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12 *Attorneys for Petitioner Vote Solar*

13  
14 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
15 **IN AND FOR CARSON CITY**

16 **VOTE SOLAR,**

17 **Petitioner,**

18 **vs.**

19 **THE PUBLIC UTILITIES COMMISSION OF**  
**NEVADA,**

20 **Respondent.**

21 **Parties of Record Below:**  
22 Nevada Power Company d/b/a NV Energy,  
23 Sierra Pacific Power Company d/b/a NV  
Energy, Nevada Attorney General's Bureau of  
24 Consumer Protection, Regulatory Operations  
Staff of the Public Utilities Commission of  
25 Nevada, Solar Energy Industries Association,  
Bombard Renewable Energy, Great Basin  
26 Solar Coalition, Southern Nevada  
Homebuilders Association, Washoe County  
27 School District; Nevadans for Clean  
Affordable Reliable Energy, and The Alliance  
28 for Solar Choice.

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SUSAN HERRIWETHER  
CLERK

BY \_\_\_\_\_ DEPUTY  
**C. Cooney**

Case No.:

Department No.:

**PETITION FOR JUDICIAL REVIEW**

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Pursuant to NRS 703.373, Petitioner Vote Solar, by and through undersigned counsel, respectfully petitions this Court for judicial review of two orders issued by Respondent the Public Utilities Commission of Nevada ("Commission"), in its consolidated regulatory Docket Nos. 15-07041 and 15-07042. Specifically, Vote Solar requests that this Court vacate and set aside the Commission's Order on Reconsideration and Rehearing and its Modified Final Order,<sup>1</sup> both of which are dated February 17, 2016 (collectively, "the Orders"). Copies of the Orders are attached hereto as Exhibits 1 and 2. In support of this Petition, Vote Solar states as follows:

1. Vote Solar is a non-profit grassroots organization working to foster economic opportunity, promote energy independence, and fight climate change by making solar a mainstream energy resource in Nevada and across the United States. Vote Solar is a party of record to the proceedings below, consolidated Commission Docket Nos. 15-07041 and 15-07042, in which the Commission issued the Orders. Vote Solar exhausted its administrative remedies by timely filing a petition for reconsideration of the Commission's initial December 23, 2015 Order, which the Commission later modified; and Vote Solar also participated in the reopened portion of the proceedings. Thus, Vote Solar is "entitled to judicial review." NRS 703.373(1).

2. Vote Solar, as a party of record, hereby institutes a proceeding for judicial review by filing this Petition in this Court pursuant to NRS 703.373(2).

3. The Commission issued the Orders on February 17, 2016, and this Petition is therefore timely filed pursuant to NRS 703.373(3).

4. Through the Orders, the Commission has unlawfully eliminated net metering in Nevada. Net metering is a billing mechanism for customers who choose to invest in rooftop solar by which the energy these customers generate (and provide to others) is "netted" against the energy these customers buy from their utility over a given billing cycle. See, e.g., NRS 704.769. In Nevada, utilities are required by statute to offer their customers net metering. NRS 704.773. This

<sup>1</sup> The February 17, 2016 Modified Final Order modifies and supersedes the Commission's December 23, 2015 Order. Therefore, Vote Solar does not seek judicial review of the December 23, 2015 Order because that Order is of no legal force or effect, and the Modified Final Order is the final decision of the Commission. NAC 703.781(9).

1 statutory mandate is consistent with the Nevada Legislature's stated policy of encouraging private  
 2 investment in renewable energy resources, stimulating the economic growth of this State, and  
 3 enhancing the continued diversification of the energy resources used in this State. *See, e.g.*, NRS  
 4 704.766.

5       5. The Orders unlawfully and improperly eliminate net metering and erode the  
 6 economics of rooftop solar. This is true not only for prospective rooftop solar customers, who are  
 7 now discouraged from investing in this renewable energy resource, but also for existing rooftop  
 8 solar customers (and those who submitted complete applications under the statutory threshold  
 9 provided in NRS 704.773(1)(a)), who were specifically encouraged by the State of Nevada to  
 10 invest in renewable energy resources and are now unexpectedly left with significantly devalued  
 11 investments as a result of the Commission's Orders, all without adequate due process.

12       6. Vote Solar requests that the Court set aside the Orders, in whole or in part, because  
 13 Vote Solar's substantial rights have been prejudiced. Specifically, the Commission's final  
 14 decisions in these proceedings, as reflected in the Orders, are:

- 15       (a) In violation of constitutional or statutory provisions;
- 16       (b) In excess of the statutory authority of the Commission;
- 17       (c) Made upon unlawful procedure;
- 18       (d) Affected by other error of law;
- 19       (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the  
 20 whole record; and/or
- 21       (f) Arbitrary or capricious or characterized by abuse of discretion.

22       *See* NRS 703.373(11).

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1           WHEREFORE, Vote Solar respectfully requests that this Court review the Orders, the  
 2 record of the proceedings under review, and evidence concerning any procedural irregularities and  
 3 grant the following relief:

- 4           1. Enter an order vacating and setting aside the Orders, in whole or in part; and
- 5           2. Grant such other and further relief as the Court deems just and proper.

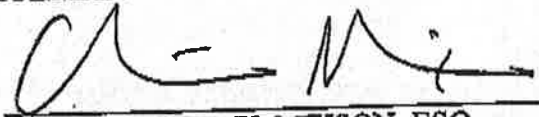
6                           **AFFIRMATION Pursuant to NRS 239B.030**

7           The undersigned hereby affirms that this Petition for Judicial Review does not contain the  
 8 social security number of any person.

9           Dated: March 4, 2016

10                           Respectfully submitted,

11                           **WOLF, RIFKIN, SHAPIRO,**  
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**CERTIFICATE OF SERVICE**

1  
2 I hereby certify that I have this day served the foregoing **PETITION FOR JUDICIAL**  
3 **REVIEW** upon all parties of record in the proceeding below by mailing a copy, properly  
4 addressed with postage prepaid, to the following:

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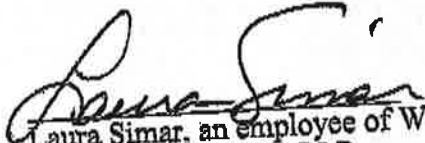
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16 Dated: March 4, 2016

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