

SENATE BILL NO. 358—SENATORS BROOKS,
CANNIZZARO AND DENIS

MARCH 18, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the renewable energy portfolio standard. (BDR 58-301)

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 renewable energy; declaring the policy of this State concerning renewable energy; revising provisions governing certain reports relating to the portfolio standard; revising provisions relating to the acquisition or construction of renewable energy facilities by certain electric utilities; revising provisions governing certain plans for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate compliance with the portfolio standard; revising the types of renewable energy that may be used to comply with the portfolio standard; revising the portfolio standard for providers of electric service in this State; revising the manner in which providers of electric service may comply with the portfolio standard; revising the applicability of the portfolio standard; requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric resources to comply with the portfolio standard established by this act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 8** of this bill sets forth findings and declarations of the Legislature that
2 it is the policy of this State to: (1) encourage and accelerate the development of new
3 renewable energy projects for the economic, health and environmental benefits
4 provided to the people of this State; (2) become a leading producer and consumer
5 of clean and renewable energy, with a goal of achieving by 2050 an amount of
6 energy production from zero carbon dioxide emission resources that is equal to the



7 total amount of electricity sold by providers of electric service in this State; and (3)
8 ensure that the benefits of the increased use of portfolio energy systems and energy
9 efficiency measures are received by the residents of this State.

10 **Section 6** of this bill authorizes certain electric utilities to acquire, without
11 additional approval of the Commission, an existing renewable energy facility or a
12 renewable energy facility that is being developed if: (1) the Commission had
13 previously accepted an integrated resource plan or amendment to such a plan that
14 provided for the purchase of the electricity generated by the facility pursuant to an
15 agreement between the electric utility and the facility; (2) the electric utility notifies
16 the Commission that the facility will not be included in its rate base and, instead the
17 utility will charge a just and reasonable price for the electricity generated by the
18 facility which is based on a competitive market price established by
19 the Commission; (3) the electric utility notifies the Commission that it will use the
20 mechanism established by regulations adopted pursuant to **section 7** of this bill to
21 charge that just and reasonable price to its customers; and (4) the electric utility
22 notifies the Commission that it agrees to be bound by the terms and conditions of
23 the agreement for the purchase of the electricity generated by the facility that was
24 previously approved by the Commission. **Section 5** of this bill defines “renewable
25 energy facility.”

26 **Section 7** of this bill authorizes certain electric utilities that intends to acquire
27 or construct a renewable energy facility to the request approval of the Commission
28 to exclude the renewable energy facility from its rate base and, instead, charge a
29 just and reasonable price established by the Commission for the electricity
30 generated by the facility. Under **section 7**, the just and reasonable price must be
31 established by reference to a competitive market price for electricity and without
32 reference to rate-of-return or cost-of-service principles. **Section 7** further requires
33 the Commission to adopt regulations to establish a mechanism by which certain
34 electric utilities may charge the just and reasonable price established for the
35 electricity generated by a renewal energy facility to its customers. **Sections 13 and**
36 **14** make conforming changes.

37 Existing law requires a utility which supplies electricity in this State to submit a
38 triennial plan to increase its supply of electricity and decrease the demands made on
39 its system by customers. (NRS 704.741) **Section 16** of this bill requires the plan to
40 identify and evaluate certain network upgrades and options for the construction or
41 expansion of transmission facilities.

42 Existing law requires the Public Utilities Commission of Nevada to establish a
43 portfolio standard which requires each provider of electric service in this State to
44 generate, acquire or save electricity from renewable energy systems or efficiency
45 measures in a certain percentage of the total amount of electricity sold by the
46 provider to its retail customers in this State during a calendar year. (NRS 704.7821)
47 **Section 22** of this bill revises the portfolio standard for calendar year 2021 and
48 each calendar year thereafter so that by calendar year 2030 and for each calendar
49 year thereafter, each provider of electric service will be required to generate,
50 acquire or save electricity from renewable energy systems or efficiency measures
51 not less than 50 percent of the total amount of electricity sold by the provider to its
52 retail customers in this State during that calendar year. **Section 22** also: (1)
53 eliminates the requirement that a minimum percentage of the amount of electricity
54 that the provider is required to generate, acquire or save be generated or acquired
55 from solar renewable energy systems; (2) revises, for the purposes of compliance
56 with the portfolio standard, the provisions governing the calculation of the total
57 amount of electricity sold by a provider to its retail customers in this State; and (3)
58 authorizes the Commission to exempt a provider from some or all of the
59 requirements of its portfolio standard for a calendar year if the provider is unable to
60 obtain a sufficient supply of electricity to comply with the standard due to a delay
61 in the completion of a renewable energy system under the control of a person or



62 entity other than the provider. **Section 22** also provides that a provider may satisfy
63 its portfolio standard for a calendar year if the total amount of electricity generated,
64 acquired or saved from portfolio energy systems or energy efficiency measures
65 during a 3-year period ending with that calendar year represents a percentage of the
66 total amount of electricity sold by the provider to retail customers in that period is
67 not less than the percentage required for the portfolio standard for that year.

68 **Section 19** of this bill provides that a portfolio energy system or energy
69 efficiency measure includes a renewable energy system placed into operation
70 before July 1, 1997, that uses waterpower to generate electricity if the waterpower
71 is acquired by a provider from another party who is not a provider of electricity
72 pursuant to a contract for a term of not less than 10 years.

73 **Section 20** of this bill expands the definition of “provider of electric service”
74 for the purposes of compliance with the portfolio standard. **Sections 10 and 24** of
75 this bill provide that the State and instrumentalities of the State are not subject to
76 the jurisdiction of the Commission and are not required to provide certain reports to
77 the Commission, even if the State or instrumentality of the State is a provider of
78 electric service. **Section 24** also provides that certain providers are not required to
79 provide certain reports to the Commission during any year in which the total
80 amount of electricity sold by the provider to its retail customers during that
81 calendar year is less than 1,000,000 megawatt-hours. **Section 9** of this bill requires
82 the State, or an instrumentality of the State, if it is a provider of electric service, to
83 provide reports to the Director of the Office of Energy. **Section 22** requires certain
84 providers to submit to the Commission a report during any year in which the total
85 amount of electricity sold by the provider to its retail customers during that
86 calendar year is less than 1,000,000 megawatt-hours.

