

Amendment No. 731

Senate Amendment to Senate Bill No. 448	(BDR 58-46)
<b>Proposed by:</b> Senate Committee on Growth and Infrastructure	
<b>Amendment Box:</b> Replaces Amendment No. 698.	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

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





SENATE BILL NO. 448—SENATORS BROOKS, DONATE, CANNIZZARO, LANGE; DENIS, SHEIBLE AND SPEARMAN

MAY 13, 2021

JOINT SPONSORS: ASSEMBLYMEN MONROE-MORENO, FRIERSON; FLORES, GONZÁLEZ, NGUYEN, ORENTLICHER AND TORRES

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing public utilities. (BDR 58-46)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 utilities; revising provisions governing partial tax abatements for certain renewable energy facilities; repealing provisions governing the Electric Vehicle Infrastructure Demonstration Program; requiring an electric utility to submit a plan to accelerate transportation electrification in this State; requiring an electric utility to file a plan for certain high-voltage transmission infrastructure projects; requiring the Public Utilities Commission of Nevada to require a transmission provider to join a regional transmission organization; creating and setting forth the powers, duties and membership of the Regional Transmission Coordination Task Force; providing that there is no presumption that the expenditures of a utility were prudently incurred for certain purposes; revising the definition of public utility; revising provisions governing the disposal of generation assets; revising provisions governing the Economic Development Electric Rate Rider Program; revising requirements for the energy efficiency plan of an electric utility; abolishing the New Energy Industry Task Force; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a person who intends to locate a facility for the generation of  
2 process heat from solar renewable energy or a wholesale facility for the generation of  
3 renewable energy in this State to apply to the Director of the Office of Energy within the  
4 Office of the Governor for a partial abatement of certain sales and use taxes or property taxes.  
5 (NRS 701A.360) **Section 7** of this bill authorizes a person who intends to locate a facility for  
6 the storage of energy from renewable generation or a hybrid renewable generation and energy  
7 storage facility in this State to apply for this partial tax abatement as well. **Sections 3-5** of this  
8 bill define additional terms related to this partial tax abatement. **Section 8** of this bill makes a  
9 conforming change to reflect that a partial tax abatement may be granted for a facility for the

10 storage of energy from renewable generation or a hybrid renewable generation and energy  
11 storage facility.

12 Existing law creates an Electric Vehicle Infrastructure Demonstration Program, in  
13 connection with which a utility is required to submit to the Public Utilities Commission of  
14 Nevada an annual plan for carrying out the Program in the service area of the utility. (NRS  
15 701B.670) **Section 10** of this bill removes the requirement for a utility to submit an annual  
16 plan for carrying out the Program. **Section 56** of this bill repeals the remaining provisions of  
17 law relating to the Program. **Sections 9 and 48** of this bill remove provisions of law which  
18 reference the Program.

19 Existing law requires each electric utility to submit to the Public Utilities Commission of  
20 Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity  
21 or decrease the demands made on its system by its customers. Existing law provides that the  
22 integrated resource plan must include certain components, including, without limitation, a  
23 plan for the construction or expansion of transmission facilities to serve renewable energy  
24 zones and to facilitate the utility in meeting the portfolio standard. (NRS 704.741) **Sections 39**  
25 **and 41** of this bill remove the requirement for an electric utility to include a plan for the  
26 construction or expansion of transmission facilities to serve renewable energy zones and to  
27 facilitate the utility in meeting the portfolio standard in its resource plan. Instead, **sections 15-**  
28 **24** of this bill require an electric utility, on or before September 1, 2021, to amend its most  
29 recently filed resource plan to include a plan for certain high-voltage transmission  
30 infrastructure construction projects that will be placed into service not later than December 31,  
31 2028. **Section 39** requires the integrated resource plan, with respect to the possible sources of  
32 supply of the electric utility, to include at least one scenario of low carbon dioxide emissions  
33 that uses sources of supply that will achieve certain reductions in carbon dioxide emissions.  
34 **Sections 39 and 41 also revise provisions governing the proposal for certain expenditures**  
35 **related to energy efficiency and conservation programs which must be included in the**  
36 **integrated resource plan.**

37 **Section 30** of this bill requires the Public Utilities Commission of Nevada to require  
38 every transmission provider in this State to join a regional transmission organization on or  
39 before January 1, 2030, unless the transmission provider obtains a waiver or delay of the  
40 requirement from the Commission. **Sections 26-29** of this bill define terms related to  
41 transmission providers and regional transmission organizations.

42 **Sections 31-34** of this bill create and set forth the membership and duties of the Regional  
43 Transmission Coordination Task Force. **Section 33** of this bill requires the Task Force to  
44 advise the Governor and the Legislature on topics and policies related to energy transmission  
45 in this State, including the costs and benefits of the transmission providers in this State joining  
46 a regional transmission organization. **Sections 26-29** of this bill define terms related to  
47 regional transmission organizations and the Task Force.

48 **Sections 14 and 39** of this bill require an electric utility to include a plan to accelerate  
49 transportation electrification in the distributed resources plan submitted by the utility as part  
50 of its integrated resource plan. **Section 40** of this bill establishes factors which must be  
51 considered by the Commission in deciding whether to accept or modify a transportation  
52 electrification plan which has been submitted by a utility. **Section 1** of this bill sets forth  
53 certain findings of the Legislature which are relevant to the transportation electrification plan.  
54 **Section 51** of this bill provides that an electric utility is not required to include a  
55 transportation electrification plan in its resource plan filed on or before June 1, 2021, but an  
56 electric utility is required to file an amendment to its resource plan to add a transportation  
57 electrification plan on or before September 1, 2022. **Section 38** of this bill makes a  
58 conforming change.

59 **Section 49** of this bill requires an electric utility, on or before September 1, 2021, to file a  
60 plan to invest in certain transportation electrification programs during the period beginning  
61 January 1, 2022, and ending on December 31, 2024, and establishes requirements for the  
62 contents of the transportation electrification investment plan for that period. **Section 49** also  
63 establishes requirements for the review and the acceptance or modification of the  
64 transportation electrification investment plan by the Commission.

65 **Section 35** of this bill provides that there is no presumption that the expenses,  
66 investments or other costs incurred by a utility were prudently incurred and places the burden  
67 on the utility to demonstrate that expenses, investments or other costs were prudently and

68 reasonably incurred. **Section 37** of this bill makes a conforming change to indicate the proper  
69 placement of **section 35** in the Nevada Revised Statutes.

70 **Section 36** of this bill provides that a person is not a public utility if he or she owns or  
71 operates a net metering system that provides electricity to multiple units or spaces on the same  
72 premises as the net metering system if the electricity is delivered only to units or spaces on the  
73 same premises as the net metering system, there are no individual meters measuring electricity  
74 use by the units or spaces and the persons occupying the units or spaces are not charged for  
75 electricity based upon volumetric electricity use.

76 Existing law authorizes an electric utility to dispose of its generation assets pursuant to an  
77 authorized merger, acquisition or transaction or pursuant to an authorized transfer of its  
78 certificate of public convenience and necessity if the merger, acquisition, transaction or  
79 transfer satisfies certain requirements, including that the other person in the merger,  
80 acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a  
81 controlling interest in the electric company. (NRS 704.7591) **Section 42** of this bill removes  
82 the requirement that the other person involved in the merger, acquisition, transaction or  
83 transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric  
84 utility and instead requires that the disposal of the generation assets be approved in an order  
85 issued by the Commission.

86 Existing law establishes the Economic Development Electric Rate Rider Program to  
87 encourage the location or relocation of new businesses in this State by providing discounted  
88 rates for electricity to eligible participants. (NRS 704.7871-704.7882) The Commission is  
89 required to establish the discounted electric rates that may be charged pursuant to the Program  
90 as a percentage of the base tariff energy rate. (NRS 704.7881) Existing law prohibits the  
91 Office of Economic Development within the Office of the Governor from accepting an  
92 application or approving an applicant for participation in the Program after the earlier of  
93 December 31, 2017, or the date on which the capacity set aside for allocation pursuant to the  
94 Program is fully allocated. (NRS 704.788) **Section 45** of this bill prohibits the Office of  
95 Economic Development from accepting an application or approving an applicant for  
96 participation in the Program after the earlier of December 31, 2024, or the date on which the  
97 capacity set aside for allocation pursuant to the Program is fully allocated. **Section 46** of this  
98 bill modifies provisions governing the maximum amount of the discount which the  
99 Commission is authorized to establish for the rate charged under the Program. **Section 47** of  
100 this bill requires the Commission to submit a report concerning the Program on or before  
101 December 31, 2022, for transmittal to the 82nd Session of the Legislature.

102 Existing law requires the Commission to establish goals for energy savings for each  
103 electric utility for each calendar year and also requires each electric utility to implement an  
104 energy efficiency plan which is cost effective and designed to meet the goals for energy  
105 savings established by the Commission. Existing law further requires that at least 5 percent of  
106 the expenditures related to energy efficiency programs must be directed toward low-income  
107 customers of the electric utility. (NRS ~~704.741~~, 704.7836) ~~[Section]~~ **Sections 39, 41 and 44**  
108 of this bill ~~[requires]~~ **require** that at least 10 percent of the expenditures related to energy  
109 efficiency programs must be spent on energy efficiency measures for customers in low-  
110 income households and residential customers and public schools in historically underserved  
111 communities. Additionally, **section 44 provides that** programs that can offer variable  
112 incentive levels must offer higher incentive levels for low-income households. **Section 54** of  
113 this bill requires an electric utility to amend its energy efficiency plan to conform with the  
114 amendatory provisions of this bill. **Sections 12 and 13** of this bill define terms relating to the  
115 energy efficiency plan. **Section 43** makes a conforming change to indicate the proper  
116 placement of **sections 12 and 13** in the Nevada Revised Statutes.

117 Existing law creates the New Energy Industry Task Force which is charged with advising  
118 the Director of the Office of Energy on measures to promote the development of renewable  
119 energy and energy efficiency projects. (NRS 701.500, 701.510) **Section 55** of this bill  
120 abolishes the Task Force.

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

1       **Section 1.** The Legislature hereby finds and declares that:

2       1. Human activities, including, without limitation, the burning of fossil fuels  
3 for electricity, transportation and heat in buildings, cause the release of greenhouse  
4 gases that trap heat in the Earth's atmosphere, and these human activities have been  
5 and continue to be the primary driver of global climate change.

6       2. The transportation sector now accounts for the greatest percentage of  
7 greenhouse gas emission in Nevada, and, based on current policies, is projected to  
8 remain the largest contributor of greenhouse gas emissions through 2030.

9       3. Pursuant to NRS 445B.380, the Legislature has established goals to  
10 achieve reductions in Nevada's net greenhouse gas emissions, relative to 2005  
11 emissions, of 28 percent by the year 2025, 45 percent by the year 2030 and zero or  
12 near-zero emissions by the year 2050.

13       4. Meeting these greenhouse gas emission goals will require substantial  
14 further reductions in Nevada's transportation sector emissions below the current  
15 projected emission levels for that sector for 2025 and 2030.

16       5. Accelerating the use of electric vehicles will help preserve Nevada's  
17 climate and help protect Nevadans from unhealthy air pollution.

18       6. Accelerating the use of electric vehicles will reduce pollution in low-  
19 income neighborhoods and communities of color that traditionally have been most  
20 affected by transportation pollution.

21       7. The acceleration of the use of electric vehicles will be assisted by  
22 investments in the infrastructure necessary to maximize the benefits of the  
23 expanding electric vehicle market.

24       8. Widespread adoption of electric vehicles requires that electric utilities  
25 increase access to electricity as a transportation fuel, including access for low-  
26 income Nevadans and historically underserved communities.

27       9. Widespread adoption of electric vehicles should provide consumers with  
28 fuel cost savings and electric utility customers with potential cost-saving benefits.

29       10. Widespread adoption of electric vehicles should stimulate innovation,  
30 competition and increased choices in charging equipment and networks and should  
31 also attract private capital investments and create high-quality jobs in Nevada.

32       11. Widespread adoption of electric vehicles should improve an electric  
33 utility's electrical system efficiency and operational flexibility, including, without  
34 limitation, the ability of the electric utility to integrate variable renewable energy  
35 generation resources and to make use of off-peak generation resources.

36       **Sec. 2.** Chapter 701A of NRS is hereby amended by adding thereto the  
37 provisions set forth as sections 3, 4 and 5 of this act.

