

**Amendment No. 370**

Senate Amendment to Senate Bill No. 145	(BDR 58-54)
<b>Proposed by:</b> Senate Committee on Commerce, Labor and Energy	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE all appropriations from S.B. 145.
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ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





## SENATE BILL NO. 145—SENATOR SPEARMAN

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to energy. (BDR 58-54)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to energy; **establishing as part of the Solar Energy Systems Incentive Program a program for the payment of incentives for the installation of certain energy storage systems; creating the Electric Vehicle Infrastructure Demonstration Program;** revising provisions relating to the payment of incentives to participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; ~~requiring certain electric utilities in this State to file with the Public Utilities Commission of Nevada a plan for modernization of the grid; requiring the Commission to determine whether a plan to increase supply or reduce demand provides a benefit to customers of the utility through application of the utility cost test; revising the composition of the Legislative Commission on Energy; providing incentives for the construction of publicly available hydrogen refueling stations;~~ repealing provisions requiring each electric utility to create a Lower Income Solar Energy Pilot Program; ~~repealing the prohibition on certain electric utilities requiring residential customers to pay certain electric service rates based on the time of use of electricity; directing the Legislative Committee on Energy to conduct an interim study of energy efficiency programs and the viability of establishing green banks to help finance the use and harnessing of clean energy in this State; making an appropriation;~~ and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy  
2 Systems Demonstration Program and the Waterpower Energy Systems Demonstration  
3 Program. Existing law further establishes the amount of incentives that may be authorized for  
4 payment by the Public Utilities Commission of Nevada to each Program. (NRS 701B.005,  
5 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 1.5** of this bill  
6 combines the amount of existing incentives available for payment to each Program into a  
7 single pool of money from which the Commission may authorize the payment of an incentive

8 to a Program. **Section ~~HH 1.5~~ further requires the Commission, for the period beginning on**  
9 **January 1, 2018, and ending on December 31, 2023, to authorize the payment of incentives in**  
10 **an amount of not more than ~~(\$2,000,000) \$1,000,000~~ per year for the installation of solar**  
11 **energy systems and distributed generation systems at locations throughout the service**  
12 **territories of electric utilities in this State that benefit low-income customers. ~~[Section 2 of this~~**  
13 **~~bill provides that incentives available to a participant that is a public entity or nonprofit~~**  
14 **~~organization must not exceed 75 percent of the installed cost of the solar energy system or~~**  
15 **~~distributed generation system based on the average installed cost of a system, as applicable, in~~**  
16 **~~the immediately preceding year.] Section 11 of this bill repeals the provisions of existing law~~**  
17 **that require each electric utility in this State to create a Lower Income Solar Energy Pilot**  
18 **Program, which are duplicative of the amendatory provisions of section ~~HH 1.5.~~**

19 ~~— Existing law requires an electric utility with an annual operating revenue of \$2,500,000 or~~  
20 ~~more in this State to submit to the Public Utilities Commission of Nevada a plan to increase~~  
21 ~~its supply of electricity or decrease the demands made on its system by its customers. (NRS~~  
22 ~~704.741) Section 3 of this bill requires such a utility to submit to the Commission a plan for~~  
23 ~~modernization of the grid as part of the plan to increase its supply or decrease the demands on~~  
24 ~~its system. Existing law requires the Commission to convene a public hearing on the adequacy~~  
25 ~~of a plan to increase supply or reduce demand and to issue an order accepting the plan or~~  
26 ~~specifying any portions of the plan it deems to be inadequate. (NRS 704.746, 704.751)~~  
27 ~~Section 5 of this bill authorizes the Commission to accept a plan for modernization of the grid~~  
28 ~~if the Commission determines that the benefits of the plan exceed its costs. Section 4 of this~~  
29 ~~bill requires the Commission to apply the utility cost test in determining whether the plan~~  
30 ~~adequately demonstrates the economic, environmental and other benefits to customers of the~~  
31 ~~electric utility.~~

32 ~~— Existing law creates the Legislative Committee on Energy. (NRS 218E.805) Sections 6~~  
33 ~~and 7 of this bill add two nonvoting members to the Committee who represent the building~~  
34 ~~and banking industries in this State, respectively.~~

35 ~~— Section 8 of this bill requires the Department of Transportation to evaluate and publish~~  
36 ~~annually a report concerning the need for additional publicly available hydrogen fueling~~  
37 ~~stations over the next 3 years. Section 9 of this bill appropriates to the Department \$2,000,000~~  
38 ~~to provide incentives for the construction of publicly available hydrogen fueling stations.~~

39 ~~— Existing law creates the Legislative Committee on Energy and directs the Committee to~~  
40 ~~take a variety of actions with respect to matter related to energy policy within this State. (NRS~~  
41 ~~218E.800, 218E.815) Section 10 of this bill directs the Committee to conduct an interim study~~  
42 ~~concerning: (1) the development of energy, viability, expansion and implementation of energy~~  
43 ~~efficiency programs; and (2) the viability of establishing green banks and similar entities to~~  
44 ~~help finance the use and harnessing of clean energy projects in this State, for both commercial~~  
45 ~~and residential properties. The Committee will consult with entities and interests from various~~  
46 ~~backgrounds including government, public utilities, real estate development and finance.~~  
47 ~~Section 10 further directs the Governor's Office of Energy to provide administrative and~~  
48 ~~technical assistance to the Committee.~~

49 ~~— Existing law prohibits an electric utility from making changes in any schedule or~~  
50 ~~imposing any rate on residential customers that is based on the time of day, day of the week or~~  
51 ~~time of year during which the electricity is used or that otherwise varies based upon the time~~  
52 ~~during which the electricity is used. (NRS 704.085) Section 11 of this bill repeals this~~  
53 ~~prohibition, thereby permitting an electric utility to adopt a rate or schedule based on the time~~  
54 ~~of use if the Public Utilities Commission of Nevada finds the rate or schedule to be just and~~  
55 ~~reasonable. (NRS 704.040)]~~

