

STATE OF NEVADA

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**COLORADO RIVER COMMISSION
OF NEVADA**

January 8, 2018

NOTICE OF WORKSHOP

TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

COLORADO RIVER COMMISSION OF NEVADA

The Colorado River Commission of Nevada ("Commission") will conduct a public workshop at 1:30 p.m. on January 24, 2018, at the **Grant Sawyer State Office Building, Room 1100, 555 E Washington Ave, Las Vegas, NV 89101.**

The Commission is proposing the Amendment of:

NAC 538.455 – Procedures for Reallocation of Power

and the Repeal of

1. *NAC 538.333 Allocation of Schedule D Power, Commission to Develop Criteria*
2. *NAC 538.336 Allocation of Schedule D Power, Application Process*
3. *NAC 538.450 Reallocation of Power if Entity Fails to Enter into Contract with Commission*
4. *NAC 538.680 Division of Resources into Pools*
5. *NAC 538.690 Pool 1: Applicable Resource; allocation*
6. *NAC 538.700 Pool 2: Applicable Resource; allocation*
7. *NAC 538.730 Pool 3: Applicable Resource; allocation*
8. *NAC 538.740 Pool 3: Sharing Increase or decrease in available power*

The purpose of the workshop is to solicit comments from interested persons on the following general topics that are addressed in the proposed regulations:

- Procedures for the Allocation and/or Reallocation of Power;
- Publication of Power allocations; and

- Other matters properly relating thereto.

A copy of all materials relating to the proposals may be obtained on the Commission's website at www.crc.nv.gov, at the workshop or by contacting:

Kira Bakke, Administrative Assistant IV
Colorado River Commission of Nevada
555 E. Washington Avenue, Suite 3100
Las Vegas, NV 89101
kkbakke@crc.nv.gov
702-486-2687

The agency's proposed regulation changes and small business impact statement are attached.

Persons wishing to comment upon the proposed regulation changes may provide oral and/or written comments at the workshop or submit written comments no later than 5 p.m. on Wednesday, January 24, 2018 to the Commission via email at kkbakke@crc.nv.gov or by mail to the Commission's office at 555 E. Washington Avenue, Suite 3100, Las Vegas, NV 89101.

NOTICE: The Commission is pleased to make reasonable accommodations for persons who are disabled and wish to attend the workshop. If special arrangements are required, please notify the Colorado River Commission of Nevada in writing, 555 E. Washington Avenue, Suite 3100, Las Vegas, NV 89101 or by calling (702) 486-2670 at least 6 business days prior to the meeting.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list and posted at the following locations:

Colorado River Commission website: www.crc.nv.gov

Nevada Public Notice website: <https://notice.nv.gov>

Legislative Counsel Bureau website: www.leg.state.nv.us

City of Las Vegas City Hall, 495 South Main Street, Las Vegas, NV

Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV

State of Nevada Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, NV

City of Boulder City Hall, 401 California Avenue, Boulder City, NV

City of Henderson City Hall, 240 South Water Street, Henderson, NV

City of North Las Vegas City Hall, 2250 Las Vegas Boulevard N., North Las Vegas, NV

Laughlin Chamber of Commerce, 1585 South Casino Drive, Laughlin, NV

Laughlin Town Manager's Office, 101 Civic Way, Laughlin, NV

Lincoln County, 181 North Main Street, Pioche, NV

Nye County, 1520 East Basin Avenue, Pahrump, NV

NAC 538.455 is hereby amended to read as follows:

NAC 538.455 Procedures for *allocation or* reallocation of power: Notice requirements; application and review; hearing; Commission decision.

1. The Commission *will allocate power* or reallocate power that becomes available ~~for reallocation pursuant to NAC 538.440 and 538.450~~ in accordance with the provisions of this section and to achieve the greatest possible benefit to this State.

2. As soon as practicable after power becomes available ~~for reallocation by the Commission pursuant to NAC 538.440 and 538.450~~, the Commission's staff must notify the public ~~of the availability of the power~~. *The Commission's staff drafts a public notice for Commission approval.* The *draft public* notice must:

- (a) Describe the power to be allocated;
- (b) Set forth the proposed criteria to be used by the Commission for the allocation of the power;
- (c) Include a proposed form for applying for an allocation of the power; and
- (d) Set forth the dates during which applications may be submitted.

