PROPOSED REGULATION OF THE

PUBLIC UTILITIES COMMISSION OF NEVADA

LCB FILE NO. R180-26I

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REVISED PROPOSED REGULATION OF THE

PUBLIC UTILITIES COMMISSION OF NEVADA

~~**LCB File No. R160-24**~~

~~November 17, 2026~~

EXPLANATION Matter in ***italics*** is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 703.025 and 704.210; §§ 3-15 and 17, NRS 703.025, 704.210 and 704.741, § 16, NRS 703.025, 704.210 and 704.744.

A REGULATION relating to utilities; revising certain deadlines by which a public utility that furnishes electricity must perform certain acts relating to an application for adjustments in rates; establishing certain requirements for a utility which deviates from an approved distributed resources plan; revising provisions governing an update of a distributed resources plan of a utility; revising requirements for alternative plans in the supply plan of a utility; eliminating the requirement of the inclusion of certain information in a report of a utility's progress of its action plan; revising requirements for the amendment of an approved action plan of a utility; establishing requirements for consumer sessions, technical workshops and certain meetings relating to plans of utilities and amendments thereto; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations require a public utility which furnishes electricity, gas, or water or services for the disposal of sewage, or both, to file written notice of its intention to file an application for adjustments in rates with the Assistant Secretary of the Public Utilities Commission of Nevada, the Regulatory Operations Staff of the Commission and the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General at least 60 days before the anticipated date for filing the application for adjustments in rates. (NAC 703.2207) **Section 1** of this regulation requires a public utility that furnishes electricity to file such a written notice not later than 160 days before the anticipated date for filing an application for adjustments in rates.

Existing regulations require a public utility that furnishes electricity, gas, or water or services for the disposal of sewage, or both, to meet with the Consumer's Advocate and the Regulatory Operations Staff at least 20 days

before the anticipated date for filing the application for adjustments in rates. (NAC 703.2209) **Section 2** of this regulation requires a public utility that furnishes electricity to meet with the Consumer's Advocate and the Regulatory Operations Staff not later than 60 days before the anticipated date for filing an application for adjustments in rates.

Existing law requires an electric utility with an annual operating revenue in this State of

$2,500,000 or more to submit to the Commission on or before June 1 of every third year, or more often if necessary, a plan to increase its supply of electricity or decrease the demands made on its system by its customers. (NRS 704.736, 704.741) Existing regulations designate such a plan as a "resource plan." (NAC 704.9156) **Section 7** of this regulation revises the definition of "resource plan" to reflect that such a plan may be submitted more often than every third year, if necessary. **Sections 4 and 5** of this regulation define certain other terms for the purposes of provisions governing resource planning by an applicable electric utility. **Section 6** of this regulation makes a conforming change to apply the definitions set forth in **sections 4 and 5** to such provisions.

Existing law and regulations require a utility to include in a resource plan a distributed resources plan. (NRS 704.741; NAC 704.9237) Existing regulations authorize a utility to: **(1)** deviate from its distributed resources plan to respond to any significant change in circumstances not contemplated by the distributed resources plan; and (2) seek authority from the Commission to deviate prospectively from the distributed resources plan by filing an update or amendment to the plan. (NAC 704.9238) **Section 9** of this regulation eliminates the necessity to seek authority to deviate prospectively from a distributed resources plan by filing an update or amendment to the plan. **Section 9** requires a utility that deviates from its approved distributed resources plan to include every such deviation in its next general rate application for a determination of the prudency of the deviation and the justness and reasonableness of the costs associated with the deviation. **Section 9** requires certain information to be included in the general rate application.

Existing regulations require a resource plan to include an action plan specifying the actions of the utility that are to take place during the 3 years commencing with the year following the year in which the resource plan is filed. (NAC 704.9489) Existing regulations require a utility to file an update to its distributed resources plan on or before September **1** of the first and second years after the action plan of the utility is filed. (NAC 704.9239) **Section 10** of this regulation requires certain information to be included in the update. **Section 17** of this regulation repeals provisions requiring the Commission to conduct a hearing and issue an order concerning the update. (NAC 704.9241) **Section 10** instead authorizes a utility or any party of record to request a hearing concerning the update.

