

**PUBLIC UTILITIES COMMISSION OF NEVADA
MEMORANDUM**

DATE: September 30, 2026

TO: The Commission
Via: Anne-Marie Preisach, DRO

FROM: Ryan Sinclair, P.E., Regulatory Engineer, Engineering Division

SUBJECT: Agenda No 19-26; Item No. 6B; Docket No. 24-09019;
Application of Sierra Pacific Power Company d/b/a NV Energy, under the provisions of the Utility Environmental Protection Act, for a permit to construct the Nighthawk Substation and 345 kV Fold Project consisting of a new 345/120 kV substation located on 18.2 acres of private land and a 345 kV high-voltage transmission line-fold to be located on 152.7 acres of private land and 387.9 acres of federally-managed land in Lyon County, Nevada.

I. Summary of Application

Pursuant to the provisions of the Utility Environmental Protection Act (“UEPA”) and Nevada Revised Statutes (“NRS”) 704.820 through NRS 704.900, on July 2, 2026, Sierra Pacific Power Company d/b/a NV Energy (“Sierra”) filed with the Public Utilities Commission of Nevada (“Commission”) an Application for a Permit to Construct the Nighthawk Substation and 345 kV Fold Project consisting of a new 345/120 kV substation located on 18.2 acres of private land and a 345-kV high-voltage transmission line-fold to be located on 152.7 acres of private land and 387.9 acres of federally-managed land in Lyon County, Nevada (the “Project”).¹

Sierra requests that the Commission grant the request for a UEPA permit, in two separate phases, authorizing it to commence construction of the Project as outlined above. The Project will consist of the construction of a new 345-kV transmission line fold, associated pulling sites, new access roads for pole installation, road improvements, and a new substation. A legal description of the proposed location for the Project is provided in Exhibit A attached hereto. As required by NRS 704.870(1) and Nevada Administrative Code 703.423, the Application contains an Environmental Assessment (“EA”) prepared by the Bureau of Land Management (“BLM”).

The Regulatory Operations Staff of the Commission (“Staff”) has completed its investigation and recommends that the Commission grant the Application and issue an order authorizing the construction of the Project as outlined herein.

¹ The Project itself does meet the “Utility facility” definition pursuant to NRS 704.860 because the Electric Generating Plant has a nameplate capacity above 70 MW.

II. Analysis and Investigation

Facilities, Water Use and Employment

The Project will include construction of a new 345-kV transmission line fold, associated pulling sites, new access roads for pole installation, road improvements, and a new substation. Specifically, the Project facilities will include the new Nighthawk 345/120 kV Substation with associated breakers, switches, protection, telecommunication etc., and approximately 10.8 miles of 345-kV line with shield wire. The Project will require a 160-foot-wide permanent right-of-way (“ROW”) with 150-foot buffers at each angle location for anchor bubbles within each of the northern and southern transmission line segments, as well as a 300-foot temporary ROW grant for temporary construction disturbance, including pulling sites (which incorporate a 300-foot radius from the associated pole locations). The Project would also require a permanent ROW associated with new access routes that would allow for access to each pole site for construction and maintenance. The total proposed disturbance under the Project would include up to 540.6 acres. Additionally, geotechnical exploration consisting of vertical exploratory borings would be conducted at up to eight locations within the permanent transmission line ROW to obtain physical characteristics for final structure design.

Sierra stated approximately 84 acre-feet of water will be used for the sole purpose of stabilizing soils and to control fugitive dust. Water used during construction will be acquired and trucked from a private entity.

Sierra stated the size of the construction workforce needed would be determined after the design and permitting requirements are finalized; however, it is anticipated that approximately 20 workers would be onsite. The number of workers would vary depending upon the construction phase and would include construction management, surveyors, construction inspectors, lineworkers, laborers, operators, supervisors, and environmental monitors as required.

