

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

LCB File No. R107-07

Effective December 4, 2007

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

AUTHORITY: §§1-20, 22-29, 34-36 and 39, NRS 703.025 and 704.210; §21, NRS 703.025, 703.190, 703.196 and 704.210; §§30 and 31, NRS 703.025, 704.095 and 704.210; §§32 and 33, NRS 703.025, 704.210 and 704.6882; §37, NRS 703.025, 704.210, 704.7821 and 704.7828; §38, NRS 703.025, 704.210 and 704.741.

A REGULATION relating to public utilities; revising requirements relating to the form, content and number of copies of certain documents that must be submitted to the Public Utilities Commission of Nevada; revising certain provisions relating to service lists maintained by the Commission; establishing provisions relating to the confidentiality of certain information submitted to the Commission; revising certain provisions relating to a hearing on an application for a rate change; revising certain provisions relating to a complaint made by a provider of telecommunications services against another provider of telecommunications services; repealing certain provisions relating to the filing of pleadings with the Commission; and providing other matters properly relating thereto.

Section 1. Chapter 703 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *“Electronic filing system” means the program used to electronically accept certain information and fees submitted to the Commission.*

Sec. 3. *“Electronic Filing User’s Guide” means the instructions for submitting documents through the electronic filing system.*

Sec. 4. *“Nonsystem document” means a document submitted to the Commission in a manner other than through the electronic filing system.*

Sec. 5. *“Records management system” means the program used to electronically maintain certain information related to the Commission.*

Sec. 6. *“System document” means a document submitted to the Commission through the electronic filing system. It does not include a document submitted by electronic mail or other electronic or digital means outside of the electronic filing system.*

Sec. 7. 1. *Any document submitted to the Commission must be either a system document or a nonsystem document.*

2. *A person may provide to the Commission, the staff of the Commission and any party of record to a proceeding any additional, unofficial copies that are of a system or nonsystem document and that do not conform to the requirements of this chapter if the alternative format of those copies assists in communicating the information contained therein.*

Sec. 8. *All documents submitted to the Commission will be maintained in the records management system, except those documents submitted pursuant to NAC 703.5274.*

Sec. 9. 1. *All system documents must be submitted in accordance with the Electronic Filing User’s Guide.*

2. *The Commission will send an electronic mail verifying the submission of a system document to the person who submits the system document.*

3. *A system document is deemed submitted:*

(a) *For a system document submitted during the business hours of the Commission, at the date and time of the submission, as verified by the electronic filing system; and*

(b) *For a system document submitted outside of the business hours of the Commission, at the start of the next business day of the Commission.*

4. Any requirements related to a document are not waived by the rejection or nonreceipt of all or part of that document by the electronic filing system.

Sec. 10. *1. Except as otherwise provided in subsection 2, in order for the Commission to scan a nonsystem document into the records management system, the document must:*

(a) Be typewritten in black ink or be prepared by another duplication process that will produce clear and permanent copies equally legible to printing;

(b) Be unbound;

(c) Not have external tabs or dividers; and

(d) Be printed on one side of 18 to 24 pound white paper that is 8 1/2 by 11 inches in size.

2. The requirements of subsection 1 do not apply if:

(a) The document is submitted pursuant to NAC 703.5274, in which case the requirements of NAC 703.5274 must be followed; or

(b) A person wishes to use an alternative format for the document, the person requests the use of the alternative format for the document before submitting it, and the Commission agrees to the alternative format, in which case hard copies that are clearly legible must be provided in the alternative format to the Commission, the Regulatory Operations Staff of the Commission, and any party of record to the proceeding.

Sec. 11. NAC 703.010 is hereby amended to read as follows:

703.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 703.015 to 703.100, inclusive, *and sections 2 to 6, inclusive, of this regulation,* have the meanings ascribed to them in those sections.

Sec. 12. NAC 703.145 is hereby amended to read as follows:

703.145 A ~~[written communication, pleading or other]~~ document is considered officially received by the Commission only if it is:

1. Filed at the Commission's office in Carson City or Las Vegas and addressed to the Secretary of the Commission; ~~[or]~~
2. Presented to the Commission during a hearing ~~[H]~~; *or*
3. *Filed through the electronic filing system.*

Sec. 13. 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 person may submit to the 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 Secretary will send the person *either* copies *or electronic mail notification* of all notices and orders issued by the Commission or a presiding officer in all proceedings to which the service lists apply 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.

4. A person on a service list is responsible for notifying the Secretary in writing of any changes in electronic or physical address contact information for that person.

