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

At a special session of the Public Utilities Commission of Nevada, held at the Nevada Legislative Counsel Bureau on September 17, 2026.

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

ORDER

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

I. INTRODUCTION

On April 20, 2026, SV RNO Property Owner 1 LLC ("SV RNO") filed with the Commission an application, designated as Docket No. 26-04026, under the provisions of the Utility Environmental Protection Act ("UEPA"), for a permit to construct the South Valley Temporary Power Generation Facility consisting of a temporary 144-megawatt ("MW") natural-gas-fueled electric generating facility and associated facilities to be located on private land in Storey County, Nevada.

On April 20, 2026, PR RNO Property Owner 1, LLC ("PR RNO" and jointly with SV RNO, the "Applicants") filed with the Commission an application, designated as Docket No. 26-04027, 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 (together with the SV RNO application, the "Applications").

The Applicants filed the Applications pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), Chapters 703 and 704, including, but not limited to, NRS 704.820 through 704.900 and NAC 703.415 through 703.427.

II. SUMMARY

The Commission grants the Applications, subject to the satisfaction of the compliance items delineated below. The Commission finds that the Applications satisfy each determination required by NRS 704.890(1). The Projects are temporary, are sited on previously disturbed land within an industrial park, and remain subject to substantial federal, state, and local environmental permitting. On the record developed in these consolidated dockets, the need for the Projects balances their adverse environmental effects, and the Projects serve the public interest.

III. PROCEDURAL HISTORY

- On April 20, 2026, SV RNO filed the application in Docket No. 26-04026.
- On April 20, 2026, PR RNO filed with the Commission an application in Docket No. 26-04027.
- On April 24, 2026, the Commission issued a Notice of Application for Utility Environmental Protection Act Permit to Construct a Utility Facility in Docket No. 26-04026 and in Docket No. 26-04027. That same day, SV RNO and PR RNO filed amendments in each aforementioned docket.
- The Regulatory Operations Staff of the Commission ("Staff") participates as a matter of right pursuant to NRS 703.301.
- On May 20, 2026, Nevadans for Clean Affordable Reliable Energy ("NCARE") filed notices of intent to be a party in both Docket Nos. 26-04026 and 26-04027, pursuant to NRS 704.885(1)(e).
- On May 22, 2026, the Commission issued a Notice of Prehearing Conference in Docket No. 26-04026.
- On May 28, 2026, the Commission issued a Notice of Prehearing Conference in Docket No. 26-04027.
- On June 8, 2026, the Applicants filed motions to dispense with the hearing in Docket Nos. 26-04026 and 26-04027 ("Applicant Motions").
- On June 12, 2026, NCARE filed responses in opposition to the motions in both Docket Nos. 26-04026 and 26-04027 ("NCARE Opposition").

- On June 15, 2026, Staff filed letters indicating it was not taking a position on the pending motions in both Docket Nos. 26-04026 and 26-04027, and the presiding officer held a prehearing conference in Docket No. 26-04026, attended by the Applicants, Staff and NCARE, wherein consolidation, the pending motion and a procedural schedule were discussed. No party objected to consolidation.

- On June 16, 2026, the presiding officer held a prehearing conference in Docket No. 26-04027, attended by the Applicants, Staff and NCARE, wherein consolidation, the pending motion and a procedural schedule were discussed. No party objected to consolidation.

- On June 17, 2026, the presiding officer issued Procedural Order No. 1, consolidating Docket Nos. 26-04026 and 26-04027 for hearing purposes and setting a procedural schedule.

- On June 22, 2026, the Applicants filed prepared direct testimony, and a reply to the NCARE Opposition ("Applicant Reply").

- On July 1, 2026, the Commission issued a Notice of Hearing.

- On July 8, 2026, NCARE and Staff filed prepared direct testimony. That same day, NCARE separately filed a letter of affirmation.

- On July 10, 2026, the presiding officer issued Procedural Order No. 2.

- On July 20, 2026, NCARE filed a motion to compel discovery.

- On July 22, 2026, the Applicants filed a motion to strike portions of NCARE's testimony.

- On July 23, 2026, the Applicants and Staff each filed responses to NCARE's motion.

- On July 24, 2026, the Applicants filed prepared rebuttal testimony.

- On July 27, 2026, Staff filed a response to the Applicants' motion.

- On July 30, 2026, a hearing was held. The Applicants, NCARE, and Staff were in attendance. At the beginning of the hearing, the presiding officer denied both pending motions. At the conclusion of the hearing, the presiding officer admitted Exhibits 1-14 to the record.

- On August 18, 2026, the presiding officer issued Procedural Order No. 3, requesting the Applicants to file an exhibit and soliciting comments from interested parties.

- On August 19, 2026, pursuant to Procedural Order No. 3, the Applicants filed Exhibit 15 with the Commission.

- On September 3, 2026, the Commission issued Procedural Order No. 4 requesting Exceptions and Answers to a proposed order, pursuant to NAC 703.486 and NAC 703.785.
- On September 10, 2026, NCARE filed Exceptions, and Staff filed a letter indicating it had no Exceptions.
- On September 16, 2026, Staff and Applicants filed Answers to Exceptions.

IV. APPLICATIONS

A. Nature of the Projects' Probable Effect on the Environment – NRS 704.890(1)(a)

Applicants' Position

1. The Applicants state that both applications meet the required statutory criteria and provide detailed evaluations of the probable environmental effects of the SV RNO and PR RNO Projects (collectively, the "Projects") in the environmental statements of each application. (Ex. 4 at 5, 7; Ex. 1 at Exhibit F; Ex. 3 at Exhibit F.) The Applicants provide that the environmental statement for each project provides ample information to determine the potential and probable environmental effects across multiple environmental resources categories. (Ex. 4 at 7.) The Applicants state that the studies contained in each application determined that the Projects will not have significant, unmitigated impacts on the environment. (*Id.* at 10.) The Applicants state that both Projects' probable effects on the environment are limited to the construction period, and long-term effects are limited by the estimated two-to-three-year duration of operations. (*Id.* at 7.)

2. The Applicants state that both Projects' environmental statements detail that the various probable effects on environmental resources will not be significant and are capable of being mitigated by compliance with best management practices and Nevada Division of Environmental Protection ("NDEP") or local agency-required permit terms and conditions. (*Id.*) The Applicants further state that all generation will be controlled using state-of-the-art pollution

controls capable of meeting the strictest emissions limitations for nitrogen oxides, carbon monoxide, and volatile organic compounds for any applicable standards under both NDEP and the United States Environmental Protection Agency. (*Id.*) The Applicants note that neither Project's construction nor operation will result in significant impacts to soil, air, water, cultural, biological, or other resources as the Projects are planned to be built in an area previously zoned for industrial development, and already partially developed. (*Id.*)

NCARE's Position

3. NCARE states that the Applications fail to adequately characterize the full scope of the probable effect on the environment. (Ex. 7 at 14.) NCARE provides that the probable effects of the Projects include, but are not limited to, greenhouse gas ("GHG") emissions, criteria pollutant emissions, and impacts from construction, operations, and decommissioning. (*Id.* at 11-12.)

