

**STATEMENT REGARDING SMALL BUSINESS IMPACT (NRS 233B.0608)**

**LCB File No. R182-24 (PUCN Docket No. 19-06008)**

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

N/A. See Informational Statement accompanying the Regulation, Question Nos. 2-5 and 12.

Pursuant to NRS 233B.0608 (1), the Regulatory Operations Staff (“Staff”) of the Public Utilities Commission of Nevada (“PUCN”) conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business. In a memorandum filed on September 23, 2025, Staff memorialized its conclusion that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. See Attachment 1.

On September 30, 2025, the PUCN issued an order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation or expansion of a small business. See Attachment 2.

NRS 233B.0608 (2)(a) only requires an agency to consult with owners and officers of small businesses “*if an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business ...*” (emphasis added). Given the PUCN’s determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry, as no such “affected” small businesses exist.

- 2. The manner in which the analysis was conducted.**

See Attachments 1 and 2. Staff used a version of the Delphi method that incorporates elements of the Staff Delphi method to determine the potential impact of a regulation on small businesses.

- 3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**
  - (a) Both adverse and beneficial effects; and**
  - (b) Both direct and indirect effects.**

*See* Informational Statement accompanying the Regulation, Question No. 7. *See also* Attachments 1 and 2.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

N/A. *See* Attachments 1 and 2.

Pursuant to NRS 233B.0608 (1), Staff conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business.

On September 30, 2025, the PUCN issued an order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608 (2)(c) only requires an agency to consider methods to reduce the impact of a proposed regulation on small businesses “*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business ...” (emphasis added). Given the PUCN’s determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry as there are no impacts on small businesses and no methods that were considered for reducing the non-existent impacts.

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

*See* Informational Statement accompanying the Regulation, Question No. 8. *See also* Attachment 1.

6. **If the proposed 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. *See* Informational Statement accompanying the Regulation, Question No. 11.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

See Informational Statement accompanying the Regulation, Questions Nos. 9 and 10. See also Attachment 1.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The PUCN complied with NRS 233B.0608 by making a concerted effort to determine whether the proposed regulation imposes a direct and significant economic burden upon small businesses or directly restricts the formation, operation, or expansion of a small business. The PUCN concluded that no such impacts would occur from the adoption of the proposed regulation based upon the well-reasoned investigation of Staff.

I, STEPHANIE MULLEN, Executive Director of the PUCN, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

DATED this 10<sup>th</sup> day of April, 2026.



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STEPHANIE MULLEN,  
Executive Director  
PUBLIC UTILITIES COMMISSION OF NEVADA

PUBLIC UTILITIES COMMISSION OF NEVADA  
MEMORANDUM

**DATE:** September 4, 2025

**TO:** The Commission  
**Via:** Anne-Marie Cuneo, DRO

**FROM:** Jesse N. Panoff, Assistant Staff Counsel  
Shelly A. Cassity, Assistant Staff Counsel

**SUBJECT:** Small Business Impact Report  
Agenda 17-25; Item No. 3A; Docket No. 19-06008;  
Rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate  
Bill 300 (2019).

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**I. Summary**

On June 6, 2019, the Public Utilities Commission of Nevada (“Commission”) opened a rulemaking docket to amend, adopt, and/or repeal regulations in accordance with Senate Bill (“SB”) 300 (2019). The Commission designated this matter as Docket No. 19-06008.

On July 8, 2019, the Commission issued a Notice of Rulemaking and Notice of Workshop (“Notice”).

On August 12, 2019, the Commission held a Workshop. The Regulatory Operations Staff of the Commission (“Staff”), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together, “NV Energy”), Western Resource Advocates (“WRA”), Northern Nevada Industrial Electric Users (“NNIEU”), Caesars Enterprise Services, LLC (“Caesars”), the Nevada Bureau of Consumer Protection (“BCP”), and Wynn Resorts (“Wynn”) made appearances.

On August 23, 2019, the Commission issued a Procedural Order establishing a comment deadline and scheduling a Workshop.

