

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 first amendment to)	Docket No. 24-12016
their 2024-2026 Joint Natural Disaster Protection)	
Plan.)	
_____)	

PROTECTIVE ORDER NO. 3

The Presiding Officer in this Docket makes the following findings and conclusions:

1. On December 18, 2024, 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”) filed with the Public Utilities Commission of Nevada (“Commission”) a joint application, designated as Docket No. 24-12016, for approval of the first amendment to their 2024-2026 Joint Natural Disaster Protection Plan (“Joint Application”).
2. NV Energy filed the Joint Application pursuant to the Nevada Revised Statutes (“NRS”) and Nevada Administrative Code (“NAC”) Chapter 704, including but not limited to NRS 704.7983, and the regulations approved by the Commission in Docket No. 19-06009, Legislative Counsel Bureau File Nos. R085-19 and R181-24.
3. Exhibit B to the Joint Application is NV Energy’s 2024-2026 Natural Disaster Protection Plan First Amendment (“NDPP”). The NDPP, in turn, contains two Appendices. Appendix A is NV Energy’s 2024 NDPP Progress Report (“Progress Report”). NV Energy initially filed the Progress Report without redactions. Appendix B is NV Energy’s Emergency De-Energization Wildfire Policy (“De-Energization Policy”). NV Energy initially claimed that the entirety of the De-Energization Policy was confidential. (December 17, 2024, Letter from NV Energy at 1.)

4. On December 27, 2024, the Commission issued a Notice of Joint Application and Prehearing Conference.

5. The Regulatory Operations Staff of the Commission (“Staff”) participates as a matter of right pursuant to NRS 703.301.

6. On December 30, 2024, the Nevada Bureau of Consumer Protection (“BCP”) filed a Notice of Intent to Intervene.

7. On January 22, 2025, Smart Energy Alliance (“SEA”), Wynn Las Vegas, LLC (“Wynn”), Caesars Enterprise Services, LLC (“Caesars”), MGM Resorts International (“MGM”), Nevada Resort Association (“NRA”), and, jointly, Boyd Gaming Corporation (“Boyd”), Station Casinos LLC (“Station”), & Venetian Las Vegas Gaming, LLC (“Venetian,” together with Boyd and Station, “Southern Nevada Gaming Group” or “SNGG,” and, together with SEA, Caesars, MGM, NRA, Boyd, and Station, “Intervenors”) each filed a Petition for Leave to Intervene (“PLTI”).

8. On January 23, 2025, the Presiding Officer held a prehearing conference. NV Energy, Staff, BCP, SEA, Wynn, Caesars, MGM, NRA, and SNGG appeared. A procedural schedule, discovery procedures, the PLTIs, and the confidentiality of Appendix B were discussed. Staff, BCP, SEA, Wynn, Caesars, MGM, NRA, and SNGG did not object to the treatment of Appendix B as confidential.

9. On February 6, 2025, the Presiding Officer issued Procedural Order No. 1, which set forth a procedural schedule and discovery processes.

10. On February 21, 2025, the Presiding Officer issued an Order on Petitions for Leave to Intervene.

11. On March 5, 2025, the Presiding Officer issued a Protective Order.

12. On March 13, 2025, the Presiding Officer issued Procedural Order No. 2.
13. On March 19, 2025, the Presiding Officer issued Protective Order No. 2.
14. On March 20, 2025, NV Energy filed a Motion for Protective Order and Filing of Errata (“NV Energy’s Motion”).
15. On March 27, 2025, Staff and BCP each filed a response to NV Energy’s Motion for Protective Order and Filing of Errata.
16. On April 1, 2025, NV Energy filed a corrected version of the Joint Application (“Corrected Joint Application”).
17. The structure of the Corrected Joint Application is the same as the structure of the Joint Application. Appendix A to the NDPP is the Progress Report, and Appendix B to the NDPP is the De-Energization Policy.
18. The difference is the amount of redaction between the Joint Application and the Corrected Joint Application. NV Energy states that it has reviewed the De-Energization Policy with Staff and developed a publicly available version with fewer redactions. (NV Energy’s Motion at 2-3.) The redacted De-Energization Policy is filed with the Corrected Joint Application (“Corrected Appendix B”).
19. NV Energy states that in its review of the De-Energization Policy, it realized that the Progress Report contains some information from the De-Energization Policy that it claims is confidential. (*Id.* at 2.) NV Energy thus has created a redacted version of the Progress Report. (*Id.*) The redacted Progress Report is filed with the Corrected Joint Application (“Corrected Appendix A,” and, together with Corrected Appendix B, the “Corrected Appendices”).
20. On April 1, 2025, the Presiding Officer held a continued prehearing conference. NV Energy, Staff, BCP, SEA, Wynn, Caesars, MGM, NRA, and SNGG appeared. The

protective agreement and NV Energy's Motion for Protective Order and Filing of Errata were discussed.

