



Decision _____

FILED

09/08/26

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**A2609020**

Application of Small Business Utility Advocates for award of intervenor compensation for substantial contributions to Resolution E-5458.

Application 26-09-_____
(Filed September 8, 2026)

INTERVENOR COMPENSATION CLAIM OF SMALL BUSINESS UTILITY ADVOCATES AND DECISION ON INTERVENOR COMPENSATION CLAIM OF SMALL BUSINESS UTILITY ADVOCATES

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD and supporting EXCEL spreadsheet to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Intervenor: Small Business Utility Advocates	For contribution to Decision (D.) Resolution E-5458
Claimed: \$6,815.25	Awarded: \$
Assigned Commissioner: TBD	Assigned ALJ(s): TBD
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ Ariel Strauss
Date: 9/8/2026	Submitted by: Ariel S. Strauss

PART I: PROCEDURAL ISSUES
(to be completed by Intervenor except where indicated)

A. Brief description of Decision:	Resolution E-5458, approved Liberty Utilities (CalPeco Electric) Tier 3 Advice Letter 287-E requesting expedited approval of request for proposals for energy supply and energy management services in response to NV Energy ending its energy services agreement with Liberty.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	None	
2. Other specified date for NOI:	The NOI is filed concurrently with this request.	
3. Date NOI filed:	September 8, 2026 (see Comment #1)	
4. Was the NOI timely filed?		
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	A.23-10-001	
6. Date of ALJ ruling:	June 3, 2024	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	A.23-10-001	
10. Date of ALJ ruling:	June 3, 2024	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Reso. E-5458 (see Attachment #1).	
14. Date of issuance of Final Order or Decision:	7/7/2026	

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
15. File date of compensation request:	9/8/2026 (<i>see</i> Comment #2).	
16. Was the request for compensation timely?		

C. Additional Comments on Part I: (use line reference # as appropriate)

#	Intervenor's Comment(s)	CPUC Discussion
1	Consistent with the instructions in the CPUC's Intervenor Compensation Program Guide (Revised 4/17), p. 27, SBUA simultaneously files an NOI in connection with this proceeding for which no PHC was held.	
2	SBUA's most recent showing of significant financial hardship was made in A.23-10-001. In addition, SBUA is currently awaiting a determination on the showing of significant financial hardship submitted with its NOI in R.25-06-019 on October 28, 2025. If the Commission grants SBUA's request in that proceeding, SBUA relies on the same showing of significant financial hardship here.	
3	Sixty days from the Commission's issuance of Reso. E-5458 is Monday, September 7, 2026, which was Labor Day. Pursuant to Rule 1.15, the Notice of Intent was timely filed on the next business day, which is Tuesday, September 8, 2026.	

PART II: SUBSTANTIAL CONTRIBUTION
(to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059): (For each contribution, support with specific reference to the record.)

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<u>Identify Deficiencies in Liberty's Power Procurement Planning Process</u> On March 6, 2026, Liberty submitted a Tier 3 Advice Letter (AL-287-E) informing the Commission that NV Energy, the supplier of nearly all its electricity, was discontinuing its Energy Services Agreement (ESA) and, therefore, Liberty sought approval to undertake a request for proposal (RFP) for a new supplier. On March 26, 2026, SBUA timely protested AL-287-E. SBUA objected to Liberty's characterization that NV Energy's notification to Liberty of near-term termination of the ESA was a "change of stance by NV Energy" and "a surprise" to Liberty. (AL-287-E, p.1; SBUA Protest, p. 2.) SBUA presented the Commission with discovery on Liberty's process for monitoring NV Energy and a more detailed timeline of its knowledge about the obvious, very high risk that NV Energy would discontinue its ESA (SBUA Protest, Attachment A), which SBUA contended was information that Liberty should have planned for in advance and also itself disclosed to the Commission. (Id., p.2.) SBUA recognized that, given the fact of NV Energy's impending discontinuation of the ESA, "Liberty has presented the Commission with no alternative but to allow Liberty to seek an alternative means of meeting its obligations to customers."	The Commission discussed SBUA's positions (<i>see, e.g.</i>, Resolution, pp. 5-10) and concluded: We acknowledge the concerns raised by these parties. . . While we agree with parties' concerns that Liberty should have been more proactive in planning, the request before us is that they need to find replacement energy services as early as December 2027. (Id., pp. 17-18.) SBUA's protest (p.4) makes clear that it <i>supported</i> the Commission allowing Liberty to urgently undertake the RFP but understood the protest process as a critical venue for identifying deficiencies in Liberty's planning and its allegations presented to the Commission. The Resolution determined that the relief requested by SBUA was not within the scope of advice letter review process and dismissed SBUA's protest. (<i>See</i> Finding & Conclusion 21 and Ordering Paragraph 7.) However, adopting the ultimate contention of a party is not determinative of whether or not the party made a significant contribution to a proceeding. (<i>See, e.g.</i>, D.08-04-004, at 5-6 (finding substantial contributions from TURN's "unique perspective" that enriched the record, even though the claims at issue were ultimately unsuccessful). SBUA's	

(Id., p. 4.) SBUA recommended that, in addition to approving the request for an RFP, the Commission require Liberty to provide information to the Commission on “(a) what steps it took to prepare for this eventuality and (b) steps it will take to obtain a secure and reasonably-diversified power portfolio.” (Id.) SBUA also requested that Liberty be ordered to separately hold workshops on the implications of this fundamental change to its business model and means of diversifying its power sources. (Id.)	submittal and concerns were relevant and appropriate to the Commission’s decision-making process and provided important context.	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?²	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: The other parties that protested Liberty’s AL-287-E were Cal Advocates and Tahoe SPARK. Sierra Club served a reply in support of Tahoe SPARK.		
d. Intervenor’s claim of non-duplication: All three parties protested Liberty’s advice letter. However, the protests were not duplicative. Cal Advocates proposed an alternative procurement approach with multiple steps. In contrast, SBUA did not advocate for rejection of Liberty’s request but objected to Liberty’s construal of NV Energy’s termination of its ESA as a “surprise” and Liberty not addressing its procurement needs in its recent GRC; SBUA requested that Liberty hold workshops to plan for a more diversified procurement portfolio. Both Tahoe SPARK and SBUA contended that Liberty should have acted sooner but the parties’ focus and recommendations were different. Tahoe SPARK contended that Liberty’s actions violated various laws and Commission rules, claiming that the request was not appropriate for advice letter disposition and Department of Water Resources should take over Liberty. SBUA conferred with Tahoe SPARK before making the protest to confirm that a		

² The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

joint filing was not practical. The significance of the discontinuation of the NV Energy ESA justified SBUA submitting a distinct protest.	
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C. Additional Comments on Part II: (use line reference # or letter as appropriate)

#	Intervenor's Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION

(to be completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806) to be completed by Intervenor:

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: SBUA undertook discovery and protested Liberty's advice letter on behalf of the 5,490 small business customers served by Liberty. Liberty's notification of discontinuation of its NV Energy ESA implicated serious reliability and cost concerns for customers. Additionally, the candor required by Commission Rule 1.1, the integrity of the advice letter process and the responsibility of a utility to carefully monitor risks to its energy supply are also important considerations that SBUA sought to address in its filing. It was reasonable for SBUA to seek to understand the basis for this fundamental, emergency change to its business model that was not addressed in Liberty's then-not-yet final GRC and apprise the Commission of these issues. The Commission has plenary authority under Public Utilities Code section 701 to direct Liberty to undertake additional actions, such as hold workshops or provide additional information, in response to requests in a Tier 3 Advice Letter. SBUA's participation was focused, efficient and appropriately limited. The compensation request seeks an award of \$5,850 for 10 hours of work, excluding compensation related time. This amount of cost and time is reasonable in light of the importance of this proceeding and the significance of the small commercial segment.	
b. Reasonableness of hours claimed: SBUA relied primarily on one experienced attorney for the work for which compensation is sought in this request. SBUA assigned responsibility to mid/senior-level attorney, Ariel Strauss. Mr. Strauss represented SBUA in	

	CPUC Discussion
Liberty's 2025 GRC proceeding (A.24-09-010). Mr. Strauss drew on this recent background and undertook discovery, conferred with Tahoe SPARK and drafted the protest. SBUA's General Counsel, James Birkelund, reviewed the draft protest, conferred with Mr. Strauss, and provided input on SBUA's litigation strategy. Mr. Birkelund also participates in weekly meetings with SBUA's in-house staff regarding pending litigation matters. SBUA is not seeking compensation for Mr. Birkelund's time in connection with this compensation request. Mr. Birkelund and Mr. Strauss are employed by E&E Law Corp. (E&E Law), which represents SBUA in this matter on a contingency basis at prevailing market rates. <i>See Attachment #4</i> (Statement of Work detailing contractual terms). SBUA submits that it made significant contributions to the proceeding and all of the recorded hours claimed were justifiably and efficiently expended given the level of effort required to participate in this case.	
c. Allocation of hours by issue: Identify Deficiencies in Liberty's Power Procurement and Planning Process- 10hrs (100%) Each biller prepares his or her own timesheet entries. Due to familiarity with the proceeding, the primary attorney takes the lead in compiling the intervenor compensation claim and describing SBUA's contributions. The attorney(s) then confirm the proposed claim with SBUA's executive director.	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ariel Strauss	2026	10	\$585	D.26-07-053 rate for 2025 escalated by 3.35% per Reso. ALJ-393	\$5,850			

CLAIMED						CPUC AWARD		
<i>Subtotal: \$5,850</i>						<i>Subtotal: \$</i>		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
[Person 1]								
[Person 2]								
<i>Subtotal: \$0</i>						<i>Subtotal: \$</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ariel Strauss	2026	3.3	\$292.50	50% of 2026 rate	\$965.25			
<i>Subtotal: \$965.25</i>						<i>Subtotal: \$</i>		
COSTS								
#	Item	Detail			Amount	Amount		
<i>Subtotal: \$0</i>						<i>Subtotal: \$</i>		
TOTAL REQUEST: \$6,815.25						TOTAL AWARD: \$		
*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award. **Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ³		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation			
Ariel S. Strauss	March 2012		282230		No			

³ This information may be obtained through the State Bar of California's website at <https://apps.calbar.ca.gov/attorney/LicenseeSearch/QuickSearch>.

