23-08015
Public Utilities Commission of Nevada
Electronic Filing
Submitted: 9/26/2023 9:34:15 AM
Reference: bb387717-0414-4da3-bda7-ada882f636b7
Payment Reference: a3-bda7-ada882f636b7
Filed For: NPC SPPC
In accordance with NRS Chapter 719,
this filing has been electronically signed and filed
by: /s Jane Harrell

By electronically filing the document(s),
the filer attests to the authenticity of the electronic signature(s) contained therein.

This filing has been electronically filed and deemed to be signed by an authorized
agent or
representative of the signer(s) and
NPC SPPC
BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Joint Application of Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy for approval of the Fifth Amendment to the 2021 Joint Integrated Resource Plan. Docket No. 23-08015

RESPONSE TO THE PETITION FOR LEAVE TO INTERVENE OF SIERRA CLUB

Nevada Power Company d/b/a NV Energy ("Nevada Power") and Sierra Pacific Power Company d/b/a NV Energy ("Sierra" and, together with Nevada Power, "NV Energy") hereby file this Response to the Petition for Leave to Intervene ("PLTI") of Sierra Club filed with the Public Utilities Commission of Nevada ("Commission") on September 21, 2023. The Response is being filed pursuant to Nevada Administrative Code ("NAC") 703.593.

I. Argument

Sierra Club is an "association," not a "person." However, its PLTI failed to state whether Sierra Club is intervening pursuant NAC 703.595(1) or NAC 703.595(2).

A. Sierra Club Failed to Establish How It Qualifies for Intervention Pursuant to NAC 703.595(2).

As a member-based organization,1 Sierra Club is an "association," not a "person" within the NAC 703.580 et seq. framework. Sierra Club failed to follow and meet the requirements for an association participation laid out in NAC 703.595(2):

If the petitioner is an association and:
(a) The petition for leave to intervene shows that two or more members of the association have a direct and substantial interest in the subject of the proceeding, or any part of it;
(b) The petitioner demonstrates, through its charter, a contract or some other document, that the purpose of the association is directly related to the subject of the proceeding and that the association is authorized to represent its members in the proceeding; and
(c) The intervention would not unduly broaden the issues,

1 Sierra Club’s PLTI at 1-2.
the Commission will or the presiding officer may grant leave for the petitioner to intervene or otherwise to appear in the proceeding with respect to the matters set forth in the petition and subject to such reasonable conditions as may be prescribed by the Commission or presiding officer.

Sierra Club’s PLTI does not make the showings required in paragraphs (a) and (b). Sierra Club previously made or was required to provide the required demonstrations. For instance, in Docket No. 18-06003, 2018 Integrated Resource Plan proceeding, Sierra Club named two of its Nevada members and argued that its members had a direct and substantial interest in that proceeding. In the same proceeding, Sierra Club was ordered by the Commission to submit, and submitted, documents demonstrating that the purposes of Sierra Club are directly related to Docket No. 18-06003. Sierra Club PLTI indicates that Sierra Club seeks intervention pursuant to NAC 703.580 – 703.595. It is unclear why Sierra Club chose to deviate from these practices in this Docket and failed to acknowledge and meet the clear requirements of NAC 703.595(2). Without these required showings, NV Energy cannot assess Sierra Club’s PLTI further. Notably, other associations intervening in this Docket – e.g., the Nevada Resort Association and Smart Energy Alliance – provided member lists and documents addressing paragraph (b).

B. Sierra Club Fails to Articulate How Its Interests Are Not Already Represented by Western Resource Advocates (“WRA”).

A demonstration of a direct and substantial interest requires that a claimed interest of a person not be represented by other parties. Sierra Club identifies as an environmental and conservation organization dedicated to the protection of public health and the environment. WRA claims its interest is “to ensure the region’s power demands are met in a way that addresses climate change and avoids undue impacts to land, water, wildlife and other natural resources.” Thus, both associations are environmental and conservation organizations with patent overlapping interests. Moreover, WRA

---

2 Docket No. 18-06003, Sierra Club’s PLTI at 2-3.
3 Sierra Club’s July 31, 2018, Supplemental PLTI.
4 Sierra Club’s PLTI at 1.
5 NAC 703.580(2).
6 Sierra Club’s PLTI at 1.
7 WRA’s PLTI at 1-2.
identifies Sierra Club as its Partner organization in Nevada. Yet, Sierra Club’s PLTI at not point addresses how its interests in this Docket are not already represented by WRA as required by NAC 703.580(2). Based on the foregoing, Sierra Club’s PLTI cannot establish a direct and substantial interest in this proceeding and its PLTI cannot be granted.

II. Conclusion.

Based on Sierra Club’s failure to follow the requirements of NAC 703.595(2) and failure to establish a direct and substantial interest, Sierra Club should not be permitted intervention until its PLTI is properly supplemented and NV Energy has an opportunity to address the supplement.

Dated this 26th day of September, 2023.