The Application contains supporting documentation for the Project, including:

Exhibit A	Maps of Project Location
Exhibit B	Legal Description
Exhibit C	Substation Layout Diagram
Exhibit D	Drawings for 345-kV Transmission Structures
Exhibit E	Environmental Assessment
Exhibit F	Finding of No Significant Impact
Exhibit G	Copy of Public Notice and Proof of Publication
Exhibit H	Proof of Service to Nevada State Clearinghouse

Staff’s investigation and analysis of the Application reflects the UEPA statutes and, in particular, the pertinent provisions of NRS 704.890(1) and (2),² which require the Commission to make

² NRS 704.890 (1) and (2) provide:

“(1) . . . [T]he Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:

(a) The nature of the probable effect on the environment;

(b) If the utility facility emits greenhouse gases and does not use renewable energy as its primary source of

certain findings and determinations regarding the environmental effect, need, other required permits, and whether the Project is in the public interest. Each of those statutorily required findings are addressed below.

NRS 704.890(1)(a) (Environmental Effects): The Application contains an EA that was prepared by the BLM. The EA is a site-specific analysis of potential impacts that may result by implementing the Proposed Action or No Action Alternative. This EA would allow the BLM Authorizing/Authorized Officer (AO) to determine whether implementing the Proposed Action or an alternative may cause significant impacts to the human environment. The Project will benefit the area with increased regional power capacity, increasing the potential for development and services and will not have significant effects on the environment. While the Project may affect quality of life within the area of analysis associated with changes in scenery, recreational access, solitude, and nature, the Project area is within a Lyon County locally designated utility corridor. Moreover, the new transmission line and associated access roads would not dominate the viewshed as they would be absorbed by the landscape due to existing utility infrastructure in the vicinity. And although construction activities may affect solitude and recreation opportunities in the area, these impacts would be temporary. Cultural and ecological values will be protected through avoidance and reclamation.

NRS 704.890(1)(b) (Greenhouse Gas Emissions/Effect on Reliability of Service): The Commission is not required to find and determine the extent to which the Project is needed to ensure reliable service to customers in Nevada because the Project does not emit greenhouse gases. However, the Project would provide an increase in regional power capacity and availability for potentially several end use customers upon completion of construction, which will provide a beneficial impact to the area as it will increase potential for development and services due to additional power utility connection opportunities. Microsoft is the first anticipated multiple end user of the Project.

NRS 704.890(1)(c) (Balancing Need and Environmental Effect): The need for the Project balances any adverse effects on the environment. Sierra states, all effects of the Project remain

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- energy to generate electricity, the extent to which the facility is needed to ensure reliable utility service to customers in this State;
- (c) That the need for the facility balances any adverse effect on the environment;
 - (d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;
 - (e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses, registrations and approvals required by federal, state, and local statutes, regulations and ordinances;
 - (f) That the surplus asset retirement plan filed pursuant to NRS 704.870:
 - (1) Complies with federal, state and local laws;
 - (2) Provides for the remediation and reuse of the facility within a reasonable period; and
 - (3) Is able to be reasonably completed under the funding plan contained in the application; and
 - (g) That the facility will serve the public interest.
- (2) If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.”

below regulatory and biological thresholds and the scale of disturbance will be small and temporary. Environmental protection measures and design features will ensure no significant or precedent-setting effects occur, with uncertainty addressed through monitoring and management plans.

NRS 704.890(1)(d) (Minimum Adverse Effect-Mitigation): The EA determined that potential impacts will be reduced with the use of best management practices and mitigation measures. Examples of the mitigation measures described in the EA include:

- **7.1.2 Soil Disturbance Mitigation Measures:** In areas where significant grading will be required, topsoil (where present) will be stockpiled and segregated for later reapplication. Construction will be prohibited when the soil is too wet to adequately support construction equipment unless topsoil is removed and stockpiled. Construction may proceed in this case.
- **7.1.5 Vegetation Mitigation Measures:** Wherever possible, vegetation will be left in place. Where vegetation must be removed, it will be cut at ground level to preserve the root structure and allow for potential resprouting. All temporary construction areas, including stringing sites and structure pads that have been disturbed, will be restored as required by the landowner or land management agency. The method of restoration typically will consist of seeding or revegetating with native plants (if required), installing cross drains for erosion control, and placing water bars in the road. Seed will be certified as weed-free.

NRS 704.890(1)(e) (Other Permits): In addition to the Commission's UEPA Permit to Construct, additional local permits, state permits, and approvals are required for the Project. Prior to the issuance of the UEPA Permits to Construct, Staff recommends that Sierra be ordered to file with the Commission the following, as compliance items, if not already included in the filing:

Phase One: Site clearing, grading, staging of Project materials, and construction of the substation pad, concrete masonry unit wall, and retaining wall.

