

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

**LCB File No. R084-10**

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, 703.154, 704.190 and 704.210; §§2-11 and 20, NRS 703.025 and 704.210; §§12-19 and 21, NRS 703.025, 704.190 and 704.210.

A REGULATION relating to reporting of service outages and accidents; requiring a gas operator to report accidents; requiring a utility to report certain service outages; requiring an electric utility to report service outages; requiring a water utility to provide notice of certain scheduled maintenance; revising provisions relating to the reporting of accidents by a utility; repealing a redundant section relating to penalties; and providing other matters properly relating thereto.

**Section 1.** Chapter 703 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A gas operator shall comply with the accident reporting requirements set forth in NAC 704.230 to 704.250, inclusive, and sections 12, 13 and 14 of this regulation in the same manner as required for a gas utility.*

*2. As used in this section, “gas operator” means an entity that operates or maintains storage facilities and intrastate pipelines in this State which are used to store and transport natural gas, liquefied petroleum gas, in its liquid or vapor form, or any mixture thereof.*

**Sec. 2.** Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this regulation.

*Sec. 3. As used in sections 3 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

*Sec. 4. "Pipeline" has the meaning ascribed to it in 49 C.F.R. § 191.3, as adopted by reference in NAC 704.460.*

*Sec. 5. "Significant service outage" means:*

*1. For an electric utility, a forced outage of at least 3,000 customer hours or any outage lasting more than 10 hours that affects at least 50 customers.*

*2. For a public utility that provides telecommunication services, is a competitive supplier that owns, operates, leases or otherwise utilizes facilities in Nevada and has more than 20,000 access lines, any outage lasting more than 30 minutes that:*

*(a) In a city whose population is 20,000 or more or in an unincorporated area of a county if the population of the entire unincorporated area of the county is 20,000 or more, potentially affects at least 300,000 user minutes of telecommunication service in Nevada as defined in 47 C.F.R. § 4.7(e);*

*(b) In a city whose population is less than 20,000 or in an unincorporated area of a county if the population of the entire unincorporated area of the county is less than 20,000, potentially affects at least 30,000 user minutes of telecommunication service in Nevada as defined in 47 C.F.R. § 4.7(e);*

*(c) Potentially affects at least 1350 DS3 minutes in Nevada as defined in 47 C.F.R. § 4.7(d);*

*(d) Potentially affects any special offices and facilities in Nevada as defined in 47 C.F.R. § 4.5(a) to (d), inclusive; or*

*(e) Potentially affects a 911 special facility in Nevada as defined in 47 C.F.R. § 4.5(e).*

*3. For a public utility which provides telecommunication services and which is a small-scale provider of last resort, any outage lasting more than 30 minutes that:*

*(a) Potentially affects at least 30,000 user minutes of telecommunication service in Nevada as defined in 47 C.F.R. § 4.7(e);*

*(b) Potentially affects at least 500 DS3 minutes in Nevada as defined in 47 C.F.R. § 4.7(d);*

*(c) Potentially affects any special offices and facilities in Nevada as defined in 47 C.F.R. § 4.5(a) to (d), inclusive; or*

*(d) Potentially affects a 911 special facility in Nevada as defined in 47 C.F.R. § 4.5(e).*

*4. For a water utility, any unscheduled outage resulting in water pressure of less than 5 pounds per square inch in any water distribution main that affects service to 50 or more customers or lasts more than 6 hours.*

*5. For a gas utility, any unplanned outage that results in the interruption of service to 10 or more active customer accounts.*

**Sec. 6.** *For the purposes of subsection 2 of section 5 of this regulation, the Commission will annually certify the population of:*

*1. Each city in this State; and*

*2. The entire unincorporated area of each county in this State.*

**Sec. 7.** *1. At the earliest practicable moment following the discovery of a significant service outage, but not later than 4 hours after discovery, a utility shall submit an initial report of the significant service outage to the person designated by the Regulatory Operations Staff of the Commission to receive such reports. The initial report shall be submitted by telephone,*

*electronic mail or a web-based reporting system established by the Regulatory Operations Staff of the Commission.*

*2. Each utility shall have at least one employee designated to report significant service outages and, in the event that all designated employees are unavailable, shall designate a substitute.*

*3. As used in this section, “discovery” means whenever any employee designated by the utility to report significant service outages to the Commission first obtains knowledge of a significant service outage and has determined that the criteria for a significant service outage have been satisfied.*

