

**ADOPTED REGULATION OF THE
PUBLIC UTILITIES COMMISSION OF NEVADA**

LCB File No. R158-20

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

AUTHORITY: §§1 and 3, NRS 703.025, 704.210, 704.7821 and 704.7828; §2, NRS 703.025, 704.210 and 704.7828.

A REGULATION relating to energy; establishing the portfolio standard for certain providers of electric service; establishing provisions governing portfolio energy credits earned by certain providers; revising the portfolio standard for providers of new electric resources; setting forth the procedure for certain providers to establish compliance with the portfolio standard; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Public Utilities Commission of Nevada to establish a portfolio standard which requires each provider of electric service in this State to generate, acquire or save electricity from renewable energy systems or efficiency measures in a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821) For the purposes of determining compliance with the portfolio standard established by the Commission, existing law exempts the first 1,000,000 megawatt-hours of electricity sold by certain providers of electric service from the total amount of electricity sold by such providers to their customers during a calendar year. (NRS 704.7821)

Section 1 of this regulation requires such a provider, if the amount of electricity sold to its retail customers in a compliance year exceeds 1,000,000 megawatt-hours, to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount calculated as a percentage of the amount of electricity sold by the provider to its retail customers in excess of 1,000,000 megawatt-hours and requires the provider to submit certain reports to the Commission. **Section 1** also establishes limits on when portfolio energy credits may be earned by such a provider.

Section 3 of this regulation revises the portfolio standard applicable to providers of new electric resources. **Section 3** also establishes requirements for certain providers of electric service to establish compliance with the portfolio standard for each compliance year.

Section 2 of this regulation makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Administrative Code.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If the total amount of electricity sold by a provider described in subsection 9 of NRS 704.7821 to its retail customers in this State during the most recently completed compliance year is greater than 1,000,000 megawatt-hours, the provider shall:

(a) Comply with its portfolio standard during the compliance year by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required pursuant to NRS 704.7821, except that, for the purposes of subsection 1 of NRS 704.7821, the total amount of electricity sold by the provider to its retail customers in this State during the compliance year shall be deemed not to include the first 1,000,000 megawatt-hours of electricity sold by the provider to such customers during that compliance year;

(b) Report to the Commission the total amount of electricity in excess of 1,000,000 megawatt-hours sold to its retail customers in this State during the most recently completed compliance year and submit to the Commission either:

(1) An attestation by the provider that the electricity in excess of 1,000,000 megawatt-hours sold to such customers was generated or acquired from a portfolio energy system described in paragraph (b) of subsection 1 of NRS 704.7804; or

(2) If the electricity in excess of 1,000,000 megawatt-hours sold was not generated or acquired from a portfolio energy system described in paragraph (b) of subsection 1 of NRS 704.7804, a report pursuant to NAC 704.8879; and

(c) If the provider intends to participate in the system of portfolio energy credits for the amount of electricity in excess of 1,000,000 megawatt-hours sold to its retail customers in this State, file a report pursuant to NAC 704.8879 and comply with the provisions of NAC 704.8901 to 704.8937, inclusive.

2. A provider described in subsection 9 of NRS 704.7821 only earns portfolio energy credits equal to 1 kilowatt-hour of electricity generated, acquired or saved by that provider from a portfolio energy system or efficiency measure, not including the first 1,000,000 megawatt-hours supplied by the provider to its members or retail customers in a compliance year.

Sec. 2. NAC 704.8831 is hereby amended to read as follows:

704.8831 As used in NAC 704.8831 to 704.8899, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 704.8833 to 704.8867, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NAC 704.8871 is hereby amended to read as follows:

704.8871 1. ~~Except as otherwise provided in NAC 704.8831 to 704.8899, inclusive:~~
~~—(a)~~ Each ~~utility~~ provider shall comply with its portfolio standard during each compliance year by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required by NRS 704.7821 *or 704.78213, as applicable*, for that compliance year. ~~‡~~

~~(b) If a provider of new electric resources made energy, capacity or ancillary services from a new electric resource available to an eligible customer before July 1, 2009, the portfolio standard set forth in NRS 704.7821 which was effective on the date on which the order approving the~~

~~application or request was approved shall be deemed to apply to the provider of new electric resources, and the provider of new electric resources shall comply with its portfolio standard by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required by NRS 704.7821 for that compliance year; and~~

~~—(c) If a provider of new electric resources made energy, capacity or ancillary services from a new electric resource available to an eligible customer on or after July 1, 2009, the provider of new electric resources shall comply with its portfolio standard during each compliance year by generating, acquiring or saving electricity from a portfolio energy system or efficiency measure in the amounts required pursuant to NRS 704.78213.]~~

2. Each provider has the burden to prove that it complied with its portfolio standard during each compliance year.

3. ~~[As used in this section, “provider of new electric resources” has the meaning ascribed to it in NRS 704B.130.]~~ *A provider described in subsection 9 of NRS 704.7821 shall meet the burden to prove that it complied with its portfolio standard during each compliance year by:*

(a) Including a statement in the report filed pursuant to paragraph (b) of subsection 1 of NRS 703.191 of the total amount of electricity supplied to its members in this State during the most recently completed compliance year if the total amount of electricity supplied by the provider to such members during the most recently completed compliance year is not more than 1,000,000 megawatt-hours and the provider is a provider described in paragraphs (a) or (d) of subsection 9 of NRS 704.7821;

(b) Submitting to the Commission, not later than April 15 of each compliance year, a report stating that the total amount of electricity sold by the provider to its retail customers in

this State during the most recently completed compliance year is not more than 1,000,000 megawatt-hours and the provider is a provider described in paragraphs (b) or (c) of subsection 9 of NRS 704.7821; or

(c) Submitting to the Commission a statement certifying that the provider complied with the requirements of paragraph (a) of subsection 1 of section 1 of this regulation for the compliance year if the total amount of electricity sold by the provider to its retail customers in this State during the most recently completed compliance year is more than 1,000,000 megawatt-hours.