

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R060-18

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

The regulation implements Senate Bill 65 (2017) by amending Chapter 704 of the Nevada Administrative Code (“NAC”) to: (1) require a resource plan submitted by an electric utility to contain certain information concerning the reduction of consumer exposure to the price volatility of fossil fuels and the potential social cost of carbon; (2) establish the method for calculating the social cost of carbon; (3) require an electric utility to hold a meeting with certain parties and interested persons before filing a resource plan or an amendment to a resource plan; (4) establish requirements for providing notice of such a meeting; and (5) provide other matters properly relating thereto.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

(a) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available on the website of the PUCN, <http://puc.nv.gov>, mailed to all county libraries in Nevada, the State library, and the Legislative Council Bureau, published in the following newspapers:

Ely Times
Las Vegas Review Journal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

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

Public Utilities Commission
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

(b) The Regulatory Operations Staff of the Commission (“Staff”) filed comments. Staff was generally supportive of the proposed regulation.

Nevada Power Company d/b/a/ NV Energy and Sierra Pacific Power Company d/b/a/ NV Energy (together, “NV Energy”) filed comments. NV energy did not support the inclusion of a reference to the Interagency Working Group in connection with calculating the social cost of carbon. Once the Presiding Officer offered to amend the proposed regulation to clarify that the reference to the Interagency Working Group was as an example of the best available science and economics, NV Energy did not oppose the regulation moving forward.

Western Resource Advocates, Environmental Defense Fund, and Institute for Policy Integrity (“WRA *et al.*”) filed joint comments. WRA *et al.* was generally supportive of the proposed regulation, especially, the inclusion of the reference to the Interagency Working Group.

The Governor’s Office of Energy (“GOE”) filed comments. GOE was generally supportive of the proposed regulation.

The Attorney General’s Bureau of Consumer Protection (“BCP”) filed comments. BCP was generally supportive of the proposed regulation.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the PUCN, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

- 3. The number of persons who:**
 - (a) Attended each hearing: 9**
 - (b) Testified at each hearing: 8**
 - (c) Submitted written comments: 5**

- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented.**

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5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question 2(c).

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted with changes to the proposed regulation. Based on comments submitted and discussion in the workshop conducted prior to the hearing, the proposed regulation was amended to clarify that the Interagency Working Group is intended to be an example of the best available science and economics and to allow for alternative methods of calculating the social cost of carbon, as long as the method is supported.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: both adverse and beneficial effects, and both immediate and long-term effects.**

- (a) Estimated economic effect on the businesses which they are to regulate.**

The regulation does not impose any economic effect on the business it is intended to regulate.

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

The regulation does not regulate the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

No additional costs are associated with the regulation.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap any other State, governmental agency, or federal regulations.

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

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?

Staff conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used his background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff's analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff's recommendation and found that the proposed regulation is not likely to impose a direct and significant economic burden upon small businesses, nor is it likely to directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an Order issued in Docket No. 17-07020 on June 29, 2018.