56 **Sections 1.2 and 1.3 of this bill require the Commission to establish, as part of the**  
57 **Solar Energy Systems Incentive Program, incentives for: (1) the installation of energy**  
58 **storage systems by a customer of an electric utility; and (2) the installation of energy**  
59 **storage systems that have a nameplate capacity of at least 100 kilowatts but not more**  
60 **than 1,000 kilowatts by certain customers of an electric utility.**

61 **Section 1.4 of this bill: (1) creates the Electric Vehicle Infrastructure Demonstration**  
62 **Program; (2) requires the Commission to adopt regulations concerning the Program;**  
63 **and (3) authorizes each utility to recover the costs of carrying out the Program.**

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Chapter 701B of NRS is hereby amended by adding thereto  
2 the provisions set forth as sections 1.1 to 1.4, inclusive, of this act.

3 Sec. 1.1. "Energy storage system" means commercially available  
4 technology that is capable of retaining energy, storing energy for a period of time  
5 and delivering the energy after storage, including, without limitation, by  
6 chemical, thermal or mechanical means.

7 Sec. 1.2. 1. The Commission shall adopt regulations to establish as part  
8 of the Solar Program a program for the payment of incentives for the installation  
9 of energy storage systems by customers of a utility. The regulations must include,  
10 without limitation, regulations that:

11 (a) Establish a process to set and periodically review the level of incentives  
12 available to customers of a utility.

13 (b) Require that each energy storage system for which an incentive is  
14 awarded pursuant to this section provides a minimum level of benefit to  
15 customers of the utility, including, without limitation:

16 (1) Reducing peak demand for electricity;

17 (2) Avoiding or deferring investment by the utility in assets for the  
18 generation, transmission or distribution of electricity; or

19 (3) Improving the reliability of the operation of the transmission or  
20 distribution grid.

21 (c) Determine the allocation of incentives among customers in the following  
22 categories:

23 (1) Residential and small commercial;

24 (2) New construction;

25 (3) Public entities; and

26 (4) Any other category determined by the Commission.

27 (d) Establish the:

28 (1) Qualifications and requirements an applicant must meet to be eligible  
29 to be awarded an incentive pursuant to this section;

30 (2) Form and content of the application for an incentive pursuant to this  
31 section;

32 (3) Process for accepting and approving applications, which must  
33 provide that applications are approved based on the order in which complete  
34 applications are submitted and not on a lottery process; and

35 (4) Requirements an applicant must meet to receive the payment of an  
36 incentive from the utility, including, without limitation, the form and content of a  
37 form to claim the incentive that must be submitted by the applicant.

38 (e) Require a utility to include in its annual plan submitted pursuant to NRS  
39 701B.230 information concerning the incentives available pursuant to this  
40 section.

41 2. To be eligible to receive an incentive pursuant to this section, a person  
42 must:

43 (a) Be a customer of a utility;

44 (b) Be a property owner, a participant or a person who has installed on the  
45 property of the person a solar energy system or energy storage system; and

46 (c) Submit an application to a utility and be selected by the utility for  
47 inclusion in the Solar Program and the award of an incentive pursuant to this  
48 section.

1 3. A utility shall review each application submitted pursuant to subsection 2  
2 to ensure that the applicant meets the qualifications and requirements to be  
3 eligible to be awarded an incentive pursuant to this section.

4 4. The Commission shall not authorize the payment of an incentive  
5 pursuant to this section as part of the Solar Program if the payment of the  
6 incentive would cause the total amount of incentives paid by all utilities pursuant  
7 to this section to exceed \$5,000,000.

8 5. As used in this section, "residential or small commercial customer of a  
9 utility" means an existing residential or small commercial customer of a utility or  
10 a prospective residential or small commercial customer of a utility that affirms it  
11 will become an actual customer of the utility within 12 months after the date on  
12 which the application is filed.

13 Sec. 1.3. 1. The Commission shall adopt regulations to establish as part  
14 of the Solar Program a program for the payment of incentives for the installation  
15 of energy storage systems that have a nameplate capacity of at least 100 kilowatts  
16 but not more than 1,000 kilowatts. The regulations must include, without  
17 limitation, regulations that:

18 (a) Establish the type and level of incentives available to a person who  
19 installs an energy storage system that has a nameplate capacity of at least 100  
20 kilowatts but not more than 1,000 kilowatts. The Commission shall establish a  
21 level of incentives that, to the extent possible, ensures that the benefits of the  
22 energy storage system exceed the costs of the energy storage system to a customer  
23 of a utility.

24 (b) Require that each energy storage system for which an incentive is  
25 awarded pursuant to this section provides a minimum level of benefit to  
26 customers of the utility, including, without limitation:

27 (1) Reducing peak demand for electricity;

28 (2) Avoiding or deferring investment by the utility in assets for the  
29 generation, transmission or distribution of electricity; or

30 (3) Improving the reliability of the operation of the transmission or  
31 distribution grid.

32 (c) Establish a collaborative process for a utility to select persons to  
33 participate in the program and receive an incentive pursuant to this section.

34 2. To be eligible to receive an incentive pursuant to this section, a person  
35 must:

36 (a) Be a property owner, a participant or a person who has installed on the  
37 property of the person a solar energy system;

38 (b) Install an energy storage system that has a nameplate capacity of at least  
39 100 kilowatts but not more than 1,000 kilowatts; and

40 (c) Be selected by the utility for inclusion in the Solar Program and the  
41 award of an incentive pursuant to this section.

