

The meeting was held at 1:00 p.m. on Tuesday, September 13, 2016, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada.

COMMISSIONERS IN ATTENDANCE

Chairwoman	Puoy K. Premsrirut
Vice Chairman	Duncan R. McCoy
Commissioner	Kara J. Kelley
Commissioner	Marilyn Kirkpatrick
Commissioner	Steve Sisolak
Commissioner	Daniel J. Stewart

COMMISSIONER NOT IN ATTENDANCE

Commissioner	Cody T. Winterton
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DEPUTY ATTORNEYS GENERAL

Special Counsel, Attorney General	Jennifer T. Crandell
Special Counsel, Attorney General	Ann C. Pongracz
Deputy Attorney General	Christine Guerri-Nyhus

COMMISSION STAFF IN ATTENDANCE

Executive Director	Jayne Harkins, P.E.
Deputy Executive Director	James D. Salo
Chief of Finance and Administration	Douglas N. Beatty
Assistant Director of Energy Services	Gail A. Bates
Hydropower Program Manager	Craig N. Pyper
Natural Resources Program Manager	Angela K. Slaughter
Natural Resource Analyst	Peggy Roefer
Natural Resource Analyst	Warren Turkett, Ph.D.
Senior Accountant	Gail L. Benton
Senior Energy Accountant	Richard Sanders
Office Manager	Judy K. Atwood
Administrative Assistant II	Gina Goodman
Administrative Assistant II	Shylo Endris

OTHERS PRESENT; REPRESENTING

Consultant	Sara A. Price, Esq.
Fairchild Consulting Group, Inc.	Sandra Fairchild
Intern	Leanna Guevara
Southern Nevada Water Authority	Jordan Bunker
Self	Rebekah Holder

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF SEPTEMBER 13, 2016**

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The Colorado River Commission meeting was called to order by Chairwoman Premsrirut at 1:00 p.m. followed by the Pledge of Allegiance.

A. Conformance to Open Meeting Law.

Executive Director Jayne Harkins confirmed that the meeting was in compliance with the Open Meeting Law.

Chairwoman Premsrirut asked Ms. Harkins introduce the Colorado River Commission of Nevada's (Commission's) intern.

Ms. Harkins introduced intern Leanna Guevara who is a senior at University of Nevada, Las Vegas studying engineering. The internship came about because the Commission is a member of the American Public Power Association (APPA). The student intern submits an application to the APPA and the Commission is a host utility for the intern. APPA reimburses the Commission for services that are provided by the intern. Ms. Guevara has been shadowing Staff, doing small projects for the Hydropower Program Group, and learning about the various activities of the Commission.

Chairwoman Premsrirut welcomed Ms. Guevara on behalf of the Commission and commented that the engineering field needs more growth in female representation.

Commissioner Sisolak commented that it is nice that Ms. Guevara is getting paid for the work done during the internship as many times interns do not get paid. Commissioner Sisolak extended his praise and gave her credit.

B. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

C. For Possible Action: Approval of minutes of the August 9, 2016 meeting.

Vice Chairman McCoy moved for approval of the minutes. The motion was seconded by Commissioner Stewart and approved by a unanimous vote.

D. For Possible Action: Consideration of and possible action to approve replacement pages to the Colorado River Commission of Nevada's (Commission's) Post-2017 Electric Service Contract (ESC) with the Western Area Power Administration (Western) to include technical changes requested by Western.

Ms. Harkins reviewed that during the Commission's June 29, 2016 consideration of the Post-2017 ESC with Western, Staff informed the Commission that it was expecting to receive from Western a request to include minor technical corrections to the language of the contract. Staff seeks the approval of the Commission to insert replacement pages into the contract that include these changes.

Western has requested three changes to the language of the Commission's Post-2017 ESC:

The first change occurs in section 30 on page 52, which addresses contracting by the Commission with non-tribal Schedule D contractors. Prior language included a reference to "[Arizona/Nevada]". This language has been changed to refer only to Nevada in the Commission's contract, and delete the reference to Arizona.

