

State of Nevada
Renewable Energy and Energy Efficiency Authority
2010 Annual Report



January 30, 2011

Dr. Hatice Gecol
Nevada Energy Commissioner

<http://www.renewableenergy.state.nv.us>

This report was prepared in compliance with the Nevada Revised Statutes (NRS) 701.380(2)



RENEWABLE ENERGY AND ENERGY EFFICIENCY AUTHORITY

February 1, 2011

Lorne J. Malkiewich
Director of Legislative Counsel Bureau
Legislative Building
401 S. Carson Street
Carson City, NV 89701-4747

Re: REEEA's 2010 Annual Report -NRS 701.380(2)

Dear Director Malkiewich:

Enclosed is the first annual report of our agency. We will appreciate it if you could please share this report with the energy legislators.

If you have any questions, please feel free to call me at (775) 742-9505.

Sincerely,

A handwritten signature in blue ink that reads "Hatice Gecol".

Hatice Gecol
Nevada Energy Commissioner

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January 30, 2011

Dear Governor Sandoval and Nevada Legislators:

As Nevada's first Energy Commissioner, my two staff and I have taken honor and great pleasure in serving Nevada's renewable energy, energy efficiency and energy conservation communities.

In this report you will find a comprehensive record of the Renewable Energy and Energy Efficiency Authority's (REEEA) activities during October 12, 2009 – January 28, 2011 including: the formation of the REEEA, the establishment of Nevada's Renewable Energy and Transmission Project Tax Abatement Program, the establishment of Nevada's first Home Energy Consumption Program, the development of Nevada's first statewide regulations regarding the International Energy Conservation Codes (IECC), and the launching of both the New Energy Industry Task Force (Task Force) and the State and Local Government Panel (Panel).

My staff and I acknowledge the insight and guidance of many sources including the Legislative Counsel Bureau, Office of the Governor, Nevada State Controller's Office, Nevada State Treasurer's Office, Nevada Attorney General's Office, Nevada System of Higher Education, Department of Taxation, Department of Employment, Training and Rehabilitation, State Office of Energy, Commission on Economic Development, Public Utilities Commission of Nevada, State Public Works Board, Department of Personnel, Department of Business and Industry, Department of Wildlife, State Web Enterprise Solutions within the Department of Information Technology, Division of Budget and Administrative Services, local officials, NV Energy, Southwest Gas, rural and municipal electric utilities, our attorneys (Louis Ling and Luke Busby), Hi-Tech Communications, members of the renewable energy and energy efficiency industry, members of the environmental conservation associations and communities, members of labor unions, members of contractor's associations, Nevada Association of Realtors, Nevada Building Performance Professionals, The Builder's Associations, Nevada Association of Counties, Nevada League of Cities and Municipalities, Speaker Barbara Buckley, Speaker John Ocegüera, Assemblywoman Marilyn Kirkpatrick, Assemblyman Marcus Conklin, Majority Leader Senator Stephen Horsford and the many Legislators who both participated in the creation of the Authority and assisted our efforts since our inception.

As Energy Commissioner I believe that with a thoughtful, measured, and expedient approach to the development of Nevada's rich renewable energy resources, as well as strong energy efficiency and energy conservation measures, Nevada can expand its growing renewable energy industry thereby diversifying the economy, generating much needed tax revenue and creating jobs.

REEEA looks forward to continuing this important work with the Legislature, the Governor's Office and other interested stakeholders as we move Nevada to a new level of energy independence and regional and national renewable energy, energy efficiency and energy conservation leadership.

Sincerely,

Hatice Gecol

Dr. Hatice Gecol
Nevada Energy Commissioner

Contents

Contents.....	3
Executive Summary.....	7
Chapter 1: Background	9
Enabling Legislation	9
Authority Establishment	9
Funding	10
Programs and Activities	10
New Energy Industry Task Force – NRS 701.500 – 515.....	10
State and Local Government Panel – NRS 701.450-465.....	11
Chapter 2: Renewable Energy Program.....	12
Objective.....	12
Activities.....	12
1. Renewable Energy Project and Transmission Line Tax Abatements	12
2. Renewable Energy Project Coordination	20
3. Net Metering Incentives	20
4. Renewable Energy Fund (REF) – NRS 701A.385 and NYRS 701A.450.....	20
5. Renewable Energy Program Contracts	20
Analysis Tax Abatement Program.....	21
Effectiveness and Efficiency.....	21
Next Steps	22
Chapter 3: Energy Efficiency and Energy Conservation Program	24
Objective	24
Activities.....	24
1. Home Energy Consumption Program – NRS 701.250 and NRS 113.115	24
Analysis of Home Energy Consumption Program	25
Effectiveness	25
Efficiency	25
2. International Energy Conservation Codes (IECC) for Buildings and Manufactured Homes –NRS 701.220	28
Analysis of IECC Program	29

Effectiveness and Efficiency of the IECC Program	29
3. Energy Efficient Light Bulbs Program – NRS 701.260	30
4. Educational Outreach	30
5. Energy Efficiency Program Contracts.....	31
6. Grants.....	31
Next Steps	31
Chapter 4: Petroleum Allocation and Rationing – NRS 701.220.....	33
Activities.....	33
Chapter 5: New Energy Industry Task Force – NRS 701.500 - 515	34
Activities.....	35
Analysis	36
Effectiveness	37
Efficiency	37
Next Steps	37
Chapter 6: State and Local Government Panel.....	38
Activities.....	38
Analysis	40
Effectiveness	40
Efficiency.....	40
Next Steps	41
Chapter 7: State and Local Government Plans	42
Activities.....	42
Analysis	47
Effectiveness	47
Efficiency	47
Chapter 8: Budget	48
Revenue	48
Expenditures	49
Appendix A – Some Duties of REEEA	50
Appendix B – Renewable Energy Tax Abatement Pre-application and Application Packet	52

MISSION STATEMENT

To facilitate the development of Nevada's renewable energy resources and transmission grid infrastructure, and promote conservation and efficient use of energy while ensuring affordability for businesses and homeowners.

GOAL

Nevada is the Renewable Energy and Energy Efficiency Leader in the West

- **New Energy Economy** (renewable energy and energy efficiency measures)
- **Attracting and retaining** large-scale renewable energy industries for long-term renewable energy economy
- **Affordable** renewable energy for small businesses and homeowners
- **Energy Security and Independence**

Executive Summary

Nevada Revised Statutes (NRS) 701.380(2) require the Renewable Energy and Energy Efficiency Authority (REEEA) to prepare an annual report concerning its activities and programs and submit the report to the Legislative Commission and the Governor on or before January 30 of each year. This document has been prepared in compliance with this statute.

The 2009 Session of the Nevada Legislature created the REEEA through SB 358 (Senator Horsford) for carrying out the directives concerning renewable energy and energy efficiency that are prescribed by the legislature. REEEA's funding mechanism was created by AB 522 of 2009 (Assemblywoman Kirkpatrick). In October 12, 2009, Dr. Hatice Gecol was appointed by the Governor as the first Nevada Energy Commissioner. Since then, Dr. Gecol has:

- 1) set up the Authority from the ground up;
- 2) developed a program and adopted regulations for a Nevada renewable energy and transmission project tax abatement program and the Renewable Energy Fund (REF);
- 3) processed tax abatement pre-applications and applications for utility scale renewable energy and transmission facilities that anticipate to invest over **six billion** dollars in capital investment throughout the state of Nevada, produce **1231 MW** clean energy; and employ approximately **3,785 construction** and **318 operational** employees;
- 4) developed a program and started regulation adoption process for the statewide implementation of International Energy Conservation Code (IECC);
- 5) developed a scope of program to receive \$1.19 million dollar of the ARRA SEP fund from the State Office of Energy;
- 6) partnered with the Nevada System of Higher Education (NSHE) to pursue a competitive grant from the U.S. Department of Energy, Pacific Northwest National Laboratories for the enhancement of state wide 2009 IECC training and implementation program (\$347,504 awarded);
- 7) developed a program and adopted regulations for a home energy consumption program;
- 8) begun the process of developing standards for light bulbs; and
- 9) launched and chaired two legislatively created committees: the New Industry Energy Task Force (**Task Force**) and the State and Local Government Panel (**Panel**).

Tax Abatements – NRS 701A.300 - 390

The REEEA's tax abatement program represents billions of dollars in economic development for the state. The renewable energy and transmission projects which receive the abatements will diversify the economy and provide jobs throughout the state. To ensure continued compliance with the program, the

Nevada Energy Commissioner will track these projects for decades providing the state with important data regarding the value of the state's return on investment in renewable energy and transmission.

International Energy Conservation Code (IECC) for Buildings and Manufactured Homes – NRS 701.220

The statewide adoption of the current IECC as minimum standards is a requirement of NRS 701.220. The adoption and enforcement of 2009 IECC is also one of the provisions for the American Recovery and Reinvestment State Energy Program (ARRA SEP) funds. It will also go a long way to achieving the state's energy efficiency goals. The REEEA is the state's lead entity for the fulfillment of this state and federal obligation.

Home Energy Consumption – NRS 701.250

The true cost of owning a home is more than just its mortgage; it's the month-to-month expenses like utility bills. To help home owners manage their budgets the Legislature tasked the Nevada Energy Commissioner with the job of developing a program that would allow home buyers to understand how much the current owners spent on their energy consumptions. Through this program, the home owners will also be informed about the available incentives, rebates, and loan programs for energy efficiency improvements. Furthermore, starting January 01, 2011, the seller, before closing a transaction for the conveyance of residential property, is required to serve the purchaser with the home energy consumption evaluation form developed by the Nevada Energy Commissioner as prescribed in regulations (NRS 113.115)

Light Bulbs – NRS 701.260

The adoption of light bulb standards, and perhaps more importantly for the safe disposal and recycling of the new generation of light bulbs is an important part of the state's energy efficiency strategy [NRS 701.190(1d)]. The REEEA is designated by the Legislature for the creation and administration of this program.

The New Energy Industry Task Force - NRS 701.500) and the State and Local Government Panel- NRS 701.450

The New Energy Industry Task Force (**Task Force**) and the State and Local Government Panel (**Panel**) are the eyes and ears of the Legislature. The Nevada Energy Commissioner appoints the members and acts as Chairman. The recommendations of these entities to the Legislature are part of this report.

Chapter 1: Background

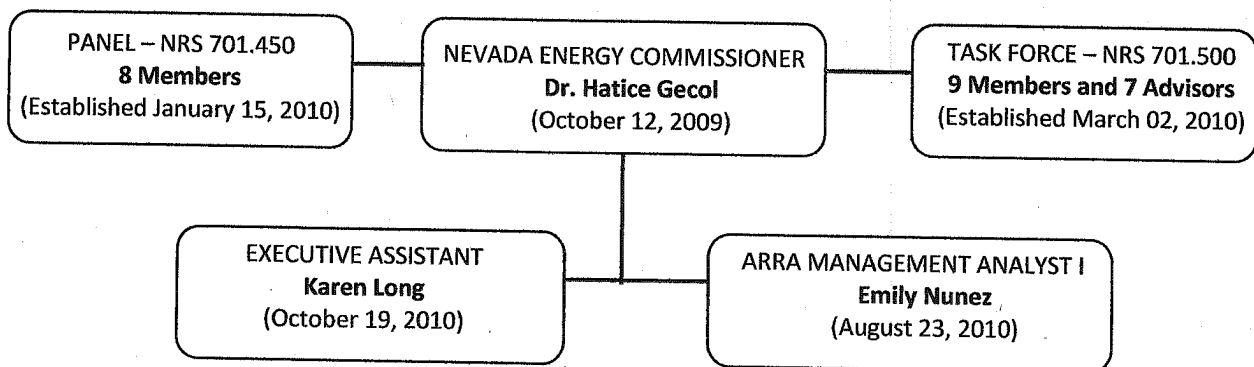
Enabling Legislation

The Nevada Renewable Energy and Energy Efficiency Authority (REEEA) was created by the 2009 Legislature to carry out the legislature's directives regarding renewable energy and energy efficiency¹. SB 358² of 2009 (Senator Horsford) created the REEEA and set its duties. AB 522³ of 2009 (Assemblywoman Kirkpatrick) provided funding for the agency and added additional duties. Governor Jim Gibbons signed SB 358 and AB 522 into law on May 28, 2009 and May 30, 2009, respectively. The REEEA is now part of NRS 701⁴ and 701A⁵. Other energy related statutes include 701B⁶ Renewable Energy Programs, 702⁷ Energy Assistance, 703⁸ Public Utilities Commission of Nevada, 704⁹ Regulation of Public Utilities Generally, 704A¹⁰ Facilities Placed Underground, and 704B¹¹ Providers of New Electric Resources.

Authority Establishment

The REEEA is run by a Commissioner. In October of 2009, Dr. Hatice Gecol was appointed by Governor Gibbons as the first Nevada Energy Commissioner¹². Dr. Gecol spent the intervening months setting up the agency and initiating the programs and activities directed by the legislation.

Below is the current organizational structure of the agency:



¹ The Governor's energy directives are carried out by the Nevada State Office of Energy.

² <http://www.leg.state.nv.us/Session/75th2009/Reports/history.cfm?ID=978>

³ <http://www.leg.state.nv.us/Session/75th2009/Reports/history.cfm?ID=1024>

⁴ <http://www.leg.state.nv.us/NRS/NRS-701.html>

⁵ <http://www.leg.state.nv.us/NRS/NRS-701A.html>

⁶ <http://www.leg.state.nv.us/NRS/NRS-701B.html>

⁷ <http://www.leg.state.nv.us/NRS/NRS-702.html>

⁸ <http://www.leg.state.nv.us/NRS/NRS-703.html>

⁹ <http://www.leg.state.nv.us/NRS/NRS-704.html>

¹⁰ <http://www.leg.state.nv.us/NRS/NRS-704A.html>

¹¹ <http://www.leg.state.nv.us/NRS/NRS-704B.html>

¹² <http://renewableenergy.state.nv.us/News.htm>

Funding

Funding for the REEEA comes from a variety of sources: \$500,000 in start-up funds from the Public Utilities Commission of Nevada (PUCN) Reserve Account and \$1,190,000 from Nevada's ARRA SEP fund. In addition, the REEEA competed and secured \$347,504 federal grant.

Ongoing funding will come from the Renewable Energy Fund (REF) starting July 01, 2011. The REF receives revenue from the REEEA's partial property tax abatement program and the account is entitled to earn interest. Twenty percent (20%) of the property taxes paid by the renewable energy and transmission facilities that receive partial tax abatements from the REEEA is collected on a quarterly basis into REF. Seventy five percent (75%) of the monies in REF will be transferred to the PUCN while the remaining twenty five percent (25%) will support REEEA.

Furthermore, pursuant to NRS 701.330(2), the REEEA may request assistance from the PUCN regarding the use of any resources of the PUCN.

The REEEA is also tasked to administer the Trust Fund for Renewable Energy and Energy Conservation (Trust Fund) which was originally set up in 2001 to support the Legislature's Nevada Renewable Energy and Energy Conservation Task Force that was a volunteer group comprised of experts from industry and government appointed by the Legislators and the Governor. The REEEA is the successor to the Renewable Energy and Energy Conservation Task Force.

Programs and Activities

The REEEA is responsible for three programs and their related five regulatory activities. These programs are: 1) Renewable Energy; 2) Energy Efficiency and Energy Conservation; and 3) Petroleum Allocation and Rationing.

REEEA also provides staff and operational supports for the two legislatively created policy committees: the Task Force and the Panel.

In addition, Section 19.4 of SB 358 (2009) requires each local government to submit their plans for energy efficiency retrofits of public buildings, facilities and structures and American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant (ARRA EECBG) funding usage within 60 days of the effective date of the bill (May 28, 2009). These plans aim to constitute a statewide database of public energy retrofit projects.

