped as provided in NRS 704.9823; and

WHEREAS, the Parties have jointly met and discussed certain issues concerning the treatment and valuation of the benefits of Hoover B power to residential ratepayers who take electric service within NPC's service territory, and have developed and agreed upon certain modifications to the method for such treatment and valuation in Docket No. 99-7035 and during the term of this Stipulation; and

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0-4042—AT41

WHEREAS, the Parties have agreed to recommend that the PUCN issue an order in Docket No. 99-7035 that will incorporate the provisions of this Stipulation; now, therefore

The Parties hereby AGREE and STIPULATE as follows:

1. This Stipulation becomes effective upon its approval by the CRC and the PUCN, and shall terminate on the date the cap on NPC's rates imposed by NRS 704.9823 is removed or on March 1, 2003, whichever first occurs.

2. The Pass-through Methodology Stipulations are hereby terminated, except as required to clear the deferred energy accounting adjustment balances in Docket No. 99-7035.

3. For the purpose of establishing the Base Tariff Energy Rates ("BTERs") or the Base Tariff General Rates ("BTGRs") in Docket No. 99-7035, whichever rates are made applicable to residential and all other ratepayers by order of the PUCN in this docket, and for satisfying the provisions of NAC 538.540(3) and subsection 8.6 of the Hoover Contract during the term of this Stipulation, the full benefit of Hoover B power shall be deemed to be $4,985,704 per year. This value is the sum of total net monthly benefits for the period June 1998 through May 1999, adjusted by the Hoover energy reconciliation billed during the test year, and calculated as follows. First, the monthly gross benefit of Hoover B power was calculated by multiplying the unadjusted Hoover B kilowatt-hours delivered to NPC by the NYMEX Futures closing price at Palo Verde for the period June 1998 through May 1999 plus 2 mills per kilowatt-hour. Next, the monthly net benefit of Hoover B power was calculated by subtracting NPC's monthly cost of Hoover B capacity and energy from the monthly gross benefit of Hoover B power, calculated as provided in this paragraph. As used in this paragraph, "NYMEX Futures closing price at Palo Verde" means the average of the closing prices for Palo Verde futures contracts traded on the NYMEX on the last three trading days of the month prior to the month indicated in Exhibit A. Exhibit A illustrates the calculations described in this paragraph. All kilowatt-hours were deemed delivered during the sixteen-hour period designated in the Palo Verde futures contracts. Exhibit B

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shows how the cost of Hoover B capacity and energy was determined for the test year period. Exhibits A and B are attached hereto and by this reference incorporated herein and made a part hereof.

4. The amount of the full benefit of Hoover B power specified in paragraph 3 shall be employed to adjust the BTERs or the BTGRs, whichever rates are made applicable to residential and all other ratepayers by order of the PUCN in Docket No. 99-7035. Exhibits C and D, which are attached to this Stipulation and by this reference are incorporated herein and made a part hereof, contain examples of the procedures, based on the amount of the benefit specified in paragraph 3, by which rates in Docket No. 99-7035 should be designed, using an average cost rate design methodology and a marginal cost rate design methodology, respectively. The examples were developed to demonstrate that both average cost and marginal cost rate designs, using the procedures reflected in the examples, can pass through to residential customers the exact amount of the benefit of Hoover B power specified in paragraph 3. Once the PUCN in Docket No. 99-7035 has selected either an average cost or a marginal cost rate design, the level of revenue requirements and any other pertinent factors, the PUCN should use the procedures reflected in Exhibit C or Exhibit D, whichever is applicable to the rate design selected, to translate those factors into the BTERs or the BTGRs, whichever rates are made applicable to residential and all other ratepayers by order of the PUCN in Docket No. 99-7035. The revenue requirements shown in Exhibits C and D are for illustrative purposes only, and do not reflect any agreement by the Parties regarding NPC's revenue requirements. By entering into this Stipulation, none of the Parties waives any rights they might otherwise have to raise any rate design issues in any proceeding, unless expressly covered in this Stipulation, or waives any right to raise in any proceeding the issue of whether or how the PUCN may or should combine the BTER and the BTGR.

