PROPOSED REGULATION OF THE

DIRECTOR OF THE OFFICE OF ENERGY

LCB File No. R024-11

September 1, 2011

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

AUTHORITY: §§1-14, NRS 701.220, as amended by section 7 of chapter 363, Statutes of Nevada 2011, at page 2059.

A REGULATION relating to energy conservation; adopting by reference the *2009 International Energy Conservation Code*; providing for the triennial adoption of the most recent version of the *International Energy Conservation Code*; providing for deviations, allowances and exemptions from provisions of the *International Energy Conservation Code* under certain circumstances; prescribing the methods by which a building may be certified as complying with the standards set forth in the *International Energy Conservation Code* and the requirements of this regulation; repealing certain provisions relating to the *Model Energy Code*; and providing other matters properly relating thereto.

Section 1. Chapter 701 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. ***"International Energy Conservation Code" means the building code published by the International Code Council which establishes minimum standards of energy efficiency for the design and construction of buildings and which is adopted by reference by section 4 of this regulation.***

Sec. 3. ***For the purposes of NRS 701.220 and NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation, the Director will interpret the term "sources of***

renewable energy," as used in NRS 701.220, to mean "renewable energy systems" as that term is defined in NRS 704.7815.

Sec. 4. *1. The 2009 International Energy Conservation Code is hereby adopted by reference.*

2. On or before July 1, 2015, and on or before July 1 of every third year thereafter, the Director will review the most recent version of the International Energy Conservation Code, including any amendments thereto, and will adopt by reference the most recent version of the International Energy Conservation Code and prescribe by regulation such amendments to the most recent version of the International Energy Conservation Code as the Director deems necessary to support effective compliance with and enforcement of the International Energy Conservation Code in this State.

3. The Director will post on an Internet website maintained by the Office the notice of adoption of the most recent version of the International Energy Conservation Code, the date of adoption and any amendments to the International Energy Conservation Code adopted by the Director by regulation.

Sec. 5. *The 2009 International Energy Conservation Code and any amendments thereto published by the International Code Council may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, by telephone at 1 (800) 786-4452 or at the Internet address http://www.iccsafe.org, for the price of $26.50 for members and $35.50 for nonmembers.*

Sec. 6. *1. The governing body of a local government that is authorized by law to adopt and enforce a building code may submit a petition to the Director requesting a determination*

by the Director that deviation from one or more standards set forth in the International Energy Conservation Code is necessary to support effective compliance with and enforcement of the International Energy Conservation Code in this State. A petition submitted pursuant to this section may propose a deviation from standards relating to:

(a) The construction of floors, walls, ceilings and roofs;

(b) The equipment and systems for heating, ventilation and air-conditioning;

(c) Electrical equipment and systems;

(d) Insulation; and

(e) Any other factors which affect the use of energy in a building.

2. A petition submitted pursuant to this section must:

(a) Be in writing;

(b) State the specific provision or provisions of the International Energy Conservation Code from which the deviation is sought; and

(c) Include an explanation of how the deviation will not lessen the effective energy-efficiency requirements of the International Energy Conservation Code.

3. The Director will consider each petition submitted pursuant to this section and will, within 30 days after the date on which a petition is filed with the Director, issue an order granting or denying the petition or setting a date for a hearing on the petition.

4. If the Director issues an order setting a date for a hearing on a petition submitted pursuant to this section, the Director may request additional information from the petitioner and will issue an order granting or denying the petition within 120 days after the date of the hearing.

5. The Director will not approve a petition submitted pursuant to this section if the deviation would result in energy efficiency requirements which are less stringent than the requirements set forth in the International Energy Conservation Code.

Sec. 7. *1. The governing body of a local government that is authorized by law to adopt and enforce a building code may submit a written petition to the Director requesting a determination by the Director that:*

(a) A climatically appropriate modification of one or more standards set forth in the International Energy Conservation Code; or

(b) A climate zone designation which differs from the climate zone designation set forth in the International Energy Conservation Code,

➥ is necessary to establish uniform standards for energy efficiency within the jurisdiction of the local government.

