McDONALD·CARANO·WILSON LLP

Kathleen Drakulich
kdrakulich@mcdonaldcarano.com

Reply to: Reno

January 8, 2016

Breanne Potter
Assistant Commission Secretary
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701-3109

Re: Docket Nos. 15-07041/15-07042; Petition for Reconsideration of The Alliance for Solar Choice

Dear Ms. Potter:

Please accept for filing in the above-referenced dockets, the attached Petition for Reconsideration on behalf of The Alliance for Solar Choice ("TASC").

If you have any questions, please contact me directly at 775-326-4369.

Sincerely,

McDONALD CARANO WILSON LLP

Kathleen M. Drakulich

Kathleen M. Drakulich

KMD/ajb
Enclosures (as stated)
cc: All Parties of Record

100 WEST LIBERTY ST., 10TH FLOOR
RENO, NEVADA 89501

P.O. BOX 2670, RENO, NEVADA 89505
775-788-2000 • FAX 775-788-2020

ATTORNEYS AT LAW
LAW FIRMS WORLDWIDE MERITAS
WWW.MCWLAW.COM

2300 WEST SAHARA AVENUE
SUITE 1200
LAS VEGAS, NEVADA 89102
702-873-4100
FAX 702-873-9966

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

BEFORE THE PUBLIC UTILITIES COMMISSON OF NEVADA

Application of Nevada Power Company d/b/a NV Energy for approval of a cost of service study and net metering tariffs. /	Docket No. 15-07041
Application of Sierra Pacific Power Company d/b/a NV Energy for approval of a cost of service study and net metering tariffs. /	Docket No. 15-07042

PETITION FOR RECONSIDERATION

The Alliance for Solar Choice ("TASC"), by and through its counsel Kevin T. Fox of the law firm Keyes, Fox & Wiedman LLP and Kathleen M. Drakulich of the law firm of McDonald Carano Wilson, LLP, submits this petition for reconsideration to the Public Utilities Commission of Nevada ("Commission") pursuant to NAC 703.801.[1] TASC petitions the Commission to reverse its order ("Order") in the above-captioned Dockets ("Dockets") and maintain Net Metering for both existing and future solar customers consistent with Nevada statutes.

I. THE COMMISSION MUST UPHOLD COMMITMENTS MADE TO EXISTING SOLAR CUSTOMERS AND MAINTAIN NET METERING FOR BOTH EXISTING AND FUTURE SOLAR CUSTOMERS, ASSUMING THERE ARE ANY.

The Legislature established the NEM program in 1997 with the specific intent of inducing utility customers to install rooftop solar systems and encouraging solar providers to make economic investments in Nevada.[2] Since that time, the Legislature repeatedly expanded

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[1] Pursuant to NAC 703.801, a party to a proceeding may file a petition for reconsideration of a Commission order. NAC 703.801(1). A petition for reconsideration must: "(a) Identify each portion of the challenged order which the petitioner deems to be unlawful, unreasonable or based on erroneous conclusions of law or mistaken facts; and (b) Cite those portions of the record, the law or the rules of the Commission which support the allegations of the petition." 703.801(1)(a) & (b). As more particularly addressed herein, and without limitation to any of the discussion that follows, TASC seeks reconsideration of the following paragraphs of the Order: 82-88, 107-111, 180-183, 186-190, 191-200, and 229; Compliance Paragraphs 3-5; and Directives Paragraphs 6-11.

[2] *See* NRS 704.766 (It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, and section 2.3 of [SB 374] to: 1. Encourage private investment in renewable energy resources; 2. Stimulate the economic growth of this State; 3. Enhance the continued diversification of the energy resources

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

the NEM program to encourage the growth of the rooftop solar industry and to entice more customers to install rooftop solar systems.[3] Over 17,000 NV Energy customers have responded to State policies and installed rooftop solar systems.[4] Most did so to capture monetary incentives the State provided to customers, which are specifically tied to customer enrollment in NEM.[5]

On December 23, 2015, the Commission ended Nevada's net energy metering ("NEM" or "Net Metering") program, upending Nevada's rooftop solar industry and creating intolerable operating conditions for solar installers. Indeed, the rates and rules adopted by the Commission forced the country's largest solar installation companies to eliminate countless jobs and begin closing their Nevada operations.[6] In effect, the Commission eliminated the Nevada rooftop solar industry and frustrated the Legislature's stated goal to encourage private investment in renewable energy, stimulate economic growth in Nevada, enhance the continued diversification of Nevada's energy resources and simplify the process for utility customers to install NEM systems.[7]

Most egregiously, the Commission inflicted unjustified financial harm on the thousands of existing rooftop solar customers that installed solar believing they would be able to maintain NEM service if they applied within statutory enrollment limits. Now, in what amounts to an unprecedented bait-and-switch, the Commission terminated NEM for these solar customers,

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used in this State; and 4. Streamline the process for customers of a utility to apply for and install net metering systems.")

[3] NRS 701B.005; NRS 701B.190; and NRS 704.773, as amended.

[4] Sean Whaley, Motions on Rooftop Solar Rates to be Considered, December 28, 2015, available at: http://m.reviewjournal.com/business/motions-rooftop-solar-rates-be-considered-jan-13.

[5] NRS 701B.005.

[6] Sean Whaley; SolarCity stopping Nevada sales, installations after PUC ruling, December 23, 2015; *available at:* http://www.reviewjournal.com/business/energy/solarcity-stopping-nevada-sales-installations-after-puc-ruling. Sean Whaley, SolarCity cuts 550 Nevada jobs, blames net metering rate, January 6, 2015; *available at* http://www.reviewjournal.com/business/solarcity-cuts-550-nevada-jobs-blames-new-net-metering-rate. Sean Whaley, Rooftop solar company Sunrun says it also exiting Nevada, January 7, 2015, *available at* http://www.reviewjournal.com/business/rooftop-solar-company-sunrun-says-it-also-exiting-nevada; Sean Whaley, Rooftop solar official: NV Energy proposal spells death of industry; August 3, 2015, *available at* http://www.reviewjournal.com/business/energy/rooftop-solar-official-nv-energy-proposal-spells-death-industry

[7] NRS 704.766(1) – (4).

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replacing it with tariffs that significantly devalue investments these customers made in reliance on State policy. There can be no question that Nevadans were encouraged to rely on Net Metering to invest in rooftop solar systems. Nevada statute unmistakably declares that it is the purpose and policy of the State to use NEM to "[e]ncourage private investment in renewable energy resources."[8]

In place of net metering, the Order imposes a "buy/sell" payment scheme that drastically increases monthly fixed charges on rooftop solar customers and slashes the credit they receive for electricity they generate and provide to the grid.[9] In Nevada Power's service territory, the fixed charges imposed on residential solar customers will increase from $12.75 to $38.51.[10] This represents a massive increase of over 300%. Worse yet, fixed charges could increase further, to as much as $87.78, a 688% increase, if NV Energy includes generation and transmission demand costs in the fixed charge, which the Order encourages NV Energy to do.[11] At the same time, the Order slashes the value of electricity that is generated and delivered to the grid by 76%, from $0.11142 to $0.02649/kWh.[12] Similar impacts will befall rooftop solar customers in Sierra Pacific Power Company's service territory.[13] This reduction in the export rate is equivalent to the Commission requiring NV Energy to pay $.046/kWh for the output of the 110 megawatt Crescent Dunes Solar project even though the 2009 PPA price is $.134/kWh. While the $.046/kWh reflects the current market rate for large scale solar, such a mandate would frustrate every provision of the PPA and render the project incapable of operating economically.

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[8] NRS 704.766(1).
[9] *Id.* at 92.
[10] There is a corresponding decrease in the BTER that does not offset the increase in the basic service charge or decrease in the new export rate.
[11] Order at ¶88.
[12] Docket 15-07041 Advice Letter no. 453-R at 2.
[13] In Sierra Pacific's service territory, the basic service charge will increase $15.25 to $44.43, and the value of excess energy produced by NEM customers and delivered to Sierra Pacific will be reduced from $0.09409/kWh to $0.02711/kWh or 62%. Sierra Pacific's basic service charge could increase to $47.00 if generation and transmission demand costs are included.

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P.O. BOX 2670 • RENO, NEVADA 89505-2670
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Moreover, the Commission would never implement such an order, which begs the question as to why it would inflict the same result on rooftop solar customers.