42 3. In collaboration with interested parties, a utility shall identify customers  
43 of the utility who have the potential to satisfy the requirements for an incentive  
44 pursuant to this section and locations on the utility's system at which energy  
45 storage systems that would qualify for an incentive pursuant to this section have  
46 the potential to be installed.

47 4. The Commission shall not authorize the payment of an incentive  
48 pursuant to this section as part of the Solar Program if the payment of the  
49 incentive would cause the total amount of incentives paid by all utilities pursuant  
50 to this section to exceed \$5,000,000.

51 Sec. 1.4. 1. The Legislature hereby finds and declares that it is the policy  
52 of this State to expand and accelerate the deployment of electric vehicles and  
53 supporting infrastructure throughout this State.

1 2. The Electric Vehicle Infrastructure Demonstration Program is hereby  
2 created.

3 3. The Commission shall adopt regulations to carry out the provisions of the  
4 Electric Vehicle Infrastructure Demonstration Program, including, without  
5 limitation, regulations that require a utility to submit to the Commission an  
6 annual plan for carrying out the Program in its service area. The annual plan  
7 submitted by a utility may include any measure to promote or incentivize the  
8 deployment of electric vehicle infrastructure, including, without limitation:

9 (a) The payment of an incentive to a customer of the utility that installs or  
10 provides electric vehicle infrastructure;

11 (b) Qualifications and requirements an applicant must meet to be eligible to  
12 be awarded an incentive;

13 (c) The imposition of a rate by the utility to require the purchase of electric  
14 service for the charging of an electric vehicle at a rate which is based on the time  
15 of day, day of the week or time of year during which the electricity is used, or  
16 which otherwise varies based upon the time during which the electricity is used, if  
17 a customer of the utility participates in the Electric Vehicle Infrastructure  
18 Demonstration Program; and

19 (d) The establishment of programs directed by the utility to promote electric  
20 vehicle infrastructure, including, without limitation, education and awareness  
21 programs for customers of the utility, programs to provide technical assistance  
22 related to the charging of electric vehicles to governmental entities or the owners  
23 or operators of large fleets of motor vehicles and programs to create partnerships  
24 with private organizations to promote the development of electric vehicle  
25 infrastructure.

26 4. The Commission shall:

27 (a) Review each annual plan submitted by a utility pursuant to the  
28 regulations adopted pursuant to subsection 3 for compliance with the  
29 requirements established by the Commission; and

30 (b) Approve each annual plan with such modifications and upon such terms  
31 and conditions as the Commission finds necessary or appropriate to facilitate the  
32 Electric Vehicle Infrastructure Demonstration Program.

33 5. Each utility:

34 (a) Shall carry out and administer the Electric Vehicle Infrastructure  
35 Demonstration Program within its service area in accordance with its annual  
36 plan as approved by the Commission pursuant to subsection 4; and

37 (b) May recover its reasonable and prudent costs, including, without  
38 limitation, customer incentives, that are associated with carrying out and  
39 administering the Program within its service area by seeking recovery of those  
40 costs in an appropriate proceeding before the Commission pursuant to NRS  
41 704.110.

42 6. As used in this section:

43 (a) "Electric vehicle" means a vehicle powered solely by one or more electric  
44 motors.

45 (b) "Electric vehicle infrastructure" includes, without limitation, electric  
46 vehicles and the charging stations for the recharging of electric vehicles.

47 ~~Section 1.~~ Sec. 1.5. NRS 701B.005 is hereby amended to read as  
48 follows:

49 701B.005 1. For the purposes of carrying out the Solar Energy Systems  
50 Incentive Program created by NRS 701B.240, and subject to the limitations  
51 prescribed by ~~subsection~~ subsections 2 ~~and 3~~, the Public Utilities Commission  
52 of Nevada shall set incentive levels and schedules, with a goal of approving solar

1 energy systems totaling at least 250,000 kilowatts of capacity in this State for the  
2 period beginning on July 1, 2010, and ending on December 31, 2021.

3 2. ~~[[The]]~~ *Subject to the limitation prescribed by subsection 3* the Commission  
4 ~~[[shall not]]~~ may authorize the payment of an incentive pursuant to ~~[[~~

5 ~~—(a) The]]~~ *the Electric Vehicle Infrastructure Demonstration Program created*  
6 *by section 1.4 of this act, the Solar Energy Systems Incentive Program created by*  
7 *NRS 701B.240, the Wind Energy Systems Demonstration Program created by*  
8 *NRS 701B.580 and the Waterpower Energy Systems Demonstration Program*  
9 *created by NRS 701B.820* if the payment of the incentive would *not* cause the total  
10 amount of incentives paid by all utilities in this State for the installation of *electric*  
11 *vehicle infrastructure, solar energy systems, and* solar distributed generation  
12 systems, *energy storage systems, wind energy systems and waterpower energy*  
13 *systems* to exceed ~~[[*\$255,270,000*]]~~ *\$295,270,000* for the period beginning on July 1,  
14 2010, and ending on December 31, 2025.

15 ~~[[b) The Wind Energy Systems Demonstration Program created by NRS~~  
16 ~~701B.580 and the Waterpower Energy Systems Demonstration Program created by~~  
17 ~~NRS 701B.820 if the payment of the incentive would cause the total amount of~~  
18 ~~incentives paid by all utilities in this State for the installation of wind energy~~  
19 ~~systems and waterpower energy systems to exceed \$40,000,000 for the period~~  
20 ~~beginning on July 1, 2009, and ending on December 31, 2025. The Commission~~  
21 ~~shall by regulation determine the allocation of incentives for each Program.]]~~

22 3. *For the period beginning on January 1, 2018, and ending on December*  
23 *31, 2023, the Commission shall, from the money allocated for the payment of an*  
24 *incentive pursuant to subsection 2, authorize the payment of incentives in an*  
25 *amount of not more than* ~~[[*\$2,000,000*]]~~ *\$1,000,000* *per year for the installation of*  
26 *solar energy systems and distributed generation systems at locations throughout*  
27 *the service territories of utilities in this State that benefit low-income customers,*  
28 *including, without limitation, homeless shelters, low-income housing*  
29 *developments and public entities, other than municipalities, that serve significant*  
30 *populations of low-income residents.*

31 4. The Commission may, subject to the limitations prescribed by ~~[[subsection~~  
32 ~~2]]~~ *subsections 2 and 3,* authorize the payment of performance-based incentives for  
33 the period ending on December 31, 2025.

