

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Certification of New Interstate Natural Gas Facilities

Docket No. PL18-1-001

**COMMENTS OF THE OFFICE OF THE NEVADA ATTORNEY GENERAL,
BUREAU OF CONSUMER PROTECTION**

The Office of the Nevada Attorney General, Bureau of Consumer Protection (“BCP”) hereby submits comments in response to the Federal Energy Regulatory Commission’s (“Commission” or “FERC”) Order on Draft Policy Statements issued on March 24, 2022, in the above-captioned docket.

I. DESCRIPTION OF COMMENTOR

The BCP operates within the Nevada Attorney General’s Office pursuant to NEV. REV. STAT. § 228.310 and represents the interests of Nevada utility consumers before FERC pursuant to NEV. REV. STAT. § 228.360. As the state-designated agency that is statutorily charged with representing the interests of Nevada’s electric and natural gas ratepayers, the BCP endeavors to ensure that utility costs recovered from ratepayers are necessary and reasonable to provide service to customers. The costs incurred by Nevada’s electric and natural gas utilities for the interstate transportation of natural gas are passed through to Nevada’s retail ratepayers dollar-for-dollar through a deferred energy accounting adjustment mechanism pursuant to NEV. REV. STAT. § 704.187 and NEV. REV. STAT. § 704.185, respectively. Accordingly, the BCP represents consumer interests which may be directly affected by the draft policy statement on the Certification of New Interstate Natural Gas Facilities. Therefore, BCP submits these comments for the Commission’s consideration.

II. COMMUNICATIONS

BCP requests that all correspondence or communications regarding this proceeding be addressed to the following individuals:

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III. BACKGROUND

On February 18, 2022, the Commission issued its Updated Policy Statement on the Certification of New Interstate Natural Gas Facilities.¹ Subsequently, on March 24, 2022, the Commission made the Updated Policy Statement a draft policy statement and invited comments on the draft policy statement by April 25, 2022. BCP's comments below are limited to paragraphs 53, 54, 60 and 61 of the draft policy statement as applicable to local distribution companies ("LDCs").

53. To demonstrate that a project is required by the public convenience and necessity, an applicant must first establish that the proposed project is needed. As indicated above, the Commission's expectations and requirements for how applicants should demonstrate project need have evolved over time. In the 1999 Policy Statement, the Commission noted concerns associated with relying "primar[ily]" or "almost exclusively" on contracts to establish need for a new

¹ The procedural history provided herein encompasses Docket Nos. PL18-1-000 and PL18-1-001.

project. Those concerns included the “additional issues [that arise] when the contracts are held by pipeline affiliates” and the difficulty such a policy creates for “articulat[ing] to landowners and community interests why their land must be used for a new pipeline project.” Thus, the 1999 Policy Statement provided that:

[r]ather than relying only on one test for need, the Commission will consider *all relevant factors* reflecting on the need for the project. These might include, but would not be limited to, precedent agreements, demand projections, potential cost savings to consumers, or a comparison of projected demand with the amount of capacity currently serving the market.

54. However, in practice, the Commission has relied almost exclusively on precedent agreements to establish project need. Although courts have upheld the Commission’s practice in certain contexts, we find that we cannot adequately assess project need without also looking at evidence beyond precedent agreements. After all, as the Commission’s 1999 Policy Statement noted, many different factors may indicate the need—or lack thereof—for a new interstate pipeline. While precedent agreements may indicate one or more shipper’s willingness to contract for new capacity, such willingness may not in all circumstances be sufficient to sustain a finding of need—e.g., in the face of contrary evidence or where there is reason to discount the probative value of those precedent agreements. Accordingly, we find that looking only to precedent agreements, and ignoring other, potentially contrary, evidence may cause the Commission to reach a determination on need that is inconsistent with the weight of the evidence in any particular proceeding, in violation of both the NGA and the Commission’s responsibilities under the Administrative Procedure Act. We reaffirm the Commission’s commitment to consider *all* relevant factors bearing on the need for a project. Although precedent agreements remain important evidence of need, and we expect that applicants will continue to provide precedent agreements, the existence of precedent agreements may not be sufficient in and of themselves to establish need for the project. The Commission will also consider, as relevant, the circumstances surrounding the precedent agreements (e.g., whether the agreements were entered into before or after an open season and the results of the open season, including the number of bidders, whether the agreements were entered into in response to LDC or generator requests for proposals (RFP) and, if so, the details around that RFP process, including the length of time from RFP to execution of the agreement), as well as other evidence of need, as discussed below.

60. As the Commission noted in the 1999 Policy Statement, projects supported by precedent agreements with affiliates raise unique concerns regarding need for the project. And, as the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) recently held in *Environmental Defense Fund v. FERC*, “evidence of ‘market need’ is too easy to manipulate when there is a corporate affiliation between the proponent of a new pipeline and a single shipper who have entered into a precedent agreement.” Given those concerns, affiliate precedent agreements will generally be insufficient to demonstrate need. Instead, where projects are backed primarily by precedent agreements with affiliates, the

Commission will consider additional information, such as the evidence outlined above. We will determine how much additional evidence is required on a case-by-case determination.

61. To the extent the Commission receives information in the record from third parties addressing the need for a project, that too will be considered in our analysis. Where an applicant fails to carry its burden of demonstrating the proposed project is needed, the Commission will not undertake any further consideration of the project's benefits or adverse effects.

In short, BCP supports incorporating the language of paragraphs 53, 54, 60, 61 into an updated policy statement on certification of new interstate natural gas facilities for LDCs. BCP's comments demonstrate why the Commission should consider *all relevant factors* for determining project needs as provided in the 1999 Policy Statement rather than relying almost exclusively on precedent agreements for LDCs, as has been the past practice of the Commission.

As stated in BCP's comments filed in this proceeding on May 26, 2021, the Public Utilities Commission of Nevada ("PUCN") does not currently investigate whether an LDC needs expansion capacity from an interstate pipeline prior to the LDC executing a precedent agreement with an interstate pipeline, even when the precedent agreement is between affiliates.² Hence, if the Commission does not look behind the precedent agreements between Nevada LDCs and interstate pipelines, including affiliated interstate pipelines, then expansion capacity has been or will be constructed by interstate pipelines which was or will be unnecessary when all relevant factors are considered as provided in the 1999 Policy Statement.

