



12-05003

Public Utilities Commission of Nevada

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In accordance with NRS Chapter 719,  
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by: /s Connie Silveira

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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 ) Docket No. 12-05003  
 Non-Standard Metering Option riders and changes )  
 to existing rules and schedules associated with )  
 implementation of the NSMO riders. )

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

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

1 for a stay. Furthermore, NV Energy specifically requests that the Commission stay the  
2 Order, including the obligation to file new tariffs, before the December 4, 2012, deadline  
3 for filing such tariffs.

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

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

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

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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

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**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:

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DATED this 30<sup>th</sup> day of November, 2012.

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

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

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