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FILED WITH THE PUBLIC UTILITIES COMMISSION OF NEVADA - 10/2/2026

October 2, 2026

Trisha Osborne
Assistant Commission Secretary
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, NV 89701

RE: Docket No. 26-04026 / 26-04027 – NCARE-BCP Corrected Petition for Rehearing

Ms. Osborne:

Nevadans for Clean Affordable Reliable Energy and Bureau of Consumer Protection file this Corrected Petition for Rehearing which corrects certain footnotes in the originally filed Petition for Rehearing.
Thank you.

Sincerely,

George Cavros

/s/George Cavros

Western Resource Advocates
Senior Attorney
George.Cavros@WesternResources.org

Attorney for Nevadans for Clean Affordable Reliable Energy

1 **BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

2 Application of SV RNO Property Owner 1,
3 LLC for a Permit to Construct the Proposed
4 South Valley Generation Facility in Storey
 County, Nevada

Docket No. 26-04026

5 Application of PR RNO Property Owner 1, LLC
6 for a Permit to Construct the Peru Ridge Self-
 Generation Project in Storey County, Nevada

Docket No. 26-04027

7 **NEVADANS FOR CLEAN AFFORDABLE RELIABLE ENERGY**
8 **AND BUREAU OF CONSUMER PROTECTION’S PETITION FOR REHEARING**

9 Nevadans for Clean Affordable Reliable Energy (“NCARE”) and the Bureau of
10 Consumer Protection (“BCP”), pursuant to NRS 704.895, by and through their undersigned
11 attorneys, file this Petition for Rehearing in the above-captioned docket. This petition
12 respectfully requests the Public Utilities Commission of Nevada (“Commission”) to order a
13 rehearing to correct procedural and substantive errors identified below and make related orders
14 to augment the record as requested herein.

15 NCARE and BCP allege that the Commission must augment the record in this case as
16 numerous determinations in the Order are not properly supported because of an incomplete and
17 inaccurate record. The Order approving the UEPA permits for the Peru Ridge Self-Generation
18 Project and the South Valley Temporary Power Generating Facility (the “Projects”) was the
19 product of a proceeding that was marred by procedural errors that deprived NCARE of due
20 process and constitutes an abuse of discretion by the Commission. These errors produced an
21 Order that does not conform with the laws and Constitution of Nevada and is not supported by
22 substantial evidence in the record.

23 These errors can only be addressed by augmenting the record in the above cases with
24 new, non-cumulative facts that would address the incomplete and inaccurate record, which the

Commission relied upon in its Order. The Commission must therefore augment the evidentiary record to enter non-cumulative facts into the record to fulfill the Commission’s statutory requirements under the Utility Environmental Protection Act (“UEPA”),¹ as further provided below.

I. Standard for Rehearing

NRS 704.895 grants aggrieved parties the right to request a rehearing once an Order is issued in a UEPA proceeding. Upon the Commission’s approval of the Projects, NCARE became an aggrieved party in this case as an intervenor that participated, offered expert testimony, and opposed granting the Order on the insufficient bases provided in Procedural Order No. 4.² The Bureau of Consumer Protection filed a Notice of Intervention on September 18, 2026. A request for the Commission to order rehearing in UEPA proceedings must be filed within 15 days of the issuance of the Order.³ NCARE and BCP have timely filed this Petition for Rehearing within 15 days of the Commission’s September 17, 2026 Order.

NAC 703.801(2) provides the required contents of a rehearing petition, which must:

- (a) Allege that an order is in error because of an incomplete or inaccurate record.
- (b) Specifically set forth the nature and purpose of any additional evidence to be introduced.
- (c) Show that such evidence is not merely cumulative and could not have been introduced at the hearing.

¹ NRS 704.820 to 704.900.

² See *Exceptions of Nevadans for Clean Affordable Reliable Energy*, Sept. 10, 2026.

³ NCARE and BCP are aware that the Commission’s regulations set a 10-business-day deadline for filing a petition for reconsideration/rehearing of certain other orders in NAC 703.801(3) but believes that the statutory deadline in NRS 704.895(1) would take precedence here.

1 **II. Background and Arguments in Support of Rehearing**⁴

2 This is not an ordinary UEPA case. It is NCARE's understanding that this is the first
3 time in the Commission's history that a data center developer has applied for a permit to
4 construct a temporary behind-the-meter (BTM), off-grid fossil-fueled generation, to serve as a
5 primary source of energy rather than as emergency backup power. The Commission need not
6 apply heightened scrutiny to the Projects, but it must recognize that these Projects are unique.
7 BTM fossil-fueled generation is different in-kind from other projects the Commission has
8 historically reviewed under UEPA because the need, the grid benefits, and the public interests
9 favoring approval are significantly reduced with BTM fossil-fueled generation. At a minimum,
10 the Commission's UEPA analyses and findings should have recognized that there are
11 differences in how the Commission must weigh the need for the Projects to ensure reliable
12 service to Nevadans against the adverse environmental impacts, and how the facilities will
13 serve *public* interests, compared to grid-interconnected generation that will serve IRP-
14 recognized resource needs. The Commission's Order did not adequately do this.

15 NCARE recognized the extraordinary nature of this proposal by the Applicants early on
16 and chose to intervene and testify as to the substantial environmental impacts, deficient
17 environmental analyses, the unsubstantiated need for the Projects to provide reliable utility
18 service to Nevadans, and their potentially unlawful nature. To this last point, NCARE has
19 maintained throughout the proceedings that the Commission is obligated, prior to making the
20

21 ⁴ NCARE previously raised similar arguments to several of those in Section II of this Petition in its September 10,
22 2026, filed Exceptions, which are hereby incorporated in their entirety by reference into this Petition. The filed
23 Exceptions also requested revisions to that Proposed Order, which the Commission did not expressly acknowledge
24 or affirmatively act on during its September 17, 2026, Special Agenda Meeting. The Exceptions included
arguments that the Proposed Order under Commission review was erroneous because of an incomplete or
inaccurate record (See NAC 703.801(2)(a)), and that the Proposed Order was arbitrary, capricious, an abuse of
discretion, and inconsistent with Nevada law (See NRS 704.895(2)(a)-(d)). NCARE now renews several of these
arguments in support of its requested relief in this Petition.

