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Original Filing

Public Utilities Commission of Nevada
Electronic Filing

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Reference: 41b0fe55-720d-49da-9719-6e89c7e6d358

Reference:

Filed For: Desert Marble Solar LLC

In accordance with NRS Chapter 719,
this filing has been electronically signed and filed
by: /s Linda Bullen

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
Desert Marble Solar LLC

**BULLEN LAW, LLC
8635 W. Sahara Ave. #454
Las Vegas, NV 89117**

**Linda M. Bullen
702-279-4040
linda@bullenlaw.com**

November 4, 2021

Ms. Trisha Osborne
Assistant Commission Secretary
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701-3109

Re: Notice Pursuant to the Utility Environmental Protection Act of an
Application to a Federal Agency by Desert Marble Solar LLC to Construct
a 500 MW Solar Photovoltaic Facility, a Battery Energy Storage System, a
345 kV Generation-Tie Line, and Ancillary Facilities; Docket No. 21-
11____

Dear Ms. Osborne:

Enclosed for filing please find the Notice Pursuant to the Utility Environmental
Protection Act of an Application to a Federal Agency by Desert Marble Solar LLC to Construct a
500 MW Solar Photovoltaic Facility, a Battery Energy Storage System, a 345 kV Generation-Tie
Line, and Ancillary Facilities.

If you have any questions about this filing, please do not hesitate to contact me at (702)
279-4040.

Best Regards,
/s/ Linda M. Bullen
Linda M. Bullen
Attorney for Desert Marble Solar LLC

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

2 IN THE MATTER OF:

3 Notice Pursuant to the Utility Environmental
4 Protection Act of an Application to a Federal
5 Agency by Desert Marble Solar LLC to
6 Construct a 500 MW Solar Photovoltaic
 Facility, a Battery Energy Storage System, a
 345 kV Generation-Tie Line, and Ancillary
 Facilities

Docket No. 21- _____

7 **NOTICE PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT OF**
8 **AN APPLICATION TO A FEDERAL AGENCY BY DESERT MARBLE SOLAR LLC**
9 **TO CONSTRUCT A 500 MW SOLAR PHOTOVOLTAIC FACILITY, A BATTERY**
10 **ENERGY STORAGE SYSTEM, A 345 KV GENERATION-TIE LINE, AND**
11 **ANCILLARY FACILITIES**

12 **I. INTRODUCTION**

13 Pursuant to the Nevada Utility Environmental Protection Act ("UEPA"), Nevada Revised
14 Statutes ("NRS") Sections 704.820 to 704.900 and Sections 703.415 to 703.427 of the Nevada
15 Administrative Code ("NAC"), Desert Marble Solar LLC ("Desert Marble Solar") hereby files a
16 Notice with the Public Utilities Commission of Nevada (the "Commission") that Desert Marble
17 Solar is filing, contemporaneous with this Notice, an application with a federal agency to allow it
18 to construct a 500 megawatt ("MW") solar photovoltaic facility with a 500 MW battery energy
19 storage system, a 345 kilovolt ("kV") generation-tie line and ancillary facilities near the Valmy
 Substation in Humboldt County, Nevada (the "Project").

20 All correspondence related to this Notice should be sent to the undersigned counsel:

21 Linda M. Bullen
22 Bullen Law, LLC
23 8635 W. Sahara Ave. #454
24 Las Vegas, Nevada 89117
 linda@bullenlaw.com
 702-279-4040

25 The Project falls within the definition of a "utility facility" pursuant to NRS 704.860.1
26 because it is a renewable energy electric generating facility of 70 MW or greater. Because the
27 Project is located on federal land administered by the Bureau of Land Management ("BLM"), the
28 BLM is required to conduct an environmental analysis of the Project pursuant to the National

Environmental Policy Act (“NEPA”), 42 U.S.C. §4321. Accordingly, this Notice is being filed pursuant to NRS 704.870(2)(a) and NAC 703.421. No later than 30 days after the issuance of the final federal environmental document, Desert Marble Solar will file a UEPA Application with the Commission pursuant to NRS 704.870(2)(b) that contains the federal environmental document. Upon submission of the Application and supporting documents, Desert Marble Solar will seek one or more Permits to Construct (“PTCs”) the Project from the Commission.

II. INFORMATION REQUIRED

1. The name, address and telephone number of the person who is filing the application with the appropriate federal agency (NAC 703.421.1).

