

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

LCB File No. R145-01

November 13, 2001

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

AUTHORITY: §§1-14, NRS 703.025 and 704.210 and section 1 of Assembly Bill No. 197 of the 71st session of the Nevada Legislature, chapter 349, Statutes of Nevada 2001, at page 1654, as amended by section 96 of Assembly Bill No. 661 of the 71st session of the Nevada Legislature, chapter 604, Statutes of Nevada 2001, at page 3267 (NRS 704.763).

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Biofuel” means any alcohol, ether, ester or other chemical compound made from herbaceous plants, woody plants or organic waste.*

Sec. 4. *“Biomass” has the meaning ascribed to it in section 38 of Assembly Bill No. 661 of the 71st session of the Nevada Legislature, chapter 604, Statutes of Nevada 2001, at page 3242 (NRS 704.007).*

Sec. 5. *“Electric utility” has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of the 71st session of the Nevada Legislature, chapter 16, Statutes of Nevada 2001, at page 345 (NRS 704.187).*

Sec. 6. *“Excluded sale” means electricity that an electric utility sells to any person or entity other than its retail customers in this state.*

Sec. 7. *“Generation asset” means any plant, facility, equipment or system which is located within or outside this state and which converts nonelectrical energy into electrical energy or otherwise produces electrical energy.*

Sec. 8. *“Heavy metal” means any heavy metal which is released in quantities that must be reported to the United States Environmental Protection Agency pursuant to 42 U.S.C. § 11023 and 40 C.F.R. Part 372.*

Sec. 9. 1. *“Native generation” means electricity which is generated from a generation asset that is owned by or under contract to an electric utility.*

2. *The term does not include purchased power.*

Sec. 10. *“Purchased power” means electricity that an electric utility purchases from another person or entity pursuant to a purchase agreement.*

Sec. 11. 1. *On a semiannual basis before the close of the billing cycles for January and July of each calendar year, each electric utility shall provide to its retail customers a disclosure statement that discloses the information required by sections 12 and 13 of this regulation.*

2. *Each electric utility shall:*

(a) *Include the disclosure statement as an insert to the bills that the electric utility sends to its retail customers; and*

(b) *If the electric utility maintains a website on the Internet or any successor to the Internet, post the disclosure statement on that website.*

3. The information disclosed in the disclosure statement must be presented in a type size that is not smaller than 10-point type.

Sec. 12. 1. The disclosure statement must disclose:

(a) The total number of megawatt-hours sold by the electric utility to retail customers in this state, which must be calculated by taking the sum of native generation and purchased power and reducing that sum by excluded sales; and

(b) For each energy source, the number of megawatt-hours generated from the energy source and the percentage that those megawatt-hours constitute of the total number of megawatt-hours sold by the electric utility to retail customers in this state. The energy sources must be identified in the disclosure statement as follows:

(1) Coal.

(2) Natural gas.

(3) Oil.

(4) Hydroelectric.

(5) Geothermal.

(6) Solar.

(7) Nuclear.

(8) Wind.

(9) Biofuel.

(10) Biomass.

(11) Other. The number of megawatt-hours generated from other energy sources must be calculated and disclosed in an aggregate amount. Each energy source contributing to the aggregate amount must be specified in the disclosure statement.

2. For the purposes of subsection 1, the electric utility shall consider:

(a) Its native generation to be consumed by its retail customers in this state, unless the electric utility identifies specific amounts of its native generation as part of its excluded sales;

(b) Its excluded sales to be generated by an average mix of the energy sources used for its native generation; and

(c) Its purchased power to be generated by an average mix of the energy sources used to generate electricity in the region consisting of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, unless the electric utility identifies specific amounts of its purchased power that are generated from specific energy sources.

3. The disclosure statement must disclose the average emissions of each of the following substances, as measured in pounds per megawatt-hour sold by the electric utility to retail customers in this state:

(a) High-level radioactive waste.

(b) Sulfur dioxide.

(c) Carbon dioxide.

(d) Carbon monoxide.

(e) Particulate matter.

(f) Volatile organic compounds.

(g) Oxides of nitrogen.

(h) Heavy metals.

(i) Any other substances which the commission, in cooperation with the division of environmental protection of the state department of conservation and natural resources,

determines may cause a significant health or environmental impact and for which sufficiently accurate and reliable data is available.

4. For the purposes of subsection 3, the electric utility shall consider:

(a) Its native generation to be consumed by its retail customers in this state, unless the electric utility identifies specific amounts of its native generation as part of its excluded sales;

(b) The emissions attributable to its excluded sales to be an average mix of the emissions attributable to its native generation; and

(c) The emissions attributable to its purchased power to be an average mix of the emissions attributable to generation of electricity in the region consisting of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, unless the electric utility identifies specific emissions attributable to specific amounts of its purchased power.

5. The information disclosed in the disclosure statement pursuant to this section must be based upon data taken from a 12-month period that ends not more than 6 months before the date on which the electric utility first releases the disclosure statement to its retail customers.

Sec. 13. 1. The disclosure statement must, without limitation:

(a) Provide a summary of any programs and information relating to energy conservation that is offered by the electric utility;

(b) Describe the procedures for enrolling in the equal payment plan or for making alternative payment arrangements with the electric utility;

(c) Describe any energy programs that provide assistance to retail customers with low incomes and explain how to apply for assistance from such programs; and

(d) Identify any other energy programs which may provide assistance to retail customers and which are operated by the electric utility or by other sources known to the electric utility, including, without limitation, federal, state and local governments.

2. The disclosure statement may include any other information about electric services, and any products and services relating thereto, that are being provided to or purchased for retail customers by the electric utility.

Sec. 14. NAC 704.295 is hereby amended to read as follows:

704.295 The provisions of NAC 704.280 to 704.295, inclusive, do not apply to:

1. Advertising which informs customers how they can conserve energy or reduce peak demand for energy.

2. Advertising required by law, including , *without limitation*, advertising required ~~under part 1 of Title II of the National Energy Conservation Policy Act (42 U.S.C. §§ s8211 et seq.)~~ *by section 1 of Assembly Bill No. 197 of the 71st session of the Nevada Legislature, chapter 349, Statutes of Nevada 2001, at page 1654, as amended by section 96 of Assembly Bill No. 661 of the 71st session of the Nevada Legislature, chapter 604, Statutes of Nevada 2001, at page 3267 (NRS 704.763), and sections 2 to 13, inclusive, of this regulation.*

3. Advertising regarding interruptions in service, safety measures ~~§~~ or emergency conditions.

4. Advertising concerning opportunities for employment with a utility.

5. Any explanation of or justification for existing or proposed rate schedules, or notifications of hearings thereon.