4. NCARE states that the Projects intend to use natural gas generators to create 362 MW in aggregate electric capacity operating 8,760 hours per year at 100-percent load. (*Id.* at 8.) NCARE states that the natural gas consumption of the Projects would total approximately 302 million therms per year compared to the 181 million therms that Sierra Pacific Power Company d/b/a NV Energy ("Sierra") sold to its residential customers in 2025 and the 336 million therms that Southwest Gas Corporation sold to its residential customers in 2025. (*Id.* at 9.) NCARE explains that the Projects would annually produce an amount of electricity equal to 118 percent of the total annual use for all of Sierra's residential customers in Northern Nevada, which represents 21 percent of Sierra's forecasted demand for 2027. (*Id.* at 10-11.)

5. NCARE states that the Projects would emit 1.42 million metric tons ("MMT") of CO2e per year, which excludes the full emission burden from expected liquified natural gas

("LNG") and compressed natural gas ("CNG") processing emissions, and the anticipated annual 7,300 heavy duty truck deliveries of fuel per facility. (*Id.* at 12.) NCARE further states that the Projects could become, for their size, the state's most polluting generating facilities based on annual tons of CO2e per MW depending on the capacity factor. (*Id.* at 12-13.) NCARE provides that the Projects, in aggregate, would be equal to 11.6 percent of Nevada's electric sector CO2e emissions in 2023. (*Id.* at 13.)

6. NCARE contends that the applications contain inconsistent information regarding the expected duration of the operation of the Projects, with some descriptions providing for three years while other portions of the applications describe 2-3 years. (*Id.* at 15.) NCARE states its concern that the application contemplates the need for possible operational extensions and given that the air quality permits needed for the Projects would allow them to operate for up to six years before an extension would be needed, the full scope of probable effects on the environment are understated. (*Id.* at 16-17.) NCARE states that the full nature of the Projects' probable effect on the environment cannot be determined without certainty regarding the retirement date of the Projects because the cumulative impact of emissions will increase the longer they remain in operation. (*Id.* at 17.)

Staff's Position

7. Staff recommends that the Commission find that the Applications identify the nature and the probable effect of the Projects on the environment and the required mitigation measures. (Ex. 13 at 26-27.) Staff states that it reviewed the environmental statements for both Projects which contained an analysis of existing conditions, potential impacts, and mitigation measures for each environmental resource category. (*Id.* at 7-8, 18-19.) Staff concurs with the Applicants that both Projects will be temporary. (*Id.*) Moreover, Staff notes that it is not possible

for generation equipment to run every hour of the year and the information contained in the environmental statements are theoretical maximums. (Tr. at 121-122.)

Applicants' Rebuttal

8. The Applicants state that NCARE overstates the environmental impacts regarding anticipated natural gas consumption, emissions, and operational scenarios. (Ex. 14 at 2.) The Applicants explain that the NDEP permitting process requires, by law, a "worst case" emissions scenario for Class 1 OPTC and Operating Air Permits with NDEP. (*Id.*) The Applicants state that such scenarios are not anticipated or likely because the Projects' nameplate capacities are oversized relative to the peak load for necessary operational factors including reliability, optimal engine output, and altitude. (*Id.* at 2-3.) The Applicants state that real-world planning and operational factors significantly diminish the actual expected gas consumption, emissions, and related environmental impacts. (*Id.* at 2.) The Applicants contend that permit-related obligations with NDEP are not realistic or anticipated operating scenarios, and evaluating the expected gas consumption or emissions on that basis would be misleading. (*Id.* at 3.)

9. The Applicants state that NCARE also improperly compared its over-stated consumption figures for the Projects to natural gas consumption by other customer classes – namely small-scale residential and commercial users that primarily rely on natural gas for heating. (*Id.* at 5.) The Applicants contend that a more appropriate comparison would compare the Projects' consumption with Nevada's overall consumption of natural gas for power generation. (*Id.* at 6.) The Applicants provide that in 2024, Nevada's overall natural gas consumption was 2.9 billion therms, 65 percent of which was used for power generation. (*Id.*) Accordingly, the Applicants argue that NCARE used a misleading comparison to inflate the appearance of the Projects' consumption and paint it as unreasonable. (*Id.*)

10. The Applicants state that electric generation is the single largest use for natural gas in Nevada and constitutes over half of NV Energy's energy supply. (*Id.*) The Applicants provide that the Projects' consumption will be equally or more efficient than comparable generation technologies such as large natural gas turbines. (*Id.*) The Applicants provide that comparing the Projects against the nameplate capacity of other natural gas generating stations in Nevada demonstrates that the Projects would be smaller than nearly all utility-scale permanent gas generation in the state. (*Id.* at 5.)

11. The Applicants state that NCARE uses the statutorily required permit duration for NDEP air permits, and their ability to be renewed, to speculate that the Projects could be operated indefinitely. (*Id.* at 8-9.) The Applicants emphasize their intent to only operate the Projects until they can be served by Sierra, which they estimate to take two to three years. (*Id.* at 9.) The Applicants explain that an initial Class 1 OPTC Permit allows up to one year for construction, and is subsequently incorporated into a Title V operating permit with a mandatory five-year term. (*Id.* at 10.) The Applicants provide that NDEP does not offer three-year permits. (*Id.*) The Applicants state that it would be economically irrational to expect the Projects to ultimately compete against grid-served energy. (Tr. at 141.) However, the Applicants state that in the event an extension is necessary, the environmental impacts would be reasonably disclosed because all required air permits contain a disclosure regarding authorized annual tonnages of emissions and annual reporting requirements. (Ex. 14 at 11.) The Applicants provide that the multi-year analysis suggested by NCARE is unnecessary and inconsistent with the permitting framework. (*Id.*)

12. Finally, the Applicants note that contrary to NCARE's representations, both Applications disclose information regarding truck and vehicle trips for both construction and

operational activities and emphasize that the average delivery rate per site is less than one truck per hour, which is insignificant in terms of probable environmental impacts. (Ex. 14 at 9.)

Commission Discussion and Findings

13. NRS 704.890(1)(a) provides that the Commission may not grant a UEPA Permit to Construct unless it finds and determines "[t]he nature of the probable effect on the environment." Here, the Applicants prepared an environmental statement for the SV RNO and PR RNO Projects that included an analysis of existing conditions, potential impacts, and mitigation measures for each environmental resource category. The Applicants and Staff agree that the environmental statements satisfy the criteria required under Nevada law and the regulatory framework therein and agree that the environmental statements identify the nature of the probable effect on the environment.

