Agenda 22-26; Item No. 2B Draft Order for discussion at agenda

THIS ORDER IS NOT A FINAL ORDER AND MAY BE SUBSTANTIALLY REVISED PRIOR TO ENTRY OF A FINAL ORDER BY THE PUBLIC UTILITIES COMMISSION OF NEVADA

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Winston FC Solar, LLC, under the provisions of the Utility Environmental Protection Act, for a permit to construct the Winston Solar Facility consisting of an up to 400 MW photovoltaic solar electric generating facility, a battery energy storage system, a 230 kV generation-tie line, a substation, and associated facilities to be located on private land in Lyon County, Nevada.	)	Docket No. 25-04029

At a general session of the Public Utilities Commission of Nevada, held at its offices on November 24, 2026.

PRESENT: Chair Hayley Williamson
Commissioner Tammy Cordova
Commissioner Randy J. Brown
Assistant Commission Secretary Trisha Osborne

[PROPOSED] ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following findings and conclusions:

I. INTRODUCTION

On April 30, 2025, Winston FC Solar, LLC ("Winston Solar") filed its application with the Commission. Winston Solar filed the application pursuant to the Nevada Revised Statutes ("NRS") and Nevada Administrative Code ("NAC") Chapters 703 and 704, including, but not limited to, NRS 704.820 through 704.900 and NAC 703.415 through 703.427, (the "Project").

On July 29, 2025, the Commission issued an order granting the application, subject to the satisfaction of certain compliances ("Order").

On October 27, 2026, Winston Solar filed its Motion to Modify Compliance Order ("Motion").

DRAFT

II. SUMMARY

The Commission grants the Motion and modifies the Order as outlined herein.

III. PROCEDURAL HISTORY

- On April 30, 2025, Winston Solar filed its application with the Commission. Winston Solar filed the application pursuant to the Nevada Revised Statutes ("NRS") and Nevada Administrative Code ("NAC") Chapters 703 and 704, including, but not limited to, NRS 704.820 through 704.900 and NAC 703.415 through 703.427.

- The Regulatory Operations Staff ("Staff") of the Commission participates as a matter of right pursuant to NRS 703.301.

- On May 5, 2025, the Commission issued a Notice of Application for UEPA Permit to Construct a Utility Facility.

- On July 25, 2025, Staff filed a briefing memorandum ("Staff's Briefing Memorandum").

- On July 29, 2025, the Commission voted to adopt the recommendations contained in Staff's Briefing Memorandum.

- On August 6, 2025, the Commission issued an order granting the application, subject to the satisfaction of certain compliances.

- On October 27, 2026, Winston Solar filed its Motion.

- On November 4, 2026, Staff filed a response to the Motion.

- On November 5, 2026, Winston Solar filed a reply in support of its amendment to its application.

IV. MOTION TO MODIFY

Winston Solar's Position

1. Winston Solar states that it changed the footprint of the Project to accommodate Lyon County's specific approved setback to the Project. (Motion at 1.) Winston Solar states that this reconfiguration has required it to obtain additional property from an adjacent landowner for the Project and make other accompanying project design changes including: Project boundary, interconnection voltage, increasing the voltage of the generation tie line and substation to 345

DRAFT

kilovolt, add fencing, make slight adjustments to the battery energy storage system ("BESS") design, and add a phase to include BESS construction, as outlined in its Motion. (*Id.* at 1-2)

2. Winston Solar states that the requested modification aligns with the UEPA statutory framework. (*Id.* at 8.) Winston Solar references NAC 703.530 which provides, " [i]f not otherwise prohibited by law and if substantial rights of the parties will not be prejudiced, the Commission will or the presiding officer shall allow any pleading to be amended or corrected or any omission in the pleading to be cured. (*Id.* at 8.) Winston Solar states that pursuant to NRS 704.8905(2), the Commission, "may grant… the application as filed, or grant the application upon such terms, conditions or modifications of the construction, operation or maintenance of the utility facility as the Commission… deems appropriate." (*Id.*) Winston Solar requests the Commission grant its Motion. (*Id.*)

Staff's Position

3. Staff does not oppose the Motion to modify the Commission's August 6, 2024, Compliance Order. (Staff's Response at 1.)

Commission Discussion and Findings

4. The Commission agrees with Winston Solar's request to modify the Order to amend the Project's boundary, amend its interconnection voltage, increase the voltage of the generation tie line and substation to 345 kilovolt, add fencing, make slight adjustments to the BESS design, and to add a phase to include BESS construction.

Compliances

5. The Commission requires that construction within a phase cannot begin until a UEPA permit for that phase is issued by the Commission and that each phase permit authorizes

DRAFT

construction only in its defined area, and permits for other phases are not needed unless required for the same work.

6. The Commission requires that a permit or approval covering multiple phases only need to be filed once and will serve as compliance for every phase it covers.

7. The Commission will only address the implementation of the phase-specific permit issuance for Winston Solar in this Order.

8. Pursuant to NRS 704.890, the Commission further finds, incorporates, and/or concludes the following:

(a) The Commission accepts and incorporates the findings and conclusions in Winston Solar's ES for the project.

(b) Winston Solar determined the nature of the probable effect of the project on the environment in the ES.

(c) The benefits of the project balance any adverse effect on the environment.

(d) The project represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives.

(e) Winston Solar has obtained, or is in the process of obtaining, all other federal, state, and local permits, licenses and approvals for the project.

(f) The project will serve the public interest.

