

**ADOPTED REGULATION OF THE
COLORADO RIVER COMMISSION**

LCB File No. R123-00

Effective February 15, 2001

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

AUTHORITY: §§1-20 and 22-31, NRS 538.201; §21, NRS 538.191 and 538.201.

Section 1. Chapter 538 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Operating year” means the 12-month period that commences October 1 of each year, immediately following midnight of September 30 of that year, and ends at midnight of September 30 of the following year.*

Sec. 3. *The provisions of NAC 538.340 to 538.740, inclusive, and sections 2 and 3 of this regulation apply to power allocated by the commission from the Boulder Canyon Project, Parker-Davis Project or Salt Lake City Area Integrated Projects.*

Sec. 4. NAC 538.340 is hereby amended to read as follows:

538.340 As used in NAC 538.340 to ~~[538.730,]~~ **538.740**, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 538.350 to 538.390, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 5. NAC 538.350 is hereby amended to read as follows:

538.350 “Contractor” means any entity ~~[which]~~ *that* contracts with the commission to purchase power from the Boulder Canyon ~~[or]~~ *Project*, Parker-Davis ~~[project]~~ *Project* or Salt Lake City Area Integrated ~~[projects.]~~ *Projects*.

Sec. 6. NAC 538.400 is hereby amended to read as follows:

538.400 The commission’s marketing area for the resources of the Boulder Canyon ~~[]~~ *Project*, Parker-Davis *Project* and Southern District of the Salt Lake City Area Integrated ~~[projects]~~ *Projects* is the same as Western’s marketing area in this state for those resources.

Sec. 7. NAC 538.410 is hereby amended to read as follows:

538.410 An applicant for an allocation of power from the commission must supply information as requested by the commission and must:

1. ~~[Presently hold a contract for hydroelectric power from the commission or be an electric utility whose principal load:~~

~~—(a) Has a peak demand of 8 megawatts or more; and~~

~~—(b) Is located within Western’s marketing area in this state for power from the Boulder Canyon, Parker Davis and Southern Division of the Salt Lake City Area Integrated projects;]~~

Be an entity to which the commission is authorized by law to sell electricity or provide transmission service or distribution service, or both;

2. Be able to receive energy from one *or more* of the commission’s points of delivery ~~[at Amargosa, Basic,]~~ *, including, without limitation, Amargosa substation, Basic substation, Boulder City switchyard, Boulder City tap, Clark tie [and McCullough switchyard for delivery of power from the Parker-Davis and Salt Lake City Area Integrated projects and Hoover switchyard and Mead substation for delivery of power from the Boulder Canyon project, but an applicant for power from the Boulder Canyon project must be willing and able to substitute delivery at Hoover*

~~switchyard for delivery at Mead substation if Western cancels the Hoover switchyard as a point of delivery;], Eastside substation, Mead substation or Newport substation;~~

3. Be able to maintain a ratio between “real power” in kilowatts and “apparent power” in kilovoltamperes (“power factor”) within at least 95 percent, if called upon to do so;

4. Meet ~~[Western’s]~~ *the* requirements for a program for conservation and renewable energy ~~[under its regulations adopted]~~ *or a similar program, however designated, set forth as a condition to the purchase of power by:*

(a) *Regulations adopted by Western* pursuant to 42 U.S.C. ~~[[§§ 7275 and]~~ § 7276;

(b) *Federal statute; or*

(c) *The commission;* and

5. If the applicant is an electric utility ~~[, be]~~ :

(a) *Have a principal load that:*

(1) *Has a peak demand of at least 8 megawatts; and*

(2) *Is located within Western’s marketing area in this state for power from the Boulder*

Canyon Project, Parker-Davis Project or Southern Division of the Salt Lake City Area Integrated Projects; and

(b) *Be* qualified to receive preference power under the applicable provisions of federal law relating to preference power when applying for electric power from the Parker-Davis ~~[and]~~ *Project or Salt Lake City Area Integrated [projects.] Projects.*

Sec. 8. NAC 538.420 is hereby amended to read as follows:

538.420 1. Power from the Boulder Canyon *Project* and Parker-Davis ~~[projects]~~ *Project* will be marketed by the commission during two seasons as follows:

(a) The summer season for any calendar year is the 7-month period beginning the first day of the commission's billing period for March and continuing through the last day of its billing period for September.

(b) The winter season for any calendar year is the 5-month period beginning the first day of the commission's billing period for October and continuing through the last day of its billing period for February in the next succeeding calendar year.

2. Power from the Salt Lake City Area Integrated ~~project~~ *Projects* will be marketed by the commission during the following seasons:

(a) The summer season for any calendar year is the 6-month period beginning the first day of the commission's billing period for April and continuing through the last day of its billing period for September.

