

(Reprinted with amendments adopted on May 20, 2021)

FIRST REPRINT

S.B. 448

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

MAY 13, 2021

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

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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.

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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.



\* S B 4 4 8 R 1 \*

**Legislative Counsel's Digest:**

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

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

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

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

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

53 **Sections 14 and 39** of this bill require an electric utility to include a plan to  
54 accelerate transportation electrification in the distributed resources plan submitted



55 by the utility as part of its integrated resource plan. **Section 40** of this bill  
56 establishes factors which must be considered by the Commission in deciding  
57 whether to accept or modify a transportation electrification plan which has been  
58 submitted by a utility. **Section 1** of this bill sets forth certain findings of the  
59 Legislature which are relevant to the transportation electrification plan. **Section 51**  
60 of this bill provides that an electric utility is not required to include a transportation  
61 electrification plan in its resource plan filed on or before June 1, 2021, but an  
62 electric utility is required to file an amendment to its resource plan to add a  
63 transportation electrification plan on or before September 1, 2022. **Section 38** of  
64 this bill makes a conforming change.

65 **Section 49** of this bill requires an electric utility, on or before September 1,  
66 2021, to file a plan to invest in certain transportation electrification programs  
67 during the period beginning January 1, 2022, and ending on December 31, 2024,  
68 and establishes requirements for the contents of the transportation electrification  
69 investment plan for that period. **Section 49** also establishes requirements for the  
70 review and the acceptance or modification of the transportation electrification  
71 investment plan by the Commission.

72 **Section 35** of this bill provides that there is no presumption that the expenses,  
73 investments or other costs incurred by a utility were prudently incurred and places  
74 the burden on the utility to demonstrate that expenses, investments or other costs  
75 were prudently and reasonably incurred. **Section 37** of this bill makes a conforming  
76 change to indicate the proper placement of **section 35** in the Nevada Revised  
77 Statutes.

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

85 Existing law authorizes an electric utility to dispose of its generation assets  
86 pursuant to an authorized merger, acquisition or transaction or pursuant to an  
87 authorized transfer of its certificate of public convenience and necessity if the  
88 merger, acquisition, transaction or transfer satisfies certain requirements, including  
89 that the other person in the merger, acquisition, transaction or transfer is not a  
90 subsidiary, affiliate or a person that holds a controlling interest in the electric  
91 company. (NRS 704.7591) **Section 42** of this bill removes the requirement that the  
92 other person involved in the merger, acquisition, transaction or transfer is not a  
93 subsidiary, affiliate or a person that holds a controlling interest in the electric utility  
94 and instead requires that the disposal of the generation assets be approved in an  
95 order issued by the Commission.

96 Existing law establishes the Economic Development Electric Rate Rider  
97 Program to encourage the location or relocation of new businesses in this State by  
98 providing discounted rates for electricity to eligible participants. (NRS 704.7871-  
99 704.7882) The Commission is required to establish the discounted electric rates that  
100 may be charged pursuant to the Program as a percentage of the base tariff energy  
101 rate. (NRS 704.7881) Existing law prohibits the Office of Economic Development  
102 within the Office of the Governor from accepting an application or approving an  
103 applicant for participation in the Program after the earlier of December 31, 2017, or  
104 the date on which the capacity set aside for allocation pursuant to the Program is  
105 fully allocated. (NRS 704.788) **Section 45** of this bill prohibits the Office of  
106 Economic Development from accepting an application or approving an applicant  
107 for participation in the Program after the earlier of December 31, 2024, or the date  
108 on which the capacity set aside for allocation pursuant to the Program is fully  
109 allocated. **Section 46** of this bill modifies provisions governing the maximum



110 amount of the discount which the Commission is authorized to establish for the rate  
111 charged under the Program. **Section 47** of this bill requires the Commission to  
112 submit a report concerning the Program on or before December 31, 2022, for  
113 transmittal to the 82nd Session of the Legislature.

114 Existing law requires the Commission to establish goals for energy savings for  
115 each electric utility for each calendar year and also requires each electric utility to  
116 implement an energy efficiency plan which is cost effective and designed to meet  
117 the goals for energy savings established by the Commission. Existing law further  
118 requires that at least 5 percent of the expenditures related to energy efficiency  
119 programs must be directed toward low-income customers of the electric utility.  
120 (NRS 704.741, 704.7836) **Sections 39, 41 and 44** of this bill require that at least 10  
121 percent of the expenditures related to energy efficiency programs must be spent on  
122 energy efficiency measures for customers in low-income households and residential  
123 customers and public schools in historically underserved communities.  
124 Additionally, **section 44** provides that programs that can offer variable incentive  
125 levels must offer higher incentive levels for low-income households. **Section 54** of  
126 this bill requires an electric utility to amend its energy efficiency plan to conform  
127 with the amendatory provisions of this bill. **Sections 12 and 13** of this bill define  
128 terms relating to the energy efficiency plan. **Section 43** makes a conforming change  
129 to indicate the proper placement of **sections 12 and 13** in the Nevada Revised  
130 Statutes.

131 Existing law creates the New Energy Industry Task Force which is charged  
132 with advising the Director of the Office of Energy on measures to promote the  
133 development of renewable energy and energy efficiency projects. (NRS 701.500,  
134 701.510) **Section 55** of this bill 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  
3 of fossil fuels for electricity, transportation and heat in buildings,  
4 cause the release of greenhouse gases that trap heat in the Earth's  
5 atmosphere, and these human activities have been and continue to  
6 be the primary driver of global climate change.

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

11 3. Pursuant to NRS 445B.380, the Legislature has established  
12 goals to achieve reductions in Nevada's net greenhouse gas  
13 emissions, relative to 2005 emissions, of 28 percent by the year  
14 2025, 45 percent by the year 2030 and zero or near-zero emissions  
15 by the year 2050.

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



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

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

8 7. The acceleration of the use of electric vehicles will be  
9 assisted by investments in the infrastructure necessary to maximize  
10 the benefits of the expanding electric vehicle market.