34 ~~[[4]]~~ 5. A utility may file with the Commission one combined annual plan  
35 which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850.  
36 The Commission shall review and approve any plan submitted pursuant to this  
37 subsection in accordance with the requirements of NRS 701B.230, 701B.610 and  
38 701B.850, as applicable.

39 ~~[[5]]~~ 6. As used in this section:

40 (a) “Distributed generation system” has the meaning ascribed to it in NRS  
41 701B.055.

42 (b) *“Electric vehicle infrastructure” has the meaning ascribed to it in section*  
43 *1.4 of this act.*

44 (c) *“Energy storage system” has the meaning ascribed to it in section 1.1 of*  
45 *this act.*

46 (d) *“Municipality” means any county or city in this State.*

47 ~~[[e)]~~ (e) “Utility” means a public utility that supplies electricity in this State.

48 **Sec. 1.6. NRS 701B.010 is hereby amended to read as follows:**

49 701B.010 The provisions of NRS 701B.010 to 701B.290, inclusive, *and*  
50 *sections 1.1, 1.2 and 1.3 of this act* apply to the Solar Energy Systems Incentive  
51 Program.



1       **Sec. 1.7. NRS 701B.020 is hereby amended to read as follows:**  
2       701B.020 As used in NRS 701B.010 to 701B.290, inclusive, and sections  
3       1.1, 1.2 and 1.3 of this act, unless the context otherwise requires, the words and  
4       terms defined in NRS 701B.030 to 701B.180, inclusive, and section 1.1 of this act  
5       have the meanings ascribed to them in those sections.

6       **Sec. 1.8. NRS 701B.190 is hereby amended to read as follows:**  
7       701B.190 The Legislature hereby finds and declares that it is the policy of  
8       this State to:

9       1. Expand and accelerate the development of solar distributed generation  
10      systems and energy storage systems in this State; and

11      2. Establish a sustainable and self-sufficient solar renewable energy industry  
12      in this State in which solar energy systems are a viable mainstream alternative for  
13      homes, businesses and other public entities.

14      **Sec. 2. ~~NRS 701B.200 is hereby amended to read as follows:~~**

15      ~~701B.200 The Commission shall adopt regulations necessary to carry out the~~  
16      ~~provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation,~~  
17      ~~regulations that:~~

18      ~~1. Establish the type of incentives available to participants in the Solar~~  
19      ~~Program and the level or amount of those incentives. The incentives must be~~  
20      ~~market based incentives that:~~

21      ~~(a) Do not exceed [50];~~

22      ~~(1) Seventy five percent of the installed cost of a solar energy system or~~  
23      ~~distributed generation system to a public entity or nonprofit organization,~~  
24      ~~excluding the cost of labor, as determined by using the average installed cost of~~  
25      ~~solar energy systems or distributed generation systems, as applicable, in the~~  
26      ~~immediately preceding year; or~~

27      ~~(2) Fifty percent of the installed cost of a solar energy system or~~  
28      ~~distributed generation system [.] to a person other than a public entity or nonprofit~~  
29      ~~organization, as determined by using the average installed cost of [the] solar~~  
30      ~~energy systems or distributed generation systems, as applicable, to such persons,~~  
31      ~~installed in the immediately preceding year;~~

32      ~~(b) Are designed to maximize the number of customer categories participating~~  
33      ~~in the Solar Program based on demographics and location, including, without~~  
34      ~~limitation, categories for public entities, customers of lower socioeconomic status,~~  
35      ~~nonprofit organizations and commercial, industrial and residential customers; and~~

36      ~~(c) Provide for a sustainable Solar Program that maintains sufficient customer~~  
37      ~~participation and that provides for the measured award of incentives to as many~~  
38      ~~participants as possible on or before December 31, 2021.~~

39      ~~2. Establish the requirements for a utility's annual plan for carrying out and~~  
40      ~~administering the Solar Program. A utility's annual plan must include, without~~  
41      ~~limitation:~~

42      ~~(a) A detailed plan for advertising the Solar Program;~~

43      ~~(b) A detailed budget and schedule for carrying out and administering the Solar~~  
44      ~~Program;~~

45      ~~(c) A detailed account of administrative processes and forms that will be used~~  
46      ~~to carry out and administer the Solar Program, including, without limitation, a~~  
47      ~~description of the application process and copies of all applications and any other~~  
48      ~~forms that are necessary to apply for and participate in the Solar Program;~~

49      ~~(d) A detailed account of the procedures that will be used for inspection and~~  
50      ~~verification of a participant's solar energy system and compliance with the Solar~~  
51      ~~Program;~~

52      ~~(e) A detailed account of training and educational activities that will be used to~~  
53      ~~carry out and administer the Solar Program;~~

~~(f) Any other information that the Commission requires from the utility as part of the administration of the Solar Program; and~~

~~(g) Any other information required by the Commission.~~

~~3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems. (Deleted by amendment.)~~

**Sec. 2.5. NRS 704.021 is hereby amended to read as follows:**

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to \$25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