**Sec. 8. 1.** *The initial report required by section 7 of this regulation must include the following information to the extent that the information is available to the representative of the utility making the initial report:*

- (a) The name and principal business address of the utility.*
- (b) The name and position of the representative of the utility making the initial report.*
- (c) The approximate geographic area affected by the significant service outage.*
- (d) The estimated number of customers affected by the significant service outage.*
- (e) The approximate date, time and duration of the significant service outage.*
- (f) The date and time of discovery of the significant service outage.*
- (g) The apparent cause of the significant service outage.*

*2. All information in the initial report must receive confidential treatment. The utility shall provide an approximate geographic area and estimated number of customers affected by the significant service outage for public dissemination.*

**Sec. 9. 1.** *A utility shall submit a final report of each significant service outage to the Commission within 30 calendar days after submitting the initial report required by section 7 of this regulation.*

*2. A utility shall submit the final report on the form entitled “Public Utility Significant Service Outage Report,” which is available from the Commission.*

*3. If any of the information required is not readily available to the utility at the time the final report is submitted to the Commission, the utility shall briefly explain its reasons and shall submit the additional information to the Commission as soon as it becomes available to the utility.*

*4. If the information required has not been submitted to the Commission within 3 months after the date of the final report, the utility shall submit a status report in writing to the Commission setting forth the actions taken or contemplated by the utility to obtain the information and the estimated date of submission of the information. Status reports must be submitted by the utility at 3-month intervals until all of the information has been submitted to the Commission.*

*5. If the utility determines after further investigation that the service outage was not a significant service outage, the utility shall submit a rescission of the initial report to the Regulatory Operations Staff of the Commission within 7 calendar days after the discovery of the nature of the service outage and in the same manner in which the utility notified the Commission of the service outage. The rescission shall include an explanation of the basis for the rescission.*

**Sec. 10. 1.** *An electric utility shall submit a quarterly report to the Regulatory Operations Staff of the Commission within 90 days after the end of each calendar year quarter*

*for all service outages, including, without limitation, a significant service outage, which occurred in that calendar year quarter.*

*2. The quarterly report must include the following information for each service outage:*

- (a) The geographic area of the service outage;*
- (b) The number of customers affected by the service outage;*
- (c) The date, time and duration of the service outage; and*
- (d) The cause of the service outage.*

**Sec. 11. 1.** *A water utility shall notify the Regulatory Operations Staff of the Commission by telephone or electronic mail, or both, at least 24 hours before any scheduled maintenance that will:*

- (a) Last more than 6 hours; or*
- (b) Result in water pressure of less than 5 pounds per square inch in any water distribution main and affect service to 50 or more customers.*

*2. The notification required pursuant to subsection 1 must include:*

- (a) The hours during which service will be interrupted;*
- (b) The time on which service will be restored; and*
- (c) The number of customers to be affected by the scheduled maintenance.*

**Sec. 12.** *As used in NAC 704.230 to 704.250, inclusive, and sections 12, 13 and 14 of this regulation, unless the context otherwise requires, the words and terms defined in NAC 704.230 and sections 13 and 14 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 13.** *“Estimated property damage” means all costs related to an accident, including, but not limited to:*

1. *Labor;*
2. *Materials;*
3. *Transportation;*
4. *Temporary paving repair; and*
5. *Lost commodity.*

**Sec. 14.** *“Pipeline” has the meaning ascribed to it in 49 C.F.R. § 191.3, as adopted by reference in NAC 704.460.*

**Sec. 15.** NAC 704.230 is hereby amended to read as follows:

704.230 ~~[As used in NAC 704.230 to 704.265, inclusive, unless the context otherwise requires:]~~

1. “Accident” means ~~[any]~~ :

*(a) Any* occurrence or condition directly or indirectly arising from or connected with the maintenance or operation of the premises, plant, instrumentality, or facilities of any public utility which has resulted in:

~~[(a)]~~ *(1)* The loss of human life;

~~[(b)]~~ *(2)* Injury to a person requiring *inpatient* hospitalization; or

~~[(e)]~~ *(3)* Estimated property damage to utility facilities or to the property of others, or both,

in the amount of ~~[\$5,000]~~ *\$50,000* or more ~~[ ]~~; *and*

*(b) For a gas utility, in addition to any occurrence or condition described in paragraph (a):*