87 **Section 21** of this bill expands the definition of “renewable energy” with
88 respect to the kinds of waterpower that are considered renewable energy. **Sections**
89 **1-3, 11, 12, 15, 17 and 25-27** of this bill make conforming changes so that the
90 amendments to existing law set forth in **section 21** do not affect other provisions of
91 existing law governing renewable energy.

92 **Sections 22 and 23** of this bill provide that the revised portfolio standard
93 established by **section 22** is applicable to providers of new electric resources, and
94 also eliminates a limitation on the authority for a provider of new electric resources
95 to use energy efficiency measures to comply with the portfolio standard. **Section 28**
96 of this bill requires the Commission to revise certain portfolio standards established
97 for a provider of new electric resources to comply with the revised portfolio
98 standard established by **section 22**.

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

1 **Section 1.** NRS 701.055 is hereby amended to read as follows:

2 701.055 “Energy development project” means a project for the
3 generation, transmission and development of energy located on
4 public or private land. The term includes, without limitation:

5 1. A utility facility, as defined in NRS 704.860, constructed on
6 private land; and

7 2. Electric generating plants and their associated facilities
8 which use or will use renewable energy, as defined in NRS
9 ~~[704.7811,]~~ **704.7715**, as their primary source of energy to generate
10 electricity.



1 **Sec. 2.** NRS 701.380 is hereby amended to read as follows:

2 701.380 1. The Director shall:

3 (a) Coordinate the activities and programs of the Office of
4 Energy with the activities and programs of the Consumer's
5 Advocate and the Public Utilities Commission of Nevada, and with
6 other federal, state and local officers and agencies that promote,
7 fund, administer or operate activities and programs related to the use
8 of renewable energy and the use of measures which conserve or
9 reduce the demand for energy or which result in more efficient use
10 of energy.

11 (b) Spend the money in the Trust Account for Renewable
12 Energy and Energy Conservation to:

13 (1) Educate persons and entities concerning renewable
14 energy and measures which conserve or reduce the demand for
15 energy or which result in more efficient use of energy.

16 (2) Create incentives for investment in and the use of
17 renewable energy and measures which conserve or reduce the
18 demand for energy or which result in more efficient use of energy.

19 (3) Distribute grants and other money to establish programs
20 and projects which incorporate the use of renewable energy and
21 measures which conserve or reduce the demand for energy or which
22 result in more efficient use of energy.

23 (4) Conduct feasibility studies, including, without limitation,
24 any feasibility studies concerning the establishment or expansion of
25 any grants, incentives, rebates or other programs to enable or assist
26 persons to reduce the cost of purchasing distributed generation
27 systems and on-site generation systems and net metering systems
28 that use renewable energy.

29 (c) Take any other actions that the Director deems necessary to
30 carry out the duties of the Office of Energy, including, without
31 limitation, contracting with consultants, if necessary, for the
32 purposes of program design or to assist the Director in carrying out
33 the duties of the Office.

34 2. The Director shall prepare an annual report concerning the
35 activities and programs of the Office of Energy and submit the
36 report to the Legislative Commission and the Governor on or before
37 January 30 of each year. The annual report must include, without
38 limitation:

39 (a) A description of the objectives of each activity and program;

40 (b) An analysis of the effectiveness and efficiency of each
41 activity and program in meeting the objectives of the activity or
42 program;

43 (c) The amount of money distributed for each activity and
44 program from the Trust Account for Renewable Energy and Energy



1 Conservation and a detailed description of the use of that money for
2 each activity and program;

3 (d) An analysis of the coordination between the Office of
4 Energy and other officers and agencies; and

5 (e) Any changes planned for each activity and program.

6 3. As used in this section:

7 (a) "Distributed generation system" means a facility or system
8 for the generation of electricity that is in close proximity to the place
9 where the electricity is consumed:

10 (1) That uses renewable energy as defined in NRS
11 ~~704.7811~~ 704.7715 to generate electricity;

12 (2) That is located on the property of a customer of an
13 electric utility;

14 (3) That is connected on the customer's side of the electricity
15 meter;

16 (4) That provides electricity primarily to offset customer load
17 on that property; and

18 (5) The excess generation from which is periodically
19 exported to the grid in accordance with the provisions governing net
20 metering systems used by customer-generators pursuant to NRS
21 704.766 to 704.777, inclusive.

22 (b) "Electric utility" has the meaning ascribed to it in
23 NRS 704.7571.

24 **Sec. 3.** NRS 701B.790 is hereby amended to read as follows:

25 701B.790 "Waterpower" has the meaning ascribed to it in
26 subsection 3 of NRS ~~704.7811~~ 704.7715.

27 **Sec. 4.** Chapter 704 of NRS is hereby amended by adding
28 thereto the provisions set forth as sections 5 to 10, inclusive, of this
29 act.

30 **Sec. 5.** *"Renewable energy facility" has the meaning*
31 *ascribed to it in NRS 704.7315.*

32 **Sec. 6.** *A utility may, without any additional approval of the*
33 *Commission, acquire an existing renewable energy facility or a*
34 *renewable energy facility that is being developed if:*

35 *1. The Commission has accepted a provision of a plan or an*
36 *amendment to a plan pursuant to NRS 704.751 that provides for*
37 *the purchase of the electricity generated by the renewable energy*
38 *facility pursuant to an agreement for the purchase of that*
39 *electricity.*

40 *2. The utility provides a notice to the Commission which*
41 *states:*

42 *(a) That the utility will not include the renewable energy*
43 *facility in its rate base and will use the mechanism established by*
44 *the regulations adopted by the Commission pursuant to subsection*
45 *3 of section 7 of this act to account for the electricity generated by*



1 *the renewable energy facility and charge a just and reasonable*
2 *price for that electricity to its customers through the deferred*
3 *accounting mechanism set forth in NRS 704.187;*

4 *(b) The competitive market price for the electricity generated*
5 *by the facility that was used to establish a just and reasonable*
6 *price that the utility will charge its customers for electricity*
7 *generated by the renewable energy facility is a competitive market*
8 *price approved by the Commission; and*

9 *(c) The utility agrees to be bound by all of the terms and*
10 *conditions of the agreement for the purchase of the electricity that*
11 *was accepted by the Commission pursuant to NRS 704.751.*

