

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R131-13

1. A clear and concise explanation of the need for the adopted regulation.

The regulation is needed to establish a regulatory framework for an emissions reduction and capacity replacement (“ERCR”) plan, and to address other matters related thereto, in accordance with Senate Bill 123 (“SB 123”) of the 77th Session of the Nevada Legislature. Moreover, the regulation is needed to effectuate the policy goals of SB 123, and it amends Chapter 704 of the Nevada Administrative Code accordingly.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available at the website of the Public Utilities Commission of Nevada (“PUCN” or “Commission”), <http://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times
Las Vegas Review Journal
Nevada Appeal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701

Public Utilities Commission
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

First Judicial District Court
885 East Musser Street
Carson City, Nevada 89701

Second Judicial District Court
75 Court Street
Reno, Nevada 89501

Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Abengoa Solar LLC (“Abengoa”), the American Coalition for Clean Coal Electricity and Peabody Energy Corporation (“ACCCE/Peabody”), the Attorney General’s Bureau of Consumer Protection (“BCP”), BrightSource Energy, Inc. (“BrightSource”), Black Rock

Solar (“BRS”), Bombard Renewable Energy (“Bombard”), Enel Green Power North America (“Enel”), Geothermal Energy Association (“GEA”), Interwest Energy Alliance (“Interwest”) and the Vote Solar Initiative (“Vote Solar”), Las Vegas Power Company, LLC (“LVP”), LSP Generation Holdings, LLC (“LSP”), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (individually “Nevada Power” and “Sierra” and together “NV Energy”), NextEra Energy Resources (“NextEra”), Ormat Nevada, Inc. (“Ormat”), Sempra U.S. Gas & Power (“Sempra”), Southwest Generation Operating Company, LLC. (“SGOC”), Sierra Club, SolarCity, Regulatory Operations Staff of the Commission (“Staff”), and Western Resource Advocates (“WRA”) filed comments in the matter. The foregoing participants generally provided comments in response to the Commission’s questions, requests for analyses, and requests for additional information related to the ERCR plan and other matters related thereto, in accordance with SB 123.

Copies of the transcripts of the proceedings are available for review at the offices of the PUCN at 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

- 3. The number of persons who:**
 - (a) Attended each hearing: 9**
 - (b) Testified at each hearing: 9**
 - (c) Submitted written statements: 19**
- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented.**

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- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question 2(c).

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Various clarifying changes were made to the regulation based upon comments of the participants.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Estimated economic effect on the businesses which they are to regulate.

The proposed regulation may have a minor economic effect on NV Energy because the regulation requires additional information and calculation that must be made in the initial ERCR plan, subsequent resource plans, and amendments to the ERCR plan. The regulation does not cause any additional direct, beneficial, economic effects on NV Energy beyond the effects directly associated with SB 123.

(b) Estimated economic effect on the public which they are to regulate.

The regulation does not regulate the public. However, the regulation may, indirectly, have an economic effect, through rates, on the public, dependent upon NV Energy's ERCR filing.

8. The estimated cost to the agency for enforcement of the proposed regulation:

The Commission will incur startup costs to enforce or administer the proposed regulation, including developing the regulation and conducting necessary workshops and hearings. The Regulatory Operations Staff of the Commission states that these costs, such as publication costs and court reporter costs, are incremental in nature. The Commission may incur ongoing costs to enforce or administer the proposed regulation, but these costs, if any, may be absorbed by existing personnel and budgets.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any federal, state, or local regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

N/A

12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?

The Regulatory Operations Staff (“Staff”) of the Commission conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used his background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff’s analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff’s recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an Order issued in Docket No. 13-06023 on December 20, 2013.