

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Crescent Valley Solar Energy LLC,)
under the provisions of the Utility Environmental)
Protection Act, for a permit to construct the)
Crescent Valley Solar Energy Project consisting of)
a 149 megawatt (“MW”) photovoltaic solar)
facility, a 34.5 kilovolt (“kV”) generation-tie)
transmission line, and associated facilities to be)
located in Lander County, Nevada.)
_____)

Docket No. 18-12004

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on October 30, 2019.

PRESENT: Chairwoman Ann Pongracz
Commissioner C.J. Manthe
Commissioner Hayley Williamson
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

Crescent Valley Solar Energy LLC (“Crescent Valley”) filed an Application with the Commission, designated as Docket No. 18-12004, under the provisions of the Utility Environmental Protection Act (“UEPA”), requesting a Permit to Construct the Crescent Valley Solar Energy Project consisting of a 149 MW photovoltaic solar facility, a 34.5 kV generation-tie transmission line, and associated facilities to be located in Lander 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 December 7, 2018, Crescent Valley 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 December 27, 2018, the Commission issued a Notice of Application for Federal Approval to Construct Utility Facility.
- On August 2, 2019, Crescent Valley 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 August 7, 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 October 23, 2019, Staff filed a Briefing Memorandum (“Staff’s Briefing Memorandum”).
- On October 30, 2019, at Agenda Meeting 21-19, the Commission voted to accept the recommendations contained in Staff’s Briefing Memorandum.

IV. UEPA PERMIT TO CONSTRUCT

Crescent Valley’s Position

1. Crescent Valley requests that the Commission grant a UEPA Permit, to be issued in two phases, to Construct the Project. (Application at 9.)

Staff’s Recommendation

2. Staff recommends that the Commission issue an Order granting Crescent Valley’s request to bifurcate the Project by issuing two UEPA permits for construction of the Project, contingent upon Crescent Valley obtaining and filing with the Commission the requisite permits and approvals for each phase of the Project. (Staff’s Briefing Memorandum at 6.)

a. For Phase One, the state and local permits and approvals required for Eight Steel Foundations for the Inverters are:

- i. Lander County Department of Building – Building Permit for Limited Start of Construction;
- ii. Lander County Department of Comprehensive Planning – Special Use

Permit; and

iii. Nevada Department of Wildlife – Application for Energy Projects.

b. For Phase Two, the state and local permits and approvals required for the Remainder of the Project are:

- i. Lander County Department of Building – Building Permit for Full Construction;
- ii. Bureau of Land Management – Categorical Exclusion;
- iii. Bureau of Land Management – Right of Way Grant;
- iv. Bureau of Land management – Notice to Proceed;
- v. Nevada Department of Transportation – Encroachment Permit;
- vi. Nevada Division of Environmental Protection – Surface Area Disturbance Permit;
- vii. Nevada Division of Environmental Protection – Temporary Permit for Working in Waterways;
- viii. Nevada Division of Water Resources – Permit for Appropriation of Water;
- ix. Nevada Division of Environmental Protection – Onsite Sewage Disposal System Contraction Authorization.

(Id. at 4-5.)

3. Staff recommends that, once Crescent Valley obtains and files with the Commission the outstanding permits and approvals needed for each phase of the Project, the Commission issue the respective UEPA Permit to Construct. *(Id. at 6.)*

4. Staff recommends that a Commission Order granting the Application contain a provision that states “[n]o 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 applicable phase of the Project.” *(Id.)*

5. Staff recommends that the Order contain a provision that states “if Crescent

Valley does not file with the Commission all of the requisite compliances set forth hereinabove within five years of the effective date of the Order, the Compliance Order will be deemed to be vacated, without further action by or order of the Commission.” (*Id.*)

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

- a. Accept and incorporate the findings and conclusions in Crescent Valley’s Environmental Statement for the Project;
- b. In its Environmental Statement for the Project, Crescent Valley and Environmental Planning Group, LLC determined the nature of the probable effect of the Project on the environment;
- c. The need for the Project balances 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. Crescent Valley has obtained or is in the process of obtaining all other permits, licenses, and approvals require by federal, state, and local statutes, regulations, and ordinances; and
- f. The Project will serve the public interest.

(*Id.* at 6-7.)

Commission Discussion and Findings

7. The Commission adopts the analysis and recommendations contained in Staff’s Briefing Memorandum. Accordingly, the Commission grants the Application consistent with Staff’s recommendations.

8. The Commission finds that, upon Crescent Valley’s completion of all the required compliances outlined herein, the Commission will issue a UEPA Permit to Construct for each of the two phases of the Project, as described and defined in Staff’s Briefing Memorandum. The Commission finds that the UEPA Permits to Construct shall set forth the description of the

Project for each respective phase.

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

- a. Accepts and incorporates the findings and conclusions in Crescent Valley's Environmental Statement for the Project;
- b. In its Environmental Statement for the Project, Crescent Valley and Environmental Planning Group, LLC determined the nature of the probable effect of the Project on the environment;
- c. The need for the Project balances 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. Crescent Valley has obtained or is in the process of obtaining all other permits, licenses, and approvals require by federal, state, and local statutes, regulations, and ordinances; and
- f. The Project will serve the public interest.

THEREFORE, it is ORDERED that:

1. The Application of Crescent Valley Solar Energy LLC, designated as Docket No. 18-12004, is GRANTED.

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 applicable phase of the Project.

Compliances

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

- a. Lander County Department of Building – Building Permit for Limited Start of Construction;
 - b. Lander County Department of Comprehensive Planning – Special Use Permit; and
 - c. Nevada Department of Wildlife – Application for Energy Projects.
4. Upon Regulatory Operations Staff's verification of the completion of the compliance items set forth above, the Assistant Commission Secretary SHALL ISSUE to Crescent Valley Solar Energy LLC a Utility Environmental Act Permit to Construct Phase One.

5. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Two of the Project, Crescent Valley Solar Energy LLC shall file the following federal, State, and local permits with the Commission:

- a. Lander County Department of Building – Building Permit for Full Construction;
 - b. Bureau of Land Management – Categorical Exclusion;
 - c. Bureau of Land Management – Right of Way Grant;
 - d. Bureau of Land management – Notice to Proceed;
 - e. Nevada Department of Transportation – Encroachment Permit;
 - f. Nevada Division of Environmental Protection – Surface Area Disturbance Permit;
 - g. Nevada Division of Environmental Protection – Temporary Permit for Working in Waterways;
 - h. Nevada Division of Water Resources – Permit for Appropriation of Water; and
 - i. Nevada Division of Environmental Protection – Onsite Sewage Disposal System Contraction Authorization.
6. 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 Crescent Valley Solar Energy LLC a Utility Environmental Protection Act Permit to Construct Phase Two.

7. If Crescent Valley Solar Energy LLC does not file with the Commission all of the compliances set forth hereinabove within five years of the effective date of the Order, the Order will be deemed to be vacated, without further action by or order of the Commission.

By the Commission,



TRISHA OSBORNE,
Assistant Commission Secretary on behalf of the
Commissioners

Dated: Carson City, Nevada

11/15/19

(SEAL)

