

2019 MAY 30 PM 2: 59

Agenda 10-19; Item No. 2B Draft Order for discussion at agenda

**THIS ORDER IS NOT A FINAL ORDER AND MAY BE SUBSTANTIALLY REVISED
PRIOR TO ENTRY OF A FINAL ORDER BY THE PUBLIC UTILITIES COMMISSION
OF NEVADA**

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of LV Stadium Events Company, LLC to)
purchase energy, capacity, and/or ancillary services from a) Docket No. 18-09003
provider of new electric resources.)
_____)

At a special session of the Public Utilities
Commission of Nevada, held at its offices
on June 4, 2019.

PRESENT: Chairwoman Ann Pongracz
Commissioner C.J. Manthe
Commissioner Hayley Williamson
Assistant Commission Secretary Trisha Osborne

[PROPOSED] ORDER ON MOTION

The Public Utilities Commission of Nevada (“Commission”) makes the following
findings of fact and conclusions of law:

I. INTRODUCTION

On September 7, 2018, LV Stadium Events Company, LLC (“Stadium”) filed with the
Public Utilities Commission of Nevada (“Commission”) an Application, designated as Docket
No. 18-09003, to purchase energy, capacity, and/or ancillary services from a provider of new
electric resources (the “Application”). The Stadium filed the Application pursuant to the Nevada
Revised Statutes (“NRS”) and the Nevada Administrative Code (“NAC”), Chapters 703, 704,
and 704B, including, but not limited to, NAC 704B.340 and 704B.380.

On February 1, 2019, the Commission issued an Order conditionally granting the
Application as delineated in the Order.

On May 24, 2019, Stadium filed a Motion to Suspend Compliance Schedule (“Motion”).

II. SUMMARY

The Commission grants in part and denies in part the Motion.

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III. PROCEDURAL HISTORY

- On September 7, 2018, Stadium filed the Application.
- On September 12, 2018, the Commission issued a Notice of Application.
- On September 13, 2018, the Attorney General's Bureau of Consumer Protection ("BCP") filed a Notice of Intent to Intervene pursuant to NRS Chapter 228.
- On October 3, 2018, Nevada Power Company d/b/a NV Energy ("NPC") filed a Letter of Intent to Participate pursuant to NAC 704B.310 and NAC 703.595.
- The Regulatory Operations Staff of the Commission ("Staff") participates as a matter of right pursuant to NRS 703.301.
- On October 22, 2018, the Commission issued a Notice of Prehearing Conference.
- On November 6, 2018, the Commission held a prehearing conference. The Stadium, NPC, BCP, and Staff (collectively the "Parties") made appearances.
- On November 7, 2018, the Presiding Officer issued a Procedural Order, which established a procedural schedule.
- On November 13, 2018, Staff filed its Final Impact Analysis.
- On November 20, 2018, the Presiding Officer held a continued prehearing conference. The Parties made appearances.
- On November 28, 2018, the Presiding Officer issued Procedural Order No. 2, establishing an amended procedural schedule.
- On December 4, 2018, the Presiding Officer held a continued prehearing conference. The Parties made appearances.
- On December 4, 2018, the Stadium filed Direct Testimony.
- On December 4, 2018, NPC filed its Alternative Impact Analysis.
- On December 14, 2018, the Commission issued a Notice of Hearing.
- On December 18, 2018, NPC, BCP, and Staff each filed Direct Testimony.
- On December 28, 2018, the Stadium filed Rebuttal Testimony.

- On January 3, 2019, the Presiding Officer held a hearing. The Parties made appearances. At the conclusion of the hearing, the Presiding Officer admitted Exhibits 1 through 9 and Confidential Exhibits 1 through 3 into the record.
- On January 4, 2019, the Stadium filed an amendment to its Application.
- On January 11, 2019, Tenaska Power Services Co. (“Tenaska”) filed a late-filed Petition for Leave to Intervene (“PLTI”).
- On January 14, 2019, Tenaska filed an amended PLTI.
- On January 23, 2019, the Presiding Officer issued Procedural Order No. 3, designating the Stadium’s amendment to its Application as Exhibit 10 and directing Stadium to submit as a late-filed exhibit a copy of its Western Systems Power Pool (“WSPP”) Master Agreement.
- On January 24, 2019, the Presiding Officer issued an Order granting Tenaska’s PLTI.
- On January 24, 2019, Tenaska, on behalf of Stadium, filed the WSPP Master Agreement in response to Procedural Order No. 3. Pursuant to NAC 703.5274(8), Tenaska requests that its filing receive confidential treatment.
- On January 25, 2019, the Presiding Officer issued a Protective Order, granting Stadium’s request for a protective order and confidential treatment for certain information included in its Application.
- On January 31, 2019, the Presiding Officer issued a Protective Order, granting Tenaska’s request for a protective order and confidential treatment for certain information provided by Tenaska.
- On February 1, 2019, the Commission issued an Order conditionally granting the Application as delineated in the Order.
- On March 1, 2019, Stadium made a compliance filing.
- On May 24, 2019, Stadium filed the Motion.
- On May 24, 2019, NPC filed a letter regarding the Motion.
- On May 28, 2019, the Presiding Officer issued Procedural Order No. 4, setting a procedural schedule regarding the Motion.
- On May 28, 2019, Tenaska filed a Response to the Motion.
- On May 29, 2019, BCP and Staff filed Responses to the Motion.

