

**ADOPTED REGULATION OF THE PUBLIC**

**UTILITIES COMMISSION OF NEVADA**

**LCB File No. R198-01**

Effective February 17, 2005

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

AUTHORITY: §§1-23, NRS 703.025, 704.1835 and 704.210.

A REGULATION relating to utilities; amending various provisions relating to the Consumer Bill of Rights for gas and electric service; establishing requirements and procedures for certain service and repair visits; making changes relating to applications, deposits, billings and payments for gas and electric service; revising provisions relating to the termination and resumption of gas and electric service; and providing other matters properly relating thereto.

**Section 1.** Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. If a customer is required to be present at a location for a service or repair visit by a utility, the utility shall arrange with the customer, by mutual agreement:*

- (a) A 4-hour time span during which the visit will be scheduled; or*
- (b) An alternate method of entry to the location.*

*2. If a service or repair employee of the utility is unable to arrive at the customer's location during the time span scheduled with the customer pursuant to subsection 1, the utility shall use its best efforts to provide telephonic notice to the customer.*

**Sec. 2.** NAC 704.302 is hereby amended to read as follows:

704.302 As used in NAC 704.302 to 704.390, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 704.303 to 704.317, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 704.303 is hereby amended to read as follows:

704.303 “Customer” means a person:

1. Who receives or applies to receive residential gas or electric service from a utility; ~~or~~
2. In whose name such service is or is to be provided, as evidenced by ~~⌋~~  
~~—(a) His] a signature on the application or contract for such service; or~~  
~~⌋(b) In the absence of a signed instrument, the receipt and payment of bills regularly issued in the name of the customer, regardless of the identity of the actual user of the service.]~~
3. *In whose name such service is or is to be provided, as may be established by other demonstrable evidence that the person requested the utility to provide such service in that person’s name.*

**Sec. 4.** NAC 704.321 is hereby amended to read as follows:

704.321 1. Except as otherwise provided in this section, a utility may not enter into any agreement with a customer under terms ~~⌋which] that~~ are inconsistent with the provisions of NAC 704.302 to 704.390, inclusive ~~⌋~~.

~~—2. Nothing in] , and section 1 of this regulation.~~

2. *Notwithstanding the provisions of* NAC 704.302 to 704.390, inclusive, ~~⌋shall be deemed to preclude] and section 1 of this regulation~~, a utility ~~⌋from entering] may enter~~ into an agreement with a customer under terms ~~⌋which] that~~ are more favorable to the customer than those provided by ~~⌋those sections.] NAC 704.302 to 704.390, inclusive, and section 1 of this regulation, if the more favorable terms are consistent with the tariffs of the utility.~~

**Sec. 5.** NAC 704.326 is hereby amended to read as follows:

704.326 1. Except as otherwise provided in subsection 2, a customer may make an application for service by mail.

2. A customer who is applying for service from a utility for the first time, or who has not received service from the utility during the preceding 2 years, ~~[must]~~ *may be required by the utility to* apply for service in person unless this will cause ~~[him]~~ undue hardship.

*3. Upon the request of a customer who has applied for service from a utility, the utility shall provide the customer, or any other person or entity designated by the customer in writing, with a range of historical energy use at the location where service is to be provided to the customer. In providing the information to the customer or the customer's designee, the utility shall take appropriate measures to protect confidential customer information regarding all prior customers at that location.*

**Sec. 6.** NAC 704.328 is hereby amended to read as follows:

704.328 1. Except as otherwise provided in subsections 2 and 3, a deposit for each service provided by a utility must not exceed an amount equal to 150 percent of the estimated average monthly bill of the customer for each such service. Deposits for multiple types of utility service from the same utility must be calculated separately.

2. If an elderly customer establishes credit by making a deposit, the deposit must not exceed 50 percent of the deposit established pursuant to subsection 1.

3. If ~~[the service of]~~ *service to* a customer has been terminated , ~~[and he is not currently receiving service.]~~ the deposit required by the utility for resumption of service must not exceed an amount equal to 150 percent of the ~~[highest]~~ estimated *average* monthly bill of the customer for ~~[the]~~ service to be resumed.

4. A utility may require:

(a) An elderly customer who has had a termination of service or made four or more payments after the issuance of the next monthly bill within a 12-month period to provide the remaining 50 percent of the deposit.

(b) A customer, who has not been required to provide a deposit, to provide a deposit once ~~his~~ *the customer's* credit has become unsatisfactory.

5. By posting a deposit, the customer agrees that the deposit is a pledge to make future payments to the utility and not payment for future services that are furnished by the utility.

6. A utility may apply a deposit to any amounts outstanding at the time service is terminated or discontinued at the request of the customer.

**Sec. 7.** NAC 704.330 is hereby amended to read as follows:

704.330 *1.* A utility may require a customer who is subject to *the* termination of service and who requests the resumption or continuation of service to provide a deposit in addition to any other deposit made by the customer pursuant to NAC 704.328 only if the initial deposit has been returned to the customer or more than one-half of the deposit has been applied to the account of the customer. In no event may the amount of a deposit held by a utility exceed the amounts specified in NAC 704.328.

