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January 7, 2015

VIA HAND DELIVERY

Ms. Breanne Potter
Assistant Commission Secretary
Public Utilities Commission of Nevada
9075 W. Diablo Drive, Suite 250
Las Vegas, Nevada 89148

Re: Application of Invenergy Solar Development, LLC for a Permit To Construct A Utility Facility Pursuant to the Utility Environmental Protection Act; Docket No. 14-09002

Dear Ms. Potter:

Enclosed for filing please find the Application of Invenergy Solar Development, LLC ("Invenergy") For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act ("UEPA"). The documents comprising the application are:

1. Application For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act; and
2. Exhibits A through I including the required Public Notice and Proof of Publication (Exhibits G and H) and Proof of Service (Exhibit I).

This UEPA process was commenced by Invenergy on September 3, 2014 with the filing of a Notice of an Application to a Federal Agency for a Permit to Construct a Utility Facility Pursuant to UEPA. On December 8, 2014, the U.S. Department of the Interior Bureau of Land Management issued its Environmental Assessment for the Harry Allen Solar Energy Center Project.

BULLEN LAW, LLC

Assistant Commission Secretary

January 7, 2015

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Invenergy respectfully requests that the Commission accept this Application under UEPA as complying with the applicable statutory and regulatory requirements.

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

Best Regards,

A handwritten signature in cursive script, reading "Linda M. Bullen", written over a horizontal line.

Linda M. Bullen

Bullen Law, LLC

Attorney for Invenergy Solar Development, LLC

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

2 **IN THE MATTER OF:**

3 Notice of an Application to a Federal Agency by
4 Invenergy for a Permit to Construct a Utility
5 Facility Pursuant to the Utility Environmental
Protection Act

Docket No. 14-09002

6 **APPLICATION OF INVENERGY SOLAR DEVELOPMENT, LLC**
7 **FOR A PERMIT TO CONSTRUCT A UTILITY FACILITY PURSUANT TO THE**
8 **UTILITY ENVIRONMENTAL PROTECTION ACT**

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28 **LIST OF EXHIBITS**

- 21 A. Site Location Map
- 22 B. Regional Map
- 23 C. Legal Description of Proposed Facility
- 24 D. Facility Plan
- 25 E. Scaled Diagrams
- 26 F. Environmental Assessment
- 27 G. Public Notice
- 28 H. Proof of Publication
- I. Proof of Service to Clark County Clerk, Nevada State Clearinghouse and Other Agencies

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BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

IN THE MATTER OF:

Notice of an Application to a Federal Agency by
Invenergy for a Permit to Construct a Utility
Facility Pursuant to the Utility Environmental
Protection Act

Docket No. 14-09002

**APPLICATION OF INVENERGY SOLAR DEVELOPMENT, LLC
FOR A PERMIT TO CONSTRUCT A UTILITY FACILITY PURSUANT TO THE
UTILITY ENVIRONMENTAL PROTECTION ACT**

A. INTRODUCTION

In accordance with NRS 704.870(2), applicant Invenergy Solar Development, LLC ("Invenergy" or the "Company"), hereby files with the Public Utilities Commission of Nevada (the "Commission") its Application ("Application") for a Permit to Construct a Utility Facility pursuant to the Utility Environmental Protection Act ("UEPA") (NRS 704.820 to 704.900 and NAC 703.415 to 703.427) for the Harry Allen Solar Energy Center Project (the "Proposed Facility"). Invenergy filed its Notice of an Application to a Federal Agency in this Docket on September 3, 2014, and provides the following information pursuant to NRS 704.870(2)(b) and NAC 703.423 in support of its Application.

