

LCB File No. R156-03

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

(This proposed regulation was previously adopted as LCB File No. T014-02)

Proposed Call Before You Dig Regulation (Rev. April 23, 2003)

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**PROPOSED REGULATION OF THE PUBLIC
UTILITIES COMMISSION OF NEVADA
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AUTHORITY: NRS 455.080 to 455.180; NRS 703.025(2)(d); NRS 703.151(1)(2) & (5);
NRS 703.153; NRS 703.154; NRS 704.260 and NRS 704.280.

Section 1. Chapter 455 of NAC is hereby created by adding thereto the provisions set forth as sections 2 to 65, inclusive, of this regulation.

Section 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 29, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Section 3. *“Approximate location” and “Approximate location of a subsurface installation” have the meaning ascribed to it in NRS 455.082.*

Section 4. *“Association for operators” has the meaning ascribed to it in NRS 455.084. As of June 1, 2001, the association for operators is known as Underground Service Alert-North (USA-North).*

Section 5. *“Commission.” “Commission” means the Public Utilities Commission of Nevada.”*

Section 6. *“Damage” has the meaning ascribed to it in NRS 455.086.*

Section 7. *“Demolition” has the meaning ascribed to it in NRS 455.088.*

Section 8. *“Division” means the division of safety and quality assurance of the Commission.*

Section 9. *“Emergency” has the meaning ascribed to it in NRS 455.090.*

Section 10. *“Excavation” has the meaning ascribed to it in NRS 455.092.*

Section 11. *“Excavator” means any person who directly or through employees performs any excavation or demolition.*

Section 12. *“Extension” means the extension of the term of a current and valid notification ticket for an additional 14 calendar days beyond the current expiration date.*

Section 13. *“Identify” means to describe the type and if reasonably known, the width and composition of the facility when greater than 2 inches in diameter. “Identify” does not include the depth of a subsurface facility.*

Section 14. *“Locatable subsurface installations” means subsurface installations for which the approximate location can be identified within 30 inches horizontally of the exterior surface of the subsurface facility.*

Section 15. *“Locate” means to:*

1. Determine the field location of subsurface installations which are within, or are within 30 inches horizontally of, the proposed area of excavation or demolition pre-marked by the excavator.

2. Provide information to the excavator concerning the location of subsurface installations which are within 30 inches horizontally of the proposed area of excavation or demolition pre-marked with white paint, or otherwise, or

3. Determine that no subsurface installations are located within or within 30 inches horizontally of the proposed area of excavation or demolition pre-marked with white paint, or otherwise.

Section 16. *“Mark” means to indicate the approximate location of or absence of subsurface installations at a proposed excavation or demolition site, using non-permanent paint, chalk, stakes, flags, whiskers or other clearly identifiable material.*

Section 17. *“Notification ticket” refers to the document created by the association for operators upon receipt of notification under section 30 which includes all relevant information relating to the notification, including but not limited to the excavator’s name, the description of the location of the proposed excavation or demolition and the names of the affected operators.*

Section 18. *“Operator” has the meaning ascribed to it in NRS 455.096.*

Section 19. *“Oral Complaint”. An “oral complaint” means a request for relief filed with the division as specified in section 47.*

Section 20. *“Person” has the meaning ascribed to it in NRS 455.098.*

Section 21. *“Person conducting the excavation or demolition” as used in NRS Chapter 455 means the excavator.*

Section 22. *“Person who is responsible for the excavation or demolition” as used in NRS Chapter 455 means the excavator.*

Section 23. *“Pre-Mark” means to indicate the immediate area of a proposed excavation or demolition using non-permanent white paint, chalk, stakes, flags, whiskers or other clearly identifiable material.*

Section 24. *“Re-Mark” means to indicate, for the second or subsequent time, the approximate location of or absence of subsurface installations at a proposed excavation or demolition site using non-permanent paint, chalk, stakes, flags, whiskers or other clearly identifiable material.*

Section 25. *“Renewal” means the issuance of a new notification ticket based upon the identical information previously provided to support the request of an expired notification*

ticket.