12 **Sec. 7. 1.** *A utility or utilities that have filed a plan*
13 *pursuant to NRS 704.741 or an amendment to such a plan that*
14 *includes a provision for the acquisition or construction of a*
15 *renewable energy facility may request that the Commission*
16 *exclude the renewable energy facility from the rate base of the*
17 *utility. If a utility makes such a request, the Commission may*
18 *exclude the renewable energy facility from the rate base of the*
19 *utility and authorize the utility to charge from its customers a just*
20 *and reasonable price established by the Commission for the*
21 *electricity generated by the renewable energy facility. The just and*
22 *reasonable price for the electricity generated by the renewable*
23 *energy facility must be established by reference to a competitive*
24 *market price for the electricity, without regard to the principles of*
25 *cost-of-service or rate of return. The Commission may determine a*
26 *competitive market price based on the results of competitive*
27 *requests for proposals for a substantially similar product.*

28 *2. In an order approving or modifying a plan filed by a utility*
29 *pursuant to NRS 704.741 or an amendment to such a plan that*
30 *includes a provision for the acquisition or construction of a*
31 *facility for the generation of electricity from solar energy, the*
32 *Commission may establish reasonable performance terms and*
33 *conditions for the generation and sale of the electricity.*

34 *3. The Commission shall establish by regulation a*
35 *mechanism by which a utility that is authorized to charge its*
36 *customers a just and reasonable price established by the*
37 *Commission for the electricity generated by a renewable energy*
38 *facility may account for the electricity generated by the renewable*
39 *energy facility and charge the just and reasonable price for that*
40 *electricity to its customers through the mechanism set forth in*
41 *NRS 704.187.*



1 **Sec. 8.** *The Legislature finds and declares that it is the policy*
2 *of this State to:*

3 1. *Encourage and accelerate the development of new*
4 *renewable energy projects for the economic, health and*
5 *environmental benefits provided to the people of this State;*

6 2. *Become a leading producer and consumer of clean and*
7 *renewable energy, with a goal of achieving by 2050 an amount of*
8 *energy production from zero carbon dioxide emission resources*
9 *equal to the total amount of electricity sold by providers of electric*
10 *service in this State; and*

11 3. *Ensure that the benefits of the increased use of portfolio*
12 *energy systems and energy efficiency measures are received by the*
13 *residents of this State. Such benefits include, without limitation,*
14 *improved air quality, reduced water use, a more diverse portfolio*
15 *of resources for generating electricity, reduced fossil fuel*
16 *consumption and more stable rates for retail customers of electric*
17 *service.*

18 **Sec. 9.** *A provider of electric service that is an agency or*
19 *instrumentality of this State shall, on or before July 1 of each*
20 *year, submit to the Director of the Office of Energy appointed*
21 *pursuant to NRS 701.150 a report that contains the information*
22 *described in subsection 4 of NRS 704.7825.*

23 **Sec. 10.** *Notwithstanding any provision of law to the*
24 *contrary, a provider of electric service that is an agency or*
25 *instrumentality of this State is not subject to the jurisdiction of the*
26 *Commission.*

27 **Sec. 11.** NRS 704.021 is hereby amended to read as follows:

28 704.021 “Public utility” or “utility” does not include:

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

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

36 (a) They serve 25 persons or less; and

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

40 3. Persons not otherwise engaged in the business of furnishing,
41 producing or selling water or services for the disposal of sewage, or
42 both, but who sell or furnish water or services for the disposal of
43 sewage, or both, as an accommodation in an area where water or
44 services for the disposal of sewage, or both, are not available from a
45 public utility, cooperative corporations and associations or political



1 subdivisions engaged in the business of furnishing water or services
2 for the disposal of sewage, or both, for compensation, to persons
3 within the political subdivision.

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

7 5. Persons who are subject to the provisions of NRS 590.465 to
8 590.645, inclusive.

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

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

14 8. Persons who are video service providers, as defined in NRS
15 711.151, except for those operations of the video service provider
16 which consist of providing a telecommunication service to the
17 public, in which case the video service provider is a public utility
18 only with regard to those operations of the video service provider
19 which consist of providing a telecommunication service to the
20 public.

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

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

28 (a) Located on the premises of another person;

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

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

35 ➤ As used in this subsection, "renewable energy" has the meaning
36 ascribed to it in NRS ~~[704.7811.]~~ 704.7715.

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

39 **Sec. 12.** NRS 704.7315 is hereby amended to read as follows:
40 704.7315 "Renewable energy facility" means an electric
41 generating facility that uses renewable energy to produce electricity.
42 As used in this section, "renewable energy" has the meaning
43 ascribed to it in NRS ~~[704.7811.]~~ 704.7715.



1 **Sec. 13.** NRS 704.736 is hereby amended to read as follows:
2 704.736 The application of NRS 704.736 to 704.754, inclusive,
3 *and sections 5, 6 and 7 of this act* is limited to any public utility in
4 the business of supplying electricity which has an annual operating
5 revenue in this state of \$2,500,000 or more.

6 **Sec. 14.** NRS 704.7362 is hereby amended to read as follows:
7 704.7362 As used in NRS 704.736 to 704.754, inclusive, *and*
8 *sections 5, 6 and 7 of this act*, unless the context otherwise requires,
9 the words and terms defined in NRS 704.7364 and 704.7366 *and*
10 *section 5 of this act* have the meanings ascribed to them in those
11 sections.

12 **Sec. 15.** NRS 704.738 is hereby amended to read as follows:
13 704.738 1. A utility which supplies electricity in this state
14 may apply to the Commission for authority to charge, as part of a
15 program of optional pricing, a higher rate for electricity that is
16 generated from renewable energy.

17 2. The program may provide the customers of the utility with
18 the option of paying a higher rate for electricity to support the
19 increased use by the utility of renewable energy in the generation of
20 electricity.

21 3. As used in this section, "renewable energy" has the meaning
22 ascribed to it in NRS ~~704.7811.~~ **704.7715.**

23 **Sec. 16.** NRS 704.741 is hereby amended to read as follows:
24 704.741 1. A utility which supplies electricity in this State
25 shall, on or before June 1 of every third year, in the manner
26 specified by the Commission, submit a plan to increase its supply of
27 electricity or decrease the demands made on its system by its
28 customers to the Commission. Two or more utilities that are
29 affiliated through common ownership and that have an
30 interconnected system for the transmission of electricity shall
31 submit a joint plan.

