12-05003

Public Utilities Commission of Nevada

Electronic Filing

Submitted: 11/30/2012 2:42:43 PM

Reference: dfa87105-85cb-4302-905e-149e297c3afb

Filed For: NPC and SPPC

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

By electronically filing the document(s),
the filer attests to the authenticity of the electronic signature(s) contained therein.

This filing has been electronically filed and deemed to be signed by an authorized agent or representative of the signer(s) and

NPC and SPPC
BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy for approval of proposed trial Non-Standard Metering Option riders and changes to existing rules and schedules associated with implementation of the NSMO riders. Docket No. 12-05003

Response to BCP Motion

Nevada Power Company d/b/a NV Energy ("Nevada Power") and Sierra Pacific Power Company d/b/a NV Energy ("Sierra" and, together with Nevada Power, "NV Energy") respectfully submit this Response to Motion (the "Response"). NV Energy submits the Response pursuant to Section 703.555(1) of the Nevada Administrative Code ("NAC"). The Response is based on the following analysis.

Analysis

The Bureau of Consumer Protection ("BCP") filed a motion (the "Motion") on November 30, 2012, asking the Commission to stay the final order issued in this docket on November 27, 2012 (the "Order"). The Motion asks the Commission to issue a stay pending the filing of a post-hearing motion. NV Energy does not object to a stay of the Order.

NV Energy is in the process of preparing final non-standard metering tariffs for filing with the Commission on December 4, 2012. Those tariffs will contain rates and terms and conditions that are specific to the non-standard meter that the Commission selected in this proceeding (namely, a non-communicating digital meter). Accordingly, if BCP were to file a post-hearing motion and, if such a motion were granted, the filing of the tariffs could lead to additional confusion. It is in the public interest to avoid any additional confusion. Therefore, NV Energy does not object to, and in fact joins in, BCP’s request
for a stay. Furthermore, NV Energy specifically requests that the Commission stay the Order, including the obligation to file new tariffs, before the December 4, 2012, deadline for filing such tariffs.

The fact that NV Energy does not object to the issuance of a stay does not suggest that NV Energy believes a post-hearing petition should be filed or that the Commission should grant such a petition. NV Energy believes that a post-hearing motion asking the Commission to consider the use of an analog meter as the non-standard meter faces significant obstacles.

Finally, NV Energy believes that the Presiding Officer has the power and authority to grant or deny the Motion. NAC 703.550(7), any motion that involves the final determination of a proceeding will be considered by the full Commission. However, the Motion is not a dispositive motion. Rather, the Motion merely preserves the existing status quo until the Commission has an opportunity to rule on a post-hearing motion, if such a motion is filed. While not directly applicable, NAC 703.550(8) provides that the Presiding Officer may rule on any motion “made at a hearing which does not constitute a final determination of a proceeding.” In this case, a ruling by the Presiding Officer staying the Order would not involve a final determination of the proceeding, moreover, if BCP files a post-hearing motion, the full Commission could take up the request for a stay at the same time it takes up the post-hearing motion.

Thus, while NV Energy recognizes that the relief requested by the Motion is somewhat extraordinary, NV Energy believes that it is appropriate, under the circumstances of this case, to grant a stay. Moreover, because NV Energy is scheduled to file revised tariffs, which produces additional confusion, on December 4, 2012, NV Energy respectfully recommends that that Presiding Officer grant the Motion.

/////
Dated and respectfully submitted this 30th day of November, 2012.

Nevada Power Company d/b/a NV Energy
Sierra Pacific Power Company d/b/a NV Energy

/s/ Shawn M. Elicegui
Shawn M. Elicegui
Associate General Counsel
Nevada Bar No. 5939
6100 Neil Road
Reno, Nevada 89511
Telephone (775) 834-5697
Fax (775) 834-4098
CERTIFICATE OF SERVICE

I hereby certify that I have served SIERRA PACIFIC POWER COMPANY D/B/A NV ENERGY AND NEVADA POWER COMPANY D/B/A NV ENERGY’S RESPONSE in Docket 12-05003 by electronic service to the following:

Tammy Cordova
Public Utilities Comm. of Nevada
101 Convention Center Drive, Suite 250
Las Vegas, NV 89109
tcordova@puc.nv.gov

Staff Counsel Division
Public Utilities Comm. of Nevada
1150 E. William Street
Carson City, NV 89701-3109
pucn.sc@puc.nv.gov

Eric Witkoski
Attorney General’s Office
Bureau of Consumer Protection
10791 W. Twain Avenue, Ste. 100
Las Vegas, NV 89135-3022
bcpservice@ag.nv.gov

David Norris
Attorney General’s Office
Bureau of Consumer Protection
100 N. Carson St.
Carson City, NV 89701-4717
bcpservice@ag.nv.gov

DATED this 30th day of November, 2012.

/s/ Connie Silveira
Connie Silveira
Legal Secretary
Sierra Pacific Power Company