

142 FERC ¶ 61,165
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony Clark.

NV Energy, Inc.

Docket No. ER13-679-000

ORDER CONDITIONALLY ACCEPTING IN PART AND REJECTING IN PART
TARIFF REVISIONS

(Issued March 1, 2013)

1. On December 31, 2012, Sierra Pacific Power Company and Nevada Power Company, (collectively, NV Energy) submitted for filing pursuant to section 205 of the Federal Power Act (FPA),¹ revisions to its Open Access Transmission Tariff (OATT) to reform its generator interconnection procedures. NV Energy requests an effective date of March 1, 2013, for the proposed revisions. For the reasons set forth below, we conditionally accept in part and reject in part NV Energy's proposed revisions, effective March 1, 2013, subject to a further compliance filing within 30 days of this order.

I. Background

2. NV Energy proposes certain modifications to the Large Generator Interconnection Procedures (LGIP) and Small Generator Interconnection Procedures (SGIP) provisions of its Open Access Transmission Tariff (OATT) to, among other things: (1) create a pre-application process for NV Energy's LGIP and SGIP; (2) eliminate the feasibility study process from the LGIP and SGIP; (3) modify the deposit requirements under the LGIP; and (4) create a biannual queue cluster window for large generator interconnection requests based on geographic location and completion of the pre-application process.

3. NV Energy states that its proposed modifications to its interconnection process are based on: (1) its experience addressing interconnection issues; (2) the unique siting and permitting issues in the State of Nevada; and (3) the Commission's recognition of the problem and its willingness to approve solutions ensuring that projects that are ready to move forward into the interconnection process are not hindered by projects in earlier stages of development. In addition, NV Energy states that it is a member of

¹ 16 U.S.C. § 824d (2006).

WestConnect and the proposed revisions to its generator interconnection procedures are similar to those which the Commission has accepted for other WestConnect members.²

4. NV Energy states that it has approximately 2,000 MW of interconnection applications in its queue. NV Energy states that the backlog is driven in part by the fact that many interconnection requests involve traversing public lands managed by the Bureau of Land Management (BLM). NV Energy also asserts that the backlog is also partly driven by the lack of coordination among Interconnection Customers, the BLM process, and the NV Energy interconnection process.

5. NV Energy explains that given the nature of its vast service territory, Interconnection Customers are often required to traverse public lands to interconnect to NV Energy's transmission system. For example, according to NV Energy, Interconnection Customers seeking to cross BLM land or locate facilities on or traversing BLM land must obtain necessary right-of-way grants/permits for their projects from the BLM. NV Energy explains that even when the customers' facilities are located entirely on private lands, NV Energy's facilities required for interconnection are likely to cross BLM lands, sometimes adding an unexpected permitting process for Interconnection Customers. NV Energy states that, as part of the BLM process, Interconnection Customers must identify all facilities that will be located on BLM-managed and private land associated with a proposed project to obtain a necessary grant or permit. Furthermore, NV Energy states that BLM has many additional requirements, including that applicants demonstrate what, if any, environmental impacts their proposed federal action will have on public/private lands. According to NV Energy, this analysis of potential environmental impacts can be costly, time consuming, and sometimes require the development of alternatives to the proposed federal action before BLM can process a right-of-way application.

6. NV Energy explains that the number of interconnection requests, combined with the permitting process required to build facilities on public lands in Nevada and the lack of coordination between the Interconnection Customers, the BLM, and NV Energy has delayed and made uncertain the initial determinations regarding proposed interconnection facility locations and environmental mitigations that BLM requires before granting access to public lands.

7. NV Energy emphasizes that its current interconnection process is based on the *pro forma* interconnection procedures set forth in Order No. 2003, which it claims is not designed to move interconnection customers through the interconnection process effectively in the context of the public land permitting process and issues that often arise in Nevada. NV Energy therefore proposes to streamline its interconnection process to

² See, e.g., *Arizona Public Serv. Co.*, 137 FERC ¶ 61,099 (2011), *El Paso Electric Serv. Co.*, 137 FERC ¶ 61,101 (2011). NV Energy Transmittal Letter at 4.

reflect the unique circumstances in Nevada, assist in clearing the existing backlog of interconnection requests in its Interconnection Queue, and avoid future backlogs.