32 2. The Commission shall, by regulation:
33 (a) Prescribe the contents of such a plan, including, but not
34 limited to, the methods or formulas which are used by the utility or
35 utilities to:

36 (1) Forecast the future demands; and
37 (2) Determine the best combination of sources of supply to
38 meet the demands or the best method to reduce them; and

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

41 3. The Commission shall require the utility or utilities to
42 include in the plan:

43 (a) An energy efficiency program for residential customers
44 which reduces the consumption of electricity or any fossil fuel and



1 which includes, without limitation, the use of new solar thermal
2 energy sources.

3 (b) A proposal for the expenditure of not less than 5 percent of
4 the total expenditures related to energy efficiency and conservation
5 programs on energy efficiency and conservation programs directed
6 to low-income customers of the electric utility.

7 (c) A comparison of a diverse set of scenarios of the best
8 combination of sources of supply to meet the demands or the best
9 methods to reduce the demands, which must include at least one
10 scenario of low carbon intensity that includes the deployment of
11 distributed generation.

12 (d) An analysis of the effects of the requirements of NRS
13 704.766 to 704.777, inclusive, on the reliability of the distribution
14 system of the utility or utilities and the costs to the utility or utilities
15 to provide electric service to all customers. The analysis must
16 include an evaluation of the costs and benefits of addressing issues
17 of reliability through investment in the distribution system.

18 (e) A list of the utility's or utilities' assets described in
19 NRS 704.7338.

20 (f) A surplus asset retirement plan as required by NRS 704.734.

21 4. The Commission shall require the utility or utilities to
22 include in the plan a plan for construction or expansion of
23 transmission facilities to serve renewable energy zones and to
24 facilitate the utility or utilities in meeting the portfolio standard
25 established by NRS 704.7821. *The plan for the construction or*
26 *expansion of transmission facilities must identify and evaluate:*

27 (a) *Transmission network upgrades that could be implemented*
28 *within renewable energy zones to expedite or facilitate the*
29 *development of portfolio energy systems within such zones.*

30 (b) *Options for construction or expansion of transmission*
31 *facilities meeting the portfolio standard, including, without*
32 *limitation, transmission facilities which are jointly owned by the*
33 *utility or utilities.*

34 5. The Commission shall require the utility or utilities to
35 include in the plan a distributed resources plan. The distributed
36 resources plan must:

37 (a) Evaluate the locational benefits and costs of distributed
38 resources. This evaluation must be based on reductions or increases
39 in local generation capacity needs, avoided or increased investments
40 in distribution infrastructure, safety benefits, reliability benefits and
41 any other savings the distributed resources provide to the electricity
42 grid for this State or costs to customers of the electric utility or
43 utilities.



1 (b) Propose or identify standard tariffs, contracts or other
2 mechanisms for the deployment of cost-effective distributed
3 resources that satisfy the objectives for distribution planning.

4 (c) Propose cost-effective methods of effectively coordinating
5 existing programs approved by the Commission, incentives and
6 tariffs to maximize the locational benefits and minimize the
7 incremental costs of distributed resources.

8 (d) Identify any additional spending necessary to integrate cost-
9 effective distributed resources into distribution planning consistent
10 with the goal of yielding a net benefit to the customers of the
11 electric utility or utilities.

12 (e) Identify barriers to the deployment of distributed resources,
13 including, without limitation, safety standards related to technology
14 or operation of the distribution system in a manner that ensures
15 reliable service.

16 6. As used in this section:

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

19 (b) "Distributed generation system" has the meaning ascribed to
20 it in NRS 701.380.

21 (c) "Distributed resources" means distributed generation
22 systems, energy efficiency, energy storage, electric vehicles and
23 demand-response technologies.

24 (d) *"Portfolio energy system" means any renewable energy*
25 *system described in subsection 1 of NRS 704.7804.*

26 (e) "Renewable energy zones" means specific geographic zones
27 where renewable energy resources are sufficient to develop
28 generation capacity and where transmission constrains the delivery
29 of electricity from those resources to customers.

30 **Sec. 17.** NRS 704.7715 is hereby amended to read as follows:

31 704.7715 1. "Renewable energy" ~~[has the meaning ascribed~~
32 ~~to it in NRS 704.7811.] means:~~

- 33 (a) *Biomass;*
34 (b) *Geothermal energy;*
35 (c) *Solar energy;*
36 (d) *Waterpower; and*
37 (e) *Wind.*

38 2. *The term does not include coal, natural gas, oil, propane*
39 *or any other fossil fuel, or nuclear energy.*

40 3. *As used in this section, "waterpower" means power derived*
41 *from standing, running or falling water which is used for any*
42 *plant, facility, equipment or system to generate electricity if the*
43 *generating capacity of the plant, facility, equipment or system is*
44 *not more than 30 megawatts. Except as otherwise provided in this*
45 *subsection, the term includes, without limitation, power derived*



1 *from water that has been pumped from a lower to a higher*
2 *elevation if the generating capacity of the plant, facility,*
3 *equipment or system for which the water is used is not more than*
4 *30 megawatts. The term does not include power:*

5 *(a) Derived from water stored in a reservoir by a dam or*
6 *similar device, unless:*

7 *(1) The water is used exclusively for irrigation;*

8 *(2) The dam or similar device was in existence on January*
9 *1, 2003; and*

10 *(3) The generating capacity of the plant, facility, equipment*
11 *or system for which the water is used is not more than 30*
12 *megawatts;*

13 *(b) That requires a new or increased appropriation or*
14 *diversion of water for its creation; or*

15 *(c) That requires the use of any fossil fuel for its creation,*
16 *unless:*

17 *(1) The primary purpose of the use of the fossil fuel is not*
18 *the creation of the power; and*

19 *(2) The generating capacity of the plant, facility, equipment*
20 *or system for which the water is used is not more than 30*
21 *megawatts.*

22 **Sec. 18.** NRS 704.7801 is hereby amended to read as follows:

23 704.7801 As used in NRS 704.7801 to 704.7828, inclusive,
24 *and sections 8, 9 and 10 of this act*, unless the context otherwise
25 requires, the words and terms defined in NRS 704.7802 to
26 704.7819, inclusive, have the meanings ascribed to them in those
27 sections.