1 required determinations under UEPA,⁵ to make certain findings about whether the Applicants
2 or the owners or operators of the Projects are a “provider”⁶ subject to Nevada’s Renewable
3 Portfolio Standard (“RPS”) (NRS 704.780, et seq.)⁷ and the Nevada Constitution, Article 4,
4 Section 39,⁸ and whether the Applicants’ Projects are lawful generation under the regulation of
5 public utilities (NRS 704.020 – 021).

6 The record in this case does not establish whether the Applicants, owners or the
7 operators of the Projects, as approved by the Commission, will be subject to Nevada’s
8 Renewable Portfolio Standard⁹ or whether the Applicants’ Projects can be defined as, or
9 excluded from being, public utilities,¹⁰ such that Applicants are required to obtain a certificate
10 of public convenience and necessity prior to construction.¹¹ UEPA vests the Commission with
11 the authority and obligation to determine whether these Projects will serve the public interest,
12 and it is against Nevada public policy and contrary to the public interest to permit projects that
13 will not comply with Nevada law.

14 Additionally, as further described below, the record is incomplete and lacking
15 substantial evidence to support findings of the Projects’ probable environmental impact; the
16 extent to which the Projects are needed to ensure reliable utility service to customers in this
17 State; whether the need for the Projects balances any adverse effect on the environment;
18 whether the Projects represent the minimum adverse effect on the environment, considering the
19

20 _____
21 ⁵ NRS 704.890(1).

22 ⁶ NRS 704.7808(1) (“Provider of electric service” and “provider” mean any person or entity that is in the business
of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is
otherwise subject to regulation by the Commission”).

23 ⁷ See the discussion in NCARE’s Direct Testimony of Zoe Harrold, pp. 40-46.

24 ⁸ NRS 704.7808 should be interpreted and applied consistent with Article 4, Section 39 of the Nevada Constitution
which requires that the Act “shall be liberally construed” to achieve its purpose.

⁹ NRS 704.7801 to 704.7828.

¹⁰ See NRS 704.020(2)(a); 704.021(13).

¹¹ See NRS 704.330.

1 state of available technology and the nature and economics of the various alternatives; and
2 ultimately whether they will serve the public interest.¹²

3 **A. The Order was the product of a proceeding that was marred by numerous**
4 **procedural errors, which deprived NCARE of due process.**

5 **1. The hearing officer impermissibly limited the scope of discovery,**
6 **denied NCARE access to relevant information related to its claims,**
7 **and committed an abuse of discretion in denying NCARE’s Motion**
8 **to Compel Discovery.**

9 The scope of relevant, discoverable information in a UEPA proceeding is broader than
10 the scope of what may be admitted into evidence at hearing. Nevada Rule of Civil Procedure
11 (“NRCPP”) 26(b)(1) governs the scope relevance for discovery purposes and reads as follows:

12 *Scope.* Unless otherwise limited by order of the court in accordance with these
13 rules, the scope of discovery is as follows: Parties may obtain discovery regarding
14 any nonprivileged matter that is relevant to any party's claims or defenses and
15 proportional to the needs of the case, considering the importance of the issues at
16 stake in the action, the amount in controversy, the parties' relative access to
17 relevant information, the parties' resources, the importance of the discovery in
18 resolving the issues, and whether the burden or expense of the proposed discovery
19 outweighs its likely benefit. Information within this scope of discovery need not
20 be admissible in evidence to be discoverable.

21 The Applicants sought to characterize the Projects as temporary self-generation
22 facilities while acknowledging that the Projects would be operated by a third party, Aggreko
23 LLC, to “provide power solely to the data center development.”¹³ NCARE sought lawful
24 discovery on a range of topics that were relevant to NCARE’s testimony and claims in the
case,¹⁴ including that the Projects were not proposing any enforceable limits on their operating
timelines (described in the Applications as 2-to-3 years), that the Projects were not self-
generation because the entity operating and receiving energy from the Projects would not be the
same, and that the Projects as proposed would not be lawful under State laws regarding the

¹² NRS 704.890(1)(a), (b), (c), (d), (g).

¹³ Ex. 1, at p. 2; Ex. 3, at Exhibit F, p. 1-1; Ex. 14, at p. 12.

¹⁴ NCARE Motion to Compel Discovery, July 20, 2026.

1 regulation of public utilities. Applicants objected to the majority of NCARE's requests, citing
2 relevance, confidentiality, and privilege.¹⁵ NCARE and the Applicants subsequently entered a
3 Protective Agreement, allowing for the exchange of confidential information and records
4 without resulting in Applicants' waiver of confidentiality.

5 Some examples of NCARE's objected-to requests where relevance was at issue include
6 the identity and number of businesses that will receive service from the Projects and the terms
7 under which the Projects will be operated by the Applicants or third parties to provide service
8 to the data center campuses, which are relevant to whether these are truly self-generation
9 Projects; and the potential timelines for the agreements between the Applicants and/or their
10 tenants and third-party facility operators, which is probative of the Applicants' claims that the
11 Projects will be temporary; and the sufficiency of the Applicants' environmental analysis.

12 Had the hearing officer followed NRCP 26(b)(1), he would have considered and
13 balanced the factors in this Rule, including the critical importance of these facts to NCARE's
14 claims, the relatively minimal burden of requiring the Applicants to respond, NCARE's lack of
15 relative access to this information, and the importance of this discovery to resolving the issue of
16 whether the Projects can qualify as self-generation. Permitting discovery could also have
17 disclosed facts about whether the Projects are lawful, such as whether they will comply with
18 the Nevada RPS and whether they fit within the statutory exclusion from the definition of
19 "public utility" in NRS 704.021(13) such that they may construct the Projects without first
20 obtaining a certificate of public convenience and necessity, both of which are relevant to
21 whether construction of the Projects will serve the public interest.

22
23
24 ¹⁵ *Id.*

1 Instead of applying the required Rule 26(b)(1) factors, the hearing officer appears to
2 have applied a different standard than was required by law. At hearing, he opined that
3 NCARE's motion was mooted by the arrival of the hearing date; that the issues raised in the
4 motion were already resolved at the discovery conference; and that the applicability of NRS
5 704.7808(1) and 704.021(13) to the Applicants or their Projects was "only tangentially
6 relevant" to the Commission's decision in these cases.¹⁶ The hearing officer followed this up by
7 saying that being "tangentially relevant" is "not the same as being wholly irrelevant."¹⁷ The
8 hearing officer did not deny NCARE's Motion to Compel for privilege or confidentiality
9 reasons.

