

LCB File No. R078-00

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In Re Investigation of issues to be considered as)
a result of the restructuring of the electric industry) Docket No. 97-8001
(pursuant to NRS 704.965 to 704.990, inclusive).)
_____)

**NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
(PROVIDER OF LAST RESORT)
AND NOTICE OF INTENT TO ADOPT**

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of Nevada (“Commission”) will hold a public hearing at **10:00 a.m. on Wednesday, June 21, 2000**, at the offices of the Commission, 1150 E. William Street, Carson City, Nevada 89701, Hearing Room A, at which time interested persons may appear and be heard. This hearing may continue from day to day as necessary. At this time, the Commission has reserved the morning and afternoon of Wednesday, June 21, 2000 for this hearing. The purpose of this hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 704 of the Nevada Administrative Code (“NAC”).

The following information is provided pursuant to the requirements of Nevada Revised Statute (“NRS”) 233B.0603:

The Commission is required to adopt a regulation pursuant to the provisions of NRS 704.965 to 704.990, inclusive, which provides for the restructuring of the electric industry. At this time, the Commission proposes to adopt a regulation which concerns the provision of electric services by a provider of last resort (NRS 704.982). The purpose of the proposed regulation is to establish how the Commission will select providers of last resort and the standards that potential providers must meet, and to define the relationship between an electric distribution utility and a provider of last resort. The proposed regulation is available upon request from the Commission.

The provisions of the proposed regulation potentially affect all entities which offer or which will order electric services, as well as all customers of such entities. At this time the Commission cannot quantify either the adverse or beneficial economic effects on the entities affected by the regulation, either immediate or long-term, which may result from the regulation. No adverse economic effects, either immediate or long-term, are expected to inure to the public. The public may experience beneficial economic effects in that the process by which providers of last resort will be selected and the standards they must meet in order to provide service will become standardized.

The Commission at this time does not envision any increased costs associated with

enforcement of this proposed regulation. This regulation does not overlap or duplicate any other state or local government regulation, nor does it establish any new fee or increase an existing fee.

Persons wishing to comment on the proposed action of the Commission may appear at the public hearing or may address their comments, data, views or arguments, in written form, to the Secretary of the Commission, 1150 East William Street, Carson City, Nevada 89701, or at the Sawyer Building, 555 East Washington Avenue, Suite 4500, Las Vegas, Nevada 89101. After May 19, 2000, the Commission's Las Vegas office will be located at 101 Convention Center Drive, Suite 250, Las Vegas Nevada 89109. Written submissions must be received by the Commission **on or before Wednesday, June 14, 2000**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission may proceed immediately to act upon any written submissions, including the adoption of the proposed regulation after the time period specified in NRS 233B.0603(1).

A copy of this notice and the regulation to be adopted 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 regulation to be adopted will be available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701, or the Sawyer Building, 555 East Washington Avenue, Suite 4500, Las Vegas, Nevada 89101 (after May 19, 2000, at 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 regulation 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 regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary by the Commission.

Upon adoption of any regulation, the Commission, 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 reasons 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.

By the Commission,

/s/ Crystal Jackson
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

5/3/00

(SEAL)

PROPOSED REGULATION OF THE PUBLIC UTILITIES COMMISSION OF NEVADA

PUCN Docket No. 97-8001 (Provider of Last Resort Service)

AUTHORITY: NRS 703.025, 704.982, 704.979, 703.151

Draft – April 7, 2000

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

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as Sections 2 to ~~14~~~~15~~, inclusive, of this regulation.

~~Definitions~~

Section 2. As used in sections 3 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in this section of this regulation have the meanings ascribed to them in this section.

“Aggregation service” has the meaning ascribed to it in NRS 704.966.

“Alternative Seller” has the meaning ascribed to it in NRS 704.967.

“Affiliate” has the meaning ascribed to it in NRS 78.412.

“Billing service” means account services, billing, payment collection, and processing.

“Customer” has the meaning ascribed to it in NRS 704.968.

“Customer service” means interaction with customers for the purpose of providing information and reporting and resolving inquiries and service complaints from customers.