28 **Sec. 19.** NRS 704.7804 is hereby amended to read as follows:

29 704.7804 "Portfolio energy system or efficiency measure"
30 means:

31 1. Any renewable energy system:

32 (a) Placed into operation before July 1, 1997, if a provider of
33 electric service used electricity generated or acquired from the
34 renewable energy system to satisfy its portfolio standard before
35 July 1, 2009; ~~or~~

36 (b) *Placed into operation before July 1, 1997, that uses*
37 *waterpower from a plant, facility, equipment or system to generate*
38 *electricity, if the waterpower is acquired by the provider of electric*
39 *service from another party pursuant to a contract for a term of not*
40 *less than 10 years; or*

41 (c) Placed into operation on or after July 1, 1997. ~~or~~

42 2. Any energy efficiency measure installed on or before
43 December 31, 2019.



1 **Sec. 20.** NRS 704.7808 is hereby amended to read as follows:
2 704.7808 1. “Provider of electric service” and “provider”
3 mean any person or entity that is in the business of selling electricity
4 to retail customers for consumption in this State, regardless of
5 whether the person or entity is otherwise subject to regulation by the
6 Commission.

7 2. The term includes, without limitation, a provider of new
8 electric resources that is selling electricity to an eligible customer
9 for consumption in this State pursuant to the provisions of chapter
10 704B of NRS.

11 3. The term does not include:

12 (a) ~~[This State or an agency or instrumentality of this State.~~

13 ~~—(b) A rural electric cooperative established pursuant to chapter~~
14 ~~81 of NRS.~~

15 ~~—(c) A general improvement district established pursuant to~~
16 ~~chapter 318 of NRS.~~

17 ~~—(d) A utility established pursuant to chapter 709 or 710 of NRS.~~

18 ~~(e) A cooperative association, nonprofit corporation, nonprofit~~
19 ~~association or provider of electric service which is declared to be a~~
20 ~~public utility pursuant to NRS 704.673 and which provides service~~
21 ~~only to its members.~~

22 ~~—(f) A landlord of a manufactured home park or mobile home~~
23 ~~park or owner of a company town who is subject to any of the~~
24 ~~provisions of NRS 704.905 to 704.960, inclusive.~~

25 ~~[(g)] (b) A landlord who pays for electricity that is delivered~~
26 ~~through a master meter and who distributes or resells the electricity~~
27 ~~to one or more tenants for consumption in this State.~~

28 **Sec. 21.** NRS 704.7811 is hereby amended to read as follows:

29 704.7811 1. “Renewable energy” means:

30 (a) Biomass;

31 (b) Geothermal energy;

32 (c) Solar energy;

33 (d) Waterpower; and

34 (e) Wind.

35 2. The term does not include coal, natural gas, oil, propane or
36 any other fossil fuel, or nuclear energy.

37 3. As used in this section, “waterpower” means power derived
38 from standing, running or falling water which is used for any plant,
39 facility, equipment or system to generate electricity . ~~[(f) the~~
40 ~~generating capacity of the plant, facility, equipment or system is not~~
41 ~~more than 30 megawatts.] Except as otherwise provided in this~~
42 subsection, the term includes, without limitation, power derived
43 from water that has been pumped from a lower to a higher elevation
44 if the generating capacity of the plant, facility, equipment or system
45 for which the water is used is not more than 30 megawatts ~~[(f)]~~, and



1 *the plant, facility, equipment or system used for both the electricity*
2 *generation and the water pumping were in existence on January*
3 *1, 2019.* The term does not include power:

4 (a) ~~Derived from water stored in a reservoir by a dam or similar~~
5 ~~device, unless:~~

6 ~~— (1) The water is used exclusively for irrigation;~~

7 ~~— (2) The dam or similar device was in existence on~~
8 ~~January 1, 2003; and~~

9 ~~— (3) The generating capacity of the plant, facility, equipment~~
10 ~~or system for which the water is used is not more than 30~~
11 ~~megawatts;~~

12 ~~— (b) That requires a new or increased appropriation or diversion~~
13 ~~of water for its creation; or~~

14 ~~— (c) That requires the use of any fossil fuel for its creation,~~
15 ~~unless:~~

16 ~~— (1) The primary purpose of the use of the fossil fuel is~~
17 ~~not the creation of the power;~~ and

18 ~~— (2) The generating capacity of the plant, facility, equipment~~
19 ~~or system for which the water is used is not more than 30~~
20 ~~megawatts.]; or~~

21 (b) *That was produced before the effective date of this act from*
22 *a renewable energy system placed into operation before*
23 *July 1, 1997.*

24 **Sec. 22.** NRS 704.7821 is hereby amended to read as follows:

25 704.7821 1. For each provider of electric service, the
26 Commission shall establish a portfolio standard. ~~The~~ *Except as*
27 *otherwise provided in subsections 5, 6, 8 and 9, the* portfolio
28 standard must require each provider to generate, acquire or save
29 electricity from portfolio energy systems or efficiency measures in
30 an amount that is:

31 (a) For calendar years 2005 and 2006, not less than 6 percent of
32 the total amount of electricity sold by the provider to its retail
33 customers in this State during that calendar year.

34 (b) For calendar years 2007 and 2008, not less than 9 percent of
35 the total amount of electricity sold by the provider to its retail
36 customers in this State during that calendar year.

37 (c) For calendar years 2009 and 2010, not less than 12 percent
38 of the total amount of electricity sold by the provider to its retail
39 customers in this State during that calendar year.

40 (d) For calendar years 2011 and 2012, not less than 15 percent
41 of the total amount of electricity sold by the provider to its retail
42 customers in this State during that calendar year.

43 (e) For calendar years 2013 and 2014, not less than 18 percent
44 of the total amount of electricity sold by the provider to its retail
45 customers in this State during that calendar year.



1 (f) For calendar years 2015 through 2019, inclusive, not less
2 than 20 percent of the total amount of electricity sold by the
3 provider to its retail customers in this State during that calendar
4 year.

5 (g) For calendar ~~[years]~~ *year* 2020 , ~~[through 2024, inclusive,]~~
6 not less than 22 percent of the total amount of electricity sold by the
7 provider to its retail customers in this State during that calendar
8 year.