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5. With respect to Docket No. 99-7035, insofar as the rates referred to in paragraph 4 are based on the amount of the full benefit of Hoover B power agreed upon in paragraph 3 and are consistent with the procedures reflected in Exhibit C or Exhibit D, the rates conform to and meet the requirements of NAC 538.540(3) and subsection 8.6 of the Hoover Contract.

6. Before the date when retail purchasers of electric service in Nevada may, by law, begin obtaining potentially competitive services from alternative sellers, the Parties shall attempt to agree upon and seek the PUCN's approval of a mechanism for distributing, during the term of this Stipulation, a proportional share of the benefit of Hoover B power specified in paragraph 3 to all residential customers taking electric service within NPC's distribution service territory from alternative sellers, if any. If the Parties are unable to reach agreement as provided in this paragraph, either the CRC or NPC, or both, may select such a mechanism and seek an order of the PUCN implementing the mechanism.

7. The Parties expressly agree that there shall not be a tracking account or any other mechanism to determine the benefits that might have been attributable to Hoover B power if the cap on rates imposed by NRS 704.9823 had not been in effect during the term of this Stipulation. Each Party hereby expressly waives any right to seek a rate adjustment for benefits that might have been attributable to Hoover B power during the term of this Stipulation but for that cap on rates.

8. No later than 180 days before the termination of this Stipulation, the Parties shall meet and discuss whether and how, following the termination of this Stipulation, the full benefits of Hoover B power may, in compliance with the requirements of NAC 538.540(3) and subsection 8.6 of the Hoover Contract, be passed through to all residential customers taking electric service within NPC's distribution service territory, whether or not from alternative sellers.

9. Nothing in this Stipulation precludes NPC from seeking reinstatement of its September 30, 1999, amended application filed in Docket No. 99-7035. If the September 30,

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1999, amended application is reinstated, this Stipulation shall have continuing effect, except that for all purposes of this Stipulation the full benefit of Hoover B power for the period September 1, 1998, through August 31, 1999, shall be deemed to be $5,164,420 per year during the entire term of this Stipulation. This value was calculated in the manner described in paragraph 3, as shown in exhibits E and F. Exhibits E and F are attached hereto and by this reference incorporated herein and made a part hereof.

10. Nothing in this Stipulation constitutes or shall be construed as:

10.1 approval by CRC of any assignment or any other type of transfer of NPC's rights under the Hoover Contract as required by section 16 of the Hoover Contract.

10.2 an enlargement of any rights or obligations of CRC or NPC under the Hoover Contract.

10.3 a waiver by CRC or NPC of any rights or remedies it has under the law or under the Hoover Contract.

11. It is expressly understood and agreed that:

11.1 this Stipulation shall not be binding on the Colorado River Commission unless it is approved by the governing body of the Colorado River Commission.

11.2 this Stipulation is contingent upon the PUCN approving changes to NPC's BTERs or BTGRs in Docket No. 99-7035, whichever rates are made applicable to residential and all other ratepayers by order of the PUCN in this docket, to reflect the benefit of Hoover B power specified in paragraph 3. If the PUCN fails to approve such changes, this Stipulation shall be deemed withdrawn without prejudice, as provided in subparagraph 11.3, and shall not become effective. In such a case, the Parties shall meet and discuss a methodology for the treatment and valuation of Hoover B power in the absence of changes to these rates, which complies with NAC 538.540(3) and subsection 8.6 of the Hoover Contract.

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11.3 this Stipulation constitutes a negotiated settlement. The provisions of this Stipulation are not severable. If this Stipulation is not approved by the PUCN or the CRC, it shall be deemed withdrawn without prejudice to any claims or contentions which may have been made in Docket No. 99-7035 by any Party, and it shall not be admissible in evidence or in any way described or discussed in any proceedings hereafter. The PUCN's approval of this Stipulation shall not constitute a precedent regarding any principle or issue resolved by or through this Stipulation.

12. This Stipulation may be executed in counterparts, each of which, whether or not transmitted by facsimile, shall be deemed an original.

13. Upon the execution of this Stipulation, CRC and NPC shall present the Stipulation to the PUCN in Docket No. 99-7035, requesting an order of the PUCN approving the Stipulation and incorporating it in its order.