For a detailed description of the REEEA's duties see Appendix A.

New Energy Industry Task Force – NRS 701.500 – 515

The Nevada Energy Commissioner appoints the members of the Task Force and also chairs the committee. The Task Force's mission is to promote the development of renewable energy and energy efficiency projects in Nevada. To achieve their goals the group can apply for grants and accept gifts or donations. The Task Force is also an **expert group** on the renewable energy and energy efficiency project development issues to the state and local government entities and elected officials. The recommendations of the Task Force to the 2011 76th session Legislature are reported in Chapter 5.

The Task Force is comprised of nine (9) voting members and seven (7) non-voting advisory members appointed from the following entities (NRS 701.500 and 505):

- Nevada Energy Commissioner (Chair)
- Large-scale Solar Energy Industry
- Geothermal Energy Industry
- Wind Energy Industry
- Distributed Generation Industry, Energy Efficiency Equipment and Installation Industry, or Renewable Energy Power Plant Equipment Manufacturer
- Nevada Electric Utility
- Environmental or Public Land Organization
- Nevada Labor Organization
- Nevada Contractors Organization

State and Local Government Panel – NRS 701.450-465

The Nevada Energy Commissioner appoints the members of the Panel and also chairs the committee. The Panel's mission is to monitor the viability and progress of energy efficiency and renewable energy retrofit projects at public buildings and schools. To achieve their goals the group can apply for grants and accept gifts or donations. The Panel is also an **expert group** on these issues to the State and Local Government Entities and Elected Officials. Chapter 6 lists the policy recommendation discussed by the Panel.

The Panel is comprised of eight (8) voting members. Members are appointed from the following entities (NRS 701.450 and 455):

- Nevada Energy Commissioner (Chair)
- State Public Works Board
- Housing Division
- Building and Grounds
- Department of Wildlife
- Nevada Association of Counties
- Nevada League of Cities
- Nevada Association of School Boards

Chapter 2: Renewable Energy Program

The REEEA's Renewable Energy program has several components. It includes rule making and administration of Nevada's utility scale renewable energy and transmission project tax abatements, developing an incentive program for net metering systems, coordinating renewable energy project developments between developers, the Bureau of Land Management (BLM) and other federal agencies, administering grants and contracts related to renewable energy projects, and rule making and administering the REF.

Objective

The REEEA's renewable energy program has four objectives: 1) regulatory adoption and administration of the tax abatement program; 2) fund administration; 3) the promotion of renewable energy and transmission projects; and 4) applying for grants and administering contracts.

Activities

The following paragraphs describe the REEEA's Renewable Energy program activities.

1. Renewable Energy Project and Transmission Line Tax Abatements (Effective between July 01, 2009 and June 30, 2049) – NRS 701A.300 – 390 (AB 522 of 2009)

The REEEA's tax abatement program represents billions of dollars in economic development for the state. The utility scale renewable energy facilities and transmission projects which receive partial sales and use tax abatement for 3 years for tangible property purchases and/or partial personal and property tax abatement at the level of 55% of the property taxes for 20 years will produce clean energy for Nevada and neighboring states, diversify the economy and provide jobs throughout the state. To ensure transparency, fairness, and protection of the tax payer and the revenues of the schools, state and local governments; the law requires the Nevada Energy Commissioner to conduct a public hearing and evaluate the merit of the applications for the **16 qualification criteria** for geothermal facilities or **15 qualification criteria** for other renewable energy facilities and transmission facilities. Tax abatements Criteria include requirement for the number of full time construction employees and percent of Nevada construction employees, wages for construction and operational employees, health insurance for the construction employees and their dependents, and capital investment. To ensure continued compliance with the program, the facility owner who receives the tax abatements is required to submit annual report and the Nevada Energy Commissioner is also required to track these projects and conduct audits (desk audit and/or field audit) for decades providing the state with important data regarding the value of the state's return on investment in renewable energy and transmission facilities.

Commissioner Gecol's first priority was to create a Renewable Energy Tax Abatement program. The program was designed via a stakeholder process and the first generation of the pre-application form and application packet were developed in collaboration with the Commission on Economic Development, Department of Taxation, Department of Employment, Training and Rehabilitation, Nevada Division of Insurance, State Division of Budget, State Office of Energy, Office of the Governor, Nevada Attorney

General's Office, and Legislative Counsel Bureau. This allowed the REEEA to accept the tax abatement applications while the program's rules were set up via a regulatory process.

Three workshops were held regarding the regulations on November 20, 2009, June 21, 2010, and July 13, 2010 in Carson City that were also linked via videoconference to Las Vegas. The workshop held on November 20, 2009 was also linked via video conference to Elko, Nevada. In total, over nine hours of comments and discussion were held. Furthermore, written comments and reply comments were collected during and after each workshop. On August 2, 2010, the Nevada Energy Commissioner conducted a hearing regarding the final language of the proposed regulation for about two hours. Regulatory process also included the rules for the Renewable Energy Fund. All parties desiring to provide testimony were allowed to fully state their views and concerns regarding the proposed regulation. Total of 96 people from the state agencies, local governments, industry, utilities, and law firms attended the workshops and hearing. 32 people testified and 28 people submitted written testimonies. The volume of comments was substantial and can be summarized as consisting of substantive matters related to the effect of the regulations, attempts to minimize the unintended or negative consequences of the regulation, and crafting language that, in almost all cases, was accepted by consensus of the stakeholders and participants at the workshops and the hearing. Comments, reply comments and revised regulations were made available at the website of REEEA, <http://renewableenergy.state.nv.us/LawsRegs.htm>. Legislative Commission at their August 13, 2010 meeting approved the regulation adopted by the Nevada Energy Commissioner. A copy of the final regulations, LCB File No. R094-10 can be found on the Legislature's web site¹³.

The second generation of the pre-application form and application packet were created to reflect the adopted regulation (see Appendix B). In addition to developing program regulations and applications, the Nevada Energy Commissioner also created a standardized legal order, certificate of eligibility form, and an agreement contract signed between the REEEA and the project developers setting out the terms and agreements surrounding the receipt of the abatements. The contract also stipulates the terms under which the Nevada Energy Commissioner may suspend and ask for corrections, terminate or require the abatements be repaid.

The program is now up and running; applications are being taken, public hearings are being conducted, and agreements are being signed. Agencies involved in the process include the REEEA, the Nevada State Office of Energy (start of application packet filing), the Nevada Department of Taxation (determination of fiscal impact note for the local government), and the State Budget Division (determination of fiscal impact note for the state general fund). Also, the Commission on Economic Development and Local Government Entities (County Commissioners, Assessors, and Treasurers) receive the copy of the filed application, legal order, and the signed contract. For a detailed explanation of the application process visit the Renewable Energy Tax Abatement page¹⁴ on the REEEA's web site and also see adopted regulation (LCB File No. R094-10) and Appendix B. The public hearing notices, hearing materials, legal

¹³ <http://www.leg.state.nv.us/Register/2010Register/R094-10A.pdf>

¹⁴ <http://renewableenergy.state.nv.us/TaxAbatement.htm>

orders, contracts between project developers and the REEEA can also be found on the REEEA's web site.¹⁵

To date, REEEA received filing request from 21 projects, of which **15 projects** totaling over **\$6 billion** in capital investments have either received abatements or are in process (see Table 1). These projects represent about **1231 MWs** of name plate capacity for electricity production and two (2) 302.5 miles of transmission lines (up to 2420 MW of transmission capacity). They anticipated employing approximately **3785 full time and part time** people during the construction phases and approximately **318** people during their operational phases. The projects are located in the following counties: Pershing, Clark, White Pine, Lander, Lincoln, Nye, Storey, Elko, Lyon and Churchill.

¹⁵ http://renewableenergy.state.nv.us/TaxAbatement_projects.htm

Table 1. Nevada Renewable Energy Tax Abatements Project Application Status

#	AFN	Company	Project	County	Transmission (miles)	Name Plate Capacity (MW)	Anticipated Capital Investment (\$)	Anticipated Number of Construction employees	Anticipated Number of Full time Construction employees during 2nd Q	Anticipated Number of Operational Employees	PPA	Projected Construction start date	Projected Construction completion date	Public Hearing	Abatement Approval Date
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ABATED

1	10-04001G	Ormat/Jersey Valley	Geothermal	Pershing		15	88,560,000	60	60	8	Yes	4/8/2010	12/31/2010	8/6/2010	8/6/2010
2	10-04003SPV	Fotowatio	Solar-PV	Clark		25	88,319,200	61	75	2	Yes	(Q1) 2011	Q3 (2011)	8/10/2010	8/10/2010
3	10-06004W	Spring Valley Wind	Wind	White Pine		150	241,280,500	225	50	11	Yes	3/1/2011	12/1/2011	10/20/2010	11/10/2010

FULL APPLICATIONS UNDER PROCESSING

4	10-09005SPV	Silver State Solar Power North, LLC	Solar-PV	Clark		50	123,226,136	75	75	2	Yes	06/01/11	12/30/11	2/14/2010	
5	10-10006G	Ormat - McGinness Hills	Geothermal	Lander		43	164,000,000	138	50	12	Yes	3/1/2011	(Q1) 2012		
6	10-10007B	CC Landfill	Biomass	Clark		11	33,376,176		27	2	Yes	12/27/2010	10/18/2011		

PRE-APPLICATIONS APPROVED

7		Amargosa Valley Solar	Solar-T + Storage	Nye		464	3,000,000,000	800-900	200	200	MOU	(Q1) 2012	(Q1) 2016		
8		Indeck Tonopah Solar, LLC	Solar PV	Nye		16	65,000,000				No	October 2011	July 2012		
9		Boulder City Solar, LLC	Solar-PV	Clark		92	247,400,000	300	75	2	NO	(Q4) 2011	(Q3) 2012		
10		Great Basin Wind, LLC	Wind	Storey		120	250,000,000	76		7	No	Q4, 2011	Q4, 2012		
11		NV Energy	Transmission (ON-LINE) (500 kV, upto 2,000 MW)	White Pine, Nye, Lincoln	235		509,600,000	450	300		N/A	Q1, 2011	11/16/2012		
12	11-01008G	Ormat/Tuscarora	Geothermal	Elko		22	72,100,000	16-280		7	Yes	Q2, 2011	Q2, 2012		
13		Valley Electric Association, Inc	Transmission (230kV, 420 MW capacity)	Nye and Clark	67.5		38,522,914	59-62			N/A	November 2010	Between November 2011 and June 2012		
14		Tonopah Solar Energy, LLC	Solar-T	Nye		122	925,000,000	37 - 438	100	45	Yes	3Q, 2011	4Q, 2013 - 2Q, 2014		
15		Accolona Solar Power, Inc	Solar-T	Clark		101	338,000,000	40-700	200	20	No	December 2011	January 2014		

TOTALS

					302.5	1230.6	6,184,384,926	3785		318					
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PRE-APPLICATIONS RECEIVED AND UNDER REVIEW

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PRE-APPLICATION FORM REQUESTED BY THE APPLICANTS

16		Searchlight Solar, LLC	Solar-PV	Clark		20					Yes				
17		Retco, Inc	Transmission (500 KV)	Nye & Clark							N/A				
18		Gradient Resource	Geothermal	Lyon & Churchill		60					Yes				
19		Iberdrola Renewable	Wind	Elko		101									
20		Enel Stillwater Solar, LLC	Solar-PV	Churchill		22					Yes				
21		Mountain View Solar Center, LLC	Solar-PV	Clark		20					No				

Tax Abatement status of the project can be monitored on the Tax Abatement Project page of the REEEA's web site¹⁶.

Table 2 shows the identified Nevada renewable energy and transmission projects currently in either in service or under construction or under development. This table is not, nor is it intended to be a complete list of projects. Also, not all projects under development may be completed.

¹⁶ http://renewableenergy.state.nv.us/TaxAbatement_projects.htm

Table 2. Nevada Renewable Energy and Transmission Projects as of November 29, 2010

GEOHERMAL										
#	Project Name	County	MW	Developer	Energy Type	Land Type	Online Date	Offtake	Status	Tax Abatement
1	Beowawe	Land/Eureka	17	Terra-Gen Power	Geothermal	BLM	Now	NVE	In Service	
2	Faulkner 1	Humboldt	49	Nevada Geothermal Power	Geothermal	BLM	Now	NVE	In Service	
3	Brady Hot Springs	Churchill	22	Ormat Technologies	Geothermal	BLM	Now	NVE	In Service	
4	Desert Peak 1 & 2	Churchill	19	Ormat Technologies	Geothermal	BLM	Now	NVE	In Service	
5	Dixie Valley	Church/Persh	67	Terra-Gen Power	Geothermal	BLM	Now	SCE	In Service	
6	Galena 2 & 3	Washoe	39	Ormat Technologies	Geothermal	BLM	Now	NVE	In Service	
7	Salt Wells	Churchill	23	Enel North America	Geothermal	BLM	Now	NVE	In Service	
8	San Emidio (Empire)	Washoe	4	U.S. Geothermal	Geothermal	Private/BLM	Now	NVE	In Service	
9	Soda Lake Complex	Churchill	23	Magma Energy Corp.	Geothermal	BLM	Now	NVE	In Service	
10	Steamboat Hills	Washoe	13	Ormat Technologies	Geothermal	BLM	Now	NVE	In Service	
11	Steamboat 1/2/3	Washoe	29	Ormat Technologies	Geothermal	BLM	Now	NVE	In Service	
12	Stillwater 2	Churchill	47	Enel North America	Geothermal	BLM	Now	NVE	In Service	
13	Homestretch 1/2/3	Lyon	2	Homestretch Geothermal	Geothermal		Now	NVE	In Service	
14	Richard Burdette	Washoe	26	Ormat Technologies	Geothermal		Now	NVE	In Service	
15	Jersey Valley	Persh/Lander	25	Ormat Technologies	Geothermal	BLM	2011	NVE	Under Construction	Abated
16	Buffalo Valley	Lander	30	Ormat Technologies	Geothermal	BLM	TBD	NVE	PPA, Final Permits	
17	Carson Lake Geothermal	Churchill	20	Ormat/NV Energy	Geothermal	BLM	TBD	NVE	PPA, Final Permits	
18	Carson Lake Basin	Churchill	62	Vulcan Power	Geothermal	BLM	TBD	NVE	PPA, In Development	
19	Devil's Canyon	Nye	10	Raser Technologies	Geothermal	Private/BLM	TBD		PPA, Final Permits	
20	McGinness Hills	Persh/Lander	51	Ormat Technologies	Geothermal	BLM	2014	NVE	PPA, Final Permits	Full Application
21	Salt Wells	Churchill	120	Vulcan Power	Geothermal	BLM	TBD	NVE	PPA, Final Permits	
22	Trail Canyon	Nye	10	Raser Technologies	Geothermal	BLM	TBD		PPA, Final Permits	
23	Hot Sulphur Springs	Elko	25	Ormat Technologies	Geothermal		2013	NVE	PPA, Final Permits	Pre App.
24	Clayton Valley	Eureka	53.5	Ram Power	Geothermal	Private	2014	NVE	Exploration	
25	Barren Hills	Lyon	46	Barren Hills Geo Power	Geothermal	BLM	2014/2015	TBD	Exploration	
26	Coyote Canyon	Churchill	62	Terra-Gen Power	Geothermal	BLM	TBD	TBD	Exploration	
27	Dead Horse	Mineral	30	Ormat Technologies	Geothermal	BLM	TBD	TBD	Exploration	
28	Desert Queen	Churchill	36	Magma Energy Corp.	Geothermal		TBD	TBD	Exploration	
29	Dixie Meadows	Churchill	62	Terra-Gen Power	Geothermal	BLM	TBD	TBD	Exploration	
30	Dixie Meadows (Comstock)	Churchill	TBD	Ormat Technologies	Geothermal	BLM	TBD	TBD	Exploration	
31	Gabbs Valley	Mineral	30	Ormat Technologies	Geothermal	BLM	TBD	TBD	Exploration	
32	Humboldt House	Pershing	TBD	Presco Energy	Geothermal		TBD	TBD	Exploration	
33	New York Canyon	Pershing	62	Terra-Gen Power	Geothermal	BLM	TBD	TBD	Exploration	
34	Panther Canyon	Pershing	34	Magma Energy Corp.	Geothermal	Private	TBD	TBD	Exploration	
35	Patua	Church/Lyon	250	Vulcan Power Company	Geothermal	BLM	TBD	TBD	Exploration	Pre Request
36	Pearl Hot Springs	Esmerelda	30	Ram Power	Geothermal		TBD	TBD	Exploration	
37	Smith Creek	Lander	TBD	Ormat Technologies	Geothermal	Private/BLM	TBD	TBD	Exploration	
38	Alum	Esmerelda	33	Sierra Geothermal Power	Geothermal	BLM	2013/2014	TBD	Exploration	
39	Grass Valley	Lander	TBD	Ormat Technologies	Geothermal	BLM	TBD	TBD	Exploration	
40	Rock Hill	Esmerelda	TBD	Ormat Technologies	Geothermal	BLM	TBD	TBD	Exploration	
41	Silver Peak	Esmerelda	15	Sierra Geothermal Power	Geothermal	BLM	2012	TBD	Exploration	
42	Reese River	Lander	26	Sierra Geothermal Power	Geothermal	BLM	2012	NVE	Exploration	