**11. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.**

**Sec. 3.** ~~NRS 704.741 is hereby amended to read as follows:~~

~~704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.~~

~~2. The Commission shall, by regulation:~~

~~(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:~~

~~(1) Forecast the future demands; and~~

~~(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and~~

~~(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.~~

~~3. The Commission shall require the utility to include in its plan:~~

~~(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources;~~

~~(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation;~~

~~(c) An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, on the reliability of the distribution system of the utility and the costs to the utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.~~

~~(d) A list of the utility's assets described in NRS 704.7328;~~

~~(e) A surplus asset retirement plan as required by NRS 704.734.~~

~~4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.~~

~~5. The Commission shall require the utility to include in its plan a plan for modernization of the grid. The plan for modernization of the grid may evaluate, without limitation, the benefits and costs of new technologies, contracts, sources of energy, distributed resources, energy storage, means for reducing emissions and any other means for enhancing the reliability and security of the grid.~~

~~6. As used in this section:~~

~~(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.] **(Deleted by amendment.)**~~

**Sec. 4.** ~~NRS 704.746 is hereby amended to read as follows:~~

~~704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.~~

~~2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant~~

1 material evidence to provide concerning the adequacy of the plan. The Commission  
2 may limit participation of an intervenor in the hearing to avoid duplication and may  
3 prohibit continued participation in the hearing by an intervenor if the Commission  
4 determines that continued participation will unduly broaden the issues, will not  
5 provide additional relevant material evidence or is not necessary to further the  
6 public interest.

7 ~~2. In addition to any party to the hearing, any interested person may make~~  
8 ~~comments to the Commission regarding the contents and adequacy of the plan.~~

9 ~~4. After the hearing, the Commission shall determine whether:~~

10 ~~(a) The forecast requirements of the utility are based on substantially accurate~~  
11 ~~data and an adequate method of forecasting;~~

12 ~~(b) The plan identifies and takes into account any present and projected~~  
13 ~~reductions in the demand for energy that may result from measures to improve~~  
14 ~~energy efficiency in the industrial, commercial, residential and energy producing~~  
15 ~~sectors of the area being served;~~

16 ~~(c) The plan adequately demonstrates the economic, environmental and other~~  
17 ~~benefits to this State and to the customers of the utility, associated with the~~  
18 ~~following possible measures and sources of supply:~~

19 ~~(1) Improvements in energy efficiency;~~

20 ~~(2) Pooling of power;~~

21 ~~(3) Purchases of power from neighboring states or countries;~~

22 ~~(4) Facilities that operate on solar or geothermal energy or wind;~~

23 ~~(5) Facilities that operate on the principle of cogeneration or~~  
24 ~~hydrogeneration;~~

25 ~~(6) Other generation facilities; and~~

26 ~~(7) Other transmission facilities.~~

27 ~~5. In determining whether the plan adequately demonstrates the economic,~~  
28 ~~environmental and other benefits to this State and to customers of the utility~~  
29 ~~pursuant to paragraph (c) of subsection 4, the Commission shall apply the utility~~  
30 ~~cost test.~~

31 ~~6. The Commission may give preference to the measures and sources of~~  
32 ~~supply set forth in paragraph (c) of subsection 4 that:~~

33 ~~(a) Provide the greatest economic and environmental benefits to the State;~~

34 ~~(b) Are consistent with the provisions of this section;~~

35 ~~(c) Provide levels of service that are adequate and reliable; and~~

36 ~~(d) Provide the greatest opportunity for the creation of new jobs in this State.~~

37 ~~[6.] 7. The Commission shall:~~

38 ~~(a) Adopt regulations which determine the level of preference to be given to~~  
39 ~~those measures and sources of supply; and~~

40 ~~(b) Consider the value to the public of using water efficiently when it is~~  
41 ~~determining those preferences.~~

42 ~~[7.] 8. The Commission shall:~~

43 ~~(a) Consider the level of financial commitment from developers of renewable~~  
44 ~~energy projects in each renewable energy zone, as designated pursuant to~~  
45 ~~subsection 2 of NRS 704.741; and~~

46 ~~(b) Adopt regulations establishing a process for considering such commitments~~  
47 ~~including, without limitation, contracts for the sale of energy, leases of land and~~  
48 ~~mineral rights, cash deposits and letters of credit.~~

49 ~~[8.] 9. The Commission shall, after a hearing, review and accept or modify an~~  
50 ~~emissions reduction and capacity replacement plan which includes each element~~  
51 ~~required by NRS 704.7316. In considering whether to accept or modify an~~  
52 ~~emissions reduction and capacity replacement plan, the Commission shall consider:~~

53 ~~(a) The cost to the customers of the electric utility to implement the plan;~~

1 ~~— (b) Whether the plan provides the greatest economic benefit to this State;~~  
2 ~~— (c) Whether the plan provides the greatest opportunities for the creation of new~~  
3 ~~jobs in this State; and~~

4 ~~— (d) Whether the plan represents the best value to the customers of the electric~~  
5 ~~utility.~~

6 ~~10. As used in this section, “utility cost test” means the measurement of the~~  
7 ~~cost effectiveness of an energy efficiency plan or energy efficiency program that~~  
8 ~~compares the monetary costs that are borne by an electric utility and that are~~  
9 ~~incurred to develop, acquire and operate an energy efficiency program on a life-~~  
10 ~~cycle basis to the avoided monetary costs associated with developing, acquiring~~  
11 ~~and operating resources to supply electricity in the absence of the energy~~  
12 ~~efficiency program.] (Deleted by amendment.)~~

13 **Sec. 5.** ~~[NRS 704.751 is hereby amended to read as follows:~~

14 ~~704.751 1. After a utility has filed the plan required pursuant to NRS~~  
15 ~~704.741, the Commission shall issue an order accepting or modifying the plan or~~  
16 ~~specifying any portions of the plan it deems to be inadequate:~~