BUREAU OF CONSUMER PROTECTION
IN THE OFFICE OF THE ATTORNEY GENERAL

Dated 3/3, 2000

By: Eric Witkoski
Eric Witkoski, Esq.

COLORADO RIVER COMMISSION

Dated 3/3, 2000

By: Gerald A. López
Gerald A. López, Esq.

NEVADA POWER COMPANY

Dated 3/3, 2000

By: Chuck K. Shelman for
Don Brookhyser, Esq.

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0-4042—AT41

PUBLIC UTILITIES COMMISSION
REGULATORY OPERATIONS STAFF

Dated 3-3, 2000

By: Alaina Burtenshaw
Alaina Burtenshaw, Esq.

SOUTHERN NEVADA WATER AUTHORITY

Dated Mar. 3, 2000

By: Robert W. Marshall
Robert W. Marshall, Esq.

UTILITY SHAREHOLDERS ASSOCIATION
OF NEVADA, INC.

Dated _____, 2000

By: _____
Brian Sandoval, Esq.

ATTORNEY GENERAL'S OFFICE
LAS VEGAS, NEVADA

PUBLIC UTILITIES COMMISSION
REGULATORY OPERATIONS STAFF

Dated _____, 2000

By: _____
Alaina Burtenshaw, Esq.

SOUTHERN NEVADA WATER AUTHORITY

Dated _____, 2000

By: _____
Robert W. Marshall, Esq.

UTILITY SHAREHOLDERS ASSOCIATION
OF NEVADA, INC.

Dated March 3, 2000

By: _____
Brian Sandoval, Esq.

LCB File No. R 148-13

BCP Comments

ATTACHMENT 2

NEVADA POWER COMPANY d/b/a NVEnergy
DEFERRED ACCOUNTING FOR FUEL & PURCHASED POWER COSTS
CALCULATION OF MONTHLY ENTRIES
DECEMBER 2013

	Total		Jurisdiction			
		FERC	Nevada			
			Total	Residential	Non Residential	
Net Fuel and Purchase Power Cost	$ 66,933,375	B				
less Hoover B Cost	407,505	G				
less Hoover A & C Cost	321,348	G				
Costs w/o Hoover	$ 66,204,522					
		C1				
MWH Firm Sales	1,539,524	-	1,539,524	607,744	931,780	C
less Hoover B Purchases (1)	13,009	-	13,009	G		
less Hoover A & C Purchases (1)	11,005	-	11,005	G		
MWH Firm Sales w/o Hoover	1,515,511	-	1,515,511			
Sales Allocations						
Inter-Jurisdictional Allocation Percentage	100.00%	0.00%	100.00%			
Retail Allocation Percentage			100.00%	39.48%	60.52%	
$ per MWH w/o Hoover	$ 43.685					
Jurisdictional Allocation of Net Cost w/o Hoover (2	$ 66,204,522	$ -	$ 66,204,522			
Hoover B Costs	407,505	-	407,505			
Hoover A & C Cost	321,348	-	321,348			
Total Jurisdictional Cost	66,933,375	-	66,933,375			
Hoover B benefit			126,065	G		
NV Jurisdictional Cost w/o Hoover (2)			67,059,440	$ 26,472,450	$ 40,586,990	
Allocation of Costs with Hoover						
Hoover B Cost	407,505	-	407,505	407,505	-	
Other Cost	66,525,870	-	66,525,870	25,938,880	40,586,990	
Total Allocation with Hoover	$ 66,933,375	$ -	66,933,375	26,346,385	40,586,990	
Nevada Base Tariff Energy Rate Revenue			(67,582,426)	(26,276,963)	(41,305,462)	D1
TRED Trust		F	(470,658)	(185,261)	(285,397)	
NV Deferred Fuel & Purchased Power Cost			$ (1,119,709)	**(115,839)**	**(1,003,870)**	
				A1	A1	

(1) Output reduced for transmission and distribution losses @ 5.08%.
(2) Allocated on sales.