B. GENERAL ALLEGATIONS

1. Invenergy is a subsidiary of Invenergy Solar Global LLC.
2. Invenergy was formed for the purpose of developing and constructing solar facilities throughout the United States.
3. Invenergy's principal place of business, mailing address and telephone number are: 2580 West Main Street, Littleton, Colorado, 80120; (303)328-8521.
4. All correspondence related to this Application should be sent to the undersigned counsel:

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Linda M. Bullen
Bullen Law, LLC
9101 West Sahara Ave., Ste. 105-L6
Las Vegas, Nevada 89117
702-279-4040
linda@bullenlaw.com

C. LEGAL AUTHORITY

A thorough review and analysis of the environmental conditions associated with the Proposed Facility is required by the National Environmental Policy Act ("NEPA"), 42 U.S.C. §4321 *et seq.* An Environmental Assessment ("EA") was prepared for the Proposed Facility, led by the BLM with input from other agencies. The EA was issued on December 8, 2014.

UEPA establishes a two-step application procedure for facilities subject to Federal permitting and environmental review. Pursuant to NRS 704.870(2)(a), if a federal agency is required to conduct an environmental analysis of a proposed utility facility, the project proponent is required to file a Notice of the federal filing with the Commission. *See* NRS 704.870(2)(a)(1) and (2). Subsequently, the applicant is required to file an Application with the Commission pursuant to NRS 704.870(2)(b). Invenergy filed its Notice with the Commission on September 3, 2014.

This Application is filed pursuant to NRS 704.870(2)(b) for a permit to construct a solar facility where a federal agency has issued its final environmental evaluation related to the construction of the proposed utility facility. Invenergy requests that the Commission accept this Application as complying with the statutory and regulatory requirements set forth above and approve its request for a Permit to Construct the Proposed Facility pursuant to NRS 704.8905(1)(b).

D. ALLEGATIONS OF MATERIAL FACT

The Proposed Facility will be located on federal land managed by the BLM in Clark County, Nevada. *See* Exhibit A, Site Location Map. Invenergy is developing the Proposed Facility to produce renewable electrical power to meet the growing demand for such power in the Western United States and to satisfy state renewable portfolio standards.

1 **E. RESPONSES TO REQUIRED DISCLOSURES**

2 The information required by NAC 703.423 is provided below.

3 **1. A description of the location of the proposed utility facility. (NAC 703.423(1))**

- 4 (a) A general description of the location of the proposed utility facility,
5 including a regional map that identifies the location of the proposed utility
6 facility.

7 The Proposed Facility will be located on federal land managed by the BLM in Clark
8 County, Nevada, approximately 15 miles northeast of Las Vegas, within the BLM's Dry Lake
9 Solar Energy Zone ("SEZ"). See Exhibit A, Site Location Map. A regional map showing the
10 location of the Proposed Facility is attached as Exhibit B.

- 11 (b) A legal description of the site of the proposed utility facility, with the exception of
12 electric lines, gas transmission lines, and water and wastewater lines, for which
13 only a detailed description of the site is required.

14 The legal description of the Proposed Facility is attached as Exhibit C.

- 15 (c) Appropriately scaled site plan drawings of the proposed utility facility, vicinity
16 maps and routing maps.

17 A Facility Plan is attached as Exhibit D and scaled diagrams are attached as Exhibit E.

18 **2. A general description of the proposed utility facility. (NAC 703.423(2))**

- 19 (a) The size and nature of the proposed utility facility.

20 The Proposed Facility is a 130 megawatt/ac ("MW/ac") photovoltaic ("PV") solar electric
21 generating facility located on approximately 715 acres of BLM-administered federal land located
22 within Parcel One of the Dry Lake SEZ. Project components include on-site, off-site and
23 temporary facilities necessary to construct the Proposed Facility. Major on-site facilities include
24 solar array blocks of solar PV modules, a substation and operation and maintenance facilities.
25 Off-site facilities include a 3,500 foot (0.66-mile), 230 kilovolt ("kV") generation tie (gen-tie")
26 transmission line, an access road and electric distribution and communication lines. Temporary
27 facilities, which will be removed at the conclusion of construction, include mobilization,
28 laydown and construction areas. Power produced by the Proposed Facility will be conveyed to
the Nevada Power bulk transmission system via the gen-tie line, which will interconnect the
Proposed Facility to NV Energy's Harry Allen Substation.

1 (b) The natural resources that will be used during the construction and operation of
2 the proposed utility facility.