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

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

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

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

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

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

34 **Sec. 4. 1.** *“Facility for the storage of energy from*  
35 *renewable generation” means a facility that is constructed or*  
36 *installed for the sole purpose of storing electric energy received*  
37 *from a facility for the generation of electricity from renewable*  
38 *energy for release as electric power at a later time, including,*  
39 *without limitation, a facility that is designed to use energy storage*  
40 *technology.*

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

43 **Sec. 5.** *“Hybrid renewable generation and energy storage*  
44 *facility” means a facility that includes both a wholesale facility for*



1 *the generation of electricity from renewable energy and a facility*  
2 *for the storage of energy from renewable generation.*

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

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

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

10 701A.360 1. A person who intends to locate a facility for the  
11 generation of process heat from solar renewable energy , ~~for~~  
12 wholesale facility for the generation of electricity from renewable  
13 energy , *a facility for the storage of energy from renewable*  
14 *generation or a hybrid renewable generation and energy storage*  
15 *facility* in this State may apply to the Director for a partial  
16 abatement of the local sales and use taxes, the taxes imposed  
17 pursuant to chapter 361 of NRS, or both local sales and use taxes  
18 and taxes imposed pursuant to chapter 361 of NRS. An applicant  
19 may submit a copy of the application to the board of county  
20 commissioners at any time after the applicant has submitted the  
21 application to the Director.

22 2. A facility that is owned, operated, leased or otherwise  
23 controlled by a governmental entity is not eligible for an abatement  
24 pursuant to NRS 701A.300 to 701A.390, inclusive ~~for~~ , *and sections*  
25 *3, 4 and 5 of this act.*

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

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

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

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

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

44 701A.365 1. The Director, in consultation with the Office of  
45 Economic Development, shall approve an application for a partial



1 abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and*  
2 *sections 3, 4 and 5 of this act* if the Director, in consultation with  
3 the Office of Economic Development, makes the following  
4 determinations:

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

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

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

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

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

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

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

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

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

41 (4) Except as otherwise provided in subsection 6, the average  
42 hourly wage of the employees working on the construction of the  
43 facility will be at least 175 percent of the average statewide hourly  
44 wage, excluding management and administrative employees, as  
45 established by the Employment Security Division of the Department



1 of Employment, Training and Rehabilitation on July 1 of each fiscal  
2 year and:

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

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

11 (e) If the facility will be located in a county whose population is  
12 less than 100,000, in an area of a county whose population is  
13 100,000 or more that is located within the geographic boundaries of  
14 an area that is designated as rural by the United States Department  
15 of Agriculture and at least 20 miles outside of the geographic  
16 boundaries of an area designated as urban by the United States  
17 Department of Agriculture, or in a city whose population is less than  
18 60,000, the facility meets the following requirements:

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

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

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

34 (4) Except as otherwise provided in subsection 6, the average  
35 hourly wage of the employees working on the construction of the  
36 facility will be at least 175 percent of the average statewide hourly  
37 wage, excluding management and administrative employees, as  
38 established by the Employment Security Division of the Department  
39 of Employment, Training and Rehabilitation on July 1 of each fiscal  
40 year and:

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





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

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

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

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

25 (a) Shall, in considering an application pursuant to this  
26 subsection, make a recommendation to the Director regarding the  
27 application;

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

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

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

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



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

4 ↪ If the board of county commissioners does not approve or deny  
5 the application within 30 days after the board receives from the  
6 Director a copy of the application, the application shall be deemed  
7 approved.

8 3. Notwithstanding the provisions of subsection 1, the Director,  
9 in consultation with the Office of Economic Development, may, if  
10 the Director, in consultation with the Office, determines that such  
11 action is necessary:

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

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

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

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

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

29 7. As used in this section, "wage" or "wages":

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

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

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

35 701B.005 1. For the purposes of carrying out the Solar  
36 Energy Systems Incentive Program created by NRS 701B.240, and  
37 subject to the limitations prescribed by subsections 2 and 3, the  
38 Public Utilities Commission of Nevada shall set incentive levels and  
39 schedules, with a goal of approving solar energy systems totaling at  
40 least 250,000 kilowatts of capacity in this State for the period  
41 beginning on July 1, 2010, and ending on December 31, 2021.

42 2. Subject to the limitation prescribed by subsection 3, the  
43 Commission may authorize the payment of an incentive pursuant to  
44 the Solar Energy Systems Incentive Program created by NRS  
45 701B.240, the Wind Energy Systems Demonstration Program



1 created by NRS 701B.580 ~~[, the Electric Vehicle Infrastructure~~  
2 ~~Demonstration Program created by NRS 701B.670]~~ and the  
3 Waterpower Energy Systems Demonstration Program created by  
4 NRS 701B.820 if the payment of the incentive would not cause the  
5 total amount of incentives paid by all utilities in this State for the  
6 installation of ~~[electric vehicle infrastructure,]~~ solar energy systems,  
7 solar distributed generation systems, energy storage systems, wind  
8 energy systems and waterpower energy systems to exceed  
9 \$295,270,000 for the period beginning on July 1, 2010, and ending  
10 on December 31, 2025.

11 3. For the period beginning on January 1, 2018, and ending on  
12 December 31, 2023, the Commission shall, from the money  
13 allocated for the payment of an incentive pursuant to subsection 2,  
14 authorize the payment of incentives in an amount of not more than  
15 \$1,000,000 per year for the installation of solar energy systems and  
16 distributed generation systems at locations throughout the service  
17 territories of utilities in this State that benefit low-income  
18 customers, including, without limitation, homeless shelters, low-  
19 income housing developments and public entities, other than  
20 municipalities, that serve significant populations of low-income  
21 residents.

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

25 5. A utility may file with the Commission one combined  
26 annual plan which meets the requirements set forth in NRS  
27 701B.230, 701B.610 and 701B.850. The Commission shall review  
28 and approve any plan submitted pursuant to this subsection in  
29 accordance with the requirements of NRS 701B.230, 701B.610 and  
30 701B.850, as applicable.

31 6. As used in this section:

32 (a) "Distributed generation system" has the meaning ascribed to  
33 it in NRS 701B.055.