The Commission must reverse its decision and uphold the commitments the State has made to rooftop solar customers, who did not receive adequate notice that they could be exposed to such drastic changes in their rates. The Commission has reasonable justification to treat existing solar customers differently than hypothetical future solar customers, which may not exist, because these two groups of customers are not similarly situated. Failing to do so, and applying a "buy/sell" arrangement with significantly increased fixed fees, constitutes a regulatory taking of existing solar customers' private property and unjustifiably impairs the contracts of solar installers and customers. The Order also inappropriately applies a long-term avoided cost rate to residential and small commercial customers' exports to the grid that fails to fully value customers' exported electricity. The Order also errs in basing an export rate on the average avoided cost of electricity generation over all hours of the day instead of the hours of solar production. TASC elaborates on these errors below.

A. The Order Eliminates Net Metering for Solar Customers in Violation of Nevada Law and Must be Reversed.

The Order eliminates Net Metering in violation of plain statutory language and imposes a new regulatory scheme to govern rooftop solar systems. Under Nevada law, when a statute is unambiguous, as it is here, it must be applied in a manner consistent with its plain meaning.[14]

Simply put, Nevada law does not allow the Commission to eliminate Net Metering.[15] SB 374 specifically requires the Commission to offer "net metering" to solar customers both before and after the 235 MW cap provided by Section 2.95(1)(a) of SB 374 is met.[16]

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[14] *Cal. Commer. Enters. V. Amedeo Vegas I, Inc.*, 67 P.3d 328, 330, 119 Nev. 143, 145 (2003).
[15] Section 2.3 of SB 374 states that a utility "shall… offer net metering," and Section 2.95 of SB 374 also states that a utility "shall offer net metering." .

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Net Metering is defined as "measuring the difference between the *electricity* supplied by a utility and the electricity generated by a customer-generator which is fed back to the utility over the applicable billing period."[17] The Commission ignores this statutory definition and imposes a "buy/sell" payment scheme in which no electricity is netted.[18] Instead, the utility treats solar customers as wholesale producers and purchases their excess electricity at a significantly discounted price that is 75% less than the statutorily mandated value and fails to reflect the full value of solar customers' generation.[19] This is contrary to the plain language of Nevada law, which clearly requires that electricity deliveries to and from the customer must be netted.[20]

The "buy/sell" payment scheme is also prohibited because solar customers are not allowed to receive "compensation" for electricity delivered to the utility.[21] Net Metering was designed to net *electricity*, not assign value to the electricity itself for purposes of receiving

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[16] *Id.* SB 374 Section 2.3(1) requires that net metering be available after the cumulative cap is met ("***each utility shall***, in accordance with a tariff filed by the utility and approved by the Commission, ***offer net metering*** to customer generators who submit applications to install net metering systems within its service territory after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met); and SB 374 Section 2.95 1(a) requires that the utility offer net metering to customers before the cumulative cap is met. As such, any tariff created by the Commission pursuant to SB 374 Section 2.95(1)(b) must be created using "net metering," as defined by the statutes.

[17] NRS 704.769.

[18] When asked at the interim hearing on August 21, 2015 if the "buy/sell" proposal met the definition of Net Metering, Staff witness Anne-Marie Cuneo, who supported this proposal stated, "You know, I'm not a lawyer, so I don't know. I don't know. I really don't. It's possible." Interim Hearing Transcript, page 365, line 5.

[19] The wholesale rate is calculated by NV Energy using the contract price for a 100 megawatt solar facility. This ignores the incompatible economies of scale between a 100 megawatt solar project and a solar rooftop installation of several kilowatts. Moreover, there is a significant injustice in NV Energy purchasing electricity from the rooftop solar customer at $.02649/kWh and selling it to another retail customer at $.11142/kWh.

[20] In paragraph 193 of the Order, the Commission explains that the sale of energy services from NV Energy and the sale of energy and other attributes to NV Energy are "separate and distinct transactions," but the netting requirement of NRS 704.769 makes these intrinsically related transactions that cannot be separated.

[21] *See* NRS 704.775(2)(c).

"compensation."[22] Thus, the "buy/sell" arrangement represents a conceptually distinct mechanism from the Net Metering defined in Nevada law.

In further violation of Nevada law, the Order incorrectly concludes that customer-supplied electricity and utility-supplied electricity can be netted in various increments—*i.e.*, 15-minute, hourly, multiple periods of hours in a day, daily, monthly.[23] The statutory definition of Net Metering plainly requires, however, that electricity deliveries to and from the customer must be netted "over the applicable billing period." The Commission's interpretation renders the term "over the billing period" obsolete, contrary to law.

The experience of 42 states that currently offer NEM demonstrates that the Commission's "buy/sell" payment scheme is contrary law. In each of those states, electricity deliveries to and from customers must be measured in kilowatt-hours and netted across at least a monthly billing period. This is how the Commission applied NEM prior to issuing its Order. Many of the 42 states that apply Net Metering in this manner do so pursuant to statutory definitions that are remarkably similar to the definition of Net Metering in Nevada law. For example, the definitions most closely aligned with Nevada are: [24]

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[22] NV Energy witness Laura Walsh stated in her rebuttal testimony: "It should also be noted that any proposal to pay for excess energy may be prohibited by law. From my reading of NRS 704.775(2)(c)(1), the customer generator is not eligible for cash compensation for excess energy." See Exhibit 99A at 79, line 17.

[23] Paragraph 192.

[24] Other examples include: California: "Net energy metering" means measuring the difference between the electricity supplied through the electrical grid and the electricity generated by an eligible customer-generator and fed back to the electrical grid over a 12-month period as described in subdivisions (c) and (h). Ca. Public Utilities Code § 2827(b)(6); Massachusetts: "Net metering," the process of measuring the difference between electricity delivered by a distribution company and electricity generated by a Class I, Class II, Class III or neighborhood net metering facility and fed back to the distribution company." M.G.L. ch. 164, § 138-140; [24] New York: "Net energy metering" means the use of a net energy meter to measure, during the billing period applicable to a customer-generator, the net amount of electricity supplied by an electric corporation and provided to the corporation by a customer-generator. NY CLS Public Service § 66-j. Utah: "Net electricity" means the difference, as measured at the meter owned by the electrical corporation between: (a) the amount of electricity that an electrical corporation supplies to a customer participating in a net metering program; and (b) the amount of customer-generated electricity delivered to the electrical corporation. "Net metering" means measuring the amount of *net electricity* for the applicable billing period. Utah Code § 54-15-102(10) & (11).

- **Kentucky:** "Net metering" means measuring the difference between the electricity supplied by the electric grid and the electricity generated by an eligible customer-generator that is fed back to the electric grid over a billing period.[25]
- **Oregon:** "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator and fed back to the electric utility over the applicable billing period.[26]
- **South Carolina:** "Net energy metering" means using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by an electrical utility and the electrical energy supplied by the customer-generator to the electricity provider over the applicable billing period.[27]
- **Virginia:** "Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator...[28]
- **Washington:** "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.[29]

Further, the Commission appears to rely on Section 2.3(3) of SB 374 for authorization to impose a "buy/sell" arrangement (as opposed to Net Metering) on existing rooftop solar customers.[30] But, Section 2.3(3) provides no such authority. Although the Commission may "determine whether and the extent to which any tariff approved or rates or charges authorized

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[25] KRS § 278.465.
[26] OR Revised Statutes 757.300.
[27] S.C. Code § 58-40-10(E).
[28] Va. Code § 56-594
[29] RCW 80.60.010(9)
[30] Order at ¶193.

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pursuant to this section are applicable to [existing rooftop solar customers]," nothing in that section authorizes the Commission to do so without regard to existing law. Section 2.3 does not repeal any provision of existing law—specifically, NRS 704.773 and 704.775.[31] Any reading to the contrary would result in the implicit repeal of key statutory provisions and disregard the structure of SB 374 itself.

If the Order is not modified to maintain NEM for pre-existing rooftop solar customers, Nevada will be the first state to withdraw statutory and regulatory protections for customers that enrolled in a state-created NEM program prior to the program reaching its enrollment threshold. *All* other states that have made significant modifications to existing NEM programs have provided protections to customers who enrolled in the program prior to those changes being implemented.[32]

B. The Order Constitutes a Regulatory Taking of Private Property under Nevada and Federal Law, Requiring Nevada to Compensate Existing Solar Customers for the Significant Loss in Value To Their Rooftop Solar Systems.

Under both the U.S. and Nevada Constitutions, a regulatory taking is perpetrated when "regulation goes too far,"[33] which is the case here. Neither a physical appropriation of private property, nor a public use of that property is necessary for a taking to occur.[34] It is also unnecessary for government to have acted unlawfully; indeed, the Takings Clause *presupposes*

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[31] NRS 704.773 and NRS 704.775 must also be satisfied in connection with Net Metering service offered to future rooftop solar customers, as there is no language in SB 374 that expressly repeals the requirements of NRS 704.773, 704.774 and 704.775 as to these customers. As fully set forth in TASC's closing brief in this Docket, other structural elements of SB 374 indicate that these states do apply. TASC Reply Legal Brief Pursuant to Procedural Order No. 4, pages 8-12.