II. Notice and Responsive Pleadings

8. Notice of NV Energy's filing was published in the Federal Register, 78 Fed. Reg. 2382 (2013), with protests and interventions due on or before January 22, 2013. None was filed.

III. Discussion

9. In Order No. 2003,³ the Commission issued standardized interconnection procedures and agreements for the interconnection of large generating facilities. The Commission's goal was to reduce undue discrimination and expedite the development of new generation while protecting reliability and ensuring that rates are just and reasonable. Similarly, in Order No. 2006,⁴ the Commission issued standardized interconnection procedures and agreements for the interconnection of small generating facilities. Subsequently, concerns about the effectiveness of queue management led the Commission to convene a technical conference on December 11, 2007. Following the technical conference, the Commission issued an order finding that "[s]urges in the volume of new generation development are taxing the current queue management approach in some regions"⁵ and that "the unprecedented demand in some regions for new types of generation, principally renewable generation, places further stress on queue management because such generation technologies can, for example, be brought online more quickly than traditional generation."⁶

³ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh'g*, Order No. 2003-A, FERC Stats. & Regs. ¶ 31,160, *order on reh'g*, Order No. 2003-B, FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh'g*, Order No. 2003-C, FERC Stats. & Regs. ¶ 31,190 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007), *cert. denied*, 552 U.S. 1230 (2008).

⁴ *Standardization of Small Generator Interconnection Agreements and Proceedings*, Order No. 2006, 70 FR 34189, FERC Stats. & Regs. ¶ 31,180, *order on reh'g*, Order No. 2006-A, 70 FR 71760, FERC Stats. & Regs. ¶ 31,196 (2005), *order granting clarification*, Order No. 2006-B, 71 FR 42587, FERC Stats. & Regs. ¶ 31,221 (2006).

⁵ *Interconnection Queuing Practices*, 122 FERC ¶ 61,252, at P 3 (2008) (Technical Conference Order).

⁶ *Id.*

10. While the Commission has not required a particular solution, the Technical Conference Order suggested that the following types of variations from the standardized interconnection procedures, individually or in combination, could speed up queue processing, while remaining faithful to the goals of Order No. 2003: (1) increasing the requirements for obtaining and keeping a queue position, such as increasing deposit amounts; (2) eliminating the interconnection feasibility study as a separate step to reduce processing time without harming Interconnection Customers; and (3) instituting a first-ready, first-served approach, under which customers who demonstrate the greatest ability to move forward with project development are processed first.⁷ The Commission also stated that it would consider methods of clustering other than the Order No. 2003 approach, which is based on a first-come, first-served paradigm as clusters are limited to requests filed within the same time frame.⁸

A. Pre-Application Process for the LGIP and SGIP

1. Proposal

11. NV Energy proposes to implement a pre-application process to coordinate efforts between the Interconnection Customer and NV Energy, to obtain all of the necessary generation, facilities, and other data necessary to identify permitting requirements required by NV Energy, BLM and other federal/state entities before a project is moved into the formal Interconnection Queue. According to NV Energy, coordination among the parties before a project enters the formal Interconnection Queue will reduce some timing and uncertainty issues associated with siting and permitting processes within the State of Nevada.

12. NV Energy's currently effective OATT provides for a \$1,000 deposit under its SGIP and a \$10,000 deposit under its LGIP. NV Energy proposes to increase the SGIP deposit from \$1,000 to \$10,000, to be equivalent to the requirement for the LGIP, and to make these deposits non-refundable for both the SGIP and LGIP. NV Energy explains that, under its revised process, the Interconnection Customer will submit a Pre-Application Request to NV Energy along with a non-refundable deposit of \$10,000 to initiate the interconnection process.⁹ NV Energy will apply the deposit to cover the costs associated with reviewing the Pre-Application Request and assigning the appropriate personnel to coordinate with the Interconnection Customer to identify any siting or permitting issues with respect to a proposed project. NV Energy explains that the coordination includes, but is not limited to, examining the proposed generator facility site

⁷ *Id.* PP 15-18.

