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)


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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:
Section 8 of this bill sets forth findings and declarations of the Legislature that it is the policy of this State to: (1) encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; (2) become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2050 an amount of energy production from zero carbon dioxide emission resources that is equal to the
total amount of electricity sold by providers of electric service in this State; and (3)
ensure that the benefits of the increased use of portfolio energy systems and energy
efficiency measures are received by the residents of this State.

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

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

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

Existing law requires the Public Utilities Commission of Nevada to establish a
portfolio standard which requires each provider of electric service in this State to
generate, acquire or save electricity from renewable energy systems or efficiency
measures in a certain percentage of the total amount of electricity sold by the
provider to its retail customers in this State during a calendar year. (NRS 704.7821)
Section 22 of this bill revises the portfolio standard for calendar year 2021 and
each calendar year thereafter so that by calendar year 2030 and for each calendar
year thereafter, each provider of electric service will be required to generate,
acquire or save electricity from renewable energy systems or efficiency measures
not less than 50 percent of the total amount of electricity sold by the provider to its
retail customers in this State during that calendar year. Section 22 also: (1)
eliminates the requirement that a minimum percentage of the amount of electricity
that the provider is required to generate, acquire or save be generated or acquired
from solar renewable energy systems; (2) revises, for the purposes of compliance
with the portfolio standard, the provisions governing the calculation of the total
amount of electricity sold by a provider to its retail customers in this State; and (3)
authorizes the Commission to exempt a provider from some or all of the
requirements of its portfolio standard for a calendar year if the provider is unable to
obtain a sufficient supply of electricity to comply with the standard due to a delay
in the completion of a renewable energy system under the control of a person or
entity other than the provider. **Section 22** also provides that a provider may satisfy its portfolio standard for a calendar year if the total amount of electricity generated, acquired or saved from portfolio energy systems or energy efficiency measures during a 3-year period ending with that calendar year represents a percentage of the total amount of electricity sold by the provider to retail customers in that period is not less than the percentage required for the portfolio standard for that year.

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

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

**Section 21** of this bill expands the definition of “renewable energy” with respect to the kinds of waterpower that are considered renewable energy. **Sections 1-3, 11, 12, 15, 17 and 25-27** of this bill make conforming changes so that the amendments to existing law set forth in **section 21** do not affect other provisions of existing law governing renewable energy. **Sections 22 and 23** of this bill provide that the revised portfolio standard established by **section 22** is applicable to providers of new electric resources, and also eliminates a limitation on the authority for a provider of new electric resources to use energy efficiency measures to comply with the portfolio standard. **Section 28** of this bill requires the Commission to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard established by **section 22**.

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

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

> 701.055 “Energy development project” means a project for the generation, transmission and development of energy located on public or private land. The term includes, without limitation:
> 1. A utility facility, as defined in NRS 704.860, constructed on private land; and
> 2. Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, 704.7715, as their primary source of energy to generate electricity.
Sec. 2. NRS 701.380 is hereby amended to read as follows:

701.380 1. The Director shall:

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

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

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

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

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

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

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

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

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

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

(c) The amount of money distributed for each activity and program from the Trust Account for Renewable Energy and Energy Conservation.
Conservation and a detailed description of the use of that money for each activity and program;
(d) An analysis of the coordination between the Office of Energy and other officers and agencies; and
(e) Any changes planned for each activity and program.

3. As used in this section:
(a) “Distributed generation system” means a facility or system for the generation of electricity that is in close proximity to the place where the electricity is consumed:
(1) That uses renewable energy as defined in NRS 704.7715 to generate electricity;
(2) That is located on the property of a customer of an electric utility;
(3) That is connected on the customer’s side of the electricity meter;
(4) That provides electricity primarily to offset customer load on that property; and
(5) The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.777, inclusive.
(b) “Electric utility” has the meaning ascribed to it in NRS 704.7571.

Sec. 3. NRS 701B.790 is hereby amended to read as follows:
701B.790 “Waterpower” has the meaning ascribed to it in subsection 3 of NRS 704.7715.

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

Sec. 5. “Renewable energy facility” has the meaning ascribed to it in NRS 704.7315.

Sec. 6. A utility may, without any additional approval of the Commission, acquire an existing renewable energy facility or a renewable energy facility that is being developed if:
1. The Commission has accepted a provision of a plan or an amendment to a plan pursuant to NRS 704.751 that provides for the purchase of the electricity generated by the renewable energy facility pursuant to an agreement for the purchase of that electricity.
2. The utility provides a notice to the Commission which states:
(a) That the utility will not include the renewable energy facility in its rate base and will use the mechanism established by the regulations adopted by the Commission pursuant to subsection 3 of section 7 of this act to account for the electricity generated by
the renewable energy facility and charge a just and reasonable price for that electricity to its customers through the deferred accounting mechanism set forth in NRS 704.187; 

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

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

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

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

3. The Commission shall establish by regulation a mechanism by which a utility that is authorized to charge its customers a just and reasonable price established by the Commission for the electricity generated by a renewable energy facility may account for the electricity generated by the renewable energy facility and charge the just and reasonable price for that electricity to its customers through the mechanism set forth in NRS 704.187.
Sec. 8. The Legislature finds and declares that it is the policy of this State to:

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

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

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

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

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

Sec. 11. 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. 704.7715.

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

Sec. 12. NRS 704.7315 is hereby amended to read as follows:
704.7315 “Renewable energy facility” means an electric
generating facility that uses renewable energy to produce electricity.
As used in this section, “renewable energy” has the meaning
ascribed to it in NRS 704.7811. 704.7715.
Sec. 13.  NRS 704.736 is hereby amended to read as follows:

704.736  The application of NRS 704.736 to 704.754, inclusive, and sections 5, 6 and 7 of this act is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 14.  NRS 704.7362 is hereby amended to read as follows:

704.7362  As used in NRS 704.736 to 704.754, inclusive, and sections 5, 6 and 7 of this act, unless the context otherwise requires, the words and terms defined in NRS 704.7364 and 704.7366 and section 5 of this act have the meanings ascribed to them in those sections.

Sec. 15.  NRS 704.738 is hereby amended to read as follows:

704.738  1.  A utility which supplies electricity in this state may apply to the Commission for authority to charge, as part of a program of optional pricing, a higher rate for electricity that is generated from renewable energy.

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

3.  As used in this section, “renewable energy” has the meaning ascribed to it in NRS 704.7811.

Sec. 16.  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 June 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. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

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 or utilities 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 or utilities to include in the 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 proposal for the expenditure of not less than 5 percent of
the total expenditures related to energy efficiency and conservation
programs on energy efficiency and conservation programs directed
to low-income customers of the electric utility.

(c) 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.

(d) An analysis of the effects of the requirements of NRS
704.766 to 704.777, inclusive, on the reliability of the distribution
system of the utility or utilities and the costs to the utility or utilities
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.

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

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

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

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

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

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

(a) Evaluate the locational benefits and costs of distributed
resources. This evaluation must be based on reductions or increases
in local generation capacity needs, avoided or increased investments
in distribution infrastructure, safety benefits, reliability benefits and
any other savings the distributed resources provide to the electricity
grid for this State or costs to customers of the electric utility or
utilities.
(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

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

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

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

6. As used in this section:

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

(b) “Distributed generation system” has the meaning ascribed to it in NRS 701.380.

(c) “Distributed resources” means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(d) “Portfolio energy system” means any renewable energy system described in subsection 1 of NRS 704.7804.

(e) “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.

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

1. “Renewable energy” [has the meaning ascribed to it in NRS 704.7811.] means:

(a) Biomass;

(b) Geothermal energy;

(c) Solar energy;

(d) Waterpower; and

(e) Wind.

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

3. As used in this section, “waterpower” means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity if the generating capacity of the plant, facility, equipment or system is not more than 30 megawatts. Except as otherwise provided in this subsection, the term includes, without limitation, power derived
from water that has been pumped from a lower to a higher
elevation if the generating capacity of the plant, facility,
equipment or system for which the water is used is not more than
30 megawatts. The term does not include power:
(a) Derived from water stored in a reservoir by a dam or
similar device, unless:
   (1) The water is used exclusively for irrigation;
   (2) The dam or similar device was in existence on January
       1, 2003; and
   (3) The generating capacity of the plant, facility, equipment
       or system for which the water is used is not more than 30
       megawatts;
(b) That requires a new or increased appropriation or
diversion of water for its creation; or
   (c) That requires the use of any fossil fuel for its creation,
       unless:
      (1) The primary purpose of the use of the fossil fuel is not
          the creation of the power; and
      (2) The generating capacity of the plant, facility, equipment
          or system for which the water is used is not more than 30
          megawatts.