- a. Bureau of Land Management – Environmental Assessment/Finding of No Significant Impact
- b. Bureau of Land Management – Right of Way Grant
- c. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Surface Area Disturbance (SAD) Permit and: Class I non-PSD Permit, Class I PSD Permit, or Class II Permit
- d. Nevada Division of Environmental Protection, Bureau of Water Pollution Control – Construction Stormwater General Permit
- e. Lyon County – Grading Permit
- f. Lyon County – Building Permit
- g. Lyon County – Special Use Permit
- h. Nevada State Fire Marshal – Spill Prevention Control and Contingency Plan, Construction and Operations
- i. Nevada State Fire Marshal – Hazardous Materials/Fuel Storage Permit/Tier II Reporting

Phase Two: All remaining construction activities for the Project including the installation of the substation foundations and equipment and the transmission line construction.

- a. Bureau of Land Management – Environmental Assessment/Finding of No Significant Impact
- b. Bureau of Land Management – Right of Way Grant
- c. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Surface Area Disturbance (SAD) Permit: Class II Permit
- d. Nevada Division of Environmental Protection, Bureau of Water Pollution Control – Construction Stormwater General Permit
- e. Nevada Division of Environmental Protection, Bureau of Water Pollution Control – Working in Waters
- f. Lyon County – Special Use Permit

NRS 704.890(1)(f) (Surplus Asset Retirement Plan): A surplus asset retirement plan is not required for the Project since it does not meet the definition of a “surplus” for purposes of surplus assets as defined in NRS 704.7337.

NRS 704.890(1)(g) (Public Interest): Sierra has demonstrated in its Application that the Project will serve the public interest. Specifically, the Project would provide an increase in regional power capacity and availability for potentially several end users upon completion of construction, which will provide a beneficial impact to the area as it will increase potential for development and services due to additional power utility connection opportunities. Construction of the Project may also provide economic benefits to the area.

III. Notice and Subsequent Action

Sierra published a Notice of Application for a Permit to Construct in the Lyon County News Leader, on July 8, 2026.³

On July 9, 2026, the Commission issued a Notice of Application for Utility Environmental Protection Act Permit to Construct Utility Facilities, establishing a deadline of August 5, 2026, for notices of intervention, petitions for leave to intervene, and notices of intent to be a party pursuant to NRS 704.885(1), or to make a limited appearance in the proceeding pursuant to NRS 704.885(2). The Notice was published in the Lyon County News Leader, on July 22, 2026. No requests for interventions or comments were filed with the Commission.

The Nevada State Clearinghouse did not request comments from state agencies regarding the Application for a Utility Environmental Protection Act Permit to Construct Utility Facility.

IV. Conclusion and Recommendations

Sierra Pacific Power Company d/b/a NV Energy’s Environmental Assessment for the Project identifies the nature of the probable effect on the environment and the required mitigation

³ Sierra filed the affidavit of publication August 12, 2026. Sierra included the advertisement confirmation in its Amendment filed on July 2, 2026.

measures. Sierra Pacific Power Company d/b/a NV Energy is in the process of obtaining all permits, licenses, and approvals required by state and local statutes, regulations, and ordinances.

Staff recommends that the Commission issue an order granting the request of Sierra Pacific Power Company d/b/a NV Energy for the issuance of a UEPA Permit for construction of the Project as defined hereinabove, contingent upon Sierra Pacific Power Company d/b/a NV Energy obtaining and filing with the Commission as compliance items, if not already included in the filing, the following permits, licenses, and approvals:

Phase One: Site clearing, grading, staging of Project materials, and construction of the substation pad, concrete masonry unit wall, and retaining wall.