3 The Company anticipates minimal use of natural resources during construction and
4 operation of the Proposed Facility. Water will be utilized for dust control. The only other
5 natural resources the Company anticipates using are those incorporated into construction
6 materials (e.g., steel and concrete).

7 (c) Layout diagrams of the proposed utility facility and its associated equipment.

8 Layout diagrams of the Proposed Facility are attached as Exhibit D.

9 (d) Scaled diagrams of the structures at the proposed utility facility.

10 Scaled diagrams of the Proposed Facility are attached as Exhibit E.

11 (e) A statement concerning whether the proposed utility facility is an electric
12 generating plant or the associated facilities of an electric generating plant that uses
13 renewable energy as its primary source of energy to generate electricity.

14 The Proposed Facility is associated with an electric generating plant which uses
15 renewable energy as its primary source of energy to generate electricity.

16 **3. A copy and summary of any studies which have been made of the environmental**
17 **impact of the proposed utility facility as required by subsection 1 of NRS 704.870.**
18 **(NAC 703.423(3))**

19 The study of the environmental impact of the Proposed Facility is contained within the
20 EA of the Proposed Facility (*see* Exhibit F), which was prepared by the BLM.

21 **4. A description of any reasonable alternate locations for the proposed utility facility, a**
22 **description of the comparative merits or detriments of each location submitted, and**
23 **a statement of the reasons why the location is best suited for the proposed utility**
24 **facility, as required by subsection 1 of NRS 704.870. (NAC 703.423(4))**

25 The selected location is best suited for the Proposed Facility because it is proximate to
26 the Harry Allen Substation and because the land was designated by the BLM for solar
27 development as part of the SEZ.

28 **5. A copy of the public notice of the application or amended application and proof of**
29 **publication of the public notice, as required by subsection 4 of NRS 704.870. (NAC**
30 **703.423(5))**

A summary of this Application has appeared in a newspaper published and distributed in
the area where the Proposed Facility is planned pursuant to NRS 704.870(4)(b) and NAC

1 703.423(5). *See* Exhibits G and H. A copy of the Application has been filed with the clerk of
2 each local government in the area in which the Proposed Facility is to be located pursuant to
3 NRS 704.870(4)(a). *See* Exhibit I.

4 **6. Proof that a copy of the application or amended application has been submitted to**
5 **the Nevada State Clearinghouse within the Department of Administration to enable**
6 **agency review and comment. (NAC 703.423(6))**

7 A copy of the Application has been submitted to the Nevada Department of
8 Administration's State Clearinghouse. *See* Exhibit I.

9 **7. An explanation of the nature of the probable effect on the environment. (NAC**
10 **703.423(7))**

11 (a) A reference to any studies described in subsection 3, if applicable.

12 Detailed environmental analysis of the Proposed Facility is contained in the EA. *See*
13 Exhibit F. This document analyzes the direct, indirect and cumulative impacts from constructing
14 and operating the Proposed Facility.

15 (b) An environmental statement that includes:

16 (1) The name, qualifications, professions and contact information of each
17 person with primary responsibility for the preparation of the
18 environmental statement.

19 Preparers and reviewers of the EA were:

20 BLM Las Vegas Field Office
21 4701 North Torrey Pines Drive
22 Las Vegas, NV 89130
23 (702) 515-5000

24 National Park Service
25 1849 C Street NW
26 Washington, DC 20240
27 (202) 208-3818

28 U.S. Environmental Protection Agency
Region 9 Office
75 Hawthorne Street
San Francisco, CA 94105

(2) The name, qualifications, professions and contact information of each
person who has provided comments or input in the preparation of the
environmental statement.

1 A list of preparers is included at Sections 4-2 and 4.4 of the EA. *See* Exhibit F hereto.

- 2 (3) A bibliography of materials used in the preparation of the environmental
3 statement.

4 A bibliography of reference materials used in preparation of the EA is contained in the
5 EA at Section 7. *See* Exhibit F hereto.