10 The NRCP and Commission rules do not describe any "tangential relevance" standard
11 that would allow the hearing officer to deny NCARE's Motion to Compel Discovery. Nor is the
12 arrival of the hearing a valid basis to disregard NRCP 26(b)(1).¹⁸ NCARE maintains that none
13 of its representations at the discovery conference were intended to be construed as a waiver of
14 its rights to seek a ruling on the allowability of discovery requests to which the Applicants
15 objected. This procedural error excluded relevant testimonial evidence from the hearing
16 transcript, rendering the record incomplete or inaccurate. Rehearing is an appropriate remedy
17 for this error.

18 **2. The hearing officer impermissibly limited the scope of cross-**
19 **examination by NCARE at hearing.**

20 The hearing officer's limitation of NCARE's ability to explore relevant issues at
21 hearing is an additional deprivation of NCARE's due process rights that led to an incomplete or

22 ¹⁶ Hearing Transcript, p. 8, lines 3-12.

23 ¹⁷ *Id.*, p. 8, lines 19-22.

24 ¹⁸ NCARE waived its right a reply in its Motion to Compel Discovery (see p. 21). The Applicants' response was
filed on July 23, and the evidentiary hearing was on July 30. The hearing officer had ample time to provide a
written response to the Motion prior to hearing but chose to resolve the Motion at hearing.

1 inaccurate record and justifies rehearing. As NCARE noted at hearing, “it’s critical to
2 understand the relationship between the Applicants, the owners and operators of the facilities
3 and any tenants to reach any conclusion about whether the definition of provider of electric
4 service [subject to Nevada’s RPS] or whether the exception to being regulated as a public
5 utility in NRS 704.021(13) applies to the Applicants.”¹⁹ NCARE has a long-standing interest in
6 Nevada’s RPS, which includes ensuring that it is liberally construed to fulfill the benefits
7 enshrined in Article 4, Section 39, of the Nevada Constitution²⁰ and ensure its obligations apply
8 “regardless of whether the person or entity [providing electric service] is otherwise subject to
9 regulation by the Commission.”²¹

10 Yet, despite NCARE’s identification of these issues as critical to an understanding of
11 whether the Applicants’ Projects are lawful, and whether the Projects qualify as self-generation,
12 the hearing officer sustained objections to NCARE’s questions about the applicability of the
13 RPS to the Projects,²² whether the relationships between Aggreko, the Applicants, and the data
14 center’s end-use energy consumers may implicate Nevada’s definition of providing service as a
15 “public utility,”²³ and how the Applicants define “self-generation” under the circumstances.²⁴
16 Sustaining these objections constitutes a prejudicial error that deprived NCARE of due process
17 and excluded relevant testimonial evidence from the hearing transcript, rendering the record
18 incomplete or inaccurate. The Commission exclusion of this evidence is even more egregious

19 ¹⁹ Hearing Transcript, p. 10.

20 ²⁰ The Nevada Constitution which trumps all provisions of the Nevada Utility Protection Act (“UEPA”). *Thomas v. Nevada Yellow Cab Corp.*, 130 Nev. 484, 487-488 (2014) (“The Nevada Constitution is the ‘supreme law of the state,’ which ‘control[s] over any conflicting statutory provision.’ (internal citations omitted). Furthermore, any constitutional amendment impliedly repeals a statute when “irreconcilably repugnant.” *Id.* at 488. BCP notes that the presumption is against implied repeal unless the enactment conflicts with existing law to the extent that both cannot logically coexist. *Id.* In this case, provisions of the contracts between the parties must be examined to determine whether they would be subject to the requirements of Article 4, § 39.

23 ²¹ NRS 704.7808(1).

22 ²² Hearing Transcript, pp. 13, 35-36.

23 ²³ Hearing Transcript, pp. 133-134.

24 ²⁴ *Id.*

1 considering the Commission itself describes the Projects as “lawful,”²⁵ yet excluded facts that
2 went directly to the lawfulness of the Projects in NCARE’s discovery and sustaining objections
3 that queried these facts at hearing. Rehearing on these matters is the appropriate remedy for this
4 error.

5 **3. The Commission wrongly stated at its Special Agenda Meeting**
6 **approving the applications that it lacked authority to deny the**
7 **Projects.**

8 UEPA vests the Commission with significant responsibility to use critical judgment,
9 weigh the evidence, and ultimately exercise its authority to grant or deny the Applications.
10 UEPA is an environmental protection statute, as the statutory title, and the purpose of the law,²⁶
11 make clear. It asks the Commission, not a project’s proponents, to determine whether
12 generation facilities using fossil fuel will produce benefits that demonstrate they are in the
13 public interest and justified by a public need that outweighs the probable environmental
14 consequences. It is not a ministerial statute, like the air permitting laws and rules enforced by
15 the Nevada Department of Environmental Protection (“NDEP”), that compels permit issuance
16 if certain numeric thresholds are not triggered or if certain technologies are deployed. Nor is
17 UEPA a “clearinghouse” law that merely requires the Commission to ensure all documentation
18 is present for other, subsequent decisionmakers to review and consider.

19 During the Special Agenda Meeting, the Commission’s general counsel suggested to the
20 Commissioners and the public that the Commission lacks authority to deny the Projects on the
21 present record, or conduct a more thorough review of the Projects’ impacts, characterizing this
22 as “stepping outside of [the Commission’s] delegated authority”:

23 So here, as I'm sure you will hear later from hearing officer Crano in the in the
24 issue that has provoked the most interest, you know there are concerns that have

25 Order, Paragraphs 27, 68.

26 NRS 704.825.

1 been articulated about the statutory constraints on the Commission's discretion
2 when it comes to environmental review. And so, you know, the Public Utilities
3 Commission of Nevada is a creature of statute. It is delegated authority from the
4 legislature and has no more authority than that expressly delegated to it. So, there
5 is a sensitivity to stepping outside of that delegated authority. And here, I think
6 hearing officer Crano's draft order articulates that concern and sensitivity to
7 stepping beyond the scope of the Commission's duties.²⁷

8 Commission Chair Williamson, in her statement prior to moving to approve this item,
9 later appeared to adopt this misapplication of UEPA that, if endorsed, would improperly
10 delegate the Commission's obligation to assess and weigh the Projects' benefits against its
11 environmental impacts to NDEP:

