

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

LV02426

RECEIPT

Date 7/27/15

RECEIVED FROM:

Bullen Law, LLC
 9101 W Sahara Ste 105-L6
 Las Vegas, NV 89117-5772

AMOUNT: \$

two hundred dollars AND zero /100 DOLLARS

How Paid:	Cash	Check	Money Order	Draft
		1023		

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	\$	ϕ		

MEMO

New Filing

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PUBLIC UTILITIES COMMISSION
OF NEVADA LAS VEGAS

15 JUL 27 AM 10:11

BULLEN LAW, LLC

**9101 W. Sahara Ave., Ste. 105-L6
Las Vegas, NV 89117**

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

Via Hand Delivery

July 27, 2015

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

Re: Notice and Application of Playa Solar, LLC For A Utility Environmental Protection Act Permit to Construct a Water Pipeline and Ancillary Facilities and Request for Expedited Treatment

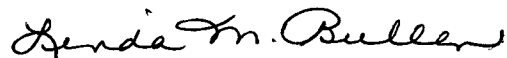
Dear Ms. Osborne:

Please find the enclosed Notice and Application of Playa Solar, LLC ("Playa Solar") to the Public Utilities Commission of Nevada (the "Commission") For A Utility Environmental Protection Act ("UEPA") Permit to Construct a Water Pipeline and Ancillary Facilities and Request for Expedited Treatment.

Playa Solar respectfully requests that the Commission accept this Notice and Application under the 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,



Linda M. Bullen
Bullen Law, LLC
Attorney for Playa Solar, LLC

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Notice and Application of Playa Solar LLC under the provisions of the Utility Environmental Protection Act, for a permit to construct a 1.7 mile water pipeline from a well located within the Apex Industrial Park to the Playa Solar Project on BLM land and ancillary facilities located approximately 20 miles northeast of Las Vegas in Clark County, Nevada.

Docket No. 15-

**NOTICE AND APPLICATION OF PLAYA SOLAR, LLC FOR A
UTILITY ENVIRONMENTAL PROTECTION ACT PERMIT TO CONSTRUCT
A WATER PIPELINE AND ANCILLARY FACILITIES AND
REQUEST FOR EXPEDITED TREATMENT**

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LIST OF EXHIBITS

- A. Site Location Maps
- B. Regional Map
- C. Legal Descriptions
- D. Facility Plans
- E. Scaled Diagrams
- F-1. Environmental Assessment Playa Solar Project Well and Pipeline (Draft)

- F-2. Environmental Assessment Harry Allen Solar Energy Center Project (Portions)
- F-3. Dry Lake Solar Energy Center Project (Portions)
- F-4. Dry Lake Solar Energy Zone Biological Opinion (Portions)
- G. Public Notice
- H. Proof of Publication
- I. Proof of Service to County Clerk, Nevada State Clearinghouse and Other Agencies

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BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Notice and Application of Playa Solar LLC under the provisions of the Utility Environmental Protection Act, for a permit to construct a 1.7 mile water pipeline from a well located within the Apex Industrial Park to the Playa Solar Project on BLM land and ancillary facilities located approximately 20 miles northeast of Las Vegas in Clark County, Nevada.

Docket No. 15-

NOTICE AND APPLICATION OF PLAYA SOLAR, LLC FOR A UTILITY ENVIRONMENTAL PROTECTION ACT PERMIT TO CONSTRUCT A WATER PIPELINE AND ANCILLARY FACILITIES AND REQUEST FOR EXPEDITED TREATMENT

Pursuant to NRS 704.870(2)(a) and (b), Playa Solar, LLC ("Playa Solar" or the "Company") files with the Public Utilities Commission of Nevada (the "Commission") this Notice and Application ("Notice and Application") for a Permit to Construct ("PTC") a water pipeline and ancillary facilities including a tortoise fence and well under the Utility Environmental Protection Act ("UEPA").

I. INTRODUCTION

On December 11, 2014, Playa Solar filed an Application in Docket 14-09001 seeking a UEPA PTC for a 200 megawatt alternating current ("MW/ac") photovoltaic ("PV") solar electric generating facility on approximately 1711 acres of BLM-administered federal land on Parcels Two, Three and Four of the Bureau of Land Management's ("BLM's") Dry Lake Solar Energy Zone ("Dry Lake SEZ"), located in Clark County, Nevada, approximately 20 miles northeast of Las Vegas the "Project"). The Commission approved Playa Solar's Application in Docket 14-09001 on June 10, 2015.