38       **Sec. 3.** *“Energy storage technology” means technology that stores energy*  
39 *as potential, kinetic, chemical or thermal energy that can be released as electric*  
40 *power, including, without limitation, batteries, flywheels, electrochemical*  
41 *capacitors, compressed-air storage and thermal storage devices.*

42       **Sec. 4. 1.** *“Facility for the storage of energy from renewable generation”*  
43 *means a facility that is constructed or installed for the sole purpose of storing*  
44 *electric energy received from a facility for the generation of electricity from*  
45 *renewable energy for release as electric power at a later time, including, without*  
46 *limitation, a facility that is designed to use energy storage technology.*

47       **2.** *The term does not include a facility that is located on a residential*  
48 *property.*

1       **Sec. 5.** *“Hybrid renewable generation and energy storage facility” means a*  
2 *facility that includes both a wholesale facility for the generation of electricity*  
3 *from renewable energy and a facility for the storage of energy from renewable*  
4 *generation.*

5       **Sec. 6.** NRS 701A.300 is hereby amended to read as follows:

6       701A.300 As used in NRS 701A.300 to 701A.390, inclusive, *and sections 3,*  
7 *4 and 5 of this act*, unless the context otherwise requires, the words and terms  
8 defined in NRS 701A.305 to 701A.345, inclusive, *and sections 3, 4 and 5 of this*  
9 *act* have the meanings ascribed to them in those sections.

10       **Sec. 7.** NRS 701A.360 is hereby amended to read as follows:

11       701A.360 1. A person who intends to locate a facility for the generation of  
12 process heat from solar renewable energy , ~~for~~ a wholesale facility for the  
13 generation of electricity from renewable energy , *a facility for the storage of*  
14 *energy from renewable generation or a hybrid renewable generation and energy*  
15 *storage facility* in this State may apply to the Director for a partial abatement of the  
16 local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or  
17 both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.  
18 An applicant may submit a copy of the application to the board of county  
19 commissioners at any time after the applicant has submitted the application to the  
20 Director.

21       2. A facility that is owned, operated, leased or otherwise controlled by a  
22 governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to  
23 701A.390, inclusive ~~for~~, *and sections 3, 4 and 5 of this act.*

24       3. As soon as practicable after the Director receives an application for a  
25 partial abatement, the Director shall forward a copy of the application to:

- 26       (a) The Chief of the Budget Division of the Office of Finance;  
27       (b) The Department of Taxation;  
28       (c) The board of county commissioners;  
29       (d) The county assessor;  
30       (e) The county treasurer; and  
31       (f) The Office of Economic Development.

32       4. With the copy of the application forwarded to the county treasurer, the  
33 Director shall include a notice that the local jurisdiction may request a presentation  
34 regarding the facility. A request for a presentation must be made within 30 days  
35 after receipt of the application.

36       5. The Director shall hold a public hearing on the application. The hearing  
37 must not be held earlier than 30 days after all persons listed in subsection 3 have  
38 received a copy of the application.

39       **Sec. 8.** NRS 701A.365 is hereby amended to read as follows:

40       701A.365 1. The Director, in consultation with the Office of Economic  
41 Development, shall approve an application for a partial abatement pursuant to NRS  
42 701A.300 to 701A.390, inclusive, *and sections 3, 4 and 5 of this act* if the  
43 Director, in consultation with the Office of Economic Development, makes the  
44 following determinations:

45       (a) The applicant has executed an agreement with the Director which must:

46       (1) State that the facility will, after the date on which the abatement  
47 becomes effective, continue in operation in this State for a period specified by the  
48 Director, which must be at least 10 years, and will continue to meet the eligibility  
49 requirements for the abatement; and

50       (2) Bind the successors in interest in the facility for the specified period.

51       (b) The facility is registered pursuant to the laws of this State or the applicant  
52 commits to obtain a valid business license and all other permits required by the  
53 county, city or town in which the facility operates.

1 (c) No funding is or will be provided by any governmental entity in this State  
2 for the acquisition, design or construction of the facility or for the acquisition of  
3 any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

4 (d) Except as otherwise provided in paragraph (e), if the facility will be located  
5 in a county whose population is 100,000 or more or a city whose population is  
6 60,000 or more, the facility meets the following requirements:

7 (1) There will be 75 or more full-time employees working on the  
8 construction of the facility during the second quarter of construction, including,  
9 unless waived by the Director for good cause, at least 50 percent who are residents  
10 of Nevada;

11 (2) Establishing the facility will require the facility to make a capital  
12 investment of at least \$10,000,000 in this State in capital assets that will be retained  
13 at the location of the facility until at least the date which is 5 years after the date on  
14 which the abatement becomes effective;

15 (3) The average hourly wage that will be paid by the facility to its  
16 employees in this State is at least 110 percent of the average statewide hourly wage,  
17 excluding management and administrative employees, as established by the  
18 Employment Security Division of the Department of Employment, Training and  
19 Rehabilitation on July 1 of each fiscal year; and

20 (4) Except as otherwise provided in subsection 6, the average hourly wage  
21 of the employees working on the construction of the facility will be at least 175  
22 percent of the average statewide hourly wage, excluding management and  
23 administrative employees, as established by the Employment Security Division of  
24 the Department of Employment, Training and Rehabilitation on July 1 of each  
25 fiscal year and:

26 (I) The employees working on the construction of the facility must be  
27 provided a health insurance plan that is provided by a third-party administrator and  
28 includes health insurance coverage for dependents of the employees; and

29 (II) The cost of the benefits provided to the employees working on the  
30 construction of the facility will meet the minimum requirements for benefits  
31 established by the Director by regulation pursuant to NRS 701A.390.

32 (e) If the facility will be located in a county whose population is less than  
33 100,000, in an area of a county whose population is 100,000 or more that is located  
34 within the geographic boundaries of an area that is designated as rural by the United  
35 States Department of Agriculture and at least 20 miles outside of the geographic  
36 boundaries of an area designated as urban by the United States Department of  
37 Agriculture, or in a city whose population is less than 60,000, the facility meets the  
38 following requirements:

39 (1) There will be 50 or more full-time employees working on the  
40 construction of the facility during the second quarter of construction, including,  
41 unless waived by the Director for good cause, at least 50 percent who are residents  
42 of Nevada;

43 (2) Establishing the facility will require the facility to make a capital  
44 investment of at least \$3,000,000 in this State in capital assets that will be retained  
45 at the location of the facility until at least the date which is 5 years after the date on  
46 which the abatement becomes effective;

47 (3) The average hourly wage that will be paid by the facility to its  
48 employees in this State is at least 110 percent of the average statewide hourly wage,  
49 excluding management and administrative employees, as established by the  
50 Employment Security Division of the Department of Employment, Training and  
51 Rehabilitation on July 1 of each fiscal year; and

52 (4) Except as otherwise provided in subsection 6, the average hourly wage  
53 of the employees working on the construction of the facility will be at least 175



1 percent of the average statewide hourly wage, excluding management and  
2 administrative employees, as established by the Employment Security Division of  
3 the Department of Employment, Training and Rehabilitation on July 1 of each  
4 fiscal year and:

5 (I) The employees working on the construction of the facility must be  
6 provided a health insurance plan that is provided by a third-party administrator and  
7 includes health insurance coverage for dependents of the employees; and

8 (II) The cost of the benefits provided to the employees working on the  
9 construction of the facility will meet the minimum requirements for benefits  
10 established by the Director by regulation pursuant to NRS 701A.390.

11 (f) The financial benefits that will result to this State from the employment by  
12 the facility of the residents of this State and from capital investments by the facility  
13 in this State will exceed the loss of tax revenue that will result from the abatement.

14 (g) The facility is consistent with the State Plan for Economic Development  
15 developed by the Executive Director of the Office of Economic Development  
16 pursuant to subsection 2 of NRS 231.053.

17 2. The Director shall not approve an application for a partial abatement of the  
18 taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS  
19 701A.360 by a facility for the generation of process heat from solar renewable  
20 energy, ~~for~~ a wholesale facility for the generation of electricity from renewable  
21 energy, *a facility for the storage of energy from renewable generation or a hybrid  
22 renewable generation and energy storage facility* unless the application is  
23 approved or deemed approved pursuant to this subsection. The board of county  
24 commissioners of a county must provide notice to the Director that the board  
25 intends to consider an application and, if such notice is given, must approve or deny  
26 the application not later than 30 days after the board receives a copy of the  
27 application. The board of county commissioners:

28 (a) Shall, in considering an application pursuant to this subsection, make a  
29 recommendation to the Director regarding the application;

30 (b) May, in considering an application pursuant to this subsection, deny an  
31 application only if the board of county commissioners determines, based on  
32 relevant information, that:

33 (1) The projected cost of the services that the local government is required  
34 to provide to the facility will exceed the amount of tax revenue that the local  
35 government is projected to receive as a result of the abatement; or

36 (2) The projected financial benefits that will result to the county from the  
37 employment by the facility of the residents of this State and from capital  
38 investments by the facility in the county will not exceed the projected loss of tax  
39 revenue that will result from the abatement;

40 (c) Must not condition the approval of the application on a requirement that the  
41 facility agree to purchase, lease or otherwise acquire in its own name or on behalf  
42 of the county any infrastructure, equipment, facilities or other property in the  
43 county that is not directly related to or otherwise necessary for the construction and  
44 operation of the facility; and

45 (d) May, without regard to whether the board has provided notice to the  
46 Director of its intent to consider the application, make a recommendation to the  
47 Director regarding the application.

48 ➤ If the board of county commissioners does not approve or deny the application  
49 within 30 days after the board receives from the Director a copy of the application,  
50 the application shall be deemed approved.

51 3. Notwithstanding the provisions of subsection 1, the Director, in  
52 consultation with the Office of Economic Development, may, if the Director, in  
53 consultation with the Office, determines that such action is necessary:

1 (a) Approve an application for a partial abatement for a facility that does not  
2 meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of  
3 subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

4 (b) Add additional requirements that a facility must meet to qualify for a partial  
5 abatement.

6 4. The Director shall cooperate with the Office of Economic Development in  
7 carrying out the provisions of this section.

8 5. The Director shall submit to the Office of Economic Development an  
9 annual report, at such a time and containing such information as the Office may  
10 require, regarding the partial abatements granted pursuant to this section.

11 6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and  
12 subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly  
13 wage of the employees working on the construction of a facility do not apply to the  
14 wages of an apprentice as that term is defined in NRS 610.010.

15 7. As used in this section, “wage” or “wages”:

16 (a) Means the basic hourly rate of pay.

17 (b) Does not include the amount of any health insurance plan, pension or other  
18 bona fide fringe benefits which are a benefit to the employee.

19 **Sec. 9.** NRS 701B.005 is hereby amended to read as follows:

20 701B.005 1. For the purposes of carrying out the Solar Energy Systems  
21 Incentive Program created by NRS 701B.240, and subject to the limitations  
22 prescribed by subsections 2 and 3, the Public Utilities Commission of Nevada shall  
23 set incentive levels and schedules, with a goal of approving solar energy systems  
24 totaling at least 250,000 kilowatts of capacity in this State for the period beginning  
25 on July 1, 2010, and ending on December 31, 2021.

26 2. Subject to the limitation prescribed by subsection 3, the Commission may  
27 authorize the payment of an incentive pursuant to the Solar Energy Systems  
28 Incentive Program created by NRS 701B.240, the Wind Energy Systems  
29 Demonstration Program created by NRS 701B.580 [~~the Electric Vehicle  
30 Infrastructure Demonstration Program created by NRS 701B.670~~] and the  
31 Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if  
32 the payment of the incentive would not cause the total amount of incentives paid by  
33 all utilities in this State for the installation of [~~electric vehicle infrastructure,~~] solar  
34 energy systems, solar distributed generation systems, energy storage systems, wind  
35 energy systems and waterpower energy systems to exceed \$295,270,000 for the  
36 period beginning on July 1, 2010, and ending on December 31, 2025.

37 3. For the period beginning on January 1, 2018, and ending on December 31,  
38 2023, the Commission shall, from the money allocated for the payment of an  
39 incentive pursuant to subsection 2, authorize the payment of incentives in an  
40 amount of not more than \$1,000,000 per year for the installation of solar energy  
41 systems and distributed generation systems at locations throughout the service  
42 territories of utilities in this State that benefit low-income customers, including,  
43 without limitation, homeless shelters, low-income housing developments and public  
44 entities, other than municipalities, that serve significant populations of low-income  
45 residents.

46 4. The Commission may, subject to the limitations prescribed by subsections  
47 2 and 3, authorize the payment of performance-based incentives for the period  
48 ending on December 31, 2025.

49 5. A utility may file with the Commission one combined annual plan which  
50 meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The  
51 Commission shall review and approve any plan submitted pursuant to this  
52 subsection in accordance with the requirements of NRS 701B.230, 701B.610 and  
53 701B.850, as applicable.

1           6. As used in this section:

2           (a) “Distributed generation system” has the meaning ascribed to it in NRS  
3 701B.055.

4           (b) ~~“Electric vehicle infrastructure” has the meaning ascribed to it in NRS  
5 701B.670.~~

6 ~~—(c) “Energy storage system” has the meaning ascribed to it in NRS 701B.057.~~

7 ~~[(d)] (c) “Municipality” means any county or city in this State.~~

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

9 **Sec. 10.** NRS 701B.670 is hereby amended to read as follows:

10       701B.670 1. The Legislature hereby finds and declares that it is the policy  
11 of this State to expand and accelerate the deployment of electric vehicles and  
12 supporting infrastructure throughout this State.

13       2. The Electric Vehicle Infrastructure Demonstration Program is hereby  
14 created.

15       3. The Commission shall adopt regulations to carry out the provisions of the  
16 Electric Vehicle Infrastructure Demonstration Program . ~~[, including, without  
17 limitation, regulations that require a utility to submit to the Commission an annual  
18 plan for carrying out the Program in its service area. The annual plan submitted by  
19 a utility may include any measure to promote or incentivize the deployment of  
20 electric vehicle infrastructure, including, without limitation:~~

21 ~~—(a) The payment of an incentive to a customer of the utility that installs or  
22 provides electric vehicle infrastructure;~~

23 ~~—(b) Qualifications and requirements an applicant must meet to be eligible to be  
24 awarded an incentive;~~

25 ~~—(c) The imposition of a rate by the utility to require the purchase of electric  
26 service for the charging of an electric vehicle at a rate which is based on the time of  
27 day, day of the week or time of year during which the electricity is used, or which  
28 otherwise varies based upon the time during which the electricity is used, if a  
29 customer of the utility participates in the Electric Vehicle Infrastructure  
30 Demonstration Program;~~

31 ~~—(d) The establishment of programs directed by the utility to promote electric  
32 vehicle infrastructure, including, without limitation, education and awareness  
33 programs for customers of the utility, programs to provide technical assistance  
34 related to the charging of electric vehicles to governmental entities or the owners or  
35 operators of large fleets of motor vehicles and programs to create partnerships with  
36 private organizations to promote the development of electric vehicle infrastructure;  
37 and~~

38 ~~—(e) The payment of an incentive to a customer of the utility that is a public  
39 school, as defined in NRS 385.007, that installs electric vehicle infrastructure on  
40 the property of the public school or purchases electric vehicles dedicated to the  
41 transportation of students, not to exceed 75 percent of the cost to install such  
42 infrastructure or purchase such vehicles.]~~

43       4. ~~[The Commission shall:~~

44 ~~—(a) Review each annual plan submitted by a utility pursuant to the regulations  
45 adopted pursuant to subsection 3 for compliance with the requirements established  
46 by the Commission; and~~

47 ~~—(b) Approve each annual plan with such modifications and upon such terms  
48 and conditions as the Commission finds necessary or appropriate to facilitate the  
49 Electric Vehicle Infrastructure Demonstration Program.~~

50 ~~—5.] Each utility:~~

51       (a) Shall carry out and administer the Electric Vehicle Infrastructure  
52 Demonstration Program within its service area ~~[in accordance with its annual plan]~~  
53 as approved by the Commission ; ~~[pursuant to subsection 4;]~~ and

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

5 ~~6.~~ 5. As used in this section:

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

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

10 **Sec. 11.** Chapter 704 of NRS is hereby amended by adding thereto the  
11 provisions set forth as sections 12 to 35, inclusive, of this act.

12 **Sec. 12.** 1. *"Historically underserved community" means:*

13 (a) *A census tract:*

14 (1) *Designated as a qualified census tract by the Secretary of Housing*  
15 *and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or*

16 (2) *In which, in the immediately preceding census, at least 20 percent of*  
17 *households were not proficient in the English language* ~~17.~~;

18 (b) *A public school in this State:*

19 (1) *In which 75 percent or more of the enrolled pupils in the school are*  
20 *eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;*  
21 *or*

22 (2) *That participates in universal meal service in high poverty areas*  
23 *pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public*  
24 *Law 111-296* ~~17.~~ *; or*

25 (c) *Qualified tribal land, as defined in NRS 370.0325.*

26 2. *As used in this section:*

27 (a) *"Block" means the smallest geographical unit whose boundaries were*  
28 *designated by the Bureau of the Census of the United States Department of*  
29 *Commerce in its topographically integrated geographic encoding and referencing*  
30 *system.*

31 (b) *"Block group" means a combination of blocks whose numbers begin with*  
32 *the same digit.*

33 (c) *"Census tract" means a combination of block groups.*

34 **Sec. 13.** *"Low-income household" means a household, which may include*  
35 *one or more persons, with a median household income of not more than 80*  
36 *percent of the area median household income, based on the guidelines published*  
37 *by the United States Department of Housing and Urban Development.*

38 **Sec. 14.** 1. *An electric utility in this State shall file with the Commission,*  
39 *as part of the distributed resources plan required to be submitted pursuant to*  
40 *NRS 704.741, a plan to accelerate transportation electrification in this State. Two*  
41 *or more electric utilities that are affiliated through common ownership and that*  
42 *have an interconnected system for the transmission of electricity shall submit a*  
43 *joint plan.*

44 2. *A plan submitted pursuant to subsection 1 may include:*

45 (a) *Investments or incentives to facilitate the deployment of charging*  
46 *infrastructure and associated electrical equipment which supports transportation*  
47 *electrification across all customer classes including, without limitation,*  
48 *investments or incentives for residential charging infrastructure at single-family*  
49 *homes and multi-unit dwellings for both shared and assigned parking spaces;*

50 (b) *Investments or incentives to facilitate the electrification of public transit*  
51 *and publicly owned vehicle fleets;*

52 (c) *Investments or incentives to increase access to the use of electricity as a*  
53 *transportation fuel in historically underserved communities;*

1 (d) Rate designs, programs or management systems that encourage the  
2 charging of vehicles in a manner that supports the operation and optimal  
3 integration of transportation electrification into the electric grid, including,  
4 without limitation, proposed schedules necessary to implement the rate designs or  
5 programs; and

6 (e) Customer education and culturally competent and linguistically  
7 appropriate outreach programs that increase awareness of investments,  
8 incentives, rate designs and programs of the type listed in paragraphs (a) to (d),  
9 inclusive, and of the benefits of transportation electrification.

10 3. During the 9 months immediately before an electric utility files its first  
11 plan pursuant to subsection 1 and during the 12 months immediately before an  
12 electric utility files any subsequent plan pursuant to subsection 1, the electric  
13 utility shall conduct at least one stakeholder engagement meeting each calendar  
14 quarter to discuss the development of the plan and to solicit comments and gather  
15 ideas for improvements or additions to the plan which support transportation  
16 electrification. Each stakeholder engagement meeting must be open to  
17 participation by the Regulatory Operations Staff of the Commission, personnel  
18 from the Bureau of Consumer Protection in the Office of the Attorney General  
19 and any other interested person. Each plan filed pursuant to subsection 1 must  
20 include a summary of the stakeholder engagement meetings conducted in the 9-  
21 or 12-month period, as applicable, immediately preceding the filing of the plan,  
22 which must include, without limitation, summaries of the comments and ideas  
23 provided by the participants.

24 4. Not more than 60 days after the issuance of an order by the Commission  
25 pursuant to NRS 704.751 approving or modifying a plan submitted pursuant to  
26 subsection 1, an electric utility which supplies electricity in this State shall file  
27 with the Commission any schedules necessary to implement the rate designs and  
28 programs included in the plan.

29 ~~4.4~~ 5. The Commission shall adopt regulations necessary to carry out the  
30 provisions of this section, including, without limitation, regulations prescribing a  
31 process for the electric utility to recover all costs that it prudently and reasonably  
32 incurs to develop and implement a plan submitted pursuant to this section and  
33 approved by the Commission pursuant to NRS 704.751. The regulations adopted  
34 pursuant to this section may require an annual review of the progress and  
35 budgets of an approved plan submitted pursuant to this section.

36 ~~5.1~~ 6. As used in this section:

37 (a) “Block” means the smallest geographical unit whose boundaries were  
38 designated by the Bureau of the Census of the United States Department of  
39 Commerce in its topographically integrated geographic encoding and referencing  
40 system.

41 (b) “Block group” means a combination of blocks whose numbers begin with  
42 the same digit.

43 (c) “Census tract” means a combination of block groups.

44 (d) “Electric utility” has the meaning ascribed to it in NRS 704.187.

45 (e) “Historically underserved community” means:

46 (1) A census tract:

47 (I) Designated as a qualified census tract by the Secretary of  
48 Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

49 (II) In which, in the immediately preceding census, at least 20  
50 percent of households were not proficient in the English language ~~1.1~~;

51 (2) A public school in this State:

1 (I) In which 75 percent or more of the enrolled pupils in the school  
2 are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et  
3 seq.; or

4 (II) That participates in universal meal service in high poverty areas  
5 pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public  
6 Law 111-296 ~~ff~~; or

7 (3) Qualified tribal land, as defined in NRS 370.0325.

8 (f) "Transportation electrification" means the use of electricity from external  
9 sources to power, wholly or in part, passenger vehicles, trucks, buses, trains,  
10 boats or other equipment that transports goods or people.

11 Sec. 15. As used in sections 15 to 24, inclusive, of this act, unless the  
12 context otherwise requires, the words and terms defined in sections 16 to 20,  
13 inclusive, of this act have the meanings ascribed to them in those sections.

14 Sec. 16. "Electric utility" has the meaning ascribed to it in NRS 704.187.

15 Sec. 17. "Electric utility that primarily serves densely populated counties"  
16 has the meaning ascribed to it in NRS 704.110.

17 Sec. 18. "Electric utility that primarily serves less densely populated  
18 counties" has the meaning ascribed to it in NRS 704.110.

19 Sec. 19. "High-voltage transmission infrastructure" means bulk  
20 transmission lines capable of transmitting electricity at a voltage of 345 kilovolts  
21 or more, and associated electrical substations and substation expansions to  
22 accommodate the transmission lines.

23 Sec. 20. "Transmission infrastructure for a clean energy economy plan" or  
24 "plan" means a plan filed by an electric utility with the Commission pursuant to  
25 section 21 of this act.

26 Sec. 21. 1. On or before September 1, 2021, an electric utility shall file an  
27 amendment to its most recent resource plan filed pursuant to NRS 704.741 to  
28 incorporate into the resource plan a transmission infrastructure for a clean  
29 energy economy plan which sets forth a plan for the construction of high-voltage  
30 transmission infrastructure that will be placed into service not later than  
31 December 31, 2028, to:

32 (a) Assure a reliable and resilient transmission network in this State to serve  
33 the existing and currently projected transmission service obligations of the  
34 electric utility;

35 (b) Assist the utility in meeting the portfolio standard established by NRS  
36 704.7821 and the goals for the reduction of greenhouse gas emissions set forth in  
37 NRS 445B.380 and 704.7820;

38 (c) Promote economic development in this State, including, without  
39 limitation, by creating jobs, expanding the tax base or providing other economic  
40 benefits;

41 (d) Expand transmission access to renewable energy zones designated by the  
42 Commission pursuant to subsection 2 of NRS 704.741 to promote the  
43 development and use of renewable energy resources in this State;

44 (e) Use federally granted rights-of-way within designated renewable energy  
45 transmission corridors before the expiration of such rights-of-way; and

46 (f) Support the development of regional transmission interconnections that  
47 may be required for:

48 (1) This State to cost-effectively achieve the goals for the reduction of  
49 greenhouse gas emissions set forth in NRS 445B.380 and 704.7820; and

50 (2) The electric utility to participate fully in any future organized  
51 competitive regional wholesale electricity market on the Western Interconnection.