12 The UEPA acts more as a clearinghouse than anything else. We do not have an
13 NDEP full assessment. We do not have an NDEP environmental review, but
14 noting the law which says we shall condition our permit upon the Applicant
15 obtaining those permits and approvals. I believe the Commission, with a "shall,"
16 has to issue a UEPA that may never actually issue unless NDEP conducts that
17 environmental review. And so, I read NRS 704.890(2) as fulfilling, as you both
18 stated, our UEPA duties and holding a clearinghouse but making sure that we get
19 all of the conditions precedent listed out by the hearing officer, including NDEP's
20 environmental review. So, I don't know that we have any other legal ability here.²⁸

21 It appears that Chair Williamson, perhaps influenced by the general counsel's
22 comments, believed that conformance of a final approval of a UEPA proceeding to NRS
23 704.890(2) qualifies as a fulfillment of the Commission's duties. It does not. Subdivision (2)
24 requires the Commission to condition its UEPA approval on the applicant obtaining any
25 unobtained permits and approvals anytime the applicant has not obtained "all the other permits,
26 licenses, registrations and approvals required by federal, state and local statutes, regulations
27 and ordinances" by the date of a final order granting a UEPA application. This provision relates
28 to the Commission's ministerial duties in NRS 704.890(1)(e), which requires the Commission

²⁷ Nevada State Legislature, 9/17/2026 – PUCN Special Agenda, YouTube, at 2:21:00 – 2:21:48, Sept. 17, 2026,
<https://www.youtube.com/watch?v=g8wlShxTdwY>.

²⁸ *Id.* at 2:31:31 – 2:32:17.

1 to verify that “the applicant has obtained, or is in the process of obtaining, all other permits,
2 licenses, registrations and approvals required by federal, state and local statutes, regulations
3 and ordinances.” The interpretation of UEPA contained in the Order and espoused by Chair
4 Williamson on September 17 would render superfluous the obligations in NRS 704.890(1)(a)-
5 (d) and (g) to conduct an environmental review, conduct specified balancing tests, and
6 incorporate consideration of public interest prior to issuance of a UEPA approval. These
7 decisions are not delegable to NDEP and require a substantial exercise of authority by the
8 Commissioners, contrary to these remarks made at the Special Agenda Meeting.

9 Specifically, the Commission, pursuant to NRS 704.890(1), cannot grant a UEPA
10 permit to the Applicants unless it finds and determines, in relevant part:

- 11 (a) The nature of the probable effect on the environment;
- 12 (b) If the utility facility emits greenhouse gases and does not use renewable energy
13 as its primary source of energy to generate electricity, the extent to which the
14 facility is needed to ensure reliable utility service to customers in this State;
- 15 (c) That the need for the facility balances any adverse effect on the environment;
- 16 (d) That the facility represents the minimum adverse effect on the environment,
17 considering the state of available technology and the nature and economics of the
18 various alternatives;
- 19 . . .
- 20 (g) That the facility will serve the public interest.

21 In its order on rehearing, NCARE and BCP request that the Commission explicitly
22 recognize its substantial authority under UEPA in NRS 704.890(1)(a)-(d) and (g).

23 **B. Augmentation of the evidentiary record is necessary to fulfill statutory**
24 **requirements under the Utility Environmental Protection Act.**

1. The evidentiary record is incomplete as to the probable significant
environmental impacts disclosed by NCARE’s testimony.

An environmental review can only be as accurate and complete as the underlying
Project description and disclosure of foreseeable impacts that are subject to environmental

1 analysis. UEPA recognizes this by foregrounding a finding of the “nature and probable effect
2 on the environment” as the first step the Commission must take before it can proceed to the
3 other steps outlined in NRS 704.890(1)(b)-(g). In support of this Petition, we highlight three
4 areas of probable environmental impact, which lacked underlying facts, or were not adequately
5 analyzed in the record, and which warrant augmentation of the evidentiary record. These
6 include: (a) impacts wrongly deferred to NDEP; (b) cumulative impacts from the Projects
7 operating for longer than three years; and (c) environmental impacts from significant heavy
8 duty truck trips required to operate the Projects.

9 **a. Impacts wrongly deferred to NDEP**

10 NCARE’s filed Exceptions noted that the Order contains a significant misapplication of
11 NRS 704.877(1) in Paragraph 38, which leads to the incorrect conclusion that “[i]t is beyond
12 the Commission’s authority to conduct any duplicative environmental review” of any
13 foreseeable air quality impact that might come before NDEP in its pending air permit
14 proceedings for the Projects. NCARE and BCP reiterate here that, on its face, NRS 704.877(1)
15 only applies when an “environmental review” related to all or a portion of a proposed facility
16 has been *completed* by “an appropriate federal agency or by a state, regional or local agency.”
17 NDEP has not acted or published any analysis, rendering this provision inapplicable.

18 Nor can NDEP’s ministerial air permit review even be considered a full environmental
19 review as that term is commonly understood. Although required as a condition of UEPA
20 approval, NDEP’s issuance of an air permit is in no way an appropriate substitute for the
21 authority that UEPA places with the Commission.²⁹

22
23 ²⁹ The Commission’s Order shifts primary responsibility for investigation, analysis, and critical inquiry into the
24 probable environmental effects of the Projects either to the Applicants’ environmental consultants, or to other
agencies issuing subsequent, likely ministerial, permit approvals which are not subject to the same policy-
balancing obligations as imposed on the Commission by NRS 704.890(1)(a)-(d) and (g).

1 If the Commission truly believes NDEP is the sole agency “which possesses expertise
2 in environmental protection,”³⁰ Commission Regulatory Operations Staff could have worked
3 with NDEP to ensure the evidentiary record contained a sufficient disclosure of probable
4 impacts as required by NRS 704.890(1)(a).

5 Hearing Officer Crano’s statements at the September 17 Special Agenda Meeting
6 suggests his belief that NDEP will be preparing a substantive environmental review of the
7 Projects:

8 And while the Nevada Division of Environmental Protection’s environmental
9 review has not yet been conducted, that review is a condition precedent for any
10 UEPA permit to construct that the Commission would issue. And if NDEP, the
11 state agency possessing the relevant environmental expertise, denies the air permit
12 applications, no UEPA permit will ever issue for these projects.