Sec. 14. NAC 703.2211 is hereby amended to read as follows:

703.2211 An application by a public utility for adjustments in rates or charges must include:

1. An exhibit in the format of a tariff showing in full the rates , ~~for~~ fares ~~and~~ *or* rules ~~for~~ ~~regulations~~ desired to be put into effect or the general relief requested.
2. An exhibit in the format of a tariff showing in full the rates, fares or ~~regulations~~ *rules* which will be superseded by the proposed changes.
3. A complete and accurate explanation of the circumstances and conditions relied upon as justification for the application.
4. An exhibit referencing any prior proceeding before the Commission which has been held and which is related to any of the proposals contained in the application.
5. A brief description of the application which will be used by the Secretary in drafting the public notice required in NAC 703.160. This description must include:
 - (a) The utility's reasons for the application or filing of a tariff;
 - (b) The estimated effect that approval of the application or tariff by the Commission will have on the applicant's annual revenues; and
 - (c) The estimated effect that approval of the application or tariff by the Commission will have on rates and charges paid by each class of the utility's customers.
6. A proposed notice of hearing which conforms to the requirements of paragraphs (b), (c) and (d) of subsection 2 of NRS 233B.121.

Sec. 15. NAC 703.27128 is hereby amended to read as follows:

703.27128 1. Whenever a small provider of last resort of basic service files a request which will result in a general change in its annual revenues as a consequence of adjusting rates for existing service, the provider must submit a completed application, setting forth its proposed changes and the reasons for the changes. The application must contain recorded results of

revenues, expenses, investments, costs of capital for the test year and normalization and annualization adjustments as necessary to reasonably and appropriately reflect the results of its operations.

2. The Commission will give public notice of the application in accordance with its regulations and procedures. The Commission will not consider a request for a rate increase as filed until the application is complete and ready for the staff's analysis.

~~[3.—The original and 10 legible copies of each application must be filed with the Commission.]~~

Sec. 16. NAC 703.27136 is hereby amended to read as follows:

703.27136 1. The Commission will set the matter for a consumer hearing after a completed application has been filed.

2. The record of a public hearing convened solely for the purpose of receiving comments from customers may be reported by the Commission's sound recording equipment as provided in NRS 703.330 under the direction of the presiding ~~[Commissioner.]~~ *officer*. The Commission Secretary shall file and maintain the tapes.

3. If a provider is required to present and justify its proposed changes in rates in a hearing, it shall submit prepared testimony to the Commission and all parties of record not later than 21 days after the Commission has ordered the matter to be set for an evidentiary hearing.

Sec. 17. NAC 703.375 is hereby amended to read as follows:

703.375 As used in NAC 703.375 to 703.410, inclusive, unless the context otherwise requires:

1. "Sheets" or "pages" means the pages within a tariff schedule displaying the schedule designation of which they are a part.

2. “Tariff” or “tariff schedule” means a collective body of rates, ~~tolls,~~ rentals, charges and classifications, and rules , ~~and regulations,~~ as filed by a public utility, although the book or volume containing them may consist of one or many sheets or pages applicable to distinct service classifications ~~],~~ *may contain a table of contents and may contain definitions.*

Sec. 18. 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, telephone, ~~telegraph and community antenna television companies]~~ and water and sewer utilities.

Sec. 19. NAC 703.385 is hereby amended to read as follows:

703.385 1. A tariff schedule must ~~be in loose leaf form for binding in a stiff backed book or volume and]~~ consist of the following parts or subdivisions arranged in order:

(a) A title page which must be in the following form:

TARIFF NO.

Applicable to

(Kind of) Service

Naming

RATES ~~],~~ **AND** RULES ~~[AND REGULATIONS]~~

of

(Name of Utility)

in

(Describe Area of Operations)

(b) A complete index of numbers and titles of effective sheets or pages listed in the order in which the tariff sheets or pages are arranged in the tariff schedule.

(c) A brief description of the territory served, with a map of the territory, types and classes of service rendered and the general conditions under which the service is rendered.

(d) Rate schedules.

(e) Rules . ~~[and regulations.]~~

2. ~~[A tariff schedule must be on loose leaf sheets of paper which are 8 1/2 by 11 inches and of not less than 13 pound bond. Tariff schedules may be typewritten, or reproduced by any other process which will provide a durable record. Only one side of a sheet may be used.]~~ For each page ~~[:]~~ *of a tariff schedule:*

(a) A margin of at least three-fourths of an inch must be on the left side of the page, a margin of at least one-half of an inch on the right side, a margin of 1 inch at the top of the page and a margin of 2 inches at the bottom of the page.

(b) In the upper left-hand corner, the name and address of the public utility must be entered with the tariff number.