Existing law requires the Commission to require a utility to include in

the resource plan a comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands made on the system of the utility by its customers or the methods to reduce the demands, including a scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission. (NRS 704.741) Existing regulations require a resource plan to include a supply plan and require the supply plan to contain a diverse set of alternative plans which include a list of options for the supply of capacity and electric energy. (NAC 704.9156, 704.937) **Section 12** of this regulation requires a supply plan to include: **(1)** at least one alternative plan which provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission; and (2) at least one alternative plan which provides for the construction or acquisition of energy resources through contract, whereby the resources are not owned by the utility and the costs of which are not included in the rate base, to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission. **Section 12** also imposes certain requirements on a utility with respect to each

alternative plan considered. **Sections 8 and 11** of this regulation make conforming changes to refer to provisions that have been renumbered by **section 12.**

Existing regulations require a utility to file a report on the progress of its action plan and set forth the contents of that report. (NAC 704.9498) **Section 13** of this regulation eliminates the requirement that the report include an identification of and justification for any significant deviation from the approved action plan.

Existing law requires the Commission to establish requirements governing the manner in which and circumstances under which an amendment may be filed with the Commission to modify an approved resource plan. (NRS 704.741) Existing regulations require a utility to continually monitor its action plan and, with certain exceptions, amend the plan before the utility submits its next action plan if certain specified circumstances exist. (NAC 704.9503) Existing regulations set forth the required contents of such an amendment. (NAC 704.9516) **Section 14** of this regulation requires a utility to amend an approved action plan only if the utility seeks a modification to the approved action plan, including, without limitation, a modification to the pricing, size, location or timing of a generating resource or ***prospective*** [~~placeholder]~~ resource in the approved action plan that does not constitute a significant deviation from the approved action plan. **Section 14** defines "significant deviation from the approved action plan" to include, without limitation, certain specified modifications. **Section 15** of this regulation revises the required contents of an amendment

to an approved action plan.

Existing law requires a utility, before filing a resource plan or an amendment to such a plan, to schedule at least one consumer session to review the plan or amendment and provide an opportunity for interested persons to learn about and offer suggestions on certain matters concerning the plan or amendment. (NRS 704.744) **Section 16** of this regulation revises provisions which authorize a utility to schedule a consumer session for reviewing plans to instead require a utility to schedule and conduct a consumer session and a technical workshop. **Section 16** sets forth certain requirements for conducting such a consumer session or technical workshop. Existing law requires the Commission to require a utility to meet with personnel from the Commission and the Bureau of Consumer Protection and any other interested persons before filing a resource plan or amendment to such a plan. (NRS 704.744) Existing regulations impose that requirement upon a utility and require a utility to prepare and distribute a notice of the meeting. (NAC 704.952) **Section 16** requires such a notice to be prepared for a consumer session or technical workshop and the notice for a meeting, consumer session or technical workshop to be distributed not later than 2 weeks before the date of the meeting, session or workshop.

Section 1. NAC 703.2207 is hereby amended to read as follows:

703.2207 1. A public utility that furnishes electricity, gas, or water or services for the disposal of sewage, or both, must provide written notice of its intent to file an application for adjustments in rates to:

(a) The Assistant Secretary of the Commission;

(b) The Regulatory Operations Staff; and

(c) The Consumer's Advocate.

2. ~~[The]~~ ***A public utility that furnishes:***

(a) Electricity must file the written notice ~~[must be filed at least 60]~~ ***required pursuant to subsection 1 not later than 160*** days before the anticipated date for filing the application for adjustments in rates.

(b) Gas or water or services for the disposal of sewage, or both, must file the written notice required pursuant to subsection 1 not later than 60 days

before the anticipated date for filing the application for adjustments in rates.

3. If ~~[the]~~ ***a*** public utility files ~~[the]~~ ***a*** written notice ~~[,]~~ ***pursuant to this section,*** it is not

required to file the application for adjustments in rates on the anticipated filing date or any time thereafter.

~~[3.]~~ ***4.*** The written notice must contain a list of the components on which the public utility

expects to base its application for adjustments in rates, including:

(a) Cost of capital;

(b) Depreciation;

(c) Cost of service, including any study of the cost of service;

(d) Design of the proposed rates; and

(e) Any other material issues known at the time the notice is filed.

Sec. 2. NAC 703.2209 is hereby amended to read as follows:

703.2209 1. A public utility that furnishes ~~[electricity, gas,]~~ *:*

(a) Electricity and intends to file an application for adjustments in rates must meet with the Consumer's Advocate and the Regulatory Operations Staff not later than 60 days before the anticipated date for filing the application for adjustments in rates.

(b) Gas or water or services for the disposal of sewage, or both, which intends to file an application for adjustments in rates must meet with the Consumer's Advocate and the Regulatory Operations Staff ~~[at least]~~ ***not later than*** 20 days before the anticipated date for

filing the application for adjustments in rates.