*2. If a utility requires a customer to provide a deposit pursuant to subsection 1, the deposit may be combined with any arrearage, and the customer may pay the deposit and the arrearage pursuant to an agreement for deferred payment in accordance with NAC 704.341.*

**Sec. 8.** NAC 704.337 is hereby amended to read as follows:

704.337 1. Except as otherwise provided in subsection 4, if a utility is unable, because of circumstances beyond its control, to read the meter of a customer on the date scheduled, it may bill the customer based upon ~~his~~ *the customer's* estimated usage for the billing period.

2. For the purposes of this section, circumstances beyond the control of a utility include:

(a) Severe weather;

(b) The presence of an animal on the premises of the customer which prevents an employee of the utility from reading the meter without risk of injury; or

(c) Any other circumstance which makes it unreasonably difficult to read the meter.

3. A utility shall consider the following factors in calculating a bill based upon estimated usage:

(a) The usage of the customer during the same month of the preceding year;

(b) Any change in temperature from the preceding month;

(c) The usage during the preceding month; and

(d) Seasonal load factors.

4. A utility which issues three consecutive bills to a customer based upon estimated usage, or five such bills for a customer in the area surrounding Lake Tahoe, shall notify the customer of its right of access to the premises of the customer. Thereafter, any additional and consecutive bill based upon estimated usage may be issued only under extraordinary circumstances.

5. A utility shall:

(a) Adjust the estimated usage upon the first reading of a meter after an estimated reading;

(b) Print the word "estimate" *plainly* on each bill which is based upon estimated usage; and

(c) Notify customers of its right to issue bills based upon estimated usage.

**Sec. 9.** NAC 704.338 is hereby amended to read as follows:

704.338 1. ~~[A]~~ *Except as otherwise provided in this section, a utility shall offer a program of equalized billing to any residential customer who has made 12 or more consecutive timely payments at the same address.*

~~—2. The~~ *customer whose utility service is connected at the time the request is made.*

2. *If a customer requests to enter into the program of equalized billing and the customer has an arrearage when the request is made, the customer may not enter into the program unless the customer:*

(a) *Pays at least 50 percent of the arrearage upon entering into the program; and*

(b) *Agrees to pay, in amounts that are apportioned over the first year of participation in the program, the remaining arrearage.*

3. *If a customer enters into the program of equalized billing, the equalized billing must be calculated by dividing the total amount of estimated bills for 1 year by the number of monthly payments for that year. The utility shall, at least once each year, adjust the monthly payments to conform to the actual bills.*

~~[3.]~~ 4. A utility may not adjust the amount of an equalized bill because of a change in rates before the rates become effective.

5. *If a customer fails to make two or more consecutive timely payments while participating in the program of equalized billing, the utility may, in addition to any other rights and remedies available to the utility, remove the customer from the program. If the utility removes the customer from the program, the customer may not enter into the program again without the approval of the utility.*

**Sec. 10.** NAC 704.339 is hereby amended to read as follows:

704.339 1. ~~[Each]~~ *A utility shall deliver a bill to customer:*

(a) *By depositing the bill with the United States Postal Service, properly addressed and postage prepaid, for delivery by first-class mail to the billing address of the customer;*

(b) *By another means of delivery of the bill to the billing address of the customer; or*

(c) *If requested by the customer and within the capability of the utility, by sending an electronic bill via the Internet to the electronic address of the customer. The electronic bill must contain the same content and be presented in the same or a similar format as a bill delivered to the customer pursuant to paragraph (a).*

2. A bill *for service* issued by a utility ~~[for service provided during the current billing period]~~ is due:

(a) Upon deposit of the bill with the United States Postal Service , *properly addressed and postage prepaid*, for delivery ~~[to the customer]~~ by first-class mail ~~[- or]~~ *to the billing address of the customer;*

(b) In the case of delivery by ~~[other]~~ *another* means, upon delivery of the bill to the billing address of the customer ~~[-~~

~~2.]~~; *or*

(c) *In the case of delivery via the Internet, upon sending the electronic bill via the Internet to the electronic address of the customer.*

3. A customer may pay the bill:

(a) By depositing payment *in the form of a check or money order* with the United States Postal Service , *properly addressed and postage prepaid*, for delivery ~~[to the utility]~~ by first-class mail ~~[-]~~ *to the appropriate address of the utility;*

(b) By making payment at the business office of the utility ~~[; or]~~ *using cash, a check, a money order, a credit card, a debit card, an electronic check or, if authorized by the utility, some other form of electronic fund transfer;*

(c) By making payment to any person authorized by the utility to accept payment ~~[;~~ ~~—3.]~~ *using cash, a check, a money order, a credit card, a debit card, an electronic check or, if authorized by the utility, some other form of electronic fund transfer; or*

(d) *By making payment through a bank-by-phone system or, if authorized by the utility, by making payment through a payment terminal, an automatic withdrawal system or another system that allows for electronic fund transfers.*

4. *A utility shall authorize at least one system of payment that allows customers to make payments to the utility via the Internet.*

5. The *past due* date for a bill ~~[is past due]~~ may not be earlier than 15 days after ~~[its issuance.]~~ *the date that the bill is due pursuant to subsection 2.*