(c) In the upper right-hand corner of the top margin, the number of the sheet of the Commission with designations as to whether it is an original or revised sheet, together with the Commission's number of the sheet cancelled, if any, by that sheet must be entered. Sheets must be numbered consecutively beginning with No. 1 for the first sheet filed.

(d) In the lower left-hand corner of the bottom margin, the words, ~~["Issued: (date issued by utility)"]~~ must be entered. Immediately below, the words, ~~"Effective: (date desired effective)"]~~

~~must be entered, and immediately below, the words,]~~ “Advice No: (advice letter number)” *or* “*Notice No.: (notice number)*” must be entered.

(e) In the center of the bottom margin, the words “Issued by: (name and title of the responsible utility official)” must be entered.

(f) The lower right-hand corner of the bottom margin must be left blank for use by the Commission.

3. Each rate schedule must include the following information, as nearly as possible in the order shown:

(a) The schedule number or other description.

(b) The class of service, such as commercial or domestic.

(c) Character or applicability, such as heating, lighting, power or individual and party line telephone service.

(d) The territory to which the schedule is applicable.

(e) Rates in tabular form, where applicable.

(f) Conditions, limitations, qualifications and restrictions. The conditions must be brief and clearly worded to cover all special conditions of the rates which are not fully covered in the rules and regulations.

(g) If a rate schedule or a rule ~~[and regulation]~~ is continued from one sheet to another, the word “continued” must be shown at the bottom of and at the beginning of the appropriate sheets.

4. Each rule ~~[and regulation]~~ must be numbered and have a title briefly indicating its contents. Appropriate general rules ~~[and regulations]~~ must cover the application of all rates, charges and service when the applicability is not fully set forth as a part of the rate schedules.

The following subjects are representative of the type of information to be included in the rules ~~[and regulations]~~ of the utility set forth in the tariff schedules:

- (a) Clear and concise definitions of the principal terms used in the tariff schedules.
- (b) A description of the character of service rendered and the standards of service maintained.
- (c) The procedure which is necessary to obtain service.
- (d) Conditions precedent to rendering temporary service or service to speculative projects.
- (e) The procedure necessary to establish credit and to reestablish impaired credit.
- (f) The deposits required for various purposes and classes of service, the conditions precedent to the return of deposits and the interest paid on the deposits.
- (g) The method of serving notices.
- (h) The methods of rendering bills, billing periods, due date and acceptable methods of payment.
- (i) The methods used to adjust bills, the required amount to be deposited with the utility and the time limits.
- (j) Reasons for discontinuance, procedures for notification, time limits and procedures necessary for the restoration of service and charges.
- (k) Free extensions, deposits for extensions and refunds.
- (l) Service connections.
- (m) The right of the utility to enter onto the customer's property.
- (n) Any other items having special significance to particular conditions respecting the operations or policies of the utility.

Sec. 20. NAC 703.390 is hereby amended to read as follows:

703.390 1. Tariff sheets must be transmitted to the Commission accompanied by a *notice that is filed pursuant to either paragraph (a) of subsection 8 or paragraph (a) of subsection 9 of NRS 704.110 and that is not part of the tariff or by a* letter of advice that is not a part of the tariff. ~~[A revised table of contents and the]~~ *The* appropriate filing fee, *and a revised table of contents, if applicable,* must be transmitted with ~~[each]~~ *a notice or* 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]~~ *A notice or* 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 *notice or* letter must state the reasons for the filing and the date on which the tariff sheets are proposed to become effective. The ~~[letters]~~ *notice or letter* 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 *notice or* letter of advice to the decision number authorizing that increase must be given.

~~[4.]~~ 3. ~~[Letters]~~ *Notices or 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.]~~ 4. Each revised or new tariff page or sheet must indicate on the bottom of the page or sheet the number of the *notice or the* letter of advice transmitting the revised filing.

~~[6.]~~ 5. 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. 21. NAC 703.5274 is hereby amended to read as follows:

703.5274 1. A person who requests that information, which is in the possession of the Commission and pertains to that person, not be disclosed *and be made confidential* shall submit to:

(a) The Secretary of the Commission, one copy of ~~[the]~~ *each page of the* document which contains the information in an unredacted form. *The copy must be printed on pink-colored paper and consist only of the pages containing the information requested to be confidential and, if taken from a larger document, the cover page of the larger document.* The document must be placed in a sealed envelope, and the envelope and each page of the document must be stamped with the word “Confidential.” *No system document may contain any information requested to be confidential.*

(b) The Commission, ~~[10 copies of]~~ the *larger* document which redacts the information for which the confidential treatment is requested. *If the larger document is submitted via the electronic filing system, the larger document must clearly state that corresponding, unredacted information is being filed pursuant to paragraph (a).*

2. A request that information not be disclosed must be ~~filed with the Commission~~ *attached to the sealed envelope containing the information requested to be confidential* and served on the Commission's staff and the Consumer's Advocate and must:

- (a) Describe with particularity the information to be treated as confidential information;
- (b) Specify the grounds for the claim of confidential treatment of the information; and
- (c) Specify the period during which the information must ~~not be disclosed~~ *be retained, which may not exceed 5 years unless a request for an extension is granted by the Commission.*

3. Public disclosure of only those specific portions of a filing which contain information for which confidentiality is requested will be withheld or otherwise limited.