2. The Director will consider each petition submitted pursuant to this section and will, within 30 days after the date on which a petition is filed with the Director, issue an order granting or denying the petition or setting a date for a hearing on the petition.

3. If the Director issues an order setting a date for a hearing on a petition submitted pursuant to this section, the Director may request additional information from the petitioner and will issue an order granting or denying the petition within 120 days after the date of the hearing.

Sec. 8. *1. A person who owns a building which is subject to the International Energy Conservation Code and the provisions of NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation may submit a petition to the Director requesting an exemption*

from one or more provisions of the International Energy Conservation Code or one or more provisions of NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation.

2. A petition submitted pursuant to this section must:

(a) Be in writing;

(b) State the specific provision or provisions of the International Energy Conservation Code or NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation from which the exemption is sought; and

(c) Include an explanation of why the application of the provision or provisions to the applicant's building would not accomplish the purpose of the provision or provisions.

3. The Director will consider each petition submitted pursuant to this section and will, within 30 days after the date on which a petition is filed with the Director, issue an order granting or denying the petition or setting a date for a hearing on the petition.

4. If the Director issues an order setting a date for a hearing on a petition submitted pursuant to this section, the Director will issue an order granting or denying the petition within 120 days after the date of the hearing.

Sec. 9. *1. A person who designs or constructs a building may submit a petition to the governing body of a local government for an allowance in design and construction from the International Energy Conservation Code for the installation of any renewable energy system that will supply all or part of the energy required in the building.*

2. A petitioner whose petition submitted pursuant to subsection 1 is denied by the governing body of a local government may submit a petition to the Director requesting the Director to overturn the denial.

3. A petition submitted to the Director pursuant to subsection 2 must:

(a) Be in writing;

(b) State the specific provisions of the International Energy Conservation Code from which an allowance is sought;

(c) Include a detailed description of the renewable energy system which the petitioner seeks to install;

(d) Include the name of the governing body of the local government which denied the petition submitted pursuant to subsection 1;

(e) Include the date of the denial of the petition; and

(f) Include a copy of the decision or order issued by the governing body of the local government denying the petition.

4. The Director will consider each petition submitted pursuant to subsection 2 and will, within 30 days after the date on which a petition is filed with the Director, issue an order granting or denying the petition or setting a date for a hearing on the petition.

5. If the Director issues an order setting a date for a hearing on a petition submitted pursuant to this section, the Director will issue an order granting or denying the petition within 120 days after the date of the hearing.

Sec. 10. *The governing body of a local government that is authorized by law to adopt and enforce a building code shall, upon the adoption of any standard that is more stringent than*

the requirements of the International Energy Conservation Code or NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation, file with the Director:

1. A copy of the standard adopted by the governing body of the local government;

2. A copy of the order, ordinance or other decision of the governing body of the local government by which the standard was adopted; and

3. A brief description and justification of the standard on a form provided by the Director.

Sec. 11. *1. A building that is subject to the standards forth in the International Energy Conservation Code and the requirements of NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation must be certified as complying with those standards and requirements by one of the following methods:*

(a) The building must be inspected and certified by an accredited national, state or local program for energy efficiency;

(b) The building must be inspected and certified by a certified inspector; or

(c) If the building cannot be certified pursuant to paragraph (a) or (b), the person who is responsible for the construction of the building must make the certification on a form provided by the Director.

2. The person responsible for the construction of a building shall maintain the original copy of any document or record which establishes that the building complies with the standards set forth in the International Energy Conservation Code and the requirements of NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation for a period of not less than 3 years after the date on which the certification was made.

Sec. 12. NAC 701.010 is hereby amended to read as follows:

701.010 As used in NAC 701.010 ~~[to 701.390, inclusive,]~~ ***, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC ~~[701.020 to 701.170, inclusive,]~~ ***701.030 and 701.110 and section 2 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 13. NAC 701.020, 701.040, 701.050, 701.060, 701.070, 701.080, 701.090, 701.100, 701.120, 701.130, 701.140, 701.150, 701.160, 701.170, 701.180, 701.190, 701.200, 701.210, 701.220, 701.230, 701.240, 701.250, 701.260, 701.270, 701.280, 701.290, 701.300, 701.310, 701.320, 701.330, 701.340, 701.350, 701.360, 701.370, 701.380 and 701.390 are hereby repealed.

