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

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

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		1018		

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Account	X	
Amount of Account	\$ 50.00	
Account Paid	\$ 50.00	
Balance Due	\$ 0	

MEMO

Amendment
12-05037

Received by Barbara Wynn

hand delivered

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 8, 2015

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

RECEIVED
PUBLIC UTILITIES COMMISSION
9075 W. DIABLO DRIVE
LAS VEGAS, NV
15 JUL -8 PM 12:15

Re: Amendment To The Amended Application of Boulder Solar, LLC For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act And Request For Expedited Treatment; Docket No. 12-05037

Dear Ms. Osborne:

Enclosed for filing please find the Amendment To The Amended Application of Boulder Solar Power, LLC ("BSP") For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act And Request For Expedited Treatment in Docket No. 12-05037. The documents comprising the Amendment are:

1. Amendment To The Amended Application of Boulder Solar Power, LLC For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act And Request For Expedited Treatment; and
2. Exhibits A through J including the required Public Notice and Proof of Publication (Exhibit H) and Proof of Service (Exhibit I).

This UEPA process was commenced by on May 24, 2012 with the filing the Initial Application of BSP for a Permit to Construct the Boulder Solar Project. An Amended Application was filed on July 3, 2013 and a compliance order was issued by the Public Utilities Commission of Nevada (the "Commission") on October 15, 2013. BSP files this Amendment to the Amended Application to add a 230 kilovolt transmission line and water pipeline and respectfully requests that the Commission accept this Amendment 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 at (702)-279-4040.

Best Regards,

A handwritten signature in cursive script that reads "Linda M. Bullen".

Linda M. Bullen

Bullen Law, LLC

Attorney for Boulder Solar Power, LLC

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

2
3 **IN THE MATTER OF:**

4 Amended Application of Boulder Solar Power,
5 LLC, under the provisions of the Utility
6 Environmental Protection Act, for a permit to
7 construct the Boulder Solar Power Project
8 consisting of a 300 MW alternating current solar
9 photovoltaic energy-generating facility, 3.3-mile
10 500 kV transmission line, and associated facilities
11 to be located approximately 20 miles south of Las
12 Vegas in Clark County, Nevada on approximately
13 1,540 acres of land within the city limits of
14 Boulder City, Clark County, Nevada and
15 approximately 76 acres of federal lands.

Docket No. 12-05037

16
17 **AMENDMENT TO THE AMENDED APPLICATION OF BOULDER**
18 **SOLAR POWER, LLC FOR A PERMIT TO CONSTRUCT A UTILITY FACILITY**
19 **PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT**
20 **AND REQUEST FOR EXPEDITED TREATMENT**

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LIST OF EXHIBITS

- A. Site Location Map
- B. Regional Map
- C. Legal Description of Transmission Line
- D. Detailed Description of Water Pipeline
- E. Scaled Site Plan Drawings
- F. Scaled Diagrams-Transmission Line
- G. Scaled Diagram-Water Pipeline
- H. Proof of Publication
- I. Proof of Service to Clark County Clerk, Nevada State Clearinghouse and Other Agencies
- J. Draft Notice

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

2
3 **IN THE MATTER OF:**

4 Amended Application of Boulder Solar Power,
5 LLC, under the provisions of the Utility
6 Environmental Protection Act, for a permit to
7 construct the Boulder Solar Power Project
8 consisting of a 300 MW alternating current solar
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10 500 kV transmission line, and associated facilities
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12 Vegas in Clark County, Nevada on approximately
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14 Boulder City, Clark County, Nevada and
15 approximately 76 acres of federal lands.

Docket No. 12-05037

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**AMENDMENT TO THE AMENDED APPLICATION OF BOULDER
SOLAR POWER, LLC FOR A PERMIT TO CONSTRUCT A UTILITY FACILITY
PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT
AND REQUEST FOR EXPEDITED TREATMENT**

INTRODUCTION

In accordance with NRS 704.870(2) and pursuant to the Order of the Public Utilities Commission of Nevada ("Commission") dated June 26, 2015, applicant Boulder Solar Power, LLC ("BSP"), hereby files with the Commission this Amendment ("Amendment") to the Amended Application filed with the Commission on July 3, 2013¹ in this Docket for a Permit to Construct the Boulder Solar Project (the "Project"), pursuant to the Utility Environmental Protection Act ("UEPA") (NRS 704.820 to 704.900 and NAC 703.415 to 703.427). The Project is a solar photovoltaic ("PV") electric generating facility proposed to be built in Boulder City, Nevada.² By this Amendment, BSP adds to the Project description a 2.3 mile 230 kilovolt ("kV")

¹ The Amended Application of July 13, 2013 including all exhibits thereto is incorporated herein by reference.

