

Contact Filer Regarding Image Clarity

STATE OF NEVADA
 PUBLIC UTILITIES COMMISSION OF NEVADA
 9075 W. Diablo Drive
 Suite 250
 Las Vegas, Nevada 89148-7674

LV02464

RECEIPT

RECEIVED FROM:

Date 11/28/16

Bullen Law, LLC

AMOUNT: \$ 200 00

Two Hundred dollars AND 00 /100 DOLLARS

How Paid:	Cash	Check	Money Order	Draft
		1107		

Type of Receipt	Filing Fee	TDD	Copy Service	RAIL	Mill Assessment	Other
	X					

Account	Paid in Full	On Account
	X	
Amount of Account	\$ 200	00
Account Paid	\$ 200	00
Balance Due	\$	0

MEMO
Hand delivered
new filing

Received by Nichelle Dawid

RECEIVED
PUBLIC UTILITIES COMMISSION
OF NEVADA LAS VEGAS

16 NOV 28 AM 9: 04

BULLEN LAW, LLC
8635 W. Sahara Ave. #454
Las Vegas, NV 89117

Linda M. Bullen
702-279-4040
linda@bullenlaw.com

November 28, 2016

Ms. Trisha Osborne
Assistant Commission Secretary
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701-3109

Re: Notice Pursuant To The Utility Environmental Protection Act Of An Application
By Battle Mountain SP, LLC To A Federal Agency For Authorization To
Construct Improvements To An Access Road Associated With A Solar Facility

Dear Ms. Osborne:

Enclosed for filing please find the Notice Pursuant To The Utility Environmental Protection Act Of An Application By Battle Mountain SP, LLC To A Federal Agency For Authorization To Construct Improvements To An Access Road Associated With A Solar Facility and a check for \$200 for the filing fee.

If you have any questions about this filing, please do not hesitate to contact me directly at (702)-279-4040.

Best Regards,



Linda M. Bullen
Attorney for Battle Mountain SP, LLC

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

2 IN THE MATTER OF:
3 Notice Pursuant to the Utility Environmental
4 Protection Act of an Application to a Federal
5 Agency by Battle Mountain SP, LLC for a
Permit to Construct Improvements to an
Access Road Associated With A Solar Facility

Docket No. 16-_____

6 **NOTICE PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT OF**
7 **AN APPLICATION BY BATTLE MOUNTAIN SP, LLC TO A**
8 **FEDERAL AGENCY FOR AUTHORIZATION TO CONSTRUCT IMPROVEMENTS**
9 **TO AN ACCESS ROAD ASSOCIATED WITH A SOLAR FACILITY**

10 **I. INTRODUCTION**

11 Pursuant to the Nevada Utility Environmental Protection Act ("UEPA"), and the
12 provisions of Chapter 704 of the Nevada Revised Statutes ("NRS") and Chapter 703 of the
13 Nevada Administrative Code ("NAC"), Battle Mountain SP, LLC ("Battle Mountain") hereby
14 files a Notice with the Public Utilities Commission of Nevada ("Commission") that an
15 application has been filed with a federal agency for authorization to conduct improvements to an
16 existing access road on federal land to be used in association with a photovoltaic ("PV") solar
17 energy generation project located on private land in Humboldt County, Nevada (the "Battle
Mountain Project" or "Project").

18 All correspondence related to this Notice should be sent to the undersigned counsel:

19 Linda M. Bullen
20 Bullen Law, LLC
21 8635 W. Sahara Ave. #454
22 Las Vegas, Nevada 89117
linda@bullenlaw.com
702-279-4040

23 The Battle Mountain Project is an up to 101 megawatt alternating current ("MW/ac") PV
24 solar electric generation facility on approximately 630 acres of private land in Humboldt County.
25 The application to a federal agency is for the upgrade of approximately 1000 feet of an existing
26 gravel road, increasing the aggregate travel surface from its current 20 feet to approximately 25
27 feet in width. This roadway improvement extends from the Mote Exit ramp on Interstate 80 to
28

1 the Project site.

2 The Battle Mountain Project falls within the definition of a "utility facility" as set forth in
3 NRS 704.860 because it is a renewable energy project of 70 MW or greater. Because the access
4 road to the solar field, which will be improved as part of the Project, is on land administered by
5 the Bureau of Land Management ("BLM"), this Notice is being filed pursuant to NRS
6 704.870(2)(a). An environmental review of the Project will be conducted by the BLM pursuant
7 to the National Environmental Protection Act ("NEPA"), 42 U.S.C § 4321, and an environmental
8 assessment ("EA") will be prepared. No later than 30 days after the issuance of the final EA,
9 Battle Mountain will file the UEPA Application with the Commission pursuant to NRS
10 704.870(2)(b). Upon submission of the Application, Battle Mountain will seek approval from
11 the Commission for a Permit to Construct ("PTC") the Project.

