

PUCN Utility Agenda 2-16—January 25, 2016--First Public Comment Period—Fred Voltz

These comments will pertain to items 2D, E and F.

It is very troubling that item 2D (electric vehicle charging infrastructure) and item 2F (battery storage technology) have zero back-up materials from PUCN employees before placement on today's agenda. How can there be a thoughtful and thorough discussion or appropriate action when nothing has been disclosed as to the need for a discussion, much less an investigation? This type of incomplete preparatory work does not represent an 'open and transparent' process that the PUCN claims it follows.

The item 2E draft order misses several key points and should be re-worked to deny any further consideration of this particular matter. The PUCN frequently invokes its quasi-judicial status as justification for how it proceeds. The PUCN is an approximation, but not a mirror image, of a bona fide judicial court of this state. As such, the facts and evidence of an official 'trial' about a matter should not have its facts and evidence supplemented after an order/ruling has been issued. All named parties to the docket, the only ones allowed to actively participate, had ample opportunity to present their expert witnesses, documentary evidence and interpretations of the pertinent laws. The core issues should not be retried on appeal. New issues should not be raised and new evidence should not be permitted. NRS and the most recent legislative statement on the subject of net metering, SB 374, clearly indicated that the training wheels must come off the solar business model; the solar industry must pedal on its own without further subsidies from non-solar NVE ratepayers, either through artificial rates or overly generous payments for locally-generated electricity.

Despite the repeated way in which the presiding commissioner has mismanaged and prolonged the entire chronology of events since these two contentious dockets first surfaced, continuing to extend the day of reckoning after multiple months and multiple hearings does not serve the public interest. The PUCN made its final decision after ample deliberations on December 22, 2015 in this matter.

If the Commission suddenly bends to political pressure because its hearing rooms and parking lots were temporarily populated with a number of people angry that their addictive subsidies would be diminished, the Commission is not following the same public policy approach as it inflicted upon the opt-out meter customers. . .namely, immediately pay in full an inflated surcharge to protect against unresolved health, safety and privacy problems, which is the complete opposite of graduated grid connection charges for the solar people. If solar customers want extended price guarantees unavailable to other ratepayers, they should buy a toaster with a warranty, as that is one of the few, certain guarantees still available in today's world.

For the PUCN to abandon its supposed commitment to upholding the law, making decisions only on facts and evidence, and following some form of legal process because it cowers under the fear of political fallout, inflicts a decided disservice upon the vast majority of ratepayers who chose and continue to choose not to pursue economically ludicrous solar installations.

PUCN Utility Agenda 2-16—January 25, 2016—Second Public Comment—Fred Voltz

There are several issues deserving attention by the PUCN not yet on any agenda.

First, no Administrative Agenda meeting has been scheduled for this quarter. The Executive Director must have information to share publicly since she has now been on the job over five months. The administrative fines have only risen and deserve attention at a public meeting.

Second, the departure of the Chair's administrative attorney for the Reno law firm of Lewis, Roca, Rothgerber and Christie raises two matters. Why isn't the PUCN replacing this position with a competent paralegal, at considerably less compensation expense, then doing the same for the other two administrative attorney positions as they become vacant? More concerning, will Mr. Borisov's private law practice representing clients on energy and utility matters be given any special consideration by PUCN employees if and when he comes before the Commission? Because Mr. Borisov has been privy to behind-the-scenes discussions, e-mails and other confidential information, he has information other named parties do not possess from his multi-year PUCN employment. What PUCN procedures and safeguards are in place to prevent an employee leaving the PUCN from inappropriately using information with a new private employer for regulated utility company representation at the PUCN? How is the public interest being protected from such abuses?

Another conflict of interest continues to appear in Commission Document Review and Approval Routing Slips. Many of these slips show that the same person who drafted the document also signs off for someone else who is supposed to "Review and Approve" the draftee's work. Why isn't the actual person performing the review signing off? Such an irregularity in financial matters would trigger a big, red audit flag. It is no different in the chain of control for and oversight of legal documents and public records. This problem deserves a rapid remedy.