“Distribution service” means the service provided over physical distribution plant of delivering electricity from the transmission system to end-use customers.

“Electric distribution utility” has the meaning ascribed to it in NRS 704.970.

“Electric service” has the meaning ascribed to it in NRS 704.971.

“Generation service” has the meaning ascribed to it in NRS 704.972.

“Last resort service” means the service described under NRS 704.982.

“Metering service” means ownership, operation and maintenance and reading of a meter.

“Noncompetitive service” has the meaning ascribed to it in NRS 704.973.

“Provider of last resort ~~{service}~~” or “*PLR*” means the entity or entities designated by the Commission under NRS 704.982(1) to provide last resort service.

“Vertically integrated electric utility” has the meaning ascribed to it in NRS 704.975.

“Distribution Function” means the *affiliate*, division, department, section, part, or unit of the Electric Distribution Utility that is responsible for distribution and transmission service facilities and performs distribution and transmission services.

“Distribution Function Operations” means the parts of the Electric Distribution Utility’s Distribution Function that operate, direct, organize, provide or plan for distribution or transmission services, administer distribution or transmission tariffs, or process or execute distribution or transmission services transactions.

“Joint Management Employees” means officers, directors and senior managers of the Electric Distribution Utility that provide Joint Management Services.

“Joint Management Services” means senior level oversight or governance of both the Distribution Function and the PLR Function, but does not include Distribution Function Operations or PLR Function Operations.

“Joint Support Employees” means employees of the Electric Distribution Utility that provide Joint Support Services.

“Joint Support Services” means the property, facilities, equipment, systems, personnel, activities and functions used to provide administrative support to both the Distribution Function

and the PLR Function. “Joint Support Services” includes administrative services, financial management services, data processing, shareholder services, human resources, employee benefits, and similar administrative support items. “Joint Support Service” does not include Distribution Function Operations or PLR Function Operations.

“PLR Function” means the *affiliate*, division[s], departments[s], section[s], part[s], or unit[s] of the Electric Distribution Utility that aggregate the components of electric service that are necessary for the provision of the electric service contemplated in NRS 704.982.

“PLR Function Operations” means the parts of the Electric Distribution Utility’s PLR Function that perform the PLR Function.

~~[[Last Resort Service; Provider of Last Resort for the period from the date on which customers are first allowed to purchase potentially competitive electric services from alternative sellers to June 30, 2001 and beyond June 30, 2001 until such time as the Commission may implement an alternative method for providing Last Resort Service pursuant to NRS 704.982(3)]]~~

Section 3. Last resort service shall be provided to any customer that does not take services from an alternative seller.

1. The provider of last resort shall be the electric distribution utility for the period from the date on which customers are first allowed to purchase potentially competitive services from alternative sellers to and including June 30, 2001.
2. An affiliate of the electric distribution utility shall be the provider of last resort beginning July 1, 2001 and continuing until such time as the Commission may implement an alternate method for providing PLR *service*.

3. The provider of last resort shall accept additional customers beyond those initially served as assigned by the Commission in the event of suspension or revocation of the license of an alternative seller or in the event that new customers are unable or fail to obtain service from an alternative seller.
4. The provider of last resort shall be responsible for providing all components of last resort service as defined in Section 2 to the last resort service customers at a rate that does not exceed the rate that was in effect for each class of customers on July 1, 1999, except the Commission shall modify the rates to account for the effects of any decision by the Commission relating to any cases filed with the Commission before October 1, 1999, which involve the use of deferred accounting.
5. The provider of last resort shall submit to the Commission within 20~~[30]~~ business days of the effective date of this regulation proposed tariffs and associated information. The tariff shall contain the rates, terms, and conditions for last resort service. From the effective date of this regulation until the effective date of the tariffs proposed under this section, the provider of last resort shall apply the rates terms and conditions of the associated vertically integrated electric utility ~~or its successor electric distribution utility that were in effect immediately prior to the effective date of this regulation.~~
6. The provider of last resort may file an application with the Commission to reduce the rate charged to a class or classes of last resort service customers.

~~[Terms and Conditions for Customers of PLR Service]~~

Section 4.