[32] California and Hawaii are leading examples.

[33] *Tahoe-Sierra Pres. Council v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 306, 122 S. Ct. 1465, 1470, 152 L. Ed. 2d 517, 530, 2002 U.S. LEXIS 3028, *1, 70 U.S.L.W. 4260, 2002 Cal. Daily Op. Service 3495, 10 A.L.R. Fed. 2d 681, 32 ELR 20627, 54 ERC (BNA) 1129, 15 Fla. L. Weekly Fed. S 203 (U.S. 2002)

[34] *Id.*

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that government has taken lawfully.[35] The question is whether compensation is owed to persons whose property has been significantly diminished by government regulation. The answer to that question in this case is yes.

The Nevada Takings Clause "contemplates expansive property rights" and provides the foundation of Nevada's "rich history of protecting private property owners against government takings."[36] The Takings Clause applies to all types of privately owned property, *including personal property*,[37] and does not require deprivation of all economically beneficial use of property. A partial regulatory taking occurs when: 1) regulation has substantially reduced the value of private property, 2) the regulation interferes with the reasonable investment-backed expectations of the property owner, and 3) the character of the government action requires "some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole."[38]

All three factors have been met. Consequently, a partial regulatory taking has occurred.

First, the Order substantially reduces the value of pre-existing rooftop solar investments. In Nevada Power's service territory, the monthly fixed charge imposed on NEM customers will shoot up over 300% to $38.51 and could potentially escalate as much as 688% to $87.78 if generation and transmission demand charges are added to the monthly fixed charge, as the Commission has invited. Rooftop solar customers have no means to avoid this rate increase other than to remove their solar systems at great financial cost. In addition, the Order drastically

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[35] *Horne v. United States Dep't of Agric.*, 2011 U.S. App. LEXIS 15284, *23, 41 ELR 20244 (9th Cir. Cal. 2011) (citing, *Lingle*, 544 U.S. at 543; *see Kaiser Aetna*, 444 U.S. at 172 (no "blanket exception" to the Takings Clause simply because Congress has acted under lawful authority)).

[36] *Asap Storage, Inc. v. City of Sparks*, 123 Nev. 639, 646-647, 173 P.3d 734, 739, 2007 Nev. LEXIS 79, *11-13, 123 Nev. Adv. Rep. 61 (Nev. 2007)

[37] *Id.*

[38] *Palazzolo v. Rhode Island*, 533 U.S. 606, 617-618, 121 S. Ct. 2448, 2457-2458, 150 L. Ed. 2d 592, 607, 2001 U.S. LEXIS 4910, *22, 69 U.S.L.W. 4605, 52 ERC (BNA) 1609, 2001 Cal. Daily Op. Service 5439, 2001 Daily Journal DAR 6685, 32 ELR 20516, 2001 Colo. J. C.A.R. 3358, 14 Fla. L. Weekly Fed. S 458 (U.S. 2001) (citing, *Armstrong* v. *United States,* 364 U.S. 40, 49, 4 L. Ed. 2d 1554, 80 S. Ct. 1563 (1960)).

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P.O. BOX 2670 • RENO, NEVADA 89505-2670
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reduces the value of electricity generated by rooftop solar customers, by over 76% for Nevada Power and by over 62% for Sierra Pacific Power.

Second, the Order fundamentally and substantially interferes with the reasonable investment-backed expectations existing solar customers had when they installed their rooftop systems. Existing solar customers made their investments based on the laws and regulations that were in place at the time that they installed their systems. Contrary to those laws and regulations, the Order mandates dramatic rate increases only on solar customers. Such discriminatory rate increases were prohibited under the laws in effect when solar customers installed their systems.[39] In fact, the Order acknowledges that prior to SB 374, Nevada law prohibited the Commission from treating NEM customers differently than their corresponding class of non-NEM ratepayers.[40] But, that is precisely what the Order does, even after the Legislature repeatedly induced NEM customers' investment in solar. It is simply unreasonable to conclude, as the Order does, that existing rooftop solar customers should have foreseen this discriminatory and unfair result.[41] To the contrary, the rates and rules the Order imposes substantially interfere with the reasonable investment-backed expectations that the State created in existing rooftop solar customers.

Third, ending NEM for existing solar customers and forcing them onto a "buy/sell" arrangement with greatly increased fixed charges requires these customers to bear public burdens that, in all fairness and justice, should be borne by ratepayers as a whole. The State enacted and

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[39] Footnote 24 of the Order asserts that a higher basic service charge is the lesser of two evils, and that volumetric recovery would shift costs from low-usage NEM customers to high-usage ones. Exactly the same issue arises in regular residential rates between low-usage and high-usage customers. The Commission has resolved that issue for regular residential customers through volumetric recovery of these distribution costs, not through a higher basic service charge. Recovering these costs through a single basic service charge assumes, incorrectly, that all customers impose the same distribution costs on the system. Volumetric recovery at least attempts to recognize that customers' use of the distribution system will vary, as will the costs that they impose on the system.

[40] Order at ¶181.

[41] Order at ¶109.

repeatedly expanded NEM specifically to induce customers to install rooftop solar systems to achieve State policy goals.[42] The Order imposes additional costs on existing solar customers while continuing to appropriate grid and avoided cost benefits of customer investment in solar, which the Commission admits it has failed to fully value,[43] for the State and all utility ratepayers. This requires solar customers to bear public burdens that, in all fairness and justice, should be borne by the public as a whole. Such action is a taking for which financial restitution will be due to those who detrimentally relied on State law and now find themselves victims to a "bait and switch."

C. The Commission Failed to Provide Adequate Notice To Existing Rooftop Solar Customers That Their Rates Would Be Subject to Drastic Changes.

The Commission is required to provide adequate notice prior to taking actions akin to those taken here.[44] The notice the Commission provided fails to satisfy statutory requirements.[45] Specifically, the notice fails to include a brief description of the "the effect of the relief or proceeding upon consumers."[46] The notice also failed to notify existing rooftop solar customers that Net Metering as it existed since 1997 would be replaced with a "buy/sell" payment scheme.[47] This is a violation of due process. *See, e.g.*, *Public Service Comm'n of Nevada v. Southwest Gas Corp.* (stating that the Commission "should not hear matters and issue orders on matters not submitted by the applicant nor provided for with some degree of specificity in the notice [thereof]" and that doing so constituted "a 'denial of fairness and due process through

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[43] Order at ¶194.

[44] NAC 703.160(10) requires public notice of "[a]n application or tariff filing involving any authorization, expansion, reduction or curtailment of services, facilities or authority, any increase in rates, fares or charges, or any change in regulations." The public notice must include: "A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled and *the effect of the relief or proceeding upon consumers*." NAC 703.160(4) (emphasis added).

[45] Exhibit A.

[46] *Id.*

[47] *Id.*

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inadequate Notice.'"). In fact, the notice is completely silent as to the potential effect on existing rooftop solar customers. This is because NV Energy did not propose to apply its rates to pre-existing rooftop solar customers. The Commission's failure to provide adequate notice requires that the Order be vacated as to existing rooftop solar customers.

It is not enough that both the parties to the dockets and the general public were able to view Staff's proposal at some point during the proceeding. *Southwest Gas* requires that the specific subject matter of the proposed action be included in the notice provided by the Commission.[48] Citing *Wagner Electric Corporation v. Volpe,* the *Southwest Gas* court said that "[i]t is not enough that some users may have been extremely perceptive and presented testimony which the PSC could then use as a basis for an order. The notice must be specific enough to alert all interested persons of the substance of the hearing."[49] Additionally, this notice cannot be waived. In both *Southwest* and in *Nevada Power Co. v. Public Serv. Comm'n*,[50] the Commission completed its proceedings and issued its order, but notice was still deemed legally insufficient following that order. To be sure, existing NEM customers, who were not specifically represented in the proceeding, could not possibly have waived notice of a proceeding that they did not participate in, and evidence provided by such a party could have possibly changed the outcome of the Order.

The obligation to provide notice is not saved by the general reference to the request for approval of "a cost of service study and net metering tariffs."[51] In *Southwest Gas*, the Nevada Supreme Court considered the effectiveness of a similarly general notice of rate design changes

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[48] *Id.*
[49] *Id.* (*emphasis added*)
[50] 91 Nev. 816, 544 P.2d 428 (1975)
[51] *Pub. Serv. Comm'n of Nev. v. Southwest Gas Corp.*, 662 P.2d 624.