9 (h) *For calendar year 2021, not less than 24 percent of the*
10 *total amount of electricity sold by the provider to its retail*
11 *customers in this State during that calendar year.*

12 (i) *For calendar years 2022 and 2023, not less than 29 percent*
13 *of the total amount of electricity sold by the provider to its retail*
14 *customers in this State during that calendar year.*

15 (j) *For calendar years 2024 through 2026, inclusive, not less*
16 *than 34 percent of the total amount of electricity sold by the*
17 *provider to its retail customers in this State during that calendar*
18 *year.*

19 (k) *For calendar years 2027 through 2029, inclusive, not less*
20 *than 42 percent of the total amount of electricity sold by the*
21 *provider to its retail customers in this State during that calendar*
22 *year.*

23 (l) For calendar year ~~[2025]~~ *2030* and for each calendar year
24 thereafter, not less than ~~[25]~~ *50* percent of the total amount of
25 electricity sold by the provider to its retail customers in this State
26 during that calendar year.

27 2. In addition to the requirements set forth in subsection 1, the
28 portfolio standard for each provider must require that:

29 (a) ~~[Of the total amount of electricity that the provider is~~
30 ~~required to generate, acquire or save from portfolio energy systems~~
31 ~~or efficiency measures during each calendar year, not less than:~~

32 ~~— (1) For calendar years 2009 through 2015, inclusive, 5~~
33 ~~percent of that amount must be generated or acquired from solar~~
34 ~~renewable energy systems.~~

35 ~~— (2) For calendar year 2016 and for each calendar year~~
36 ~~thereafter, 6 percent of that amount must be generated or acquired~~
37 ~~from solar renewable energy systems.~~

38 ~~— (b)]~~ Of the total amount of electricity that the provider is
39 required to generate, acquire or save from portfolio energy systems
40 or efficiency measures:

41 (1) During calendar years 2013 and 2014, not more than 25
42 percent of that amount may be based on energy efficiency measures;

43 (2) During each calendar year 2015 to 2019, inclusive, not
44 more than 20 percent of that amount may be based on energy
45 efficiency measures;



1 (3) During each calendar year 2020 to 2024, inclusive, not
2 more than 10 percent of that amount may be based on energy
3 efficiency measures; and

4 (4) For calendar year 2025 and each calendar year thereafter,
5 no portion of that amount may be based on energy efficiency
6 measures.

7 ↪ If the provider intends to use energy efficiency measures to
8 comply with its portfolio standard during any calendar year, of the
9 total amount of electricity saved from energy efficiency measures
10 for which the provider seeks to obtain portfolio energy credits
11 pursuant to this paragraph, at least 50 percent of that amount must
12 be saved from energy efficiency measures installed at service
13 locations of residential customers of the provider, unless a different
14 percentage is approved by the Commission.

15 ~~(c)~~ (b) If the provider acquires or saves electricity from a
16 portfolio energy system or efficiency measure pursuant to a
17 renewable energy contract or energy efficiency contract with
18 another party:

19 (1) The term of the contract must be not less than 10 years,
20 unless the other party agrees to a contract with a shorter term; and

21 (2) The terms and conditions of the contract must be just and
22 reasonable, as determined by the Commission. If the provider is a
23 utility provider and the Commission approves the terms and
24 conditions of the contract between the utility provider and the other
25 party, the contract and its terms and conditions shall be deemed to
26 be a prudent investment and the utility provider may recover all just
27 and reasonable costs associated with the contract.

28 3. If, for the benefit of one or more retail customers in this
29 State, the provider has paid for or directly reimbursed, in whole or
30 in part, the costs of the acquisition or installation of a solar energy
31 system which qualifies as a renewable energy system and which
32 reduces the consumption of electricity, the total reduction in the
33 consumption of electricity during each calendar year that results
34 from the solar energy system shall be deemed to be electricity that
35 the provider generated or acquired from a renewable energy system
36 for the purposes of complying with its portfolio standard.

37 4. The Commission shall adopt regulations that establish a
38 system of portfolio energy credits that may be used by a provider to
39 comply with its portfolio standard.

40 5. Except as otherwise provided in subsection 6, each provider
41 shall comply with its portfolio standard during each calendar year.
42 *For calendar year 2022 and each calendar year thereafter, a*
43 *provider shall be deemed to have complied with its portfolio*
44 *standard during that calendar year if the total amount of*
45 *electricity generated, acquired or saved from portfolio energy*



1 *systems or efficiency measures during that calendar year and the*
2 *immediately preceding 2 calendar years is a percentage of the total*
3 *amount of electricity sold by the provider to its retail customers in*
4 *this State during those years that is not less than the percentage*
5 *required for that calendar year pursuant to subsection 1.*

6 6. If, for any calendar year, a provider is unable to comply with
7 its portfolio standard through the generation of electricity from its
8 own renewable energy systems or, if applicable, through the use of
9 portfolio energy credits, the provider shall take actions to acquire or
10 save electricity pursuant to one or more renewable energy contracts
11 or energy efficiency contracts. ~~If the Commission determines that,~~
12 ~~for a calendar year, there is not or will not be a sufficient supply of~~
13 ~~electricity or a sufficient amount of energy savings made available~~
14 ~~to the provider pursuant to renewable energy contracts and energy~~
15 ~~efficiency contracts with just and reasonable terms and conditions,~~
16 ~~the~~ *The* Commission shall exempt the provider, for that calendar
17 year, from the remaining requirements of its portfolio standard or
18 from any appropriate portion thereof, as determined by the
19 Commission ~~[.]~~ *if the Commission determines that:*

20 *(a) For the calendar year, there is not or will not be a*
21 *sufficient supply of electricity or a sufficient amount of energy*
22 *savings made available to the provider pursuant to renewable*
23 *energy contracts and energy efficiency contracts with just and*
24 *reasonable terms and conditions, after the provider has made*
25 *reasonable efforts to secure such contracts; or*

26 *(b) The provider is unable to obtain a sufficient supply of*
27 *electricity to comply with the portfolio standard because of a delay*
28 *in the completion of the construction of a renewable energy system*
29 *that is under the control of a person or entity other than the*
30 *provider and that was intended to provide such electricity.*

31 7. The Commission shall adopt regulations that establish:

32 (a) Standards for the determination of just and reasonable terms
33 and conditions for the renewable energy contracts and energy
34 efficiency contracts that a provider must enter into to comply with
35 its portfolio standard.

36 (b) Methods to classify the financial impact of each long-term
37 renewable energy contract and energy efficiency contract as an
38 additional imputed debt of a utility provider. The regulations must
39 allow the utility provider to propose an amount to be added to the
40 cost of the contract, at the time the contract is approved by the
41 Commission, equal to a compensating component in the capital
42 structure of the utility provider. In evaluating any proposal made by
43 a utility provider pursuant to this paragraph, the Commission shall
44 consider the effect that the proposal will have on the rates paid by
45 the retail customers of the utility provider.



