

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

**LCB FILE NO. R158-20I**

**The following document is the initial draft regulation proposed  
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PROPOSED REGULATION OF THE  
PUBLIC UTILITIES COMMISSION OF NEVADA

Docket No. 19-06010  
September 23, 2020

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

NAC 704.8871 shall be amended to read as follows:

1. ~~Except as otherwise provided in NAC 704.8831 to 704.8899, inclusive:~~

(a) Each utility provider shall comply with its portfolio standard during each compliance year by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required by NRS 704.7821 *or 704.78213* for that compliance year;

~~(b) If a provider of new electric resources made energy, capacity or ancillary services from a new electric resource available to an eligible customer before July 1, 2009, the portfolio standard set forth in NRS 704.7821 which was effective on the date on which the order approving the application or request was approved shall be deemed to apply to the provider of new electric resources, and the provider of new electric resources shall comply with its portfolio standard by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required by NRS 704.7821 for that compliance year; and~~

~~—(c) If a provider of new electric resources made energy, capacity or ancillary services from a new electric resource available to an eligible customer on or after July 1, 2009, the provider of new electric resources shall comply with its portfolio standard during each compliance year by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required pursuant to NRS 704.78213.~~

2. Each provider has the burden to prove that it complied with its portfolio standard during each compliance year. *A provider described in subsection 9 of NRS 704.7821 shall:*

*(a) Meet that burden by including a statement with the report filed pursuant to paragraph (b) of subsection 1 of NRS 703.191 of the total amount of electricity supplied to its members in this State during the most recently completed compliance year if the total amount of electricity supplied by the provider to such members during the most recently completed compliance year is less than 1,000,000 megawatt-hours and the provider is a provider described in paragraphs (a) and (d) of NRS 704.7821;*

*(b) Meet that burden by submitting to the Commission, not later than April 15 of each compliance year, a report stating that the total amount of electricity sold by the provider to its retail customers in this State during the most recently completed compliance year if the total amount of electricity supplied by the provider to such customers during the most recently completed compliance year is less than 1,000,000 megawatt-hours and the provider is a provider described in paragraphs (b) and (c) of NRS 704.7821; and*

*(c) Certify the use of a compliant portfolio energy system for any amounts in excess of 1,000,000 megawatt hours pursuant to the requirements of NAC 704.xxxx.*

~~—3.—As used in this section, “provider of new electric resources” has the meaning ascribed to it in NRS 704B.130.~~

Chapter 704 of the Nevada Administrative Code shall be amended by adding a new section thereto.

***Reporting and compliance for NRS 704.7821 subsection 9 providers for purposes of NAC 704.8831 through NAC 704.8937***

***1. If the total amount of electricity sold by NRS 704.7821 subsection 9 provider to its retail customers in this State during the most recently completed compliance year is greater than 1,000,000 MWh, that provider shall:***

***(a) Generate, acquire, or save electricity from a portfolio energy system or efficiency measure in the amounts required by NRS 704.7821(1), measured as percentages of the amount of electricity in excess of 1,000,000 megawatt-hours sold during the most recently completed compliance year.***

***(b) Report to the Commission:***

***(i) The total amount of kilowatt-hours in excess of 1,000,000 MWh, and***

***(ii) An attestation by that provider that the amount of electricity in excess of 1,000,000 MWh was generated, acquired or procured from a portfolio energy system pursuant to NRS 704.7804(1)(b) or;***

***(iii) If not acquired pursuant to NRS 704.7804(1)(b), a report pursuant to NAC 704.8879.***

***(c) If such a provider in a compliance year exceeds 1,000,000 MWh and that provider intends to participate in the system of portfolio energy credits for those amounts in excess of 1,000,000 MWh, the provider shall file the report pursuant to subsection 2(b)(iii) and that provider will comply with NAC 704.8901 through NAC 704.8937.***

***2. Such a provider only earns portfolio energy credits equal to 1 kilowatt-hour of electricity generated, acquired or procured by that provider from a portfolio energy system exclusive of the first 1,000,000 megawatt-hours supplied by the provider to its members or retail customers in a compliance year.***