

Schedule No. OGS-2-TOU-HOPU
OPTIONAL MEDIUM GENERAL SERVICE - TIME-OF-USE – HIGH OFF-PEAK USE

APPLICABLE

This schedule is available as an option to Schedule No. GS-2-TOU for an existing Customer with a complete billing history in the preceding twelve (12) months with three or more monthly metered maximum demands greater than or equal to five hundred (500) kilowatts and less than one thousand (1,000) kilowatts who, based on past usage history or by other means acceptable to the Utility, demonstrates that a minimum of sixty (60) percent of its annual (12-month) kilowatt-hour (kWh) energy consumption will occur in the off-peak period. It is at the sole discretion of the Utility to allow a Customer to take service under this schedule if there is not a full 12 months of usage history or if, due to unique circumstances, the Customer did not meet the 60% off peak annual use requirement, provided that sufficient evidence exists that indicates the Customer will meet the 60% minimum requirement in the next twelve (12) month period.

Service under this schedule is limited to the first 75 MWs of aggregate load subscribed to, or contracted for, under this schedule and the two other optional high off-peak usage schedules of OGS-2-HOPU and OGS-3-HOPU. An exception to the capacity limit is made for any eligible Customer willing to sign a service contract committing to remain on this schedule or the otherwise applicable bundled schedule for a minimum term of 10 years, as further set forth in Special Condition 14 below.

This schedule is differentiated by the following voltage levels at the Customer's effective point of delivery:

- Secondary (less than or equal to 600 volts);
- Primary (greater than 600 and less than 25,000 volts); and
- High Voltage Distribution or Transmission (greater than or equal to 25,000 volts)

TERRITORY

Entire Nevada Service Area, as specified.

RATES

The charges applicable to this rate schedule are set forth in the currently effective Statement of Rates and are incorporated herein by reference. Bundled rates can be found beginning on PUCN Sheet No. 63G.

MINIMUM CHARGE

The minimum charge for service hereunder shall be the Basic Service Charge, Additional Meter Charge, and Customer Specific Facilities Charge if applicable.

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 (Continued)

LATE CHARGE

The Utility may charge a fee as set forth in Schedule MC for the late payment of a bill.

SPECIAL CONDITIONS

1. **UEC.** The Universal Energy Charge (UEC), pursuant to NAC 702.150 through 702.450, will go to fund the Nevada fund for energy assistance and conservation. Under certain circumstances, Customers will be refunded amounts paid in excess of \$25,000 per calendar quarter. The Commission will administer the collection of the UEC, certify exemptions, and administer refunds. Exemptions are generally kWh sold to;
 - a) Any governmental agency, including the State of Nevada and any political subdivision thereof, and
 - b) Any Customer using electrolytic-manufacturing processes.

Except as provided above, all kWh sold are subject to the charge. The UEC is not subject to the charges applicable under the Tax Adjustment Charge.

2. **Time of Use Periods.** Daily time periods will be based on Pacific Standard Time and are defined as follows:

Winter Period (October – June)

- On-Peak 5:01 p.m. to 9:00 p.m. daily
- Mid-Peak 7:01 a.m. to 5:00 p.m. daily
- Off-Peak All Other Hours

Summer Period (July – September)

- On-Peak 1:01 p.m. to 6:00 p.m. Weekdays
- Mid-Peak 10:01 a.m. to 1:00 p.m. and 6:01 p.m. to 9:00 p.m. Weekdays
- Off-Peak All Other Hours

The winter period will consist of nine regularly scheduled billing periods for service provided in the months of October through June. The summer period will consist of three regularly scheduled billing periods for service provided in the months of July through September.

3. **Power Factor Adjustment.** The power factor adjustment shall be at a rate of \$0.0014 per kvarh. The rate shall be applied to the difference between actual kvarh and the kvarh equivalent to a ninety percent (90%) power factor level. If the actual kvarh are greater than the kvarh equivalent to a ninety percent (90%) power factor, then the adjustment shall be a charge to the Customer. Kvarh equivalent to a 90% power factor level shall be estimated as 0.484 times total billed kWh during the billing period.
4. **Application for Service.** Application for service under this schedule will be accepted by the Company on a first-come, first serve basis.

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(N)

(N)

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 (Continued)

SPECIAL CONDITIONS (Continued)

5. **Billing Period.** Service under this schedule shall commence with the first full billing period following the Customer executing the necessary contract set forth in Special Condition 12.
6. **Meter Readings.** Except where multiple metering points are provided at the Utility's convenience, meter readings shall not be combined for billing hereunder.
7. **Billing Demand / Demand Charge.** For the billing period, the Billing Demand upon which the Demand Charge is applied is the Customer's average kilowatt load measured during the fifteen minute period of maximum use during the respective Time of Use Period, unless otherwise specified by contract. In instances, however, where the use of energy by a Customer is intermittent or subject to violent fluctuations, a shorter time interval may be used and the demand determined from special measurements. At Utility's option, a thermal type of demand meter which does not reset after a definite time interval may be used for demand
8. **Billing Demand / Facilities Charge.** Except as described in Special Condition 9 (Facilities Charges, Transmission Voltage Customers), the Billing Demand upon which the Facilities Charge is applied is the highest measured billing demand for the billing period.
9. **Facilities Charges, Transmission Voltage Customers.** Facilities Charges for Customers receiving service at transmission-level voltages will be calculated based upon:
 - a) Customer-specific investments by the Utility using the Facilities Charge per dollar of Utility investment identified in the Statement of Rates; and
 - b) Customer-specific investments contributed to the Utility using the Facilities Charge per dollar of contributed investment identified in the Statement of Rates.

