

**BEFORE THE NEVADA ENERGY COMMISSIONER
RENEWABLE ENERGY AND ENERGY EFFICIENCY AUTHORITY**

Establishing a program for evaluating the energy)
consumption of residential property in this State) LCB File No. R148-10
pursuant to Nevada Revised Statutes 701.250.)

ORDER ADOPTING PERMANENT REGULATIONS

1. The Nevada Renewable Energy and Energy Efficiency Authority ("Authority") has conducted a rulemaking to adopt, amend, or repeal regulations pertaining to Chapter 701 of the Nevada Administrative Code ("NAC") related to regulations establishing a program for evaluating the energy consumption of residential property in Nevada pursuant to Nevada Revised Statutes ("NRS") 701.250.
2. This rulemaking was conducted by the Nevada Energy Commissioner ("Commissioner") pursuant to Chapters 233B and 701 of the NRS and the NAC.
3. On July 27, 2010, the Commissioner issued a Notice of Request for Comments and proposed language, relating to amending Chapter 701 of the NAC or other associated regulations regarding establishing a program for evaluating the energy consumption of residential property in Nevada.
4. On September 3, 2010 the Commissioner requested that the Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("PUCN"), pursuant to NRS 701.330(2), perform a Delphi Method Small Business Impact Investigation on the regulations in LCB File No. R148-10. Staff was asked to conduct an investigation regarding whether the proposed regulations are likely to impact small businesses as contemplated in NRS 233B.0608(1).
5. On September 16, 2010, the Commissioner issued proposed permanent regulations, designated as LCB File No. R148-10.
6. On September 17, 2010, the Commissioner issued a Notice of Workshop and Notice of Hearing, and Notice of Intent to Act Upon a Regulation.
7. On September 30, 2010, Staff submitted a Small Business Impact Report to the Commissioner. Staff recommended that, in accordance with NRS 233B.0608(1), the Commissioner find that the proposed regulations are not likely to impose a direct or significant economic burden on a small business, nor to restrict the formation, operation or expansion of a small business.
8. On October 7, 2010, the Commissioner accepted Staff's recommendations and issued an Order finding that the proposed regulations are not likely to impose a direct

or significant economic burden on a small business, nor to restrict the formation, operation or expansion of a small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) was not required.

9. On October 12, 2010, the Commissioner held a workshop on the proposed regulations. At the workshop numerous interested persons appeared and provided comments on the proposed regulations. At the workshop the Commissioner canceled the hearing scheduled for October 19, 2010.

10. On October 28, 2010, the Commissioner issued a Notice of Workshop II. Also on October 28, 2010, the Commissioner issued a Notice of Hearing and Notice of Intent to Act Upon a Permanent Regulation for NRS 701.250.

11. On November 16, 2010, the Commissioner held a second workshop. At the workshop numerous interested persons appeared and provided comments on the proposed regulations.

12. On November 24, 2010, the Commissioner issued revised proposed regulations.

13. On November 29, 2010, the Commissioner held a hearing. At the hearing numerous interested persons appeared and provided comments on the proposed regulations.

14. The Commissioner finds that it is in the public interest to adopt the proposed permanent regulation, LCB File No. R148-10, attached hereto and incorporated herein as Attachment 1.

THEREFORE, based on the foregoing, it is hereby ORDERED that:

1. The proposed regulation, LCB File No. R148.10, attached hereto as Attachment 1 and incorporated herein by reference, is ADOPTED as a permanent regulation.

2. The Commissioner retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting of this Order.

By the Nevada Energy Commissioner,

Hatice Gecol

Dr. Hatice Gecol

December 2, 2010

Dated

Attachment 1

**REVISED PROPOSED REGULATION OF THE
NEVADA ENERGY COMMISSIONER**

LCB File No. R148-10

December 01, 2010

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

AUTHORITY: §§1-10, NRS 701.250.

A REGULATION relating to energy efficiency; prescribing the standards for evaluating the energy consumption of residential property; prescribing the contents of the form for evaluating the energy consumption of residential property; 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 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Commissioner” means the Nevada Energy Commissioner.*

Sec. 4. *“Certified Inspector” means a certified inspector as that term is defined in NRS 645D.040.*

Sec. 5. *“Form” means the form for evaluating the energy consumption of residential property prescribed by the Commissioner pursuant to NRS 701.250.*

Sec. 6. *1.The evaluation of the energy consumption of residential property required by NRS 113.115 must be completed on the most recent version of the form. The form must not be modified, altered or amended in any manner except by or with the approval of the Commissioner.*

2. *The form must be completed by the seller of the residential property or by a certified inspector.*

3. *The person who completes the form shall sign the form and attest to the truthfulness of the contents of the form to the best of their knowledge.*

Sec. 7. 1. *The Commissioner will post the most recent version of the form on the website of the Authority, which may be found at the Internet address <http://renewableenergy.state.nv.us/>. A copy of the form may also be obtained by contacting the Commissioner by telephone.*