The majority of the water supply for the Project will be from a well to be constructed by Playa Solar on private land within the Apex Industrial Park. Water will be transmitted to the Project via an approximately 1.7 mile pipeline. The pipeline will be constructed by Playa Solar and ownership of the pipeline will transfer after construction to the

1 City of North Las Vegas. Desert tortoise fencing, totaling approximately one mile in length,
2 will be constructed as an ancillary facility to the pipeline. The water pipeline and ancillary
3 facilities, including the well and tortoise fence, are the subject of this Notice and Application.

4 Water for dust control during construction of the solar field for the Project is one of the
5 primary purposes of the pipeline, although it will also supply the nominal amount of water
6 needed for Project operations. Construction of the solar field is scheduled to commence in the
7 fourth quarter of 2015, which means that the pipeline must be operational prior to this time in
8 order to be available to provide dust control water during construction. Likewise, tortoise must
9 be cleared in the Fall 2015 tortoise clearance season in order to maintain the Project's
10 construction schedule. The tortoise fence must be constructed prior to tortoise clearance
11 season, which begins September 1. Accordingly, Playa Solar requests that this Notice and
12 Application be given expedited treatment by the Commission.

13 **A. GENERAL ALLEGATIONS**

- 14 1. Playa Solar is a wholly owned subsidiary of First Solar, Inc.
- 15 2. Playa Solar was formed for the purpose of developing and constructing the Playa
16 Solar Facility and all associated facilities.
- 17 3. Playa Solar's principal place of business and mailing address is 135 Main Street,
18 Suite 600, San Francisco, CA, 94105; telephone number (415) 935-2500.

19 All correspondence related to this Application should be sent to the following counsel:

20 Linda M. Bullen
21 Bullen Law, LLC
22 9101 W. Sahara Ave., Ste. 105-L6
23 Las Vegas, NV 89117
24 linda@bullenlaw.com
25 702-279-4040

26 **B. LEGAL AUTHORITY**

27 UEPA establishes a two-step application procedure for facilities subject to federal
28 permitting and environmental review that are built in Nevada. First, 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)

1 and (2). Subsequently, the project proponent must file an application with the Commission for a
2 permit to construct the proposed facility. See NRS 704.870(2)(b).

3 Pursuant to the National Environmental Policy Act ("NEPA"), 42 U.S.C. 4321 *et seq.*, a
4 thorough review and analysis of the environmental conditions associated with the Project was
5 conducted by the Bureau of Land Management ("BLM"), a federal agency, in conjunction with
6 other federal and state agencies. That EA was submitted to the Commission in Docket No. 14-
7 09001 on December 15, 2014. Subsequent to the filing of the EA in Docket No. 14-09001, the
8 location of the well and pipeline was changed, resulting in the need for additional environmental
9 review of the locations. The new locations are the subject of the EA submitted herewith as
10 Exhibit F-1.

11 Environmental review of the tortoise fence is contained in the EAs entitled *Harry Allen*
12 *Solar Project, DOI-BLM-NV-S010-2014-0125-EA, December 2014* ("Harry Allen EA")¹, and
13 *Dry Lake Solar Energy Center Project, DOI-BLM-NV-S010-2014-0126-EA, December 2014*
14 *("Dry Lake EA")*², relevant portions of which are attached hereto as Exhibits F-2 (Harry Allen
15 EA) and F-3 (Dry Lake EA). The tortoise fencing requirements for all solar projects in the Dry
16 Lake SEZ are embodied in the *FINAL-Project-level Formal Consultations for Four Solar Energy*
17 *Projects in the Dry Lake Solar Energy Zone, Clark County Nevada, May 1, 2015* ("Biological
18 Opinion")³, relevant portions of which are included in Exhibit F-4 hereto.

19 Playa Solar requests that the Commission accept this Notice and Application as
20 complying with the statutory and regulatory requirements set forth above and approve its request
21 for a PTC the pipeline and tortoise fence pursuant to NRS 704.870.

22 C. ALLEGATIONS OF MATERIAL FACT

23 The well, pipeline and tortoise fence will be located on both private land and federal land
24

25 ¹ The Harry Allen EA was submitted to the Commission in its entirety in Docket No. 14-
09002 on January 15, 2015.

26 ² The Dry Lake EA was submitted to the Commission in its entirety in Docket 14-08003
27 on June 15, 2015.

