

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

**LCB File No. R076-10**

Effective December 16, 2010

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

AUTHORITY: §1, NRS 703.025 and 704.210.

A REGULATION relating to public utilities; revising provisions concerning representation of parties before the Public Utilities Commission of Nevada; revising provisions concerning appearances before the Commission by attorneys not licensed to practice law in Nevada; and providing other matters properly relating thereto.

**Section 1.** NAC 703.510 is hereby amended to read as follows:

703.510 1. Subject to the specific ~~[provisions of]~~ *requirements provided in* this section ~~[,]~~ *for representation by an attorney*, in any proceeding before the Commission, a person may represent himself or may be represented by an attorney or any other person who satisfies the Commission or the presiding officer that the person possesses the expertise and is otherwise competent to advise and assist in the presentation of matters before the Commission. The Commission may, for good cause shown, exclude any representative or impose conditions upon the participation of any representative appearing before the Commission pursuant to the provisions of this section.

2. The provisions of this section rather than the provisions of Nevada Supreme Court Rule 42 govern appearances before the Commission by attorneys who are not admitted and entitled to practice before the Supreme Court of Nevada.

3. An attorney appearing in any proceeding before the Commission must be duly admitted to practice and in good standing before the highest court of any state or the District of Columbia.

4. ~~He~~ *With respect to any attorney appearing as a representative in* a contested case:

(a) An attorney who is not admitted and entitled to practice before the Supreme Court of Nevada *and who does not reside in Nevada* must associate with an attorney so admitted and entitled to practice and ~~shall~~ *must* file a notice of association with the Commission ~~if:~~

~~—(1) The~~ *as provided in this section, unless, except as otherwise provided in paragraph*

*(b), the* attorney who is not admitted and entitled to practice before the Supreme Court of Nevada *and who does not reside in Nevada* has ~~not~~ appeared before the Commission *in the same substantive area of utility regulation* in the 3 years immediately preceding the date on which the case is ~~filed; or~~

~~—(2) The~~ *accepted for filing. For the purposes of this paragraph, the regulation of railroads, telecommunications carriers, water utilities, electric utilities and natural gas utilities are deemed to be different substantive areas of utility regulation.*

*(b) Notwithstanding any prior appearances before the Commission, the* Commission, for good cause shown, ~~requires~~ *may require* the attorney who is not admitted and entitled to practice before the Supreme Court of Nevada *and who does not reside in Nevada* to associate with an attorney so admitted and entitled to practice ~~f~~

~~(b) The~~ *and to file a notice of association as provided in this section.*

5. A notice of association required pursuant to ~~paragraph (a)~~ *this section* must:

~~(1)~~ *(a)* Identify each jurisdiction in which the attorney who is required to file the notice is duly admitted and in good standing;

~~[(2)]~~ (b) Identify by name and State Bar of Nevada identification number the attorney with whom the attorney who is required to file the notice is associating;

~~[(3)]~~ (c) Describe the qualifications of the attorney who is required to file the notice to advise and assist in the presentation of the contested case before the Commission; and

~~[(4)]~~ (d) Be signed by the attorney who is required to file the notice and by the attorney with whom the attorney who is required to file the notice is associating.

~~[(e) The]~~ 6. *Except as otherwise provided in subsection 7, the* Commission or presiding officer may require the attorney who is admitted and entitled to practice before the Supreme Court of Nevada and who is identified ~~[pursuant to subparagraph (2) of paragraph (b)]~~ *in a notice of association required by this section* to sign any pleadings and be present at any proceeding on the record.