14. NCARE argues that the environmental statements are substantively deficient for understating or otherwise failing to consider GHG emissions, criteria pollutant emissions, and construction, operations, and decommissioning impacts. NCARE argues that the Applications may also understate emissions in the event the Projects operate beyond the two to three years that the Applicants anticipate them to run. In doing so, NCARE relies on information from the "worst case" operational scenarios of both Projects, as required by NDEP for Class 1 OPTC and Operating Air Permit Applications, wherein the Projects are generating at their nameplate capacity year-round.

15. The Commission is not persuaded by NCARE's arguments. NRS 704.890(1)(a) requires that the Commission determine the "nature of the *probable effect* on the environment." Here, NCARE asks the Commission to leverage the worst-case scenario – that both Projects will be running at peak capacity nonstop for the duration of their operation, or beyond – to impose a

heightened environmental standard on the Projects beyond what the law requires. The word "probable" is not surplusage. A permitted maximum and a probable effect are different things. The record establishes that NDEP requires a Class 1 OPTC applicant to model a worst-case emissions scenario, so the ceilings on which NCARE relies are an artifact of the permitting process rather than a forecast of how the Projects will be operated. (Ex. 14 at 2-3.) To read NRS 704.890(1)(a) as NCARE proposes would convert a conservative regulatory assumption into a substantive standard that the Legislature did not enact. At hearing, Staff noted that the 24/7 operational scenario used by NCARE was not only improbable, but impossible. (Tr. at 121-122.) Additionally, some of the claims made by NCARE, including that the Applicants did not consider emissions from vehicles, construction and operational activities, is belied by the contents of the environmental statements. (*See* e.g., Ex. 1 at § 3.8.2 of Exhibit F; Ex. 3 at § 3.8.2 of Exhibit F.)

16. The Commission is also not persuaded by NCARE's argument that the environmental impacts from the Projects are understated because, between the construction and operating permits, the Applicants would be permitted for up to six years of construction and operational activities with the opportunity to renew such permits. The Applicants assert throughout their Applications and testimony that the Projects will operate for two to three years, contingent upon NV Energy's ability to serve the data-center sites. Moreover, the Applicants provide that it would not be economically rational to operate the Projects once the sites can take bundled service from NV Energy. The Commission acknowledges NCARE's observation that the Applications are not uniform in describing the operating period. That imprecision does not, however, transform the outer bound of an air permit into the probable duration of operations. Air permits are issued by NDEP in fixed terms that do not track the operating life of any particular

facility, and the record explains why NDEP does not issue a permit matching the period the Applicants anticipate. (Ex. 14 at 10.) The Commission's findings rest on the Applicants' representations and extend no further. Under NRS 704.865, a facility for which a permit is required must thereafter be constructed, operated, and maintained in conformity with that permit and any terms, conditions, and modifications contained in it. Accordingly, the Commission finds and determines that both Applications identify the nature of the probable effect of the Projects on the environment, in addition to the required mitigation measures.

B. Extent to Which Projects Are Needed to Ensure Reliable Service to Customers in the State – NRS 704.890(1)(b)

Applicants' Position

17. The Applicants state that the Projects are needed to ensure adequate load service while Sierra brings additional, permanent utility infrastructure into service. (Ex. 4 at 8.)

NCARE's Position

18. NCARE states that the Applicants "failed to substantiate that the Projects are needed to ensure reliable utility service to customers in [the] state." (Ex. 7 at 18.) NCARE argues that information in both applications is inadequate to determine whether the projects will provide electric service to one or more customers at the data-center campuses. (*Id.* at 19.)

19. NCARE states that the Applicants also failed to demonstrate whether the Projects are critical to serving the data-center campuses' electric service reliability needs because two Large Load Electric Service Agreements ("LLESA") are being considered in Docket No. 26-05027.[1] (*Id.* at 19-20.) NCARE provides that those agreements indicate that the Applicants have entered into interconnection agreements, and short-term and long-term energy supply

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[1] Docket No. 26-05027 is the application of Sierra Pacific Power Company d/b/a NV Energy for approval of Large Load Electric Service Agreements with PR RNO Property Owner 1, LLC and SV RNO Property Owner 1, LLC.

agreements, with Sierra with services beginning as soon as early 2027. (*Id.* at 20.) NCARE argues that this calls into question whether the Projects are necessary to ensure reliable utility service to the data-center campuses. (*Id.*)

20. NCARE states that, in a data request, Staff asked the Applicants to describe the extent to which the SV RNO Project will enhance the reliability of utility service in Nevada, to which SV RNO identified three benefits: 1) deferral of 144 MW of load that would otherwise need to be served by NV Energy during a period of significant capacity constraint; 2) assistance with an infrastructure pacing problem by ensuring that the load can eventually be phased onto Sierra's system gradually instead of as a large block of load; and 3) the project serves as a reliability bridge to ensure that the applicant's load transfers to Sierra in an orderly manner. (*Id.* at 20-21.)

21. NCARE argues that the Projects would not defer load because new customer and interconnection needs are submitted by requests that are addressed in a queue that also considers maintaining reliable electric service for its customers. (*Id.* at 21.) NCARE states that rather than deferring the Applicants' loads, the Applications seek to jump the queue for interconnection with NV Energy. (*Id.* at 21-22.) Similarly, NCARE argues that a delay in service would not prevent a large pent-up block of demand from coming to the grid simultaneously, nor would the Applications serve as a reliability bridge, because the Applicants cannot interconnect to NV Energy's grid at their own discretion; rather, the Applicants must request interconnection based upon factors such as customer need, existing capacity, and the timeline to bring additional system resources needed to meet a customer's request. (*Id.* at 22.)

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Staff's Position

22. Staff recommends that the Commission find that the Applications address the extent to which the Projects are needed to ensure reliable utility service to customers in Nevada. (Ex. 13 at 26-27.) Staff explains that while the Projects will emit GHGs, the Applications detail that the Projects are necessary to provide reliable electric power to the SV RNO and PR Reno sites before NV Energy can provide permanent utility service to the locations. (*Id.* at 8-10, 20.) Staff states that the Applications demonstrate that the Tahoe Reno Industrial Center ("TRIC") growth is outpacing NV Energy's ability to build permanent infrastructure for new large industrial loads and that without the temporary power facilities, the Applicants would be unable to activate and operate the data centers, delaying significant economic investment in Nevada. (*Id.*)

Applicants' Rebuttal

23. The Applicants state that the Projects are needed because NV Energy cannot provide the power required for its data-center operations for the next two to three years due to increased power demand – an assertion supported by Sierra's Sub-system Reliability Assessment in its 2026 Integrated Resource Plan filing. (Ex. 14 at 12.) The Applicants state that the Projects supplement Sierra's current generation and service capabilities to provide reliable service to the data centers by 1) avoiding unnecessary service interruptions or reliability concerns associated with large loads; 2) providing a bridge for NV Energy to serve both the Peru Ridge and South Valley sites once it brings additional transmission and generating capacity online; and 3) ensuring other NV Energy customers are not affected by additional capacity demands. (*Id.*)

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Commission Discussion and Findings

24. NRS 704.890(1)(b) provides that the Commission may not grant a UEPA Permit to Construct unless it finds and determines, "[i]f the utility facility emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, the extent to which the facility is needed to ensure reliable utility service to customers in this State."