SOLAR										
#	Project Name	County	MW	Developer	Energy Type	Land Type	Online Date	Offtake	Status	Tax Abatement
1	LV Valley Water Dist.	Clark	3	PowerLight Corporation	Solar PV		Now	NVE	In Service	
2	Nellis Air Force Base	Clark	12	Fotowatio Nevada Solar	Solar PV		Now	NVE	In Service	
3	Nevada Solar One	Clark	64	Acciona Power Company	Solar Thermal		Now	NVE	In Service	
4	Super Solar Phase 1	Carson/Clark	3.4	Sierra Nevada Corp	Solar PV	Private	Now	NVARNG	In Service	
5	Copper Mountain	Clark	48	Sempra Generation	Solar PV		Now	PG&E	In Service	
6	Searchlight 1	Clark	17.5	American Capital Energy	Solar PV		2010	NVE	Signed PPA	Pre Request
7	RV Apex Solar	Clark	20	Fotowatio Nevada Solar	Solar PV	Private	2011	NVE	Signed PPA	Abated
8	Silver State Solar	Clark	50	First Solar	Solar PV	BLM	2012	NVE	BLM FastTrack, PPA signed	Full Application
9	Toquop Energy Project	Clark	100	Sithe Global	Solar		2012		Amended App. to BLM	
10	Aurora Solar Tonopah	Nye	20-30	Iberdola	Solar PV	Private	2012		Negotiating Lease w/ Nye	
11	Indeck Tonopah Solar	Nye	16	Indeck Tonopah Solar	Solar PV	Private/BLM	2012	NVE	Construction 10/2011	Pre App.
12	Crescent Dunes	Nye	110	SolarReserve	Solar Thermal	BLM	2013	NVE	BLM Fast Track, PPA signed	Pre App.
13	Eldorado Valley Solar	Clark	457	SolBio Energy	Solar		2013	CA	Lease Executed	
14	Coyote Springs 1 & 2	Clark	400	BrightSource	Solar Thermal	Private	2014	TBD	Permitting Complete, No PPA	
15	Armagosa Farm Road	Nye	464	Solar Millennium	Solar Trough	BLM	2014		BLM Fast Track, EIS Done	Pre App.
16	Boulder City Solar	Clark	150	First Solar	Solar			NVE	Filed PUC UEPA	Pre App.
17	Dry Lake Valley	Clark	120	NV Energy	Solar	Private/BLM		NVE	Filed PUC UEPA	
18	Nevada Solar two	Clark	101	Acciona Power Company	Solar T					Pre App.
19		Churchill	22	Enel	Solar PV					Pre Request
20		Clark	20	Mountain View	Solar PV					Pre Request

WIND

#	Project Name	County	MW	Developer	Energy Type	Land Type	Online Date	Offtake	Status	Tax Abatement
1	Spring Valley Wind	White Pine	150	Pattern Energy Group	Wind	BLM	2011		BLM Fast Track, Draft EA	Abated
2	China Mountain Wind	Elko	200	RES Americas/NV Energy	Wind	Private/BLM	2013	NVE	EIS & ROD 2011	
3	Searchlight Wind	Clark	300	Duke Energy	Wind	BLM	TBD		BLM Fast Track, EIS	
4	New Comstock Wind	Storey	192	Great Basin Wind	Wind	BLM	TBD		Developing EIS	Pre App.
5	Virginia Peak	Washoe	150	Nevada Wind	Wind	Private	TBD		Special Use Permit, Washoe	
6				Iberdrola	Wind					Pre Request

TRANSMISSION

#	Project Name	County	MW	Developer	Energy Type	Land Type	Online Date	Offtake	Status	Tax Abatement
1	VEA Line	Nye/Clark	230kv	Valley Electric Assn	Transmission	Private/BLM	2012		Start Soon	Pre App.
2	ON Line	Various	500kv	NV Energy/LS Power	Transmission	BLM	2013	NVE	BLM Fast Track, EIS	Pre App
3	Solar Express	Argomosa	500kv	RETCO	Transmission	Private/BLM	2014	Calif.	BLM Fast Track	Pre Request

OTHER

#	Project Name	County	MW	Developer	Energy Type	Land Type	Online Date	Offtake	Status	Tax Abatement
	Sierra Pacific Industries	Loyalton, CA	10	Sierra Pacific Industries	Biomass		Now	NVE	In Service	
1	Truckee Carson Irrigation	Lyon	0.4	Truckee Carson Irrigation District	Hydro Electric		Now	NVE	In Service	
2	Stampede	Washoe	4	WAPA - Dept. of Reclamation	Hydro Electric		Now	NVE	In Service	
3	Frank Hooper	Elko	0.7	Hooper Hydro Electric	Hydro Electric		Now	NVE	In Service	
4	TM Water Reclamation	Washoe	0.8	City of Sparks	Methane		Now	NVE	In Service	
5	CC Landfill Energy	Clark	11	Energetic	Biomass	Private	2011	NVE	Signed PPA, In Devel	Full Application
6	Lockwood Landfill	Washoe	3	Waste Management	Landfill Gas		2011	NVE	Signed PPA	

Table 3 summarizes the number and MWs of Nevada renewable energy and transmission projects that are in service or under development.

Table 3. Number and MWs of Nevada Renewable and Transmission Projects

ENERGY	Number in Service	MW in Service	Number Under Development	MW Under Development
Geothermal	14	380	28	1,122.5
Solar	5	130.4	15	2,077.5
Wind	0	0	6	1093
Other	4	5.9	2	14
TOTAL	23	516.3	51	4,307.00

2. Renewable Energy Project Coordination

To develop the tax abatement program, and to process renewable energy and transmission project tax abatements, the REEEA coordinates with a wide spectrum of stakeholders. These stakeholders include state and local government agencies ranging from the Department of Taxation, State Budget Division, and the Nevada State Office of Energy to the Nevada Commission on Economic Development and the local cities and counties in which the projects reside. Since the abatement process also involves public hearings, the REEEA must interface and coordinate with other entities as far ranging as the general public, the Bureau of Land Management and other federal agencies, project developers and other members of industry and labor. The REEEA takes its public servant duties **very seriously** and extends all efforts to ensure every possible stakeholder is included in all aspects of the REEEA's renewable energy and transmission regulatory process and subsequent project development.

3. Net Metering Incentives – NRS 701.240

This program was transferred from the Nevada State Office of Energy to the REEEA. Since no funds were transferred with the program, the Commissioner is unable to provide incentives for the installation of net metered projects.

4. Renewable Energy Fund (REF) – NRS 701A.385 and NRS 701A.450

The rule making for the renewable energy and transmission tax abatements also included the rule making related to the establishment of REF. The policies and procedures for the use and administration of REF are addressed by Section 34 of LCB File No. R094-10. The REF will be launched as of July 01, 2011 pursuant to NRS 701A.385(1a) and be in effect until July 30, 2049. As the projects that receive tax abatements are completed, about 20 percent of the personal and real property taxes generated by these facilities will accumulate in the REF. About 75% of the fund will be transferred to the PUCN to offset the cost of electricity to retail customers of a public utility that is subject to the renewable energy portfolio standard established by NRS 704.7821. The rest of the REF (25%) will be used by REEEA as rules established by Section 34 of LCB File No. R094-10.

5. Renewable Energy Program Contracts

As a regulatory agency, the REEEA can retain outside legal counsel and—unlike the Nevada State Office of Energy—may not use the services of the Attorney General's Office. Pursuant to NRS 701.340(3b), the Commissioner can, within the limits of legislative appropriations or authorizations, employ, or retain on a contract basis, legal counsel who is counsel and attorney for the Commissioner and the Authority in all actions, proceedings and hearings; and generally aid the authority in the performance of its duties. Initially, the Commissioner did not have a budget to either employ or contract a legal counsel. However, the Commissioner had an opportunity to utilize the salary savings occurred during the fiscal year of 2010 (late start of the Energy Commissioner and her executive assistant) and transferred her travel budget into the contract account and entered into contract with a legal counsel from the law firm of Louis Ling (see the Chapter 8 of Budget section of this report for contract details). Louis Ling, a license Nevada lawyer, is retained between April 05, 2010 and June 30, 2011 as counsel to the Commissioner on the law as it relates to Commissioner's public office and duties.

To date, the REEEA did not have a chance to pursue any renewable energy or transmission related grants. The Commissioner anticipates pursuing these types of grants later in 2011.

Analysis Tax Abatement Program

An analysis of the effectiveness and efficiency of the tax abatement program can be derived from a look at the speed at which the program was created, regulation was adopted and the number of projects that have applied for the abatements.

Effectiveness and Efficiency

Immediately upon her appointment on October 12, 2009 to this new agency, Dr. Gecol called a meeting with the Nevada Commission on Economic Development, the Nevada State Office of Energy, State Division of Budget and the Department of Taxation to outline program timelines and parameters and to begin the transfer of a previous abatement program from the Commission on Economic Development.

Her second immediate action was to contact the US Department of Energy's Database of State Incentives for Renewables and Efficiency (DSIRE)¹⁸ to announce the development of the program. She also made calls to NV Energy and to all the renewable energy projects currently under development in the state to alert them. Other outreach efforts included speaking engagements at all the state's renewable energy associations and organizations.

Following these efforts, the first regulation workshop was noticed on November 06, 2009 and held on November 20, 2009. The program and office set up, outreach and rule making activities were planned and acted within thirty (30) days of the Energy Commissioner's appointment. From the start, pre-application forms and application packet were developed and the pre-applications were accepted and processed as of February 2010 and full applications were accepted and processed as of March 2010. To date, **15 pre-applications** were filed and approved, of which **6 applicants** moved forward with their full application packet filing. The process including fiscal impact notes and public hearings were completed for three projects (Ormat Jersey Valley Geothermal Project in Pershing County, Fotowatio Solar PV project in Clark County, and Spring Valley Wind project in White Pine County). These three projects were granted with the partial sales and use tax abatement and the partial property tax abatements and have signed their contract with the State. Three more projects were in the public hearing process. Furthermore, **9 projects** received pre-application approval and **6 more projects** requested pre-application form from the Commissioner. These projects are listed in Table 1.

The tax abatement program is functioning according to the policies and procedures set up in the regulation. This program's effectiveness and efficiency is dependent on the timely and effective communications between four state agencies: Nevada State Office of Energy, Department of Taxation, Budget Division, and REEEA. Within the available staff and resources, these four agencies have coordinated the process effectively and identified the inefficiencies early on and solved the problems in a timely manner.

However, going forward, the agency will need at least two staff members: an economist and an auditor. The economist will receive and process the pre-applications and application packets, determine the financial benefits of the projects to Nevada, and also coordinate the efforts between state agencies

¹⁸ <http://www.dsireusa.org/> DSIRE is the country's most comprehensive source of information on state, local, utility and federal renewable energy and energy efficiency incentives and policies.

(Energy Office, Budget, Taxation and Commission on Economic Development) and local governments (where the projects will be built). The auditor will receive and evaluate tax abatement annual reports that will be filed by the facility. This agency also has a contracted legal counsel until June 30, 2011 and will need a legal counsel beyond this date to handle legal matters related to applications, abatement public hearings, contract that will be executed between the Nevada Energy Commissioner and the facility owner, tax abatement annual reports, audits and disputes. All of these positions and their associated operational costs is expected to be funded with the renewable energy fund which was created pursuant to NRS 701A.385(1a) and NRS 701A.450.

Next Steps

Based on the lessons learned during last 15 months, the Nevada Energy Commissioner plans to take the following next steps:

- 1) One of the key challenges is the conflict of interest and ethical dilemma that the Nevada Energy Commissioner faces as a decision maker for the tax abatement process. Being tasked with the responsibility of the advocacy, policy, and economic development for the renewable energy development and the regulatory compliance, Nevada Energy Commissioner has often pressured by the expectation of stakeholders that the Commissioner would waive some of the requirements based in the intent or letter of the law, as proposed by the legislature and commit the approval of their tax abatements prior to submission of their applications and public hearing process. Some of the requirements could be waived but this would be extremely detrimental to the Counties, the State Budget, Nevada employees who by statute are required to receive fair wages and insurance and could also hurt the creation of jobs since the statute requires a minimum number of job creations in order to get the abatement. Hence, the issue of conflict of interest could work to the detriment of our citizens, employees and fairness of the regulatory process. It has a potential to hinder the commissioner from ensuring that the laws and regulations that were put in place, to balance the need for economic development, with the need of protecting our citizens from subsidizing projects that are not deserving of these substantial tax breaks. It was not easy for the Commissioner to give into the temptation of being an advocate versus being a neutral party that applies the statutes and regulations as intended by the legislators. Hence, **the Nevada Energy Commissioner will work with the Legislators and the Office of the Governor to create a system that does not create this potential conflict of interest and allows the commissioner to perform the regulatory duties in a neutral environment.**
- 2) Most of the projects that are applying for the tax abatements are owned by subsidiary companies which have no assets other than the project. If such a company fails to comply with the tax abatement criteria during the abatement period and unable to correct the situation, the law and the regulation require the Commissioner to terminate the tax abatement and place an order for the collection of the tax abatements with the allowable interest. At that time, the company might not be able to repay because the company might not have generated enough revenue. Hence, the commissioner may explore obtaining an authority through either legislative process or regulatory process for a requirement that the facility owner provide evidence of financial ability to repay the tax abatements.

- 3) On July 1, 2011 the Energy Commissioner will start to utilize the fund accumulated in the REF.
- 4) Once REF funds become available, staff will be hired to administer the ongoing aspects of the Renewable Energy program. In addition, various technologies will be purchased to administer the tax abatement program. These technologies include automated forms submission and distribution between agencies and secure server access. These technologies are currently in use at the Public Utilities Commission of Nevada and are used to provide a secure environment for the development, distribution, and storage of proprietary data.
- 5) As staff becomes available, the REEEA will begin a more comprehensive, proactive tax abatement outreach program. Sample activities include presentations to renewable energy developers who respond to NV Energy's next Request for Proposal (RFP) regarding the use of tax abatements to lower the cost of electricity to NV Energy and by extension to Nevada rate payers.
- 6) The Energy Commissioner will ask the Interim Finance Committee (IFC) for permission to utilize REF funds to develop net metering incentives.
- 7) The Nevada State Office of Energy's renewable energy project revolving loan program which was set up pursuant to AB 522 of 2009 is based on ARRA funds. As such the initial capital investment available for the program will not be able to be enhanced again. The REF is an ongoing, sustainable source of capital. The REEEA will create a revolving loan and grant program for renewable energy and transmission projects that over time will become a much larger source of investment and economic development for the revolving loan program.

