

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Nevada Gold Energy LLC, under the)
provisions of the Utility Environmental Protection Act,)
for a permit to construct the TS Solar Project consisting)
of an approximately 200 MW alternating current)
photovoltaic solar electric generating facility, a 120 kV)
on-site substation, a 120 kV generation-tie line, an)
optional battery energy storage system, and associated)
facilities to be located in Eureka County, Nevada.)
_____)

Docket No. 20-06014

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on August 12, 2020.

PRESENT: Chair Hayley Williamson
Commissioner C.J. Manthe
Commissioner Tammy Cordova (Abstained)
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

Nevada Gold Energy LLC (“Nevada Gold Energy”) filed with the Commission an application, designated as Docket No. 20-06014 (“Application”), under the provisions of the Utility Environmental Protection Act (“UEPA”) for three permits to construct (“Permit to Construct”) the TS Solar Project consisting of an approximately 200 megawatt (“MW”) alternating current photovoltaic solar electric generating facility, a 120 kilovolt (“kV”) on-site substation, a 120 kV generation-tie line, an optional battery energy storage system, and associated facilities to be located in Eureka County, Nevada (the “Project”).

II. SUMMARY

The Commission grants the Application, subject to the satisfaction of all compliance items delineated below.

III. PROCEDURAL HISTORY

- On June 5, 2020, Nevada Gold Energy filed with the Commission its Application. Nevada

Gold Energy filed the Application pursuant to the Nevada Revised Statutes (“NRS”) and Nevada Administrative Code (“NAC”) Chapters 703 and 704, including but not limited to, NRS 704.820 through 704.900 and NAC 703.415 through 703.427.

- On June 11, 2020, the Commission issued a Notice of Application for Utility Environmental Protection Act Permit to Construct a Utility Facility.
- On August 6, 2020, the Regulatory Operations Staff (“Staff”) of the Commission filed a briefing memorandum (“Staff’s Briefing Memorandum”). Staff participates as a matter of right pursuant to NRS 703.301.

IV. UEPA PERMIT TO CONSTRUCT

Nevada Gold Energy’s Position

1. Nevada Gold Energy seeks a UEPA Permit to Construct to be issued in three phases to construct the Project. (Application at 30.)

Staff’s Recommendation

2. Staff recommends that the Commission grant the Application. (Staff’s Briefing Memorandum at 5.) Specifically, Staff recommends that the Commission issue an order for UEPA Permits to Construct for the Project, as defined by Exhibit A¹ of its Briefing Memorandum, conditioned upon Nevada Gold Energy obtaining and filing with the Commission, as compliance items, a copy of the following outstanding permits, licenses, and approvals needed for the Project, if not previously filed in the docket and if not expired:

For Phase One:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit;
- c. Nevada Division of Environmental Protection – Stormwater General Permit; and

¹ Staff inadvertently provided the incorrect legal description in Exhibit A.

- d. Nevada Department of Wildlife – Energy Planning and Conservation Fund Payment.

For Phase Two:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit; and
- c. Nevada Division of Environmental Protection – Stormwater General Permit.

For Phase Three:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit - Surface Area Disturbance Permit; and
- c. Nevada Division of Environmental Protection – Stormwater General Permit.

(Id.)

3. Staff recommends that the Order contain a provision that, if Nevada Gold Energy 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. at 5-6.)*

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. at 6.)*

5. Staff further recommends that a Commission order granting the Application

include the following findings and conclusions:

- a. Accept and incorporate the findings and conclusions in Nevada Gold Energy's Environmental Statement for the Project;
- b. Wood Rogers 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. Nevada Gold Energy 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.)

Commission Discussion and Findings

6. The Commission adopts the analysis and recommendations contained in Staff's Briefing Memorandum. The Commission finds that it is in the public interest to grant the Application and issue three UEPA Permits to Construct the Project.

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

- a. The Commission accepts and incorporates findings and conclusions in Nevada Gold Energy's Environmental Statement for the Project;
- b. Wood Rogers 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. Nevada Gold Energy 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.

8. The Commission finds that Nevada Gold Energy must file with the Commission, as compliance items, the following required outstanding permits, licenses, and approvals:

For Phase One:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit;
- c. Nevada Division of Environmental Protection – Stormwater General Permit; and
- d. Nevada Department of Wildlife – Energy Planning and Conservation Fund Payment.

For Phase Two:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit; and
- c. Nevada Division of Environmental Protection – Stormwater General Permit.

For Phase Three:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit; and
- c. Nevada Division of Environmental Protection – Stormwater General Permit.

9. The Commission finds if Nevada Gold Energy 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.

THEREFORE, it is ORDERED:

1. The Application of Nevada Gold Energy LLC, designated as Docket No. 20-06014, 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 Permit to Construct for the applicable phase of the Project.
3. The requested Utility Environmental Protection Act Permit to Construct the Project, consisting of an approximately 200 megawatt alternating current photovoltaic solar electric generating facility, a 120 kilovolt on-site substation, a 120 kilovolt generation-tie line, an optional battery energy storage system, and associated facilities to be located in Eureka County, Nevada, SHALL BE ISSUED in three phases following satisfaction of the compliance items ordered below.

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Compliances:

4. Prior to being issued the requested Utility Environmental Protection Act Permit to Construct Phase One of the Project, Nevada Gold Energy LLC shall file with the Commission the following:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit;
- c. Nevada Division of Environmental Protection – Stormwater General Permit; and
- d. Nevada Department of Wildlife – Energy Planning and Conservation Fund Payment.

5. Upon the 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 Nevada Gold Energy LLC a Utility Environmental Protection 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, Nevada Gold Energy LLC shall file the following with the Commission:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit; and
- c. Nevada Division of Environmental Protection – Stormwater General Permit.

7. Upon the 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 Nevada Gold Energy LLC a Utility Environmental Protection Act Permit to Construct Phase Two.

8. Prior to the issuance of a Utility Environmental Protection Act Permit to Construct Phase Three of the Project, Nevada Gold Energy LLC shall file the following with the Commission:

- a. Nevada State Fire Marshall – Hazardous Material Permit;
- b. Nevada Division of Environmental Protection, Bureau of Air Pollution Control – Dust Control Permit-Surface Area Disturbance Permit; and
- c. Nevada Division of Environmental Protection – Stormwater General Permit.

9. Upon the 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 Nevada Gold Energy LLC a Utility Environmental Protection Act Permit to Construct Phase Three.

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10. If Nevada Gold Energy 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.

By the Commission,



TRISHA OSBORNE,
Assistant Commission Secretary on behalf of
Chair Hayley Williamson and Commissioner C.J.
Manthe, Commissioner Tammy Cordova abstained

Dated: Carson City, Nevada

8/28/20

(SEAL)

