

SENATE BILL NO. 87—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE PUBLIC UTILITIES  
COMMISSION OF NEVADA)

PREFILED DECEMBER 20, 2014

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Authorizes the Public Utilities Commission of Nevada to modify resource plans submitted by certain public utilities. (BDR 58-349)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to public utilities; authorizing the Public Utilities Commission of Nevada to modify resource plans submitted by certain public utilities; authorizing a public utility to consent to or reject some or all of such modifications; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, a public utility that furnishes water or sewage disposal  
2 services is required periodically to file with the Public Utilities Commission of  
3 Nevada a “resource plan” to provide sufficient water or services to meet the  
4 anticipated demands of the utility’s customers. The Commission is required to issue  
5 an order accepting the plan as filed or specifying any part of the plan it finds to be  
6 inadequate. If a plan is accepted by the Commission, any facility identified in the  
7 plan for acquisition or construction by the utility is deemed to be a prudent  
8 investment and the utility is entitled to recover the costs of the facility from its  
9 customers. (NRS 704.661) **Section 2** of this bill authorizes the Commission to issue  
10 an order modifying such a plan and allows the utility to file a notice consenting to  
11 or rejecting some or all of the modifications. For the purposes of the “prudent  
12 investment” provisions, the plan is deemed to be accepted by the Commission only  
13 as to those parts of the plan accepted as filed or modified by the Commission with  
14 the consent of the utility.

15 Existing law also requires certain public utilities that supply electricity to  
16 submit periodically to the Commission plans to increase their supply of electricity  
17 or decrease the demands made on their systems by their customers. (NRS 704.741)



18 Existing law requires the Commission to issue an order accepting such a plan as  
19 filed or specifying the parts of the plan that the Commission deems to be  
20 inadequate. (NRS 704.751) The Commission's acceptance of such a plan likewise  
21 results in certain facilities, or the elimination of certain facilities, being deemed to  
22 be a prudent investment by the utility. (NRS 704.110) **Section 3** of this bill  
23 authorizes the Commission to issue an order modifying such a plan and provides  
24 that the utility may consent to or reject some or all of the modifications by filing a  
25 notice to that effect. Again, for the purposes described above, **section 1** of this bill  
26 provides that only the parts of the plan accepted by the Commission as filed or  
27 modified with the consent of the utility are deemed to be accepted by the  
28 Commission.

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

1       **Section 1.** NRS 704.110 is hereby amended to read as follows:  
2       704.110 Except as otherwise provided in NRS 704.075 and  
3 704.68861 to 704.68887, inclusive, or as may otherwise be provided  
4 by the Commission pursuant to NRS 704.095 or 704.097:  
5       1. If a public utility files with the Commission an application to  
6 make changes in any schedule, including, without limitation,  
7 changes that will result in a discontinuance, modification or  
8 restriction of service, the Commission shall investigate the propriety  
9 of the proposed changes to determine whether to approve or  
10 disapprove the proposed changes. If an electric utility files such an  
11 application and the application is a general rate application or an  
12 annual deferred energy accounting adjustment application, the  
13 Consumer's Advocate shall be deemed a party of record.  
14       2. Except as otherwise provided in subsection 3, if a public  
15 utility files with the Commission an application to make changes in  
16 any schedule, the Commission shall, not later than 210 days after the  
17 date on which the application is filed, issue a written order  
18 approving or disapproving, in whole or in part, the proposed  
19 changes.  
20       3. If a public utility files with the Commission a general rate  
21 application, the public utility shall submit with its application a  
22 statement showing the recorded results of revenues, expenses,  
23 investments and costs of capital for its most recent 12 months for  
24 which data were available when the application was prepared.  
25 Except as otherwise provided in subsection 4, in determining  
26 whether to approve or disapprove any increased rates, the  
27 Commission shall consider evidence in support of the increased  
28 rates based upon actual recorded results of operations for the same  
29 12 months, adjusted for increased revenues, any increased  
30 investment in facilities, increased expenses for depreciation, certain  
31 other operating expenses as approved by the Commission and



