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26-04026

Public Utilities Commission of Nevada
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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 THE BUREAU OF CONSUMER PROTECTION'S ("BCP") PETITION FOR RECONSIDERATION ("PETITION")

Under NAC 703.801(4), the Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("Commission") files this Answer to BCP's Petition of the September 17, 2026, Order ("Order"). The Order granted SV RNO Property Owner 1 LLC ("SV RNO") and PR RNO Property Owner 1, LLC's ("PR RNO," and together with SV RNO "Applicants") Applications for Permits to Construct Projects Under the Utility Environmental Protection Act ("UEPA").¹

I. INTRODUCTION

The Commission should deny the Petition because it violates NAC 703.801(1). Alternatively, the Commission should reaffirm the Order because the Petition: (1) improperly raises new arguments for the first time, (2) impermissibly repeats positions that the Order rejected, and (3) inappropriately relies on speculation rather than fact. Importantly, the Order does not allow the Applicants to construct the Projects

¹ "Projects" refer collectively to SV RNO's South Valley Temporary Power Generation Facility ("South Valley"), and PR RNO's Peru Ridge Self-Generation Project ("Peru Ridge"). "NDEP" is the Nevada Division of Environmental Protection. "NCARE" is Nevadans for Clean Affordable Reliable Energy.

1 now. Construction will occur only if NDEP issues a variety of permits. Absent NDEP permits, neither
2 Project will see the light of day—regardless of the Order’s rulings. BCP’s Petition does not—because it
3 cannot—refute this principle. It is a principle that reflects the Commission’s limited role in UEPA Dockets.
4 The Order accurately describes the Commission’s role in UEPA Dockets, adhering to the law that
5 establishes that role. NRS 704.890(2); Order, ¶¶ 37-38. To go beyond this law—to aggrandize the
6 Commission’s role in UEPA Dockets—would be to take power that the Legislature never gave to the
7 Commission. Such power is not for the Commission to take. BCP’s Petition—however well intended
8 though it may be—ascribes to the Commission a level of UEPA power beyond that which is enshrined in
9 statute. The Commission should deny the Petition.

10 **II. LEGAL ANALYSIS**²

11 **A. The Petition Should be Denied Because it Violates NAC 703.801(1)**

12 NAC 703.801(1) has two subsections. **First**, NAC 703.801(1)(a) requires petitions for
13 reconsideration to specifically identify “each portion of” an order that is allegedly unlawful, unreasonable,
14 or based on erroneous legal conclusions or mistaken facts. **Second**, NAC 703.801(1)(b) mandates that
15 petitions must specifically “cite those portions of the” record, law, or Commission rules that support the
16 petition’s allegations. Here, the Petition does not “specifically identify” the paragraphs that are allegedly
17 unlawful, unreasonable, or based on erroneous legal conclusions or mistaken facts.³ Instead, the Petition
18

19 ² Staff cites Commission decisions for “[h]istorical reasons only and not for any precedential value.” *Appl. of Dep’t of Health*
20 *& Human Servs.*, Docket No. 12-11027, 2013 WL 3226810, at *12 (Nev. P.U.C. May 31, 2013) (Order, ¶ 41).

21 ³ The Petition cites the following paragraphs from the Order: 3, 4, 5, 6, 13, 24, 35, 39, 58, and 59. Most of these paragraphs,
22 however, do not have Commission conclusions or rulings that BCP contends are “[u]nlawful, unreasonable or based on
23 erroneous conclusions of law or mistaken facts.” NAC 703.801(1)(a). Specifically, paragraphs 3-6 summarize NCARE’s
24 positions on NRS 704.890(1)(a). Paragraph 13 quotes NRS 704.890(1)(a), and notes that Staff and the Applicants agree that the
25 environmental statements satisfy applicable law; paragraph 13 does not expressly include Commission conclusions or rulings.
26 Similarly, paragraph 24 quotes NRS 704.890(1)(b); Commission conclusions or rulings do not appear in paragraph 24.
27 Paragraphs 58 and 59 list the permits that the Applicants must obtain before the Commission will issue UEPA Permits to
28 Construct. Finally, paragraphs 35 and 39 contain Commission conclusions or rulings. Unfortunately, the Petition does not
“specifically identify” these paragraphs as being “[u]nlawful, unreasonable or based on erroneous conclusions of law or mistaken
facts.” NAC 703.801(1)(a). Assuming *arguendo* that the Petition properly challenged paragraphs 35 and 39—which the Petition
did not do—that would mean that the Order’s remaining paragraphs are not before the Commission for potential reconsideration.
The remainder of the Order would, therefore, remain intact. Notably, NAC 703.801(1)’s specificity requirement ensures that
opposing parties and the Commission are provided with intelligible and ample notice about the reasons why a petition contends
specific paragraphs should be reconsidered. The opposite occurred here; the Petition does not cogently articulate why specific
paragraphs are allegedly “[u]nlawful, unreasonable or based on erroneous conclusions of law or mistaken facts.” NAC
703.801(1)(a). Because the Petition’s arguments are not cogent, they prevent Staff from being able to meaningfully respond.
Staff and the Commission “[a]re not like pigs, hunting for truffles buried in briefs.” *United States v. Dunkel*, 927 F.2d 955, 956
(7th Cir. 1991).