Sec. 14. This regulation becomes effective on July 1, 2012.

TEXT OF REPEALED SECTIONS

701.020 "Code" defined. (NRS 701.220) "Code" means the 1986 edition of the Model Energy Code, as adopted by the Council of American Building Officials.

701.040 "Evaporative cooling" defined. (NRS 701.220) "Evaporative cooling" means the adiabatic exchange of heat between air and a water spray or wetted surface.

701.050 "Gross area of a roof assembly" defined. (NRS 701.220)

1. Except as otherwise provided in subsection 2, "gross area of a roof assembly" means the total interior surface of the roof assembly, including any skylight exposed to a space which is heated or mechanically cooled.

2. If a return air ceiling plenum is used, "gross area of a roof assembly" is the area of the interior face of the upper plenum surface.

701.060 "Manufactured home" defined. (NRS 701.220) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

701.070 "Mechanical cooling" defined. (NRS 701.220) "Mechanical cooling" means cooling accomplished by the expenditure of energy. The term does not include:

1. Evaporative cooling; or

2. Natural or mechanical ventilation using outdoor air.

701.080 "Mechanical ventilation" defined. (NRS 701.220) "Mechanical ventilation" means the process of supplying or removing conditioned or unconditioned air, by mechanical means, to or from any space.

701.090 "Mobile home" defined. (NRS 701.220) "Mobile home" has the meaning ascribed to it in NRS 489.120.

701.100 "Occupancy" defined. (NRS 701.220) "Occupancy" means the purpose for which a building or part of a building is used or intended to be used.

701.120 "Percent glazed opening" defined. (NRS 701.220) "Percent glazed opening" means the percentage of the gross vertical exterior wall and roof areas consisting of glazing or glass, including glazing or glass used in any window, door, skylight or other opening.

701.130 "Residential building" defined. (NRS 701.220) "Residential building" means any hotel, apartment, house, convent, monastery, dwelling, condominium or other building within occupancy group "R" as set forth in the Uniform Building Code.

701.140 "Roof assembly" defined. (NRS 701.220)

1. Except as otherwise provided in subsection 2, "roof assembly" means the components of the roof/ceiling envelope through which heat flows, creating a building transmission heat loss or gain, if the components are exposed to outdoor air and enclose a space which is heated or mechanically cooled.

2. If a return air ceiling plenum is used, "roof assembly" does not include the ceiling proper or the plenum space.

701.150 "Thermal insulation" defined. (NRS 701.220) "Thermal insulation" means a material or combination of materials which retards the flow of heat energy.

701.160 "Thermal transfer value" defined. (NRS 701.220) "Thermal transfer value" means the quantity of heat, expressed in British thermal units per hour, transferred through a square foot of building surface under a particular set of interior and exterior design conditions.

701.170 "Uniform Building Code" defined. (NRS 701.220) "Uniform Building Code" means the current edition of the Uniform Building Code, as adopted by the International Conference of Building Officials. A copy of the Uniform Building Code may be purchased from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, for $50.75. A copy of those provisions of the Uniform Building Code referred to in NAC 701.010 to 701.390, inclusive, is available for public inspection and may be obtained from the Office at 727 Fairview Drive, Suite F, Carson City, Nevada 89701.

701.180 Applicability of provisions. (NRS 701.220)

1. Except as otherwise provided in NAC 701.010 to 701.390, inclusive, and in subsection 4 of NRS 701.220, the design of any new building or any addition to an existing building must conform to the standards for the conservation of energy set forth in NAC 701.010 to 701.390, inclusive, if:

(a) The building or addition is used or to be used for public assembly, educational, business, mercantile, institutional, storage or residential purposes; and

(b) Construction of the building or addition begins on or after July 8, 1988. For the purposes of this paragraph, construction begins on the date a fee is paid for the issuance of a building permit.

2. The provisions of NAC 701.010 to 701.390, inclusive, do not apply to any:

(a) Mobile home;

(b) Manufactured home;

(c) Greenhouse;

(d) Pump house; or

(e) Building or portion of a building which is not heated or cooled by any system of heating or mechanical cooling involving the expenditure of electrical energy or energy derived from fossil fuel.