Second, Western has requested all of its Post-2017 federal Hoover contractors, including the Commission, to revise the language in section 31 on page 53 titled "Effect of Concurrence of Reclamation" to make technical corrections to the language describing the respective duties of Western and Reclamation.

Third, Western has requested to revise page 7 of Attachment No. 1 to remove the reference to the Commission which had been included incorrectly in the list of Arizona tribes, and replace it with the correct reference to the Kaibab Band of Paiute Indians.

Commissioner Kelley moved for approval on the replacement pages to the Commission's Post-2017 Electric Service Contract with Western. The motion was seconded by Vice Chairman McCoy and approved by a unanimous vote.

E. For Possible Action: Consideration of and possible action to approve Amendment No. 2 to Contract No. 13978 between Fairchild Consulting Group, Inc. (FCG) and the Colorado River Commission of Nevada (Commission) for Administrative Support Services.

Craig Pyper, Hydropower Program Manager, explained that in November 2012, the Commission approved the contract with Sandra Fairchild with Fairchild Consulting Group, Inc. (FCG) for administrative support services that provided much needed support for the Commission's efforts to prepare and adopt allocation criteria and revise our Regulations to allow the Commission to allocate the new Hoover Schedule D Power.

In December 2014, the Commission approved Amendment No. 1 to the contract with FCG that amended the scope of work to add additional services that were necessary to complete the allocation process and to complete the new contracts for Schedule D Hoover power and other

Post-2017 Hoover power contracts. The contract term was extended to January 8, 2017 and the amount was increased by \$131,000.00.

In June 2016, the Commission received notification that one of its contractors, American Pacific Corporation (AMPAC) would not be executing a contract with the Commission to purchase Hoover power from the Commission after September 30, 2017. As a result, the Commission will conduct a public process to reallocate AMPAC's Post-2017 Hoover Schedule A capacity and energy.

In addition to conducting this reallocation process, the Commission will have several additional contracts to negotiate as well as a number of technical arrangements that must be completed prior to October 1, 2017 in order to implement the terms of the Post-2017 Hoover contracts.

Given the additional work necessary to carry out the reallocation and contracting of AMPAC's hydropower resources combined with the additional contracting work and technical arrangements, more time will be needed from FCG in order to continue to provide normal services to existing hydropower customers without overburdening current administrative support staff. Staff has revisited the FCG contract, and the scope of work remains the same.

Amendment No. 2 to Contract No. 13978 would extend the contract term for an additional ten (10) months, through October 31, 2017, and increase the amount by \$35,000.00 for a new not-to-exceed amount of \$291,000.00. The hourly compensation has not changed from the original \$95.00 per hour.

Chairwoman Premsrirut asked how much was currently left in the account.

Mr. Pyper replied there is approximately \$55,000.00; however he would need to confirm.

Commissioner Kirkpatrick asked if this would need to go back to Board of Examiners for a final approval.

Ms. Harkins confirmed that this contract does need to be reviewed by the Board of Examiners in November.

Commissioner Kirkpatrick asked if reviewed by the Board of Examiners in November, would this provide enough time to retain FCG on for all the Post-2017 information that is needed.

Ms. Harkins and Mr. Pyper confirmed that is correct.

Vice Chairman McCoy expressed appreciation to Ms. Fairchild for the work done over the last couple of years. It was further noted that to have a Commission's contractor opt out of the Hoover power contract was rare and unusual, and asked if whether or not anyone had ever dropped out of participation.

Mr. Pyper replied to his knowledge that, aside from AMPAC, he does not know of a Commission contractor refusing the Hoover power contract or relinquishing their Hoover power in the State of Nevada.

Vice Chairman McCoy stated this was all uncharted territories, new ground.

Mr. Pyper said that was correct.

Vice Chairman McCoy commented he saw the need for FCG's assistance in the transition process, and inquired as to who pays the associated cost of this transition.

