

October 20, 2017

Nevada Office of Energy  
Angela Dykema  
Executive Director  
755 North Roop Street, Suite 202  
Carson City, Nevada 89701

**Re: Comments on LCB File No. R022-17**

Dear Director Dykema:

Thank you for the opportunity to provide comment on the above referenced regulation. Our comments are as follows:

**Section 3**

The proposed regulation will amend NAC 701A.580 so that sub-section (1) of that regulation will allow the Director to set a hearing date on an application upon receipt of: (a) NAC 701A.570 documents; and (b) either written county approval of a project, or a determination that the application is deemed approved.

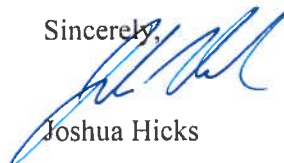
The qualification of sub-section (1)(b) as contingent upon the “receipt” of a “determination that the application is deemed approved” may cause confusion. Pursuant to NRS 701A.365(2), a county is deemed to have approved an application if it has not expressly approved or denied the application within 30 days of receiving the application from the Energy Office. Consequently, the Energy Office would not be in “receipt” of a “determination” that the application is deemed approved by inaction, instead the application is simply deemed approved by operation of law. Requiring a “receipt” of a determination that does not exist could create confusion among interested parties.

We recommend that the proposed revision to NAC 701A.580(1)(b) be re-drafted as follows:

*(b) Written notice of the approval of an application from the board of county commissioners of each county in which the facility is located, unless the application is deemed approved pursuant to NRS 701A.365(2).*

Thank you for the opportunity to provide these comments in advance of the upcoming workshop.

Sincerely,



Joshua Hicks

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