On August 26, 2019, the Commission issued a Notice of Workshop.

On September 19, 2019, BCP, the Gaming Group,<sup>1</sup> NV Energy, Staff, Switch, Ltd. (“Switch”), and Conservation Advocates<sup>2</sup> filed comments.

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<sup>1</sup> The Gaming Group consists of Boyd Gaming Corporation, Station Casino LLC, Las Vegas Sands Corp., Golden Entertainment, Penn National Gaming, Inc., and the Plaza Hotel and Casino.

<sup>2</sup> The Conservation Advocates consist of Western Resource Advocates, Southwest Energy Efficiency Project, Sierra Club, Nevada Conservation League, Nevada Chapter of the American Institute of Architects, and Defend Our Desert.

On September 26, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, and Switch all made appearances. The Workshop featured an educational presentation on various alternative ratemaking mechanisms.

On September 27, 2019, the Commission issued Procedural Order No. 2 and a Notice of Workshop.

On October 21, 2019, BCP, NV Energy, and Staff each filed comments.

On October 28, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, Switch, and WRA all made appearances and discussed their previously filed comments.

On December 23, 2019, the Commission issued Procedural Order No. 3.

On December 24, 2019, the Commission issued a Notice of Workshop.

On January 24, 2020, the Conservation Advocates, ChargePoint Inc. (“ChargePoint”), NV Energy, the Smart Energy Alliance (“SEA”), the Gaming Group, Vote Solar, Advanced Energy Economy Institute (“AEE Institute”), and Staff each filed comments.

On February 7, 2020, the Conservation Advocates, NV Energy, the Gaming Group, ChargePoint, AEE Institute, BCP, and Staff each filed reply comments.

On February 18, 2020, the Commission held a Workshop. Vote Solar, AEE Institute, ChargePoint, SEA, Walmart, Inc. (“Walmart”), MGM Resorts International (“MGM”) and Caesars, WRA, the Gaming Group, NV Energy, BCP, and Staff all made appearances.

On April 28, 2020, Rocky Mountain Institute (“RMI”) and the Regulatory Assistance Project (“RAP”), in consultation with the Commission, published Concept Paper 1: The Facilitated Stakeholder Process Plan and Development of Goals and Outcomes.

On June 3, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No. 5.

On June 25 and 26, 2020, an Informal Workshop was facilitated by RMI and RAP.

On June 30, 2020, the Commission issued Procedural Order No. 6.

On July 8, 2020, AEE Institute, Anterix Inc. (“Anterix”), BCP, the Gaming Group, Interwest Energy Alliance (“Interwest”), NV Energy, Staff, Walmart, Tony Simmons, and the Conservation Advocates filed comments.

On July 9, 2020, ChargePoint filed comments.

On July 10, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No 7.

On July 13, 2020, the Commission published Concept Paper 2: Assessment of the Nevada Electric Utility Regulatory Framework.

On July 23 and 24, 2020, the Commission held an Informal Workshop.

On July 30, 2020, the Commission issued Procedural Order No 8.

On August 21, 2020, Staff, BCP, NV Energy, the Conservation Advocates, AARP, ChargePoint, AEE Institute, Tony Simmons, Nevadans for Clean Affordable Reliable Energy (“NCARE”), and the Gaming Group filed comments.

On August 24, 2020, Tony Simmons filed comments.

On September 17, 2020, the Commission issued a Notice of Informal Workshop.

On September 18, 2020, the Commission issued Procedural Order No. 9 and published Concept Paper 3: Available Mechanisms and Pathways for Alternative Ratemaking in Nevada.

On September 28 and 29, 2020, the Commission held an Informal Workshop regarding Concept Paper 3.

On October 6, 2020, the Commission issued Procedural Order No. 10.

On October 28, 2020, Staff, BCP, NV Energy, Conservation Advocates, AARP, ChargePoint, AEE Institute, the Gaming Group, and Vote Solar filed comments.

On November 4, 2020, the Commission issued a Notice of Informal Workshop.