2. At the meeting, the public utility shall provide updated information regarding the application for adjustments in rates, including:

(a) Cost of capital;

(b) Depreciation;

(c) Cost of service, including any study of the cost of service;

(d) Design of the proposed rate; and

(e) Any other material issues known at the time of the meeting.

3. At the meeting, those persons in attendance shall:

(a) Develop guidelines for a preliminary plan for conducting audits. The guidelines must address all matters relating to the audit, including:

(1) The timing of the audits and any necessary meetings to coordinate audits conducted at the site, whether within or outside the State, by the Regulatory Operations Staff and specialized personnel from the public utility and the Bureau of Consumer Protection.

(2) The number of persons representing each interest who will participate in the audits.

(3) The facilities and the supplies that the auditors will need at the locations of the audits.

(b) Discuss a plan and schedule for discovery, and methods of minimizing the duplication of discovery requests.

(c) Discuss the use of agreements for the confidentiality of information.

(d) Discuss the review of computer models for data contained in the filing.

(e) Determine which items on the master document for the request of data must be provided on a computer disc or other computer media, and which items must be provided on paper.

(f) Discuss the need for and timing of future meetings, including:

(1) A conference between the public utility, the Regulatory Operations Staff and a representative of the Bureau of Consumer Protection to discuss the results of the audits.

(2) A mandatory settlement conference between all interests to the proceeding. The Regulatory Operations Staff shall convene the settlement conference at least 14 calendar days before the scheduled first day of the hearing on the application for adjustments in rates in accordance with a procedural schedule approved by the Commission.

Sec. 3. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this regulation.

Sec. 4. ***"Firm transmission" means the delivery of energy resources from the source to the sink through transmission service that is classified by the North American Electric Reliability Corporation as priority*** 7 ***firm point-to-point transmission service.***

Sec. 5. ***"Placeholder resource" means a generating resource or a storage resource which is placed in service at a future date to satisfy requirements for forecasted electrical demand or portfolio standard for which an electric utility is not requesting approval for resource planning.***

Sec. 5.1 "Prospective resource" means a future generating resource or a storage resource that may be constructed or owned by the utility, for which approval is not specifically requested and which is subject to an agreement in place or permitting or an acquisition of land for which has been completed.

Sec. 6. NAC 704.9005 is hereby amended to read as follows:

704.9005 As used in NAC 704.9005 to 704.9525, inclusive, sections 2 to 5, inclusive, of LCB File No. R027-20, sections 2, 3 and 4 of LCB File No. R195-22 ***and sections 4 and* 5 *of this regulation*** and when used in a utility's resource plan, unless the context otherwise requires, the words and terms defined in NAC 704.9006 to 704.9173, inclusive, ***and sections 4 and* 5 *of this regulation*** have the meanings ascribed to them in those sections.

Sec. 7. NAC 704.9156 is hereby amended to read as follows:

704.9156 "Resource plan" means the plan that a utility is required by NRS 704.741 to submit every third year to the Commission, ***or more often if necessary,*** that consists of, and provides an integrated analysis of:

1. A load forecast;
2. A demand side plan;
3. A supply plan;
4. A financial plan;
5. An energy supply plan;

6. A distributed resources plan; and

7. An action plan.

Sec. 8. NAC 704.9215 is hereby amended to read as follows:

704.9215 1. A utility's resource plan must be accompanied by a summary that is suitable for distribution to the public. The summary must contain easily interpretable tables, graphs and maps and must not contain any complex explanations or highly technical language. The summary must be approximately 40 pages in length.

2. The summary must include:

(a) A brief introduction, addressed to the public, describing the utility, its facilities and the purpose of the resource plan, and the relationship between the resource plan and the strategic plan of the utility for the duration of the period covered by the resource plan.

(b) The forecast of low growth, the forecast of high growth and the forecast of base growth of the peak demand for electric energy and of the annual electrical consumption, for the next 20 years, commencing with the year following the year in which the resource plan is filed, both with and without the impacts of programs for energy efficiency and conservation and an explanation of the economic and demographic assumptions associated with each forecast.

(c) A summary of the demand side plan listing each program and its effectiveness in terms of costs and showing the 20-year forecast of the reduction of demand and the contribution of each program to this forecast.

(d) A summary of the preferred plan:

(1) Showing each planned addition to the system for the next 20 years, commencing with the year following the year in which the resource plan is filed, with its anticipated capacity, cost and date of beginning service; and

(2) Explaining how the preferred plan reduces customer exposure to the price volatility of fossil fuels and the potential social cost of carbon as calculated pursuant to subsection W *9* of NAC 704.937.

