

12-05003

Public Utilities Commission of Nevada

Electronic Filing

Submitted: 11/30/2012 8:46:28 AM

Reference: 2a1163bc-e57a-46c8-9fc7-e6da771a000f

Filed For: BCP

In accordance with NRS Chapter 719,
this filing has been electronically signed and filed
by: /s Marlene Lang

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representative of the signer(s) and
BCP

OFFICE OF ATTORNEY GENERAL
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100 North Carson Street
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CATHERINE CORTEZ MASTO
Attorney General



ERIC WITKOSKI
Consumer Advocate
Chief Deputy Attorney General

November 30, 2012

Donna Skau
Commission Secretary
1150 E. William
Carson City, NV 89701

Re: Docket No. 12-05003

Dear Ms. Skau:

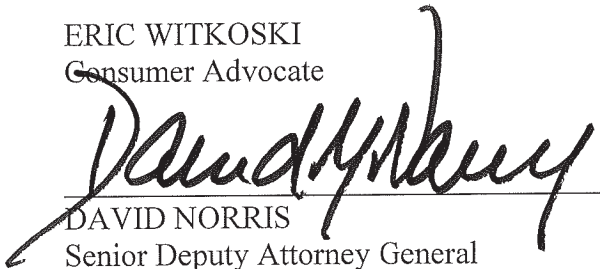
Please accept for filing the Bureau of Consumer Protection's Motion For Stay in the above-referenced docket.

Should you have any questions regarding this filing, please contact me at (775) 684-1198.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

ERIC WITKOSKI
Consumer Advocate



DAVID NORRIS
Senior Deputy Attorney General
Bureau of Consumer Protection
100 N. Carson Street
Carson City, NV 89701

DN:ml
cc: Parties of Record

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re Joint Application of Sierra Pacific Power Company d/b/a NV Energy and Nevada Power Company d/b/a NV Energy for authority to establish and implement three separate trial non-standard metering option riders pursuant to the Order issued in Docket No. 11-10007.

Docket No. 12-05003

MOTION FOR STAY

COMES NOW, the Office of Attorney General's Bureau of Consumer Protection ("BCP") and files this Motion to stay the effectiveness of the Order issued by the Public Utilities Commission of Nevada ("Commission") in the above-referenced proceeding on November 27, 2012. This motion is filed pursuant to the provisions of Nevada Administrative Code ("NAC") 703.550 and 703.790(2).¹

INTRODUCTION

On November 27, 2012, the Commission voted to issue an Order on the Joint Application of Sierra Pacific Power Company d/b/a NV Energy and Nevada Power Company d/b/a NV Energy for approval of three trial non-standard metering option riders. The Commission issued its Order the same day.

By the terms of this Order, NV Energy must file revised tariffs in compliance with the Commission's Order no later than December 4, 2012. These tariffs will take effect upon completion of review by the Regulatory Operations Staff ("Staff"). As currently ordered, the new tariffs will include additional charges for customers who choose to opt-out of NV Energy's Advanced Service Delivery program and a requirement to have analog meters replaced by digital non-communicating meters.

BCP intends to file a petition for reconsideration or rehearing, or both, of the

¹ NAC 703.550(1): Any request for an order by the Commission, except for an order to permit intervention or an order to show cause, concerning any matter that has been assigned a docket number but has not been finally decided by the Commission must be styled a "motion." BCP anticipates filing a petition for reconsideration or rehearing, or both, of the Commission's Order of November 27, 2012, and therefore anticipates that the Commission will issue further Orders in this proceeding. In the event that this request should more properly be styled a petition, BCP asks the Commission to consider this Motion as a petition, as authorized by NAC 703.110 and 703.530(3).

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1 Commission's Order of November 27, 2012 within the timeframe established for such petitions
2 by NAC 703.801. Based on the following argument, BCP asks the Commission to stay the
3 effectiveness of its Order pending the outcome of any petition for reconsideration or rehearing
4 and waive the provisions of NAC 703.790(2).

5 ARGUMENT

6 By the terms of the Commission's Order, ratepayers who choose to opt out of NV
7 Energy's Advanced Service Delivery program will have a non-communicating digital meter for
8 electric service rather than a "smart meter." Customers who are served using this alternative
9 to the smart meter will be required to pay a non-recurring charge as well as a monthly
10 recurring charge that customers using smart meters will not pay. These additional charges will
11 take effect immediately following Staff's approval of the tariffs. (See Order, Paragraph 36.)
12 Although the Commission voted to issue the Order, at the agenda meeting conducted on
13 November 27, 2012, the Commission expressed interest in entertaining further consideration
14 of continued use of analog meters for those customers who will not have a smart meter. BCP
15 intends to file a petition for reconsideration or rehearing, or both, of the Commission's decision
16 with respect to the issue of continued use of analog meters and related pricing.

