

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

**LCB File No. R088-10**

Effective December 16, 2010

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

AUTHORITY: §§1-8, NRS 703.025, 704.210 and 704.741.

A REGULATION relating to energy; revising provisions governing resource plans required to be filed with the Public Utilities Commission of Nevada by certain electric utilities; requiring that the supply plan filed by a utility include a renewable energy zone transmission plan; requiring that the action plan filed by a utility include a renewable energy zone transmission action plan; prescribing the conditions for the acceptance by the Commission of an action item in a renewable energy zone transmission action plan; and providing other matters properly relating thereto.

**Section 1.** Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2. 1.** *“Financial commitment” means a financial obligation of the developer of a proposed renewable energy project within a renewable energy zone that evidences and supports the developer’s commitment and fitness to complete the construction of the renewable energy project, including, without limitation:*

- (a) An executed contract for the sale of energy from the project;*
- (b) An executed contract for the construction of the project;*
- (c) A land use application and permit submitted to and approved by the United States Bureau of Land Management or other appropriate government agency;*
- (d) The possession of ownership or leasehold rights in land or mineral rights necessary for the construction and operation of the project;*

- (e) A generator interconnection request;*
  - (f) An executed transmission service agreement;*
  - (g) An executed interconnection agreement; and*
  - (h) A related cash deposit or letter of credit that secures:*
    - (1) Contracts for the sale of energy from the project;*
    - (2) Contracts for the construction of the project; or*
    - (3) The construction of any required transmission facilities or transmission service to deliver the project's output to its purchaser.*
- 2. If any portion of the output of the developer's proposed renewable energy project is expected to be sold to a purchaser other than the utility proposing construction of the transmission facilities, the term also means a financial obligation of the developer that evidences and supports the developer's commitment and fitness to pay for the cost of the transmission required to deliver that portion of the project's output to the purchaser other than the utility proposing the construction. The developer's commitment and fitness to pay for the cost of the transmission may be demonstrated by including, without limitation, a commitment from another entity to pay for such costs.*

**Sec. 3.** *“Renewable energy zone transmission action plan” means the part of a utility's action plan that identifies recommended action items for serving one or more of the renewable energy zones designated by the Commission pursuant to section 1 of LCB File No. R146-09, which was adopted by the Commission and filed with the Secretary of State on January 28, 2010, including, without limitation, studies, permitting, acquisition of rights of way and construction or expansion of transmission infrastructure.*

**Sec. 4.** *“Renewable energy zone transmission plan” means the part of a utility’s supply plan that addresses the construction or expansion of transmission facilities to:*

*1. Serve each of the renewable energy zones designated by the Commission pursuant to section 1 of LCB File No. R146-09, which was adopted by the Commission and filed with the Secretary of State on January 28, 2010; and*

*2. Facilitate the utility in meeting the portfolio standard established pursuant to NRS 704.7821.*

**Sec. 5.** *“Renewable energy zones” has the meaning ascribed to it in NRS 704.741.*

**Sec. 6.** *An action item contained in a renewable energy zone transmission action plan may be accepted by the Commission if the Commission determines that, with respect to that action item:*

*1. The action item will serve a renewable energy zone and will prudently facilitate the utility’s satisfaction of the portfolio standard established pursuant to NRS 704.7821 in a manner consistent with NAC 704.8901 to 704.8937, inclusive, while adequately mitigating the risk associated with stranded costs of transmission development and the costs of developing transmission capacity not intended to provide service to Nevada retail ratepayers; and*

*2. The utility has demonstrated that the financial commitments supporting renewable energy development in the affected renewable energy zones are adequate to justify implementation of the action item.*

**Sec. 7.** NAC 704.9385 is hereby amended to read as follows:

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

(a) The assumptions, data and projections used by the utility to calculate the costs and benefits of its options.

(b) The assessment of current and anticipated electric market conditions by the utility for the region in which the utility operates.

(c) The basic economic and financial limitations of the utility.

(d) The assumptions used by the utility for developing the environmental costs and the net economic benefits to the State from each of the options of the utility for future supply.