(e) A summary of renewable energy showing how the utility intends to comply with the portfolio standard and listing each existing contract for renewable energy and each existing contract for the purchase of renewable energy credits and the term and anticipated cost of each such contract.

(f) A summary of:

(1) The energy supply plan for the next 3 years setting out the anticipated cost, price volatility and reliability risks of the energy supply plan;

(2) The risk management strategy;

(3) The fuel procurement plan; and

(4) The purchased power procurement plan.

(g) A summary of the distributed resources plan for the next 3 years covered by the action plan of the utility setting out:

(1) The locational benefits and costs of the distributed resources, which may include benefits and costs to the electric grid.

(2) Identified barriers and recommendations to accept or overcome these barriers to the deployment of cost-effective distributed resources and

proposed mechanisms pursuant to which cost-effective distributed resources will be deployed, in coordination with existing programs that have been approved by the Commission.

(3) Incremental utility investment or expenditures to be funded for the next 3 years to identify, evaluate and integrate cost-effective distributed resources into the distribution planning process.

(4) A summary of the methods and outcomes of the hosting capacity analysis described by paragraph (b) of subsection 3 of NAC 704.9237.

(5) A summary of forecasted loads and the forecasted growth of distributed ~~[energy]~~ resources for the electric grid over a 6-year period, at minimum, beginning with the year after the distributed resources plan is filed.

(h) A summary of the activities, acquisitions and costs included in the action plan of the utility.

(i) An integrated evaluation of the components of the resource plan which relates the preferred plan to the objectives of the strategic plan of the utility, and any other information

useful in presenting to the public a comprehensive summary of the utility and its expected development.

3. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

Sec. 9. NAC 704.9238 is hereby amended to read as follows:

704.9238 1. Notwithstanding the approval of the Commission of the distributed resources plan of a utility, the utility may deviate from the

approved distributed resources plan to the extent necessary to respond adequately to any significant change in circumstances not contemplated by the distributed resources plan. A significant change in circumstances includes, without limitation:

(a) A material change in net system, feeder or nodal customer load or demand;

(b) A material difference between the estimated and actual locational net benefit results for any or all resources analyzed in the grid needs assessment;

(c) A material difference between estimated and actual in-service dates or performance of the distributed resources analyzed and selected pursuant to the distributed resources plan; and

(d) Any other circumstance that the utility demonstrates to the Commission warrants a deviation.

2. If the utility deviates from its approved distributed resources plan, the utility shall include

every such deviation in the ***next general*** rate ~~[proceeding in which]~~ ***application of the utility filed pursuant to NRS 704.110 for a determination of the prudency of the deviation and the justness and reasonableness of the*** costs associated with the deviation . ~~[are first sought to be recovered a description and]~~ ***In the application, the utility shall:***

(a) Include the justification for the deviation.

~~3. The utility may seek authority from the Commission to deviate prospectively from the~~

~~distributed resources plan in an update filed pursuant to *NAC* 704.9239, or by filing an amendment to the distributed resources plan in accordance •.with subsection 4.~~

~~4. An amendment to the distributed resources plan of a utility must contain:~~

~~(a) A section that identifies the specific approvals requested by the utility in the amendment;~~

~~(b) *A* section that specifies any changes in assumptions or data that have occurred since the utility's last resource plan •.vas filed; and~~

~~(c) As applicable, information required by NAC 704.9237.~~

~~5. The Commission shall conduct its evaluation of the amendment of the distributed resources plan in accordance with subsection 5 ofN1\C 704.9494 and issue an order approving the amendment as filed, modifying the amendment or specifying any portions of the amendment that the Commission deems to be inadequate.];~~

(b) Identify all alternatives considered;

(c) Provide all supporting analyses relied upon to deviate from the approved distributed resources plan, including, without limitation, any executable workpapers; and

(d) ***Provide testimony supporting the deviation.***

Sec. 10. NAC 704.9239 is hereby amended to read as follows:

704.9239 1. ~~[Beginning in calendar year 2020, on]~~ ***On*** or before September 1 of the first and second years after the action plan of a utility is filed, the utility shall file an update of the ***approved*** distributed resources plan that will be applicable for each year remaining in the period covered by

the action plan. ***The update must contain, for informational purposes only, an update as to the progress of each program or non-wires alternative in the approved distributed resources plan, including, without limitation, the plan to accelerate transportation electrification required by NRS 704.7867.***

