12 Dispute Resolution Procedures

12.1 Internal Dispute Resolution Procedures:

Any dispute between a Transmission Customer and the Transmission Provider involving transmission service under the Tariff (excluding applications for rate changes or other changes to the Tariff, or to any Service Agreement entered into under the Tariff, which shall be presented directly to the Commission for resolution) shall be referred to a designated senior representative of the Transmission Provider and a senior representative of the Transmission Customer for resolution on an informal basis as promptly as practicable. In the event the designated representatives are unable to resolve the dispute within thirty (30) days (or such other period as the Parties may agree upon) by mutual agreement, such dispute may be submitted to arbitration and resolved in accordance with the arbitration procedures set forth below.

12.2 External Arbitration Procedures:

Any arbitration initiated under the Tariff shall be conducted before a single neutral arbitrator appointed by the Parties. If the Parties fail to agree upon a single arbitrator within ten (10) days of the referral of the dispute to arbitration, each Party shall choose one arbitrator who shall sit on a three-member arbitration panel. The two arbitrators so chosen shall within twenty (20) days select a third arbitrator to chair the arbitration panel. In either case, the arbitrators shall be knowledgeable in electric utility matters, including electric transmission and bulk power issues, and shall not have any current or past substantial business or financial relationships with any party to the arbitration (except prior arbitration). The arbitrator(s) shall provide each of the Parties an opportunity to be heard and, except as otherwise provided herein, shall generally conduct the arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association and any applicable Commission regulations or Regional Transmission Group rules.

12.3 Arbitration Decisions:

Unless otherwise agreed, the arbitrator(s) shall render a decision within ninety (90) days of appointment and shall notify the Parties in writing of such decision and the reasons therefore. The arbitrator(s) shall be authorized only to interpret and apply the provisions of the Tariff and any Service Agreement entered into under the Tariff and shall have no power to modify or change any of the above in any manner. The decision of the arbitrator(s) shall be final and binding upon the Parties, and judgment on the award may be entered in any court having jurisdiction. The decision of the arbitrator(s) may be appealed solely on the grounds that the conduct of the arbitrator(s), or the decision itself, violated the standards set forth in the Federal Arbitration Act and/or the Administrative Dispute Resolution Act. The final decision of the arbitrator must also be filed with the Commission if it affects jurisdictional rates, terms and conditions of service or facilities.

12.4 Costs:

Each Party shall be responsible for its own costs incurred during the arbitration process and for the following costs, if applicable:

(A) the cost of the arbitrator chosen by the Party to sit on the three member panel and one half of the cost of the third arbitrator chosen; or

(B) one half the cost of the single arbitrator jointly chosen by the Parties.

**12.4A EIM Disputes**

**12.4A.1 Disputes between the NV Energy EIM Entity and a Transmission Customer or Interconnection Customer Related to Allocation of Charges or Payments from the MO**

To the extent a dispute arises between the NV Energy EIM Entity and a Transmission Customer or Interconnection Customer regarding the NV Energy EIM Entity’s implementation of this Tariff’s provisions regarding the manner in which the NV Energy EIM Entity allocates charges or payments from the MO, the parties shall follow the dispute resolution procedures in Sections 12.1 to 12.4 of this Tariff.

**12.4A.2 Disputes between the MO and NV Energy EIM Participating Resource Scheduling Coordinators Related to EIM Charges and Payments Directly From the MO**

Disputes involving settlement statements between the MO and NV Energy EIM Participating Resource Scheduling Coordinators shall be resolved in accordance with the dispute resolution process of the MO Tariff. A Transmission Customer with a NV Energy EIM Participating Resource shall provide notice to the NV Energy EIM Entity if it raises a dispute with the MO in accordance with the process set forth in the NV Energy EIM BP. Such notice shall be provided to the NV EIM Entity within two business days of initiating a dispute pursuant to the MO’s dispute resolution process and must include detailed information about the nature of the dispute.

**12.4A.3 Disputes between the MO and the NV Energy EIM Entity**

The NV Energy EIM Entity may raise disputes with the MO regarding the settlement statements it receives from the MO in accordance with the process specified in the MO Tariff. If the NV Energy EIM Entity submits a dispute it shall provide notice to Transmission Customers in accordance with the NV Energy EIM BP. The NV EIM Entity shall provide notice to Transmission Customers via an OASIS posting within two business days of initiating the dispute pursuant to the MO’s dispute resolution process. Such notice shall include detailed information about the nature of the dispute and disputed charges. Upon resolution of the dispute with the MO, the NV EIM Entity shall provide notice to Transmission Customers via a posting on PacifiCorp’s OASIS site within two business days of resolution, including the nature of the resolution and any settlement-related impacts of the resolution on Transmission Customers.

**12.4A.4 Disputes Regarding MO Charges or Payments to the NV Energy EIM Entity Raised by Transmission Customers or Interconnection Customers**

To the extent a dispute arises regarding a MO charge or a MO payment to the NV Energy EIM Entity that is subsequently charged or paid by the NV Energy EIM Entity to a Transmission Customer or an Interconnection Customer, and such Transmission Customer or Interconnection Customer wishes to raise a dispute with the MO, the Transmission Customer or Interconnection Customer shall provide notice to the NV EIM Entity in accordance with the NV Energy EIM BP. The NV Energy EIM Entity shall file a dispute on behalf of such Transmission Customer or Interconnection Customer with the MO in accordance with the MO Tariff and work with the Transmission Customer or the Interconnection Customer to resolve the dispute pursuant to the process specified in the MO Tariff. In order to provide sufficient time for the NV EIM Entity to raise a dispute with the MO on behalf of customers, a Transmission Customer or Interconnection Customer must provide notice to the NV EIM Entity of the dispute at least seven calendar days prior to the MO’s deadline, currently established at 77 business days after the Operating Day (T+77BD). Such notice and must include sufficiently detailed information about the nature of the dispute for the NV EIM Entity to properly bring and support the dispute within the MO’s prescribed settlement dispute timelines and consistent with the MO’s requirements. The NV EIM Entity will work with the Transmission Customer or the Interconnection Customer to resolve the dispute pursuant to the process specified in the MO Tariff. The NV EIM Entity shall provide notice to Transmission Customers via an OASIS posting within two business days of initiating a dispute on behalf of a customer. Such notice shall include detailed information about the nature of the dispute and disputed charges. Upon resolution of the dispute with the MO, the NV EIM Entity shall provide notice to Transmission Customers via a posting on PacifiCorp’s OASIS site within two business days of resolution, including the nature of the resolution and any settlement-related impacts of the resolution on Transmission Customers.

12.5 Rights Under The Federal Power Act:

Nothing in this section shall restrict the rights of any party to file a Complaint with the Commission under relevant provisions of the Federal Power Act.