34 (b) ~~["Electric vehicle infrastructure" has the meaning ascribed to~~  
35 ~~it in NRS 701B.670.~~

36 ~~(c)~~ "Energy storage system" has the meaning ascribed to it in  
37 NRS 701B.057.

38 ~~(d)~~ (c) "Municipality" means any county or city in this State.

39 ~~(e)~~ (d) "Utility" means a public utility that supplies electricity  
40 in this State.

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

42 701B.670 1. The Legislature hereby finds and declares that it  
43 is the policy of this State to expand and accelerate the deployment  
44 of electric vehicles and supporting infrastructure throughout this  
45 State.



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

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

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

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

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

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

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

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

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

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

44       —5.] Each utility:



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

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

10 ~~6.~~ 5. As used in this section:

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

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

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

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

20 (a) *A census tract:*

21 (1) *Designated as a qualified census tract by the Secretary*  
22 *of Housing and Urban Development pursuant to 26 U.S.C. §*  
23 *42(d)(5)(B)(ii); or*

24 (2) *In which, in the immediately preceding census, at least*  
25 *20 percent of households were not proficient in the English*  
26 *language;*

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

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

31 (2) *That participates in universal meal service in high*  
32 *poverty areas pursuant to Section 104 of the Healthy, Hunger-*  
33 *Free Kids Act of 2010, Public Law 111-296; or*

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

35 2. *As used in this section:*

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

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

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

43 **Sec. 13.** *"Low-income household" means a household,*  
44 *which may include one or more persons, with a median household*  
45 *income of not more than 80 percent of the area median*



1 *household income, based on the guidelines published by the*  
2 *United States Department of Housing and Urban Development.*

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

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

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

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

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

22 (d) *Rate designs, programs or management systems that*  
23 *encourage the charging of vehicles in a manner that supports the*  
24 *operation and optimal integration of transportation electrification*  
25 *into the electric grid, including, without limitation, proposed*  
26 *schedules necessary to implement the rate designs or programs;*  
27 *and*

28 (e) *Customer education and culturally competent and*  
29 *linguistically appropriate outreach programs that increase*  
30 *awareness of investments, incentives, rate designs and programs*  
31 *of the type listed in paragraphs (a) to (d), inclusive, and of the*  
32 *benefits of transportation electrification.*

33 3. *During the 9 months immediately before an electric utility*  
34 *files its first plan pursuant to subsection 1 and during the 12*  
35 *months immediately before an electric utility files any subsequent*  
36 *plan pursuant to subsection 1, the electric utility shall conduct at*  
37 *least one stakeholder engagement meeting each calendar quarter*  
38 *to discuss the development of the plan and to solicit comments and*  
39 *gather ideas for improvements or additions to the plan which*  
40 *support transportation electrification. Each stakeholder*  
41 *engagement meeting must be open to participation by the*  
42 *Regulatory Operations Staff of the Commission, personnel from*  
43 *the Bureau of Consumer Protection in the Office of the Attorney*  
44 *General and any other interested person. Each plan filed pursuant*  
45 *to subsection 1 must include a summary of the stakeholder*



1 *engagement meetings conducted in the 9- or 12-month period, as*  
2 *applicable, immediately preceding the filing of the plan, which*  
3 *must include, without limitation, summaries of the comments and*  
4 *ideas provided by the participants.*

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

11 5. *The Commission shall adopt regulations necessary to carry*  
12 *out the provisions of this section, including, without limitation,*  
13 *regulations prescribing a process for the electric utility to recover*  
14 *all costs that it prudently and reasonably incurs to develop and*  
15 *implement a plan submitted pursuant to this section and approved*  
16 *by the Commission pursuant to NRS 704.751. The regulations*  
17 *adopted pursuant to this section may require an annual review of*  
18 *the progress and budgets of an approved plan submitted pursuant*  
19 *to this section.*

20 6. *As used in this section:*

21 (a) *“Block” means the smallest geographical unit whose*  
22 *boundaries were designated by the Bureau of the Census of the*  
23 *United States Department of Commerce in its topographically*  
24 *integrated geographic encoding and referencing system.*

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

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

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

30 (e) *“Historically underserved community” means:*

31 (1) *A census tract:*

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

35 (II) *In which, in the immediately preceding census, at*  
36 *least 20 percent of households were not proficient in the English*  
37 *language;*

38 (2) *A public school in this State:*

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

42 (II) *That participates in universal meal service in high*  
43 *poverty areas pursuant to Section 104 of the Healthy, Hunger-*  
44 *Free Kids Act of 2010, Public Law 111-296; or*

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



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

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

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

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

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

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

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

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

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

35 (b) Assist the utility in meeting the portfolio standard  
36 established by NRS 704.7821 and the goals for the reduction of  
37 greenhouse gas emissions set forth in NRS 445B.380 and  
38 704.7820;

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

42 (d) Expand transmission access to renewable energy zones  
43 designated by the Commission pursuant to subsection 2 of NRS  
44 704.741 to promote the development and use of renewable energy  
45 resources in this State;





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

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

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

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

12 ↪ Two or more utilities that are affiliated through common  
13 ownership and that have an interconnected system for the  
14 transmission of electricity shall submit a joint plan.

15 2. The plan submitted pursuant to subsection 1 must not  
16 include any project other than the following high-voltage  
17 transmission infrastructure projects for which the Commission  
18 has previously approved conceptual designs, permitting and land  
19 acquisition:

20 (a) A project for the implementation of high-voltage  
21 transmission infrastructure interconnecting northwest and  
22 northeast Nevada, which will increase the transmission import  
23 capacity of northern Nevada by not less than 800 megawatts.

24 (b) A project for the implementation of high-voltage  
25 transmission infrastructure located in southern Nevada and  
26 accessing a federally designated renewable energy transmission  
27 corridor that will accommodate future renewable energy  
28 development and increased demand for electricity.