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resulting from consideration of rate increase applications.[52] The court held that the general notice was insufficient, reasoning that:

> It is not enough that some users may have been extremely perceptive and presented testimony which the PSC [Public Service Commission] could then use as a basis for an order. The notice must be specific enough to alert all interested persons of the substance of the hearing.[53]

Southwest Gas makes clear that in the case of rate design changes, potentially affected customers must be made specifically aware of the tariff changes they face. The provided notice did not do that. To the contrary, it suffers from the same defect as in *Southwest Gas*— it is general in nature and failed to provide the notice required by the regulation that the Dockets could result in an entirely different rate design that eliminated Net Metering and greatly increased costs for existing solar customers. In light of the foregoing, the notice is inadequate and the Order must be vacated as to existing rooftop solar customers.

D. Reasonable Justification Exists for Implementing Different Rate Designs for Existing and Future Rooftop Solar Customers Because They Are Not Similarly Situated.

The Commission's suggestion that it is discriminatory to implement different rate designs for existing and future solar customers[54] is based on a mistaken premise that existing and future solar customers are similarly situated. To the contrary, there can be no dispute that existing and future solar customers are situated differently. Existing solar customers decided to install rooftop solar systems and thereafter took service under a rate design entirely different from what the Commission ordered in these Dockets. Existing solar customers also provide a portfolio energy credit ("PEC") subject to a 2.4 multiplier to NV Energy, resulting in significant value to

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[52] *Id.* at 626.
[53] *Id.*
[54] Order at ¶108.

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

Nevada ratepayers.[55] The new rate structure substantially impairs the economic benefits of those investments, exposing existing solar customers and their contracted solar installers to substantial losses with respect to their original investment.

Future solar customers, on the other hand, have not yet made that investment. Future customers are able to evaluate the economics of investing in a rooftop solar system under the new tariffs. In short, they are in a much different position than existing solar customers.

In light of the many distinctions between existing and future solar customers, it is appropriate for them to take service under distinct rate designs. Indeed, the public interest compels it and it is the only fair, just and reasonable action to take.

E. The Order Substantially and Unjustifiably Impairs Existing Solar Contracts in Violation of the U.S. and Nevada Constitution Contract Clauses.

The U.S. Constitution prohibits states from passing laws that impair the "Obligation of Contracts."[56] Likewise, the Nevada Constitution provides that "no law impairing the obligation of contracts, ever shall be passed."[57] Whether a regulation violates the Contract Clause is governed by a three-step inquiry:

> The threshold inquiry is whether the state law has, in fact, operated as a substantial impairment of a contractual relationship. If this threshold inquiry is met, the court must inquire whether the State, in justification, [has] a significant and legitimate public purpose behind the regulation, such as the remedying of a broad and general social or economic problem, to guarantee that the state is exercising its police power, rather than providing a benefit to special interests. Finally, the court must inquire whether the adjustment of the rights and responsibilities of contracting parties is based upon

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

[55] NRS 704.7822.
[56] Art. I, Sec. 10.
[57] The Nevada Supreme Court has interpreted the Nevada Contract Clause to be substantially the same as the Federal Contract Clause (*see Holloway v. Barrett*, 87 Nev. 385, 392 (1971), and the cases discussed herein interpret both provisions.

reasonable conditions and is of a character appropriate to the public purpose justifying the legislation's adoption.[58]

The Commission issued the Order pursuant to legislative authority delegated to it by SB 374,[59] and has the same force of law as if made by the Legislature.[60] As such, the Federal and State Contract Clauses are implicated. The Order's derogation of the solar contracts of solar customers and solar installers fails this three-part test, evidencing the Order's violation of the Contract Clauses of the both the U.S. and Nevada Constitutions.

First, the Order substantially impairs the existing solar contracts by undercutting the framework and pricing structure on which economic expectations were based. The State of Nevada created the rooftop solar industry and the demand for rooftop solar systems, in part by promulgating Net Metering regulations that expressly provide for third-party ownership of NEM systems.[61] Yet, by this Order, the Commission functionally ends Net Metering and punishes solar providers and existing solar customers for acting in accordance with the State's prior policies.

Second, the Order does not effectuate a significant or legitimate public purpose, or remedy a broad or general social or economic problem. To the contrary, the Order uproots and replaces NEM program, despite the program having functioned exactly as the Legislature and Commission intended. Even with the regulatory liability that the Order creates, NV Energy shareholders will benefit substantially from the reduced amount of distributed generation that will be installed under the new rates and the higher revenue associated with sales that will be maintained under the existing rates. The Legislature and Commission may alter the law to encourage different conduct if they believe existing law is no longer in the public interest.

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[58] *Eagle SPE NV I, Inc. v. Kiley Ranch Communities*, 2014, 5 F.Supp.3d 1238, 1245 (*quoting RUI One Corp. v. City of Berkeley*, 371 F. 3d 1137, 1147). (2004)

[59] *See* Section 2.3 of SB 374.

[60] *See Grand Trunk Western Ry. Co. v. Railroad Commission of Indiana*, 221 U.S. 400, 31 S. Ct 537 (1911) for the proposition that an order by an instrumentality of the state, exercising delegated legislative authority, is of the same force as if made by the legislature, and so is a law of the state within the meaning of the Contract Clause.

[61] Order, Docket No. 07-06024 and 07-06027 at 2.

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

However, "buyers remorse" regarding conduct that has already been engaged in, and was specifically intended, in response to laws previously in place is not a *legitimate* public purpose justifying this Order. Such action serves no purpose other than to punish those who detrimentally relied on existing law.

Lastly, because the application of the Order to existing solar customers does not serve a legitimate public interest, the Order cannot be justified. The Commission's flawed calculation of a cost shift using NV Energy's cost of service study that all parties criticized, and the Commission's own Staff said should not be relied on, is not proper justification for impairing the investment-backed expectations of the solar industry and existing solar customers.[62] For these reasons, the Order and tariffs violate the Contract Clauses of both the US Constitution and the Nevada Constitution and must be rescinded as it applies to existing solar customers.

F. The Order Inappropriately Applies A Long-Term Avoided Cost Export Rate to Residential and Small Commercial Customers' Exports to the Grid.

The Order imposes a long-term avoided cost compensation rate on residential and small commercial customers' grid exports that is difficult for customers to understand or forecast, and is entirely inadequate to support long-term customer investments. Applying this rate to rooftop solar customers also violates the Commission's regulations, which state that *"[i]n developing the estimated rates for long-term avoided cost, the proposed rates must not be applied to renewable energy..."*[63]

The Commission's regulations regarding long-term avoided cost are complicated. "Long term-avoided cost" is defined as the incremental costs of electric energy or capacity, or both, to a utility which, but for the purchase of electric energy or capacity from one or more qualifying facilities, the utility would generate itself or purchase from another source over a period

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[62] *See, e.g.,* Prepared Direct Testimony of Staff witness Anne-Marie Cuneo, Page 13, line 1; Prepared Direct Testimony of Staff witness, Manuel N. Lopez, page 1, line 23; Pre-filed Direct Testimony of BCP witness William P. Marcus, page 7, line 9 to page 9, line 11; Direct Testimony and Exhibits of Vote Solar witness Rick Gilliam, page 25, line 8 to page 18, line 21; Prepared Direct Testimony of TASC witness, William A. Monsen, page 25, line 4 to page 27, line 18 and page 29, line 21 to page 35, line 15.

[63] NAC 704.9492(4) (emphasis added).

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

exceeding 1 year. Components for estimating long-term avoided cost capacity and energy rate must be stated on a cents per kilowatt-hour basis for daily and seasonal peak and off-peak periods and in such a manner that rates for various contract periods may be calculated.[64] To set these rates, the Commission must consider a list of factors in federal regulations. To have input into its development, customers have to become involved in the utility's integrated resource planning ("IRP") process.[65]

Moreover, it is unclear from the Order which long-term avoided cost rate applies in each year. In its compliance filings, NV Energy erroneously applied a 2016 long-term avoided cost to all future years.[66] For example, NV Energy erroneously proposed to apply the 2016 avoided cost rate in 2020. The long-term avoided cost rate the Commission approved for 2020 should be about $0.036/kWh (including a loss adjustment)[67] – not the $0.02649/kWh price for 2016.[68]

The uncertainty associated with this approach fails to provide a clear price signal on which customers can make informed decisions about long-term investments. Prior to the Order, the Commission relied on marginal costs to set rates and send clear price signals to consumers. Now, the Commission is relying on a constantly fluctuating export rate that is subject to adjustments in every future IRP proceeding and utility rate case to send price signals to customers about the value of a rooftop solar investment. The historic use of the retail rate provided certainty and fairness that fulfills the Legislature's stated goals.[69] The Commission should reject the "buy/sell" approach and maintain the simple and clear price signal provided by

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[64] NAC 704.9492(1)-(3).
[65] NAC 704.9496 requires the Commission to issue an order in the utility's integrated resource plan addressing the utility's proposed estimated rates for long-term avoided cost, including the methodology and limits to be used by the utility.
[66] NV Energy Compliance Filing December 30, 2015.
[67] See, Nevada Power Company Monthly Estimated Long-Term Avoided Costs, April 20, 2015, Docket No. 14-05003 at Attachment 3, Page 1.
[68] Exhibit 64 A, Prefiled Direct Testimony of Staff witness Anne-Marie Cuneo, pages 18-19

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

Net Metering.