Mr. Pyper stated that all of the funding for these projects comes from the current Hydropower customers who were paying the administrative charge.

Vice Chairman McCoy commented that in the future a discussion on who pays for the transition process costs can be discussed; and noted that it does not relate to whether or not FCG services are going to be needed.

Mr. Pyper stated that Staff could bring the transition costs discussion back to the Commission in the future.

Commissioner Kelley expressed support for the item, and commented about the need for clarity and knowing what the rules are when going out and finding a new customer or customers for the power so that an extra additional "bang up job" is done to make sure that those who might be eligible are aware of this opportunity.

Ms. Harkins stated for clarification that this is not Schedule D. In hydropower there are different groups of customers under Nevada Revised Statute 704.787. The only eligible customers would be current Schedule A, Southern Nevada Water Authority (SNWA) and its member agencies for water and wastewater pumping only. The reallocation amount is not enough to spread all around.

Chairwoman Premsrirut agreed that the notice process should be as transparent as possible and very detailed, and not to have any communication issues moving forward. Chairwoman Premsrirut echoed Vice Chairman McCoy's request for additional discussion on how those costs are allocated. She noted that AMPAC is still in good standing and has not defaulted on any terms; however it appears that these costs will be incurred due to their action.

Commissioner Sisolak expressed that he does not have a problem with FCG. The issue is with still having \$55,000.00 balance left; with a billing rate of \$95.00 an hour; approximately 550 hours are still left. Commissioner Sisolak expressed a concern of extending the contract another 350 hours, and then having basically 900 plus hours of billable time left.

Mr. Pyper explained when originally doing the estimate the decision was made to extend the time to make sure that all of the processes were done. Staff then reviewed what would happen if FCG ended up having to work at her highest level for some time and what was needed to accommodate the lag time between now and final approval while making sure that there is no stoppage. This is a high estimate and Staff hopes not to exceed it or even come close to it. The decision was made in the event additional work ended up being more labor intensive than the four public processes.

Commissioner Sisolak commented that he appreciated that, however his colleagues and himself have dealt with dozens of these issues and never extend contracts when there was so much left on the last contract. Commissioner Sisolak pointed out that 40% was unexpended, which is 550 hours at minimum that is still allowed to be billed before additional monies are needed.

Mr. Pyper stated that Staff was being proactive and wanted to get something done to have assurances.

Ms. Harkins explained that it would not come into place for two months. The request has to go to the Board of Examiners, and the Board of Examiners meets on the same day the Commission meets which is the second Tuesday of every month. The deadline to get on the Board of Examiners' agenda for October was weeks prior. The Commission's contract considerations never make it to the Board of Examiners' next month agenda due to the circumstances. Ms. Harkins expressed and pointed out that the Commission's submittals are ahead of that to make sure the deadline is met.

Commissioner Sisolak said that he could appreciate that, however 550 hours was basically full-time for 14 weeks, 40 hours a week; and that is a lot of time. He added we are not being fiduciarly responsible by just allocating more money when the last money had not been spent.

Commissioner Kirkpatrick stated on page 2 of 8 of the original contract it says not-to-exceed \$125,000.00 and now Staff is requesting an additional \$35,000.00. Commissioner Kirkpatrick asked what is the potential cost for the expanded scope of work put in place.

Mr. Pyper clarified that the original contract was for \$125,000.00, and the Amendment No. 1 expanded the scope of work and added an additional \$131,000.00. The not-to-exceed amount more than doubled. The request is to add an additional \$35,000.00 to the \$256,000.00 to make a total not-to-exceed amount of \$291,000.00.

Commissioner Kirkpatrick asked when Staff expanded the scope of work and increased the not-to-exceed amount on the original contract, what was the expectation of the dollar value. At the County, Staff is requested to give specifics on scope of work, how much is going to be spent on each scope of work. Commissioner Kirkpatrick inquired if the expanded scope of work was not meeting the dollar value that was put in place.