On November 19, 2020, the Commission issued Procedural Order No. 11 and published Concept Paper 4: Minimum Requirements, Evaluation Criteria and Metrics for Alternative Ratemaking in Nevada.

On December 2 and 3, 2020, the Commission held an informal workshop regarding Concept Paper 4.

On December 10, 2020, the Commission issued Procedural Order No. 12.

On January 15, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, the Gaming Group, and Vote Solar filed comments.

On August 19, 2021, the Commission issued Procedural Order No. 13 and a Notice of Workshop.

On September 13, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, Walmart, the Gaming Group, and Vote Solar each filed comments.

On September 27, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, and the Gaming Group each filed reply comments.

On October 13, 2021, the Commission held a workshop regarding the draft regulation and Alternative Ratemaking Straw Proposal attached to Procedural Order No. 13.

On October 28, 2021, the Commission issued Procedural Order No. 14.

On November 16, 2021, NV Energy, MGM and Caesars, AEE Institute, NNIEU, ChargePoint, the Gaming Group, and BCP, each filed comments. Staff filed a letter indicating it would not be filing comments

On December 29, 2021, the Commission issued Procedural Order No. 15.

On January 18, 2022, NV Energy, NNIEU, the Gaming Group, BCP, and Staff each filed comments.

On February 24, 2022, the draft regulation language was sent to the Legislative Counsel Bureau (“LCB”) for pre-adoption review, pursuant to Nevada Revised Statutes (“NRS”) 233B.063.

On May 5, 2022, the regulations were returned from LCB in revised form (LCB File No. R023-22). Upon receipt of the regulations from the LCB, the Commission subsequently revised those regulations to provide for more clarity.

On June 10, 2022, the Commission issued Procedural Order No. 16. “Attachment 1” was a copy of the Commission’s revised regulations. Procedural Order No. 16 directed Staff to: (1) conduct an NRS 233B.0608(1) investigation regarding whether the proposed regulations are likely to impact small businesses, (2) present a report of the results of Staff’s investigation along with a statement identifying the methodology used in determining the impact on small businesses and the reasons supporting the report’s conclusions, and (3) place this report on an Agenda for the Commission’s consideration not later than July 26, 2022.

On July 20, 2022, Staff filed a briefing memorandum recommending that the Commission find that the proposed regulation is not likely to impose a direct and significant economic burden on a small business or restrict the formation, operation, or expansion of a small business.

On August 10, 2022, the Commission issued an Order (the “Small Business Impact Order”) finding that the proposed regulation in Docket No. 19-06008 is not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) was not required.

On August 23, 2022, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

On October 7, 2022, BCP, NNIEU, NV Energy, and the Gaming Group filed comments, and Staff filed a letter indicating it was not filing comments.

On October 12, 2022, the Presiding Officer held a workshop, attended by Staff, BCP, NV Energy, the Gaming Group, WRA, Caesars and MGM, and Tony Simmons. Draft regulation language was discussed during this workshop.

On October 14, 2022, the Presiding Officer held a hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, and Tony Simmons. Draft regulation language was discussed during this hearing.

On January 12, 2023, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

On February 10, 2023, NV Energy and BCP filed comments, Staff filed a letter indicating it would not be filing comments, and the Commission issued Procedural Order No. 17.

On March 8, 2023, NV Energy filed a substitution of counsel.

On February 2, 2024, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

On March 8, 2024, NV Energy, Southern Nevada Gaming Group (“SNGG”), and BCP filed comments, and Staff filed a letter indicating it would not be filing comments.

On March 22, 2024, NV Energy, BCP, WRA, and Staff filed reply comments.

On March 26, 2024, the Presiding Officer held a workshop, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, Advanced Energy United (“AEU”), and Tony Simmons. Draft regulation language was discussed during this workshop.

On March 28, 2024, the Presiding Officer held a hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, AEU, Shell Energy North America (“Shell”), and Tony Simmons. Draft regulation language was discussed during this hearing.

On January 2, 2025, the Commission issued an Order, adopting the regulations as temporary regulations.