2. The ***utility or any party of record may request a hearing on the*** update of the ***approved*** distributed resources plan. ~~[must comply with the requirements of NAC 704.9237.]~~ ***In the request, the utility or party of record, as applicable, must specify the reason the utility or party believes a hearing is necessary. Upon a finding of good cause, the Commission will order a hearing on the matter.***

Sec. 11. NAC 704.9359 is hereby amended to read as follows:

704.9359 The environmental costs to the State associated with operating and maintaining a supply plan or demand side plan must be quantified for air emissions, water and land use and the social cost of carbon as calculated pursuant to subsection ~~[5]~~ ***9*** of NAC 704.937. Environmental costs are those costs, wherever they may occur, that result from harm or risks of harm to the environment after the application of all mitigation measures required by existing environmental ~~[regulation]~~ ***regulations*** or otherwise included in the resource plan.

Sec. 12. NAC 704.937 is hereby amended to read as follows:

704.937 1. A utility's supply plan must contain a diverse set of

alternative plans which include a list of options for the supply of capacity and electric energy that includes a description of all existing and planned facilities for generation and transmission, existing and planned power purchases, and other resources available as options to the utility for the future supply of electric energy. The description must include the expected capacity of the facilities and resources for each year of the supply plan.

2. At least one alternative plan must be of low carbon dioxide emissions that:

(a) Uses sources of supply that result in, by ***the year*** 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;

(b) Includes the deployment of distributed generation; and

(c) If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

~~[2.]~~ ***3. At least one alternative plan must provide for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission. A significant share of the renewable energy facilities and energy storage systems included in that scenario in the alternative plan must be owned by the utility.***

4. If a utility identifies as its preferred plan the alternative plan required by subsection 3 of this section, then at ~~***[At]***~~ ***least one alternative plan must provide***

for the construction or acquisition of energy resources through contract, whereby the resources are not owned by the utility and the costs of which are not included in the rate base, to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission.

5. *For each alternative plan considered, the utility shall:*

(a) Include the information, analyses and evaluations required by subsection 4 of NRS 704.741.

(b) Include, as a placeholder resource, all prospective resources. [~~a future generating project for which approval is not specifically requested if:~~

~~(1) An agreement is in place for the project;~~

~~(2) Permitting or an acquisition of land has been completed for the project; or~~

~~(3) The utility intends to seek approval for the project during the 3-year period of the action plan.]~~

(c) Endeavor to identify and pursue, to the extent possible, opportunities for federal funding and tax credits available to the utility or third parties or offset costs for the benefit of the customers of the utility and explain how those funds or tax credits mitigate or offset costs for the benefit of the customers of the utility.

(d) Include, as part of the evaluation required by paragraph (b) of subsection 4 of NRS 704.741, the impact by year for each year of the 20-year period of the [~~alternative~~] resource plan that the implementation of

the alternative plan will have on the rates charged to each customer class of the utility. The rates must be inclusive of:

(1) Costs associated with all projects and programs, including, without limitation, any public policy programs, and costs previously approved by the Commission; and

(2) Any federal funding and tax credits available to the utility.

(e) Provide a copy of all executable workpapers supporting the alternative plan, with all formulas and links intact and without any values that are copied and pasted in a cell unless the utility can identify or provide the original source of the value in an executable format at the time of filing.

(I) Provide a thorough evaluation of the benefits and costs of the alternative plan.

6. A utility shall identify the criteria it has used for the selection of its options for meeting the expected future demands for electric energy and shall explain how any conflicts among criteria are resolved.

~~[3.]~~ 7. In comparing alternative plans containing different resource options, the utility shall calculate the present worth of future requirements for revenue for each alternative plan for the supply of power. A comparison of the present worth of future requirements for revenue for each alternative plan must be presented in the resource plan. As calculated pursuant to this subsection, the present worth of future requirements for revenue for each alternative plan must include, without limitation, a reasonable range of costs associated with emissions of carbon in the 20-year period of the resource plan as private costs to the utility.

~~[4.]~~ ***8.*** The utility shall calculate the present worth of societal costs for each alternative plan

for the supply of power. The present worth of societal costs of a particular alternative plan must be determined by adding the environmental costs that are not internalized as private costs to the utility pursuant to subsection ~~[3]~~ **7** to the present worth of future requirements for revenue. In calculating the present worth of societal costs for each alternative plan pursuant to this subsection, the utility shall include as environmental costs the utility's estimate of the level of environmental costs resulting from carbon dioxide emissions for that year and the social cost of carbon.