1. Customers of last resort service shall have all the rights and responsibilities as set forth in the Commission's Consumer Protection Regulations for alternative sellers adopted by the Commission in Docket No. 97-8001 on November 13, 1998 and in the "Consumer Bill of Rights," NAC 704.302 to 704.390, inclusive, as modified by the Commission from time to time.

~~[Standards of conduct and related requirements for Electric Distribution Utilities providing services as a Provider of Last Resort]~~

Section 5. Each Electric Distribution Utility shall designate an officer to evaluate and certify compliance, in accordance with a Commission-approved implementation schedule, with Sections 6 to ~~11~~¹⁵, inclusive, of this regulation. *The vertically integrated electric utility shall file a detailed implementation schedule within 30 business days of the Commission's order adopting this regulation. In the event that the vertically integrated electric utility fails to timely file a detailed implementation schedule, Sections 6-11 become effective 31 days after the Commission's order adopting this regulation.*

Section 6.

1. Except as provided in subsections 5 and 6 below, the employees of an Electric

Distribution Utility in the Distribution Function shall operate and function independently of the employees in the PLR Function, and the employees of an Electric Distribution Utility in the PLR Function shall operate and function independently of the employees in the Distribution Function.

2. Except as provided in subsections 5 and 6 below,
 - (a) No employee of an Electric Distribution Utility in the Distribution Function shall conduct or participate in any operations or activities of the PLR Function; and
 - (b) No employee of an Electric Distribution Utility in the PLR Function shall conduct or participate in any operations or activities of the Distribution Function.
3. Except as provided in subsections 5 and 6 below, the employees of an Electric Distribution Utility in the Distribution Function shall be physically located separately from the employees of an Electric Distribution Utility in the PLR Function. This physical separation requirement may be met by locating Distribution Function and PLR Function employees in separate secured office buildings or by constructing and maintaining separate and secured access areas and facilities for Distribution Function and PLR Function employees within shared office buildings.
4. Except as provided in subsections 5 and 6 below,
 - (a) No employee of an Electric Distribution Utility in the PLR Function shall have physical access to the system control center or to distribution or transmission system communications facilities, computer systems, office

space, file cabinets, office equipment, or similar facilities, equipment, or systems used for Distribution Function Operations that differs in any way from the access available to, and commonly utilized by, employees of Alternative Sellers.

- (b) No employee of an Electric Distribution Utility in the PLR Function shall have access, either directly or indirectly, to information concerning Distribution Function Operations that is not generally available to the public and to Alternative Sellers, including without limitation, information concerning transmission or distribution construction or abandonment plans; planned transmission or distribution upgrades, downgrades or modifications; planned transfer or sale of transmission or distribution facilities; transmission or distribution maintenance or planned outage plans or schedules; transmission or distribution facilities ratings; forecasted or scheduled new customer interconnection information; customer emergency curtailment information; and any market analysis report, survey, research, or any other type of forecast, planning or strategic report.
- (c) No employee of an Electric Distribution Utility in the Distribution Function shall disclose to any employee in the PLR Function, either directly or indirectly, information subject to the restrictions of subsection (b).
- (d) Except for information which pertains to a PLR customer, no employee of an Electric Distribution Utility in the PLR Function shall have access,

either directly or indirectly, to customer-specific billing, usage or load shape information unless such information is acquired (i) on terms and conditions applicable to all Alternative Sellers, (ii) with the consent of the affected Customer, and (iii) in accordance with any generally applicable rules or standards required by the Commission.

- (e) No employee of an Electric Distribution Utility in the Distribution Function shall disclose to any employee in the PLR Function, either directly or indirectly, customer-specific billing, usage or load shape information except on the terms stated in subsections (d) (i) to (iii), inclusive.
- (f) Employees of an Electric Distribution Utility in the Distribution Function may have access to, and Employees of an Electric Distribution Utility in the PLR Function may disclose, information that is not specific to a Customer, including without limitation information concerning the goods, services, purchases, sales or operations of the Distribution Function so long as:
 - (i) such information is contemporaneously made available by the Distribution Function to all Alternative Sellers on the same terms and conditions, and
 - (ii) such information is kept available by the Distribution Function for public inspection.