6. *If a utility has the capability to allow a customer to choose the past due date for each billing cycle, the utility shall:*

(a) *On an annual basis, notify customers that they have such a choice; and*

(b) *Upon the request of a customer, allow the customer to make such a choice.*

7. *If a utility does not have the capability described in subsection 6, the utility shall, upon the request of a customer and to the extent practicable, work with the customer to establish by mutual agreement the past due date for each billing cycle.*

8. If the last day for payment before the past due date falls on a Sunday, legal holiday, or any other day on which the office of a utility used for the payment of bills is closed, the last day for payment is the next business day. Except as otherwise provided in subsection ~~[4,]~~ 9, payment



of a bill by first-class mail is timely if the payment is received not more than 4 days after the past due date.

~~[4.]~~ **9.** Any arrearage contained in a bill for service is past due and should be paid at the business office of the utility.

~~[5.]~~ **10.** A utility may charge *a customer* a fee, as set forth in its tariff, for ~~[the]~~ :

(a) *The* return of an unpaid check . ~~[or the]~~

(b) *The* late payment of a bill.

(c) *The use of a credit card to make a payment to the utility. The utility shall not charge the customer a fee for the use of a credit card to make a payment to the utility or enter into an agreement with a third-party credit card service which charges the customer such a fee, unless the fee has been reviewed and approved by the Commission.*

**Sec. 11.** NAC 704.341 is hereby amended to read as follows:

704.341 1. Except as otherwise provided in this section ~~[.]~~ *and NAC 704.338*, a utility shall provide a program for the deferred payment of a delinquent bill for any customer who requests the program and agrees in writing to pay:

(a) The arrearage within 90 days after the execution of the agreement, in four equal payments, with the first payment to be made upon the execution of the agreement; and

(b) All future bills when due.

↪ The 90-day period otherwise provided for payment of the arrearage may be extended at the discretion of the utility.

2. If a customer who enters into an agreement for the deferred payment of an arrearage is required to pay a deposit as a condition of continuing or resuming service ~~[, and his service]~~ *and:*

(a) *The customer's service* has not been terminated because of ~~his~~ *the* failure to comply with an existing agreement for deferred payment ~~;~~ *;* *or*

(b) *The customer is entering into the agreement pursuant to subsection 3,*

↳ the deposit and the arrearage *must be included in the agreement and* must be paid within 120 days, in four equal payments ~~[. The first of these payments must]~~ *, with the first payment to* be made upon *the* execution of the agreement.

3. ~~[The utility shall consider any commitment by]~~ *If* a governmental agency or ~~[its agent to assist customers who are unable to pay their bills even though money from that organization has not yet been disbursed.~~

~~—4. Unless the utility otherwise agrees,]~~ *another entity that provides energy assistance to lower-income customers pledges or pays money on behalf of a customer who has an arrearage, the utility shall allow the customer to enter into an agreement for the deferred payment of the remaining arrearage and any deposit owed by the customer, regardless of whether the customer has entered into any other prior agreements for deferred payment pursuant to this section.*

4. *Except as otherwise provided in subsection 3,* a customer may not ~~[initiate a program]~~ *enter into an agreement* for deferred payment pursuant to this section more than once during any 11-month period ~~;~~ *,* *unless the utility agrees otherwise.*

5. The *utility may terminate* service ~~[of]~~ *to* a customer who enters into an agreement *for deferred payment* pursuant to this section ~~[may be terminated without notice]~~ for any failure *by the customer* to make payment as provided by the agreement ~~;~~ *,* *if the utility sends written notice of its intended action to the customer at least 48 hours before it terminates service.*

6. Each agreement *for deferred payment* entered into pursuant to this section must:

- (a) Specify the date on which each installment is due; and
- (b) Contain a statement, in boldface type, of the right of the utility to terminate ~~the service~~ *of service to* the customer , *upon 48-hours' notice*, for ~~his~~ *any* failure *by the customer* to make payment as ~~agreed.~~ *provided by the agreement.*

**Sec. 12.** NAC 704.342 is hereby amended to read as follows:

704.342 *1.* A utility shall provide a program for the payment of bills for customers who have difficulty paying their bills because of financial hardship.

*2. A utility shall coordinate with governmental agencies and other entities that provide energy assistance to lower-income customers and with governmental agencies and other entities that provide services for weatherization and energy efficiency to lower-income customers to enable such agencies and entities to administer efficiently and effectively their assistance and services to lower-income customers.*

*3. A utility shall disclose to the agencies and entities described in subsection 2 information concerning the energy use of a customer, if the customer signs a release authorizing the utility to disclose that information.*

**Sec. 13.** NAC 704.350 is hereby amended to read as follows:

704.350 A utility may terminate electric or gas service without prior notice only:

- 1. If an unsafe or hazardous condition related to ~~that~~ *electric or gas* service is found to exist on the customer's premises;
- 2. If the use of electric or gas service on the *customer's* premises is found to be detrimental or damaging to the facilities or services of the utility or its customers;
- 3. Upon the order of any court or the Commission;

