

- 
- 
- 

12-04013

Public Utilities Commission of Nevada  
Electronic Filing

Submitted: 4/17/2018 1:02:28 PM

Reference: 7dfc188a-9f7c-432c-ab4e-6b4525aaf8ea

Reference:

Filed For: Staff Counsel Division

In accordance with NRS Chapter 719,  
this filing has been electronically signed and filed  
by: /s TinaRoberts

-----  
By electronically filing the document(s),  
the filer attests to the authenticity of the electronic signature(s) contained therein.

-----  
This filing has been electronically filed and deemed to be signed by an authorized  
agent or  
representative of the signer(s) and  
Staff Counsel Division

1 Louise Uttinger, Esq.  
2 NEVADA STATE BAR NO. 1971  
3 PUBLIC UTILITIES COMMISSION OF NEVADA  
4 1150 East William Street  
5 Carson City, NV 89701-3109  
6 775-684-6124 – Direct  
7 775-684-6109 - Fax

8 **BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

9 Second Amended Application of Techren Solar, LLC,  
10 under the provisions of the Utility Environmental  
11 Protection Act, for a permit to construct the Techren  
12 Boulder City Solar Project consisting of a 300 MW  
13 photovoltaic solar-powered electric generating facility,  
14 a substation with 34.5 kV to 230 kV step-up transformers,  
15 approximately 4 miles of 230 kV transmission line, a  
16 double circuit 230 kV transmission line to the Nevada  
17 Solar One Substation, an access road, two water pipelines,  
18 and associated facilities to be located in Boulder City,  
19 Clark County, Nevada.

Docket No. 12-04013

20 **REGULATORY OPERATION STAFF'S RESPONSE TO MOTION TO MODIFY LEGAL**  
21 **DESCRIPTION IN THE SECOND AMENDMENT TO THE**  
22 **APPLICATION OF TECHREN SOLAR, LLC TO CONSTRUCT A**  
23 **UTILITY FACILITY PURSUANT TO THE UTILITY ENVIRONMENTAL**  
24 **PROTECTION ACT**

25 The Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada  
26 ("Commission"), pursuant to Nevada Administrative Code ("NAC") 703.555, hereby files its  
27 Response to the "Motion to Modify Legal Description in the Second Amendment to the Application  
28 of Techren Solar, LLC to Construct a Utility Facility Pursuant to the Utility Environmental Protection  
Act ("Motion"), filed by Techren Solar, LLC ("Techren"). In its Motion, Techren requests that the  
Commission modify a portion of its legal description for its Utility Environmental Protection Act  
("UEPA") Permit to Construct Phase III, as discussed below.

**Background**

Pursuant to the provisions of Nevada Revised Statutes ("NRS") 704.820 through NRS  
704.900, and NAC 703.415 through 703.427, on April 16, 2012, Techren filed with the Commission

1 an “Initial Application”<sup>1</sup> for a UEPA Permit to Construct a photovoltaic (“PV”) solar-powered  
2 electric generation facility. The Commission designated this filing as Docket No. 12-04013.

3 Techren asked the Commission to grant it a Permit to Construct the Techren Boulder City  
4 Solar Project (“Project”). The Project currently consists<sup>2</sup> of a 300 Megawatt (“MW”) PV generating  
5 facility; a substation with 34.5 to 230 kilovolt (“kV”) step-up transformers; approximately 4 miles of  
6 a 230 kV transmission line to the Nevada Solar One Substation; an access road; two water pipelines;  
7 and associated facilities, to be located in Boulder City, Clark County, Nevada.

8 On April 17, 2013, Techren filed an amended application (“Amended Application”) for the  
9 issuance of a UEPA Permit to Construct. In addition to federal environmental requirements covered  
10 by the BLM’s Environmental Assessment (“EA”), the Amended Application contained a list of the  
11 permits and approvals the Project was required to obtain prior to the Commission’s issuance of a  
12 Permit to Construct.

13 On June 5, 2013, the Commission issued an Order that granted a Permit to Construct the  
14 Project, subject to and conditioned on the completion of compliances.

15 On November 21, 2016, Techren filed an Amendment to the Amended Application, the  
16 “Second Amended Application”. That filing requested the addition of a transmission line to the  
17 Nevada Solar One Substation, a new access road and the addition of two water pipelines to the solar  
18 field. The filing also addressed additional environmental evaluations associated with these proposed  
19 modifications and updated the permit list that was included in the prior Amended Application. In  
20 addition to Project design changes, the filing requested that Techren’s UEPA Permit to Construct be  
21 issued in three separate phases to accommodate Techren’s construction schedule.

22  
23  
24  
25 <sup>1</sup> Prior to the revision of NRS 704.870(2)(b) (1) by the Nevada Legislature in 2013, Techren’s second application  
would have been called the “Amended Application.” Section 23 of Assembly Bill 239, revised NRS 704.870(2)(b)(1) as  
follows:

26 (b) Not later than 30 days after the issuance by the appropriate federal agency of [a] *either the final*  
27 *environmental assessment or final environmental impact statement, but not the record of decision or similar*  
*document*, relating to the construction of the utility facility:

28 (1) File with the Commission an [amended] application....