In Docket No. CP20-486-000, Tuscarora Gas Transmission Company ("Tuscarora") applied for expansion capacity of 15,000 dekatherms for delivery to Wadsworth, Nevada. Southwest Gas Corporation ("Southwest") executed two precedent agreements with Tuscarora for this expansion capacity. The first was for 2,800 dekatherms of capacity for the Northern

² See BCP's Comments filed on May 26, 2021, in Docket No. PL18-1-000, at 3-5.

California Division. The second was for 12,200 dekatherms of capacity for the Northern Nevada Division. With respect to the Northern Nevada Division, the BCP asserted the only way a need for 12,200 dekatherms of expansion capacity upstream of Wadsworth could be justified was using a peak demand forecast that relied upon cold weather events beyond the most recent 30-year period and the use of scaling factors to the regression coefficient of the linear relationship between demand and heating degree days (“HDDs”). The BCP believes Southwest’s peak demand forecast unreasonably increased the forecast of peak demand for the Carson, Fallon, and Tahoe Districts of its Northern Nevada service area. A forecast of peak demand that uses the coldest day in the past 30 years – without eliminating the scaling factors – demonstrates that Southwest did not need the 12,200 dekatherms of Tuscarora expansion capacity that was approved by the Commission in Docket No. CP20-486-000 on May 20, 2021.

Similarly, Great Basin Gas Transmission Company (“Great Basin”), Southwest’ affiliate, issued a binding Notice of Open Season for 5,674 dekatherms of expansion capacity downstream of Wadsworth on April 12, 2022, for its 2024 Expansion Project. Great Basin’s 2024 Expansion Project would expand capacity along its Carson, North Tahoe, and South Tahoe laterals. However, similar to the Tuscarora 2021 expansion, it is believed that Southwest’ need for Great Basin’s 2024 expansion capacity is due to its use of a peak demand forecast that relies upon weather events beyond the most recent 30-year period and scaling factors to the regression coefficients. Once again, a forecast of peak demand that uses the coldest day in the past 30 years – without eliminating the scaling factors – demonstrates Southwest does not need any 2024 Great Basin expansion capacity along the Carson, North Tahoe, or South Lake Tahoe laterals through the year 2030.

IV. COMMENTS

The American Gas Association (“AGA”), in its Request for Rehearing and Clarification filed on March 18, 2022, states that “[t]he Commission points to no evidence that the current ‘public need’ standard or FERC’s natural gas certificate process has resulted in the construction of underutilized capacity” as support for its argument that the Commission failed to explain its departure from prior practice.³ BCP disagrees with AGA’s statement because BCP believes that the Commission’s approval of Tuscarora’s 2021 expansion in Docket No. CP20-486-000 resulted in capacity that will not only be underutilized, but unutilized as well.

In paragraph 16 of the Commission’s Order in Docket No. CP-20-486-000, dated May 20, 2021, the Commission relied upon its existing practice of not looking beyond precedent agreements as evidence of need. The Commission stated the following:

16. The proposed project will enable Tuscarora to provide 15,000 Dth per day of incremental firm transportation service and Tuscarora has entered into a long-term precedent agreement with Southwest for 100% of the project’s capacity. Accordingly, we find that Tuscarora has demonstrated a need for the Tuscarora XPress Project and further, that the project will not have adverse economic impacts on existing shippers or other pipelines and their existing customers, and that the project’s benefits will outweigh any adverse economic effects on landowners and surrounding communities. Therefore, we conclude that the project is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the project below. (Emphasis added)

As noted in paragraph 63 of the draft policy statement, the 1999 Policy Statement provided that the Commission would consider *all relevant factors* reflecting on the need for the project, including, but not limited to, precedent agreements and demand projections. However, there was no evidence in Docket No. CP20-486-000 on demand projections. An explanation for the reason

³ See AGA Request for Rehearing and Clarification (“AGA Request”), Docket Nos. PL18-1-000 and PL21-3-000 (Mar. 18, 2022) at 56.

for this lack of evidence was due to the Commission’s current practice of not looking beyond precedent agreements.⁴ If the Commission had evidence in the record of Docket No. CP20-486-000 of Southwest’s demand projections, then it is likely that the Commission would have denied the certificate of public convenience and necessity for the Tuscarora XPress Project.

Southwest’s Tuscarora Contract 385, effective for a 20-year period beginning November 1, 2021, created a misalignment of 11,552 dekatherms of firm interstate pipeline capacity that Southwest holds upstream of Wadsworth – the interconnection between Tuscarora and Great Basin – and downstream of Wadsworth, where Southwest provides retail gas service to its customers in the Carson, Fallon, and Tahoe Districts. Table 1 below shows this misalignment.

Table 1

SWG Northern Nevada				
Comparison of Upstream and Downstream Resources				
Nov-21				
Receipt Points				
Location	Gross Dth	Fuel 3%	Net Dth	Contract
Owyhee	55,535			Paiute F49
-Elko Lateral	(10,161)			Paiute F49
-Loveloock	(1,639)			Paiute F49
Net Contract	43,735	(1,312)	42,423	Paiute F49
Owyhee	1,000	(30)	970	Paiute F36
LNG	37,559	(1,127)	36,432	Paiute F34
Total Paiute Contracts			79,825	
Wadsworth	16,500	(495)	16,005	Tuscarora F027
Wadsworth	1,488	(45)	1,443	Tuscarora 357
Wadsworth	12,200	(366)	11,834	Tuscarora 385
Total Tuscarora Contracts			29,282	
Total Upstream for Carson Lateral			109,108	
Delivery Downstream Wadsworth				
			86,778	Paiute F49
	5,868	(176)	5,692	Paiute F30
	608	(18)	590	Paiute F46
	4,604	(138)	4,466	Paiute F56
Total Delivery			97,526	
Upstream Surplus			11,582	

⁴ BCP did not intervene in Docket No. CP20-486-000 because of the Commission’s current policy of not looking beyond precedent agreements.