~~[5.]~~ ***9.*** For the purposes of subsection ~~[4]~~ ***8*** and NAC 704.9215 and 704.9359, the social

cost of carbon must be determined by subtracting the costs associated with emissions of carbon internalized as private costs to the utility pursuant to subsection ~~[3]~~ 7 from the net present value of the future global economic costs resulting from the emission of each additional metric ton of carbon dioxide. The net present value of the future global economic costs resulting from the emission of an additional ton of carbon dioxide must be calculated using the best available science and economics such as the analysis set forth in the "Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis" released by the Interagency Working Group on Social Cost of Greenhouse Gases in August 2016. This publication may be obtained, free of charge, at the Internet website **https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/scc**

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_26_16.pdf. The utility shall submit information supporting the method used by the utility to calculate the social cost of carbon.

~~[6.]~~ ***10.*** The utility shall consider for each alternative plan the mitigation of risk by means of:

(a) Flexibility;

(b) Diversity;

(c) Reduced size of commitments;

(d) Choice of projects that can be completed in short periods;

(e) Displacement of fuel;

(f) Reliability;

(g) Selection of fuel and energy supply portfolios; and

(h) Financial instruments or electricity products.

~~[7.]~~ ***11.*** The alternative plans of the utility must:

(a) Provide adequate reliability;

(b) Be within regulatory and financial constraints;

(c) Meet the portfolio standard; and

(d) Meet the requirements for environmental protection.

~~[8.]~~ ***12.*** The utility shall identify its preferred plan and fully justify its choice by setting forth the criteria that influenced the utility's choice.

13. Open position is calculated by determining the difference between:

(a) The net peak demand on a system which is forecasted by a utility, accounting for the planning reserve margin of the utility and, except as

otherwise provided in subsection 14, any reductions in capacity associated with net energy metering, demand response programs, demand side management programs, and any other program used to shift or reduce peak demand; and

(b) The planning capacity of available resources, either owned by or under contract with the utility, at the time of the net peak demand on a system which is forecasted by a utility, not including reserves held for unbundled open access transmission tariff customers.

14. For the purposes of calculating open position pursuant to subsection 13, demand response programs, demand side management programs and any other program used to shift or reduce peak demand may be accounted for as supply resources and reflected in the planning capacity of available resources as described in paragraph (b) of subsection 13, rather than in the net peak demand on a system which is forecasted by a utility pursuant to paragraph (a) of subsection 13.

15. As used in this section, "open position" means the amount of capacity, in megawatts, that a utility is deficient in meeting its net peak demand which is forecasted by a utility pursuant to paragraph (a) of subsection 13.

Sec. 13. NAC 704.9498 is hereby amended to read as follows:

704.9498 1. Not earlier than 15 months and not later than 21 months after the date on which the utility files its action plan, the utility shall file a report on the progress of its action

plan with the Commission and serve a copy of the progress report on all parties of record. The progress report must include:

(a) Information concerning the status of planned facilities approved by the Commission, including any cost or schedule variances;

(b) Information concerning the status of all programs for energy efficiency and conservation, including planned and achieved reductions in kilowatt-hours and reduction in demand in kilowatt-hours;

(c) Information concerning the status of the plan to accelerate transportation electrification, as required by NRS 704.7867, including, without limitation, progress achieved;

(d) A comparison of budgeted and actual costs for the entire action plan;

~~(e) [An identification of and justification for any significant deviation from the approved action plan, including supporting information;~~

~~(6)]~~ An updated forecast of energy consumption and peak demand; and

~~[(g)]~~ **(f)** An updated table for loads and resources for the remaining years covered by the 20-year plan.

2. The progress report must be in the same form as the action plan and will be assigned a new docket number by the Commission.

3. The utility or any party of record may request a hearing on the progress report, specifying in its request the reason the utility or party believes a hearing is required. Upon a finding of good cause, the Commission will order a hearing on the matter.

Sec. 14. NAC 704.9503 is hereby amended to read as follows:

704.9503 1. Except as otherwise provided in NRS 704.871, a utility shall

continually monitor its ***approved*** action plan and shall amend the plan before it

submits its next action plan if

~~[any of the following circumstances exist:~~

~~(a) The utility anticipates submitting an application for a permit to construct a utility facility~~

~~pursuant to NR8 704 _g20 to 704.900, inclusive, which was not previously approved as part of the~~

~~action plan.~~

~~(b) The utility makes a commitment for the acquisition or construction of a facility that was~~

~~not previously approved as part of the action plan.~~

~~(c) The utility makes a commitment for a long term purchased power obligation which was~~

~~not previously approved as part of the action plan.~~

~~(d) The utility is unable to place a resource in service or secure a resource in accordance with~~

~~the schedule for the resource that is included in the action plan approved by the Commission and~~