(e) The criteria used by the utility for determining the reserve margin.

(f) The assumptions used by the utility for renewable resources.

(g) The assumptions used by the utility for independent power producers.

(h) The assumptions used by the utility for the reduction in demand and energy requirements associated with customers exiting service from the utility and customers utilizing distributed generation resources.

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

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

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

(c) The type of facility;

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

(e) The fuel used;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*6. In addition to the transmission plan required by subsection 3, the supply plan of a utility must include, as a discrete but integrated item in the supply plan, a conceptual renewable energy zone transmission plan for the 20 years covered by the forecast in the supply plan. The renewable energy zone transmission plan must include distinct conceptual transmission plans, which may include capacity for export to other states, for serving each of the renewable energy zones designated by the Commission pursuant to section 1 of LCB File*

*No. R146-09, which was adopted by the Commission and filed with the Secretary of State on January 28, 2010. Each of the distinct conceptual transmission plans must include:*

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

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

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

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

**Sec. 8.** NAC 704.9489 is hereby amended to read as follows:

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

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



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

(3) The major milestones of construction; and

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

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

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

(a) Forecasting of loads;

(b) Energy efficiency and conservation;

(c) Plan for supply; and

(d) Financial plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## NOTICE OF ADOPTION OF REGULATION

The Public Utilities Commission adopted regulations assigned LCB File No. R088-10 (Docket No. 09-07011) which pertain to chapter 704 of the Nevada Administrative Code on December 8, 2010. A copy of the regulations as adopted is attached.

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE NO. R088-10 (DOCKET NO. 09-07011)

The following informational statement is submitted for adopted amendments to Nevada Administrative Code Chapter 704.

**1. A description of how public comment was solicited, a summary of public response, and explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, 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 prescribing the form and substance of a standard net metering contract and tariff. These documents were also made available at the website of the Public Utilities Commission (“PUC”), <http://pucweb1.state.nv.us/PUCN/>, mailed to all county libraries in Nevada, published in the following newspapers:

Elko Daily Free Press  
Las Vegas Review Journal  
Nevada Appeal  
Reno Gazette Journal  
Tonopah Times-Bonanza

and posted at the following locations:

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

Public Utilities Commission  
101 Convention Center Drive, Suite 250  
Las Vegas, NV 89109

First Judicial District Court  
885 East Musser Street  
Carson City, Nevada 89701

Second Judicial District Court  
75 Court Street  
Reno, NV 89501

Eighth Judicial District Court  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Participants discussed parties' recommendations relating to amending Chapters 703 and/or 704 of the Nevada Administrative Code to address low carbon intensity scenarios and related matters in accordance with Assembly Bill 387, including the filing of renewable energy zone transmission action plans, renewable energy financial commitments, and other matters related thereto.

Transcripts of the proceedings are available for review at the office of the PUC, 1150 East William Street, Carson City, Nevada 89701 and 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

2. **The number of persons who:**
  - (a) **attended each hearing:** November 30 and December 1, 2010 –Appx. 15 each day
  - (b) **testified at each hearing:** November 30 and December 1, 2010 - 6
  - (c) **submitted to the agency written comments:** 5
3. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation 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 #1.

4. **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 permanent regulations were adopted on December 8, 2010 with four small changes interdelineated in handwriting on the LCB version of the regulation.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects;**
- (b) **Both immediate and long-term effects;**

(a) Both adverse and beneficial effects:

No adverse effects of the proposed regulations on small businesses are anticipated. The streamlining of the application process may save time and money for the utility, the public, and small businesses. No additional costs are anticipated for small businesses.

(b) Both immediate and long-term effects:

See Item #5(a).

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of these regulations.

**7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

These regulations do not overlap or duplicate any federal, state, or local regulations.

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

N/A

**9. 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

**10. If the 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? What methods did the agency use in determining the impact of the regulation on a small business?**

The PUC determined that the proposed regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the PUC adopted the findings of the Regulatory Operations Staff, which conducted a Delphi Method exercise to determine the impacts. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts.