

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Aurora Solar, LLC, under the)
provisions of the Utility Environmental Protection)
Act, for a permit to construct the Iron Point Solar)
Project consisting of an approximately 100 MW)
photovoltaic solar electric generating facility, a)
120 kV generation-tie line, and associated facilities)
to be located approximately 30 miles east of)
Winnemucca in Humboldt County, Nevada.)
_____)

Docket No. 18-04002

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on January 8, 2020.

PRESENT: Chair Hayley Williamson
Commissioner C.J. Manthe
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 4, 2018, Aurora Solar, LLC (“Aurora Solar”) filed with the Commission an Application, designated as Docket No. 18-04002, under the provisions of the Utility Environmental Protection Act (“UEPA”), for a permit to construct (“UEPA Permit to Construct”) the Iron Point Solar Project consisting of an approximately 100 megawatt (“MW”) photovoltaic solar electric generating facility, a 120 kilovolt (“kV”) generation-tie line, and associated facilities to be located approximately 30 miles east of Winnemucca in Humboldt County, Nevada (the “Project”).

II. SUMMARY

The Commission grants the Application, subject to the satisfaction of the compliances delineated in this Order.

III. PROCEDURAL HISTORY

- On April 4, 2018, Aurora Solar filed with the Commission a Notice of Application to a Federal Agency for Approval to Construct a Utility Facility.

- The Notice of Application was filed pursuant to the Nevada Revised Statutes (“NRS”) and Nevada Administrative Code (“NAC”) Chapters 703 and 704, including but not limited to NRS 704.870(2) and NAC 703.421.
- On April 12, 2018, the Commission issued a Notice of Application for Federal Approval to Construct Utility Facility.
- On November 25, 2019, Aurora Solar filed its Application pursuant to NRS and NAC Chapters 703 and 704, including but not limited to NRS 704.820 to 704.900 and NAC 703.415 to 703.427.
- On November 26, 2019, the Commission issued a Notice of Application for Permit to Construct a Solar Facility and Associated Facilities.
- The Regulatory Operations Staff (“Staff”) of the Commission participates as a matter of right pursuant to NRS 703.301.
- On January 6, 2020, Staff filed a Briefing Memorandum (“Staff’s Briefing Memorandum”).
- On January 8, 2020, the Commission voted to accept the recommendations contained in Staff’s Briefing Memorandum.

IV. UEPA PERMIT TO CONSTRUCT

Aurora Solar’s Position

1. Aurora Solar requests that the Commission grant a UEPA Permit to Construct the Proposed Facility. (Application at 10.)

Staff’s Recommendation

2. Staff recommends that the Commission issue an order granting Aurora Solar’s Application (Staff’s Briefing Memorandum at 5.) Specifically, Staff recommends that the Commission issue a UEPA Permit to Construct for the proposed Project conditioned upon Aurora Solar obtaining and filing with the Commission the following requisite permits and approvals for the proposed Project:

- a) U.S. Department of Interior Bureau of Land Management – Determination of National Environmental Policy Act Adequacy;

- b) U.S. Department of Interior Bureau of Land Management – Right of Way Grant;
- c) U.S. Department of Interior Bureau of Land Management – Pesticide Use Permit;
- d) Nevada Division of Environmental Protection – Surface Area Disturbance Permit;
- e) Humboldt County – Building Permit;
- f) Humboldt County – Conditional Use Permit.

(*Id.* at 3-5.)

3. Staff recommends that a Commission order granting the Application contain a provision that states the following: “No construction may commence on any utility facilities that are the subject of this Application for a UEPA Permit to Construct until after the Commission has issued the Permit to Construct for the Project.” (*Id.* at 5.)

4. Staff recommends that the order contain a provision that also provides that “if Aurora Solar does not file with the Commission all of the requisite compliances set forth [in a Commission order granting the Application] within five years of the effective date of the [o]rder, the [o]rder will be deemed to be vacated, without further action by or order of the Commission.”

(*Id.*)

5. Staff further recommends that a Commission order granting the Application include the following findings and conclusions:

- a. Accept and incorporate the findings and conclusions in Aurora Solar’s Environmental Statement for the Project;
- b. SWCA Environmental Consultants determined the nature of the probable effect of the Project on the environment in the Environmental Statement;
- c. The benefits of the Project balance 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. Aurora Solar needs and is in the process of obtaining other federal, state, and local permits, licenses and approvals for the Project;
- f. The Project will serve the public interest.

(*Id.*)

Commission Discussion and Findings

6. The Commission adopts the analysis and recommendations contained in Staff's Briefing Memorandum. Accordingly, consistent with Staff's recommendations, the Commission grants the Application contingent upon Aurora Solar obtaining and filing with the Commission, as compliance items, the permits listed in this Order (if the permit(s) have not previously been filed with the Commission).

7. The Commission finds that, upon Aurora Solar's satisfaction of all the required compliances in this Order, the Commission will issue a UEPA Permit to Construct the Project, which is described and defined in Staff's Briefing Memorandum.

8. Pursuant to NRS 704.890, the Commission further finds and/or incorporates the following:

- a. Accept and incorporate the findings and conclusions in Aurora Solar's Environmental Statement for the Project;
- b. SWCA Environmental Consultants determined the nature of the probable effect of the Project on the environment in the Environmental Statement;
- c. The benefits of the Project balance 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. Aurora Solar needs and is in the process of obtaining other federal, state, and local permits, licenses and approvals for the Project;
- f. The Project will serve the public interest.

THEREFORE, it is ORDERED:

1. The Application of Aurora Solar, LLC, designated as Docket No. 18-04002, is GRANTED as provided by and consistent with this Order.

2. No construction may commence on any utility facilities that are the subject of this Application for a Utility Environmental Protection Act Permit to Construct until after the Commission has issued the Permit to Construct for the Project.

Compliances

3. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct for the Project, Aurora Solar, LLC shall file the following federal, State, and local permits with the Commission:

- a) U.S. Department of Interior Bureau of Land Management – Determination of National Environmental Policy Act Adequacy;
- b) U.S. Department of Interior Bureau of Land Management – Right of Way Grant;
- c) U.S. Department of Interior Bureau of Land Management – Pesticide Use Permit;
- d) Nevada Division of Environmental Protection – Surface Area Disturbance Permit;
- e) Humboldt County – Building Permit;
- f) Humboldt County – Conditional Use Permit.

4. Upon Regulatory Operations Staff's verification of the satisfaction of the compliance items set forth above, the Assistant Commission Secretary SHALL ISSUE to Aurora Solar, LLC a Utility Environmental Act Permit to Construct for the Project.


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5. If Aurora Solar, LLC does not file with the Commission all of the requisite compliance items within five years of the effective date of this Order, this Order will be vacated without further action by the Commission.

By the Commission,


TRISHA OSBORNE,
Assistant Commission Secretary on behalf of the
Commissioners

Dated: Carson City, Nevada

1/17/20

(SEAL)