~~the modified schedule results in a significant deviation from the planned reserve margin for any~~

~~period in the 3 year action plan.~~

~~(e) The utility makes a commitment for an option that was not available at the time the action~~

~~Plan was approved.~~

~~(f) The basic data used in the formation of the plan requires significant modification that~~

~~affects the choice of a resource which was approved as part of the action plan.~~

~~2. The conditions under vA1ich an amendment is sought must be specifically set forth in the~~

~~application for amendment.~~] ***the utility seeks a modification to the approved action plan, including, without limitation, a modification to the pricing, size, location or timing of a generating resource, storage resource or prospective resource [~~or placeholder resource~~] in the approved action plan, that does not constitute a significant deviation from the approved action plan.***

2. ***As used in this section, "significant deviation from the approved action plan" includes, without limitation:***

(a) ***The addition of a source of supply or storage that is more than 120 megawatts of nameplate [~~generating~~] capacity and is not a generating resource, storage resource or prospective [~~placeholder~~] resource in any scenario in an [~~the~~] approved action plan;***

(b) ***The removal of a source of supply or storage that is more than 120 megawatts of nameplate [~~generating~~] capacity and is identified as [~~not~~] a generating resource[~~,~~] or storage resource [~~or placeholder resource in any scenario~~] in an [~~the~~] approved action plan;***

(c) ***The addition of transmission infrastructure consisting of transmission lines capable of transmitting electricity at a voltage of 200 kilovolts or more and associated electrical substations, unless the addition is necessary for the interconnection of one or more sources of supply that are not described in paragraph (a);***

(d) ***A material change to an approved distributed resources plan,***

including, without limitation, an approved plan to accelerate transportation electrification required by NRS 704.7867, or a demand side plan that adds a new program or alters the budgets or expected energy savings of the approved action plan by more than 30 percent;

(e) Any proposed modifications that cumulatively result[s] in a change of 5 percent or more in the 20-year present worth revenue requirement of the approved resource plan of the utility;

(f) Any proposed modifications that cumulatively result[s] in a change of 25 [5] percent or more in the costs associated with the approved action plan of the utility; and

(g) A material change to the underlying data used in the formation of the approved action plan that affects the choice of generating resources, storage resources or prospective [placeholder] resources in any scenario in the approved action plan.

➔ ***The term does not include:***

(a) the addition of a renewable resource which is dedicated exclusively to a specific customer or group of specific customers and which will be paid for by the specific customer or group of specific customers;

(b) the addition of a resource which replaces an approved resource that can no longer be acquired or constructed; the replacement resource must be a substantially similar resource with respect to size and technology.

Sec. 15. NAC 704.9516 is hereby amended to read as follows:

704.9516 [1.] An amendment to an ***approved*** action plan submitted by a

utility pursuant to NAC 704.9503 must contain:

~~[(a)]~~

1. A section that identifies ~~[the]~~:

(a) The items for which the utility is requesting specific approval;

(b) ***The circumstances that create the need for the amendment; and***

(c) The reasons why the items could not have been reasonably anticipated and included in the approved action plan.

2. A section that specifies any changes in assumptions or data that have occurred since the utility's last resource plan was filed . ~~[;~~

~~(c)]~~

3. As applicable, information required in paragraphs (d) and (e) of subsection 1 of NAC 704.9489, and subsections 3 and 4 of NAC 704.9489. ~~[;~~

~~(d)]~~

4. As applicable, data and information required pursuant to NAC 704.922 to 704.948, inclusive, necessary to facilitate an evaluation of the items specified pursuant to paragraph (a) ***of subsection 1*** for which the utility is requesting specific approval . ~~[;~~

~~(e)]~~

5. A current peak demand forecast. ~~[;~~

~~(f)]~~

6. A table indicating the current loads and resources. ~~[; and~~

~~(g) If the utility seeks an amendment related to a renewable energy contract or energy efficiency contract, information about the imputed debt mitigation.~~

~~2. For amendments submitted pursuant to paragraphs (a) and (f) of subsection 1 of NAC~~

~~704.9503, a utility shall file with the Commission the information required pursuant to paragraph~~

~~(d) of subsection 1 of this section.]~~

Sec. 16. NAC 704.952 is hereby amended to read as follows:

704.952 1. A utility ~~[may]~~ ***shall, before submitting a plan required by NRS 704.741 or***

an amendment to such a plan, schedule ***and conduct the consumer***

~~[sessions for reviewing plans]~~ ***session required by subsection 2 of NRS***

704.744 to review the plan or amendment and ~~[providing]~~ ***provide*** an

opportunity for interested persons to ~~[:~~

~~(a) Learn of progress by the utility in developing plans and amendments to plans;~~

~~(b) Determine whether key assumptions are being applied in a consistent and acceptable~~

~~manner;~~

~~(c) Determine whether key results are reasonable; and~~

~~(d) Offer suggestions on other matters as appropriate.]~~ ***participate***

in the process, as described in paragraphs (a) to (d), inclusive, of

that subsection.