~~[(5)]~~ 7. An attorney who resides in Nevada and who is not admitted and entitled to practice before the Supreme Court of Nevada may not appear in any proceeding before the Commission unless the attorney:

(a) Is qualified or has an application for qualification pending for the limited practice of law pursuant to Nevada Supreme Court Rule 49.10; and

(b) Associates with an attorney who is admitted and entitled to practice before the Supreme Court of Nevada ~~[in accordance with the provisions of subsection 4.~~

~~—6.]~~ *and files a notice of association as provided in this section. The attorney who is admitted and entitled to practice before the Supreme Court of Nevada and who is identified in a notice of association required by this section must sign any pleadings and be present at any proceeding on the record.*

8. An attorney from the Regulatory Operations Staff of the Commission shall represent the Commission's staff in all proceedings before the Commission.

~~7.~~ 9. As used in this section, the term "contested case" has the meaning ascribed to it in NRS 233B.032.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
AS REQUIRED BY NRS 233B.066  
LCB FILE R076-10 (DOCKET NO. 10-01003)**

The following informational statement is submitted for adopted amendments to Nevada Administrative Code Chapter 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.**

Copies of the proposed regulations, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subject of pipeline safety regulations. These documents were also made available at the website of the Public Utilities Commission (the "Commission"), <http://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times  
Las Vegas Review Journal  
Nevada Appeal  
Reno Gazette Journal  
Tonopah Times-Bonanza

and posted at the following locations:

Public Utilities Commission 1150 East William Street Carson City, Nevada 89701	Public Utilities Commission 101 Convention Center Drive, Suite 250 Las Vegas, Nevada 89109
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An informal workshop was held on February 25, 2010, at which time the participants discussed potential regulation language and other issues related to the rulemaking process. Thereafter, the proposed regulation language was sent to the Legislative Counsel Bureau ("LCB") April 30, 2010. The LCB returned the proposed regulations in revised form on May 26, 2010.

A formal workshop was held on August 16, 2010 and a public hearing was held on August 17, 2010. At that workshop and hearing, Nevada Power Company and Sierra Pacific Power Company, d/b/a NV Energy, the Regulatory Operations Staff of the Commission, AT&T Nevada, CenturyLink, Newmont Mining, Parsons Behle Latimer, Barrick Goldstrike Mines, Inc. and Western Resource Advocates participated. All parties, except Western Resource Advocates, agreed that they were satisfied with the language of the proposed regulation. The parties also agreed that the proposed regulation established a clear standard to be applied consistently by the members of the Commission. Western Resource Advocates opposed a portion of the regulation which limits the ability of resident non-barred attorneys to represent entities before the Commission. The Commission and the other parties agreed

that the proposed regulations were consistent with Nevada Supreme Court Rule 42 and the stated policies of the State Bar of Nevada. Western Resource Advocates did not participate in the hearing held August 17, 2010.

A copy of the transcript of the proceedings is available for review at the offices of the Commission, 1150 East William Street, Carson City, Nevada 89701 and 19075 W. Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

**2. The number of persons who:**

**(a) Attended the workshops:** February 25, 2010 - 9; August 16, 2010 - 10

**(b) Testified at the hearing:** August 17, 2010 - 4

**(c) Submitted to the agency written comments:** 8

**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 in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question #1.

**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 permanent regulations were adopted on September 14, 2010. It was not revised as the participants in the formal workshop and hearing and the Commission believed the regulation met the intent of the statute.

**5. The estimated economic effect of the adopted regulation on the businesses 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.**

(a) Both adverse and beneficial effects:

The adopted regulation will have little or no economic impact on the public. The regulation affects only the internal practice of the Commission with regard to attorney representation.

(b) Both immediate and long-term effects:

See Item # 5(a).

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

There is no additional cost to the agency for enforcement of these regulations.

**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.**

The rule is similar to Nevada Supreme Court Rule 42 which limits the practice of attorneys not licensed in Nevada. Nevada Supreme Court Rule 42 specifically provides that a state agency, such as the Commission, has discretion to adopt separate rules regarding the practice of out of state attorneys if necessary.

**8. If the regulation includes provisions that 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 increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

**10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The PUC has determined that the proposed regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the PUC adopted the findings of Regulatory Operations Staff of the Commission, which conducted a Delphi Method exercise to determine the impacts. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts.