

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Nexus Fulcrum LLC, under the	)	
provisions of the Utility Environmental Protection Act,	)	Docket No. 26-06016
for a permit to construct ASR-IX consisting of a	)	
nominal 510 MW natural gas-fueled electric generation	)	
plant and associated facilities to be located on private	)	
land within the Tahoe Reno Industrial Center complex	)	
in Storey County, Nevada.	)	

PROCEDURAL ORDER NO. 2

The presiding officer in this docket makes the following findings and conclusions:

A. Hearing Platform

The hearing will be conducted over Microsoft Teams (“Teams”) concurrently with in-person hearings to facilitate submission of evidence, sharing of admitted documents, and reduction of the usage of paper. Teams will be the sole mechanism for admitting exhibits into the official hearing record during this proceeding. As such, each party will need to be familiar with how to use Teams and have someone operating Teams during the in-person hearing, regardless of whether that party is appearing in-person for the hearing.

B. Appearances

All parties and their attorneys shall attend the hearing in this docket in person. Remote appearances may be granted upon a motion and a showing of good cause, filed in this docket at least 5 business days before the hearing begins.¹ In its motion, each party must provide the email address, title/role, and associated business address for each person who intends to participate in the hearings via Zoom and/or Teams.

¹ The presiding officer expects that all parties domiciled in Nevada will appear at each hearing in this docket in person. Any requests for remote appearances are primarily intended to be made by parties who are not domiciled in Nevada.

If a party's counsel and/or witness(es) are granted a remote appearance, the counsel or witness(es) will use computer and internet connections to access Teams. Everyone appearing via Teams must have their own individual microphone and camera.

C. Uploading of Exhibits

The parties must pre-mark and upload to Teams all pre-filed testimony and exhibits, excluding cross-examination exhibits.

The filing parties shall numerically and sequentially pre-mark hearing exhibits for identification within their respective number blocks, as follows: Nexus Fulcrum LLC is assigned hearing exhibit numbers 100 to 299; the Regulatory Operations Staff of the Commission is assigned 300 to 399; and Nevadans for Clean Affordable Reliable Energy is assigned 400 to 499.

The party offering the exhibit must name each uploaded exhibit in the following format, without variation: the word “Exhibit,” followed by the pre-marked exhibit number, followed by a hyphen and the descriptive identification of the document — for example, *Exhibit 101 - Direct Testimony of Jane Doe, Corporation X*; *Exhibit 402 - Rebuttal Testimony of John Doe, Intervenor Organization*. The word “Exhibit” must be spelled out in full and must not be abbreviated (e.g., “Ex.,” “Exh.,” “EX”), and no other prefix, suffix, or punctuation may be substituted. If the exhibit is confidential, then “-C” must follow the exhibit number. Uniform naming is required for the Commission to accurately identify, retrieve, and enter exhibits into its records system; inconsistently named exhibits may be rejected and required to be re-uploaded in conforming format.

Each exhibit proposed for admission into the evidentiary record pursuant to this order must be uploaded separately along with a cover letter that includes the docket number, identifies

the sponsoring party, includes any claims of confidentiality, identifies the pre-marked proposed exhibit number, and describes the exhibit.

All exhibits first presented at the hearing will be marked for identification during the hearing by the presiding officer using the next sequential number within a party's assigned block of numbers. This includes any document used for cross-examination that is not pre-filed with the Commission.

Each of the parties must file with the Commission an exhibit list that pre-marks all proposed pre-filed testimony and exhibits. The exhibit list will number and list out each of the party's exhibits sequentially, identify the sponsoring party, include any claims of confidentiality, briefly describe the exhibit, and detail whether the parties have stipulated to admissibility. This instruction is to provide the presiding officer the ability to receive and track exhibits at the hearing. **The listed exhibits must be uploaded to Teams 2 business days before the commencement of the hearing; therefore, the exhibits must be uploaded by MONDAY, OCTOBER 12, 2026, at 2:00 p.m.** Potential cross examination exhibits, though not included on the party's prepared exhibit list, or made public, must be uploaded to the Teams platform and kept in the party's private channel, for ease of use, marking, and admission if used at hearing.

The Commission reminds the parties and counsel that all potential exhibits, including potential cross, **must** be uploaded to the Teams platform, in the party's designated private channel, prior to the hearing. The process of having all documents in the Teams channels facilitates the ease of use, marking, and admittance of exhibits during the hearing.

D. Hearings Through Teams

All evidentiary hearings will use the Teams platform for the presentation of evidence.

1. Attendance at Hearing

Unless excused by the presiding officer for good cause shown, each party, or its counsel, shall appear in-person at the hearing as set forth in paragraph A, *supra*. Failure of a party, or that party's counsel, to appear without being excused by the presiding officer shall constitute waiver of that party's issues, and that party may be dismissed from the proceeding.

Likewise, all witnesses are expected to be present, in-person or by video, at the hearing unless excused by the presiding officer upon confirmation that:

- (a) All parties agree that the witness will not be needed for cross-examination; and
- (b) The witness will not be asked questions by the presiding officer or Commission advisors.