A comparison of the difference in peak demand for Southwest’s Carson, Fallon, and Tahoe Districts from Southwest’s use of cold weather events that exceed the 30-year period specified in NEV. ADMIN. CODE § 704.9605⁵ and the use of the coldest day in the past 30 years shows a substantial difference in the forecasts of peak demand. In addition, Southwest’s use of scaling factors to the HDD regression coefficient in the Carson and Tahoe Districts substantially increases the forecast of peak demand. Table 2 shows Southwest’s forecast of peak demand for its Carson District using the HDDs from the coldest day beyond the 30-year period specified in NEV. ADMIN. CODE § 704.9605. Table 3 shows the exact same forecast for the Carson District, except for the use of the coldest day within the last 30 years for the HDDs.

Table 2

SOUTHWEST GAS CORPORATION CARSON DISTRICT DESIGN DAY DEMAND IN DEKATHERMS PER SWG JANUARY 2022 - JANUARY 2030								
SWG Response to BCP DR 2-27 in Docket No. 21-11011								
Date	Non-Spacing Heating Sales			Space Heating Sales				Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales	
Jan-22	0.09720	50,593	4,918	0.0150126	72.5	1.08841	55,066	59,984
Jan-23	0.09720	51,086	4,966	0.0150126	72.5	1.08841	55,602	60,568
Jan-24	0.09720	51,636	5,019	0.0150126	72.5	1.08841	56,201	61,220
Jan-25	0.09720	52,186	5,072	0.0150126	72.5	1.08841	56,800	61,872
Jan-26	0.09720	52,737	5,126	0.0150126	72.5	1.08841	57,399	62,525
Jan-27	0.09720	53,287	5,179	0.0150126	72.5	1.08841	57,998	63,177
Jan-28	0.09720	53,836	5,233	0.0150126	72.5	1.08841	58,596	63,829
Jan-29	0.09720	54,386	5,286	0.0150126	72.5	1.08841	59,195	64,481
Jan-30	0.09720	54,936	5,340	0.0150126	72.5	1.08841	59,793	65,133

Note: The HDD Coefficient for Carson is 0.0131. SWG scales the HDD coefficient by multiplying it by 1.146.

Change in HDD Coefficient to 0.0131								
Date	Non-Spacing Heating Sales			Space Heating Sales				Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales	
Jan-22	0.09720	50,593	4,918	0.013100	72.5	0.94975	48,051	52,968
Jan-23	0.09720	51,086	4,966	0.013100	72.5	0.94975	48,519	53,484
Jan-24	0.09720	51,636	5,019	0.013100	72.5	0.94975	49,041	54,060
Jan-25	0.09720	52,186	5,072	0.013100	72.5	0.94975	49,563	54,636
Jan-26	0.09720	52,737	5,126	0.013100	72.5	0.94975	50,087	55,213
Jan-27	0.09720	53,287	5,179	0.013100	72.5	0.94975	50,609	55,788
Jan-28	0.09720	53,836	5,233	0.013100	72.5	0.94975	51,131	56,364
Jan-29	0.09720	54,386	5,286	0.013100	72.5	0.94975	51,653	56,940
Jan-30	0.09720	54,936	5,340	0.013100	72.5	0.94975	52,176	57,516

Table 3

SOUTHWEST GAS CORPORATION CARSON DISTRICT DESIGN DAY DEMAND IN DEKATHERMS WITH 30-YEAR EXTREME HDD JANUARY 2022 - JANUARY 2030								
SWG Response to BCP DR 2-27 in Docket No. 21-11011								
Date	Non-Spacing Heating Sales			Space Heating Sales				Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales	
Jan-22	0.09720	50,593	4,918	0.0150126	63.5	0.95330	48,230	53,148
Jan-23	0.09720	51,086	4,966	0.0150126	63.5	0.95330	48,700	53,666
Jan-24	0.09720	51,636	5,019	0.0150126	63.5	0.95330	49,224	54,243
Jan-25	0.09720	52,186	5,072	0.0150126	63.5	0.95330	49,749	54,821
Jan-26	0.09720	52,737	5,126	0.0150126	63.5	0.95330	50,274	55,400
Jan-27	0.09720	53,287	5,179	0.0150126	63.5	0.95330	50,798	55,977
Jan-28	0.09720	53,836	5,233	0.0150126	63.5	0.95330	51,322	56,555
Jan-29	0.09720	54,386	5,286	0.0150126	63.5	0.95330	51,846	57,132
Jan-30	0.09720	54,936	5,340	0.0150126	63.5	0.95330	52,371	57,711

Note: The HDD Coefficient for Carson is 0.0131. SWG scales the HDD coefficient by multiplying it by 1.146.

Change in HDD Coefficient to 0.0131								
Date	Non-Spacing Heating Sales			Space Heating Sales				Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales	
Jan-22	0.09720	50,593	4,918	0.013100	63.5	0.83185	42,086	47,003
Jan-23	0.09720	51,086	4,966	0.013100	63.5	0.83185	42,496	47,461
Jan-24	0.09720	51,636	5,019	0.013100	63.5	0.83185	42,953	47,972
Jan-25	0.09720	52,186	5,072	0.013100	63.5	0.83185	43,411	48,483
Jan-26	0.09720	52,737	5,126	0.013100	63.5	0.83185	43,869	48,995
Jan-27	0.09720	53,287	5,179	0.013100	63.5	0.83185	44,326	49,506
Jan-28	0.09720	53,836	5,233	0.013100	63.5	0.83185	44,784	50,017
Jan-29	0.09720	54,386	5,286	0.013100	63.5	0.83185	45,241	50,528
Jan-30	0.09720	54,936	5,340	0.013100	63.5	0.83185	45,699	51,039

Table 4 shows Southwest’s forecast of peak demand for its Fallon District using the HDDs from the coldest day beyond the 30-year period specified in NEV. ADMIN. CODE § 704.9605. Table

⁵ NEV. ADMIN. CODE § 704.9605 “Weather at maximum design conditions” defined. “Weather at maximum design conditions” means the coldest day on record for the previous 30 years or another period, if justified.