1 changes in the costs of securities which are known and are  
2 measurable with reasonable accuracy at the time of filing and which  
3 will become effective within 6 months after the last month of those  
4 12 months, but the public utility shall not place into effect any  
5 increased rates until the changes have been experienced and  
6 certified by the public utility to the Commission and the  
7 Commission has approved the increased rates. The Commission  
8 shall also consider evidence supporting expenses for depreciation,  
9 calculated on an annual basis, applicable to major components of the  
10 public utility's plant placed into service during the recorded test  
11 period or the period for certification as set forth in the application.  
12 Adjustments to revenues, operating expenses and costs of securities  
13 must be calculated on an annual basis. Within 90 days after the date  
14 on which the certification required by this subsection is filed with  
15 the Commission, or within the period set forth in subsection 2,  
16 whichever time is longer, the Commission shall make such order in  
17 reference to the increased rates as is required by this chapter. The  
18 following public utilities shall each file a general rate application  
19 pursuant to this subsection based on the following schedule:

20 (a) An electric utility that primarily serves less densely  
21 populated counties shall file a general rate application not later than  
22 5 p.m. on or before the first Monday in June 2010, and at least once  
23 every 36 months thereafter.

24 (b) An electric utility that primarily serves densely populated  
25 counties shall file a general rate application not later than 5 p.m. on  
26 or before the first Monday in June 2011, and at least once every 36  
27 months thereafter.

28 (c) A public utility that furnishes water for municipal, industrial  
29 or domestic purposes or services for the disposal of sewage, or both,  
30 which had an annual gross operating revenue of \$2,000,000 or more  
31 for at least 1 year during the immediately preceding 3 years and  
32 which had not filed a general rate application with the Commission  
33 on or after July 1, 2005, shall file a general rate application on or  
34 before June 30, 2008, and at least once every 36 months thereafter  
35 unless waived by the Commission pursuant to standards adopted by  
36 regulation of the Commission. If a public utility furnishes both  
37 water and services for the disposal of sewage, its annual gross  
38 operating revenue for each service must be considered separately for  
39 determining whether the public utility meets the requirements of this  
40 paragraph for either service.

41 (d) A public utility that furnishes water for municipal, industrial  
42 or domestic purposes or services for the disposal of sewage, or both,  
43 which had an annual gross operating revenue of \$2,000,000 or more  
44 for at least 1 year during the immediately preceding 3 years and  
45 which had filed a general rate application with the Commission on



1 or after July 1, 2005, shall file a general rate application on or before  
2 June 30, 2009, and at least once every 36 months thereafter unless  
3 waived by the Commission pursuant to standards adopted by  
4 regulation of the Commission. If a public utility furnishes both  
5 water and services for the disposal of sewage, its annual gross  
6 operating revenue for each service must be considered separately for  
7 determining whether the public utility meets the requirements of this  
8 paragraph for either service.

9 ↪ The Commission shall adopt regulations setting forth standards  
10 for waivers pursuant to paragraphs (c) and (d) and for including the  
11 costs incurred by the public utility in preparing and presenting the  
12 general rate application before the effective date of any change in  
13 rates.

14 4. In addition to submitting the statement required pursuant to  
15 subsection 3, a public utility may submit with its general rate  
16 application a statement showing the effects, on an annualized basis,  
17 of all expected changes in circumstances. If such a statement is  
18 filed, it must include all increases and decreases in revenue and  
19 expenses which may occur within 210 days after the date on which  
20 its general rate application is filed with the Commission if such  
21 expected changes in circumstances are reasonably known and are  
22 measurable with reasonable accuracy. If a public utility submits  
23 such a statement, the public utility has the burden of proving that the  
24 expected changes in circumstances set forth in the statement are  
25 reasonably known and are measurable with reasonable accuracy.  
26 The Commission shall consider expected changes in circumstances  
27 to be reasonably known and measurable with reasonable accuracy if  
28 the expected changes in circumstances consist of specific and  
29 identifiable events or programs rather than general trends, patterns  
30 or developments, have an objectively high probability of occurring  
31 to the degree, in the amount and at the time expected, are primarily  
32 measurable by recorded or verifiable revenues and expenses and are  
33 easily and objectively calculated, with the calculation of the  
34 expected changes relying only secondarily on estimates, forecasts,  
35 projections or budgets. If the Commission determines that the public  
36 utility has met its burden of proof:

37 (a) The Commission shall consider the statement submitted  
38 pursuant to this subsection and evidence relevant to the statement,  
39 including all reasonable projected or forecasted offsets in revenue  
40 and expenses that are directly attributable to or associated with the  
41 expected changes in circumstances under consideration, in addition  
42 to the statement required pursuant to subsection 3 as evidence in  
43 establishing just and reasonable rates for the public utility; and



1 (b) The public utility is not required to file with the Commission  
2 the certification that would otherwise be required pursuant to  
3 subsection 3.