5. Emergency Situations

- (a) In emergency circumstances that threaten system integrity and reliability

or ~~that threaten~~ public health and safety, an Electric Distribution Utility may take whatever steps are reasonably necessary to protect the public and the electric system.

- (b) Electric Distribution Utilities must file an initial written report with the Commission within 48 hours of initiation of action in reliance on the authority of subsection (a), of each emergency that resulted in a deviation from any of the requirements of subsections 1 to 4, inclusive. Such report shall describe the emergency and provide a summary of the nature of the deviation.
- (c) Within 7 calendar days of terminating action in reliance on the authority of subsection (a), the Electric Distribution Utility shall file a full written report with the Commission. The full written report shall explain the nature and extent of the emergency and how the emergency arose. The full written report shall also list and describe each action the Electric Distribution Utility took that would, under non-emergency circumstances, constitute a violation of any of the standards of subsections 1 to 4, inclusive, and all personnel, by name, position, and job description, that instituted, directed, or participated in each such action. The initial and final reports shall be available to the public, and the Electric Distribution Utility shall make the reports available to the public upon request for a period of ~~three~~ 3 years from the date of the final report.

- 6. Joint Management Employees and Joint Support Employees of an Electric Distribution Utility may be jointly employed by an Electric Distribution Utility's

Distribution Function and PLR Function, may provide Management Services or Support Services for both functions, need not be physically separately located from either function and may have access to the facilities of and information in either function. No such person, however, may engage in the PLR Function Operations or in Distribution Function Operations, or be used or allowed by the Electric Distribution Utility to circumvent any provision of this regulation. The Commission may, after notice and hearing upon complaint or its own motion, limit the use or access of some or all Joint Management Employees or Joint Support Employees upon a finding that such limitation is necessary or appropriate to mitigate actual or potential discrimination or to promote effective competition.

7. Employees of an Electric Distribution Utility in the PLR Function or the Distribution Function are not precluded from transferring between such functions, so long as such transfers are not used as a means of, and do not have the foreseeable effect of circumventing the standards of conduct of this regulation or adversely affecting effective competition. An Electric Distribution Utility shall document and report quarterly to the Commission each occasion that an employee engaged in the PLR Function becomes engaged in the Distribution Function or that an employee engaged in the Distribution Function becomes engaged in the PLR Function.
8. Employees of an Electric Distribution Utility in the Distribution Function who transfer to the PLR Function:
 - (a) Shall not remove any data or information from the Distribution Function respecting the Distribution Function or customers of the Distribution

- Function that is not available to all Alternative Sellers or their customers;
- (b) Shall not provide the PLR Function or any employee engaged in PLR Function Operations any information respecting the Distribution Function or customers of the Distribution Function that is not available to all Alternative Sellers or their customers;
 - (c) Shall not use on behalf of the PLR Function any information respecting the Distribution Function or customers of the Distribution Function that is not available to all Alternative Sellers or their customers; and
 - (d) Shall, before transferring to the PLR Function, sign a statement stating that the employee has read and will abide by the restrictions set forth in the subsection and understands that a violation of this subsection could subject him or her to the penalties set forth in Section 14 of this regulation.

Section 7. No Electric Distribution Utility shall, directly or indirectly, in any announcement, advertisement, statement or other form of communication to, with or intended for the public or one or more Customers promote, recommend or otherwise urge or solicit the purchase of electric service from its PLR Function. Nothing in this Section shall prohibit communications with or to the public or Customers, approved in advance by the Commission, that only informs the public or Customers of the availability of PLR service from the Electric Distribution Utility in the event that a Customer does not or is unable to choose an Alternative Seller.