11 I believe it's beyond the commission's authority to conduct any duplicative
12 environmental review, and the Commission is bound by NDEP’s determinations.
13 As such, the proposed order before you grants the application subject to the
14 satisfaction of compliance items delineated in the proposed order. Those being
15 the permits from NDEP, the permits from Storey County.³¹

14 These comments are misleading for two reasons. First, there is no evidence,
15 authoritative citation, or commitment by NDEP in the record to conduct a full “environmental
16 analysis,” rather than a ministerial air permit review.³² Second, an “environmental review” by
17 NDEP is not “a condition precedent for any UEPA permit to construct that the Commission
18 would issue.”³³ The approval in the Order is only conditioned, at Paragraphs 78 and 81, on
19 NDEP’s issuance and Applicants’ submittal of Class 1 OPTC Air Permits. The statements that
20

21 ³⁰ Order, parag. 37.

22 ³¹ Nevada State Legislature, 9/17/2026 – PUCN Special Agenda, YouTube, at 2:28:45 - 2:29:26, Sept. 17, 2026,
23 <https://www.youtube.com/watch?v=g8wlShxTdwY>. See also Order, Paragraph 38, which conflates the
24 Commission’s environmental review obligations in NRS 704.890(1)(a)-(d) with the Commission’s permit-
verification obligations in NRS 704.890(1)(e).

³² Chair Williamson’s comments, *supra*, fn. 28, also repeat the unsupported claim that no UEPA permit will be
issued unless NDEP conducts an environmental review.

³³ *Supra*, fn. 31.

1 UEPA permits are specifically conditioned on NDEP's performance of an "environmental
2 review" are not correct.

3 The Commission's attempted deferral of certain required portions of its environmental
4 review to NDEP is also concerning when considered alongside the higher standard for UEPA
5 review of greenhouse gas-emitting facilities under NRS 704.890(1)(b). The Projects'
6 greenhouse gas emission impacts are also directly linked to the public interest determination
7 the Commission must make pursuant to NRS 704.890(1)(g). Paragraphs 37 through 39 of the
8 Order incorrectly imply that NDEP will review, assess the significance of, and/or impose
9 conditions to reduce greenhouse gas emissions from the Projects. Nevertheless, the record does
10 not establish that NDEP has any obligation to quantify, review, or assess the significance of the
11 Projects' greenhouse gas emissions.

12 Even if NDEP were required to do this, the scope and extent of its review would be
13 limited to on-site, point-source facilities, namely the proposed gas- and diesel-powered
14 facilities to be used for primary and backup power. As discussed further below, the
15 Commission's review must consider the Projects as a whole, including off-site emissions
16 related to fuel transport. The scopes of review imposed by law on the Commission and NDEP
17 do not align.

18 Due to the incomplete evidentiary record created by the Order's deferral of
19 environmental review, including greenhouse gas emissions impact analysis, to NDEP, a
20 rehearing is the appropriate remedy for this error.

21 **b. Impacts from extended operations**

22 NCARE, as noted in its filed Exceptions, has significant concerns that the
23 Environmental Statements relied on by the Commission and incorporated into the Order do not
24 sufficiently disclose ongoing and cumulative impacts from the Projects' continued operation

1 for longer than three years. The Commission's determinations of the Projects' probable effect
2 on the environment, that the need for the Projects balances any adverse effect on the
3 environment, and that the Projects represent the minimum adverse effect on the environment
4 are all predicated on the assumption that the Projects will be temporary and operate for a 2-3
5 year time period.³⁴ The Applications state that the Projects are temporary, expected to operate
6 for 2-3 years until the NV Energy can provide utility service to the sites.³⁵ The Order takes this
7 at face value, noting "[t]he Commission's ultimate findings rest on the Applicants'
8 representations and no further."³⁶

9 Nevertheless, NCARE and BCP assert that, without an enforceable decommissioning
10 date, the Commission's UEPA analyses should have accounted for the possibility of extended
11 operations. The Applicants concede the Projects could operate longer than 2-3 years with
12 authorized air permit extensions if necessary.³⁷ The NDEP Class 1 OPTC would permit
13 Applicants up to six years of construction and operational activities with *an opportunity to*
14 *renew such permits*.³⁸ The Applicants did not propose, and Commission Staff did not
15 recommend, that the Commission include in its Order any enforceable permit limits that would
16 ensure Applicants adhere to a three-year maximum operating duration in the Applications. The
17 record is devoid of any disclosure, analysis, or projection of how the Projects' continued
18 operations in subsequent years may impact the environment if the Applicant elects to extend
19 operations. The Commission should not endorse the practice of submitting UEPA permit
20 Applications with open-ended, potentially indefinite descriptions of project timelines, a practice

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23 ³⁴ Order, parag. 7, 22, 33, 34, 35, 39, 46, 51, 70, and 71.

³⁵ Ex. 1 and 3, at 2; Ex. 4, at 9.

³⁶ Order, parag. 16.

³⁷ Ex. 4, at 3.

³⁸ Ex. 7, at 16.

1 that is legally impermissible and prejudicial to informed decision making and public
2 participation in analogous environmental review contexts.³⁹

3 NCARE also notes that it sought to understand the timing of the need for the onsite
4 generation and the projected timing and amount of power that NV Energy was to supply to the
5 sites in order to advance a full and complete record in the proceeding regarding the need and
6 temporary nature of the Projects. This information was not provided by Applicants despite
7 NCARE executing a confidentiality agreement with Applicants. NCARE subsequently filed a
8 Motion to Compel Discovery to obtain information on timing and amount of utility service to
9 arrive at the site, as well as the generation needs of the Projects.⁴⁰ The Motion was denied by
10 the hearing officer at the hearing.⁴¹ As noted above in Sections II.A.1 and 2, NCARE and BCP
11 allege this to have been an abuse of discretion that deprived NCARE of its rights to discovery
12 of pertinent information related to the expected operating duration of the Projects.

13 The Order's unsupported conclusion that the Projects will operate for "a defined period
14 of operation"⁴² is ubiquitous. It touches every finding and conclusion of the Commission in
15 these cases. NCARE and BCP share a substantial concern here with the incompleteness of the
16 record to support what a realistic operating duration should look like for purposes of these
17 Projects' environmental analyses. If the Applicants had defined a specific operating period for
18 the Projects (say, 5-to-10 years), the Commission would likely have ensured that the scope of
19 the environmental analysis matches this term. But these Applicants have not proposed a defined
20 term—they have offered an open-ended guess as to when they will transition to NV Energy's

22 ³⁹ See, e.g., *Stopthemillenniumhollywood.com v. City of Los Angeles*, 39 Cal. App. 5th 1, 17-20 (2019) (affirming
23 that a project proposal must be "concrete" and "accurate, stable, and finite," rather than "open-ended and
indefinite").