1     ↪ *Two or more utilities that are affiliated through common ownership and that*  
2 *have an interconnected system for the transmission of electricity shall submit a*  
3 *joint plan.*

4     2. *The plan submitted pursuant to subsection 1 must not include any project*  
5 *other than the following high-voltage transmission infrastructure projects for*  
6 *which the Commission has previously approved conceptual designs, permitting*  
7 *and land acquisition:*

8     (a) *A project for the implementation of high-voltage transmission*  
9 *infrastructure interconnecting northwest and northeast Nevada, which will*  
10 *increase the transmission import capacity of northern Nevada by not less than*  
11 *800 megawatts.*

12     (b) *A project for the implementation of high-voltage transmission*  
13 *infrastructure located in southern Nevada and accessing a federally designated*  
14 *renewable energy transmission corridor that will accommodate future renewable*  
15 *energy development and increased demand for electricity.*

16     3. *Except as otherwise provided in this subsection, if an electric utility that*  
17 *primarily serves densely populated counties and an electric utility that primarily*  
18 *serves less densely populated counties submit a joint plan pursuant to subsection*  
19 *1, 70 percent of the costs of high-voltage transmission infrastructure projects*  
20 *included in the plan must be allocated to the electric utility that primarily serves*  
21 *densely populated counties and 30 percent of such costs must be allocated to the*  
22 *electric utility that primarily serves less densely populated counties. The*  
23 *Commission may review and reassess the allocation of costs between electric*  
24 *utilities based on the actual benefits that accrue to the electric utilities after the*  
25 *projects are in service.*

26     4. *The plan submitted pursuant to subsection 1 must include an evaluation*  
27 *of the impact that the implementation of the plan will have on:*

28     (a) *The reliability of the transmission network of the utility;*

29     (b) *The resilience of the transmission network of the utility, including,*  
30 *without limitation, the ability of the transmission network to withstand natural or*  
31 *manmade events that could otherwise disrupt the provision of electric service in*  
32 *this State;*

33     (c) *The development and use of renewable energy resources in this State;*

34     (d) *Economic activity and economic development in this State over a period*  
35 *of not less than 20 years from the date of the plan, including, without limitation,*  
36 *capital investments, the direct or indirect creation of jobs and additions to the tax*  
37 *base of this State;*

38     (e) *The projected carbon dioxide emissions of the utility resulting from the*  
39 *generation of electricity, including, without limitation, carbon dioxide emissions*  
40 *from the generation of electricity that is purchased by the electric utility;*

41     (f) *The ability of the utility to diversify its supply portfolio of renewable*  
42 *energy resources by including larger amounts of geothermal energy generation*  
43 *and hydrogeneration;*

44     (g) *The ability of the utility to reliably integrate into its supply portfolio*  
45 *larger amounts of electricity from variable renewable energy resources,*  
46 *including, without limitation, solar and wind energy resources;*

47     (h) *The ability of the utility to reduce its energy supply costs by selling to*  
48 *other states electricity generated in this State from renewable energy during*  
49 *periods when the utility's supply of electricity exceeds the demand for electricity*  
50 *by the customers of the utility;*

51     (i) *The ability of the utility to reduce its energy supply costs by purchasing*  
52 *electricity generated in other states from renewable energy during periods when*



1 *the demand for electricity by the customers of the utility exceeds the availability*  
2 *of electricity from renewable generation in this State;*

3 *(j) The utility's provision of open access to interstate and intrastate*  
4 *transmission services in accordance with the utility's open access transmission*  
5 *tariff, to other persons in this State using the utility's transmission network,*  
6 *including, without limitation, eligible customers, as defined in NRS 704B.080,*  
7 *and providers of new electric resources, as defined in NRS 704B.130, who are or*  
8 *intend to become customers of the utility's interstate transmission services;*

9 *(k) The ability of the utility to accommodate requests for access to renewable*  
10 *energy resources that will allow customers who want to acquire all of their*  
11 *energy from zero carbon dioxide emission resources to do so;*

12 *(l) The development of regional transmission interconnections that may be*  
13 *required for this State to cost-effectively achieve the goals for the reduction of*  
14 *greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 or for the*  
15 *electric utility to participate fully in any future organized competitive regional*  
16 *wholesale electricity market on the Western Interconnection;*

17 *(m) The rates charged to the bundled retail customers of the utility; and*

18 *(n) The financial risk to the ~~bundled retail~~ customers of the utility.*

19 *5. As used in this section, "Western Interconnection" means the*  
20 *synchronously operated electric transmission grid located in the western part of*  
21 *North America, including parts of Montana, Nebraska, New Mexico, South*  
22 *Dakota, Texas, Wyoming and Mexico and all of Arizona, California, Colorado,*  
23 *Idaho, Nevada, Oregon, Utah, Washington and the Canadian Provinces of*  
24 *British Columbia and Alberta.*

25 **Sec. 22.** *1. In implementing a transmission infrastructure for a clean*  
26 *energy economy plan, an electric utility shall mitigate costs to the extent possible*  
27 *by utilizing available federal tax incentives and federal funding, including,*  
28 *without limitation, direct and indirect grants and loan guarantees.*

29 *2. If, in any general rate proceeding filed by an electric utility pursuant to*  
30 *NRS 704.110 or 704.7621, the electric utility includes a request for recovery of*  
31 *any amount related to the implementation of a transmission infrastructure for a*  
32 *clean energy economy plan and the recovery of such an amount would result in*  
33 *an increase in the electric utility's total revenue requirement of more than 10*  
34 *percent, the utility must propose a method or mechanism by which such an*  
35 *increase may be mitigated. The Commission may accept or reject such a rate*  
36 *method or mechanism and is not obligated to implement any proposed mitigation*  
37 *plan. If a mechanism is implemented to mitigate an increase in the electric*  
38 *utility's total revenue requirement pursuant to this section, the electric utility is*  
39 *entitled to recover all of its prudently and reasonably incurred costs and a return*  
40 *on its investment.*

41 **Sec. 23.** *An electric utility may file an amendment to a transmission*  
42 *infrastructure for a clean energy economy plan as an amendment to its resource*  
43 *plan as provided in NRS 704.751.*

44 **Sec. 24.** *If the Commission deems inadequate any portion of a transmission*  
45 *infrastructure for a clean energy economy plan or any amendment to the plan,*  
46 *the Commission, as provided in NRS 704.751, may recommend to the electric*  
47 *utility a modification of that portion of the plan or amendment, and the electric*  
48 *utility may:*

49 *1. Accept the modification; or*

50 *2. Withdraw the proposed plan or amendment.*

51 **Sec. 25.** *As used in sections 25 to 34, inclusive, of this act, unless the*  
52 *context otherwise requires, the words and terms defined in sections 26 to 29,*  
53 *inclusive, of this act have the meanings ascribed to them in those sections.*



1       **Sec. 26.** *“Regional transmission organization” means an entity established*  
2 *for the purpose of coordinating and efficiently managing the dispatch and*  
3 *transmission of electricity among public utilities on a multistate or regional basis*  
4 *that:*

- 5       1. *Is approved by the Federal Energy Regulatory Commission;*
- 6       2. *Effectuates separate control of transmission facilities from control of*  
7 *generation facilities;*
- 8       3. *Implements, to the extent reasonably possible, policies and procedures*  
9 *designed to minimize pancaked transmission rates;*
- 10      4. *Improves service reliability within this State;*
- 11      5. *Achieves the objectives of an open and competitive wholesale electric*  
12 *generation marketplace, elimination of barriers to market entry and preclusion of*  
13 *control of bottleneck electric transmission facilities in the provision of retail*  
14 *electric service;*
- 15      6. *Is of sufficient scope or otherwise operates to substantially increase*  
16 *economical supply options for customers;*
- 17      7. *Has a structure of governance or control that is independent of the users*  
18 *of the transmission facilities, and no member of its board of directors has an*  
19 *affiliation with a user or with an affiliate of a user during the member’s tenure*  
20 *on the board so as to unduly affect the regional transmission organization’s*  
21 *performance;*
- 22      8. *Operates under policies that promote positive performance designed to*  
23 *satisfy the electricity requirements of customers;*
- 24      9. *Has an inclusive and open stakeholder process that does not place*  
25 *unreasonable burdens on or preclude meaningful participation by any*  
26 *stakeholder group;*
- 27      10. *Promotes and assists new economic development in this State; and*
- 28      11. *Is capable of maintaining real-time reliability of the transmission*  
29 *system, ensuring comparable and nondiscriminatory access and necessary*  
30 *service, minimizing system congestion and further addressing real or potential*  
31 *transmission constraints.*

32       **Sec. 27.** *“Task Force” means the Regional Transmission Coordination*  
33 *Task Force created by section 31 of this act.*

34       **Sec. 28.** *“Transmission provider” means a public utility that owns, controls*  
35 *or operates facilities used for the transmission of electricity in interstate*  
36 *commerce and provides transmission service under a tariff approved by the*  
37 *Federal Energy Regulatory Commission.*

38       **Sec. 29.** *“User” means any entity or affiliate of an entity that buys or sells*  
39 *electricity in the regional transmission organization’s region or in a neighboring*  
40 *region.*

41       **Sec. 30.** 1. *Except as otherwise provided in subsection 2, the Commission*  
42 *shall require every transmission provider in this State to join a regional*  
43 *transmission organization on or before January 1, 2030.*

44       2. *Upon application by a transmission provider, the Commission may waive*  
45 *or delay the requirement in subsection 1 if:*

46       (a) *The transmission provider files an application with the Commission on or*  
47 *before January 1, 2027, requesting the waiver or delay;*

48       (b) *The transmission provider demonstrates:*

49       (1) *That the transmission provider has made all reasonable efforts to*  
50 *comply with the requirement but is unable to find a viable and available regional*  
51 *transmission organization that the transmission provider can join on or before*  
52 *January 1, 2030; or*

1           (2) *That it would not be in the best interests of the transmission provider*  
2 *and its customers to join a regional transmission organization on or before*  
3 *January 1, 2030; and*

4           (c) *The Commission determines that it is in the public interest to grant the*  
5 *requested waiver or delay.*

6       **Sec. 31.** *1. The Regional Transmission Coordination Task Force is*  
7 *hereby created.*

8           2. *The Governor shall appoint a person to act as the Chair of the Task*  
9 *Force who serves at the pleasure of the Governor. The Chair is a voting member*  
10 *of the Task Force.*

11           3. *In addition to the Chair, the Task Force consists of:*

12           (a) *The following voting members, appointed by the Governor:*

13           (1) *A representative of an electric utility that primarily serves densely*  
14 *populated counties, as defined in NRS 704.110;*

15           (2) *A representative of an organization that represents rural electric*  
16 *cooperatives and municipally owned electric utilities in this State;*

17           (3) *A representative of the Colorado River Commission;*

18           (4) *A representative of a transmission line development company*  
19 *operating in this State;*

20           (5) *A representative of the large-scale solar energy industry in this State;*

21           (6) *A representative of the geothermal energy industry in this State;*

22           (7) *A representative of the data center businesses in this State;*

23           (8) *A representative of an organization that represents the mining*  
24 *industry in this State;*

25           (9) *A representative of an organization that represents the gaming and*  
26 *resort businesses in this State;*

27           (10) *A representative of a labor organization in this State;*

28           (11) *A representative of an organization in this State that advocates on*  
29 *behalf of environmental or public lands issues who has expertise in or knowledge*  
30 *of environmental or public lands issues;*

31           (12) *A representative of the Office of Energy;*

32           (13) *A representative of the Office of Economic Development;*

33           (14) ~~*One member*~~ *Two members of the Senate, nominated by the*  
34 *Majority Leader of the Senate [++], at least one of whom must be a member of the*  
35 *minority political party;*

36           (15) ~~*One member*~~ *Two members of the Assembly, nominated by the*  
37 *Speaker of the Assembly [++], at least one of whom must be a member of the*  
38 *minority political party; and*

39           (16) *Not more than three persons who represent the general public.*

40           (b) *The following nonvoting members, appointed by the Governor:*

41           (1) *A representative of the Public Utilities Commission of Nevada; and*

42           (2) *A representative of the Bureau of Consumer Protection in the Office*  
43 *of the Attorney General.*

44       **Sec. 32.** *1. The Task Force shall meet at least two times each year at the*  
45 *call of the Chair.*

46           2. *The Chair may appoint working groups, chaired by one or more*  
47 *members of the Task Force and composed of persons with subject matter*  
48 *expertise, to aid in the work of the Task Force.*

49           3. *The Chair may issue guidelines for the operation of the Task Force and*  
50 *amend those guidelines as needed for the management and governance of the*  
51 *Task Force. The Chair shall identify and approve the scope of work and issues to*  
52 *be addressed by the Task Force and any working group.*

1       4. A majority of the voting members of the Task Force constitutes a  
2 quorum, and a quorum may exercise all the powers conferred on the Task Force.

3       5. The members of the Task Force serve at the pleasure of the Governor.

4       6. The members of the Task Force serve without compensation.

5       **Sec. 33.** 1. The Task Force shall advise the Governor and the Legislature  
6 on:

7       (a) The potential costs and benefits to transmission providers and their  
8 customers in this State of forming or joining a regional transmission  
9 organization which provides access to an organized competitive regional  
10 wholesale electricity market;

11       (b) Policies that will accommodate entrance by transmission providers in this  
12 State into a regional transmission organization by January 1, 2030;

13       (c) Policies that will site transmission facilities necessary to achieve this  
14 State's clean energy and economic development goals;

15       (d) Potential areas in this State where growth in demand for electricity or  
16 growth in renewable energy generation would be accommodated by additional  
17 transmission or regional market opportunities; and

18       (e) Businesses and industries that could locate in this State as a result of this  
19 State's position in an organized competitive regional wholesale electricity market.