(b) The winter season for any calendar year is the 6-month period beginning the first day of the commission's billing period for October and continuing through the last day of its billing period for March of the next succeeding calendar year.

Sec. 9. NAC 538.440 is hereby amended to read as follows:

538.440 ~~Any amount of power recaptured by the commission from a contractor for nonuse will be reallocated at that time by the commission.~~ *If a contractor loses its entitlement to power allocated to it by the commission pursuant to NAC 538.340 to 538.670, inclusive, the commission will reallocate that power in the manner provided in those provisions.*

Sec. 10. NAC 538.450 is hereby amended to read as follows:

538.450 If an entity ~~which~~ *that* has been offered an allocation of power from the commission fails, within a reasonable time as determined by the commission, to enter into a contract with the commission in accordance with the terms and conditions set by the

commission, the commission will reallocate the amount of power offered to that entity in the manner provided in NAC 538.340 to ~~[538.730,]~~ **538.670**, inclusive.

Sec. 11. NAC 538.470 is hereby amended to read as follows:

538.470 ~~[H.]~~ Capacity from the Boulder Canyon ~~[.]~~ **Project**, Parker-Davis **Project** and Salt Lake City Area Integrated ~~[projects]~~ **Projects** will be ~~[offered]~~ :

1. Offered by the commission at varying load factors ~~[.~~

~~—2.— The capacity from the Boulder Canyon project available on June 1, 1987, and that available thereafter as the program for increasing capacity is completed will be identified] ; and~~

2. Identified by the commission in an exhibit to the contract to purchase power.

Sec. 12. NAC 538.480 is hereby amended to read as follows:

538.480 All energy from the Boulder Canyon ~~[project]~~ **Project** designated in Schedule C at 43 U.S.C. § 619a(a)(1)(C) ~~[, resources of short-term power]~~ and any additional power from the Parker-Davis ~~[project]~~ **Project or Salt Lake City Area Integrated Projects** offered to the commission may be accepted by the director of the commission on behalf of the commission and will be offered by the director of the commission on behalf of the commission at the time those resources become available and in the most equitable manner as determined by the director of the commission, **first**, to entities ~~[which]~~ **that** hold contracts for hydroelectric power from the commission , and ~~[can meet]~~ **then, to any other entity to which the commission is authorized by law to sell electricity. All entities must observe** whatever restrictions are placed on that power.

Sec. 13. NAC 538.500 is hereby amended to read as follows:

538.500 1. ~~[Existing contracts for power from the Boulder Canyon project expire by their own terms.]~~ Contracts for the delivery of long-term power from the Boulder Canyon ~~[project]~~ **Project** allocated under NAC 538.340 to ~~[538.730,]~~ **538.740**, inclusive, **and sections 2 and 3 of**

this regulation become effective on the day they are executed and ~~terminate~~ *expire* on the last day of the billing period for September 2017, unless terminated before that date by the contractor or the commission in accordance with the terms of the contract.

2. ~~Existing contracts for power from the Parker-Davis project, as amended, terminate on the same date as the contracts for power from the Boulder Canyon project.~~

~~3.]~~ Contracts for the delivery of long-term power from the Parker-Davis ~~project~~ *Project* allocated under NAC 538.340 to ~~538.730,]~~ *538.740*, inclusive, *and sections 2 and 3 of this regulation* become effective on the day they are executed and ~~terminate~~ *expire* on the last day of the billing period for September 2007 ~~].~~

~~4.], unless terminated before that date by the contractor or the commission in accordance with the terms of the contract.~~

3. Contracts for the delivery of long-term power from the Salt Lake City Area Integrated ~~projects~~ *Projects* allocated under NAC 538.340 to ~~538.730,]~~ *538.740*, inclusive, *and sections 2 and 3 of this regulation* become effective on the first day of the billing period for October 1989, and ~~terminate~~ *expire* on the last day of the billing period for September 2004, unless terminated before that date by the contractor or the commission in accordance with the terms of the contract.

~~5.] 4.~~ The term of contracts for short-term power will be determined by the director of the commission for each contract.

5. *The commission will, upon the expiration of a contract described in subsection 1, 2 or 3, offer to the contractor the right to renew the contract. This right is subject to the conditions set forth in subsection 7 of NRS 538.181 and the terms for such renewal provided in the contract.*

Sec. 14. NAC 538.510 is hereby amended to read as follows:

538.510 If a contractor cannot use ~~[its entitlement of power]~~ *a portion of the power allocated to it by the commission* in any month, the commission will, in cooperation with the contractor, endeavor to find markets for that power and arrange for the necessary transfer of delivery. *Purchasers of that power must observe whatever restrictions are placed on the use of that power.* The money received by the commission from the sale of that power to others will be credited to the contractor, except that the commission will collect no more than the contractor's cost of the power. The failure by the commission in whole or in part to make such an arrangement does not relieve the contractor of its obligation to pay the commission for the full amount of the power for which it contracted, whether the power is delivered to the contractor or to others.

