

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R068-18

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

The regulation, attached hereto as Attachment 1, authorizes the Regulatory Operations Staff of the Commission to petition the Commission for an order requiring certain categories of portfolio energy systems to participate in a system of portfolio energy credits other than the system of portfolio energy credits currently provided for by regulation. This regulation is needed to facilitate a transition away from the current system of portfolio energy credits. The underlying proceedings in this matter revealed that the current system of portfolio energy credits is cumbersome and inefficient. In addition, the regulation is needed to increase the marketability of portfolio energy credits outside of Nevada.

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”), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (collectively, “NV Energy”), and Barrick Goldstrike Mines, Inc. filed comments throughout the proceeding. All participants supported adoption of the proposed regulation in its final form.

(c) Copies of the transcripts of the proceedings and the Commission’s Order in this proceeding 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: 4

- (b) **Testified at each hearing: 4**
- (c) **Submitted written comments: 3**
- 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.**

Meredith Barnett
Regulatory Operations Staff of the PUCN
1150 East William Street
Carson City, NV 89701
(775) 684-7583
mbarnett@puc.nv.gov

Michael Saunders
Sr. Deputy Attorney General
Attorney General Bureau of Consumer Protection
10791 West Twain Avenue
Suite 10
Las Vegas, NV 89148
msaunders@ag.nv.gov

Douglas Brooks
Assistant General Counsel
NV Energy
6226 West Sahara Ave.
Las Vegas, NV 89150

Vicki Baldwin
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt lake City, UT 84111
Attorney for Barrick Mines

- 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, as provided in response to question 2(a); the summary of comments received is reflected in response to question 2(b); and 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.**

No participant offered any amendments to the proposed regulation.

- 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 or significant economic burden upon small businesses, nor is it likely to directly restrict the formation, operation, or expansion of a small business, and therefore further found that 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. 16-07032 on June 29, 2018.