C. Attachments Documenting Specific Claim and Comments on Part III⁴:
(Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
Attachment 1	Commission Resolution E-5458, issued July 7, 2026
Attachment 2	SBUA Protest Letter (with attached public discovery responses), submitted March 26, 2026
Attachment 3	Time Sheet Records with Allocation of Hours by Issue
Attachment 4	Statement of Work with Contract Terms for E&E Law
Attachment 5	Certificate of Service (submitted under separate cover)

D. CPUC Comments, Disallowances, and Adjustments (CPUC completes)

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

⁴ Attachments not attached to final Decision.

(Green items to be completed by Intervenor)

FINDINGS OF FACT

1. **SMALL BUSINESS UTILITY ADVOCATES** [has/has not] made a substantial contribution to **Resolution E-5458**.
2. The requested hourly rates for **SMALL BUSINESS UTILITY ADVOCATES**'s representatives [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [, as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. **SMALL BUSINESS UTILITY ADVOCATES** is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay **SMALL BUSINESS UTILITY ADVOCATES** the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay **SMALL BUSINESS UTILITY ADVOCATES** their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are unavailable, the most recent [industry type, for example, electric] revenue data shall be used."] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of **SMALL BUSINESS UTILITY ADVOCATES**'s request, and continuing until full payment is made.
3. The comment period for today's decision [is/is not] waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	Resolution E-5458		
Proceeding(s):	A.26-09____		
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
SMALL BUSINESS UTILITY ADVOCATES	9/8/2026	\$6,815.25		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ariel	Strauss	Attorney	\$585	2026	

(END OF APPENDIX)

Attachment 1

Commission Resolution E-5458

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-5458
July 2, 2026

R E S O L U T I O N

Resolution E-5458. Liberty Utilities (CalPeco Electric) Request for Expedited Approval of Request for Proposals for Energy Supply and Energy Management Services

PROPOSED OUTCOME:

- Authorizes Liberty Utilities (CalPeco Electric) to Conduct a Request for Proposals for Energy Supply and Energy Management Services.

SAFETY CONSIDERATIONS:

- There are no safety considerations associated with this resolution.

ESTIMATED COST:

- There are no costs associated with this request.

By Advice Letter Liberty 287-E, Filed on March 6, 2026.

SUMMARY

This Resolution authorizes Liberty Utilities (CalPeco Electric) ("Liberty") to conduct a Request for Proposals ("RFP") for energy management services and related supply arrangements for its service territory to follow the end of the existing Energy Services Agreement ("ESA") with NV Energy. Once Liberty has selected the least-cost-best-fit option, Liberty is required to file a subsequent Tier 3 Advice Letter ("AL") requesting approval of the energy service products and associated costs.

BACKGROUND

Liberty currently obtains its electricity via a full-service ESA with NV Energy.¹ The existing ESA was filed in December 2025 and approved by the Commission via AL 279-E on January 7, 2026,² under a framework approved in Liberty's Integrated Resource Plan (IRP) on July 29, 2024.³ The ESA extension most recently approved in January 2026 was an extension to prior ESA agreements dating back to 2009. The existing ESA is cost-based and provides Liberty with favorable distribution charges and demand charge rates, along with some renewable power which provides Renewable Energy Credits to support Liberty's compliance with California's Renewable Portfolio Standard ("RPS") requirements. The ESA permits Liberty to add new renewable and in-system projects. In the most recently extended ESA, Liberty and NV Energy negotiated an extension of the ESA "until additional transmission in the northern portion of NVE's balancing authority area becomes available through the Greenlink Project,"⁴ which is expected for December 2027.

In the current Advice Letter, AL 287-E, Liberty requests approval to initiate the process to solicit a new service provider for energy management services and related supply arrangements for its service territory in light of the notification that the existing ESA would not be extended. Liberty AL 287-E states that during the negotiations for another extension of the full-service ESA, NV Energy informed Liberty that it could no longer provide a further extension. Liberty states in the AL 287-E, that it must immediately depart from the CPUC approved Liberty IRP plan and "issue a [new] solicitation for a suite of services."⁵

NV Energy further informed Liberty that it must arrange for its own supply when the Greenlink-West Transmission line is completed, which is currently estimated to be December 2027. The current NV Energy ESA, approved in January 2026, will end when NV Energy's new Greenlink-West transmission line is operational, or December 2027, whichever is later.

¹ Advice Letter 287-E, Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc. (AL 287-E), filed March 6, 2026, p. 1.

² Advice Letter 279-E, Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Approval of 2026 Energy Services Agreement with Sierra Pacific Power Company, dba NV Energy, filed Dec. 4, 2025.

³ Liberty Utilities (CalPeco Electronic) LLC (U-933-E) 2022 Integrated Resource Plan (2022 IRP Plan). The 2022 IRP Plan was approved in D.24-02-047 and AL 239-E (Effective date: July 29,2024).

⁴ AL 279-E, p. 1.

⁵ AL 287-E, p. 3.

The Greenlink-West line will add additional transmission into the northern portion of NVE's balancing authority. When the ESA with NV Energy is terminated, an alternate energy provider will be able to deliver energy to Liberty under an existing FERC-jurisdictional NV Energy Network Integration Transmission Service Agreement (NITSA) that is effective through 2048.⁶

Liberty serves approximately 49,000 electric customers in and around the California side of the Lake Tahoe Basin with a peak load of 141 MW. Its service territory is geographically compact and generally encompasses the western portions of the Lake Tahoe Basin. Liberty does not operate within the California Independent System Operator ("CAISO") balancing authority area ("BAA"). Instead, it is located within the NV Energy BAA and has very limited connections to the CAISO. Unlike most California retail sellers, Liberty is a nighttime, winter-peaking utility. Further, given Liberty's location, it has few industrial customers, but larger seasonal loads associated with ski resorts and hotels.⁷ Other than the Kings Beach diesel asset used for emergency conditions, all of the generation serving Liberty's load is located in the state of Nevada.⁸

The electricity market in Northern Nevada is competitive, as a number of entities are seeking to add large loads, such as data centers, into the area. NV Energy is itself seeking to add a significant quantity of new resources, including renewables and storage. Transmission service is therefore constrained for new connections, which will only be partially alleviated when Greenlink-West comes online. This additional demand is what led NV Energy to terminate its service agreement with Liberty.⁹

Liberty states that it has submitted the AL 287-E request pursuant to its Integrated Resource Plan (IRP) submissions made in September 2020 and November 2022.¹⁰ In its 2022 IRP submission, Liberty states that it would continue indefinitely as a full-services customer of NV Energy because that service structure provided the best outcome for customers under various scenarios analyzed by Liberty. Accordingly, the last approved

⁶ AL 287-E, pp. 1-2.

⁷ *Liberty Utilities (CalPeco Electric) (U-933-E) 2022 Integrated Resources Plan Public Version*, November 1, 2022, at 1; (Liberty 2022 IRP) filed in R.20-05-003. Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K071/498071350.PDF>.

⁸ Liberty 2022 IRP, p. 25-29.

⁹ AL 287-E, pp. 2-3.

¹⁰ Filed in R.20-05-003. Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K071/498071350.PDF>.

IRP assumed a continuing forward resource planning approach utilizing full-services arrangements with NV Energy which incorporate Liberty's renewables production from its Luning and Turquoise solar projects, plus additional renewables, conventional energy and balancing by NV Energy.¹¹

Liberty stated in AL 287 that a Tier 3 AL is appropriate here because Liberty's adopted IRP stated that a Tier 3 AL was previously sufficient for approval of an extension of the ESA with NV Energy.¹² Liberty states that its request to change full-service providers does not raise important policy questions as it is effectively a continuation of the current full-services resourcing approach approved for Liberty, only the provider will change. Liberty proposes to issue a solicitation for a suite of services from qualified bidders to ensure supply sufficiency, continue compliance with the RPS program, manage transmission and resource scheduling, and assist Liberty in developing a portfolio that benefits customers. Liberty states it will address its longer-term resourcing strategy in its next non-standard IRP submission in 2026.¹³

Liberty requests that the Commission authorize it to commence finding a replacement for the NV Energy ESA with agreement(s) secured via competitive solicitation for similar services to supply and manage the energy and capacity needs of its customers. This will include provision and scheduling of supply from within (or imported through) the NV Energy balancing authority under the current NITSA. It will involve the integration of Liberty's existing renewable resources, potentially additional renewables and/or RECs, as well as other balancing and reliability requirements applicable within the NV Energy balancing authority per FERC-approved tariffs. Liberty proposes an initial term of five years, with an option to extend on mutual agreement. Liberty believes this term is appropriate because of the effort to coordinate and secure reasonable resource options that will provide continuity over time.