Chapter 3: Energy Efficiency and Energy Conservation Program

The REEEA's Energy Efficiency and Energy Conservation program includes rule making and administration of three regulatory programs related to the adoption of International Energy Conservation codes, the evaluation of home energy consumption at the point of sale, and developing standards for energy efficient light bulbs. The program also includes grants and contract administration for energy efficiency projects and the development of educational outreach programs for energy efficiency and energy conservation.

Objective

The REEEA's Energy Efficiency and Energy Conservation program has three objectives: 1) setting up regulatory compliance programs for the home energy consumption, IECC and light bulb efficiency and 2) applying for grants and administering contracts.

Activities

The following paragraphs describe the REEEA's Energy Efficiency and Energy Conservation program activities within last 15 months of its set up.

1. Home Energy Consumption Program – NRS 701.250 and NRS 113.115

The true cost of owning a home is more than just its mortgage; it's the month-to-month expenses like utility bills. To help home owners manage their budgets the Legislature tasked the Nevada Energy Commissioner with the job of developing a program that would allow home buyers to understand how much the current owners spent on their energy consumptions. Through this program, the home owners will also be informed about the available incentives, rebates, and loan programs for energy efficiency improvements. Furthermore, starting January 01, 2011, the seller, before closing a transaction for the conveyance of residential property, is required to serve the purchaser with the home energy consumption evaluation form developed by the Nevada Energy Commissioner as prescribed in adopted regulations (NRS 701.250 and NRS 113.115)

Commissioner Gecol's second priority was to develop a program for evaluating home energy consumption that would be mandated at the point of sale as of January 01, 2011. The program was designed via a stakeholder process and the program's rules were developed via a regulatory process. The program is now up and running. Final regulations (LCB File No. R148-10) were adopted December 2, 2010¹⁹ and approved by the Legislative Commission December 16, 2010. An interactive "Seller's Energy Consumption Evaluation Form" and a "Waiver Form" were developed based on the adopted regulation and posted on the home page of the REEEA's web site²⁰. These forms can be filled out by either the home owner or the residential home inspectors. The home sellers were informed about this mandatory state law and program through the State Real Estate Division and the Nevada Association of Realtors.

¹⁹ <http://renewableenergy.state.nv.us/documents/R148-10A.pdf>

²⁰ http://renewableenergy.state.nv.us/documents/2011-01-01_NevadaResidentialEnergyConsumptionForm.pdf

Home owners and banks who are selling homes and the residential home inspectors have begun contacting a variety of entities including REEEA, NV Energy, Southwest Gas and real estate agents and brokers for assistance in complying with this mandatory program.

The program's process can be followed on the Laws, Regulations & Rule Making page of the REEEA's web site²¹.

Analysis of Home Energy Consumption Program

An analysis of the effectiveness and efficiency of the Home Energy Consumption program can be derived from a look at the regulatory adoption process and the number of participants in the program.

Effectiveness

The program became effective January 1, 2011; it is too early to tell what challenges and opportunities the Nevadans will experience.

Efficiency

SB 437 of 2007 mandated this program and the responsibility was first given to the Nevada State Office of Energy and then transferred to the REEEA in 2009. Nevada State Office of Energy struggled to implement this program due to lack of resources and expertise. There were unknowns and different opinions on the intent of the law among the stakeholders. Soon after the housing market started to struggle and Nevada has been affected the most in the nation. This escalated the controversy on the requirements of the law (NRS 701.250 and NRS 113.115) but the Residential Energy Services Network (RESNET) and Building Performance Institute (BPI) interpreted the law as a mandate of home energy audit and rating at the point of sale (first in the nation) and started to train and certify interested people IN Nevada who are looking for a career chance in this economic downturn. Hence, there was a lot of pressure on the Nevada Energy Commissioner to move forward and adopt Home Energy Rating System (HERS) developed by RESNET. However, the Nevada Energy Commissioner did not have the resources to start the process right away. Hence, first partnered up with the Nevada Representative of the Southwest Energy Efficiency Project (SWEEP) and issued a public notice on January 27, 2010 for a public meeting with the stakeholders and interested people on February 4, 2010. Representatives from Nevada State Office of Energy, State Housing Division, State Real Estate Division, and over 80 people from other stakeholders groups attended the meeting and discussed the law, compliance and enforcement of the law, which profession would evaluate energy consumption of residential properties and the availability for training and certification of this profession in Nevada, and the impact of the law on real estate sale and real estate agents. Following few months, stakeholders established working groups and started to work on draft regulations and tried to come to consensus on a proposed language. In the mean time, the Nevada Energy Commissioner entered into an interlocal contract agreement with the Nevada State Office of Energy for the portion of ARRA SEP grant and proposed a work plan to use portion of the grant for hiring a legal counsel and set up this program. Upon receiving the funding, Luke Busby was contracted as a legal counsel and the rule making process was started.

²¹ <http://renewableenergy.state.nv.us/LawsRegs.htm>

On July 27, 2010, the Commissioner issued a notice of request for comments and proposed language, relating to amending Chapter 701 of the NAC or other associated regulations regarding establishing a program for evaluating the energy consumption of residential property in Nevada. The Commissioner held two workshops on the proposed regulations on October 12, 2010 and November 16, 2010. On November 29, 2010, the Commissioner conducted a hearing.

Copies of the proposed regulations, the Notice of Request for Comments, the Notice of Workshops, and the Notice of Hearing and Notice of Intent to Act Upon a Permanent Regulation were sent to persons known to have an interest in the subject through an email list created from the sign in sheets of the 2 workshops as well as any persons who had specifically requested such notice. These documents were also made available at the Commissioner's website, at <http://renewableenergy.state.nv.us/>, as well as mailed or faxed to each county library in the state.

Total of 210 people attended and 91 people testified at the two workshops and hearing. Furthermore, 1525 people submitted written statements to REEEA.

Participants discussed aspects of establishing regulations to establish a program for home energy evaluations to be conducted at the time of sale for residential properties in Nevada. Comments focused on three main subjects: (1) what licensing requirements and standards should be established to allow evaluators to conduct business in Nevada; (2) what specific requirements should be included on the form required pursuant to NRS 113.115; and (3) should sellers be permitted to conduct the evaluation on their own. The public response ranged from support for the drafted regulation, to objections based on the definition of evaluation and evaluator, the content of the evaluation as proposed in the regulations, and general objections altogether. Both supporters of the regulation, as well as participants, who opposed the regulation, stated that their respective positions were supported by legislative intent.

The Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada (PUCN), pursuant to NRS 701.330(2), performed a Delphi Method Small Business Impact Investigation on the regulations in LCB File No. R148-10. PUCN Staff was asked to conduct an investigation regarding whether the proposed regulations are likely to impact small businesses as contemplated in NRS 233B.0608(1). On September 30, 2010, Staff submitted a Small Business Impact Report to the Nevada Energy Commissioner. PUCN Staff recommended that, in accordance with NRS 233B.0608(1), the Nevada Energy Commissioner find that the proposed regulations are not likely to impose a direct or significant economic burden on a small business, nor to restrict the formation, operation or expansion of a small business.

The beneficial effects include providing an economic opportunity for new business formation and expansion in the home inspection field for energy in Nevada.

The estimated main adverse effect on consumers is the potential increase in transaction costs related to the sale of a residential property in Nevada. The estimated beneficial effects include the reduction in energy costs, potential reduction in overall utility rates for consumers, reduced carbon production,

reduced waste, and increased property values that may result from repairs or improvements made as a result of evaluations.

Section 4 of the regulation (R148-10) requires that a certified inspector must be licensed as a home inspector per NRS 645D.040 by the Real Estate Division of the Department of Business and Industry. This provision was determined to be favorable because: (1) the activities of the inspector fit within the definitions provided in NRS 645D.060, 645D.070, and 645D.080; (2) this provision leverages existing state resources and programs and obviates the need for the Commissioner to create a new such a program, which would result in duplicative costs to the State; and (3) the consumer protection and enforcement provisions in NRS Chapter 645 are adequate and necessary to protect consumers from potential fraud and abuse.

The regulations were adopted with several changes in response to input provided by the public and by businesses on December 02, 2010 by the Nevada Energy Commissioner's legal adoption order²² and received the final approval from the Legislative Commission on December 16, 2010.

Pursuant to the adopted regulation (R148-10), the Nevada Energy Commissioner is responsible of posting the most recent version of the form on the website of the REEEA (Sec. 7, LCB File No. R148-10). Form will include information concerning programs authorized by NRS 702.270 and other programs of improving energy conservation and energy efficiency in residential property [NRS 701.250(2b)]. The Commissioner initially plans to disseminate the information regarding programs through the webpage and enter into contract with a vendor to track programs, incentives, rebates, and grants within local governments, state and federal agencies, two investor owned utilities, and 11 rural and municipal electric utilities. The vendor will also coordinate the webpage updates and changes with DoIT on these programs.

Dr Gecol worked closely with Gail Anderson, Administrator of the State Real Estate Division to identify and fix unintended consequences and inefficiencies of the draft regulation and forms during the establishment of the program. This collaboration was important because Nevada has the highest rate of residential short sales and foreclosed house inventory in the nation that Banks first attempt to sell the foreclosed homes before an auction point. Hence, they become subject to filling the home energy consumption evaluation form. Ms. Anderson disseminated adopted regulations and forms to the Bank Officials, home inspectors, and real estate agents and brokers and informed Dr. Gecol in a timely manner for the questions and feedbacks she received from stakeholders and businesses. Furthermore, upon the forms became available on the REEEA's webpage, the Nevada Association of Realtors launched a legal help line and conducted conference calls for their members on the adopted regulations and forms.

REEEA continuous to receive feedback from stakeholders on the forms as the forms are used and improve the forms. One of the major challenges is that the utilities can not legally release the energy consumption to the home inspectors or home owners if they are not the account holders.

²² <http://renewableenergy.state.nv.us/Meetings/2010/R148-10AdoptionOrderNRS701-250.pdf>

Overall, this rule making was very controversial and difficult to progress and majority of the stakeholders agreed that there would be some changes needed to this law during the 2011 Legislative Session.

2. International Energy Conservation Codes (IECC) for Buildings and Manufactured Homes – NRS 701.220

The statewide adoption of the current IECC as minimum standards is a requirement of NRS 701.220. The adoption and implementation of the 2009 IECC is also one of the provisions for Nevada's American Recovery and Reinvestment State Energy Program (ARRA SEP) funds. The REEEA is the state's lead entity for the fulfillment of these state and federal obligations.

Commissioner Gecol's third priority was the adoption of the 2009 International Energy Conservation Code (IECC)²³. On October 7, 2010 the Commissioner posted a "Notice of Request for Comments and Proposed Regulations on the Conservation of Energy in Buildings". Initial stakeholder meetings for climate zones five (5) in the north and climate zone three (3) in the south have been held. Stakeholder comments and replies to the comments continue to be received²⁴. The first regulation workshop was planned to be held on January 26, 2011 but currently put on hold for legal evaluation and assessment to determine how the Governor Sandoval's Executive Order 2011-01 issued on January 03, 2011 and 2011-04 issued on January 18, 2011 will affect the proposed regulations. The Governor's Executive Order established a freeze on the proposed regulations until January 01, 2012. However, there are some exceptions to the freeze and REEEA believes that the adoption of 2009 IECC will fall under the exceptions since the adoption of 2009 IECC is one of the requirements of Nevada's ARRA SEP grant. The Governor's Executive Order requires a submission of a report to his office detailing how the proposed regulation would fall within the exceptions and other questions stated in the executive order. The IECC adoption process can be followed on the program's page on the REEEA's web site²⁵ and on the IECC Update page²⁶.

REEEA entered into contract with the University of Nevada, Reno, Business Environmental Program²⁷ (UNR-BEP) to conduct several 2009 IECC educational training workshops for local building code officials and building industry. The UNR-BEP team will also provide technical assistance to local jurisdictions adopting the codes. Furthermore, the UNR-BEP is currently conducting a comprehensive survey with the local government building officials and owners/managers of building industry design and construction firms. This comprehensive survey will determine the current energy codes practices throughout Nevada and if the IECC is suitable energy code for Nevada, and also identify the opportunities, challenges and required support (materials and/or services) for the implementation of

²³ NRS 701.220

²⁴ Future workshops and further regulatory action schedules are pending Governor Sandoval's Executive Order 2011-01 freezing the adoption of all administrative regulations until January 1, 2012
<http://nv.gov/EO.aspx?id=4294968917>

²⁵ http://renewableenergy.state.nv.us/2009IECC_comments.htm

²⁶ <http://renewableenergy.state.nv.us/IECC-Updates.htm>

²⁷ See Contract Number 11370, an interlocal agreement between the REEEA and the Nevada System of Higher Education, UNR. The contract is in the amount of \$200,000. Contract term is 1 year and 142 days. BOE approved 08/18/2010.

2009 IECC and ASHRAE 90.1-2007, and the adoption of future IECC every third year in Nevada. A comprehensive report analyzing the results of the interview process and providing recommendations for effective transition to the new energy codes will be completed by March 01, 2011. REEEA will present this report to the 2011 Legislators upon receiving it from the UNR-BEP.

The first IECC education training workshop will be held January 31– February 4, 2011 at the Orleans Hotel in Las Vegas²⁸. Scholarship Grants²⁹ are available for employees of county, municipality or governmental jurisdictions with insufficient funds to attend.

The requirement of the ARRA SEP for achieving 90% statewide compliance for the 2009 IECC³⁰ is expected to take a number of years. To facilitate the process and enhance the training budget, the REEEA partnered up with UNR-BEP to pursue a competitive federal funding. Nevada was selected as one of the 24 states to receive \$347, 504 funding from the U.S. DOE Pacific Northwest National Laboratory (PNNL)³¹. Under this contract UNR-BEP will develop a five-year strategic plan with a continuous improvement component. They will also develop a curriculum for targeted focused training and will develop a database of approved, but un-built residential and commercial projects in Clark County and Washoe County.

Analysis of IECC Program

An analysis of the effectiveness and efficiency of the stakeholder portion of the IECC program can be derived from the evaluation summaries written by attendees of the IECC stakeholder meetings. Copies of the Evaluation Summaries can be found on the REEEA's 2009 IECC Update web page³².

Analysis of the effectiveness and efficiency of the regulatory portion of the IECC program can be derived from the comments to the rulemaking. The first set of comments received can be found on the REEEA's web site by clicking on the Laws, Regulations & Rule Makings tab, item III.

Effectiveness and Efficiency of the IECC Program

Stakeholder attendees found the stakeholder process very effective. The process allowed stakeholders to identify a number of program priorities including (but not limited to) training, implementation, compliance and enforcement.

To date, comments indicate the IECC regulatory process is effective. The process allowed commenters to identify a number of program issues including (but not limited to) increased construction costs but reduced operating costs, the ability to take advantage of passive solar, the inclusion of sealing language from the International Mechanical Code for commercial projects, and including provisions for plug-in electrical vehicles.