4. If the acts of the customer or the conditions upon ~~his~~ *the customer's* premises are such as to indicate to the utility ~~his intention~~ *that the customer intends* to defraud it;

5. If the utility has tried diligently to meet the requirements for notice set forth in NAC 704.360 and 704.365 but has not been able to give such a notice;

6. If an event ~~(a force majeure)~~ occurs which could not have been reasonably anticipated or controlled and which requires the termination of ~~the~~ service;

7. If the location ~~at which the~~ *where* service is provided has been abandoned; ~~or~~

8. If the customer obtained service without the specific credit authorization of the utility ~~;~~ ;

*or*

*9. If the termination without prior notice is otherwise authorized pursuant to NAC 704.302 to 704.390, inclusive, and section 1 of this regulation.*

**Sec. 14.** NAC 704.355 is hereby amended to read as follows:

704.355 1. Except as otherwise provided in NAC 704.302 to 704.390, inclusive, *and section 1 of this regulation*, a utility may terminate electric or gas service to a customer without ~~his permission,~~ *the consent of the customer*, after adequate notice has been given pursuant to NAC 704.360 and 704.365 , for any of the following reasons:

(a) Nonpayment of a delinquent bill.

(b) Failure to make a security deposit, an installment payment on a delinquent bill, or a security deposit, or a guarantee, when required.

(c) Violation of any rule of the utility.

2. Except as otherwise provided ~~by NAC 704.380,~~ *in NAC 704.302 to 704.390, inclusive, and section 1 of this regulation*, a utility may terminate service:

(a) At the new location of a customer for ~~his~~ *the* failure to pay a delinquent bill for *residential* service which ~~he~~ *the customer* received at a previous location; or

(b) If a customer receives residential service at more than one location, at any of the locations for ~~his~~ *the* failure to pay a delinquent bill at any location.

**Sec. 15.** NAC 704.360 is hereby amended to read as follows:

704.360 1. If a utility has a ~~ground~~ *reason* for the termination of service under NAC 704.355 and intends to terminate ~~the service, it~~ *service, the utility* shall *in every case* send a written notice of its intended action to the customer at least 10 days before it carries out the action ~~it~~, *except that if the customer has failed to comply with the terms of an agreement for deferred payment, the utility may terminate service upon 48-hours' notice as provided in NAC 704.341.*

2. If the utility receives no response to the *initial* notice, it shall send a second notice to the customer using ~~a~~ :

(a) *A method required by NAC 704.390, if the customer is subject to the provisions of that section; or*

(b) *A method which ensures that the notice is delivered to the customer or the customer's premises at least 48 hours before it terminates ~~the~~ service.*

3. The initial notice must be served ~~personally~~ upon the customer ~~or mailed, by~~ :

(a) *By personal service;*

(b) *By depositing the notice with the United States Postal Service, properly addressed and postage prepaid, for delivery by first-class mail ~~, to him at his~~ to the customer's last known mailing address ~~it~~; or*

*(c) If requested by the customer and within the capability of the utility, by electronic notice sent via the Internet to the most recent electronic address provided to the utility by the customer.*

4. Service of the *initial* notice shall be deemed complete ~~[as of]~~ *on* the date ~~[of mailing or personal delivery. A]~~ *that the notice is:*

*(a) Delivered by personal service to the customer;*

*(b) Deposited with the United States Postal Service, properly addressed and postage prepaid, for delivery by first-class mail to the customer's last known mailing address; or*

*(c) Sent via the Internet to the most recent electronic address provided to the utility by the customer.*

5. *Except as otherwise provided in NAC 704.390, a* second notice may be communicated to the customer:

*(a) In person;*

*(b) By depositing the notice with the United States Postal Service, properly addressed and postage prepaid, for delivery by first-class mail ~~[sent to him at his]~~ to the customer's last known mailing address;*

*(c) If requested by the customer and within the capability of the utility, by electronic notice sent via the Internet to the most recent electronic address provided to the utility by the customer;*

*(d) By telephone if the person receiving the communication is 18 years of age or older and is a resident at the address where ~~[the]~~ service is being provided; or*

~~[(d)]~~ *(e) By posting the notice on the door of that residence if no one is at home.*

↪ If a utility intends to change the method it normally uses to ~~deliver the~~ *communicate a* second notice, it shall send a written notice to its customers specifying the new method and the date on which it will begin using that method.

~~[4.—A]~~

*6. The initial notice and any second notice* of an intended termination of service must contain the following information in ~~[clear and understandable language:]~~ *plain language, with the information listed in paragraphs (i), (j) and (l) presented in a larger type size than the balance of the notice:*

- (a) An identification of the account affected by the intended termination.
- (b) The date on or after which the intended termination will occur.
- (c) The address of the location where service will be terminated.
- (d) The reason for the intended termination, including, if the intended termination is for nonpayment, a statement designating the bill as one for actual or estimated use and specifying the total amount owed, the period over which that amount was incurred, and the minimum payment required to avoid termination.
- (e) The procedures which are available to dispute or appeal from the intended termination, specifying the address and telephone number of the utility's office which is responsible for handling complaints or inquiries.
- (f) A statement that the utility will promptly investigate any complaint or dispute and give the customer its written decision on the matter.
- (g) A statement that if the customer wishes to dispute any fact or interpretation of a regulation relied upon by the utility in its decision to terminate ~~the~~ service, the customer must

communicate with the Division. The statement must include the mailing address, telephone number, and toll-free telephone number of the Division.

