

Amendment No. 439

Assembly Amendment to Assembly Bill No. 402

(BDR 58-888)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

AAK/WLK



Date: 4/17/2009

A.B. No. 402—Revises provisions related to resource planning by public utilities.
(BDR 58-888)



ASSEMBLY BILL NO. 402—ASSEMBLYMEN
BOBZIEN AND LESLIE

MARCH 16, 2009

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions related to resource planning by public utilities.
(BDR 58-888)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; ~~providing that certain entities must be included as~~ ***requiring the Public Utilities Commission of Nevada to determine the*** parties to a public hearing concerning a resource plan of a public utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~specifies that~~ ***requires the Public Utilities Commission of Nevada to determine*** the parties to a public hearing on the adequacy of a plan to increase supply or decrease demands filed by a public utility ~~includes (1) the utility itself; (2) the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and (3) certain nonprofit corporations or associations;~~ ***and allows a person or governmental entity to petition to intervene as a party in the hearing. This bill also authorizes the Commission to limit or prohibit continued participation of an intervener in certain circumstances.*** (NRS 704.746)

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

Section 1. NRS 704.746 is hereby amended to read as follows:
704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.
2. ~~The Commission shall determine the parties to ~~a~~ the public hearing include, without limitation:~~
~~(a) The utility;~~
~~(b) The Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~(c) Any domestic nonprofit corporation or association, formed in whole or in part to promote conservation of natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the Commission a notice of intent to be a party within a time frame established by the Commission,~~ on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

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

~~3.4~~ 4. After the hearing, the Commission shall determine whether:

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

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

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

(1) Improvements in energy efficiency;

(2) Pooling of power;

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

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

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

(6) Other generation facilities.

~~4.4~~ 5. The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection ~~3.4~~ 4 that:

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

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

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

~~5.4~~ 6. The Commission shall:

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

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