Sec. 15. NAC 538.530 is hereby amended to read as follows:

538.530 ~~[A program for conservation and renewable energy must be established by]~~

1. Except as otherwise provided in subsection 3, each contractor ~~[for power from the Boulder Canyon or Parker Davis project or Salt Lake City Area Integrated projects]~~ shall, within 1 year after ~~[the contracts are executed.]~~ entering into a contract with the commission pursuant to NAC 538.340 to 538.740, inclusive, and sections 2 and 3 of this regulation, establish and maintain a program for conservation and renewable energy or a similar program, however designated, set forth as a condition to the purchase of power by:

(a) Regulations adopted by Western pursuant to 42 U.S.C. § 7276;

(b) Federal statute; or

(c) The commission.

2. When requested, the commission, with the help of Western and to the extent possible, will guide and assist the contractor in the development of its program.

3. *The provisions of subsection 1 do not apply if Western accepts a program for conservation and renewable energy or a similar program, however designated, established and maintained by the commission on behalf of the contractor.*

Sec. 16. NAC 538.540 is hereby amended to read as follows:

538.540 1. No retail contractor ~~{which}~~ *that* contracts with the commission for power from the Boulder Canyon ~~{or}~~ *Project*, Parker-Davis ~~{project}~~ *Project* or Salt Lake City Area Integrated ~~{projects}~~ *Projects* may resell any of that power.

2. No electric utility ~~{which}~~ *that* contracts with the commission for power from the Boulder Canyon ~~{or}~~ *Project*, Parker-Davis ~~{project}~~ *Project* or Salt Lake City Area Integrated ~~{projects}~~ *Projects* may resell any of that power outside of its service area without the approval of the commission.

3. The Nevada Power Company shall pass through to its residential class of ratepayers the benefits of power from Schedule B.

Sec. 17. NAC 538.550 is hereby amended to read as follows:

538.550 No contractor may assign or otherwise transfer its rights under its contract with the commission without the prior written approval of the commission. Before approval will be granted by the commission, the transfer must be consistent with the provisions of NAC 538.340 to ~~{538.730, inclusive.}~~ *538.740, inclusive, and sections 2 and 3 of this regulation.*

Sec. 18. NAC 538.560 is hereby amended to read as follows:

538.560 ~~{1.}~~ Except as *otherwise* provided in this ~~{subsection,}~~ *section*, if *, for 3 consecutive operating years*, a retail customer does not use ~~{its}~~ *the* full allocation of power ~~{for}~~

~~3 consecutive years,] made available to it by the commission,~~ the commission, after notifying the contractor, may reduce its allocation to that contractor to the extent of the contractor's failure to use ~~[its] that~~ full allocation. A reduction will not be made if the contractor's failure to use ~~[its] that~~ full allocation is caused by the implementation of a *program for* conservation and renewable energy *or a similar* program, *however designated, described in NAC 538.530 and* approved for the contractor by Western or the commission.

~~[2. To the extent there is a reduction in the capacity of the Hoover power plant because any part of the program for increasing capacity is not completed or because of any other reason attributable, as determined by the commission, to that program, the total amount of capacity from Schedule B allocated to contractors will be reduced by the same amount the commission's allocation is reduced. The reductions to the contractors will be distributed by the following percentages:~~

Lincoln County Power District No. 1.....	6.1170213
Overton Power District No. 5.....	8.2446809
Valley Electric Association.....	9.3085106
Boulder City.....	4.5212766
Nevada Power Company.....	66.4893617
Colorado River Commission1.....	5.3191489

FLUSH ~~If, after such a reduction of capacity, the capacity is reinstated in whole or in part, the amounts reduced will be restored, to the extent reinstated, to the contractors who experienced the reduction of capacity.~~

~~—To be allocated to the utility serving the Laughlin/Searchlight service area at the time contracts for the purchase of power are signed.]~~

Sec. 19. NAC 538.570 is hereby amended to read as follows:

538.570 1. A contractor shall provide suitable equipment for metering *power allocated to it pursuant to NRS 538.340 to 538.740, inclusive, and sections 2 and 3 of this regulation* to ~~[account for energy delivered to it.]~~ *provide data as required by the director of the commission.*

2. The equipment for metering must be installed at the contractor's designated points for measuring and must ~~[provide data as indicated in agreements entered into by all contractors. Meters must be tested by the contractor, its agents or assigns at least once a year. Representatives of the commission must be afforded a reasonable opportunity to be present at that testing.~~