17 ~~— (a) Within 125 days for any portion of the plan relating to the energy supply~~  
18 ~~plan for the utility for the 3 years covered by the plan; and~~

19 ~~— (b) Within 180 days for all portions of the plan not described in paragraph (a).~~

20 ~~↔ If the Commission issues an order modifying the plan, the utility may consent to~~  
21 ~~or reject some or all of the modifications by filing with the Commission a notice to~~  
22 ~~that effect. Any such notice must be filed not later than 30 days after the date of~~  
23 ~~issuance of the order. If such a notice is filed, any petition for reconsideration or~~  
24 ~~rehearing of the order must be filed with the Commission not later than 10 business~~  
25 ~~days after the date the notice is filed.~~

26 ~~2. If a utility files an amendment to a plan, the Commission shall issue an~~  
27 ~~order accepting or modifying the amendment or specifying any portions of the~~  
28 ~~amendment it deems to be inadequate:~~

29 ~~— (a) Within 125 days after the filing of the amendment; or~~

30 ~~— (b) Within 180 days after the filing of the amendment for all portions of the~~  
31 ~~amendment which contain an element of the emissions reduction and capacity~~  
32 ~~replacement plan.~~

33 ~~↔ If the Commission issues an order modifying the amendment, the utility may~~  
34 ~~consent to or reject some or all of the modifications by filing with the Commission~~  
35 ~~a notice to that effect. Any such notice must be filed not later than 30 days after the~~  
36 ~~date of issuance of the order. If such a notice is filed, any petition for~~  
37 ~~reconsideration or rehearing of the order must be filed with the Commission not~~  
38 ~~later than 10 business days after the date the notice is filed.~~

39 ~~3. All prudent and reasonable expenditures made to develop the utility’s plan,~~  
40 ~~including environmental, engineering and other studies, must be recovered from the~~  
41 ~~rates charged to the utility’s customers.~~

42 ~~4. The Commission may accept [a] ↔~~

43 ~~— (a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for~~  
44 ~~a renewable energy zone if the Commission determines that the construction or~~  
45 ~~expansion of transmission facilities would facilitate the utility meeting the portfolio~~  
46 ~~standard, as defined in NRS 704.7805.~~

47 ~~— (b) A plan for modernization of the grid submitted pursuant to subsection 5~~  
48 ~~of NRS 704.741 if the Commission determines that the benefits of the plan exceed~~  
49 ~~the costs of the plan.~~

50 ~~5. The Commission shall adopt regulations establishing the criteria for~~  
51 ~~determining the adequacy of [a] ↔~~

52 ~~— (a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741.~~

1 ~~— (b) A plan for modernization of the grid submitted pursuant to subsection 5~~  
2 ~~of NRS 704.741.~~

3 ~~— 6. Any order issued by the Commission accepting or modifying an element of~~  
4 ~~an emissions reduction and capacity replacement plan must include provisions~~  
5 ~~authorizing the electric utility to construct or acquire and own electric generating~~  
6 ~~plants necessary to meet the capacity amounts approved in, and carry out the~~  
7 ~~provisions of, the plan. As used in this subsection, “capacity” means an amount of~~  
8 ~~firm electric generating capacity used by the electric utility for the purpose of~~  
9 ~~preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754,~~  
10 ~~inclusive.] (Deleted by amendment.)~~

11 **Sec. 6.** ~~¶NRS 218E.805 is hereby amended to read as follows:~~  
12 ~~— 218E.805 1. The Legislative Committee on Energy, consisting of [six~~  
13 ~~legislative] eight members, is hereby created. The membership of the Committee~~  
14 ~~consists of:~~

15 ~~— (a) Three voting members appointed by the Majority Leader of the Senate, at~~  
16 ~~least one of whom must be a member of the minority political party.~~

17 ~~— (b) Three voting members appointed by the Speaker of the Assembly, at least~~  
18 ~~one of whom must be a member of the minority political party.~~

19 ~~— (c) Two nonvoting members appointed by the Legislative Commission as~~  
20 ~~follows:~~

21 ~~— (1) One member who represents the building industry in this State; and~~

22 ~~— (2) One member who represents the banking industry in this State.~~

23 ~~— 2. The Legislative Commission shall review and approve the budget and work~~  
24 ~~program for the Committee and any changes to the budget or work program.~~

25 ~~— 3. The Legislative Commission shall select the Chair and Vice Chair of the~~  
26 ~~Committee from among the voting members of the Committee. Each Chair and~~  
27 ~~Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-~~  
28 ~~numbered year. The office of Chair of the Committee must alternate each biennium~~  
29 ~~between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the~~  
30 ~~vacancy must be filled in the same manner as the original selection for the~~  
31 ~~remainder of the unexpired term.~~

32 ~~— 4. A voting member of the Committee who is not a candidate for reelection or~~  
33 ~~who is defeated for reelection continues to serve after the general election until the~~  
34 ~~next regular or special session convenes.~~

35 ~~— 5. A vacancy on the Committee must be filled in the same manner as the~~  
36 ~~original appointment for the remainder of the unexpired term.] (Deleted by~~  
37 ~~amendment.)~~

38 **Sec. 7.** ~~¶NRS 218E.810 is hereby amended to read as follows:~~

39 ~~— 218E.810 1. Except as otherwise ordered by the Legislative Commission,~~  
40 ~~the members of the Committee shall meet not earlier than November 1 of each odd-~~  
41 ~~numbered year and not later than August 31 of the following even numbered year~~  
42 ~~at the times and places specified by a call of the Chair or a majority of the~~  
43 ~~Committee.~~