(h) A statement that ~~[the]~~ service will not be terminated before a resolution of the dispute if the customer pays the questioned portion of the bill at the time the dispute arises and pays all subsequent bills.

(i) An explanation of any arrangements for payment which the utility offers to customers who have difficulty in paying their bills.

(j) A list of the names, addresses, and telephone numbers of at least two governmental agencies or other organizations which have notified the utility that they will ~~[help customers who are unable to pay]~~ *assist customers in paying* their *utility* bills.

(k) An explanation of the restrictions on the termination as set forth in NAC 704.370.

(l) A statement that ~~[elderly or handicapped customers must]~~ *a customer should* notify the utility ~~[of their status as members of households which contain]~~ *immediately if any member of the customer's household requires the continuing use of* electric or gas appliances ~~[which are essential for]~~ *to maintain that member's essential* health.

(m) An explanation of the utility's fee schedule and procedures for reconnecting ~~[the service. 5.]~~ *service.*

*7. If a utility provides a customer with an initial notice or a second notice of an intended termination of service and the customer or another adult resident of the customer's household communicates orally with the utility concerning the notice, the utility shall explain to the customer or other adult resident each item of information which is included in the notice pursuant to subsection 6.*



8. If a utility *has a reason for the termination of service and* intends to terminate service

~~{at a:~~

~~—(a) Location having a master meter, it must]~~ *to a mobile home park or a multiunit residential complex, the utility shall* use *its* best efforts to ~~{post notice of its}~~ *notify the occupants of each family dwelling unit located within the park or complex of the utility's* intended action . ~~{in a conspicuous place at the location.~~

~~—(b) Mobile home park having a master meter, it must also]~~ *The utility shall* use *its* best efforts to ~~{provide notice of its intended action to each mobile home in the park.~~

~~The requirements of this subsection are in addition to those of subsections 1 to 4, inclusive.]~~  
*notify the occupants by posting on the door of each such unit a written notice which states:*

*(a) The reason for the termination of service;*

*(b) The deadline for making any delinquent payments or for taking any corrective action that is necessary to avoid the termination of service; and*

*(c) The date scheduled for the termination of service in the event that any delinquent payments are not made or corrective action is not taken.*

↪ *The utility shall provide the notice required by this subsection to the occupants of a multiunit residential complex at the same time that the utility provides notice to the customer of record for the complex.*

**Sec. 16.** NAC 704.365 is hereby amended to read as follows:

704.365 1. A utility shall:

(a) Give written notice to each ~~{residential}~~ customer who is elderly or handicapped ~~{at the time he applies for service that he}~~ *that the customer* may designate a third person to receive notification of the pending termination of ~~{his}~~ service. *The utility shall give the written notice:*

*(1) At the time the customer applies for service; or*

*(2) If the customer applies for service by telephone, at the time the customer receives the first bill for service.*

(b) Upon the written request of a **[residential]** customer, notify a third person designated by the customer of an intended termination *of service* by sending the third person a duplicate notice. The third person need not pay the bill.

(c) Make a diligent effort to notify the designated third person, but the utility does not incur any liability for a failure to notify the third person.

2. As used in this section, “third person” includes any guarantor of the customer making the designation and any other person or public agency, other than the customer or the utility.

**Sec. 17.** NAC 704.370 is hereby amended to read as follows:

704.370 1. A utility shall postpone *the* termination of service to a **[residential]** customer for 30 days after the day on which it receives both of the following:

(a) A statement from a licensed physician or public health official certifying that any termination of **[the]** service would be especially dangerous to the health of the customer or another person who is a permanent resident of the premises where **[the]** service is being provided and would constitute an emergency affecting the health of the person. The physician or health official may consider the feebleness, advanced age, physical disability or handicap, mental incapacity, serious illness, or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement must be in writing and include:

- (1) The address where service is provided;
- (2) The name of the person whose health would be especially endangered;
- (3) A clear description of the nature of the emergency; and

(4) The name, title, and signature of the physician or official certifying the emergency.

↳ The statement may be made by telephone if a written statement is sent for confirmation to the utility within 5 days after the oral statement is made.

(b) A statement signed by the customer:

(1) That ~~he~~ *the customer* is unable to pay for service in accordance with the requirements of the utility's billing; or

(2) That ~~he~~ *the customer* is able to pay for service only in installments. The utility shall allow an installment period of up to 90 days for ~~a~~ *the* customer to pay ~~his bills.~~ *the bills of the customer.*

2. The postponement may be extended for an additional 30 days if the utility receives a renewed medical certificate before the expiration of the original period of postponement.

3. If a utility again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility shall give written notice of its intended action:

(a) To the Division; ~~and~~

(b) To the customer and *to* any other person *who is* required to receive notice pursuant to NAC 704.360 ~~.~~ *or 704.365; and*

*(c) To governmental agencies or other organizations which have notified the utility that they will assist customers in paying their utility bills.*

4. Before the period of postponement expires, the customer must arrange with the utility to pay ~~his~~ *the* bills *of the customer* in accordance with its applicable rules.

