

Amendment No. 237

Senate Amendment to Senate Bill No. 327	(BDR S-377)
Proposed by: Senate Committee on Energy, Infrastructure and Transportation	
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.



SENATE BILL NO. 327—SENATOR SCHNEIDER

MARCH 16, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Provides incentives for certain electrification projects.
(BDR S-377)

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 energy; authorizing the Public Utilities Commission of Nevada to provide certain incentives for investments in advanced travel center electrification systems and systems for recharging plug-in electric or plug-in hybrid electric vehicles; ***establishing the Electric Vehicle Demonstration Program; requiring the Commission to adopt regulations to carry out the Demonstration Program; requiring electric utilities in this State to administer the Demonstration Program in their service areas;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~(This)~~ ***Section 1 of this*** bill authorizes the Public Utilities Commission of Nevada to adopt regulations providing certain incentives and portfolio energy credits to an electric utility that operates or invests in an advanced travel center electrification system or a system for recharging plug-in electric or plug-in hybrid electric vehicles. An electric utility is authorized to enter into a joint venture with one or more persons or governmental entities to develop or invest in such an electrification project. To be eligible for any incentives or portfolio energy credits authorized by this bill, an electrification project must be located within the service area of the electric utility.

Sections 2-21 of this bill establish the Electric Vehicle Demonstration Program. Section 16 creates the Demonstration Program. Section 17 requires the Commission to adopt regulations to carry out the Demonstration Program, including regulations concerning the qualifications of and the incentives available to participants in the Demonstration Program. Section 18 requires each electric utility in this State to carry out the Demonstration Program in the utility's service area and authorizes the utility to recover its reasonable and prudent costs for carrying out and administering the Demonstration Program. Section 20 authorizes the Task Force for Renewable Energy and Energy Conservation to select qualified applicants to participate in the Demonstration Program. Section 21 authorizes the Task Force to withdraw a participant from the Demonstration Program if the participant does not comply with the requirements of the Demonstration Program. Section 22 of this bill provides that the Demonstration Program will expire in 2013.

WHEREAS, Energy and clean air are essential to the health, welfare and security of Nevada residents and businesses; and

WHEREAS, New electrical vehicle propulsion technologies are emerging and their adoption should be encouraged; and

WHEREAS, Nevada public utilities should be encouraged to prepare for large-scale use of electric powered motor vehicles; and

WHEREAS, The efficiency and cost effectiveness of electric generation facilities can be enhanced by spreading the fixed cost of operation over a greater number of hours per day and by introducing a new customer base, namely vehicles; and

WHEREAS, Nevada has been a leader in energy efficiency and should continue to adopt public policies that foster energy innovation; and

WHEREAS, Transportation fuel costs have risen dramatically, and such costs impact the price of goods and services in Nevada as well as the strength of Nevada's tourism industry; and

WHEREAS, Fossil fuel use in vehicles has a detrimental impact on air quality and the health of Nevada's residents and the reduction in use of such fuels will benefit Nevada's environment; now, therefore,

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

Section 1. 1. The Public Utilities Commission of Nevada may adopt regulations which:

(a) Establish a program for the approval of an increased rate of return on equity for investments made by an electric utility in:

(1) An advanced travel center electrification system; or
(2) A system for recharging plug-in electric or plug-in hybrid electric vehicles.

(b) For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821:

(1) Provide more than one portfolio energy credit for each kilowatt-hour of electricity generated by a wind energy system on the premises of an electrification project if, on an annual basis, 50 percent or more of the energy generated by the wind energy system is used by the electrification project; and

(2) Provide more than the number of kilowatt-hours deemed to have been generated from a solar photovoltaic energy system pursuant to NRS 704.7822 on the premises of an electrification project if, on an annual basis, 50 percent or more of the energy generated by the solar photovoltaic system is used by the electrification project.

2. In applying for any program or portfolio energy credit authorized pursuant to subsection 1, an electric utility may:

(a) Enter into a joint venture with one or more persons or governmental entities; and

(b) Invest in an electrification project owned by a person other than an electric utility.

3. To be eligible for any program or portfolio energy credit authorized pursuant to subsection 1, an electrification project must be located within the service area of the electric utility.