⁴⁰ NCARE Motion to Compel Discovery, July 20, 2026, at pp. 11-13, 17-21.

⁴¹ Hearing Transcript, p. 3.

⁴² Order, parag. 39.

1 service and decommission the Projects. It is foreseeable, perhaps even likely, that the Projects
2 will operate for longer than the 2-to-3-year period that was analyzed in the evidentiary record.
3 As NV Energy's timetables grow, so will the probable environmental consequences of these
4 Projects.

5 To correct this error, NCARE and BCP request the Commission take one of two
6 remedial steps in its order on rehearing: (a) the Commission, on rehearing, could include
7 enforceable permit conditions that prohibit the Applicants for operating the Projects from more
8 than three years after their commercial operating date, or (b) the Commission could order
9 augmentation of the record as necessary to provide reasonably sufficient detail regarding
10 foreseeable environmental impacts from various operating scenarios including the 2-to-3 year
11 projection already proposed and longer operating timetables based on forecasted scenarios in
12 which NV Energy is not able to meet Applicants' preferred timing to bring sufficient power
13 supply to the Project sites.

14 **c. Impacts of operational heavy truck trips**

15 Operation of the Projects will cause an additional 14,600 heavy truck trips per year to
16 occur, or roughly one trip per hour per facility, each day of the year. These trips are necessary
17 for the delivery of compressed natural gas (CNG) and liquified natural gas (LNG) to the
18 Projects, since there is no permanent on-site fuel delivery service at the Project sites. They are
19 directly caused by these Projects and will not occur without them.

20 NCARE witness, Dr. Zoë Harrold, testified that the Projects' Environmental Statements
21 do not attempt to quantify or assess environmental impacts, including air pollutants and
22 greenhouse gas emissions, that are a foreseeable product of these heavy truck trips.⁴³

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⁴³ Ex. 7, at 12, 14, 17, 39.

1 Applicants' rebuttal testimony concedes this: Their response was that the 14,600 heavy truck
2 trips were analyzed in Section 3.8.2, within the Transportation chapter of both Environmental
3 Statements, which analyzes the operational truck trips' contributions to traffic and nothing
4 else.⁴⁴ Section A9 of the Applicants' rebuttal testimony clarifies that the emissions estimates
5 provided for the Projects only include on-site fuel delivery systems and end-use emissions from
6 the generators, not any off-site fuel delivery emissions.⁴⁵ Mr. Bartlett later characterizes the
7 impacts of the 14,600 annual heavy truck trips required for operation of the Projects as an
8 "insignificant number in terms of probable environmental impacts,"⁴⁶ a conclusion that lacks
9 any weight without supporting facts.⁴⁷

10 The Order correctly characterizes NCARE's position that the evidentiary record lacks
11 any evidence of the environmental impacts, including air pollutants and greenhouse gas
12 emissions, which will be caused by these 14,600 new heavy truck trips occurring annually.⁴⁸
13 The Order then claims, without further explanation, that this position is "belied by the contents
14 of the environmental statements (See e.g., Ex. 1 at § 3.8.2 of Exhibit F; Ex. 3 at § 3.8.2 of
15 Exhibit F.)."⁴⁹ But Section 3.8.2 of the Environmental Statements does not in any way
16 contradict NCARE's position. It is solely a traffic impacts analysis,⁵⁰ with no analysis or
17 conclusion about the environmental impacts NCARE's testimony focused on.

19 ⁴⁴ Ex. 14, at 9; Exhibit F to Ex. 1 and Ex. 3, at Section 3.8.2.

20 ⁴⁵ Ex. 14, at 7.

20 ⁴⁶ Ex. 14, at 9.

21 ⁴⁷ Whether a foreseeable environmental impact is "significant" or "insignificant" is the key inquiry in an
21 environmental review. It must be made based on substantial evidence in the record, and it requires careful
22 judgment based to the extent possible on scientific and factual data. This can include expert opinion supported by
22 facts, but Mr. Bartlett has neither established that he is an expert in analyzing environmental impacts of heavy
22 truck trips nor that he based this conclusion of insignificance on any underlying facts.

23 ⁴⁸ Order, parag. 5, 61.

23 ⁴⁹ *Id.* at parag. 15.

24 ⁵⁰ NCARE has taken no position on the validity of the Environmental Statements' conclusion as to traffic impacts,
24 as its members are primarily concerned with tangible environmental harms to air, water, land, and climate, not
24 traffic congestion.

1 This serves as another important example of how the Commission has not fulfilled its
2 duties to properly consider probable environmental impacts of the Projects. Because the record
3 is incomplete and inaccurate on this topic, NCARE and BCP hereby request that, in its order on
4 rehearing, the Commission order augmentation of the evidentiary record with an analysis of
5 foreseeable air quality, greenhouse gas, hazardous materials, and other foreseeable
6 environmental impacts attributable to the Project-caused operational heavy truck trips.

7 **2. The evidentiary record fails to support the Order’s finding that the**
8 **Projects represent the minimum adverse effect on the environment,**
9 **considering the state of available technology and the nature and**
10 **economics of the various alternatives.**

11 NRS 704.890(1)(d) requires the Commission to find that “the facility represents the
12 minimum adverse effect on the environment, considering the state of available technology and
13 the nature and economics of the various alternatives.” The Commission’s Order agreed with
14 NCARE’s arguments during the proceeding that this statute expressly requires an assessment of
15 the “state of available technology.”⁵¹ Unfortunately, Paragraph 49 of the Order goes on to
16 substantially misconstrue NCARE’s position with a strawman argument implying that NCARE
17 had called for “an exhaustive catalog of generation technologies,” “an exhaustive review of all
18 available technologies,” or a “technology-by-technology feasibility study.”⁵² Nothing in the
19 record supports this strawman.

20 NCARE’s actual position is straightforward. Not only has the Commission failed to
21 require or perform an “exhaustive” or “technology-by-technology” review of alternatives—
22 there is *no* analysis provided in the record that evaluates the state of available technology, the
23 nature, and particularly the economics of alternatives. As such, the Commission and record do

24 ⁵¹ Order, parag. 49.