²⁸ http://www.snicc.org/educode/welcome_html_files/Official_EduCode_2011_Program_8-20-10.pdf

²⁹ http://renewableenergy.state.nv.us/IECC/EduCODE_Grant_Application.pdf and
http://renewableenergy.state.nv.us/IECC/EduCodes_Reimbursement_Rules.pdf

³⁰ Ninety percent (90%) statewide adoption was a condition to the state's receiving over \$34,000,000 in American Recovery and Reinvestment Act State Energy Program funds. Nevada has until 2017 to achieve the adoption percentage.

³¹ http://apps1.eere.energy.gov/news/progress_alerts.cfm/pa_id=454

³² <http://renewableenergy.state.nv.us/IECC-Updates.htm>

3. Energy Efficient Light Bulbs Program – NRS 701.260

The adoption of light bulb standards, and perhaps more importantly for the safe disposal and recycling of the new generation of light bulbs are an important part of the state's energy efficiency strategy [NRS 701.190(1d)]. The REEEA is designated by the Legislature for the creation and administration of this program. Pursuant to NRS 701.260, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed between January 1, 2012 and December 31, 2015. On and after January 1, 2016, no general purpose light may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the Commissioner via adopting regulation. This was the fourth priority for the Nevada Energy Commissioner but this rule making is currently frozen under the Governor's Executive Order 2011-01 until January 01, 2012.

As part of REEEA's contract with the UNR-BEP, they launched a web page for educational and training documents for the safe disposal and recycling of compact florescent light bulbs (<http://unrbep.org/>):

- A. Fact sheets: Universal Waste; Hazardous Waste Lamps (http://unrbep.org/wp-content/uploads/2010/08/Hazardous_Waste_Lamps_feb09.pdf)
- B. Energy Efficiency, Case Studies contains examples of why fluorescent lamps are cost effective (<http://unrbep.org/energy-efficiency/case-studies/>)
- C. Energy Efficiency, Incentive programs links to NV Energy's Sure Bet program which refers to proper disposal, but not in detail (<http://unrbep.org/energy-efficiency/incentive-programs/>).
- D. Energy Efficiency, Links & Recourses (Energy User Newsletters) links to the Sustainability website where one can search for CFL or fluorescent lamp information (<http://unrbep.org/energy-efficiency/links-resources/>).
- E. Environmental Management, Hazardous Waste Management contains information and links on how to manage fluorescent lamps (<http://unrbep.org/environmental-management/hazardous-waste-management/>).
- F. Publications BEP Newsletters contain articles about fluorescent lamps management and disposal. They also contain our training schedule for Hazardous Waste Minimization/Energy Efficiency seminars. These seminars explain the proper management and disposal of fluorescent lamps (<http://unrbep.org/publications/newsletter/>)
 - a. BEP Reporter 2005 - 2010 post training seminars in hazardous waste and energy efficiency which include training on management and disposal of lamps. In these seminars we go into detail on how to handle, store and disposal methods for lamps.
- G. News section contains articles on cleaning up after a broken compact fluorescent lamp (CFL) and change out of ballasts including disposal (<http://unrbep.org/category/news/>).

The UNR BEP will also add another fact sheet that pertains to managing a lamp crushing unit in regards to permitting requirements. This is primarily for businesses that generate large volumes of lamps such as casinos and large office buildings.

4. Educational Outreach

The REEEA's energy efficiency and energy conservation educational outreach efforts are being conducted by REEEA's ARRA Management Analyst and by UNR-BEP as part of the process of publicizing and promoting the 2009 IECC education and code training workshops and the development of minimum standards for energy efficiency for general purpose light bulbs and the safe disposal and recycling of

compact florescent light bulbs. These efforts will kick into high gear as the dates, times and locations for the training workshops and other events become solidified.

5. Energy Efficiency Program Contracts

The REEEA has three (3) contracts under this program. One is with attorney Luke Busby, the REEEA's counsel with regard to energy efficiency program³³. The second and third contracts are with the Nevada System of Higher Education (NSHE) for UNR-BEP contracts mentioned in Sections 2 and 3 (see the Budget section of this report for all contract details).

6. Grants

REEEA developed a scope of programs to receive \$1.19 million dollar of the ARRA SEP fund from the State Energy Office. This grant allowed REEEA to hire its ARRA Management Analyst (Emily Nunez) and contract a legal Counsel (Luke Busby) who assists the rule making process for the Home Energy Consumption, IECC, and light bulb programs and ARRA SEP grants requirements in general. Also, REEEA entered into contract with NSHE for UNR-BEP contract mentioned in Sections 2 and 3.

On behalf of the state of Nevada, the REEEA responded to the U.S. DOE Pacific Northwest National Laboratory (PNNL) Request for Proposal (RFP) No. 146626 "Building Codes – Adoption, Training and Compliance" through the Battelle Memorial Institute, Pacific Northwest Division. The REEEA's response to this highly competitive grant was successful and the state won the grant in the amount of \$347,504. As a result, the REEEA created a steering committee of building code experts and trainers to compliment the REEEA's interlocal contract agreements with the University of Nevada, Reno.

Next Steps

As the REEEA moves forward a natural division between the REEEA's regulatory and administrative activities will develop. The division will follow along the lines of the division in the Public Utilities Commission of Nevada which consists of two completely separated entities, a regulatory entity and a staff entity. As these entities emerge, they will provide the legislature with opportunities to prioritize and more closely match REEEA's tasks to their available resources. In the meantime the Energy Commissioner plans to take the following next steps.

- 1) Administering, ensuring compliance, and providing technical help to the local governments with the IECC will require specialized technical staff including electrical engineers, mechanical engineers and energy efficiency/energy conservation experts in the design, construction and operation and maintenance of commercial and residential buildings and in manufactured homes. As soon as REF funds are available the Energy Commissioner will begin hiring engineers and other experts to administer the IECC program in a sustainable manner.
- 2) One critical need for the successful implementation of the IECC program is a comprehensive Gap Analysis. The analysis will help identify gaps in everything from code implementation and compliance to training and outreach needs.

³³ As a regulatory agency, the REEEA is required to retain outside counsel.

- 3) Following the Gap Analysis the Energy Commissioner will create ongoing training programs for local governments. These training programs will cover a wide range of subjects from code implementation to compliance.
- 4) One of the ARRA SEP requirements was the adoption of light bulb standards. While the NRS 701.260 requirements give the REEEA until 2016 to adopt the standards, the Energy Commissioner will begin the rule making in 2012 after the Governor's executive order lifts the freeze on proposed regulations .
- 5) As REF funds become available the Energy Commissioner will develop a proactive energy efficiency and energy conservation plan, education and outreach program.

Chapter 4: Petroleum Allocation and Rationing – NRS 701.220

Under this program the REEEA is required to prepare petroleum allocation and rationing plans for possible energy contingencies and carry out and administer any federal programs authorizing state participation in fuel allocation programs. This plan is subject to the approval of the Governor.

Activities

REEEA has no resources and expertise to launch and implement this program. The Nevada Energy Commissioner recommends placing this program under the State Emergency Division with the Department of Public Safety since they are the subject matter experts for the emergency and contingency planning and implementations.

Chapter 5: New Energy Industry Task Force – NRS 701.500 - 515

The Nevada Legislature instructed the Task Force to:

- advise the Nevada Energy Commissioner and the REEEA on measures to promote the development of renewable energy and energy efficiency projects in Nevada; and
- apply for any available grants and accept any gifts or donations to assist the Task Force in carrying out its duties.

The voting members are:

- Dr. Hatice Gecol, Nevada Energy Commissioner (Chair)
- James E. “Jim” Baak, the director of policy for utility-scale solar for the Vote Solar Initiative (representing large scale solar industry)
- Dan Schochet, Vice President for Ram Power, Inc. (representing geothermal industry)
- Brian Palmer, Vice president of Optimization and Control for GE Energy (representing wind energy industry)
- Andrew Johnson, the Nevada Lead of the Solar Alliance and senior manager for policy and government relations for Sharp Solar (representing distributed generation industry)
- Jack McGinley, the renewable energy development director for NV Energy (representing Nevada electric utilities)
- Dr. John Tull, the conservation director for the Nevada Wilderness Project (representing environmental and public land organizations)
- James Halsey, the membership development representative and the assistant business manager for the International Brotherhood of Electrical Workers (IBEW) Local 357 (representing Nevada labor organizations)
- Matthew Frazer, the officer of the Nevada Chapter of Associated General Contractors; officer/board member of the National Electrical Contractor Association; trustee of the Electrical Workers Health and Welfare Trust; trustee of the Electrical Workers Pension Trust; and trustee of the Cement Masons Pension Trust. He is the division manager for PAR Electrical Contractors, Inc. (representing Nevada contractors organizations)

The non voting advisory members are:

- Ellen Allman, the president of the Nevada Geothermal Council and the senior business manager for Terra-Gen Power, LLC (representing geothermal industry)
- Richard Hamilton, a member of the American Wind Energy Association and the director of development for Great Basin Wind, LLC and the president of the Clean Energy Center, LLC (representing wind energy industry)
- Dan Coppinger, the treasurer for the Mechanical Contractors Association of Nevada and the vice president/division leader-manager for the Southwest Division of Southland Industries (representing Energy Efficiency Equipment and Installation Industry)

- Clara Andriola, the president for the Associated Builders and Contractors, Nevada Chapter (Representing Nevada contractors associations)
- Dagney Stapleton, the programs specialist for the Nevada Rural Electric Association (representing Nevada rural electric utilities)
- Susan Fisher, the owner of Fisher Consulting (representing valley electric)
- John Hiatt, the conservation chair of the Red Rock Audubon Society (representing environmental and public land organizations)

Activities

The members of the Task Force were appointed March 2, 2010 by the Nevada Energy Commissioner. They held their first meeting March 12, 2010. The group met once a month and developed consensus based and revenue neutral policy recommendations for the 2011 Nevada Legislature. These recommendations are:

- Insert into NRS Chapter 704 sections regarding Integrated Resource Plan (NRS 704.741 – 704.754) authorization for the PUCN to approve transmission plans and specific project requests regardless of location of end users of the renewable energy [**BDR recommendation by unanimous approval**].
- Measure and quantify benefits of renewable energy by including externalities such as economic development, water conservation and environmental benefits [Current NV Energy RFP Process incorporates this into their process, **No BDR**].
- Remove geothermal resources from inclusion in NRS Chapter 362 for taxation of net proceeds from minerals but would create a separate chapter of the NRS for the taxation of extraction of geothermal resources under exactly the same terms and provisions as it is taxed currently [**BDR recommendation by unanimous approval**].
- Create a joint utility transmission planning group for all Nevada utility companies and direct PUCN (or a group) to engage in regional transmission planning [**No BDR**]. Task Force approved a resolution on 9/22/2010 that NV Energy take lead and form a statewide group with the transmission stakeholders.
- Modification of Renewable Portfolio Standard via separation of energy efficiency portion of the mandate [**No BDR**].
- Improve and expand all Renewable Distributive Generations (DG) Programs [**Withdrawn due to lack of consensus**].
- (a) Should the state and local laws be modified to prevent duplicative review after developers has completed the National Environmental Policy Act (“NEPA” review process; and (b) what statute(s) must be modified to limit the land use restrictions imposed on wind facilities by local governments?

Pursuant to legal research (a) Modification of existing law is not required to accomplish the objective on this question. UEPA is intended to prevent duplicative environmental review. (b) Both NRS 111.2395 and NRS 278.02077 appear to void or preclude restrictions on land use related to implementation of wind energy, both provisions contain clause which allows "reasonable restrictions" on the height, noise and safety of wind installations. Both NRS 111.2395(3) and NRS 278.02077(3) provide an identical definition of "unreasonably restricts the owner of the property from using a system for obtaining wind energy." This definition states that a restriction is unreasonable if it is substantially reduces efficiency or increases cost.

[No BDR]

- Develop a Nevada Renewable energy star certification program that will certify contractors who meet the renewable energy tax abatement required criteria (have a Nevada license, employ Nevada residents, pay tax abatement required wage and provide health insurances, etc.).

The Task Force decided not to recommend a certification because a certification program will create an additional burden to any agency. **[No BDR]**

- Require 5% in-state contractor bidder preference for the projects that are receiving tax abatements.

As per legal research, a rule that would give a 5% in-state bidder preference as a prerequisite to receive tax abatements for private projects would be discriminatory, and thus likely prohibited by Dormant Commerce Clause.

- Commissioner, through a regulatory process shall establish a requirement that the owner, through the contract process between the owner and the contractor(s), require the contractor(s) to be contractually obligated to remain in compliance with the Abatement agreement criteria; and furnish, and keep in place for a period of two years after the substantial completion date for the facility, a Payment and Performance Bond that is subject to the contractor(s)' compliance with tax abatement agreement criteria **[Tabled for further discussion]**

Due to a lack of resources, the Task Force has not applied for any grants or accepted any gifts or donations other than the member's time and travel. Copies of the Task Force meeting notices and agendas and minutes are available on the Task Force's webpage on the REEEA's web site³⁴.

Analysis

The REEEA provides the personnel, arranges facilities, and provides equipment and supplies required by the Task Force to carry out their duties. REEEA conducted the majority of the Task Force meetings at the Legislative Buildings in Carson City and video conference to the Las Vegas location in Grant Sawyer Building. When the Legislative Building rooms were not available, the Task Force met in the State Public Works Board Conference room. The Executive Assistant of the Nevada Energy Commissioner acted as

³⁴ <http://renewableenergy.state.nv.us/EnergyIndustryTF.htm>

the secretary of the Task Force and coordinated meeting logistics, posted notices and agendas, prepared meeting material packets and wrote the meeting minutes. Due to lack of resources and funding, the Task Force did not have a regular legal counsel. As a result, any analysis of the Task Force's effectiveness and efficiency must take this lack of funding into account.

Due to the state's current economic conditions and budget shortfalls, the Task Force decided not to impose or recommend any policies that will be burden on the state's general fund.

Effectiveness

The Legislature tasked the Task Force with providing the Energy Commissioner with measures to promote the development of renewable energy and energy efficiency projects in Nevada. The Task Force's legislative recommendations affirm that they have effectively fulfilled that duty.

Efficiency

Given the Task Force's lack of resources and funding, the Task Force was extremely efficient in the execution of their duties. However; this lack of funds created the following difficulties:

- The Task Force had no place to meet. Without funds to reserve a consistent location with telepresence capabilities, the Task Force had to schedule meetings at the whim of any entity that would allow them to use their meeting space. This affected the Task Force's ability to schedule regular meetings.
- Without funding, the Task Force is not able to contract consultant to do detail research and acquire legal advice and regarding measures which affect a regulated, complicated industry.
- Task Force created fact finding groups for each policy discussion items and the fact finding groups further researched the issue and reported back to the Task Force for full discussion and deliberation.

Next Steps

Members of the Task Force will make themselves available to the members of the 2011 Legislature to answer questions regarding their legislative recommendations and other renewable energy and energy efficiency related bills.

Chapter 6: State and Local Government Panel – NRS 701.450 - 465

The Nevada Legislature instructed the Panel to:

- advise the Nevada Energy Commissioner and the REEEA on the viability and progress of energy efficiency and renewable energy retrofit projects at public buildings and schools; and
- apply for any available grants and accept gifts, grants or donations to assist the SLGP in carrying out its duties.

The members are:

- Dr. Hatice Gecol, Nevada Energy Commissioner (Chair)
- Gus Nunez, manager of the State Public Works Board
- Dr. Hilary Lopez, chief of federal programs for the U.S. Department of Energy's Low Income Weatherization Assistance Program, Housing Division
- Jason D. Crosby, professional engineer for the State of Nevada, Division of Buildings and Grounds
- Patrick Cates, deputy director to the Department of Wildlife
- Kitty Jung, Washoe County Commissioner (representing NACO)
- Mark F. Hobaica, AIA, city architect for the City of Henderson (Representing LOC)
- Michael A. Mitchell, president of Mike Mitchell, Management, LLC (representing Nevada Association of School Boards)

Activities

The members of the Panel were appointed January 15, 2010 by the Nevada Energy Commissioner. They held their first meeting February 19, 2010. In order to develop a set of energy policy recommendations members were asked to develop white papers listing a maximum of two (2) priorities with attending solutions. To support the priorities and solutions members were asked to describe the problem to be solved and/or state the goal of the proposed priority; ensure that the description includes the intent and purpose of the proposed priority; state any similar policies in other states; and state how the policy will impact Nevada's economy.

