

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R136-20

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

Assembly Bill (“AB”) 465 (2019), passed in 2019, requires the Public Utilities Commission of Nevada (the “Commission”) to adopt regulations pertaining to the implementation of an expanded solar access program (“ESAP”). This regulation implements AB 465 (2019), by establishing standards and requirements for the ESAP program.

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 at the website of the PUCN, <http://puc.nv.gov>, mailed to all county libraries in Nevada, 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) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together “NV Energy”), the Regulatory Operations Staff (“Staff”) of the Commission, Bombard Renewable Energy, the Sierra Club and Western Resource Advocates, Chispa Nevada, Nevada Assemblywoman Daniele Monroe-Moreno, the Attorney General’s Bureau of Consumer Protection (“BCP”), the City of Las Vegas, the Nevada Department of Employment, Training, and Rehabilitation (“DETR”), the Nevada Conservation League, and MGM Resorts International and Caesars Enterprise Services, LLC (together, “MGM and Caesars”) filed comments in the matter. Commenters raised concerns about the rates charged to participants of the ESAP program, the electric utility’s allocation and recovery of costs resulting from implementing the ESAP program, portfolio energy credit allocation, and providing equitable access to the ESAP program for all communities in Nevada.

(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 the February 17, 2021, hearing: 11**
 - (b) **Testified at the February 17, 2021, hearing: 8**
 - (c) **Attended the March 25, 2021, hearing: 6**
 - (d) **Testified at the March 25, 2021, hearing: 5**
 - (e) **Submitted written comments: 11**

4. **For each person identified in paragraphs (b), (d), and (e) 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.

Proposed revisions to the regulation proposed by the commenters and participants were incorporated in the 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 is expected to have minimal adverse effects on businesses in both the immediate and long-term.

The regulation is expected to have minimal beneficial effects on businesses in both the immediate and long-term.

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

The regulation is expected to have minimal adverse effects on the public in both the immediate and long-term.

The regulation is expected to have minimal economic effects on the public in both the immediate and long-term. However, the regulation is expected to have positive economic effects on individuals that qualify for the ESAP program, in both the immediate and long-term, by extending the potential financial benefits of owning solar resources.

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

Any costs associated with the regulation are considered incremental in nature.

- 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. Additionally, Staff performed a Rate Impact Analysis (“RIA”) based on information in the Joint Application by NV Energy for approval of an ESAP program, filed in Docket no. 20-12003. Staff’s RIA took into consideration various assumptions about the ESAP program to arrive at an estimate of the potential range of the total annual ESAP program costs. Staff’s RIA, additionally, estimated the range of potential rate impacts to small businesses.

The Commission relied on Staff’s RIA and an assessment of potential bill impacts to small businesses and found that the proposed regulation does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, 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. 19-06028 on January 21, 2021.