If a witness is excused in this manner, the witness's testimony will be entered into the record following the presiding officer's approval of the proposed stipulation of admission of that witness's testimony. If technical difficulties on the day of the hearing make it impossible for a remote witness to appear by video, participation may be by audio via telephone.

Witnesses will be sworn in either in-person or remotely by the presiding officer.

2. Hearing Conduct and Witness Cross-Examination

- (a) Except as otherwise allowed by the presiding officer, witnesses will be cross-examined on pre-filed testimony and exhibits that they sponsor according to Nevada Administrative Code ("NAC") 703.685 and Nevada Revised Statute ("NRS") 233B.123.
- (b) Each party may call and examine witnesses; introduce exhibits; cross-examine opposing witnesses on any matter relevant to the issues even if the matter was not covered in the direct examination; and impeach any witness, regardless of which party first called the witness to testify.
- (c) Each party may cross-examine an opposing witness in accordance with NRS 233B.123. After cross-examination of the witness, redirect examination of the witness is limited to matters raised during cross-examination. Following redirect examination of the witness, recross-examination of the witness is limited to matters raised during redirect examination. NRS 233B.123 states that each party may call and examine witnesses, introduce exhibits, cross-examine opposing

witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination, impeach any witness, regardless of which party first called the witness to testify, and rebut the evidence against him or her.

- (d) Only a party's counsel may conduct cross-examination.
- (e) To avoid duplicative cross-examination, the presiding officer may impose reasonable limitations if the parties conducting cross-examination have substantially similar positions.
- (f) The presiding officer may impose reasonable time limitations on the cross-examination of any witness.
- (g) Late-filed exhibits and demonstrative documents.
 - (i) If a late-filed exhibit is admitted during the hearing, it must be filed with the Commission by the next business day.
 - (ii) If a party wishes to use a late-filed exhibit during the hearing, such materials must be shared during the hearing as they are discussed via Teams.
 - (iii) If a party wishes to use a demonstrative exhibit or other demonstrative tools during the hearing, such materials must be shared during the hearing as they are discussed via Teams.

All other matters relating to conduct of cross-examination are left to the presiding officer's discretion.

Communications with a witness through concealed channels of communication are prohibited while the witness is providing testimony.

E. Presentation of Exhibits or Demonstrative Documents Teams Platform

The Teams hearing process does not alter the Commission's standard hearing process regarding the pre-filing of direct and rebuttal testimony and exhibits. However, the Teams hearing process requires that each party file with the Commission an exhibit list prior to the hearing. The parties are not to *refile* pre-filed testimony with attached sponsored exhibits or file cross-examination exhibits with the Commission. If a party has any changes to testimony or a sponsored exhibit, then the filing of errata is required. (*See* Section F.) Further, the Teams

hearing process also requires that all parties upload all proposed testimony and exhibits to the Teams platform prior to the hearing. At the conclusion of the hearing, the evidentiary record contained within the Teams platform will be filed with the Commission by the presiding officer.

When a party seeks to introduce a document for submission into the evidentiary record during the hearing for purposes of direct-examination, cross-examination, or impeachment, these documents will be held in a Teams channel created specifically for each docket. The Teams platform provides a secure location to store, organize, and share documents. Teams is the sole mechanism for admitting exhibits into the official hearing record during the proceeding.² While exhibits may be admitted in hardcopy form during the hearing, all admitted documents must be uploaded to the Teams platform by the end of the day of admittance. The Teams platform will have three channel categories: (1) a private party channel for each party who intends to introduce exhibits at the hearing, (2) a shared general channel, and (3) any necessary confidential channels.

(a) Creation of Private Party Channels

- (i) **By WEDNESDAY, OCTOBER 7, 2026, at 2:00 p.m., each party shall email Administrative Attorney Netanya Buban at nbuban@puc.nv.gov a list of the names and email addresses of individuals who will require access to the Teams platform.**
- (ii) These authorized representatives will be able to i) upload proposed exhibits to their respective party channel folders; ii) move exhibits from their party channel to the shared general channel during the hearing when such exhibits are identified on the record; and iii) review and inspect the exhibits and materials that other parties move into the shared general channel when questioning witnesses or seeking admission into the evidentiary record.
- (iii) To protect confidentiality, parties will not be able to access or view the contents of other parties' private channels.

² All exhibits must be submitted through the Teams platform. Parties should be prepared to distribute paper copies during in-person hearings in addition to making digital copies available on Teams; however, only the exhibits offered through the Teams platform will be admitted. Additionally, documents that will not be admitted as exhibits, but may be used to question a witness, such as a demonstrative exhibit, must be uploaded to the party's folder prior to moving them into the Shared Folder so that the document may be projected on to the Teams platform.

