

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

**LCB File No. R116-03**

September 30, 2003

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

AUTHORITY: §§1-13, NRS 703.025 and 704.210.

**Section 1.** Chapter 703 of NAC is hereby amended by adding thereto a new section to read as follows:

*A person who causes an application, tariff filing, complaint or petition described in paragraphs (a), (b) and (c) of subsection 11 of NAC 703.160 to be filed with the Commission must include in the application, tariff, complaint or petition:*

- 1. A draft of the public notice that complies with the provisions of paragraphs (a), (b) and (c) of subsection 5 of NAC 703.160; and*
- 2. A statement indicating whether a consumer session is required to be held pursuant to NRS 704.069.*

**Sec. 2.** NAC 703.158 is hereby amended to read as follows:

703.158 1. The Commission will maintain one or more service lists for proceedings before the Commission, including, without limitation, a service list that applies to all proceedings before the Commission.

2. Except as otherwise provided in subsection 3 ~~⌘~~:

~~—(a) A],~~ a person may submit to the ~~[Commission]~~ *Secretary* a written request to be placed on one or more service lists maintained by the Commission. If a person makes such a request, the ~~[Commission]~~ *Secretary* will send the person copies of all notices and orders issued by the Commission or a presiding officer in all proceedings to which the service lists apply ~~].~~

~~—(b) The Commission may require a person who is placed on a service list to submit to the Commission, at reasonable intervals set by the Commission, written requests to renew] for at least 6 months after the date of the request, or until the conclusion of a docket for matters which continue for more than 6 months. A person may submit to the Secretary a written request to renew~~ the person's placement on the service list.

3. The Nevada Press Association, or any successor in interest to that organization, will be placed permanently on the service lists maintained by the Commission, unless it requests to be removed from the service lists.

**Sec. 3.** NAC 703.160 is hereby amended to read as follows:

703.160 1. The Secretary shall ~~[publish]~~ *cause* public notice of each filing or proceeding described in subsection ~~[10].~~

~~—2. If]~~ *11 to be published in the manner prescribed in this section. The publisher of the public notice shall, not later than 5 days after publication of the notice, provide to the Commission proof of the publication of the notice. The proof must include:*

*(a) The name of the newspaper in which the notice was published;*

*(b) The name of the county in which the notice was published;*

*(c) A statement signed by the publisher that the newspaper in which the notice was published is a newspaper of general circulation in the county in which the notice was published; and*

*(d) The date of the publication of the notice.*

2. *Except as otherwise provided in this section, if* the Secretary determines that the filing or proceeding will have ~~[a:]~~ :

(a) *A statewide effect, the Secretary shall ~~[have]~~ cause* the public notice *to be* published once in four or more newspapers of general circulation in this state, no two of which are published in the same county.

~~[3.—If the Secretary determines that the filing or proceeding will have an]~~

(b) *An effect on a limited number of counties, the Secretary shall ~~[have]~~ cause* the public notice *to be* published once in a newspaper of general circulation in each county affected. If there is no newspaper published in an affected county, the Secretary shall ~~[have]~~ *cause* the public notice *to be* published once in a newspaper of general circulation in an adjoining county.

~~[4.]~~ 3. *For a petition filed pursuant to NAC 703.290, the Secretary shall cause a public notice to be published once in a newspaper of general circulation in the county in this state where the principal place of operations of the incumbent local exchange carrier is located. As used in this subsection, “incumbent local exchange carrier” has the meaning ascribed to it in NAC 704.75993.*

4. *The Secretary will, if practicable, post each business day on the Internet website of the Commission a current list of all public notices published pursuant to this section.*

5. The public notice must be an advertisement which is not less than 1 column inch by 3 inches, with a border on all sides, and must include, as appropriate:

(a) *At the beginning of the notice, a title that generally describes the relief requested or the type of proceeding scheduled;*

(b) The name of the applicant, complainant or petitioner or the name of the agent for the applicant, complainant or petitioner;

~~[(b)]~~ (c) A brief description of the purpose of the filing or proceeding ~~[(c)]~~ ~~—(e)]~~ , *including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled and the effect of the relief or proceeding upon consumers;*

(d) The location where the filing is on file for the public or the location and time for the proceeding; and

~~[(d)]~~ (e) The date by which persons must file comments , *notices of intent to participate as a commenter* or petitions for leave to intervene with the Commission.