25. Here, the Applicants provide and Staff agrees that the Projects are needed to provide reliable service to SV RNO and PR RNO until NV Energy can serve them as customers. Both Staff and the Applicants note that Sierra is unable to serve the anticipated needs of the data centers on the sites for two to three years because development in the TRIC is outpacing the utility's ability to serve both new and existing customers. NRS 704.890(1)(b) refers to "customers in this State." The Applicants are prospective customers of Sierra, located in Nevada, seeking service for load that Sierra expects to carry once its infrastructure permits. The statute does not confine the inquiry to customers already taking service.

26. NCARE argues that the Applicants have not demonstrated that the Projects are needed because the data centers in question are negotiating LLESAs with the utility for each location with service potentially beginning as soon as early 2027. Moreover, NCARE argues that the Applicants seek to "skip the line" to be served under traditional processes wherein large customers request interconnection that is then planned for.

27. The Commission rejects NCARE's argument that the Applicants failed to demonstrate that the Projects are needed to ensure reliable utility service to customers in the state. Here, the Applicants demonstrated that they have a need for reliable electric service to operate their data centers that cannot currently be served by Sierra, as demonstrated by Sierra's most recent resource-plan filings and the pending application for approval of LLESAs between

the Applicants and Sierra in Docket No. 26-05027. Regarding NCARE's queue argument, NRS 704.890(1)(b) directs the Commission to determine the extent to which a facility is needed to ensure reliable utility service; it does not make that determination turn on an applicant's position in an interconnection queue, and nothing in the UEPA requires a prospective customer to forgo lawful self-generation while it waits for permanent service.[2] The Commission further finds that the Applicants' election to pursue self-generation through lawful federal, state, and local permitting processes, rather than to await Sierra's ability to provide permanent service, does not diminish the demonstrated need for the Projects.

28. The Commission agrees with Staff and the Applicants that the Applications and the evidentiary record satisfy NRS 704.890(1)(b). Accordingly, the Commission finds and determines that the Applicants demonstrated and addressed the extent to which the Projects are needed to ensure reliable utility service to customers in this State. The record further reflects that the Projects will limit the near-term capacity demands that would otherwise be placed on Sierra's existing customers. (Ex. 14 at 12.)

C. Whether Need for the Projects Balances Adverse Effect on the Environment – NRS 704.890(1)(c)

Applicants' Position

29. The Applicants state that the Projects are located to minimize environmental impacts by being co-located with the loads being served on pre-graded land already designated and developed for industrial use. (Ex. 4 at 8.) The Applicants state that environmental impacts will be mitigated through the best available technology to limit air pollution and control emissions, the use of best management practices, terms and conditions of permits, and the short-

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[2] Docket No. 26-05027 is Application of Sierra Pacific Power Company d/b/a NV Energy for approval of Large Load Electric Service Agreements with PR RNO Property Owner 1, LLC and SV RNO Property Owner 1, LLC.

term duration of the Projects. (*Id.*) The Applicants provide that the Projects' environmental effects are acceptable given the balance of the Projects' technical requirements, limitations, and related economic benefits. (*Id.*) Accordingly, the Applicants state that the identified mitigation measures adequately balance any probable adverse environmental effects with the need for the Projects. (*Id.* at 9.)

NCARE's Position

30. NCARE argues that, even if the Projects only operate for a maximum of three years, the need for them does not balance the adverse effect on the environment. (Ex. 7 at 23.) NCARE states that the Projects are in direct conflict with Nevada's statutory framework for statewide GHG emission reductions and renewable energy targets. (*Id.* at 23.) NCARE states that the Projects would increase statewide electric-sector GHG by 12 percent annually, with a minimum addition of 4.26 MMT CO2e over three years, in addition to criteria pollutant emissions, for the sole benefit of the Applicants' near-term energy needs. (*Id.* at 23-24.)

31. NCARE argues that the information in the applications does not offer an adequate assessment of whether the Projects and their associated benefits outweigh the increase in statewide GHG emissions, which Nevada's Legislature has found to drive climate change, impact residents' health and safety, harm the environment and wildlife, exacerbate droughts and wildfires, jeopardize tourism, and reduce the number of hours in the day to safely perform work activities such as construction. (*Id.* at 24-25.)

32. NCARE notes that Nevada's statutory GHG emissions goals target 28 percent below 2005 levels by 2025, 45 percent below 2005 levels by 2030, and zero or near-zero by 2050. (*Id.* at 25.) NCARE explains that Nevada is not currently on pace to meet its goals, and assuming the projects were operating in 2030, Nevada's emissions reduction shortfall would

grow from 24.3% to 27.2%, constituting a further departure from Nevada's GHG emissions reductions targets. (*Id.* at 26-27.) NCARE states that CO2 emissions have an atmospheric residence time of hundreds to thousands of years, meaning that any departure from Nevada's targeted GHG emissions reductions trajectory will have a long-term impact on Nevada's climate. (*Id.* at 27-28.) NCARE asserts that the adverse effect on the environment from GHG emissions far outweighs the Applicants' private need to secure electric service for their data-center campuses and that the Applicants should not be able to circumvent Nevada Renewable Portfolio Standard ("RPS") compliance with fossil fuel generation. (*Id.*)

Staff's Position

33. Staff recommends that the Commission find that the need for the Projects balances any adverse effect on the environment. (Ex. 13 at 26-27.) Staff states that the Applications and data request responses demonstrate that the need for the Projects balances any adverse effects on the environment. (*Id.* at 10-11, 21-22.) Staff notes that construction impacts will be primarily temporary, localized, and managed through best management practices and applicable permit conditions. (*Id.*) Staff states that ground disturbance will be minor and that construction will generate temporary increases in emissions from exhaust and fugitive dust; however, emissions will be managed through NDEP surface area disturbance ("SAD") permit requirements. (*Id.*) Similarly, temporary noise increases will occur during daytime construction hours and during operation of the Projects. (*Id.*) Staff states that once complete, the Projects will operate continuously for a two to three-year period, with operational impacts including CNG delivery truck traffic and air emissions that will be managed under the NDEP Class I OPTC air permit. (*Id.*)

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Commission Discussion and Findings

34. NRS 704.890(1)(c) provides that the Commission may not grant a UEPA Permit to Construct unless it finds and determines that the need for the facility balances any adverse effect on the environment. Staff and Applicants both provide that the Applications appropriately determine that the need for the Projects balances any adverse effect on the environment given the temporary nature of the facilities, their locations, implementation of best management practices, and permitting requirements. Moreover, the Applicants provide that environmental impacts will be mitigated through the best available technology to mitigate air pollution and control emissions and that the economic benefits of the Projects balance any adverse effect on the environment.