The policy recommendations discussed by the Panel are:

- Generation of Hydro Electric Power from the Marlette Hobart Water System.

Currently the State of Nevada owns and operates the Marlette Hobart Water System. This system collects raw water from the Marlette and Hobart water basins and transports it to Carson City and Virginia City. The system is the sole source of water to Virginia City and provides approximately 10 percent of Carson City's water needs. At this time, the Carson City Engineering Department and the Nevada State Division of Buildings and Grounds have been conducting a preliminary feasibility study to construct a hydroelectric power plant that would generate additional energy for the city. The proposed hydroelectric power plant would capture

the energy of the water flowing from a 2,100 feet elevation head. Under the current water system, the water is diverted to Carson City and flows by gravity to the Quill Water Treatment Plant but the elevation head is not being utilized.

- Facilitate changes in the way the State of Nevada does business with utility companies. Specific examples are: 1) change the way utility bills are received from the utility companies (from paper copies to electronic copies), and 2) Change net meter caps for distributed energy production from up to 1 MW to 5 MW or more.

In order to reduce energy consumption, the State first must be able to track our energy consumption. Nevada State Division of Buildings and Grounds is currently tasked with tracking energy consumption in all state owned buildings. At this time, only paper copies of the utility bills are received from the utility company. If the bills were received electronically, it would ease the bill processing by each agency and would allow bills to be directly uploaded into the EPA Energy Star Portfolio Manager Program. The Portfolio Manager program is a nation wide data base that ranks and compares buildings by energy consumption. One of the requirements for receiving ARRA money for State Building energy retrofits is to input energy consumption data into the Portfolio Manager program.

Another recommendation for utility companies is to have them increase their net meter caps for distributed generation facilities. Distributed generators facilities are where the power is consumed where it is produced. The net meter cap is currently 1 MW for distributed generators. Much more savings to the state could be generated if we could increase the current net meter caps.

- Ensure adequate resources for state agencies involved in NEPA and other regulatory reviews of renewable energy projects

All utility scale projects – renewable or otherwise – are required to have National Environmental Policy Act (NEPA) studies as well as other federally required studies. Both federal and state agencies have responsibility for these studies. The Bureau of Land Management is often the lead agency, but the Nevada Department of Wildlife plays a key roll in these studies. NDOW's workload for NEPA studies related to energy projects has recently increased substantially. However, there are no additional resources or sources of funding to assist in this work. NDOW must handle a larger number of projects with existing resources. That results in delays in completing the NEPA studies. This delays construction of utility scale renewable energy projects – from constructing power plants to running transmission lines.

NDOW understands the benefit of these projects to Nevada and wants to help. But without additional resources, projects will be delayed. NDOW is only one example. There are other State agencies that have responsibility for federal regulatory reviews – examples include the Division of Environmental Protection and the State Historic Preservation Office (under the National Historic Preservation Act). Nevada's drive to be a leader in renewable energy will falter if additional resources are not provided to these state agencies to perform the federally required reviews in a timely manner.

- Expand incentives in the Capital Improvement Projects (CIP) process to drive funding of energy efficiency and renewable energy projects for state government.

The 2009 Legislature passed many laws to move Nevada in the direction of becoming a renewable energy leader. This includes bills to direct the SPWB to engage in energy retrofit projects and employ green building techniques. These are excellent steps in the right direction. a few options can be recommended to take that further:

- Require the SPWB to allocate a certain percentage of each biennial CIP to be dedicated to energy efficiency and renewable energy retrofits. Setting a percentage would accelerate the adoption of retrofit projects.
- Require the SPWB to select one innovate green building design demonstration project in each biennial CIP. This could be expressed by selecting a project with a goal of platinum LEED certification or some equivalent. Perhaps they could be selected among small to medium sized projects to minimize the financial risks to the state from design flaws. These demonstration projects would expand the State's experience with green building and assist in incorporating green design in more traditional projects. It would also serve as a model for local governments and the private sector on the potentials of green design.
- Seek a special apportionment of State bonding capacity for renewable and energy efficiency projects. The local governments have the ability to sell federally backed bonds at lower interest rates for these types of projects. Investigate the opportunities there could be for the State to do something similar.

Due to a lack of resources, the Panel has yet to apply for any grants or accept any gifts or donations other than the member's time and travel. Copies of the Panel's meeting agendas and minutes are available on the Panel's page on the REEEA's web site³⁵.

Analysis

The Legislature tasked the Panel with providing the Energy Commissioner advice on the viability and progress of energy efficiency and renewable energy retrofit projects at public buildings and schools. The Panel is in the process of fulfilling that duty.

Effectiveness

The Panel is in the process of fulfilling their duties. See efficiency below.

Efficiency

The Panel's efficiency is largely dependent upon the requirement of Panel members to receive approval from their respective jurisdictions (e.g. County Commissioners, City Council School Boards, etc.) prior to bringing any policy or other suggestions forward to the Panel as a whole. As a result, the Panel is much slower to respond than the Task Force.

Like the Task Force the Panel's efficiency and its effectiveness are both affected by a lack of funding and limited staff (legal counsel and grant writer).

³⁵ <http://renewableenergy.state.nv.us/SLGovPanel.htm>

Next Steps

Members of the Panel will make themselves available to the members of the 2011 Legislature to answer questions regarding their legislative recommendations, or on the status of their respective projects or any other energy policy bills discussed during the Session.

Chapter 7: State and Local Government Plans

Previous to the passage of SB 358 of 2009, the Legislature did not have a database of public energy retrofit projects in development or under construction. Section 19.4 provided the means for the development of such a database.

Under Section 19.4, the governing body of each local government was required to report plans to retrofit public buildings, facilities and structures, including without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those building facilities and structures to the REEEA. The plans were to be developed with input from one or more energy retrofit coordinators and to include a specific list of projects. The projects were to be prioritized and selected on the basis of the following criteria:

1. The length of time necessary to commence the project
2. The number of workers estimated to be employed on the project
3. The effectiveness of the project in reducing energy consumption
4. The estimated cost of the project
5. Whether the project is able to be powered by or otherwise use sources of renewable energy
6. Whether the project has qualified for participation in one or more of the following programs
 - a. The Solar Energy Systems Incentive Program
 - b. The Renewable Energy School Pilot Program
 - c. The Wind Energy Systems Demonstration Program
 - d. The Waterpower Energy Systems Demonstration Program
7. Include a list of potential funding sources for use in implementing the projects, including without limitation money available through the EECBG program

Activities

Given the sixty (60) day reporting requirement, the Nevada Energy Commissioner made the execution of this activity a top priority³⁶. To maximize compliance with the requirement, immediately upon her appointment Dr. Gecol request opinions from the Governor's General Counsel and the Legislative Counsel Bureau regarding the definition of "local government".

³⁶ The Energy Commissioner was not appointed until October 2009, five (5) months after the sixty (60) day requirement.

During the month of November 2009, the Energy Commissioner sent letters to each of the local government entities required to submit their plans notifying them of their responsibilities. Letters were followed by a series of phone calls and emails. To help reach out to the various local governments, the Energy Commissioner enlisted assistance from the Nevada Association of Counties and the Nevada League of Cities. As a result, the majority of plans were received with sixty (60) days of the date of the letter to the local governments.

The following tables represent a sample compilation of the state and local government plans submitted to the REEEA as required by Section 19.4 of SB 358. Complete copies of the plans are on file in the REEEA offices and are available upon request. The aggregated plans represent the database contemplated by SB358, Section 19.4.

Table 4. Energy Retrofit/Energy Efficiency/Renewable Energy Projects by City

SB 358 Section 19.4 (2009)	Sub Section 1(a)	Full Cost	Number of Buildings/Facilities/Structures		Traffic Control System	Street Lights
			Energy Efficiency	Renewable Energy		
CITIES - (1) U S DOE ARRA & EECBG	Energy Retrofit Coordinator					
BOULDER CITY						
CARSON CITY	None Given	\$538,900.00	1			
ELKO	No Energy Retrofit Coordinator. They do not plan on nominating one.					
FERNLEY						
HENDERSON	None Given	\$49,136,840.00				
LAS VEGAS						
MESQUITE	Kurt O. Sawyer	\$69,900.00	1		1	
NORTH LAS VEGAS	Skip Grey					
RENO	None Given					
SPARKS		\$1,014,000.00	3	1	1	1
CITIES - (2) NSOE ARRA & EECBG						
CALIENTE	Gaylon Baker					
CARLIN	Glenn Trust	\$222,064.00	3			
ELY						
FALLON	Energy Source LLC	\$1,050,120.00		5		672
LOVELOCK						
WELLS						
WEST WENDOVER	Chris Melville	\$330,750.00	2		1	2
WINNEMUCCA	No Energy Retrofit Coordinator					
YERINGTON	City Manager Dan Newell	\$295,160.00	4			3
Notice Mailed on 11/10/09	Total	\$52,657,734.00				
Notes:						
Cities are receiving:						
1) American Recovery and Reinvestment Act, Energy Efficiency and Energy Conservation Block Grant directly from the US Department of Energy						
2) American Recovery and Reinvestment Act, Energy Efficiency and Energy Conservation Block Grant directly from the Nevada State Office of Energy						

Table 5. Energy Retrofit/Energy Efficiency/Renewable Energy Project by County

SB 358 Section 19.4 (2009)	Sub Section 1(a)	Full Cost	Number of Buildings/Facilities/Structures		Traffic Control System	Street Lights
			Energy Efficiency	Renewable Energy		
Counties - (1) U S DOE ARRA & EECBG						
CHURCHILL	Chevron Energy Solutions		5			
CLARK	Jeff Jacobsen		4	1		5,540
DOUGLAS	None Given	\$196,000.00				190
ELKO						
HUMBOLDT	Doug Cain	\$69,425.00	4			
LYON	None Given					
NYE	Darrell Lacy	\$185,700.00				
PERSHING						
WASHOE	Dave Solaro	\$13,970,000.00	7			
WHITE PINE	Kerry Sprouse	\$52,936.00	3	3		
Counties - (2) NSOE ARRA & EECBG						
ESMERALDA	None Given	\$393,366.40	3			
EUREKA	None Given					
LANDER						
LINCOLN						
MINERAL	No nominee but a contact is Mr. Trujillo & Jerrie Tipton	\$302,000.00	14			
STOREY						
	Total	\$15,169,427.40				
Notice Mailed 11/12/09						
1) American Recovery and Reinvestment Act, Energy Efficiency and Energy Conservation Block Grant directly from the US Department of Energy						
2) American Recovery and Reinvestment Act, Energy Efficiency and Energy Conservation Block Grant directly from the Nevada State Office of Energy						

Table 6. Energy School Retrofit/Energy Efficiency/Renewable Energy Projects

SB 358 Section 19.4 (2009)	Sub Section 1(a)		Number of Buildings/Facilities/Structures	
School	Energy Retrofit Coordinator	Full Cost	Energy Efficiency	Renewable Energy
Carson City School District	Mark Korinek	\$870,000.00	9	9
Churchill County School District	None Given		2	
Clark County School District	None Given	\$153,770,000.00	none listed	73
Douglas County School District	Holly Luna			
Elko County School District				
Esmeralda County School District	ARRA Application			
Eureka County School District				
Humboldt County School District	Dr. David Jensen			
Lander County School District				
Lincoln County School District	None Given	\$9,577,660.00	4	2
Lyon County School District	None Given	\$4,575,500.00	18	0
Mineral County School District	None Given	\$2,470,000.00	4	1
Nye County School District	Robert Whimpey	\$34,675,500.00		
Pershing County School District	None Given	\$10,480,000.00	4	3
Storey County School District	None Given	\$2,740,000.00	4	4
Washoe County School District	None Given	\$59,034,207.00	90	36
White Pine County School District	None Given	\$912,000.00	18	0
Notice Mailed 11/13/09	Total	\$279,104,867.00		

Table 7. Energy Retrofit/Energy Efficiency/Renewable Energy Projects by General Improvement District

SB 358 Section 19.4 (2009)	Sub Section 1(a)		Full Cost	Number of Buildings/Facilities/Structures
GID	Energy Retrofit Coordinator			
Kingsbury General Improvement District	RM Engineering LLC		TBD	TBD, pending an Investment Grade Audit, Resource Identification and Implementation

Analysis

An analysis of the effectiveness and efficiency of the program can be concluded from the number of local governments that responded to the Energy Commissioner's outreach and from the degree of completeness of the responses.

Effectiveness

Of those required to respond, the tables above reveal most have done so.

Efficiency

A review of the above tables shows that with regard to Nevada's major cities and counties local governments were largely in compliance, submitting all the required information; however, in some cases the state's smaller jurisdictions did not have the resources to comply with the requirement.

Chapter 8: Budget

Revenue

Table 8 represents the REEEA's revenue for the period October 12, 2009 to June 30, 2011.

Table 8

Revenue Source	Available Revenue	Revenue Applied For	Revenue Received
Public Utilities Commission of Nevada	\$500,000	\$500,000	\$500,000
ARRA	\$1,190,000	\$1,190,000 via an Interlocal Agreement with the Nevada State Office of Energy	\$1,190,000
Renewable Energy Fund	25% of 20% of the property taxes paid by the renewable energy and transmission facilities receiving abatements (remaining funds go to the Public Utilities Commission of Nevada)		None to date, will begin accumulating funds as of July 1, 2011
Trust Fund	\$82,000 currently held in reserve by the Public Utilities Commission of Nevada	\$82,000	None to date.
Grants/Contracts	TBD based on the number and size of the grants applied for	\$350,000 from US DOE PNNL RFP # 196626 "Building Energy Codes Adoption, Training & Compliance	\$347,504
TOTALS	\$1,772,000	\$2,122,000	\$2,037,504

Expenditures

Table 9 represents the REEEA's expenditures for the period October 2009 to January 30, 2011.