5 shows the exact same forecast for the Fallon District, except for the use of the coldest day within the last 30 years for the HDDs.

Table 4

SOUTHWEST GAS CORPORATION									
FALLON DISTRICT DESIGN DAY DEMAND IN DEKATHERMS PER SWG									
JANUARY 2022 - JANUARY 2030									
SWG Response to BCP DR 2.27 in Docket No. 21-11011									
Fallon District - Carson Lateral									
Date	Non-Spacing Heating Sales			Space Heating Sales				Fallon NAS	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.12510	20,715	2,591	0.013400	73.5	0.98490	20,402	-1,334	21,659
Jan-23	0.12510	20,983	2,625	0.013400	73.5	0.98490	20,666	-1,334	21,957
Jan-24	0.12510	21,283	2,663	0.013400	73.5	0.98490	20,962	-1,334	22,290
Jan-25	0.12510	21,583	2,700	0.013400	73.5	0.98490	21,257	-1,334	22,623
Jan-26	0.12510	21,883	2,738	0.013400	73.5	0.98490	21,553	-1,334	22,956
Jan-27	0.12510	22,183	2,775	0.013400	73.5	0.98490	21,848	-1,334	23,289
Jan-28	0.12510	22,483	2,813	0.013400	73.5	0.98490	22,144	-1,334	23,622
Jan-29	0.12510	22,783	2,850	0.013400	73.5	0.98490	22,439	-1,334	23,955
Jan-30	0.12510	23,083	2,888	0.013400	73.5	0.98490	22,734	-1,334	24,288

SWG Response to BCP DR 2.27 in Docket No. 21-11011									
Fallon District - Lovelock Mainline									
Date	Non-Spacing Heating Sales			Space Heating Sales				Fallon NAS	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-23	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-24	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-25	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-26	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-27	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-28	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-29	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118
Jan-30	0.12510	1,007	126	0.013400	73.5	0.98490	992		1,118

Table 5

SOUTHWEST GAS CORPORATION									
FALLON DISTRICT DESIGN DAY DEMAND IN DEKATHERMS WITH 30-YEAR EXTREME HDD									
JANUARY 2022 - JANUARY 2030									
SWG Response to BCP DR 2.27 in Docket No. 21-11011									
Fallon District - Carson Lateral									
Date	Non-Spacing Heating Sales			Space Heating Sales				Fallon NAS	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.12510	20,715	2,591	0.013400	66.0	0.88440	18,320	-1,334	19,578
Jan-23	0.12510	20,983	2,625	0.013400	66.0	0.88440	18,557	-1,334	19,848
Jan-24	0.12510	21,283	2,663	0.013400	66.0	0.88440	18,823	-1,334	20,151
Jan-25	0.12510	21,583	2,700	0.013400	66.0	0.88440	19,088	-1,334	20,454
Jan-26	0.12510	21,883	2,738	0.013400	66.0	0.88440	19,353	-1,334	20,757
Jan-27	0.12510	22,183	2,775	0.013400	66.0	0.88440	19,619	-1,334	21,060
Jan-28	0.12510	22,483	2,813	0.013400	66.0	0.88440	19,884	-1,334	21,363
Jan-29	0.12510	22,783	2,850	0.013400	66.0	0.88440	20,149	-1,334	21,665
Jan-30	0.12510	23,083	2,888	0.013400	66.0	0.88440	20,415	-1,334	21,968

SWG Response to BCP DR 2.27 in Docket No. 21-11011									
Fallon District - Lovelock Mainline									
Date	Non-Spacing Heating Sales			Space Heating Sales				Fallon NAS	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-23	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-24	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-25	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-26	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-27	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-28	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-29	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017
Jan-30	0.12510	1,007	126	0.013400	66.0	0.88440	891		1,017

Table 6 shows Southwest’s forecast of peak demand for its Tahoe District using the HDDs from the coldest day beyond the 30-year period specified in NEV. ADMIN. CODE § 704.9605. Table 7 shows the exact same forecast for the Tahoe District, except for the use of the coldest day within the last 30 years for the HDDs.

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Table 6

SOUTHWEST GAS CORPORATION TAHOE DISTRICT DESIGN DAY DEMAND IN DEKATHERMS PER SWG JANUARY 2022 - JANUARY 2030									
SWG Response to BCP DR 2-27 in Docket No. 21-11011									
Date	Non-Spacing Heating Sales			Space Heating Sales				Tahoe Beach Club	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.10320	11,737	1,211	0.0147576	73.0	1.07730	12,644	116	13,971
Jan-23	0.10320	11,764	1,214	0.0147576	73.0	1.07730	12,673	135	14,022
Jan-24	0.10320	11,794	1,217	0.0147576	73.0	1.07730	12,706	153	14,076
Jan-25	0.10320	11,824	1,220	0.0147576	73.0	1.07730	12,738	172	14,131
Jan-26	0.10320	11,854	1,223	0.0147576	73.0	1.07730	12,770	191	14,185
Jan-27	0.10320	11,884	1,226	0.0147576	73.0	1.07730	12,803	210	14,239
Jan-28	0.10320	11,914	1,230	0.0147576	73.0	1.07730	12,835	210	14,275
Jan-29	0.10320	11,944	1,233	0.0147576	73.0	1.07730	12,867	210	14,310
Jan-30	0.10320	11,974	1,236	0.0147576	73.0	1.07730	12,900	210	14,345

Notes: The HDD Coefficient for Tahoe is 0.0129. SWG scales the HDD by multiplying it by 1.144. The Tahoe Beach is 143 residential units. SWG adds 35 residential units for the club house.