**Sec. 18.** NAC 704.372 is hereby amended to read as follows:

704.372 1. If the service of a customer is being terminated for nonpayment of a delinquent bill or any installment due on such a bill, the utility may postpone the termination, regardless of

whether the customer is qualified to make deferred payments pursuant to NAC *704.338 or 704.341*, if the utility determines that the customer is able to pay the amount owed and the customer agrees to a plan for payment.

2. In determining whether a customer is able to pay the amount owed, the utility shall consider:

- (a) The amount owed;
- (b) The length of time the bill or installment is past due;
- (c) The date the account was established;
- (d) The history of payment maintained by the customer with the utility;
- (e) The credit history of the customer;
- (f) The period for payment;
- (g) Any extraordinary circumstances of the case; and
- (h) Any information presented to the utility by the customer.

**Sec. 19.** NAC 704.375 is hereby amended to read as follows:

704.375 *1.* Except as otherwise provided in subsections 1 and 2 of NAC 704.350, a utility may not terminate service *to a customer* on a weekend, *on* a holiday ~~or~~ or on the day before a weekend or a holiday.

*2. Except as otherwise provided in subsections 1 and 2 of NAC 704.350, a utility may not terminate service to a customer if the utility has knowledge that the customer or a permanent resident of the customer's household:*

- (a) Is confined to the location where service is provided;*
- (b) Is on a life support device which, to operate effectively at that location, requires service to be provided by the utility; and*

*(c) Is likely to die without the aid of the life support device if the utility terminates service.*

*3. A utility may not terminate service to a customer because of nonpayment if the outstanding amount owed by the customer is \$50 or less.*

*4. If a utility intends to terminate service to a customer or a multiunit residential complex because of nonpayment, the utility shall postpone the termination if the termination would occur during a forecasted period of extreme temperature for the local geographical area which encompasses the location where service is provided and which typically experiences similar temperature conditions as the location where service is provided.*

*5. As used in this section:*

*(a) "Forecasted period of extreme temperature" means any period of 24 hours for which the National Weather Service has issued a forecast predicting that, at some point during the period of 24 hours, the outside temperature will be:*

*(1) One hundred five degrees Fahrenheit or higher; or*

*(2) Fifteen degrees Fahrenheit or lower.*

*(b) "National Weather Service" means the National Weather Service of the National Oceanic and Atmospheric Administration of the United States Department of Commerce.*

**Sec. 20.** NAC 704.380 is hereby amended to read as follows:

704.380 *1.* A utility may not terminate ~~the service of a:~~

~~—1. Residential] residential service to a~~ customer because of ~~his] the~~ failure to pay a delinquent bill for ~~another] a nonresidential~~ class of service.

*2. [Customer] A utility may not terminate service to a customer* because of delinquent bills ~~which] that~~ were incurred by the previous occupant of the location ~~at which] where~~ service is provided.

**Sec. 21.** NAC 704.383 is hereby amended to read as follows:

704.383 1. A utility shall resume service to a customer:

- (a) If ~~he~~ *the customer* has complied with the requirements of the utility set forth in its tariff;
- (b) Upon the order of any court of competent jurisdiction or the Commission; or
- (c) If the statement conforms to the requirements of that paragraph, immediately upon its

receipt of the statement described in paragraph (a) of subsection 1 of NAC 704.370.

2. *Except as otherwise provided in subsection 3, if a utility terminates service to a customer because of nonpayment and the customer or another person or entity on behalf of the customer subsequently pays the utility in an amount that is sufficient to resume service, the utility shall resume service to the customer:*

*(a) On the same day that the payment is received by the utility, if the payment is received by the utility on or before 10 a.m.; or*

*(b) Within 24 hours after the time when the payment is received by the utility, if the payment is received by the utility after 10 a.m.*

3. *If a utility terminates service to a multiunit residential complex because of nonpayment and the customer of record or another person or entity on behalf of the customer of record subsequently pays the utility in an amount that is sufficient to resume service, the utility shall resume service to each unit within the multiunit residential complex on a priority basis, subject to emergency situations, including, but not limited to, emergency situations affecting the health of a person as described in paragraph (a) of subsection 1 of NAC 704.370.*

4. A utility may charge a fee, as set forth in its tariff, to resume service to a customer.

**Sec. 22.** NAC 704.385 is hereby amended to read as follows:

704.385 A utility shall give written notice to:

1. Each new ~~[residential]~~ customer at the time ~~[he]~~ *the customer* applies for service; and
2. Each ~~[residential]~~ customer at least once annually by means of a notice enclosed with a bill,

↳ that special assistance is available to elderly *persons* and to handicapped persons who are unable to pay their bills on a timely basis and that such a person must communicate with the utility if ~~[he]~~ *the person* wishes to ~~[avail himself of]~~ *benefit from* that special assistance.