Mr. Pyper noted Staff analyzed the public process completed before, the unanticipated two additional public processes, along with the existing contracts that are still in the process of finalizing, additional time and effort needed to clean up the prior work for administrative record, and other assignments. The work took longer than anticipated; however the scope of work itself had not changed. Staff determined the amount of time that was estimated, the need to include the two public processes, and then figured that the time FCG would be needed would include peak times. A high estimate was determined to make sure it was fully covered.

Chairwoman Premsrirut wanted a clarification on the four public processes and was it quantified in terms of hours to translate into dollars.

Mr. Pyper explained that it was compared to the estimated length of time for the new process and not the hours that FCG took through these prior public processes to make the determination. Mr. Pyper is hopeful with some experience and not having the meetings in other cities like Overton and Pahrump there will be less involvement of time. Other types of activities will be needed with these public meetings, public notices, announcements, and record keeping.

Commissioner Kelley asked if the estimated \$55,000.00 left in the account is because it is not yet expended under the current contract.

Mr. Pyper answered yes.

Commissioner Kelley asked if no action is done today, when would Staff close out the account on the current contract.

Mr. Pyper responded that if the contract was not extended there is enough money estimated through May based on the current level of expenditure.

Commissioner Kelley stated that the necessity of this agenda item was brought about due to an additional and unanticipated work load added.

Ms. Harkins commented that the current contract expires January 2017. There are a few months under the current contract before it expires; and under the current expenditure the money left would cover through May.

Ms. Harkins explained that Staff is trying to get the item to the Board of Examiners for its November meeting.

Commissioner Kelley clarified that an approval is needed to have FCG engaged beyond January for the additional work load; and to add an additional \$35,000.00 on top of the estimated \$55,000.00 already in the account.

Ms. Harkins replied yes.

Commissioner Kelley noted that the current contract only allows FCG to be paid till January.

Commissioner Sisolak agreed; the Commission could extend the contract and not use this extra \$35,000.00.

Ms. Harkins explained that by approving both the extension of the contract and the additional funds it would avoid having the Commission consider two separate amendments to the contract.

Mr. Pyper concurred that Staff could have extended the contract to May with the current monies versus coming back later sometime early spring to do the extension to add money.

Gail Bates, Assistant Director of Energy Services, explained that Staff believes that FCG will be needed beyond May. An extension through October 2017 is requested because the Commission has a lot of implementation work to do in addition to going through the public processes, and the type of support that Ms. Fairchild is providing will be valuable. The monies may get us through May; however Staff would prefer to keep her onboard until the end of October and then let the contract finish up at that point.

Commissioner Sisolak stated that he was unconformable with not knowing how much was left unspent. It could be 55,000, 45,000, 65,000 and no one really knows. He stated first the contract expired in January, and then talking about May then about October. He would like to consider extending it through October and supplement funds that are needed. The preference is not to supplement the funds if it's not needed. He felt it would be prudent. He agreed with extending it with the 550 hours which was still 10 hours a week from now till then. He suggested that Staff could do some of this work instead of FCG.

Ms. Harkins emphasized that Staff is overloaded with work. Staff is finishing up with the electric service contracts and now have transmission contracts to renegotiate which will expire September 30, 2017. Staff is working on scheduling agreements with scheduling entities, and there are three balancing areas when previously there was only one. There are three scheduling entity agreements that will need to be done and presented. The June deadline was pushed back with all the other customers to get the electric service contracts done because of knowing another bulk of work was needed for another year. Work needs to be done on the scheduling and billing systems, and pooling arrangements between customers so when one customer is not going to use the Hydropower in a month it automatically goes to another one. There is a ton of work that has to be done.

Commissioner Sisolak stated that he was not diminishing the amount of work that had to be done.

Ms. Harkins emphasized that everyone was working very hard to get this all done. Ms. Fairchild's help had been invaluable. Ms. Harkins expressed that she is happy if only the contract is extended. Staff's intention was that by doing the contract extension and additional amount request together it would save some of the time it takes to put a contract together and

present it to the Board of Examiners. Separate requests will take time away from getting all the other work that is needed to be done; however taking the additional 35,000.00 off the request would be fine.