~~—2.—The meters must be sealed, and the seals may be broken only when the meters are inspected, tested or adjusted. Representatives of the commission and the contractor must be afforded a reasonable opportunity to be present upon such occasions. Any meter found to be defective or inaccurate must be repaired, and energy delivered when a meter fails to register will, for billing purposes, be estimated from the best information available.~~

~~—3.—If any test of a meter discloses that the meter is in error in excess of 2 percent, correction based upon the inaccuracy must be made of the records of power furnished during the period of use between the time of the test of the meter and the time of any identifiable cause of inaccuracy or the first day of the preceding billing period, whichever is shorter. Any billing resulting from a correction in the records for a meter must be made on the next monthly bill, and the correction constitutes full adjustment of any claim between the commission and the contractor arising out of the inaccuracy of the meter. If the requirements for metering change, those changes must be~~

~~indicated in an agreement.]~~ *be maintained, tested and repaired as required by the director of the commission.*

3. The director of the commission shall provide for the full adjustment of claims between the commission and a contractor arising from the inaccuracy of a meter.

Sec. 20. NAC 538.590 is hereby amended to read as follows:

538.590 1. The capacity and energy available to the contractors for each month by the commission will be shown by an annual report or by exhibits to the contracts for power from the Boulder Canyon ~~[.]~~ *Project*, Parker-Davis *Project* or Salt Lake City Area Integrated ~~[projects.]~~ *Projects*.

2. Scheduling and accounting procedures will be established by the commission to adjust for any variations between the contractual energy available for delivery and the actual deliveries.

3. If requested by the contractor, the commission, in preparing the exhibits, will endeavor to approximate that contractor's seasonal and monthly pattern of usage of energy. The extent to which the commission is able to accommodate these patterns is contingent upon the monthly availability of energy.

4. The commission ~~[shall,]~~ *will*, in the contracts for power from the Boulder Canyon ~~[project,]~~ *Project*, allow for a reduction in capacity due to loss of head or flow or to outages of generating units or other factors . ~~[not attributable, as determined by the commission, to the program for increasing capacity.]~~ Such a reduction will be apportioned by the commission among the contractors for capacity from the Boulder Canyon ~~[project,]~~ *Project*. The commission will not discriminate between the capacity designated in Schedule A at 43 U.S.C. § 619a(a)(1)(A) and Schedule B in apportioning the shortages. The pro rata share of any contractor is the proportion its capacity bears to the total capacity available under Schedules A and B.

Sec. 21. NAC 538.610 is hereby amended to read as follows:

538.610 1. The ~~{commission will include in each contract, as exhibits, schedules of rates containing Western's effective}~~ rates *or charges payable by a contractor to the commission* for capacity ~~{}~~ *or* energy *from the Boulder Canyon Project, Parker-Davis Project or Salt Lake City Area Integrated Projects* and *for* wheeling ~~{}~~ *energy from the Parker-Davis Project or Salt Lake City Area Integrated Projects must be Western's effective rates or charges for those resources. These rates or charges,* the commission's administrative charge and any other costs associated with the contracted resource ~~{}~~ *will be shown by a periodic report or by exhibits to the contracts for power from these projects.* These rates, *charges* and costs may vary due to changing conditions. Some rates *or charges* may be estimated for a portion of an operating year with an adjustment, for the months the estimate is used, in the month the actual rate *or charge* is established.

2. At the time the commission is notified by Western of any change in the rates ~~{}~~ *or charges,* the commission will notify its contractors of the change.

3. The administrative charge is based on a projection for ~~{5} 2~~ years of *all* costs for the commission's operations relating to ~~{power.} the contractors.~~ Those estimated costs are divided by *the total* estimated ~~{sales} number of kilowatt-hours of all energy, including both hydroelectric and nonhydroelectric, to be delivered~~ to contractors to arrive at a rate per kilowatt-hour. The administrative charge may be increased or decreased after the commission notifies the contractors of the grounds for the increase or decrease.

Sec. 22. NAC 538.620 is hereby amended to read as follows:

538.620 1. The commission, in cooperation with the contractor, will establish scheduling and accounting procedures based upon standard practices of utilities. These procedures must be

set forth in an agreement ~~[and, as to metering losses and voltage, are subject to the approval of the commission and the Nevada Power Company as the agent to control the load for the area.]~~
approved by the director of the commission.

2. Deliveries of power from the Boulder Canyon ~~[or Parker-Davis project]~~ *Project, Parker-Davis Project* or Salt Lake City Area Integrated ~~[projects]~~ *Projects* will be scheduled by the commission in advance in accordance with the procedures set forth in separate scheduling instructions which will provide for schedules to meet the needs of day-to-day or hour-by-hour operations. The instructions must include procedures for determining amounts of power from the Boulder Canyon ~~[;]~~ *Project, Parker-Davis Project* and Salt Lake City Area Integrated ~~[projects]~~ *Projects* delivered to the contractor at each point of delivery and procedures for delivery of losses. The procedures must also specify the conditions under which actual deliveries, which are greater or less than scheduled deliveries during the month of a particular season, will be adjusted in later deliveries in subsequent months of that season.