12 II. INFORMATION REQUIRED BY NAC 703.421

13 The following Notice was prepared pursuant to NRS 704.870.2(a) and NAC 703.421.

- 14 **1. The name, address and telephone number of the person who will be filing the**
15 **application with the appropriate federal agency (NAC 703.421.1).**

16 Ove Petersen
17 Battle Mountain SP, LLC
18 718 University Ave. # 210
19 Los Gatos, CA 95032

- 20 **2. The date on which the application was filed with the appropriate federal agency**
21 **(NAC 703.421.2).¹**

22 It is anticipated that the SF 299 will be filed by Battle Mountain in December 2016.

- 23 **3. A general description of the location of the proposed utility facility (NAC 703.421.3).**

24 The Project is located approximately seven miles northwest of Battle Mountain, adjacent
25 to the Mote Exit from Interstate 80 in Humboldt County, Nevada. The solar field is located on
26 privately-owned lands, and the roadway improvement will occur on lands owned by the federal
27 government and administered by the BLM.

28 ¹ An SF 299 for a portion of the roadway improvement work was filed with the BLM by GP Joule USA, Inc., the corporate parent of Battle Mountain SP, LLC in June 2016. This SF 299 was filed incorrectly and is being withdrawn.

1 **4. A general description of the proposed utility facility (NAC 703.421.4).**

2 The Battle Mountain Project consists of a 101 MW/ac PV solar generation facility and
3 ancillary facilities including a water pipeline on approximately 630 acres of private land in
4 Humboldt County. The application to a federal agency will be for the upgrade of up to 1000 feet
5 of an existing gravel road, increasing the aggregate travel surface within an approximately 30
6 foot right of way from its current 20 feet to approximately 25 feet in width. This roadway
7 improvement extends from the Mote Exit ramp on Interstate 80 to the Project site.

8 **5. Proof that a copy of the notice has been submitted to the Nevada State**
9 **Clearinghouse within the Department of Conservation and Natural Resources**
10 **(NAC 703.421.5).**

11 A copy of this Notice has been submitted to the Regulatory Operations Staff of the
12 Commission, the Nevada Attorney General's Bureau of Consumer Protection, Nevada State
13 Clearinghouse, the Nevada Department of Conservation and Natural Resources - Division of
14 Environmental Protection, the Humboldt County Clerk and others. *See* Certificate of Service
15 attached hereto as Exhibit A.

16 **6. Proof that a public notice of this application was given to persons residing in the**
17 **municipalities entitled to receive notice by the publication of a summary of the**
18 **application in newspapers published and distributed in the area in which the utility**
19 **facility is proposed to be located (NRS 704.870(4)(B)).**

20 A copy of the Affidavits of Publication of the public notice of this application is attached
21 hereto as Exhibit B. A copy of the draft notice pursuant to NAC 703.162 is attached hereto as
22 Exhibit C.

23 **7. Proof of Compliance with the Nevada Department of Wildlife Energy Cost**
24 **Recovery Fund Program (NRS 701.600-640).**

25 NRS 701.610 provides that a person who files an application with the federal government
26 for a lease or easement for a right-of-way for an energy development project or an application
27 with the Commission or any county in the state of Nevada relating to the construction of an
28 energy development project must file a notice of the energy development project with the
Nevada Department of Wildlife ("NDOW").

 The required notice to NDOW pursuant to NRS 701.610 was filed on November 16,


1 2016. See NDOW Application for Energy Projects Fund for the Recovery of Costs attached
2 hereto as Exhibit D.

3 **III. CONCLUSION**

4 Battle Mountain will submit its UEPA Application at the conclusion of the federal
5 environmental review process. At that time, it will request that the Commission issue to it a
6 UEPA Permit to Construct the Project pursuant to NRS 704.870(2)(b).

