

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Application of Iron Point Solar, LLC, under the )  
provisions of the Utility Environmental Protection )  
Act, for a permit to construct the Iron Point II )  
Solar Project consisting of an approximately 150 )  
MW photovoltaic solar electric generating facility, )  
a battery energy storage system, a 120 kV )  
generation-tie line, a 34.5 kV collector line, and )  
associated facilities to be located approximately 30 )  
miles east of Winnemucca in Humboldt County, )  
Nevada. )

Docket No. 20-07029

At a general session of the Public Utilities  
Commission of Nevada, held at its offices  
on July 13, 2021.

PRESENT: Chair Hayley Williamson  
Commissioner C.J. Manthe  
Commissioner Tammy Cordova  
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**

Iron Point Solar, LLC<sup>1</sup> (“Iron Point Solar”) filed with the Commission an application, designated as Docket No. 20-07029 (“Application”), under the provisions of the Utility Environmental Protection Act (“UEPA”), requesting permits to construct the Iron Point II Solar Project consisting of approximately 150 megawatt (“MW”) photovoltaic solar electric generating facility, a battery energy storage system, a 120 kilovolt (“kV”) generation-tie line, a 34.5 kV collector 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.

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<sup>1</sup> Iron Point Solar, LLC, is owned by Aurora Solar, LLC, the original applicant in this Docket. Since the time of the filing of the Notice on August 10, 2020, Iron Point Solar, LLC, was formed and has assumed responsibility for the development and construction of Iron Point II Solar Project.

### **III. PROCEDURAL HISTORY**

- On July 24, 2020, Iron Point Solar filed its Initial Application to a federal agency for approval to construct a 115 kV generation-tie line, a 34.5 kV collector line, and access road associated with the Iron Point II Solar Project to be located approximately 30 miles east of Winnemucca in Humboldt County, Nevada.
- Iron Point Solar filed its Initial Application 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 August 10, 2020, the Commission issued a Notice of Application for Federal Approval to Construct a Utility Facility.
- On May 17, 2021, Iron Point Solar filed its Application for UEPA Permits to Construct a Utility Facility and Associated Facilities. Iron Point Solar filed the 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 May 19, 2021, the Commission issued a Notice of Application for UEPA Permit to Construct.
- On July 8, 2021, The Regulatory Operations Staff of the Commission (“Staff”) filed a Briefing Memorandum (“Staff’s Briefing Memorandum”). Staff participates as a matter of right pursuant to NRS 703.301.
- On July 13, 2021, the Commission voted to accept the recommendations contained in Staff’s Briefing Memorandum.

### **IV. UEPA PERMITS TO CONSTRUCT**

#### **Iron Point Solar’s Position**

1. Iron Point Solar requests that the Commission grant two Permits to Construct, one for each of the phases as described in its Application. (Application at 11.)

#### **Staff’s Recommendation**

2. Staff recommends that the Commission issue an order granting Iron Point Solar’s Application. (Staff’s Briefing Memorandum at 6.) Staff recommends that the Commission issue UEPA Permits to Construct the Project as defined in Exhibit A of its Briefing Memorandum, conditioned upon Iron Point Solar obtaining and filing with the Commission, as compliance

items, a copy of the following outstanding permits, licenses, and approvals needed for each phase, if not previously filed in the Docket and if not expired:

Phase One “Access road and Gen-Tie Lines:

- a. U.S. Department of the Interior; Bureau of Land Management (“BLM”) – Determination of Nevada Environmental Protection Act Adequacy;
- b. BLM – Right of Way Grant;
- c. BLM – Pesticide Use Permit;
- d. Nevada Division of Environmental Protection (“NDEP”) – Surface Area Disturbance Permit;
- e. Humboldt County – Building Permit;
- f. Humboldt County – Conditional Use Permit;
- g. Nevada Department of Wildlife (“NDOW”) – Wildlife Energy Cost Recovery Fund Program.

(*Id.*)

Phase Two “Solar Field and Ancillary Facilities”:

- a. NDEP – Surface Area Disturbance Permit;
- b. Humboldt County – Building Permit;
- c. Humboldt County – Conditional Use Permit; and
- d. NDOW – Wildlife Energy Cost Recovery Fund Program.

