

Chapter 704 of NAC

LCB File No. T021-04

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re investigation and rulemaking regarding the potential)
revision of regulations concerning the Base Tariff Energy) Docket No. 04-6022
Rate component of deferred energy filings.)
_____)

NOTICE OF INTENT TO AMEND/ADOPT/REPEAL REGULATIONS,

NOTICE OF WORKSHOP AND NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of Nevada (“Commission”) will hold a WORKSHOP on **Wednesday, January 5, 2005, at 10:00 a.m.**, at the offices of the Commission, Hearing Room A, 1150 E. William Street, Carson City, Nevada 89701 and Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109, at which time interested persons may appear and be heard. The purpose of this workshop is to receive comments from all interested persons regarding the attached proposed revisions to the Base Tariff Energy Rate component of the deferred accounting regulations for electric utilities drafted by the Commission. Revisions to the Base Tariff Energy Rate component of the deferred accounting regulations for gas utilities will be addressed in the second phase of the proceedings in this matter.

NOTICE IS HEREBY GIVEN that the Commission will also hold a HEARING on **Wednesday, January 5, 2005, at 1:00 p.m.**, at the offices of the Commission, Hearing Room A, 1150 E. William Street, Carson City, Nevada 89701 and Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109, at which time interested persons may appear

and be heard. The hearing may continue from day to day as necessary. The Commission may hear comments from interested persons regarding the proposed regulations. The Commission may also consider other issues related to the provisions of Chapter 233B, 703 and 704 of the Nevada Revised Statutes (“NRS”) and the Nevada Administrative Code, as well as make decisions on procedural issues raised at the hearing. The Commission may also take any such other actions as it deems appropriate under the circumstances.

The following information is provided pursuant to the requirements of NRS 233B.0603:

On July 7, 2004, the Public Utilities Commission of Nevada (“Commission”) voted to open an investigation and rulemaking concerning the potential revision of regulations concerning the Base Tariff Energy Rate component of deferred energy filings. The Commission has designated this matter as Docket No. 04-6022.

The Presiding Officer has bifurcated the proceedings in this matter into two phases. The first phase will address modifications of the BTER component for electric utilities. The second phase will address modifications of the BTER component for gas utilities. The attached proposed regulations address only the first phase of the proceedings.

The proposed regulations potentially would affect all gas and electric utilities using deferred accounting. At this time, the Commission cannot quantify either the adverse or beneficial economic effects on the entities affected by the regulations or the public, either immediate or long-term, which may result from the regulations.

The Commission cannot quantify the potential costs associated with enforcement of these proposed regulations. The regulations do not overlap or duplicate any federal, state or local regulations. The regulations do not establish any new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Commission may appear at the scheduled public workshop or hearing, or address their comments, data, views, or arguments, in written form, to the Secretary of the Commission, 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adopting any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the county courthouses located in Reno, Carson City, and Las Vegas.

By the Commission,

CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL)

LCB File No. T021-04

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

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Section 2. NAC 704.032 is hereby amended to read as follows:

704.032 “Base tariff energy rate” means

1. For an electric utility, the rate determined by dividing the ~~annualized~~ cost of fuel for generation and purchased power by applicable sales as described in NAC 704.130; or
2. For a gas utility, the rate determined by dividing the annualized cost of purchased gas by applicable sales as described in NAC 704.135.

Section 3. *NAC 704.XXXX Base tariff energy rate application defined.*

“Base tariff energy rate application” means an application to revise the base tariff energy rate filed pursuant to subsection 2 of Section 5.

Section 4. NAC 704.116 is hereby amended to read as follows:

704.116 1. Except as otherwise provided in subsection 2, each electric utility and gas utility shall file annually with the Commission a deferred energy application for each of its jurisdictional operating departments in this State setting forth its calculations of the deferred energy accounting adjustment ~~and the base tariff energy rate~~.

2. An electric utility or gas utility may file with the Commission a semiannual deferred energy application if the net change in revenue necessary to clear the change in the deferred energy account balance at the end of the 6-month period exceeds plus or minus 5 percent of the total revenue at the last authorized rates for fuel for electric generation and purchased power or purchased gas.

3. Each electric utility and gas utility shall file its deferred energy application not later than 45 days after the adjustment date.

4. If an electric utility files a deferred energy application while a general rate application is pending before the Commission, the electric utility shall:

(a) Submit with its deferred energy application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

5. The deferred energy accounting adjustment of an electric utility or gas utility must be calculated pursuant to NAC 704.101 and 704.111.

~~6. [An increased or decreased base tariff energy rate must be based on the volumes as described in NAC 704.130, for electric operations, and NAC 704.135, for gas operations, for the test period at the latest experienced unit costs].~~

~~[7. The base tariff energy rate of an electric utility or gas utility remains in effect until an amended rate is authorized by the Commission.]~~

~~[8.]~~ The deferred energy accounting adjustment of an electric utility or gas utility remains in effect until the end of the designated amortization period or until an amended rate is authorized by the Commission, whichever occurs first.