1 “urges” the Commission to reconsider the entire Order. Pet., 1:18, 2:2, 10:10-11. NAC 703.801(1)(a),
2 however, requires the Petition to “*specifically* identify each portion of” the Order that BCP wants the
3 Commission to reconsider; the Petition *generally* identifies the entire Order, disregarding NAC
4 703.801(1)(a). Likewise, and as is elaborated below (i.e., in § II(D)), the Petition lacks citations to “those
5 portions of the” record that purportedly support several allegations. This contravenes NAC 703.801(1)(b).
6 All told, the Petition should be denied because it violates NAC 703.801(1).⁴

7 **B. The Commission Should Reaffirm the Order Because the Petition Improperly Raises**
8 **a New Argument**

9 Orders address positions that parties have presented *before* an order’s filing, thereby giving parties
10 notice of—and opportunities to oppose—these positions. This promotes procedural fairness because it
11 affords parties the opportunity to develop their positions via discovery, testimony, and hearing.
12 Contrastingly, when parties present new arguments *after* an order’s filing, such positions are not subjected
13 to discovery, testimony, or hearing. This is prejudicial, anathema to procedural fairness. To guard against
14 prejudice, petitions for reconsideration cannot raise new arguments.⁵ Here, the Petition argues that the
15 Order did not “consider” whether the Projects are subjected to NEV. CONST., art. IV, § 39. Such an argument
16 is new; no Party presented this position in testimony or during the hearing.⁶ Because no Party presented
17 this position for the Commission to “consider,” the Order *a fortiori* did not “consider” this position.
18 Respectfully, reconsideration should not be predicated on an Order’s failure to “consider” arguments that
19 were not presented for the Commission to “consider.” By raising this argument now—for the first time—
20 the Petition prejudices Staff. Ultimately, the Commission should reaffirm the Order because the Petition
21 improperly raises a new argument.

23 ⁴ *Joint Appl. of Nev. Power Co. & Sierra Pac. Power Co. for Approval of the Third Amend. to its 2021 Joint Integrated Res.*
24 *Plan*, Docket No. 22-09006, 2023 WL 3597305, at *19-20 (Nev. P.U.C. May 17, 2023) (Order on Recons., ¶¶ 49, 50); *In re*
25 *Sierra Pac. Power Co.*, Docket Nos. 10-06001, 10-06002, 10-06004, 2011 WL 941567 (Nev. P.U.C. Feb. 14, 2011) (Order, ¶¶
12, 16); *see also Pet. of Great Basin Water Co. for Declaratory Order Finding Resol. of Issues Related to Meter Reading is*
Consistent with its Tariff, Docket No. 16-12006, 2017 WL 5256670, at *5 (Nev. P.U.C. Nov. 9, 2017) (Order, ¶ 15).

26 ⁵ *Joint Appl. of Nev. Power Co. & Sierra Pac. Power Co. for Approval of Tariff Schedules & Rates Pursuant to Assembly Bill*
27 *405*, Docket No. 17-07026, 2017 WL 4922296, at *1 (Nev. P.U.C. Oct. 26, 2017) (Order Denying Recons., ¶ 2) (“Nor may a
28 litigant raise new legal points for the first time [in a petition for reconsideration][.]”) (internal citations omitted); *Appl. of Sierra*
Pac. Power Co. for Auth. to Adjust its Ann. Revenue Requirement for Gen. Rates, Docket Nos. 16-06006, 16-06007, 16-06008,
16-06009, 2017 WL 3008237, at *1 (Nev. P.U.C. June 23, 2017) (Order Denying Recons., ¶ 2) (“Nor may a litigant raise new
legal points for the first time [in a petition for reconsideration][.]”) (internal citations omitted).

⁶ The Petition lacks any citation to the record where this argument was made or where NEV. CONST., art. IV, § 39 was referenced.