44 ~~— 2. The Director or the Director’s designee shall act as the nonvoting recording~~  
45 ~~Secretary of the Committee.~~

46 ~~— 3. Four voting members of the Committee constitute a quorum, and a quorum~~  
47 ~~may exercise all the power and authority conferred on the Committee.~~

48 ~~— 4. Except during a regular or special session, for each day or portion of a day~~  
49 ~~during which a voting member of the Committee attends a meeting of the~~  
50 ~~Committee or is otherwise engaged in the business of the Committee, the member~~  
51 ~~is entitled to receive the:~~

52 ~~— (a) Compensation provided for a majority of the Legislators during the first 60~~  
53 ~~days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers and employees generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund. **(Deleted by amendment.)**~~

~~Sec. 8. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. On or before October 1, 2018, and on or before October 1 of every year thereafter, the Department shall create and make available to the public a report concerning the need for publicly available hydrogen fueling stations for the 3 years following the creation of the report, which sets forth the need for such stations in terms of quantity of fuel needed for the actual and projected number of hydrogen-fueled vehicles, geographic areas where fuel will be needed and station coverage.~~

~~2. The Department shall establish by regulation a program to provide financial incentives, including, without limitation, grants and loans, to promote investment in the construction of publicly available hydrogen fueling stations, not to exceed the lesser of:~~

~~(a) An amount the Department deems necessary to fund the number of publicly available hydrogen fueling stations identified in subsection 1;~~

~~(b) Twenty million dollars in the aggregate for the period beginning on July 1, 2017, and ending on June 30, 2027.~~

~~3. As used in this section, "publicly available hydrogen fueling station" means the equipment used to store and dispense hydrogen fuel according to industry codes and standards that is open to the public. **(Deleted by amendment.)**~~

~~Sec. 9. There is hereby appropriated from the State General Fund to the Department of Transportation for carrying out the provisions of section 8 of this act, the sum of \$2,000,000.~~

~~2. Any balance of the sum appropriated by subsection 1 must not be committed for expenditure after June 30, 2019, and reverts to the State General Fund as soon as all payments of money committed have been made. **(Deleted by amendment.)**~~

~~Sec. 10. The Legislature hereby finds and declares that:~~

~~(a) Developing sustainable and reliable energy efficiency programs is critical to the future of Nevada's economy and competitiveness;~~

~~(b) Energy production and energy efficiency programs in Nevada should be diverse, stable, affordable, technologically advanced and environmentally sound;~~

~~(c) Attracting investors and participants in energy efficiency programs from private businesses and industries is paramount to establishing an energy policy in Nevada consistent with Nevada's energy goals for the 21st century; and~~

~~(d) The efficient use of energy frees public and private money for use in other areas such as education, infrastructure, public health and public safety.~~

~~2. The Legislative Committee on Energy shall conduct an interim study concerning:~~

~~(a) The development, viability, expansion and implementation of energy efficiency programs in this State, including, without limitation, programs for businesses and industries in this State, energy efficiency resource standards and other energy efficiency incentive programs; and~~

~~(b) The viability of establishing green banks and similar entities to help finance the use and harnessing of clean energy projects in this State, for both commercial and residential properties.~~



1 ~~3. In carrying out the duties set forth in this section, the Committee shall~~  
2 ~~consult with and solicit input from the following entities and interests:~~

3 ~~(a) The Public Utilities Commission of Nevada;~~

4 ~~(b) A utility company regulated by the Public Utilities Commission of Nevada;~~

5 ~~(c) The Office of Energy;~~

6 ~~(d) A financial institution in this State that has expertise in the financing of~~  
7 ~~clean energy projects;~~

8 ~~(e) The Office of the State Treasurer;~~

9 ~~(f) A residential or commercial builder in this State that has expertise in the~~  
10 ~~installation and integration of clean energy products and techniques in residential or~~  
11 ~~commercial building projects;~~

12 ~~(g) An association of residential or commercial real estate developers;~~

13 ~~(h) As determined appropriate by the Committee, other persons, businesses,~~  
14 ~~state agencies, entities, interests or other organizations with expertise in matters~~  
15 ~~relevant to energy efficiency programs, including, without limitation, consumers,~~  
16 ~~representatives from organizations that promote energy efficiency and~~  
17 ~~representatives from businesses and industries that may be affected by any~~  
18 ~~recommendations of the Committee; and~~

19 ~~(i) Any other person determined appropriate by the Committee.~~

20 ~~4. The Committee shall study, without limitation:~~

21 ~~(a) The existing energy efficiency incentive programs within this State and~~  
22 ~~existing clean energy programs and financial activities occurring within this State,~~  
23 ~~including, without limitation, programs and activities of state governmental~~  
24 ~~agencies, the Public Utilities Commission of Nevada, local governmental entities~~  
25 ~~within this State, public and private utilities serving customers in this State and~~  
26 ~~other private entities and organizations within this State.~~

27 ~~(b) Other states' laws, regulations and policies relating to energy efficiency~~  
28 ~~incentive programs and energy efficiency resource standards.~~

29 ~~(c) The methods of capitalization, structure, organization and financing of~~  
30 ~~green banks and similar entities that assist in financing the production and~~  
31 ~~harnessing of clean energy in the United States and outside the United States.~~

32 ~~(d) The sources, types and amounts of private capital leveraged or invested in~~  
33 ~~connection with green banks and similar entities for financing clean energy.~~

34 ~~(e) The current and potential size, in this State, of existing and potential~~  
35 ~~markets for clean energy.~~

36 ~~(f) The need to provide reasonably priced financing or establish related market~~  
37 ~~structures to increase clean energy market penetration and fill any existing market~~  
38 ~~gaps.~~