On April 1, 2025, SNGG filed a notice of change of counsel’s address.

On June 18, 2025, the regulations were returned from LCB in revised form (LCB File No. R182-24).

On August 7, 2025, the Commission issued Procedural Order No. 18. “Attachment 1” was a copy of the regulations. The Commission determined, “[a]s it has been approximately three years since the Commission issued the Small Business Impact Order and the draft regulations have changed in that time, the Commission believes a new Small Business Impact Investigation should be performed.” Procedural Order No. 18, ¶ 71. As a result, Procedural Order No. 18 directed Staff to: (1) conduct an NRS 233B.0608(1) investigation regarding whether the proposed regulations are

likely to impact small businesses, (2) present a report of the results of Staff’s investigation along with a statement identifying the methodology used in determining the impact on small businesses and the reasons supporting the report’s conclusions, and (3) place this report on an Agenda for the Commission’s consideration not later than September 25, 2025.

NRS 233B.0608(1) requires an agency to make a concerted effort to determine whether a proposed regulation is likely to:

- a. Impose a direct and significant economic burden upon small businesses; or
- b. Directly restrict the formation, operation, or expansion of small businesses.

A small business is defined in NRS 233B.0382 as a business conducted for profit which employs fewer than 150 full-time or part-time employees. NRS 233B.0608(1) further requires that the assessment must be made prior to conducting a workshop regarding the proposed regulation.

NRS 233B.0608(3) requires that an agency considering a proposed regulation “[s]hall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency.” NRS 233B.0609(1) identifies the information that a small business impact statement must include.

One (1) Staff Financial Analyst, two (2) Staff Economists, and three (3) Staff Engineers—all of whom were involved in this Docket and are knowledgeable about the proposed regulations—participated in this analysis.

This briefing memo constitutes the Staff Report regarding the small business impact of the proposed regulations.

## **II. Investigation and Analysis**

In accordance with NRS 233B.0608(3), Staff used a version of the Delphi method that incorporates elements of the Policy Delphi method to determine the potential impact of a regulation on small businesses. The Delphi method is a systematic interactive forecasting method based on independent inputs of selected experts. It recognizes the value of expert opinions, experience, and intuition and allows the use of limited information when full scientific knowledge is lacking.

In this instance, the participants were members of Staff, all of whom were involved in this Docket and are familiar with the subject matter of the rulemaking. Each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the regulations on small businesses. A consensus position became clear following receipt of the written responses from the Delphi participants. The participants noted the following:

### Immediate Adverse Effects:

Staff does not anticipate that the proposed regulations will directly restrict the formation, operation, or expansion of small businesses. Likewise, Staff does not anticipate that the proposed regulations will have immediate adverse effects on small businesses. The proposed regulations effectuate SB 300 (2019), which allows electric utilities to apply to the

Commission for approval of an alternative rate-making plan. NRS 704.762(1). Consequently, the statute—and by extension the proposed regulations—has a narrow scope that applies to “an electric utility,” not a “small business.” Moreover, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application. NRS 704.7621(1). The proposed regulations acknowledge this discretion. The discretionary nature of alternative rate-making applications further limits the impact on small businesses. Finally, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers’ interests. NRS 704.7621(4). These requirements indicate that the proposed regulations will likely not impact small businesses.

#### Immediate Beneficial Effects:

Staff does not anticipate that the proposed regulations will have any immediate beneficial effects on small businesses. Potentially, small businesses may benefit from an approved alternative rate-making plan. This will likely depend on a plan’s details and the extent to which those details promote favorable rates for small businesses. Nonetheless, the statute—not the proposed regulations—provides an electric utility with discretion over whether to file an alternative rate-making application. NRS 704.7621(1). Because this discretion is statutorily conferred, any resulting impacts on small businesses will be a result of SB 300 (2019), not the proposed regulations.