⁸ *Id.* P 18.

⁹ NV Energy Transmittal Letter at 5; NV Energy OATT, proposed LGIP § 3.2.1 and proposed SGIP § 1.2.2.1.

locations (if necessary) – including the terrain of such locations, as well as the proximity of such sites to NV Energy’s existing facilities, in order to identify any siting or permitting issues that may need to be addressed in order to accommodate the requested interconnection. NV Energy states that, upon receipt of the Pre-Application Request and deposit, the Interconnection Customer is assigned a time and date-stamped Pre-Application Number, similar to the *pro forma* queue process.¹⁰

13. NV Energy states that the information required to be provided by the Interconnection Customer in the Pre-Application Request is virtually identical to the information that is required to be provided in the *pro forma* interconnection procedures.¹¹ NV Energy states that to provide a more accurate review, it also is requesting the following information: (1) the MVA rating and total number of generators; (2) the in-service date; and (3) a good faith estimate of the stand-by or station service load when the units are not generating.¹²

14. Under NV Energy’s proposal, within 20 business days from receipt of a completed Pre-Application Request (or as otherwise mutually agreed to by the parties), NV Energy will convene a meeting with the Interconnection Customer to discuss environmental, permitting, and site control issues, whether public lands are affected, and other matters related to the Interconnection Customer’s proposed generating facility.¹³ NV Energy explains that, to the extent any of the Interconnection Customer’s potential interconnection facilities cross BLM lands, NV Energy and the Interconnection Customer will work in good faith to submit a joint Preliminary Plan of Development to BLM. According to NV Energy, this is necessary because BLM’s process for approving Preliminary Plans of Development requires the joint submission of the Preliminary Plan of Development from the Interconnection Customer and NV Energy.¹⁴

15. NV Energy states that it is requesting these changes to the LGIP to streamline the interconnection process and assist Interconnection Customers with the Preliminary Plan

¹⁰ NV Energy Transmittal Letter at 5; NV Energy OATT, proposed LGIP § 3.3.1 and proposed SGIP § 1.2.2.4.

¹¹ NV Energy Transmittal Letter at 5; NV Energy OATT, proposed LGIP Appendix 1 and proposed SGIP Attachment 2.

¹² NV Energy Transmittal Letter at 5-6; NV Energy OATT, proposed LGIP Appendix 1 and proposed SGIP Attachment 2.

¹³ NV Energy Transmittal Letter at 6; NV Energy OATT, proposed LGIP § 3.3.3 and proposed SGIP § 1.2.2.5.

¹⁴ NV Energy Transmittal Letter at 6; NV Energy OATT, proposed LGIP § 3.3.2 and proposed SGIP § 1.2.2.5.

of Development process. According to NV Energy, the failure of the Interconnection Customer to identify facilities that need to be built by NV Energy to accommodate a requested interconnection in the Interconnection Customer's Preliminary Plan of Development submission has caused substantial delays in the processing of interconnection requests with both NV Energy and BLM. NV Energy states that because clarifying the joint nature of the Preliminary Plan of Development process in NV Energy's OATT will provide greater transparency to the Interconnection Customer and help move "first ready" projects into the formal Interconnection Queue, its proposed revisions are consistent with or superior to the *pro forma* OATT.

2. Commission Determination

16. In the Technical Conference Order, the Commission found that it may be appropriate to increase the requirements for getting and keeping a queue position.¹⁵ We find that NV Energy's proposal to implement a pre-application process to coordinate efforts between the Interconnection Customer and NV Energy before a project is moved into the formal Interconnection Queue to be consistent with or superior to the *pro forma* LGIP. In addition, we find that this preliminary process will provide greater transparency to the Interconnection Customer with respect to the practical requirements associated with traversing public lands within Nevada and will assist in streamlining the interconnection process by only placing "first ready" projects onto the formal Interconnection Queue. Accordingly, the revisions associated with this new process are accepted, except as discussed below.