Hoover Benefit Proof	126,065	$ 126,065	(0)
TRED Percentages	100%	39.36%	60.64%

(A) Deferral

HOOVER COST OF PURCHASED POWER
DECEMBER 2013

Colorado River Commission	Cost G-1	kWh G-2
Hoover A Capacity Base Charges	**162,917**	-
Hoover B Capacity Base Charges	**219,430**	-
Hoover A Energy Base Charge	**111,410**	-
Hoover B Energy Base Charge	**131,702**	-
Hoover A Energy - Received (kWh x $.0025/kWh)	28,930	**11,571,957**
Hoover A Energy - Adjustment (kWh x $.0025/kWh)	(21)	**(8,459)**
Hoover B Energy - Received (kWh x $.0025/kWh)	34,198	**13,679,229**
Hoover B Energy - Adjustment (kWh x $.0025/kWh)	(24)	**(9,651)**
Energy Overrun Penalty	-	-
Lower Colorado Multi Species Conservation Program	**22,471**	-
		-
Administrative Charge (Total kWh x $.000707/kWh)	17,853	-
Administrative Charge - Adjustment (kWh x $.000707/kWh)	(13)	-
Total	728,853	-

Hoover B	385,306	13,669,578	/ 1.0508** =	13,008,734	To A
Hoover A	303,236	11,563,498	/ 1.0508** =	11,004,471	To A
	688,542	25,233,076		24,013,205	

Hoover B Costs Calculation

CAPACITY	219,430
SCHEDULED	131,702
ACTUAL	34,174
Total (a)	385,306
Delivered Energy - kWh	13,679,229
Administrative Charge per kWh	0.000707
Administrative Allocation [1] (b)	9,671
Total MSCP Charges	22,471
Hoover B MSCP Percentage	55.78%
Hoover B MSCP Allocation (c)	12,535
Administrative Charge Adjustments (d)	(7)
Energy Overrun Penalty (e)	-
TOTAL (a+b+c+d+e)	407,505
	A

Hoover A Costs Calculation

CAPACITY	162,917
SCHEDULED	111,410
ACTUAL	28,909
Total (a)	303,236
Delivered Energy - kWh	11,571,957
Administrative Charge per kWh	0.000707
Administrative Allocation [1] (b)	8,181
Total MSCP Charges	22,471
Hoover A MSCP Percentage	44.22%
Hoover A MSCP Allocation (c)	9,936
Administrative Charge Adjustments (d)	(6)
Energy Overrun Penalty (e)	-
TOTAL (a+b+c+d+e)	321,348
	A

Hoover B Benefit Calculation

		From
Argus Energy Futures	**39.03**	H
Hoover "B" Deliveries	13,670	
Gross Benefit	$ 533,570.10	
Hoover "B" Cost ($)	407,505	
Net Benefit	126,065	
	A	

**The 5.08% is from the NV Energy Operating Companies Open Access Transmission Tariff - Docket No's: ER07-1308-000 & ER03-806-000.

[1] Allocated based upon ratio of Hoover B energy to total Hoover energy.
[2] Percentage Calculation:

Hoover B Capacity	135,000	57.39%
Hoover A Capacity	100,232	42.61%
Total Hoover Capacity	235,232	

Hoover B Energy	13,669,578	54.17%
Hoover A Energy	11,563,498	45.83%
Total Hoover Energy	25,233,076	

Average Cap. & Energy - Hoover B	55.78%
Average Cap. & Energy - Hoover A	44.22%

LCB File No. R 148-13

BCP Comments

ATTACHMENT 3

Energy Regulatory Commission (Commission) addressed a proposal by the New York Independent System Operator, Inc. (NYISO) to establish and recognize a new capacity zone that would encompass NYISO Load Zones G, H, I, and J (the G–J Locality).[1] In its order, the Commission directed its staff to hold a technical conference, in a separate proceeding, to discuss with interested parties whether or not to model Load Zone K as an export-constrained zone for future Demand Curve reset proceedings.[2]

Take notice that such conference will be held on February 26, 2014, from 9:00 a.m. to approximately 1:00 p.m. (Eastern Time). The conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The technical conference will be led by staff, and will be open for the public to attend. An additional notice with further details and an agenda will be issued later.

