

LCB File No. R148-13
Changes between the March 7, 2014 Version Submitted to LCB and
May 8, 2014 Version Noticed for Hearing on June 10, 2014

Section 8(7): Added a new subsection: *“In the event that an applicant offered an allocation of Schedule D power from the Commission fails to enter into a contract with the Commission within 90 days, the Commission will reallocate the amount of power offered to that applicant to other applicant(s) at the Commission’s discretion”*.

Section 11: Deleted *“the criteria developed pursuant to section 7 of this regulation and the provisions of section 8 of this regulation in addition to the remaining provisions of NAC 538”*; added *“this chapter”* prior to *“and to achieve the greatest possible benefit to this state”*. New section now reads *“The Commission will allocate power designated in Schedule D in accordance with this chapter and to achieve the greatest possible benefit to this state”*.

Section 14(1): Added *“NAC 538.440”* between *“pursuant to”* and *“and NAC 538.450”*. Section 14(1) now reads – *“The Commission will reallocate power that becomes available for reallocation pursuant to NAC 538.440 and NAC 538.450 in accordance with the provisions of this section and to achieve the greatest possible benefit to this State”*.

Section 14(2): Added *“NAC 538.440”* between *“pursuant to”* and *“and NAC 538.450”*. Section 14(2) now reads – *“As soon as practicable after power becomes available for reallocation by the Commission pursuant to NAC 538.440 and NAC 538.450, the Commission’s staff must notify the public of the availability of the power”*.

Section 14(8): Added a new subsection – *“In the event that an applicant offered an allocation of power from the Commission fails to enter into a contract with the Commission pursuant to NAC 538.450, the Commission will reallocate the amount of power offered to that applicant to other applicant(s) at the Commission’s discretion”*.

Section 16(1)(a): Inserted *“and”* at the end of sentence.¹

Section 16(1)(b): Added a new subsection – *“Pay applicable tariff rates and charges pursuant to NRS 704.787(4)(a) if the Contractor obtains electric distribution services from an electric utility that primarily serves densely populated counties, and is a customer of the Commission pursuant to NRS 704.787(1)(a) and (b)”*.

Section 16(2)(d): Changed *“receives”* to *“receive”*.¹

Section 16(2)(e): Added a new subsection – *“Pay applicable fees, tariff rates and charges pursuant to NRS 704.787 (2), (3), and (4)(b) if the Contractor is located in the service area of an electric utility that primarily serves densely populated counties, is a customer of the Commission pursuant to NRS 704.787 (1)(c), and will receive Schedule D at delivery points that are not [served pursuant to]¹ an existing Distribution Only Service agreement; and”*.

Section 16(2)(f): Added a new subsection – *“Pay applicable tariff rates and charges pursuant to NRS 704.787 (4)(a) on its Schedule D allocation if the Contractor is located in the service area of an electric*

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utility that primarily serves densely populated counties, is a customer of the Commission pursuant to NRS 704.787 (1)(b), and will receive Schedule D at delivery points that are served pursuant to an existing Distribution Only Service agreement, provided that the Contractor has not previously paid such rates and charges¹.

Section XX (NAC 538.180): Added back into proposed regulation. Deleted “*or of the Executive Director*” between “*...any interested person*” and “*a complaint*”. Deleted “*chapter*” between “*...based on*” and “*NRS*”. Added “*538.181(4) and NRS 538.221*” after “*NRS*”.

Section 29(1): Inserted “*Except as otherwise provided in subsection 7 of Section 8*” before “*If a contractor...*”

Section 31(3): Replaced “*10, 14, 15, and*” with “*through*” between “*9*” and “*16*.”¹

Section 31(4): Replaced “*10, 14, 15, and*” with “*through*” between “*9*” and “*16*.”¹

Section 32(1): Deleted entire subsection.

Section 32(1) [Previously numbered as 32(2) in 3/7/14 version]: Added “*resell, pool*” between “*share*” and “*lease*”; added “*that is not an electric utility*¹” between “*A Contractor*” and “*that purchases power provided by the Commission...*”. Section 32(1) now reads - “*A Contractor, that is not an electric utility, that purchases power provided by the Commission...*”

Section 32(1) [previously numbered as 32(2) in 3/7/14 version]: Added “*reselling, pooling*” between “*sharing*” and “*leasing.*”

Section 32(2)(a): This subsection was 32(3)(a) in the 3/7/14 version – “*Must receive that power at a location in this State which is within Western’s defined marketing area for the project*”.

Section 32(2)(b): [this subsection was Section 32(3)(b) in 3/7/14 version] – “*May not resell that power outside the State or outside Western’s defined marketing area for the project without the prior approval of the Commission*”.

Section 32(2)(c): Added a new subsection – “*May resell that power to serve customers in its service area, within this state and within Western’s defined marketing area, without seeking the approval of the Commission*”.

Section 32(3)(a): [this was subsection 32(4) in the 3/7/14 version] [deleted subsection 4(b) from 3/7/14 version]; changed language from:

“Must pass through to its customers located within Western’s defined marketing area for the Boulder Canyon Project the full benefits of power from Schedule A, Schedule B and Schedule D except as provided in section 5” to

“Must use the full power resource available to them, including energy, capacity, and the dynamic signal and other ancillary services, and pass through to its customers located within Western’s defined marketing area, the economic¹ benefits of the energy, capacity, and dynamic signal and other ancillary services utilized by the customers, except as provided in section 4, and

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shall provide information demonstrating compliance with this requirement upon request of the Commission¹.

Section 32(4) [this was Section 32(5) in 3/7/14 version]: deleted “full”¹ between “the” and “economic.” The word “economic”¹ was struck in the 3/7/14 version, but has been added back in the 5/7/14 version.

Section 34(2): Changed “with revenue quality meter data” to “with such revenue quality meter data as may be required by the Executive Director.”

Section 36(4): Changes made to this section are shown in the following section in within parenthesis and *italicized*, with deletions shown bracketed and ~~[strikeout]~~.

The Commission may utilize the expedited procedure “set forth in this subsection” “to increase or otherwise review the administrative charge” if actual revenue from the administrative charge is 70 percent or less than the amount of revenue projected in accordance with “subsection 3”. Commission staff may develop a proposed increase “or other revision” to the charge and notify Contractors in writing of the proposed ~~[increase]~~ “change” at least 30 days prior to the Commission meeting at which “it” ~~[the proposed increase]~~ will be considered. This notice shall include a statement of the amount of, and the grounds for, the proposed implementation date, and the date of the Commission meeting at which the Commission will make a determination on the proposed increase “or other revision”. The Commission will accept written comments from Contractors regarding the proposed increase submitted no later than 15 days prior to the Commission meeting. The Commission will review the administrative charge “increase or other revision” proposed by staff, and any comments submitted by Contractors, and any other relevant information, in its determination of whether to increase or otherwise revise the administrative charge.

Section 36(5): Added, “consecutive” between “90” and “days”. In that same sentence, added “in any 12 month period” between “more” and “shall.” Line 29 now reads “...load of 30 percent or more for 90 consecutive days or more, in any 12 month period, shall notify the Commission of the decrease in load.¹”

Section 39(1): Changed KWH total under Schedule A from “13,689,000” to “613,689,000.”¹

Section 39(1): Changed KWH total under Schedule B from “341,400,000” to “391,400,000.”¹

Section 39(2): Changed “NV Energy, Inc.” to “Nevada Power Company”¹.

Section 40(6): Restructured for clarity.

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