Adam Larner
Desert Marble Solar LLC
555 12th St Suite 110
Oakland, CA 94607
(415) 612-7251

2. The date on which the application was filed with the appropriate federal agency (NAC 703.421.2).

The SF 299 for the Project is being filed contemporaneously with this Notice, on November 4, 2021.

3. A general description of the location of the proposed utility facility (NAC 703.421.3).

The Project will be located on approximately 6980 acres of BLM-administered land about 30 miles from Winnemucca, near the Valmy Substation, in rural Humboldt County, Nevada.

4. A general description of the proposed utility facility (NAC 703.421.4).

The Project will be a 500 MW/ac photovoltaic solar facility with a battery energy storage system, a 345 kV gen-tie line and associated facilities including a substation, an operation and maintenance building and other ancillary facilities.

5. Proof that a copy of the notice has been submitted to the Nevada State Clearinghouse within the Department of Conservation and Natural Resources (NAC 703.421.5).

A copy of this Notice has been submitted to the Regulatory Operations Staff of the Commission, the Nevada Attorney General's Bureau of Consumer Protection, Nevada State Clearinghouse, the Nevada Department of Conservation and Natural Resources - Division of

1 Environmental Protection, the Humboldt County Clerk and others. *See* Certificate of Service
2 attached hereto as Exhibit A.

3 **6. Draft Notice (NAC 703.1620).**

4 A copy of the draft notice pursuant to NAC 703.162 is attached hereto as Exhibit B.

5 **7. Proof of Compliance with the Nevada Department of Wildlife Energy Cost Recovery**
6 **Fund Program (NRS 701.600-640).**

7 Pursuant to NRS 701.610, a person who files an application with the Federal Government
8 for a lease or easement for a right-of-way for an energy development project or an application with
9 the Public Utilities Commission of Nevada or any county in this State relating to the construction
10 of an energy development project shall, concurrently with the filing of the application, file a notice
11 of the energy development project with the Nevada Department of Wildlife (“NDOW”). The
12 NDOW Application for Energy Projects Fund for the Recovery of Costs for the Project was filed
13 in October 2021, and a copy is attached hereto as Exhibit C.

14 **III. CONCLUSION**

15 Desert Marble Solar will submit its UEPA Application at the conclusion of the federal
16 environmental review process. At that time, it will request that the Commission issue to it UEPA
17 Permits to Construct the Project pursuant to NRS 704.870(2)(b) and NAC 703.423.

18 Respectfully submitted on November 4, 2021.

19
20 Linda M. Bullen

21 /s/ Linda M. Bullen

22 Bullen Law, LLC

23 Attorney for Desert Marble Solar LLC
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EXHIBIT A

CERTIFICATE OF SERVICE

It is hereby certified that on November 4, 2021 a true and correct copy of the attached Notice Pursuant to the Utility Environmental Protection Act of an Application to a Federal Agency by Desert Marble Solar LLC to Construct a 500 MW Solar Photovoltaic Facility, a Battery Energy Storage System, a 345 kV Generation-Tie Line and Ancillary Facilities was served via electronic mail on the following parties:

Staff Counsel Support
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701-3109
pucn.sc@pucn.nv.gov

Office of the Attorney General
Bureau of Consumer Protection
Mr. Ernest Figueroa
100 North Carson Street
Carson City, Nevada 89701-4717
bcp@ag.nv.gov

Public Utilities Commission of Nevada
Mr. Don Lomoljo, Staff Counsel
1150 E. William Street
Carson City, Nevada 89701-3109
dlomoljo@puc.nv.gov

Humboldt County Clerk
Ms. Tami Rae Spero
50 W. Fifth Street
Winnemucca, NV 89445
coclerk@hcnv.us

State Clearinghouse
Division of State Lands
901 South Stewart Street, Suite 5003
Carson City, NV 89701-5246
nevadaclearinghouse@lands.nv.gov

Nevada Division of Environmental
Protection
Mr. Greg Lovato, Administrator
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
glovato@ndep.nv.gov

Dated: November 4, 2021

/s/ Linda M. Bullen
An Employee of Bullen Law, LLC

Exhibit B

PUBLIC UTILITIES COMMISSION OF NEVADA DRAFT NOTICE (Applications, Tariff Filings, Complaints, and Petitions)

Pursuant to Nevada Administrative Code (“NAC”) 703.162, the Commission requires that a draft notice be included with all applications, tariff filings, complaints and petitions. Please complete and include **ONE COPY** of this form with your filing. (Completion of this form may require the use of more than one page.)

