

LCB File No. T012-99

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

PUC Docket No. 98-6021

AUTHORITY: NRS 704.120, NRS 704.210, NRS 703.025

Section 1. NAC 704.68026 is hereby amended to read as follows:

A provider of commercial mobile radio services is exempt from the provisions of [NAC 704.68024, 704.6806 to 704.6808, inclusive, 704.68085 and 704.68474 to 704.68498, inclusive] chapter 704 of the NAC, except for NAC 704.6804 to 704.68056, inclusive, and 704.786 to 704.7864, inclusive.

Sec. 2. NAC 704.7493 is hereby repealed.

[1. A provider of cellular telephone service is subject to the provisions of NAC 704.7472 to 704.7487, inclusive, in the same manner as a carrier between local areas of transport and access.

2. As used in this section, a “carrier between local areas of transport and access” means a provider of telecommunication between exchanges where service originates in one local area of transport and access in this state and terminates in another such area. It does not include resellers.]

**LEGISLATIVE REVIEW OF ADOPTED REGULATION
AS REQUIRED BY THE ADMINISTRATIVE PROCEDURES ACT
NRS 233B.066
PUBLIC UTILITIES COMMISSION
DOCKET No. 98-6021**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 704.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The regulations in Docket No. 98-67021 were noticed in the Elko Daily Free Press (September 18 and November 20, 1998), Ely Daily Times (September 18 and November 20, 1998), Las Vegas Review Journal (September 18, 1998), Nevada Appeal (September 20 and November 20, 1998), Reno Gazette Journal (September 18 and November 20, 1998), and Tonopah Times-Bonanza (September 18 and November 20, 1998). There was no public response except from affected businesses which is discussed in #3 below. A copy of the written comments may be obtained by calling the Public Utilities Commission of Nevada at (775) 687-6001 or (702) 486-2600, or writing to the Commission at 1150 East William Street, Carson City, Nevada 89701 or 555 East Washington Avenue, Suite 4500, Las Vegas, Nevada 89101.

2. The number of persons who:

- (a) **Attended the hearing:** 5
- (b) **Testified at the hearing:** 5
- (c) **Submitted to the agency written comments:** Comments were submitted by AirTouch Communications, AT&T Wireless of Nevada, Pacific Bell Mobile Services, the Regulatory Operations Staff of the Commission, and Sprint PCS.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. The businesses primarily agreed with the regulations as proposed. However, the representatives of the commercial mobile radio service ("CMRS") providers did not believe that the regulations regarding Universal Service should apply to CMRS providers. A copy of the written comments may be obtained by calling the Public Utilities Commission of Nevada at (775) 687-6001 or (702) 486-2600, or writing to the Commission at 1150 East William Street, Carson City, Nevada 89701 or 555 East Washington Avenue, Suite 4500, Las Vegas, Nevada 89101.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulation was adopted at the Public Utilities Commission agenda on January 29, 1999, with no changes to the final proposed regulation because the regulation reflected the federal preemption of CMRS regulation in most instances but left open the issue of Universal Service contribution as applied to the CMRS providers.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

(1) The proposed regulations are expected to have a negligible effect on the regulated businesses, both immediate and long-term, by simply reflecting the current presumption of federal preemption for regulation of CMRS providers.

(2) The proposed regulations are expected to have a negligible effect on the public, both immediate and long-term, by simply reflecting the current presumption of federal preemption for regulation of CMRS providers.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

N/A

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

N/A

9. If the regulation provides a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee, and hence since no fee is involved there is not a total amount expected to be collected or used.