Liberty notes that upon completion of the solicitation, evaluation, and agreement negotiation processes, Liberty will present the proposed agreement(s) for Commission approval via a Tier 3 AL referencing the request made here, and the Commission will review the request to determine if the results are just and reasonable. Liberty further notes that it will present confidential information regarding the proposals received and its analysis of which suite of arrangements best serves customers' interests. Finally, Liberty asserts that it will then follow-up in the current IRP docket with additional

¹¹ Liberty 2022 IRP, p. 8.

¹² Liberty 2022 IRP, p. 1, 8, 27.

¹³ AL 287-E, pp.3-4.

description of how it intends to achieve state policies on renewables and decarbonization over the much longer planning horizon contemplated by the IRP.

NOTICE

Notice of AL 287-E was made by publication in the Commission's Daily Calendar. Liberty states that a copy of the AL was mailed and distributed in accordance with Section 4 of General Order 96-B.

PROTESTS

AL 287-E was timely protested by Small Business Utility Advocates (SBUA), the Public Advocate's Office (Cal Advocates), and Tahoe SPARK on March 26, 2026.

In their Protest, SBUA notes that Liberty describes NV Energy's decision to end the ESA as a "surprise," when a 2024 filing by NV Energy stated that NV Energy was going to terminate service to Liberty in 2025, and older documentation shows a clear intent for service to Liberty to wind down. SBUA states that Liberty should have included consideration of this issue in its general rate case which Liberty filed in September 2024. SBUA believes that Liberty should explain what steps it took to prepare for the end of service from NV Energy and what steps Liberty will take to obtain a secure and diversified portfolio. SBUA believes workshops and hearings should be held, and longer-term options should be investigated including a connection to the CAISO, having Liberty help fund solar/battery projects as virtual power plants, and having Liberty develop its own large-scale renewable power resources.¹⁴

Cal Advocates protests AL 287-E on the grounds that the requested relief is unreasonable and, in part, inappropriate for the AL process.¹⁵ Cal Advocates urges the Commission to reject Liberty AL 287-E and instead require Liberty to (1) submit its eventual contract pricing for Commission approval, and (2) conduct a two-phase transitional RFP: first, to solicit bundled offers (meaning the full energy services NV

¹⁴ Small Business Utility Advocates' Protest of Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc., filed March 26, 2026.

¹⁵ Office of Public Advocates Protest to Liberty Utilities (CalPeco Electric) LLC's (U 933-E) Tier 3 Advice Letter 287-E, Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc, filed March 26, 2026, (Cal Advocates Protest).

Energy is supplying)¹⁶ covering the remainder of 2027 and all of 2028, and second, to solicit both bundled and unbundled offers (offers for the individual components of the ESA for the attributes that Liberty seeks) for 2029 and 2030. Specifically, Cal Advocates proposes that in phase one, Liberty should solicit offers for the balance of calendar year 2027 and all of 2028, which would include the bundled attributes that Liberty proposes. Cal Advocates proposes that in phase two Liberty should solicit offers for 2029 and 2030 for the bundled offers and unbundled offers. Cal Advocates also suggests that in phase two the Commission should require Liberty to assess the potential for cost-effective staff development opportunities to provide certain services directly, as well as the potential for cost-effective procurement strategies that may emerge if NV Energy participates in the California Independent System Operator Corporation's (CAISO) Extended Day-Ahead Market (EDAM).¹⁷ Cal Advocates argues that this phased approach is superior to the approach in Advice Letter 287-E, because a single-phase RFP with a 5-year term for a full services contract risks locking in high prices unnecessarily for five years. The risk of high prices in this contract is greater due to the duress Liberty is under, the expected tight market conditions of 2026, and the bespoke level of services Liberty is seeking in the proposed RFP, which could be provided by few potential parties.¹⁸

Cal Advocates' alternative procurement proposal would have Liberty submit one Tier 3 AL for Commission approval of phase one contracts and a second Tier 3 AL for Commission approval of phase two contracts, followed by Liberty filing an application for Commission approval of a procurement framework for Liberty's procurement needs in 2031 and beyond. Cal Advocates further suggests that the Commission consider a consolidated proceeding to establish a procurement framework for both Liberty and Golden State Water Company's Bear Valley Electric Service Division (U913E) (Bear Valley).¹⁹

Tahoe Spark protests AL 287-E pursuant to General Order 96-B, Section 7.4.2, which permits protests where an AL: (1) violates a statute, Commission rule, or prior Commission decision; (2) raises significant policy issues requiring Commission review;

¹⁶ Cal Advocates uses "bundled" and "unbundled" to refer to the aggregation of various energy commodities, capacity commodities, and other services in Liberty's proposed "one-stop suite" procurement approach. This nomenclature does not refer to utility customers that receive "bundled" generation services on top of distribution and transmission services.

¹⁷ On April 3, 2026, after the Cal Advocates Protest was filed, the Nevada PUC approved NV Energy's plan to join the day-ahead market (EDAM). See [Nevada PUC approves NV Energy plan to join day-ahead market | Utility Dive](#).

¹⁸ Cal. Advocates Protest, p. 7.

¹⁹ Cal Advocates Protest, pp. 9-13.

(3) presents material factual disputes inappropriate for the advice letter process; or
(4) affects public safety or the reliability of electric service. Tahoe Spark contends that AL 287-E meets all of these criteria and therefore cannot be approved through the ministerial AL process.

Tahoe Spark argues that the Commission has continued to approve rate increases, cost recovery, and infrastructure investments for Liberty without a transparent process or a current, integrated evidentiary record. They also highlight that Liberty operates in California and is subject to both state regulation and federal oversight due to its interstate activities, yet it is not integrated into CAISO and is excluded from California's broader energy modeling frameworks. Tahoe Spark specifically notes that the California Energy Commission does not incorporate Liberty into its demand and growth projections, and the Commission instead relies on statewide averages that do not reflect Liberty's distinct load profile, which is characterized by nighttime and winter peaks.

Tahoe Spark argues that the AL process is inappropriate for this matter, as it involves significant policy questions, contested factual issues, and changes that materially affect service quality, reliability, or safety. Tahoe Spark concludes that Liberty's situation reflects a broader failure of oversight, an inadequate evidentiary record, and insufficient protection for California ratepayers in the face of an increasingly opaque and risky procurement structure. For these reasons, Tahoe Spark maintains that AL 287-E cannot be approved through the AL process.²⁰

Tahoe Spark alleges that Liberty failed to disclose earlier knowledge of risks to its procurement arrangements, calling this a material omission intended to bypass proper regulatory review. Tahoe Spark argues that such issues cannot be addressed through the AL process and instead require a formal proceeding.

Tahoe Spark further argues that Liberty's situation presents the same conditions that existed during the California energy crisis of 2000 for PG&E, SCE, and SDG&E, and the same solution should be applied here: California Department of Water Resources (DWR) should take over procurement for Liberty. Tahoe Spark further asserts that Liberty's operations remain inconsistent with a 2018 FERC determination, and emphasizes the Commission's ongoing duty to ensure reliable service, transparent cost structures, and reasonable rates (citing PUC sections 451, 701, 728, and 1708).

²⁰ Protest of Tahoe Spark to Advice Letter 287-E of Liberty Utilities (CalPeco Electric) LLC, (Tahoe Spark Protest), pp. 1-4.

Tahoe Spark concludes that the Commission should reject or suspend AL 287-E, and open a formal proceeding to reconsider Liberty's procurement structure, to require a full disclosure from Liberty of all the relevant facts, and to develop a Liberty demand model and a Liberty system model. Tahoe Spark envisions this proceeding would consider structural alternatives including potentially integrating Liberty into CAISO, creation of a CCA, coordination of procurement with the DWR, and other potential remedies.²¹

Reply and Letter of Support to Protests

Liberty timely filed Replies to Protests on April 2, 2026, and Sierra Club (Tahoe Area Group of the Sierra Club) timely filed a letter of support of Tahoe Spark's Protest on April 1, 2026.

In their Letter of support the Sierra Club asserts that Tahoe Spark's Protest of AL 287--E, "raises serious and well documented- concerns about Liberty Utilities' procurement instability, lack of transparency, and the growing risks facing the seven rural California counties dependent on this isolated and unintegrated electric system."²² Sierra Club further notes that Liberty's procurement structure is unstable and incompatible with California's planning framework, and that California has no planning model for Liberty's system or any verified dataset.

Sierra Club notes that rural and mountain communities are facing escalating costs without transparency and there is no integrated record to evaluate whether these costs are reasonable or duplicative. They further note that an AL process is inappropriate for policy questions or changes that materially affect reliability or safety, such as this, and that Liberty's structure currently undermines California's climate goals and disproportionately harms rural working class and tribal communities across the Sierra.

Sierra Club concludes by echoing the same actions requested by Tahoe Spark: opening a full CPUC proceeding, initiating bi-state and federal coordination, integrating all Liberty-served counties into statewide planning, considering creating a CCA or public power authority, and finally, ensuring transparent accountable procurement for 2027 and beyond.

²¹ Tahoe Spark Protest, pp. 9-16

²² Sierra Club Letter of Support for Tahoe Spark's Protest of Advice Letter 287-E – Liberty Utilities, April 1, 2026 (Sierra Club Letter), p. 1.

In Liberty's Reply, it addresses the issue of timing, emphasizing that timing exigencies support utilization of the AL process. Liberty applauds Cal Advocates' recognition that time is of the essence. In response to Tahoe Spark and SBUA protests requesting a formal proceeding, Liberty notes that the actions sought by these parties would undercut Liberty's ability to have sufficient time to solicit bids, evaluate the bids, and negotiate arrangements before presenting them to the Commission for approval.