3. *The Commission's staff shall conduct a public information meeting to review the draft public notice and solicit comments prior to seeking Commission approval. Notice of the public information meeting shall be sent to all potential applicants as well as posted and mailed to the Commission's meeting service list. Notice of the meeting shall be provided 15 days in advance of the meeting. Written comments on the draft public notice are due 10 days after the information meeting. The Commission's staff shall review the comments received at the meeting and in writing and may revise the draft public notice.*

4. *The draft public notice is then placed on a Commission agenda for the Commission's review, potential revision and approval. The approved public notice is sent to all potential applicants as well as posted and mailed to the Commission's meeting service list with the due date clearly indicated.*

~~3.5...A person~~ *Any entity* who wishes to apply for an allocation of power from the Commission pursuant to this section must submit an application to the Commission's staff *by the due date*. The application must:

- (a) Be on a form provided by the Commission.
- (b) Set forth the applicant's full name and mailing address and any facts and exhibits required ~~by law~~.

(c) Be signed by the applicant.

~~4-6.~~ The Commission's staff must review any application submitted pursuant to subsection ~~3-5~~ and prepare a draft order containing ~~a-recommendations~~ for the Commission's ~~disposition-of-each-application~~ *allocation of the power*. *The draft order must contain specific references to each of the applications received for the power.* The Commission's staff must provide a copy of the draft order to each applicant *for its review*. An applicant must file any comments on the draft order with the Commission within ~~30-20~~ days after the Commission's staff issues the draft order. *The Commission's staff may revise the draft order in response to comments received from an applicant.*

~~57.~~ *The Commission's staff shall prepare a notice of hearing.* The notice of ~~the~~ hearing must include, without limitation, a copy of the draft order prepared by the Commission's staff pursuant to *this* subsection ~~4~~ *and be provided to each applicant at least 20 days before the date set for the hearing as well as posted and mailed to the Commission's meeting service list.*

~~56.~~ The Commission will conduct a hearing and issue a decision on the draft order ~~prepared by the Commission's staff pursuant to subsection 4.~~ *The Commission may revise, approve, or reject in whole or in part the draft order.*

~~67.~~ After the issuance of the Commission's decision on ~~a-the~~ draft order ~~prepared by the Commission's staff pursuant to subsection 4,~~ the Commission's staff must advertise the notice required by subsection 4 of NRS 538.181. If the Commission receives an objection to its decision on the application within 10 days after the date of the last publication of the notice required by subsection 4 of NRS 538.181, the Commission will conduct a hearing on the objection not later than 30 days after the date of the last publication of the notice.

~~78.~~ If an applicant that has been offered an allocation of power from the Commission pursuant to this section fails to enter into a contract with the Commission within 90 days after being offered the allocation of power, the Commission ~~will-may~~ reallocate the amount of power offered to that applicant to other applicants *or recommence the allocation process for the uncontracted for power*, at the Commission's discretion.

~~89.~~ Except for a hearing conducted pursuant to subsection ~~67~~, the proceedings described in this section is not a contested case as defined in NRS 233B.032.

NAC 538.333 is hereby repealed.

NAC 538.333 Commission to develop criteria: Draft order; public meeting; comments; hearing; decision.

- ~~1. The Commission will develop criteria for the allocation of power designated in Schedule D in accordance with this section.~~
- ~~2. The Commission's staff must prepare a draft order setting forth proposed criteria for the allocation by the Commission of power designated in Schedule D. To prepare the draft order, the Commission's staff must:~~
 - ~~— (a) Conduct a public meeting that complies with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive, the notice must:~~
 - ~~— (1) Describe the power designated in Schedule D for which allocation criteria is being developed;~~
 - ~~— (2) Set forth the proposed criteria to be used by the Commission for the allocation of power designated in Schedule D;~~
 - ~~— (3) Include a proposed form for applying for an allocation of power designated in Schedule D;~~
 - ~~— (4) State that, at the public meeting, the Commission's staff will accept questions and oral comments from persons attending the meeting; and~~
 - ~~— (5) State a deadline for the submission of written comments to the Commission's staff.~~
 - ~~— (b) Consider written comments submitted to the Commission's staff on or before the deadline for the submission of written comments and the questions and oral comments presented at the public meeting.~~
- ~~3. After preparing the draft order described in subsection 2, the Commission's staff must:~~
 - ~~— (a) Serve a copy of the draft order on each person who submits:~~
 - ~~— (1) Written comments to the Commission's staff on or before the deadline for the submission of written comments or submitted questions or oral comments at the public meeting conducted pursuant to subsection 2.~~
 - ~~— (2) A request to the Executive Director to be included on a service list for proceedings related to the development of criteria for the allocation of power designated in Schedule D.~~
 - ~~— (b) Post a copy of the draft order on the Commission's Internet website.~~
- ~~4. The Commission will conduct a hearing and issue a decision on the draft order prepared by the Commission's staff pursuant to subsection 1. The hearing will be conducted, and the Commission's decision issued, in accordance with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive, the notice must include, without limitation, a copy of the draft order prepared by the Commission's staff pursuant to subsection 2.~~
- ~~5. The proceeding described in this section is not a contested case as defined in NRS 233B.032.~~

