

156 FERC ¶ 61,004  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Cheryl A. LaFleur, Tony Clark,  
and Colette D. Honorable.

Nevada Power Company

Docket Nos. ER15-2623-001  
ER15-2625-001

ORDER DISMISSING REQUEST FOR REHEARING AS MOOT

(Issued July 1, 2016)

1. On December 21, 2015, Nevada Power Company (Nevada Power) and Sierra Pacific Power Company (collectively, NV Companies) requested rehearing of the Commission's November 19, 2015 order rejecting a proposed amended and restated Transmission Use and Capacity Exchange Agreement (Amended TUA) as premature.<sup>1</sup> In this order, we dismiss the request for rehearing as moot.

**I. Background**

2. On September 8, 2015, in Docket No. ER15-2623-000, Nevada Power filed a proposed Operation and Maintenance Agreement (O&M Agreement) and License and Sale Agreement (L&S Agreement) between Nevada Power and DesertLink, LLC (DesertLink). Concurrently, in Docket No. ER15-2625-000, NV Companies filed the proposed Amended TUA among NV Companies, Great Basin Transmission South, LLC, and Great Basin Transmission, LLC.

3. Subsequently, on November 19, 2015, the Commission rejected the proposed O&M Agreement, L&S Agreement, and Amended TUA as premature, without prejudice to Nevada Power or NV Companies refiling the agreements at a later date.<sup>2</sup> The Commission stated that it would be premature to accept the proposed O&M Agreement and proposed L&S Agreement because they would not become effective unless and until the California Independent System Operator Corporation awards the Harry Allen-to-Eldorado transmission project to DesertLink. The Commission explained that it would

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<sup>1</sup> *Nev. Power Co.*, 153 FERC ¶ 61,227 (2015) (November 2015 Order).

<sup>2</sup> *See id.* P 23.

be premature to accept the proposed Amended TUA because it contained contingent amendments, some of which would become effective provisions of the final agreement and some of which would become moot and ineffective, depending on uncertain future events relating to development of the project.<sup>3</sup>

## II. Request for Rehearing and Subsequent Pleadings

4. On December 21, 2015, NV Companies filed a request for rehearing of the Commission's rejection of the Amended TUA as premature in Docket No. ER15-2625-000. NV Companies argue that the Amended TUA should not have been rejected as premature and ask the Commission to accept the Amended TUA.<sup>4</sup> NV Companies do not seek rehearing of the Commission's rejection of the O&M Agreement and L&S Agreement in Docket No. ER15-2623-000.<sup>5</sup>

5. Subsequently, on April 8, 2016, NV Companies filed a different proposed version of the Amended TUA in Docket No. ER16-1372-000. In that filing, NV Companies requested that, if their substitute version of the Amended TUA was accepted, the Commission dismiss their request for rehearing of the November 2015 Order as moot.<sup>6</sup> On April 19, 2016, NV Companies also submitted a notice in Docket Nos. ER15-2623-001 and ER15-2625-001 asking the Commission to dismiss their request for rehearing, upon acceptance of the new Amended TUA in Docket No. ER16-1372-000.<sup>7</sup> On June 3, 2016, the new Amended TUA was accepted by delegated letter order.<sup>8</sup>

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<sup>3</sup> *Id.* P 24.

<sup>4</sup> NV Companies Request for Rehearing at 2, 4-5.

<sup>5</sup> *Id.* at 1-2. We note that Southern California Edison Company (SoCal Edison) filed a limited protest and comments in Docket Nos. ER15-2623-000 and ER15-2625-000, but SoCal Edison's protest and comments only related to the redacted portions of the O&M Agreement and L&S Agreement filed in Docket No. ER15-2623-000 and Nevada Power's proposed Protective Agreement that would allow access to that redacted information. As noted above, NV Companies do not seek rehearing of the Commission's rejection of the O&M Agreement and L&S Agreement in Docket No. ER15-2623-000, therefore the request for rehearing does not implicate SoCal Edison's protest and comments.

<sup>6</sup> NV Companies Docket No. ER16-1372-000 Transmittal at 2-3.

<sup>7</sup> NV Companies Informational Notice Regarding Request for Rehearing at 1.

<sup>8</sup> *Nev. Power Co., et al.*, Docket No. ER16-1372-000 (June 3, 2016) (delegated letter order).

### **III. Commission Determination**

6. As requested by NV Companies, we dismiss their request for rehearing. As explained by NV Companies, the new Amended TUA that was accepted in Docket No. ER16-1372-000 is a substitute version of the Amended TUA that was rejected as premature in Docket No. ER15-2625-000,<sup>9</sup> and therefore NV Companies' request for rehearing is moot.<sup>10</sup>

The Commission orders:

NV Companies' request for rehearing is hereby dismissed as moot, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>9</sup> See NV Companies Docket No. ER16-1372-000 Transmittal at 2-3.

<sup>10</sup> See, e.g., *TC Ravenswood, LLC*, 150 FERC ¶ 61,142, at P 10 (2015) (dismissing request for rehearing as moot where there was no longer a live controversy).