1 8. ~~[Except as otherwise provided in NRS 704.78213, the~~
2 ~~provisions of this section do not apply to a provider of new electric~~
3 ~~resources as defined in NRS 704B.130.]~~ For the purposes of
4 subsection 1, for calendar year 2019 and for each calendar year
5 thereafter, the total amount of electricity sold by a provider to its
6 retail customers in this State during a calendar year does not
7 include the amount of electricity sold by the provider as part of a
8 program of optional pricing authorized by the Commission
9 pursuant to NRS 704.738.

10 9. For the purposes of subsection 1, for calendar year 2019
11 and for each calendar year thereafter, unless the provider makes
12 the election authorized by subsection 10, the total amount of
13 electricity sold by the following providers to their retail customers
14 in this State during a calendar year does not include the first
15 1,000,000 megawatt-hours of electricity sold by the provider to
16 such customers during that calendar year:

17 (a) A rural electric cooperative established pursuant to chapter
18 81 of NRS that is in existence on the effective date of this act.

19 (b) A general improvement district established pursuant to
20 chapter 318 of NRS that is in existence on the effective date of this
21 act;

22 (c) A utility established pursuant to chapter 710 of NRS that is
23 in existence on the effective date of this act.

24 (d) A cooperative association, nonprofit corporation, nonprofit
25 association or provider of electric service which is declared to be a
26 public utility pursuant to NRS 704.673, which provides service
27 only to its members and which is in existence on the effective date
28 of this act.

29 ↪ Such providers do not earn energy portfolio credits under the
30 system of energy portfolio credits established by the Commission
31 pursuant to subsection 4 for electricity generated or acquired by
32 the provider from renewable energy systems to make the first
33 1,000,000 megawatt-hours of sales to retail customers within this
34 State within a calendar year, unless the provider makes the
35 election provided by subsection 10.

36 10. A provider listed in subsection 9 may elect to have the
37 Commission establish a portfolio standard for the provider which
38 applies to the total amount of electricity sold by the provider to its
39 retail customers in this State during the calendar year, including
40 the first 1,000,000 megawatt-hours of sales to such customers. To
41 make the election described by this subsection, the provider shall
42 provide written notification of the election to the Commission on
43 or before September 30 of the year immediately preceding the first
44 calendar year for which the provider is requesting that the
45 portfolio standard apply to the total amount of electricity sold by



1 *the provider to its retail customers in this State during that*
2 *calendar year. Within 90 days after receiving such a notification,*
3 *the Commission shall issue an order establishing a portfolio*
4 *standard for the provider. The portfolio standard established*
5 *pursuant to this subsection applies to the provider for each*
6 *calendar year thereafter.*

7 *11. A provider listed in subsection 9 who has not made the*
8 *election described in subsection 10 shall, during any calendar year*
9 *in which the total amount of electricity sold by the provider to its*
10 *retail customers in this State during that calendar year is less than*
11 *1,000,000 megawatt-hours, submit to the Commission, after the*
12 *end of the calendar year and within the time prescribed by the*
13 *Commission, a report of the total amount of electricity sold to its*
14 *retail customers in this State for that calendar year.*

15 ~~9.]~~ 12. As used in this section:

16 (a) "Energy efficiency contract" means a contract to attain
17 energy savings from one or more energy efficiency measures
18 owned, operated or controlled by other parties.

19 (b) "Renewable energy contract" means a contract to acquire
20 electricity from one or more renewable energy systems owned,
21 operated or controlled by other parties.

22 (c) "Terms and conditions" includes, without limitation, the
23 price that a provider must pay to acquire electricity pursuant to a
24 renewable energy contract or to attain energy savings pursuant to an
25 energy efficiency contract.

26 **Sec. 23.** NRS 704.78213 is hereby amended to read as
27 follows:

28 704.78213 1. If the Commission issues an order approving an
29 application that is filed pursuant to NRS 704B.310 or a request that
30 is filed pursuant to NRS 704B.325 regarding a provider of new
31 electric resources and an eligible customer, the Commission must
32 establish in the order a portfolio standard applicable to the
33 electricity sold by the provider of new electric resources to the
34 eligible customer in accordance with the order. The portfolio
35 standard must require the provider of new electric resources to
36 generate, acquire or save electricity from portfolio energy systems
37 or efficiency measures in the amounts described in the portfolio
38 standard set forth in NRS 704.7821 . ~~[which is effective on the date~~
39 ~~on which the order approving the application or request is~~
40 ~~approved.]~~

41 2. ~~[Of the total amount of electricity that a provider of new~~
42 ~~electric resources is required to generate, acquire or save from~~
43 ~~portfolio energy systems or efficiency measures during each~~
44 ~~calendar year, not more than 25 percent of that amount may be~~
45 ~~based on energy efficiency measures.~~



1 ~~—3.]~~ If, for the benefit of one or more eligible customers, the
2 eligible customer of a provider of new electric resources has paid for
3 or directly reimbursed, in whole or in part, the costs of the
4 acquisition or installation of a solar energy system which qualifies
5 as a renewable energy system and which reduces the consumption
6 of electricity, the total reduction in the consumption of electricity
7 during each calendar year that results from the solar energy system
8 shall be deemed to be electricity that the provider of new electric
9 resources generated or acquired from a renewable energy system for
10 the purposes of complying with its portfolio standard.

11 ~~[4.]~~ 3. As used in this section:

12 (a) “Eligible customer” has the meaning ascribed to it in
13 NRS 704B.080.

14 (b) “Provider of new electric resources” has the meaning
15 ascribed to it in NRS 704B.130.

16 **Sec. 24.** NRS 704.7825 is hereby amended to read as follows:

17 704.7825 1. ~~{Each}~~ *Except as otherwise provided in*
18 *subsection 6, each* provider of electric service shall submit to the
19 Commission an annual report that provides information relating to
20 the actions taken by the provider to comply with its portfolio
21 standard.

22 2. Each provider shall submit the annual report to the
23 Commission after the end of each calendar year and within the time
24 prescribed by the Commission. The report must be submitted in a
25 format approved by the Commission.

26 3. The Commission may adopt regulations that require
27 providers to submit to the Commission additional reports during
28 each calendar year.

