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23-08015

Public Utilities Commission of Nevada  
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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 ) Docket No. 23-08015  
 NV Energy for approval of the Fifth Amendment to the )  
2021 Joint Integrated Resource Plan. )

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,<sup>1</sup> 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,

<sup>1</sup> Sierra Club’s PLTI at 1-2.

1           ↪ the Commission will or the presiding officer may grant leave for the petitioner to  
2           intervene or otherwise to appear in the proceeding with respect to the matters set forth  
3           in the petition and subject to such reasonable conditions as may be prescribed by the  
4           Commission or presiding officer.

5           Sierra Club's PLTI does not make the showings required in paragraphs (a) and (b). Sierra Club  
6           previously made or was required to provide the required demonstrations. For instance, in Docket No.  
7           18-06003, 2018 Integrated Resource Plan proceeding, Sierra Club named two of its Nevada members  
8           and argued that its members had a direct and substantial interest in that proceeding.<sup>2</sup> In the same  
9           proceeding, Sierra Club was ordered by the Commission to submit, and submitted, documents  
10          demonstrating that the purposes of Sierra Club are directly related to Docket No. 18-06003.<sup>3</sup> Sierra  
11          Club PLTI indicates that Sierra Club seeks intervention pursuant to NAC 703.580 – 703.595.<sup>4</sup> It is  
12          unclear why Sierra Club chose to deviate from these practices in this Docket and failed to  
13          acknowledge and meet the clear requirements of NAC 703.595(2). Without these required showings,  
14          NV Energy cannot assess Sierra Club's PLTI further. Notably, other associations intervening in this  
15          Docket – e.g., the Nevada Resort Association and Smart Energy Alliance – provided member lists  
16          and documents addressing paragraph (b).

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

19           A demonstration of a direct and substantial interest requires that a claimed interest of a person  
20           not be represented by other parties.<sup>5</sup> Sierra Club identifies as an environmental and conservation  
21           organization dedicated to the protection of public health and the environment.<sup>6</sup> WRA claims its  
22           interest is "to ensure the region's power demands are met in a way that addresses climate change and  
23           avoids undue impacts to land, water, wildlife and other natural resources."<sup>7</sup> Thus, both associations  
24           are environmental and conservation organizations with patent overlapping interests. Moreover, WRA

25           <sup>2</sup> Docket No. 18-06003, Sierra Club's PLTI at 2-3.

26           <sup>3</sup> Sierra Club's July 31, 2018, Supplemental PLTI.

27           <sup>4</sup> Sierra Club's PLTI at 1.

28           <sup>5</sup> NAC 703.580(2).

<sup>6</sup> Sierra Club's PLTI at 1.

<sup>7</sup> WRA's PLTI at 1-2.

1 identifies Sierra Club as its Partner organization in Nevada.<sup>8</sup> Yet, Sierra Club's PLTI at not point  
2 addresses how its interests in this Docket are not already represented by WRA as required by NAC  
3 703.580(2). Based on the foregoing, Sierra Club's PLTI cannot establish a direct and substantial  
4 interest in this proceeding and its PLTI cannot be granted.

5 **II. Conclusion.**

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

9 Dated this 26th day of September, 2023.

10 Respectfully submitted,

11 NEVADA POWER COMPANY  
12 SIERRA PACIFIC POWER COMPANY

13 /s/ Roman Borisov

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27 <sup>8</sup> WRA, Partners & Coalitions, available at <https://westernresourceadvocates.org/partners-coalitions/>.

**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:

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DATED this 26th day of September, 2023.

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