1 **C. The Order Should be Reaffirmed Because the Petition Impermissibly Repeats**
2 **Arguments that the Order Rejected**

3 Petitions for reconsideration cannot reargue matters that an order has decided.⁷ Otherwise,
4 reconsideration will perpetuate an endless cycle of argument, promote gamesmanship, and delay finality
5 (i.e., delay the issuance of a final order). Here, the Petition insists that the Order “failed to properly
6 evaluate” NRS 704.890(1)(a) (probable effect on the environment), NRS 704.890(1)(b) (extent to which a
7 facility is needed to ensure reliable service), and NRS 704.890(1)(g) (public interest). Pet., 4:4. NCARE,
8 however, has already made these arguments, something the Petition tacitly concedes.⁸ In NCARE’s
9 estimation, the Applicants, Staff, and the Commission did not properly evaluate NRS 704.890(1)(a), NRS
10 704.890(1)(b), or NRS 704.890(1)(g).⁹ The Order rejected NCARE’s arguments, precluding the Petition
11 from being able to reargue them. Consequently, the Order should be reaffirmed because the Petition
12 impermissibly repeats arguments that the Order rejected.

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17 ⁷ *Appl. of Air Liquide Hydrogen Energy U.S., LLC to Purchase Energy, Capacity, &/or Ancillary Servs. from a Provider of New*
18 *Elec. Res.*, Docket No. 19-02002, 2019 WL 3996750, at *7 (Nev. P.U.C. Aug. 15, 2019) (Order on Pets. for Clarification &
19 *Recons.*, ¶ 29) (“Through its Petition for Reconsideration, NPC merely seeks to reargue the same positions that it took at hearing,
20 and a petition for reconsideration may not ‘be utilized as a vehicle to reargue matters considered and decided in the . . . initial
21 opinion.’”) (internal citations omitted); *Pet. of Great Basin Water Co. for Declaratory Order Finding Resol. of Issues Related*
22 *to Meter Reading is Consistent with its Tariff*, Docket No. 16-12006, 2017 WL 5256670, at *5 (Nev. P.U.C. Nov. 9, 2017)
23 (Order on Pet. for Recons., ¶ 13) (“Additionally, a petition for reconsideration may not ‘be utilized as a vehicle to reargue matters
24 considered and decided in the court’s initial opinion.’”) (internal citations omitted); *Joint Appl. of Nev. Power Co. & Sierra Pac.*
Power Co. for Approval of Tariff Schedules & Rates Pursuant to Assembly Bill 405, Docket No. 17-07026, 2017 WL 4922296,
at *1 (Nev. P.U.C. Oct. 26, 2017) (Order Denying Recons., ¶ 2) (“It [a petition for reconsideration] may not, however, ‘be
utilized as a vehicle to reargue matters considered and decided in the court’s initial opinion.’”) (internal citations omitted); *Appl.*
of Sierra Pac. Power Co. for Auth. to Adjust its Ann. Revenue Requirement for Gen. Rates, Docket Nos. 16-06006, 16-06007,
16-06008, 16-06009, 2017 WL 3008237, at *1 (Nev. P.U.C. June 23, 2017) (Order Denying Recons., ¶ 2) (“It [a petition for
reconsideration] may not, however, ‘be utilized as a vehicle to reargue matters considered and decided in the court’s initial
opinion.’”) (internal citations omitted).

25 ⁸ In support of the proposition that the Projects will negatively impact the environment, the Petition cites to the Order’s
26 paragraphs three through six. Pet., 4:19-21. Such paragraphs describe NCARE’s arguments on this very issue (i.e., NCARE’s
27 contention that the Applications inadequately examined the Projects’ probable effect on the environment under NRS
704.890(1)(a)). Thus, the Petition reargues NCARE’s positions, arguments summarized in the very paragraphs that the Petition
cites (i.e., the Order’s paragraphs three through six). The Order rejected these arguments. Order, ¶¶ 13-16.

28 ⁹ NCARE’s Prepared Direct Testimony argued that the Applications failed to properly evaluate NRS 704.890(1)(a)-(b), and (g).
Ex. 7, 14:3-19 – 15:1-4 (NRS 704.890(1)(a)), 19:15-18 – 23:1-5 (NRS 704.890(1)(b)), 38:16-20 – 46:1-17 (NRS 704.890(1)(g)).
Because the Order determined that the Applications properly evaluated those laws, NCARE’s critique of the Applications applies
with equal force to the Order.