Table 9

ARRA GRANT:	May 11, 2010 - April 30, 2012				
	Personnel				\$130,455.00
	Operating				\$51,000.00
	Travel				\$29,000.00
	Indirect Cost				\$24,781.00
	Contracts:				\$954,764.00
		UNR-BEP	\$210,000.00		\$1,190,000.00
		Legal	\$30,000.00		
		Local Government and other Vendors	\$714,764.00		
			\$954,764.00		
USDOE - PNNL GRANT:	October 22, 2010 - June 30, 2011				
	Contracts:				\$347,504.00
		UNR-BEP	\$134,860.00		
		Builders Association of Northern Nevada (BANN)	\$52,400.00		
		K energy	\$50,000.00		
		ERH West	\$6,000.00		
		NV Energy	\$		
		Building Codes Assistance Project (BCAP)	\$104,244.00		
			\$347,504.00		
PUCN RESERVE:	July 01, 2009 - June 30, 2011				
	Personnel			FY 2010 (Actual)	FY 2011 (Budgeted)
				\$139,387	\$203,023
	Operating			\$27,398	\$18,269
	Travel			\$235	\$4,808
	Contracts:				
		Legal		\$6,900	\$51,500
	Panel			\$407	\$9,200
	Task Force			\$208	\$9,200
	Reserve				\$29,464
			TOTAL	\$174,536	\$325,464
	TOTAL FY 10 & FY 11		\$500,000		

Appendix A – Some Duties of REEEA

	Bill	Regularity and Program Administration
1	AB 522	Renewable Energy Tax Abatements for the development of utility scale power plants (greater than 10 MW) and transmission infrastructure developments for Nevada's renewable energy resources – Requires Public Hearing for each application NRS 701A.300-390
2	AB 522	Administer the Renewable Energy Fund (Not less than 75 percent of the money in the fund must be used to offset the cost of electricity to retail customers of a public utility that is subject to the portfolio standard established by the PUCN. The Commissioner may establish other uses of the money in the Fund by regulation – NRS 701A.450
3	SB 358	International Energy Conservation Code (IECC) - NRS 701.220
4	SB 358	Program Establishment for evaluating the energy consumption of the residential property at the point of sale (January 2011)-NRS 701.250
5	SB 358	Energy Efficient Lights and safe disposal & recycling of compact fluorescent light bulbs NRS 701.260
6	SB 358	Program to distribute money to acquire, install or improve net metering systems - NRS 701.240
7	AB 522	Start of Application Process and Annual Audit Reports Filing AND dissemination of the applications to the state and local government agencies for the Renewable Energy Tax Abatements NRS 701A.360, 370, and 380
8	SB 358	utilize all available public and private means to: provide information to the public about issues relating to energy and to explain how conservation of energy and its sources may be accomplished; and work with educational and research institutions, trade associations and any other public and private entities in in State to create a database for information on technological development, financing opportunities and federal and state policy developments regarding renewable energy and energy efficiency
9	SB 358	encourage the development of any sources of renewable energy and any energy projects which will benefit the State and any measures which conserve or reduce the demand for energy or which result in more efficient use of energy
10	SB 358	review jointly with the NSHE the policies of this State relating to the research and development of the geothermal energy resources in this State and make recommendations to the appropriate state and federal agencies concerning methods for the development of those resources
11	SB 358	if it is feasible and cost effective, is required to enter into contracts with researchers from the NSHE: to conduct environmental studies relating to the identification of appropriate areas in this State for the development of renewable energy resources; and for the development of technologies that will facilitate the energy efficiency of the electricity grid for this State

12	SB 358	cooperate with the Director of the Office of Energy: (1) to promote energy projects that enhance the economic development of the State; (2) to promote the use of renewable energy in this State; (3) to promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; (4) to develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and (5) if the Commissioner determines that it is feasible and cost effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State. (§1.23 of SB358). Law also requires the Director of the Office of Energy to cooperate with the Commissioner and the Authority to do the same and also for the solicitation of grants (Sec. 1.51(4) and 1.53(4) of SB 358)
13	SB 358	Coordinate the activities and programs of the Authority with the activities and programs of the Office of Energy, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy. The Director of the Office of Energy is also required to do the same.
14	SB 358	carry out all other directives concerning energy that are prescribed by the Legislature
15	SB 358	prepare a comprehensive state energy plan
16	SB 358	(1) prepare, subject to the approval of the Governor, petroleum allocation and rationing plans for possible energy contingencies; and (2) carry out and administer any federal programs which authorize state participation in fuel allocation programs.
17	SB 358	develop a program to distribute money, within the limits of legislative appropriation, in the form of grants, incentives or rebates to persons to pay or defray, in whole or in part, the costs for those persons to acquire, install or improve net metering systems
18	SB 358	apply for and accept any grant, appropriation, allocation or other money available pursuant to ARRA, to assist the Commissioner in carrying out her duties and the duties of the Renewable Energy and Energy Efficiency Authority
19	SB 358	Each local governments shall submit their plans for energy efficient retrofit of public buildings, facilities, and structures and ARRA EECBG funding usage within 60 days of effective date (May 28, 2009)- Sec 19.4

**Appendix B – Renewable Energy Tax Abatement Pre-application Form
and Application Packet**

STATE OF NEVADA



NEVADA ENERGY COMMISSIONER
RENEWABLE ENERGY AND ENERGY EFFICIENCY AUTHORITY

Instructions for Filing the Nevada Renewable Energy Tax Abatement
Pre-Application for Utility Scale Facilities and Transmission Lines

The following information is provided to help ensure that a pre-application for a partial renewable energy sales and use tax abatement and/or a partial property tax abatement for a utility scale facility and/or transmission line is complete and legally sufficient for acceptance by the Nevada Energy Commissioner ("Commissioner").

PLEASE READ THESE INSTRUCTIONS FULLY AND CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN REJECTION OF THE PRE-APPLICATION.

1. Please complete all sections of the Pre-Application. An incomplete pre-application will not be accepted.

If the information required pursuant to the Nevada Revised Statutes (NRS) and/or Nevada Administrative Code and/or the Tax Abatement Pre-Application is not available at the time of filing, please **state** that the information required by that provision is not yet available, the reason why it is not available and when it will be available. If the information required by the pre-application is "NOT APPLICABLE" to the project, please state why it does not apply to the project.

2. The Pre-application and all supporting documents must be filed electronically with the Nevada Energy Commissioner at energy@renewable.nv.gov with the subject line of "Pre-application for *facility name*".
3. The Pre-Application must be submitted no later than 6 months before the applicant's anticipated first date of purchasing tangible personal property for the project.
4. The **applicant is responsible to review and comply with** all applicable Nevada Revised Statutes (NRS) and regulations, including but not limited to NRS 701A.300 – 390 and R094-10¹ dated August 13, 2010.
5. The applicant must ensure that the pre-application is the latest version of the application prior to filing his or her pre-application.
6. If any information in the pre-application changes, the applicant must notify the Commissioner and supply updated information within 15 business days of the occurrence of the change.
7. All documents filed with the Commissioner by the applicant are public records and information sought in the Pre-Application must be made publicly available for the public hearing process. While the Commissioner prefers that all information provided in the Pre-Application be publicly available, an applicant may redact part of the information provided in Questions 5, 10, 12, and 21 if the applicant deems any of the information contained in those Questions to be confidential or otherwise protected by law. If the applicant wants to redact any of the information in Questions 5, 10, 12, and 21 the applicant must file a Pre-Application containing all of the required information and labeled prominently on the first page "CONFIDENTIAL" and must file a second Pre-Application form which the confidential or otherwise protected information has been redacted. For each redacted item, the applicant must provide a citation to the legal authority for the claim of confidentiality and argument as to why the particular item is confidential and should be redacted and protected from publication.

¹ Available at <http://www.leg.state.nv.us/Register/2010Register/R094-10A.pdf>

STATE OF NEVADA



NEVADA ENERGY COMMISSIONER
RENEWABLE ENERGY AND ENERGY EFFICIENCY AUTHORITY

Nevada Renewable Energy Tax Abatement Pre-Application Form
(Please refrain from making any changes to this form)

1. Pre-application Filing Date:

2. Applying for:

Sales and Use Tax Abatement only Property Tax Abatement only Both

3. Name of the business applying for abatement (Please attach a copy of Nevada State Business License issued by the Secretary of the State):

4. Name of the proposed facility:

5. Type of Nevada Facility (please check all that are relevant to the proposed facility):

- Process Heat from Solar Energy
- Geothermal
- Solar PV
- Solar Thermal
- Wind
- Biomass
- Waterpower
- Fuel Cells
- Transmission that is interconnected to a renewable energy or geothermal facility (please include an attachment that describes the transmission facility and its function)
- Transmission that contributes to the capability of the electrical grid to accommodate and transmit electricity produced from Nevada renewable energy facilities and/or geothermal facilities (please include an attachment that describes the transmission facility, anticipated capacity of the transmission allocated for the electricity transmit from the Nevada Renewable Energy and/or Geothermal Facilities, and the possible Nevada renewable energy and/or geothermal facilities that will be connected to the proposed transmission facility)

6. List each county, city, and/or town in which the facility will be built:

7. Describe the primary and other sources of energy consumed for the operation the facility:

8. Nameplate production capacity of the facility:

9. Anticipated capital investment amount:

10. Describe how the facility will be financed:

11. Will the facility or any portion of the facility be located on residential property?:
 Yes No (Please describe in an attachment if yes)

12. Will the facility be built on (please check all that are relevant to the proposed facility):

- Private land
- BLM Land
- Other Governmental Entity Land
- Other

Please describe each selected:

13. Will the facility or any portion of the facility be owned, operated, or otherwise controlled by a governmental entity?

Yes No (Please describe in an attachment if yes)

14. Will funding be provided by a Nevada governmental entity for the acquisition, design, or construction of the facility or for the acquisition of any land ?

Yes No (Please describe in an attachment if yes)

15. Will the facility be receiving or be awarded other abatements or exemptions from the sale/use taxes and property taxes?

Yes No (Please describe in an attachment if yes)

- 16. How long is it anticipated that the facility will be operational?**
- 17. Name of the utility or company with which the applicant has a long-term power purchase agreement (PPA) and the length of the agreement (if there is no existing PPA, please include an attachment that describes the plan and phase for the PPA):**
- 18. Anticipated first date of purchasing tangible personal property for the project:**
- 19. Anticipated date or time range for the start of construction (Please be realistic):**
- 20. Anticipated date or time range for the commencement of operation of the facility (Please be realistic):**
- 21. Attach a chart or table for the project phases and provide a short description and timeline for each phase**
- 22. How many full-time construction employees will be employed during the second quarter of the construction and how many of them will be residents of Nevada?**
- 23. How many full-time and part-time construction employees are anticipated to be employed during the entire construction phase and how many of them will be residents of Nevada? (Please provide estimated break down for each quarter)**
- 24. Anticipated average hourly wage paid to the employees working on the construction of the facility during the entire construction period (excluding management and administrative employees) ¹:**
- 25. How many full-time employees will be employed once the facility is operational?**
- 26. Anticipated average hourly wage paid to the operational employees of the facility¹:**

¹ Statewide wage thresholds available at <https://www.nevadaworkforce.com/article.asp?ARTICLEID=2786>

27. Will health insurance plan for construction employees with an option for dependents be offered to all construction employees?

Yes No (Please describe if yes)

28. Name, address, telephone number and e-mail of a designated representative(s)
(please list at least one technical person who is familiar with the proposed facility)

29. Name, address, telephone number and e-mail of a designated attorney (if any):

I, _____, by signing this Pre-Application, I do hereby attest and affirm under penalty of perjury the following:

- (1) I have the legal capacity to submit this Pre-Application on behalf of the applicant;
- (2) I have prepared and personally knowledgeable regarding the contents of this Pre-Application; and
- (3) The content of this Pre-Application are true, correct, and complete.

SIGNATURE

DATE

NAME & TITLE (Please print)

STATE OF NEVADA



NEVADA ENERGY COMMISSIONER
RENEWABLE ENERGY AND ENERGY EFFICIENCY AUTHORITY

Instructions for Filing the Nevada Renewable Energy Tax Abatement
Application Packet for Utility Scale Renewable Energy Facilities and Transmission Lines

Pursuant to NRS 701A.300 - 390 and Adopted Regulation, LCB No: R094-10

The following information is provided to help ensure that an application for a partial renewable energy sales and use tax abatement and/or a partial property tax abatement for a utility scale facility and/or transmission line is complete and legally sufficient for acceptance by the Nevada Energy Commissioner ("Commissioner").

PLEASE READ THESE INSTRUCTIONS FULLY AND CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN REJECTION OF THE APPLICATION PACKET.

1. The **applicant is responsible to review and comply with** all applicable Nevada Revised Statutes (NRS) and regulations, including but not limited to NRS 701A.300 – 390 and LCB File R094-10¹ dated August 13, 2010.
2. Please complete all sections stated in the "Application Check List and Table of Contents". An incomplete application will not be accepted.

If the information required pursuant to the Nevada Revised Statutes (NRS) and/or Nevada Administrative Code and/or the Tax Abatement Application is not available at the time of filing, please **state** that the information required by that provision is not yet available, the reason why it is not available and when it will be available. If the information required by the application is "NOT APPLICABLE" to the project, please state why it does not apply to the project.

3. The Application and all supporting documents must be filed electronically with the Nevada State Office of Energy (NSOE) at taxabatment@energy.nv.gov. The **subject line** should read: Application for AFN - facility name.

Applicant must organize the application in sections within the order stated in the "Application Check List and Table of Contents" and also number each page. **The application and all supporting documents should be filed as pdf file.** However certain sections should also be filed as excel worksheets (see the red text notes within the "Application Check List" table)

Please note that NSOE is a different Office that is responsible for checking the completeness of the Application Packet. NSOE can reject the application if it is incomplete. Upon accepting the application packet, NSOE will forward the electronic Application Packet to the Renewable Energy and Energy Efficiency Authority (REEEA), Department of Taxation, State Budget Division, and other state agencies and Local Government Entities named in the NRS and regulation.

¹ Available at <http://www.leg.state.nv.us/Register/2010Register/R094-10A.pdf>

4. Upon receiving the acceptance notice from NSOE, REEEA will contact the Applicant for the spiral bound copy of the application packet.
5. The applicant must ensure that the application instruction and the excel form is the **latest version** of the application instruction/form prior to filing his or her application.
6. A partial abatement of taxes approved by the Commissioner is prospective only and can not be applied retroactively to any tax imposed before the execution of the abatement agreement between the Commissioner and the applicant. Application flows through several agencies for processing prior to the public hearing. Hence, please file your application in advance and allow at least 3 months for processing timeline before your anticipated first date of purchasing tangible property for the project.
7. If an owner intends to sell, assign or otherwise transfer all or some of the owner's interest in the project or facility, the owner **must amend** the application to include information regarding the proposed successor in interest and the terms and conditions of the transaction; If the sale, assignment or other transfer will occur before the public hearing regarding the owner's application (See Section 33 of R094-10).
8. An applicant must amend his or her application no later than 15 business days after the occurrence of **any significant change** that is applicable to the application (see Section 17(7) and Section 12 of R094-10).
9. The law requires the Commissioner to make the process transparent, conduct a public hearing on the merit of the application prior to granting the tax abatements for a qualified applicant. Furthermore, the law requires the Department of Taxation and the State Budget Division to publish fiscal notes that will estimate the fiscal impact of the partial tax abatements on the State and each of the affected local governments. Please also note that the tax abatements are a privilege, not a requirement. Hence, all documents filed with the Commissioner by the applicant are **public records** and information sought in the application must be **made publicly available for the public hearing process**. However, an applicant may redact some of the information if the information is protected by law and is not related to any of the tax abatement criteria required by the law, regulations and fiscal notes.

If the applicant wants to redact certain information protected by law, the applicant must file an application containing all of the required information and label prominently on the first page "CONFIDENTIAL" and must file a second partially redacted application in which the confidential or otherwise protected information has been redacted (please label prominently on the first page of the second application "PARTIALLY REDACTED").

For **EACH** redacted item, the applicant **MUST** provide a citation to the legal authority for the claim of confidentiality and an argument as to why the particular item is protected by law and should be redacted and protected from publication. Please note that partially redacted application will not be considered if each of the redacted items is not justified individually by a legal citation and argument. Please also note that the Commissioner makes the determination as to whether the item has been legally declared to be confidential and may be redacted from the application. Please also be aware that evaluation of the confidentiality matters will lengthen the application process. For further information, please refer to Section 15 and 18 of the R094-10.

.APPLICATION CHECK LIST AND TABLE OF CONTENTS

Please organize the application packet (pdf file) in the order stated in the below table, **check off** the boxes for the information included in the submission packet and also include page numbers for each of the sections.

