

**LCB File No. R125-01**

**PROPOSED REGULATION OF THE  
PUBLIC UTILITIES COMMISSION OF NEVADA**

**PROVIDERS OF NEW ELECTRIC RESOURCES**

Docket #01-7021

September 21, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: Section 26 of Assembly Bill No. 661 of the 71st session of the Nevada  
Legislature.

**Section 1.** Chapter 704B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Ancillary services” has the meaning ascribed to it in section 4 of Assembly Bill No. 661 of the 71st session.*

**Sec. 4.** *“Application” means an application filed pursuant to this chapter and chapter 704B of NRS for approval from the commission to purchase energy, capacity or ancillary services from a provider of new electric resources.*

**Sec. 5.** *“Bureau of consumer protection” means the bureau of consumer protection in the office of the attorney general.*

**Sec. 6.** *“Commission” means the public utilities commission of Nevada.*

**Sec. 7.** *“Date of approval” means the date on which the commission issues an order approving an application or the date the application is deemed approved through the inaction of the Commission.*

**Sec. 8.** *“Date of commencement” means the date on which an eligible customer begins or intends to begin purchasing energy, capacity or ancillary services from a provider pursuant to a proposed transaction.*

**Sec. 9.** *“Electric utility” has the meaning ascribed to it in section 7 of Assembly Bill No. 661 of the 71st session.*

**Sec. 10.** *“Electric utility that primarily serves densely populated counties” has the meaning ascribed to it in section 8 of Assembly Bill No. 661 of the 71st session.*

**Sec. 11.** *“Eligible customer” has the meaning ascribed to it in section 10 of Assembly Bill No. 661 of the 71st session.*

**Sec. 12.** *“Energy” has the meaning ascribed to it in section 11 of Assembly Bill No. 661 of the 71st session.*

**Sec. 13.** *“FERC” means the Federal Energy Regulatory Commission of the United States Department of Energy.*

**Sec. 14.** *“New electric resource” has the meaning ascribed to it in section 13 of Assembly Bill No. 661 of the 71st session.*

**Sec. 15.** *“OATT” means the open access transmission tariff of an electric utility that is on file with FERC.*

**Sec. 16.** *“Provider of new electric resources” and “provider” have the meaning ascribed to them in section 15 of Assembly Bill No. 661 of the 71st session.*

**Sec. 17.** *“Regulatory operations staff” means the regulatory operations staff of the commission.*

**Sec. 18.** *“Time-of-use meter” has the meaning ascribed to it in section 16 of Assembly Bill No. 661 of the 71st session.*

**Sec. 19.** *In carrying out the provisions of this chapter and chapter 704B of NRS:*

*1. If an end-use customer is a new end-use customer or has been an end-use customer for less than 12 months in the service territory of an electric utility, the commission will consider the end-use customer to have an average annual load of 1 megawatt or more in the service territory of the electric utility only if the commission determines the end-use customer will consume, during 12 months immediately following the date of commencement, 8,760,000 kilowatt-hours or more of energy in the service territory of the electric utility.*

*2. For all other end-use customers in the service territory of the electric utility, the commission will consider the end-use customer to have an average annual load of 1 megawatt or more in the service territory of the electric utility only if the end-use customer has, during the most recent 12-month period, consumed 8,760,000 kilowatt-hours or more of energy in the service territory of an electric utility.*

*3. The commission will treat each service location of a nongovernmental commercial or industrial entity as a separate end-use customer.*

*4. As used in this section, “service location” means:*

*(a) A single point of delivery;*

*(b) Multiple points of delivery on contiguous property; or*

*(c) Multiple points of delivery that, as of the date on which the application is filed have been treated as a single service location by the electric utility.*

*5. Multiple eligible customers within a single service territory may file a single application pursuant to Section 23 of this regulation. In so doing, all provisions of this regulation must be complied with fully for every eligible customer named in the application.*

*Sec. 20. An eligible customer may not file an application unless the eligible customer complies with all applicable provisions of this chapter and chapter 704B of NRS.*

*Sec. 21. 1. Not later than 30 calendar days before the date on which an eligible customer files an application, the eligible customer shall submit a letter of intent to file its application that contains the information required by this section to:*

