

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

**LCB File No. R103-07**

October 4, 2007

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

AUTHORITY: §1, NRS 703.025, 704.210 and 704.860; §§2-7, NRS 703.025 and 704.210; §8, NRS 703.025, 704.210 and 704.300.

A REGULATION relating to public utilities; providing that the generating capacity of an electrical generating plant and its associated facilities is the sum of the nameplate capacity of each electrical generating unit of the plant and its associated facilities; removing certain entities from regulation as public utilities; eliminating the requirement that the Public Utilities Commission of Nevada conduct a hearing before ordering certain changes relating to highway and railroad crossings; and providing other matters properly relating thereto.

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

*1. For the purposes of NRS 704.860, the generating capacity of an electrical generating plant and its associated facilities is the sum of the nameplate capacity of each electrical generating unit of the plant and its associated facilities.*

*2. As used in this section, “nameplate capacity” means the maximum output capacity of an electrical generating unit as set forth on the nameplate attached to the unit by the manufacturer of the unit.*

**Sec. 2.** NAC 703.2205 is hereby amended to read as follows:

703.2205 The provisions of NAC 703.2201 to 703.2481, inclusive, apply to all:

1. Public utilities which produce, deliver or furnish electricity or gas; *and*

2. ~~[-Telegraph and community antenna television companies; and~~  
~~—3.]~~ Public utilities which furnish water or sewer service, or both, and are not subject to the provisions of NAC 704.570 to 704.628, inclusive, under the jurisdiction of the Commission.

**Sec. 3.** NAC 703.2715 is hereby amended to read as follows:

703.2715 Except as otherwise provided in NAC 704.68494, the provisions of NAC 703.272 to 703.278, inclusive, apply to any electric, gas ~~[-telegraph]~~ or telephone company, except a carrier between local areas of transport and access as defined by NAC 704.00868, and any public utility furnishing water or sewer services under the jurisdiction of the Commission which:

1. Has an annual operating revenue of at least \$250,000; and
2. Submits an application for approval of new or revised depreciation rates.

**Sec. 4.** NAC 703.380 is hereby amended to read as follows:

703.380 The provisions of NAC 703.375 to 703.410, inclusive, govern the filing and posting requirements of tariff schedules for rates, rules, regulations and contracts relating to rates applicable to gas, electric, *and* telephone ~~[-telegraph and community antenna television]~~ companies and water and sewer utilities.

**Sec. 5.** NAC 703.390 is hereby amended to read as follows:

703.390 1. Tariff sheets must be transmitted to the Commission accompanied by a letter of advice that is not a part of the tariff. A revised table of contents and the appropriate filing fee must be transmitted with each letter of advice.

2. Nine copies of each letter of advice and tariff sheet must be filed with the Commission. One receipted copy of the letter of advice will be returned to the utility.

3. The letter of advice must list the sheet numbers and titles of all tariff sheets being filed and the numbers of all sheets being cancelled. The letter must state the reasons for the filing and

the date on which the tariff sheets are proposed to become effective. The letters of advice must call attention to each increase or decrease in rate or charge or change in condition which may result in an increase, decrease or withdrawal of service. If an increase is authorized by the Commission, reference in the letter of advice to the decision number authorizing that increase must be given.

4. Letters of advice must be numbered chronologically beginning with No. 1 for the first letter submitted by a public utility for each class of utility service rendered. ~~[A single series of letters may be used for telephone and telegraph services combined in the same tariff schedule. The present series of numbers, if not inconsistent with the provisions of NAC 703.375 to 703.410, inclusive, must be continued.]~~

5. Each revised or new tariff page or sheet must indicate on the bottom of the page or sheet the number of the letter of advice transmitting the revised filing.

6. If any tariff is reissued and completely cancels a current tariff or is a reissue of a previously effective tariff, the reissued tariff must bear the same number as the current or previously cancelled tariff, suffixed by a letter, for example, Tariff 1-A, and continuing through the alphabet as that tariff is subsequently reissued, as follows:

Tariff No. 1-A

cancels

Tariff No. 1.

**Sec. 6.** NAC 703.415 is hereby amended to read as follows:

703.415 The provisions of NAC 703.415 to 703.427, inclusive, *and section 1 of this regulation* apply to an application for a permit to construct a utility facility as defined in NRS 704.860. The requirements of NAC 703.415 to 703.427, inclusive, *and section 1 of this regulation* are in addition to other regulations pertaining to pleadings.

**Sec. 7.** NAC 703.417 is hereby amended to read as follows:

703.417 As used in NAC 703.415 to 703.427, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NRS 704.834 to 704.860, inclusive, and NAC 703.4175 have the meanings ascribed to them in those sections.

**Sec. 8.** NAC 703.475 is hereby amended to read as follows:

703.475 1. Upon the filing of an application or complaint, the Commission ~~[will]~~ *may choose to* hold a hearing . *If the Commission chooses to hold a hearing, the hearing will be conducted* in the manner prescribed in NAC 703.160 and 703.665.

2. ~~[Upon the conclusion of the hearing, the]~~ *The* Commission will , within a reasonable time *after the filing of the application or complaint or the conclusion of the hearing*, 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.