

Proposed Amendment to Senate Bill 18

Submitted by the Public Utilities Commission of Nevada

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EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold underlining is language proposed to be added through this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; and (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment.

SENATE BILL NO. 18

February 15, 2021

Referred to Committee on Growth and Infrastructure

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 703.154 is hereby amended to read as follows:

703.154 1. The Commission may adopt such regulations as are necessary to ensure the safe operation and maintenance of all 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. Regulations adopted pursuant to this subsection do not apply to activities that are subject to the provisions of NRS 590.465 to 590.645, inclusive, or chapter 704 of NRS.

2. If the Commission and any other governmental entity or agency of the State have coexisting jurisdiction over the regulation of such storage facilities and intrastate pipelines, the Commission has the final authority to regulate those facilities and pipelines and to take such actions as are necessary to carry out the regulations adopted pursuant to subsection 1.

3. A person who violates any of the provisions of a regulation adopted by the Commission pursuant to subsection 1 is liable for an administrative fine not to exceed ~~[\$1,000]~~ ~~[\$100,000]~~ \$200,000 per day for each day of the violation and not to exceed ~~[\$200,000]~~ ~~[\$20,000,000]~~ \$2,000,000 for any related series of violations. The amount of the administrative fine must be determined in the manner provided in NRS 703.380.

Section 2. NRS 703.380 is hereby amended to read as follows:

703.380 1. Unless another administrative fine is specifically provided, a person, including, without limitation, a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission, or any officer, agent or employee of a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission who:

(a) Violates any applicable provision of this chapter or chapter 704, 704B, 705 or 708 of NRS, including, without limitation, the failure to pay any applicable tax, fee or assessment;

(b) Violates any rule or regulation of the Commission; ~~or~~

(c) Fails, neglects or refuses to obey any order of the Commission or any order of a court requiring compliance with an order of the Commission ~~or~~; **or**

(d) Provides to the Commission information which is inaccurate or misleading and which the person knew or should have known was inaccurate or misleading,

↪ is liable for an administrative fine, to be assessed by the Commission after notice and the opportunity for a hearing, in an amount not to exceed ~~[\$1,000]~~ **\$100,000** per day for each day of the violation and not to exceed ~~[\$100,000]~~ **\$10,000,000** for any related series of violations.

2. In determining the amount of the administrative fine, the Commission shall consider the appropriateness of the fine to the size of the business of the person charged, the gravity of the violation, the good faith of the person charged in attempting to achieve compliance after notification of a violation and any repeated violations committed by the person charged.

3. An administrative fine assessed pursuant to this section is not a cost of service of a public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

4. All money collected by the Commission as an administrative fine pursuant to this section must be deposited in the State General Fund.

5. The Commission may bring an appropriate action in its own name for the collection of any administrative fine that is assessed pursuant to this section. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this subsection.

6. The administrative fine prescribed by this section is in addition to any other remedies, other than a monetary fine, provided by law, including, without limitation, the authority of the Commission to revoke a certificate of public convenience and necessity, license or permit pursuant to NRS 703.377.

Section 3. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive, or by the Commission pursuant to NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive;

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in the failure to obey the order, decision or regulation;

or

6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive,

↪ shall be fined not more than ~~[\$500]~~ **\$50,000**.

Section 4. This act becomes effective on July 1, 2021.