29 3. Except as otherwise provided in this subsection, if an  
30 electric utility that primarily serves densely populated counties and  
31 an electric utility that primarily serves less densely populated  
32 counties submit a joint plan pursuant to subsection 1, 70 percent  
33 of the costs of high-voltage transmission infrastructure projects  
34 included in the plan must be allocated to the electric utility that  
35 primarily serves densely populated counties and 30 percent of  
36 such costs must be allocated to the electric utility that primarily  
37 serves less densely populated counties. The Commission may  
38 review and reassess the allocation of costs between electric utilities  
39 based on the actual benefits that accrue to the electric utilities  
40 after the projects are in service.

41 4. The plan submitted pursuant to subsection 1 must include  
42 an evaluation of the impact that the implementation of the plan  
43 will have on:

44 (a) The reliability of the transmission network of the utility;



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

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

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

11 (e) *The projected carbon dioxide emissions of the utility*  
12 *resulting from the generation of electricity, including, without*  
13 *limitation, carbon dioxide emissions from the generation of*  
14 *electricity that is purchased by the electric utility;*

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

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

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

27 (i) *The ability of the utility to reduce its energy supply costs by*  
28 *purchasing electricity generated in other states from renewable*  
29 *energy during periods when the demand for electricity by the*  
30 *customers of the utility exceeds the availability of electricity from*  
31 *renewable generation in this State;*

32 (j) *The utility's provision of open access to interstate and*  
33 *intrastate transmission services, in accordance with the utility's*  
34 *open access transmission tariff, to other persons in this State*  
35 *using the utility's transmission network, including, without*  
36 *limitation, eligible customers, as defined in NRS 704B.080, and*  
37 *providers of new electric resources, as defined in NRS 704B.130,*  
38 *who are or intend to become customers of the utility's interstate*  
39 *transmission services;*

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

44 (l) *The development of regional transmission interconnections*  
45 *that may be required for this State to cost-effectively achieve the*



1 *goals for the reduction of greenhouse gas emissions set forth in*  
2 *NRS 445B.380 and 704.7820 or for the electric utility to*  
3 *participate fully in any future organized competitive regional*  
4 *wholesale electricity market on the Western Interconnection;*

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

7 *(n) The financial risk to the customers of the utility.*

8 **5.** *As used in this section, "Western Interconnection" means*  
9 *the synchronously operated electric transmission grid located in*  
10 *the western part of North America, including parts of Montana,*  
11 *Nebraska, New Mexico, South Dakota, Texas, Wyoming and*  
12 *Mexico and all of Arizona, California, Colorado, Idaho, Nevada,*  
13 *Oregon, Utah, Washington and the Canadian Provinces of British*  
14 *Columbia and Alberta.*

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

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

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

38 **Sec. 24.** *If the Commission deems inadequate any portion of*  
39 *a transmission infrastructure for a clean energy economy plan or*  
40 *any amendment to the plan, the Commission, as provided in NRS*  
41 *704.751, may recommend to the electric utility a modification of*  
42 *that portion of the plan or amendment, and the electric utility*  
43 *may:*

44 **1.** *Accept the modification; or*

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



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

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

9 1. *Is approved by the Federal Energy Regulatory*  
10 *Commission;*

11 2. *Effectuates separate control of transmission facilities from*  
12 *control of generation facilities;*

13 3. *Implements, to the extent reasonably possible, policies and*  
14 *procedures designed to minimize pancaked transmission rates;*

15 4. *Improves service reliability within this State;*

16 5. *Achieves the objectives of an open and competitive*  
17 *wholesale electric generation marketplace, elimination of barriers*  
18 *to market entry and preclusion of control of bottleneck electric*  
19 *transmission facilities in the provision of retail electric service;*

20 6. *Is of sufficient scope or otherwise operates to substantially*  
21 *increase economical supply options for customers;*

22 7. *Has a structure of governance or control that is*  
23 *independent of the users of the transmission facilities, and no*  
24 *member of its board of directors has an affiliation with a user or*  
25 *with an affiliate of a user during the member’s tenure on the*  
26 *board so as to unduly affect the regional transmission*  
27 *organization’s performance;*

28 8. *Operates under policies that promote positive performance*  
29 *designed to satisfy the electricity requirements of customers;*

30 9. *Has an inclusive and open stakeholder process that does*  
31 *not place unreasonable burdens on or preclude meaningful*  
32 *participation by any stakeholder group;*

33 10. *Promotes and assists new economic development in this*  
34 *State; and*

35 11. *Is capable of maintaining real-time reliability of the*  
36 *transmission system, ensuring comparable and nondiscriminatory*  
37 *access and necessary service, minimizing system congestion and*  
38 *further addressing real or potential transmission constraints.*

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

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



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

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

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

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

14     (b) *The transmission provider demonstrates:*

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

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

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

24     **Sec. 31.** 1. *The Regional Transmission Coordination Task*  
25 *Force is hereby created.*

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

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

30     (a) *The following voting members, appointed by the Governor:*  
31         (1) *A representative of an electric utility that primarily*  
32 *serves densely populated counties, as defined in NRS 704.110;*

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

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

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

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

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

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



1 (8) A representative of an organization that represents the  
2 mining industry in this State;

3 (9) A representative of an organization that represents the  
4 gaming and resort businesses in this State;

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

6 (11) A representative of an organization in this State that  
7 advocates on behalf of environmental or public lands issues who  
8 has expertise in or knowledge of environmental or public lands  
9 issues;

10 (12) A representative of the Office of Energy;

11 (13) A representative of the Office of Economic  
12 Development;

13 (14) Two members of the Senate, nominated by the  
14 Majority Leader of the Senate, at least one of whom must be a  
15 member of the minority political party;

16 (15) Two members of the Assembly, nominated by the  
17 Speaker of the Assembly, at least one of whom must be a member  
18 of the minority political party; and

19 (16) Not more than three persons who represent the general  
20 public.

21 (b) The following nonvoting members, appointed by the  
22 Governor:

23 (1) A representative of the Public Utilities Commission of  
24 Nevada; and

25 (2) A representative of the Bureau of Consumer Protection  
26 in the Office of the Attorney General.