20       2. The Task Force shall, not later than November 30, 2022, and every 2  
21 years thereafter, submit to the Governor and the Director of the Legislative  
22 Counsel Bureau for transmittal to the next regular session of the Legislature a  
23 report on its activities, including any recommended legislation needed to enable  
24 entrance by transmission providers in this State into a regional transmission  
25 organization.

26       **Sec. 34.** 1. The Office of Energy shall provide the personnel, facilities,  
27 equipment and supplies required by the Task Force to carry out the provisions of  
28 sections 31 to 34, inclusive, of this act.

29       2. To aid and inform the Task Force in carrying out its duties pursuant to  
30 section 33 of this act, the Commission, in consultation with the Task Force, may  
31 engage a knowledgeable and independent third party to analyze all factors  
32 deemed necessary to assess the potential costs and benefits to transmission  
33 providers and their customers of forming or joining a regional transmission  
34 organization.

35       **Sec. 35.** Except as otherwise provided in this chapter, when the  
36 Commission reviews an application to make changes in any schedule, there is no  
37 presumption that any recorded expenses, investments or other costs included in  
38 the application were prudently incurred, unless the Commission has previously  
39 determined that such expenses, investments or other costs were prudently  
40 incurred. The public utility has the burden of proving that an expense, investment  
41 or cost was reasonably and prudently incurred.

42       **Sec. 36.** NRS 704.021 is hereby amended to read as follows:

43       704.021 "Public utility" or "utility" does not include:

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

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

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

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

52       3. Persons not otherwise engaged in the business of furnishing, producing or  
53 selling water or services for the disposal of sewage, or both, but who sell or furnish

1 water or services for the disposal of sewage, or both, as an accommodation in an  
2 area where water or services for the disposal of sewage, or both, are not available  
3 from a public utility, cooperative corporations and associations or political  
4 subdivisions engaged in the business of furnishing water or services for the disposal  
5 of sewage, or both, for compensation, to persons within the political subdivision.

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

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

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

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

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

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

23 10. *Persons who own or operate a net metering system or systems described  
24 in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to  
25 multiple persons, units or spaces on the premises if:*

26 *(a) The electricity is delivered only to persons, units or spaces located on the  
27 premises on which the net metering system or systems are located;*

28 *(b) The residential or commercial units or spaces do not have individual  
29 meters measuring electricity use by an individual unit or space; and*

30 *(c) Persons occupying the individual units or spaces are not charged for  
31 electricity based upon volumetric usage at the person's individual unit or space.*

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

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

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

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

43 As used in this subsection, "renewable energy" has the meaning ascribed to it in  
44 NRS 704.7715.

45 ~~11.1~~ 12. Persons who own, control, operate or manage a facility that supplies  
46 electricity only for use to charge electric vehicles.

47 ~~11.2~~ 13. Any plant or equipment that is used by a data center to produce,  
48 deliver or furnish electricity at agreed-upon prices for or to persons on the premises  
49 of the data center for the sole purpose of those persons storing, processing or  
50 distributing data, but only with regard to those operations which consist of  
51 providing electric service. As used in this subsection, "data center" has the meaning  
52 ascribed to it in NRS 360.754.

1       **Sec. 37.** NRS 704.061 is hereby amended to read as follows:

2       704.061 As used in NRS 704.061 to 704.110, inclusive, *and section 35 of*  
3 *this act*, unless the context otherwise requires, the words and terms defined in NRS  
4 704.062, 704.065 and 704.066 have the meanings ascribed to them in those  
5 sections.

6       **Sec. 38.** NRS 704.100 is hereby amended to read as follows:

7       704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to  
8 704.68887, inclusive, and 704.7865, *and section 14 of this act*, or as may otherwise  
9 be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

10       (a) A public utility shall not make changes in any schedule, unless the public  
11 utility:

12       (1) Files with the Commission an application to make the proposed  
13 changes and the Commission approves the proposed changes pursuant to NRS  
14 704.110; or

15       (2) Files the proposed changes with the Commission using a letter of  
16 advice in accordance with the provisions of paragraph (f) or (g).

17       (b) A public utility shall adjust its rates on a quarterly basis between annual  
18 rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on  
19 changes in the public utility's recorded costs of natural gas purchased for resale.

20       (c) An electric utility shall, between annual deferred energy accounting  
21 adjustment applications filed pursuant to NRS 704.187, adjust its rates on a  
22 quarterly basis pursuant to subsection 10 of NRS 704.110.

23       (d) A public utility shall post copies of all proposed schedules and all new or  
24 amended schedules in the same offices and in substantially the same form, manner  
25 and places as required by NRS 704.070 for the posting of copies of schedules that  
26 are currently in force.

27       (e) A public utility may not set forth as justification for a rate increase any  
28 items of expense or rate base that previously have been considered and disallowed  
29 by the Commission, unless those items are clearly identified in the application and  
30 new facts or considerations of policy for each item are advanced in the application  
31 to justify a reversal of the prior decision of the Commission.

32       (f) Except as otherwise provided in paragraph (g), if the proposed change in  
33 any schedule does not change any rate or will result in an increase in annual gross  
34 operating revenue in an amount that does not exceed \$15,000:

35       (1) The public utility may file the proposed change with the Commission  
36 using a letter of advice in lieu of filing an application; and

37       (2) The Commission shall determine whether it should dispense with a  
38 hearing regarding the proposed change.

39       ➤ A letter of advice filed pursuant to this paragraph must include a certification by  
40 the attorney for the public utility or an affidavit by an authorized representative of  
41 the public utility that to the best of the signatory's knowledge, information and  
42 belief, formed after a reasonable inquiry, the proposed change in schedule does not  
43 change any rate or result in an increase in the annual gross operating revenue of the  
44 public utility in an amount that exceeds \$15,000.

45       (g) If the applicant is a small-scale provider of last resort and the proposed  
46 change in any schedule will result in an increase in annual gross operating revenue  
47 in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual  
48 gross operating revenue, whichever is less:

49       (1) The small-scale provider of last resort may file the proposed change  
50 with the Commission using a letter of advice in lieu of filing an application if the  
51 small-scale provider of last resort:

52       (1) Includes with the letter of advice a certification by the attorney for  
53 the small-scale provider of last resort or an affidavit by an authorized representative

1 of the small-scale provider of last resort that to the best of the signatory's  
2 knowledge, information and belief, formed after a reasonable inquiry, the proposed  
3 change in schedule does not change any rate or result in an increase in the annual  
4 gross operating revenue of the small-scale provider of last resort in an amount that  
5 exceeds \$50,000 or 10 percent, whichever is less;

6 (II) Demonstrates that the proposed change in schedule is required by  
7 or directly related to a regulation or order of the Federal Communications  
8 Commission; and

9 (III) Except as otherwise provided in subsection 2, files the letter of  
10 advice not later than 5 years after the Commission has issued a final order on a  
11 general rate application filed by the applicant in accordance with subsection 3 of  
12 NRS 704.110; and

13 (2) The Commission shall determine whether it should dispense with a  
14 hearing regarding the proposed change.

15 ➤ Not later than 10 business days after the filing of a letter of advice pursuant to  
16 subparagraph (1), the Regulatory Operations Staff of the Commission or any other  
17 interested party may file with the Commission a request that the Commission order  
18 an applicant to file a general rate application in accordance with subsection 3 of  
19 NRS 704.110. The Commission may hold a hearing to consider such a request.

20 (h) In making the determination pursuant to paragraph (f) or (g), the  
21 Commission shall first consider all timely written protests, any presentation that the  
22 Regulatory Operations Staff of the Commission may desire to present, the  
23 application of the public utility and any other matters deemed relevant by the  
24 Commission.

25 2. An applicant that is a small-scale provider of last resort may submit to the  
26 Commission a written request for a waiver of the 5-year period specified in sub-  
27 subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The  
28 Commission shall, not later than 90 days after receipt of such a request, issue an  
29 order approving or denying the request. The Commission may approve the request  
30 if the applicant provides proof satisfactory to the Commission that the applicant is  
31 not earning more than the rate of return authorized by the Commission and that it is  
32 in the public interest for the Commission to grant the request for a waiver. The  
33 Commission shall not approve a request for a waiver if the request is submitted  
34 later than 7 years after the issuance by the Commission of a final order on a general  
35 rate application filed by the applicant in accordance with subsection 3 of NRS  
36 704.110. If the Commission approves a request for a waiver submitted pursuant to  
37 this subsection, the applicant shall file the letter of advice pursuant to subparagraph  
38 (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on  
39 which the applicant submitted the request for a waiver pursuant to this subsection,  
40 unless the order issued by the Commission approving the request for a waiver  
41 specifies a different period for the filing of the letter of advice.

42 3. As used in this section, "electric utility" has the meaning ascribed to it in  
43 NRS 704.187.

44 **Sec. 39.** NRS 704.741 is hereby amended to read as follows:

45 704.741 1. A utility which supplies electricity in this State shall, on or  
46 before June 1 of every third year, in the manner specified by the Commission,  
47 submit a plan to increase its supply of electricity or decrease the demands made on  
48 its system by its customers to the Commission. Two or more utilities that are  
49 affiliated through common ownership and that have an interconnected system for  
50 the transmission of electricity shall submit a joint plan.

51 2. The Commission shall, by regulation:

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

1 (1) Forecast the future demands, except that a forecast of the future retail  
 2 electric demands of the utility or utilities must not include the amount of energy and  
 3 capacity proposed pursuant to subsection ~~4~~ 5 as annual limits on the total amount  
 4 of energy and capacity that eligible customers may be authorized to purchase from  
 5 providers of new electric resources through transactions approved by the  
 6 Commission pursuant to an application submitted pursuant to NRS 704B.310 on or  
 7 after May 16, 2019; and

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

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

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

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

16 (b) A proposal for the expenditure of not less than ~~5~~ 10 percent of the total  
 17 expenditures related to energy efficiency and conservation programs on energy  
 18 efficiency ~~and conservation programs directed to low income~~ measures for  
 19 customers of the electric utility ~~in low-income households and residential~~  
 20 customers and public schools in historically underserved communities, through  
 21 both targeted programs and programs directed at residential customers and  
 22 public schools in general.

23 (c) A comparison of a diverse set of scenarios of the best combination of  
 24 sources of supply to meet the demands or the best methods to reduce the demands,  
 25 which must include at least one scenario of low carbon ~~intensity~~ dioxide  
 26 emissions that ~~includes~~ :

27 (1) *Uses sources of supply that result in, by 2050, an amount of energy*  
 28 *production from zero carbon dioxide emission resources that equals the*  
 29 *forecasted demand for electricity by customers of the utility;*

30 (2) *Includes* the deployment of distributed generation ~~in~~ and

31 (3) *If the plan is submitted on or before June 1, 2027, uses sources of*  
 32 *supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide*  
 33 *emissions from the generation of electricity to meet the demands of customers of*  
 34 *the utility as compared to the amount of such emissions in the year 2005.*

35 (d) An analysis of the effects of the requirements of NRS 704.766 to 704.776,  
 36 inclusive, on the reliability of the distribution system of the utility or utilities and  
 37 the costs to the utility or utilities to provide electric service to all customers. The  
 38 analysis must include an evaluation of the costs and benefits of addressing issues of  
 39 reliability through investment in the distribution system.

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

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

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

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

48 (a) Evaluate the locational benefits and costs of distributed resources. This  
 49 evaluation must be based on reductions or increases in local generation capacity  
 50 needs, avoided or increased investments in distribution infrastructure, safety  
 51 benefits, reliability benefits and any other savings the distributed resources provide  
 52 to the electricity grid for this State or costs to customers of the electric utility or  
 53 utilities.



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

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

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

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

13 ~~{6}~~ (f) *Include a transportation electrification plan as required by section 14*  
14 *of this act.*

15 5. The Commission shall require the utility or utilities to include in the plan a  
16 proposal for annual limits on the total amount of energy and capacity that eligible  
17 customers may be authorized to purchase from providers of new electric resources  
18 through transactions approved by the Commission pursuant to an application  
19 submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the  
20 proposal and the forecasts in the plan, the utility or utilities must use a sensitivity  
21 analysis that, at a minimum, addresses load growth, import capacity, system  
22 constraints and the effect of eligible customers purchasing less energy and capacity  
23 than authorized by the proposed annual limit. The proposal in the plan must  
24 include, without limitation:

25 (a) A forecast of the load growth of the utility or utilities;

26 (b) The number of eligible customers that are currently being served by or  
27 anticipated to be served by the utility or utilities;

28 (c) Information concerning the infrastructure of the utility or utilities that is  
29 available to accommodate market-based new electric resources;

30 (d) Proposals to ensure the stability of rates and the availability and reliability  
31 of electric service; and

32 (e) For each year of the plan, impact fees applicable to each megawatt or each  
33 megawatt hour to account for costs reflected in the base tariff general rate and base  
34 tariff energy rate paid by end-use customers of the electric utility.