⁵² *Id.*

1 not possess the required information to make the determination required pursuant to NRS
2 704.890(1)(d) or to demonstrate that the Applications met the requirements of the Commission
3 regulation at NAC 703.423(10). To the extent that the Order treats NCARE’s position “as a
4 challenge to the sufficiency of the evidence”⁵³ supporting the findings required by NRS
5 704.890(1)(d), NCARE posits that this insufficiency of evidence is also a valid basis for
6 rehearing pursuant to NRS 704.895(2)(b) and NAC 703.801(2)(a).

7 It is notable that the Applicants objected to NCARE’s request on this topic, which was
8 merely a recitation of the UEPA statute, asking that they demonstrate the Projects meet these
9 obligations.⁵⁴ The Applicants’ position from the commencement of the proceeding until the
10 filing of their rebuttal testimony was that their Projects were not subject to any “state of
11 available technology” alternatives analysis under NRS 704.890(1)(d), only to a locational
12 alternatives analysis. After the Applicants realized that they did not provide an analysis that
13 would support the Commission’s NRS 704.890(1)(d) findings in their Applications and direct
14 testimony, they provided rebuttal testimony describing an internal study that was allegedly
15 conducted—stating that “[t]he Applicants conducted an exhaustive internal and confidential
16 evaluation to determine the types of power sources needed to support data centers.”⁵⁵ This
17 study was never provided to NCARE through requested discovery, never provided to the
18 Commission, and is not part of the record in this case. This constitutes a clear failure to meet
19 statutory obligations, and NCARE has already identified this issue in its Exceptions, along with
20 requesting that the Commission order the Applicants to produce a study that includes an
21 analysis of the economics of various technological alternatives.⁵⁶

23 ⁵³ *Id.*

24 ⁵⁴ Ex. 7, Attachment ZH-12, at 1-4 to 4-4.

⁵⁵ Ex. 14, at 13-14.

⁵⁶ Exceptions of Nevadans for Clean Affordable Reliable Energy, Sept. 10, 2026, at pp. 14-18.

1 It defies logic that the Applicants’ rebuttal testimony, in which they purported to have
2 prepared an “exhaustive” internal analysis conducted about the state and nature of available
3 technology,⁵⁷ can support the conclusion reached by the Commission in the Order. There is
4 simply no evidence, nor any internal analysis by the Applicants, in the record of this case that
5 speaks to the economics of various alternatives. The fact that the record includes testimony by
6 the Applicants’ expert witness, in response to a question from the hearing officer, that the
7 Projects themselves would be highly uneconomical to operate only underscores this point.⁵⁸
8 Staff’s examination of NCARE’s expert witness, and Exhibit 12, also suggest the availability of
9 potential alternative fuels that may have minimized the Projects’ environmental footprint but
10 were never analyzed in the evidentiary record.⁵⁹ If the Projects are so uneconomical, and Staff
11 knew that the Projects could make use of alternative fuels, then why did Applicants and
12 Commission short-circuit UEPA by not analyzing or disclosing them on the record?

13 To address the incomplete record on this determination, rehearing is the appropriate
14 remedy for the Applicants to provide an assessment of reasonable alternatives.

15 **C. At rehearing, the Commission should consider all admissible evidence, as**
16 **augmented to correct the errors identified above, to determine whether the**
17 **facilities will serve the public interest.**

18 **1. Determine whether the Projects will inhibit attainment of Nevada’s**
19 **greenhouse gas emission reduction targets.**

20 In Senate Bill 254 (2019), the Nevada Legislature found that anthropogenic climate
21 posed a substantial threat to Nevada’s economy, ecosystem, and public health, and that the
22 State would benefit from transitioning to a low-carbon, clean-energy economy.⁶⁰ The

23 ⁵⁷ Ex. 14, at 13-14.

24 ⁵⁸ Hearing Transcript, at p. 125.

⁵⁹ Hearing Transcript, at pp. 63-69; Ex. 12.

⁶⁰ S.B. 254, 80th Leg. (Nev. 2019), AN ACT relating to greenhouse gas emissions; requiring the State Department of Conservation and Natural Resources to issue an annual report concerning greenhouse gas emissions in this

1 Legislature also found that, “The State of Nevada must act now to ensure that Nevada’s
2 greenhouse gas emissions decrease on a trajectory consistent with emissions reduction
3 commitments made by the United States to implement the Paris Agreement adopted in 2015 at
4 the 21st Conference of the Parties of the United Nations Framework Convention on Climate
5 Change.”⁶¹ The product of these findings was the establishment of economy-wide greenhouse
6 gas reporting requirements, now codified at NRS 445B.380, which require the Nevada
7 Department of Conservation and Natural Resources to assess all policies and pathways to
8 achieve a statewide reduction in net greenhouse gas emissions of 45% of 2005 levels by the
9 year 2030 and to support long-term reductions to zero or near-zero GHG emissions by 2050.

10 The record contains no finding by Commission that the Projects are consistent with the
11 pathways toward attainment of the GHG reduction targets being assessed by the Department of
12 Conservation and Natural Resources, that the Projects will not further derail Nevada’s progress
13 from attainment of these economy-wide GHG reduction goals, or that the Commission even
14 considered these policies at all in reaching its decision. NCARE and BCP assert that the state’s
15 GHG targets must be treated as important thresholds and incorporated into UEPA analyses
16 performed by the Commission. A project that can demonstrate alignment with Senate Bill 254
17 would be deemed to have a less than significant impact in the GHG emissions analysis portion
18 of the Commission’s environmental review and probable environmental impact findings.⁶² If a
19 project will contribute substantial quantities of new GHG emissions and make it more difficult
20 to reach the State’s 2030 and 2050 targets, NCARE is not arguing that it must always be denied
21 solely on that basis. Rather, UEPA requires the Commission to be more exacting in such cases

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23 State; and providing other matters properly relating thereto, Section 1 (Legislative Findings and Declarations), at
Subsections 2-5, <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6431/Text>.

⁶¹ *Id.* at Section 1, Subsection 7.

24 ⁶² See NRS 704.890(1)(a). These factors could also weigh in favor of finding that a project is in the public interest
under NRS 704.890(1)(g).