In reply to Cal Advocates, on the issue of whether it viewed a second Tier 3 AL for approval of the preferred contracts "optional", Liberty clarifies that it will present any agreement to the Commission via Tier 3 AL for approval and it did not consider that step optional.²³ In reply to Cal Advocates' proposal that Liberty consider unbundled offers in addition to bundled full-service contracts in its RFO, Liberty responds that the RFP is intended to evaluate various potential arrangements, not solely a single, full-service requirements provider. Liberty revised and attached updated red-lined solicitation materials which further emphasize that unbundled services are being solicited.

With respect to Cal Advocates' proposal that the solicitation should be held in two phases, Liberty is opposed. Two short term RFPs, according to Liberty, would constrain its ability to develop a longer-term supply strategy that will be presented to the Commission via the IRP and a later application. The lack of certainty of the start date (due to the inability to know the operational dates of the Greenlink-West) means that first phase described by Cal Advocates may be very short, which raises risk for the counterparties. Additionally, Liberty argues the five-year term will provide the necessary time for Liberty to establish a cost-effective path for its longer term supply strategies.²⁴ Liberty notes that it had discussed potential generation and storage developments in prior IRP submissions, however unexpected events and expenses, including wildfire hardening, insurance requirements, global market disruptions, and import tariffs, caused Liberty to redirect resources and pursue a continuation of the full services from NV Energy instead.

In response to Cal Advocates' request that Liberty be required to file an application for Commission approval of a procurement framework for Liberty's procurement needs for 2031 and beyond, Liberty states that it agrees with Cal Advocates that any supply arrangements following the initial five-year term should be presented through a formal approval process, likely via an application. Liberty further notes that the question of

²³ Liberty's Reply to Protests of AL 287-E Energy Supply Request for Proposals, filed April 2, 2026, (Liberty Reply), pp. 1-2.

²⁴ Liberty Reply, p. 3.

whether the Commission should establish a streamlined process for small and multi-jurisdictional utilities (SMJUs) does not need to be resolved in the context of this AL and can instead be taken up in a broader proceeding. Liberty notes that it intends to review the large IOUs' bundled procurement plan (BPP) filings submitted on June 1, 2026, in the IRP docket and will address in its August IRP submission whether a streamlined procurement process or another mechanism would benefit its customers.

Liberty rejects SBUA's assertion that Liberty does not pay close attention to NV Energy and further asserts Liberty was in ongoing negotiations with NV Energy on a potentially longer-term ESA consistent with the November 2022 IRP plan.²⁵ Liberty believes the longer-term extension would have been agreed to except for the recent boom in data centers. Liberty asserts that it intends to articulate its longer term procurement strategy in its IRP submission due in August 2026, which will update the Greenlink-West development schedule and Liberty's analysis of potential developing utility resources and adding in-house capabilities for scheduling and maintaining a compliant portfolio for its customers. Liberty foresees other regulatory changes in the broader western energy markets which may not be resolved until the end of that five-year period.

In response to the issues raised by Tahoe Spark and SBUA regarding ratemaking and customer impacts Liberty states that it appreciates these concerns and acknowledges their affordable impact but does not believe they are relevant to this AL and should be disregarded.

Liberty concludes its Reply by noting that the AL is requesting limited transitional authority for Liberty to conduct a competitive solicitation for replacement of electric supply to be in place following the expiration of its existing ESA with NV Energy, which does not prejudice any future Commission determinations. Further they note that delaying authority to solicit for energy supply products would compress procurement timelines and increase the likelihood of adverse outcomes.²⁶

DISCUSSION

The Commission has reviewed AL 287-E, the confidential Exhibits, prior AL filings, the Protests of SBUA, Cal Advocates, and Tahoe Spark, and the Replies of the Sierra Club and Liberty. The Commission finds that the interest of ratepayers are best met with

²⁵ Liberty Reply, p. 3.

²⁶ Liberty Reply, pp. 4-5.

approval of the RFP for energy supply and energy management services as set forth in AL-287, with modification as detailed below.

Below we address each key topic/issue raised by parties:

Appropriateness of AL Process

Tahoe Spark's protest argues that General Order 96-B does not permit use of the AL process for matters involving significant policy, safety, or contested factual issues, or changes that materially affect service quality or reliability. It contends that AL 287-E raises such issues (including system reliability, wildfire-related public safety, exposure to interstate wholesale markets and the prudence of Liberty's procurement strategy) and therefore requires a formal proceeding with discovery, testimony, and evidentiary development.²⁷ Similarly, the SBUA's protest asserts that the AL process is insufficient and recommends that the Commission instead hold workshops and hearings given the "fundamental change" to Liberty's business model.²⁸ The Sierra Club also states in its letter of support that the issues raised in AL 287-E are not appropriate for resolution through the AL process.

Cal Advocates notes that requiring Liberty to file an application and hold hearings with so little time left risks having nothing under contract for Liberty customers when the deadline arrives. Thus, Cal Advocates believes that the AL process is appropriate here because of the pressing need to have some electric service under contract.²⁹

Liberty asserts that AL 287-E is consistent with the resource planning approach adopted in its 2020 and 2022 IRP submissions, which assumed Liberty would continue as a full-service customer using a portfolio that includes renewable generation, conventional energy, and balancing services. Liberty contends that a Tier 3 AL is appropriate because the request does not raise new policy issues and largely continues the Commission approved full-service framework, with only the provider changing.

Liberty contends that a process longer than the AL process would risk having no power under contract when NV Energy terminates its services. Liberty has until December 2027 (or the completion of the Greenlink-West Transmission line, whichever is later) to secure electric service. Liberty files this pursuant to its IRP plan, which discusses

²⁷ Tahoe Spark Protest, pp. 18-19.

²⁸ SBUA Protest, p. 4.

²⁹ Cal Advocates Protest, p.9, fn.39, and p.2 (Relief sought is "inappropriate for the advice letter process," so Cal Advocates recommends the Commission should require two Tier 3 Advice Letters. pp. 2, 9-10.

Liberty's intention to remain with NV Energy as a supplier, and the path forward once NV Energy is no longer a supplier.³⁰

We find that the AL process is appropriate here based upon the following considerations. As Liberty notes, the requested approach is consistent with the resource planning approach adopted in its 2020 and 2022 IRP submissions,³¹ and would provide Liberty with options to obtain the services it needs (as approved by the Commission), with only the provider changing.³² We agree with Cal Advocates that requiring Liberty to file an Application and hold hearings with so little time left risks having nothing under contract for Liberty customers when the NV Energy ESA expires.³³ The request before the Commission is a prudent and practical step in light of circumstances – and will provide interested parties a subsequent process to review the results of the solicitation and to provide the CPUC comments before any contract resulting from the solicitation is approved. Therefore, we find Liberty's request to issue an RFP for replacement energy services given the urgency of replacement and the consistency of the approved procurement approach in IRP, is necessary and appropriate.

RFP Requirements (Solicitation Products and Durations of Contracts), Consultation with ED and Contract(s) Approval

In AL 287-E Liberty proposed an RFP which would seek proposed services for a minimum 5-year term beginning June 1, 2027. The scope of services laid out in the proposed RFP documents included services such as: energy supply, acting as a scheduling coordinator, submitting transmission service reservations on the OATI WestTrans system, issuing E-tags, managing transmission rights, ancillary service charges and associated tariffs, and meeting Resource Adequacy requirements.³⁴

Cal Advocates' Protest took exception to the length of the proposed contract, and what it would contain. Instead of one "5 year minimum" contract for a full services contract, Cal Advocates preferred a two-phase plan in which Liberty would hold an RFP for the first phase (balance of 2027-2028) for a full services (or "bundled") contract, submit the preferred contract for Commission approval via Tier 3 AL, then solicit offers in a second RFP for either unbundled or bundled services for the period of 2029-2030. This would, Cal Advocates suggests, potentially save ratepayers money because the current prices

³⁰ 2022 IRP Plan, Preferred Conforming Portfolios, pp. 19-22.

³¹ AL 287-E, p. 2.

³² AL 287-E, p. 3.

³³ Cal Advocates Protest, p.9, fn.39, and pp. 2, 9-10.

³⁴ AL 287-E, Exhibit 1, p.10.

are high and, because few providers are offering bundled services, there is less competition. In its Reply, Liberty clarified that its RFP is not solely seeking bundled services, and added the following language to its RFP:

Proposals may include all or a portion of the services described. Liberty is open to evaluating all-inclusive offerings as well as standalone service components, which may be considered individually or combined to best meet the needs of Liberty and its customers.³⁵

The Commission finds that Liberty's clarification and updates to its RFP language adequately address Cal Advocates' concerns regarding the products and services that should be sought in the RFP. By not constraining the RFP to a bundled product, Liberty will be able to value bundled and unbundled products appropriately and select the least cost best fit products and services.

Remaining unresolved, however, is that Liberty and Cal Advocates do not agree on the solicited product duration time period. Liberty asserts that a five-year term will provide the necessary time to establish a cost-effective path for its longer term supply strategies. It also asserts that a forced two-phase structure creates uncertainty and procurement risk and want flexibility to procure longer-term arrangements. Cal Advocates asserts that ratepayers would pay less with an RFP for a short contract (balance of 2027 plus all of 2028), followed by an RFP for a three-year contract (2029-2031).