G. The Commission's Failure to Fully Value Solar Customer Exports to the Grid is Unjust and Unreasonable.

The Commission acknowledges 11 categories of value that rooftop solar systems can provide, most of which will be quantified in every future general rate case, but the Order assigns a value to only two, avoided energy and energy losses/line losses. The Commission claimed that there was "insufficient time or data in this proceeding to assign a value" to the other nine criteria[70] and ignored the wealth of information in the Dockets quantifying the value of many of these criteria. In addition, Nevada rate design includes, and in fact is based on, two additional criteria, namely the marginal generation and transmission demand/capacity costs. These are costs that are avoided when rooftop solar customers reduce their pre-solar loads, and accordingly, should be used for the avoided generation capacity and avoided transmission capacity costs in valuing excess energy. Based on the NV Energy marginal cost of service study, these total 8.1 c/kWh (1.3 c/kWh transmission, 6.8 c/kWh generation capacity).[71] In addition, the pre-filed direct testimony of witness Mr. Beach valued the renewable energy carbon credit/carbon mitigation, the additional societal cost of carbon and the pollutant benefit.[72]

It is incorrect for the Commission to claim that these benefits have not been quantified when they are an integral part of the adopted marginal cost-based rate design. Had the Commission summed the values for the 11 criteria, they would have concluded that the provided value is higher than the residential retail rate. Accordingly, the adopted export rate is far below

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[70] *Id.*

[71] Exhibit 72A, testimony of TASC witness, Mr. Monsen at 22, 24.

[72] See, Exhibit 76A, testimony of TASC witness Beach: page 39, renewable energy carbon credit/carbon mitigation, 4.5c/kWh multiplied by 2.4 for pre-2016 incentivized systems, re Order, criteria 7, page 96; page 46, additional societal costs of carbon, 1.7 c/kWh, re Order, criteria 7, page 96; page 48, pollutant benefits (NOx and PM 2.5), 1.3 c/kWh, re Order, No. 6, page 96.

the value of electricity delivered to NV Energy by rooftop solar customers and denies their right to be fairly compensated.

In its order and report in Docket No. 14-06009, the Commission invited testimony on NEM societal benefits.[73] TASC and other interveners presented evidence on the long-term benefits of net-metered installations. Yet the Order dismisses that evidence, without analysis or consideration, and incorrectly concluded that the benefits are "not included in the cost recovery that NV Energy's rates provide for any class."[74] Disregarding the value of these benefits is unfair, arbitrary and results in an export rate that does not reflect the true value of the electricity delivered to the utility by rooftop solar customers. Importantly, the consequences of ignoring these benefits by hiding behind insufficient time or data have been catastrophic, as evidenced by the complete cessation of sales and installation and layoff of employees by the solar industry.

H. The Order Errs in Adopting an Export Rate Based on the Average Cost of Electricity Generation Over All Hours of the Day Instead of the Hours of Solar Production.

The Order adopts a rate for customer exports based on the "annual average long-term avoided energy cost"[75] These avoided costs are calculated hourly by NV Energy using PROMOD.[76] It would be more appropriate to weight these hourly costs with an hourly solar output profile, or with the hourly profile of NEM exports from the average NEM customer. Instead, the Commission adopted an avoided energy cost that is computed by averaging avoided costs over all 8,760 hours of the year.[77] The product is an inaccurate average value that is artificially depressed by the inclusion of nighttime hours when energy costs are low but the sun is not out and solar systems are not producing or exporting electricity. As a result, the

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[73] Docket No. 14-06009, Order and Report at 25.
[74] Order at page 42, paragraph 87.
[75] Order at page 95, paragraph 193.

[77] It is clear from Ms. Cuneo's prefiled direct testimony, that she simply averaged 12 monthly avoided energy cost values, which in turn are averages over all hours of each month. Exhibit 64A at

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

Commission adopted an unfair and inaccurate rate that ignores the known profile of rooftop solar installation output.[78]

I. The Commission Erred In Accepting NV Energy's Marginal Cost Study ("MCS"), which Fails to Comply with Nevada Law.

SB 374 requires rates for rooftop solar customers to "reflect the marginal cost of providing service to customer-generators".[79] NV Energy's MCS fails to meet this standard. Numerous parties identified flaws with the MCS, demonstrating that it does not accurately reflect the cost of providing service to rooftop solar customers, and advised the Commission that is was inappropriate to use the study to set rates.[80] The Commission's Staff said it should not be relied on to establish rates.[81]

In particular, parties criticized the load shapes NV Energy used to assign marginal distribution and transmission demand costs.[82] These load shapes do not reflect the *actual* load served by the utility.[83] This is acknowledged in the Order.[84] Accordingly, the Commission's use

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

[78] There is also no detail in NV Energy's compliance filing on how it derived its "time of production" export rates for the new TOU rates, bringing into question whether such rates were adequately reviewed by the Commission and determined to be just and reasonable. The potential unreasonableness of NV Energy's proposal is demonstrated by the TOU differential that NVE proposes. For residential, the On Peak Summer payment to NV Energy is 36.1 cents and their credit to customers is 13.9 cents (in addition to the very large basic service charge).

[79] SB 374, Section 4.5.3

[80] *See, e.g.,* Prefiled Direct Testimony of Staff witness Anne-Marie Cuneo, page 13, line 1; Prepared Direct Testimony of Staff witness, Manuel N. Lopez, page 1, line 23; Pre-filed Direct Testimony of BCP witness William P. Marcus, page 7, line 9 to page 9, line 11; Direct Testimony and Exhibits of Vote Solar witness Rick Gilliam, page 25, line 8 to page 18, line 21; Prepared Direct Testimony of TASC witness, William A. Monsen, page 25, line 4 to page 27, line 18 and page 29, line 21 to page 35, line 15.

[81] "Staff is sufficiently uncomfortable with the inputs and the analysis underlying the Companies' marginal cost of service studies in these Dockets that we will not be relying on it to calculate its proposed rates and would caution the Commission from relying on it to set rates." Prefiled Direct Testimony of Staff witness Anne-Marie Cuneo, page 13, line 1. "I recommend that the Commission reject the MCSSs and Statement Os provided by the Companies in these Dockets and not use the MCSSs and Statement Os to develop specific rates for the proposed NEM customer classes." Prepared Direct Testimony of Staff witness, Manuel N. Lopez, page 7, line 19 to page 18, line 18.

[82] *See, e.g.,* Prepared Direct Testimony of Staff witness, Manuel N. Lopez, page 1, line 23; Pre-filed Direct Testimony of BCP witness William P. Marcus, page 7, line 9 to page 9, line 11; Direct Testimony and Exhibits of Vote Solar witness Rick Gilliam, page 25, line 8 to page 18, line 21; Prepared Direct Testimony of TASC witness, William A. Monsen, page 25, line 4 to page 27, line 18 and page 29, line 21 to page 35, line 15.

[83] Although NV Energy claims the distribution system is designed to meet the ratepayer's *estimated* peak load demand, (Paragraph 11), NV Energy witness Sinobio unequivocally acknowledged in his rebuttal testimony that

of the MCS to set rates is contrary to the governing statute and calls into question the validity of the Order and the rates implemented pursuant to it.

TASC proposed a number of corrections to the study, including the use of *actual* delivered load to calculate marginal distribution and transmission demand costs.[85] Despite all of the well-reasoned criticisms of the MCS, the Commission accepts it with no meaningful discussion of the parties' criticisms. The Order then inappropriately relies on the MCS to quantify an alleged cost shift.[86]

The Commission makes critical errors in applying the MCS to derive a claimed cost shift. In particular, the Commission completely ignores the significant value of electricity solar customers provide to the utility. This can be seen in the tables in Paragraph 88. The first row of the tables ("MCS Allocated Revenues") is based on the full delivered volumes from NEM customers, while the second row ("Present Rate Revenues") is based on the net volumes from NEM customers (i.e. delivered volumes less exports to the grid).[87] This is an apples-to-oranges comparison that fails to recognize that in addition to providing substantial revenue to NV Energy, solar customers provide significant additional value by delivering electricity to the grid that the utility can use to serve neighboring customers. As well, these do not capture the significant generation, transmission and distribution capacity cost savings that these systems provide.