4 5. If a public utility files with the Commission an application to  
5 make changes in any schedule and the Commission does not issue a  
6 final written order regarding the proposed changes within the time  
7 required by this section, the proposed changes shall be deemed to be  
8 approved by the Commission.

9 6. If a public utility files with the Commission a general rate  
10 application, the public utility shall not file with the Commission  
11 another general rate application until all pending general rate  
12 applications filed by that public utility have been decided by the  
13 Commission unless, after application and hearing, the Commission  
14 determines that a substantial financial emergency would exist if the  
15 public utility is not permitted to file another general rate application  
16 sooner. The provisions of this subsection do not prohibit the public  
17 utility from filing with the Commission, while a general rate  
18 application is pending, an application to recover the increased cost  
19 of purchased fuel, purchased power, or natural gas purchased for  
20 resale pursuant to subsection 7, a quarterly rate adjustment pursuant  
21 to subsection 8 or 10, any information relating to deferred  
22 accounting requirements pursuant to NRS 704.185 or an annual  
23 deferred energy accounting adjustment application pursuant to NRS  
24 704.187, if the public utility is otherwise authorized to so file by  
25 those provisions.

26 7. A public utility may file an application to recover the  
27 increased cost of purchased fuel, purchased power, or natural gas  
28 purchased for resale once every 30 days. The provisions of this  
29 subsection do not apply to:

30 (a) An electric utility which is required to adjust its rates on a  
31 quarterly basis pursuant to subsection 10; or

32 (b) A public utility which purchases natural gas for resale and  
33 which adjusts its rates on a quarterly basis pursuant to subsection 8.

34 8. A public utility which purchases natural gas for resale must  
35 request approval from the Commission to adjust its rates on a  
36 quarterly basis between annual rate adjustment applications based  
37 on changes in the public utility's recorded costs of natural gas  
38 purchased for resale. A public utility which purchases natural gas  
39 for resale and which adjusts its rates on a quarterly basis may  
40 request approval from the Commission to make quarterly  
41 adjustments to its deferred energy accounting adjustment. The  
42 Commission shall approve or deny such a request not later than 120  
43 days after the application is filed with the Commission. The  
44 Commission may approve the request if the Commission finds that  
45 approval of the request is in the public interest. If the Commission



1 approves a request to make quarterly adjustments to the deferred  
2 energy accounting adjustment of a public utility pursuant to this  
3 subsection, any quarterly adjustment to the deferred energy  
4 accounting adjustment must not exceed 2.5 cents per therm of  
5 natural gas. If the balance of the public utility's deferred account  
6 varies by less than 5 percent from the public utility's annual  
7 recorded costs of natural gas which are used to calculate quarterly  
8 rate adjustments, the deferred energy accounting adjustment must be  
9 set to zero cents per therm of natural gas.

10 9. If the Commission approves a request to make any rate  
11 adjustments on a quarterly basis pursuant to subsection 8:

12 (a) The public utility shall file written notice with the  
13 Commission before the public utility makes a quarterly rate  
14 adjustment. A quarterly rate adjustment is not subject to the  
15 requirements for notice and a hearing pursuant to NRS 703.320 or  
16 the requirements for a consumer session pursuant to subsection 1 of  
17 NRS 704.069.