*(1) An evacuation:*

*(I) Initiated by the personnel of the gas utility or by emergency response personnel;*

*(II) Confirmed by the personnel of the gas utility through the use of a device capable of detecting and measuring the concentration of gas in the air;*

*(III) Caused by the release of gas from the gas utility's pipeline; and*

*(IV) That results in a gas concentration reading inside the evacuated structure of greater than 1 percent natural gas in air or greater than 0.5 percent liquid propane gas in air, or a gas concentration reading outside of the base of the evacuated structure of greater than 2 percent natural gas in air or greater than 1 percent liquid propane gas in air;*

*(2) Damage incurred to a pipeline that requires an immediate pressure reduction, repair or replacement of a pipeline section that was operating at a pressure of more than 100 pounds per square inch; or*

*(3) An event that causes the pressure in a pipeline section to rise above its maximum allowable operating pressure plus twice the build-up allowed for operation of pressure-limiting or control devices.*

2. ~~["Utility" or "public utility" means those entities described in NRS 704.020.]~~ *The term does not include a motor vehicle accident unless the motor vehicle accident causes damages that otherwise meet the requirements of this section to the premises, plant, instrumentality or facilities of a public utility.*

**Sec. 16.** NAC 704.235 is hereby amended to read as follows:

704.235 The provisions of NAC 704.230 to ~~[704.265,]~~ **704.250**, inclusive, *and sections 12, 13 and 14 of this regulation* do not apply to any common carrier engaged in the transportation of passengers or property by rail, except that:

1. The railroads shall provide the Commission with immediate telephonic notice of an accident involving the loss of human life; and

2. The railroads shall furnish to the Commission copies of accident or incident reports filed with the Federal Railroad Administration pursuant to regulations issued under the Federal Railroad Safety Act of 1970 and the Accidents Reports Act.

**Sec. 17.** NAC 704.240 is hereby amended to read as follows:

704.240 1. At the earliest practicable moment following the discovery of an accident, ~~[allowing time to carry out proper emergency procedures to prevent further injury to persons or property,]~~ **but not later than 4 hours after discovery**, a public utility shall ~~[give notice to the Commission in accordance with the provisions of subsection 2.~~

~~—2.— Upon discovering that an accident has occurred, and if such discovery occurs during the hours of 8:00 a.m. to 5:00 p.m. on a weekday other than a Saturday, Sunday, or holiday, an authorized representative of the utility shall]~~ **submit an initial** report **of** the accident ~~[by telephone to the Secretary]~~ **to the person designated by the Regulatory Operations Staff** of the Commission ~~[. If the discovery of the accident occurs at any other time, the utility shall report the accident to the office of the Secretary of the Commission on the next working weekday between 8:00 a.m. and 5:00 p.m.]~~ **to receive such reports. The initial report must be submitted by telephone, electronic mail or a web-based reporting system established by the Regulatory Operations Staff of the Commission.**

2. **Each utility shall have at least one employee designated to report accidents and, in the event that all designated employees are unavailable, shall designate a substitute.**

3. **As used in this section, “discovery” means whenever any employee designated by the utility to report accidents to the Commission first obtains knowledge of an accident and has determined that the criteria for an accident have been satisfied.**

**Sec. 18.** NAC 704.245 is hereby amended to read as follows:

704.245 1. The ~~[telephonic]~~ *initial* report ~~[to the Commission]~~ required by ~~[subsection 2 of]~~ NAC 704.240 must include the following information to the extent that the information is available to the ~~[representative]~~ *employee* of the utility making the *initial* report:

~~[1.]~~ (a) The name and principal business address of the utility.

~~[2.]~~ (b) The name and position of the ~~[person making the telephone call.~~

~~—3.]~~ *employee of the utility making the report.*

(c) The *estimated* date and time of the accident . ~~[, or of its discovery by the utility, whichever is appropriate.~~

~~—4.]~~ (d) *The date and time of the discovery of the accident by the utility.*

(e) The *approximate* location of the accident.