7 Respectfully submitted November 28, 2016.

8 Linda M. Bullen

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Bullen Law, LLC
11 Attorney for Battle Mountain SP, LLC

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Exhibit A

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2016 a true and correct copy of the **NOTICE PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT OF AN APPLICATION BY BATTLE MOUNTAIN SP, LLC TO A FEDERAL AGENCY FOR AUTHORIZATION TO CONSTRUCT IMPROVEMENTS TO AN ACCESS ROAD ASSOCIATED WITH A SOLAR FACILITY** was served via electronic mail on the following parties:

Staff Counsel Support
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701-3109
pucn.sc@puc.nv.gov

Public Utilities Commission of Nevada
Ms. Tammy Cordova, Staff Counsel
1150 E. William Street
Carson City, Nevada 89701-3109
tcordova@puc.nv.gov

Office of the Attorney General
Bureau of Consumer Protection
Mr. Eric Witkoski, Chief Deputy Attorney
General and Consumer Advocate
100 North Carson Street
Carson City, Nevada 89701-4717
ewitkoski@ag.nv.gov

Nevada State Clearinghouse
Nevada Division of State Lands
Mr. Skip Canfield
901 South Stewart Street, Suite 5003
Carson City, NV 89701-5246
nevadaclearinghouse@lands.nv.gov

Nevada Department of Conservation and
Natural Resources
Ms. Kay Scherer, Interim Director
901 South Stewart Street, Suite 1003
Carson City, Nevada 89701
kscherer@dnr.nv.gov

Nevada Division of Environmental Protection
Mr. Dave Emme, Administrator
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
demme@ndep.nv.gov

Humboldt County Clerk
Ms. Tami Rae Spero
50 W. 5th Street #207
Winnemucca, Nevada 89445
coclerk@hcnv.us

DATED: November 28, 2016


Linda M. Bullen

Exhibit B

Legal Number 027098

AFFIDAVIT OF PUBLICATION

Tera Robison, Office Asst., for
The Humboldt Sun, a twice weekly
newspaper published in Winnemucca
Humboldt County, Nevada, duly
swears that the following

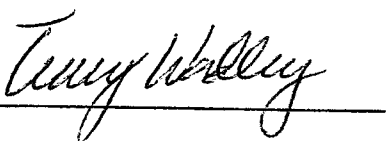
BULLEN LAW LLC
NOT PURSUANT ENVIR PROTECT


a printed copy of which is affixed,
was published 1 time(s)
commencing 11/05/16
and ending 11/05/16


Tera Robison

State of Nevada
County of Humboldt
Signed and sworn to before me by

Tera Robison on November 15, 2016




TRACY WADLEY
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 11-5443-9 - Expires June 29, 2019

Legal No. 27098
BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA
NOTICE PURSUANT TO THE UTILITY ENVIRONMENTAL
PROTECTION ACT OF AN APPLICATION TO A FEDERAL
AGENCY BY BATTLE MOUNTAIN SP, LLC TO CONSTRUCT
IMPROVEMENTS TO AN ACCESS ROAD ASSOCIATED WITH
A SOLAR FACILITY
Battle Mountain SP, LLC ("Battle Mountain") is submitting to
the Public Utilities Commission of Nevada (the "Commission"),
pursuant to the Utility Environmental Protection Act ("UEPA"),
Nevada Revised Statutes Chapter 704, Sections .820 to .900,
and Nevada Administrative Code, Chapter 703, Sections 415 to
427, a Notice of An Application to a Federal Agency to Construct
Improvements to an Access Road Associated with a Solar
Facility. The Battle Mountain Project will consist of an up to
101 megawatt alternating current photovoltaic solar field and
ancillary facilities including a 120 kilovolt generation
interconnect tie line (the "Proposed Facility"). The Proposed
Facility will be located approximately seven miles northwest of
Battle Mountain, adjacent to the Mote Exit from I-80 in Humboldt
County, Nevada.
The contents of the notice will include, but are not limited to:
1. A general description of the location of the Proposed Facility.
2. A general description of the Proposed Facility.
3. Proof that Notice has been submitted to the Nevada State
Clearinghouse within the State Department of Conservation and
Natural Resources.
4. Proof that a public notice of the Notice was given to persons
residing in the municipalities entitled to receive notice by the
publication of a summary of the application in a newspaper
published and distributed in the area in which the Proposed
Facility is proposed to be located.
5. Proof of compliance with the Nevada Department of Wildlife
Energy Cost Recovery Fund Program.
A copy of the Notice will be available on the Commission's
website following its filing by Battle Mountain. Additional
information about the UEPA process and a person's right to
participate in the process can be found in NRS and NAC
Chapters 703 and 704.
Published in the Humboldt Sun
November 5, 2016
(Humboldt)

Exhibit C

PUBLIC UTILITIES COMMISSION OF NEVADA
DRAFT NOTICE
(Applications, Tariff Filings, Complaints, and Petitions)

Pursuant to Nevada Administrative Code ("NAC") 703.162, the Commission requires that a draft notice be included with all applications, tariff filings, complaints and petitions. Please complete and include **ONE COPY** of this form with your filing. (Completion of this form may require the use of more than one page.)

