

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of MGM Resorts International to purchase)
energy, capacity, and/or ancillary services from a) Docket No. 15-05017
provider of new electric resources.)
_____)

At a general session of the Public Utilities Commission of Nevada, held at its offices on April 11, 2018.

PRESENT: Chairman Joseph C. Reynolds
Commissioner Ann C. Pongracz
Assistant Commission Secretary Trisha Osborne

ORDER

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

I. INTRODUCTION

MGM Resorts International (MGM) filed with the PUCN an Application, designated as Docket No. 15-05017, for authority to exit the system of Nevada Power Company d/b/a NV Energy (Nevada Power) and to purchase energy, capacity, and/or ancillary services from a provider of new electric resources. On January 20, 2016, the PUCN issued a Modified Final Order granting the Application and imposing certain compliance items.

On May 24, 2017, MGM, the Regulatory Operations Staff of the PUCN (Staff), and the Nevada Attorney General's Bureau of Consumer Protection (BCP) filed a Stipulation requesting relief from the Modified Final Order. On July 10, 2017, the PUCN issued an Order accepting the Stipulation.

On April 5, 2018, Staff filed a briefing memorandum with the PUCN recommending the PUCN find that MGM has complied with all of the requirements of the January 20, 2016, Modified Final Order and the July 10, 2017, Order.

II. SUMMARY

The PUCN finds that MGM has complied with all of the requirements of the January 20, 2016, Modified Final Order and the July 10, 2017, Order.

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III. PROCEDURAL HISTORY

- On May 12, 2015, MGM 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 May 19, 2015, the BCP filed a Notice of Intent to Intervene pursuant to NRS Chapter 228.
- On May 22, 2015, the PUCN issued a Notice of Application to Exit System and Notice of Prehearing Conference.
- On October 21 and 22, 2015, the PUCN held a hearing. BCP, Nevada Power, Staff, and MGM made appearances. The hearing was continued to November 18, 2015.
- On November 18, 2015, the PUCN held a continued hearing. MGM, Nevada Power, BCP and Staff and made appearances.
- On December 3, 2015, the PUCN considered the presiding officer's draft order, discussed proposed modifications, issued an Order approving the Application as provided in the Order, and adopted the proposed modifications.
- On December 17, 2015, MGM filed a Petition for Reconsideration.
- On January 4, 2016, MGM filed a Notice of Intent to Proceed with the underlying proposed transaction to its Application, and Staff and the BCP each filed Answers to the Petition for Reconsideration.
- On January 20, 2016, the PUCN granted in part and denied in part the Petition for Reconsideration and issued a Modified Final Order.
- On February 19, 2016, MGM made a filing pursuant to ordering paragraph 3 of the Modified Final Order. On March 21, 2016, Staff made a filing pursuant to ordering paragraphs 4 and 5 of the Modified Final Order. On March 31, 2016, the BCP made a filing in response to ordering paragraph 5 of the Modified Final Order. On May 19, 2016, MGM made a filing in response to the compliance items listed in ordering paragraphs 6 through 14 of the Modified Final Order.
- On May 31, 2016, MGM filed a supplement to its May 19, 2016, compliance filing.
- On June 10, 2016, Staff filed a briefing memorandum.
- On June 21, 2016, the PUCN issued an Order accepting the recommendations contained in Staff's June 10, 2016, briefing memorandum.
- On July 8, 2016, MGM made a filing in response to the compliance item listed in ordering paragraph 15 of the Modified Final Order, notifying the PUCN of its intent to proceed with its proposed transaction.

- On July 15, 2016, Nevada Power made a filing in response to ordering paragraph 12 of the Modified Final Order.
- On September 30, 2016, MGM made a filing in response to the compliance item listed in ordering paragraph 9 of the Modified Final Order.
- On November 22, 2016, Staff filed a briefing memorandum.
- On December 8, 2016, the PUCN issued an Order accepting the recommendations contained in Staff's November 22, 2016, briefing memorandum.
- On February 1, 2017, MGM made a filing in response to the compliance item listed in ordering paragraph 11 of the Modified Final Order.
- On May 24, 2017, MGM, Staff, and BCP filed a Stipulation.
- On June 2, 2017, the PUCN issued a Notice of Hearing.
- On June 9, 2017, the PUCN issued a revised Notice of Hearing.
- On June 13, 2017, NPC filed a letter expressing "no position" on the Stipulation filed by the Signatories.
- On June 14, 2017, the PUCN held a formal hearing regarding the Stipulation. MGM, Nevada Power, BCP and Staff made appearances.
- On July 10, 2017, the PUCN issued an Order accepting the May 24, 2017, Stipulation.
- On September 13, 2017, MGM made a filing pursuant to paragraph 5(d) of the May 24, 2017, Stipulation.
- On April 5, 2018, Staff filed a briefing memorandum (Staff's April 5, 2017, Briefing Memo) with the PUCN recommending the PUCN find that MGM has complied with all of the requirements of the January 20, 2016, Modified Final Order and the July 10, 2017, Order, and close the docket.

IV. COMPLIANCE FILINGS

Staff's Position

1. Staff states that it has analyzed the compliance items outlined in the PUCN's July 10, 2017, Order and in ordering paragraph 11 of the PUCN's January 20, 2016, Modified Order,

and produced in MGM's February 1, 2017, and September 13, 2017, compliance filings. (Staff's April 5, 2018, Briefing Memo at 2.)

2. Regarding ordering paragraph 11 of the PUCN's January 20, 2016, Modified Final Order, Staff states that MGM filed with the PUCN documentation showing the payment of the Clark County Business License Fee for the fourth quarter of 2016. Staff thus recommends the PUCN find that MGM has satisfied ordering paragraph 11. Staff notes that this remains an ongoing obligation of MGM pursuant to NRS 704B.360; but, for administrative purposes, the PUCN should find MGM has met this compliance. (*Id.* at 3.)

3. Regarding paragraph 5(d) of the May 24, 2017, Stipulation, as accepted by the PUCN's July 10, 2017, Order, Staff states that MGM filed with the PUCN the Amended Distribution-Only Service Agreement that reflects the updated terms of MGM's Chapter 704B impact fee payments. Staff thus recommends the PUCN find that MGM has satisfied paragraph 5(d) of the May 24, 2017, Stipulation. (*Id.*).

PUCN Discussion and Findings

4. The PUCN adopts the analysis and recommendations found in Staff's April 5, 2018, Briefing Memo. Accordingly, the PUCN finds that MGM has complied with all requirements of the PUCN's January 20, 2016, Modified Final Order and its July 10, 2017, Order.

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THEREFORE, it is ORDERED

1. MGM Resorts International HAS COMPLIED with all requirements of the PUCN's January 20, 2016, Modified Final Order and its July 10, 2017, Order.

By the Commission,



TRISHA OSBORNE,
Assistant Commission Secretary on behalf
of the Commissioners.

Dated: Carson City, Nevada

4/13/18

(SEAL)

