

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

LCB File No. R083-02

Effective July 15, 2002

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

AUTHORITY: NRS 703.025 and 704.210.

Section 1. NAC 704.460 is hereby amended to read as follows:

704.460 The commission hereby adopts by reference the regulations contained in 49 C.F.R. Parts 191, 192, 193 and 199, as those regulations existed on October ~~26, 1999.~~ *10, 2000.* Copies of those parts are available at no charge from the United States Department of Transportation, Research and Special Programs Administration, Washington, D.C. 20590.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R083-02**

The Public Utilities Commission of Nevada adopted regulations assigned LCB File No. R083-02 which pertain to regulation of public utilities (chapter 704 of the Nevada Administrative Code) on June 14, 2002.

Notice date: November 1, 2001
Hearing date: March 25, 2002

Date of adoption by agency: 6/14/2002
Filing date: 7/15/2002

**INFORMATIONAL STATEMENT
PUBLIC UTILITIES COMMISSION OF NEVADA
Docket No. 01-9010**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) 704.

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.

A Notice of Intent to Amend/Adopt/Repeal Regulations, Notice of Workshop and Notice of Hearing (“Notice”) was issued on November 1, 2001. The Notice was published 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, county libraries and all persons who requested inclusion on the Commission’s service list. The Commission also sought public comment in a procedural order, issued November 6, 2001, which was sent to all person who requested inclusion on the Commission’s service list.

In addition to the public response from the affected businesses discussed in #3 below, the following represents a summary of the public responses that were made to the Commission at the duly-noticed Workshop held on February 25, 2002: William Stanley, Esq., Assistant Staff Counsel and Craig Steele, Manager of the Safety Division of the Commission both agreed that the suggested change to NAC 704.460 should be made.

In addition to the public responses from affected businesses discussed in #3 below, the following represents a summary of the public responses that were made to the Commission at the duly-noticed Hearing held on March 25, 2002: William Stanley, Esq., Assistant Staff Counsel and Craig Steele, Manager of the Safety Division of the Commission both agreed that the suggested change to NAC 704.460 should be made.

- 2. The number of persons who:**
- (a) Attended the workshop: 4**
 - (b) Testified at the workshop: 2**

- (c) **Attended the hearing: 4**
- (d) **Submitted to the agency written comments: 0**

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 notices placed in the newspapers mentioned in the response to question #1 above, by direct mailings to interested persons on the Commission's mailing list and by posting of notices at county libraries, courthouses and the Commission's website.

There were no appearances of individuals from the business community at the foregoing Workshop and Hearing. Additionally, the Commission received no comments in this case.

Transcripts of the Workshop and Hearing, as well as, copies of this summary are available for public viewing at the offices of the Commission. 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 Commission has amended NAC 704.460 by replacing "October 26, 1999" with "October 10, 2000".

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 Commission has found that the regulation does not impose a direct and significant burden upon businesses and the public in Nevada based on the fact that the Commission is only revising the date in an existing regulation.

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

At this time, the Commission cannot quantify what, if any, estimated cost it will incur to enforce the amendment of the existing 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.

The Commission has previously adopted the regulations issued by the United States Department of Transportation (“DOT”) and codified 49 C.F.R. Parts 191, 192, 193, and 199. Since the Commission last revised NAC 704.460, the DOT has adopted various amendments to the foregoing regulations. In order to ensure that pipeline operators are complying with current federal regulations, the Commission voted on April 18, 2002, to amend NAC 704.460 to read as follows:

The commission hereby adopts by reference the regulations contained in 49 C.F.R. Parts 191, 192, 193, and 199 as those regulations existed on ~~October 26, 1999~~ *October 10, 2000*. Copies of those parts are available at no charge from the United States Department of Transportation, Research and Special Programs Administration, Washington D.C. 20590.

On May 24, 2002, the Legislative Counsel Bureau returned the above regulations to the Commission without any revisions. The Commission voted on June 14, 2002, to adopt the Legislative Counsel Bureau’s version.

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 Commission is not aware of any provision in this regulation that is 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.

At this time, the Commission cannot quantify what, if any, new fees or increases in any existing fees will result with the amendment of the existing NAC 704.460.