17. As to NV Energy's proposal to increase the deposit in the SGIP from \$1,000 to \$10,000, we find that this proposal lacks adequate support.¹⁶ Also, NV Energy has not provided a basis for the Commission to approve its proposal to make deposits non-refundable in the LGIP and SGIP.¹⁷ Accordingly, we reject these proposed revisions.

¹⁵ See Technical Conference Order, 122 FERC ¶ 61,252 at P 16.

¹⁶ NV Energy Filing at Attachment O, proposed LGIP § 1.2.2.1, 1.2.2.4, and proposed SGIP, Attachment 2.

¹⁷ NV Energy Filing at Attachment O, proposed LGIP § 3.2.1, 3.3.1 and proposed SGIP § 1.2.2.1, 1.2.2.4, and Attachment 2.

B. Elimination of Feasibility Study from LGIP and SGIP

1. Proposal

18. NV Energy explains that upon completion of the pre-application process, the Interconnection Customer will be deemed to have a Completed Interconnection Request¹⁸ and will be moved onto the Interconnection Queue.¹⁹ According to NV Energy, the process to obtain a signed interconnection agreement essentially follows the *pro forma* LGIP with a few minor changes to reflect the revised interconnection process.

19. NV Energy explains that under the *pro forma* interconnection process an Interconnection Customer has a feasibility study phase, a system impact study phase, a facilities study phase and the signing of the interconnection agreement. Under NV Energy's proposed process, these phases stay the same except the Interconnection Customer is no longer subject to the feasibility study phase. Instead, the pre-application process takes the place of the feasibility study phase. Once the Interconnection Customer completes the pre-application process, its path to a signed interconnection agreement is virtually identical to the current *pro forma* OATT in that the Interconnection Customer will require a system impact study phase, a facilities study phase and the signing of the interconnection agreement.

20. NV Energy also explains that it proposes to increase the number of days to complete the system impact study and the facilities study. NV Energy states that because of the time-consuming permitting and environmental issues with regard to public lands, NV Energy has found that realistically it takes, for example, 120 days to complete a system impact study instead of the 90 days prescribed in the *pro forma* OATT. Moreover, given the complexities of siting and interconnecting renewable generation, these time frames more accurately reflect the timeframe for completing the study. Therefore, NV Energy is proposing to change the time-period for the system impact study and the facilities study from 90 days to 120 days.²⁰ NV Energy states that this change provides Interconnection Customers with more transparency and provides a more accurate timeframe for completion of the studies. NV Energy also contends that the creation of a more efficient process for managing the permitting process and the elimination of the feasibility study will reduce the overall *actual* time-period to accomplish the signing of a generator interconnection agreement, thus significantly

¹⁸ NV Energy Transmittal Letter at 6; NV Energy OATT, proposed LGIP § 4 and proposed SGIP § 1.3.

¹⁹ NV Energy Transmittal Letter at 6; NV Energy OATT, proposed LGIP § 5.1 and proposed SGIP § 1.6.

²⁰ NV Energy Transmittal Letter at 7; NV Energy OATT, proposed LGIP § 7.4, 7.5, 7.6, 8.3, 8.4, and 8.5, and proposed SGIP Attachments 6 and 7.

counterbalancing the small increases in the remaining study processes. Therefore, NV Energy claims that the revised process and increased timeframe are consistent with or superior to the *pro forma* OATT.

2. Commission Determination

21. We find NV Energy's proposal to eliminate the feasibility study requirement to be consistent with or superior to the *pro forma* LGIP.²¹ In the Technical Conference Order, the Commission recognized that elimination of the feasibility study as a separate step could reduce processing time without harming Interconnection Customers.²² As a practical matter, because the pre-application process largely replaces the feasibility study process, requiring both would unnecessarily increase the length of the interconnection process with no apparent benefit to customers.

