

Jan,

There seems to be a discrepancy in the tariff just filed by NVE and the Order/s.

Remember I have videos of ALL Commission discussions.

On November 27th at 8:56 in the video

<http://www.youtube.com/watch?v=6UzXpLEtUZI> Wagner started discussing that the opt out was AVAILABLE TO ANYONE who fit the DEFINITION, a customer who receives domestic service and this was CONFIRMED by Burtenshaw.

In the draft Order discussed on 11/37 page 20 paragraph 49:

49. NV Energy explains that the monthly recurring charge is dependent upon the number of customers subscribing to the service. (Exhibit 8 at 8.) NV Energy states that, pursuant to the Order in Docket 11-10007, the recurring costs were developed assuming NPC has 4,500 NSMO subscribers and SPPC has 3,000 subscribers. (Exhibit 2 at 3, 12-13; Exhibit 8 at 9.) NV Energy asserts that if the number of customers who actually participate in the Trial Opt-out Program differs significantly from the numbers above, NV Energy will either over or under-recover the actual cost through the proposed rates. (Exhibit 8 at 9.)

At 13:00 Burtenshaw stated ANYONE can opt out.

At 14:45 Burtenshaw stated this clarification is on the record

At 14:37 Noble stated anyone can opt out for any reason.

The final discussion prior to voting

<http://www.youtube.com/watch?v=rCpn9KUR5dE> at 3:12 Wagner stated that any party can challenge any issue, points of law or ask for clarification.

The final order issued on 11/27 page 14 paragraph 32

32. NV Energy argues that it is reasonable to expect an exodus of opt-out customers who initially obtained the opt-out service for free to want to return to the standard service schedule after rates are set in a general rate case. (Exhibit 16 at 23.) Moreover, NV Energy states that if a significant number of customers switch to standard meter service after rates are set in a general rate case, the participation data used to establish the rates for the opt-out service will be meaningless and will result in rates unreflective of the underlying costs to implement the Trial

certain assumptions regarding participation in order to estimate program costs. The Commission acknowledges that the economics of this Trial Opt-out Program will be driven by program participation although the number of participants is uncertain at this time. Thus, the Commission Again reiterates that the number of participants is uncertain.

Page 16 paragraph 36

customers to participate in the Trial Opt-out Program upon approval of the tariffs. The Commission envisioned that the Trial Opt-out Program would provide a choice to customers who, for whatever reason, choose not to participate in the ASD Program. By choosing to opt-out

Page 20 paragraph 49

49. NV Energy explains that the monthly recurring charge is dependent upon the number of customers subscribing to the service. (Exhibit 8 at 8.) NV Energy states that, pursuant to the Order in Docket 11-10007, the recurring costs were developed assuming NPC has 4,500 NSMO subscribers and SPPC has 3,000 subscribers. (Exhibit 2 at 3, 12-13; Exhibit 8 at 9.) NV Energy asserts that if the number of customers who actually participate in the Trial Opt-out Program differs significantly from the numbers above, NV Energy will either over or under- Again there is 'differs significantly' from the numbers above.

Page 32 paragraph 93

93. In developing the Trial Opt-out Program tariffs, NV Energy was required to make certain assumptions regarding participation in order to estimate program costs. The Commission acknowledges that the economics of this Trial Opt-out Program will be driven by program participation although the number of participants is uncertain at this time. Thus, the Commission "number of participants is uncertain"

January 15th Order page 51 paragraph 96

96. In developing the Trial Opt-out Program tariffs, NV Energy was required to make certain assumptions regarding participation in order to estimate program costs. The Commission acknowledges that the economics of this Trial Opt-out Program will be driven by program participation although the number of participants is uncertain at this time. Thus, the Commission recognizes that variations in participation and other factors may result in costs that will be “variation in participation”

The hearing on January 9, 2013, <https://www.youtube.com/watch?v=qK7vtlGvHHY> at 1:06:32 Burtenshaw stated “Company is diligent enough in reading and understanding the order”.

The tariff that was filed by NVE, they have taken it upon themselves to limit the number of participants in the opt out program.

Page 2 5<sup>th</sup> Revised PUC Sheet No. 11B

**Application for Service.** Application for service hereunder will be accepted by the Utility on a first-come, first-serve basis and is pursuant to the requirements set forth in this Rider. Required metering equipment will be installed accordingly, subject to availability. Service under this NSMO Rider is limited to 12,000 services.

Page 4 Original PUC 64(D)1

**Application for Service.** Application for service hereunder will be accepted by the Utility on a first-come, first-serve basis and is pursuant to the requirements set forth in this Rider. Required metering equipment will be installed accordingly, subject to availability. Service under this NSMO Rider is limited to 4,500 services.

These are not valid as the Commission CLEARLY stated, on November 27<sup>th</sup> ANYONE who wants to opt out and fits the criteria for DOMESTIC SERVICE is afforded this right. Even Noble agreed with anyone electing to opt out.

The orders even stated UNKNOWN number of participants, not any CAPS on number of participants.

Therefore, there is NO first come, first serve, nor if they are ON the list or not, this is CONTRARY to the discussion of November 27<sup>th</sup> and can be viewed as referenced above. THEY SAID ANYONE CAN opt out.

Even the November 27<sup>th</sup> order stated page 14 paragraph 32 SIGNIFICANT number. That does NOT correlate to the cap as submitted by NVE in their tariff.

Also, there are references in this tariff to anyone in the program who is late 2 or more times is PENALIZED and REMOVED from the program.

As far as I know, there was NEVER an approval from the PUC on this 'power' play on the part of NVE, under Rule 5B, in any of their submissions, until now.

According to Rule 5B 4<sup>th</sup> Revision PUC Sheet 60C

[https://www.nvenergy.com/company/rates/snv/rules/images/Rule\\_5\\_South.pdf](https://www.nvenergy.com/company/rates/snv/rules/images/Rule_5_South.pdf)

There is NOTHING about NVE having the right to CANCEL participation in this program, if a ratepayer is late. What about those who are on payment plans? Thus this also needs to be removed and modified.

As Burtenshaw stated on January 9<sup>th</sup>, its time to move on, well, if you are NOT going to make NVE follow what was discussed, then we are going to be headed for a THIRD docket on this.

**WE EXPECT THESE ERRORS AND OMISSIONS TO BE CORRECTED PRIOR TO THIS TARIFF GOING FORWARD TO THE REGULATORY DEPARTMENT.**

Angel De Fazio for ALL OF NV OPT OUT PARTICIPANTS in this docket.