~~[3.— Except in unusual circumstances as determined by the commission, the commission will not permit energy allocated to a contractor for use within one season to be used in another season.]~~

Sec. 23. NAC 538.640 is hereby amended to read as follows:

538.640 If the commission requires, a contractor must schedule a minimum rate of delivery during off-peak hours of load, as defined in the contract. The percentage of energy to be taken by the contractors at the minimum scheduled rate of delivery will be established by the commission on a seasonal basis and may be increased or decreased as conditions dictate. The monthly minimum rate of delivery for each contractor is computed by dividing the number of kilowatt-hours to be taken during the month by a contractor at the minimum rate of delivery by

the number of off-peak hours of load in the month. The number of kilowatt-hours to be taken during off-peak hours of load at the minimum rate of delivery from the Boulder Canyon ~~[project]~~ *Project* must not exceed 25 percent of the contractor’s monthly entitlement of energy. The minimum hourly rate of delivery for capacity scheduled from the Salt Lake City Area Integrated ~~[projects]~~ *Projects* must be 35 percent of the contractor’s scheduled rate of delivery. At no time may the required minimum rate of delivery be greater than the contractor’s actual load.

Sec. 24. NAC 538.650 is hereby amended to read as follows:

538.650 1. The points of delivery and voltages for the marketing area for the Boulder Canyon ~~[]~~ *Project*, Parker-Davis *Project* and Salt Lake City Area Integrated ~~[projects]~~ *Projects* are:

Location	Kilovolts
Parker-Davis Project	
Amargosa substation	138.0
Basic substation	230.0
[Basic substation]	13.8]
Boulder City switchyard	69.0
[Boulder City switchyard]	2.4]
Boulder City tap	230.0
[McCullough switchyard]	500.0]
McCullough switchyard	230.0]
Clark tie	230.0

Location	Kilovolts
Boulder Canyon Project	
Hoover switchyard	287.5
Hoover switchyard	230.0
Hoover switchyard	13.8
Hoover switchyard	69.0
<i>Mead substation</i>	<i>69.0</i>
Mead substation	230.0

Location	Kilovolts
Salt Lake City Area Integrated Projects	
Pinnacle Peak	230.0
Amargosa substation	138.0
Basic substation	13.8 230.0
Boulder City tap	230.0
Clark tie	230.0

2. Delivery will be made at designated points on Western’s ~~“Boulder City Area Transmission System”~~ *“Parker-Davis Project Southern Nevada Facilities”* at rates of delivery not to exceed the available capability of the ~~[system.]~~ *facilities*. The designated points of delivery

and Western's [~~"Boulder City Area Transmission System"~~] "*Parker-Davis Project Southern Nevada Facilities*" may be modified as required. [~~Under Western's proposed operations plan, if accepted, all power from the Boulder Canyon project will be delivered at the Mead substation, though the 69 kilovolt point of delivery at the Hoover switchyard may be retained.~~]

3. The designation of a point of delivery does not imply any obligation on the commission's part to furnish additional facilities or to increase the capabilities of transmission or of the transformer at the designated points. Each contractor must obtain the permission of the commission for any modification to existing facilities and alternate or additional points of delivery. Requests for taps on Western's [~~"Boulder City Area Transmission System"~~] "*Parker-Davis Project Southern Nevada Facilities*" will be considered by the commission individually.

4. Any cost associated with obtaining points of delivery or voltage at other than those set forth in subsection 1 is the obligation of the contractor.

5. Power from the Boulder Canyon Project will be delivered at the Mead substation . [~~and designated Hoover switchyards if Western's proposed operational plan is not accepted.~~] If a contractor cannot accept delivery of power from the Boulder Canyon [~~project~~] *Project* at the Mead substation , [~~for a designated Hoover switchyard,~~] arrangements for transmission [~~of~~] service to other points of delivery are the obligation of the contractor.

Sec. 25. NAC 538.670 is hereby amended to read as follows:

538.670 1. The contractor shall, in its application, designate the point or points of receipt required to service its load and any facilities for transmission from point of receipt to the point or points for metering the load.

2. The contractor is financially responsible for acquiring any rights of transmission between its designated point of receipt and its points for metering the load.

3. A charge for transmission may be imposed on deliveries ~~from the generating units at~~ of power from the Boulder Canyon ~~project~~ *Project, Parker-Davis Project or Salt Lake City Area Integrated Projects* to the contractor's designated points of receipt.