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only the service drop and other distribution facilities closest to a customer's premises (but not the primary or high voltage distribution system) are designed in such a manner. Prepared Rebuttal Testimony of NV Energy witness Joseph V. Sinobio, Exhibit Sinobio-Rebuttal-1, page 17, line 8 to line 22 ("Q: What parts of the distribution system are sized based on individual residential customers' estimated peak load demand? A: The secondary and service cables to the individual customer residential homes are sized on the basis of the individual homes' estimated peak demand.")

[84] Paragraphs 11 and 13.

[85] Prepared Direct Testimony of TASC witness, William A. Monsen, page 25, line 4 to page 27, line 18 (marginal transmission demand) and page 29, line 21 to page 35, line 15 (marginal distribution demand).

[86] Paragraph 88.

[87] The MCS Allocated Revenues are based on sales of about 62 million kWh (Statement O, p. 3, row 37), while the present rate revenues are based on sales of about 42 million kWh (Statement O workpapers, page 1 of 18, row 16).

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

Although the Commission should not rely on the MCS, correcting this error produces a far lower cost shift, as the following table shows:

RS-NEM class calculations using delivered loads (i.e. excluding export value)

	Revenues	Delivered volumes	Net volumes	Cost of service
MCS Allocated Revenues	$9,129,987	62,472,545	n/a	$0.1461
Present Rate Revenues	$5,787,670	n/a	42,746,079	
Present Rate Revenues on delivered volumes **before** export credit at RS Rate	$7,969,220	62,472,545		$0.1276
Cost of Service Difference				$0.0186
Times Delivered volumes	$1,160,767			
Divided by Monthly Bills	64,416			
Revised NEM "Subsidy"	$18.02/month[88]			

The revised NEM "subsidy" shown above does not include the additional export and capacity values just discussed, and therefore still does not demonstrate that NEM customers contribute less than their cost to serve; it merely corrects for the error in the limited calculation that the Order provided in paragraph 88. This amounts to a claimed cost shift (with which TASC does not agree) of $1,161 million per year for the Nevada Power RS-NEM class, which account for about 97% of Nevada Power's rooftop solar customers.[89] This should be compared with the $60 million per year that Nevada Power requested for its Demand Side Management ("DSM") program, on which Nevada Power will receive $4.5 for its spending on DSM programs.[90]

[88] This compares to the $51.89/month the Commission erroneously calculates for the RS-NEM class.
[89] $216.24/year x 5,368 RS NEM customers = $1,161 million/505,133 RS non-NEM residential customers = $2.29/12 months = **$0.19 per month**. *See* MCS, Table 2, p. 109 of 187 in NPC Vol. 2.
[90] BCP Motion for Stay and Request for Order Shortening Time for Responses, December 24, 2015, page 2, line 14.

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

II. CONCLUSION

In light of the foregoing, the Commission should stay the effectiveness of its Order and effectiveness of the new tariffs pending reconsideration.

RESPECTFULLY SUBMITTED on the 8th day of January, 2016.

Kathleen M. Drakulich
McDonald Carano Wilson
2300 West Sahara Avenue
Las Vegas, Nevada 89505
702-873-4100

100 West Liberty Street
Reno, Nevada 89501
775-788-2000
kdrakulich@mcdonaldcarano.com

Kevin T. Fox
Keyes, Fox & Wiedman LP
436 14th St. #1305
Oakland, CA 94612
510-314-8200
kfox@kfwlaw.com

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

CERTIFICATE OF SERVICE

I hereby certify that I have on this 8th day of January, 2016 caused to be served by hand-delivery, electronic mail or U.S. Mail, a true and correct copy of the foregoing Petition for Reconsideration via email to each of the persons identified on the following list:

Tammy Cordova
Jermaine Grubbs
Staff Counsel Division
Public Utilities Commission of Nevada
1150 E. William Street
Carson City NV 89701-3109
tcordova@puc.nv.gov
jgrubbs@puc.nv.gov
pucn.sc@puc.nv.gov

Doug Brooks
Beth Elliot
NV Energy
P.O. Box 98910
Las Vegas, NV 89151-0001
dbrooks@nvenergy.com
belliot@nvenergy.com
csilveira@nvenergy.com
regulatory@nvenergy.com

Joshua J. Hicks
Brownstein Hyatt Farber Schreck
50 West Liberty Street, Suite 1030
Reno, Nevada 89501
jhicks@bhfs.com

Leslie E. Lo Baugh
Brownstein Hyatt Farber Schreck
225 Broadway, Suite 1670
San Diego, California 92101-5000
llobaugh@bhfs.com

Michael Saunders
Senior Deputy Attorney General
Bureau of Consumer Protection
10791 West Twain Ave., Suite 100
Las Vegas, NV 89135-3022
msaunders@ag.nv.gov
bcpserv@ag.nv.gov

Sara Birmingham
Solar Energy Industries Association
Director of Western States
3300 NE 157th Place
Portland, OR 97230
sbirmingham@seia.com

Lucas M. Foletta
Solar Energy Industries Association
McDonald Carano Wilson LLP 100 West Liberty Street 10th Floor Reno, NV 89501
lfoletta@mcdonaldcarano.com

Regina M. Nichols
NCARE
550 West Musser Street, H
Carson City, NV 89703-4997
rnichols@westernresources.org

Martha J. Ashcraft
Bombard Renewable Energy
7251 West Lake Mead Blvd, Suite 300
Las Vegas, NV 89128
mashcraft@ashcraftlawyers.com

Robert Johnston
NCARE
550 West Musser Street, H
Carson City, NV 89703-4997
Robert.johnston@westernresources.org

Alison Seel
Sierra Club Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105
Alison.seel@sierraclub.org

Chris Mixson
Wolf, Ribkin, Shapiro, Schulman, & Rabkin
5594-B Longley Lane
Reno, NV 89511
cmixson@wrslawyers.com

Tu Anh Tran
Louise Helton
United States Green Building Council
Nevada Chapter
6795 Edmond Street, Suite #331
Las Vegas, NV 89118
lhelton@lsunsolar.com
tran@solup.com

Jill Tauber
Vote Solar
Earthjustice
1625 Massachusetts Ave., NW, Suite 702
Washington, DC 20036
jtauber@earthjustice.org

Rick Gilliam
Vote Solar
590 Redstone Drive
Broomfield, CO 80020
rick@votesolar.org

Sara Gersen
Vote Solar
800 Wilshire Blvd., Suite 1000
Los Angeles, CA 90017
sgersen@earthjustice.org

Travis Ritchie
Sierra Club Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105
travisritchie@sierraclub.org

Alexa Zimbalist
Sierra Club Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105
Alexa.zimbalist@sierraclub.org

Jason Geddes
Washoe County School District
jgeddes@washoeschools.net

Shawn O'Meara
SunWorks
someara@yoursunworks.com

Leif Reid
Lewis Roca Rothgerber
50 W Liberty Street, Suite 410
Reno, NV 89501
lreid@lrrlaw.com

Respectfully submitted this 8th day of January, 2016.

An employee of McDonald Carano Wilson, LLP

McDONALD·CARANO·WILSON LLP
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

Exhibit A

Exhibit A

Legal Notices

NOTICE OF MERGER

Notice is given that application has been made to the Comptroller of the Currency, 1225 17th Street, Suite 300, Denver, CO 80202, and the Division of Financial Institutions of the Nevada Department of Business and Industry, 2785 E. Desert Inn Rd., Suite 180, Las Vegas, NV 89121, for consent to merge the following subsidiaries of Zions Bancorporation with and Into ZB, National Association, which is also a wholly owned subsidiary of Zions Bancorporation and headquartered in Salt Lake City, Utah.

Amegy Bank, National Association
Houston, Texas

California Bank & Trust
San Diego, California

National Bank of Arizona
Tucson, Arizona

Nevada State Bank
Las Vegas, Nevada

The Commerce Bank of Washington, National Association
Seattle, Washington

Vectra Bank Colorado, National Association
Farmington, New Mexico

Zions Management Services Company
Salt Lake City, Utah

It is contemplated that the main offices and branch offices of the above named banks will continue to operate as branches of Zions First National Bank.

To facilitate the above mergers of the banking subsidiaries, two additional mergers including non-bank entities will occur. First, Amegy Corporation, the wholly owned subsidiary of Zions Bancorporation and direct parent of Amegy Bank National Association, will merge with and into Amegy Bank National Association. Second, Zions Management Services Company, a wholly owned subsidiary of Zions Bancorporation and service provider for each of the above banks, will merge with and into Zions First National Bank.

It is contemplated that the main offices of Amegy Corporation and Zions Management Services Company will continue to operate. As non-bank entities, neither of these entities has any branches to be effected by the mergers.