17 The provisions of NAC 703.790(2) state that unless otherwise specifically provided in
18 the order, an order of the Commission is effective as of the date of its issuance. Therefore, by
19 the current terms of the Order, NV Energy must file revised tariffs in compliance with the Order
20 no later than December 4, 2012. Also pursuant to the Order, the tariffs will take effect upon
21 completion of Staff's review.

22 Unless the Commission stays the effectiveness of its Order, ratepayers who opt out of
23 the Advanced Service Delivery program will have their analog meters removed and experience
24 an increase in charges and fees related to the use of non-communicating digital meters. The
25 outcome of a petition for reconsideration or rehearing may alter the requirement to have
26 analog meters removed and the related charges and fees.

27 BCP asks the Commission to waive the provisions of NAC 703.790(2) and stay the
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1 effectiveness of its Order to avoid confusion on the part of ratepayers. Requiring removal of
2 analog meters and payment of an upfront non-recurring fee at this time will only add to any
3 confusion expressed by ratepayers to date with respect to opting out of the use of smart
4 meters. (For instance, some customers thought being placed on the postponement list
5 involved a charge, which it did not, as noted by Commissioner Wagner during the
6 Commission's deliberations.) Depending on the outcome of a petition for reconsideration or
7 rehearing, the meter to be used by those not using smart meters may not be limited to only
8 non-communicating digital meters. The cost involved in opting out may change as the result of
9 reconsideration or rehearing of the decision on this joint application. These reasons all bear
10 on why it is reasonable and in the public interest to stay the effectiveness of the Order pending
11 the outcome of a petition for reconsideration or rehearing.

12 BCP realizes the tariffs which NV Energy must file will not actually take effect until the
13 Staff has completed its review of them. If NV Energy files these revised tariffs as required by
14 the terms of the Order, BCP asks the Commission to suspend the necessity for review by Staff
15 at this time, or suspend their effectiveness even following Staff's review. If the Commission
16 denies a petition for reconsideration or rehearing, or grants such petitions but subsequently
17 reaffirms its Order of November 27, 2012, Staff's review can be accomplished following that
18 final action by the Commission. In any event, BCP asks the Commission to stay the
19 effectiveness of the Order so that ratepayers who opt out of the Advanced Service Delivery
20 program will not have analog meters unnecessarily removed and be charged amounts at this
21 time which may only necessitate refunds at a later date. Staying the Order may ultimately
22 reduce administrative expenses and labor. If the Commission eventually decides that analog
23 meters need not be replaced for those customers who choose to opt out, labor expenses and
24 related charges to customers should be reduced.

25 BCP expects ratepayers to determine whether to opt out of the Advance Service
26 Delivery program based, in part, on the costs of opting out. Based on the deliberations at the
27 agenda meeting, it appears the Commission may entertain additional argument and testimony
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1 regarding the continued use of analog meters for those who opt out and the costs associated
2 with their continued use. Therefore, the costs of opting out are not clear at this time.
3 Clarifying one of the bases on which ratepayers will probably base a decision regarding opting
4 out may help to alleviate some frustration on the part of ratepayers. At the very least, staying
5 the effectiveness of the Order while issues not addressed in this proceeding to date are
6 examined will not add to ratepayer confusion. A stay will also give NV Energy's customers
7 more time in which to decide whether to opt out.

8 Staying the effectiveness of the Order at this time will facilitate further consideration of
9 the use of meters that are alternatives to smart meters, as well as further consideration of the
10 attendant costs. Failing to stay this Order will only add to customer confusion and will
11 exacerbate frustration related to the Advanced Service Delivery program.

12 CONCLUSION

13 Based on the foregoing, BCP asks the Commission to issue an Order which waives the
14 provisions of NAC 703.790(2) with respect to its Order of November 27, 2012, and stays the
15 effectiveness of the Order pending the outcome of any petition for reconsideration or
16 rehearing.

17 Respectfully submitted November 30, 2012.

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CERTIFICATE OF SERVICE

Docket No. 12-05003

I certify that I am an employee of the Attorney General's Bureau of Consumer Protection and that on this day I have served the foregoing document upon all parties of record in this proceeding by emailing or mailing a true copy thereof, properly addressed with postage prepaid or forwarded as indicated below to:

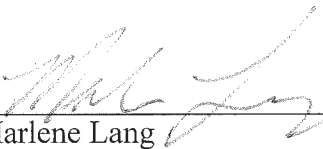
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Dated: November 30, 2012.



Marlene Lang