Section 26. *“Subsurface installation” has the meaning ascribed to it in NRS 455.101.*

Section 27. *“Unlocatable subsurface installations” mean subsurface installations for which their physical limits cannot be readily identified within 30 inches horizontally of the exterior surface of the subsurface facility, including nonconductive sewers and nonmetallic subsurface installations that have no trace wires.*

Section 28. *“Working day” has the meaning ascribed to it in NRS 455.105.*

Section 29. *“Written Complaint”. A “written complaint” means a request for relief filed with the division as specified in section 50.*

Section 30. *Notification Prior to Excavation.*

1. Except as provided in paragraph 2 of this section, at least two (2) working days, but not more than fourteen (14) calendar days, before commencing an excavation or demolition, the excavator shall notify the association for operators of the date, time and location of the proposed excavation or demolition, the type of work to be performed and furnish information as to how the excavator can be contacted by telephone and, including, if available, a facsimile telephone number or email address. The excavator shall provide such additional information to the association for operators relating to the excavation as it may reasonably request.

2. The notice requirement of paragraph 1 of this section shall not apply if the excavation or demolition is in response to an emergency.

Section. 31. *Pre-Marking of site. 1. Except as provided in paragraph 2 of this section, prior to notifying the association for operators, an excavator shall pre-mark with the color white the immediate area of the proposed excavation or demolition which can reasonably be completed within fourteen (14) calendar days.*

2. An excavator need not pre-mark as required in paragraph 1 of this rule if the excavator obtains the written consent of all operators involved in the proposed excavation or demolition before he begins the excavation or demolition, or if the person is the owner of the subsurface installations.

Section 32. *Association’s duty upon notification. Upon receipt of a notification under Section 30, the association for operators shall:*

1. Transmit the notification information to all operators who are members of the association which have reported having subsurface installations in the area of the proposed excavation or demolition; and

2. Maintain a record of the notification consistent with the requirements of NRS 455.115.

Section 33. *Operator’s duty upon notification.*

1. Except as provided in sections 39 or 40, within two working days after the excavator notifies the association for operators of a proposed excavation or demolition, or no later than the date and time designated by the excavator that work will begin if beyond two working days,

the operator of the subsurface installations shall:

(a) Locate and identify the subsurface installations and, if reasonably known, the approximate number of subsurface installations that are within, or within 30 inches horizontally of, the proposed area of excavation or demolition to the extent and to the degree of accuracy that the information is available in the records of the operator or can be determined by using techniques of location that are commonly used in the industry, except excavating;

(b) Mark or otherwise advise the excavator of all of its locatable subsurface installations within, or within 30 inches horizontally of, the area of proposed excavation or demolition, including, if reasonably known, the approximate number of facilities and the width and composition of the facilities if greater than two (2) inches; and

(c) Provide the excavator the best description available to the operator of any unlocatable subsurface installations in the area of the proposed excavation or demolition based upon information from all reasonably available sources including as-built drawings, or other subsurface installation maps that are maintained by the subsurface installation operator.

2. If the operator does not own or operate any subsurface installations in the area of the proposed excavation or demolition which require marking, the operator shall so notify the excavator directly or by placing appropriate marks on the ground including the name, initials or logo of the operator.

Section 34. Marking Subsurface installations. Subsurface installations shall be marked with high visibility paint or other markings in accordance with the following designated color code:

1. SAFETY RED -- Electrical power, distribution and transmission installations, conduit for traffic signals and street lights and municipal electric installations.

2. SAFETY YELLOW must be used for gas distribution and transmission installations, oil distribution and transmission installations and installations containing or transporting dangerous materials, products or steam.

3. SAFETY ALERT ORANGE must be used for telephone and telegraph installations, police and fire communication installations and cable television installations.