A title that generally describes the relief requested (*see* NAC 703.160(4)(a)):

Notice Pursuant to the Utility Environmental Protection Act of an Application to a Federal Agency by Desert Marble Solar LLC to Construct a 500 MW Solar Photovoltaic Facility, a Battery Energy Storage System and Ancillary Facilities

The name of the applicant, complainant, petitioner or the name of the agent for the applicant, complainant or petitioner (*see* NAC 703.160(4)(b)):

**The applicant is Desert Marble Solar LLC (“Desert Marble Solar”).
Linda M. Bullen of Bullen Law, LLC is legal counsel for the applicant.**

A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled **AND** the effect of the relief or proceeding upon consumers (*see* NAC 703.160(4)(c)).

Desert Marble Solar is filing a Notice of an Application to a Federal Agency with the Public Utilities Commission of Nevada (the “Commission”) for an application with the Bureau of Land Management (“BLM”) to construct an up to 500 megawatt photovoltaic solar facility, a battery energy storage system and associated facilities located on up to 6980 acres of public land under the management of the BLM near the Valmy Substation in Humboldt County, Nevada.

A statement indicating whether a consumer session is required to be held pursuant to Nevada Revised Statute (“NRS”) 704.069(1)¹:

A consumer session is not required.

If the draft notice pertains to a tariff filing, please include the tariff number **AND** the section number(s) or schedule number(s) being revised.

The draft notice does not pertain to a tariff filing.

¹ NRS 704.069 states in pertinent part:

1. The Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110 inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant’s annual gross operating revenue, whichever is less.

Exhibit C



Application for Energy Projects "Fund for the Recovery of Costs"

Nevada Revised Statutes 701.600-640
Nevada Administrative Code 701.800-820

Project Name Desert Marble Solar Project
Applicant Desert Marble Solar LLC
Mailing Address 555 12th Street, Suite 110
City Oakland State CA Zip Code 94607
Name of Contact Christina Cazares Phone 510-504-3920 Email cc@primergysolar.com
Name of Responsible Corp. Officer/Agency Rep. Adam Lerner Title Chief Operating Officer

Applicant:

☒ Self
☐ Private Company
☐ Government Agency
☐ Other _____

Project Type

☒ Solar ☐ Wind ☐ Geothermal ☐ Fossil Fuel ☐ Biomass ☐ Fuel Pipeline ☐ Power Transmission ☐ Other

Net Maximum Generation Capacity 500 MW Estimated Voltage (power transmission) _____ kV

Proposed Project Size (acres) 6,980 Proposed Transmission Length (miles) _____

Proposed Length of Fuel Lines/Pipelines (miles) _____

Other Infrastructure (e.g., evaporation/holding ponds or tanks, recharge stations; estimated acres) Transmission lines, battery energy storage system and other facilities commonly associated with solar projects.

Proposed County Location (submit project map and shapefiles) Humboldt County (Map attached.)

Project Description 500 MW photovoltaic solar facility with two-mile 345 kilovolt generation tie line to the North Valmy Switchyard. The project will include a Battery Energy Storage System, access roads, on-site substation, operation and maintenance facility and other facilities commonly associated with utility scale photovoltaic solar facilities.

Estimated Project Schedule/Timeline Construction is anticipated to commence in January 2023 and to continue for 13 months, with a Commercial Operation Date of December 2024.

Applicant Signature [Signature] Date October 29, 2021

Enclose initial payment made out to **Nevada Department of Wildlife.**

- Remit **\$5,000** for fuel pipelines less than 50 miles in length, power transmission projects greater than 50kV and less than 50 miles in length, or geothermal production projects.
- Remit **\$10,000** for fuel pipelines more than 50 miles in length, power transmission projects greater than 50kV and more than 50 miles in length, or solar, wind, fossil fuel or other energy production projects.

Submit project shapefiles (ArcGIS or GoogleEarth are acceptable) to: Jasmine Kleiber at jkleiber@ndow.org

Submit application, payment, and maps to:

Nevada Department of Wildlife
Habitat Division – AB307
6980 Sierra Center Parkway, Suite 120
Reno, NV 89511 USA

Revised 10/2020