

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

LCB File No. R076-12

Effective November 1, 2012

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

AUTHORITY: §1, NRS 703.025, 704.210 and 704.940.

A REGULATION relating to utilities; authorizing the landlord of a mobile home park who assesses and collects from tenants a service charge for gas or electric service to deposit and keep the money collected from such charges in any separate account approved by the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

Section 1. NAC 704.983 is hereby amended to read as follows:

704.983 1. If the landlord of a mobile home park assesses and collects from his or her tenants a service charge for gas or electric service pursuant to subsection 5 of NRS 704.940, the landlord shall deposit the money for each type of utility service in a separate interest-bearing account in a financial institution which is insured by the Federal Government ~~[]~~ *or in any other type of separate account approved by the Commission upon a petition requesting such approval which is filed by the landlord pursuant to NAC 703.540.* The landlord shall ~~[retain]~~ :

(a) *Retain* for at least 3 years each statement issued to the landlord by the ~~[financial]~~ institution for each such account ~~[]~~ ; *and*

(b) *Keep the money for the service charges in the separate account and expend it only for the purposes set forth in NRS 704.940.*

2. Any interest earned ~~[in such an]~~ *on the money kept in the separate* account must be retained in that account and may be expended:

- (a) In the manner statutorily authorized for expenditure of the principal; and
- (b) Only for expenses relating to the utility service for which the money was collected.

INFORMATIONAL STATEMENT

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE R076-12 (DOCKET NO. 12-02018)**

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:

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
9075 W. Diablo Drive, Suite 250
Las Vegas, Nevada 89148

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 Regulatory Operations Staff of the Commission.

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 9075 W. Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

2. **The number of persons who:**
 - (a) **Attended each hearing:** August 24, 2012-3
 - (b) **Testified at each hearing:** 1
 - (c) **Submitted to the agency written comments:** 1

3. **For each person identified in subparagraphs (b) and (c) of paragraph 2, the following information if provided to the agency conducting the hearing:**
 - (a) **Name;**
 - (b) **Telephone number;**
 - (c) **Business address;**
 - (d) **Business telephone number;**
 - (e) **Electronic mail address; and**
 - (f) **Name of entity or organization represented**

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4. **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.

5. **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 August 30, 2012. No changes were made to the proposed regulation.

6. **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:

1. The Commission opened an investigation and rulemaking to consider revising the Nevada Administrative Code (“NAC”) 704.983 to remove the requirement that a tenant service charge account be in an interest bearing account. The proposed regulation will benefit landlords of mobile home parks by providing them with the option of obtaining Commission approval to use an alternate type of account to hold tenant service charge funds. Giving landlords the flexibility to determine the type of account to use will mitigate the extent to which interest earned on the accounts, or even the principal, may be reduced by a financial institution’s service fees because landlords may choose accounts that are not subject to fees. The added cost of filing a petition for Commission approval of an alternative, non-interest bearing account may result from giving landlords the flexibility to request such approval and is not expected to be significant. If the cost of filing a petition with the Commission is greater than the service fees charged by a financial institution for an interest bearing account, the landlord may continue using the existing interest bearing account.

(b) Both immediate and long-term effects:

See Item # 6(a).

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

N/A

8. 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.

9. 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

10. 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

11. 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.