Sec. 18. NRS 704.7801 is hereby amended to read as follows:
704.7801  As used in NRS 704.7801 to 704.7828, inclusive,
and sections 8, 9 and 10 of this act, unless the context otherwise
requires, the words and terms defined in NRS 704.7802 to
704.7819, inclusive, have the meanings ascribed to them in those
sections.

Sec. 19. NRS 704.7804 is hereby amended to read as follows:
704.7804  “Portfolio energy system or efficiency measure”
means:
1. Any renewable energy system:
   (a) Placed into operation before July 1, 1997, if a provider of
       electric service used electricity generated or acquired from the
       renewable energy system to satisfy its portfolio standard before
       July 1, 2009; [or]
   (b) Placed into operation before July 1, 1997, that uses
       waterpower from a plant, facility, equipment or system to generate
       electricity, if the waterpower is acquired by the provider of electric
       service from another party pursuant to a contract for a term of not
       less than 10 years; or
   (c) Placed into operation on or after July 1, 1997. [or]
2. Any energy efficiency measure installed on or before
December 31, 2019.
Sec. 20. NRS 704.7808 is hereby amended to read as follows:

704.7808 1. “Provider of electric service” and “provider” mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.

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

3. The term does not include:

(a) [This State or an agency or instrumentality of this State.
—(b) A rural electric cooperative established pursuant to chapter 81 of NRS.
—(c) A general improvement district established pursuant to chapter 318 of NRS.
—(d) A utility established pursuant to chapter 709 or 710 of NRS.
—(e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

—(f) A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.
—(g) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

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

704.7811 1. “Renewable energy” means:

(a) Biomass;
(b) Geothermal energy;
(c) Solar energy;
(d) Waterpower; and
(e) Wind.

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

3. As used in this section, “waterpower” means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity. [If the generating capacity of the plant, facility, equipment or system is not more than 30 megawatts.] Except as otherwise provided in this subsection, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation if the generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts [H, and
the plant, facility, equipment or system used for both the electricity
generation and the water pumping were in existence on January
1, 2019. The term does not include power:
(a) [Derived from water stored in a reservoir by a dam or similar
device, unless:
(1) The water is used exclusively for irrigation;
(2) The dam or similar device was in existence on
January 1, 2003; and
(3) The generating capacity of the plant, facility, equipment
or system for which the water is used is not more than 30
megawatts;
(b) That requires a new or increased appropriation or diversion
of water for its creation; or
(c) That requires the use of any fossil fuel for its creation, unless [;]
(1) The primary purpose of the use of the fossil fuel is
not the creation of the power [; and
(2) The generating capacity of the plant, facility, equipment
or system for which the water is used is not more than 30
megawatts.] ; or
(b) That was produced before the effective date of this act from
a renewable energy system placed into operation before
July 1, 1997.
Sec. 22. NRS 704.7821 is hereby amended to read as follows:
704.7821 1. For each provider of electric service, the
Commission shall establish a portfolio standard. [The] Except as
otherwise provided in subsections 5, 6, 8 and 9, the portfolio
standard must require each provider to generate, acquire or save
electricity from portfolio energy systems or efficiency measures in
an amount that is:
(a) For calendar years 2005 and 2006, not less than 6 percent of
the total amount of electricity sold by the provider to its retail
customers in this State during that calendar year.
(b) For calendar years 2007 and 2008, not less than 9 percent of
the total amount of electricity sold by the provider to its retail
customers in this State during that calendar year.
(c) For calendar years 2009 and 2010, not less than 12 percent
of the total amount of electricity sold by the provider to its retail
customers in this State during that calendar year.
(d) For calendar years 2011 and 2012, not less than 15 percent
of the total amount of electricity sold by the provider to its retail
customers in this State during that calendar year.
(e) For calendar years 2013 and 2014, not less than 18 percent
of the total amount of electricity sold by the provider to its retail
customers in this State during that calendar year.
(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

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

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

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

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

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

(l) For calendar year 2030 and for each calendar year thereafter, not less than 50 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