4. SAFETY PRECAUTION BLUE must be used for water installations and slurry pipelines.

5. SAFETY GREEN must be used for sewer installations.

6. SAFETY PURPLE must be used for reclaimed water installations.

7. WHITE must be used for Pre-Marking of the outer limits of the proposed excavation or demolition, or, marking the centerline and width of proposed subsurface installations to be installed in a lineal manner.

8. PINK must be used for temporary survey markings.

Section 35. Excavator's duty. 1. An excavator shall not commence an excavation or demolition which requires notice under these rules until each operator of subsurface installations in the area of the proposed excavation or demolition has marked its subsurface facilities, or otherwise advised the excavator of the location of its subsurface facilities, or until the later of:

(a) at least two (2) working days after the date and time the excavator notified the association for operators, or,

(b) the date and time indicated by the excavator for beginning excavation or demolition

during notification if that date is more than two working days after notification.

2. Any excavation or demolition begun after the periods of time set forth in subsection 1, and before all operators identified by the association for operators as owning subsurface facilities in the general area of the excavation or demolition have responded to the notification ticket must:

- (a) be performed only in a careful and prudent manner, and
- (b) occur only after calling the association for operators to request remarks.

Section 36. *Verification of Notification Ticket.* Before commencing any excavation or demolition, the excavator shall review the pre-marks and marks on the surface, any other information provided by the association for operators or operators, and all other visible information at the site of the excavation or demolition to assure himself that proper and full notification was provided and that no miscommunication occurred.

Section 37. *Protection of Marks and Subsurface installations.* Once subsurface installations have been marked, the excavator shall:

1. Maintain all marks and pre-marks, whether placed by the excavator or others, during the excavation or demolition period to ensure that the original marks remain effective for the life of the ticket and any extension of the ticket and can be re-established, and, when any doubt exists concerning the adequacy and meaning of the marks he shall immediately call the association for operators and request that the affected operators remark the facilities;

2. If prior to or during the excavation or demolition process, the marking or route of any subsurface installation is removed, obliterated, covered or is otherwise no longer visible, the excavator shall immediately stop excavating in the vicinity of the subsurface installation and immediately notify the association for operators to have the area re-marked by the affected operators as specified in these rules;

3. Employ hand tools or other method agreed to in writing between the affected operator(s) and the excavator to determine the exact location of the subsurface installation when excavation or demolition is to be performed within the approximate location of a subsurface facility, and if no subsurface installation is found within 30 inches horizontally from where a mark exists, the excavator shall immediately notify the affected operator which placed the mark on the ground, proceed in a careful and prudent manner in the affected area, and respect all other marks in the area; and

4. If subsurface installations are found, provide such lateral and subjacent support for subsurface installations as may be reasonably necessary for the protection of such installations.

Section 38. *General Duty of care.* Providing notice to the association for operators under these regulations does not excuse any person from performing an excavation or demolition in other than a careful and prudent manner.

Section 39. *Emergency Notification.* An excavator responding to an emergency may provide less than two (2) working days prior notice before commencing an excavation or demolition if:

- (1) the excavator notifies the affected operator(s) as soon as practicable if the operators' identities are reasonably known, and,
- (2) if during a working day, the excavator notifies the association for operators as soon as

practicable, and

(3) the excavator proceeds in a careful and prudent manner.

Section 40. *Discovery of unmarked subsurface installations. If an excavator discovers subsurface installations in an area where the operator of the subsurface installations had previously indicated there were no subsurface installations, the excavator shall,*

(1) prior to continuing excavation, notify the operator which owns the subsurface facility, if reasonably known,

(2) if during a working day, notify the association for operators, and.

(3) proceed with any excavation or demolition in a careful and prudent manner in the affected area.

If the excavator provides such notifications, the operator of unmarked subsurface installations discovered during an excavation or demolition in response to an emergency, the operator of subsurface installations shall comply with Section 33 as soon as possible.