² The Project was originally authorized by the Commission as a 300 megawatt ("MW") project, which was changed at the request of BSP to 200 MW in the June 26, 2015 Modified Order of the Commission.

1 transmission line from Project's solar array to the Nevada Solar One ("NSO") Substation and a
2 3.49 mile water pipeline from the City of Boulder City, Nevada water main adjacent to Highway
3 95 to the Project.

4 It is essential that this Project be placed in service in Fall 2016 in order to qualify for the
5 Federal renewable energy investment tax credit ("ITC"). In order to achieve this objective, BSP
6 must commence construction in Fall 2015, which requires expedited treatment of this
7 Amendment.

8 BSP provides the following information in support of this Amendment pursuant to NRS
9 704.870(2)(b) and NAC 703.423.

10 **GENERAL ALLEGATIONS**

11 BSP is a wholly owned subsidiary of SunPower Corporation.

12 BSP was formed for the purpose of developing and constructing a solar facility in
13 Boulder City, Nevada.

14 BSP's principal place of business, mailing address and telephone number are: 1414
15 Harbour Way South, Richmond, CA 94804; (510) 260-8200.

16 All correspondence related to this Amendment should be sent to the following counsel:

17
18 Linda M. Bullen
19 Bullen Law, LLC
20 9101 W. Sahara Ave., Ste. 105-L6
21 Las Vegas, NV 89117
22 Phone: (702) 279-4040
23 linda@bullenlaw.com

24 **LEGAL AUTHORITY**

25 UEPA establishes a two-step application procedure for facilities subject to Federal
26 permitting and environmental review. Pursuant to NRS 704.870(2)(a), if a federal agency is
27 required to conduct an environmental analysis of a proposed utility facility, the project proponent
28 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). Although the Project is located entirely on land owned by the

1 City of Boulder City, a portion of the transmission line and water pipeline for the Project crosses
2 a transmission corridor administered by the U.S. Bureau of Land Management ("BLM"). As a
3 result, an analysis of the environmental conditions associated with the Project was required by
4 the BLM pursuant to the National Environmental Policy Act ("NEPA"), 42 U.S.C. §4321 *et seq.*
5 An Environmental Assessment ("EA") was prepared for the Project by the BLM. The EA was
6 finalized on June 30, 2013 and the Amended Application (as the second step in the UEPA
7 process was referred to at that time) was filed on July 13, 2013.

8
9 This Amendment to the Amended Application is filed pursuant to NRS 704.870(2)(b) for
10 a permit to construct a solar facility where a federal agency has issued its final EA related to the
11 construction of the proposed utility facility. BSP requests that the Commission accept this
12 Amendment as complying with the statutory and regulatory requirements set forth above and
13 approve its request for a Permit to Construct the Proposed Facility pursuant to NRS
14 704.8905(1)(b).

15 **ALLEGATIONS OF MATERIAL FACT**

16 The Project will be located on municipally-owned land in Boulder City, Nevada. *See*
17 Exhibit A, Site Location Map. BSP is developing the Project to produce renewable electrical
18 power to meet the growing demand for such power in the Western United States and to satisfy
19 state renewable portfolio standards.

20 **RESPONSES TO REQUIRED DISCLOSURES**

21 The information required by NAC 703.421 and NAC 703.423 is provided as follows:

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

- 23 1. A general description of the location of the proposed utility facility,
24 including a regional map that identifies the location of the proposed utility
25 facility.

26 The Project will be located on municipally-owned land in Boulder City, approximately
27 25 miles southeast of Las Vegas, and nine miles south/southwest of the intersection of Highways
28

1 93 and 95 within the Boulder City Solar Energy Zone. See Exhibit A. A regional map showing
2 the location of the Project is attached as Exhibit B.

- 3 2. A legal description of the site of the proposed utility facility, with the
4 exception of electric lines, gas transmission lines, and water and
5 wastewater lines, for which only a detailed description of the site is
6 required.

7 The legal description of the Project as originally proposed was included with the
8 Amended Application was attached to the Amended Application.³ A legal description of the
9 proposed transmission line in this Amendment is attached hereto as Exhibit C, and a detailed
10 description of the water pipeline in this Amendment is attached as Exhibit D hereto.

- 11 3. Appropriately scaled site plan drawings of the proposed utility facility,
12 vicinity maps and routing maps.

13 Scaled site plan drawings of the new transmission line and the water pipeline are attached
14 as Exhibit E hereto.

15 B. A general description of the proposed utility facility. (NAC 703.423(2))

- 16 1. The size and nature of the proposed utility facility.