#### Long-Term Adverse Effects:

Staff does not anticipate that the proposed regulations will have any long-term adverse effects on small businesses. The proposed regulations effectuate SB 300 (2019), which allows electric utilities to apply to the Commission for approval of an alternative rate-making plan. NRS 704.762(1). Hence, the statute—and by extension the proposed regulations—has a narrow scope that applies to “an electric utility,” not a “small business.” Additionally, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application. NRS 704.7621(1). The proposed regulations acknowledge this discretion. The discretionary nature of alternative rate-making applications further limits the impact on small businesses. Finally, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers’ interests. NRS 704.7621(4). These requirements indicate that the proposed regulations will likely not impact small businesses.

#### Long-Term Beneficial Effects:

Staff does not anticipate that the proposed regulations will have long-term beneficial effects on small businesses. Possibly, small businesses may benefit from an approved alternative rate-making plan. This will likely depend on a plan’s details and the extent to which those details promote favorable rates for small businesses. Nevertheless, the statute—not the proposed regulations—provides an electric utility with discretion over whether to file an alternative rate-making application. NRS 704.7621(1). Because this discretion is statutorily conferred, any resulting impacts on small businesses will be a result of SB 300 (2019), not the proposed regulations.

Cost to the Commission to enforce or administer the proposed regulations, including start-up and ongoing costs:

Staff does not anticipate that the Commission will incur greater costs to administer the proposed regulations. The discretionary nature of filing alternative rate-making applications means that costs will not automatically arise if the proposed regulations are adopted. If an application is filed, then costs to process and review the application—along with enforcing or administering the proposed regulations—may arise, but such costs will be absorbed by existing employees. Staff notes that the extent to which existing resources are adequate for such filings may turn on the complexity of the filings (i.e., how many and what types of alternative ratemaking mechanisms are proposed) and the number of other filings that Staff and the Commission are reviewing when the filing is made.

As a result of the investigation, Staff has concluded that the proposed regulations are not likely to: (a) impose a direct and significant economic burden upon small businesses; or (b) directly restrict the formation, operation, or expansion of small businesses. Consequently, a small business impact statement pursuant to NRS 233B.0608(2) is not required.

### **III. Notice and Subsequent Action**

On August 7, 2025, the Commission issued Procedural Order No. 18, directing Staff to conduct an investigation pursuant to NRS 233B.0608(1) to determine whether the proposed regulations were likely to (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation, or expansion of a small business.

### **IV. Conclusions and Recommendations**

Staff recommends that, in accordance with NRS 233B.0608(1), the Commission find the proposed regulations are not likely to impose a direct and significant economic burden on a small business or to restrict the formation, operation, or expansion of small businesses.

Staff further recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulations on small businesses.

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Rulemaking to amend, adopt, and/or repeal )  
regulations in accordance with Senate Bill 300 ) Docket No. 19-06008  
(2019). )  
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At a general session of the Public Utilities Commission of Nevada, held at its offices on September 25, 2025.

PRESENT: Chair Hayley Williamson  
Commissioner Tammy Cordova  
Commissioner Randy J. Brown  
Assistant Commission Secretary Trisha Osborne

**ORDER**

The Public Utilities Commission of Nevada (“Commission”) makes the following findings of fact and conclusions of law:

**I. INTRODUCTION**

On June 6, 2019, the Commission opened a rulemaking, designated as Docket No. 19-06008 (the “Rulemaking”), to amend, adopt, and/or repeal regulations in accordance with Senate Bill 300 (2019) (“SB 300”).

**II. SUMMARY**

The proposed regulations in Docket No. 19-06008 are not likely to impose a direct and significant economic burden upon small businesses, nor are they likely to directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to Nevada Revised Statutes (“NRS”) 233B.0608(2) is not required.

**III. PROCEDURAL HISTORY**

- On June 6, 2019, the Commission opened the Rulemaking.
- The Commission is conducting the Rulemaking pursuant to the NRS and the Nevada Administrative Code (“NAC”) Chapters 703 and 704, including, but not limited to, NRS 703.025 and 704.210, and SB 300.
- On July 8, 2019, the Commission issued a Notice of Rulemaking and Notice of Workshop.