Commissioner Kelley said she have a question for Commissioner Sisolak. He used the term not being “prudent”, which she understood. Are there any other concerns beyond that; relative to approving it today?

Commissioner Sisolak stated yes, absolutely. Every time you make the contracts not-to-exceed you almost exceed, but you do not exceed. There is no doubt in his mind that if this increased to \$291,000.00 and extended until October 2017, \$285,000.00 plus is going to be spent prior to the end date. If it had not been already allocated, he does not know if it would be spent. Maybe it would be more prudent if the time and the billing was handled differently; not knowing how much more is going to be available. It would not make sense when there are 20 or 30 hours left. There is 550 hours left to bill which is a lot of time. He is not comfortable allocating more money until some of that money is spent down. It could come back that it was a mistake and it was \$72,000.00 that is left.

Commissioner Kelley asked if the item was not approved today, will there be additional burdens placed relative to getting the work done.

Ms. Harkins answered that because FCG’s contract ends in January it would need to be presented to the Commission no later than November, and get placed on the January Board of Examiners to make sure there was no break in service for the time extension.

Commissioner Kirkpatrick asked if it needed to go in front of the Board of Examiners to extend the contract or just to allocate the additional money.

Ms. Harkins answered both, both needs to go before the Board of Examiners.

Commissioner Sisolak confirmed that he had no problem extending the contract.

Ms. Bates explained that her understanding is it does not need to go before the full Board of Examiners for only a contract extension. The authorization can be done through the Board of Examiners’ clerk.

Commissioner Sisolak stated that this is a big difference. It would have been helpful to know going in what had or not had to be done. With not having to wait for the full Board of Examiners, he is in favor of extending the contract until October 2017, but not allocating more money.

Chairwoman Premsrirut asked for clarification that approval from the Board of Examiners is needed on an increase in the amount of the contract, but not the full Board of Examiners on an extension to the contract.

Ms. Bates replied correct.

Commissioner Kelley asked for clarification on if the contract is extended through October 2017 with no additional funds at this time; what ramifications are there in terms of the management of the work, and if additional dollars would be needed.

Ms. Harkins answered that Staff would bring the item back to the Commission for consideration, and noted there would be a much better cost estimate because it would be further into the process.

Commissioner Kirkpatrick stated if today the contract is extended and at a later time Staff brings back a request for an increase in the amount, to include for the Commission the cost allocation on the work for the additional dollars. Commissioner Kirkpatrick would like an understanding on costs, such as if the allocation was \$5,000.00 per public meeting or an anticipation that FCG is going to need six hours of prep time, something which explains what it is. She added that maybe in the budget, Staff should try to add another administrative person to help offset some of this.

Mr. Pyper explained that he has been looking and estimating FCG time by comparing prior processes with the same amount of dollars, hours it took doing these processes and additional processes that need to be done. If more detail is requested he will try to accommodate by providing the information needed for the increase.

Commissioner Kirkpatrick said absolutely, would like to know what the starting balance is and then why the request for additional dollars. In government there is always some kind of cost allocation when putting numbers together, some type of cost allocation to show what the expectations are.

Commissioner Sisolak asked if Staff asked Ms. Fairchild what her estimate was to get through the end to October 2017.

Mr. Pyper answered that Ms. Fairchild was not asked for an estimate since Staff created the estimate.

Commissioner Sisolak said might it not be a good idea to have asked the person that is hired how many hours are needed to put in before money is allocated.

Mr. Pyper stated that this could be done.

Commissioner Sisolak commented that he would find it helpful if the expert was asked what they think they would need in terms of time.

Chairwoman Premsrirut advised Staff to present the breakdown and allocation as best as it can be, per project or task; and include Ms. Fairchild's estimate on what she anticipates to be the required billing hours, as well as the rate to take us through the additional tasks needed to be performed.