17 The Project is located on land owned by the City of Boulder City. This Amendment adds
18 2.3 miles of 230 kV transmission line and 3.49 miles of water pipeline to the Project as originally
19 proposed. The transmission line will connect the BSP solar array with the Nevada Solar One
20 Substation. It will consist of 26 structures of either 45 to 65 feet (utilized at undercrossings) or
21 90 to 125 feet in height. Eighteen of the structures will be mono-pole and eight will be H-frame.
22 The water pipeline will be 3.49 miles (18,420 feet) in length, 8 to 10 inches in diameter,
23 constructed of PVC and will be buried at a depth of approximately four feet below ground
24 surface.

- 25 2. The natural resources that will be used during the construction and
26 operation of the proposed utility facility.

27
28

³ See Exhibit D to Amended Application.

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

5 3. Layout diagrams of the proposed utility facility and its associated
6 equipment.

7 A layout diagram of the transmission line and water pipeline as Exhibit E.

8 4. Scaled diagrams of the structures at the proposed utility facility.

9 Scaled diagrams of the two types of transmission structures to be used for the
10 transmission line are attached as Exhibit F and of the water pipeline as Exhibit G.

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

15 The transmission line and water pipeline are associated with an electric generating plant,
16 which uses renewable energy as its primary source of energy to generate electricity.

17 C. A copy and summary of any studies which have been made of the environmental
18 impact of the proposed utility facility as required by subsection 1 of NRS
19 704.870. (NAC 703.423(3))

20 An EA for the Project was prepared by the BLM⁴. The BLM is currently conducting a
21 Determination of NEPA Adequacy ("DNA") to ensure that all environmental of the transmission
22 line and water pipeline have been adequately evaluated. The DNA is anticipated by August 2015
23 and will be submitted to the Commission in this Docket as soon as it is issued by the BLM.

24 D. A description of any reasonable alternate locations for the proposed utility
25 facility, a description of the comparative merits or detriments of each location
26 submitted, and a statement of the reasons why the location is best suited for the
27 proposed utility facility, as required by subsection 1 of NRS 704.870. (NAC
28 703.423(4))

⁴ See Exhibit F to Amended Application.

1 The selected location is best suited for the transmission line because it represents the
2 shortest distance between the BSP solar field and the NSO Substation, and therefore creates the
3 least possible disturbance to the environment to interconnect the solar facility and the NSO
4 Substation. The selected route of the water pipeline is because it represents the shortest distance
5 between the Boulder City water main and the Project site.

6 E. A copy of the public notice of the application or amended application and proof of
7 publication of the public notice, as required by subsection 4 of NRS 704.870.
8 (NAC 703.423(5))

9 A summary of this Application has appeared in a newspaper published and distributed in
10 the area where the Project is planned pursuant to NRS 704.870(4)(b) and NAC 703.423(5). *See*
11 Exhibit H. A copy of the Application has been filed with the clerk of the local government in the
12 area in which the Project is to be located pursuant to NRS 704.870(4)(a). *See* Exhibit I.⁵

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

16 A copy of the Amendment to the Amended Application has been submitted to the Nevada
17 State Clearinghouse within the Nevada Department of Administration. *See* Exhibit I.

18 G. An explanation of the nature of the probable effect on the environment. (NAC
19 703.423(7))

20 1. A reference to any studies described in subsection 3, if applicable.

21 Detailed environmental analysis of the Project is contained in the EA⁶. This document
22 analyzes the direct, indirect and cumulative impacts from constructing and operating the
23 Proposed Facility. The DNA, currently being drafted by the BLM, will evaluate the
24 completeness of the EA as to the transmission line and the water pipeline.

25 2. An environmental statement that includes:

26
27 ⁵ A Draft Notice pursuant to NAC 703.162 is attached hereto as Exhibit J.

28 ⁶ *See* Exhibit F to the Amended Application.

- 1 a. The name, qualifications, professions and contact
2 information of each person with primary responsibility for
3 the preparation of the environmental statement.

4 A list of preparers and reviewers of the EA was contained in the Amended Application
5 and is incorporated herein by reference.

- 6 b. The name, qualifications, professions and contact
7 information of each person who has provided comments or
8 input in the preparation of the environmental statement.

9 A list of preparers was contained in the Amended Application and is incorporated herein
10 by reference.

- 11 c. A bibliography of materials used in the preparation of the
12 environmental statement.

13 A bibliography of reference materials used in preparation of the EA was contained in the
14 Amended Application and is incorporated herein by reference.

- 15 d. A description of:

- 16 (1) The environmental characteristics of the project
17 area existing at the time the application or amended
18 application is filed with the Commission.

19 The environmental characteristics of the Project at the time of the application or amended
20 application were described in the Amended Application and are incorporated herein by
21 reference. Any additional environmental characteristics will be addressed in the DNA.