~~[5.]~~ (f) A ~~[brief]~~ description of the accident . ~~[and steps being taken or contemplated by the utility to prevent further property damage or personal injury from occurring.~~

~~—6.]~~ (g) The *approximate* number of fatalities or injuries . ~~[, if any, resulting from the accident and the names of the persons involved, if known.~~

~~—7. An estimate of the extent]~~

(h) *A description of the apparent cause of the accident.*

(i) *The estimated number of structures evacuated.*

(j) *The estimated number of persons evacuated.*

(k) *The estimated number of customers affected by any service outage. If the accident results in a significant service outage as defined in section 5 of this regulation, the utility shall also supply all the information required in section 8 of this regulation not otherwise required by this section.*

(l) *A description* of property damage which has occurred, or which may be anticipated, as a result of the accident.

(m) *A description of the steps being taken or contemplated by the utility to prevent further property damage or personal injury from occurring.*

~~[8.]~~ (n) Any additional information deemed necessary to apprise the *Regulatory Operations Staff of the* Commission properly of the details of the accident.

~~[9.]~~ (o) The names and telephone numbers of the personnel of the utility who may be contacted if further information regarding the accident is required.

*2. All information in the initial report must receive confidential treatment. The utility shall provide a general description and approximate location of the accident for public dissemination.*

**Sec. 19.** NAC 704.250 is hereby amended to read as follows:

704.250 1. ~~[Except as provided in subsection 2 of NAC 704.240, all utilities]~~ *A utility shall submit a ~~[written]~~ final report of each accident to the Commission within ~~[20]~~ 30 calendar days ~~[of]~~ after submitting the ~~[telephonic]~~ initial report required ~~[in]~~ by NAC ~~[704.245, in accordance with the instructions on the form entitled "Public Utility Accident Report."\*~~] *704.240.**

*2. Except as otherwise provided in subsection 3, a utility shall submit the final report on the form entitled "Public Utility Accident Report," which is available from the Commission.*

*3. A gas utility whose accident results in a notification to the United States Department of Transportation shall submit the final report on the form prescribed for a gas distribution pipeline system incident report (Form PHMSA F 7100.1) or the form prescribed for a gas transmission and gathering systems incident report (Form PHMSA F 7100.2) by the Pipeline*

*and Hazardous Materials Safety Administration of the United States Department of Transportation.*

4. If any of the information required is not readily available to the utility at the time the ~~initial-written~~ *final* report is submitted to the Commission, the utility shall briefly explain its reasons and shall submit the additional information to the Commission as soon as it becomes available to the utility.

~~3.~~ 5. If the information required has not been submitted to the Commission within ~~6~~ 3 months ~~of~~ *after* the date of the ~~initial-telephonic~~ *final* report, the utility shall submit a status report in writing to the Commission setting forth the actions taken or contemplated by the utility to obtain the information and the estimated date of submission of the information. Status reports must be submitted by the utility at ~~6-month~~ *3-month* intervals until all of the information has been submitted to the Commission.

~~[\*See adopting agency for form.]~~

6. *If the utility determines after further investigation that the incident was not an accident, the utility shall submit a rescission of the initial report to the Regulatory Operations Staff of the Commission within 7 calendar days after the discovery of the nature of the incident and in the same manner in which the utility notified the Commission of the incident.*

*The rescission shall include an explanation of the basis for the rescission.*

**Sec. 20.** NAC 704.465 is hereby amended to read as follows:

704.465 ~~[1.—An original of each written report which concerns intrastate pipeline facilities, required to be made by 49 C.F.R. Part 191.]~~ *Any report or notification made to the United States Department of Transportation pursuant to the federal regulations adopted by reference in NAC 704.460 must be filed concurrently with the Commission.*

~~{2.—The Commission will transmit one copy of each report to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. If a report concerns a gas leak, the copy will be transmitted within 10 days after the Commission's receipt of the report. If it is an annual report, the copy will be transmitted within 15 days after the Commission's receipt of the report.}~~

**Sec. 21.** NAC 704.255, 704.260 and 704.265 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**704.255 Additional information. (NRS 703.025, 704.190, 704.210)** In addition to the specific information required by NAC 704.230 to 704.265, inclusive, a utility shall furnish any other information requested by the Commission in its investigation of accidents.

**704.260 Restoration of service; preservation of scene of accident. (NRS 703.025, 704.190, 704.210)**

1. In any accident involving facilities used for the production, delivery, or furnishing of natural gas, the utility shall seek to restore safe, adequate, and reliable service to its customers. The preservation and protection of life and property are paramount.