Attendees may register in advance at the following Web page: *https://www.ferc.gov/whats-new/registration/zone-k-02-26-14-form.asp.* Advance registration is not required, but is encouraged. Parties attending in person should still allow time to pass through building security procedures before the 9:00am (Eastern Time) start time of the conference.

Following the conference, the Commission will consider post-technical conference comments submitted on or before March 26, 2014. Answers to post-technical conference comments are due by close of business on or before April 16, 2014.

The technical conference will be transcribed. Additionally, there will be a free webcast of the conference available through *www.ferc.gov.* The webcast will allow persons to listen to the technical conference, but not participate. Anyone with Internet access interested in viewing this conference can do so by navigating to *www.ferc.gov* Calendar of Events and locating this event in the Calendar. The event will contain a link to the webcast. Capitol Connection provides technical support for the webcasts and offers the option of listening to the conferences via phone-bridge for a fee. If you need technical support, please visit *www.CapitolConnections.org* or call (703) 993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

All interested persons are permitted to attend. For more information about the technical conference, please contact:

Adria M. Woods (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8431, *Adria.Woods@ferc.gov.*

Sarah McKinley (Logistical Information), Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8004, *Sarah.McKinley@ferc.gov.*

Dated: January 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–02370 Filed 2–4–14; 8:45 am]

BILLING CODE 6717–01–P

[1] *New York Indep. Sys. Operator, Inc.*, 144 FERC ¶ 61,126 (2013).

[2] *Id.* P 56.

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed base charge and rates.

SUMMARY: Western Area Power Administration (Western), a power marketing administration within the Department of Energy (DOE), is proposing an adjustment to the Boulder Canyon Project (BCP) electric service base charge and rates. The current base charge and rates expire September 30, 2014, under Rate Schedule BCP–F8. The current base charge is not sufficient to cover all annual costs, including operation, maintenance, replacements, and interest expense, and to repay investment obligations within the required period. The proposed base charge will provide sufficient revenue to cover all annual costs and to repay investment obligations within the allowable period. A detailed rate package that identifies the reasons for the base charge and rates adjustment will be available in March 2014. The proposed base charge and rates are scheduled to become effective October 1, 2014, and will remain in effect through September 30, 2015. This **Federal Register** notice initiates the formal process for the proposed base charge and rates.

DATES: The consultation and comment period will begin today and will end May 6, 2014. Western will present a detailed explanation of the proposed base charge and rates at a public information forum on March 26, 2014, at 10:30 a.m. Mountain Standard Time (MST), in Phoenix, Arizona. Western will accept oral and written comments at a public comment forum on April 16, 2014, at 10:30 a.m. MST, at the same location. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: The public information forum and public comment forum will be held at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, located at 615 South 43rd Avenue, Phoenix, Arizona, on the dates cited above. Written comments should be sent to Darrick Moe, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, email *moe@wapa.gov.* Written comments may also be faxed to (602) 605–2490, attention: Jack Murray. Western will post the principle documents used in developing the rates on its Web site at *http://www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm.* Western will also post official comments received via letter, fax, and email to this Web site.

Access to Western facilities is controlled. Any United States (U.S.) citizen wishing to attend any meeting held at Western must present an official form of picture identification, such as a U.S. driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID, at the time of the meeting. Foreign nationals should contact Western 30 days in advance of the meeting to obtain the necessary form for admittance to Western.

FOR FURTHER INFORMATION CONTACT: Jack Murray, Rates Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2442, email *jmurray@wapa.gov.*

SUPPLEMENTARY INFORMATION: The proposed base charge and rates for BCP electric service are designed to recover an annual revenue requirement that includes the investment repayment, interest, operation and maintenance, replacements, payments to states, visitor services, and uprating payments. The total costs are offset by the projected revenue from water sales, the visitor center, ancillary services, and late fees. The annual revenue requirement is the base charge for electric service and is divided equally between capacity and energy. The annual composite rate is the

base charge divided by the annual energy sales.