This difference between Liberty and Cal Advocates can be reconciled by modifying the RFP to include shorter duration terms. Currently, Liberty's proposed RFP is seeking proposals with a minimum term of five years with an option to renew.³⁶ If Liberty changes the RFP to a minimum term of 1.5 years, while accepting proposals of longer term lengths, this will allow shorter term products to offer in and be evaluated against longer term products. Through its bid evaluation process, Liberty can then select the least-cost best-fit contracts that meet its customers' needs. We find that modifying Liberty's RFP request from a minimum of five years to a minimum of 1.5 years will address Cal Advocates' concerns while also providing Liberty the flexibility to meet its longer-term needs. We direct Liberty to change its RFP language to state that the contract duration will be a minimum of 1.5 years.

³⁵ Liberty Reply, Exhibit 1, p. 2.

³⁶ Liberty Reply, Exhibit 1, p. 4.

In order to ensure that Liberty's RFP and bid evaluation processes are overseen by the Commission, Liberty is required to consult with Energy Division and Cal Advocates Staff (joint staff) during the process of the RFP. Liberty is required to meet with joint staff at least four times over the course of the RFP launch, bid evaluation, and contract(s) selection process at key junctures, ahead of Liberty filing a Tier 3 AL seeking contract(s) approval. The consultation with joint staff will function similarly to a Procurement Review Group (PRG) processes established pursuant to AB 57 (Wright, 2002) for the three large investor-owned utilities that the Commission regulates.³⁷ PRGs are advisory bodies to the utilities and traditionally provide consultation on proposed procurement solicitations, evaluation of contract proposals, and use that the consultation process to ensure that procurement processes align with established policies and best practices. In the absence of an established PRG process for Liberty Utilities, the joint staff consultations will ensure ongoing RFP activities and procurement developments can be discussed as Liberty Utilities moves through selecting a new vendor that will result in a future contract to be submitted via Advice Letter.

The Confidential Exhibits setting forth the terms and conditions for the RFP should be revised to reflect the shorter permissible contract term discussed above. Within 30 days of adopting this decision, Liberty shall establish a distribution list for its joint staff meetings, that will include Energy Division and Cal Advocates Staff.

Energy Services Contract Approval

Liberty stated in AL 287-E that upon completion of the solicitation, evaluation and agreement negotiation processes, "Liberty will present the proposed agreement(s) for Commission approval via a Tier 3 AL referencing the request made here, and showing that the results are just and reasonable. Liberty will present confidential information regarding the proposals received and its analysis of which suite of arrangements best serves customers' interests."³⁸

In Cal Advocates' protest, Cal Advocates asserts that Liberty's statements that Liberty may, "at its sole discretion," submit a "Final Stage Agreement" that "lacks only specified energy and/or capacity price(s) for the [p]roducts and [s]ervices to be provided" are insufficient.³⁹ Cal Advocates notes that Liberty's proposal to

³⁷ See generally, D.02-08-071, which established the PRGs for the IOUs in 2002, as part of the transfer of procurement responsibility from DWR back to the IOUs.

³⁸ AL 287-E, p. 4.

³⁹ Cal Advocates Protest, p. 5, citing AL 287-E, Exhibit 1, p. 7.

potentially seek Commission approval without final contract pricing would sidestep the Commission's oversight over Liberty's procurement processes and outcomes and that "Without pricing information, the Commission cannot execute its fundamental obligation to ensure that Liberty's rates are just and reasonable."⁴⁰

Liberty's Reply clarified that any contracts procured as a result of the RFP will be submitted to the Commission via a Tier 3 AL for approval of costs. As a result, the Commission will have the opportunity to review the reasonableness of the proposed replacement agreement(s), and parties will be able to object if they find the proposed agreement(s) lack merit. As part of their Tier 3 AL contract(s) approval submission, Liberty must include the final prices of its contracted products and services for Commission review and approval.

Longer Term Procurement Needs

While Cal Advocates supports the use of a Tier 3 AL for this procurement, it is concerned that this may be a repeating cycle: "the Commission should not set Liberty on a path of indefinite Tier 3 advice letter submissions for future procurement contracts and transaction approvals, beyond the transitional 2027-2030 time frame."⁴¹ Liberty agrees that "supply arrangements following the initial five-year term should be presented via a formal process, presumably an application."⁴²

Liberty also notes that after filing its Tier 3 AL for energy services contract approval, it will articulate its longer-term procurement strategy and analysis, presenting additional details in the upcoming non-standard IRP submission currently due on August 10, 2026 in R.25-06-019.⁴³

The Commission agrees with Cal Advocates and Liberty regarding the need to file an Application for longer term procurement planning needs. The Commission finds that an Application is the appropriate method for subsequent supply authority following the procurement obtained via this RFP. We also expect Liberty to file its IRP plan in August 2026 reflecting further details into its long term procurement strategy. The Commission will review the IRP plan as part of a formal IRP proceeding.

⁴⁰ Cal Advocates Protest, p. 5.

⁴¹ Cal Advocates Protest, p. 10.

⁴² Liberty Reply, p. 4.

⁴³ Liberty's Reply, p. 4.

Cal Advocates suggests a consolidated proceeding with Bear Valley in the review of the two companies' procurement plans to create a framework for smaller utilities. While we like the idea of a consolidated proceeding to establish a procurement framework for these small and multi-jurisdictional utilities (SMJUs), we also agree with Liberty that this matter does not need to be addressed in this AL, but will be addressed in the upcoming IRP or through other Commission action.

Sufficiency and Transparency of Procurement and Ratemaking

Tahoe Spark raises issues about the sufficiency and transparency of Liberty's procurement and ratemaking proceedings before the Commission. Tahoe Spark argues that the Commission has continued to approve rate increases, cost recovery, and infrastructure investments for Liberty without a transparent process or a current, integrated evidentiary record. They also highlight that Liberty operates in California and is subject to both state regulation and federal oversight due to its interstate activities, yet it is not integrated into CAISO and is excluded from California's broader energy modeling frameworks. Tahoe Spark specifically notes that the California Energy Commission does not incorporate Liberty into its demand and growth projections, and the Commission instead relies on statewide averages that do not reflect Liberty's distinct load profile, which is characterized by nighttime and winter peaks. Tahoe Spark asserts that the Commission has approved procurement decisions that do not benefit Liberty's ratepayers, including substations in Nevada outside the Liberty service area. Tahoe Spark believes that the lack of any demonstrated connection between demand, procurement, and retail rate recovery means that the Commission has approved rates that have no evidential basis for ratemaking.

Sierra Club also raises these same issues in its reply.

Tahoe Spark further notes that:

Liberty's procurement practices are already the subject of federal concern. FERC has denied Liberty's attempts to shield its procurement arrangements from review (162 FERC 61,003 Docket No. ER17-1620-002 Issued January 18, 2018), yet Liberty continues to operate in a manner inconsistent with that order.⁴⁴

Tahoe Spark refers to this FERC case and Liberty's failure to follow that Order as evidence of Liberty's failures to be transparent or reasonable.⁴⁵

⁴⁴ Tahoe Spark Protest, at 18.

⁴⁵ Tahoe Spark Protest, at 18 and see generally throughout Tahoe Spark Protest.

Liberty does not directly respond to these issues in its reply, stating they are not “relevant to this AL, which requests authority to undertake a solicitation process in an expedited manner.”

We agree with Liberty that these issues are not relevant to this AL request as Liberty is seeking to find replacement energy services to urgently replace its expiring NV Energy ESA. Further, our approval to launch an RFP is not approving any costs at this time. Parties will be allowed the opportunity to dispute costs associated with any selected contracts in the subsequent Tier 3 AL requesting contract approval. Parties will also be able to submit comments regarding Liberty’s IRP filing due in Aug. 2026. On the FERC matter raised in the protests, it is not clear from our review whether Liberty is out of compliance or complying with the FERC case, which is outside our jurisdiction.

The Commission finds the issues raised by Tahoe Spark and Sierra Club are outside the scope of the approval requested in AL 287-E.

Whether Liberty Was Sufficiently Proactive in Planning for Replacement Needs

SBUA and Tahoe Spark assert that Liberty failed to adequately monitor or prepare for the eventuality of NV Energy terminating service, and believe that hearings should be held on this matter. It is clear from the record that NV Energy’s intention to serve the retail customers of Liberty was not open-ended, but Liberty maintains in its defense that it has been closely following NV Energy and non-public negotiations, which gave them a different assessment of how long-term service would continue. Further Liberty notes that once it was certain that the NV Energy ESA would not be extended for the longer term, Liberty filed AL 287-E as soon as possible.⁴⁶

We acknowledge the concerns raised by these parties. However, the adopted 2022 IRP plan identified the use of the AL process to continue the extension of the NV Energy ESA contract, as it best met the needs of Liberty customers.⁴⁷ In AL 287-E, Liberty states that it attempted to negotiate for this longer term agreement but failed to do so, stating “[a]bsent the unexpected and unprecedented large load developments in northern Nevada, Liberty believes that NV Energy would have been amenable to providing continued full-service energy supplies.”⁴⁸ While we agree with parties’ concerns that Liberty should have been more proactive in planning, the request before us is that they

⁴⁶ Liberty Reply, p. 2.

⁴⁷ Liberty 2022 IRP Plan, p.1.

⁴⁸ Liberty Reply, p. 3.

need to find replacement energy services as early as December 2027. The Commission finds that disallowing Liberty to take action to solicit for replacement energy service needs will not address the concerns raised by SBUA and Tahoe Sparks regarding Liberty's lack of forward procurement planning.

