

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

LCB File No. R104-05

October 3, 2005

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

AUTHORITY: §§1 and 3-5, NRS 703.025 and 704.210; §2, NRS 703.025, 704.1835 and 704.210.

A REGULATION relating to utilities; revising provisions governing the provision and termination of service to customers; and providing other matters properly relating thereto.

Section 1. NAC 704.339 is hereby amended to read as follows:

704.339 1. A utility shall deliver a bill to *a* customer:

- (a) By depositing the bill with the United States Postal Service, properly addressed and postage prepaid, for delivery by first-class mail to the billing address of the customer;
- (b) By another means of delivery of the bill to the billing address of the customer; or
- (c) If requested by the customer and within the capability of the utility, by sending an electronic bill via the Internet to the electronic address of the customer. The electronic bill must contain the same content and be presented in the same or a similar format as a bill delivered to the customer pursuant to paragraph (a).

2. A bill for service issued by a utility is due:

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

(b) In the case of delivery by another means, upon delivery of the bill to the billing address of the customer; or

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

3. A customer may pay the bill:

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

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

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

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

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

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

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

(a) On an annual basis, notify customers that they ~~have such a choice;~~ *may choose a payment date once within a 12-month period;* and

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

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

8. If the last day for payment before the past due date falls on a Sunday, legal holiday, or any other day on which the office of a utility used for the payment of bills is closed, the last day for payment is the next business day. Except as otherwise provided in subsection 9, payment of a bill by first-class mail is timely if the payment is received not more than 4 days after the past due date.

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

10. A utility may charge a customer a fee, as set forth in its tariff, for:

(a) The return of an unpaid check.

(b) The late payment of a bill.

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

Sec. 2. NAC 704.375 is hereby amended to read as follows:

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

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

(a) Is confined to the location where service is provided;

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

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

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

~~—4. ~~[-]~~ and the arrearage has been due less than 60 days.~~

4. Except as otherwise provided in this section, if a utility intends to terminate service to a customer or a multiunit residential complex because of nonpayment, the utility shall postpone the termination if ~~[the termination]~~ ***it*** would occur during ~~[a forecasted period of extreme temperature]~~ ***any period of 24 hours for which the National Weather Service has issued a forecast*** for the local geographical area which encompasses the location where service is provided and which typically experiences similar temperature conditions as the location where service is provided ~~[-]~~ ***predicting that, at some point during the period of 24 hours, the outside temperature will be:***

(a) If the customer lives or the complex is located in the service territory of Nevada Power Company, 110 degrees Fahrenheit or higher.

(b) If the customer lives or the complex is located in the southern Nevada service territory of Nevada Power Company or Southwest Gas Corporation, 25 degrees Fahrenheit or lower.

(c) If the customer lives or the complex is located in the service territory of Sierra Pacific Power Company, 100 degrees Fahrenheit or higher.

(d) If the customer lives or the complex is located in the northern Nevada service territory of Sierra Pacific Power Company or Southwest Gas Corporation, 15 degrees Fahrenheit or lower.

↪ The provisions of paragraphs (a) and (c) of this subsection apply to a gas utility if natural gas is essential for air conditioning.

5. If a utility intends to terminate service to a vulnerable customer because of nonpayment and the vulnerable customer has notified the utility of his status as a vulnerable customer, the utility shall postpone the termination if it would occur during any period of 24 hours for which the National Weather Service has issued a forecast for the local geographical area which encompasses the location where service is provided and which typically experiences similar temperature conditions as the location where service is provided predicting that, at some point during the period of 24 hours, the outside temperature will be:

(a) Except as otherwise provided in paragraph (b), if the vulnerable customer lives in the southern Nevada service territory of Nevada Power Company or Southwest Gas Corporation, 103 degrees Fahrenheit or higher.

(b) If the vulnerable customer lives in the southern Nevada service territory of Nevada Power Company or Southwest Gas Corporation, qualifies as a vulnerable customer pursuant to subparagraph (2), (3) or (4) of paragraph (b) of subsection 6 and lives in a mobile home constructed before January 1, 2000, 100 degrees Fahrenheit or higher.