22. We also agree that revising the interconnection procedures to reflect the actual amount of time it takes to perform the studies is reasonable, as these revisions add transparency to the interconnection process. Thus, we find these revisions consistent with the *pro forma* OATT. We note that, while NV Energy's description of its proposal to change the time-period for the system impact study and the facilities study to 120 days from 90 days is accurate with respect to the LGIP, it does not accurately describe the timeline for the SGIP. NV Energy's proposal with respect to the SGIP is to extend the time to complete a system impact study from 45 Business Days to 120 Calendar Days.²³ It also proposes to revise the SGIP to extend the time to complete a facilities study from 45 Business Days to 90 Calendar Days.²⁴ Notwithstanding that, we accept these revisions for the reasons stated above.

23. NV Energy also proposes to delete, without explanation, the following sentence from the SGIP: "In cases where no Upgrades are necessary, and the required facilities are limited to Interconnection Facilities, the facilities study must be completed within 30 Business Days."²⁵ We reject this revision because NV Energy provides no explanation as to why it might take the same amount of time to complete a facility study in an instance where no upgrades are necessary.

²¹ Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 825.

²² Technical Conference Order, 122 FERC ¶ 61,252 at P 17.

²³ NV Energy Filing at Attachment O, proposed SGIP Attachment 6.

²⁴ NV Energy Filing at Attachment O, proposed SGIP Attachment 7.

²⁵ NV Energy Filing at Attachment O, proposed SGIP Attachment 7.

C. LGIP Deposits

1. Proposal

24. NV Energy proposes to increase the LGIP deposit for the system impact study from \$50,000 to \$75,000, to reflect the higher level of detail that the study provides.²⁶ However, in recognition of the pre-application process and increased deposit requirement for the system impact study, NV Energy proposes to reduce the LGIP deposit amount for the facilities study from \$100,000 to \$75,000.²⁷ NV Energy claims that these revisions more accurately reflect the level of detail and costs of each study and are, therefore, consistent with or superior to the *pro forma* OATT.

2. Commission Determination

25. In the Technical Conference Order, the Commission found that it may be appropriate to increase the requirements for obtaining and keeping a queue position.²⁸ The Commission recognized that it could be appropriate to increase the amount of the deposits required at the different stages of the process to more accurately reflect the cost of studies. The Commission has stated that such a change would not only be consistent with traditional ratemaking principles, but would also increase the likelihood that only projects that are likely to be commercially viable (and hence the applicant would be more willing to commit to the cost of such studies in advance) are admitted to the queue.²⁹ Similarly, we find NV Energy's proposal to be consistent with or superior to the *pro forma* requirements because these revisions provide a more accurate reflection of the level of detail of each study, based upon NV Energy's representation, and on a net basis, do not increase the overall deposit amount for an Interconnection Customer.

D. Clustering Large Generator Interconnection Requests

1. Proposal

26. NV Energy states that it is proposing to perform system impact studies and facilities studies for large generator interconnection requests in clusters, where appropriate.³⁰ Clusters are based on: (1) completion of the pre-application process; and (2) the geographic location of the proposed Interconnection Point. NV Energy explains

²⁶ NV Energy Transmittal Letter at 7; NV Energy OATT, proposed LGIP § 7.2.

²⁷ NV Energy Transmittal Letter at 7; NV Energy OATT, proposed LGIP § 8.1.

²⁸ See Technical Conference Order, 122 FERC ¶ 61,252 at P 16.

²⁹ *Id.*

³⁰ NV Energy Transmittal Letter at 7; NV Energy OATT, proposed LGIP § 5.2.

that Completed Interconnection Requests during the second and third quarters of a given year (i.e., beginning April 1 and closing September 30) will be grouped into one Queue Cluster Window and interconnection requests deemed to be Completed Interconnection Requests during the fourth quarter of a year and the first quarter of the following year (i.e., beginning October 1 and closing March 31 of the following year) will be placed in the second Queue Cluster Window.³¹ NV Energy explains that clustering provides a more efficient interconnection process for NV Energy's large generator Interconnection Customers.³² NV Energy argues that clustering also reduces costs and unnecessary studies and restudies. In addition, to recognize existing interconnection requests in the queue, NV Energy proposes that, if an Interconnection Customer has not executed a system impact study or facilities study when the revised LGIP is approved by the Commission, the Interconnection Customer will not be required to participate in the clustering process.³³