701.190 Adoption by reference of Model Energy Code. (NRS 701.220)

1. Except as they are inconsistent with the provisions of NAC 701.010 to 701.390, inclusive, and except as otherwise provided in this section, the provisions of the Code are hereby

adopted by reference. A copy of the Code may be purchased from the Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041, for $4.

2. The provisions of the current edition or version of each standard described in section 701.1 of the Code are hereby adopted by reference.

3. Sections 101.3.1.2, 302.1, 303.1, 502.1.2, 504.5.2 and 505.3.4.2 of the Code are not adopted by reference.

701.200 Severability. (NRS 701.220) If any provision of NAC 701.010 to 701.390, inclusive, or its application to any person, thing or circumstance is held to be invalid, it is intended that the invalidity not affect the other provisions of NAC 701.010 to 701.390, inclusive, to the extent that they can be given effect.

701.210 Certification of plans prepared for building official. (NRS 701.220) Plans prepared for the building official must bear a certificate, signed by the architect, professional engineer, contractor, designer or building owner responsible for the preparation of the plans, stating that he or she has reviewed the provisions of NAC 701.010 to 701.390, inclusive, and that the plans conform to the requirements of NAC 701.010 to 701.390, inclusive.

701.220 Petition for variance. (NRS 701.220)

1. Any person otherwise subject to the provisions of NAC 701.010 to 701.390, inclusive, may submit a petition to the building official for a variance from the application of those provisions to the construction of a building.

2. A petition submitted pursuant to subsection 1 must:

(a) Be in writing;

(b) Contain the name and address of the petitioner; and

(c) Set forth in short and plain terms the basis for the petition, together with any supporting information.

3. Upon receiving the petition, the building official shall review it and forward it, with his or her comments and recommendations, to the Office.

4. The Office will review the petition and will render a decision on its merits within 30 days after it is received by the Office. A formal or informal hearing may be held on the petition. Notice of the disposition of the petition must be given, in writing, to the petitioner at the address set forth in the petition.

5. Any petitioner aggrieved by the disposition of the petition may appeal to the Director by submitting a written request for a hearing on the matter. The request must be received by the Office within 15 days after the date the notice of disposition is mailed to the petitioner pursuant to subsection 4.

701.230 Petition for adoption, filing, amendment or repeal of regulation. (NRS 701.220)

1. Any person who requests the adoption, filing, amendment or repeal of any provision of NAC 701.010 to 701.390, inclusive, pursuant to NRS 233B.100 must submit to the Office a petition in writing setting forth the request. Three copies of the petition must be filed.

2. A petition submitted pursuant to subsection 1 must:

(a) Contain the name and address of the petitioner; and

(b) Set forth in short and plain terms the action requested of the Office and the basis for the petition, together with any supporting information.

3. The Office may hold a formal or informal hearing on the petition.

701.240 Parameters for exterior design. (NRS 701.220)

1. The thermal design requirements of the building envelope and the design of the heating, ventilating and air-conditioning system must be based on the following exterior design parameters for the location of the building:

	Winter	Summer °F				
	Design	Design	Design	Heating	North Latitude	
	Dry-bulb °F	Dry-bulb	Wet bulb	Degree Days	Degrees	Minutes
Carson City	9	91	61	5766	39	9
Elko	-2	92	62	7248	40	50
Ely	-4	87	59	7700	39	17
Las Vegas	28	106	70	2532	36	5
Lovelock	12	96	65	5836	40	4
Reno (Airport)	10	92	62	6030	39	30
Reno (Downtown)	11	93	62	6030	39	30
Tonopah	10	92	62	5753	38	4
Winnemucca	3	94	62	6409	40	54

2. If the building is not at a location specified in subsection 1, the exterior design parameters for the nearest specified location with similar climatic conditions must be applied.