- (a) The electric utility that is serving the eligible customer;*
- (b) The regulatory operations staff; and*
- (c) The bureau of consumer protection.*

*2. The eligible customer's letter of intent shall contain the following information:*

*(a) The name of the eligible customer, the address and other contact information for the eligible customer, and information demonstrating that the applicant is an eligible customer.*

*(b) The name of the provider, the address and other contact information for the provider, and information demonstrating that the provider will provide energy, capacity or ancillary services from a new electric resource.*

*(c) Each point of delivery at which the eligible customer intends to purchase energy from the provider and, for each such point of delivery:*

- (1) The physical location of the point of delivery; and*
- (2) The current account number for the point of delivery, the name on each such account and the current billing address and final billing address for each such account.*

*(d) A description of the proposed transaction in the executed agreement between the provider and the eligible customer or, if there is no executed agreement at the time of application, such terms as the eligible customer reasonably expects to be in an executed agreement between the eligible customer and the provider for the purchase of energy, capacity and ancillary services from the provider, which must include:*

*(1) The date of commencement and the duration of the proposed transaction;*

*(2) The amount of energy, capacity, and ancillary services, if any, to be purchased by the eligible customer;*

*(3) The identity of any scheduling coordinator as required by the FERC to be used by the eligible customer in scheduling the delivery of energy to the eligible customer and written confirmation from the scheduling coordinator;*

*(4) The point or points of receipt;*

*(5) The maximum number of megawatts or megawatt-hours to be delivered under the agreement and any load forecasts developed to determine the maximum number of megawatts or megawatt-hours to be delivered under the agreement;*

*(6) Information regarding the nature of the product being purchased, including, without limitation, information regarding whether the energy or capacity is firm;*

*(7) Termination provisions and notice provisions; and*

*(8) Provisions regarding load ramps, both increases and decreases, over the term of the agreement.*

*(e) Information specifying which ancillary services will be taken from which entities.*

*(f) Information indicating whether the new electric resources will be delivered from within or outside of the electric utility's control area.*

*The customer may in its filing indicate terms and conditions it considers to be commercially sensitive, and may designate the letter of intent itself as commercially sensitive. The commission will treat as confidential such information and will not disclose such information except to the regulatory operations staff, the bureau of consumer protection and the electric utility. The regulatory operations staff, the bureau of consumer protection and the electric utility shall be obligated to protect the confidentiality of such information.*

The use of any information provided pursuant to this section shall be limited by the electric utility to the performance of analyses required under this regulation. The information may not be shared with any electric utility retail sales or marketing functions or any other party associated with such functions.

*3. In addition to the information required by subsection 2, if an eligible customer is a governmental entity, the eligible customer shall submit information sufficient to establish that:*

*(a) The eligible customer is a governmental entity; and*

*(b) The facilities and other locations that will be served by the provider are operated by the eligible customer under a common budget and common control.*

**Sec. 22. 1.** *Not later than 15 calendar days before the eligible customer files its application with the commission the existing eligible customer is required to meet in person or telephonically with the electric utility, the bureau of consumer protection and the regulatory operations staff to discuss with them the information produced in the letter of intent, as defined in section 21, and to identify any issues of concern to the electric utility, the bureau of consumer protection and the regulatory operations staff with respect to the proposed transaction.*

2. *The provisions of this section do not preclude the regulatory operations staff, the eligible customer, the electric utility or the bureau of consumer protection from meeting or conferring as often as they deem necessary to accomplish the objectives of this section.*

3. *The regulatory operations staff shall identify any additional data and information that it will need from the electric utility or the eligible customer to carry out the provisions of this section and the format that the electric utility or the eligible customer must use to provide and update the data and information. The electric utility or the eligible customer shall provide and update the data and information in such manner and at such times as the regulatory operations staff may request.*

**Sec. 23.** *In addition to all of the information provided by the eligible customer in Section 21, the eligible customer shall also include the following items in its application:*

1. *Information demonstrating that the eligible customer or its provider has the ability to enter into all transmission service agreements necessary for the provider to deliver energy to the distribution system of the electric utility that is serving the eligible customer, and the proposed rates, terms and conditions of each such agreement. The eligible customer shall be deemed to have met the requirements of this paragraph if the eligible customer or its provider demonstrates that transmission agreements with the electric utility will not be necessary for the provider to deliver energy to the distribution system of the electric utility that is serving the eligible customer or:*