Section 5: *NAC 704.XXXX Base tariff energy rate change and effective period.*

1. Each electric utility and gas utility shall file with its deferred energy application the base energy rate calculated pursuant to Section 7 or NAC 704.135. Upon providing notice in its deferred energy application, an electric utility may update the base tariff energy rate calculation 60 days after the filing of the deferred energy application.

2. An electric utility may file a base tariff energy rate application if it does not have a deferred energy application pending pursuant to subsection 2 of Section 4. An electric utility that files a base tariff energy rate application shall:

(a) Submit its base tariff energy rate application 120 days prior to the adjustment date for the deferred energy application filed pursuant to subsection 1 of Section 4 and

(b) Calculate the base tariff energy rate pursuant to Section 7.

3. The base tariff energy rate of an electric utility or gas utility remains in effect until an amended rate is authorized by the Commission. If the electric utility files to revise the base tariff energy rate pursuant to subsection 2 of Section 5, the Commission will authorize any

amended rate from that proceeding to become effective on the day following the adjustment date for the deferred energy application filed pursuant to subsection 1 of Section 4.

Section 6: NAC 704.118 is hereby amended to read as follows:

704.118 1. ~~[If an]~~ *An* electric or gas utility *that* files ~~[an application for]~~ a deferred energy application pursuant to NAC 704.116, *or an electric utility that files a base tariff energy rate application pursuant to subsection 2 of Section 5*, ~~[the utility]~~ shall:

(a) Within 10 days after filing the application, make available at each of its business offices a complete copy of the application in such form and place as to be readily accessible to and conveniently inspected by the public;

(b) Within 10 days after filing the application, print in plain type and post at each of its business offices, in such form and place as to be readily accessible to and conveniently inspected by the public, a notice stating that the application has been filed with the Commission, describing briefly the purpose of the application, indicating that the complete application is available for public inspection on the premises and setting forth the locations where additional information may be obtained; and

(c) Within 20 days after filing the application, submit to the Commission affidavits that indicate that the application has been filed and that the utility has complied with the provisions of paragraphs (a) and (b) of this subsection.

2. After the Commission has scheduled a date for a hearing on the application, the applicant shall, at least 10 days before the scheduled date of the hearing, give notice to its customers who are affected by the proposed increase. The first paragraph of the notice must state the date, time and place of the hearing, the total amount of the proposed increase in dollars, the estimated proposed monthly increase in dollars and the proposed percentage of increase for each class of customer or class of service. The notice must also state that the Commission may set rates which may be higher or lower than the rates proposed in the application and that additional information may be obtained from the Commission or at the offices of the electric or gas utility filing the application. The notice must be given by at least two of the following methods:

- (a) Inclusion in the regular bill of charges transmitted to the applicant's customers.
- (b) Separate mailing to each of the applicant's customers.

(c) Prominent presentation in one or more forms of the media, including newspapers, television and radio, so that the notice will likely reach the applicant's customers.

3. At or before the hearing, the applicant must submit a verified statement to the Commission that the notice required in subsection 2 has been given. The statement must:

(a) Set forth the means by which, and the dates and times when, the notice was mailed, published or broadcast; and

(b) Include, as an attachment, a copy of the notice as mailed, published or transcribed.

Section 7 NAC 704.130 is hereby amended to read as follows:

704.130 The base tariff energy rate (BTER) for fuel for electric generation and for purchased power ~~[must be established in the deferred energy application of an electric utility and must be based on the following formula]~~ *shall be calculated by the utility using each of the following methodologies. The electric utility shall provide both calculations and recommend its preferred BTER methodology.*

1. A forecasted BTER for the period the BTER is anticipated to be in effect, using an appropriate production cost model, sales forecast, and fuel and purchase power cost forecast.

2. A historic BTER using the following formula:

~~[Let]~~ *Where:*

MG = Units of fuel used for the test period by each generating station for each type of fuel used.

UG = The latest experienced unit cost, for a reasonably significant volume purchased, for each type of fuel used in each generating station.

FG = Other latest known costs associated with fuel used in electric generation as enumerated in the accounts specified in paragraph (a) of subsection 2 of NAC 704.120.

PPF = Total megawatt-hours purchased under firm obligation and net associated interchanged power for the test period.

UPF = The latest experienced unit energy costs for firm power and associated net interchanged power from each supplier.

PPN = Total megawatt-hours purchased under nonfirm sales and associated net interchange power for the test period.

UPN = The average weighted cost for nonfirm power and associated net interchange power purchased during the test period (recorded cost).

FP = Fixed costs associated with the purchase and net interchange of power as may be enumerated in the account specified in paragraph (b) of subsection 2 of NAC 704.120.

T = Total sales of megawatt-hours which have been sold, exclusive of nonfirm sales, for the test period.

Then:

$$((MG \times UG) + FG) + ((PPF \times UPF) + (PPN \times UPN) + FP)$$

$$BTER = \frac{\text{---}}{T}$$