18 (b) The public utility shall provide written notice of each  
19 quarterly rate adjustment to its customers by including the written  
20 notice with a customer's regular monthly bill. The public utility  
21 shall begin providing such written notice to its customers not later  
22 than 30 days after the date on which the public utility files its  
23 written notice with the Commission pursuant to paragraph (a). The  
24 written notice that is included with a customer's regular monthly  
25 bill:

26 (1) Must be printed separately on fluorescent-colored paper  
27 and must not be attached to the pages of the bill; and

28 (2) Must include the following:

29 (I) The total amount of the increase or decrease in the  
30 public utility's revenues from the rate adjustment, stated in dollars  
31 and as a percentage;

32 (II) The amount of the monthly increase or decrease in  
33 charges for each class of customer or class of service, stated in  
34 dollars and as a percentage;

35 (III) A statement that customers may send written  
36 comments or protests regarding the rate adjustment to the  
37 Commission;

38 (IV) A statement that the transactions and recorded costs  
39 of natural gas which are the basis for any quarterly rate adjustment  
40 will be reviewed for reasonableness and prudence in the next  
41 proceeding held by the Commission to review the annual rate  
42 adjustment application pursuant to paragraph (d); and

43 (V) Any other information required by the Commission.

44 (c) The public utility shall file an annual rate adjustment  
45 application with the Commission. The annual rate adjustment



1 application is subject to the requirements for notice and a hearing  
2 pursuant to NRS 703.320 and the requirements for a consumer  
3 session pursuant to subsection 1 of NRS 704.069.

4 (d) The proceeding regarding the annual rate adjustment  
5 application must include a review of each quarterly rate adjustment  
6 and the transactions and recorded costs of natural gas included in  
7 each quarterly filing and the annual rate adjustment application.  
8 There is no presumption of reasonableness or prudence for any  
9 quarterly rate adjustment or for any transactions or recorded costs of  
10 natural gas included in any quarterly rate adjustment or the annual  
11 rate adjustment application, and the public utility has the burden of  
12 proving reasonableness and prudence in the proceeding.

13 (e) The Commission shall not allow the public utility to recover  
14 any recorded costs of natural gas which were the result of any  
15 practice or transaction that was unreasonable or was undertaken,  
16 managed or performed imprudently by the public utility, and the  
17 Commission shall order the public utility to adjust its rates if the  
18 Commission determines that any recorded costs of natural gas  
19 included in any quarterly rate adjustment or the annual rate  
20 adjustment application were not reasonable or prudent.

21 10. An electric utility shall adjust its rates on a quarterly basis  
22 based on changes in the electric utility's recorded costs of purchased  
23 fuel or purchased power. In addition to adjusting its rates on a  
24 quarterly basis, an electric utility may request approval from the  
25 Commission to make quarterly adjustments to its deferred energy  
26 accounting adjustment. The Commission shall approve or deny such  
27 a request not later than 120 days after the application is filed with  
28 the Commission. The Commission may approve the request if the  
29 Commission finds that approval of the request is in the public  
30 interest. If the Commission approves a request to make quarterly  
31 adjustments to the deferred energy accounting adjustment of an  
32 electric utility pursuant to this subsection, any quarterly adjustment  
33 to the deferred energy accounting adjustment must not exceed 0.25  
34 cents per kilowatt-hour of electricity. If the balance of the electric  
35 utility's deferred account varies by less than 5 percent from the  
36 electric utility's annual recorded costs for purchased fuel or  
37 purchased power which are used to calculate quarterly rate  
38 adjustments, the deferred energy accounting adjustment must be set  
39 to zero cents per kilowatt-hour of electricity.

40 11. A quarterly rate adjustment filed pursuant to subsection 10  
41 is subject to the following requirements:

42 (a) The electric utility shall file written notice with the  
43 Commission on or before August 15, 2007, and every quarter  
44 thereafter of the quarterly rate adjustment to be made by the electric  
45 utility for the following quarter. The first quarterly rate adjustment



1 by the electric utility will take effect on October 1, 2007, and each  
2 subsequent quarterly rate adjustment will take effect every quarter  
3 thereafter. The first quarterly adjustment to a deferred energy  
4 accounting adjustment must be made pursuant to an order issued by  
5 the Commission approving the application of an electric utility to  
6 make quarterly adjustments to its deferred energy accounting  
7 adjustment. A quarterly rate adjustment is not subject to the  
8 requirements for notice and a hearing pursuant to NRS 703.320 or  
9 the requirements for a consumer session pursuant to subsection 1 of  
10 NRS 704.069.