(a) *Demonstrates that it is an eligible customer under the OATT of the electric utility;*

(b) *Agrees, to the extent applicable, to pay all costs for system impact studies, costs for construction and other costs required under the OATT of the electric utility to obtain the necessary transmission service; and*

*2. Information demonstrating that all energy delivered to the eligible customer will be metered through one or more time-of-use meters for each point of delivery.*

*3. Provisions regarding load ramps, both increases and decreases, over the term of the agreement.*

*4. Any applicable system impact studies or facilities studies completed for the transmission service request.*

*5. Any information that is required to update or complete the information required to be filed pursuant to section 21 including, but not limited to, a fully executed agreement, if not already provided.*

*6. Any other information deemed necessary by the regulatory operations staff and requested in writing*

*7. If the date of commencement is before July 1, 2003, and the load of the eligible customer is in the service territory of an electric utility that primarily serves densely populated counties, information and calculations showing that the amount of energy to be purchased from the provider pursuant to the proposed transaction does not result in the 50 percent cap being exceeded when that amount of energy is added to the aggregate amount of energy that will be purchased from providers before July 1, 2003, by all other eligible customers in the same service territory whose proposed transactions have been approved by the commission. Upon request by the eligible customer, the electric utility shall promptly provide any information necessary for the eligible customer to comply with this subsection. As used in this subsection, "50 percent cap" means 50 percent of the difference between:*

*(a) The forecasted annual energy consumption of the electric utility, as adopted by the commission; and*



*(b) The amount of energy to be produced by the electric utility from electric resources which are located in this state and which are owned by the electric utility or are under contract to the electric utility for a term extending beyond the date of commencement of the proposed transaction, as forecasted by the regulatory operations staff.*

*8. If the eligible customer is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties:*

*(a) Information demonstrating that the eligible customer has obtained the required contractual rights in accordance with subsection 2 of section 21 Assembly Bill No. 661 of the 71st session; and*

*(b) A binding offer to assign such contractual rights to the electric utility.*

FLUSH *The commission will treat as confidential all information concerning the price of the energy, capacity and ancillary services to be purchased pursuant to such contractual rights, and the commission will not disclose such information except to the regulatory operations staff, the bureau of consumer protection and the electric utility. The regulatory operations staff, the bureau of consumer protection and the electric utility shall protect the confidentiality of such information.*

*9. Not later than November 15, 2001, the regulatory operations staff shall provide the commission and other interested parties with a detailed description of the methodology by which Eligible customer will estimate the potential cost or benefit to the electric utility and to remaining customers after an eligible customer begins to take energy, capacity or ancillary services from a provider other than the electric utility. The description shall include, without limitation:*

*(a) Assumptions, including timeframe for analysis of cost or benefit impacts to the electric utility and to remaining customers and determination of categories of costs to be addressed.*

*(b) Methodology to analyze net costs or benefits and needed to assure no net negative impacts to remaining customers or to the utility.*

*(c) Identification of the commercial model or algorithm used including narrative description.*

*(d) Information obtained from the electric utility, including updates.*

*(e) Source of cost information for each category of costs referenced in subsection (a) of this section including but not limited to:*

*(1) Electric capacity and energy including electric energy from renewable resources;*

*(2) Transmission;*

*(3) Distribution;*

*(4) Natural gas commodity and capacity; and*

*(5) Other external inputs necessary for the operation of the commercial model or algorithm identified in subsection 2.*

*The electric utility shall provide all information and data, including updates, to the regulatory operations staff and eligible customer as, and in the format requested, by the staff pursuant to subsection (c) above.*

*(f) Information that must accompany any request by a third party to perform an independent analysis of the costs or benefits associated with the information provided pursuant to Section 21 and an application filed in accordance with Section 23 of this regulation, including the cost to perform such analysis, if any.*

*Sec. 24. 1. Except as provided in subsection 2, an eligible customer shall submit the following information no later than 40 days following the filing of its application:*

*(a) A completed and fully executed distribution service agreement between the eligible customer and the electric utility. The distribution service agreement must include, without limitation, a list of each point of delivery at which the eligible customer intends to purchase energy from the provider and, for each such point of delivery:*

