

LCB File No. T003-03

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re investigation and rulemaking regarding the form of)
public notices for filings and proceedings before the) Docket No. 02-2011
Commission.)
_____)

**NOTICE OF INTENT TO AMEND/ADOPT/REPEAL REGULATIONS,
NOTICE OF WORKSHOP, AND NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of Nevada (“Commission”) will hold a WORKSHOP on **Friday, February 21, 2003**, 10:00 a.m., at the office of the Commission, Hearing Room B, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109, at which time interested persons may appear and be heard. The workshop may continue from day to day as necessary. The purpose of this workshop is to receive comments from all interested persons regarding the attached proposed regulations concerning the form of public notice for filings and proceedings before the Commission.

NOTICE IS ALSO GIVEN that the Commission will hold a HEARING on **Wednesday, March 5, 2003**, 10:00 a.m., at the office of the Commission, Hearing Room B, 1150 East William Street, Carson City, Nevada 89701, at which time interested persons may appear and be heard. The hearing may continue from day to day as necessary. The purpose of this hearing is to receive comments from all interested persons regarding the attached proposed regulations concerning the form of public notice for filings and proceedings before the Commission.

The following information is provided pursuant to the requirements of NRS 233B.0603:

In February of 2002, the Commission opened Docket No. 02-2011 to investigate the form of public notice for filings and proceedings before the Commission and proposed rulemaking to amend Nevada Administrative Code (“NAC”) Chapter 703 to address such issues. The need for and purpose of this investigation and rulemaking is to increase administrative efficiency and encourage public participation.

The proposed regulations potentially affect all entities and/or their legal representatives who appear before the Commission. At this time, the Commission cannot quantify either the adverse or beneficial economic effects on the entities affected by the regulation or the public, either immediate or long-term, which may result from the regulation.

The Commission envisions an increase in costs associated with enforcement of these proposed regulations. The regulations do not overlap or duplicate any other state or local federal government regulation, nor do they establish any new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Commission may appear at the scheduled public workshop and/or hearing or address their comments, data, views, or arguments, in written form, to the Secretary of the Commission, 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by

members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adopting any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the county courthouses located in Reno, Carson City, and Las Vegas.

By the Commission,

CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL)

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

Docket No. 02-2011

January 6, 2003

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

AUTHORITY: §§1-9, NRS 703.025 and 704.210

Section 1. Chapter 703 of NAC is hereby amended by adding thereto the provision set forth as section 2 of this regulation.

Sec. 2. The applicant, petitioner, or complainant who causes to be filed a filing described in NAC 703.160 (13) (a) – (c), shall include a draft notice with their filing that complies with the provisions set forth in NAC 703.160(6). That notice must also include a declaration by the applicant indicating whether the applicant believes a consumer session is required pursuant to NRS 704.069(1).

Sec. 3. Chapter 703 of NAC is hereby amended by revising Section 7 of the regulation in PUCN Docket No. 00-10039, LCB File No. 047-02, adopted by the Commission on September 26, 2002, as follows:

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. For consumer sessions required to be held pursuant to NRS 704.069, the commission will issue a press release regarding that consumer session.

~~4.3.—~~ 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;

(b) Send such 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.

~~5.4.~~ 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 notice not less than 10 days before the scheduled date of the consumer session.

Sec. 4. Chapter 703 of NAC is hereby amended by revising Section 8 of the regulation in PUCN Docket No. 00-10039, LCB File No. 047-02, adopted by the Commission on September 26, 2002, as follows:

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 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 the person's placement on the service list.]~~ *A person will receive such notice for six months after the date of the request, or until the conclusion of a docket for matters that continue for greater than six months. After this time, the request lapses unless the person submits to the secretary a written request for renewal.*

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. 5. NAC 703.160 is hereby amended to read as follows:

703.160 Public notice of certain filings or proceedings.

1. The secretary shall publish public notice of each filing or proceeding described in subsection 13. *Proof of publication of notice shall be in the form of an affidavit by the publisher that specifies the newspaper in which the notice was published; the county or counties in which the newspaper(s) is of general circulation; and the dates on which the notice was published. Proof of publication shall be submitted to the secretary within five days of publication or sooner.*