↪The public notice must be published prominently so that it is reasonably calculated to notify affected persons.

~~[(5.—The)]~~

6. *If the notice is:*

(a) *A public notice for a hearing, the Secretary shall cause the notice of hearing to be:*

(1) *Served on each party and published at least 10 days before the hearing is held; and*

(2) *Posted at the principal office of the Commission at least 3 days before the hearing is held.*

(b) *For a filing or a proceeding other than a hearing, the Secretary shall ~~[(have)]~~ cause the public notice to be published in the appropriate newspapers not less than 3 working days before the proposal in the filing becomes effective or the proceeding is held.*

~~[(6.)~~ 7. The applicant, complainant or petitioner shall pay the cost of the publication.

~~[7.]~~ 8. On a weekly basis, the Commission will ~~[have]~~ *cause to be* published a summary of public notices concerning the filings and proceedings described in subsection ~~[10.]~~ 11. The summary of public notices will be published in the Sunday edition of a newspaper of general circulation in Carson City and such other newspapers as determined by the ~~[Chairman]~~ ~~—8.]~~ *Secretary*.

9. If public notice of a filing or proceeding is published by the Secretary pursuant to this section, the Secretary's notice shall be deemed to be legally sufficient public notice of the filing or proceeding, even if public notice in the summary of public notices is deficient or fails to be published pursuant to this section.

~~[9.]~~ 10. If public notice of a filing or proceeding is published in the summary of public notices pursuant to this section, the public notice in the summary of public notices shall be deemed to be legally sufficient public notice of the filing or proceeding, even if the Secretary's public notice is deficient or fails to be published pursuant to this section.

~~[10.]~~ 11. The provisions of this section apply to the following filings or proceedings:

(a) An application or tariff filing involving any authorization, expansion, reduction or curtailment of services, facilities or authority, any increase in rates, fares or charges, or any change in regulations.

(b) A complaint filed with the Commission pursuant to NAC 703.651.

(c) A petition.

(d) A prehearing conference.

(e) A workshop.

(f) A consumer session.

*(g) A hearing.*

**Sec. 4.** NAC 703.164 is hereby amended to read as follows:

703.164 1. In addition to the consumer sessions required by statute, the Commission may schedule one or more consumer sessions in any proceeding before the Commission, including, without limitation, any proceeding involving changes to schedules and rates, if the Commission determines that such consumer sessions are in the public interest.

2. The Commission will schedule each consumer session required by statute and each consumer session required by the Commission for a time and place that is intended for the convenience of the public.

3. *The Commission will issue a press release before each consumer session required by statute that includes the time, date, place and purpose of the session.*

4. If a consumer session required by statute or a consumer session required by the Commission is related to a filing made by a public utility, each public utility that is a party to the case shall:

(a) Provide notice of the time, place and purpose of the consumer session directly to each of its customers ~~[s]~~ *as an insert in the bill of charges it sends to each customer or by any other practicable method approved by the Commission;*

(b) Send ~~[such]~~ *the* notice not less than 10 days before the scheduled date of the consumer session;

(c) Make the arrangements for and secure the location of the consumer session; and

(d) Be responsible for any costs incurred by the Commission as a result of the consumer session.

~~[4.]~~ 5. If a consumer session required by statute or a consumer session required by the Commission is a general consumer session on issues concerning public utilities, the Commission will:

- (a) Make the arrangements for and secure the location of the consumer session;
- (b) Be responsible for any costs incurred as a result of the consumer session; and
- (c) Determine which public utilities must provide notice of the consumer session, and each

such utility shall:

- (1) Provide notice of the time, place and purpose of the consumer session directly to each of its customers; and
- (2) Send ~~[such]~~ *the* notice not less than 10 days before the scheduled date of the consumer session.

**Sec. 5.** NAC 703.2481 is hereby amended to read as follows:

703.2481 1. When a public utility files an application to adjust any rate or charge for the service or commodities furnished by it to increase its return on investment, to increase its rate base or to cover expenses not related to fuel or purchased power, the public utility shall:

(a) Within 10 days after filing the application, make available at each of its business offices a complete copy of the application in such form and place as to be readily accessible and conveniently inspected by the public;

(b) Within 10 days after filing the application, print in plain type and post at each of its business offices , in such form and place as to be readily accessible to and conveniently inspected by the public, a notice stating that the application has been filed with the Commission, describing briefly the purpose of the application, indicating that the complete application is

available for public inspection on the premises and listing the locations at which additional information may be obtained; and

(c) Within 20 days after filing the application, submit to the Commission affidavits of that filing and the posting required in paragraphs (a) and (b) of this subsection.