*(1) The physical location of the point of delivery; and*

*(2) The current account number for the point of delivery, the name on each such account and the current billing address and final billing address for each such account.*

*(b) A completed and fully executed transmission service agreement and operating agreement with the electric utility meeting all requirements of its OATT.*

*2. If the information set forth in subsection 1 is filed with the commission more than 40 days after the filing of the eligible customer's application but before the commission issues its order on the application, the eligible customer may petition the commission in writing to consider this information in the issuance of its order. If the commission denies the request of the eligible customer to include consideration of the subsection 1 documents in the order, the commission will include in its order a compliance item that permits the commission and the other parties to the proceeding a sufficient amount of time to consider the subsection 1 documentation. If the documentation does not negatively affect the proposed transaction as approved by the commission, no party may petition the commission to reconsider the commission's order approving the application with respect to this documentation. If the documentation demonstrates a negative effect on the approved transaction, then any party to the proceeding may petition the commission to reopen consideration of the application.*

*3. The commission may condition its order approving an application with any other terms, conditions and compliance items it deems necessary to insure that the proposed transaction is not contrary to the public interest. If the subsection 1 documentation is not submitted to the commission pursuant to subsection 2, the commission will condition its order approving the application on receipt of a fully executed distribution services agreement and transmission agreement. In every case, the commission's order will provide that all terms, conditions and compliance items, including those included pursuant subsection 2, must be fully met within 120 days of the issuance of the order.*

*4. Any information submitted to the commission pursuant to this section must also be served upon all parties to the proceeding.*

*5. Any party to the proceeding may petition the commission to reopen consideration of the application not later than 15 days after the expiration of the 120 day deadline for compliance with the commission's order or the date on which the eligible customer submits its final compliance information pursuant to subsection 3 if:*

*(a) The eligible customer fails to meet the 120 day deadline for compliance with the commission's order;*

*(b) The information submitted pursuant to the order is not in compliance with the order; or*

*(c) The information submitted pursuant to the order negatively alters the cost impact of the proposed transaction.*

*6. Sixty days from the date on which the eligible customer submits to the Commission all documentation required by this section, the eligible customer may commence taking service from its provider. In no event may an eligible customer commence service with its provider sooner than 180 days following the filing of its application pursuant to section 23.*

**Sec. 25. 1.** *Not later than 15 calendar days after the filing of an application by an eligible customer in the service territory of an electric utility that primarily serves densely populated counties, the regulatory operations staff will provide to the eligible customer, the provider, the bureau of consumer protection, and the electric utility a draft analysis of any contractual rights under subsection 8 of Sec. 23. Such analysis shall indicate whether these contractual rights will be beneficial or detrimental to remaining customers and a recommendation regarding whether such contractual rights shall be assigned to the electric utility.*

*2. Not later than 25 calendar days after the filing of an application by an eligible customer in the service territory of an electric utility that primarily serves densely populated counties, the regulatory operations staff, the eligible customer, the electric utility, and the bureau of consumer protection shall meet to discuss the results of the draft analysis.*

*3. Not later than 35 calendar days after the filing of the application, the regulatory operations staff shall file a completed analysis with the commission.*

*Not later than 50 calendar days after the filing of the application, any party wishing to file an alternative analysis shall file its analysis with the commission. All such analyses must:*

*(1) Identify the bases for concluding that the analyses required by subsection 3 are deficient, and*

*(2) Include objective information that the methodology used by the party is valid under the range of circumstances included in the analyses submitted by the party.*

**Sec. 26. 1.** *Upon evaluation of the analysis of regulatory operations staff and any analysis filed by another party pursuant to section 25 of an application by an eligible customer in the service territory of an electric utility that primarily serves densely populated counties,*

*the commission will determine whether it is in the public interest to assign such contractual rights to the electric utility. In no event may an eligible customer commence service with its provider sooner than 180 days following the filing of its application pursuant to Section 23.*

*2. If such contracts are deemed to be in the public interest:*

*(a) The eligible customer shall assign such contract to the electric utility.*

*(b) The electric utility shall accept such assignment and shall upon the effective date of the contract include such contract in its portfolio to supply remaining customers. Such contract will be deemed to be prudent and shall not be subject to the provisions of NAC 704.9005 to 704.9168, inclusive, for the purpose of including this contract as an option for supply. Such contract shall not be submitted to the Commission as an amendment to a plan of action pursuant to NAC 704.9503(3).*