- On August 12, 2019, the Commission held a Workshop. The Regulatory Operations Staff of the Commission (“Staff”), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together, “NV Energy”), Western Resource Advocates (“WRA”), Northern Nevada Industrial Electric Users (“NNIEU”), Caesars Enterprise Services, LLC (“Caesars”), the Nevada Bureau of Consumer Protection (“BCP”), the Southern Nevada Gaming Group (the “Gaming Group”), and Wynn Resorts (“Wynn”) made appearances. The participants discussed the next procedural steps that will be undertaken in this Docket.
- On August 23, 2019, the Commission issued a procedural order establishing a comment deadline and scheduling a Workshop.
- On August 26, 2019, the Commission issued a Notice of Workshop.
- On September 19, 2019, BCP, the Gaming Group,<sup>1</sup> NV Energy, Staff, Switch, Ltd. (“Switch”), and Conservation Advocates<sup>2</sup> filed comments.
- On September 26, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, and Switch all made appearances. The Workshop featured an educational presentation on various alternative ratemaking mechanisms.
- On September 27, 2019, the Commission issued Procedural Order No. 2 and a Notice of Workshop.
- On October 21, 2019, BCP, NV Energy, and Staff each filed comments.
- On October 28, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, Switch, and WRA all made appearances and discussed their previously filed comments.
- On December 23, 2019, the Commission issued Procedural Order No. 3.
- On December 24, 2019, the Commission issued a Notice of Workshop.
- On January 24, 2020, the Conservation Advocates, ChargePoint Inc. (“ChargePoint”), NV Energy, the Smart Energy Alliance (“SEA”), the Gaming Group, Vote Solar,

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<sup>1</sup> The Gaming Group consists of Boyd Gaming Corporation, Station Casino LLC, Las Vegas Sands Corp., Golden Entertainment, Penn National Gaming, Inc., and the Plaza Hotel and Casino.

<sup>2</sup> The Conservation Advocates consists of Western Resource Advocates, Southwest Energy Efficiency Project, Sierra Club, Nevada Conservation League, Nevada Chapter of the American Institute of Architects, and Defend Our Desert.

Advanced Energy Economy Institute (“AEE Institute”), and Staff each filed comments.

- On February 7, 2020, the Conservation Advocates, NV Energy, the Gaming Group, ChargePoint, AEE Institute, BCP, and Staff each filed reply comments.
- On February 18, 2020, the Commission held a Workshop. Vote Solar, AEE Institute, ChargePoint, SEA, Walmart, Inc. (“Walmart”), MGM Resorts International (“MGM”) and Caesars, WRA, the Gaming Group, NV Energy, BCP, and Staff all made appearances.
- On April 28, 2020, Rocky Mountain Institute (“RMI”) and the Regulatory Assistance Project (“RAP”), in consultation with the Commission, published Concept Paper 1: The Facilitated Stakeholder Process Plan and Development of Goals and Outcomes.
- On June 3, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No. 5.
- On June 25 and 26, 2020, an Informal Workshop was facilitated by RMI and RAP.
- On June 30, 2020, the Commission issued Procedural Order No. 6.
- On July 8, 2020, AEE Institute, Anterix Inc. (“Anterix”), BCP, the Gaming Group, Interwest Energy Alliance (“Interwest”), NV Energy, Staff, Walmart, Tony Simmons, and the Conservation Advocates filed comments.
- On July 9, 2020, ChargePoint filed comments.
- On July 10, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No 7.
- On July 13, 2020, the Commission published Concept Paper 2: Assessment of the Nevada Electric Utility Regulatory Framework.
- On July 23 and 24, 2020, the Commission held an Informal Workshop.
- On July 30, 2020, the Commission issued Procedural Order No 8.
- On August 21, 2020, Staff, BCP, NV Energy, the Conservation Advocates, AARP, ChargePoint, AEE Institute, and the Gaming Group filed comments.
- On August 24, 2020, Tony Simmons filed comments.
- On September 17, 2020, the Commission issued a Notice of Informal Workshop.

