
ASSEMBLY BILL NO. 342—ASSEMBLYMAN OHRENSCHALL

MARCH 20, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to renewable energy.
(BDR 58-1107)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to renewable energy; excluding from the definitions of “public utility” and “utility” a person who operates or facilitates the operation of one or more systems that use renewable energy to generate electricity which serves as the primary or secondary source of electricity for not more than 540 persons or premises; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines the terms “public utility” and “utility” for the purposes of
2 regulation of such persons and entities by the Public Utilities Commission of
3 Nevada. The term includes, in part, any plant or equipment within this State for the
4 production, delivery or furnishing for or to other persons of power in any form.
5 However, existing law also provides specific exceptions to this definition for
6 certain persons who operate certain facilities for the generation of electricity or who
7 provide electricity to certain persons under certain circumstances. (NRS 704.020,
8 704.021) For example, a person who is engaged in the production and sale of
9 electricity for resale to the public is not considered a public utility. Likewise, a
10 person who participates in net metering is not considered a public utility. This bill
11 similarly excludes from the definitions of “public utility” and “utility” persons who
12 operate or facilitate the operation of one or more systems that use renewable energy
13 to generate electricity which serves as the primary or secondary source of
14 electricity for not more than 540 persons or premises.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 704.021 is hereby amended to read as follows:
2 704.021 “Public utility” or “utility” does not include:
3 1. Persons engaged in the production and sale of natural gas,
4 other than sales to the public, or engaged in the transmission of
5 natural gas other than as a common carrier transmission or
6 distribution line or system.
7 2. Persons engaged in the business of furnishing, for
8 compensation, water or services for the disposal of sewage, or both,
9 to persons within this State if:
10 (a) They serve 25 persons or less; and
11 (b) Their gross sales for water or services for the disposal of
12 sewage, or both, amounted to \$25,000 or less during the
13 immediately preceding 12 months.
14 3. Persons not otherwise engaged in the business of furnishing,
15 producing or selling water or services for the disposal of sewage, or
16 both, but who sell or furnish water or services for the disposal of
17 sewage, or both, as an accommodation in an area where water or
18 services for the disposal of sewage, or both, are not available from a
19 public utility, cooperative corporations and associations or political
20 subdivisions engaged in the business of furnishing water or services
21 for the disposal of sewage, or both, for compensation, to persons
22 within the political subdivision.
23 4. Persons who are engaged in the production and sale of
24 energy, including electricity, to public utilities, cities, counties or
25 other entities which are reselling the energy to the public.
26 5. Persons who are subject to the provisions of NRS 590.465 to
27 590.645, inclusive.
28 6. Persons who are engaged in the sale or use of special fuel as
29 defined in NRS 366.060.
30 7. Persons who provide water from water storage, transmission
31 and treatment facilities if those facilities are for the storage,
32 transmission or treatment of water from mining operations.
33 8. Persons who are video service providers, as defined in NRS
34 711.151, except for those operations of the video service provider
35 which consist of providing a telecommunication service to the
36 public, in which case the video service provider is a public utility
37 only with regard to those operations of the video service provider
38 which consist of providing a telecommunication service to the
39 public.
40 9. Persons who own or operate a net metering system described
41 in paragraph (c) of subsection 1 of NRS 704.771.



1 10. Persons who for compensation own or operate individual
2 systems which use renewable energy to generate electricity and sell
3 the electricity generated from those systems to not more than one
4 customer of the public utility per individual system if each
5 individual system is:

6 (a) Located on the premises of another person;

7 (b) Used to produce not more than 150 percent of that other
8 person's requirements for electricity on an annual basis for the
9 premises on which the individual system is located; and

10 (c) Not part of a larger system that aggregates electricity
11 generated from renewable energy for resale or use on premises other
12 than the premises on which the individual system is located.

13 ***11. Persons who operate or facilitate the operation of one or***
14 ***more systems which use renewable energy to generate electricity***
15 ***which serves as the primary or secondary source of electricity for***
16 ***not more than 540 persons or premises.***

17 ↪ As used in this ~~subsection,~~ **section**, "renewable energy" has the
18 meaning ascribed to it in NRS 704.7811.

19 **Sec. 2.** This act becomes effective on July 1, 2017.