*(c) In its subsequent filing for recovery of costs of such contracts, the electric utility shall assign the cost of such contracts to those classes of customers who are not eligible for choice under this Chapter.*

*3. If such contracts are not deemed to be in the public interest, such contractual rights shall remain with the eligible customer.*

**Sec. 27. 1.** *Not later than 15 calendar days after the date on which an eligible customer files an application, the eligible customer shall:*

*(a) Perform its initial analysis of the proposed transaction to estimate the potential impacts of the proposed transaction on the electric utility and the customers remaining with the electric utility; and*

*(b) Release the results of its initial analysis to the regulatory operations staff, the provider, the electric utility and the bureau of consumer protection.*

2. *Not later than 25 calendar days after the date on which an eligible customer files an application, the regulatory operations staff, the eligible customer and the electric utility shall meet at least once to discuss the results of the initial analysis and, if necessary, to exchange information, including, without limitation, the exchange of any suggested additions, modifications or deletions to the initial analysis. The bureau of consumer protection and the provider may each participate fully in each such meeting and in any exchange of information.*

3. *Not later than 35 calendar days after the date on which an eligible customer files its application, the regulatory operations staff shall:*

*(a) Provide its analysis of the proposed transaction. In finalizing its analysis, the regulatory operations staff shall incorporate any information obtained from the eligible customer, the provider, the electric utility and the bureau of consumer protection that the regulatory operations staff determines will most accurately estimate the potential impacts of the proposed transaction.*

*(b) Release the results of its analysis to the eligible customer, the provider, the electric utility and the bureau of consumer protection.*

*(c) Submit its finalized analysis to the commission.*

4. *The eligible customer, the provider, the electric utility, the bureau of consumer protection and any other party of record may submit any suggested additions, modifications or deletions to the finalized analysis and any other information that may be relevant to the proposed transaction. Such information shall be submitted to the commission not later than 50 calendar days after the date the eligible customer has submitted the application. All such analyses must:*

*(1) Identify the bases for concluding that the analyses required by subsection 3 are deficient, and*

*(2) Include information demonstrating that the methodology used by the party is valid under the range of circumstances included in the analyses submitted by the party.*

*5. The provisions of this section do not preclude the regulatory operations staff, the eligible customer, the provider, the electric utility or the bureau of consumer protection from meeting or conferring as often as they deem necessary to accomplish the objectives of this section.*

*6. The regulatory operations staff shall identify the data and information that it will need from the electric utility and the eligible customer to carry out the provisions of this section and the format that the electric utility or the eligible customer must use to provide and update the data and information. The electric utility and the eligible customer shall provide and update the data and information in such manner and at such times as the regulatory operations staff may request.*

**Sec. 28.** *In determining whether a proposed transaction for an existing eligible customer will be contrary to the public interest, the commission:*

*1. Will base its determination on the criteria set forth in subsections 5 and 6 of section 20 of Assembly Bill No. 661 of the 71st session; and*

*2. May consider, without limitation, and give due weight to:*

*(a) The potential impacts of the proposed transaction on the electric utility and the customers remaining with the electric utility as set forth in the analyses required by subsection 3 of section 27 of this regulation.*



*(b) The potential impacts of the proposed transaction on the electric utility and the customers remaining with the electric utility as set forth in any analyses submitted by any party of record to the proceeding on the application.*

*(c) The potential impacts of the proposed transaction on the electric utility and the customers remaining with the electric utility which are of a qualitative nature or of a quantitative nature and which were not included in the analyses required by subsection 3 of section 27 of this regulation.*

*(d) The opportunity or ability of the electric utility to mitigate costs that would otherwise be assigned to the customers remaining with the electric utility.*

*(e) The extent to which the choice of an eligible customer to purchase energy, capacity or ancillary services from the provider increases or decreases existing subsidies to the remaining customers of the electric utility in the same rate class or in other rate classes.*

*(f) Factors that affect system reliability of the electric utility, including, without limitation, whether approval of the application will result in:*

