

# PUCN Connection

A MONTHLY NEWSLETTER FROM the PUBLIC UTILITIES COMMISSION OF NEVADA

May 2022 Edition

## Utility Regulation 101

The PUCN is quasi-judicial, similar to a court, and is required by statute to make decisions based upon evidence formally accepted into the record. PUCN decisions are formulated through formal processes that start when a utility or other entity submits an application, petition, report, complaint, or plan.

Depending on the type of filing, the resulting case before the PUCN may be contested or uncontested. The PUCN also conducts investigations, sometimes on its own initiative and sometimes pursuant to request. Depending on the purpose of an investigation and the information gathered over the course of the proceeding, an investigation may lead to a rulemaking in which the PUCN establishes regulations.

### INVESTIGATIONS, RULEMAKINGS & CONTESTED CASES

**1. Investigations:** Investigations are opened for a number of reasons, but are generally conducted to gather information. Investigations may be treated as contested or uncontested cases. In most investigations, the PUCN gathers information by requesting comments and holding workshops, but other steps may also be involved depending on the individual investigation. Some investigations are initiated by a request from Staff in response to a problem with a utility. In these types of investigations, the PUCN may require the utility in question to participate and provide information to determine whether a problem exists and how best to address it.

**2. Rulemakings:** The PUCN creates regulations through a process called rulemaking. Most of the regulations created by the PUCN are contained in NAC Chapters 701B, 703 and 704. Rulemakings must be conducted according to a formal process spelled out in NRS Chapter 233B, which includes a workshop and a hearing. Regulations must be approved by the Legislative Counsel Bureau and the Legislative Commission to become effective and codified in NAC.



The PUCN is a state agency that regulates public utilities engaged in electric, natural gas, telephone, water and wastewater services; geothermal facilities; gas and electric “master meter” service at mobile home parks; and some propane systems. The PUCN also inspects Nevada’s railways for safety and monitors gas pipelines across the state.

*The PUCN does not regulate cooperatives or municipal-owned utilities.*

**3. Contested and Uncontested Cases:** A case is contested if significant rights or obligations of the utility are at issue, NRS requires it to be a contested case, or a person or entity requests to participate as an intervener. An intervener is a person or organization who requests to participate to protect their own substantial interests that may be affected by the PUCN’s decision in the case. An intervener must be granted permission by the PUCN to participate as a party in a case, but Staff may always participate as a party. An example of a contested case is a utility’s application to change rates charged to customers. Contested cases at the PUCN involve the filing of written testimony by the parties and a formal evidentiary hearing process. However, if the parties reach a settlement agreement prior to the filing of testimony or the date the hearing is scheduled to begin, those items may be cancelled. Presiding officers and their advisors are prohibited from discussing issues of fact or law involved in contested cases with any individual party, including Staff, unless all parties to the case are given notice and an opportunity to participate in the discussion. This is called the ex parte rule.

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## FORMAL EVIDENTIARY HEARING PROCESS IN CONTESTED CASES

**1. Filing Received:** Contested cases generally begin with a filing by a utility, which starts the process outlined below. This process may also begin with the filing of a complaint by a consumer.

**2. Presiding Officer Assigned:** The PUCN has three commissioners, one of whom serves as chair. After receipt of a filing, the chair either assigns herself, one of the other two commissioners, or a hearing officer, if appropriate, to oversee the proceedings as the presiding officer.

**3. Docket Number Assigned:** The PUCN's Business Process Services division (BPS) assigns a docket number to the initial filing. All subsequent documents (notices, testimony, orders, etc.) issued by the PUCN or filed by parties to the case will be identified by the same docket number for tracking purposes.

**4. Initial Notice Issued:** Within 10 business days, the PUCN issues a notice of the filing, typically in combination with a notice of a prehearing conference. Initial notices contain a brief description of the filing or proceeding; the effect it will have on consumers if approved as requested; the date by which requests to participate must be submitted; and the date a prehearing conference will be held. The notice is published in major newspapers in counties that will be affected by the filing. The notice is also posted at the PUCN's offices in Las Vegas and Carson City and on the "Docket Info" page on the PUCN's website. People who have subscribed to applicable PUCN service lists will also be informed of the filing. Subscribers to the service list specific to the docket will receive subsequent notices and orders issued by the PUCN.