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

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

32 3. The Chair may issue guidelines for the operation of the  
33 Task Force and amend those guidelines as needed for the  
34 management and governance of the Task Force. The Chair shall  
35 identify and approve the scope of work and issues to be addressed  
36 by the Task Force and any working group.

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

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

42 6. The members of the Task Force serve without  
43 compensation.

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



1 (a) *The potential costs and benefits to transmission providers*  
2 *and their customers in this State of forming or joining a regional*  
3 *transmission organization which provides access to an organized*  
4 *competitive regional wholesale electricity market;*

5 (b) *Policies that will accommodate entrance by transmission*  
6 *providers in this State into a regional transmission organization by*  
7 *January 1, 2030;*

8 (c) *Policies that will site transmission facilities necessary to*  
9 *achieve this State's clean energy and economic development*  
10 *goals;*

11 (d) *Potential areas in this State where growth in demand for*  
12 *electricity or growth in renewable energy generation would be*  
13 *accommodated by additional transmission or regional market*  
14 *opportunities; and*

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

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

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

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

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





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

2       704.021 “Public utility” or “utility” does not include:

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

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

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

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

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

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

26       5. Persons who are subject to the provisions of NRS 590.465 to  
27 590.645, inclusive.

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

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

33       8. Persons who are video service providers, as defined in NRS  
34 711.151, except for those operations of the video service provider  
35 which consist of providing a telecommunication service to the  
36 public, in which case the video service provider is a public utility  
37 only with regard to those operations of the video service provider  
38 which consist of providing a telecommunication service to the  
39 public.

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

42       10. *Persons who own or operate a net metering system or*  
43 *systems described in paragraph (a) of subsection 1 of NRS*  
44 *704.771 and deliver electricity to multiple persons, units or spaces*  
45 *on the premises if:*





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

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

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

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

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

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

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

22 ↪ As used in this subsection, "renewable energy" has the meaning  
23 ascribed to it in NRS 704.7715.

24 ~~11.1~~ **12.** Persons who own, control, operate or manage a  
25 facility that supplies electricity only for use to charge electric  
26 vehicles.

27 ~~11.2~~ **13.** Any plant or equipment that is used by a data center  
28 to produce, deliver or furnish electricity at agreed-upon prices for or  
29 to persons on the premises of the data center for the sole purpose of  
30 those persons storing, processing or distributing data, but only with  
31 regard to those operations which consist of providing electric  
32 service. As used in this subsection, "data center" has the meaning  
33 ascribed to it in NRS 360.754.

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

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

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

40 704.100 1. Except as otherwise provided in NRS 704.075,  
41 704.68861 to 704.68887, inclusive, and 704.7865, *and section 14 of*  
42 *this act*, or as may otherwise be provided by the Commission  
43 pursuant to NRS 704.095, 704.097 or 704.7621:

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



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

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

7 (b) A public utility shall adjust its rates on a quarterly basis  
8 between annual rate adjustment applications pursuant to subsection  
9 8 of NRS 704.110 based on changes in the public utility's recorded  
10 costs of natural gas purchased for resale.

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

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

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

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

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

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

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

43 (g) If the applicant is a small-scale provider of last resort and the  
44 proposed change in any schedule will result in an increase in annual  
45 gross operating revenue in an amount that does not exceed \$50,000



1 or 10 percent of the applicant's annual gross operating revenue,  
2 whichever is less:

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

6 (I) Includes with the letter of advice a certification by the  
7 attorney for the small-scale provider of last resort or an affidavit by  
8 an authorized representative of the small-scale provider of last resort  
9 that to the best of the signatory's knowledge, information and belief,  
10 formed after a reasonable inquiry, the proposed change in schedule  
11 does not change any rate or result in an increase in the annual gross  
12 operating revenue of the small-scale provider of last resort in an  
13 amount that exceeds \$50,000 or 10 percent, whichever is less;

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

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

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

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

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

35 2. An applicant that is a small-scale provider of last resort may  
36 submit to the Commission a written request for a waiver of the 5-  
37 year period specified in sub-subparagraph (III) of subparagraph (1)  
38 of paragraph (g) of subsection 1. The Commission shall, not later  
39 than 90 days after receipt of such a request, issue an order approving  
40 or denying the request. The Commission may approve the request if  
41 the applicant provides proof satisfactory to the Commission that the  
42 applicant is not earning more than the rate of return authorized by  
43 the Commission and that it is in the public interest for the  
44 Commission to grant the request for a waiver. The Commission  
45 shall not approve a request for a waiver if the request is submitted



1 later than 7 years after the issuance by the Commission of a final  
2 order on a general rate application filed by the applicant in  
3 accordance with subsection 3 of NRS 704.110. If the Commission  
4 approves a request for a waiver submitted pursuant to this  
5 subsection, the applicant shall file the letter of advice pursuant to  
6 subparagraph (1) of paragraph (g) of subsection 1 not earlier than  
7 120 days after the date on which the applicant submitted the request  
8 for a waiver pursuant to this subsection, unless the order issued by  
9 the Commission approving the request for a waiver specifies a  
10 different period for the filing of the letter of advice.

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

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

14 704.741 1. A utility which supplies electricity in this State  
15 shall, on or before June 1 of every third year, in the manner  
16 specified by the Commission, submit a plan to increase its supply of  
17 electricity or decrease the demands made on its system by its  
18 customers to the Commission. Two or more utilities that are  
19 affiliated through common ownership and that have an  
20 interconnected system for the transmission of electricity shall  
21 submit a joint plan.