11 (b) The electric utility shall provide written notice of each  
12 quarterly rate adjustment to its customers by including the written  
13 notice with a customer's regular monthly bill. The electric utility  
14 shall begin providing such written notice to its customers not later  
15 than 30 days after the date on which the electric utility files a written  
16 notice with the Commission pursuant to paragraph (a). The written  
17 notice that is included with a customer's regular monthly bill:

18 (1) Must be printed separately on fluorescent-colored paper  
19 and must not be attached to the pages of the bill; and

20 (2) Must include the following:

21 (I) The total amount of the increase or decrease in the  
22 electric utility's revenues from the rate adjustment, stated in dollars  
23 and as a percentage;

24 (II) The amount of the monthly increase or decrease in  
25 charges for each class of customer or class of service, stated in  
26 dollars and as a percentage;

27 (III) A statement that customers may send written  
28 comments or protests regarding the rate adjustment to the  
29 Commission;

30 (IV) A statement that the transactions and recorded costs  
31 of purchased fuel or purchased power which are the basis for any  
32 quarterly rate adjustment will be reviewed for reasonableness and  
33 prudence in the next proceeding held by the Commission to review  
34 the annual deferred energy accounting adjustment application  
35 pursuant to paragraph (d); and

36 (V) Any other information required by the Commission.

37 (c) The electric utility shall file an annual deferred energy  
38 accounting adjustment application pursuant to NRS 704.187 with  
39 the Commission. The annual deferred energy accounting adjustment  
40 application is subject to the requirements for notice and a hearing  
41 pursuant to NRS 703.320 and the requirements for a consumer  
42 session pursuant to subsection 1 of NRS 704.069.

43 (d) The proceeding regarding the annual deferred energy  
44 accounting adjustment application must include a review of each  
45 quarterly rate adjustment and the transactions and recorded costs of



1 purchased fuel and purchased power included in each quarterly  
2 filing and the annual deferred energy accounting adjustment  
3 application. There is no presumption of reasonableness or prudence  
4 for any quarterly rate adjustment or for any transactions or recorded  
5 costs of purchased fuel and purchased power included in any  
6 quarterly rate adjustment or the annual deferred energy accounting  
7 adjustment application, and the electric utility has the burden of  
8 proving reasonableness and prudence in the proceeding.

9 (e) The Commission shall not allow the electric utility to recover  
10 any recorded costs of purchased fuel and purchased power which  
11 were the result of any practice or transaction that was unreasonable  
12 or was undertaken, managed or performed imprudently by the  
13 electric utility, and the Commission shall order the electric utility to  
14 adjust its rates if the Commission determines that any recorded costs  
15 of purchased fuel and purchased power included in any quarterly  
16 rate adjustment or the annual deferred energy accounting adjustment  
17 application were not reasonable or prudent.

18 12. If an electric utility files an annual deferred energy  
19 accounting adjustment application pursuant to subsection 11 and  
20 NRS 704.187 while a general rate application is pending, the  
21 electric utility shall:

22 (a) Submit with its annual deferred energy accounting  
23 adjustment application information relating to the cost of service  
24 and rate design; and

25 (b) Supplement its general rate application with the same  
26 information, if such information was not submitted with the general  
27 rate application.

28 13. A utility facility identified in a 3-year plan submitted  
29 pursuant to NRS 704.741 and accepted by the Commission for  
30 acquisition or construction pursuant to NRS 704.751 and the  
31 regulations adopted pursuant thereto, or the retirement or  
32 elimination of a utility facility identified in an emissions reduction  
33 and capacity replacement plan submitted pursuant to NRS 704.7316  
34 and accepted by the Commission for retirement or elimination  
35 pursuant to NRS 704.751 and the regulations adopted pursuant  
36 thereto, shall be deemed to be a prudent investment. The utility may  
37 recover all just and reasonable costs of planning and constructing, or  
38 retiring or eliminating, as applicable, such a facility. *For the*  
39 *purposes of this subsection, a plan or an amendment to a plan*  
40 *shall be deemed to be accepted by the Commission only as to that*  
41 *portion of the plan or amendment accepted as filed or modified*  
42 *with the consent of the utility pursuant to NRS 704.751.*