Change in HDD Coefficient to 0.0129									
Date	Non-Spacing Heating Sales			Space Heating Sales				Tahoe Beach Club	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.10320	11,737	1,211	0.0129000	73.0	0.94170	11,053	102	12,264
Jan-23	0.10320	11,764	1,214	0.0129000	73.0	0.94170	11,078	119	12,292
Jan-24	0.10320	11,794	1,217	0.0129000	73.0	0.94170	11,106	136	12,324
Jan-25	0.10320	11,824	1,220	0.0129000	73.0	0.94170	11,135	153	12,355
Jan-26	0.10320	11,854	1,223	0.0129000	73.0	0.94170	11,163	169	12,386
Jan-27	0.10320	11,884	1,226	0.0129000	73.0	0.94170	11,191	186	12,418
Jan-28	0.10320	11,914	1,230	0.0129000	73.0	0.94170	11,219	186	12,449
Jan-29	0.10320	11,944	1,233	0.0129000	73.0	0.94170	11,248	186	12,480
Jan-30	0.10320	11,974	1,236	0.0129000	73.0	0.94170	11,276	186	12,512

Table 7

SOUTHWEST GAS CORPORATION TAHOE DISTRICT DESIGN DAY DEMAND IN DEKATHERMS WITH 30-YEAR EXTREME HDD JANUARY 2022 - JANUARY 2030									
SWG Response to BCP DR 2-27 in Docket No. 21-11011									
Date	Non-Spacing Heating Sales			Space Heating Sales				Tahoe Beach Club	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.10320	11,737	1,211	0.0147576	62.0	0.91497	10,739	100	12,050
Jan-23	0.10320	11,764	1,214	0.0147576	62.0	0.91497	10,764	116	12,094
Jan-24	0.10320	11,794	1,217	0.0147576	62.0	0.91497	10,791	132	12,141
Jan-25	0.10320	11,824	1,220	0.0147576	62.0	0.91497	10,819	149	12,188
Jan-26	0.10320	11,854	1,223	0.0147576	62.0	0.91497	10,846	165	12,234
Jan-27	0.10320	11,884	1,226	0.0147576	62.0	0.91497	10,874	181	12,281
Jan-28	0.10320	11,914	1,230	0.0147576	62.0	0.91497	10,901	181	12,312
Jan-29	0.10320	11,944	1,233	0.0147576	62.0	0.91497	10,928	181	12,342
Jan-30	0.10320	11,974	1,236	0.0147576	62.0	0.91497	10,956	181	12,373

Notes: The HDD Coefficient for Tahoe is 0.0129. SWG scales the HDD coefficient by multiplying it by 1.144. The Tahoe Beach is 143 residential units. SWG adds 35 residential units for the club house.

Change in HDD Coefficient to 0.0129									
Date	Non-Spacing Heating Sales			Space Heating Sales				Tahoe Beach Club	Total Extreme Sales
	[Intercept] Non-Spacing Heating Sales per Customer	P1 - P2 Customer Forecast	Non-Space Heating Sales	HDD Coefficient	Extreme HDD	Extreme HDD Sales per Customer	Extreme Space Heating Sales		
Jan-22	0.10320	11,737	1,211	0.0129000	62.0	0.79980	9,387	88	10,599
Jan-23	0.10320	11,764	1,214	0.0129000	62.0	0.79980	9,409	103	10,623
Jan-24	0.10320	11,794	1,217	0.0129000	62.0	0.79980	9,433	117	10,650
Jan-25	0.10320	11,824	1,220	0.0129000	62.0	0.79980	9,457	129	10,677
Jan-26	0.10320	11,854	1,223	0.0129000	62.0	0.79980	9,481	129	10,704
Jan-27	0.10320	11,884	1,226	0.0129000	62.0	0.79980	9,505	129	10,731
Jan-28	0.10320	11,914	1,230	0.0129000	62.0	0.79980	9,529	129	10,758
Jan-29	0.10320	11,944	1,233	0.0129000	62.0	0.79980	9,553	129	10,785
Jan-30	0.10320	11,974	1,236	0.0129000	62.0	0.79980	9,577	129	10,813

Southwest’s South of Elko system is the sum of the Carson, Fallon, and Tahoe Districts. Southwest’s forecast of peak demand – the sum of Tables 2, 4, and 6 – for its South of Elko system showed that Southwest would near a shortfall of firm interstate pipeline capacity in the year 2024. However, when that same forecast of peak demand is calculated using the HDDs for the coldest day in the past 30 years – Tables 3, 5, and 7 – Southwest’s South of Elko system has excess firm capacity and the additional 11,834 dekatherms/net from the Tuscarora XPress Project exacerbated the excess capacity as shown in Table 8 below.

Table 8

Southwest Gas Corporation Northern Nevada South of Elko Lateral Design Day Demand Resources with 30-Year Extreme HDD (Dth-Net)									
Design Day Demand Forecast (P1, P2 & P3 Sales)	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025	2025 / 2026	2026 / 2027	2027 / 2028	2028 / 2029	2029 / 2030
Existing Supply Resources									
Great Basin from Owyhee	44,983	44,983	44,983	44,983	44,983	44,983	44,983	44,983	44,983
Great Basin from LNG	36,432	36,432	36,432	36,432	36,432	36,432	36,432	36,432	36,432
Great Basin from Wadsworth	29,282	29,282	29,282	29,282	29,282	29,282	29,282	29,282	29,282
Surplus	24,905	24,073	23,146	22,217	21,289	20,362	19,451	18,540	17,629

While Southwest may argue that the use of a cold weather event beyond the most recent 30-year period is reasonable or justified to ensure reliability, BCP notes and takes into account that in recorded weather history dating back to 1888 in Nevada, there was an extreme cold weather event within each 30-year period until 1990. However, Nevada has not experienced an extreme cold weather event in the more than 31 years since December 1990 as shown in Table 9 below.

Table 9

Nevada's Ten Coldest Weather Events					
Time Interval Between Events					
January	1890				
January	1913	23	years	0	months
January	1917	4	years	0	months
December	1924	7	years	11	months
December	1932	8	years	0	months
January	1937	4	years	1	month
January	1949	12	years	0	months
December	1972	23	years	11	months
February	1989	16	years	2	months
December	1990	1	year	10	months
Note: As of March 2022, it has been 31 years and 3 months since one of Nevada's top ten coldest weather events.					