2. The utility shall take reasonable steps to preserve intact and in place all utility facilities involved in the accident until an investigation of the scene of the accident has been concluded by personnel of the Commission, and written clearance has been granted by the Commission for the further removal, repair, replacement, or restoration of damaged utility facilities.

**704.265 Penalties. (NRS 703.025, 704.190, 704.210)** If any utility violates any provision of NAC 704.230 to 704.265, inclusive, or fails or refuses to perform any duty enjoined upon the utility by those provisions, the public utility shall be subject to the penalty prescribed in NRS 703.380 for every violation or failure or refusal to act.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
AS REQUIRED BY NRS 233B.066  
LCB FILE R084-10 (DOCKET NO. 09-06017)**

The following informational statement is submitted for adopted amendments to Nevada Administrative Code Chapters 703 and 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 subjects of noticing and interventions. These documents were also made available at the website of the Public Utilities Commission of Nevada (“PUCN”), <http://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Elko Daily Free Press  
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

First Judicial District Court  
885 East Musser Street  
Carson City, Nevada 89701

Second Judicial District Court  
75 Court Street  
Reno, Nevada 89501

Eighth Judicial District Court  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

The Telecommunications Industry submitted joint comments on the standards for reporting accidents and outages affecting various types of telecommunications utilities. Southwest Gas Corporation and NV Energy provided outage data to support the creation of reporting thresholds, along with clarification language. The Regulatory Operations Staff provided comments on what it believed to be the appropriate thresholds for meaningful reporting standards for the various types of utilities.

Copies of the transcripts of the proceedings are available for review at the offices of the PUCN, 1150 East William Street, Carson City, Nevada 89701 and 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

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

- (a) Attended each hearing:** October 21, 2010 - 11
- (b) Testified at each hearing:** October 21, 2010 - 11
- (c) Submitted to the agency written comments:** 12

**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 December 8, 2010. Changes were made to the proposed regulations.

**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:

There may be some start-up costs as public utilities create procedures and protocols to track the accidents and outages for reporting purposes. These costs will vary depending on the amount and type of tracking that currently exists for each utility. The reporting requirements should take a few minutes when initially reporting accidents and outages, and perhaps a few hours when compiling information for subsequent follow-up reports.

(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.**

These regulations do not overlap or duplicate any federal, state, or local regulations.

- 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 PUCN 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 PUCN adopted the findings of Staff, 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.

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

**Rulemaking to consider revising the Nevada  
Administrative Code sections applicable to the  
reporting of accidents by public utilities and  
requiring the reporting of service outages.** )  
\_\_\_\_\_)

**Docket No. 09-06017**

At a general session of the Public Utilities  
Commission of Nevada, held at its offices  
on December 8, 2010.

PRESENT: Chairman Sam A. Thompson  
Commissioner Rebecca D. Wagner  
Commissioner Alaina Burtenshaw  
Assistant Commission Secretary Breanne Potter

**ORDER**

The Public Utilities Commission of Nevada (“Commission”) makes the following  
findings of fact and conclusions of law:

**I. INTRODUCTION**

The Commission opened a rulemaking to address the reporting of accidents and service outages by public utilities.

**II. SUMMARY**

The proposed regulations, attached hereto as Attachment 1, are adopted as permanent regulations.

**III. PROCEDURAL HISTORY**

- On June 16, 2009, the Commission opened the rulemaking to consider revising the Nevada Administrative Code (“NAC”) sections applicable to the reporting of accidents by public utilities and requiring the reporting of service outages. This rulemaking is designated as Docket No. 09-06017.
- This rulemaking is conducted pursuant to the Nevada Revised Statutes (“NRS”) and the NAC Chapters 233B, 703, and 704.
- On July 16, 2009, the Commission issued a Notice of Request for Comments and Proposed Language and Notice of Workshop.