Section 41. *Installation of Unlocatable Subsurface Installations. Except while making minor repairs to existing non-conductive, unlocatable installations, an operator burying non-conductive, unlocatable subsurface installations shall place a tracer wire or other similar conductive marking tape or device with the subsurface installation to allow for later location and marking.*

Section 42. *Damage to Subsurface Installations. If an excavator causes or observes damage to subsurface installations, or causes or observes any scratch, nick, kink, stretch mark or other unusual condition in a subsurface facility, the excavator shall immediately notify the operator of the subsurface installations, stop excavation or demolition in the immediate area, and allow the operator a reasonable time to inspect, and if necessary, repair or maintain the subsurface installation before the excavation or demolition is back filled. If the damage causes an emergency, the excavator shall also notify all appropriate local public safety agencies immediately by calling 9-1-1 and shall take reasonable steps to insure the public safety and to minimize the hazard until the arrival of the emergency responders or personnel of the operator, but in no event shall the excavator operate any valve or other device owned by the operator. The excavator shall not bury damaged subsurface installations without the consent of the operator of the damaged subsurface installations.*

Section 43. *Modification or Concealment of Marks. No person shall remove, make, obliterate or fabricate marks in an unmarked area or change marks in a marked area for the purpose of concealing or avoiding liability for a violation of or noncompliance with the requirements of NRS Chapter 455 or this Chapter. Nothing in this section shall prohibit removal of marks after completion of the excavation or demolition.*

Section 44. *Request for Remarks. Any excavator who possesses a valid notification ticket number shall call the association for operators and request remarks by affected operators, whenever any doubt exists concerning the visibility or nature of any marks. The excavator shall provide the operators two working days notice to remark their affected subsurface installations or facilities before commencing or resuming excavation in the area where marks are unreliable.*

Section. 45. Extension of Notification ticket. Any excavator who possesses a valid notification ticket may, not more than 6 calendar days before the notification ticket expires, request not more than five successive extensions of the term of the notification ticket for an additional 14 calendar days each. If the excavator states that no remarks are necessary, the extension shall be granted without further location or marks. If the excavator requests that remarks be established, the association of operators shall notify all affected operators to locate and mark subsurface installations at the site, and, the extension shall be granted. If more than two working days before the current notification ticket expires an extension is requested by an excavator who states remarks are necessary, the excavator may continue excavation or demolition during the two working day period allowed for the operators to locate and mark their subsurface facilities, provided the excavator determines that the existing marks in the area of excavation or demolition are adequate, visible, interpretable and otherwise reliable. Any notification ticket which has been extended five times shall be deemed to expire and shall not be further extended.

Section 46. Renewal of Notification Ticket. If the information relating to an expired notification ticket remains in the active record systems of the association for operators, an excavator who possesses that expired notification ticket who desires to renew the expired ticket may:

- 1. Call the association of operators,*
- 2. Provide the number or other identification of the expired ticket, and*
- 3. Request that a new ticket be issued for the same excavation or demolition project.*

The association shall process the request in the same manner as an original notification. The excavator must allow the operators two (2) working days to locate and mark subsurface installations before beginning any excavation or demolition.

Section 47. Disposition of complaints. The division shall attempt to resolve informally any complaint made by a person against an operator, excavator or other person under NRS Chapter 455. If the person submitting the complaint is not satisfied with the informal resolution of his complaint, the division shall inform him that he has a right to file a written complaint with the division.

Section 48. Resolution of Oral Complaints by agreement of the parties.

1. The division shall encourage the parties to the complaint to meet informally to seek an agreed to resolution of the complaint. The division may waive any obligation of a person to submit a response to the complaint while informal meetings are pending. Either party to the complaint may report in writing the results of any informal meeting. A copy of any such report must, at the same time, be delivered to all of the parties to the complaint by the person making the report.