35 ~~{7}~~ 6. The annual limits proposed pursuant to subsection ~~{6}~~ 5 shall not  
36 apply to energy and capacity sales to an eligible customer if the eligible customer:

37 (a) Was not an end-use customer of the electric utility at any time before June  
38 12, 2019; and

39 (b) Would have a peak load of 10 megawatts or more in the service territory of  
40 an electric utility within 2 years of initially taking electric service.

41 ~~{8}~~ 7. As used in this section:

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

44 ~~{(b)}~~ “Distributed generation system” has the meaning ascribed to it in NRS  
45 701.380.

46 ~~{(c)}~~ (b) “Distributed resources” means distributed generation systems, energy  
47 efficiency, energy storage, electric vehicles and demand-response technologies.

48 ~~{(d)}~~ (c) “Eligible customer” has the meaning ascribed to it in NRS 704B.080.

49 ~~{(e)}~~ (d) “Energy” has the meaning ascribed to it in NRS 704B.090.

50 ~~{(f)}~~ (e) *“Historically underserved community” has the meaning ascribed to*  
51 *it in section 12 of this act.*

52 *(f) “Low-income household” has the meaning ascribed to it in section 13 of*  
53 *this act.*



1 (g) “New electric resource” has the meaning ascribed to it in NRS 704B.110.  
2 ~~(g)~~ ~~(h)~~ (h) “Provider of new electric resources” has the meaning ascribed to  
3 it in NRS 704B.130.

4 ~~(h)~~ ~~(i)~~ (i) “Renewable energy zones” means specific geographic zones  
5 where renewable energy resources are sufficient to develop generation capacity and  
6 where transmission constrains the delivery of electricity from those resources to  
7 customers.

8 ~~(i)~~ ~~(j)~~ (j) “Sensitivity analysis” means a set of methods or procedures which  
9 results in a determination or estimation of the sensitivity of a result to a change in  
10 given data or a given assumption.

11 **Sec. 40.** NRS 704.746 is hereby amended to read as follows:

12 704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the  
13 Commission shall convene a public hearing on the adequacy of the plan.

14 2. The Commission shall determine the parties to the public hearing on the  
15 adequacy of the plan. A person or governmental entity may petition the  
16 Commission for leave to intervene as a party. The Commission must grant a  
17 petition to intervene as a party in the hearing if the person or entity has relevant  
18 material evidence to provide concerning the adequacy of the plan. The Commission  
19 may limit participation of an intervener in the hearing to avoid duplication and may  
20 prohibit continued participation in the hearing by an intervener if the Commission  
21 determines that continued participation will unduly broaden the issues, will not  
22 provide additional relevant material evidence or is not necessary to further the  
23 public interest.

24 3. In addition to any party to the hearing, any interested person may make  
25 comments to the Commission regarding the contents and adequacy of the plan.

26 4. After the hearing, the Commission shall determine whether:

27 (a) The forecast requirements of the utility or utilities are based on  
28 substantially accurate data and an adequate method of forecasting.

29 (b) The plan identifies and takes into account any present and projected  
30 reductions in the demand for energy that may result from measures to improve  
31 energy efficiency in the industrial, commercial, residential and energy producing  
32 sectors of the area being served.

33 (c) The plan adequately demonstrates the economic, environmental and other  
34 benefits to this State and to the customers of the utility or utilities associated with  
35 the following possible measures and sources of supply:

36 (1) Improvements in energy efficiency;

37 (2) Pooling of power;

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

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

40 (5) Facilities that operate on the principle of cogeneration or  
41 hydrogeneration;

42 (6) Other generation facilities; and

43 (7) Other transmission facilities.

44 5. The Commission shall give preference to the measures and sources of  
45 supply set forth in paragraph (c) of subsection 4 that:

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

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

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

49 (d) Provide the greatest opportunity for the creation of new jobs in this State;  
50 and

51 (e) Provide for diverse electricity supply portfolios and which reduce customer  
52 exposure to the price volatility of fossil fuels and the potential costs of carbon.

1     ↳ In considering the measures and sources of supply set forth in paragraph (c) of  
2 subsection 4 and determining the preference given to such measures and sources of  
3 supply, the Commission shall consider the cost of those measures and sources of  
4 supply to the customers of the electric utility or utilities.

5     6. The Commission shall:

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

8         (b) Consider the value to the public of using water efficiently when it is  
9 determining those preferences.

10     7. The Commission shall:

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

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

17     8. The Commission shall, after a hearing, review and accept or modify an  
18 emissions reduction and capacity replacement plan which includes each element  
19 required by NRS 704.7316. In considering whether to accept or modify an  
20 emissions reduction and capacity replacement plan, the Commission shall consider:

21         (a) The cost to the customers of the electric utility or utilities to implement the  
22 plan;

23         (b) Whether the plan provides the greatest economic benefit to this State;

24         (c) Whether the plan provides the greatest opportunities for the creation of new  
25 jobs in this State; and

26         (d) Whether the plan represents the best value to the customers of the electric  
27 utility or utilities.

28     9. In considering whether to accept or modify a proposal for annual limits on  
29 the total amount of energy and capacity that eligible customers may be authorized  
30 to purchase from providers of new electric resources through transactions approved  
31 by the Commission pursuant to an application submitted pursuant to NRS 704B.310  
32 after May 16, 2019, which is included in the plan pursuant to subsection ~~6~~ 5 of  
33 NRS 704.741, the Commission shall consider whether the proposed annual limits:

34         (a) Further the public interest, including, without limitation, whether the  
35 proposed annual limits promote safe, economic, efficient and reliable electric  
36 service to all customers of electric service in this State;

37         (b) Align an economically viable utility model with state public policy goals;  
38 and

39         (c) Encourage the development and use of renewable energy resources located  
40 in this State and, in particular, renewable energy resources that are coupled with  
41 energy storage.

42     ***10. In considering whether to accept or modify a plan to accelerate***  
43 ***transportation electrification submitted pursuant to section 14 of this act, the***  
44 ***Commission shall consider:***

45         ***(a) Whether the proposed investments, incentives, rate designs, systems and***  
46 ***programs are reasonably expected to achieve one or more of the following:***

47                 ***(1) Improve the efficiency of the electric utility's electrical system,***  
48 ***operational flexibility or system utilization during off-peak hours;***

49                 ***(2) Improve the ability of the electric utility to integrate renewable energy***  
50 ***resources which generate electricity on an intermittent basis into the transmission***  
51 ***and distribution grid;***

52                 ***(3) Reduce greenhouse gas emissions and air pollution;***

1           (4) *Improve air quality in communities most affected by air pollution*  
2 *from the transportation sector;*

3           (5) *Support increased consumer choice in electric vehicle charging and*  
4 *related infrastructure and services;*

5           (6) *Increase access to the use of electricity as a transportation fuel by*  
6 *low-income users by including investments, incentives or programs for those*  
7 *users, or for entities operating in communities or at locations that will benefit*  
8 *low-income users;*

9           (7) *Foster the investment of private capital in transportation*  
10 *electrification, as defined in section 14 of this act, and the demand for skilled jobs*  
11 *in related services; and*

12           (8) *Provide information and education on the benefits of transportation*  
13 *electrification to customers.*

14           (b) *Whether the proposed investments, incentives, rate designs, systems and*  
15 *programs provide electric services and pricing that customers value.*

16           (c) *Whether the proposed investments, incentives, systems and programs*  
17 *incorporate public reporting requirements which will serve to inform program*  
18 *design and Commission policy.*

19           (d) *The cost to the customers of the electric utility to implement the plan.*

20       **Sec. 41.** NRS 704.751 is hereby amended to read as follows:

21       704.751 1. After a utility has filed the plan required pursuant to NRS  
22 704.741, the Commission shall issue an order accepting or modifying the plan or  
23 specifying any portions of the plan it deems to be inadequate:

24           (a) Within 135 days for any portion of the plan relating to the energy supply  
25 plan for the utility for the 3 years covered by the plan; and

26           (b) Within 210 days for all portions of the plan not described in paragraph (a).

27       ➤ If the Commission issues an order modifying the plan, the utility or utilities may  
28 consent to or reject some or all of the modifications by filing with the Commission  
29 a notice to that effect. Any such notice must be filed not later than 30 days after the  
30 date of issuance of the order. If such a notice is filed, any petition for  
31 reconsideration or rehearing of the order must be filed with the Commission not  
32 later than 10 business days after the date the notice is filed.

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

36           (a) Within 165 days after the filing of the amendment; or

37           (b) Within 180 days after the filing of the amendment for all portions of the  
38 amendment which contain an element of the emissions reduction and capacity  
39 replacement plan.

40       ➤ If the Commission issues an order modifying the amendment, the utility or  
41 utilities may consent to or reject some or all of the modifications by filing with the  
42 Commission a notice to that effect. Any such notice must be filed not later than 30  
43 days after the date of issuance of the order. If such a notice is filed, any petition for  
44 reconsideration or rehearing of the order must be filed with the Commission not  
45 later than 10 business days after the date the notice is filed.

46       3. Any order issued by the Commission accepting or modifying a plan  
47 required pursuant to NRS 704.741 or an amendment to such a plan must include the  
48 justification of the Commission for the preferences given pursuant to subsection 5  
49 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of  
50 subsection 4 of NRS 704.746.

51       4. All prudent and reasonable expenditures made to develop the utility's or  
52 utilities' plan, including environmental, engineering and other studies, must be  
53 recovered from the rates charged to the utility's or utilities' customers.

1           5. The Commission may accept an energy efficiency plan containing an  
2 energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of  
3 NRS 704.741 and energy efficiency and conservation programs submitted pursuant  
4 to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the  
5 energy efficiency plan as a whole is cost effective. Any order issued by the  
6 Commission accepting or modifying an energy efficiency plan or an amendment to  
7 such a plan must, if the energy efficiency plan remains cost effective, require that  
8 not less than ~~5~~ 10 percent of the total expenditures of the utility or utilities on  
9 approved energy efficiency and conservation programs in the energy efficiency  
10 plan must be specifically directed to energy efficiency ~~and conservation programs~~  
11 ~~for low-income~~ measures for customers of the utility or utilities ~~in low-income~~  
12 households and residential customers and public schools in historically  
13 underserved communities, through both targeted programs and programs  
14 directed at residential customers and public schools in general.

15           6. The Commission may accept ~~the~~:

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

20           — (b) ~~A~~ a distributed resources plan submitted pursuant to subsection ~~5~~ 4 of  
21 NRS 704.741 if the Commission determines that the plan includes each element  
22 required by that subsection.

23           7. ~~The Commission shall adopt regulations establishing the criteria for~~  
24 ~~determining the adequacy of a transmission plan submitted pursuant to subsection 4~~  
25 ~~of NRS 704.741.~~

26           — ~~8.~~ Any order issued by the Commission accepting or modifying an element  
27 of an emissions reduction and capacity replacement plan must include provisions  
28 authorizing the electric utility or utilities to construct or acquire and own electric  
29 generating plants necessary to meet the capacity amounts approved in, and carry  
30 out the provisions of, the plan. As used in this subsection, “capacity” means an  
31 amount of firm electric generating capacity used by the electric utility or utilities  
32 for the purpose of preparing a plan filed with the Commission pursuant to NRS  
33 704.736 to 704.754, inclusive.

34           8. The Commission shall accept a transmission infrastructure for a clean  
35 energy economy plan that conforms to the requirements of subsections 1 and 2 of  
36 section 21 of this act and includes the evaluations required by subsection 4 of  
37 section 21 of this act.

38           9. As used in this section:

39           — (a) “Historically underserved community” has the meaning ascribed to it in  
40 section 12 of this act.

41           — (b) “Low-income household” has the meaning ascribed to it in section 13 of  
42 this act.