1 and find that the benefits to Nevadans from the project—either in the form of grid reliability,
2 lowered costs, or other economic benefits—conclusively and substantially override the policy
3 considerations that underly Senate Bill 254.⁶³

4 **2. Determine applicability of the Renewable Portfolio Standard.**

5 Nevada’s RPS covers all persons “in the business of selling electricity to retail
6 customers for consumption in this State, regardless of whether the person or entity is otherwise
7 subject to regulation by the Commission.”⁶⁴ Section 39(1) of Article 4 of the Nevada
8 Constitution recognizes “that it is the policy of this State that people and entities that sell
9 electricity to retail customers in this State be required to get an increasing amount of their
10 electricity from renewable energy resources such as solar, geothermal, and wind.”⁶⁵ This
11 section goes on to say, “This Act shall be liberally construed to achieve this purpose.”⁶⁶

12 A liberal construction of the RPS would certainly include a relationship in which the
13 Applicants employ or arrange for a third-party operator to operate the Projects to provide off-
14 grid electric service to a data center’s tenants. But as NCARE and BCP note above, the record
15 of this proceeding is unclear about whether the Applicants or the operators of the Projects will
16 be commercially selling electricity to retail customers for consumption in this State. NCARE
17 believes this to be likely, but the Applicant has withheld information from the Commission and
18 NCARE that might clarify the applicability of NRS 704.7808.

19 On rehearing and after augmentation of the evidentiary record, NCARE and BCP urge
20 the Commission to take up this issue. As the first data center seeking a UEPA permit for BTM,

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22 ⁶³ The California Environmental Quality Act has an analogous mechanism, known as a “statement of overriding
23 considerations,” that allows the “decision-making agency to balance, as applicable, the economic, legal, social,
24 technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project
against its unavoidable environmental risks.” See Cal. Code Regs., Tit. 14, § 15093.

⁶⁴ NRS 704.7808.

⁶⁵ Nevada Constitution, Article 4, Section 39.

⁶⁶ *Id.*

1 off-grid fossil-fueled primary generation, this case will set a precedent regarding RPS
2 applicability regardless of whether the Commission explicitly opines on the RPS. If the Order's
3 refusal to reach this issue is upheld, then future UEPA applicants will know that they can
4 construct and operate BTM facilities without having to comply with the RPS. This will put
5 Nevada's RPS-abiding utilities and 704B providers at an unlevel playing field compared to
6 companies marketing off-grid energy solutions to data centers and other large-load customers.

7 Because the Order creates an immense loophole, and NRS 704.890(1)(g) vests the
8 Commission with broad authority to find specific facilities are not in the public interest,
9 NCARE and BCP urge the Commission to utilize this authority. The Commission must find
10 that it is not in the public interest to grant UEPA permits to proposed BTM, off-grid primary
11 fossil-fueled generation for data centers without a commitment from the project applicants to
12 follow Nevada law, comply with RPS procurement obligations, and submit annual RPS
13 compliance reports like all other providers of electric service.

14 **3. Determine whether the Projects are public utilities.**

15 The determination of whether the Applicant, the Projects, or another related party is a
16 public utility, much like the matter regarding RPS applicability above, is a threshold question in
17 finding if the UEPA applications are in the public interest pursuant to NRS 704.890(1)(g). This
18 is because a public utility, as defined in NRS 704.020⁶⁷, would require a certificate of public
19 convenience and necessity as required by NRS 704.330.⁶⁸ The Applicants have no such
20 certificate.

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22 ⁶⁷ NRS 704.020(2)(a) ("Any plant or equipment, or any part of a plant or equipment, within this State for the
23 production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas,
24 coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or
household use, or sewerage service, whether or not within the limits of municipalities.").

⁶⁸ NRS 704.220.1 ("Except as otherwise provided in this section, any person owning, controlling, operating or
maintaining or having any contemplation of owning, controlling or operating any public utility shall, before
beginning such operation or continuing operations or construction of any line, plant or system or any extension of

1 The Applicants state, and the Commission appears to take at face value, that the
2 Applicants and / or the Projects are not a public utility, and if so, are excluded by the following
3 exception.

4 Applicants are not public utilities, and the Projects are further excluded from the
5 scope of public utilities under NRS § 704.021(13) (“[a]ny plant or equipment that
6 is used by a data center to produce, deliver or furnish electricity at agreed-upon
7 prices for or to persons on the premises of the data center for the sole purpose of
those persons storing, processing or distributing data, but only with regard to those
operations which consist of providing electric service,” are not “public
utilities.”)⁶⁹

8 Yet the record in this case does not establish whether the Applicants or the operators of
9 the Projects, as approved by the Commission, or their Projects can be defined as, or excluded
10 from being regulated as public utilities.⁷⁰ As described above, NCARE was denied access to
11 information regarding underlying relationships of the Applicant, owner and / or operator of the
12 Projects and any tenant(s), and how utility service would ultimately be provided to tenants. The
13 Order describes the Projects as “lawful” self-generation despite the hearing officer’s denial of
14 NCARE’s Motion to Compel facts to determine the lawfulness of the Projects and likewise
15 being limited on cross-examination at hearing on probing facts related to the Applicants’
16 alleged self-generation description. It is not clear how the conclusion of lawful self-generation
17 was reached without the underlying facts to support it. To this day, the facts on this issue are a
18 “black box.”

19 Rehearing is an appropriate remedy for this error. NCARE notes that if the Projects are
20 determined to be lawful self-generation at rehearing, the exception in NRS 704.021(13) does
21 not preclude the owner / operator of the Projects from Nevada RPS compliance.

22
23 a line, plant or system within this State, obtain from the Commission a certificate that the present or future public
convenience or necessity requires or will require such continued operation or commencement of operations or
construction.”).

24 ⁶⁹ Ex. 14, at. 12-13.

⁷⁰ See NRS 704.020(2)(a); 704.021(13).

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- Grant the foregoing petition for a rehearing in Docket Nos. 26-04026 and 26-04027; and
- Make any other procedural orders as necessary and appropriate for fulfillment of these requests.

Respectfully submitted,

ERNEST FIGUEROA

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CERTIFICATE OF SERVICE

Docket Nos. 26-04026 and 26-04027

I hereby certify that I have on this date served the foregoing filing upon all parties of record in this docket by emailing a copy to the following:

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Dated October 2, 2026.

/s/ Jeff Griffin
Program and Legal Assistant
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