(*Id.*)

3. Staff recommends that the Order contain a provision that “if Iron Point Solar, LLC does not file with the Commission all of the requisite compliances set forth hereinabove within five years of the effective date of the Commission’s Order in this Docket, the Order will be deemed to be vacated without further action by or order of the Commission.” (*Id.*)

4. Staff also recommends that a Commission order granting the Application include

the following provision: “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.*)

5. Staff further recommends that the Commission’s Order granting the Application include the following findings and conclusions:

- a. Accept and incorporate the findings and conclusions in Iron Point Solar’s Environmental Impact Statement for the Project;
- b. A collaboration of federal (if applicable), state agencies and Iron Point Solar determined the nature of the probable effect of the Project on the environment in the provided 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. Iron Point Solar needs, and is in the process of obtaining other federal, state, and local permits, licenses, and approvals for the Project; and
- f. The Project will serve the public interest.

(*Id.* at 7.)

### **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 Iron Point Solar obtaining and filing with the Commission, as compliance items, the documents listed in this Order, if they have not been previously filed. The Commission finds that, upon Iron Point Solar’s satisfaction of the required compliances outlined herein and ordered in this Order, the Commission will issue the UEPA Permit to Construct, to be issued in two phases, as described and defined in Staff’s Briefing

Memorandum.

7. Pursuant to NRS 704.890, the Commission finds, incorporates, and/or concludes the following:

- a. Accept and incorporate the findings and conclusions in Iron Point Solar’s Environmental Impact Statement for the Project;
- b. A collaboration of federal (if applicable), state agencies and Iron Point Solar determined the nature of the probable effect of the Project on the environment in the provided 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. Iron Point Solar needs, and is in the process of obtaining other federal, state, and local permits, licenses, and approvals for the Project; and
- f. The Project will serve the public interest.

THEREFORE, it is ORDERED:

- 1. The Application of Iron Point Solar, LLC, designated as Docket No. 20-07029, 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 appropriate Permit to Construct for the Project.
- 3. Upon Regulatory Operations Staff of the Commission’s verification of the satisfaction of the compliance items set forth below, the Commission SHALL ISSUE to Iron Point Solar, LLC Utility Environmental Act Permits to Construct a 150 megawatt photovoltaic solar electric generating facility, a battery energy storage system, a 120 kilovolt generation-tie

line, a 34.5 kilovolt collector line, and associated facilities to be located approximately 30 miles east of Winnemucca in Humboldt County, Nevada.

### **Compliances**

4. Prior to the issuance of Utility Environmental Protection Act Permit to Construct Phase One of the Project, Iron Point Solar, LLC shall file the following with the Commission:

Phase One “Access road and Gen-Tie Lines”:

- a. U.S. Department of the Interior; Bureau of Land Management – Determination of Nevada Environmental Protection Act Adequacy;
- b. U.S. Department of Interior; Bureau of Land Management – Right of Way Grant;
- c. U.S. Department of the 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; and
- g. Nevada Department of Wildlife – Wildlife Energy Cost Recovery Fund Program.

5. Upon Regulatory Operations Staff of the Commission’s verification of the completion of the compliance items set forth above, the Assistant Commission Secretary SHALL ISSUE to Iron Point Solar, LLC a Utility Environmental Act Permit to Construct Phase One.

6. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Two of the Project, Iron Point Solar, LLC shall file the following with the Commission:

Phase Two “Solar Field and Ancillary Facilities”:

- a. Nevada Division of Environmental Protection – Surface Area Disturbance


Permit;

- b. Humboldt County – Building Permit;
- c. Humboldt County – Conditional Use Permit; and
- d. Nevada Department of Wildlife – Wildlife Energy Cost Recovery Fund Program.

7. Upon Regulatory Operations Staff of the Commission’s verification of the completion of the compliance items set forth above, the Assistant Commission Secretary SHALL ISSUE to Iron Point Solar, LLC a Utility Environmental Act Permit to Construct Phase Two.

8. If Iron Point 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

7/21/21

(SEAL)