2. *The secretary will also, to the extent practicable, post a daily list of all notices issued pursuant to this section on the commission website.*

3. *For petitions submitted pursuant to NAC 703.290, the secretary shall have the public notice published once in a newspaper of general circulation in the county of the principal place of business of the incumbent local exchange carrier, or if no incumbent local exchange carrier is a party to the petition, the principal place of business in Nevada of the facilities based competitive local exchange carrier.*

4. ~~[2.]~~ *If the secretary determines that the filing or proceeding will have a statewide effect, the secretary shall have the public notice published once in four or more newspapers of general circulation in this state, no two of which are published in the same county.*

5. ~~[3.]~~ *If the secretary determines that the filing or proceeding will have an effect on a limited number of counties, the secretary shall have the public notice 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 public notice published once in a newspaper of general circulation in an adjoining county.

~~6.[4.—]~~ 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) A title line that generally describes the relief requested, or the proceeding scheduled, in the notice;

~~(b) [(a)—]~~ The name of the applicant, complainant or petitioner or the name of the agent for the applicant, complainant or petitioner;

~~(c) [(b)—]~~ A brief description of the purpose of the filing or proceeding, *to include an introductory statement in plain English that summarizes the relief requested and/or the proceeding scheduled, and its impact on consumers;*

~~(d) [(c)—]~~ The location where the filing is on file for the public or the location and time for the proceeding; and

~~(e) [(d)—]~~ The date by which persons must file *comments, notices of intent to* comment~~[s]~~ or petitions for leave to intervene with the commission.

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

~~7.[5.—]~~ *If the notice is not a notice of hearing,* the secretary shall have the public notice published in the appropriate newspapers not less than 3 working days before the proposal in the filing becomes effective or the proceeding is held.

8. If the notice is a notice of hearing, the secretary 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. A copy of the notice of hearing will also be posted at the commission's principal office at least 3 days before the date set for the hearing.

9. In addition to publication of the notice of hearing, the commission will comply with the requirements of NRS 233B.121, for a notice of hearing to the parties in a contested case.

~~10.[6.—]~~ The applicant, complainant or petitioner shall pay the cost of the publication.

~~11.[7.—]~~ On a weekly basis, the commission will have published a summary of public notices concerning the filings and proceedings described in subsection 10. 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]~~ *secretary.*

~~12.[8.—]~~ 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.

~~13.[9.—]~~ 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.

~~14.[10.—]~~ 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. 6. NAC 703.2481 is hereby amended to read as follows:

NAC 703.2481 Notice to public and customers.

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, *at a minimum*, state the date, time and place of the hearing, the amount of the *overall* proposed increase in dollars, *the estimated proposed monthly dollar increase and proposed percentage increase*~~[and the reasons for seeking the increase. The notice must specifically identify the percentage of increase]~~ for ~~[each]~~ *every* 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 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, 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 703.2711 is hereby amended to read as follows:

NAC 703.2711 Notice to public and customers.

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, *at a minimum*, state the date, time and place of the hearing, the amount of the *overall* proposed increase in dollars, *the estimated proposed monthly dollar increase and proposed percentage increase* ~~[and the reasons for seeking the increase. The notice must specifically identify the percentage of increase]~~ for ~~[each]~~ *every* 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 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. 8. NAC 703.27146 is hereby amended to read as follows:

NAC 703.27146 Notice to public and customers.

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, *at a minimum*, state the date, time and place of the hearing, the amount of the *overall* proposed increase in dollars, *the estimated proposed monthly dollar increase and proposed percentage increase* ~~and the reasons for seeking the~~

~~increase. The notice must specifically identify the percentage of increase] for [each] every 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 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. 9. NAC 703.492 is hereby amended to read as follows:

703.492 Notice to parties and customers.

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. 10. NAC 703.660 is hereby repealed.

TEXT OF REPEALED SECTION

703.660 Notice of hearing to parties and public.

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.