Rate Schedule BCP–F8, Rate Order No. WAPA–150 was approved on an interim basis by the Deputy Secretary of Energy on September 16, 2010, for a 5 year period beginning on October 1, 2010, and ending September 30, 2015.[1] The schedule received final approval from the Federal Energy Regulatory Commission (FERC) on December 9, 2010.[2] Western's existing rate formula for electric service requires recalculation of the base charge and rates annually based on updated financial and hydrology data. The proposed base charge for fiscal year (FY) 2015 under Rate Schedule BCP–F8 is $90,697,927, and the proposed composite rate is 24.72 mills/kilowatthour.

The proposed BCP electric service base charge represents an increase of approximately 19 percent compared to the FY 2014 base charge. The 19 percent increase in the base charge is based on the most current financial data available at this time, which was taken from the latest rate-base power repayment study. The proposed BCP composite rate represents an increase of approximately 22 percent compared to the FY 2014 composite rate. The 22 percent increase is based on current hydrology conditions and corresponding Lake Mead elevations. The following table compares the existing and proposed base charge and composite rate. This proposal, effective October 1, 2014, is preliminary and is subject to change upon publication of final formula rates.

COMPARISON OF EXISTING AND PROPOSED BASE CHARGE AND COMPOSITE RATE

	Existing October 1, 2013 through September 30, 2014	Proposed October 1, 2014 through September 30, 2015	Percent change
Base Charge ($)	76,108,019	90,697,927	19
Composite Rate (mills/kWh)	20.18	24.72	22

The increase in the proposed base charge is due to increases in the annual operation and maintenance expenses, visitor center costs, uprating program principal payments, capital investment principal payments and replacement costs. Currently, there is no projected year-end carryover from FY 2014 resulting in an overall increase in the base charge for FY 2015. However, these results are based on preliminary data and subject to change upon receipt of audited FY-end financial information. The projected increase in the composite rate is due to the projected increase in the base charge and lower energy projections resulting from the current hydrology conditions and Lake Mead elevations.

Legal Authority

Since the proposed rates constitute a major rate adjustment as defined by 10 CFR part 903, Western will hold both a public information forum and a public comment forum. After review of public comments, Western will take further action on the proposed base charge and rates consistent with 10 CFR parts 903 and 904.

Western is establishing an electric service base charge and rates for BCP under the DOE Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the project involved.

By Delegation Order No. 00–037.00A, effective October 25, 2013, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy, and (3) the authority to confirm, approve, and place into effect on a final basis, to remand or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985 (50 FR 87835).

Availability of Information

All brochures, studies, comments, memorandums, or other documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, 615 South 43rd Avenue, Phoenix, Arizona. Many of these documents and supporting information are also available on Western's Web site at *http://www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm.*

Ratemaking Procedure Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347); Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866. Accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: December 20, 2013.

Mark A. Gabriel,

Administrator.

[FR Doc. 2014–02405 Filed 2–4–14; 8:45 am]

BILLING CODE 6450–01–P

[1] 75 FR 57912 (September 23, 2010).

[2] 133 FERC ¶ 62,229.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0742; FRL–9903–50]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: "Submission of Unreasonable Adverse Effects Information Under FIFRA Section 6(a)(2)" and identified by EPA ICR No. 1204.12 and OMB Control No. 2070–

LCB File No. R 148-13

BCP Comments

ATTACHMENT 4

Nevada Power Company
Form EIA-826 Database Monthly Electric Utility Sales and Revenue Data
Comparison of 2013 and 1990 Data