This notice is published pursuant to 12 USC 1828(c), 12 CFR 5, and NRS 666.015. Anyone may submit written comments on this application by August 29, 2015 to: Director of District Licensing, 1225 17th Street, Suite 300, Denver, CO 80202 or WE.Licensing@occ.treas.gov.

The public file is available for inspection in the district office during regular business hours. Written requests for a copy of the public file on the application should be sent to the Director of District Licensing.

Legal Notices

plans to finance or refinance improvements to each of their respective water and sewer systems (the "Municipal Projects"), and to issue (1) in the case of the City of Fernley, general obligation bonds of the City of Fernley in the maximum principal amount of $48,500,000 and (2) in the case of the City of Fallon, general obligation bonds of the City of Fallon in the maximum principal amount of $10,795,000 (collectively, the "Municipal Bonds") for those purposes.

D. Paragraphs 7 and 8 describe in some detail the Municipal Projects and reasons the Municipal Projects are necessary, expedient and advisable for the protection and preservation of the property and natural resources of the State and for obtaining the benefits thereof.

E. Paragraphs 9 and 10 state that the Municipal Bonds constitute "municipal securities" as defined in the Act; and that the governing bodies and/or authorized representatives of each of the Municipalities have requested that the State Treasurer, as administrator of the municipal bond bank of the State, institute judicial confirmation procedures described in paragraph B above necessary to make future loans (the "Lending Project") to the Municipalities by purchasing the Municipal Bonds.

F. Paragraphs 11 and 12 recite that the State Treasurer has requested that the Board provide funds for purchasing the Municipal Bonds by issuing one or more series of bonds of the State in the maximum principal amount of $59,295,000 (the "State Bonds"); and that the Lending Project constitutes a "lending project" as defined in the Act.

G. Paragraphs 13 and 14 state that the State Bonds proposed to be issued are "state securities" as defined in the Act, and that the Board has adopted a resolution making certain findings and providing that the Board shall incur an obligation, if issued, for the Lending Project by issuing the State Bonds, but also providing that before the Board becomes so obligated it shall obtain a judicial confirmation that the State Bonds will be exempt, pursuant to the second paragraph of Section 3, Article 9 of the Constitution of the State of Nevada, from the State's debt limit.

H. Paragraphs 15, 16 and the concluding paragraph recite portions of Section 3, Article 9 of the Constitution of the State of Nevada; state that the State Bonds will be exempt, pursuant to the second paragraph of Section 3, Article 9 of the Constitution of the State of Nevada from the State's debt limit, and pray that the Court confirm that the State Bonds will be exempt, pursuant to the second paragraph of Section 3, Article 9 of the Constitution of the State of Nevada from the State's debt limit.

There is attached to the Petition Points and Authorities of the Board supporting the exemption of the State Bonds from the State's debt limit, and there have been filed Exhibits to the Petition, including a copy of the resolutions adopted by each governing body of the Municipalities referred to in paragraph C above, an affidavit concerning the Municipal Projects, the affidavit of the State Treasurer, and the

Legal Notices

Administration Building
3rd Floor, Purchasing
1845 East Russell Road,
Suite 300
Las Vegas, NV 89119
(702) 261-5013

A PREBID CONFERENCE will be held at: 9:00 AM on August 20, 2015 in Conference Room 1A at the address stated above.

BID OPENING

Bids will be accepted at the address stated above, on or before September 9, 2015, at 2:00:00 p.m. based on the time clock at the Department of Aviation Purchasing front desk.

Hearing impaired customers may obtain information by calling TT/TDD: Relay Nevada toll-free (800) 326-6868.

PUB: Aug. 12 - 18, 2015, incl.
LV Review-Journal

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

NOTICE OF APPLICATION

On July 31, 2015, Nevada Power Company d/b/a NV Energy ("NPC") filed an Application, designated as Docket No. 15-07041, with the Public Utilities Commission of Nevada ("Commission") for approval of a cost of service study and net metering tariffs.

This Notice serves only to notify the public that the Commission has received the above-referenced filing. It is the responsibility of interested persons to review the filing and monitor the proceedings to determine their desired levels of involvement based on how this matter may affect their unique situations. The details provided within this Notice are for informational purposes only and are not meant to be an all-inclusive overview of the filing. The Commission will make a determination at an open meeting regarding whether to grant the relief requested, which may have an impact on consumers.

NPC filed this Application pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), Chapters 703 and 704, including but not limited to Section 4.5 of Senate Bill 374 (2015) and NAC 703.535.

Interested and affected persons may file petitions for leave to intervene or comments pursuant to NAC 703.578 through 703.600 at either of the Commission's offices on or before MONDAY, AUGUST 17, 2015.

A commenter is not a party of record and shall not take any action that only a party of record may take. Pursuant to NAC 703.500, only parties of record are entitled to enter an appearance, introduce relevant evidence, examine and cross-examine witnesses, make arguments, make and argue motions and generally participate in the proceeding.

The Application is available for public viewing at the Commission's website at: http://puc.nv.gov and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. A person must request

Legal Notices

to appear unless they wish to oppose the guardianship and enter an objection.

DATE AND TIME OF COURT APPEARANCE

5th day of October, 2015 at 9:00 am in Courtroom #6 at the Eighth Judicial District Court, Family Division, 601 North Pecos Road, Las Vegas, NV 89101. Dated this 10th day of August, 2015.

CLERK OF COURT
By: MARITZA ALVARENGA,
Deputy Court Clerk AUG 10 2015
PUB: Aug. 12, 19, 26, Sept. 2, 2015 LV Review-Journal

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

NOTICE OF APPLICATIONS

TC NEVADA, LLC has filed an application, designated as Docket 15-08010 with the Nevada Transportation Authority ("Authority") for a Certificate of Public Convenience and Necessity ("CPCN") to provide charter bus service within the State of Nevada. This applicant may add a fictitious name prior to issuance of the CPCN.

Las Vegas Fun Bus, LLC d/b/a Las Vegas Fun Bus has filed an application, designated as Docket 15-08011 with the Authority for a CPCN to provide charter bus service within the State of Nevada.

RED CARPET VIP TRANSPORTATION, LLC d/b/a RED CARPET VIP has filed an application, designated as Docket 15-08012 with the Authority for a CPCN to provide charter bus service within the State of Nevada.

The applications were filed pursuant to Chapter 706 of the NRS and the Nevada Administrative Code ("NAC"). Under NRS 706.151, the Authority has legal jurisdiction and authority over these matters.

The applications are on file and available for viewing at the office of the Authority, 2290 South Jones Blvd., Suite 110, Las Vegas, Nevada 89146.

Persons with a direct and substantial interest in the filings may file Petitions for Leave to Intervene at the Authority's office. Such Petitions must conform to the Authority's regulations and must be filed on or before September 10, 2015.

Interested persons may submit Protests for filing at the Authority's offices. Protests must conform to the Authority's regulations. Other written comments may also be submitted for filing.

By the Authority,
/s/ Liz Babcock, CPA,
Applications Manager
Dated: August 10, 2015
Las Vegas, Nevada

PUB: August 12, 2015
LV Review-Journal

BIDS WANTED FOR HIGHWAY IMPROVEMENT

NOTICE TO CONTRACTORS

Sealed proposals will be received by the Director of the Nevada Department of Transportation at 1263 S. Stewart St., Carson City, NV, until and opened at 2:00 PM on August 27, 2015 for Contract #3607 - Construction necessary to widen shoulders and flatten slopes (earthwork only) construct two passing lanes, widen Silver Peak Road for right turn lane and Lida Road for right and left turn lanes, cold

headquartered in Salt Lake City, Utah.

Amegy Bank, National Association
Houston, Texas

California Bank & Trust
San Diego, California

National Bank of Arizona
Tucson, Arizona

Nevada State Bank
Las Vegas, Nevada

The Commerce Bank of Washington, National Association
Seattle, Washington

Vectra Bank Colorado, National Association
Farmington, New Mexico

Zions Management Services Company
Salt Lake City, Utah

It is contemplated that the main offices and branch offices of the above named banks will continue to operate as branches of Zions First National Bank.

To facilitate the above mergers of the banking subsidiaries, two additional mergers including non-bank entities will occur. First, Amegy Corporation, the wholly owned subsidiary of Zions Bancorporation and direct parent of Amegy Bank National Association, will merge with and into Amegy Bank National Association. Second, Zions Management Services Company, a wholly owned subsidiary of Zions Bancorporation and service provider for each of the above banks, will merge with and into Zions First National Bank.

It is contemplated that the main offices of Amegy Corporation and Zions Management Services Company will continue to operate. As non-bank entities, neither of these entities has any branches to be effected by the mergers.