701.250 Adjustment of thermal transmittance value for masonry. (NRS 701.220) For the purposes of the heating criteria set forth in section 502 of the Code, in determining the overall thermal transmittance value of masonry wall construction, its thermal transmittance value may be adjusted according to a mass correction factor. This factor must be calculated according to the weight of the masonry used in the construction and the number of Fahrenheit heating degree days in the location:

Weight of Masonry Wall Construction lbs./sq. ft.	Mass Correction Factor 3500 Degree Days or Less	Mass Correction Factor More than 3500 Degree Days
0-25	1.000	1.000
26-40	.850	.880
41-80	.750	.791
81 and above	.650	.775

701.260 Insulation in crawl spaces. (NRS 701.220) In any building governed by section 502 of the Code:

1. Notwithstanding any provision of section 503.9, 503.11 or 504.7 of the Code, insulation of duct work or piping in unheated crawl spaces is not required if the requirements of subsection 3 of this section are met.

2. Notwithstanding any provision of section 502.2.1.3 or 502.3.1.3 of the Code, insulation of floors of heated spaces over unheated crawl spaces is not required if:

(a) Duct work and piping in the unheated spaces is uninsulated; and

(b) The requirements of subsection 3 are met.

3. Foundation walls enclosing unheated crawl spaces containing uninsulated duct work or piping must provide a thermal resistance at least equal to that required by section 502.2.1.5 of the Code. Any insulation used must extend from the bottom of the floor sheathing to the top of the footing. Any vent supplied to the crawl space must be of the closeable type.

701.270 Insulation of slab-on-grade floors. (NRS 701.220) For the purposes of the heating criteria for slab-on-grade floors set forth in sections 502.2.1.4 and 502.3.1.4 of the Code, insulation is not required for a heated slab in any location having less than 3,000 Fahrenheit heating degree days.

701.280 Gain or loss of heat in building with air curtain at entrance. (NRS 701.220)

1. In any building governed by section 502.3 of the Code and having an air curtain entrance, the total heat gain or loss of the building, whichever is greater, calculated as provided in subsections 2 and 3, must not exceed the total heat gain or loss calculated as provided in subsection 4.

2. Heat gain resulting from the air curtain entrance, expressed in British thermal units per hour, must be included in the total calculated heat gain for the building by multiplying 10,000 by a number equal to the width of the curtain in linear feet.

3. Heat loss resulting from the air curtain entrance, expressed in British thermal units per hour, must be included in the total calculated heat loss for the building by multiplying 30,000 by a number equal to the width of the curtain in linear feet.

4. The total heat gain or loss for the building without an air curtain entrance must be calculated by replacing the area of the air curtain with gross wall having an overall thermal transmittance value conforming to that required for the building by sections 502.3.1.1 and 502.3.2.1 of the Code.

5. In making the calculations of heat gain and loss required by this section, heat gains or losses resulting from ducts, piping or infiltration need not be considered.

701.290 Exemption from heating criteria for certain buildings. (NRS 701.220)

1. Except as otherwise provided in subsection 3 of this section, in a building otherwise governed by section 502.3.1 of the Code, compliance with the heating criteria set forth in that section is not required if:

(a) The building is heated but not cooled;

(b) The building is heated primarily for the purpose of maintaining an inside temperature above freezing; and

(c) The total calculated heat loss for the building, at an inside design temperature of 42 degrees Fahrenheit, does not exceed the total calculated heat loss for that building, constructed in conformity with those criteria:

(1) At an inside design temperature of 72 degrees Fahrenheit; and

(2) At the outside winter design temperature for the building, as determined in accordance with NAC 701.240.

2. In making the calculations of heat loss required by subsection 1, heat losses from ducts, piping or infiltration need not be considered.

3. In a building otherwise meeting the requirements of subsection 1, compliance with the heating criteria set forth in section 502.3.1 of the Code is required for any space within the building which is heated primarily for a purpose other than that specified in paragraph (b) of subsection 1.

701.300 Exemption from cooling criteria for certain buildings. (NRS 701.220) In a building otherwise governed by section 502.3.2 of the Code, compliance with the cooling criteria set forth in that section is not required for any building or portion of a building cooled by evaporative cooling.

701.310 Use of new energy for control of temperature. (NRS 701.220) If new energy is used for temperature control as provided in section 503.3.3 of the Code:

1. Exterior and interior zones of a constant volume reheat system must not be served by a cooling coil if more than 20 percent of the quantity of air passing through the cooling coil is used to serve exterior zones.