DWR Procurement Authority Request

Tahoe Spark asserts that Liberty's system and energy demand is not modeled, and that procurement is opaque, and that the lack of any connection between demand, procurement, and retail rate recovery means that the Commission has approved rates that have no evidential basis for ratemaking. For these reasons, Tahoe Spark believes that DWR should assume procurement responsibilities for Liberty.⁴⁹

The issues raised in Tahoe Spark's protest are outside the scope of the AL, and do not need to be reached to decide whether Liberty should be allowed to proceed with an RFP. The Commission is also not approving any request regarding rates in this Resolution. There will be a subsequent process to determine whether the contract(s) that result from the RFP are just and reasonable and should be approved.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review. Any comments are due within 20 days of the date of its mailing and publication on the Commission's website and in accordance with any instructions accompanying the notice. Section 311(g)(2) provides that this 30-day review period and 20-day comment period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day review and 20-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today. Tahoe Spark submitted its first set of comments on June 16, 2026, and a second set on June 17, 2026. Cal Advocates and Liberty also submitted comments on June 17, 2026.

Liberty's comments reiterated its desire for quick approval of its RFP, while noting that the Greenlink-West completion date had been delayed until December 2027. Liberty

⁴⁹ Tahoe Spark Protest, pp. 1-4, 9-16.

noted that the subsequent Tier 3 AL will provide parties with an opportunity to comment on the new supply structure and costs well ahead of the new deadline. Liberty also noted that it will implement the proposed changes in the Draft Resolution, including reducing the minimum term of the Request for Proposals from a minimum of five years to a minimum of one and half years, and holding at least four meetings with Joint Staff in an advisory capacity that will include Energy Division and Cal Advocate Staff.⁵⁰

Cal Advocates' comments generally support the Draft Resolution, and also point out that the Greenlink-West completion date has been updated to December 2027, and ask the Commission to update Finding and Conclusion number 4 to reflect the completion date of December 2027.⁵¹ The Proposed Resolution, including the Finding and Conclusion, has been accordingly updated.

Tahoe Spark supports approval of the Draft Resolution and asserts that it is not requesting that the Commission delay procurement.⁵² Tahoe Spark also supports Cal Advocates' recommendation to limit long-term procurement commitments, preserve future flexibility, and provide enhanced oversight of procurement decisions while the Commission develops a more durable long-term strategy for Liberty's California customers.⁵³ Tahoe Spark notes that the Commission should use this Draft Resolution as opportunity to open an investigation into whether California's current regulatory framework for Small and Multi-Jurisdictional Utilities provides sufficient information to ensure just and reasonable rates pursuant to Public Utilities Code Sections 451 and 728. Tahoe Spark asserts that the underlying assumptions and external market conditions have changed, including transmission changes, the evolution of western energy markets, and the rise of data centers,⁵⁴ and the Commission should therefore investigate interstate market exposure, transmission dependencies, forecasting methodologies, cost allocation practices, affordability impacts, policy representation, governance alternatives, and the adequacy of existing oversight mechanisms. Tahoe Spark states that the central issue presented by Draft Resolution E-5458 is not whether Liberty Utilities should be permitted to issue an RFP, but why California finds itself in

⁵⁰ Liberty's Comments on Draft Resolution E-5458, dated June 16, 2026, p. 2.

⁵¹ The Public Advocates Office, Comments on Draft Resolution E-5458, *Liberty Utilities (CalPeco Electric) Request for Expedited Approval of Request for Proposals for Energy Supply and Energy Management Services*, dated June 16, 2026, p. 2.

⁵² Comments of Tahoe Spark on Draft Resolution E-5458 Concerning Liberty Utilities' Request for Proposals for Long-Term Energy Supply and Procurement Services, Liberty Utilities (CalPeco Electric) LLC (U 933-E) Advice Letter 287-E (Comments of Tahoe Spark), dated June 16, 2026, pp. 1-3.

⁵³ Comments of Tahoe Spark, p. 1.

⁵⁴ Comments of Tahoe Spark, p. 2.

this position in the first place.⁵⁵ However, contrary to Tahoe Spark's assertions, in Advice Letter 287-E, Liberty is requesting authorization to conduct an RFP.

Tahoe Spark further states that it has participated in Liberty proceedings and has repeatedly raised concerns in these proceedings.⁵⁶ Tahoe Spark asserts that the Commission's response to Tahoe Spark's concerns is that such concerns belong in another proceeding. The Commission notes that cost concerns associated with the procurement selected as a result of this RFP should be raised in the subsequent Tier 3 AL process seeking Commission approval of any energy service products and associated costs procured through the RFP. That process will include the final prices of the contracted products and services for Commission review and approval. Additionally, party comment will be considered on Liberty's filings in the IRP proceeding, which will set forth Liberty's long term procurement strategy, and, as noted above, Liberty will be filing an Application for subsequent supply authority following the procurement obtained via this RFP, which will allow parties another venue to participate on procurement related topics. The Commission further finds the additional issues raised by Tahoe Spark in their Comments on this Draft Resolution are outside the scope of the approval requested in AL 287-E

FINDINGS AND CONCLUSIONS

1. Liberty serves approximately 49,000 electric customers in and around the California side of the Lake Tahoe Basin with a peak load of 141 MW.
2. Liberty does not operate within the California Independent System Operator (CAISO) balancing authority area (BAA) but is located within the NV Energy BAA, for which the CAISO serves as the Reliability Coordinator. Liberty has very limited electrical connections to the CAISO.
3. Liberty currently obtains its electricity via a full-service Energy Service Agreement (ESA) with NV Energy.
4. The full-service ESA with NV Energy will end on December 2027, when NV Energy's new Greenlink-West transmission line is currently expected to be operational.
5. The Greenlink-West line will add additional transmission into the northern portion of NV Energy's balancing allowing for alternative energy providers to supply Liberty with energy services.

⁵⁵ Comments of Tahoe Spark, p. 5.

⁵⁶ Comments of Tahoe Spark, pp. 1-2.

6. Liberty filed AL 287-E on March 6, 2026, requesting approval to issue a Request for Proposal (RFP) for energy supply and energy services.
7. Issuing an RFP for replacement energy services is consistent with Liberty's resource planning approach adopted in its 2020 and 2022 IRP submissions, and would provide Liberty with full-service options (as approved by the Commission), with only the provider changing.
8. Requiring Liberty to file an Application and hold hearings with little time left risks having nothing under contract for Liberty customers when the NV Energy ESA expires.
9. Liberty's request to issue an RFP for replacement energy services given the urgency of replacement and prior practice of Liberty's procurement approach approved its IRP submissions, is appropriate.
10. Liberty's RFP should not be restricted to bundled energy service products, allowing Liberty to value bundled and unbundled products appropriately and select the least cost best fit products and services.
11. Modifying the RFP to a minimum term of one and half years, while accepting proposals of longer-term lengths, will allow shorter term products to offer in and be evaluated against longer term products.
12. Liberty's proposed minimum five-year term for the Request for Proposals should be reduced to a minimum of one and half years to address California Public Advocates' cost concerns and still provide Liberty with flexibility to meet its longer-term needs.
13. The Confidential Exhibits setting forth the terms and conditions for the RFP should be revised to reflect the shorter permissible contract term discussed above.
14. To ensure that Liberty's RFP and bid evaluation processes are overseen by the Commission, Liberty is required to establish a cadence of at least four meetings to meet with Joint Staff in an advisory capacity that will include Energy Division and Cal Advocate Staff.
15. The meetings with joint staff will function similarly to a Procurement Review Group (PRG) process established for the three large IOUs that the Commission regulates.

16. Liberty is required to meet with joint staff at least four times over the course of the RFP launch, bid evaluation, and contract(s) selection process at key junctures - ahead of Liberty filing a Tier 3 AL seeking contract(s) approval.
17. Within 30 days following the adoption of this decision, Liberty shall establish a distribution list for its joint staff meetings that will include Energy Division and Cal Advocates Staff.
18. Any contracts procured as a result of the RFP will be submitted to the Commission via a Tier 3 AL for approval of costs.
19. As part of their Tier 3 AL contract(s) approval submission Liberty must include the final prices of its contracted products and services for Commission review and approval.
20. An Application is the appropriate method for subsequent supply authority following the procurement obtained via this RFP.
21. Disallowing Liberty from taking action to solicit for replacement energy service needs will not address the concerns raised by SBUA and Tahoe Sparks regarding Liberty's lack of forward procurement planning action.
22. The Issues raised in protests regarding the sufficiency and transparency of Liberty's procurement and ratemaking proceedings, and whether DWR should be involved in centralized procurement are outside the scope of the approval requested in AL 287-E and these protests should be dismissed.
23. The issues of reasonableness and ratepayer protection can be fully considered in the Tier 3 Advice Letter that Liberty will file once the Request for Proposals is completed.

THEREFORE IT IS ORDERED THAT:

1. Liberty Advice Letter 287-E is approved with the modifications identified in this Resolution.
2. Liberty is authorized to issue a Request for Proposals for bundled and unbundled energy supply and energy management services.
3. Liberty shall revise the minimum term of the Request for Proposals from a minimum of five years to a minimum of one and half years.
4. Within 30 days of adoption of this decision, Liberty shall establish a joint staff distribution list, that will include Energy Division and Cal Advocates Staff, and circulate a procurement consultation schedule to the distribution list.