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

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

<table>
<thead>
<tr>
<th>Year Range</th>
<th>Requirement</th>
</tr>
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<tbody>
<tr>
<td>2009 through 2015</td>
<td>5 percent of that amount must be generated or acquired from solar renewable energy systems.</td>
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</table>
(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

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

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

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

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

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

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

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

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year. For calendar year 2022 and each calendar year thereafter, a provider shall be deemed to have complied with its portfolio standard during that calendar year if the total amount of electricity generated, acquired or saved from portfolio energy...
systems or efficiency measures during that calendar year and the immediately preceding 2 calendar years is a percentage of the total amount of electricity sold by the provider to its retail customers in this State during those years that is not less than the percentage required for that calendar year pursuant to subsection 1.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission if the Commission determines that:

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

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

7. The Commission shall adopt regulations that establish:

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

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.
8. [Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.] For the purposes of subsection 1, for calendar year 2019 and for each calendar year thereafter, the total amount of electricity sold by a provider to its retail customers in this State during a calendar year does not include the amount of electricity sold by the provider as part of a program of optional pricing authorized by the Commission pursuant to NRS 704.738.

9. For the purposes of subsection 1, for calendar year 2019 and for each calendar year thereafter, unless the provider makes the election authorized by subsection 10, the total amount of electricity sold by the following providers to their retail customers in this State during a calendar year does not include the first 1,000,000 megawatt-hours of electricity sold by the provider to such customers during that calendar year:
   (a) A rural electric cooperative established pursuant to chapter 81 of NRS that is in existence on the effective date of this act.
   (b) A general improvement district established pursuant to chapter 318 of NRS that is in existence on the effective date of this act;
   (c) A utility established pursuant to chapter 710 of NRS that is in existence on the effective date of this act.
   (d) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673, which provides service only to its members and which is in existence on the effective date of this act.

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

10. A provider listed in subsection 9 may elect to have the Commission establish a portfolio standard for the provider which applies to the total amount of electricity sold by the provider to its retail customers in this State during the calendar year, including the first 1,000,000 megawatt-hours of sales to such customers. To make the election described by this subsection, the provider shall provide written notification of the election to the Commission on or before September 30 of the year immediately preceding the first calendar year for which the provider is requesting that the portfolio standard apply to the total amount of electricity sold by
the provider to its retail customers in this State during that calendar year. Within 90 days after receiving such a notification, the Commission shall issue an order establishing a portfolio standard for the provider. The portfolio standard established pursuant to this subsection applies to the provider for each calendar year thereafter.

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

[9.] 12. As used in this section:
(a) “Energy efficiency contract” means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.
(b) “Renewable energy contract” means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.
(c) “Terms and conditions” includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

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

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

2. [Of the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures.
If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

As used in this section:
(a) “Eligible customer” has the meaning ascribed to it in NRS 704B.080.
(b) “Provider of new electric resources” has the meaning ascribed to it in NRS 704B.130.

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

1. Except as otherwise provided in subsection 6, each provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

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

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

4. Each annual report and each additional report must include clear and concise information that sets forth:
(a) The amount of electricity which the provider generated, acquired or saved from portfolio energy systems or efficiency measures during the reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;
(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;
(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event;
(d) Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and

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

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

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

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

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

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

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

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

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

2. Electric transmission lines and transmission substations that:

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

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

(c) Are constructed outside any incorporated city.
3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside any incorporated city.
4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.
5. Sewer transmission and treatment facilities.

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

704.890 1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:
   (a) The nature of the probable effect on the environment;
   (b) If the utility facility emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, the extent to which the facility is needed to ensure reliable utility service to customers in this State;
   (c) That the need for the facility balances any adverse effect on the environment;
   (d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;
   (e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances;
   (f) That the surplus asset retirement plan filed pursuant to NRS 704.870:
      (1) Complies with federal, state and local laws;
      (2) Provides for the remediation and reuse of the facility within a reasonable period; and
      (3) Is able to be reasonably completed under the funding plan contained in the application; and
   (g) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.
3. The requirements set forth in paragraph (g) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

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

Sec. 27. NRS 271.197 is hereby amended to read as follows:

“Renewable energy” has the meaning ascribed to it in NRS 704.7715.

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

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

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