- (iv) The presiding officer will have the ability to view the contents of any party's private channel at any time before, during, or after the hearing for the purpose of managing the hearing on Teams.
 - (v) A party's authorized representatives will have "EDIT/ADD/DELETE" permissions in the party's private channel. The "EDIT/ADD/DELETE" permissions allow the authorized representatives to upload, download, and/or delete exhibits in the party's private channel.
 - (vi) Each party's private channel will be set up initially to contain a standard list of folders. The folders can be renamed, reorganized, and new folders can be created by the party. The following are the folders that will be initially established in each party's channel:
 - (1) Pre-Filed Public Exhibits
 - (2) Pre-Filed Confidential Exhibits
 - (3) Cross-Examination Exhibits
 - (4) Redirect Exhibits
- (b) Uploading Exhibits into Party's Channel Folders
- (i) **By MONDAY, OCTOBER 12, 2026, at 2:00 p.m., each authorized representative shall remotely upload to its party channel (as separate files in the appropriate folder) all of the party's exhibits.**
 - (ii) All proposed exhibits must be uploaded to the party's channel prior to moving the exhibits into the shared channel and the appropriate folder within the shared channel.
 - (iii) Documents that will not be admitted as exhibits but may be used to question a witness or refresh recollections must also be uploaded to the party channel prior to moving them into the shared channel so that the document may be projected on the display screen. Such documents, for which admission is not sought, will not be moved into the shared channels' folders.
- (c) The Shared Channel
- (i) During the hearing, or by the end of the hearing day, authorized representatives will move their exhibits from the party's channel into the shared channel. Once the admissibility of the exhibit is ruled upon, the presiding officer will move the exhibit from the shared channel into the appropriate folder within the shared channel. Stipulated exhibits will automatically be placed in the shared admitted folder.

- (ii) During oral examination, with permission of the presiding officer, an exhibit in the shared channel can be projected on the display screen after it is introduced and marked for identification. Further, with permission of the presiding officer, other materials used to question a witness or refresh recollection may also be projected on the display screen, although they will not necessarily be moved into evidence.
- (iii) The contents of the shared channel will comprise the official evidentiary record of the hearing, along with any admitted stipulated pre-filed exhibits. Documents that are not contained within the shared channel folders will not be part of the evidentiary record. It is up to the parties to ensure that any documents they want admitted to the record are uploaded and placed in the correct folder.
- (iv) On the hearing start date, authorized party representatives will be granted the ADD ONLY and READ ONLY permissions in the shared channel.
 - (1) The ADD ONLY permission allows authorized representatives to upload exhibits into the shared channel.
 - (2) The READ ONLY permission allows an authorized representative to view exhibits or materials in the shared channel that they or other parties have placed in the shared channel. Once a document has been uploaded or moved into the shared channel, the party's authorized representatives will only be able to open and view that document. Similarly, all other parties' authorized representatives will only be able to open and view exhibits in the shared channel folders. No party is permitted to add, edit, delete, or move an exhibit once it has been moved into an Admitted Public, Admitted Confidential, Rejected Public, or Rejected Confidential folder.
 - (3) Only designated Commission personnel will have EDIT/ADD/DELETE permissions for exhibits within the shared channel and folders.
- (d) Identifying Exhibits on the Record. When an exhibit is identified during the hearing, the introducing party will move the exhibit from the party's channel to the shared channel or upload the exhibit to the shared channel, either during the hearing or by the end of the hearing day.
- (e) Moving for Admission. The authorized representative must make each exhibit available in Teams in the shared channel and present a hardcopy in the hearing room, as necessary, before requesting that an exhibit be marked. Once the presiding officer has marked each offered exhibit, counsel may initiate examination of the witness. Once examination of a witness has concluded, the presenting party's counsel may move for admission of any exhibits relied on during the examination of the witness. After the presiding officer has ruled on the

admission of each introduced exhibit, the presiding officer will move the exhibit into the appropriate folder of the shared channel.

- (f) During the hearing or by the end of the hearing day, the parties will move their exhibits from their party channel to the shared general channel. Once the exhibits are admitted into the record, the presiding officer will move the exhibit from the shared general channel into the admitted folder in the general channel.

F. Modifying, Amending, or Correcting a Previously Uploaded Hearing Exhibit

Final versions of all pre-filed hearing testimony or sponsored exhibits must be uploaded to Teams on or before the second business day prior to the hearing, unless otherwise ordered.

All revised testimony or sponsored exhibits must be labeled as such, including either substantive and/or non-substantive revisions, and must be filed as errata in the docket consistent with practice before the Commission and uploaded to Teams no later than the second business day following the hearing.

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G. Executable Electronic Workpapers

Any workpapers generated in support of a party's position, whether attached to testimony or otherwise, shall be filed with the Commission as executable electronic workpapers, with all formulas and tabs intact. These executable electronic workpapers shall also be served to all parties upon request.

Therefore, it is ordered:

1. The hearing procedures set forth in this order are adopted.

By the Commission,



TAMMY CORDOVA
Commissioner and Presiding Officer

Attest: 

TRISHA OSBORNE
Assistant Commission Secretary

Dated: Carson City, Nevada

9/15/26
(SEAL)