43 14. In regard to any rate or schedule approved or disapproved  
44 pursuant to this section, the Commission may, after a hearing:



1 (a) Upon the request of the utility, approve a new rate but delay  
2 the implementation of that new rate:

3 (1) Until a date determined by the Commission; and

4 (2) Under conditions as determined by the Commission,  
5 including, without limitation, a requirement that interest charges be  
6 included in the collection of the new rate; and

7 (b) Authorize a utility to implement a reduced rate for low-  
8 income residential customers.

9 15. The Commission may, upon request and for good cause  
10 shown, permit a public utility which purchases natural gas for resale  
11 or an electric utility to make a quarterly adjustment to its deferred  
12 energy accounting adjustment in excess of the maximum allowable  
13 adjustment pursuant to subsection 8 or 10.

14 16. A public utility which purchases natural gas for resale or an  
15 electric utility that makes quarterly adjustments to its deferred  
16 energy accounting adjustment pursuant to subsection 8 or 10 may  
17 submit to the Commission for approval an application to discontinue  
18 making quarterly adjustments to its deferred energy accounting  
19 adjustment and to subsequently make annual adjustments to its  
20 deferred energy accounting adjustment. The Commission may  
21 approve an application submitted pursuant to this subsection if the  
22 Commission finds that approval of the application is in the public  
23 interest.

24 17. As used in this section:

25 (a) "Deferred energy accounting adjustment" means the rate of a  
26 public utility which purchases natural gas for resale or an electric  
27 utility that is calculated by dividing the balance of a deferred  
28 account during a specified period by the total therms or kilowatt-  
29 hours which have been sold in the geographical area to which the  
30 rate applies during the specified period.

31 (b) "Electric utility" has the meaning ascribed to it in  
32 NRS 704.187.

33 (c) "Electric utility that primarily serves densely populated  
34 counties" means an electric utility that, with regard to the provision  
35 of electric service, derives more of its annual gross operating  
36 revenue in this State from customers located in counties whose  
37 population is 700,000 or more than it does from customers located  
38 in counties whose population is less than 700,000.

39 (d) "Electric utility that primarily serves less densely populated  
40 counties" means an electric utility that, with regard to the provision  
41 of electric service, derives more of its annual gross operating  
42 revenue in this State from customers located in counties whose  
43 population is less than 700,000 than it does from customers located  
44 in counties whose population is 700,000 or more.



1       **Sec. 2.** NRS 704.661 is hereby amended to read as follows:

2       704.661 1. Except as otherwise provided in this section, a  
3 public utility that furnishes water for municipal, industrial or  
4 domestic purposes or services for the disposal of sewage, or both,  
5 and which had an annual gross operating revenue of \$1,000,000 or  
6 more for at least 1 year during the immediately preceding 3 years  
7 shall, on or before March 1 of every third year, in the manner  
8 specified by the Commission, submit a plan to the Commission to  
9 provide sufficient water or services for the disposal of sewage to  
10 satisfy the demand made on its system by its customers. If a public  
11 utility furnishes both water and services for the disposal of sewage,  
12 its annual gross operating revenue for each service must be  
13 considered separately for determining whether the public utility  
14 meets the requirements of this subsection for either service.

15       2. A public utility may request a waiver from the requirements  
16 of subsection 1 by submitting such a request in writing to the  
17 Commission not later than 180 days before the date on which the  
18 plan is required to be submitted pursuant to subsection 1. A request  
19 for a waiver must include proof satisfactory that the public utility  
20 will not experience a significant increase in demand for its services  
21 or require the acquisition or construction of additional infrastructure  
22 to meet present or future demand during the 3-year period covered  
23 by the plan which the public utility would otherwise be required to  
24 submit pursuant to subsection 1.

25       3. The Commission shall, not later than 45 days after receiving  
26 a request for a waiver pursuant to subsection 2, issue an order  
27 approving or denying the request. The Commission shall not  
28 approve the request of a public utility for a waiver for consecutive  
29 3-year periods.

