

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

Docket No. 07-06016

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

(Discontinuance of basic network service)

AUTHORITY: NRS 704.68865, 704.68885(2)(b).

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.

Sec. 2. *As used in section 3 to 4, inclusive, of this regulation, unless the context otherwise requires:*

1. *“Basic network service” has the meaning ascribed to it in NRS 704.006.*
2. *“Commission” has the meaning ascribed to it in NRS 704.010.*
3. *“Competitive supplier has the meaning ascribed to it NRS 704.011.*
4. *“Provider of last resort” has the meaning ascribed to it in NRS 704.018.*
5. *“Single development of a multitenant business or residential property” includes, but is not limited to, apartments, condominiums, or subdivisions.*

Sec. 3. *1. A competitive supplier that is a provider of last resort which seeks to permanently discontinue the provision of basic network service must file a verified application with the Commission. An application is not required under this section in cases where the competitive supplier terminates service to a particular customer unless the competitive supplier intends to never resume providing basic network service to that premises in the future.*

2. In addition to the general filing requirements set forth in NAC 703.530 to 703.577, inclusive, and NAC 703.610 to 703.615, inclusive, a verified application must contain the following information:

a. Any other names under which the competitive supplier conducts business in this state, if applicable.

b. A complete description of:

(1) the competitive supplier’s entire service territory, if it seeks to discontinue the provision of basic network service throughout its entire service territory;

(2) those portions of its service territory in which the competitive supplier seeks to discontinue the provision of basic network service, if it does not seek to discontinue such service throughout its entire service territory; or

(3) a single development of a multitenant business or residential property, if the application is limited to a particular real estate development.

c. The number of current customers of basic network service and associated line counts, by customer class and exchange, in the area in which the competitive supplier seeks to discontinue the service.

d. The type of facilities deployed by applicant to serve existing customers in each exchange for which the competitive supplier seeks to discontinue the service, and whether such facilities will continue to be owned by the applicant.

e. The number of current customers of the competitive supplier which receive lifeline service in the area in which the competitive supplier seeks to discontinue the provision of basic network service.

f. Identification of any discontinuance, reduction or impairment of service applications pursuant to Federal Communications Commission rules which have been made or are anticipated by the applicant.

g. The competitive supplier's basis for requesting authorization to discontinue the provision of basic network service.

h. A copy of the written notification provided or to be provided to all customers potentially affected by the application. The notification must inform customers that the competitive supplier is seeking authorization from the Commission to discontinue the provision of basic network service. Notification must be sent to customers no later than the business day following the filing of an application. Notification must be sent by U.S. Mail, postage prepaid, to those customers who receive bills by mail. Notification may be sent by electronic mail to those customers who receive notification of bills via electronic means. The notification must contain identical information regardless of the method of transmission.

i. Any other information which will assist the Commission in evaluating whether it is in the public interest for the Commission to allow the competitive supplier to discontinue providing basic network service in the area described in the application.

Sec. 4. *If the Commission grants an application filed by a competitive supplier that is a provider of last resort for the authorization to discontinue the provision of basic network service, the competitive supplier may discontinue such service only to the extent specified in the Commission's order. A competitive supplier may discontinue basic network service no earlier than 30 days following the date of issuance of an order which grants such an application.*

(Change in boundaries of service area)

AUTHORITY: NRS 703.025(2)(d), 704.330(9)(b).

Section 1. Chapter 703 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.

Sec. 2. *As used in section 3 of this regulation, unless the context otherwise requires:*

- 1. "Competitive supplier has the meaning ascribed to it NRS 704.011.*
- 2. "Provider of last resort" has the meaning ascribed to it in NRS 704.018.*

Sec. 3. 1. A competitive supplier that is a provider of last resort which has complied with the requirements of NRS 704.330(9)(a) may file an application to change the boundaries of its service area. In addition to the general filing requirements set forth in NAC 703.530 to 703.577, inclusive, and NAC 703.610 to 703.615, inclusive, an application must contain the following information:

a. Any other names under which the competitive supplier conducts business in this state, if applicable.

b. A description of and map depicting the current boundaries of the service area.

c. A description of and map depicting the competitive supplier's proposed change in boundaries. The map must show, using contrasting colors, the current service area and the change proposed in this application.

d. The competitive supplier's basis for changing the boundaries.

e. A statement that either:

(a) The application does not involve a discontinuance of basic network service, or

(b) A reference, by docket number, to the Commission's approval of the discontinuance of basic network service pursuant to NRS 704.68885(2)(b).

Sec. 4. The application will be deemed approved if the Commission does not act on the application within 120 days after the date the application is filed with the Commission.

(Consumer Bill of Rights)

AUTHORITY: NRS 703.025, 704.210.

NAC 704.4125 is hereby amended as follows:

1. A bill for service issued by a utility is due:

(a) Upon deposit of the bill with the United States Postal Service for delivery to the customer by first-class mail; or

(b) In the case of delivery by other means, upon delivery of the bill to the billing address of the customer.

2. A customer may pay the bill:

(a) Unless there is reason to believe that he has defrauded, is defrauding or intends to defraud the utility, or other good cause exists, by depositing payment with the United States Postal Service for delivery to the utility by first-class mail;

(b) By making payment at the business office of the utility; or

(c) By making payment to any person authorized by the utility to accept payment.

3. Except as otherwise provided in this subsection, the date a bill is past due may not be earlier than 15 days after its issuance. If the last day for payment before the past due date falls on a Sunday, legal holiday or any other day on which the office of a utility used for the payment of bills is closed, the last day for payment is the next business day. Payment of a bill by first-class mail is timely if the payment is received by the utility not more than 3 days after the past due date.

4. A utility may charge a customer a fee, as set forth in its tariff, for:

(a) The return of an unpaid check.

(b) The late payment of a bill.

(c) The use of a credit card to make a payment to the utility. *A small-scale provider of last resort* ~~[The utility]~~ shall not charge the customer a fee for the use of a credit card to make a payment to the utility or enter into an agreement with a third-party credit card service which charges the customer such a fee, unless the fee has been reviewed and approved by the Commission.

REPEAL OF OTHER SECTIONS

NAC 704.4245 should be repealed.