

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

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**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 general session of the Public Utilities  
Commission of Nevada, held at its offices  
on August 28, 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 (“Stadium’s  
First Motion”).

On June 5, 2019, the Commission issued an Order granting in part and denying in part  
Stadium’s First Motion.

On August 19, 2019, Stadium filed a second Motion to Suspend Compliance Schedule (“Stadium’s Second Motion”).

## II. SUMMARY

The Commission grants Stadium’s Second Motion.

## 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 Nevada 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 Stadium’s First Motion.
- On May 24, 2019, NPC filed a letter regarding Stadium’s First Motion.
- On May 28, 2019, the Presiding Officer issued Procedural Order No. 4, setting a procedural schedule regarding Stadium’s First Motion.

- On May 28, 2019, Tenaska filed a Response to Stadium's First Motion.
- On May 29, 2019, BCP and Staff filed Responses to Stadium's First Motion.
- On May 30, 2019, Stadium filed a Reply to the Responses filed on May 29, 2019.
- On June 5, 2019, the Commission issued an Order granting in part and denying in part Stadium's First Motion.
- On August 19, 2019, Stadium filed Stadium's Second Motion and the Commission issued Procedural Order No. 5, setting a procedural schedule regarding Stadium's Second Motion.
- On August 21, 2019, Staff and BCP filed Responses to Stadium's Second Motion.
- On August 22, 2019, Stadium filed a Reply to the Responses filed on August 21, 2019.

#### **IV. STADIUM'S SECOND MOTION**

##### **Stadium's Position**

1. Stadium states that the Commission's Order on Stadium's First Motion set September 3, 2019, as the new deadline for the compliances delineated in ordering paragraphs 5, 8, 10, 11, and 12, of the Commission's February 1, 2019, Order conditionally granting Stadium's Application. (Stadium's Second Motion at 1.) Stadium states it has delivered the information required by ordering paragraphs 5 and 8 and that the only remaining compliances due on September 3, 2019, are those found in ordering paragraphs 10, 11, and 12 (the "Remaining Compliances"). (*Id.*)

2. Stadium states that the Remaining Compliances require the filing of a fully-executed distribution only service agreement, a fully-executed transmission service agreement, and a copy of the agreement between Stadium and their provider of new electric resources. (*Id.*)

3. 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 provide the service instead of a provider of new electric resources. (*Id.* at 2.)

4. Stadium states that the new tariff, which has not yet been filed and will require Commission approval, is expected to be filed soon. (*Id.*) Therefore, Stadium requests that the Commission suspend the Remaining Compliances until December 31, 2019, in order to give both Stadium and the Commission a chance to evaluate the new tariff. (*Id.*)

5. Stadium states that the agreements required in the Remaining Compliances are binding and require services that Stadium would not need if it elects to take service under the new tariff from NPC. (*Id.*) Therefore, Stadium states that requiring these agreements would cause harm to Stadium, impede its ability to take service under the new tariff, and are not necessary because construction of its facility will not be complete until mid-2020. (*Id.*)

6. Stadium states that, because its facility is currently under construction and does not need fully-operational service until mid-2020, there is no prejudice to NPC or remaining customers in suspending the compliance schedule. (*Id.*) Stadium states that in the event it does not take service under the new tariff, there is ample time to finalize the remaining compliances and put the agreements in place. (*Id.* at 2-3.)

7. Stadium reiterates its contention that NPC and the remaining customers of the utility will not be harmed by allowing it to fully consider NPC's new tariff because its facility is still under construction. (*Id.* at 3.)

#### **Tenaska's Position**

8. Tenaska did not file a response to Stadium's Second Motion.

#### **NPC's Position**

9. NPC did not file a response to Stadium's Second Motion.

#### **BCP's Position**

10. BCP does not oppose the Commission granting Stadium's Second Motion. (BCP

Resp. at 1.)

**Staff's Position**

11. Staff does not object to Stadium's Second Motion. (Staff Resp. at 1.)

**Stadium's Reply Position**

12. Stadium states that no party opposed or objected to Stadium's Second Motion. (Stadium Reply at 1.) Therefore, Stadium requests that the Commission grant Stadium's Second Motion. (*Id.*)

**Commission Discussion and Findings**

13. No party opposes Stadium's Second Motion, nor has any party raised any concern that granting Stadium's Second Motion would result in harm to NPC or remaining ratepayers. Further, the Stadium's facility is currently under construction. Therefore, Stadium's remaining compliances are not as time sensitive when compared to an NRS 704B applicant seeking to depart fully-bundled service with existing facilities. Therefore, the Commission grants Stadium's Second Motion.

14. The Commission finds that, should Stadium determine that modification of the December 31, 2019, compliance due date is necessary, Stadium must file a subsequent motion requesting such modification. Further, the Commission finds that, if another such motion is filed, Stadium must again 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.

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THEREFORE, it is ORDERED:

- 1. The Motion to Suspend Compliance Schedule filed by LV Stadium Events Company, LLC is GRANTED.

By the Commission,

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 ANN PONGRACZ, Chairwoman

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 C.J. MANTHE, Commissioner and  
 Presiding Officer

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 HAYLEY WILLIAMSON, Commissioner

Attest: \_\_\_\_\_  
 TRISHA OSBORNE,  
 Assistant Commission Secretary

Dated: Carson City, Nevada

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 (SEAL)

