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26-05007

Public Utilities Commission of Nevada
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8 **BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

9
10 Joint Application of Nevada Power Company
11 d/b/a NV Energy and Sierra Pacific Power
Company d/b/a NV Energy for approval of
12 their 2027-2029 Integrated Resource Plan,
2027-2029 Action Plan and 2027-2029
13 Energy Supply Plan

Docket No. 26-05007

14 **REDWOOD MATERIALS, INC.'S RESPONSE TO THE**
15 **EMERGENCY MOTION TO COMPEL**

16 Redwood Materials, Inc. ("Redwood") hereby files its Response to Nevada Power
17 Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (collectively "NV
18 Energy") Motion to Compel and for Expedited Treatment ("Motion") filed in the above-captioned
19 docket on October 2, 2026. On Monday October 5, 2026, the Public Utilities Commission of
20 Nevada ("Commission") issued a procedural order setting a 2:00 p.m. deadline to the motion.

21 **BACKGROUND**

22 Pursuant to NAC 703.5274, Regulatory Operation Staff ("Staff") and the Bureau of
23 Consumer Protection ("BCP") entered protective agreements with Redwood on July 14, 2026, and
24 July 15, 2026, respectively. NV Energy has not entered into a protective agreement with Redwood
25 for Redwood's confidential information in this Docket.

26 Staff's data request ("DR") 264 was propounded on Redwood on August 21, 2026.
27 Redwood responded to Staff DR 264 on September 4, 2026. In its response, Redwood redacted its
28

1 load forecast. *See* Exhibit 1, Redacted DR 264. NV Energy did not request a copy of Staff DR 264
2 until October 1, 2026.

3 In their Tuesday, September 22, 2026, testimony Staff witnesses Karen Oleksy and Swetha
4 Venkat discussed these and other parties' confidential data request responses in their testimony and
5 included those data requests as exhibits to their testimony. The specific data requests included in
6 Ms. Oleksy's testimony include Confidential Response to Staff DRS 257, 258, 259, 261, 263, 264,
7 and 265. The data requests included in Ms. Venkat's testimony are Google LLC's Confidential
8 Responses to Staff Confidential DRs 316 and 317.

9 On Friday, October 2, 2026, NV Energy sent an email requesting confidential information
10 from Redwood. Redwood opposed the request. On Friday, October 2, 2026, NV Energy filed its
11 motion to compel copies of the confidential discovery requests.

12 **LEGAL ARGUMENT**

13 In their motion to compel, NV Energy argues that they are entitled to all confidential
14 information in order to file rebuttal, and that "[t]he Companies are unable to develop their rebuttal
15 without access to information that, among other items, contains large load customers'
16 characterization of their communications with the Companies, development process of the
17 Companies' LLESA framework and Staffs recommendations based on this withheld information."¹
18 However, NV Energy does not site to a single statute, regulation, or case law that compels
19 disclosure of all confidential information, with or without a protective agreement, to them merely
20 because they are the applicant in this docket.

21 NV Energy, as the applicant, is not automatically entitled to receive confidential
22 information in this or any docket. NAC 703.527 through 703.5282 ("the regulations") is clear. Any
23 party that wishes to receive confidential information from any other party must execute a protective
24 agreement.² Even Staff and BCP, who have an automatic right to participate in the Docket, are not
25 automatically entitled to receive confidential information without a protective agreement.

27 ¹ Page 2, lines 9-13.

28 ² NAC 703.5278.

Specifically, NAC 704.5274(8) provides “[n]otwithstanding the other provisions of this section, the Commission’s staff and the Consumer’s Advocate are entitled to receive information designated as confidential in accordance with NAC 703.527 to 703.5282, inclusive, if the Commission’s staff or the Consumer’s Advocate, as appropriate, has executed a protective agreement.”