Section 8. Electric Distribution Utility Distribution Function Requirements

1. When engaged in its Distribution Function, an Electric Distribution Utility:
 - (a) Shall provide service to its PLR Function only in accordance with its generally applicable distribution tariff, including both the price and nonprice terms of such tariff;
 - (b) Shall not discriminate in any manner between its PLR Function and any Alternative Seller;
 - (c) ~~Shall not fail to timely provide any Alternative Seller with goods, services, facilities or information which the Commission determines the Electric Distribution Utility is reasonably capable of providing to its PLR Function, regardless of whether the Electric Distribution Utility currently offers such goods, services, facilities or information to its PLR Function.~~
 - ~~(d)~~ Shall not, when providing or procuring, or declining to provide or procure, goods, services, facilities or information, or when establishing standards, provide, attempt to provide or conspire with any other person to provide:
 - (i) a competitive advantage to its PLR Function; or
 - (ii) a competitive disadvantage to any Alternative Seller.
 - ~~(d)~~~~(e)~~ Shall offer to all Alternative Sellers any good, service, facility or information that it offers to its PLR Function.
 - ~~(e)~~~~(f)~~ Shall, at the same time that it offers to its PLR Function any good, service, facility or information, offer such good, service, facility or information to all alternative sellers by using the mechanism described in subsection ~~(f)~~~~(g)~~ below.
 - ~~(f)~~~~(g)~~ Shall provide a mechanism that is accessible to the public, such as an

electronic bulletin board, for all interested entities to receive promptly pertinent information concerning:

- (i) services which the Distribution Function provides; and
- (ii) any discounted services which the Distribution Function offers.

~~(g)~~~~(h)~~ Shall not represent that it will provide its PLR Function or any customer or provider to its PLR Function with different treatment regarding the provision of distribution services than the treatment the Distribution Function provides to Alternative Sellers and their customers and providers.

~~(h)~~~~(i)~~ Shall not provide its PLR Function or any customer or provider to its PLR Function with preferences over any Alternative Seller or its customers and providers, including without limitation, preferences in terms and conditions of service or pricing or in timing of service.

~~(i)~~~~(j)~~ Shall apply any tariff provision that allows for discretion in its application in the same manner for its PLR Function and customers of and providers to its PLR Function as it does for any Alternative Seller and its customers and providers.

~~(j)~~~~(k)~~ Shall strictly enforce mandatory tariff provisions for its PLR Function.

~~(k)~~~~(l)~~ Shall not condition or otherwise tie the provision of any service or the availability of discounts, rates, other charges, fees, rebates or waivers of terms and conditions to the taking of any goods or services from its PLR Function.

~~(l)~~~~(m)~~ Shall not give any appearance that a customer or provider will receive

preferential treatment as a consequence of conducting business with the PLR Function.

~~(m)(1)~~ Shall make any discount or waiver of all or part of a charge or fee simultaneously available to all market participants.

2. Nothing in this section shall be construed to apply to the Joint Management Services or Joint Support Services of the Electric Distribution Utility, so long as Joint Management Services or Joint Support Services are not used as a means of, or have the foreseeable effect of, circumventing the standards of conduct of this regulation, discriminating in favor of the PLR Function or against any Alternative Seller, or adversely affecting effective competition.

Section 9. An Electric Distribution Utility:

1. Shall maintain books, records and accounts for the Distribution Function and the PLR Function as described in this section.
2. Shall keep the books, records and accounts of its Distribution Function separate from the books, records and accounts of its PLR Function.
3. Shall acquire the distribution services necessary to serve its designated *PLR* load under the tariff to be approved by the Commission and shall account for all transactions between its Distribution Function and its PLR Function. Such accounting shall be made in accordance with accounting principles designated or approved by the Commission.
4. Shall not permit revenues received by its Distribution Function to be used to subsidize or support in any manner its PLR Function or otherwise permit its

Distribution Function to subsidize or support its PLR Function. For this purpose, each Electric Distribution Utility shall, within 10 business days of the effective date of this regulation, submit to the Commission for approval written guidelines consistent with this regulation for allocating revenues and charges between the PLR Function and the Distribution Function. Such guidelines shall provide, among other things, for the PLR taking and paying for distribution and transmission services from the Distribution Function under its generally applicable tariffs. Unless the Commission otherwise orders, expenses and revenues attributable to Joint Management Services and Joint Support Services shall be allocated to the Distribution Function and the PLR Function on the basis of labor expense ratios equal to the proportion that labor expense directly assignable to the Distribution Function or the PLR Function, respectively, is of total labor expense directly assignable to the Distribution Function and the PLR Function.