9. The Commission finds that if Winston Solar does not file with the Commission all of the requisite compliances listed above within five years of the effective date of the original Order in this Docket, this Order will be deemed vacated without further action by, or order of, the Commission.

Therefore, it is ordered:

1. The Motion to Modify the Order regarding the application by Winston FC Solar LLC, under the provisions of the Utility Environmental Protection Act, for a permit to construct

DRAFT

the Winston Solar Facility consisting of an up to 400 megawatt photovoltaic solar electric generating facility, a battery energy storage system, a 230 kilovolt generation-tie line, a substation, and associated facilities to be located on private land in Lyon County, Nevada, is granted.

2. The Compliance Order issued on August 6, 2025, granting the application by Winston FC Solar, LLC, under the provisions of the Utility Environmental Protection Act, for a permit to construct the Winston Solar Facility consisting of an up to 400 megawatt photovoltaic solar electric generating facility, a battery energy storage system, a 230 kilovolt generation-tie line, a substation, and associated facilities to be located on private land in Lyon County, Nevada, is modified as provided by and consistent with this order.

Compliances

3. Upon the Regulatory Operation Staff of the Public Utilities Commission of Nevada's verification that the project-wide compliance items applicable to the Project and the compliance items applicable to a particular phase have been satisfied, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to Winston FC Solar, LLC a Utility Environmental Protection Act permit for each of the applicable phases.

4. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase One, Winston FC Solar, LLC must file the following with the Public Utilities Commission of Nevada:

Phase One: Site Preparation:

a. Nevada Division of Environmental Protection – Temporary Permit for Working in Waters.

b. Nevada Division of Environmental Protection – Surface Area Disturbance Permit.

DRAFT

c. Lyon County, Nevada – Conditional Use Permit.

d. Lyon County, Nevada – Grading Permit.

5. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to Winston FC Solar, LLC, a Utility Environmental Protection Act Permit to Construct Phase One of the Project.

6. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Two, Winston FC Solar, LLC must file the following with the Public Utilities Commission of Nevada:

Phase Two: Site Access:

a. Nevada Department of Transportation – Encroachment Permit.

b. Nevada Division of Environmental Protection – Surface Area Disturbance Permit.

c. Lyon County, Nevada – Conditional Use Permit.

7. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to Winston FC Solar, LLC, a Utility Environmental Protection Act Permit to Construct Phase Two of the Project.

8. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Three, Winston FC Solar, LLC must file the following with the Public Utilities Commission of Nevada:

Phase Three: Solar Arrays:

DRAFT

a. Nevada Division of Environmental Protection – Temporary Permit for Working in Waters.

b. Nevada State Fire Marshal – Hazardous Materials Storage Permit.

c. Nevada Division of Environmental Protection – Temporary Groundwater Discharge Permit.

d. Nevada Division of Environmental Protection – Surface Area Disturbance Permit.

e. Nevada Division of Environmental Protection – General Stormwater Construction Permit.

f. Nevada Division of Water Resources – Temporary Changes in Water Permits.

g. Nevada Department of Wildlife – Application for Energy Facility.

h. Lyon County, Nevada – Conditional Use Permit.

i. Lyon County, Nevada – Grading Permit.

j. Lyon County, Nevada – Building Permit.

9. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to Winston FC Solar, LLC, a Utility Environmental Protection Act Permit to Construct Phase Three of the Project.

10. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Four, Winston FC Solar, LLC must file the following with the Public Utilities Commission of Nevada:

Phase Four: Substation and Generation-Tie Line:

a. Nevada Division of Environmental Protection – Temporary Permit for Working in Waters.

DRAFT

b. Nevada Division of Environmental Protection – Surface Area Disturbance Permit.

c. Lyon County, Nevada – Conditional Use Permit.

d. Lyon County, Nevada – Grading Permit.

e. Lyon County, Nevada – Building Permit.

11. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to Winston FC Solar, LLC, a Utility Environmental Protection Act Permit to Construct Phase Four of the Project.

12. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Five, Winston FC Solar, LLC must file the following with the Public Utilities Commission of Nevada:

Phase Five: Step-up Substation and Generation

a. Nevada Division of Environmental Protection – Hazardous Materials Permit.

b. Nevada Division of Environmental Protection – Construction Stormwater General Permit.

c. Nevada Division of Environmental Protection – Surface Area Disturbance Permit.

d. Nevada Department of Wildlife – Cost Recovery Application for Energy Facility.

e. Lyon County – Planned Unit Development.

f. Lyon County – Grading Permit.

g. Lyon County – Building Permit.

DRAFT

13. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to Winston FC Solar, LLC, a Utility Environmental Protection Act Permit to Construct Phase Five of the Project.

14. A permit or approval that covers more than one phase need be filed only once and may be relied upon as compliance for each phase it covers. A permit or approval applicable solely to another phase is not a prerequisite to issuance of a phase permit unless it is also required for the work included in that phase.

15. If Winston FC Solar, LLC does not file with the Public Utilities Commission of Nevada all of the requisite compliance items within five years of August 6, 2025, the August 6, 2025, Order will be deemed vacated without further action by, or order of, the Public Utilities Commission of Nevada.

16. The Public Utilities Commission of Nevada may correct any errors that have occurred in the drafting or issuance of this order without further proceedings.

By the Commission,

_____

HAYLEY WILLIAMSON, Chair and Presiding Officer

_____

TAMMY CORDOVA, Commissioner

_____

DRAFT

RANDY J. BROWN, Commissioner

Attest: _____
TRISHA OSBORNE,
Assistant Commission Secretary

Dated: Carson City, Nevada

_____
(SEAL)

DRAFT