Check off	ITEMS	Page No.
	Title Page (AFN, Project Name, Company Name, and County(s) where the Facility will be built)	1
	Application Filing and Processing Time Table	2
	Application Check List and Table of Contents	3
	Application Narrative (brief description of the projects and discussion on how the project meets the tax abatement criteria and how the tax abatements impacted or will impact the PPA negotiation and project financing, etc.)	4
	Updated sections of the Pre-Application if any of the information in the pre-application has changed	
	Company and Facility Information (see excel form)	
	<ul style="list-style-type: none"> • Description of the Technology and Complete Facility 	
	<ul style="list-style-type: none"> • Complete and legal description of the location of the proposed facility 	
	<ul style="list-style-type: none"> • Description of any natural or nonrenewable resources affected by or required to be used in the construction or operation of the proposed facility 	
	<ul style="list-style-type: none"> • Summary and Copy of PPA (or LOI or MOU) 	
	<ul style="list-style-type: none"> • Summary of the PUC and FERC Dockets if any PUC and FERC filing have started 	
	<ul style="list-style-type: none"> • Copy of the Business Plan for the Nevada Facility 	
	<ul style="list-style-type: none"> • For Expansion Applications, Copy of the most recent assessment schedule and tax bill from the County Assessor's Office or the Department of Taxation 	
	<ul style="list-style-type: none"> • Parent Company Profile and List of Renewable Energy Facilities developed by the Nevada Company or the Parent Company 	
	<ul style="list-style-type: none"> • Annual Report 	
	<ul style="list-style-type: none"> • Copy of the Nevada State Business License 	
	<ul style="list-style-type: none"> • List of Required Facility Permits 	
	<ul style="list-style-type: none"> • Contractors and Sub-Contractors List 	
	Employment Information (see excel form)	
	<ul style="list-style-type: none"> • Construction Employee Schedule (should also be submitted as an excel worksheet) 	
	<ul style="list-style-type: none"> • Second Quarter Construction Employee Schedule (should also be submitted as an excel worksheet) 	
	<ul style="list-style-type: none"> • Permanent Employee Schedule (should also be submitted as excel worksheet) 	
	Cost-Benefit Analysis of the project and abatements (must include, but not limited to, estimated impacts and benefits on local and state economy, energy need, employment, revenues for the sales & use taxes, property taxes, modified business tax, royalties, state and local government portion of the federal lease rentals, etc.)	
	Supplemental Information (see excel form)	
	Taxation Reporting Forms (Summary Sheet and Schedules 1 through 8) (should also be submitted as excel worksheets)	
	Contact Information for Company Designated Representative and Attorney	
	For EACH redacted item, Legal Order Citation and Argument for the Claim of Confidentiality	
	Attestation and <u>Signature</u> (see excel form)	

APPLICATION FILING AND PROCESSING TIME TABLE

EVENT	DATE	INITIAL
Pre-application Acceptance Date		
Application Filing Date by the Applicant		
Application Received by the Nevada State Office of Energy		
Application Accepted by the Nevada State Office of Energy		
Application Denial Notice sent for Incomplete Application by the Nevada State Office of Energy		
Application Received by the Nevada Energy Commissioner		
Fiscal Note Published by the State Department of Taxation		
Fiscal Note Published by the Chief of State Budget Division		
Board of County Commissioners Approval for the Partial Property Tax Abatement (Geothermal Project Only)		
Board of County Commissioners Denial for the Partial Property Tax Abatement (Geothermal Project Only)		
Notice of Public Hearing by the Nevada Energy Commissioner		
Public Hearing		
Legal Order for Approval or Denial of the Application by the Nevada Energy Commissioner		
Tax Abatement Agreement Execution		
Nevada Energy Commissioner Memorandum to Department of Taxation – Issuance of Partial Sales and Use Tax Abatements Certificate		
Certificate of Eligibility for Partial Tax Abatements		
Annual Date for Compliance Report Filing by the Applicant		

State of Nevada
Renewable Energy Tax Abatement Application
Facility Information

Type of Incentives (Please check all that the company is applying for on this application.)

Sales & Use Tax Abatement

Property Tax Abatement

Company Information (Legal name of company under which business will be transacted in Nevada.)

Company Name:

Department of Taxation's Tax Payer ID number:

Federal Employer ID number (FEIN, EIN or FID):

NAICS Code:

Description of Company's Nevada Operations:

Percentage of Company's Market Outside of Nevada:

Mailing Address:

City:

State:

Zip:

Phone:

Fax:

Nevada Facility

Type of Facility (please check all that are relevant to the facility)

- Geothermal
- Process Heat from Solar Energy
- Solar PV
- Solar Thermal
- Wind
- Biomass
- Waterpower
- Fuel Cells
- Transmission that is interconnected to a renewable energy or geothermal facility
- Transmission that contributes to the capability of the electrical grid to accommodate and transmit electricity produced from Nevada renewable energy facilities and/or geothermal

Name Plate Production Capacity of the Facility:

Net Output Production Capacity of the Facility in MW:

Annual Net Production Capacity of the Facility in MWh (or other appropriate unit):

State of Nevada
Renewable Energy Tax Abatement Application
Facility Information

Anticipated first date of purchasing tangible personal property for the project (Please be realistic):		
Anticipated date or time range for the start of construction (Please be realistic)		
Anticipated date or time range for the commencement of operation of the facility (Please be realistic):		
Address of the Real Property for the Generation Facility:		
City:	State:	Zip:

Size of the total Facility Land (acre):
How Many Buildings will exist on the facility land?
Size of Each Building (sq.ft.)

Are you required to file any paper work with the PUC and/or FERC?			
If yes,	Purpose of the Filing with PUC:	Filing Date OR Anticipated filing Date:	If Filed, PUC Docket Number:
If yes,	Purpose of the Filing with FERC:	Filing Date OR Anticipated filing Date:	If Filed, FERC Docket Number:

List All the county(s), Cities, and Towns where the facility will be located	
1	
2	
3	
4	
5	
6	
7	
8	
9	

State of Nevada
Renewable Energy Tax Abatement Application
Facility Information

ATTACH	
1	Description of the Technology and Complete Facility including generation, transmission or distribution, the physical point at which the ownership of energy is transferred and nature of the connection to the transmission grid
2	Complete and legal description of the location of the proposed facility, including a regional facility map that identifies the location, county boundaries and state boundaries of the proposed facility or a reference to any such map of appropriate scale
3	Description of any natural or nonrenewable resources that will be affected by or required to be used in the construction or operation of the proposed facility, including statement of any areas of mitigation, controversy, issue or concern
4	Summary and Copy of PPA (or LOI or MOU)
5	Summary of the PUC and FERC Dockets if any PUC and FERC filing have started
6	Copy of the Business Plan for the Nevada Facility
7	For Expansion Applications, Copy of the most recent assessment schedule and tax bill from the County Assessor's Office or the Department of Taxation
8	Parent Company Profile and List of Renewable Energy Facilities developed by the Nevada Company or the Parent Company
9	Annual Report
10	Copy of the Current Nevada State Business License

List of Required Permits or Authorizations for the Proposed Facility

Permit or Authorization Title	Issuing Agency	Project Circumstance Requiring Permit or Authorization	Steps to Obtain Permit	Application Date	Approval Date or Expected Approval Date
I. Federal Permits or Authorizations					
II. State of Nevada Permits or Authorizations					
III. County Permits or Authorizations					
IV. City Permits or Authorizations					

SAMPLE

NOTE: Project contractors, subcontractors, and other entities including owner that will be purchasing goods and equipment for the construction of the Facility are entitled to claim or receive the sales and use tax abatement

Contractors and Subcontractors List

Vendor 1	
Tax ID	
Contact	
Mailing Address	
E-Mail	

Vendor 2	
Tax ID	
Contact	
Mailing Address	
E-Mail	

Vendor	
Tax ID	
Contact	
Mailing Address	
E-Mail	

Vendor 3	
Tax ID	
Contact	
Mailing Address	
E-Mail	

Vendor 4	
Tax ID	
Contact	
Mailing Address	
E-Mail	

Vendor 5	
Tax ID	
Contact	
Mailing Address	
E-Mail	

Vendor 6	
Tax ID	
Contact	
Mailing Address	
E-Mail	

**State of Nevada
Renewable Energy Tax Abatements Application
Employment Information**

Employment
(Only Numerical Answers. NO general answers such as "will comply with the Nevada Laws and Regulation" or "at least 30%")

New Operations or Expansion

CONSTRUCTION EMPLOYEES		Full Time	Part Time
Number of anticipated construction employees who will be employed during the entire construction phase?			
Number of anticipated construction employees who will be Nevada Residents?			
Average anticipated hourly wage of construction employees, excluding management and administrative employees:			
Number of anticipated construction employees who will be employed during the second-quarter of construction?			
Number of anticipated second-quarter construction employees who will be Nevada Residents?			
PERMANENT EMPLOYEES			
Number of anticipated permanent employees who will be employed as of the end of its first fourth-quarter of new operations or expansion?			
Average anticipated hourly wage of permanent employees, excluding management and administrative employees:			
Number of permanent employees who were employed prior to the expansion?			
Average hourly wage of current permanent employees, excluding managements and administrative employees			

Employee Benefit Program for Construction Employees

Health insurance for construction employees and an option for dependents must be offered upon employment

List Benefits Included (medical, dental, vision, flex spending account, etc):

Name of Insurer:

Cost of Total Benefit Package:	Cost of Health Insurance for Construction Employees:
--------------------------------	--

Construction Employee Schedule

List all anticipated construction employees and associated wages for all persons who will be working on the construction of the facility during the entire construction period.

FULL TIME EMPLOYEES

#	Job Title	(a) # of Nevada Employees	(b) # of Non-Nevada Employees	(c) = (a)+(b) Total # of Employees	(d) Hourly Wage per job title (\$)	(e) = (c) x (d) Total Hourly Wage per job title (\$)	(f) = $\Sigma(e) / \Sigma(c)$ Average Hourly Wage (\$)
Management and Administrative Employees							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL 1							

Construction Employees, excluding Management and Administrative Employees							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL 2							

PART TIME EMPLOYEES

Management and Administrative Employees							
1							
2							
3							
4							
5							
TOTAL 3							

Construction Employees, excluding Management and Administrative Employees							
1							
2							
3							
4							
5							
TOTAL 4							

TOTAL = TOTAL 1 + TOTAL 2 + TOTAL 3 + TOTAL 4							
TOTAL CONSTRUCTION PAYROLL							

Second Quarter Construction Employee Schedule

List all anticipated construction employees and associated wages for all persons who will be working on the construction of the facility during the second quarter of construction.

FULL TIME EMPLOYEES

#	Job Title	(a) # of Nevada Employees	(b) # of Non-Nevada Employees	(c) = (a)+(b) Total # of Employees	(d) Hourly Wage per job title (\$)	(e) = (c) x (d) Total Hourly Wage per job title (\$)	(f) = $\Sigma(e) / \Sigma(c)$ Average Hourly Wage (\$)
Management and Administrative Employees							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL 1							

Construction Employees, excluding Management and Administrative Employees

1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL 2							

TOTAL = TOTAL 1 + TOTAL 2							
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Second Quarter Construction Employee Schedule (Continued)

PART TIME EMPLOYEES

#	Job Title	# of Nevada Employees	# of Non-Nevada Employees	Total # of Employee	Weekly Wage per job title (\$)	Total Weekly Wage per job title (\$)	Average Hourly Wage (\$)
Management and Administrative Employees							
1							
2							
3							
4							
5							
TOTAL							

Construction Employees, excluding Management and Administrative Employees

1							
2							
3							
4							
5							
TOTAL							

State of Nevada
Renewable Energy Tax Abatements

Permanent Employee Schedule

List all anticipated permanent employees who will be employed by the Nevada Facility as of the end of its first fourth-quarter of new operations or expansion and the employment per job title will continue next 20 years.

FULL TIME EMPLOYEES

		(c)	(d)	(e) = (c) x (d)	(f) = $\Sigma(e) / \Sigma(c)$
#	Job Title	# of Employees	Hourly Wage per job title (\$)	Total Hourly Wage per job title (\$)	Average Hourly Wage (\$)
Management and Administrative Employees					
1					
2					
3					
4					
5					
TOTAL 1					

Permanent Employees, excluding Management and Administrative Employees

1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
TOTAL 2					

PART TIME EMPLOYEES

Management and Administrative Employees

1					
2					
3					
4					
5					
TOTAL 3					

Permanent Employees, excluding Management and Administrative Employees

1					
2					
3					
4					
5					
TOTAL 4					

TOTAL = TOTAL 1 + TOTAL 2 + TOTAL 3 + TOTAL 4				
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TOTAL ANNUAL PAYROLL				
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**State of Nevada
Renewable Energy Tax Abatements**

Supplemental Information

Please respond to each question. Answers to the questions will assist Department of Taxation staff in determining whether the facility should be locally or centrally assessed. Other questions will assist staff in understanding whether the reported replacement costs capture all aspects of taxable value.

- 1) Will you have a possessory interest in any governmentally owned property for this facility? Please describe if yes.

- 2) Do you anticipate making any concessions in the contract sales price for energy to account for discounted lease rates? Describe the nature of the concessions.

- 3) Will the facility, including generation, transmission, or distribution cross state or county boundaries? Please describe if yes.

- 4) Will the facility have long-term power purchase agreement (PPA) contracts with a utility?

- 5) Will the contract(s) provide for the sale of renewable portfolio energy credits (PEC) to a utility? Please describe if yes

- 6) Will the contract(s) provide for a long-term fixed rate for the sale of energy? Please describe if yes

- 7) Is the facility owned by a subsidiary of a company that is interstate or intercounty in nature? Name and location of the subsidiary company, if yes.

- 8) Is the company and/or facility subject to regulation by the PUCN or FERC?

- 9) At what physical point is the ownership of energy transferred? Describe the location and nature of the connection to the transmission grid.

- 10) Will the facility be eligible for other abatements or exemptions such as pollution control exemptions? Please describe if yes

- 11) Has your company applied and/or been approved for any abatements or exemptions for this facility or any other facility by the State of Nevada and/or local governments? If yes, list the abatements awarded, name and location of the project, name of the awarder, date of approval, amounts and status of the accounts.

**State of Nevada
Renewable Energy Tax Abatements Application**

**Summary Report
Schedules 1 through 8**

Company:

Division:

Line No.	Schedule	Total Estimated RCNLD or Transaction Cost	Department Use Only
1	Sch. 1 Personal Property - Property Tax - Total from Col. J.		
2	Sch. 2 Real Property - Improvements - Total from Col. F.		
3	Sch. 3 Real Property - Land - Total from Col. I		
4	Sch. 4 Operating Leases - Total from Col. F		
5	Sch. 5 Contributions in Aid of Construction - Total from Col. F		
6	Sch. 6 First Year Estimated Sales & Use Tax - Total from Col. J		
7	Sch. 7 Second Year Estimated Sales & Use Tax - Total from Col. J		
8	Sch. 8 Third Year Estimated Sales & Use Tax - Total from Col. J		

**State of Nevada
Renewable Energy Tax Abatements Application**

**Property Tax: Real Property Land
Schedule 3**

Company: _____

Division: _____

Show the requested data for all land, owned or leased, in Nevada.

A	B	C	D	E	F	G	H	I	
Where Situated				Brief Description, Size of the Land (acre), Date Acquired	Assessor's Parcel Number (APN)	Owned (O) Leased (L) Rented (Rtd)	G/L Account Number (if applicable)	Purchase Price (if applicable)	Assessor's Taxable Value
Line #	County	City or Town	Tax District						
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12	Grand Total								

**State of Nevada
Renewable Energy Tax Abatements Application**

Attestation and Signature

I, _____, by signing this Application, I do hereby attest and affirm under penalty of perjury the following:

- (1) I have the legal capacity to submit this Application on behalf of the applicant;
- (2) I have prepared and personally knowledgeable regarding the contents of this Application; and
- (3) The content of this Application are true, correct, and complete

Name of person authorized for signature:

Signature:

Title:

Date:

SAMPLE