26-04026

Public Utilities Commission of Nevada

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FILED WITH THE PUBLIC UTILITIES COMMISSION OF NEVADA - 9/16/2026

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BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of SV RNO Property Owner 1 LLC, under the provisions of the Utility Environmental Protection Act, for a permit to construct the South Valley Temporary Power Generation Facility consisting of a temporary 144 MW natural gas-fueled electric generating facility and associated facilities to be located on private land in Storey County, Nevada	Docket No. 26-04026
Application of PR RNO Property Owner 1, LLC, under the provisions of the Utility Environmental Protection Act, for a permit to construct the Peru Ridge Self-Generation Project consisting of a temporary 218 MW natural gas-fueled electric generating facility and associated facilities to be located on private land in Storey County, Nevada. /	Docket No. 26-04027

REGULATORY OPERATIONS STAFF'S ANSWER TO EXCEPTIONS

The Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("Commission"), pursuant to Procedural Order No. 4, hereby files this Answer to the Exceptions filed by Nevadans for Clean Affordable Reliable Energy ("NCARE") on September 10, 2026 concerning the Proposed Order ("Proposed Order").

The Exceptions filed by NCARE contain re-argument of positions already addressed in its testimony and at hearing in this matter. At their core, NCARE's Exceptions misconstrue the requirements and responsibilities set forth in the Utility Environmental Protection Act ("UEPA") (contained within Nevada Revised Statutes ("NRS") 704.820 through 704.900) and the Hearing Officer's Proposed Order. Staff will refrain from addressing each of NCARE's arguments as the Proposed Order is reasonable, supported by substantial evidence in the record, and already addresses

the issues raised by NCARE. However, Staff responds to a limited set of arguments made by NCARE in its Exceptions.

NCARE advances an argument that the Commission has the "primary responsibility" to investigate, analyze, and inquire into environmental aspects of UEPA applications. NCARE goes on to suggest that the Commission should adopt independent environmental analyses in UEPA orders.[1]

Nowhere in the UEPA statutes is there any requirement that the Commission has the "primary responsibility" to investigate, analyze, and inquire into environmental aspects of UEPA applications.[2] Similarly, there is no requirement that the Commission conduct its own independent environmental analysis of utility facilities. However, pursuant to NRS 704.877, the Commission is bound to cooperate with and not duplicate the environmental review of other permitting entities. As acknowledged in Paragraph 38 of the Proposed Order, the Commission rightly declines to duplicate the work of the Nevada Department of Environmental Protection:

> While NDEP's environmental review has not yet been conducted, that review is a condition precedent for any UEPA Permit to Construct that the Commission would issue, and if NDEP, the State agency possessing the relevant environmental expertise, denies the air permit applications, no UEPA permit will issue for the Projects. It is beyond the Commission's authority to conduct any duplicative environmental review, and the Commission is bound by NDEP's determinations.

NCARE's position would result in an inefficient and non-cooperative process wherein the Commission would theoretically undertake its own environmental analysis at the same time NDEP is undertaking its analysis resulting in governmental inefficiency and overlapping responsibility. This is the precise situation NRS 704.877 seeks to avoid. The Commission is complying with NRS 704.877 by deferring to NDEP.

Further, NCARE alleges that the Commission is the "first mover" rendering NRS 704.877's bar on duplication of environmental review inapplicable in this situation, and

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[1] NCARE Exceptions at 11.

[2] If the Nevada Legislature had intended that the Commission have "primary responsibility" to investigate environmental aspects of Utility Facilities, the NRS 704.877 and its requirements of non-duplication and cooperation would be unnecessary and the Legislature could have explicitly designated the Commission as the "primary" agency for such review as it did in NRS 704.873 in designating the Commission with exclusive jurisdiction regarding determinations of need for utility facilities.

essentially requiring the Commission to conduct an environmental review.[3] In most situations, the Commission will necessarily be the "first mover" as NRS 704.8905 requires that the Commission grant or deny a UEPA application that does not involve federal agency environmental analysis within 150 days of the application's filing date with other state and local permitting processes being completed after 150 days. The Proposed Order acknowledges this timeline and synchronizes it with NRS 704.877 by setting forth compliances at Ordering Paragraphs 4 and 7 requiring SV Reno Property Owner 1 LLC and PR RNO Property Owner 1, LLC to file copies of required state and local permits to be issued by NDEP and Storey County prior to UEPA permits to construct being issued for the Projects at issue. Again, the Commission is appropriately deferring to the State Agency with primary responsibility for air quality environmental review (NDEP) and the County in which the Projects will be sited to issue the required permits prior to issuance of the Commission's UEPA permits to construct.

In this case as is consistent with the Commission's processing of UEPA applications in general, the Proposed Order properly addresses the findings it is required to make under the UEPA statutes and sets forth compliances for the Applicants to fulfill prior to issuance of the UEPA Permits to construct, which avoids duplication of review and appropriate deferral to other permitting entities as contemplated by NRS 704.877.

RESPECTFULLY SUBMITTED this 16th day of September, 2026.

PUBLIC UTILITIES COMMISSION OF NEVADA
REGULATORY OPERATIONS STAFF

By: */s/ Don Lomoljo*
Donald Lomoljo, Staff Counsel

[3] NCARE Exceptions at 19.

PROOF OF SERVICE

I hereby certify that I have on this day served the foregoing document upon all parties of record in this proceeding by electronic mail to the recipient's current electronic mail address.

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DATED at Las Vegas, Nevada, on the 16th day of September, 2026.

/s/ Michelle Jackson
An employee of the Public Utilities Commission of Nevada

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I hereby certify that I have on this day served the foregoing document upon all parties of record in this proceeding by electronic mail to the recipient's current electronic mail address.

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DATED at Las Vegas, Nevada, on the 16th day of September 2026.

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An employee of the Public Utilities Commission of Nevada