**5. Discovery Conducted:** From the moment a filing is made until shortly before a hearing begins, Staff investigates the facts and issues raised in the utility's filing by conducting discovery. The discovery process involves the exchange of information by the parties to further their investigation and formulate their positions; information obtained through discovery is not public information. As part of discovery, parties request evidence from the utility, including answers to interrogatories and requests for documentation. All parties are entitled to conduct discovery. Staff may also conduct infrastructure inspections, review plant and financial records and assess the quality of the utility's customer service.

**6. Prehearing Conference Held:** A prehearing conference is held to simplify issues and set a hearing and procedural schedule. Due dates are also set for Staff and intervenor

testimony, rebuttal testimony from the utility, and dates are determined for any consumer sessions to be held as part of the case.

**7. Procedural Order Issued:** The PUCN typically issues a procedural order to memorialize the schedule set at the prehearing conference. The procedural order in a given docket is available on the "Docket Info" page on the PUCN's website. People who have subscribed to the appropriate service list(s) will also be informed of the procedural order.

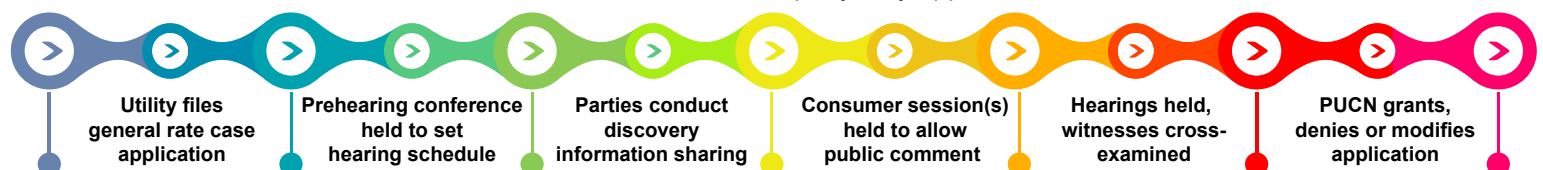
**8. Consumer Session(s) Held:** By law, the PUCN is required to hold consumer sessions for certain filings, and the utility is required to provide written notice of the consumer session to its customers. Generally the utility provides this notice on the customer's bill or as an insert to the bill. The PUCN also provides public notice. Consumer sessions offer a forum for the public to voice opinions about the filing directly to PUCN Commissioners and Staff, and the BCP.

**9. Hearings Held:** During hearings, parties present evidence and cross-examine each other's witnesses. The presiding officer may ask questions of witnesses, too. The evidence presented will become the record on which the PUCN will base its decision. Hearings are transcribed by a court reporter.

**10. Draft Order Issued:** At the conclusion of the proceedings, the presiding officer, with input from PUCN policy advisors and attorneys, writes a draft order. The draft order is based on the evidence in the record (e.g., application, pre-filed written testimony, transcripts). In the draft order, the presiding officer may recommend granting or denying the relief requested in the filing. The draft order is available on the "Docket Info" page on the PUCN's website in advance of the agenda meeting. The draft order is subject to change at the agenda meeting.

**11. Agenda Meeting:** The draft order is presented to the full Commission (two commissioners and chair) at a duly noticed agenda meeting, where the commissioners have an opportunity to discuss evidence in the record and make modifications to the draft order. At the conclusion of this discussion, they vote on whether the draft order should be issued, and whether the underlying relief requested should be granted.

**12. Petition for Reconsideration or Rehearing:** If any party disagrees with the PUCN's final order, the party has 10 business days from the date the order is issued (the date that the order is signed) to file a Petition for Reconsideration or Rehearing. The PUCN has 40 days to grant or deny a petition; if the PUCN takes no action the petition is deemed denied. The party may appeal a denial to the District Court.



The timeline above outlines the formal evidentiary process the PUCN must undertake before making a decision in a GRC application. The process must be completed within 210 days.

Day 210

# Dockets Opened at the PUCN in April 2022

Visit [puc.nv.gov/Dockets/Dockets/](https://puc.nv.gov/Dockets/Dockets/) to view documents filed in the dockets listed below.