2. When a public utility files an application to adjust any rate or charge for the service or commodities furnished by it to increase its return on investment, to increase its rate base or to cover expenses not related to fuel or purchased power and the Commission has set a date and location for a hearing on the application, the applicant shall provide notice to its customers who are affected by the proposed increase. The *first paragraph of the* notice must state the date, time and place of the hearing, the *total* amount of the proposed increase in dollars ~~[and the reasons for seeking the increase. The notice must specifically identify the]~~, *the estimated proposed monthly increase in dollars and the proposed* percentage of increase for each class of customer or class of service . ~~[which would, pursuant to the applicant's filing, receive a percentage of increase in rates which is at least 10 percent greater than the average percentage of increase in rates for which the applicant is applying.]~~ The notice must also state that *the Commission may set rates which may be higher or lower than the rates proposed in the application and that* additional information may be obtained from the Commission or at the offices of the public utility filing the application. The notice must be given at least 10 days before the hearing, by two of the three following methods:

(a) Inclusion in the regular bill of charges transmitted to the applicant's customers.

(b) Separate mailing to each of the applicant's customers.

(c) Prominent presentation in one or more forms of the media, such as newspapers, television or radio, so that the notice will reach the applicant's customers.



3. At or before the hearing, the applicant must submit a verified statement to the Commission that the notice required in subsection 2 [H] has been given. The statement must:

(a) List the means by which , and the dates and times when , the notice was mailed, published or broadcast; and

(b) Include , as an attachment, a copy of the notice as mailed, published or transcribed.

**Sec. 6.** NAC 703.2711 is hereby amended to read as follows:

703.2711 1. When a large provider of last resort of basic service files an application to adjust any rate or charge for the service or commodities furnished by it in order to increase its return on investment, to increase its rate base or to cover expenses, the large provider shall:

(a) Within 10 days after filing the application, make available at each of its business offices a complete copy of the application in such form and place as to be readily accessible to and conveniently inspected by the public;

(b) Within 10 days after filing the application, print in plain type and post at each of its business offices , in such form and place as to be readily accessible to and conveniently inspected by the public, a notice stating that the application has been filed with the Commission, describing briefly the purpose of the application, indicating that the complete application is available for public inspection on the premises and listing the locations at which additional information may be obtained; and

(c) Within 20 days after filing the application, submit to the Commission affidavits of that filing and the posting required in paragraphs (a) and (b) of this subsection.

2. When a large provider of last resort of basic service files an application to adjust any rate or charge for the service or commodities furnished by it to increase its return on investment, to increase its rate base or to cover expenses and the Commission has set a date for a hearing on the

application, the applicant shall provide notice to its customers who are affected by the proposed increase. The *first paragraph of the* notice must state the date, time and place of the hearing, the *total* amount of the proposed increase in dollars ~~[and the reasons for seeking the increase. The notice must specifically identify the]~~, *the estimated proposed monthly increase in dollars and the proposed* percentage of increase for each class of customer or class of service . ~~[which would, pursuant to the applicant's filing, receive a percentage of increase in rates which is at least 10 percent greater than the average percentage of increase in rates for which the applicant is applying.]~~ The notice must also state that *the Commission may set rates which may be higher or lower than the rates proposed in the application and that* additional information may be obtained from the Commission or at the offices of the large provider filing the application. The notice must be given at least 10 days before the hearing, by two of the three following methods:

- (a) Inclusion in the regular bill of charges transmitted to the applicant's customers.
- (b) Separate mailing to each of the applicant's customers.
- (c) Prominent presentation in one or more forms of the media, such as newspapers, television or radio, so that the notice will likely reach the applicant's customers.

3. At or before the hearing, the applicant must submit a verified statement to the Commission that the notice required in subsection 2 ~~[ ]~~ has been given. The statement must:

- (a) List the means by which , and the dates and times when , the notice was mailed, published or broadcast; and
- (b) Include , as an attachment, a copy of the notice as mailed, published or transcribed.