- 6 (4) A description of:

- 7 (I) The environmental characteristics of the project area existing at the
8 time the application or amended application is filed with the
9 Commission.

10 *See* Chapter 3 of the EA ("Affected Environment and Environmental Consequences"),
11 Exhibit F hereto.

- 12 (II) The environmental impacts that the construction and operation of
13 the proposed utility facility will have on the project area before
14 mitigation.

15 *See* Chapter 3 of the EA ("Affected Environment and Environmental Consequences"),
16 Exhibit F hereto.

- 17 (III) The environmental impacts that the construction and operation of
18 the proposed utility facility will have on the project area after
19 mitigation.

20 *See* Chapter 3 of the EA ("Affected Environment and Environmental Consequences"),
21 Exhibit F hereto.

- 22 **8. An explanation of the extent to which the proposed utility facility is needed to**
23 **ensure reliable utility service to customers in this State. (NAC 703.423(8))**

24 Pursuant to NRS 704.890(1)(b), the Proposed Facility is exempt from NAC 703.423(8).

- 25 **9. An explanation of how the need for the proposed utility facility as described in**
26 **subsection 8 balances any adverse effects on the environment as described in**
27 **subsection 7. (NAC 703.423(9))**

28 The Proposed Facility will not have significant unmitigated adverse impacts on the
environment.

- 10. An explanation of how the proposed utility facility represents the minimum adverse**
effect on the environment. (NAC 703.423(10))

- (a) The state of available technology.

1 The project will be designed, constructed and operated to meet all applicable
2 requirements to have minimum adverse effect on the environment.

3 (b) The nature of various alternatives.

4 The selected alternative represents the minimum adverse effect on the environment that is
5 economically viable.

6 (c) The economics of various alternatives.

7 The selected alternative represents the minimum adverse effect on the environment that is
8 economically viable.

9 **11. An explanation of how the location of the proposed utility facility conforms to
10 applicable state and local laws and regulations. (NAC 703.423 (11))**

11 (a) All permits, licenses and approvals the applicant has obtained, including copies
12 thereof.

13 The EA for the Proposed Facility was issued on December 8, 2014. The remaining
14 permits detailed below are projected to be obtained on the date indicated.

15 (b) All permits, licenses and approvals the applicant is in the process of obtaining to
16 commence construction of the proposed utility facility. The applicant must
17 provide an estimated timeline for obtaining these permits, licenses and approvals.

Permit/Authorization	Approving Agency	Date Obtained or Anticipated
Environmental Assessment	U.S. Dept. of the Interior; Bureau of Land Management	December 8, 2014
Right-of-Way Grant	U.S. Dept. of the Interior; Bureau of Land Management	First Quarter 2015
Decision Record	U.S. Dept. of the Interior; Bureau of Land Management	First Quarter 2015
Notice to Proceed	U.S. Dept. of the Interior; Bureau of Land Management	Second Quarter 2015
National Historic Preservation Act Section 106 Finding of Eligibility	U.S. Dept. of the Interior; Bureau of Land Management; Nevada State Historic Preservation Office	First Quarter 2015
Endangered Species Act Section 7 Biological Opinion/ Incidental Take Permit	U.S. Dept. of the Interior; Fish & Wildlife Service	First Quarter 2015
Clean Water Act Section 404 Determination	U.S. Army Corps of Engineers	First Quarter 2015

1	Special Purpose Permit	Nevada Department of Wildlife	First Quarter 2015
2	NPDES General Construction Stormwater Permit	Nevada Division of Environmental Protection	First Quarter 2015
3	Temporary Permit for Working in Waterways	Nevada Division of Environmental Protection	First Quarter 2015
4	Groundwater Discharge Permit	Nevada Division of Environmental Protection	First Quarter 2015
5	Hazardous Materials Storage Permit	Nevada State Fire Marshall	First Quarter 2015
6	Dust Control Permit	Clark County Department of Air Quality	First Quarter 2015
7	Special Use Permit	Clark County Department of Comprehensive Planning	First Quarter 2015
8	Grading Permit	Clark County Department of Development Services	First Quarter 2015
9	Building Permit	Clark County Department of Building	First Quarter 2015
10	Drainage Study Approval	Clark County Department of Public Works	First Quarter 2015

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12. Explanation of how the proposed utility facility will serve the public interest. (NAC 703.423(12))

- (a) The economic benefits that the proposed utility facility will bring to the applicant and this State.