43           **Sec. 42.** NRS 704.7591 is hereby amended to read as follows:

44           704.7591 1. An electric utility may dispose of its generation assets pursuant  
45 to a merger, acquisition or transaction that is authorized pursuant to NRS 704.329  
46 or pursuant to a transfer of its certificate of public convenience and necessity that is  
47 authorized pursuant to NRS 704.410, if:

48           (a) The electric utility disposes of substantially all of its generation assets and  
49 substantially all of its other assets to the other person in the merger, acquisition,  
50 transaction or transfer; and

51           (b) ~~The other person in the merger, acquisition, transaction or transfer is not a~~  
52 subsidiary or affiliate of the electric utility or a holding company or other person

1 ~~that holds a controlling interest in the electric utility.]~~ *Commission approves of the*  
2 *disposal of the generation assets in an order issued pursuant to NRS 704.7588.*

3 2. Any person who assumes or has assumed ownership, possession, control,  
4 operation, administration or maintenance of a generation asset pursuant to a merger,  
5 acquisition, transaction or transfer described in subsection 1 is subject to the  
6 provisions of NRS 704.7561 to 704.7595, inclusive.

7 **Sec. 43.** NRS 704.783 is hereby amended to read as follows:

8 704.783 As used in NRS 704.783 to 704.7836, inclusive, *and sections 12 and*  
9 *13 of this act*, unless the context otherwise requires, the words and terms defined in  
10 NRS 704.7831 to 704.7834, inclusive, *and sections 12 and 13 of this act* have the  
11 meanings ascribed to them in those sections.

12 **Sec. 44.** NRS 704.7836 is hereby amended to read as follows:

13 704.7836 1. The Commission shall establish by regulation for each electric  
14 utility goals for energy savings resulting from energy efficiency programs  
15 implemented by the electric utility each year, which must be included in the  
16 resource plan filed by the electric utility pursuant to NRS 704.741.

17 2. The Commission may:

18 (a) Modify a goal for energy savings it has previously established for an  
19 electric utility.

20 (b) Upon receipt of a petition submitted by an electric utility, temporarily  
21 lower a goal for energy savings it has previously established for the electric utility  
22 if the electric utility demonstrates that economic reasons which are not reasonably  
23 within the control of the electric utility will prevent the electric utility from meeting  
24 the goal for energy savings established pursuant to subsection 1.

25 3. Upon establishment or modification by the Commission of a goal for  
26 energy savings for an electric utility pursuant to this section, the affected electric  
27 utility may file an amendment to its most recent resource plan filed pursuant to  
28 NRS 704.741 to incorporate the goal for energy savings into the resource plan.

29 4. Each electric utility shall develop and include in its most recent resource  
30 plan filed pursuant to NRS 704.741 an energy efficiency plan that:

31 (a) Is designed to meet or exceed the goals for energy savings established by  
32 the Commission pursuant to this section;

33 (b) Includes one or more energy efficiency programs; and

34 (c) Is cost effective.

35 5. In approving an energy efficiency plan developed by an electric utility to  
36 meet the goals for energy savings established by the Commission pursuant to this  
37 section, the Commission shall approve an energy efficiency plan that is:

38 (a) Designed to meet or exceed the goals for energy savings established by the  
39 Commission pursuant to this section; and

40 (b) Cost effective.

41 6. The Commission may approve an energy efficiency plan submitted  
42 pursuant to NRS 704.741 that consists of energy efficiency and conservation  
43 programs that are not cost effective if the Commission determines that the energy  
44 efficiency plan as a whole is cost effective.

45 7. Unless the Commission determines that it is not cost effective, any energy  
46 efficiency plan approved by the Commission must provide that not less than ~~5~~ 10  
47 percent of the total expenditures related to energy efficiency programs must be  
48 ~~directed to~~ *spent on* energy efficiency ~~programs~~ *measures* for ~~low-income~~  
49 *customers of the electric utility* ~~in low-income households and residential~~  
50 *customers and public schools in historically underserved communities, through*  
51 *both targeted programs and programs directed at residential customers and*  
52 *public schools in general. For the purposes of this subsection, programs that can*

1 *offer variable incentive levels must offer higher incentive levels for low-income*  
 2 *households.*

3 **Sec. 45.** NRS 704.788 is hereby amended to read as follows:

4 704.788 The Office of Economic Development shall not accept an application  
 5 or give initial approval to any applicant for participation in the Program, and the  
 6 Commission shall not approve an applicant for participation in the Program, after  
 7 the earlier of December 31, ~~2017,~~ *2024*, or the date on which the capacity set  
 8 aside for allocation pursuant to the Program is fully allocated.

9 **Sec. 46.** NRS 704.7881 is hereby amended to read as follows:

10 704.7881 The Commission, in consultation with the Office of Economic  
 11 Development:

12 1. Shall adopt regulations:

13 (a) Establishing the discounted electric rates that may be charged by an electric  
 14 utility pursuant to the Program, which must be established as a percentage of the  
 15 base tariff energy rate and for which:

16 (1) In the first and second year of a contract entered into pursuant to NRS  
 17 704.7877, ~~the reduction in the rates as a result of the~~ *there shall be no* discount  
 18 ~~that must not exceed 30 percent~~ of the base tariff energy rate;

19 (2) In the third ~~and~~ *fourth* ~~and~~ *fifth and sixth* year of a contract entered  
 20 into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount  
 21 must not exceed ~~20~~ *30* percent of the base tariff energy rate; ~~and~~

22 (3) In the ~~fifth, sixth,~~ *fifth, sixth,* seventh and eighth year of a contract entered into  
 23 pursuant to NRS 704.7877, the reduction in the rates as a result of the discount  
 24 must not exceed ~~10~~ *20* percent of the base tariff energy rate; *and*

25 *(4) In the ninth and tenth year of a contract entered into pursuant to*  
 26 *NRS 704.7877, the reduction in the rates as a result of the discount must not*  
 27 *exceed 10 percent of the base tariff energy rate;*

28 (b) Prescribing the form and content of the contract entered into pursuant to  
 29 NRS 704.7877;

30 (c) Prescribing the procedure by which an electric utility is authorized to  
 31 recover through a deferred energy accounting adjustment application the amount of  
 32 the discount provided to a participant in the Program; and

33 (d) Prescribing any additional information which must be submitted by an  
 34 applicant for participation in the Program.

35 2. May adopt any other regulations it determines are necessary to carry out  
 36 the provisions of NRS 704.7871 to 704.7882, inclusive.

37 **Sec. 47.** NRS 704.7882 is hereby amended to read as follows:

38 704.7882 The Commission shall, on or before December 31, ~~2014,~~ *2022*,  
 39 prepare a written report concerning the Program and submit the report to the  
 40 Director of the Legislative Counsel Bureau for transmittal to the ~~78th~~ *82nd*  
 41 Session of the Legislature. The report must include, without limitation, information  
 42 concerning:

43 1. The number of participants in the Program;

44 2. The amount of electricity allocated pursuant to the Program;

45 3. The total amount of the discounts provided pursuant to the Program; and

46 4. The remaining amount of electricity available for allocation pursuant to the  
 47 Program.

48 **Sec. 48.** NRS 704B.310 is hereby amended to read as follows:

49 704B.310 1. An eligible customer shall not purchase energy, capacity or  
 50 ancillary services from a provider of new electric resources unless:

51 (a) The eligible customer files an application with the Commission between  
 52 January 2 and February 1 of any year and not later than 280 days before the date on

1 which the eligible customer intends to begin purchasing energy, capacity or  
2 ancillary services from the provider;

3 (b) The Commission approves the application by a written order issued in  
4 accordance with the provisions of this section; and

5 (c) The provider holds a valid license.

6 2. Except as otherwise provided in subsection 3, each application filed  
7 pursuant to this section must include:

8 (a) Specific information demonstrating that the person filing the application is  
9 an eligible customer;

10 (b) Information demonstrating that the proposed provider will provide energy,  
11 capacity or ancillary services from a new electric resource;

12 (c) Specific information concerning the terms and conditions of the proposed  
13 transaction that is necessary for the Commission to evaluate the impact of the  
14 proposed transaction on customers and the public interest, including, without  
15 limitation, information concerning the duration of the proposed transaction, the  
16 point of receipt of the energy, capacity or ancillary services and the amount of  
17 energy, capacity or ancillary services to be purchased from the provider;

18 (d) Specific information identifying transmission requirements associated with  
19 the proposed transaction and the extent to which the proposed transaction requires  
20 transmission import capacity; and

21 (e) Any other information required pursuant to the regulations adopted by the  
22 Commission.

23 3. The Commission shall not require the eligible customer or provider to  
24 disclose:

25 (a) The price that is being paid by the eligible customer to purchase energy,  
26 capacity or ancillary services from the provider; or

27 (b) Any other terms or conditions of the proposed transaction that the  
28 Commission determines are commercially sensitive.

29 4. The Commission shall provide public notice of the application of the  
30 eligible customer and an opportunity for a hearing on the application in a manner  
31 that is consistent with the provisions of NRS 703.320 and the regulations adopted  
32 by the Commission.

33 5. The Commission shall not approve the application of the eligible customer  
34 unless the Commission finds that the proposed transaction:

35 (a) Will be in the public interest; and

36 (b) Will not cause the total amount of energy and capacity that eligible  
37 customers purchase from providers of new electric resources through transactions  
38 approved by the Commission pursuant to an application submitted pursuant to this  
39 section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed  
40 with the Commission pursuant to NRS 704.741 and accepted by the Commission  
41 pursuant to NRS 704.751.

42 6. In determining whether the proposed transaction will be in the public  
43 interest, the Commission shall consider, without limitation:

44 (a) Whether the electric utility that has been providing electric service to the  
45 eligible customer will experience increased costs as a result of the proposed  
46 transaction;

47 (b) Whether any remaining customer of the electric utility will pay increased  
48 costs for electric service or forgo the benefit of a reduction of costs for electric  
49 service as a result of the proposed transaction; and

50 (c) Whether the proposed transaction will impair system reliability or the  
51 ability of the electric utility to provide electric service to its remaining customers.

52 7. If the Commission approves the application of the eligible customer:

1 (a) The eligible customer shall not begin purchasing energy, capacity or  
2 ancillary services from the provider pursuant to the proposed transaction sooner  
3 than 280 days after the date on which the application was filed, unless the  
4 Commission allows the eligible customer to begin purchasing energy, capacity or  
5 ancillary services from the provider at an earlier date; and

6 (b) The Commission shall order such terms, conditions and payments as the  
7 Commission deems necessary and appropriate to ensure that the proposed  
8 transaction will be in the public interest. Except as otherwise provided in subsection  
9 8, such terms, conditions and payments:

10 (1) Must be fair and nondiscriminatory as between the eligible customer  
11 and the remaining customers of the electric utility, except that the terms, conditions  
12 and payments must assign all identifiable but unquantifiable risk to the eligible  
13 customer;

14 (2) Must include, without limitation:

15 (I) Payment by the eligible customer to the electric utility of the  
16 eligible customer's load-share portion of any unrecovered balance in the deferred  
17 accounts of the electric utility; and

18 (II) Payment by the eligible customer, or the provider of new electric  
19 resources, as applicable, of the annual assessment and any other tax, fee or  
20 assessment required by NRS 704B.360;

21 (3) Must establish payments calculated in a manner that provides the  
22 eligible customer with only its load-ratio share of the benefits associated with  
23 forecasted load growth if load growth is utilized to mitigate the impact of the  
24 eligible customer's proposed transaction; and

25 (4) Must ensure that the eligible customer pays its load-ratio share of the  
26 costs associated with the electric utility's obligations that were incurred as  
27 deviations from least-cost resource planning pursuant to the laws of this State  
28 including, without limitation, costs incurred to satisfy the requirements of NRS  
29 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580,  
30 ~~701B.670,~~ 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, 704.7865,  
31 704.7983 and 704.7985.

32 8. An eligible customer who:

33 (a) Was not an end-use customer of the electric utility at any time before June  
34 12, 2019; and

35 (b) Would have a peak load of 10 megawatts or more in the service territory of  
36 an electric utility within 2 years of initially taking electric service,

37 is required to pay only those costs, fees, charges or rates which apply to current  
38 and ongoing legislatively mandated public policy programs, as determined by the  
39 Commission.

40 9. If the Commission does not enter a final order on the application of the  
41 eligible customer within 210 days after the date on which the application was filed  
42 with the Commission, the application shall be deemed to be denied by the  
43 Commission.

44 **Sec. 49.** 1. An electric utility in this State shall, on or before September 1,  
45 2021, file with the Public Utilities Commission of Nevada a plan to accelerate  
46 transportation electrification in this State for the period beginning January 1, 2022,  
47 and ending on December 31, 2024. The plan filed for this period must be designed  
48 to provide the greatest economic recovery benefits and opportunities for the  
49 creation of new jobs in this State.

50 2. Two or more utilities that are affiliated through common ownership and  
51 that have an interconnected system for the transmission of electricity shall submit a  
52 joint plan pursuant to this section. The joint plan must include a plan for



1 investments to accelerate transportation electrification in an amount not to exceed  
2 \$100,000,000.