28 ³ The Biological Opinion was submitted to the Commission in its entirety in Docket 14-
09001 on May 28, 2015.

1 managed by the BLM in Clark County, Nevada. *See* Exhibit A, Site Location Map.

2 **D. RESPONSES TO REQUIRED DISCLOSURES**

3 The information required by NAC 703.423 is provided below.

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

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

7 The well, pipeline and tortoise fence will be located on private land and federal land
8 managed by the BLM approximately 20 miles northeast of Las Vegas. *See* Exhibit A, Site
9 Location Map. A regional map showing the location of the pipeline and tortoise fence is
10 attached as Exhibit B.

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

15 Legal descriptions of the pipeline and tortoise fence are attached as Exhibit C. (Pipeline:
16 Exhibit C-1; Tortoise Fence: C-2).

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

19 A facility plan for the Proposed Facility is attached as Exhibit D. (Pipeline: Exhibit D-1;
20 Tortoise Fence: D-2). Scaled diagrams are attached as Exhibit E (Pipeline: Exhibit E-1; Tortoise
21 Fence: E-2).

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

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

24 The pipeline will be approximately 1.7 miles in length and will begin at a new well to be
25 constructed by Playa Solar on private property within the Apex Industrial Park. The pipeline
26 will travel northeast within an existing utility easement on the southeast side of Apex Power
27 Parkway (approximately 0.33 miles in length). The existing utility easement is significantly
28 degraded from previous clearing. The proposed pipeline intersects with the Nevada Department
of Transportation ("NDOT") Highway 93 Bureau of Land Management ("BLM") right-of-way

1 ("ROW"). The remainder of the pipeline route is located on public lands administered BLM.
2 Upon entering the Highway 93 ROW, the pipeline will cross below Highway 93 and turn
3 southeast for approximately 1.33 miles remaining inside the NDOT Highway 93 ROW. Roughly
4 0.69 miles of that length will parallel a new desert tortoise fence to be constructed by Playa Solar
5 along the northeast edge of the NDOT Highway 93 ROW. The final 0.64-miles of the pipeline
6 will overlap a portion of the Dry Lake SEZ Parcel 1 which is also located within Highway 93
7 ROW. This portion of the pipeline is within the proposed area of disturbance analyzed for the
8 Harry Allen Solar Energy Center Project. The total temporary disturbance area for the pipeline
9 is approximately 6.1 acres (1.3-acres private land and 4.8-acres public land).

10 The pipeline will be constructed using PVC and/or ductile iron pipe, 12-16 inches in
11 diameter. The pipe will be buried a minimum of 5 feet deep measured to the top of the pipe.
12 Construction will require clearing along the ROW and excavation then backfill of the water
13 pipeline trench.

14 During construction of the pipeline, the ROW will be accessed from the unsurfaced road
15 that intersects with Highway 93. Pipeline construction activities along the ROW shall implement
16 a drive and crush strategy to minimize impacts to the roots of desert shrubs.

17 The tortoise fence will be constructed in two parts, as shown on Exhibit D-2. One
18 section, running on the east side of Highway 93 is approximately 3,500 feet in length and the
19 other section, north of the Harry Allen Substation, will be 500 to 1,500 feet in length, depending
20 upon the final design of the fence.

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

23 The Company anticipates minimal uses of natural resources during construction and
24 operation of the pipeline and tortoise fence. The only natural resources the Company anticipates
25 using are those incorporated into construction materials (e.g. steel and petroleum products).

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

27 Layout diagrams of the pipeline and tortoise fence are attached as Exhibit D. (Pipeline:
28 Exhibit D-1; Tortoise Fence: D-2).

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

2 Scaled diagrams of the pipeline and tortoise fence are attached as Exhibit E. (Pipeline:
3 Exhibit E-1; Tortoise Fence: E-2).

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

7 The pipeline and tortoise fence are not an electric generating plant, but are associated
8 with an electric generating plant that uses renewable energy as its primary source of energy to
9 generate electricity.

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

13 The BLM has conducted environmental reviews of the pipeline and tortoise fence, and
14 those reviews are contained in the EA for the well and pipeline (Exhibit F-1) and EAs for the
15 tortoise fence (Exhibits F-2 and F-3) hereto.