2. Consideration must be given to the use of recovery systems for the conservation of energy if the amount of energy expended is less than the amount of energy recovered, giving consideration to the energy transfer potential and operating hours of the system for temperature control.

701.320 Exemption for swimming pool used for therapeutic purposes. (NRS 701.220) A swimming pool otherwise subject to the provisions of section 504.5.1 of the Code is exempt

from those provisions if it is used for therapeutic purposes and the exemption is approved by the building official.

701.330 Insulation in crawl spaces. (NRS 701.220) In any building governed by section 602 or 603 of the Code:

1. Notwithstanding any provision of section 603.4, 603.5 or 604.3 of the Code, insulation of duct work or piping in unheated crawl spaces is not required if the requirements of subsection 3 of this section are met.

2. Notwithstanding any provision of section 602.2.3 of the Code, insulation of floors of heated spaces over unheated crawl spaces is not required if:

(a) Duct work and piping in the unheated spaces is uninsulated; and

(b) The requirements of subsection 3 are met.

3. Foundation walls enclosing unheated crawl spaces containing uninsulated duct work or piping must provide a thermal resistance at least equal to that required by section 602.2.5 of the Code. Any insulation used must extend from the bottom of the floor sheathing to the top of the footing. Any vent supplied to the crawl space must be of the closeable type.

701.340 Insulation of slab-on-grade floors. (NRS 701.220) For the purposes of the heating criteria for slab-on-grade floors set forth in section 602.2.4 of the Code, insulation is not required for a heated slab in any location having less than 3,000 Fahrenheit heating degree days.

701.350 Exemptions regarding swimming pools. (NRS 701.220)

1. A swimming pool otherwise subject to the provisions of section 604.1.2.3 of the Code is exempt from those provisions if it is used for therapeutic purposes and the exemption is approved by the building official.

2. Notwithstanding the provisions of section 604.1.2.3, a pool cover is not required on a heated swimming pool.

701.360 Applicability of provisions. (NRS 701.220) NAC 701.360 to 701.390, inclusive, apply to any building:

1. Located in a county whose population is 100,000 or more; and

2. Constructed on or after October 1, 1983. For the purposes of this subsection, a building is constructed on the date a fee is paid for the issuance of a building permit.

701.370 Petition to install system. (NRS 701.220)

1. A person who intends to install a system using electric resistance for heating spaces in a building subject to the provisions of NAC 701.360 to 701.390, inclusive, must first submit a petition to the building official as provided by NAC 701.220. The petition will be reviewed and disposed of by the Office in the manner provided by that section.

2. A petition submitted pursuant to subsection 1 must include any documents or calculations relied upon by the petitioner to justify the use of the system under the provisions of NRS 701.230.

701.380 Determination that system is supplementary; use of heat pump. (NRS 701.220)

1. For the purposes of paragraph (a) of subsection 1 of NRS 701.230, a system using electric resistance for heating spaces is "supplementary to another means of heating" if it is designed or used to provide not more than 25 percent of the total calculated design hourly heat loss for the building.

2. If the primary means of heating is an electric heat pump, the maximum allowed installed supplemental heat strip capacity must not exceed the minimum capacity specified or

recommended by the manufacturer of the heat pump or by the engineer responsible for the design of the application.

3. Nothing in this section shall be construed to prohibit the use of any heat pump having a coefficient of performance at least equal to that required by section 503.4.2 of the Code.

701.390 Consideration of feasible and economical alternatives. (NRS 701.220)

1. A person who intends to install a system using electric resistance for heating spaces, in determining whether any means of heating:

(a) Is a feasible alternative to heating by electric resistance, shall consider any system which uses current technology and is commercially available.

(b) Is an economical alternative to heating by electric resistance, shall consider the capital, operational and fuel costs of each system during its life cycle.

2. The Office will not approve a petition submitted pursuant to NAC 701.370 if the costs referred to in paragraph (b) of subsection 1 are, for the proposed system of heating by electric resistance, greater than or equal to those for any feasible alternative.