5. Liberty is required to meet with the joint staff group at least four times over the course of the Request for Proposal launch, bid evaluation, and contract(s) selection process at key junctures - ahead of Liberty filing a Tier 3 Advice Letter seeking contract(s) approval.
6. Liberty is required to file a subsequent Tier 3 Advice Letter seeking Commission approval of any energy service products and associated costs procured through the Request for Proposals, and must include in that filing the final prices of its contracted products and services for Commission review and approval.
7. The protests of the Small Business Utility Advocates (SBUA) and Tahoe SPARK are dismissed for being outside the scope of the relief requested in the Advice Letter.

This Resolution is effective today.

The foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on July 2, 2026; the following Commissioners voting favorably thereon:

/s/ LEUWAM TESFAI

Leuwam Tesfai
Executive Director

JOHN REYNOLDS
President

DARCIE L. HOUCK
KAREN DOUGLAS
MATTHEW BAKER
Commissioners

Commissioner Christine Harada, being absent,
did not participate in the vote of this item.

Dated July 2, 2026, at Fort Bragg,
California.

Attachment 2

SBUA Protest Letter with Attached Discovery



Small Business Utility Advocates
548 Market St., Suite 11200
San Francisco, CA 94104
T: 415.602.6223; F: 415.789.4556

March 26, 2026

Energy Division, Tariff Unit
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
EDTariffUnit@cpuc.ca.gov

Small Business Utility Advocates' Protest of Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc.

Dear Energy Division:

Small Business Utility Advocates (SBUA) submits this letter in protest of the above referenced Tier 3 Advice Letter 287 of Liberty Utilities (CalPeco Electric) LLC (Liberty). SBUA represents the interests of small commercial customers in the Liberty territory. As reported in its most recent GRC, Liberty serves 5,490 small commercial customers. Liberty already is imposing rate increases on small commercial customers of approximately 31% in its most recent GRC approved in D.26-03-017 and also seeking an additional 12.2% near-term increase in Mountain View Fire cost recovery application (A.25-06-017). SBUA is concerned that Liberty's urgent need to obtain an alternative source for the overwhelming majority of its customers' electricity needs puts it at a serious competitive disadvantage and poses a high risk that customers will be subject to extreme and unreasonable rate increases.

Background

Liberty's Advice Letter seeks approval to solicit for a full-requirements contract to provide approximately 85MW of capacity each year. Upon learning of Liberty's Advice Letter, SBUA initiated discovery with Liberty to understand the context of Liberty's need to deviate from its approved Integrated Resource Plan. A public version of Liberty's response is attached as Exhibit

A. The Advice Letter describes NV Energy’s decision to discontinue full-requirement services as a “change of stance by NV Energy” and “a surprise” to Liberty. The available information indicates that Liberty should not have been surprised by this development.

Liberty was formed when NV Energy’s parent company sold its assets in California.¹ This was finalized in 2011. Since that time, Liberty has functioned as a wholesale customer of NV Energy. This allowed NV Energy to eliminate its liabilities and risks while still selling the same amount of power. NV Energy claims that Liberty always understood that purchasing power from NV Energy could not be permanent:

From the beginning, it has been understood that Liberty Utilities would eventually secure its own transmission access and energy supply so it could serve customers independently. Liberty’s 2018 request for transmission service signaled that it was taking the steps necessary to arrange for and deliver energy to its customers, and NV Energy’s planning has consistently reflected that expectation.²

Liberty in the past was caught by surprise by NV Energy’s lack of sufficient resources but was able to negotiate an extension for 2022 Liberty IRP.³ Liberty’s continual extension of its existing full-requirements contract with NV Energy indicates that long-term supply has been uncertain.

Liberty informed SBUA that it has been monitoring NV Energy’s public reporting to the Nevada Public Utilities Commission, including NV Energy’s most recent three-year integrated resource plan, filed May 2024, in which is stated an intent to discontinue service to Liberty in 2025.⁴ Volume 6 of the filing also showed very large data center growth and retail growth overall

¹ See <https://www.sec.gov/Archives/edgar/data/90144/000074150811000006/exhibit99-1.htm>; see also D.10-10-017 (approving transfer of control).

² <https://www.carsonnow.org/03/23/2026/nv-energy-to-lake-tahoe-find-electricity-elsewhere>; See also <https://www.tahodailytribune.com/news/liberty-utilities-to-find-a-new-energy-supplier-with-a-2027-deadline/> (accord).

³ Liberty 2022 IRP at 2-3 (Nov. 11, 2022), available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K071/498071350.PDF>.

⁴ https://www.nvenergy.com/publish/content/dam/nvenergy/brochures_arch/about-nvenergy/rates-regulatory/recent-regulatory-filings/irp/IRP-Volume-4.pdf; <https://www.nvenergy.com/about-nvenergy/rates-regulatory/recent-regulatory-filings>.

that would put Liberty on notice of NV Energy's interest in discontinuing wholesale supply to Liberty.⁵ Liberty had an obvious responsibility to closely evaluate the reliability of its primary source of power.

Liberty claims it first became aware that NV Energy would discontinue full-requirements service on November 26, 2025. However, Liberty should have sought clear assurances at many points over the past years and knew or should have known the high probability of discontinuation much earlier. Liberty filed its general rate case in September 2024 and should have included consideration of this issue in the scope of that proceeding to enable transparent and public input on the investments that Liberty would need to undertake to maintain reliable service.

Previously, the Commission found approvingly that "NV Energy is obligated to supply energy to Liberty Utilities at 38 delivery points, as needed, to provide reliable electric service."⁶ It is unclear whether another provider can meet a similar level of delivery via the Greenlink-West connection or if that provider can have the reserve capacity shown by NV Energy's portfolio of generation assets. While the Commission has not established a resource adequacy requirement for Liberty, it has in the past looked to Public Utilities Code section 380(c), which requires covered entities to "maintain physical generating capacity adequate to meet its load requirements," as necessary to provide reliable service.⁷ The Commission should seek to move Liberty closer to compliance with this standard.

SBUA's Recommendation

While SBUA does not believe that Liberty demonstrated prudence in preparing for the eventuality that NV Energy would decline to extend the existing full-requirements agreement,

⁵ https://www.nvenergy.com/publish/content/dam/nvenergy/brochures_arch/about-nvenergy/rates-regulatory/recent-regulatory-filings/irp/IRP-Volume-6.pdf.

⁶ D.15-12-021 at 17-18

⁷ See D.15-12-021 at 17 (approving Liberty PPA with NV Energy).

SBUA also sees that Liberty has presented the Commission with no alternative but to allow Liberty to seek an alternative means of meeting its obligations to customers. Liberty functioning as a wholesale customer of a single supplier results in intrinsic long-term risk, problematic pricing opacity and a weak negotiating position in the event of service termination.

SBUA requests that the Commission require Liberty to explain (a) what steps it took to prepare for this eventuality and (b) steps it will take to obtain a secure and reasonably-diversified power portfolio. SBUA does not concur with Liberty that hearings are not needed. SBUA recommends that the Commission require these responses in writing and also hold workshops and hearings concerning this fundamental change to Liberty's business model. Longer-term options include Liberty constructing a power connection over the Sierras to the California CAISO grid, subsidizing customer-sited distributed energy resources such as behind the meter solar and battery systems that can be used as virtual power plants and reduce peak demand and developing its own large-scale renewal power production facilities.

SBUA recognizes that these discussions can have implications for confidentiality that Liberty has an interest in maintaining to avoid further deterioration of its negotiating position. Nevertheless, SBUA believes there is a strong public interest in understanding the process that led to this crisis and ensuing that Liberty is taking reasonable steps to avoid being fully beholden to a single power supplier.

Respectfully submitted,



Ariel Strauss, Regulatory Counsel
Small Business Utility Advocates
548 Market St., Suite 11200
San Francisco, CA 94104
(310) 709-1213
ariel@utilityadvocates.org

Cc: Dan Marsh, Liberty Utilities (Dan.Marsh@libertyutilities.com)
Service lists for Liberty General Order 96-B (e-mail only)

ATTACHMENT A



Liberty Utilities (CalPeco Electric) LLC
933 Eloise Avenue
South Lake Tahoe, CA 96150
Tel: 800-782-2506
Fax: 530-544-4811

March 24, 2026

DATA REQUEST RESPONSE

LIBERTY UTILITIES (CALPECO ELECTRIC) LLC Advice Letter 287-E

Data Request No.: SBUA-Liberty DR re AL 287
Requesting Party: Small Business Utility Advocates
Originator: Ariel Strauss, ariel@utilityadvocates.org
cc: James Birkelund, james@utilityadvocates.org
Date Received: March 10, 2026
Due Date: March 24, 2026

Attachments to these responses contain information marked confidential in accordance with applicable law and regulation. Confidential information is being provided pursuant to the Non-Disclosure Agreement executed by SBUA on March 26, 2026. Public disclosure is restricted.

REQUEST NO. 1:

In the AL 287 dated March 6, 2026, (p.1), Liberty reports: “During the negotiations for a longer-term extension of the full-services ESA, NV Energy informed Liberty that it could no longer provide full-requirements services, and that Liberty must arrange for its own supply in 2027.”

- a) When was the full-services ESA between Liberty and NV energy set to expire in the absence of a negotiated extension?
- b) Liberty filed AL 279-E on December 4, 2025, which included the executed Third Amended and Restated Service Agreement, dated October __, 2025. Is this the Energy Services Agreement (“ESA”) referred to in the AL 287?
- c) Liberty’s Re-Filing of Related 2020 Integrated Resource Plan Information, filed October 15, 2021, reports that Liberty entered into a 2021 NV Energy ESA for a five-year term, during which Liberty would remain a wholesale customer of NV Energy.