2. ***The purpose of the consumer session conducted pursuant to***

subsection 1 is to receive input on:

(a) The development of a load forecast;

(b) Data inputs and assumptions;

(c) The development of the plan;

(d) Portfolios and programs evaluated by the utility;

(e) The reasonableness of key results; and

(I) Whether key assumptions are being applied in a consistent and acceptable manner.

➔ ***Any written input and suggestions for consideration by the utility must be provided by an interested person not later than 10 business days after the completion of the consumer session.***

3. If the utility, the Bureau of Consumer Protection in the Office of the Attorney General, the staff or any other person participating in the process cannot agree to schedule ***consumer*** sessions for reviewing plans ~~[,]~~ ***or amendments to plans,*** any of those persons may petition the Commission to schedule the sessions.

~~[3.]~~ *4.* The parties involved in the ~~[review]~~ ***consumer*** sessions may establish, at the beginning of the sessions, a procedure to resolve any technical issues that are discussed during the sessions.

~~[4. If review sessions are held pursuant to subsection 1, the]~~

5. ***In addition to the consumer session required by subsection 1 and the meeting required by subsection 7, the utility shall schedule a technical workshop with staff, the personnel of the Bureau of Consumer Protection and any other interested persons. The technical workshop must be scheduled at a point in the development of the plan or amendment to provide for constructive engagement and input, but before the meeting required by subsection 7. The utility shall post on its Internet website all materials, datasets, modeling outputs and presentation slides to be***

discussed at the technical workshop not later than 10 days before the technical workshop. The utility shall also provide a point of contact on its Internet website for whom any interested persons can contact to request and receive all relevant workpapers, in executable format, not later than 10 days before the technical workshop. Participants in the technical workshop may ask questions and offer additional or alternative data and modeling frameworks.

6. The utility shall ~~[prepare]~~ *:*

(a) Prepare a ***summary*** ~~[brief]~~ of the ~~[major topics on the agendas and the conclusions reached by the parties during the review sessions. The]~~ ***consumer session conducted pursuant to subsection 1 and a summary of the technical workshop conducted pursuant to subsection 5. The summaries~~~~[y]~~*** ***must include a discussion of the comments made by consumers and interested persons.***

(b) Include the summaries~~[y]~~ ~~[must be provided to the Commission in conjunction with]~~ ***in the*** testimony ~~[supporting the utility's]~~ ***in support of the*** plan ~~[.~~ ~~5.]~~ ***or amendment.***

7. Not less than 4 months before filing a plan required by NRS 704.741, or within a reasonable period before filing an amendment to such a plan pursuant to NRS 704.751, the utility shall meet with staff, the personnel of the Bureau of Consumer Protection and any other interested persons to provide an overview of the plan or amendment.

~~[6.]~~ 8. For each ***consumer session,*** meeting ***and technical workshop*** held

pursuant to

~~[subsection 5,]~~ ***this section,*** the utility shall prepare a notice of the ***session,*** meeting ***or workshop, as applicable,*** which must include, without limitation, the date, time and location of the ***session,*** meeting ***or workshop*** and an explanation of the purpose of the ***session,*** meeting H ***or workshop.*** The utility shall distribute the notice ***not later than 2 weeks before the date of the consumer session, meeting or technical workshop, as applicable,*** by:

(a) Posting the notice on the Internet website of the utility;

(b) Sending the notice via electronic mail to each person on the relevant service list maintained by the Commission; and

(c) Providing the notice to staff of the Commission for publication on the Internet website of the Commission.

Sec. 17. NAC 704.9241 is hereby repealed.

TEXT OF REPEALED SECTION

704.9241 Update of distributed resources plan: Action by Commission. (NRS 703.025, 704.210, 704.741)

1. The Commission will conduct a hearing within 60 days after a utility files an update of its distributed resources plan pursuant to NAC 704.9239 and issue an order within 120 days after the filing of that update by the utility.

2. The Commission will conduct its evaluation of the update of the distributed resources plan in accordance with subsection 5 of NAC 704.9494 and issue an order approving the update as filed, modifying the update or specifying any portions of the update that the Commission deems to be inadequate.