35. NCARE argues that the Projects are in direct conflict with Nevada's statutory framework for statewide GHG emission reductions and renewable energy targets and cites its concerns that the Projects are detrimental to Nevada's GHG Emissions reduction goals and not consistent with the RPS. The Commission does not dispute that the Projects will create GHG emissions and will not use renewable energy; however, NCARE's argument cannot be reconciled with the structure of the statute that the Commission is applying. NRS 704.890(1)(b) directs the Commission to make a particular finding when a utility facility "emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity." That paragraph presupposes that such facilities may be permitted. Were conflict with the State's emissions-reduction goals categorically disqualifying, paragraph (b) would have no work to do. What NRS 704.890(1)(c) requires is a balance. On this record, the demonstrated need for the Projects, the proposed mitigation measures, the siting decisions, the permitting obligations the Applicants must satisfy, and the temporary character of the Projects balance the adverse effects NCARE identifies.

36. NRS 704.890(1)(c) does not require that the Applicants put forth carbon-neutral facilities to serve state needs or eliminate all adverse effects. In adopting the UEPA permitting process, in NRS 704.825(1), the Nevada Legislature declared that:

> a) There is at present and will continue to be a growing need for electric, gas and water services which will require the construction of new facilities. It is recognized that such facilities cannot be built without in some way affecting the physical environment where such facilities are located.
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> b) It is essential in the public interest to minimize any adverse effect upon the environment and upon the quality of life of the people of the State which such new facilities might cause.
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> (c) Present laws and practices relating to the location of such utility facilities should be strengthened to protect environmental values and to take into account the total cost to society of such facilities.
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> (d) Existing provisions of law may not provide adequate opportunity for natural persons, groups interested in conservation and the protection of the environment, state and regional agencies, local governments and other public bodies to participate in proceedings regarding the location and construction of major facilities.

37. The statutory UEPA framework recognizes that there is a growing need for electricity and that the construction and operation of those facilities will likely cause adverse environmental effects. Consequently, the UEPA process requires that applicants identify and minimize those negative effects to balance the need for a given facility against the harms it may cause. Here, the Applicants identified foreseeable harms and put forth a variety of measures to mitigate those harms to the extent practicable. Further, NDEP, the State agency responsible for environmental protection, is currently evaluating the Applicants' Class 1 OPTC and Operating Air Permit Applications. The Commission relies on NDEP, which possesses expertise in environmental protection, to fully and thoroughly evaluate those permit applications. Issuance of those permits would be required prior to the commencing construction of the Projects.

38. The Commission notes that NRS 704.877 requires the Commission to accept and incorporate the findings and conclusions made in an environmental review relating to the construction of a utility facility in its entirety, or to the construction of any portion of a utility facility, that has already been conducted by an appropriate federal agency or by a state, regional or local agency. While NDEP's environmental review has not yet been conducted, that review is a condition precedent for any UEPA Permit to Construct that the Commission would issue, and if NDEP, the State agency possessing the relevant environmental expertise, denies the air permit applications, no UEPA permit will issue for the Projects. It is beyond the Commission's authority to conduct any duplicative environmental review, and the Commission is bound by NDEP's determinations.

39. The Commission does not minimize the emissions NCARE has quantified. Balancing under NRS 704.890(1)(c) does not require a finding that the adverse effects are trivial; it requires the Commission to weigh them against the need. On one side of that scale are the criteria pollutant and greenhouse gas emissions associated with a defined period of operation, mitigated by best available emissions controls, best management practices, and the conditions NDEP will impose. On the other are the reliability need found under NRS 704.890(1)(b), the siting of the Projects on previously disturbed land within an existing industrial park, and the construction and operating employment, capital investment, and property tax revenue reflected in the record. The Commission concludes that the balance favors the Applicants and, accordingly, finds and determines that the need for the Projects balances any adverse effect on the environment.

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D. Whether the Projects Represent the Minimum Adverse Effect on the Environment – NRS 704.890(1)(d)

Applicants' Position

40. The Applicants state that the Commission should find that the Projects represent the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives. (Ex. 4 at 9.) The Applicants provide that they have made efforts to minimize environmental impacts of the Projects, including a host of environmental controls, for both the construction and operation of the Projects, and compliance with all terms of required permits. (*Id.*) Moreover, the Applicants provide that the Projects are in industrial areas near existing industrial facilities (including large-scale power generation, and un-or-under-developed mountainous terrain) and are sited on pre-graded, pre-leveled land, which will minimize ground disturbances. (*Id.*) The Applicants state that long-term environmental impacts are balanced with the Projects' anticipated short-term nature. (*Id.*)

NCARE's Position

41. NCARE states that the Applicants have not demonstrated that the Projects represent the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of various alternatives. (Ex. 7 at 34-35.) NCARE states that neither application presented any alternative facility design options with lower adverse effects on the environment nor any justification why alternative options are technologically or economically non-viable. (*Id.* at 35.)

42. As an example, NCARE states that the SV RNO Project application contains no reference to assessing alternative generating facility designs, only referring to assessing other locations or a no-build option. (*Id.*) Similarly, NCARE provides that the PR RNO Project application only considered alternative generator configurations and fuel delivery methods

before concluding that the configuration supplied by the equipment provider with CNG fuel delivery from the fuel supply provider provided the best balance of generation capacity, operational reliability, environmental performance, and commercial feasibility. (*Id.*) NCARE states that while alternative locations are required to be discussed under the UEPA, it is not a substitute for an assessment of available technological alternatives. (*Id.*)

43. NCARE asserts that neither application satisfied NRS 704.890(1)(d) because the Applicants failed to propose lower-emitting generation facility designs and failed to justify why the proposed designs are required to meet the use case compared to various alternatives leveraging the state of available technology. (*Id.* at 36-37.) NCARE notes that current technologies that should have been discussed by the applicants include a suite of low-carbon, renewable, or zero-carbon options such as utility-scale and rooftop solar, energy storage, demand response, wind, geothermal, fuel cells, and biofuels. (Id. at 37.) Similarly, NCARE states that the Applications did not discuss more fuel-efficient natural-gas-fueled electric generation, instead relying on less efficient internal combustion engines. (*Id.*) NCARE argues that, at a minimum, the Applicants should have provided a description of the range of alternative technologies and Nevada electric service options that exist to serve electric load at the time of project design and justified whether and why they are infeasible solutions. (*Id.*)

Staff's Position

44. Staff recommends the Commission find that the Projects represent the minimum adverse effect on the environment considering the state of available technology and the nature and economics of the various alternatives. (Ex. 13 at 26-27.) Staff states that the environmental statements in the Applications explain that potential impacts will be reduced with best

management practices and mitigation measures addressing water resources and air quality. (*Id.* at 11-12, 22-23.)