2. Commission Determination

27. The Commission has acknowledged that there may be approaches to prioritizing queue processing that protect against discrimination comparable to the first-come, first-served approach, but that are more efficient.³⁴ We accept NV Energy's proposal to use a standard six-month study cluster as consistent with or superior to the *pro forma* LGIP because it provides better coordination of interconnection studies and more certainty regarding milestones for Interconnection Customers. The Commission has already accepted similar clustering approaches in other cases.³⁵ We approve NV Energy's proposal to use a standard six-month study cluster because we find that this standardization of the cluster timing will provide greater clarity to potential Interconnection Customers.

³¹ NV Energy Transmittal Letter at 7-8; NV Energy OATT, proposed LGIP § 5.2.

³² NV Energy Transmittal Letter at 7; NV Energy notes that SGIP § 1.6 already provides Transmission Provider's with the opportunity to cluster small generator interconnection requests.

³³ NV Energy Transmittal Letter at 8; NV Energy OATT, proposed LGIP § 6.1.

³⁴ Technical Conference Order, 122 FERC ¶ 61,252 at P 18.

³⁵ *Arizona Pub. Serv. Co.*, 137 FERC ¶ 61,099, at PP 8-9 (2011); *Cal. Indep. Sys. Operator Corp.*, 124 FERC ¶ 61,292, at PP 18-19, 33 (2008); *Pub. Serv. Co. of New Mexico*, 136 FERC ¶ 61,231, at PP 75-76, 80, 82 (2011).

E. Miscellaneous

28. NV Energy proposes to include in the SGIP a requirement that the Interconnection Customer request either Energy Resource Interconnection Service or Network Resource Interconnection Service.³⁶ We reject this proposed revision because NV Energy has not adequately explained it and because we find it inconsistent with our findings in Order No. 2006. In Order No. 2006, the Commission stated that:

Because Network Resource Interconnection Service entails high technical standards, we expect that an Interconnection Customer, particularly one interconnecting at a lower voltage, would rarely find this service to be efficient or practical. Nevertheless, we do not want to preclude it from choosing this option. If it wishes to interconnect its Small Generating Facility using Network Resource Interconnection Service, it may do so. However, it must request interconnection under the LGIP and execute the LGIA.^[37]

29. Proposed section 4.2 of the LGIP states that “[a]t the time the Completed Interconnection Request is submitted, Interconnection Customer must request either Energy Resource Interconnection Service or Network Resource Interconnection Service....” However, NV Energy proposes to replace the submission of the Interconnection Request with the submission of the Pre-Application Request (LGIP Appendix 1), which includes in section 3 the choice of Energy Resource Interconnection Service or Network Resource Interconnection Service. Thus, we find that section 4.2 should be revised to reflect that the request for Energy Resource Interconnection Service or Network Resource Interconnection Service is at the time of the submission of the Pre-Application Request.

30. NV Energy proposes to delete the term “Interconnection Request” and insert a new term “Pre-Application Request” in its LGIP and LGIA.³⁸ The only readily apparent difference between the two is that “Pre-Application” is substituted for “Interconnection,” presumably to reflect the new Pre-Application Process. The new term “Pre-Application Request” is defined to include interconnecting a new generating facility, increasing the capacity of, or making a material modification to the operating characteristics of an

³⁶ NV Energy Filing at Attachment O, proposed SGIP § 3.2.

³⁷ *Standardization of Small Generator Interconnection Agreements and Procedures*, Order No. 2006, FERC Stats. & Regs. ¶ 31,180 at P 140, *order on reh’g*, Order No. 2006-A, FERC Stats. & Regs. ¶ 31,196 (2005), *order granting clarification*, Order No. 2006-B, FERC Stats. & Regs. ¶ 31,221 (2006).