~~4. The costs of transmission of power from the Parker-Davis project are included in the rates set for capacity and energy.~~

~~5. A charge for transmission may be imposed for deliveries of power from the Salt Lake City Area Integrated projects to the contractor's designated points of receipt.~~

Sec. 26. NAC 538.680 is hereby amended to read as follows:

538.680 The marketable long-term capacity and energy from the commission's share of power from the Boulder Canyon ~~project~~ *Project*, Parker-Davis *Project* and Salt Lake City Area Integrated ~~projects~~ *Projects* are divided into ~~five~~ *three* pools as set forth in NAC 538.690 to 538.740, inclusive.

Sec. 27. NAC 538.690 is hereby amended to read as follows:

538.690 1. Pool 1 consists of a total of ~~189,000~~ *377,000* kilowatts of capacity and ~~645,989,000~~ *1,057,989,000* kilowatt-hours of energy from the following sources of the Boulder Canyon ~~project~~ *Project*:

Schedule A		Schedule B	
Capacity (KW)	Energy (KWH)	Capacity (KW)	Energy (KWH)
170,319	565,785,238	18,681	80,203,762
<i>189,000</i>	<i>645,989,000</i>	<i>188,000</i>	<i>412,000,000</i>

2. ~~[Except for the allocation to Pacific Engineering, this]~~ **This** resource is reserved for allocation to the ~~[commission's existing contractors for power from the Boulder Canyon project in the following amounts:]~~ **named entities as follows:**

Hoover Capacity and Energy

— [Contractor	Capacity (KW)	Energy (KWH)†
Basic Management, Incorporated	—4,827	—9,738,148
Flinkote Company	—382	—2,164,033
Kerr-McGee Chemical Corporation	—17,649	—75,561,510
Lincoln County Power District No. 1	—14,667	—69,742,402
Nevada Power Company	—100,232	—240,098,311
Overton Power District No. 5	—4,014	—10,461,360
Pacific Engineering & Production Company	—10,625	—49,952,389
Stauffer Chemical Company	—15,207	—75,200,137
Titanium Metals Corporation	—21,397	—113,070,710
—Totals	—189,000	—645,989,000

~~—†Energy by season is to be determined during contract negotiations.]~~

<i>Contractor</i>	<i>Schedule A</i>		<i>Schedule B</i>	
	<i>Capacity (KW)</i>	<i>Energy</i>	<i>Capacity</i>	<i>Energy</i>
		<i>(KWH)</i>	<i>(KW)</i>	<i>(KWH)</i>

<i>American Pacific Corp.</i>	<i>10,625</i>	<i>49,952,389</i>	<i>0</i>	<i>0</i>
<i>Basic Water Co.</i>	<i>4,827</i>	<i>9,738,148</i>	<i>0</i>	<i>0</i>
<i>Boulder City</i>	<i>0</i>	<i>0</i>	<i>8,500</i>	<i>17,870,400</i>
<i>Chemical Lime Co.</i>	<i>382</i>	<i>2,164,033</i>	<i>0</i>	<i>0</i>
<i>Kerr-McGee Chemical</i>	<i>17,649</i>	<i>75,561,510</i>	<i>0</i>	<i>0</i>
<i>L.L.C.</i>				
<i>Lincoln County Power</i>	<i>4,828</i>	<i>20,726,814</i>	<i>21,339</i>	<i>77,521,529</i>
<i>District No. 1</i>				
<i>Nevada Power Company</i>	<i>100,232</i>	<i>240,098,311</i>	<i>135,000</i>	<i>283,824,000</i>
<i>Overton Power District No.</i>	<i>6,507</i>	<i>27,936,142</i>	<i>13,007</i>	<i>20,946,270</i>
<i>5</i>				
<i>Pioneer Americas, Inc.</i>	<i>15,207</i>	<i>75,200,137</i>	<i>0</i>	<i>0</i>
<i>Titanium Metals Corp.</i>	<i>21,397</i>	<i>113,070,710</i>	<i>0</i>	<i>0</i>
<i>Valley Electric Association</i>	<i>7,346</i>	<i>31,540,806</i>	<i>10,154</i>	<i>11,837,801</i>
<i>Totals</i>	<i>189,000</i>	<i>645,989,000</i>	<i>188,000</i>	<i>412,000,000</i>

Sec. 28. NAC 538.700 is hereby amended to read as follows:

538.700 Pool 2 consists of power from the Parker-Davis ~~[project]~~ *Project* in the amounts of 56,950 kilowatts of capacity and 195,964,950 kilowatt-hours of energy in the summer season and 41,010 kilowatts of capacity and 69,840,030 kilowatt-hours of energy in the winter season. This resource is reserved for allocation ~~[to the commission's existing contractors for power from the Parker-Davis project in the following amounts]~~ as firm and withdrawable power ~~[:]~~ *to the named entities as follows:*