2. *The Commissioner will include on the form information concerning programs authorized by NRS 702.270 and other programs of improving energy conservation and energy efficiency in residential property.*

Sec. 8. 1. *The form must include the following information for each dwelling unit for which the evaluation of the energy consumption is being performed:*

(a) *Address or Assessors Parcel Number of the dwelling unit.*

(b) *Year the dwelling unit was built.*

(c) *Number of stories the dwelling unit contains.*

(d) *The number of bedrooms in the dwelling unit.*

(e) *The square footage of the dwelling unit and an indication of the total conditioned area.*

(f) *If the information is reasonably available, the monthly and total consumption and cost of electricity for the 12-month period immediately preceding the sale of the residential property during which the dwelling unit was occupied and electric service was provided.*

(g) If the information is reasonably available, the monthly and total consumption and cost of natural gas for the 12-month period immediately preceding the sale of the residential property during which the dwelling unit was continuously occupied and natural gas service was provided.

(h) If the information is reasonably available, the monthly and total consumption and cost of heating oil, propane or kerosene for the 12-month period immediately preceding the sale of the residential property during which the dwelling unit was occupied and the respective service was provided.

(i) If the dwelling unit uses any other source of energy to provide heating or cooling, the type of fuel or power source used and, if the information is reasonably available, the monthly and total consumption and cost of that fuel or power source for the 12-month period immediately preceding the sale of the residential property during which the dwelling unit was occupied and the appropriate service was provided.

(j) A statement indicating the level of occupancy of the dwelling unit for the 12-month period immediately preceding the sale of the residential property during which the dwelling unit was occupied and service was provided.

(k) A statement indicating whether any improvements have been made to the dwelling unit within the 5-year period immediately preceding the sale of the residential property, a description of any such improvement made and a statement indicating whether the improvement has the effect of reducing the overall energy consumption of the dwelling unit.

(l) A statement indicating, if the information is reasonably available, the estimated age of each appliance in the dwelling unit and a statement indicating, if the

information is reasonably available, which, if any, of the appliances in the dwelling unit have received the Energy Star label.

(m) A statement indicating the estimated age and, if the information is reasonably available, the efficiency rating of any heating system or cooling system in the dwelling unit, and a statement indicating, if the information is reasonably available, whether the heating system or cooling system in the dwelling unit has received the Energy Star label.

(n) A statement indicating whether the dwelling unit contains a net metering system and, if so, the generation attributes of the net metering system.

(o) A statement indicating, if the information is reasonably available, whether the walls, ceiling, crawl space or any other part of the dwelling unit have insulation installed and, if the information is reasonably available, the type of insulation installed.

(p) A statement indicating whether the dwelling unit has any other design attributes or features that improve the overall energy efficiency of the dwelling unit.

(q) A statement indicating, if the information is reasonably available, the foundation type of the dwelling unit.

(r) A statement indicating, if the information is reasonably available, the lighting type(s), including percentage of incandescent, fluorescent, compact-fluorescent, and light-emitting diode lighting used in the dwelling unit.

(s) A statement indicating whether the heating and/or cooling system in the dwelling unit uses a programmable thermostat.

(t) A statement indicating, if the information is reasonably available, the window type(s), skylight type(s), and door types(s) in the dwelling unit and a statement

indicating, if the information is reasonably available, whether any of the windows, skylights, or doors in the dwelling unit have received the Energy Star label.

(u) A statement indicating, if the information is reasonably available, whether the dwelling unit has received the Energy Star label, or was constructed in accordance with any other model energy building code.

(v) A statement indicating, if the information is reasonably available, the type and estimated age of water heating system in the dwelling unit, and if the information is reasonably available, the efficiency rating of the water heating system, and a statement indicating, if the information is reasonably available, whether the water heating system in the dwelling unit has received the Energy Star label.

(w) A statement indicating, if the information is reasonably available, the roof type and a statement indicating, if the information is reasonably available, whether the roof product on the dwelling unit has received the Energy Star label.

2. As used in this section, “net metering system” has the meaning ascribed to it in NRS 704.771.

3. As used in this section “Energy Star label” means a product that has earned the Energy Star label pursuant to the program established pursuant to 42 U.S.C. § 6294a, or its successor.

4. As used in this section, “reasonably available” means ascertainable to a reasonable person under the same or similar circumstances, or in the case of a mechanical device, observable by visual labeling on the device.

Sec. 9. *In evaluating the energy consumption of residential property:*

1. *The consumption of electricity must be measured by the total number of kilowatt hours consumed per month.*
2. *The consumption of natural gas must be measured by the total amount of therms consumed per month.*
3. *The consumption of heating oil or kerosene must be measured by the number of gallons of heating oil or kerosene consumed per month.*
4. *The consumption of any other fuel consumed as energy must be measured by the standard measurement of such fuel used for sale.*

Sec. 10. This regulation becomes effective on January 1, 2011.