Commissioner Kelley added that Staff should provide Ms. Fairchild's estimate and then your comments about what additional was needed on top of that.

Mr. Pyper replied okay.

Chairwoman Premsrirut stated she does not think the comments from the Commission are meant to not support Staff or to support the necessity of Ms. Fairchild's work. What concerned the Commission collectively might have been the not knowing what the starting balance is and the amount currently left in the account, and why the request to add additional funds to that amount. It is not for certain what was going to be exhausted, let alone some of the data that would have been needed to make an educated decision.

Commissioner Kelley moved for approval of Amendment No. 2 to extend the length of Contract No. 13978 between FCG and the Commission through October 2017. The motion was seconded by Commissioner Kirkpatrick and approved by a unanimous vote.

F. *For Information Only:* Status update concerning the Hoover D Tariff Rider filed by Nevada Power Company in Public Utilities Commission of Nevada (PUCN) Docket No 16-05004.

In 2013, the Nevada Legislature amended NRS 704.787, requiring the PUCN to establish a tariff under which NV Energy (NPC) will provide transmission and distribution services to the Colorado River Commission of Nevada's (Commission's) Schedule D Hoover (Hoover D) Contractors. Commission staff worked with staff of NPC for over a year to develop a proposed tariff implementing NRS 704.787, to ensure that the Commission's Hoover D Contractors could receive the benefit of their Hoover D allocations.

On May 5, 2016, NPC filed a Hoover D tariff rider with the PUCN as required by NRS 704.787, and requested PUCN approval of this tariff rider by October 1, 2016.

At the Commission's May 19, 2016 meeting, it approved filing a Petition For Leave to Intervene in the PUCN's proceedings concerning this filing. Several of the Commission's Hoover D Contractors joined the Commission in filing Petitions For Leave to Intervene including the Cities of Las Vegas, Henderson and North Las Vegas, Nevada System of Higher Education for the University of Nevada Las Vegas and the College of Southern Nevada, and the Nevada Department of Administration. The PUCN approved all of these Petitions For Leave to Intervene, and the listed Hoover D Contractors participated with Commission staff throughout the PUCN proceeding.

At the Commission's August 9, 2016 meeting, it approved execution of a Stipulation in this docket.

Ms. Bates reported that at its August 31, 2016 public meeting, the PUCN Commissioners acting pursuant to NRS 704.787 approved the Stipulation resolving issues regarding NPC's application filed under Advice Letter No. 465 to establish a new tariff rider for customers granted an allocation of Hoover-D power. The effective date of the Hoover D tariff rider is October 1, 2016.

Ms. Bates further noted that the parties to the proceedings worked very hard and cooperatively and wished to express thanks to those entities in no particular order: NV Energy, the PUCN and staff, the Bureau of Consumer Protection, the City of Las Vegas, the City of North Las Vegas, the City of Henderson, the Nevada Department of Administration, and the Nevada Board of Regents of Higher Education. All of those parties were interveners and really worked hard to help get this done.

Chairwoman Premsrirut stated this was great news.

G. For Information Only: Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.

Warren Turkett, Ph.D., Natural Resource Analyst, provided a report on the following:

- Unregulated Inflow & Storage as of September 12, 2016
- Lake Powell Projections based on August 2016 24-Month Study
- Lake Mead Projections based on August 2016 24-Month Study
- Precipitation – Above Lake Powell August Precipitation/Water Year Precipitation
- Water Use in Southern Nevada as of January – July 2016
- Hydropower Capacity

A copy of the report was attached and made a part of the minutes. (See Attachment A)

H. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

I. Comments and questions from the Commission members.

Chairwoman Premsrirut asked if there were any comments or questions from the Commission. There were none.

J. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:00 p.m. on Tuesday, October 11, 2016, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada.

K. Adjournment.

The meeting adjourned at 1:43 p.m.

Jayne Harkins, P.E., Executive Director

APPROVED:

Puoy K. Premsrirut, Chairwoman