Liberty Utilities (CalPeco Electric) LLC
933 Eloise Avenue
South Lake Tahoe, CA 96150
Tel: 800-782-2506
Fax: 530-544-4811

(i) Is the 2021 NV Energy ESA the agreement that Liberty extended with the Third Amended and Restated Service Agreement? (ii) When did Liberty initiate negotiations of a long-term extension of the 2021 NV Energy ESA?

- d) When specifically did NV Energy first communicate to Liberty that it contemplated discontinuing providing future full-requirements services?

RESPONSE:

- a) The ESA was set to expire December 29, 2025.
b) Yes.
c) Yes, the ESA that was extended was the 2021 ESA. Liberty initiate discussion of remaining a under a full-service agreement past May 2027 in the Fall of 2025.
d) NV Energy has remained open to discussions of a long term full-service agreement. They notified Liberty they would not be able to support that agreement once Greenlink West is in service on November 26, 2025.

REQUEST NO. 2:

Sierra Pacific Power Company, a wholly-owned subsidiary of NV Energy, filed a request with FERC to revise Rate Schedule No. 55 under Docket No. ER26-____-000 on November 17, 2025, in connection with revising the power purchase agreement between NV Energy and Liberty. This FERC request reports that “Sierra Pacific owns and operates approximately 1,600 MW of generation.” Liberty reports that it obtains all power from NV Energy other than renewable power produced by Liberty (AL-287, p.2). Approximately how much generation capacity does Liberty contract from NV Energy?

RESPONSE:

Under the current ESA, Liberty procures all capacity, outside of our renewable generation, from NV Energy. This results in about 85MW of capacity a year.

REQUEST NO. 3:

AL 287 (p.2) reports that Liberty is aware that NV Energy’s discontinuation of full-requirements service to Liberty is connected to the growth of large loads, including data centers, in NV Energy's territory. Does Liberty engage in any form of monitoring growing demand in NV Energy's territory? If yes. Please explain.

RESPONSE:

Liberty monitors what is publicly available, including NV Energy’s Integrated Resource Plan.

REQUEST NO. 4:

Is Liberty informed of the approximate energy requirements of the new “large loads” in NV Energy's territory? If yes, please state (a) the approximate forecasted load growth of which Liberty is informed and (b) approximately when Liberty learned of principle sources of load growth for periods beyond the term of the five-year energy services agreement between Liberty and NV Energy discussed in Liberty's October 15, 2021, IRP filing with the CPUC.

RESPONSE:

No, Liberty is not informed of the energy requirements of new loads in NV Energy's territory.

REQUEST NO. 5:

Does Liberty engage in any form of monitoring of NV Energy's energy generation or acquisition capacity? If yes. Please explain.

RESPONSE:

Liberty monitors what is publicly available, including NV Energy's Integrated Resource Plan.

REQUEST NO. 6:

When did Liberty learn that forecasted demand for energy in NV Energy's territory plus Liberty's demand for energy would likely exceed NV Energy's generation commitment capability?

RESPONSE:

Liberty was informed NV Energy could not pursue an energy supply agreement after Greenlink West on November 26, 2025.

REQUEST NO. 7:

Is Liberty in any way affiliated with NV Energy? If yes, please explain.

RESPONSE:

No.

REQUEST NO. 8:

AL 287 (p.2) reports that the termination of full-requirement services from NV Energy will occur in conjunction with the Greenlink-West transmission project becoming operational.

- a) What is the purpose of the Greenlink-West transmission project?
- b) When did Liberty become aware of the initiation of the construction of Greenlink-West transmission project?
- c) When did Liberty become aware that Greenlink-West was expected to be completed in May 2027?

RESPONSE:

- a) Please see NV Energy's announcement for details: <https://www.nvenergy.com/about-nvenergy/news/news-releases/nv-energy-transmission-infrastructure-investment-to-drive-clean-energy-transformation-for-nevada>
- b) Liberty became aware when NV Energy publicly announced it on July 20, 2020.
- c) NV Energy announced on November 2, 2023 the in-service date of Greenlink West is May 2027. They provide updates on their Open Access Same-time Information System (OASIS) for information related to their transmission service: <https://www.oasis.oati.com/NEVP/>

REQUEST NO. 9:

AL 287 (p.1) describes NV Energy's decision to discontinue full-requirement services as a "change of stance by NV Energy" and "a surprise" to Liberty. However, Liberty's October 15, 2021, IRP filing stated it "could only proceed with a 'bridging agreement' with NV Energy to provide time for potential improvements on the NV Energy transmission system that would make more resources available." Had NV Energy previously expressed an intention to continue providing Liberty full-requirement services after the expiration date of the existing contractual commitment to do so? If yes, please describe these communications and the dates of the communications and, to the extent able, provide copies of communications.

RESPONSE:

NV Energy has remained open to discussions on a future supply agreement. However, Liberty has expressed the potential intent to procure power from the market once additional transmission capacity becomes available. In the most recent extension discussions, NV Energy indicated that it was unable to extend the agreement beyond the energization of the Greenlink project.

REQUEST NO. 10:

Please provide any analysis or workpapers concerning (a) Liberty's preparing for and (b) potential cost implications of transitioning to a power supplier other than NV Energy

RESPONSE:

Please see confidential attachment *CalPeco_NVE Balance Analysis_CONFIDENTIAL.pdf*.

In preparation for Liberty's upcoming IRP filing, Liberty evaluated its power procurement options with a focus on affordability and emissions performance. The analysis, as summarized in the confidential attachment, resulted in continuing a full-service agreement represented the most cost-effective option while also achieving emissions objectives, including RPS compliance.

Liberty presented these findings to NV Energy, noting that Liberty's winter-peaking load complements NV Energy's load profile and could support an agreement beyond 2027. Despite these discussions, NV Energy ultimately concluded that it could not continue to serve Liberty under a full-service agreement.

Attachment 3

Time Sheet Records with Allocation of Hours by Issue

A.26-09-___ Application for Intervenor Compensation

Attachment 4. Time Sheet Records with Allocation of Hours by Issue and Contribution to Reso. Commission Resolution E-5485

Time Sheet Entries for Attorney Ariel Strauss

Issue Identification

1. Identify Deficiencies in Liberty's Power Procurement and Planning Process

<u>Date</u>	<u>Activity</u>	<u>1</u>	<u>2</u>
3/6/2026	Confer with Tahoe Spark re Advice Letter (AL)	0.2	
3/10/2026	Confer with J. Birkelund (JB) re filing protest	0.3	
3/10/2026	Review AL	1	
3/10/2026	Review related materials from Tahoe Spark	0.5	
3/10/2026	Draft DR to Liberty re AL	1.8	
3/10/2026	Confer with JB re first draft of AL	0.2	
3/24/2026	Review NVE NV PUC filings re discontinuation of Liberty's	1.8	
3/24/2026	Review Liberty data response	0.3	
3/26/2026	Review confidential DR	0.2	
3/26/2026	Review prior Liberty filings re NV Energy supply	0.5	
3/26/2026	Draft protest to AL	2	
3/27/2026	Review Cal Advocates and Tahoe Spark protests	0.9	
3/27/2026	Update to JB re other parties' protestes	0.1	
4/15/2026	Review Liberty response to AL	0.2	
	Total:	10	0

Compensation Claim Preparation Time

9/8/2026	Draft NOI	0.3
9/8/2026	Draft comp clai	3
		3.3

Attachment 4

Statement of Work with Contract Terms for E&E Law

STATEMENT OF WORK

This Statement of Work (SOW) is issued pursuant to the Consultant and Fee Agreement dated on or around April 18, 2025 (Agreement), by and between Small Business Utility Advocates (Client) and E&E Law Corp. (Law Firm) (collectively, the Parties). This SOW relates to the Parties' work on Advice Letter 287-E of Liberty Utilities (CalPeco Electric), filed March 6, 2026 (the Matter).

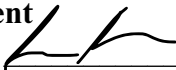
The Parties agree that Law Firm is providing professional services to represent Client as an intervenor in the Matter before the California Public Utilities Commission (Commission). Pursuant to the Agreement, Law Firm's compensation for services in this matter is contingent upon and limited to amounts awarded by the Commission through intervenor compensation, based on Commission-approved market rates. This SOW is contractually binding and further specifies the market rates the Parties intend to seek.

Pursuant to the Agreement, Client will seek, in any intervenor compensation claim, reimbursement for James Birkelund's services as General Counsel at the market rate of \$860 per hour in 2026 and Ariel Strauss' services as Regulatory Attorney at the market rate of \$570 per hour in 2026. All requested hourly rates, time, and costs remain subject to review and approval by the Commission in accordance with applicable intervenor compensation statutes, rules, and Commission precedent.

In accordance with the Agreement, any legal fees and costs recovered by Client in this matter for work performed by Law Firm shall be paid and disbursed in full to E&E Law Corp. This does not include any compensation awarded for work performed by Client's in-house staff or other non-consultant representatives.

All terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereby execute this Statement of Work:

Client
By: 

Jesse Honig
Treasurer
Small Business Utility Advocates
Date: September 8, 2026

E&E Law Corp.
By: 

James M. Birkelund
Attorney
E&E Law Corp.
Date: September 4, 2026

Attachment 5

Certificate of Service

(submitted under separate cover)