NAC 538.336 is hereby repealed.

NAC 538.336 Application process: Public meeting to discuss process; review of applications; preparation of draft order; Commission hearing and decision; reallocation of power if entity fails to enter into contract with Commission.

~~1. The Commission's staff must conduct a public meeting that complies with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive, to discuss the process of allocating power designated in Schedule D and accept questions and comments concerning that process. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive, the notice must state:~~

~~—(a) That applications for an allocation of power designated in Schedule D may be submitted after the public meeting;~~

~~—(b) A deadline for the submission of applications for an allocation of power designated in Schedule D; and~~

~~—(c) That, at the public meeting, the Commission's staff will accept questions and oral comments from persons attending the meeting.~~

~~2. After the public meeting conducted pursuant to subsection 1, a person who wishes to apply for an allocation of power designated in Schedule D may submit an application to the Commission's staff. The application must:~~

~~—(a) Be on a form provided by the Commission.~~

~~—(b) Set forth the applicant's full name and mailing address and any facts and exhibits required by law.~~

~~—(c) Be signed by the applicant.~~

~~3. The Commission's staff must review any application submitted pursuant to subsection 2 and prepare a draft order containing a recommendation for the Commission's disposition of each application. The Commission's staff must provide a copy of the draft order to each applicant. An applicant must file any comments on the draft order with the Commission within 30 days after the Commission's staff issues the draft order.~~

~~4. The Commission will conduct a hearing and issue a decision on the draft order prepared by the Commission's staff pursuant to subsection 3. The hearing will be conducted, and the Commission's decision issued, in accordance with the provisions of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive. In addition to satisfying the requirements of chapters 241 and 538 of NRS and NAC 538.075 to 538.336, inclusive, the notice must include, without limitation, a copy of the draft order prepared by the Commission's staff pursuant to subsection 3.~~

~~5. After the issuance of the Commission's decision on the draft order prepared by the Commission's staff pursuant to subsection 3, the Commission's staff must advertise the notice required by subsection 4 of NRS 538.181. If the Commission receives an objection to its decision on the application within 10 days after the date of the last publication of the notice required by subsection 4 of NRS 538.181, the Commission will conduct a hearing on the objection not later than 30 days after the date of the last publication of the notice.~~

~~6. If an applicant that has been offered an allocation of power designated in Schedule D from the Commission fails to enter into a contract with the Commission within 90 days~~

~~after being offered the allocation of power, the Commission will reallocate the amount of power offered to that applicant to other applicants at the Commission's discretion.~~

~~7. Except for a hearing conducted pursuant to subsection 5, the proceeding described in this section is not a contested case as defined in NRS 233B.032.~~

NAC 538.450 is hereby repealed.

NAC 538.450 Reallocation of power if entity fails to enter into contract with Commission.

~~Except as otherwise provided in subsection 6 of NAC 538.336 and subsection 7 of NAC 538.455, if an entity that has been offered an allocation of power from the Commission fails, within 90 days after being offered the allocation of power, to enter into a contract with the Commission in accordance with the terms and conditions set by the Commission, the Commission will reallocate the amount of power offered to that entity in the manner provided in NAC 538.455.~~

NAC 538.680 is hereby repealed.

NAC 538.680 Division of resources into pools.

~~The marketable long-term capacity and energy from the Commission's share of power from the Boulder Canyon Project, Parker Davis Project and Salt Lake City Area Integrated Projects are divided into three pools as set forth in NAC 538.690 to 538.740, inclusive.~~

NAC 538.690 is hereby repealed.

NAC 538.690 Pool 1: Applicable resource; allocation. [Effective through September 30, 2017.]

