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24-12016

Public Utilities Commission of Nevada
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In accordance with NRS Chapter 719,
this filing has been electronically signed and filed
by: /s Michelle Jackson

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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 NV
Energy for approval of their First Amendment to the Joint
Natural Disaster Protection Plan

Docket No. 24-12016

**REGULATORY OPERATIONS STAFF'S RESPONSE OF NON-OPPOSITION TO
MOTION FOR LEGAL BRIEFING**

Pursuant to NAC 703.555, Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada respectfully files its Response to Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company's d/b/a NV Energy (collectively, "NV Energy's") Motion for Legal Briefing ("Motion"). Staff does not oppose NV Energy's Motion.

On April 25, 2025, NV Energy filed the Motion. The Motion asks the Commission to issue an order for legal briefing on the following issue: whether the NDPP-dedicated labor resources positions requested in the First Amendment should receive regulatory asset cost recovery pursuant to NRS 704.7983 and related implementing regulations. The Motion further requests briefing to "properly consider parties' arguments raised in direct testimony regarding incrementality, the definition of 'normal course of business,' and the proper cost recovery mechanism or NDPP costs not otherwise included in rates." NV Energy requests that the briefing be completed post hearing.

Staff does not oppose NV Energy's Motion. Staff agrees that post-hearing briefing would be the most appropriate approach given the impending hearing. However, in its Motion, NV Energy seeks to characterize Staff's position, and the proposed legal briefing question, as a denial of cost recovery in a regulatory asset for the labor resources positions. It is incorrect to characterize Staff's position as denying cost recovery of those positions in the context of a Plan docket. In fact, Staff's position is that the requested labor resource positions are not appropriate for inclusion in a Plan Amendment. While Staff does explain in its testimony that the facts of the case do not support NDPP-specific positions, Staff's main argument is that these plans (and the corresponding needs to enact them) were already approved in a prior NDPP and additional people do not constitute a standalone Plan or Program. Thus, NV Energy's cost-recovery specific question is premature, as NV Energy has yet to even hire or seek

1 recovery of these labor resource positions in an appropriate cost recovery docket, even though it has
2 had the opportunity to do so since the NDPP was approved.

3 For these reasons, Staff proposes an alternative question for briefing: Whether NDPP-dedicated
4 labor resource positions needed to implement an already-approved Plan are properly requested as a
5 Plan Amendment. In other words, whether, once a Plan or Program is approved, it is appropriate to
6 seek a Plan Amendment to adjust implementation elements of the already-approved Plan, such as labor
7 resources, rather than to simply request recovery of the costs of that plan in an appropriate cost recovery
8 docket?

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10 RESPECTFULLY SUBMITTED this 29th day of April, 2025.

11 PUBLIC UTILITIES COMMISSION OF NEVADA
12 REGULATORY OPERATIONS STAFF

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14 By: /s/ Jared Wigginton
15 Jared Wigginton, Assistant Staff Counsel
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Tori N. Sundheim, Assistant Staff Counsel

PROOF OF SERVICE

I hereby certify that I have on this day served the foregoing document upon all parties of record in this proceeding by electronic mail to the recipient's current electronic mail address.

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DATED at Las Vegas, Nevada, on the 29th day of April, 2025.

/s/ Michelle Jackson
An employee of the Public Utilities
Commission of Nevada