- On September 18, 2020, the Commission issued Procedural Order No. 9 and published Concept Paper 3: Available Mechanisms and Pathways for Alternative Ratemaking in Nevada.
- On September 28 and 29, 2020, the Commission held an Informal Workshop regarding Concept Paper 3.
- On October 6, 2020, the Commission issued Procedural Order No. 10.
- On October 28, 2020, Staff, BCP, NV Energy, Conservation Advocates, AARP, ChargePoint, AEE Institute, the Gaming Group, and Vote Solar filed comments.
- On November 4, 2020, the Commission issued a Notice of Informal Workshop.
- On November 19, 2020, the Commission issued Procedural Order No. 11 and published Concept Paper 4: Minimum Requirements, Evaluation Criteria and Metrics for Alternative Ratemaking in Nevada.
- On December 2 and 3, 2020, the Commission held an informal workshop regarding Concept Paper 4.
- On December 10, 2020, the Commission issued Procedural Order No. 12.
- On January 15, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, the Gaming Group, and Vote Solar filed comments.
- On August 19, 2021, the Commission issued Procedural Order No. 13 and a Notice of Workshop.
- On September 13, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, Walmart, the Gaming Group, and Vote Solar each filed comments.
- On September 27, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, and the Gaming Group each filed reply comments.
- On October 13, 2021, the Commission held a workshop regarding the draft regulation and Alternative Ratemaking Straw Proposal attached to Procedural Order No. 13.
- On October 28, 2021, the Commission issued Procedural Order No. 14.
- On November 16, 2021, NV Energy, MGM and Caesars, AEE Institute, NNIEU, ChargePoint, the Gaming Group, BCP, and Staff each filed comments.
- On December 29, 2021, the Commission issued Procedural Order No. 15.

- On January 18, 2022, NV Energy, NNIEU, the Gaming Group, BCP, and Staff each filed comments.
- On February 24, 2022, the draft regulation language was sent to the Legislative Counsel Bureau (“LCB”) for pre-adoption review, pursuant to NRS 233B.063.
- On May 5, 2022, the regulations were returned from LCB in revised form (LCB File No. R023-22). Upon receipt of the regulations from the LCB, the Commission subsequently revised those regulations to provide for more clarity.
- On June 9, 2022, the Presiding Officer filed a letter attaching the proposed regulation returned from LCB in revised form.
- On June 10, 2022, the Commission issued Procedural Order No. 16 directing Staff to conduct an investigation pursuant to NRS 233B.0608(1) regarding whether the proposed regulation, attached as Attachment A, is likely to (a) impose a direct and significant burden upon small businesses; or (b) directly restrict the formation, operation, or expansion of a small business.
- On July 20, 2022, Staff filed a briefing memorandum recommending that the Commission find that the proposed regulation is not likely to impose a direct and significant economic burden on a small business or restrict the formation, operation, or expansion of a small business.
- On August 10, 2022, the Commission issued an Order finding that the proposed regulation in Docket No. 19-06008 is not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) is not required.
- On August 23, 2022, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.
- On October 7, 2022, BCP, NNIEU, NV Energy, and the Gaming Group filed Comments, and Staff filed a letter indicating it was not filing Comments.
- On October 12, 2022, the Presiding Officer held a Workshop, attended by Staff, BCP, NV Energy, the Gaming Group, WRA, Caesars and MGM, and Tony Simmons, wherein the draft regulation language was discussed.
- On October 14, 2022, the Presiding Officer held a Hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, and Tony Simmons, wherein

the draft regulation language was discussed.