45. Staff states that the Applicants investigated potential alternatives for the Projects to determine whether they would be feasible to meet the primary purpose of providing reliable on-site generation to support the data-center campuses. (*Id.* at 4, 24.) Staff states that alternative locations would not meet the operational objectives of the Projects because the generation facilities are planned to be centrally located on the data-center campuses to serve electric demand. (*Id.*) Staff explains that relocating the Projects would increase transmission distances, reduce system efficiency, and potentially require additional infrastructure, resulting in greater environmental disturbances and higher costs. (*Id.*) Staff states that the selected sites are the most suitable locations because they minimize the length of interconnection facilities and efficiently serve electric demand. (*Id.* at 24-25.) Staff states that no feasible alternative locations or configurations were identified. (*Id.* at 14, 25.)

Applicants' Rebuttal

46. The Applicants state that Section 2 of each of the Applications' Environmental Statements discusses the lack of viable alternative generation possibilities. (Ex. 14 at 14.) The Applicants state that prior to determining that the Projects were best suited to meet their operational needs, the Applicants conducted an internal, confidential evaluation to determine the types of power sources needed to support data centers. (*Id.*) The Applicants state that both direct and combined-cycle gas turbines ("CCGT"), fuel cells, solar, wind, geothermal, battery storage (with no source power), and various types of reciprocating engines (natural gas, diesel, and propane) were considered. (*Id.*) With respect to CCGTs, the Applicants note that they rejected them as an option based on incompatible timelines, unsuitability for temporary service, and lack

of modularity. (*Id.* at 13.) Instead, the Applicants explain that they determined that the Projects were the best choice among available alternatives to balance project needs, fuel use efficiency, and emissions impacts. (*Id.*)

47. The Applicants state that an exhaustive review of all available technologies is not required in UEPA applications. (*Id.*) The Applicants note that the environmental statements in both applications state that no feasible alternative locations or configurations were identified that would adequately achieve the Projects' goals and objectives for reliable, on-site power generation for data-center needs. (*Id.*) The Applicants state that NCARE's emissions and rates analyses attempt to compare the Projects to unavailable alternatives and ignore favorable portions of the environmental statements, such as information demonstrating that the Projects' projected emissions rates are lower than other local natural-gas generating stations. (*Id.* at 13.)

Commission Discussion and Findings

48. NRS 704.890(1)(d) provides that the Commission may not grant a UEPA Permit to Construct unless it finds and determines 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.

49. NCARE is critical of the Applications because, inter alia, the Applicants did not provide a comparison of alternative renewable technologies and electric service options that would be available to serve their load with an analysis of their infeasibility compared to the proposed Projects. The Commission agrees with NCARE that the state of available technology is relevant. NRS 704.890(1)(d) says so expressly. But the statute directs the Commission to consider available technology in determining whether a facility represents the minimum adverse effect on the environment; it does not oblige an applicant to compile an exhaustive catalog of

generation technologies and disprove each one in turn. The required contents of a UEPA application are prescribed by NRS 704.870(1), which calls for a description of reasonable alternate locations and a statement of why the proposed location is best suited to the facility. It does not call for a technology-by-technology feasibility study. NCARE's objection is therefore properly understood as a challenge to the sufficiency of the evidence rather than to a filing requirement the Applicants have failed to meet. The Commission agrees with the Applicants that an exhaustive review of all available technologies is not required in UEPA applications.

50. The environmental statements in both Applications explain that no feasible alternative locations or configurations were identified that would adequately achieve the Projects' goals and objectives for reliable, on-site power generation for data center needs. On rebuttal, the Applicants also clarified that they considered CCGTs, fuel cells, renewable generation, and battery storage to serve the sites; however, the proposed Projects best balanced the Applicants' needs for operating data centers.

51. The Commission agrees with Staff and the Applicants that it would not be feasible or economic to select a different site location or configuration for the Projects. The Commission finds that the siting of the Projects reduces environmental impacts and avoids increased transmission expense by using pre-graded properties in an industrial area suited to modular generation needed only in the short term. The record also permits the technology determination NRS 704.890(1)(d) requires. The Applicants evaluated combined-cycle and simple-cycle gas turbines, fuel cells, solar, wind, geothermal, battery storage, and several reciprocating-engine configurations before selecting the proposed design, and explained why each alternative was incompatible with a temporary, modular, on-site installation that must be available on the Applicants' schedule. (Ex. 14 at 13-14.) The comparison NCARE urges, by

contrast, measures the Projects against resources that could not be sited and energized within the period the Projects are intended to bridge. An alternative that cannot meet the need is not, for purposes of NRS 704.890(1)(d), a viable alternative.

52. The Commission also recognizes the Applicants' environmental statements detail proposed measures to minimize adverse effects on the environment. Accordingly, the Commission finds and determines that the Projects represent the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives.

E. Whether the Projects Conform with State and Local Laws – NRS 704.890(1)(e)

Applicants' Position

53. The Applicants provide that the Projects will be in a dedicated industrial park zoned for industrial uses consistent with Storey County's land use planning. The Applicants further provide that the applications identify additional necessary permits required by NDEP and building permits required by Storey County. (Ex. 4 at 10.)

Staff's Position

54. Staff recommends that the Commission find that the Projects, as proposed, conform to applicable state and local laws and regulations and that the Applicants have obtained, or are in the process of obtaining, all other permits, licenses, registrations, and approvals required by federal, state, and local statutes, regulations, and ordinances. (Ex. 13 at 26-27.)

55. Staff states that in addition to obtaining UEPA Permits to Construct from the Commission, the Applicants must obtain additional local permits, state permits, and approvals before commencing construction. (*Id.* at 12, 23.) Accordingly, prior to the issuance of a UEPA

Permit to Construct for the SV RNO Project, Staff recommends SV RNO file copies of the following permits:

a) NDEP, Bureau of Air Pollution Control - Surface Area Disturbance Permit;
b) NDEP - Nevada Construction Stormwater Permit;
c) NDEP - Class 1 OPTC Air Permit; and
d) Storey County - Storey County Building Permit.

(*Id.* at 12.)

56. Similarly, prior to the issuance of a UEPA Permit to Construct for the PR RNO Project, Staff recommends PR RNO file copies of the following permits:

a) NDEP, Bureau of Air Pollution Control - Surface Area Disturbance Permit;
b) NDEP - Nevada Construction Stormwater Permit;
c) NDEP - Class 1 OPTC Air Permit; and
d) Storey County - Storey County Building Permit.

(*Id.* at 23.)

Commission Discussion and Findings

57. NRS 704.890(1)(e) has two components. The first is that the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder. The Projects are sited within the TRIC on land zoned for industrial use consistent with Storey County's land use planning, and no party contends otherwise. (Ex. 4 at 10.) The second is that the applicant has obtained, or is in the process of obtaining, all other required permits, licenses, registrations, and approvals. The Applicants have not yet obtained each of them. NRS 704.890(2) addresses that circumstance directly: where an applicant has not obtained all required approvals as of the date the Commission decides to issue a permit, the Commission "shall condition its permit upon the applicant obtaining those permits and approvals." The compliance items imposed below give effect to that directive, and no permit to construct will issue until they are satisfied. The Commission accordingly finds and determines that the

Projects, as proposed, conform to applicable state and local laws and regulations and that the Applicants have obtained, or are in the process of obtaining, all other permits, licenses, registrations, and approvals required by federal, state, and local statutes, regulations, and ordinances.