30       4. The Commission:

31       (a) Shall adopt regulations to provide for the contents of and the  
32 method and schedule for preparing, submitting, reviewing and  
33 approving a plan submitted pursuant to subsection 1; and

34       (b) May adopt regulations relating to the submission of requests  
35 for waivers pursuant to subsection 2.

36       5. Not later than 180 days after a public utility has filed a plan  
37 pursuant to subsection 1, the Commission shall issue an order  
38 accepting *or modifying* the plan ~~as filed~~ or specifying any portion  
39 of the plan it finds to be inadequate. *If the Commission issues an*  
40 *order modifying the plan, the public utility may consent to or*  
41 *reject some or all of the modifications by filing with the*  
42 *Commission a notice to that effect. Any such notice must be filed*  
43 *not later than 30 days after the date of issuance of the order.*

44       6. If a plan submitted pursuant to subsection 1 and accepted by  
45 the Commission pursuant to subsection 5 and any regulations



1 adopted pursuant to subsection 4 identifies a facility for acquisition  
2 or construction, the facility shall be deemed to be a prudent  
3 investment and the public utility may recover all just and reasonable  
4 costs of planning and constructing or acquiring the facility. *For the*  
5 *purposes of this subsection, a plan shall be deemed to be accepted*  
6 *by the Commission only as to that portion of the plan accepted as*  
7 *filed or modified with the consent of the public utility pursuant to*  
8 *subsection 5.*

9 7. All prudent and reasonable expenditures made by a public  
10 utility to develop a plan filed pursuant to subsection 1, including,  
11 without limitation, any environmental, engineering or other studies,  
12 must be recovered from the rates charged to the public utility's  
13 customers.

14 **Sec. 3.** NRS 704.751 is hereby amended to read as follows:

15 704.751 1. After a utility has filed the plan required pursuant  
16 to NRS 704.741, the Commission shall issue an order accepting *or*  
17 *modifying* the plan ~~as filed~~ or specifying any portions of the plan it  
18 deems to be inadequate:

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

22 (b) Within 180 days for all portions of the plan not described in  
23 paragraph (a).

24 *↪ If the Commission issues an order modifying the plan, the*  
25 *utility may consent to or reject some or all of the modifications by*  
26 *filing with the Commission a notice to that effect. Any such notice*  
27 *must be filed not later than 30 days after the date of issuance of*  
28 *the order.*

29 2. If a utility files an amendment to a plan, the Commission  
30 shall issue an order accepting *or modifying* the amendment ~~as~~  
31 ~~filed~~ or specifying any portions of the amendment it deems to be  
32 inadequate:

33 (a) Within 135 days after the filing of the amendment; or

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

37 *↪ If the Commission issues an order modifying the amendment,*  
38 *the utility may consent to or reject some or all of the modifications*  
39 *by filing with the Commission a notice to that effect. Any such*  
40 *notice must be filed not later than 30 days after the date of*  
41 *issuance of the order.*

42 3. All prudent and reasonable expenditures made to develop  
43 the utility's plan, including environmental, engineering and other  
44 studies, must be recovered from the rates charged to the utility's  
45 customers.



1 4. The Commission may accept a transmission plan submitted  
2 pursuant to subsection 4 of NRS 704.741 for a renewable energy  
3 zone if the Commission determines that the construction or  
4 expansion of transmission facilities would facilitate the utility  
5 meeting the portfolio standard, as defined in NRS 704.7805.

6 5. The Commission shall adopt regulations establishing the  
7 criteria for determining the adequacy of a transmission plan  
8 submitted pursuant to subsection 4 of NRS 704.741.

9 6. Any order issued by the Commission accepting *or*  
10 *modifying* an element of an emissions reduction and capacity  
11 replacement plan must include provisions authorizing the electric  
12 utility to construct or acquire and own electric generating plants  
13 necessary to meet the capacity amounts approved in, and carry out  
14 the provisions of, the plan. As used in this subsection, "capacity"  
15 means an amount of firm electric generating capacity used by the  
16 electric utility for the purpose of preparing a plan filed with the  
17 Commission pursuant to NRS 704.736 to 704.754, inclusive.

18 **Sec. 4.** This act becomes effective upon passage and approval.