- 22 (2) The environmental impacts that the construction
23 and operation of the proposed utility facility will
24 have on the project area before mitigation.

25 The environmental impacts that the construction or operation of the Project will have on
26 the project area before mitigation were described in the Amended Application and are
27 incorporated herein by reference. Any additional environmental characteristics will be addressed
28 in the DNA.

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

1 The environmental impacts that the construction or operation of the Project will have on
2 the project area before mitigation were described in the Amended Application and are
3 incorporated herein by reference. Any additional environmental characteristics will be addressed
4 in the DNA.

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

7 Pursuant to NRS 704.890(1)(b), the Project is exempt from NAC 703.423(8).

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

11 The Project will not have significant unmitigated adverse impacts on the environment.

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

14 1. The state of available technology.

15 The proposed transmission line and water pipeline will be designed, constructed and
16 operated to meet all applicable requirements to have minimum adverse effect on the
17 environment.

18 2. The nature of various alternatives.

19 The transmission line and water pipeline represent the minimum adverse effect on the
20 environment that is economically viable.

21 3. The economics of various alternatives.

22 The selected alternative represents the minimum adverse effect on the environment that is
23 economically viable.

24 K. An explanation of how the location of the proposed utility facility conforms
25 to applicable state and local laws and regulations. (NAC 703.423 (11))

26 1. All permits, licenses and approvals the applicant has obtained, including
27 copies thereof.

1 The EA for the Project was issued in June 2012. The remaining permits for proposed
2 transmission line and water pipeline detailed below are projected to be obtained on the date
3 indicated.

- 4 2. All permits, licenses and approvals the applicant is in the process of
5 obtaining to commence construction of the proposed utility facility.
6 The applicant must provide an estimated timeline for obtaining these
7 permits, licenses and approvals.

8 Permit/Authorization	Approving Agency	Date Obtained or Anticipated
9 Determination of NEPA Adequacy	U.S. Dept. of the Interior; Bureau of Land Management	August 2015
10 Special Purpose Permit	Nevada Department of Wildlife	Third Quarter 2015
11 Temporary Permit for Working in Waterways	Nevada Division of Environmental Protection	Third Quarter 2015
12 Groundwater Discharge Permit	Nevada Division of Environmental Protection	Third Quarter 2015
13 Dust Control Permit	Clark County Department of Air Quality	Third Quarter 2015
14 Building Permit	Boulder City	Third Quarter 2015

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

- 18 1. The economic benefits that the proposed utility facility will bring to the
19 applicant and this State.

20 It is estimated that construction of the proposed transmission line and water pipeline will
21 result in 30 construction jobs lasting approximately four months.

- 22 2. The nature of the probable effect on the environment in this State if the
23 proposed utility facility is constructed.

24 The proposed transmission line and water pipeline will contribute to the successful
25 construction of a solar electric generation facility which will result in a net reduction in
26 greenhouse gas emissions by displacement of electrical energy produced by fossil fuels.

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

1 The proposed transmission line and water pipeline will contribute to the successful
2 construction of a solar electric generation facility which will result in improved air quality by
3 displacement of electrical energy produced from fossil fuels resulting in an improvement to
4 human health.

5 4. The interstate benefits expected to be achieved by the proposed electric
6 transmission facility in this state, if applicable.

7 The proposed transmission line and water pipeline will contribute to the successful
8 construction of a solar electric generation facility. This will result in improved air quality and a
9 reduction in greenhouse gases -- both interstate benefits of the project.

10 **CONCLUSION AND REQUEST FOR RELIEF**

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

13 Grants the Amendment and grants a Permit to Construct the proposed transmission line
14 and water pipeline, as described herein;

15 Grants such conditions and modifications that may allow for the issuance of the UEPA
16 permit to construct or a compliance order with the condition that the Company may file any
17 outstanding required permits, licenses or approvals with the Commission prior to commencing
18 construction of the Proposed Facility pursuant to NRS 704.890;

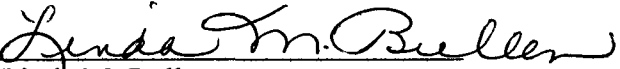
19 Grants such deviations from the Commission's regulations as may be in the public
20 interest;

21 Grants this Amendment on an expedited basis; and
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1 Grants BSP such other and further relief as the Commission may find reasonable and
2 appropriate under the circumstances.

3 Respectfully submitted on July 8, 2015.

4 Boulder Solar Power, LLC

5
6 By: 

7 Linda M. Bullen

8 Bullen Law, LLC

9 9101 W. Sahara Ave., Ste. 105- L6

10 Las Vegas, NV 89117

11 linda@bullenlaw.com

12 702-279-4040

EXHIBIT A