58. The Commission agrees with Staff's assessment that in addition to obtaining the UEPA Permits to Construct, the Applicants also must obtain additional local permits, state permits, and approvals before commencing construction. Accordingly, prior to the issuance of a UEPA Permit to Construct for the SV RNO Project, SV RNO must file copies of the following permits:

a) NDEP, Bureau of Air Pollution Control - Surface Area Disturbance Permit;
b) NDEP - Nevada Construction Stormwater Permit;
c) NDEP - Class 1 OPTC Air Permit; and
d) Storey County - Storey County Building Permit.

59. Similarly, prior to the issuance of a UEPA Permit to Construct for the PR RNO Project, PR RNO must file copies of the following permits:

a) NDEP, Bureau of Air Pollution Control - Surface Area Disturbance Permit;
b) NDEP - Nevada Construction Stormwater Permit;
c) NDEP - Class 1 OPTC Air Permit; and
d) Storey County - Storey County Building Permit.

F. Public Interest Determination – NRS 704.890(1)(g)

Applicants' Position

60. The Applicants state that the Projects will serve the public interest by enabling PR RNO and SV RNO to commence data-center operations, which will provide significant investment in Storey County, create temporary construction jobs, and benefit the local economy through business and supply expenditures. (Ex. 1 at 16, Ex 3 at 16.) The Applicants provide that the operations and maintenance of the data center and associated infrastructure will also produce

sustained employment opportunities, property tax revenues for Storey County, and economic diversification consistent with the county's industrial growth strategy within the TRIC. (*Id.*)

NCARE's Position

61. NCARE states that the Projects will not serve the public interest because they will only serve the energy needs of the Applicants, will emit 1.42 MMT of CO2e per year, and will increase criteria pollutant emissions and emissions through the 14,600 heavy truck deliveries required annually. (Ex. 7 at 38-39.) NCARE further argues that the full scale of the probable effect of the reported GHG and criteria pollutant emissions on the environment are not fully analyzed or reported in the Applications and exclude the full emissions burden from liquefied natural gas and compressed natural gas processing and heavy truck deliveries. (*Id.* at 39.) NCARE also argues that emissions are not constrained by a termination timeline, resulting in the Projects having an unknowable effect on the environment. (*Id.*)

62. NCARE renews, in the public interest context, its argument that the Applications failed to evaluate design alternatives that could reduce adverse environmental impacts, an argument addressed in Section IV.D above. (*Id.*) Therefore, NCARE states that the environmental burden on the public may not be minimized. (*Id.*)

63. NCARE alleges that the Applicants and/or related parties may fall under the definition of a "public utility" pursuant to NRS 704.020(2) or a "provider of electric service" per NRS 704.7808, thus subjecting the Applicants to Commission certification requirements and the RPS. (*Id.* at 40-41.) NCARE asserts that the Projects may fall under the definition of NRS 704.020(2) because the generating plants will be used to produce and deliver or furnish power "for or to other persons." (*Id.* at 41.) Moreover, NCARE speculates that if the Applicants or any related parties acted as a "provider of electric service" (NRS 704.7808) by selling electricity to

retail customers, they would be in violation of RPS requirements set forth in NRS 704.7821, which would be contrary to the public interest. (*Id.*)

Staff's Position

64. Staff recommends that the Commission find that the Projects will serve the public interest. (Ex. 13 at 26-27.)

Applicants' Rebuttal

65. The Applicants state that NCARE's testimony regarding CO2 emissions improperly accounts for factors not reasonably attributed to the Projects' operations. (*Id.* at 7.) The Applicants assert that the Applications include emissions estimates that factor all LNG or CNG combusted for the on-site fuel delivery systems in addition to the end-use generators themselves, which are all the emissions required to evaluate the Projects. (*Id.*) The Applicants state that to the extent that emissions from LNG and CNG processes must be included and analyzed, such emissions from these upstream processes are low, particularly compared to consumption of natural gas for power. (*Id.*) Additionally, the amount of natural gas converted, transported, and used for generation will be directly connected to the Projects' actual usages, not theoretical limits included on air permit applications. (*Id.* at 7-8.)

66. The Applicants disagree with NCARE's assertion that the Projects may operate as public utilities under Nevada law (*Id.* at 12.) The Applicants explain that they have provided consistent and definitive information that the Projects will solely provide power to the data-center developments as self-generation facilities and that this type of generating plant is not a "public utility" under Nevada law. (*Id.*) Moreover, the Applicants explain that the Projects are further excluded from consideration as a public utility under NRS 704.021(13), which provides that a "public utility" does not include "[a]ny plant or equipment that is used by a data center to

produce, deliver or furnish electricity at agreed-upon 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." (*Id.* at 12-13.)

Commission Discussion and Findings

67. NRS 704.890(1)(g) provides that the Commission may not grant a UEPA Permit to Construct unless it finds and determines that the facility will serve the public interest.

68. The Commission finds that NCARE's assertion that the Projects will only serve the energy needs of the Applicants does not account for the economic benefits in the Applications and corresponding environmental statements which include the short-term and long-term jobs created by the construction and operation of the Projects, investment in Storey County, related property tax revenues for Storey County, and economic diversification consistent with the county's industrial growth strategy within the TRIC. Similarly, the Commission finds that concerns about increased emissions are substantially mitigated by the limited duration of the Projects in addition to the best management practices, state-of-the-art technologies to control emissions, and compliance with applicable state laws, regulations, local ordinances, and permitting requirements. Because the Projects are lawful, because the Applicants have committed to measures that mitigate their environmental effects, and because the record reflects economic benefits to Storey County and to the State, the Commission concludes that the Projects will serve the public interest.[3]

69. The Commission also declines to adopt NCARE's assertion that the Applicants may be acting within the definition of a "public utility" or "provider of electric service" and

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[3] The Projects will require permitting approval from the Nevada Division of Environmental Protection, whose jurisdiction and subject-matter expertise will address whether the Projects comport with applicable environmental laws.

could therefore be subject to certification and RPS requirements. That assertion asks the Commission to decide, on a speculative basis, questions of regulatory status that are not presented by these Applications. The Commission agrees with the Applicants and Staff that, as represented, both Projects fall outside of the scope of a public utility under NRS 704.020 because the Projects will only provide power to support their data-center operations. Moreover, the Commission finds that, given the representations made in the Applications, the Applicants likely enjoy a statutory exemption from consideration as a public utility under NRS 704.021(13), and, for purposes of the UEPA, from the definition of "public utility" under NRS 704.855(2), which excludes plants or equipment used to generate electrical energy that is wholly consumed on the premises of and by the producer thereof. However, the questions of whether the Projects will be public utilities and whether the Applicants will be subject to and comply with the RPS are not relevant to the UEPA analysis focused on the evidentiary record in this docket.