**Sec. 7.** NAC 703.27146 is hereby amended to read as follows:

703.27146 1. When a small provider of last resort of basic service files an application to adjust any rate or charge for the service or commodities furnished by it in order to increase its return on investment, to increase its rate base or to cover expenses, the applicant shall:

(a) Within 10 days after filing the application, make available at each of its business offices a complete copy of the application in such form and place as to be readily accessible to and conveniently inspected by the public;

(b) Within 10 days after filing the application, print in plain type and post at each of its business offices , in such form and place as to be readily accessible to and conveniently inspected by the public, a notice stating that the application has been filed with the Commission, describing briefly the purpose of the application, indicating that the complete application is available for public inspection on the premises and listing the locations at which additional information may be obtained; and

(c) Within 20 days after filing the application, submit to the Commission affidavits of that filing and the posting required in paragraphs (a) and (b) of this subsection.

2. When a small provider of last resort of basic service files an application to adjust any rate or charge for the service or commodities furnished by it to increase its return on investment, to increase its rate base or to cover expenses and the Commission has set a date for a hearing on the application, the applicant shall provide notice to its customers who are affected by the proposed increase. The *first paragraph of the* notice must state the date, time and place of the hearing, the *total* amount of the proposed increase in dollars ~~and the reasons for seeking the increase. The notice must specifically identify the~~, *the estimated proposed monthly increase in dollars and the proposed* percentage of increase for each class of customer or class of service . ~~which would, pursuant to the applicant's filing, receive a percentage of increase in rates which is at~~

~~least 10 percent greater than the average percentage of increase in rates for which the applicant is applying.]~~ The notice must also state that *the Commission may set rates which may be higher or*

*lower than the rates proposed in the application and that* additional information may be obtained from the Commission or at the offices of the small provider filing the application. The notice must be given at least 10 days before the hearing, by two of the three following methods:

- (a) Inclusion in the regular bill of charges transmitted to the applicant's customers.
- (b) Separate mailing to each of the applicant's customers.
- (c) Prominent presentation in one or more forms of the media, including, but not limited to,

newspapers, television or radio, so that the notice will likely reach the applicant's customers.

3. At or before the hearing, the applicant shall submit a verified statement to the Commission that the notice required in subsection 2 has been given. The statement must:

- (a) List the means by which, and the dates and times when, the notice was mailed, published or broadcast; and
- (b) Include , as an attachment, a copy of the notice as mailed, published or broadcast.

**Sec. 8.** NAC 703.445 is hereby amended to read as follows:

703.445 The provisions of NAC 703.445 to 703.475, inclusive, apply to applications made pursuant to NRS 704.300 and 704.305. These requirements are in addition to the regulations pertaining to pleadings and to NAC ~~[703.660 to 703.765, inclusive.]~~ *703.662 and 703.665.*

**Sec. 9.** NAC 703.475 is hereby amended to read as follows:

703.475 1. Upon the filing of an application or complaint, the Commission will hold a hearing ~~[after at least 10 days' notice pursuant to NAC 703.660]~~ *in the manner prescribed in NAC 703.160* and 703.665.

2. Upon the conclusion of the hearing, the Commission will within a reasonable time either deny the application or the relief sought in the complaint, in writing, stating its reasons, or issue its order granting in whole or in part the application or the relief sought in the complaint, attaching thereto such conditions as the Commission deems necessary to protect the public and to prevent accidents.

**Sec. 10.** NAC 703.492 is hereby amended to read as follows:

703.492 1. The Commission will provide notice of the pendency of any matter before the Commission to the parties to the matter.

2. The notice of pendency will specify that the party may, within 10 days after the date of the notice, request a hearing on the matter.

3. If no request for a hearing is received by the Commission, it will dispense with a hearing and act upon the matter unless it finds that a hearing is necessary or required by statute.