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

20 The selected location is best suited for the pipeline because it runs along a
21 private road and Highway 93, both areas of previous disturbance and creates the least
22 environmental impact between the location selected for the well and the Project boundary. The
23 City of North Las Vegas, which will ultimately own the pipeline, is in agreement with the
24 selected location for the pipeline. The location of the tortoise fence location is necessary to
25 separate the tortoise translocation area from the solar facilities under development in the Dry
26 Lake SEZ.

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

A summary of this Notice and Application has appeared in the newspaper published and
distributed in the area where the pipeline and tortoise fence are planned, pursuant to NRS
704.870(4)(b) and NAC 703.423(5). See Exhibit G. A copy of the Notice and Application has

1 been filed with the clerk of the local government in the area in which the pipeline and tortoise
2 fence to be located pursuant to NRS 704.870(4)(a). *See* Exhibit H.

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

6 A copy of the Notice and Application has been submitted to the Nevada State
7 Clearinghouse within the Nevada Department of Administration. *See* Exhibit H.

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

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

11 Detailed environmental analysis of the well and pipeline is contained in the EA
12 conducted for the well and pipeline, *see* Exhibit F-1, and for the tortoise fence in Exhibits F-2
13 and F-3.

14 (b) An environmental statement that includes:

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

18 A list of preparers and reviewers is included at Section 5.0 of the well and pipeline EA.
19 *See* Exhibit F-1.

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

23 A description of the consultation and coordination process, as well as a list of
24 commenters and agencies that participated and coordinated in the preparation of the EA is
25 included in Section 4.0 of Exhibit F-1.

26 (3) A bibliography of materials used in the preparation of the environmental
27 statement.

28 A bibliography of reference materials used in preparing the EA is contained in the
Section 6.0 of the EA. *See* Exhibit F-1.

(4) A description of:

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(I) The environmental characteristics of the Proposed Facility area existing at the time the application or amended application is filed with the Commission.

See Section 3 of the EA, Exhibit F-1.

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

See Section 3 of the EA, Exhibit F-1.

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

See Section 2 of the EA, Exhibit F-1.

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

Pursuant to NRS 704.890(1)(b), the pipeline and tortoise fence are exempt from NAC 703.423(8).

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

The pipeline and tortoise fence 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.

The pipeline and fence will be designed, constructed and operated to meet all applicable regulatory requirements and to avoid, minimize and mitigate the adverse effect on the environment.

(b) The nature of various alternatives.

The pipeline EA analyzed a full range of alternatives. See Section 2 of Exhibit F-1.

(c) The economics of various alternatives.

The pipeline and tortoise fence as proposed represent the minimum adverse effect on the environment that is economically viable.

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

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

5 The EA for the pipeline was finalized by the BLM's consultant in July 2015.⁴ See Exhibit
 6 F-1. The Harry Allen and Dry Lake EAs were finalized in December 2014. The remaining
 7 permits detailed below are anticipated to be obtained on or before the date indicated.

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

Permit/Authorization	Approving Agency	Date Obtained or Anticipated Date To Obtain
Decision Record (Pipeline EA)	U.S. Dept. of the Interior; Bureau of Land Management	Q 3 2015
Right of Way Grant	U.S. Dept. of the Interior; Bureau of Land Management	Q 3 2015
Amendment to Endangered Species Act Section 7 Biological Opinion/Incidental Take Statement	U.S. Dept. of the Interior; Fish & Wildlife Service	Q 3 2015
Special Purpose Permit	Nevada Department of Wildlife	Q 3 2015
Temporary Permit for Working in Waterways	Nevada Division of Environmental Protection	Q 3 2015
Temporary Groundwater Discharge Permit	Nevada Division of Environmental Protection	Q 3 2015
Encroachment Permit	Nevada Department of Transportation	Q 3 2015
Dust Control Permit	Clark County Department of Air Quality	Q 3 2015
Special Use Permit	Clark County Board of County Commissioners	Q 3 2015
Building Permit	Clark County Building Department	Q 3 2015

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

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

15 ⁴ Approval of the EA by the BLM is anticipated in August 2015.

1 The pipeline and tortoise fence will create approximately 35 construction jobs during the
2 two to four week construction period.

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

5 The pipeline and tortoise fence will be neutral in their effect on the environment if
6 constructed, but will contribute to the success of the Project which will have a net reduction in
7 greenhouse gas emissions by displacement of electrical energy produced by fossil fuels.

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

10 The pipeline and tortoise fence will be neutral in their effect on the public health, safety
11 and welfare if constructed, but will contribute to the success of the Playa Solar Project which
12 will have a net reduction in greenhouse gas emissions by displacement of electrical energy
13 produced by fossil fuels.

