

**ADOPTED REGULATION OF THE
PUBLIC UTILITIES COMMISSION OF NEVADA**

LCB File No. R069-15

Effective June 28, 2016

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

AUTHORITY: §1, NRS 703.025, 704.210 and 704.741, as amended by section 15.5 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2216, and section 10 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2214; §2, NRS 703.025, 704.210 and 704.741, as amended by section 15.5 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2216, and sections 11 and 12 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2215.

A REGULATION relating to utilities; requiring a utility under certain circumstances to include in a plan to increase its supply of electricity or decrease the demands made on its system by its customers certain information concerning certain assets owned by the utility; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain electric utilities to submit to the Public Utilities Commission of Nevada every third year a plan to increase the utility’s supply of electricity or decrease the demands made on its system by its customers. (NRS 704.741) Section 10 of Senate Bill No. 416 of the 2015 Legislative Session requires each such utility to include as part of its plan a list of certain assets owned in whole or in part by the utility and to classify each such asset as operational, pre-operational reserve, post-operational reserve, surplus or decommissioned. Section 11 of Senate Bill No. 416 authorizes the Commission to reclassify as surplus any asset that a utility has classified as pre-operational reserve or post-operational reserve. Section 12 of Senate Bill No. 416 requires a utility to file a surplus asset retirement plan for each asset that has been classified or reclassified as surplus. (Chapter 395, Statutes of Nevada 2015, pp. 2214-15)

Existing regulations define a utility’s plan to increase its supply of electricity or decrease the demands made on its system by its customers as a “resource plan” and require a utility to provide the necessary information in the form of various constituent plans. Those constituent plans include a supply plan and an action plan. (NAC 704.9156) **Section 1** of this regulation requires a utility to include in its supply plan the list of assets required by section 10 of Senate Bill No. 416 and to include certain additional information concerning the ownership of each asset that the utility only partially owns. **Section 2** of this regulation requires a utility to include in its action

plan the surplus asset retirement plan for each asset required by section 10 of Senate Bill No. 416.

Section 1. NAC 704.9385 is hereby amended to read as follows:

704.9385 1. The supply plan of the utility must develop and document the origins of:

- (a) The assumptions, data and projections used by the utility to calculate the costs and benefits of its options.
- (b) The assessment of current and anticipated electric market conditions by the utility for the region in which the utility operates.
- (c) The basic economic and financial limitations of the utility.
- (d) The assumptions used by the utility for developing the environmental costs and the net economic benefits to the State from each of the options of the utility for future supply.
- (e) The criteria used by the utility for determining the reserve margin.
- (f) The assumptions used by the utility for renewable resources.
- (g) The assumptions used by the utility for independent power producers.
- (h) The assumptions used by the utility for the reduction in demand and energy requirements associated with customers exiting service from the utility and customers utilizing distributed generation resources.

2. Regarding generation, a utility's supply plan must contain a table of all its existing and planned facilities for electric generation that it expects to be operating in each of the 20 years covered by its forecast. Each of the following items of information must be set forth in the table if applicable to a listed facility:

- (a) The planned or actual commercial operation date of the facility;

(b) The date of the planned retirement of the facility, including the criteria used to select that date;

(c) The type of facility;

(d) The rated generating capacity and net expected generating capacity of the facility;

(e) The fuel used;

(f) The capacity of the facility for storing fuel; and

(g) The designation of the capacity type of the facility, such as base load, intermediate or peaking.

3. The supply plan of a utility must include a transmission plan for the 20 years covered by the forecast in the supply plan. The transmission plan must include, without limitation:

(a) A summary of the capabilities of the transmission system, including import, export and the rating of significant transmission paths within the system of the utility, and of the existing and planned transmission system of the utility for each year in the period covered by the resource plan.

(b) A description of the transmission projects the utility is considering for expanding or upgrading the capabilities of its transmission system, the anticipated timing of those projects and the impact of the projects on the transmission capabilities of the existing and planned transmission system of the utility.

(c) Identification of the transmission capacity required to serve bundled retail transmission customers, unbundled retail transmission customers and those wholesale transmission customers for whom the utility has an obligation to provide transmission services, for annual and peaking periods throughout the period covered by the resource plan.

(d) Identification of all existing and proposed transmission service agreements, and their expiration dates, with transmission customers for transmission service on the transmission system of the utility and the impact of these agreements on available capacity for bundled retail transmission customers on the proposed or existing transmission facilities.

(e) A table identifying all the transmission capacity that the utility has secured for its bundled retail transmission customers on both its transmission system and the transmission systems of other entities.

(f) A description of the participation of the utility in regional planning organizations and an explanation of the role of those organizations in the transmission planning process of the utility.

(g) A summary of the impacts of relevant orders of the Federal Energy Regulatory Commission issued since the utility filed its last resource plan.

(h) A demonstration that the utility has attempted to reduce the impact of line losses upon its future resource requirements.

4. Regarding the purchase of power, the supply plan must contain a list showing:

(a) All sources from which the utility has contracted to buy, or has plans or potential opportunities to buy, electric power during the 20 years covered by the supply plan; and

(b) The amount of electric power that the utility has contracted to buy, or has plans or potential opportunities to buy, from each source and the years for which delivery of the electric power is contracted or planned.

5. The utility shall include in its supply plan a map or maps that identify the location of each existing or planned generation or transmission facility, renewable energy system and independent power producer that are projected to be relied upon during the period covered by the action plan.

6. In addition to the transmission plan required by subsection 3, the supply plan of a utility must include, as a discrete but integrated item in the supply plan, a conceptual renewable energy zone transmission plan for the 20 years covered by the forecast in the supply plan. The renewable energy zone transmission plan must include distinct conceptual transmission plans, which may include capacity for export to other states, for serving each of the renewable energy zones designated by the Commission pursuant to NAC 704.880. Each of the distinct conceptual transmission plans must include:

(a) A description of the construction or expansion of transmission facilities required to be added to the utility's existing transmission system;

(b) An estimate of cost at the planning level, including, without limitation, estimates for permitting and other expenses of transmission development and estimated development schedules for the transmission facilities included in the transmission plan, based on information known by the utility at the time the transmission plan is submitted to the Commission;

(c) A description of any restrictions or limitations on the construction or expansion of transmission facilities, including, without limitation, generator tie-lines in the applicable transmission plan due to any local topographical, environmental, governmental, land use or other factors or limitations that are known by the utility at the time the transmission plan is submitted to the Commission; and

(d) An estimate of the capacity of the renewable energy resources capable of being developed in the applicable zone, based on information that is known to the utility at the time the transmission plan is submitted to the Commission.

7. The supply plan of a utility must include the list of all assets of the utility required by section 10 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2214. If a

utility owns only part of an asset included on the list, the identity of every other owner and the percentage of the asset owned by each owner must be set forth on the list.

Sec. 2. NAC 704.9489 is hereby amended to read as follows:

704.9489 1. Each resource plan of a utility must include a detailed action plan based on an integrated analysis of the demand side plan and supply plan of the utility. In its action plan, the utility shall specify all its actions that are to take place during the 3 years commencing with the year following the year in which the resource plan is filed. The action plan must contain:

- (a) An introductory section that explains how the action plan fits into the longer-term strategic plan of the utility.
- (b) A list of actions for which the utility is seeking the approval of the Commission.
- (c) A schedule for the acquisition of data, including planned activities to update and refine the quality of the data used in forecasting.
- (d) A specific timetable for acquisition of options for the supply of electric energy and for programs for energy efficiency and conservation.
- (e) If changes in the methodology are being proposed, a description fully justifying the proposed changes, including an analysis of the costs and benefits. Any changes in methodology that are approved by the Commission must be maintained for the period described in the action plan.
- (f) A section describing any plans of the utility to acquire additional modeling instruments.
- (g) A section for the utility's program for energy efficiency and conservation, including:
 - (1) A description of continued planning efforts;
 - (2) A plan to carry out and continue selected measures for energy efficiency and conservation that have been identified as desirable; and

(3) Any impacts of imputed debt calculations associated with energy efficiency contracts in the preferred plan.

(h) A section for the utility's program for acquisition of resources for the supply of electric energy for the period covered by the action plan, including:

(1) The immediate plans of the utility for construction of facilities or long-term purchases of power;

(2) The expected time for construction of facilities and acquisition of long-term purchases of power identified in subparagraph (1);

(3) The major milestones of construction; and

(4) Any impacts of imputed debt calculations associated with renewable energy contracts or energy efficiency contracts in the preferred plan.

2. The action plan must contain an energy supply plan.

3. The action plan must contain a budget for planned expenditures suitable for comparing planned and achieved expenditures. Expenses must be listed in a format that is consistent with the categories and periods to be presented in subsequent filings. The budget must be organized in the following categories:

(a) Forecasting of loads;

(b) Energy efficiency and conservation;

(c) Plan for supply; and

(d) Financial plan.

4. The action plan must contain schedules suitable for comparing planned and actual activities and accomplishments. Milestones and points of decision committing major expenditures must be shown.

5. The action plan must contain a renewable energy zone transmission action plan for serving one or more of the renewable energy zones designated by the Commission or an explanation of why no renewable energy zone transmission action plan is contained in the action plan. In addition to the other action plan requirements set forth in this section, the renewable energy zone transmission action plan must include, with supporting data and documentation, for each action item recommended by the utility:

(a) For permitting, routing study and right-of-way acquisition expenses, evidence addressing:

(1) How such expenditures will facilitate compliance with NRS 704.7821 in a manner consistent with NAC 704.8901 to 704.8937, inclusive; and

(2) All other benefits Nevada retail ratepayers will derive from the expenses;

(b) For proposed construction and expansion of transmission facilities:

(1) Evidence of how the proposed construction and expansion will facilitate compliance with NRS 704.7821 in a manner consistent with NAC 704.8901 to 704.8937, inclusive;

(2) A listing and description, including detailed cost estimates and development schedules, of the transmission facilities recommended by the utility for construction or expansion;

(3) A listing and description of transmission alternatives that were considered by the utility, including transmission development partnerships;

(4) Data and economic analysis that supports the transmission projects recommended by the utility, including, without limitation, a comparison of the levelized cost, including transmission, of procuring renewable resources from the renewable energy zones proposed to be served by the utility's recommended transmission projects to other renewable resource options, including those that are located in and out of renewable energy zones designated by the Commission;

(5) Evidence of the financial commitments from developers of renewable energy projects located in the affected renewable energy zones;

(6) An estimate of the level of capacity and energy that the utility expects to utilize from the affected renewable energy zones in the next 20 years, commencing with the year following the year in which the resource plan is filed; and

(7) The estimated time frame to fully utilize the capacity of the construction and expansion of transmission facilities recommended by the utility; and

(c) In addition to the renewable energy zone transmission action plan requirements set forth in paragraph (b), for construction and expansion of transmission infrastructure that will serve both Nevada retail ratepayers and export markets outside of Nevada:

(1) Evidence that any renewable energy developers wishing to export energy outside of Nevada have a buyer for their energy and that the buyer has a means of delivering the energy from the transmission system of the Nevada utility to the point of delivery;

(2) A strategic plan to mitigate the potential financial risks to Nevada retail ratepayers associated with stranded investment and infrastructure that is not intended to provide service to Nevada retail ratepayers, including, without limitation, safeguards to monitor the financial risk to Nevada's retail ratepayers and criteria to trigger an amendment to the renewable energy transmission action plan should changes in circumstance occur which could expose Nevada retail ratepayers to such risks; and

(3) Identification of the potential resources in the renewable energy zones, including the resources under contract, resources under development, known completion dates and the known amount of capacity and energy to be produced by renewable energy projects in the affected renewable energy zones for customers outside of Nevada.

6. The action plan must include the surplus asset retirement plan required by section 12 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2215, for each asset that has been classified as surplus by the utility pursuant to section 10 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2214, or reclassified as surplus by the Commission pursuant to section 11 of Senate Bill No. 416, chapter 395, Statutes of Nevada 2015, at page 2215.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R069-15

1. A clear and concise explanation of the need for the adopted regulation.

The regulation promulgates provisions requiring electric utilities to provide certain information in their integrated resource plans regarding certain generation assets and the status of those assets.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

(a) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available at the website of the Public Utilities Commission of Nevada ("PUCN"), <http://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times
Las Vegas Review Journal
Nevada Appeal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701

Public Utilities Commission
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

(b) The Attorney General's Bureau of Consumer Protection ("BCP"); Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (jointly as "NV Energy"); and the Regulatory Operations Staff ("Staff") of the Commission filed comments in the matter. The persons filing written comments supported the regulation as proposed.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the PUCN, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

3. The number of persons who:

- (a) Attended each hearing: 3**
- (b) Testified at each hearing: 3**
- (c) Submitted written comments: 3**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

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5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question 2(c).

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

All interested persons who filed written comments and participated in the hearing supported the regulation as proposed.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: both adverse and beneficial effects, and both immediate and long-term effects.**

(a) Estimated economic effect on the businesses which they are to regulate.

The regulation does not impose any economic effect on the businesses the regulation is to regulate.

(b) Estimated economic effect on the public which they are to regulate.

The regulation does not regulate the public.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

Any costs associated with the regulation are considered incremental in nature.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap any other local, State, or Federal regulations.

10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

12. **If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?**

The Regulatory Operations Staff (“Staff”) of the Commission conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used his background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff’s analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or

directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff's recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an Order issued in Docket No. 15-06042 on November 5, 2015.