21. On April 2, 2025, the Commission issued a Notice of Hearing.

Protective Order

22. Pursuant to NAC 703.690, the Presiding Officer may issue appropriate interim orders. The Presiding Officer finds that, pursuant to NAC 703.527 through 703.5282, good cause exists for issuing a protective order in this Docket.

23. "Protected Information" includes the redacted portions of the Corrected Appendices, any handwritten notes or computer files that summarize the redacted portions of the Corrected Appendices, or documentation that otherwise discloses the substance of the redacted portions of the Corrected Appendices. Protected Information shall not include any information or documents now or hereafter contained in the public files of the Commission or of any other federal or state regulatory agency.

24. All Protected Information shall be maintained and utilized by all the parties to this Docket with the provisions of this Protective Order.

25. No party shall be deemed, by reason of this Protective Order, to have waived the opportunity to argue before the Commission, or any other appropriate body, that any Protected Information is not confidential, proprietary, or privileged in nature. However, it is specifically ordered that unless otherwise agreed by NV Energy or ordered by the Commission or other appropriate body, all information and data or portions thereof that have been designated as Protected Information pursuant to the terms of this Protective Order shall only be used in accordance with the terms of this Protective Order.

26. Protected Information shall only be disclosed to and used by policy employees of a party, counsel of record for a party and their legal assistants, technical experts, and consultants. Each such policy employee, counsel, assistant, expert, or consultant shall review and abide by the terms of this Protective Order. Protected Information shall not be used for any purpose unrelated to this Docket, and Protected Information shall not be included in any public files or records of the Commission, whether in print or electronic format without the express permission of NV Energy or the Commission. Protected Information may be photocopied or otherwise duplicated, but each such photocopy or duplicate will be Protected Information and will be used, maintained, or disclosed only in accordance with this Protective Order.

27. Without limitation to the foregoing, no person who may be entitled to review, or who is afforded access to any Protected Information by reason of this Protective Order, shall use or disclose the Protected Information for business or competitive purposes, or any purpose whatsoever other than for the purpose of preparation for and conduct of these proceedings on the Joint Application, and each such person shall keep the Protected Information secure as confidential information and in accordance with the purposes, intent, and requirements of this Protective Order.

28. If any party is subpoenaed or intends to disclose Protected Information to any person to whom disclosure is not authorized by this Protective Order, to include, use, or disclose the substance of Protected Information in testimony or exhibits, or to object to the designation of certain information or materials as Protected Information, then prior to such disclosure or objection such party will notify counsel for NV Energy in writing and identify with particularity the Protected Information the party wishes to use or disclose.

29. If NV Energy objects to such proposed reclassification or disclosure, then NV Energy shall notify the party in writing of its position and the reasons therefore within three business days of receipt of the notice described in paragraph 28 above. Thereafter, if the party and NV Energy are unable to resolve the dispute, then the party or NV Energy may request a determination from the Commission regarding the manner in which the party should be allowed to utilize such Protected Information.

30. The notification and response procedure described in paragraphs 28 and 29 of this Protective Order shall not apply to the unintended, unplanned, and unforeseen identification, reference to, or discussion of any Protected Information during any public hearings covered in this proceeding. Should any Protected Information specifically covered by this Protective Order be identified or become the subject of any public testimony or inquiry at any time during the public hearing phases of this proceeding, then NV Energy and the parties shall immediately seek a ruling from the Presiding Officer as to the continued privileged or protected status of the specific Protected Information at issue prior to further public disclosure and additional discussion or examination.

31. Nothing in this Protective Order shall be construed to prevent any party from attempting to obtain through discovery, or in any other judicial or administrative action, any or all of the Protected Information subject to this Protective Order.


32. After the conclusion of the Commission's proceedings in this Docket, this Protective Order shall continue to be binding upon all parties and all persons to whom any Protected Information has been disclosed or communicated pursuant to this Protective Order, permanently. The Commission will retain its copy of the Protected Information for five years after the issuance of the final order in this Docket, at which time the Commission will destroy its

copy of the Protected Information in accordance with NAC 703.5274(5)(c). Any outside counsel and consultants hired by a party shall destroy or return to NV Energy all copies of any documents, notes, work papers, computer files, etc., containing any Protected Information, and that party shall notify NV Energy thereof in writing.

Therefore, it is ordered:


1. The Motion for Protective Order and Filing of Errata by Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a/ NV Energy is granted.
2. The redacted portions of Appendices A and B to the 2024-2026 Natural Disaster Protection Plan First Amendment are confidential and shall remain redacted in accordance with the terms of this Protective Order.
3. All parties to this proceeding shall abide by the provisions of this Protective Order.

By the Commission,



TAMMY CORDOVA
Commissioner and Presiding Officer

Attest:



TRISHA OSBORNE
Assistant Commission Secretary

Dated: Carson City, Nevada

4/24/25
(SEAL)