- a. Bureau of Land Management – Environmental Assessment/Finding of No Significant Impact
- b. Bureau of Land Management – Right of Way Grant
- c. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Surface Area Disturbance (SAD) Permit and: Class I non-PSD Permit, Class I PSD Permit, or Class II Permit
- d. Nevada Division of Environmental Protection, Bureau of Water Pollution Control – Construction Stormwater General Permit
- e. Lyon County – Grading Permit
- f. Lyon County – Building Permit
- g. Lyon County – Special Use Permit
- h. Nevada State Fire Marshal – Spill Prevention Control and Contingency Plan, Construction and Operations
- i. Nevada State Fire Marshal – Hazardous Materials/Fuel Storage Permit/Tier II Reporting

Phase Two: All remaining construction activities for the Project including the installation of the substation foundations and equipment and the transmission line construction

- a. Bureau of Land Management – Environmental Assessment/Finding of No Significant Impact
- b. Bureau of Land Management – Right of Way Grant
- c. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Surface Area Disturbance (SAD) Permit: Class II Permit
- d. Nevada Division of Environmental Protection, Bureau of Water Pollution Control – Construction Stormwater General Permit
- e. Nevada Division of Environmental Protection, Bureau of Water Pollution Control – Working in Waters
- f. Lyon County – Special Use Permit

Once Sierra Pacific Power Company d/b/a NV Energy has obtained and filed with the Commission a copy of the outstanding permits needed for the Project, Staff recommends that the UEPA Permit setting forth a description of the Project be issued to Sierra Pacific Power Company d/b/a NV Energy.

Staff recommends that the order contain a provision that if Sierra Pacific Power Company d/b/a NV Energy does not file with the Commission all the compliances set forth hereinabove within five years of the effective date of the order, the order will be deemed to be vacated without further action by or order of the Commission.

Staff also requests that the Commission include an ordering paragraph in its order which states: “No construction may commence on any utility facilities that are the subject of this Application for a UEPA Permit to Construct until after the Commission has issued the Permit to Construct for the applicable phase of the Project.”

Staff further recommends that the Commission’s order include findings and conclusions that:

- 1) Accept and incorporate the findings and conclusions in Sierra Pacific Power Company d/b/a NV Energy’s Environmental Assessment for the Project;
- 2) In Environmental Assessment for the Project, Sierra Pacific Power Company d/b/a NV Energy determined the nature of the probable effect of the Project on the environment;
- 3) The need for the Project balances any adverse effect on the environment;
- 4) 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;
- 5) Sierra Pacific Power Company d/b/a NV Energy has obtained or is in the process of obtaining all other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances; and
- 6) The Project will serve the public interest.



W.O. CPCCCR1000000557

UEPA Description

Lyon County, Nevada

EXHIBIT "A"
DESCRIPTION

A portion of Sections 13 through 24, Township 18 North, Range 24 East, M.D.M., Lyon County, Nevada.

Two strips of land, 160 feet in width, lying 80 feet on each side of the following described centerlines:

Centerline 1

Commencing at the Northwest Corner of Section 24, Township 18 North, Range 24 East, as shown on the Reversion to Acreage for Microsoft Corporation, recorded as File Number 670894 on June 16, 2023, Official Records of Lyon County, Nevada;

THENCE South 82°25'20" East, 3,958.88 feet to a point hereinafter referred to as Point A;

THENCE South 89°42'59" East, 109.64 feet to the **POINT OF BEGINNING** of Centerline 1;

THENCE North 0°06'29" West, 645.60 feet;

THENCE North 89°11'09" West, 3,994.84 feet;

THENCE North 0°29'19" East, 888.02 feet;

THENCE North 89°07'07" West, 6,513.82 feet;

THENCE South 1°41'15" West, 1,344.23 feet;

THENCE North 88°15'39" West, 4,216.10 feet;



THENCE North 0°44'17" East, 1,300.12 feet;

THENCE North 89°11'56" West, 10,446.98 feet to the **terminus of Centerline 1.**

Centerline 2

BEGINNING at the aforementioned Point A;

THENCE North 0°04'16" East, 516.83 feet;

THENCE North 89°11'35" West, 9,363.77 feet;

THENCE South 2°28'08" West, 1,161.62 feet;

THENCE North 89°37'25" West, 15,683.95 feet to the **terminus of Centerline 2.**

The sidelines of said descriptions are to be extended or truncated as to meet at angle points.

Together with the right to install guy and anchor facilities at poles required, to support said poles. Said facilities to extend not more than 150 feet from poles so supported as shown on Exhibit A-1.

Said description contains 207.10 acres more or less.

See Exhibit "A-1" attached hereto and made a part thereof.

The Basis of Bearings for this Exhibit is said Reversion to Acreage for Microsoft Corporation.

Prepared by Leland Johnson, P.L.S.