4. As used in this section:

(a) "Advanced travel center electrification system" means a system designed to allow a commercial truck to shut down its engine and still obtain power for heating, cooling, lighting and communication.

(b) "Electric utility" has the meaning ascribed to it in NRS 704B.050.

(c) "Electrification project" means:

- (1) An advanced travel center electrification system; or
- (2) A system for recharging plug-in electric or plug-in hybrid electric vehicles.

Sec. 2. Sections 2 to 21, inclusive, of this act may be cited as the Electric Vehicle Demonstration Program.

Sec. 3. As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 15, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 4. "Applicant" means a person who is applying to participate in the Demonstration Program.

Sec. 5. "Category" means one of the categories of participation in the Demonstration Program as set forth in section 16 of this act.

Sec. 6. "Commission" means the Public Utilities Commission of Nevada.

Sec. 7. "Demonstration Program" means the Electric Vehicle Demonstration Program created by section 16 of this act.

Sec. 8. "Electric personal assistive mobility device" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

Sec. 9. "Electric vehicle" means any vehicle that is powered in whole or in part by electrical power.

Sec. 10. "Participant" means a person who has been selected by the Task Force pursuant to section 20 of this act to participate in the Demonstration Program.

Sec. 11. "Person" includes, without limitation, a governmental entity.

Sec. 12. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 13. "Task Force" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 14. "Utility" means a public utility that supplies electricity in this State.

Sec. 15. "Vehicle" means every device in, upon or by which any person or property is or may be transported. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;

2. Mobile homes or commercial coaches as defined in chapter 489 of NRS; or

3. Electric personal assistive mobility devices.

Sec. 16. 1. The Electric Vehicle Demonstration Program is hereby created.

2. The Demonstration Program must have four categories as follows:

(a) Schools;

(b) Other public entities;

(c) Private persons; and

(d) Businesses.

3. To be eligible to participate in the Demonstration Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 17 of this act;

(b) Submit an application to a utility and be selected by the Task Force for inclusion in the Demonstration Program pursuant to sections 19 and 20 of this act; and

1 (c) If the person will be participating in the Demonstration Program in the
2 category of schools or other public entities, provide for the public display of
3 the electric vehicle and any electric vehicle charging station installed or
4 operated by the participant, including, without limitation, providing for public
5 demonstrations of the electric vehicle and the electric vehicle charging station.

6 Sec. 17. The Commission shall adopt regulations necessary to carry out
7 the provisions of the Demonstration Program, including, without limitation,
8 regulations that establish:

9 1. The qualifications and requirements an applicant must meet to be
10 eligible to participate in the Demonstration Program in each category.

11 2. The type of incentives available to participants in the Demonstration
12 Program and the level or amount of those incentives.

13 3. The requirements for a utility's annual plan for carrying out and
14 administering the Demonstration Program. A utility's annual plan must
15 include, without limitation:

16 (a) A detailed plan for advertising the Demonstration Program;

17 (b) A detailed budget and schedule for carrying out and administering the
18 Demonstration Program;

19 (c) A detailed account of administrative processes and forms that will be
20 used to carry out and administer the Demonstration Program, including,
21 without limitation, a description of the application process and copies of all
22 applications and any other forms that are necessary to apply for and
23 participate in the Demonstration Program;

24 (d) A detailed account of the procedures that will be used for inspection
25 and verification of a participant's electric vehicle and any system for
26 recharging plug-in electric vehicles installed or operated by the participant;

27 (e) A detailed account of training and educational activities that will be
28 used to carry out and administer the Demonstration Program; and

29 (f) Any other information required by the Commission.

30 Sec. 18. 1. Each utility shall carry out and administer the
31 Demonstration Program within its service area in accordance with its annual
32 plan as approved by the Commission pursuant to section 19 of this act.

33 2. A utility may recover its reasonable and prudent costs, including,
34 without limitation, customer incentives, that are associated with carrying out
35 and administering the Demonstration Program within its service area by
36 seeking recovery of those costs in an appropriate proceeding before the
37 Commission pursuant to NRS 704.110.