2. If the parties to the complaint are able to agree to a resolution of the complaint which requires no further action by the commission, the division may close the investigation of the complaint by providing written notice to all parties. The division shall report to the commission the resolution of complaints not requiring further action by the commission no less frequently than quarterly.

3. If the parties to the complaint are able to agree to a resolution of the complaint which

requires further action by the commission, not including the imposition of a civil penalty, the division must evaluate the propriety of the proposed resolution. If the division determines that the proposed resolution of the complaint is appropriate under the law and the circumstances, the division shall notify all parties of the results of its investigation and shall recommend any actions which the parties should take in order to resolve the complaint.

4. If the division determines that the proposed resolution of the complaint submitted by the parties is not appropriate under the law, the division shall notify all parties of its determination, and advise the parties of the procedural process to be followed.

Section 49. Investigation of complaint by division of safety and quality assurance.

1. If the parties to a complaint are not able to agree to a resolution under Section 48, the division shall request the complainant to submit the complaint in writing on forms provided by the division.

2. The party against whom a written complaint has been submitted, which does not seek enforcement of a civil penalty, shall file with the division a written response to the complaint with 15 days after receiving the complaint unless, for good cause, the division extends the time for response.

3. The response must include a detailed admission or denial of each material allegation of the complaint and a full statement of the facts and matters of law relied upon as a defense.

4. The response must be signed by the respondent or his authorized representative, including the full name, address and phone number of the respondent and any representative.

5. If the respondent fails to file a response with the division within the prescribed time, the division shall place the matter before the commission for action, including possible dismissal. An unexcused failure of the respondent to respond to the complaint within the prescribed time shall be deemed an admission by it of all relevant facts stated in the written complaint

Section 50. Written complaints for enforcement of civil penalty.

1. A written complaint for enforcement of a civil penalty under NRS 455.170 must:

(a) Clearly and concisely state the grounds of the complaint and the facts constituting the alleged wrongful acts or omissions;

(b) Be accompanied by copies of all supporting documents and evidence, such as notification ticket, extensions renewals, correspondence, photographs, lists of potential witnesses;

(c) Identify whether the alleged wrongful acts or omissions, constitute negligent violations, or, willful or repeated violations of NRS 455.080 to 455.180, inclusive.

2. The division shall:

(a) Within ten (10) days after receiving a written complaint for enforcement of a civil penalty, send a letter of acknowledgment to the complainant.

(b) Within ten (10) days after receiving a written complaint for enforcement of a civil penalty, send a copy of it to the person against which the complaint is made and require that person to file a response to the complaint with the division in accordance with Section 51.

Section 51. Response to written complaint for enforcement of a civil penalty.

1. A person against whom a complaint is made shall file with the division a written response to the complaint within 15 days after receiving the complaint unless, for good cause shown, the division extends the time for responding. Any extension granted by the division

shall be confirmed in writing and a copy of such confirmation shall be served on all parties to the complaint.

2. The response must include, without limitation:

(a) A statement that the respondent has successfully resolved the complaint; or

(b) A detailed admission or denial of each material allegation of the complaint and a full statement of the facts and matters of law relied upon as a defense;

(c) Copies of all supporting documents and evidence, such as notification tickets, extensions renewals, correspondence, photographs, lists of potential witnesses.

3. The response must:

(a) Be signed by the respondent or, if represented, by its attorney or other authorized representative. If signed by an authorized representative, the response must state the nature of that person's representative status.

(b) Include the full name, address and telephone number of the respondent and, if represented, the name, address and telephone number of its attorney or other authorized representative.

4. If the respondent fails to file a response with the division within the prescribed time, the division shall place the matter before the commission for a determination of probable cause. An unexcused failure of the respondent to respond to the complaint within the prescribed time shall be deemed an admission by it of all relevant facts stated in the complaint.

Section 52. Investigation and recommendation by the division.