Furthermore, Chapter 6 of Volume I of the *Fourth National Climate Assessment* published by the U.S. GLOBAL CHANGE RESEARCH PROGRAM stated the following about the historical trend of extremely cold days in the United States.

Cold extremes have become less severe over the past century. For example, the coldest daily temperature of the year has increased at most locations in the contiguous United States (Figure 6.3). All regions experienced net increases (Table 6.2), with the largest rises in the Northern Great Plains and the Northwest (roughly 4.5°F [2.5°C]), and the smallest in the Southeast (about 1.0°F [0.6°C]). In general, there were increases throughout the record, with a slight acceleration in recent decades (Figure 6.3). The temperature of extremely cold days (1-in-10 year events) generally exhibited the same pattern of increases as the coldest daily temperature of the year. Consistent with these increases, the number of cool nights per year (those with a minimum temperature below the 10th percentile for 1961–1990) declined in all regions, with much of the West having decreases of roughly two weeks. The frequency of cold waves (6-day periods with a minimum temperature below the 10th percentile for 1961–1990) has

fallen over the past century (Figure 6.4). The frequency of intense cold waves (4-day, 1-in-5 year events) peaked in the 1980s and then reached record-low levels in the 2000s.⁶ (Emphasis added)

Likewise, the *Fourth National Climate Assessment* found that the future trend of extremely cold days in the United States are projected to have temperature increases of at least 11° Fahrenheit by mid-century.

The frequency and intensity of cold waves is projected to decrease while the frequency and intensity of heat waves is projected to increase throughout the century. The frequency of cold waves (6-day periods with a minimum temperature below the 10th percentile) will decrease the most in Alaska and the least in the Northeast while the frequency of heat waves (6-day periods with a maximum temperature above the 90th percentile) will increase in all regions, particularly the Southeast, Southwest, and Alaska. By mid-century, decreases in the frequency of cold waves are similar across RCPs whereas increases in the frequency of heat waves are about 50% greater in the higher scenario (RCP8.5) than the lower scenario (RCP4.5).⁴⁵ The intensity of cold waves is projected to decrease while the intensity of heat waves is projected to increase, dramatically so under RCP8.5. By mid-century, both extreme cold waves and extreme heat waves (5-day, 1-in-10 year events) are projected to have temperature increases of at least 11.0°F (6.1°C) nationwide, with larger increases in northern regions (the Northeast, Midwest, Northern Great Plains, and Northwest; Table 6.5).⁷ (Emphasis added)

BCP has not argued that an extremely cold weather event in Nevada like those that occurred in Table 9 could not happen again. BCP's argument is that an extremely cold weather event in Nevada is less likely to occur in the future based on the recent 31-year gap shown in Table 9 and the findings of the *Fourth National Climate Assessment*. Therefore, BCP believes that Nevada's LDCs should not be using extreme cold weather events beyond the 30-year period, as provided for in NEV. ADMIN. CODE § 704.9605.

⁶ See 1 R.S. VOSE ET AL., CLIMATE SCIENCE SPECIAL REPORT: FOURTH NATIONAL CLIMATE ASSESSMENT 189-190 (D.J. Wuebbles et al., 2017), https://science2017.globalchange.gov/downloads/CSSR_Ch6_Temperature.pdf.

⁷ *Id.* at 197.

Ultimately, given the Commission's current practice of not looking beyond precedent agreements, BCP did not intervene in Docket No. CP20-486-000 and therefore the relevant factors discussed above were not part of the record in Docket No. CP20-486-000. However, if the Commission were to change its current practice to make it consistent with the 1999 Policy Statement that *all relevant factors* reflecting on the need for a project will be considered, then BCP, and likely other state consumer advocates, could and may present these relevant factors in certificate expansion proceedings. Given that PUCN does not currently require LDCs to file long-term transportation contracts for preapproval and given the Commission's current practice of not looking beyond precedent agreements despite the 1999 Policy Statement that *all relevant factors* will be considered in determining need, expansion projects like the Tuscarora XPress Project have been approved for construction without any meaningful verification of the need for the project.

The Tuscarora XPress Project has already been constructed and Southwest's captive customers will pay for its 12,200 dekatherms of firm capacity unless the PUCN disallows recovery of those costs. A change in the Commission's practice of not looking beyond precedent agreements to a practice of considering *all relevant factors* as provided in the 1999 Policy Statement will afford BCP the opportunity to present relevant factors on Great Basin's 2024 Expansion Project that will be filed for approval with the Commission in 2023. On April 12, 2022, Great Basin issued the following binding open season.

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Great Basin™
GAS TRANSMISSION COMPANY

TSP Name: Great Basin Gas Transmission Company
TSP: 606688679
Critical Notice Indicator: N
Notice Status Description: Initiate
Notice Type: Press Release, Company News
Posting Date: 04/12/2022
Posting Time: 01:55 PM
Notice Effective Date: 04/12/2022
Notice Effective Time: 01:55 PM
Notice End Date:
Notice End Time:
Notice Identifier: 3617
Prior Notice Identifier:
Required Response Indicator: 5
Response Date:
Response Time:
Subject: Open Season

Notice Text:

NOTICE OF BINDING OPEN SEASON FOR A
GREAT BASIN PIPELINE SYSTEM EXPANSION
2024 EXPANSION PROJECT

April 12, 2022

Great Basin Gas Transmission Company ("Great Basin") hereby notifies present and potential shippers of its plans to consider expanding its existing transmission system downstream of the Wadsworth, Nevada Receipt Point ("Wadsworth") to meet new, additional and/or changing market needs on that segment of Great Basin's system. Great Basin's contemplated system expansion is herein referred to as the "2024 Expansion Project or Project". Great Basin held a non-binding open season for the 2024 Expansion Project from Thursday, February 3, 2022, until 5:00 p.m. PST on Thursday, February 17, 2022 ("Non-Binding Open Season"). Great Basin received sufficient interest from existing and/or potential shippers from that open season to move forward with this Binding Open Season.