38 Sec. 19. 1. On or before February 1, 2010, and on or before February 1
39 of each year thereafter, each utility shall file with the Commission its annual
40 plan for carrying out and administering the Demonstration Program within its
41 service area for the following program year.

42 2. On or before July 1, 2010, and on or before July 1 of each year
43 thereafter, the Commission shall:

44 (a) Review the annual plan filed by each utility for compliance with the
45 requirements established by regulation pursuant to section 17 of this act; and

46 (b) Approve the annual plan with such modifications and upon such terms
47 and conditions as the Commission finds necessary or appropriate to facilitate
48 the Demonstration Program.

49 3. On or before November 1, 2010, and on or before November 1 of each
50 year thereafter, each utility shall submit to the Task Force the utility's
51 recommendations as to which applications received by the utility should be
52 approved for participation in the Demonstration Program. The Task Force
53 shall review the applications to ensure that each applicant meets the

1 qualifications and requirements to be eligible to participate in the
2 Demonstration Program.

3 4. Except as otherwise provided in section 20 of this act, the Task Force
4 may approve, from among the applications recommended by each utility,
5 electric vehicles totaling:

6 --- (a) For the program year beginning July 1, 2010:

7 --- (1) One hundred electric vehicles for schools;

8 --- (2) One hundred electric vehicles for other public entities;

9 --- (3) One hundred electric vehicles for private persons; and

10 --- (4) One hundred electric vehicles for businesses.

11 --- (b) For the program year beginning July 1, 2011:

12 --- (1) An additional 125 electric vehicles for schools;

13 --- (2) An additional 125 electric vehicles for other public entities;

14 --- (3) An additional 125 electric vehicles for private persons; and

15 --- (4) An additional 125 electric vehicles for businesses.

16 --- (c) For the program year beginning July 1, 2012:

17 --- (1) An additional 150 electric vehicles for schools;

18 --- (2) An additional 150 electric vehicles for other public entities;

19 --- (3) An additional 150 electric vehicles for private persons; and

20 --- (4) An additional 150 electric vehicles for businesses.

21 Sec. 20. 1. Based on the applications submitted by each utility for a
22 program year, the Task Force shall:

23 --- (a) Within the limits allocated to each category, select applicants to be
24 participants in the Demonstration Program and place those applicants on a list
25 of participants; and

26 --- (b) Select applicants to be placed on a prioritized waiting list to become
27 participants in the Demonstration Program if any allocation within a category
28 becomes available.

29 2. Not later than 30 days after the date on which the Task Force selects
30 an applicant to be on the list of participants or the prioritized waiting list, the
31 utility which submitted the application to the Task Force on behalf of the
32 applicant shall provide written notice of the selection to the applicant.

33 3. If the electric vehicles allocated to any category for a program year are
34 not fully subscribed by participants in that category, the Task Force may, in
35 any combination it deems appropriate:

36 --- (a) Allow a utility to submit additional applications from applicants who
37 wish to participate in that category;

38 --- (b) Reallocate any of the unallocated electric vehicles in that category to
39 any of the other categories; or

40 --- (c) Reallocate any of the unallocated electric vehicles for a program year
41 to the next program year.

42 Sec. 21. 1. Except as otherwise provided in this section, if the Task
43 Force determines that a participant has not complied with the requirements
44 for participation in the Demonstration Program, the Task Force shall, after
45 notice and an opportunity for a hearing, withdraw the participant from the
46 Demonstration Program.

47 2. The Task Force may, without notice or an opportunity for a hearing,
48 withdraw a participant from the Demonstration Program if the participant
49 does not purchase an electric vehicle within 90 days after the date the
50 participant receives written notice of his selection to participate in the
51 Demonstration Program.

52 3. A participant who is withdrawn from the Demonstration Program
53 pursuant to subsection 2 forfeits any incentives.

1 ~~{Sec. 2.}~~ Sec. 22. 1. This section and section 1 of this act ~~{becomes}~~
2 become effective upon passage and approval.
3 2. Sections 2 to 21, inclusive, of this act become effective on July 1, 2009,
4 and expire by limitation on September 30, 2013.