G. Disposition of Application

Applicants' Position

70. The Applicants seek a permit to construct the South Valley Temporary Power Generation Facility, a temporary 144-MW natural-gas-fueled electric generating facility and associated facilities to be located on private land in Storey County, Nevada, to supply electrical power exclusively for on-site consumption at the South Valley data-center campus. (Ex. 1 at 1-2.)

71. The Applicants also seek 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, to support the power demands of a new data-center campus located at the TRI Center. (Ex. 3 at 1-2.)

72. The Applicants request that the Commission grant the Applications and issue the appropriate UEPA Permits to Construct. (Ex. 4 at 10.)

NCARE's Position

73. NCARE recommends that the Commission deny both Applications on the grounds that they fail to satisfy the UEPA criteria contained in NRS 704.890(1(a)-(d) and NRS 704.890(1)(g), as discussed in more detail above. (Ex. 7 at 47.)

Staff's Position

74. Staff recommends that the Commission grant the Applications and issue the appropriate permits, subject to the Applicants obtaining and filing with the Commission as compliance items, if not already included in the filing, all required permits, licenses, and approvals. (Ex. 13 at 26-28.) Staff further recommends that the Commission's order contain a provision that if the Applicants do not file with the Commission all of the compliances set forth in the order within five years of its effective date, then the order will be deemed to be vacated without further action by, or order of, the Commission. (*Id.*)

Applicants' Rebuttal

75. The Applicants' rebuttal positions on the issues in controversy are addressed in the sections above.

Applicable Law

76. NRS 704.890 sets forth the determinations that the Commission must make to grant or deny a UEPA Permit to Construct. NRS 704.890(1)[4] states, in relevant part, that:

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[4] NRS 704.890(1)(f) is not applicable to the Projects as they are not classified as surplus within the meaning of NRS 704.734. *See* Ex. 13 at Attachment RMS-6.

> … the 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 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.

Commission Discussion and Findings

77. Given the above analysis and findings, the Commission finds that the Applicants have satisfied all necessary components of NRS 704.890(1) for UEPA permits to construct the requested Projects. Therefore, the Commission grants both applications. Accordingly, pursuant to NRS 704.890(1), the Commission finds, incorporates, determines, and concludes the following with respect to SV RNO:

a) The Commission accepts and incorporates the findings and conclusions in SV RNO's ES for the project.

b) SV RNO determined the nature of the probable effect of the project on the environment in the ES. The project emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, and SV RNO demonstrated the extent to which the project is needed to ensure reliable utility service to customers in this State.

c) The need for the project balances any adverse effect on the environment.

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

e) SV RNO 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, and the location of the project as proposed conforms to applicable state and local laws and regulations issued thereunder.

f) The project will serve the public interest.

78. The Commission finds that SV RNO must file with the Commission, as compliance items, the following required outstanding permits, licenses, and approvals:

a) NDEP, Bureau of Air Pollution Control – Surface Area Disturbance Permit;

b) NDEP – Nevada Construction Stormwater Permit.

c) NDEP – Class 1 OPTC Air Permit; and

d) Storey County – Storey County Building Permit.

79. The Commission finds that if SV RNO does not file with the Commission all of the requisite compliances set forth above within five years of the effective date of this order, this order will be deemed to be vacated without further action by or order of the Commission.

80. Given the above analysis and findings, pursuant to NRS 704.890(1), the Commission also finds, incorporates, determines, and concludes the following with respect to PR RNO:

a) The Commission accepts and incorporates the findings and conclusions in PR RNO's ES for the project.

b) PR RNO determined the nature of the probable effect of the project on the environment in the ES. The project emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, and PR RNO demonstrated the extent to which the project is needed to ensure reliable utility service to customers in this State.

c) The need for the project balances any adverse effect on the environment.

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

e) The location of the project as proposed conforms to applicable state and local laws and regulations issued thereunder, and PR RNO 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) The project will serve the public interest.

81. The Commission finds that PR RNO must file with the Commission, as compliance items, the following required outstanding permits, licenses, and approvals:

a) NDEP, Bureau of Air Pollution Control – Surface Area Disturbance Permit;

b) NDEP – Nevada Construction Stormwater Permit.

c) NDEP – Class 1 OPTC Air Permit; and

d) Storey County – Storey County Building Permit.

82. The Commission finds that if PR RNO does not file with the Commission all the requisite compliances set forth hereinabove within five years of the effective date of this order, this order will be deemed to be vacated without further action by or order of the Commission.

Therefore, it is ordered:

1. The Application of SV RNO Property Owner 1 LLC, designated as Docket No. 26-04026, is granted as provided by and consistent with this order.

2. The Application of PR RNO Property Owner 1, LLC, designated as Docket No. 26-04027, is granted as provided by and consistent with this order.

3. No construction may commence on a utility facility that is the subject of these applications for Utility Environmental Protection Act permits to construct until after the Public Utilities Commission of Nevada issues a permit to construct for the respective utility facility.

Compliances

4. Prior to being issued the requested Utility Environmental Protection Act permit to construct the project, SV RNO Property Owner 1 LLC must file copies of the following federal, state and local permits with the Public Utilities Commission of Nevada:

a) Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Surface Area Disturbance Permit.

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

c) Nevada Division of Environmental Protection – Class 1 OPTC Air Permit.

d) Storey County – Storey County Building Permit.

5. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to SV RNO

Property Owner 1 LLC a Utility Environmental Protection Act permit to construct.

6. If SV RNO Property Owner 1 LLC does not file with the Public Utilities Commission of Nevada all of the requisite compliances set forth above within five years of the effective date of this order, this order will be deemed to be vacated without further action by or order of the Public Utilities Commission of Nevada.

7. Prior to being issued the requested Utility Environmental Protection Act permit to construct the project, PR RNO Property Owner 1, LLC must file copies of the following federal, state and local permits with the Public Utilities Commission of Nevada:

a) Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Surface Area Disturbance Permit.

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

c) Nevada Division of Environmental Protection – Class 1 OPTC Air Permit.

d) Storey County – Storey County Building Permit.

8. Upon the Regulatory Operations Staff of the Public Utilities Commission of Nevada's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary of the Public Utilities Commission of Nevada must issue to PR RNO Property Owner 1, LLC a Utility Environmental Protection Act permit to construct.

9. If PR RNO Property Owner 1, LLC does not file with the Public Utilities Commission of Nevada all of the requisite compliances set forth hereinabove within five years of the effective date of this order, this order will be deemed to be vacated without further action by or order of the Public Utilities Commission of Nevada.

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

By the Commission,

HAYLEY WILLIAMSON, Chair

TAMMY CORDOVA, Commissioner

RANDY J. BROWN, Commissioner

Attest:
TRISHA OSBORNE,
Assistant Commission Secretary

Dated: Carson City, Nevada

9/17/26

(SEAL)