**Sec. 23.** NAC 704.390 is hereby amended to read as follows:

704.390 1. A utility may not terminate service to a ~~[residential]~~ customer who is elderly or handicapped, or whose household includes an elderly or handicapped person, unless ~~[it]~~ *the utility* has notified the customer or ~~[some]~~ *another* adult resident *of the customer's household* in person or by telephone at the address where service is provided at least 48 hours before the date upon which *the* termination would occur.

2. ~~[The utility's representative]~~ *When providing the notice required by subsection 1, the utility* shall explain to the customer or other adult resident each item of information which subsection ~~[4]~~ *6* of NAC 704.360 requires to be included in a written notice of intent to terminate service.

3. *In addition to the notice required by subsection 1, the utility shall notify governmental agencies or other organizations which have notified the utility that they will assist customers in paying their utility bills.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R198-01**

The Public Utilities Commission of Nevada adopted regulations assigned LCB File No. R198-01 which pertain to chapter 704 of the Nevada Administrative Code on January 12, 2005.

**Notice date:** 12/20/2001; 4/22/2002; 8/12/2002; 12/18/2002; 1/14/2004

**Hearing date:** 2/19/2003; 3/2/2004

**Date of adoption by agency:** 1/12/2005

**Filing date:** 2/17/2005

**INFORMATIONAL STATEMENT**

**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.**

The regulation in Public Utilities Commission of Nevada (“Commission”) Docket No. 01-3015 was noticed seven (7) times: March 23, 2001, December 20, 2001, April 22, 2002, August 12, 2002, November 20, 2002, December 18, 2002, and January 14, 2004 in the Elko Daily Free Press, the Ely Daily Times, the Humboldt Sun, the Las Vegas Review Journal, the Mineral County Independent, the Nevada Appeal, the Reno Gazette Journal and the Tonopah Times-Bonanza. Additionally, the notice was mailed to county clerks in Reno, Carson City and Nevada, and all persons who requested inclusion on the Commission’s service list. There was public response from Carol Ranalli of Sparks, Nevada who asked that the temperature at which utility service terminations occur be examined with respect to public health issues. (March 27, 2002 Workshop transcript Vol. 5 at pgs. 182-183). A copy of the summary may be obtained by calling the Commission at (775) 687-6001 or (702) 486-7210, or by writing to the Commission at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

**2. The number of persons who:**

**(a) Attended the workshop:**

June 15, 2001:	24
January 22, 2002:	9
January 23, 2002:	14
January 29, 2002:	7
March 27, 2002:	10
June 28, 2002:	15
October 10, 2002:	3

**(b) Testified at the workshop:**

June 15, 2001:	24
January 22, 2002:	9
January 23, 2002:	14
January 29, 2002:	7
March 27, 2002:	10
June 28, 2002:	15
October 10, 2002:	3



- (c) **Attended the hearing:**
  - February 19, 2003: 19
  - March 2, 2004: 19
- (d) **Testified at the hearing:**
  - February 19, 2003: 19
  - March 2, 2004: 19

(e) **Submitted to the agency written comments:** Written comments were submitted to the Commission by the Attorney General’s Bureau of Consumer Protection; the Commission’s Regulatory Operations Staff; Washoe County Senior Law Project; SBC Nevada d/b/a Nevada Bell; Central Telephone Company-Nevada d/b/a Sprint of Nevada & Sprint Communications Company LP; MCI WorldCom, Inc.; Pac-West Telecomm, Inc.; XO Communications; Cox Communications; Advanced Telcom Group, Inc.; Humboldt Telephone Company; Sierra Pacific Power Company; Nevada Power Company; Southwest Gas Corporation; Southern Nevada Water Authority; Verizon California Inc. d/b/a Verizon Nevada; AT&T Communications of Nevada, Inc.; Citizen Communications; Nevada Telecommunications Association; Billing Concepts, Inc.; U.S. TelePacific Corporation d/b/a TelePacific Communications; Thelma Clark, Senior Advocate; Carol Ranalli; Mpower Communications Corporation; American Association For Retired Persons; NOS Communications Inc.; Affinity Network Incorporated; Qwest; and the Clark County Dept. of Business License.

**3. 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 by publication in the newspapers, as outlined in #1 above, and by direct mail to interested persons subscribing to the Commission’s mailing list. The electric and gas utilities responded to the regulations by filing a consensus version of the regulations on December 17, 2002. The telecommunications companies, in general, responded in support of the changes to the regulations, with the exception of some issues, such as the font size of certain notices. The affected water companies made no comment to the regulations. A copy of the summary may be obtained by calling the Commission at (775) 687-6001 or (702) 486-2600, or by writing to the Commission at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

**4. 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 regulations were adopted with changes proposed by the companies and interested persons.

**5. The estimated economic effect of the adopted regulation on the business 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 intermediate and long-term effects.**

The companies affected by these regulations may experience some adverse economic effect from the implementation of the regulation. However, the cost is expected to be minimal.

There is expected to be a beneficial economic effect upon the regulated companies in so far as the regulations provide clear guidance to the companies regarding customer billing issues.

There should be no adverse economic effect from the implementation of the regulation on the public. There is expected to be a beneficial effect upon the public in so far as the regulations provide the public with added protections.