Beginning April 12, 2022, and continuing through April 25, 2022, Great Basin is conducting a Binding Open Season to confirm market support for new and/or additional firm transportation service on Great Basin's system, including new delivery points and point quantities (referred to as "new and/or or additional transportation service") based on the proposed Project as described below. In addition, Great Basin will consider as part of its evaluation, binding offers from shipper(s) to change delivery points or point quantities under existing contracts downstream of Wadsworth where shipper(s) seeks no increase in Daily Reserved Capacity (referred to as "increased firm service deliverability").^[1] As explained below, Great Basin also requests binding offers to turn back capacity from Wadsworth or Owyhee Receipt Point ("Owyhee") to delivery points downstream of Wadsworth (referred to as "turnback capacity").

Great Basin presently provides firm transportation service from existing receipt points at Owyhee, on the Idaho-Nevada border, where Great Basin has an interconnection with Northwest Pipeline LLC ("Northwest"); at Wadsworth, where Great Basin has an interconnection with Tuscarora Gas Transmission Company ("Tuscarora"); at Opal Valley in Humboldt County, Nevada, where Great Basin has an interconnection with Ruby Pipeline, L.L.C. ("Ruby"); and at Jade Flats in Elko County, Nevada where Great Basin has another interconnection with Ruby. Great Basin's Binding Open Season for its 2024 Expansion Project is limited to new transportation service from the Wadsworth Receipt Point to downstream points.

Great Basin is conducting this Binding Open Season to confirm market support for new and/or additional firm transportation service and/or increased firm service deliverability, originating from Wadsworth to points downstream. Requests for permanent delivery point changes where shipper seeks no change in Daily Reserved Capacity may still occur pursuant to General Terms and Conditions (GT&C) Section No. 4.3(c)(1) of Great Basin's FERC Tariff, subject to existing, available capacity.

In responding to this Binding Open Season, shippers must identify: (1) all desired new primary delivery point(s) on Great Basin's system, including maximum daily quantities at those points; (2) the desired new maximum daily quantities at all existing delivery points where shipper seeks to change those maximum daily quantities; (3) requested changes to existing transportation service agreements ("TSAs") including shifting delivery points and/or changed maximum daily quantities (including identifying the applicable TSA agreement numbers); (4) any special pressure requirements at the requested new delivery points or the existing points where shipper is requesting changed maximum daily quantities; and (5) any desired new or additional Daily Reserved Capacity, as well as associated primary delivery points and maximum daily quantities.

Based on the responses received by Great Basin in the Non-Binding Open Season, Great Basin proposes to construct additional mainline facilities downstream of Wadsworth to transport additional quantities of natural gas to various delivery points on the Carson, North Tahoe, and South Tahoe Laterals. Great Basin proposes to add 5,674 Dth of new capacity to the system. Great Basin anticipates that the expansion rate will be incrementally priced. Great Basin estimates an initial rate of \$36 per Dth per month. This estimated initial rate will be updated at the time Great Basin files a certificate application in 2023. The initial rate and Project facilities are subject to the Federal Energy Regulatory Commission's (FERC) approval. Great Basin anticipates that the facilities will be placed in service around November 1, 2024, or as soon as possible thereafter. Great Basin will require a minimum contract term of 25 years. Project Shippers must meet the creditworthiness requirements contained in Great Basin's Tariff. In addition, the transportation service provided as part of this Project will be subject to the General Terms and Conditions of Great Basin's Tariff. The Project design and estimated expansion rate are subject to change based on the responses to this Binding Open Season. Great Basin's construction of the Project is subject to the receipt of a FERC Certificate of Public Convenience and Necessity acceptable to Great Basin.

Shippers who wish to obtain new and/or additional firm transportation service and/or increased firm service deliverability on Great Basin's system as described above should submit a binding response to Great Basin no later than April 25 at 5:00 p.m. PDT, as described below. If shippers' Binding Open Season responses demonstrate adequate market support for the 2024 Expansion Project, and Great Basin determines that the Project is operationally and/or economically justified, then Great Basin, in its sole discretion, will tender precedent agreements to shippers requesting service as proposed in this Binding Open Season notice. For Great Basin to proceed with the Project, Great Basin will need sufficient shipper support evidenced by executed Precedent Agreements. Project Shippers must execute and return signed precedent agreements to Great Basin within 30 days after Great Basin tenders the precedent agreements to the Project Shippers.

In conjunction with this Binding Open Season, Great Basin is also soliciting offers from existing shippers who want to relinquish firm transportation service capacity from Wadsworth or Owyhee to delivery points downstream of Wadsworth. Depending on the term, delivery points, and other specific characteristics of the capacity proposed to be relinquished, requests for new and/or additional service may be satisfied through this turnback capacity. Shippers who may be interested in relinquishing capacity must identify 1) the quantity of Daily Reserved Capacity shipper seeks to turn back; 2) the quantity of Summer Daily Reserved Capacity shipper seeks to turn back; 3) the primary delivery point(s) including maximum daily quantities associated with the capacity; and 4) the TSA number(s) associated with the capacity. Shippers offering to turn back capacity are offering to reduce their contract demands under existing contracts to allow Great Basin to serve other shippers with like quantities. Pursuant to FERC policy, Great Basin is not obligated to accept turn back capacity unless Great Basin determines it meets the needs of the Project. Great Basin must remain economically neutral if it accepts any offer to turn back capacity.

To submit a binding offer for new and/or additional firm transportation capacity and/or increased firm service deliverability to be provided by the 2024 Expansion Project, or to submit a binding offer to turn back capacity to be used for the Project, a shipper must complete and execute the Response Form for Binding Open Season Regarding Great Basin's 2024 Expansion Project. The response form can be found on Great Basin's website (www.GreatBasinGTC.com) under the Download Tab and titled "2024 Binding Open Season Form." All responses must be received by Great Basin no later than 5:00 p.m. (PDT) on April 25, 2022, unless Great Basin notifies potential shippers that the Binding Open Season will be extended. Great Basin will accept executed Binding Open Season responses received either by email at GreatBasin-Regulatory@swgas.com, mail, or overnight delivery service. Great Basin will confirm delivery of all received email responses.