NV Energy has not executed a protective agreement with Redwood for Redwood’s confidential information. Furthermore, prior to filing their motion to compel, NV Energy did not request a protective agreement or even offer to sign a protective agreement.³ Without a protective agreement in place, Redwood is not obligated to provide any confidential information to NV Energy.

Had NV Energy executed a protective agreement with Redwood prior to filing the motion to compel, Redwood could have provided the materials to NV Energy while maintaining their confidentiality. NV Energy failed to follow this standard process. Moreover, the unredacted information is merely Redwood’s load forecast—information over which NV Energy already has possession and/or control. The Commission should therefore deny the Motion as procedurally improper and substantively unnecessary.

CONCLUSION

NV Energy is not entitled to confidential information merely because it is an applicant in these proceedings. NV Energy must comply with the Commission’s regulations and should be ordered to sign a protective agreement to receive confidential information in these dockets. Furthermore, even with a valid protective agreement NV Energy is not entitled to all confidential information that is presented to the Commission, Staff, and BCP. NV Energy also possesses the information that has been redacted. NV Energy has not been prejudiced by the fact that Redwood refuses to disclose confidential information, without a protective agreement in place.

Redwood requests that the Commission deny NV Energy’s motion to compel. NV Energy is subject to the same terms and conditions for confidential information in these dockets as any

³ On the morning of October 5, while this response was being drafted, NV Energy responded to Ms. Caviglia that they would execute a protective agreement. However, due to responding to their motion, Redwood has not had the chance to send a protective agreement for execution.

1 other party and should not be allowed to circumvent the Commission's regulations and Nevada
2 law.

3 DATED this 5th day of October, 2026.

4 PARSONS BEHLE & LATIMER

5 /s/ Justina A. Caviglia

6 Justina A. Caviglia

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10 *Attorney for Redwood Materials, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of October, 2026, I caused a true and correct copy of the foregoing document, Redwood Materials, Inc.'s Response to the Emergency Motion to Compel, to be served via e-mail to the following:

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EXHIBIT A

EXHIBIT A

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September 4, 2026

Via Electronic Mail

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Re: Docket No. 26-05007; Response to Staff's Data Request No. 264 – Redacted

Dear Ms. Cassity,

On behalf of Redwood Materials Inc. (Redwood), please find enclosed Redwood's Redacted responses to Staff Data Requests No. 264 in the above-referenced matter.

Sincerely

/s/ Justina A. Caviglia

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Enclosure

**RESPONSE OF REDWOOD MATERIALS INC. ("REDWOOD") TO
STAFF'S DATA REQUEST 264**

STAFF – 264

1. Please state the date that you were first provided a form LLESA framework agreement, a copy of which is provided as Exhibit Wells-Direct-2.
2. Please state the date that you were first provided a draft of the LLESA.
3. If you were not provided a chance to sign either, please state the first time that you were made aware of the LLESA.

REDWOOD RESPONSE – 264:

RESPONDER: JUSTINA CAVIGLIA

RESPONSE CONFIDENTIAL? YES

RESPONSE:

1. NV Energy has never provided Redwood with a form LLESA framework agreement. On June 16, 2026, NV Energy informed Redwood that it would not qualify for the LLESA. NV Energy quickly changed course. On July 31, 2026, NV Energy indicated to Redwood that it would be required to sign an LLESA to add [REDACTED] to Redwood's existing [REDACTED] service. NV Energy conveyed this information to Redwood as part of a "Discovery Package," which outlined NV Energy's overdue engineering study for the additional [REDACTED] load. The proposal contradicted NV Energy's position expressed on June 16, 2026 and the terms of the Engineering Study Agreement that NV Energy drafted and executed in 2024 to study the additional [REDACTED] load. A copy of a draft LLESA was not provided, nor was the engineering study.
2. N/A.
3. Redwood was first made aware of the concept of an LLESA during a June 16, 2026, meeting with NV Energy. Janet Wells told Redwood at the meeting that it would not qualify for an LLESA.