1 **D. The Commission Should Reaffirm the Order Because the Petition Inappropriately**
2 **Relies on Speculation Rather than Fact**

3 Commission decisions must be based on actual data, not speculation or assumptions.¹⁰ To that end,
4 neither allegations in a brief—nor arguments of counsel—are evidence.¹¹ Reconsideration, therefore,
5 cannot be based on a petition’s speculative allegations or arguments of counsel.¹² Here, the Petition
6 includes several speculative allegations, such as: (1) it is “highly improbable” that the Projects will be
7 demolished when there is capacity to serve the Projects, Pet., 4:21-24, (2) county planning commissions
8 examine whether there is a so-called “will serve” letter, *id.* at 5:8-12, (3) “normally” data centers cannot
9 obtain permits to construct until a utility provides “some notice” that the utility can provide service, *id.* at
10 5:22-23, (4) a purported “desire to earn money trumps the policies” implemented by Nevadans, *id.* at 6:1-
11 2, and (5) the Commission did not consider “job loss from artificial intelligence” or evaluate resource
12 depletion. *Id.* at 7:21-23. No evidence in the record supports these allegations, causing them to be
13 speculative; they are arguments of counsel, which are not evidence.¹³ As a result, the Commission should
14 reaffirm the Order because the Petition inappropriately relies on speculation rather than fact.

15 **III. CONCLUSION**

16 The Commission should deny the Petition because it violates NAC 703.801(1). Alternatively, the
17 Commission should reaffirm the Order because the Petition: (1) improperly raises new arguments for the
18 first time, (2) impermissibly repeats positions that the Order rejected, and (3) inappropriately relies on

19 ¹⁰ *Silver Lake Water Distrib. Co. v. Pub. Serv. Comm’n of Nev.*, 107 Nev. 951, 956, 823 P.3d 266, 269-70 (1991) (“The
20 Commission is obligated to make its determinations based on actual data; it may not rely on mere assumptions.”).

21 ¹¹ *Jain v. McFarland*, 109 Nev. 465, 475-76, 851 P.2d 450, 457 (1993) (“Arguments of counsel are not evidence and do not
22 establish the facts of the case.”); *Phillips v. State*, 105 Nev. 631, 634, 782 P.2d 381, 382 (1989) (“Facts or allegations contained
23 in a brief are not evidence and are not part of the record.”); *Sparks v. State*, 96 Nev. 26, 29, 604 P.2d 802, 804 (1980) (“Facts
24 stated in counsel’s brief will not supply a deficiency in the record.”).

25 ¹² See generally *Appl. of Sw. Gas Corp. for Auth. to Increase Retail Nat. Gas Util. Serv. Rates*, Docket No. 18-05031, 2019 WL
26 918436, at *30 (Nev. P.U.C. Feb. 15, 2019) (Order on Pets. for Recons. & Clarification, ¶ 92) (“In this matter, the Commission
27 found that the evidentiary record reveals a lack of credible evidence to support a conclusion that the costs associated with the
28 Challenged Work Orders were prudently incurred. . . . Upon reexamination, the Commission continues to find that substantial
evidence supports its decision and that it weighed the evidence appropriately.”).

¹³ The Petition omits citations to the record in support of the above-referenced speculative allegations. Such omissions violate
NAC 703.801(1)(b)’s requirement that petitions must specifically “[c]ite those portions of the record . . . which support the
allegations in the petition.” Violating NAC 703.801(1)(b) is an independent and adequate basis for reaffirming the Order. *Pet.*
of Great Basin Water Co. for Declaratory Order, 2017 WL 5256670, at *5 (Order on Pet. for Recons., ¶ 15) (“The Commission
finds that the Petition fails to meet the standard established by NAC 703.801(1). Specifically, while GBWC largely satisfies the
procedural requirements of a petition for reconsideration by delineating the portions of the challenged order it deems unlawful,
unreasonable or based on erroneous conclusions of law or mistaken facts, GBWC fails to cite to those portions of the record . .
. which support the allegations in the petition.”).

speculation rather than fact. Moreover, the Petition's description of the Commission's role in UEPA Dockets is incompatible with the statutes establishing that role. As the Order held, the Commission's role is limited (i.e., the Commission must avoid duplicative environmental review and is bound by NDEP's permitting rulings). Order, ¶¶ 37-38. Because the Applicants have not obtained all of the NDEP permits, the Commission "[s]hall condition its permit[s] upon the applicant[s] obtaining those permits[.]" NRS 704.890(2). That is precisely what the Order determined. The Commission should deny the Petition.

RESPECTFULLY SUBMITTED this 15th day of October 2026.

PUBLIC UTILITIES COMMISSION OF NEVADA
REGULATORY OPERATIONS STAFF

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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 15th day of October 2026.

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