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

16 The pipeline and tortoise fence are exempt from this provision.

17 **E. CONCLUSION AND REQUEST FOR RELIEF**

18 Playa Solar respectfully requests that the Commission proceed in the manner required by
19 law, and, in accordance with NAC 703.535(2)(d), issue an order that:

20 1. Grants a Permit to Construct the pipeline and tortoise fence, as described in this
21 Application;

22 2. Grants such conditions and modifications that may allow for the issuance of the
23 UEPA PTC or a compliance order with the condition that Playa Solar may file any outstanding
24 required permits, licenses or approvals with the Commission prior to commencing construction
25 of the Proposed Facility pursuant to NRS 704.890;

26 3. Grants such deviations from the Commission's regulations as may be in the public
27 interest;

28 4. Grants this Notice and Application on an expedited basis; and

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5. Grants Playa Solar such other and further relief as the Commission may find reasonable and appropriate under the circumstances.

Respectfully submitted on July 27, 2015.

Playa Solar, LLC

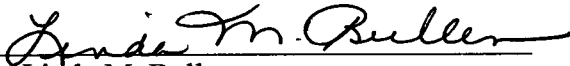
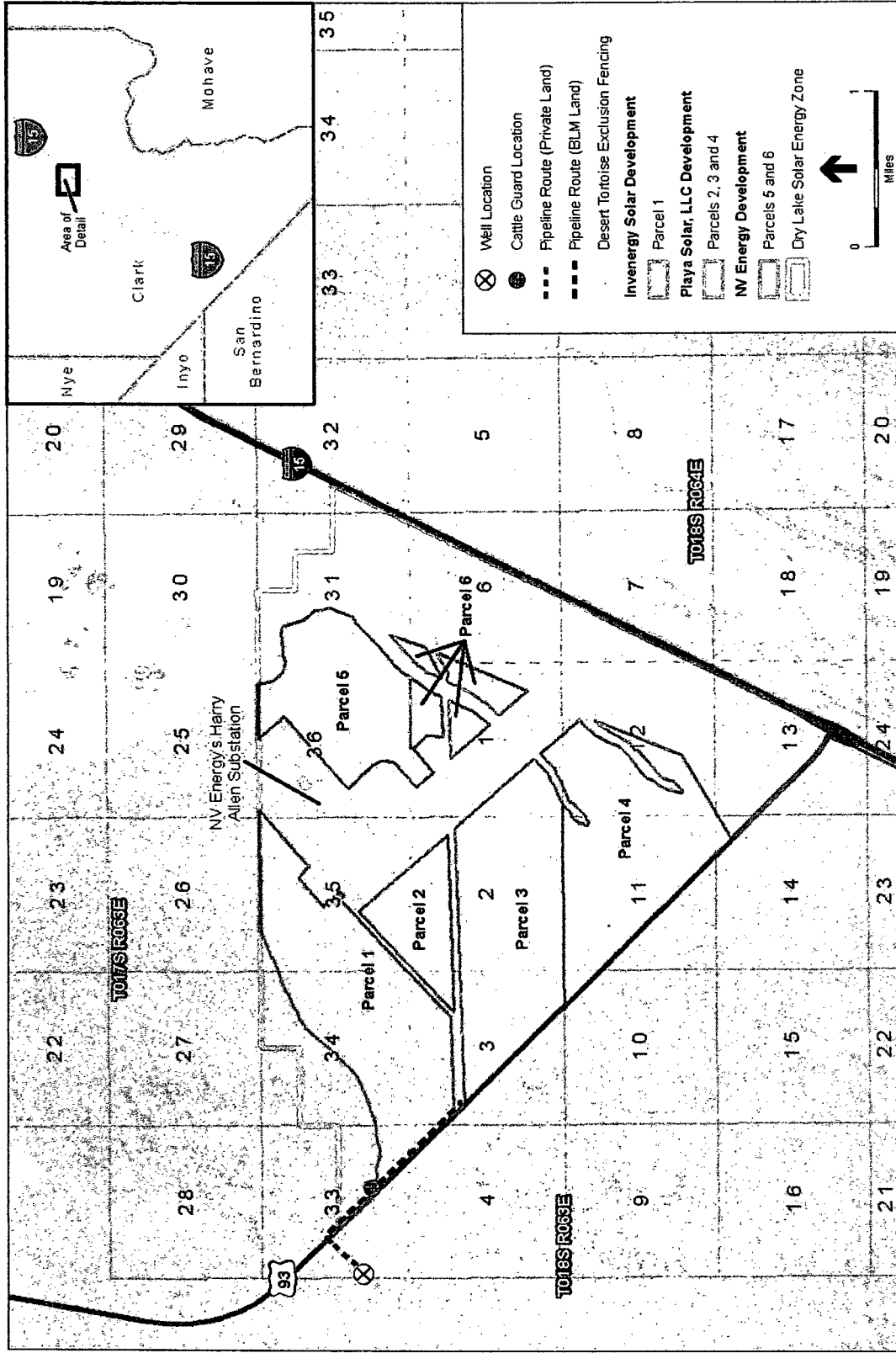
By: 
Linda M. Bullen
Bullen Law, LLC
9101 W. Sahara Ave., Ste. 105-L6
Las Vegas, NV 90117