The regulation is expected to have intermediate and long-term beneficial economic effects upon the regulated community. The intermediate and long-term economic effect on the public is also expected to be beneficial.

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

There is no additional cost to the agency for enforcement of this regulation.

**7. 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.**

There are no other state or government agency regulations that the proposed regulation duplicates.

**8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity.

**9. 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.**

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

In re: proposed rulemaking to amend and adopt )  
regulations pursuant to AB 661 Section 40.5 and the )  
Consumer Bill of Rights (NAC 704.302 to 704.390, )  
inclusive, and 704.395 to 704.424, inclusive). )  
\_\_\_\_\_ )

Docket No. 01-3015

At a general session of the Public Utilities  
Commission of Nevada, held at its offices on  
January 12, 2005.

PRESENT: Chairman Donald L. Soderberg  
Commissioner Carl B. Linvill  
Commission Secretary Crystal Jackson

**ORDER ADOPTING REGULATIONS**

The Public Utilities Commission of Nevada (“Commission”) makes the following findings of fact and conclusions of law:

1. On February 21, 2001, the Commission voted to open a rulemaking docket for the purpose of revising the Consumer Bill of Rights, which has been designated Docket No. 01-3015.
2. On September 20, 2001, the Commission voted to expand the scope of Docket No. 01-3015 to include Assembly Bill 661 Section 40.5.
3. These matters come within the purview of the Commission’s jurisdiction pursuant to Chapters 703 and 704 of the Nevada Revised Statutes and the Nevada Administrative Code.
4. On March 23, 2001, the Commission issued a Notice of Workshop and a Procedural Order.
5. On June 19, 2001, Procedural Order No. 2 was issued.
6. On October 18, 2001, Procedural Order No. 3 was issued.
7. On December 20, 2001, a Notice of Intent to Amend/Adopt/Repeal Regulations, Notice of Workshops, and Notice of Hearing was issued. Procedural Order No. 4 was also issued on December 20, 2001.
8. On December 27, 2001, a Corrected Notice of Workshops was issued.
9. On January 3, 2002, Corrected Procedural Order No. 4 was issued.

10. On January 16, 2002, an Order was issued approving the report of the Commission's Regulatory Operations Staff ("Staff") that the proposed regulations do not impose a direct and significant economic burden upon small business.

11. On February 27, 2002, Procedural Order No. 5 was issued.

12. On April 1, 2002, an Order was issued granting a motion for leave to file comments late.

13. On April 22, 2002, a Re-Notice of Intent to Amend/Adopt/Repeal Regulation and Notice of Workshop was issued.

14. On August 12, 2002, a Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Workshop was issued, in addition to a Procedural Order.

15. On October 23, 2002, an Order was issued approving Staff's report that the proposed regulations do not impose a direct and significant economic burden upon small business.

16. On November 20, 2002, a Notice of Hearing was issued.

17. On December 18, 2002, a Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Hearing was issued.

18. On January 14, 2004, a Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Hearing was issued.

19. Appearances were made at the workshops and hearings by interested persons, including the Attorney General's Bureau of Consumer Protection; Staff; Washoe County Senior Law Project; SBC Nevada d/b/a Nevada Bell; Central Telephone Company-Nevada d/b/a Sprint of Nevada & Sprint Communications Company LP; MCI WorldCom, Inc.; Pac-West Telecomm, Inc.; XO Communications; Cox Communications; Advanced Telcom Group, Inc.; Humboldt Telephone Company; Sierra Pacific Power Company; Nevada Power Company; Southwest Gas Corporation; Southern Nevada Water Authority; Verizon California Inc. d/b/a Verizon Nevada; AT&T Communications of Nevada, Inc.; Citizen Communications; Nevada Telecommunications Association; Billing Concepts, Inc.; U.S. TelePacific Corporation d/b/a TelePacific Communications; Thelma Clark, Senior Advocate; Carol Ranalli; Mpower Communications Corporation; American Association For Retired Persons; NOS Communications Inc.; Affinity Network Incorporated; and the Clark County Dept. of Business License.

20. On December 28, 2004, the Commission voted at a duly-noticed public meeting to adopt the attached regulations (attached hereto as Attachment 1 and as modified by Attachment 2) as temporary.

21. The Commission finds that it would be in the public interest to adopt the temporary regulations (attached hereto as Attachment 1 with the modifications attached hereto as Attachment 2) as permanent. Furthermore, the Commission finds that it would be in the public interest to allow the utilities until June 30, 2005 to come into compliance with these regulations. THEREFORE, based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. The temporary regulations attached hereto as Attachment 1 are ADOPTED as permanent and as modified by Attachment 2.

2. The utilities affected by the regulations (attached hereto as Attachment 1 and as modified by Attachment 2) SHALL have until **June 30, 2005** to come into compliance with the regulations.

3. The Commission retains jurisdiction for the purpose of correcting any errors which may have occurred in the drafting or issuance of this Order.

By the Commission,

\_\_\_\_\_  
DONALD L. SODERBERG, Chairman

\_\_\_\_\_  
CARL B. LINVILL, Commissioner

Attest: \_\_\_\_\_  
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

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(SEAL)