	Residential Revenue (Thousand $)	Residential MWH Sales	Residential Average Revenue per kWh	Commercial Revenue (Thousand $)	Commercial MWH Sales	Commercial Average Revenue per kWh	Industrial Revenue (Thousand $)	Industrial MWH Sales	Industrial Average Revenue per kWh
Jan-13	$ 80,555	688,588	$ 0.11699	$ 26,559	320,329	$ 0.08291	$ 29,667	544,803	$ 0.05445
Feb-13	56,229	458,247	0.12270	26,669	303,236	0.08795	28,502	506,868	0.05623
Mar-13	58,012	464,281	0.12495	29,896	333,338	0.08969	33,232	588,549	0.05646
Apr-13	57,879	452,512	0.12791	32,522	346,273	0.09392	37,081	626,379	0.05920
May-13	83,149	682,163	0.12189	36,546	399,180	0.09155	40,308	696,175	0.05790
Jun-13	142,266	1,219,316	0.11668	40,658	466,060	0.08724	64,258	734,100	0.08753
Jul-13	184,048	1,568,965	0.11731	44,735	488,070	0.09166	87,577	714,637	0.12255
Aug-13	142,004	1,184,124	0.11992	43,266	462,824	0.09348	75,683	718,209	0.10538
Sep-13	106,129	874,247	0.12139	38,570	408,213	0.09448	71,380	668,024	0.10685
Oct-13	60,818	450,973	0.13486	36,018	360,007	0.10005	49,100	588,278	0.08346
Nov-13	50,353	361,247	0.13939	33,570	338,700	0.09911	30,734	620,362	0.04954
Dec-13	78,272	607,744	0.12879	33,041	350,098	0.09438	37,524	581,010	0.06458
Total 2013	$ 1,099,714	9,012,407	$ 0.12202	$ 422,050	4,576,328	$ 0.09222	$ 585,046	7,587,394	$ 0.07711

	Residential Revenue (Thousand $)	Residential MWH Sales	Residential Average Revenue per kWh	Commercial Revenue (Thousand $)	Commercial MWH Sales	Commercial Average Revenue per kWh	Industrial Revenue (Thousand $)	Industrial MWH Sales	Industrial Average Revenue per kWh
Jan-90	$ 16,398	330,413	$ 0.04963	$ 7,117	130,887	$ 0.05438	$ 8,497	216,861	$ 0.03918
Feb-90	13,674	247,887	0.05516	7,621	138,199	0.05515	8,484	211,485	0.04012
Mar-90	12,436	256,041	0.04857	6,402	112,104	0.05711	8,050	198,301	0.04059
Apr-90	10,454	207,123	0.05047	7,297	127,138	0.05739	9,293	220,520	0.04214
May-90	13,666	298,190	0.04583	7,840	134,454	0.05831	9,782	226,644	0.04316
Jun-90	22,877	448,101	0.05105	8,872	157,339	0.05639	14,982	249,960	0.05994
Jul-90	24,558	528,293	0.04649	10,841	191,641	0.05657	20,809	294,846	0.07058
Aug-90	23,811	486,948	0.04890	10,760	189,376	0.05682	20,301	287,913	0.07051
Sep-90	19,947	391,094	0.05100	9,900	164,174	0.06030	19,276	253,987	0.07589
Oct-90	12,544	254,006	0.04938	7,953	141,132	0.05635	10,894	196,983	0.05530
Nov-90	11,960	239,143	0.05001	7,661	135,682	0.05646	11,983	286,654	0.04180
Dec-90	16,607	340,063	0.04884	8,272	148,843	0.05558	9,864	237,064	0.04161
Total 1990	$ 198,932	4,027,302	$ 0.04940	$ 100,536	1,770,969	$ 0.05677	$ 152,215	2,881,218	$ 0.05283

Nevada Power Company
Form EIA-826 Database Monthly Electric Utility Sales and Revenue Data
Comparison of 2013 and 1990 Data

Utility - Customer Class	1990 Average Revenue Per kWh	2013 Average Revenue Per kWh	Change in Average Revenue Per kWh from 1990 to 2013
Nevada Power Company			
Residential Customers	$ 0.04940	$ 0.12202	147.03%
Commercial Customers	0.05677	0.09222	62.46%
Industrial Customers	0.05283	0.07711	45.95%

CERTIFICATE OF SERVICE

LCB File No. R148-13

I certify that I am an employee of the Attorney General's Bureau of Consumer Protection and that on this day I have served the foregoing document upon all parties of record in this proceeding by emailing or mailing a true copy thereof, properly addressed with postage prepaid or forwarded as indicated below to:

Ann C. Pongracz
Special Counsel for the
Colorado River Commission of Nevada
555 East Washington Avenue
Suite 3100
Las Vegas, Nevada 89101
702-486-2691
apongracz@crc.nv.gov

Dated: April 25, 2014

Beverly Joiner

Bureau of Consumer Protection
10791 W. Twain Avenue, Suite 100
Las Vegas, Nevada 89135