- On January 12, 2023, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.
- On February 10, 2023, NV Energy and BCP filed Comments, Staff filed a letter indicating it would not be filing Comments, and the Commission issued Procedural Order No. 17.
- On March 8, 2023, NV Energy filed a Substitution of Counsel.
- On February 2, 2024, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.
- On March 8, 2024, NV Energy, the Gaming Group, and BCP filed Comments, and Staff filed a letter indicating it would not be filing Comments.
- On March 22, 2024, NV Energy, BCP, WRA, and Staff filed Reply Comments.
- On March 26, 2024, the Presiding Officer held a Workshop, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, Advanced Energy United (“AEU”), and Tony Simmons, wherein the draft regulation language was discussed.
- On March 28, 2024, the Presiding Officer held a Hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, AEU, Shell Energy North America (“Shell”), and Tony Simmons, wherein the draft regulation language was discussed.
- On January 2, 2025, the Commission issued an Order, adopting the regulations as temporary regulations.
- On April 1, 2025, SNGG filed a notice of change of counsel's address.
- On June 18, 2025, the regulations were returned from LCB in revised form (LCB File No. R182-24).
- On August 7, 2025, the Commission issued Procedural Order No. 18 directing Staff to: (1) conduct an NRS 233B.0608(1) investigation regarding whether the proposed regulations are likely to impact small businesses, (2) present a report of the results of

Staff's investigation along with a statement identifying the methodology used in determining the impact on small businesses and the reasons supporting the report's conclusions, and (3) place this report on an Agenda for the Commission's consideration not later than September 25, 2025.

- On September 23, 2025, Staff filed a briefing memorandum (“Staff Briefing Memorandum”) outlining its investigation and the results thereof.

#### **IV. SMALL BUSINESS IMPACT REPORT**

##### **Staff's Report**

1. Staff conducted a Delphi Method exercise to determine the impact of these proposed regulations on small businesses. (Staff Briefing Memorandum at 5.) The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. (*Id.*) In this instance, the participants were members of Staff. (*Id.*) Each participant in the exercise used his or her background and expertise to reflect upon and analyze the impact of the proposed regulations on small businesses. (Staff Briefing Memorandum at 6.)

2. Staff states that one (1) Staff Financial Analyst, two (2) Staff Economists, and three (3) Staff Engineers—all of whom were involved in this Docket and are knowledgeable about the proposed regulations—participated in this analysis and each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the regulations on small businesses. (*Id.*)

3. Staff states that it does not anticipate that the proposed regulations will directly restrict the formation, operation, or expansion of small businesses; likewise, Staff does not anticipate that the proposed regulations will have immediate adverse effects on small businesses. (*Id.*)

4. Staff states that the proposed regulations effectuate SB 300 (2019), which allows electric utilities to apply to the Commission for approval of an alternative rate-making plan

pursuant to NRS 704.762(1), and that consequently, the statute—and by extension the proposed regulations—has a narrow scope that applies to “an electric utility,” not a “small business;” and that moreover, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application pursuant to NRS 704.7621(1). (*Id.* at 6-7.)

5. Staff states that the discretionary nature of alternative rate-making applications further limits the impact on small businesses, and that, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers interests; which requirements indicate that the proposed regulations will likely not impact small businesses. (*Id.* at 7.)

6. Staff states that it does not anticipate that the proposed regulations will have any immediate beneficial effects long-term adverse effects or long-term beneficial effects on small businesses, due to similar logic outlined above regarding immediate adverse effects. (*Id.*)

7. Staff further states it does not anticipate that the Commission will incur greater costs to administer the proposed regulations. (*Id.* at 8.)

8. Based on the foregoing, Staff’s report recommends that the Commission find that the proposed regulations in Docket No. 19-06008 are not likely to impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business, and Staff further recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulations on small businesses. (*Id.*)

### **Commission Discussion and Findings**

9. The Commission finds that the proposed regulations do not impose a direct or significant economic burden upon small businesses, nor do they 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.

10. The Commission finds that the provisions of NRS 233B.0608 have been met.

THEREFORE, it is ORDERED:

1. The proposed regulations in Docket No. 19-06008 are not likely to impose a direct and significant economic burden upon small businesses, nor are they likely to directly restrict the formation, operation, or expansion of a small business.

By the Commission,

  
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TRISHA OSBORNE,  
Assistant Commission Secretary  
On behalf of the Commissioners

Certified:       /s/ Stephanie Mullen        
STEPHANIE MULLEN,  
Executive Director

Dated: Carson City, Nevada

      9/30/25      

(SEAL)