22 2. The Commission shall, by regulation:

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

26 (1) Forecast the future demands, except that a forecast of the  
27 future retail electric demands of the utility or utilities must not  
28 include the amount of energy and capacity proposed pursuant to  
29 subsection ~~64~~ 5 as annual limits on the total amount of energy and  
30 capacity that eligible customers may be authorized to purchase from  
31 providers of new electric resources through transactions approved  
32 by the Commission pursuant to an application submitted pursuant to  
33 NRS 704B.310 on or after May 16, 2019; and

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

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

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

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

44 (b) A proposal for the expenditure of not less than ~~5~~ 10 percent  
45 of the total expenditures related to energy efficiency and



1 conservation programs on energy efficiency ~~and conservation~~  
2 ~~programs directed to low income~~ *measures for* customers of the  
3 electric utility ~~in low-income households and residential~~  
4 *customers and public schools in historically underserved*  
5 *communities, through both targeted programs and programs*  
6 *directed at residential customers and public schools in general.*

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

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

16 (2) *Includes* the deployment of distributed generation ~~in~~ ;  
17 *and*

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

23 (d) An analysis of the effects of the requirements of NRS  
24 704.766 to 704.776, inclusive, on the reliability of the distribution  
25 system of the utility or utilities and the costs to the utility or utilities  
26 to provide electric service to all customers. The analysis must  
27 include an evaluation of the costs and benefits of addressing issues  
28 of reliability through investment in the distribution system.

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

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

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

37 ~~5.]~~ The Commission shall require the utility or utilities to  
38 include in the plan a distributed resources plan. The distributed  
39 resources plan must:

40 (a) Evaluate the locational benefits and costs of distributed  
41 resources. This evaluation must be based on reductions or increases  
42 in local generation capacity needs, avoided or increased investments  
43 in distribution infrastructure, safety benefits, reliability benefits and  
44 any other savings the distributed resources provide to the electricity



1 grid for this State or costs to customers of the electric utility or  
2 utilities.

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

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

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

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

18 ~~16.1~~ (f) *Include a transportation electrification plan as*  
19 *required by section 14 of this act.*

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

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

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

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

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

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



1 ~~[7:]~~ 6. The annual limits proposed pursuant to subsection ~~[6:]~~ 5  
2 shall not apply to energy and capacity sales to an eligible customer  
3 if the eligible customer:

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

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

9 ~~[8:]~~ 7. As used in this section:

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

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

14 ~~[(e)]~~ (b) “Distributed resources” means distributed generation  
15 systems, energy efficiency, energy storage, electric vehicles and  
16 demand-response technologies.

17 ~~[(d)]~~ (c) “Eligible customer” has the meaning ascribed to it in  
18 NRS 704B.080.

19 ~~[(e)]~~ (d) “Energy” has the meaning ascribed to it in  
20 NRS 704B.090.

21 ~~[(f)]~~ (e) *“Historically underserved community” has the*  
22 *meaning ascribed to it in section 12 of this act.*

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

25 (g) “New electric resource” has the meaning ascribed to it in  
26 NRS 704B.110.

27 ~~[(g)]~~ (h) “Provider of new electric resources” has the meaning  
28 ascribed to it in NRS 704B.130.

29 ~~[(h)]~~ (i) “Renewable energy zones” means specific geographic  
30 zones where renewable energy resources are sufficient to develop  
31 generation capacity and where transmission constrains the delivery  
32 of electricity from those resources to customers.

33 ~~[(i)]~~ (j) “Sensitivity analysis” means a set of methods or  
34 procedures which results in a determination or estimation of the  
35 sensitivity of a result to a change in given data or a given  
36 assumption.

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

38 704.746 1. After a utility has filed its plan pursuant to NRS  
39 704.741, the Commission shall convene a public hearing on the  
40 adequacy of the plan.

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



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

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

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

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

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

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

24 (1) Improvements in energy efficiency;

25 (2) Pooling of power;

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

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

29 (5) Facilities that operate on the principle of cogeneration or  
30 hydrogenation;

31 (6) Other generation facilities; and

32 (7) Other transmission facilities.

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

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

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

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

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

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

44 ➤ In considering the measures and sources of supply set forth in  
45 paragraph (c) of subsection 4 and determining the preference given





1 to such measures and sources of supply, the Commission shall  
2 consider the cost of those measures and sources of supply to the  
3 customers of the electric utility or utilities.

4 6. The Commission shall:

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

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

9 7. The Commission shall:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 704.751 1. After a utility has filed the plan required pursuant  
40 to NRS 704.741, the Commission shall issue an order accepting or  
41 modifying the plan or specifying any portions of the plan it deems to  
42 be inadequate:

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



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

3 ➔ If the Commission issues an order modifying the plan, the utility  
4 or utilities may consent to or reject some or all of the modifications  
5 by filing with the Commission a notice to that effect. Any such  
6 notice must be filed not later than 30 days after the date of issuance  
7 of the order. If such a notice is filed, any petition for reconsideration  
8 or rehearing of the order must be filed with the Commission not  
9 later than 10 business days after the date the notice is filed.

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

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

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

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

26 3. Any order issued by the Commission accepting or modifying  
27 a plan required pursuant to NRS 704.741 or an amendment to such a  
28 plan must include the justification of the Commission for the  
29 preferences given pursuant to subsection 5 of NRS 704.746 to the  
30 measures and sources of supply set forth in paragraph (c) of  
31 subsection 4 of NRS 704.746.

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

36 5. The Commission may accept an energy efficiency plan  
37 containing an energy efficiency program submitted pursuant to  
38 paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency  
39 and conservation programs submitted pursuant to paragraph (b) of  
40 subsection 3 of NRS 704.741 that are not cost effective if the energy  
41 efficiency plan as a whole is cost effective. Any order issued by the  
42 Commission accepting or modifying an energy efficiency plan or an  
43 amendment to such a plan must, if the energy efficiency plan  
44 remains cost effective, require that not less than ~~5~~ 10 percent of the  
45 total expenditures of the utility or utilities on approved energy



1 efficiency and conservation programs in the energy efficiency plan  
2 must be specifically directed to energy efficiency ~~[and conservation~~  
3 ~~programs for low income]~~ *measures for* customers of the utility or  
4 utilities ~~[ ] in low-income households and residential customers~~  
5 ~~and public schools in historically underserved communities,~~  
6 ~~through both targeted programs and programs directed at~~  
7 ~~residential customers and public schools in general.~~

8 6. The Commission may accept ~~[ ]~~

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

14 ~~—(b) A] a~~ distributed resources plan submitted pursuant to  
15 subsection ~~[5] 4~~ of NRS 704.741 if the Commission determines that  
16 the plan includes each element required by that subsection.