29 4. Each annual report and each additional report must include
30 clear and concise information that sets forth:

31 (a) The amount of electricity which the provider generated,
32 acquired or saved from portfolio energy systems or efficiency
33 measures during the reporting period and, if applicable, the amount
34 of portfolio energy credits that the provider acquired, sold or traded
35 during the reporting period to comply with its portfolio standard;

36 (b) The capacity of each renewable energy system owned,
37 operated or controlled by the provider, the total amount of electricity
38 generated by each such system during the reporting period and the
39 percentage of that total amount which was generated directly from
40 renewable energy;

41 (c) Whether, during the reporting period, the provider began
42 construction on, acquired or placed into operation any renewable
43 energy system and, if so, the date of any such event;



1 (d) Whether, during the reporting period, the provider
2 participated in the acquisition or installation of any energy
3 efficiency measures and, if so, the date of any such event; and

4 (e) Any other information that the Commission by regulation
5 may deem relevant.

6 5. Based on the reports submitted by providers pursuant to this
7 section, the Commission shall compile information that sets forth
8 whether any provider has used energy efficiency measures to
9 comply with its portfolio standard and, if so, the type of energy
10 efficiency measures used and the amount of energy savings
11 attributable to each such energy efficiency measure. The
12 Commission shall report such information to:

13 (a) The Legislature, not later than the first day of each regular
14 session; and

15 (b) The Legislative Commission, if requested by the Chair of the
16 Commission.

17 **6. *The provisions of this section do not apply to:***

18 ***(a) A provider of electric service that is an agency or***
19 ***instrumentality of this State; or***

20 ***(b) A provider of electric service that is listed in subsection 9 of***
21 ***NRS 704.7821 who has not made the election described in***
22 ***subsection 10 of that section, during any calendar year in which***
23 ***the total amount of electricity sold by the provider to its retail***
24 ***customers in this State during that calendar year is less than***
25 ***1,000,000 megawatt-hours.***

26 **Sec. 25.** NRS 704.860 is hereby amended to read as follows:

27 704.860 “Utility facility” means:

28 1. Electric generating plants and their associated facilities,
29 except electric generating plants and their associated facilities which
30 use or will use renewable energy, as defined in NRS ~~[704.7811,]~~
31 **704.7715**, as their primary source of energy to generate electricity
32 and which have or will have a nameplate capacity of not more than
33 70 megawatts, including, without limitation, a net metering system,
34 as defined in NRS 704.771. As used in this subsection, “associated
35 facilities” includes, without limitation, any facilities for the storage,
36 transmission or treatment of water, including, without limitation,
37 facilities to supply water or for the treatment or disposal of
38 wastewater, which support or service an electric generating plant.

39 2. Electric transmission lines and transmission substations that:

40 (a) Are designed to operate at 200 kilovolts or more;

41 (b) Are not required by local ordinance to be placed
42 underground; and

43 (c) Are constructed outside any incorporated city.



1 3. Gas transmission lines, storage plants, compressor stations
2 and their associated facilities when constructed outside any
3 incorporated city.

4 4. Water storage, transmission and treatment facilities, other
5 than facilities for the storage, transmission or treatment of water
6 from mining operations.

7 5. Sewer transmission and treatment facilities.

8 **Sec. 26.** NRS 704.890 is hereby amended to read as follows:

9 704.890 1. Except as otherwise provided in subsection 3, the
10 Commission may not grant a permit for the construction, operation
11 and maintenance of a utility facility, either as proposed or as
12 modified by the Commission, to a person unless it finds and
13 determines:

14 (a) The nature of the probable effect on the environment;

15 (b) If the utility facility emits greenhouse gases and does not use
16 renewable energy as its primary source of energy to generate
17 electricity, the extent to which the facility is needed to ensure
18 reliable utility service to customers in this State;

19 (c) That the need for the facility balances any adverse effect on
20 the environment;

21 (d) That the facility represents the minimum adverse effect on
22 the environment, considering the state of available technology and
23 the nature and economics of the various alternatives;

24 (e) That the location of the facility as proposed conforms to
25 applicable state and local laws and regulations issued thereunder and
26 the applicant has obtained, or is in the process of obtaining, all other
27 permits, licenses, registrations and approvals required by federal,
28 state and local statutes, regulations and ordinances;

29 (f) That the surplus asset retirement plan filed pursuant to
30 NRS 704.870:

31 (1) Complies with federal, state and local laws;

32 (2) Provides for the remediation and reuse of the facility
33 within a reasonable period; and

34 (3) Is able to be reasonably completed under the funding plan
35 contained in the application; and

36 (g) That the facility will serve the public interest.

37 2. If the Commission determines that the location of all or a
38 part of the proposed facility should be modified, it may condition its
39 permit upon such a modification. If the applicant has not obtained
40 all the other permits, licenses, registrations and approvals required
41 by federal, state and local statutes, regulations and ordinances as of
42 the date on which the Commission decides to issue a permit, the
43 Commission shall condition its permit upon the applicant obtaining
44 those permits and approvals.



1 3. The requirements set forth in paragraph (g) of subsection 1
2 do not apply to any application for a permit which is filed by a state
3 government or political subdivision thereof.

4 4. As used in this section, “renewable energy” has the meaning
5 ascribed to it in NRS ~~704.7811.~~ **704.7715.**

6 **Sec. 27.** NRS 271.197 is hereby amended to read as follows:
7 271.197 “Renewable energy” has the meaning ascribed to it in
8 NRS ~~704.7811.~~ **704.7715.**

9 **Sec. 28.** Notwithstanding the provisions of any other law or
10 any ruling or order issued by or portfolio standard established by the
11 Public Utilities Commission of Nevada to the contrary, for any
12 portfolio standard established by the Commission pursuant to the
13 provisions of subsection 1 of NRS 704.78213, as that section existed
14 on or after July 1, 2012, and before the effective date of this act, the
15 Commission shall, for calendar year 2020 and for each calendar year
16 thereafter, revise the portfolio standard to require the provider of
17 new electric resources as defined in NRS 704B.130 to generate,
18 acquire or save electricity from portfolio energy systems or energy
19 efficiency measures in the amounts described in the portfolio
20 standard set forth in NRS 704.7821, as amended by section 22 of
21 this act.

22 **Sec. 29.** 1. This act becomes effective upon passage and
23 approval.

24 2. Section 3 of this act expires by limitation on
25 December 31, 2025.