This notice is published pursuant to 12 USC 1828(c), 12 CFR 5, and NRS 666.015. Anyone may submit written comments on this application by August 29, 2015 to: Director of District Licensing, 1225 17th Street, Suite 300, Denver, CO 80202 or WE.Licensing@occ.treas.gov.

The public file is available for inspection in the district office during regular business hours. Written requests for a copy of the public file on the application should be sent to the Director of District Licensing.

JULY 29, 2015
Amegy Bank, National Association
Houston, TX
California Bank & Trust
San Diego, CA
National Bank of Arizona
Tucson, AZ
Nevada State Bank
Las Vegas, NV
The Commerce Bank of Washington, National Association
Seattle, WA
Vectra Bank Colorado, N.A.
Farmington, NM
Zions Management Services Company
Salt Lake City, UT
ZB, National Association
Salt Lake City, UT

PUB: July 29, Aug. 5, 12, 19, 2015 LV Review-Journal

CASE NO. 15 OC 00167 1B
DEPT. NO. I
IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR CARSON CITY
In the Matter of:
THE PETITION OF THE STATE BOARD OF FINANCE FOR A JUDICIAL CONFIRMATION THAT CERTAIN OBLIGATIONS OF THE STATE ARE [illegible]

necessary, expedient and advisable for the protection and preservation of the property and natural resources of the State and for obtaining the benefits thereof.
E. Paragraphs 9 and 10 state that the Municipal Bonds constitute "municipal securities" as defined in the Act; and that the governing bodies and/or authorized representatives of each of the Municipalities have requested that the State Treasurer, as administrator of the municipal bond bank of the State, institute judicial confirmation procedures described in paragraph B above necessary to make future loans (the "Lending Project") to the Municipalities by purchasing the Municipal Bonds.
F. Paragraphs 11 and 12 recite that the State Treasurer has requested that the Board provide funds for purchasing the Municipal Bonds by issuing one or more series of bonds of the State in the maximum principal amount of $59,295,000 (the "State Bonds"); and that the Lending Project constitutes a "lending project" as defined in the Act.
G. Paragraphs 13 and 14 state that the State Bonds proposed to be issued are "state securities" as defined in the Act, and that the Board has adopted a resolution making certain findings and providing that the Board shall incur an obligation, if issued, for the Lending Project by issuing the State Bonds, but also providing that before the Board becomes so obligated it shall obtain a judicial confirmation that the State Bonds will be exempt, pursuant to the second paragraph of Section 3, Article 9 of the Constitution of the State of Nevada, from the State's debt limit.
H. Paragraphs 15, 16 and the concluding paragraph recite portions of Section 3, Article 9 of the Constitution of the State of Nevada; state that the State Bonds will be exempt, pursuant to the second paragraph of Section 3, Article 9 of the Constitution of the State of Nevada from the State's debt limit, and pray that the Court confirm that the State Bonds will be exempt, pursuant to the second paragraph of Section 3, Article 9 of the Constitution of the State of Nevada from the State's debt limit.
There is attached to the Petition Points and Authorities of the Board supporting the exemption of the State Bonds from the State's debt limit, and there have been filed Exhibits to the Petition, including a copy of the resolutions adopted by each governing body of the Municipalities referred to in paragraph C above, an affidavit concerning the Municipal Projects, the affidavit of the State Treasurer, and the resolution adopted by the Board mentioned in paragraph G above.
Reference is made to the Act, the Petition and the attachments and Exhibits to the Petition for further particulars with respect to the matters mentioned above. Copies of the documents are on file with the Clerk of the above-entitled Court and at the office of the State Treasurer, State Capitol Building, Carson City, Nevada 89701.
The Petition will be heard in Department No. I of the above-entitled Court at the Carson City Courthouse in Carson City, Nevada, 89701, on the 17th day of August, 2015 at the hour of 11:30 a.m.
An owner of property in the State or any other person interested may appear and move to dismiss or answer the Petition at any time prior to the date fixed for the hearing or within such further time as may be allowed by the Court.
As provided in NRS 43.100(2), the Petition shall be taken as confessed by all persons who fail to so appear. DATED this 10th day of July, 2015.

Aviation Purchasing front desk.

Hearing impaired customers may obtain information by calling TT/TDD: Relay Nevada toll-free (800) 326-6868.

PUB: Aug. 12 - 18, 2015, incl.
LV Review-Journal

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

NOTICE OF APPLICATION

On July 31, 2015, Nevada Power Company d/b/a NV Energy ("NPC") filed an Application, designated as Docket No. 15-07041, with the Public Utilities Commission of Nevada ("Commission") for approval of a cost of service study and net metering tariffs.
This Notice serves only to notify the public that the Commission has received the above-referenced filing. It is the responsibility of interested persons to review the filing and monitor the proceedings to determine their desired levels of involvement based on how this matter may affect their unique situations. The details provided within this Notice are for informational purposes only and are not meant to be an all-inclusive overview of the filing. The Commission will make a determination at an open meeting regarding whether to grant the relief requested, which may have an impact on consumers.
NPC filed this Application pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), Chapters 703 and 704, including but not limited to Section 4.5 of Senate Bill 374 (2015) and NAC 703.535.
Interested and affected persons may file petitions for leave to intervene or comments pursuant to NAC 703.578 through 703.600 at either of the Commission's offices on or before MONDAY, AUGUST 17, 2015.
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The Application is available for public viewing at the Commission's website at: http://puc.nv.gov and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. A person must request in writing to be placed on the service list for this proceeding in order to receive any further notices in this matter.

By the Commission,
TRISHA OSBORNE,
Assistant Commission Secretary
Dated: Carson City, Nevada
08/03/15
(SEAL)
PUB: August 12, 2015
LV Review-Journal

BIDS WANTED FOR HIGHWAY IMPROVEMENT
NOTICE TO CONTRACTORS

Sealed proposals will be received by the Director of the Nevada Department of Transportation at 1263 S. Stewart St., Carson City, NV, until and opened at 1:30 PM on September 3, 2015 for Contract #3610 - Replace Faulty High Mast Lowering System and to Upgrade Existing High Pressure Sodium Fixtures to Led Fixtures, I 15, From California State Line to North of the I-215

BEFORE THE NEVADA TRANSPORTATION AUTHO

NOTICE OF APPLICATIO

TC NEVADA, LLC has file application, designated Docket 15-08010 with Nevada Transport Authority ("Authority") Certificate of P Convenience and Nece ("CPCN") to provide ch bus service within the s of Nevada. This appli may add a fictitious n prior to issuance of the CP Las Vegas Fun Bus, LLC d Las Vegas Fun Bus has an application, designate Docket 15-08011 with Authority for a CPCN provide charter bus ser within the State of Nevada. RED CARPET TRANSPORTATION, LLC d/ RED CARPET VIP has filed application, designated Docket 15-08012 with Authority for a CPCN provide charter bus serv within the State of Nevada. The applications were fi pursuant to Chapter 706 the NRS and the Neva Administrative Code ("NAC Under NRS 706.151, Authority has le jurisdiction and author over these matters.
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Interested persons ma submit Protests for filing the Authority's office Protests must conform to th Authority's regulations Other written comments ma also be submitted for filing.

By the Authority,
/s/ Liz Babcock, CPA,
Applications Manager
Dated: August 10, 2015
Las Vegas, Nevada

PUB: August 12, 2015
LV Review-Journal

BIDS WANTED FOR HIGHWAY IMPROVEMENT
NOTICE TO CONTRACTORS

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Prequalification is required and forms are available at www.nevadadot.com. A valid Contractor's License is required at the time of award. Contracts are awarded to the lowest responsive bidder; however the right is reserved to reject any/all bids, or to accept the bid deemed best for the interest of the State. This contract is subject to all appropriate Federal Laws, including Title VI of the Civil Rights Act of 1964 and the Fair Labor Standards Act of 1938 (52 Stat. 1060). This contract is

Affidavit of Publication

STATE OF NEVADA)
COUNTY OF CLARK) SS:

NV ENERGY LAS VEGAS
M/S 03-A
6226 W SAHARA AVE
LAS VEGAS NV 89146

Account # 22525
Ad Number 0000592966

Eileen Gallagher, being 1st duly sworn, deposes and says That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/12/2015 to 08/12/2015, on the following days

08 / 12 / 15

PUBLIC UTILITIES COMMISSION OF NEVADA-CARSON CITY
2015 AUG 26 PM 12: 29

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

NOTICE OF APPLICATION

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By the Commission,
TRISHA OSBORNE,
Assistant Commission Secretary
Dated: Carson City, Nevada
08/03/15
(SEAL)
PUB: August 12, 2015
LV Review-Journal

ISI Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of August, 2015

Notary Mary A Lee

MARY A LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt Exp Nov 13, 2016