Docket No.	Date Filed	Description
22-04001	4/1/2022	Filing by Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy of annual report on the quality of service metrics in compliance with the Order issued in Docket No. 15-06064.
22-04002	4/4/2022	Notice by Iron Point Solar, LLC, under the provisions of the Utility Environmental Protection Act, of an application to a federal agency for approval to construct upgrades to an access road to the Iron Point Solar Project, to be located in Humboldt County, Nevada.
22-04003	4/1/2022	Notice by Exelon Generation Company, LLC of a change of name to Constellation Energy Generation, LLC.
22-04004	4/5/2022	Notice by US Solar Assets, LLC, under the provisions of the Utility Environmental Protection Act, of an application to a federal agency for approval to construct the Amargosa East Solar Project consisting of an approximately 600 MW photovoltaic solar electric generating facility, an up to 1,000 MW battery energy storage system, a 500 kV generation-tie line, and associated facilities to be located in Nye County, Nevada.
22-04005	4/5/2022	Notice by US Solar Assets, LLC, under the provisions of the Utility Environmental Protection Act, of an application to a federal agency for approval to construct the Amargosa West Solar Project consisting of an approximately 1,400 MW photovoltaic solar electric generating facility, an up to 1,000 MW battery energy storage system, a 500 kV generation-tie line, and associated facilities to be located in Nye County, Nevada.
22-04006	4/7/2022	Application of Sierra Pacific Power Company d/b/a NV Energy ("SPPC"), filed under Advice Letter No. 655-E, to revise NV GreenEnergy Rider Schedule No. NGR to correct a reference from SPPC to Nevada Power Company d/b/a NV Energy.
22-04007	4/7/2022	Filing by Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy of NV GreenEnergy Rider Open Season Annual Report on the results of their open season and customer interest in participating in the program using an existing renewable resource.
22-04008	4/7/2022	Notice by Sierra Pacific Power Company d/b/a NV Energy of its intent to file an application for adjustment in electric rates.
22-04009	4/13/2022	Jovan Blanton vs. Nevada Power Company d/b/a NV Energy. Complaint regarding payments not posted and reported as insufficient funds.
22-04010	4/13/2022	Annual Report of Tenaska Power Services Co. on compliance with the Portfolio Standard for Renewable Energy for Compliance Year 2021.
22-04011	4/19/2022	Notice by MCImetro Access Transmission Services LLC of its intent to discontinue Local Line, Single Line and Business Line analog-type service offerings.
22-04012	4/15/2022	Annual Report of Constellation Energy Generation, LLC on compliance with the Portfolio Standard for Renewable Energy for Compliance Year 2021.
22-04013	4/14/2022	Notice by Brookfield Renewable Energy Marketing US LLC d/b/a Brookfield Renewable that it did not serve retail electric customers during the 2021 Renewable Portfolio Standard evaluation period.
22-04014	4/14/2022	Joint Petition of the Regulatory Operations Staff and Q&D Construction LLC ("Q&D Construction") requesting the Commission accept a stipulation regarding violations of Nevada's One Call Law by Q&D Construction.
22-04015	4/15/2022	Annual Report of Macquarie Energy LLC on compliance with the Portfolio Standard for Renewable Energy for Compliance Year 2021.
22-04016	4/15/2022	Annual Report of Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy on compliance with the Portfolio Standard for Renewable Energy for Compliance Year 2021.
22-04018	4/19/2022	Filing by Global Connection Inc. of America d/b/a STAND UP WIRELESS of updated Tariff No. 1 that includes revisions to wireless Lifeline plans.
22-04019	4/15/2022	Annual Report of Switch Ltd. on compliance with the Portfolio Standard for Renewable Energy for Compliance Year 2021.
22-04021	4/19/2022	Notice by Sheila Greathouse, Controller for former owner of Carmelita Court MHP LLC, of the transfer of the tenant service charge account balance in the amount of \$16,878.00 to the new owner, Monte Christo Communities.
22-04022	4/19/2022	Investigation regarding funding available under the Infrastructure Investment and Jobs Act.
22-04023	4/21/2022	Application of the Nevada Department of Transportation for authority to alter the existing UPRR and US-395 bridges, Bridge Nos. G-1748N and G-1748S, over the Union Pacific Railroad tracks located at the US-395 crossing in Reno, Nevada.

Prior editions of PUCN Connection are available at [puc.nv.gov/About/Media\\_Outreach/PUCN\\_Connection/](https://puc.nv.gov/About/Media_Outreach/PUCN_Connection/).

For questions or comments about this newsletter, contact Consumer Outreach Director Dawn Rivard at [drivard@puc.nv.gov](mailto:drivard@puc.nv.gov) or Communications Director Peter Kostas at [pkostas@puc.nv.gov](mailto:pkostas@puc.nv.gov).