A title that generally describes the relief requested (*see* NAC 703.160(4)(a)):

Notice Of Battle Mountain SP, LLC For A Permit To Construct A Utility Facility Under The Utility Environmental Protection Act

The name of the applicant, complainant, petitioner or the name of the agent for the applicant, complainant or petitioner (*see* NAC 703.160(4)(b)):

**The applicant is Battle Mountain SP, LLC ("Battle Mountain").
Linda M. Bullen of Bullen Law, LLC is legal counsel for the applicant.**

A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled **AND** the effect of the relief or proceeding upon consumers (*see* NAC 703.160(4)(c)).

Battle Mountain is filing a Notice of an Application to a Federal Agency with the Public Utilities Commission of Nevada (the "Commission") for an application with the Bureau of Land Management ("BLM") for improvements to an access road on BLM-managed federal land which will provide access to an approximately 101 megawatt photovoltaic solar agency locate on approximately 630 acres of private land in Humboldt County, Nevada (the "Proposed Facility").

A statement indicating whether a consumer session is required to be held pursuant to Nevada Revised Statute ("NRS") 704.069(1)¹:

A consumer session is not required.

If the draft notice pertains to a tariff filing, please include the tariff number **AND** the section number(s) or schedule number(s) being revised.

The draft notice does not pertain to a tariff filing.

¹ NRS 704.069 states in pertinent part:

1. The Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110 inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

Exhibit D



Application for Energy Projects "Fund for the Recovery of Costs"

Nevada Revised Statutes 701.600-640
Nevada Administrative Code 701.800-820

Applicant:

- Self
- Private Company
- Government Agency
- Other _____

Project Name Battle Mountain Solar Project

Applicant Battle Mountain SP, LLC

Mailing Address 718 University Ave. #210

City Los Gatos State CA Zip Code 95032

Name of Contact Philip Prause Phone (416)907-0408 Email p.prause@gp-joule.de

Name of Responsible Corporate Officer/Agency Rep. Ove Petersen Title CEO

Project Type

- Solar
- Wind
- Geothermal
- Fossil Fuel
- Biomass
- Fuel Pipeline
- Power Transmission

Net Maximum Generation Capacity 101 MW Estimated Voltage (power transmission) _____ kV

Proposed Project Size (acres) Approx. 640 Proposed Transmission Length (miles) _____


Proposed Length of Fuel Lines/Pipelines (miles) _____

Other Infrastructure (e.g., evaporation/holding ponds or tanks, recharge stations; estimated acres) _____

Proposed County Location (also attach project map) Humboldt

Project Description Up to 101 MW/ac photovoltaic solar electric generating facility on private land with short access road on BLM land from Mote Exit on I-80.

Estimated Project Schedule/Timeline Commence construction Q-1 2018 and completion of construction anticipated in Q-1 2019.

Applicant Signature  Date 11/16/16

Enclose initial payment made out to **Nevada Department of Wildlife.**

- Remit **\$5,000** for fuel pipelines less than 50 miles in length, power transmission projects greater than 50kV and less than 50 miles in length, or geothermal production projects.
- Remit **\$10,000** for fuel pipelines more than 50 miles in length, power transmission projects greater than 50kV and more than 50 miles in length, or solar, wind, fossil fuel or other energy production projects.

Submit payment with application and maps to:


Nevada Department of Wildlife
Habitat Division
6980 Sierra Center Parkway, ~~Suite~~ 120
Reno, NV 89511 USA

GP JOULE PV CANADA CORP.
219 DUFFERIN ST SUITE 101A
TORONTO, ON M6K 3J1

U.S. DOLLAR ACCOUNT

000034

DATE 2016-11-14
Y Y Y Y M M D D

PAY to NEVADA DEPARTMENT OF WILDLIFE \$ 10,000-
the order of TEN THOUSAND ~~XX~~ DOLLARS
100 U.S. FUNDS 

 **Canada Trust**
COMMERCIAL BANKING CENTRE
55 KING ST. W. & BAY ST.
TORONTO, ONTARIO M5K 1A2 CANADA

GP JOULE PV CANADA CORP.

RE _____

PER *Priman* _____

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