~~1. Pool 1 consists of a total of 377,000 kilowatts of capacity and 1,057,989,000 kilowatt hours of energy from the following sources of the Boulder Canyon Project:~~

~~| Schedule A | | Schedule B | |
|---------------|--------------|---------------|--------------|
| Capacity (KW) | Energy (KWH) | Capacity (KW) | Energy (KWH) |
| 189,000 | 645,989,000 | 188,000 | 412,000,000 |~~

~~2. This resource is reserved for allocation to the named entities as follows:~~

~~| Hoover Capacity and Energy | | | | |
|-------------------------------------|---------------|--------------|---------------|--------------|
| Contractors | Schedule A | | Schedule B | |
| | Capacity (KW) | Energy (KWH) | Capacity (KW) | Energy (KWH) |
| American Pacific Corp. | 10,625 | 49,952,389 | 0 | 0 |
| Basic Water Co. | 4,827 | 9,738,148 | 0 | 0 |
| Boulder City | 0 | 0 | 8,500 | 17,870,400 |
| Chemical Lime Co. | 382 | 2,164,033 | 0 | 0 |
| Lincoln County Power District No. 1 | 4,828 | 20,726,814 | 21,339 | 77,521,529 |
| Nevada Power Company | 100,232 | 240,098,311 | 135,000 | 283,824,000 |
| Overton Power District No. 5 | 6,507 | 27,936,142 | 13,007 | 20,946,270 |
| Southern Nevada Water Authority | 15,207 | 75,200,137 | 0 | 0 |
| Titanium Metals Corp. | 21,397 | 113,070,710 | 0 | 0 |
| Tronox LLC | 17,649 | 75,561,510 | 0 | 0 |
| Valley Electric Association | 7,346 | 31,540,806 | 10,154 | 11,837,801 |
| Totals | 189,000 | 645,989,000 | 188,000 | 412,000,000 |~~

~~**NAC 538.690** Pool 1: Applicable resource; allocation. [Effective October 1, 2017.]~~

~~1. Pool 1 consists of a total of 392,239 kilowatts of capacity and 1,032,202,000 kilowatt hours of energy from the following sources of the Boulder Canyon Project:~~

~~| Schedule A | | Schedule B | | Schedule D | |
|---------------|--------------|---------------|--------------|---------------|--------------|
| Capacity (KW) | Energy (KWH) | Capacity (KW) | Energy (KWH) | Capacity (KW) | Energy (KWH) |~~

Schedule A	Schedule B	Schedule D
190,869 613,689,000	189,860 391,400,000	11,510 25,113,000

—2.— The resource specified for Schedule A and Schedule B is reserved for allocation to the named entities as follows:

Hoover Capacity and Energy				
Contractors	Schedule A		Schedule B	
	Capacity (KW)	Energy (KWH)	Capacity (KW)	Energy (KWH)
American Pacific Corp.	10,730	47,454,729	0	0
Basic Water Co.	4,874	9,251,239	0	0
Boulder City	0	0	8,584	16,976,897
Chemical Lime Co.	386	2,055,858	0	0
Lincoln County Power District No. 1	4,876	19,690,457	21,550	73,645,433
Nevada Power Company	101,223	228,093,166	136,336	269,632,798
Overton Power District No. 5	6,571	26,539,288	13,136	19,898,972
Southern Nevada Water Authority	15,357	71,440,089	0	0
Titanium Metals Corp.	21,609	107,417,054	0	0
Tronox LLC	17,824	71,783,386	0	0
Valley Electric Association	7,419	29,963,734	10,254	11,245,900
Totals	190,869	613,689,000	189,860	391,400,000

—3.— The resource specified for Schedule D is reserved for allocation to new allottees as follows:

Contractors	Schedule D	
	Capacity (KW)	Energy (KWH)
New Allottees	11,510	25,113,000

NAC 538.700 is hereby repealed

NAC 538.700 Pool 2: Applicable resource; allocation.