1. When the division receives a response to a written complaint, it shall examine the complaint, the response and any other information it has obtained which is necessary for the resolution of the complaint. The division may also discuss the complaint with the parties, solicit additional information that it deems appropriate, or otherwise investigate the complaint. After completing an investigation of the matter set forth in the complaint, the division shall notify all parties of the results of the investigation and shall recommend any actions which the parties should take in order to resolve the complaint.

2. If the division recommends the imposition of a civil penalty, whether or not agreed to by the parties to the complaint through a written settlement or compromise, it shall state the factual basis for and magnitude of the proposed civil penalty, and provide notice to all parties of its recommendation.

Section 53. Transmittal of unresolved complaints to the commission.

1. If the division cannot resolve a complaint, either because it determines that the complaint cannot be resolved, or because the complainant or the respondent does not agree with the division's recommendation, or because the division recommends imposition of a civil penalty, the division shall inform all parties that the complaint has been transmitted to the commission for review.

2. In addition to transmitting the complaint, the results of its investigation and its recommendation to the commission, the division shall transmit:

(a) The reasons for the complaint;

(b) The position taken by the respondent;

(c) The nature of any settlement or compromise agreed to by the parties; and

(d) Any interim action taken by the division.

The division shall send this additional information to all parties to the complaint.

Section 54. *Public hearing; interim relief. If the commission determines that probable cause exists for a complaint received by the division, it will:*

- 1. Set a date for a public hearing on the complaint.*
- 2. The commission may order such interim relief as it deems appropriate under the circumstances.*

Section 55. *Resolution of written complaint. If the commission determines that no probable cause exists for a written complaint received by the division or if the complaint has been settled and the commission has received notice of the settlement, the commission will dismiss the complaint. If the division recommends imposition of a civil penalty, the commission shall determine whether such action is consistent with NRS 455.170, and issue an order affirming, modifying or otherwise addressing the recommended civil penalty, and close the investigation of the complaint. The commission may, after consideration of all information before it, impose a civil penalty without a recommendation for a penalty from the division. A copy of the commission's order showing its resolution of the complaint and a short statement of its reasons for that resolution will be served upon the complainant and respondent.*

Section 56. *Incorporation by Reference.*

- 1. The provisions of sections 47 through 55, inclusive, govern the resolution of complaints filed under NRS 455.070 to 455.180.*
- 2. To the extent that any aspect of the resolution of a complaint before the commission under NRS 455.080 to 455.180 is not covered by these provisions, the commission may follow the applicable rule of practice in NAC Chapter 703.*

Section 57. *Request for Reimbursement of Costs. 1. A complainant in whose favor an order is rendered, and who claims reimbursement of his costs under NRS 455.170(6), must file with the commission, and serve a copy upon the adverse party, within five (5) working days after the service of the order, or such further time as the commission may grant, a memorandum of the items of his costs in the proceeding upon the form issued by the commission, which memorandum must be verified by the oath of the party, stating that to the best of his knowledge and belief the items are correct, are consistent with this section, and that the costs have been necessarily incurred in the action or proceeding.*

2. Within five (5) working days after service of a copy of the memorandum, the adverse party may move the commission, upon five (5) working days' notice, to retax and settle the costs, notice of which motion shall be filed and served on the prevailing party claiming costs. Upon the hearing of the motion commission shall determine and settle the reimbursable costs.

3. If the adverse party does not move to retax and settle the costs in a timely manner, the commission shall determine and settle the reimbursable costs.

4. For purposes of this section, "costs incurred in prosecuting the matter" defined. For the purposes of Sections 57 through 58, inclusive, the term "costs incurred in prosecuting the matter" means:

a. Reasonable fees of an expert witness in an amount of not more than \$500 for each witness, unless the commission allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee. The Commission may deny reimbursement of fees for additional expert witnesses called to testify

about the same subject matter as another witness called by the same party if such additional testimony is found to be cumulative or duplicative.