Parker-Davis Capacity in KW

<i>Contractors</i>	Summer Season			Winter Season		
	Firm	Withdrawable	Total	Firm	Withdrawable	Total
<i>I</i>						
[Contractors]						
[BMH]	2,750	272	3,022	1,968	162	2,130
<i>BWC</i>						
[CHEM]	218	21	239	156	13	169
<i>CL</i>						
[KMcG]	16,108	1,594	17,702	11,532	950	12,482
<i>KM</i>						
OPD	4,528	0	4,528	3,690	0	3,690
[SC] PA	8,664	857	9,521	6,202	511	6,713
[TMCA]	12,190	1,206	13,396	8,727	719	9,446
<i>TM</i>						
VEA	8,542	0	8,542	6,380	0	6,380
Totals	53,000	3,950	56,950	38,655	2,355	41,010

Parker-Davis Energy in KWH

<i>Contractors</i>	Summer Season	Winter Season	Annual
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[Contractors]	Firm	Withdrawable	Total	Firm	Withdrawable	Total	
[BMH] <i>BWC</i>	4,076,594	406,404	4,482,998	1,477,780	119,917	1,597,697	6,080,695
[CHEM] <i>CL</i>	905,910	90,312	996,222	328,395	26,649	355,044	1,351,266
[KMcG] <i>KM</i>	52,542,765	5,238,094	57,780,859	19,046,945	1,545,600	20,592,545	78,373,404
OPD	16,272,104	0	16,272,104	5,799,222	0	5,799,222	22,071,326
[SC] <i>PA</i>	31,480,365	3,138,340	34,618,705	11,411,748	926,027	12,337,775	46,956,480
[TMCA] <i>TM</i>	47,333,785	4,718,800	52,052,585	17,158,670	1,392,372	18,551,042	70,603,627
VEA	29,761,477	0	29,761,477	10,606,705	0	10,606,705	40,368,182
Totals	182,373,000	13,591,950	195,964,950	65,829,465	4,010,565	69,840,030	265,804,980

¹Key: ~~[BMH]~~ = Basic ~~[Management, Inc.]~~ *Water Co.*

BWC

~~[CHEM]~~ = ~~[Chemstar, Inc.]~~ *Chemical Lime Co.*

CL

~~[KMcG]~~ = Kerr-McGee Chemical ~~[Corporation]~~ *L.L.C.*

KM

OPD = Overton Power District No. 5

~~[SC]~~ *PA* = ~~[Stauffer Chemical Company]~~ *Pioneer Americas, Inc.*

~~[TMCA]~~ = Titanium Metals ~~[Corporation]~~ *Corp.*

TM

VEA = Valley Electric Association

Sec. 29. NAC 538.730 is hereby amended to read as follows:

538.730 Pool ~~[S]~~ 3 consists of power from the Salt Lake City Area Integrated ~~[projects,]~~ *Projects*, at Pinnacle Peak, in the amounts of 22,420 kilowatts of capacity and 49,521,181 kilowatt-hours of energy in the summer season and 29,477 kilowatts of capacity and 65,603,370 kilowatt-hours of energy in the winter season. This resource is reserved for allocation ~~[as follows]~~ to the named entities ~~[:] as follows:~~

Salt Lake City Area Integrated Projects
Capacity and Energy

Contractor ¹	Summer Season		Winter Season	
	Capacity(KW)	Energy(KWH)	Capacity(KW)	Energy(KWH)
<i>Ampac</i>	<i>2,963</i>	<i>6,544,964</i>	<i>3,896</i>	<i>8,670,466</i>
BC	5,953	13,149,150	7,827	17,419,386
OPD	6,752	14,913,533	8,877	19,756,759
[PE]	2,963	6,544,964	3,896	8,670,466
VEA	6,752	14,913,534	8,877	19,756,759
Totals	22,420	49,521,181	29,477	65,603,370

¹Key: *Ampac* = *American Pacific Corporation*

BC = Boulder City

OPD = Overton Power District No. 5

~~[PE] = Pacific Engineering and Production Co.]~~

VEA = Valley Electric Association

Sec. 30. NAC 538.740 is hereby amended to read as follows:

538.740 Any increase or decrease in the amount of power available to the commission from the Salt Lake City Area Integrated ~~[projects]~~ *Projects* must be shared by the contractors according to the following percentages:

<i>American Pacific Corporation</i>	<i>13.21649485</i>
Boulder City	26.55257732
Overton Power District No. 5	30.11546391
[Pacific Engineering and Production Co.]	13.21649485]
Valley Electric Association	30.11546392

Sec. 31. NAC 538.600, 538.710 and 538.720 are hereby repealed.