Respectfully submitted,

NEVADA POWER COMPANY
SIERRA PACIFIC POWER COMPANY

/s/ Roman Borisov
Roman Borisov
Senior Attorney
Nevada Power Company
Sierra Pacific Power Company
6100 Neil Road
Reno, NV 89511
775-834-3470
Roman.Borisov@nvenergy.com

---

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing filing for NEVADA POWER COMPANY D/B/A NV ENERGY AND SIERRA PACIFIC POWER COMPANY D/B/A NV ENERGY in Docket No. 23-08015 upon the persons listed below by electronic mail:

Don Lomoljo
Public Utilities Comm. of Nevada
1150 E. William Street
Carson City, NV 89701-3109
dalomoljo@puc.nv.gov

Staff Counsel Division
Public Utilities Comm. of Nevada
9075 West Diablo, Suite 250
Las Vegas, NV 89148
pucn.sc@puc.nv.gov

Michelle Newman
Whitney Digesti
Attorney General’s Office
Bureau of Consumer Protection
100 N. Carson St.
Carson City, NV 89701
mnewman@ag.nv.gov
wdigesti@ag.nv.gov
bcperv@ag.nv.gov

Ernest Figueroa
Consumer Advocate
Attorney General’s Office
Bureau of Consumer Protection
8945 W. Russell Road, Suite 204
Las Vegas, NV 89148
bcperv@ag.nv.gov

Nathan R. Ring, Esq.
Jessica S. Guerra, Esq.
Arevia, NWCAE
Stranch, Jennings & Garvey, PLLC
703 South 8th Street
Las Vegas NV, 89101
nring@stranchlaw.com
jguerra@stranchlaw.com

Mark Boyadjian
Managing Partner
Arevia Power Holdings LLC
500 N. Central Ave, Suite 600,
Glendale, CA 91203
mark@areviapower.com

Curt R. Ledford, Esq.
MSG Las Vegas, LLC
Davison Van Cleve, PC
4625 W. Tecno Ave, Suite 230
Las Vegas, NV 89118
crl@dvclaw.com

Christopher Schimpf
SVP & Associate General Counsel
MSG Las Vegas, LLC
Two Pennsylvania Plaza
New York, NY 10121
christopher.schimpf@msg.com
legalnotices@sphereentertainmentco.com
Hunter Stern
NWCAE
30 Orange Tree Circle
Vacaville, CA 95687
Hls5@ibew1245.com

Brian Turner
Sarah Steinberg
Advanced Energy United
1801 Pennsylvania Ave. NW, Suite 410
Washington, D.C. 20006
bturner@advancedenergyunited.org
ssteinberg@advancedenergyunited.org

Jacob Schlesinger
Advanced Energy United
Keyes & Fox LLP
1580 Lincoln Street, Suite 1105
Denver, CO 80203
jschlesinger@keyesfox.com

Julia Kantor
Advanced Energy United
Keyes & Fox LLP
580 California Street, 12th Floor
San Francisco, CA 94104
jkantor@keyesfox.com

Robert D. Sweetin, Esq.
Interwest Energy Alliance
Davison Van Cleve, PC
4625 W. Teco Ave., Suite 230
Las Vegas, NV 89118
rds@dvclaw.com

Lisa Tormoen Hickey
Interwest Energy Alliance
Senior Regulatory Attorney
3225 Templeton Gap Road Suite 217
Colorado Springs, CO 80907
lisa@Interwest.org

Hunter Holman, Esq.
Regina M. Nichols
Emily Walsh
WRA
550 W. Musseer Street, Suite G
Carson City, NV 89703
Hunter.holman@westernresources.org
rniclols@westernresources.org
Robert.johnston@westernresources.org

Justina A. Caviglia, Esq.
Jake T Ward-Herzik, Esq.
Google
Parsons Behle & Latimer
50 West Liberty Street, Suite 750
Reno, NV 89501
jcaviglia@parsonsbehle.com
jward-herzik@parsonsbehle.com

Briana Kobor
Ellen Zuckerman
Google LLC
c/o 50 West Liberty Street, Suite 750
Reno, NV 89501
bkobor@google.com
ezuckerman@google.com

Laura K. Granier
Amber L. Rudnick
Caesars, MGM, NRA
Holland & Hart LLP
5441 Kietzke Lane, Suite 200
Reno, NV 89511
lkgranier@hollandhart.com
arudnick@hollandhart.com

Patrick Woolsey
Sierra Club Environmental Law Program
2101 Webster St, Ste 1300
Oakland, CA 94612
Patrick.woolsey@sierraclub.org

Chris Mixson
Kemp Jones, LLP
3800 Howard Hughes Pkwy., #1700
Las Vegas, NV 89169
cmixson@kempjones.com
Lucas Foletta
SNGG
McDonald Carano LLP
100 W Liberty St., 10th Fl
lfoletta@mcdonaldcarano.com
cdavis@mcdonaldcarano.com

Curt R. Ledford, Esq.
WynnSEA
Davison Van Cleve, PC
4675 W. Teco Ave., Suite 230
Las Vegas, NV 89118
crl@dvclaw.com

DATED this 26th day of September, 2023.

/s/ Jane Harrell
Jane Harrell
Regulatory Operations Analyst
Nevada Power Company d/b/a NV Energy
Sierra Pacific Power Company d/b/a NV Energy