17 7. ~~[The Commission shall adopt regulations establishing the~~  
18 ~~criteria for determining the adequacy of a transmission plan~~  
19 ~~submitted pursuant to subsection 4 of NRS 704.741.~~

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

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

35 9. *As used in this section:*

36 (a) *“Historically underserved community” has the meaning*  
37 *ascribed to it in section 12 of this act.*

38 (b) *“Low-income household” has the meaning ascribed to it in*  
39 *section 13 of this act.*

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

41 704.7591 1. An electric utility may dispose of its generation  
42 assets pursuant to a merger, acquisition or transaction that is  
43 authorized pursuant to NRS 704.329 or pursuant to a transfer of its  
44 certificate of public convenience and necessity that is authorized  
45 pursuant to NRS 704.410, if:



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

4 (b) The ~~[other person in the merger, acquisition, transaction or~~  
5 ~~transfer is not a subsidiary or affiliate of the electric utility or a~~  
6 ~~holding company or other person that holds a controlling interest in~~  
7 ~~the electric utility.] *Commission approves of the disposal of the*~~  
8 ~~*generation assets in an order issued pursuant to NRS 704.7588.*~~

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

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

15 704.783 As used in NRS 704.783 to 704.7836, inclusive, *and*  
16 *sections 12 and 13 of this act*, unless the context otherwise requires,  
17 the words and terms defined in NRS 704.7831 to 704.7834,  
18 inclusive, *and sections 12 and 13 of this act* have the meanings  
19 ascribed to them in those sections.

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

21 704.7836 1. The Commission shall establish by regulation  
22 for each electric utility goals for energy savings resulting from  
23 energy efficiency programs implemented by the electric utility each  
24 year, which must be included in the resource plan filed by the  
25 electric utility pursuant to NRS 704.741.

26 2. The Commission may:

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

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

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

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

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

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



1 (c) Is cost effective.

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

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

8 (b) Cost effective.

9 6. The Commission may approve an energy efficiency plan  
10 submitted pursuant to NRS 704.741 that consists of energy  
11 efficiency and conservation programs that are not cost effective if  
12 the Commission determines that the energy efficiency plan as a  
13 whole is cost effective.

14 7. Unless the Commission determines that it is not cost  
15 effective, any energy efficiency plan approved by the Commission  
16 must provide that not less than ~~5~~ 10 percent of the total  
17 expenditures related to energy efficiency programs must be  
18 ~~directed to~~ spent on energy efficiency ~~programs~~ measures for  
19 ~~low-income~~ customers of the electric utility ~~in low-income~~  
20 *households and residential customers and public schools in*  
21 *historically underserved communities, through both targeted*  
22 *programs and programs directed at residential customers and*  
23 *public schools in general. For the purposes of this subsection,*  
24 *programs that can offer variable incentive levels must offer higher*  
25 *incentive levels for low-income households.*

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

27 704.788 The Office of Economic Development shall not accept  
28 an application or give initial approval to any applicant for  
29 participation in the Program, and the Commission shall not approve  
30 an applicant for participation in the Program, after the earlier of  
31 December 31, ~~2017,~~ 2024, or the date on which the capacity set  
32 aside for allocation pursuant to the Program is fully allocated.

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

34 704.7881 The Commission, in consultation with the Office of  
35 Economic Development:

36 1. Shall adopt regulations:

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

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



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

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

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

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

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

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

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

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

24 704.7882 The Commission shall, on or before December 31,  
25 ~~[2014,]~~ **2022**, prepare a written report concerning the Program and  
26 submit the report to the Director of the Legislative Counsel Bureau  
27 for transmittal to the ~~[78th]~~ **82nd** Session of the Legislature. The  
28 report must include, without limitation, information concerning:

29 1. The number of participants in the Program;

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

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

33 4. The remaining amount of electricity available for allocation  
34 pursuant to the Program.

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

36 704B.310 1. An eligible customer shall not purchase energy,  
37 capacity or ancillary services from a provider of new electric  
38 resources unless:

39 (a) The eligible customer files an application with the  
40 Commission between January 2 and February 1 of any year and not  
41 later than 280 days before the date on which the eligible customer  
42 intends to begin purchasing energy, capacity or ancillary services  
43 from the provider;

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



1 (c) The provider holds a valid license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

11 7. If the Commission approves the application of the eligible  
12 customer:

13 (a) The eligible customer shall not begin purchasing energy,  
14 capacity or ancillary services from the provider pursuant to the  
15 proposed transaction sooner than 280 days after the date on which  
16 the application was filed, unless the Commission allows the eligible  
17 customer to begin purchasing energy, capacity or ancillary services  
18 from the provider at an earlier date; and

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

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

28 (2) Must include, without limitation:

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

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

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

40 (4) Must ensure that the eligible customer pays its load-ratio  
41 share of the costs associated with the electric utility's obligations  
42 that were incurred as deviations from least-cost resource planning  
43 pursuant to the laws of this State including, without limitation, costs  
44 incurred to satisfy the requirements of NRS 704.7821 and  
45 implement the provisions of NRS 701B.240, 701B.336, 701B.580,



1 ~~[701B.670.]~~ 701B.820, 702.160, 704.773, 704.7827, 704.7836,  
2 704.785, 704.7865, 704.7983 and 704.7985.

3 8. An eligible customer who:

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

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

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

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

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

23 2. Two or more utilities that are affiliated through common  
24 ownership and that have an interconnected system for the  
25 transmission of electricity shall submit a joint plan pursuant to this  
26 section. The joint plan must include a plan for investments to  
27 accelerate transportation electrification in an amount not to exceed  
28 \$100,000,000.