TEXT OF REPEALED SECTIONS

538.600 Contracts for capacity from Schedule B: Exhibits indicating available capacity; apportionment of available capacity; percentage shares of capacity. The commission will include in each contract for capacity from Schedule B, as exhibits, the amount of capacity available on June 1, 1987, and the amount of capacity available after June 1, 1987,

which is dependent upon the completion of the program for increasing capacity. As that program is completed, the commission will apportion the available capacity among the contractors entitled to it and will change the exhibits accordingly. The share for each contractor of the capacity available from Schedule B as the program for increasing capacity proceeds to completion will be distributed by the percentages set forth in subsection 2 of NAC 538.560.

538.710 Pool 3: Applicable resource; allocation. Pool 3 consists of a total of 44,500 kilowatts of capacity and 110,305,600 kilowatt-hours of energy from the following sources of the Boulder Canyon project and is reserved for allocation to the named entities:

Schedule A		Schedule B	
Capacity (KW)	Energy (KWH)	Capacity (KW)	Energy (KWH)
18,681	80,203,762	25,819	30,101,838

Contractors ¹	Summer Season		Winter Season	
	Capacity(KW)	Energy(KWH)	Capacity(KW)	Energy(KWH)
LCPD	11,500	19,926,483	11,500	8,579,458
OPD	15,500	26,857,434	15,500	11,563,618
VEA	17,500	30,322,910	17,500	13,055,697
Totals	44,500	77,106,827	44,500	33,198,773

¹Key: LCPD = Lincoln County Power District No. 1

OPD = Overton Power District No. 5

VEA = Valley Electric Association

538.720 Pool 4: Applicable resource; allocation. Pool 4 consists of a total of 143,500 kilowatts of capacity and 301,694,400 kilowatt-hours of energy from Schedule B and is reserved for allocation to the named entities:

Contractors ¹	Summer Season		Winter Season	
	Capacity(KW)	Energy(KWH)	Capacity(KW)	Energy(KWH)
BC	8,500	12,491,930	8,500	5,378,470
CRC	10,000	14,696,388	10,000	6,327,612
NPCo	125,000	183,704,855	125,000	79,095,145
Totals	143,500	210,893,173	143,500	90,801,227

¹Key: BC = Boulder City

CRC² = Colorado River Commission

NPCo = Nevada Power Company

²To be allocated to the utility serving the Laughlin/Searchlight Service area at the time contracts for power are signed.

LCB File No. R123-00

NOTICE OF ADOPTION OF REGULATION

The Colorado River Commission adopted regulations assigned LCB File No. R123-00P, which pertain to NAC 538.340 to 538.740, inclusive, on January 9, 2001. Copies of the regulations as adopted and the Informational Statement required by NRS 233B.066 are attached hereto.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to NAC 538.340 to 538.740, inclusive.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the Notice of Workshop and Hearing for the Amendment and Repeal of Certain Regulations of the Colorado River Commission (R123-00P), which contained the text of the proposed regulation, were posted at the State Library in Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation were available at the offices of the Colorado River Commission (CRC) in Las Vegas, Nevada, and were sent to the main public libraries in all counties, for inspection and copying by members of the public during business hours. Copies were also sent to those persons on the commission's mailing list for notice of meetings, and the notice was posted in the same places as notices of any other meeting of the commission. The notice and the text of the proposed regulation were also available in the State of Nevada Register of Administrative Regulations and at the workshop itself.

One or more of CRC's customers asked questions concerning the proposed regulations. The only formal comment received by CRC was contained in an email from Mr. John Holmstrom, a representative of one of CRC's power customers. He suggested that the text of subsection 1 of NAC 538.590, as amended by section 20 of the proposed regulations, describe a different way of stating the capacity and energy available to contractors. No public response was presented at the public workshop or hearing held on January 9, 2001.

A copy of this summary of public response may be obtained by telephoning the CRC at 702-486-2670 or writing to Mr. George Caan, Executive Director, Colorado River Commission, 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada 89101-1048.

2. The number of persons who:
(a) Attended each hearing;
(b) Testified at each hearing; and

(c) Submitted to the agency written statements.

The Colorado River Commission held one hearing on January 9, 2001. Nine persons attended the hearing. No persons testified at the hearing or submitted written statements concerning the proposed regulation.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses as described in #1. No comments were received.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Colorado River Commission adopted the text of the proposed regulation as revised by the Legislative Counsel Bureau, except that a reference to the Mead Substation 69.0-kilovolt point of delivery and voltage was added to NAC 538.650(1), as amended by 24 of the proposed regulations, because it was inadvertently omitted in the text submitted to LCB.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

There is no estimated economic effect on businesses to whom these regulations might be of interest, either adverse or beneficial, nor immediate or long-term. Similarly, there is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation overlaps or duplicates.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations which regulate the activity covered by the adopted regulation.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee or increase an existing fee.