3 3. A plan filed pursuant to this section must include a plan to invest in the  
4 following programs:

5 (a) An Interstate Corridor Charging Depot Program, whereby the electric  
6 utility shall supplement the work of the Office of Energy, the Department of  
7 Transportation and the Division of Environmental Protection of the State  
8 Department of Conservation and Natural Resources in Phase I and Phase II of the  
9 Nevada Electric Highway project to increase the availability of public electric  
10 vehicle charging infrastructure along Nevada's highways in the service territory of  
11 the electric utility and to support electric vehicle tourism traffic to Las Vegas, the  
12 Reno-Tahoe area and across the State. The plan must set forth the intended scope  
13 and general location for each proposed charging depot. The Interstate Corridor  
14 Charging Depot Program:

15 (1) Must include the establishment of direct-current fast chargers and level  
16 2 chargers, which may be owned by the electric utility or a third-party provider.

17 (2) May include the establishment of electric utility-owned energy storage  
18 systems or renewable energy systems which minimize the impact to the grid by  
19 reducing the peak demand for electricity.

20 (b) An Urban Charging Depot Program aimed at providing increased access to  
21 public electric vehicle charging infrastructure in metropolitan areas of this State,  
22 particularly for customers who are unable to charge vehicles at their home or  
23 business. The Urban Charging Depot Program must also be designed to address the  
24 needs of tourists, delivery services and businesses that require access to public  
25 charging for fleet electrification. The plan must set forth the intended scope and  
26 general location for each proposed charging depot. The Urban Charging Depot  
27 Program:

28 (1) Must include the establishment of direct-current fast chargers, level 2  
29 chargers and, where relevant, charging for shared mobility services, including,  
30 without limitation, electric scooters and bicycles, which may be owned by the  
31 electric utility or a third-party provider.

32 (2) May include the establishment of electric utility-owned energy storage  
33 systems or renewable energy systems which minimize the impact to the grid by  
34 reducing the peak demand for electricity.

35 (c) A Public Agency Electric Vehicle Charging Program to serve the public,  
36 workplace and fleet electric charging needs of federal, state and local governmental  
37 agencies by reducing the financial barrier for the deployment of electric vehicle  
38 charging infrastructure for governmental agencies. The electric utility shall set forth  
39 in the plan specific targets and allocations for level 2 electric vehicle charging  
40 infrastructure, which must be developed in coordination with the Department of  
41 Administration, the State Department of Conservation and Natural Resources, the  
42 Department of Transportation and the Office of Energy with the aim of maximizing  
43 the Program's effectiveness and utilization. An electric vehicle charging station  
44 which is installed under the Program may be owned by a public agency, the electric  
45 utility or a third-party provider.

46 (d) A Transit, School Bus and Transportation Electrification Custom Program  
47 to serve the electric vehicle charging infrastructure, energy supply and energy  
48 storage needs of transit agencies, metropolitan planning organizations, the  
49 Department of Transportation, public school districts and nongovernmental  
50 commercial customers in this State. The electric utility shall not allow a  
51 nongovernmental commercial customer to participate in the Transit, School Bus  
52 and Transportation Electrification Custom Program unless, as a condition of  
53 participation, the nongovernmental commercial customer electrifies more than 50

1 company vehicles or more than 25 percent of its fleet, and satisfies such additional  
2 qualifications as the electric utility may establish. As part of the Transit, School  
3 Bus and Transportation Electrification Custom Program, an electric utility may  
4 partner with a commercial site to allow for multiple ownership options for the  
5 electrical supply, storage and charging equipment, including, without limitation,  
6 ownership by the electric utility.

7 (e) An Outdoor Recreation and Tourism Program to serve the electric vehicle  
8 charging infrastructure, energy supply and energy storage needs of the tourism and  
9 outdoor recreation economy of this State. Eligibility for any customer  
10 ~~[participation]~~ incentives in the Outdoor Recreation and Tourism Program must be  
11 offered by the electric utility on a nondiscriminatory basis to both the utility's  
12 bundled retail customers and eligible customers, as defined in NRS 704B.080, who  
13 purchase or plan to purchase electricity from a provider of new electric resources,  
14 as defined in NRS 704B.130. As part of the Outdoor Recreation and Tourism  
15 Program, an electric utility may partner with a commercial site to allow for multiple  
16 ownership options for the electrical supply, storage and charging equipment,  
17 including, without limitation, ownership by the electric utility.

18 4. The plan filed pursuant to this section must include any proposed schedules  
19 necessary to implement the programs set forth in subsection 3.

20 5. Not less than:

21 (a) Forty percent of the total program expenditures proposed in a plan  
22 submitted pursuant to this section must be dedicated to investments made in or for  
23 the benefit of historically underserved communities.

24 (b) Twenty percent of the total program expenditures proposed in a plan  
25 submitted pursuant to this section must be dedicated to investments in the Outdoor  
26 Recreation and Tourism Program pursuant to paragraph (e) of subsection 3.

27 6. An electric utility shall submit to the Commission any program, software,  
28 contract or other instrument that may be used for the billing, control, operation or  
29 maintenance of the public and private chargers installed under a plan filed pursuant  
30 to this section. The prudent and reasonable expenditures made by the electric utility  
31 to evaluate the need for any program, software, contract or other instrument to  
32 facilitate the billing, control, operation or maintenance of the public and private  
33 chargers installed under the plan may be recovered by the utility through rates  
34 charged to the customers of the utility.

35 7. Any electric vehicle charging infrastructure that is installed as part of a  
36 plan which is accepted by the Commission pursuant to this section and which is not  
37 installed by employees of the electric utility must be installed by a contractor who  
38 holds a valid license in the classification required to perform such work issued by  
39 the State Contractors' Board pursuant to regulations adopted by the Board and at  
40 least one electrician holding a certification from the Electric Vehicle Infrastructure  
41 Training Program.

42 8. Not later than 90 days after a plan is filed pursuant to subsection 1, the  
43 Commission shall issue an order accepting or modifying the plan. If the  
44 Commission issues an order modifying the plan, the utility may consent to or reject  
45 some or all of the modifications by filing with the Commission a notice to that  
46 effect. Any such notice must be filed not later than 10 days after the date of  
47 issuance of the order. If such a notice is filed, any petition for reconsideration or  
48 rehearing of the order must be filed with the Commission not later than 10 business  
49 days after the date the notice is filed.

50 9. If the Commission fails to enter a final order on a plan filed pursuant to  
51 subsection 1 within 90 days after the date on which the plan was filed, the plan  
52 shall be deemed to be accepted.

1 10. Not later than 60 days after the Commission issues an order accepting or  
2 modifying a plan, or a plan is deemed accepted pursuant to subsection 9, the  
3 electric utility shall file with the Commission any schedules necessary to implement  
4 the rate designs and programs approved in the plan. Any tariff filing made  
5 pursuant to this section is not subject to the provisions of NRS 704.100.

6 11. Acceptance by the Commission of a plan submitted pursuant to this  
7 section constitutes a finding that the investments contained in the plan, including,  
8 without limitation, any proposed incentives to be provided to customers, are  
9 prudent and that the utility may recover from the rates charged to the utility's  
10 customers all costs that the utility prudently and reasonably incurs to operate,  
11 maintain, develop and implement the plan, including, without limitation, any costs  
12 associated with acquiring the right to use and develop private or public land.  
13 ~~Notwithstanding the provisions of NRS 704.100, as amended by section 28 of this~~  
14 ~~act, an~~ An electric utility may recover the costs that it prudently and reasonably  
15 incurs as follows:

16 (a) The electric utility shall begin recording in a regulatory asset, with carrying  
17 charges, an amount that reflects the electric utility's investment in facilities under  
18 the plan, including, without limitation:

- 19 (1) Any incentives provided to customers;
- 20 (2) The electric utility's authorized rate of return;
- 21 (3) Any depreciation of the utility's investment in the facilities; and
- 22 (4) The cost of operating and maintaining the facilities.

23 (b) Carrying charges shall not accrue for any month in which the electric utility  
24 earns in excess of its last authorized rate of return. For the purposes of this  
25 paragraph, the electric utility's earned rate of return must be calculated quarterly  
26 using the 12-month period ending with the last month of the quarter and will apply  
27 to the carrying charge calculation in each month of that quarter.

28 (c) An electric utility shall include a rate to recover all prudent and reasonable  
29 expenditures made by the electric utility to develop and implement the plan,  
30 including, without limitation, the electric utility's authorized rate of return, in the  
31 electric utility's general rate application filed pursuant to NRS 704.110. The rate  
32 must be charged to all of the customers in the service territory of the electric utility  
33 in which the plan assets reside and reflect all costs incurred in the electric utility's  
34 service territory.

35 12. As used in this section:

- 36 (a) "Electric utility" has the meaning ascribed to it in section 14 of this act.
- 37 (b) "Historically underserved community" has the meaning ascribed to it in  
38 section 12 of this act.
- 39 (c) "Transportation electrification" means the use of electricity from external  
40 sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats  
41 or other equipment that transports goods or people.

42 **Sec. 50.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
43 any provision of this act which adds or revises a requirement to submit a report to  
44 the Legislature.

45 **Sec. 51.** 1. A resource plan filed by an electric utility pursuant to NRS  
46 704.741, as amended by section 39 of this act, on or before June 1, 2021, is not  
47 required to include, at the time the plan is filed, the transportation electrification  
48 plan required by section 14 of this act and NRS 704.741, as amended by section 39  
49 of this act.

50 2. An electric utility shall, on or before September 1, 2022, file an amendment  
51 to its most recent resource plan filed pursuant to NRS 704.741, as amended by  
52 section 39 of this act, to incorporate into the resource plan a transportation  
53 electrification plan that complies with the provisions of section 14 of this act.

1 3. As used in this section, “electric utility” has the meaning ascribed to it in  
2 NRS 704.187.

3 **Sec. 52.** The amendatory provisions of section 48 of this act do not apply to  
4 an order issued by the Public Utilities Commission of Nevada pursuant to NRS  
5 704B.310 before July 1, 2023.

6 **Sec. 53.** The amendatory provisions of section 46 of this act do not apply to a  
7 contract entered into before the effective date of section 46 of this act.

8 **Sec. 54.** 1. An electric utility in this State shall, on or before July 1, 2022,  
9 file with the Public Utilities Commission of Nevada an amendment to its most  
10 recently filed energy efficiency plan filed pursuant to NRS 704.7836 to ensure the  
11 energy efficiency plan complies with the amendatory provisions of ~~[section]~~  
12 **sections 39 and 44** of this act.

13 2. As used in this section, “electric utility” has the meaning ascribed to it in  
14 NRS 704.187.

15 **Sec. 55.** NRS 701.090, 701.500, 701.505, 701.510 and 701.515 are hereby  
16 repealed.

17 **Sec. 56.** NRS 701B.670 is hereby repealed.

18 **Sec. 57.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a  
19 committee ~~[other than the Assembly Standing Committee on Ways and Means and~~  
20 ~~the Senate Standing Committee on Finance.]~~ may vote on this act before the  
21 expiration of the period prescribed for the return of a fiscal note in NRS 218D.475.  
22 This section applies retroactively from and after March 22, 2021.

23 **Sec. 58.** 1. This section and sections 1 to 8, inclusive, 11 to 47, inclusive,  
24 49 to 55, inclusive, and 57 of this act become effective upon passage and approval.

25 2. Section 10 of this act becomes effective on January 1, 2023, and expires by  
26 limitation on June 30, 2023.

27 3. Sections 9, 48 and 56 of this act become effective on July 1, 2023.

28 4. Section 9 of this act expires by limitation on December 31, 2025.

29 5. Sections 27 and 31 to 34, inclusive, of this act expire by limitation on  
30 December 31, 2031.

31 6. Sections 3 to 8, inclusive, of this act expire by limitation on June 30, 2049.

32 7. Sections 45, 46 and 47 of this act expire by limitation on the date on which  
33 the last contract entered into pursuant to the Program, as defined in NRS 704.7874,  
34 terminates, whether termination is by expiration of the terms of the contract or  
35 otherwise.

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## LEADLINES OF REPEALED SECTIONS

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**701.090** “Task Force” defined.

**701.500** Creation; membership.

**701.505** Chair; meetings; regulations; quorum; terms; members serve  
without compensation.

**701.510** Powers and duties.

**701.515** Support and assistance to be provided by Director.

**701B.670** Legislative findings and declarations; creation of Program;  
regulations; payment of incentives; purchase of electric service based on time  
of usage; promotion of electric vehicle infrastructure; review and approval by  
Commission of annual plans from utilities; recovery of costs by utility.