- Comments were received by Cox Nevada Telcom, LLC (“Cox”), Utilities, Inc. (“UI”), the Commission’s Regulatory Operations Staff (“Staff”), Central Telephone Company d/b/a Embarq (“Embarq”), the wholly owned subsidiaries of Verizon Communications Inc. operating in Nevada (“Verizon”), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (“NV Energy”). Reply comments were received by Nevada Telecommunications Association (“NTA”), Cox, Embarq, Nevada Bell Telephone Company d/b/a AT&T and AT&T Wholesale, AT&T Corp., AT&T Communications of Nevada, Inc., TCG Los Angeles, Inc., New Cingular Wireless PCS, LLC d/b/a Cingular Wireless and Reno Cellular Telephone Company d/b/a Cingular Wireless (collectively, the “AT&T Companies”), US TELEPACIFIC CORP. and Mpower Communications Corp. d/b/a TelePacific Communications (collectively, “TelePacific”), tw telecom of Nevada LLC (“TWTC”), Southwest Gas Corporation (“SWG”), Staff, and UI.
- On September 2, 2009, the Commission held a workshop. Appearances were made by the AT&T Companies, Cox, Embarq, NTA, NV Energy, Staff, SWG, TelePacific, TWTC, UI, and Verizon.
- On September 9, 2009, the Hearing Officer issued a Procedural Order, directing participants to file any proposed consensus or alternative revisions to the proposed language offered by Staff. On October 15, 2009, consensus language was filed by the AT&T Companies, Citizens Telecommunications Company of Nevada d/b/a Citizens Communications of Nevada, Embarq NTA, and Verizon. On October 15, 2009, Staff also filed revised proposed regulations. Comments were filed by the AT&T Companies, Central Telephone Company d/b/a CenturyLink<sup>1</sup> (“CenturyLink”), Cox, NTA, NV Energy, Staff, TelePacific, TWTC, UI, and Verizon.
- On May 10, 2010, the proposed regulations were sent to the Legislative Counsel Bureau (“LCB”) for review pursuant to NRS 233B.063.
- On May 10, 2010, the Hearing Officer issued a Procedural Order, directing Staff to conduct an investigation pursuant to NRS 233B.0608 to determine whether the proposed regulations issued by the Hearing Officer are likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business.
- On July 6, 2010, following Staff’s recommendation at Utility Agenda 11-10, the Commission issued an Order finding that the proposed regulations do not impose a direct and significant economic burden upon small businesses, nor do they directly restrict the formation, operation, or expansion of a small business.
- On August 25, 2010, the proposed regulations (LCB File No. 084-10) were returned to the Commission by LCB in revised form.
- On August 27, 2010, the Commission issued a Notice of Intent to Act Upon a Regulation,

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<sup>1</sup> Previously Embarq.

Notice of Workshop and Notice of Hearing for the Adoption, Amendment and Repeal of Regulations of the Public Utilities Commission of Nevada.

- Comments were received by the AT&T Companies, CenturyLink, Citizens Telecommunications Company of Nevada d/b/a Frontier Communications of Nevada and New Communications Company of the Southwest (collectively, “Frontier”), Cox, NTA, NV Energy, Staff, SWG, TelePacific, TWTC, UI, and Verizon. Reply comments were filed by AT&T Companies, CenturyLink, Cox, Frontier, NTA, Staff, TelePacific, TWTC, and Verizon.
- On October 20, 2010, a workshop was held. Appearances were made by the AT&T Companies, CenturyLink, Cox, Frontier, NTA, NV Energy, Staff, SWG, TelePacific, and TWTC.
- On October 21, 2010, a hearing was held. Appearances were made by the AT&T Companies, CenturyLink, Cox, Frontier, NTA, NV Energy, Staff, SWG, TelePacific, and TWTC.
- Supplemental comments were filed by the AT&T Companies, CenturyLink, Cox, NV Energy, Staff, and SWG.

#### **IV. REGULATIONS**

1. As a result of the discussions with participants at the workshop and hearing as well as the comments submitted by the participants thereafter, revisions were made to the proposed regulations, attached hereto as Attachment 1.<sup>2</sup>

2. The Commission believes that the proposed regulations implement criteria and procedures for reporting accidents and outages affecting utility service in this State. This, in turn, will provide the Commission with important information to help ensure that reasonable and adequate utility service is provided to the public.

3. The Commission finds that it is in the public interest to adopt as permanent the proposed regulations attached hereto as Attachment 1.

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<sup>2</sup> For Sections 6(2) and 16(2), a public utility is to implement reasonable measures to ensure that one or more employees are available to report the required information in accordance with the regulations. (Hearing Tr. at 15-18.) Section 12 pertains to estimated property damage, which is not meant to include the cost of any litigation resulting from the accident. (Workshop Tr. at 223-225.)

