

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R005-22

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

The regulation implements a plan to accelerate transportation electrification into the distributed resources plan pursuant to Section 14 of SB 448 and revises certain regulations related to resource planning to be consistent with SB 448.

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 (“Commission”), <https://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times
Las Vegas Review Journal
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) Sierra Pacific Power Company d/b/a NV Energy and Nevada Power Company d/b/a NV Energy (“together, NV Energy”); Weave Grid, Inc.; Western Resource Advocates, Southwest Energy Efficiency Project, Sierra Club, the Nevada Conservation League, the Nevada Chapter of the American Institute of Architects, and Defend our Desert (collectively, the “Conservation Advocates”); Vote Solar; the Nevada Resort Association (“NRA”), MGM Resorts International (“MGM”), and Caesars Enterprise Services, LLC (“Caesars”); and Boyd Gaming Corporation, Station Casinos LLC, and Las Vegas Sands Corp. (together, “SNGG”) filed comments in the matter prior to the draft regulation language being sent to the Legislative Counsel Bureau (“LCB”) for review.

NV Energy; NRA, MGM, Caesars; SNGG, ChargePoint; and Conservation Advocates subsequently filed reply comments. NV Energy and SNGG filed supplemental reply comments.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the Commission, 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:** 6
 - (b) **Testified at each hearing:** 6
 - (c) **Submitted written comments:** 4
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.**

Roman Borisov
NV Energy
6100 Neil Road
Reno, Nevada 89511
775-834-3470
Roman.Borisov@nvenergy.com

Paul Stuhff
Bureau of Consumer Protection
8945 West Russell Rd.
Las Vegas, Nevada 89148
702-486-3490
pstuhff.@ag.nv.gov

Lucas Foletta
Southern Nevada Gaming Group
100 West Liberty Street, 10th Floor
Reno, Nevada 89501
775-788-2000
lfoletta@mcdonaldcarano.com

Jessica Freitas
Nevada Resort Association
MGM Resorts International
Caesars Enterprise Services, LLC
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511
775-327-3000
jfreitas@hollandhart.com

Don Lomoljo
Regulatory Operations Staff of the Commission
1150 East William Street
Carson City, Nevada 89701
775-684-7583
dlomoljo@puc.nv.gov

Angel Defazio
Ratepayer

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.

The regulation language, as returned from LCB, was acceptable to Staff, BCP, SNGG, NRA, MGM, and Caesars. NV Energy provided that it had concerns regarding the financial impact analysis contained in the regulation as well as concerns related to cost recovery. Ms. De Fazio raised concerns regarding cost recovery of expenditures related to plans to accelerate transportation electrification and urged against the use of regulatory assets for the program and recommended a flat rate over a set period to avoid carrying charges. Other participants noted concerns regarding the cost of plans to accelerate transportation electrification. However, the Commission notes that Section 14(5) of SB 448 specifically mandates that the Commission adopt necessary regulations for a utility to carry out a plan to accelerate transportation electrification in the State as prescribed by SB 448, therefore, the adopted regulation is required and otherwise necessary for Commission regulations to conform with Nevada law.

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 due to the regulatory accounting allowances discussed in the May 3, 2022, Commission Order adopting the Small Business Impact Report.

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

The regulation does not regulate the public and instead generally incorporates a plan to accelerate transportation electrification into a utility's distributed resources plan pursuant to Section 14 of SB 448. The regulation is not expected to have any adverse or beneficial economic effects on the public. Moreover, the regulation is not expected to have any immediate or long-term economic effects on 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.

N/A.

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?

Staff 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. 21-06036 on May 3, 2022.