

LCB File No. R124-06

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re proposed rulemaking to amend and adopt)
regulations pertaining to the practice of unlicensed) Docket No. 04-10013
attorneys before the Commission.)
_____)

NOTICE OF HEARING

Pursuant to the Nevada Revised Statute ("NRS") 233B.061(3), NOTICE IS HEREBY
GIVEN that the Public Utilities Commission of Nevada ("Commission") will hold a public
HEARING in this matter as follows:

Tuesday, August 8, 2006

10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:
Hearing Room A
Public Utilities Commission of Nevada
101 Convention Center Drive, Suite 250
Las Vegas, Nevada 89109

at which time interested persons may appear and be heard. The hearing may continue from day
to day as necessary. The purpose of this hearing is to receive comments from all interested
persons regarding clarification language to be added to Nevada Administrative Code ("NAC")
703.510.

Pursuant to NRS 233B.061(1), persons wishing to comment or submit data, views or arguments concerning amendments to the foregoing regulations and the proposed action of the Commission may appear at the scheduled public hearing.

The following information is provided pursuant to the requirements of NRS 233B.0603:

On October 13, 2004 at a duly noticed agenda the Commission voted to open a rulemaking as a result of the investigation that took place in Docket No. 03-11021.

The addition of language to NAC 703.510(2) is essential in order to clarify, streamline, and provide consistency regarding the association process that is currently required of a non-Nevada licensed attorney who desires to practice before this Commission.

On February 21, 2006, a Request for Comments and Notice of Workshop to be held on April 27, 2006, was issued by the Commission.

On April 27, 2006, a workshop was held to discuss the proposed language that was filed with the comments.

On May 8, 2006, the participants from the April 27, 2006, workshop filed consensus proposed revisions to NAC 703.510.

On May 11, 2006, the Commission issued a Notice of Intent to Adopt Regulations and Notice of Workshop to be held June 28, 2006.

On June 7, 2006, the Commission voted to adopt Staff's small business impact statement, which concluded that the revisions to the regulation do not impose a direct and significant economic burden upon small businesses. Nor do the revisions directly restrict the formation, operation, or expansion of a small business.

On June 15, 2006, the Legislative Counsel Bureau returned the proposed regulations.

On June 28, 2006, a duly noticed workshop was held at the Commission's offices in Las Vegas and was video-conferenced to Carson City.

A copy of this notice and the attached proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the county courthouses located in Reno, Carson City, and Las Vegas.

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

NAC 703.510 Representation *in proceedings before the Commission*; ~~[of parties, commenters and Commission's staff;]~~ qualifications of attorneys appearing before Commission. (NRS 703.025, 704.210)

1. *Subject to the specific requirements of subsections 2 – 5 below, in any proceeding before the Commission a person ~~[A party or commenter]~~ may represent ~~[him]~~itself or may be represented by an attorney **or** any other person who satisfies the Commission or the presiding officer that ~~[he]~~ such person possesses the expertise to render valuable service to the Commission, and ~~[that he]~~ is otherwise competent to advise and assist in the presentation of matters before the Commission~~[, may be allowed to appear on behalf of one or more parties or may be allowed to file written comments on behalf of one or more commenters.]~~ In any proceeding, the Commission retains the authority to exclude or condition for good cause the participation of any representative.*

2. An attorney ~~[at law]~~ appearing as counsel in any proceeding must be duly admitted to practice and in good standing before the highest court of any state *or the District of Columbia. The provisions of this section, rather than those of Nevada Supreme Court Rule 42 (or successor rule), shall govern appearances before the Commission by attorneys that are not admitted and entitled to practice before the Supreme Court of Nevada.*

(a) In a contested case, ~~H~~if ~~[an]~~ the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, and has not appeared before the Commission in the three years immediately preceding the date the case was filed, the attorney must associate with an attorney so admitted and entitled to practice (“Nevada-licensed attorney”) by filing a notice of association with the Commission. Such notice shall

(i) identify the jurisdiction(s) in which the non-Nevada-licensed attorney (“associating attorney”) is duly admitted and in good standing;

(ii) identify by name and Nevada bar number the Nevada-licensed attorney with whom the attorney is associating;

(iii) describe the associating attorney’s qualifications to advise and assist in the presentation of contested cases before the Commission; and

(iv) be signed by both the associating and Nevada-licensed attorney. The Commission or presiding officer may require the Nevada-licensed attorney to sign pleadings and/or be present at proceedings on the record as appropriate.

(b) Regardless of prior appearances before the Commission by an attorney that is not admitted and entitled to practice before the Supreme Court of Nevada, the Commission may, for good cause, require such attorney appearing in a contested case to associate with a Nevada-licensed attorney pursuant to subsection 2(a) above.

3. ~~[Counsel for the Commission’s staff or his assistant]~~ *An attorney from Staff Counsel’s Office shall represent the Commission’s staff in all proceedings before the Commission.*

4. *An attorney who resides in Nevada, but is not admitted and entitled to practice before the Supreme Court of Nevada, may not appear in any proceeding unless such attorney (i) is otherwise qualified or in the process of qualifying for limited practice pursuant to Nevada*

Supreme Court Rule 49.10 (or successor rule) and (ii) associates with a Nevada-licensed attorney in compliance with subsection 2 above.

5. As used in this section, the term “contested case” has the meaning ascribed to it in NRS 233B.032.