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

31 (a) An Interstate Corridor Charging Depot Program, whereby  
32 the electric utility shall supplement the work of the Office of  
33 Energy, the Department of Transportation and the Division of  
34 Environmental Protection of the State Department of Conservation  
35 and Natural Resources in Phase I and Phase II of the Nevada  
36 Electric Highway project to increase the availability of public  
37 electric vehicle charging infrastructure along Nevada's highways in  
38 the service territory of the electric utility and to support electric  
39 vehicle tourism traffic to Las Vegas, the Reno-Tahoe area and  
40 across the State. The plan must set forth the intended scope and  
41 general location for each proposed charging depot. The Interstate  
42 Corridor Charging Depot Program:

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



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

5 (b) An Urban Charging Depot Program aimed at providing  
6 increased access to public electric vehicle charging infrastructure in  
7 metropolitan areas of this State, particularly for customers who are  
8 unable to charge vehicles at their home or business. The Urban  
9 Charging Depot Program must also be designed to address the needs  
10 of tourists, delivery services and businesses that require access to  
11 public charging for fleet electrification. The plan must set forth the  
12 intended scope and general location for each proposed charging  
13 depot. The Urban Charging Depot Program:

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

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

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

37 (d) A Transit, School Bus and Transportation Electrification  
38 Custom Program to serve the electric vehicle charging  
39 infrastructure, energy supply and energy storage needs of transit  
40 agencies, metropolitan planning organizations, the Department of  
41 Transportation, public school districts and nongovernmental  
42 commercial customers in this State. The electric utility shall not  
43 allow a nongovernmental commercial customer to participate in the  
44 Transit, School Bus and Transportation Electrification Custom  
45 Program unless, as a condition of participation, the



1 nongovernmental commercial customer electrifies more than 50  
2 company vehicles or more than 25 percent of its fleet, and satisfies  
3 such additional qualifications as the electric utility may establish. As  
4 part of the Transit, School Bus and Transportation Electrification  
5 Custom Program, an electric utility may partner with a commercial  
6 site to allow for multiple ownership options for the electrical supply,  
7 storage and charging equipment, including, without limitation,  
8 ownership by the electric utility.

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

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

26 5. Not less than:

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

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

35 6. An electric utility shall submit to the Commission any  
36 program, software, contract or other instrument that may be used for  
37 the billing, control, operation or maintenance of the public and  
38 private chargers installed under a plan filed pursuant to this section.  
39 The prudent and reasonable expenditures made by the electric utility  
40 to evaluate the need for any program, software, contract or other  
41 instrument to facilitate the billing, control, operation or maintenance  
42 of the public and private chargers installed under the plan may be  
43 recovered by the utility through rates charged to the customers of  
44 the utility.



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

9 8. Not later than 90 days after a plan is filed pursuant to  
10 subsection 1, the Commission shall issue an order accepting or  
11 modifying the plan. If the Commission issues an order modifying  
12 the plan, the utility may consent to or reject some or all of the  
13 modifications by filing with the Commission a notice to that effect.  
14 Any such notice must be filed not later than 10 days after the date of  
15 issuance of the order. If such a notice is filed, any petition for  
16 reconsideration or rehearing of the order must be filed with the  
17 Commission not later than 10 business days after the date the notice  
18 is filed.

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

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

28 11. Acceptance by the Commission of a plan submitted  
29 pursuant to this section constitutes a finding that the investments  
30 contained in the plan, including, without limitation, any proposed  
31 incentives to be provided to customers, are prudent and that the  
32 utility may recover from the rates charged to the utility's customers  
33 all costs that the utility prudently and reasonably incurs to operate,  
34 maintain, develop and implement the plan, including, without  
35 limitation, any costs associated with acquiring the right to use and  
36 develop private or public land. An electric utility may recover the  
37 costs that it prudently and reasonably incurs as follows:

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

- 41 (1) Any incentives provided to customers;  
42 (2) The electric utility's authorized rate of return;  
43 (3) Any depreciation of the utility's investment in the  
44 facilities; and  
45 (4) The cost of operating and maintaining the facilities.



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

7 (c) An electric utility shall include a rate to recover all prudent  
8 and reasonable expenditures made by the electric utility to develop  
9 and implement the plan, including, without limitation, the electric  
10 utility's authorized rate of return, in the electric utility's general rate  
11 application filed pursuant to NRS 704.110. The rate must be  
12 charged to all of the customers in the service territory of the electric  
13 utility in which the plan assets reside and reflect all costs incurred in  
14 the electric utility's service territory.

15 12. As used in this section:

16 (a) "Electric utility" has the meaning ascribed to it in section 14  
17 of this act.

18 (b) "Historically underserved community" has the meaning  
19 ascribed to it in section 12 of this act.

20 (c) "Transportation electrification" means the use of electricity  
21 from external sources to power, wholly or in part, passenger  
22 vehicles, trucks, buses, trains, boats or other equipment that  
23 transports goods or people.

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

27 **Sec. 51.** 1. A resource plan filed by an electric utility  
28 pursuant to NRS 704.741, as amended by section 39 of this act, on  
29 or before June 1, 2021, is not required to include, at the time the  
30 plan is filed, the transportation electrification plan required by  
31 section 14 of this act and NRS 704.741, as amended by section 39  
32 of this act.

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

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

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

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



1     **Sec. 54.** 1. An electric utility in this State shall, on or before  
2 July 1, 2022, file with the Public Utilities Commission of Nevada an  
3 amendment to its most recently filed energy efficiency plan filed  
4 pursuant to NRS 704.7836 to ensure the energy efficiency plan  
5 complies with the amendatory provisions of sections 39 and 44 of  
6 this act.

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

9     **Sec. 55.** NRS 701.090, 701.500, 701.505, 701.510 and  
10 701.515 are hereby repealed.

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

12     **Sec. 57.** Notwithstanding the provisions of NRS 218D.430 and  
13 218D.435, a committee may vote on this act before the expiration of  
14 the period prescribed for the return of a fiscal note in NRS  
15 218D.475. This section applies retroactively from and after March  
16 22, 2021.

17     **Sec. 58.** 1. This section and sections 1 to 8, inclusive, 11 to  
18 47, inclusive, 49 to 55, inclusive, and 57 of this act become effective  
19 upon passage and approval.

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

22     3. Sections 9, 48 and 56 of this act become effective on July 1,  
23 2023.

24     4. Section 9 of this act expires by limitation on December 31,  
25 2025.

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

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

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

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\* S B 4 4 8 R 1 \*