- On May 30, 2019, Stadium filed a Reply to the Responses filed on May 29, 2019.

IV. MOTION

Stadium's Position

1. Stadium states that NPC recently approached it with a proposed new tariff that would be similar to how service is provided under NRS Chapter 704B, but the utility would be providing the service instead of a provider of new electric resources. Stadium requests that the Commission suspend the remaining compliances in this matter in order to allow Stadium an opportunity to evaluate the proposed new tariff. If a new tariff is not filed within 30 days of the Motion or if Stadium determines not to accept the proposed new tariff, Stadium requests that the compliance schedule resume. (Motion at 2.)

2. Stadium states that its facility is currently under construction and does not need fully-operational service until mid-2020. Therefore, there is no prejudice to NPC or remaining customers in suspending the compliance schedule. (*Id.*)

3. Stadium states that the compliances due on June 3, 2019,¹ (120 days after the date of the February 1, 2019, Order) include submission of Stadium's points of delivery, a fully executed distribution-only service agreement, a fully executed transmission service agreement, and a copy of the agreement between Stadium and its provider of new electric resources. Stadium states that it has been preparing the materials necessary to file the required compliances in advance of the June 3, 2019, deadline. (*Id.* at 1.)

Tenaska's Position

4. Tenaska states that it has no objection to the Motion. (Tenaska Resp. at 1.)

NPC's Position

¹ The 120-day deadline for submission of certain compliances pursuant to the February 1, 2019, Order falls on June 1, 2019, which is a Saturday; therefore, the compliances are due on June 3, 2019.

5. NPC states that it has no objection to the Motion and agrees that neither NPC nor remaining customers are prejudiced from a suspension of the compliance schedule. (NPC May 24, 2019, Letter.)

BCP's Position

6. BCP does not oppose the Commission granting the Motion. (BCP Resp. at 1.)

Staff's Position

7. Staff does not object to the Motion. (Staff Resp. at 1.)

Stadium's Reply Position

8. Given that no party objects to the Motion, Stadium requests that the Commission grant the Motion. (Stadium Reply at 1.)

9. Stadium notes that the Commission scheduled a special agenda meeting on June 4, 2019, to consider the Motion, which falls one day after the date that certain compliances are due. As such, Stadium requests that any affirmative decision to grant the Motion refer back to the June 3, 2019, compliance due date and that the suspension of compliance schedule be deemed to begin prior to the June 3, 2019, compliance deadline so as to preserve the February 1, 2019, Order. (*Id.*)

Commission Discussion and Findings

10. No party opposes the Motion and no party has raised any concern that granting the Motion would result in harm to NPC or remaining ratepayers. Further, the Stadium's facility is currently under construction; therefore, the remaining compliances are not as time sensitive as they would be for an NRS 704B applicant seeking to depart fully-bundled service with existing facilities. Therefore, the Commission grants the Motion in part as discussed further below.²

² Ordering paragraph 22 of the February 1, 2019, Order states, "If LV Stadium Events Company, LLC fails to timely satisfy the compliances and directives set forth herein, the Commission's approval of the Application shall be

11. The Commission does not agree that the remaining compliances should remain suspended for an indeterminate amount of time. Therefore, the Commission determines that the compliances set forth in Ordering Paragraphs 5, 8, 10, 11, 12, and 14 of the February 1, 2019, Order, are due no later than September 3, 2019.

12. Should Stadium determine that modification of the foregoing September 3, 2019, compliance due date is necessary, Stadium may file a subsequent motion requesting such modification. However, Stadium should specifically identify each compliance for which it seeks delay and provide an explanation as to how it would be harmed or potentially harmed by filing the compliances as scheduled.

THEREFORE, it is ORDERED:

1. The Motion to Suspend Compliance Schedule filed by LV Stadium Events Company, LLC is GRANTED IN PART and DENIED IN PART as provided herein.

2. All arguments of the parties raised in these proceedings not expressly addressed herein have been considered and either rejected or found to be non-essential for further discussion in this Order.

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deemed rescinded.” Stadium filed its Motion prior to the June 3, 2019, compliances due date. The Commission scheduled an Agenda meeting as soon as practically possible to consider the Motion. Therefore, the Commission determines that Paragraph 22 was not triggered in this instance.

3. The Commission may correct any errors that have occurred in the drafting or issuance of this Order without further proceedings.

By the Commission,

ANN PONGRACZ, Chairwoman

C.J. MANTHE, Commissioner and
Presiding Officer

HAYLEY WILLIAMSON, Commissioner

Attest: _____
TRISHA OSBORNE,
Assistant Commission Secretary

Dated: Carson City, Nevada

(SEAL)

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