~~[4.—A customer of a public utility is entitled to receive notice of any hearing to which that utility is a party if he submits a written request to the Secretary which identifies the utility. The customer will receive such notice for 6 months after the date of the request. After 6 months, the request lapses unless the customer submits to the Secretary a written request for renewal.]~~

**Sec. 11.** Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. If an electric or gas utility files an application for a deferred energy application pursuant to NAC 704.116, the utility shall:*

*(a) Within 10 days after filing the application, make available at each of its business offices a complete copy of the application in such form and place as to be readily accessible to and conveniently inspected by the public;*

*(b) Within 10 days after filing the application, print in plain type and post at each of its business offices, in such form and place as to be readily accessible to and conveniently inspected by the public, a notice stating that the application has been filed with the Commission, describing briefly the purpose of the application, indicating that the complete application is available for public inspection on the premises and setting forth the locations where additional information may be obtained; and*

*(c) Within 20 days after filing the application, submit to the Commission affidavits that indicate that the application has been filed and that the utility has complied with the provisions of paragraphs (a) and (b) of this subsection.*

*2. After the Commission has scheduled a date for a hearing on the application, the applicant shall, at least 10 days before the scheduled date of the hearing, give notice to its customers who are affected by the proposed increase. The first paragraph of the notice must state the date, time and place of the hearing, the total amount of the proposed increase in dollars, the estimated proposed monthly increase in dollars and the proposed percentage of increase for each class of customer or class of service. The notice must also state that the Commission may set rates which may be higher or lower than the rates proposed in the application and that additional information may be obtained from the Commission or at the offices of the electric or gas utility filing the application. The notice must be given by at least two of the following methods:*

*(a) Inclusion in the regular bill of charges transmitted to the applicant's customers.*

*(b) Separate mailing to each of the applicant's customers.*

*(c) Prominent presentation in one or more forms of the media, including newspapers, television and radio, so that the notice will likely reach the applicant's customers.*

3. *At or before the hearing, the applicant must submit a verified statement to the Commission that the notice required in subsection 2 has been given. The statement must:*
- (a) *Set forth the means by which, and the dates and times when, the notice was mailed, published or broadcast; and*
  - (b) *Include, as an attachment, a copy of the notice as mailed, published or transcribed.*

**Sec. 12.** NAC 704.023 is hereby amended to read as follows:

704.023 As used in NAC 704.023 to 704.195, inclusive, *and section 11 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 704.024 to 704.063, inclusive, have the meanings ascribed to them in those sections.

**Sec. 13.** NAC 703.660 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**703.660 Notice of hearing to parties and public. (NRS 703.025, 704.210)**

1. In addition to complying with the requirements of NRS 233B.121 for a notice of hearing to the parties in a contested case, the Commission will:

- (a) Provide notice to the public by publication pursuant to this section; and
- (b) Include the words “notice of hearing” in the notice provided to the parties and to the public.

2. The Secretary shall file or cause to be filed an affidavit of publication with the Commission.

3. The notice of hearing will be published in an advertisement of at least 1 column inch by 3 inches, with a border on all sides, in newspapers selected as follows:

(a) If the Secretary determines that the subject matter of the hearing will have a statewide effect, the Secretary shall have the notice of hearing published once in four or more newspapers of general circulation in this state, no two of which are published in the same county.

(b) If the Secretary determines that the subject matter of the hearing will have an effect on a limited number of counties, the Secretary shall have the notice of hearing published once in a newspaper of general circulation in each county affected. If there is no newspaper published in an affected county, the Secretary shall have the notice of hearing published once in a newspaper of general circulation in an adjoining county.

(c) On a weekly basis, the Commission will have published a summary of notices of hearings. The summary of notices of hearings will be published in the Sunday edition of a newspaper of general circulation in Carson City and such other newspapers as determined by the Chairman.

4. In addition to publication of the notice of hearing, the Commission will mail a copy of the notice of hearing to the clerk of each county or city where affected members of the public reside and to other interested persons.

5. The Commission will serve the notice of hearing on the parties of record and publish the notice at least 10 days before the time set for the hearing.

6. A copy of the notice of hearing will be posted at the Commission's principal office at least 3 days before the date set for the hearing.

7. If the notice of hearing is published by the Secretary pursuant to this section, the Secretary's notice of hearing shall be deemed to be legally sufficient public notice of the hearing,



even if notice of the hearing in the summary of public notices is deficient or fails to be published pursuant to this section.

8. If the notice of hearing is published in the summary of public notices pursuant to this section, the notice of hearing in the summary of public notices shall be deemed to be legally sufficient public notice of the hearing, even if the Secretary's notice of the hearing is deficient or fails to be published pursuant to this section.