<sup>2</sup> Techren is no longer pursuing the 500 kV connection to the Marketplace Substation, which it requested in its  
Initial Application.

1 On February 8, 2017, the Commission issued an Order granting the Second Amended  
2 Application, subject to the completion of certain compliances, including obtaining and filing a copy  
3 of all required outstanding permits, licenses and approvals needed for each individual phase.

4 Subsequently, for Phases I and II, the Commission's February 8, 2017 Order was satisfied,  
5 inasmuch as all compliances had been met, and the Commission granted Techren's Phase I and Phase  
6 II UEPA Permits to Construct.<sup>3</sup> To date Phase III has not been issued a UEPA Permit to Construct,  
7 since all compliances have not been met and filed with the Commission.

### 8 **Motion to Modify Legal Description**

9 On April 10, 2018, Techren filed its pending Motion, requesting a change to a portion of the  
10 legal description of Techren's generation-transmission line to accommodate another renewable  
11 interstate transmission line, Transwest Express LLC.<sup>4</sup> Specifically, Techren requests that the  
12 Commission replace the legal description in the Amended Application with the legal description  
13 attached to the Motion as Exhibit 1.<sup>5</sup> Techren further represents in its Conclusion and Request for  
14 Relief, that the change is minor and that a federal determination has been made that the modification  
15 will not result in any significant unmitigated environmental impacts.

16 For the reasons set forth below, Staff does not oppose this Motion. Pursuant to NRS  
17 704.870(2)(b)(1), which incorporates the provisions of NRS 704.870 (1), only a description of the  
18 location and of the utility facility to be built thereon is required by NRS 704.870(1)(a). Similarly, a  
19 general description of the location of the proposed utility facility meets the requirements of NAC  
20 703.421(3) for the "Notice of application for approval by appropriate federal agency to construct  
21 utility facility." Additionally, NAC 703.423(1)(b) *exempts* electric transmission lines from the  
22 requirement to provide a legal description of the site of the proposed utility facility.

23 **NAC 703.423 Application for permit when no federal agency required to conduct**  
24 **environmental analysis; amended application after final environmental assessment or**  
25 **environmental impact statement issued by federal agency. (NRS 703.025, 704.210,**

26 <sup>3</sup> Techren's Phase II UEPA Permit No. 439 was issued by the Commission on December 20, 2017; the  
27 Commission issued a Phase I UEPA Permit No. 440 on December 21, 2017.

28 <sup>4</sup> See Motion at 2:16-19.

<sup>5</sup> *Id.* At 3:5-10 (approximately).

1 704.870) An application filed with the Commission pursuant to subsection 1 of NRS  
2 704.870 for a permit to construct a utility facility where no federal agency is required to  
3 conduct an environmental analysis of the proposed utility facility, or an application filed with  
4 the Commission pursuant to paragraph (b) of subsection 2 of NRS 704.870 for a permit to  
5 construct a utility facility where a federal agency has issued either its final environmental  
6 assessment or final environmental impact statement, but not the record of decision or similar  
7 document, relating to the construction of the proposed utility facility, must contain the  
8 following information in the order listed:

- 9 1. A description of the location of the proposed utility facility as required by subsection 1  
10 of NRS 704.870, including:  
11 (a) A general description of the location of the proposed utility facility, including a regional  
12 map that identifies the location of the proposed utility facility;  
13 (b) A legal description of the site of the proposed utility facility, with the exception of  
14 electric lines, gas transmission lines, and water and wastewater lines, for which only a  
15 detailed description of the site is required; and  
16 (c) Appropriately scaled site plan drawings of the proposed utility facility, vicinity maps and  
17 routing maps.

18 Since UEPA statutes and regulations do not require a legal description for electric  
19 transmission lines, a slight modification to an existing legal description for an electric transmission  
20 line does not need to be approved by the Commission. Accordingly, the Commission may grant the  
21 Motion or determine that such a Motion is not required for an electric transmission line, particularly  
22 since the deviation is within the area encompassed by the federal environmental review and the  
23 deviation is minor.

24 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of April, 2018.

25 PUBLIC UTILITIES COMMISSION OF NEVADA  
26 REGULATORY OPERATIONS STAFF

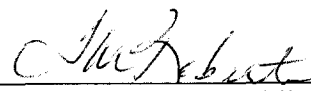
27 By: Louise Uttinger  
28 Louise Uttinger, Staff Counsel

**PROOF OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by electronic mail to the recipient's current electronic mail address and mailing a copy thereof, properly addressed to:

Linda M. Bullen, Esq.  
Bullen Law, LLC  
8635 W. Sahara Ave., Ste. 454  
Las Vegas, NV 89117  
[linda@bullenlaw.com](mailto:linda@bullenlaw.com)

DATED at Carson City, Nevada, on the 17<sup>th</sup> day of April 2018.

  
An employee of the Public Utilities  
Commission of Nevada