EXHIBIT C
LEGAL DESCRIPTIONS

EXHIBIT A
SITE LOCATION MAPS

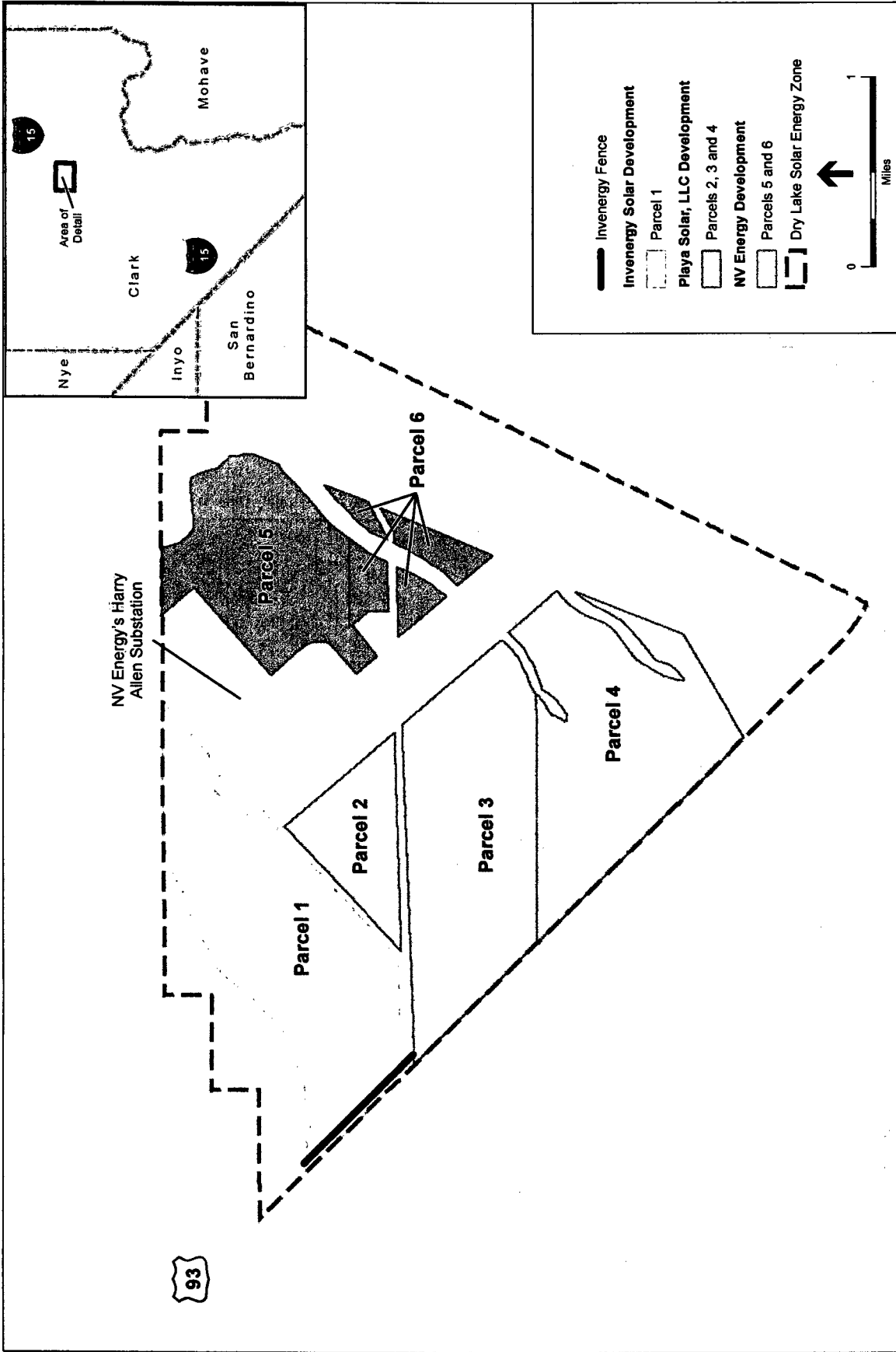
Project Location



SOURCE ESRI Imagery