*(1) Construction of additional generation, transmission or distribution assets without cost to the remaining customers of the electric utility;*

*(2) Location of generation assets where they may improve or degrade system reliability;*

*(3) Availability of generation assets that may be dispatched by the electric utility or that may be capable of providing ancillary services such as regulation.*

*(g) Factors that affect the general welfare of the residents and communities of this state, including, without limitation, employment, economic development, and quality of life.*

**Sec. 29. 1. If the commission approves a proposed transaction, the commission will provide as a condition of the proposed transaction that the eligible customer must pay its**

*actual load-share portion of any unrecovered positive balance in the deferred accounts of the electric utility existing as of the date of commencement. The amount to be paid by the eligible customer must be calculated by the electric utility and approved by the commission. As used in this section, “actual load-share portion” means the proportion determined from the ratio of the annual energy load of the customer (numerator) to the total annual retail energy load of the utility (denominator).*

*2. Not later than 60 calendar days before the date of commencement, the electric utility shall provide the eligible customer and the commission with:*

*(a) An estimate of the amount to be paid by or refunded to the eligible customer based upon estimates by the electric utility of the load-share portion of the eligible customer and of the balances that will be in the deferred accounts of the electric utility as of the date of commencement; and*

*(b) All supporting data and calculations.*

*3. The estimated amount that is calculated pursuant to subsection 2 shall be paid by or refunded to the eligible customer, as appropriate, in a manner agreed to by the eligible customer and the electric utility. In the absence of contrary agreement, the payments or refunds shall be made in monthly installments of the remainder of the deferral period. In the most immediately following application filed by the electric utility to clear its deferred accounts pursuant to NRS 704.110, the electric utility shall establish the actual amount that should have been paid by or refunded to the eligible customer. After the actual amount has been established by the electric utility and approved by the commission with any necessary adjustments, the difference between the estimated amount and the actual amount must be paid by or refunded to the eligible customer, as appropriate.*

**Sec. 30.** *1. Except as otherwise provided in this chapter or as may otherwise be provided by the commission, if the commission approves a proposed transaction, the eligible customer shall satisfy, not less than sixty days before the date of commencement, all terms and conditions ordered by the commission as part of its approval of the proposed transaction.*

*2. Except as otherwise provided in Section 24, the commission will not, after the date of approval:*

*(a) Revoke or amend its approval of a proposed transaction; or*

*(b) Add to or modify the terms and conditions ordered as part of its approval of a proposed transaction.*

**Sec. 31.** *1. Not later than 20 calendar days after the date on which the commission issues its final order approving a proposed transaction, the eligible customer shall notify the electric utility of whether the eligible customer intends to proceed with the proposed transaction and, if so, the date of commencement. The date of commencement shall not be less than 60 days after the eligible customer's notification to the electric utility, and in no event shall an eligible customer commence service with its provider less than 180 days following the filing of its application pursuant to section 23. Upon receiving such notification, the electric utility may plan to discontinue procuring for the eligible customer the energy, capacity and ancillary services that the eligible customer will be purchasing from the provider, and shall implement all systems, operations, equipment and other modifications necessary to accommodate the proposed transaction, and shall implement all systems, operations, equipment and other modifications necessary to accommodate the proposed transaction.*

*2. As used in this section, "final order approving a proposed transaction" means the later of:*

*(a) The final order of the commission approving the proposed transaction; or*

*(b) If a party of record files a petition for reconsideration or rehearing concerning that final order, the final decision of the commission on the petition for reconsideration or rehearing.*

*(c) If compliance items are required pursuant to Section 24, the date on which the last compliance item is submitted by the eligible customer and accepted by the commission; or*

*(d) If a party of record files a petition for reconsideration or rehearing concerning that acceptance, the final decision of the commission on the petition for reconsideration or rehearing.*

**Sec. 32.** *Nothing in Sections 1 through 31 of this regulation alters in any manner the terms and conditions of the existing contracts between the eligible customer and the electric utility.*

**Sec. 33.** *For purposes of applications filed pursuant to Sections 1 through 32, the Commission shall find that the eligible customer, the provider, and the electric utility shall have a direct and substantial interest for the purposes of the application. All other entities seeking to participate as a party will need to demonstrate that they have a direct and substantial interest in the application.*