³⁸ NV Energy Filing at Attachment N, proposed LGIP § 1 Definitions and proposed LGIA Article 1.

existing Generating Facility. Once the Interconnection Customer has met certain requirements, the Pre-Application Request becomes a “Completed Interconnection Request.” The definition for “Completed Interconnection Request” includes interconnecting a new generating facility, but it does not explicitly include the language “increasing the capacity of, or making a [m]aterial [m]odification to the operating characteristics of an existing generating facility.”³⁹ The absence of this phrase could cause confusion because it is unclear that a Pre-Application Request “increasing the capacity of, or making a [m]aterial [m]odification to the operating characteristics of an existing Generating Facility” could ever become a “Completed Interconnection Request.” Accordingly, in the compliance filing ordered below, we direct NV Energy to revise the definition of “Completed Interconnection Request” in both the LGIP and LGIA to include the missing phrase.

31. NV Energy proposes to add a new Pre-Application Meeting to its LGIP.⁴⁰ The proposed language provides that the Transmission Provider shall schedule a Pre-Application Meeting with the Interconnection Customer within 20 business days from the receipt of a completed Pre-Application Request, unless otherwise mutually agreed to by the Parties. We find that this language is unclear as to whether the meeting must simply be scheduled within 20 business days or scheduled to be held on a date within 20 business days from the receipt of a completed Pre-Application Request. Accordingly, we direct NV Energy, in the compliance filing ordered below, to revise the language to include parameters similar to those included in the Scoping Meeting language,⁴¹ but modified to reflect the Pre-Application Request, such as “within ten business days of receipt of a completed Pre-Application Request, establish a meeting date no later than thirty calendar days from the date of receipt of the completed Pre-Application Request.” Alternately, NV Energy may revise the language so that it matches the SGIP language stating that the Pre-Application meeting will be held within 20 business days of receipt of a completed Pre-Application Request, unless otherwise mutually agreed to by the Parties.⁴²

32. NV Energy’s redline LGIP and SGIP revisions state that a Pre-Application Request will be assigned a time- and date-stamped Pre-Application Number.⁴³ However,

³⁹ NV Energy Filing at Attachment N, proposed LGIP § 1 Definitions and proposed LGIA Article 1.

⁴⁰ NV Energy Filing at Attachment N, proposed LGIP § 3.3.2.

⁴¹ NV Energy Filing at Attachment N, proposed LGIP § 4.4.

⁴² NV Energy Filing at Attachment O, proposed SGIP § 1.2.2.5.

⁴³ NV Energy Filing at Attachment N, proposed LGIP § 3.3.1; Attachment O, proposed SGIP § 1.2.2.4.

the defined term “Pre-Application Number” includes “date-stamped” but excludes the phrase “time- and” from its definition.⁴⁴ NV Energy is directed to correct this language in its LGIP and SGIP as part of the compliance filing ordered below.

33. NV Energy proposes, without explanation, to revise some of its posting obligations on OASIS. For example, the existing language⁴⁵ requires the posting of the status of an Interconnection Request including its Queue Position. However, NV Energy’s proposed revisions⁴⁶ replace the term “Interconnection Request” with “Completed Interconnection Request,” stating that no information regarding Pre-Application Requests will be posted, at least not according to this provision.⁴⁷ We find that this language does not add transparency to the process. Accordingly, we direct NV Energy to revise the language so that the posting requirement applies to both Pre-Application Requests and Completed Interconnection Requests in proposed section 4.5 (v), (vi), (vii), (viii), and (x).