Responses may be mailed to:

Great Basin Gas Transmission Company
P.O. Box 94197
Las Vegas, Nevada 89193-4197

For overnight deliveries, Great Basin's street address is:

8360 S. Durango Drive
Las Vegas, Nevada 89113

Each shipper is responsible for arranging its upstream and downstream transportation from pipelines and/or local distribution companies (LDCs) interconnected to Great Basin's system. For assistance in contacting these pipelines and LDCs, you may contact Mr. Litwin or Mr. Maglietti at the phone numbers below.

Based upon the responses received by Great Basin during this Binding Open Season, Great Basin may elect not to proceed with the 2024 Expansion Project, or may determine, in its sole discretion, that it would be operationally and/or economically infeasible for Great Basin to provide firm transportation service to a shipper(s).

This notice is being posted on Great Basin's Internet Web Site (www.GreatBasinGTC.com). If you have any questions concerning this proposal, please contact one of the following individuals:

Mark A. Litwin (702) 364-3195
Frank J. Maglietti (702) 876-7384

[1] The level of shipper's transportation contract demand associated with new and additional service must be the same during both the Winter and Summer Periods.

As the Commission is aware, Great Basin is affiliated with Southwest. BCP believes that most of the 5,674 dekatherms mentioned in the binding open season will be for Southwest's Northern Nevada Division for expansion along the Great Basin Carson, North Tahoe, and South Tahoe laterals. This belief is based on Southwest's peak forecasts showing shortages of firm capacity along those laterals.

However, BCP believes Southwest currently has surplus capacity along all three of these laterals when the peak forecast is done using the HDDs from the coldest day in the past 30 years. Table 10 below demonstrates that Southwest most likely has surplus firm capacity along the Carson Lateral through the year 2030. Table 11 below demonstrates that Southwest most likely has surplus firm capacity along the North Tahoe Lateral through the year 2030. Table 12 below demonstrates that Southwest most likely has surplus firm capacity along the South Tahoe Lateral through the year 2030. In fact, Tables 10 and 12 demonstrate that Great Basin's 2018 Expansion Project – Docket No. CP17-471-000 – was not needed to meet the peak demand along the Carson

and South Tahoe Laterals. In the Great Basin 2018 Expansion Project, Southwest contracted for 100 percent of the expansion capacity with its affiliate, then called Paiute Pipeline Company.

Table 10

Southwest Gas Corporation Northern Nevada Carson Lateral Design Day Demand Resources with 30-Year Extreme HDD (Dth-Net)									
Carson Lateral Design Day Demand Forecast (P1, P2 & P3 Sales)	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025	2025 / 2026	2026 / 2027	2027 / 2028	2028 / 2029	2029 / 2030
	84,775	85,608	86,535	87,463	88,391	89,318	90,229	91,140	92,052
Existing Supply Resources									
Carson Lateral Delivery Rights	93,060	93,060	93,060	93,060	93,060	93,060	93,060	93,060	93,060
2018 Expansion (Contract F56)	4,466	4,466	4,466	4,466	4,466	4,466	4,466	4,466	4,466
Surplus	12,751	11,918	10,991	10,063	9,135	8,208	7,297	6,386	5,474

Table 11

Southwest Gas Corporation Northern Nevada North Tahoe Lateral Design Day Demand Resources with 30-Year Extreme HDD (Dth-Net)									
North Lake Tahoe Lateral Design Day Demand Forecast (P1, P2 & P3 Sales)	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025	2025 / 2026	2026 / 2027	2027 / 2028	2028 / 2029	2029 / 2030
	17,795	17,854	17,901	17,950	17,999	18,048	18,095	18,144	18,192
Existing Supply Resources									
NLT Lateral Delivery Rights	19,926	19,926	19,926	19,926	19,926	19,926	19,926	19,926	19,926
Surplus	2,131	2,072	2,025	1,976	1,927	1,878	1,831	1,782	1,734

Table 12

Southwest Gas Corporation Northern Nevada South Lake Tahoe Lateral Design Day Demand Resources with 30-Year Extreme HDD (Dth-Net)									
South Lake Tahoe Lateral Design Day Demand Forecast (P1, P2 & P3 Sales)	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025	2025 / 2026	2026 / 2027	2027 / 2028	2028 / 2029	2029 / 2030
	4,393	4,420	4,448	4,480	4,523	4,566	4,579	4,590	4,601
Existing Supply Resources									
SLT Lateral Delivery Rights	4,978	4,978	4,978	4,978	4,978	4,978	4,978	4,978	4,978
2018 Expansion (Contract F56)	171	171	171	171	171	171	171	171	171
Surplus	756	729	701	669	626	583	570	559	548

The AGA acknowledged in its request for rehearing and clarification that it may be advisable for the Commission to look beyond precedent agreements when the agreements are between affiliates.⁸ BCP agrees with AGA and is hopeful that the Commission either adopts its

⁸ See AGA Request at 56.

draft policy statement as an updated policy statement or changes its practice of not looking behind present agreements to consider *all relevant factors* consistent with the 1999 Policy Statement.

V. CONCLUSION

The BCP appreciates the opportunity to submit comments on the Commission's draft policy statement for Certification of New Interstate Natural Gas Pipeline Facilities.

Respectfully submitted,

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
BUREAU OF CONSUMER PROTECTION

ERNEST FIGUEROA
Consumer Advocate

By: /s/ Whitney F. Digesti
Whitney F. Digesti
Senior Deputy Attorney General
Bureau of Consumer Protection
100 North Carson Street
Carson City, Nevada 89701-4717
T: (775) 684-1169
WDigesti@ag.nv.gov

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the COMMENTS OF THE OFFICE OF THE NEVADA ATTORNEY GENERAL, BUREAU OF CONSUMER PROTECTION upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Carson City, Nevada, this 24th day of April, 2022.

By: /s/ Michelle C. Newman
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Document Content(s)

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