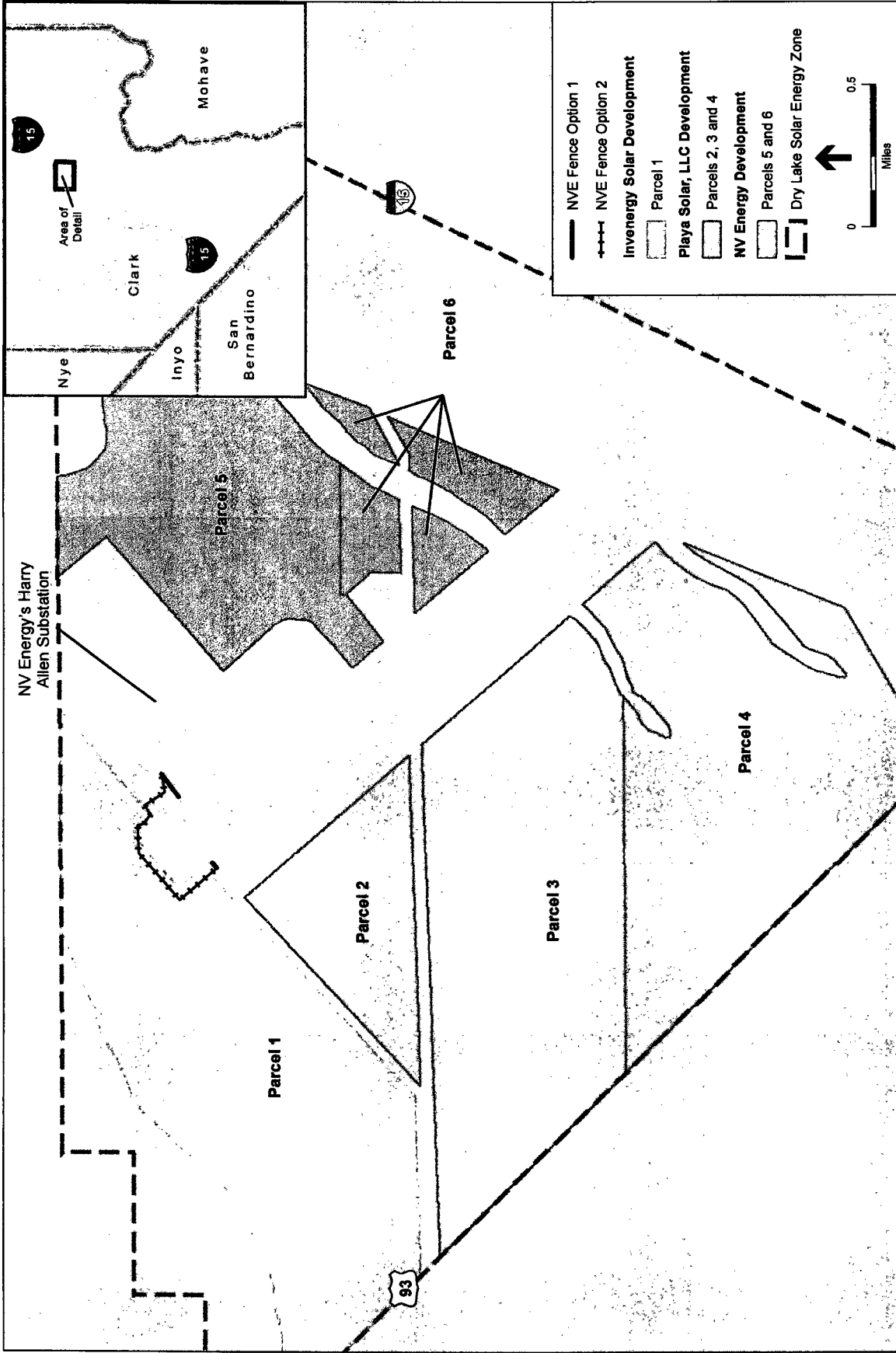
Playa Solar Well and Pipeline Project

Project Location Map



SOURCE: ESRI Imagery

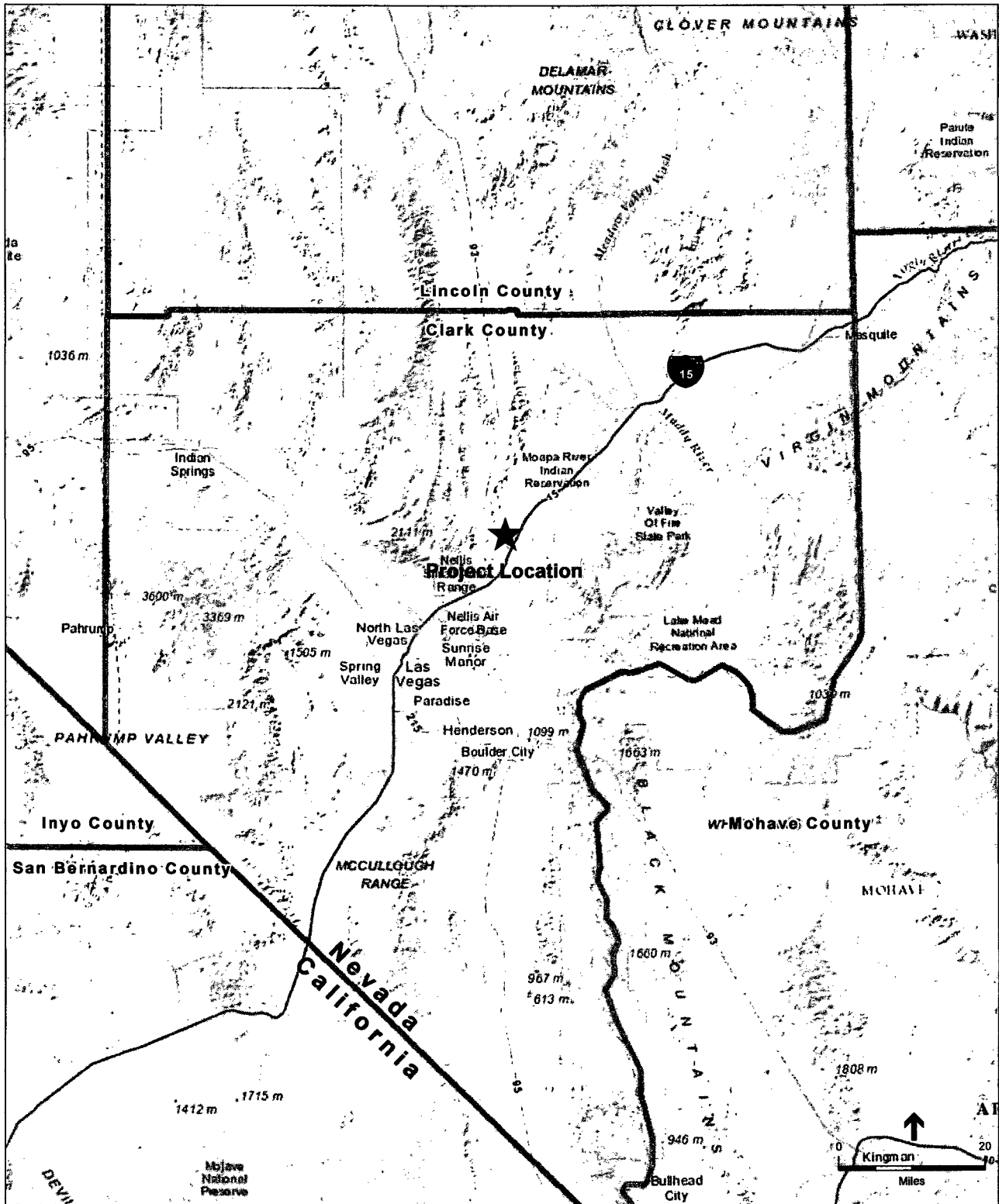
Invenery Fence Location



SOURCE: ESRI Imagery

NV Energy Fence Location

EXHIBIT B
REGIONAL MAP



SOURCE: ESRI

Regional Map

EXHIBIT C-1
PIPELINE LEGAL DESCRIPTIONS