~~Pool 2 consists of power from the Parker Davis Project in the amounts of 56,560 kilowatts of capacity and 194,622,960 kilowatt hours of energy in the summer season and 40,752 kilowatts of capacity and 69,400,656 kilowatt hours of energy in the winter season. This resource is reserved for allocation as firm and withdrawable power to the named entities as follows:~~

~~| Parker Davis Capacity in KW | | | | | | |
|-----------------------------|---------------|--------------|--------|---------------|--------------|--------|
| Contractors ⁺ | Summer Season | | | Winter Season | | |
| | Firm | Withdrawable | Total | Firm | Withdrawable | Total |
| BWG | 2,756 | 245 | 3,001 | 1,972 | 144 | 2,116 |
| GL | 218 | 19 | 237 | 156 | 12 | 168 |
| OPD | 4,497 | 0 | 4,497 | 3,667 | 0 | 3,667 |
| SNWA | 8,684 | 772 | 9,456 | 6,216 | 455 | 6,671 |
| TM | 12,217 | 1,087 | 13,304 | 8,747 | 640 | 9,387 |
| TR | 16,144 | 1,437 | 17,581 | 11,557 | 846 | 12,403 |
| VEA | 8,484 | 0 | 8,484 | 6,340 | 0 | 6,340 |
| Totals | 53,000 | 3,560 | 56,560 | 38,655 | 2,097 | 40,752 |~~
~~| Parker Davis Energy in KWH | | | | | | | |
|----------------------------|---------------|--------------|------------|---------------|--------------|------------|------------|
| Contractors ⁺ | Summer Season | | | Winter Season | | | Annual |
| | Firm | Withdrawable | Total | Firm | Withdrawable | Total | |
| BWG | 4,086,020 | 366,278 | 4,452,298 | 1,480,860 | 106,786 | 1,587,646 | 6,039,944 |
| GL | 908,005 | 81,395 | 989,400 | 329,081 | 23,720 | 352,801 | 1,342,210 |
| OPD | 16,160,671 | 0 | 16,160,671 | 5,762,738 | 0 | 5,762,738 | 21,923,409 |
| SNWA | 31,553,153 | 2,828,473 | 34,381,626 | 11,435,577 | 824,576 | 12,260,153 | 46,641,779 |~~

TM	47,443,23	4,252,89	51,696,1	17,194,5	1,239,832	18,434,33	70,130,45
	03	23	03		5		8
TR	52,664,25	4,720,91	57,385,1	19,086,7	1,376,273	20,462,99	77,848,16
	45	69	21		4		3
VEA	29,557,66	29,557,6	10,539,9	10,539,97	40,097,64		
	7-0	67	77	0	7		4
Totals	182,373,0	12,249,96	194,622,9	65,829,4	3,571,191	69,400,65	264,023,6
	000	60	65		6		16

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 †Key: BWG = Basic Water Co.
 - CL = Chemical Lime Co.
 - OPD = Overton Power District No. 5
 - SNWA = Southern Nevada Water Authority
 - TM = Titanium Metals Corp.
 - TR = Tronox LLC
 - VEA = Valley Electric Association

NAC 538.730 is hereby repealed.

NAC 538.730 Pool 3: Applicable resource; allocation.

~~Pool 3 consists of power from the Salt Lake City Area Integrated Projects, at Pinnacle Peak, in the amounts of 20,851 kilowatts of capacity and 46,054,700 kilowatt-hours of energy in the summer season and 27,414 kilowatts of capacity and 61,011,134 kilowatt-hours of energy in the winter season. This resource is reserved for allocation to the named entities as follows:~~

-				
Salt Lake City Area Integrated Projects				
Capacity and Energy				
-				
-				
Contractor¹				
-				
Summer Season				
Capacity(KW) Energy(KWH)				
Winter Season				
Capacity(KW) Energy(KWH)				
-				
Ampac				
2,756 6,086,817 3,623 8,063,533				
BC				
5,537 12,228,710 7,279 16,200,029				
OPD				
6,279 13,869,586 8,256 18,373,786				
VEA				
6,279 13,869,587 8,256 18,373,786				
Totals				
20,851 46,054,700 27,414 61,011,134				

~~¹Key: Ampac = American Pacific Corporation
BC = Boulder City
OPD = Overton Power District No. 5
VEA = Valley Electric Association~~

NAC 538.740 is hereby repealed.

NAC 538.740 Pool 3: Sharing increase or decrease in available power.

~~Any increase or decrease in the amount of power available to the Commission from the Salt Lake City Area Integrated Projects must be shared by the contractors according to the following percentages:~~

~~-~~

—— American Pacific Corporation	13.21649485
—— Boulder City	26.55257732
—— Overton Power District No. 5	30.11546391
—— Valley Electric Association	30.11546392

SMALL BUSINESS IMPACT STATEMENT

LCB FILE NO. _____

The Colorado River Commission of Nevada (Commission) is an executive agency of the State of Nevada responsible for acquiring and managing Nevada's share of water and hydropower resources from the Colorado River. The Commission has been involved in the marketing and allocation of federal hydropower since 1936. The proposed revised regulations are necessary to ensure agency procedures are relevant for future hydropower marketing and allocation processes.

