

**PROPOSED REGULATION OF  
THE COLORADO RIVER COMMISSION OF NEVADA**

**LCB File No. R023-23**

November 21, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-5, NRS 538.181 and 538.201.

A REGULATION relating to the Colorado River Commission of Nevada; reorganizing certain definitions; repealing certain provisions relating to the marketing of electric power by the Commission; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, the Colorado River Commission of Nevada holds and administers all rights and benefits pertaining to the distribution of power from the Hoover Dam and may enter into contracts and adopt regulations relating to such power. (NRS 538.181, 538.201)

Existing regulations define the term “Schedule D” for the entirety of chapter 538 of the Nevada Administrative Code. (NAC 538.025) Due to the recent repeal of certain sections of the Nevada Administrative Code, the definition of “Schedule D” is no longer applicable to the entire chapter. (Section 9 of LCB File No. R033-18) **Section 1** of this regulation moves this definition to be applicable only to provisions governing the marketing of electric power. **Section 3** of this regulation makes a conforming change to indicate the proper placement of **section 1** in the Nevada Administrative Code. **Sections 2 and 5** of this regulation also make conforming changes to reflect the movement of this definition.

Existing regulations define the term “program for increasing capacity.” (NAC 538.370) **Section 5** of this regulation repeals this definition. **Section 4** of this regulation makes a conforming change to clarify a reference to a “program for increasing capacity” used in the definition of the term “Schedule B.”

Existing regulations require each contractor to meet the minimum recommendation for reserves set by the Western Electricity Coordinating Council. (NAC 538.460) Existing regulations also provide that capacity from the Boulder Canyon Project, Parker-Davis Project and Salt Lake City Area Integrated Projects will be: (1) offered at varying load factors; and (2) identified as an exhibit to a contract to purchase power. (NAC 538.470) **Section 5** repeals these provisions.

Existing regulations provide that: (1) certain contracts for the delivery of long-term power expire in September 2017; and (2) before the expiration of any such contract, the Commission will offer the contractor a new contract for the delivery of such power. (NAC

538.495, 538.500) **Section 5** repeals the requirement that the Commission offer the contractor a new contract since the date of expiration has passed.

**Section 1.** Chapter 538 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Schedule D” means the schedule appearing at 43 U.S.C. § 619a(a)(2)(A) which specifies the amount of:*

- 1. Contingent capacity of the Hoover Powerplant; and*
- 2. Associated firm energy,*

*↪ allocated in that schedule for allocation to new allottees.*

**Sec. 2.** NAC 538.010 is hereby amended to read as follows:

538.010 *As used in this chapter, unless the context otherwise requires, “Commission” means the Colorado River Commission of Nevada.*

**Sec. 3.** NAC 538.340 is hereby amended to read as follows:

538.340 As used in NAC 538.340 to 538.746, inclusive, unless the context otherwise requires, the words and terms defined in NAC 538.350 to 538.390, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 4.** NAC 538.380 is hereby amended to read as follows:

538.380 “Schedule B” means the schedule appearing at 43 U.S.C. § 619a (a)(1)(B) which specifies the amount of:

1. Contingent capacity of the Hoover ~~power plant~~ *Powerplant* resulting from the program for increasing capacity ~~is~~ *authorized by 43 U.S.C. § 619;* and
2. Associated firm energy, allocated to the Commission.

**Sec. 5.** NAC 538.005, 538.025, 538.370, 538.460, 538.470 and 538.495 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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**538.005 Definitions. (NRS 538.201)** As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 538.010 and 538.025 have the meanings ascribed to them in those sections.

**538.025 “Schedule D” defined. (NRS 538.181, 538.201)** “Schedule D” means the schedule appearing at 43 U.S.C. § 619a(a)(2)(A) which specifies the amount of:

1. Contingent capacity of the Hoover power plant; and
2. Associated firm energy,

↪ allocated in that schedule for allocation to new allottees.

**538.370 “Program for increasing capacity” defined. (NRS 538.201)** “Program for increasing capacity” means the program for increasing the capacity of existing generating equipment and appurtenances at the Hoover power plant authorized by 43 U.S.C. § 619. This is equivalent to the uprating program referred to in Public Law 98-381.

**538.460 Minimum reserves of contractor; exception. (NRS 538.181, 538.201)** Each contractor must meet the minimum recommendation for reserves set by the Western Electricity Coordinating Council unless the contractor receives power from the Commission over the facilities of a utility that meets the minimum recommendation for reserves set by the Western Electricity Coordinating Council.

**538.470 Capacity offered at varying load factors; identification. (NRS 538.181, 538.201)** Capacity from the Boulder Canyon Project, Parker-Davis Project and Salt Lake City Area Integrated Projects will be:

1. Offered by the Commission at varying load factors; and
2. Identified by the Commission in an exhibit to the contract to purchase power.

**538.495 New contracts. (NRS 538.181, 538.201)** Before the expiration of a contract for the delivery of long-term power from the Boulder Canyon Project designated in Schedule A or Schedule B pursuant to subsection 1 of NAC 538.500, the Commission will offer the contractor a new contract for the delivery of such power for the period commencing on October 1, 2017, and ending on September 30, 2067.