39 ~~(g) Potential financial instruments or services to be used by a green bank or a~~  
40 ~~similar entity for helping to finance and harness projects in this State, including,~~  
41 ~~without limitation, loans, leases, credit enhancements, warehouses and~~  
42 ~~securitization.~~

43 ~~(h) The need for a green bank or similar entity to finance clean energy in this~~  
44 ~~State.~~

45 ~~(i) The impact and advisability of implementing legislation regarding energy~~  
46 ~~efficiency resource standards and any other energy efficiency incentive programs~~  
47 ~~considered by the Committee.~~

48 ~~5. The Office of Energy, in consultation with the Public Utilities Commission~~  
49 ~~of Nevada and with the encouraged cooperation of various public and private~~  
50 ~~utilities in this State, shall provide administrative and technical assistance to the~~  
51 ~~Committee.~~

52 ~~6. The Committee may accept any gifts, grants or donations to assist the~~  
53 ~~Committee in carrying out the duties set forth in this section.~~



1 ~~7. If the Committee determines that a green bank or similar entity is needed to~~  
 2 ~~help finance or harness projects of clean energy in this State, the Committee shall~~  
 3 ~~provide recommendations regarding:~~

- 4 ~~(a) The legal steps required to create such an entity;~~  
 5 ~~(b) Capital resources that can be used to pay for the entity;~~  
 6 ~~(c) The structure and organization of the entity;~~  
 7 ~~(d) The markets in this State that such an entity should serve; and~~  
 8 ~~(e) The types of financing activities the entity should undertake.~~

9 ~~8. On or before January 1, 2019, the Committee shall submit a report of its~~  
 10 ~~findings, including, without limitation, any recommendations for legislation, to:~~

- 11 ~~(a) The Director of the Legislative Counsel Bureau for distribution to the 79th~~  
 12 ~~Session of the Nevada Legislature;~~  
 13 ~~(b) The Public Utilities Commission of Nevada; and~~  
 14 ~~(c) The Director of the Office of Energy.~~

15 ~~9. As used in this section:~~

- 16 ~~(a) "Clean energy" includes:~~  
 17 ~~(1) Energy produced from renewable resources, including, without~~  
 18 ~~limitation, biomass, fuel cells, geothermal, solar, waterpower, wind or any other~~  
 19 ~~source of energy that occurs naturally or is regenerated naturally; and~~  
 20 ~~(2) Energy saved as a result of the installation and use of products or~~  
 21 ~~technologies that are energy efficient.~~

22 ~~(b) "Green bank" means an institution that exists or is created to help harness~~  
 23 ~~or use clean energy and includes features or properties such as, without limitation:~~

- 24 ~~(1) The institution is public or quasi public.~~  
 25 ~~(2) The institution provides or helps to provide financing that is low cost,~~  
 26 ~~or long term, or both, for projects that generate clean energy.~~  
 27 ~~(3) The leveraging of private investment by way of the stimulating~~  
 28 ~~investment of public money.~~  
 29 ~~(4) The reduction of market inefficiencies.~~  
 30 ~~(5) Greater deployment of the use of clean energy.~~  
 31 ~~(6) Recycling of public capital, so that investment in clean energy may~~  
 32 ~~increase without affecting taxpayers.~~

33 ~~(c) "Legislative Committee on Energy" or "Committee" means the Legislative~~  
 34 ~~Committee on Energy created by NRS 218E.805.~~

35 ~~(d) "Office of Energy" means the Office of Energy created within the Office of~~  
 36 ~~the Governor by NRS 701.150.] (Deleted by amendment.)~~

37 ~~Sec. 11. NRS [704.085 and] 704.786 [are] is hereby repealed.~~

38 ~~Sec. 12. 1. This act becomes effective:~~

39 ~~(a) Upon passage and approval for the purpose of performing any preparatory~~  
 40 ~~administrative tasks necessary to carry out the provisions of this act; and~~

41 ~~(b) On July 1, 2017, for all other purposes.~~

42 ~~2. Sections 1 [and] to 2 , inclusive, of this act expire by limitation on~~  
 43 ~~December 31, 2025.~~

44 ~~[ 3. Section 8 of this act expires by limitation on June 30, 2027.]~~

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**TEXT OF REPEALED [SECTIONS] SECTION**

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~~[ 704.085 Electric utility prohibited from making change in schedule or~~  
~~imposing rate which requires residential customer to purchase electric service based~~  
~~on time of usage, exceptions.~~

~~1. Except as otherwise provided in subsection 2, an electric utility shall not make changes in any schedule or impose any rate, and the Commission shall not approve any changes in any schedule or authorize the imposition of any rate by an electric utility, which requires a residential customer to purchase electric service at a rate which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used, except that the Commission may approve such a change in a schedule or authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.~~

~~2. The provisions of subsection 1 do not apply to any changes in a schedule or rates imposed on a customer generator.~~

~~3. As used in this section:~~

~~(a) "Customer generator" has the meaning ascribed to it in NRS 704.768.~~

~~(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.]~~

**704.786 Lower Income Solar Energy Pilot Program: Creation required by each electric utility in State.**

1. Each electric utility in this State shall create a Lower Income Solar Energy Pilot Program for the purpose of installing, before January 1, 2017, distributed generation systems with a cumulative capacity of at least 1 megawatt at locations throughout its service territory which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and schools with significant populations of low-income pupils. Each electric utility shall submit the Program as part of its annual plan submitted pursuant to NRS 701B.230. The Commission shall approve the Program with such modifications and upon such terms and conditions as the Commission deems necessary or appropriate to enable the Program to meet the purposes set forth in this subsection.

2. The Office of Energy shall advise the Commission and each electric utility regarding grants and other sources of money available to defray the costs of the Program.

3. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 701B.055.