(c) If the vulnerable customer lives in the southern Nevada service territory of Nevada Power Company or Southwest Gas Corporation, 30 degrees Fahrenheit or lower.

(d) If the vulnerable customer lives in the northern Nevada service territory of Sierra Pacific Power Company or Southwest Gas Corporation, 95 degrees Fahrenheit or higher.

(e) If the vulnerable customer lives in the northern Nevada service territory of Sierra Pacific Power Company or Southwest Gas Corporation, 20 degrees Fahrenheit or lower.

6. As used in this section:

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

~~——(1) One hundred five degrees Fahrenheit or higher; or~~

~~——(2) Fifteen degrees Fahrenheit or lower.~~

~~(b)~~ “National Weather Service” means the National Weather Service of the National Oceanic and Atmospheric Administration of the United States Department of Commerce.

(b) “Vulnerable customer” means a customer or a permanent resident of the customer’s household who:

(1) Is or has been during the immediately preceding 13 months a recipient of energy assistance pursuant to state or federal law and the regulations adopted pursuant thereto;

(2) Is disabled;

(3) Is over the age of 62 years; or

(4) Is a minor child who is disabled or diagnosed with a documented medical condition which would be adversely affected by temperature extremes.

Sec. 3. NAC 704.383 is hereby amended to read as follows:

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

- (a) If the customer has complied with the requirements of the utility set forth in its tariff;
- (b) Upon the order of any court of competent jurisdiction or the Commission; or
- (c) If the statement conforms to the requirements of that paragraph, immediately upon its receipt of the statement described in paragraph (a) of subsection 1 of NAC 704.370.

2. Except as otherwise provided in subsection 3, if a utility terminates service to a customer because of nonpayment and the customer or another person or entity on behalf of the customer subsequently pays the utility *at the utility's office or by credit card* in an amount that is sufficient to resume service ~~[, the]~~ :

(a) The utility shall resume service to the customer ~~[, the]~~

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

~~—(b) Within 24 hours after the time when the payment is received by the utility, if the payment is received by the utility after 10 a.m.] on the next business day, except that if the payment is received on Friday, the utility shall resume service to the customer on or before Saturday; or~~

(b) If the payment is received during a period in which the utility is required to postpone terminations pursuant to NAC 704.375, the utility shall use its best efforts to resume service to the customer on the same day the payment is received.

3. If a utility terminates service to a multiunit residential complex because of nonpayment and the customer of record or another person or entity on behalf of the customer of record subsequently pays the utility in an amount that is sufficient to resume service, the utility shall resume service to each unit within the multiunit residential complex on a priority basis, subject to

emergency situations, including, but not limited to, emergency situations affecting the health of a person as described in paragraph (a) of subsection 1 of NAC 704.370.

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

Sec. 4. NAC 704.390 is hereby amended to read as follows:

704.390 1. A utility may not terminate service to a customer who is elderly or handicapped, or whose household includes an elderly or handicapped person, unless the utility has *, in person or by telephone at least 48 hours before the date upon which the termination would occur,* notified ~~[the]~~:

(a) The customer or another adult resident of the customer's household ~~[in person or by telephone]~~ at the address where service is provided ~~[at least 48 hours before the date upon which the termination would occur.] ; and~~

(b) If applicable, a third person designated by the customer pursuant to paragraph (b) of subsection 1 of NAC 704.365.

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

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

Sec. 5. Section 14 of LCB File No. R126-02, which was adopted by the Public Utilities Commission of Nevada and was filed with the Secretary of State on February 17, 2005, is hereby amended to read as follows:

Sec. 14. 1. If a utility or landlord intends to terminate service to a customer because of nonpayment, the utility or landlord shall postpone the termination if the termination would occur during a forecasted period of extreme heat for the local geographical area which encompasses the location where service is provided and which typically experiences similar temperature conditions as the location where service is provided.

2. As used in this section:

(a) “Forecasted period of extreme heat” means any period of 24 hours for which the National Weather Service has issued a forecast predicting that, at some point during the period of 24 hours, the outside temperature will be ~~105~~ **110** degrees Fahrenheit or higher.

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