Section 10. ~~[Each act, transaction or occurrence that violates or constitutes a violation of the provisions of this regulation will be considered a separate violation.]~~ *If an alternate provider is selected to provide last resort service, any customers served under last resort service that are not assigned to an Alternative Seller shall be served by the Electric Distribution Utility under the same terms and conditions that existed for the provision of provider of last resort service immediately prior to the selection of an alternative provider.*

Section 11.

1. Any person may complain to the Commission or Electric Distribution Utility in writing, setting forth any act or thing allegedly done or not done by an Electric Distribution Utility or any employee thereof in violation of this regulation.
2. Upon request of a complainant who is a current or former employee of an Electric Distribution Utility, the Commission will maintain the confidentiality of the complainant until the end of any resulting investigation, or longer if the Commission deems it necessary or appropriate.
3. An Electric Distribution Utility shall refer all complaints received by it, whether written or oral, to a designated representative of the Electric Distribution Utility who shall:
 - (a) acknowledge receipt of the complaint in writing to the complainant within 5 business days after receiving the complaint;
 - (b) prepare a written summary of the complaint which must include, without limitation:
 - (i) the name of the complainant; and
 - (iii) a detailed factual report of the complaint, including without limitation:
 - (1) the relevant dates;
 - (2) the names of the employees involved; and
 - (3) the details of the claim.
 - (c) Conduct a preliminary investigation; and
 - (d) Communicate the results of the preliminary investigation, including without limitation, a description of any course of action that was taken as

a result of the investigation, in writing to the complainant not more *than* ~~that~~ 20 business days after the designated representative received the complaint.

4. The Electric Distribution Utility shall:
 - (a) maintain a ~~public~~ log *with the information pursuant to 11.3.b above*, of all new, pending and resolved complaints; and
 - (b) make ~~a public~~ *the* log available to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General not more than 10 business days after the end of each month, which must include, without limitation:
 - (i) a written summary of each complaint; and
 - (ii) a written summary of the manner in which each complaint was resolved or, if applicable, an explanation of the reason why a complaint is still pending.

Section 12.

1. The division of consumer complaint resolution shall investigate any complaint concerning a violation of the provisions of this regulation.
2. If the division is unable to resolve the complaint, the division shall transmit the complaint to the Commission. If the Commission determines that probable cause exists for the complaint, the Commission will:
 - (a) Order that a hearing be held;
 - (b) Provide notice of the hearing to the parties; and

- (c) Conduct the hearing as it would any other hearing.

Section 13. After a hearing has been held pursuant to section ~~12~~¹³ of this regulation, the Commission, when enforcing the provisions of this regulation or an order of the Commission relating thereto, may without limitation:

1. Assess a penalty pursuant to Section 14 of this regulation; or
2. Apply any other remedy that is available to the Commission.

Section 14. Electric Distribution Company Penalties

1. A penalty assessed by the Commission must reflect the actual or potential injury, or both, to ratepayers and Alternative Sellers, and the gravity of the violation.
2. Repeated violations will require more severe penalties.
3. In addition to any other penalties, the Commission may subject an Electric Distribution Utility to a penalty of not more than \$20,000 for any violation of the provisions of this regulation or any order of the Commission relating thereto.
4. The Commission may deem a violation that continues for more than one day to be a separate violation for each day the violation continues.
5. The availability of a penalty or other remedy imposed by the Commission will in no manner preclude the right of a party to pursue a private action in a court of competent jurisdiction.
6. A fine or penalty collected pursuant to the provisions of this regulation must be deposited in the state treasury pursuant to NRS 703.147 for the purposes identified therein.

7. The penalties set forth in this section do not preclude any other penalty or relief from being imposed or awarded pursuant to any other provision of law.

~~[Section 15.—If an alternate provider is selected to provide last resort service, any customers served under last resort service that are not assigned to an Alternative Seller shall be served by the Electric Distribution Utility under the same terms and conditions that existed for the provision of provider of last resort service immediately prior to the selection of an alternative provider.]~~