

**PROPOSED REGULATION OF THE PUBLIC  
UTILITIES COMMISSION OF NEVADA**

**LCB File No. R126-02**

October 7, 2002

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

AUTHORITY: §§1-13, NRS 703.025, 704.1835 and 704.210.

**Section 1.** Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Customer” means a person:*

- 1. Who receives or applies to receive residential water service from a utility;*
- 2. In whose name such service is or is to be provided, as evidenced by a signature on the application or contract for service; or*
- 3. In whose name such service is or is to be provided, as may be established by other demonstrable evidence establishing that the person requested the utility to provide service in that person’s name.*

**Sec. 4.** *“Division” means the division of consumer complaint resolution of the commission.*

**Sec. 5.** *“Especially dangerous to health” means a condition or event likely to cause serious impairment to the health of a person who appears to be unable, without assistance, to*

*manage his own resources, carry out the activities of daily living, or protect himself from neglect or a hazardous situation.*

**Sec. 6.** *“Landlord” has the meaning ascribed to it in NRS 704.1835.*

**Sec. 7.** *“Termination of service” means the intentional cessation of service by a utility to a customer which has not been requested by the customer.*

**Sec. 8.** *“Utility” means:*

*1. A public utility, as defined in NRS 704.020, that furnishes water service to residential customers.*

*2. Except as otherwise inconsistent with sections 2 to 13, inclusive, of this regulation, a landlord who pays a public utility described in subsection 1 for water service and who distributes or resells the water to one or more residential tenants.*

**Sec. 9.** *1. Except as otherwise provided in this section, a utility may not enter into any agreement with a customer under terms that are inconsistent with the provisions of sections 2 to 13, inclusive, of this regulation.*

*2. The provisions of sections 2 to 13, inclusive, of this regulation do not preclude a utility from entering into an agreement with a customer under terms that are more favorable to the customer than those provided by those sections.*

**Sec. 10.** *1. If a utility intends to terminate service to a residential customer because of the customer’s failure to pay for that service, the utility shall first offer the customer a program of deferred payments.*

*2. A program of deferred payments must require the customer to pay:*

*(a) The arrearage within 60 days after the execution of the agreement, in three equal payments, with the first payment to be made upon the execution of the agreement; and*

*(b) All future bills when due.*

**Sec. 11. 1.** *A utility shall postpone termination of service to a residential customer for 30 days after the day on which it receives both of the following:*

*(a) A statement from a licensed physician or public health official certifying that any termination of the service would be especially dangerous to the health of the customer or another person who is a permanent resident of the premises where the service is being provided and would constitute an emergency affecting the health of the person. The physician or health official may consider the feebleness, advanced age, physical disability or handicap, mental incapacity, serious illness, or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement must be in writing and include:*

- (1) The address where service is provided;*
- (2) The name of the person whose health would be especially endangered;*
- (3) A clear description of the nature of the emergency; and*
- (4) The name, title, and signature of the physician or official certifying the emergency.*

FLUSH *The statement may be made by telephone if a written statement is sent for confirmation to the utility within 5 days after the oral statement is made.*

*(b) A statement signed by the customer:*

*(1) That he is unable to pay for service in accordance with the requirements of the utility's billing; or*

*(2) That he is able to pay for service only in installments. The utility shall allow an installment period of up to 90 days for a customer to pay his bills.*

*2. The postponement may be extended for an additional 30 days if the utility receives a renewed medical certificate before the expiration of the original period of postponement.*

*3. If a utility again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility shall give written notice of its intended action:*

*(a) To the division;*

*(b) To the customer; and*

*(c) To each governmental agency or other organization which has notified the utility that it will help customers who are unable to pay their bills.*

*4. Before the period of postponement expires, the customer must arrange with the utility to pay his bills in accordance with its applicable rules.*

**Sec. 12.** *A utility shall not terminate service to a residential customer or to a multiunit residential complex on any day when the forecasted temperature for the local area encompassing the service location is 110 degrees Fahrenheit or higher.*

**Sec. 13. 1.** *If a utility has grounds to terminate service to a multiunit residential complex, the utility shall use its best efforts to notify the occupants of each residential dwelling unit located within the complex:*

*(a) By posting a written notice on the main entrance door of each such residential dwelling unit; or*

*(b) If the utility does not have unrestricted access to the main entrance door of each such residential dwelling unit, by posting a written notice in a conspicuous location on or near the entryway that provides access to the main entrance door of each such residential dwelling unit.*

*2. The written notice required by this section must state:*

*(a) The grounds for the termination of service;*

*(b) The deadline for making any delinquent payments or for taking any corrective action that is necessary to avoid the termination of service; and*

*(c) The date scheduled for the termination of service in the event that any delinquent payments are not made or corrective action is not taken.*

*3. The utility shall post the written notice required by this section on the same day that the customer of record who pays for service to the multiunit residential complex is given notice of the utility's intent to terminate service.*