34. The action dates for both the Transmission Provider and Interconnection Customer have been extended without explanation in both the LGIP and SGIP in various sections. For example, proposed LGIP section 3.2.3 requires the Transmission Provider to notify the Interconnection Customer within 20 days if the Pre-Application Request is deficient and the Interconnection Customer has 20 days to provide the requested information.⁴⁸ However, the existing language, based upon our understanding that the Pre-Application Request replaces the Interconnection Request, requires the Transmission Provider to notify the Interconnection Customer within five days if the Interconnection Request is deficient and the Interconnection Customer has 10 days to provide the requested information.⁴⁹ In addition, NV Energy’s redline LGIP, Attachment N, shows that NV Energy intends to extend the deadlines in sections 7.2, 7.5, 7.6, 8.1, 8.4, 8.5, 10.1, and 10.3. Further, NV Energy’s redline SGIP, Attachment O, shows that NV Energy intends to extend the deadlines in sections 1.2.2.2, 1.2.2.3, 2.3, 2.4.1, and 3.3.1. We reject all these revisions because NV Energy has offered no justification for them.

⁴⁴ NV Energy Filing at Attachment N, proposed LGIP § 1 Definitions; Attachment O, proposed SGIP Attachment 1: Glossary of Terms.

⁴⁵ NV Energy Filing at Attachment N, pp. 28-29, deleting proposed LGIP § 3.4.

⁴⁶ NV Energy Filing at Attachment N, proposed LGIP § 4.5.

⁴⁷ We note that proposed LGIP § 3.3.1 and proposed SGIP § 1.2.2.4, titled “Pre-Application Number,” state that Pre-Application Requests will be posted according to the Pre-Application Number.

⁴⁸ NV Energy Filing at Attachment N, proposed LGIP § 3.2.3.

⁴⁹ NV Energy Filing at Attachment N, p. 28, deleting proposed LGIP § 3.3.3.

35. NV Energy proposes to delete LGIP section 5.2 without explanation. The section proposed to be deleted reads as follows:

If Transmission Provider transfers control of its Transmission System to a successor Transmission Provider during the period when an Interconnection Request is pending, the original Transmission Provider shall transfer to the successor Transmission Provider any amount of the deposit or payment with interest thereon that exceeds the cost that it incurred to evaluate the request for interconnection. Any difference between such net amount and the deposit or payment required by this LGIP shall be paid by or refunded to the Interconnection Customer, as appropriate. The original Transmission Provider shall coordinate with the successor Transmission Provider to complete any Interconnection Study, as appropriate, that the original Transmission Provider has begun but has not completed. If Transmission Provider has tendered a draft LGIA to Interconnection Customer but Interconnection Customer has not either executed the LGIA or requested the filing of an unexecuted LGIA with [the Commission], unless otherwise provided, Interconnection Customer must complete negotiations with the successor Transmission Provider.⁵⁰

NV Energy has not justified deleting this provision and, therefore, we direct NV Energy to include it in the compliance filing ordered below.

36. NV Energy also proposes to delete, without explanation: (1) the Reliability Management System Agreement; and (2) language from the LGIA that indicates that the term of the agreement is for 10 years or such other longer period as the Interconnection Customer may request.⁵¹ Similarly, NV Energy proposes to add a new article 9.4, pertaining to the release of confidential information, to its SGIA without any explanation.⁵² We likewise reject these revisions as unsupported.

37. Our findings in this order are without prejudice to NV Energy refiling with support those revisions that we found were inadequately supported, or lacking justification or explanation, such as the proposals to: (1) increase the deposit in the SGIP; (2) delete the sentence in SGIP on completing facilities study within 30 days; (3) extend action dates for Transmission Provider and Interconnection Customer; (4) delete LGIP section 5.2, (5) delete Reliability Management System Agreement; (6) delete language in LGIP on 10 year term; and (7) add a new article 9.4.

⁵⁰ NV Energy Filing at Attachment N, page 34.

⁵¹ NV Energy Filing at Attachment N, proposed LGIA article 2.2 and Appendix H pages 91, 156.

⁵² NV Energy Filing at Attachment O, page 80.

The Commission orders:

(A) NV Energy's tariff revisions are hereby conditionally accepted in part, and rejected in part, as discussed in the body of this order, to become effective March 1, 2013, as requested.

(B) NV Energy is hereby directed to file a compliance filing, as discussed in the body of this order, within 30 days of the date of issuance of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.