The facilities charge and the Customer specific investment amounts identified above will be updated in each General Rate Case ("GRC") for all transmission voltage Customers. Between GRCs the Utility will establish or revise Customer specific investment amounts for new or existing Customers as service changes occur, and will bill the applicable Customers at the established Facilities Charge per dollar of contributed investment.

In the event that a Customer specific investment amount cannot be identified for the Customer when service commences, the standard per kW Facilities Charge identified in the Statement of Rates will be applied by the Utility for billing purposes until the Customer specific investment is determined. The per kW Facility charge will be used on a temporary basis only until the information for the Customer-specific facility investment can be developed for the Customer.

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 (Continued)

SPECIAL CONDITIONS (Continued)

- 10. **HVD Charge, Transmission Voltage Customers.** Customers receiving service at transmission-level voltages that directly connect to FERC Transmission shall not incur the HVD Charge specified in the Statement of Rates. (N)
| (N)
- 11. **Line Voltage.** Utility retains the right to change its line voltage at any time. (T)
- 12. **Contract for Service, Minimum Term of Service.** Utility shall require a one year contract for service under this schedule, or alternatively, as set forth in Special Condition 14, a minimum 10-year service contract. Upon commencing service under this schedule the Customer shall be required to continue service under this schedule for the full one-year term (twelve consecutive Billing Periods), unless the Customer permanently terminates electric service at the premise. This contract requirement and one-year commitment term also applies to a Customer that has previously been served under this schedule and later returns to service under this schedule. Once elected, this schedule will be applied in every billing period for the duration of the contract term, and will continue unless service is discontinued by the Customer or is terminated by the Utility as set forth in Special Condition 13, applicability conditions for other rate schedules notwithstanding. After the contract term has been satisfied, the Customer may elect to discontinue service under this schedule but if the Customer discontinues service under this schedule, the Customer will not be permitted to request a return to service under this schedule for a period of one year (12 Billing Periods). After the contract term is completed and the Customer notifies the Utility of its request to discontinue service under this schedule, service hereunder will end at the conclusion of the billing cycle in which the notification to discontinue service is made and service will commence under the otherwise applicable rate schedule. (T)
- 13. **Annual Utility Review of Applicability.** Utility will review the off-peak kWh use of the Customer in the previous 12 month period to assess compliance with the requirement of at least 60% of annual kwh use being in the off-peak periods. For purposes of this evaluation, any off-peak usage percentage that is on a fractional basis above 59.0% will be considered to meet the 60% requirement. If the Customer is not in compliance with the 60% requirement, the Customer will be contacted and provided the opportunity to demonstrate any extraordinary circumstances that may have contributed to the lower than 60% annual off-peak usage during the review period. If there is not sufficient evidence to demonstrate that the 60% minimum will be met in the subsequent 12 Month period the Customer will be removed from this schedule and placed under the GS-2-TOU schedule at the conclusion of the billing cycle in which the cancellation notification is made. Customers whose service under this schedule is cancelled by the Utility pursuant to this Special Condition will not be eligible to apply for service under this schedule for a minimum period of one year (12 Billing Periods) after its last billing under this schedule. (T)

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 (Continued)

SPECIAL CONDITIONS (Continued)

- 14. **Exception to Capacity Cap.** At the Utility's sole discretion, Utility may enter into a 10 year, or longer term, contract for service with the Customer under this schedule, if the Customer agrees to remain a bundled Customer of the Utility for the entire term of the service contract and remain under this schedule for a minimum of the first 12 months of the service contract. This requirement shall remain regardless of on-going eligibility for continued service under this schedule pursuant to the applicability or Special Condition 13. Should the Customer lose eligibility for service under this schedule, Customer shall be served instead under the otherwise applicable rate schedule. Application of this schedule to Customers meeting this Special Condition may be delayed until the next general rate case at the Utility's discretion. The capacity of any Customer served under such 10 year or longer term service contract will not be counted toward, or constrained by, the aggregate capacity limit set forth in the Applicable section above. (T)

- 15. **Assumption of Risk for Potentially Higher Bills.** Customer understands that this schedule has substantially higher summer on and mid-peak demand and energy rates than the standard, otherwise applicable rate schedule ("OARS"). If the Customer shifts usage away from the off-peak periods to the on-peak periods, higher bills may result under this schedule compared to the OARS. Furthermore, having 60% or more of its annual electric use in the off-peak rate periods does not, in and of itself, guarantee that the Customer will incur lower billing charges under this schedule compared to the OARS. By accepting service under this schedule, the Customer fully assumes the potential risk of higher bills under this schedule. For Customers under this schedule who provide Utility or public welfare services, an exception will be made during periods of emergency, such as a natural disaster, a declared public emergency, or a catastrophic failure of equipment used in the delivery of Utility or public welfare services that was beyond the control and foresight of the Customer, that affects the Customer's usage. For the billing period in which a documented emergency occurs, the Customer will be billed the lower monthly bill resulting from application of the OARS or this schedule without impacting the Customer's eligibility for this schedule going forward. (T)

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