The proposed regulations in part:

1. Revise the Commission's Regulations applicable to marketing and power resource allocations and reallocations which include revisions to NAC 538.455 – Procedures for Reallocation of Power; and
2. Repeal of the following regulations:
 - *NAC 538.333 Allocation of Schedule D Power, Commission to Develop Criteria*
 - *NAC 538.336 Allocation of Schedule D Power, Application Process*
 - *NAC 538.450 Reallocation of Power if entity fails to enter into Contract with Commission*
 - *NAC 538.680 Division of Resources into Pools*
 - *NAC 538.690 Pool 1: Applicable Resource; allocation*
 - *NAC 538.700 Pool 2: Applicable Resource; allocation*
 - *NAC 538.730 Pool 3: Applicable Resource; allocation*
 - *NAC 538.740 Pool 3: Sharing Increase or decrease in available power*

Pursuant to NRS 233B.0608 and NRS 233B.0609, the staff of the Commission has made a concerted effort to determine whether the proposed regulations are likely to (a) Impose a direct and significant economic burden upon small businesses, or (b) Directly restrict the formation, operation or expansion of a small business.

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

Because the Commission has not contracted, and does not anticipate contracting with a small business, Commission staff determined that there are no known small businesses that would be affected by the proposed revisions to its regulations. Therefore, no comments were solicited from small businesses and no subsequent summary has been issued.

(b) The manner in which the small business analysis was conducted:

Commission staff knowledgeable of the hydropower industry, reviewed the Commission's statutes, regulations and its federal contracting requirements, and determined that there are no known small businesses that would be affected by its proposed revisions to its regulations.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects:

(I) Adverse effects:

No known or anticipated adverse effect on small businesses.

(II) Beneficial effects:

No known or anticipated beneficial effect to small businesses.

(2) Both direct and indirect effects:

(I) Direct effect:

No known or anticipated direct effect to small businesses.

(II) Indirect effect:

No known or anticipated indirect effect to small businesses.

(d) A description of the methods that the Colorado River Commission of Nevada considered to reduce the impact of the proposed revisions to its regulations on small businesses and a statement whether the Commission actually used any part of those methods.

The Commission has not considered a method to reduce the impact of its proposed regulations on small businesses at this time because the Commission has determined that there is no impact on small businesses.

(e) The estimated cost to the Commission for enforcement of the proposed regulation.

There is no cost to the Commission for enforcement of the proposed regulation.

(f) If the Commission's proposed revisions to its regulations provides a new fee or increases an existing fee, the total annual amount the Commission expects to collect and the manner in which the money will be used.

The Commission's proposed revisions to its regulations does not provide for a new fee or increase an existing fee.

(g) If the Commission's proposed revisions to its regulations includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

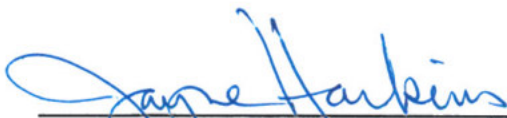
The Commission's proposed revisions to its regulations does not duplicate any existing federal, state, or local standards regulating the same activity.

(h) The reasons for the conclusions of Commission staff regarding the impact of its proposed revisions to its regulations on small businesses.

Commission staff has concluded that there will be no impact to small businesses that will result from the adoption of the proposed regulations for the reasons set forth below:

1. Pursuant to NRS 704.787, the Commission is limited to whom electric service can be provided;
2. Participation is voluntary;
3. Any entity that meets the requirements may apply;
4. Any entity and members of the general public are encouraged to participate in Commission meetings, workshops and public hearings;
5. The proposed regulations clarify existing marketing and allocation procedures;
6. The proposed repeal of regulations removes various provisions that pertain to electric power contracting by the Commission that are dated and no longer relevant;
7. The application and contracting procedures are the same for any entity involved regardless of whether it is a small business, a municipality, a political subdivision or whether a current customer, or a potential customer.
8. Applicants offered an allocation have the right to refuse the allocation with no cost or penalty; and
9. The proposed regulations do not impose a fee or other charge in the application process.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses, and the information contained in the Small Business Impact Statement was prepared properly and is accurate.



Jayne Harkins, P.E.
Executive Director

1/5/18
Date