- (1). Reasonable fees of necessary interpreters.*
- (2). Reasonable costs for photocopies.*
- (3). Reasonable costs for long distance telephone calls.*
- (4). Reasonable costs for postage.*
- (5). Reasonable fees for services of a court reporter.*
- (6). Any filing fees or similar costs associated with the filing of the Complaint.*
- (7) Reasonable fees for any expert witness not directly employed by a party who actually testifies before any Commissioner.*
- (8). Any other reasonable and necessary expense incurred in connection with conducting the action.*

b. "Costs incurred in prosecuting the matter" do not include attorney's fees or compensation of any other representative of any party to Complaint proceeding.

Section 58. Order for Payment of Costs. *1. Within fifteen (15) working days after the costs are tried or ascertained, or after the time for making a motion to tax the same has expired, the commission shall enter an order establishing the amount thereof, and direct payment thereof within thirty (30) working days thereafter.*

2. Any reimbursement of costs incurred in prosecuting the matter shall only be paid after the commission has received payment of the civil penalty imposed in response to the complaint, and, no reimbursement of costs incurred in prosecuting the matter shall exceed the actual amount of civil penalty received by the commission.

Section 59. Division records. *The division shall maintain a record of each written complaint, including, without limitation:*

- 1. Each pertinent fact relative to the origin, nature and basis of the complaint;*
- 2. A description of the steps taken by the complainant or respondent to attempt to resolve the complaint;*
- 3. The response to the complaint, with copies of supporting documents, if any; and*
- 4. Any other information the division deems to be relevant to the understanding and resolution of the complaint.*

Section 60. Forms. *1. A copy of any form that is required to be used pursuant to this regulation may be:*

- (a) Obtained at the Internet website of the commission at <<http://www.puc.state.nv.us>>;*
 - (b) Obtained at an office of the commission; or*
 - (c) Obtained from the commission by a written request sent to the principal office of the commission in Carson City, Nevada, by United States mail or other messenger or delivery service.*
- 2. The available forms include:*
- (a) Complaint for enforcement of a civil penalty;*
 - (b) Memorandum of the items of cost in the proceeding;*

Section 61. Construction. *The provisions of this chapter and any regulations incorporated by reference will be construed by the commission or any presiding officer as to secure a just and speedy determination of the issues.*

Section 62. *Severability. If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, the commission intends that such invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.*

Section 63. *Deviation from regulations. (NRS 703.150).*

The commission will and presiding officer shall allow deviation from the provisions of this chapter if:

- 1. The deviation would not adversely affect the substantial interests of the parties;*
- 2. Good cause for the deviation appears; and*
- 3. The person requesting the deviation provides a specific reference to each provision of this chapter from which deviation is requested.*

Section 64. *Computation and extension of time. Except as otherwise provided by law:*

1. In computing any period prescribed or allowed by any regulation of the commission, the day of the act, event or default from or after which the designated period begins to run is not included. The last day of the period so computed is included, but if it is a Saturday, Sunday or legal holiday, the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.

2. Whenever an act is required or allowed under any regulation of the commission, or any notice given thereunder, to be done within a specified period, the period will be extended by the commission for good cause upon a motion made before the specified period expires.

Section 65. *Civil penalties and remittances. A civil penalty or remittance by money order, bank draft or check to the commission must be made payable to the “Public Utilities Commission of Nevada.” A remittance in currency or coin is acceptable but is sent wholly at the risk of the remitter, and the commission assumes no responsibility for the loss of such a remittance.*

Section 66. Chapter 703 of NAC is hereby amended by modifying the provision set forth as section 72 of this regulation.

Section 67. NAC 703.035. “Complaint” defined. *1.* A “Complaint” means a request for relief filed with the division of consumer complaint resolution as specified in NAC 703.621, or with the commission as specified in NAC 703.651 or 703.860.

- 2. “Complaint” does not include a complaint filed under NRS 455.170.*