It is estimated that construction of the Proposed Facility will occur over a period of approximately 18 months. The Proposed Facility will create approximately 350 construction jobs and 6 full-time permanent jobs.

- (b) The nature of the probable effect on the environment in this State if the proposed utility facility is constructed.

The Proposed Facility will result in a net reduction in greenhouse gas emissions by displacement of electrical energy produced by fossil fuels.

- (c) The nature of the probable effect on the public health, safety and welfare of the residents of this State if the proposed utility facility is constructed.

The Proposed Facility will result in improved air quality by displacement of electrical energy produced from fossil fuels resulting in an improvement to human health.

- 1 (d) The interstate benefits expected to be achieved by the proposed electric
2 transmission facility in this state, if applicable.

3 The Proposed Facility will result in improved air quality and a reduction in greenhouse
4 gases are interstate benefits of the project.

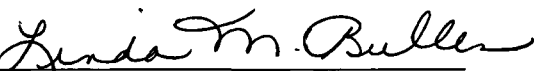
5 **F. CONCLUSION AND REQUEST FOR RELIEF**

6 Invenergy respectfully requests that the Commission proceed in the manner required by
7 law and, in accordance with NAC 703.535(2)(d), issue an order that:

- 8 1. Grants a Permit to Construct the Proposed Facility, as described herein;
- 9 2. Grants such conditions and modifications that may allow for the issuance of the
10 UEPA permit to construct or a compliance order with the condition that the Company may file
11 any outstanding required permits, licenses or approvals with the Commission prior to
12 commencing construction of the Proposed Facility pursuant to NRS 704.890;
- 13 3. Grants such deviations from the Commission's regulations as may be in the public
14 interest; and
- 15 4. Grants Invenergy such other and further relief as the Commission may find
16 reasonable and appropriate under the circumstances.

17 Respectfully submitted on January 7, 2015.

18 Invenergy Solar Development, LLC

19 By: 

20 Linda M. Bullen

21 Bullen Law, LLC

22 9101 W. Sahara Ave., Ste. 101-L6

23 Las Vegas, NV 89117

24 Phone: (702) 279-4040

25 linda@bullenlaw.com

26 Attorney for Invenergy Solar Development, LLC

Application of Invenergy Solar Development, LLC
for a Permit to Construct a Utility Facility Pursuant to the
Utility Environmental Protection Act
Docket No. 14-09002

LIST OF ENCLOSURES

Application Of Invenergy Solar Development, LLC For A Permit To Construct A Utility
Facility Pursuant To The Utility Environmental Protection Act

This application includes the following:

- A) Public Utilities Commission of Nevada Draft Notice;
- B) UEPA Application, comprised of the following:
 - 1) Table of Contents
 - 2) List of Exhibits
 - 3) Introduction
 - 4) General Allegations
 - 5) Legal Authority
 - 6) Allegations of Material Fact
 - 7) Responses to Required Disclosures
 - 8) General Description of the Location of the Proposed Facility
 - 9) General Description of the Proposed Facility
 - 10) Studies of Environmental Impact
 - 11) Reasonable Alternative Locations
 - 12) Public Notice
 - 13) Proof of Service
 - 14) Explanation of Probable Effect on Environment
 - 15) Ensuring Reliable Utility Service to Customers of State
 - 16) Balancing Adverse Effects on Environment
 - 17) Minimum Adverse Effect on Environment
 - 18) Conformance with Law and Regulation
 - 19) Serving the Public Interest
 - 20) Conclusion and Request for Relief
 - 21) Exhibits A - I

Application of Invenergy Solar Development, LLC
for a Permit to Construct a Utility Facility Pursuant to the
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 - 21) Exhibits A - I

EXHIBIT A