4. If the information for which confidentiality is requested is part of an application, petition or other initial filing, the application, petition or filing must comply with the provisions of this section. The Commission's initial notice issued pursuant to NRS 703.320 and NAC 703.492 will state that certain information contained in the application, petition or filing has been requested to be treated as confidential information.

5. The Commission is responsible for the custody, maintenance, and return or disposal of confidential information in the possession of the Commission and will:

- (a) Maintain the confidential information separate and apart from all other records of the Commission; ~~and~~
- (b) Adequately safeguard access to such information and ensure that confidential information is not divulged to unauthorized persons ~~and~~; *and*
- (c) *Properly dispose of the confidential information after the appropriate period of time.*

6. For the purpose of determining whether to accord confidential treatment to information in accordance with NAC 703.527 to 703.5282, inclusive, a presiding officer may review the information in camera.

7. A closed hearing held before a presiding officer must be held in accordance with the provisions of subsection 3 of NRS 703.196.

8. Notwithstanding the other provisions of this section, the Commission's staff and the Consumer's Advocate are entitled to receive information designated as confidential in accordance with NAC 703.527 to 703.5282, inclusive, if the Commission's staff or the Consumer's Advocate, as appropriate, has executed a protective agreement.

9. A person may request by telephone that information erroneously submitted through the electronic filing system be removed from any publicly accessible areas of the records management system. Within 2 business days of the request, the person must submit to the Commission:

(a) A letter formally requesting the removal of the information from any publicly accessible areas of the records management system;

(b) A revised version of the information to be substituted for the information erroneously submitted through the electronic filing system; and

(c) A request that the information removed from the publicly accessible areas of the records management system be made confidential.

10. Submitted information shall not be deemed to be confidential until the requirements of this section are fulfilled in regards to an initial filing of information requested to be confidential or to a subsequent request for confidentiality.

Sec. 22. NAC 703.560 is hereby amended to read as follows:

703.560 1. Pleadings must:

(a) Be properly titled.

(b) Be signed ~~in ink~~ by each party or commenter or, if represented, by the authorized representative or attorney of each party or commenter.

(c) Include the name and address of each party or commenter and, if represented, the name, address and telephone number of the authorized representative or attorney of each party or commenter.

(d) Except an initial pleading, clearly identify the proceeding by title and docket number.

(e) Set forth a clear and concise statement of the matters relied upon as a basis for the action or relief requested and an appropriate prayer.

~~[(f) Be typewritten, printed or reproduced on good quality white paper, which is approximately 8 1/2 by 11 inches in size. Any exhibit or appendix accompanying the pleading must be folded to this size. Information must be presented on only one side of the paper and must be double spaced, except for footnotes or quotations which are indented. All copies must be clear and permanently legible.]~~

2. A pleading initiating a new proceeding must have space for the docket number.

3. Regardless of any error in the designation of a pleading, the Commission will or the presiding officer shall accord the pleading its true status in the proceeding in which it is filed.

4. A signature on the pleading constitutes a representation that:

(a) The person signing the pleading has read the pleadings;

(b) To the best of his knowledge, there are good grounds to support the pleading;

(c) The information in the pleading is true to the best of his knowledge and belief; and

(d) The pleading is not filed solely to delay the proceeding.

5. If a person filing a pleading desires a hearing on the matter, a request for a hearing must be stated in the pleading.

Sec. 23. NAC 703.610 is hereby amended to read as follows:

703.610 1. All documents required to be served on a party by any other party must be served in one of the following ways:

(a) In person.

(b) By mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

(c) By electronic mail. If service is by electronic mail, the service is complete when sent, except service is deemed to have occurred on the next business day if the electronic mail message is sent after 5 p.m. on a business day, on a Saturday, on a Sunday or on a holiday on which the Commission's offices are closed.

(d) Via a password-protected website, if agreed to by the parties and pursuant to the rules determined by the parties.

2. After the commencement of a proceeding, a copy of each pleading to be filed with the Commission must be served by the pleading party on every other party of record. If a party of record is represented by an authorized representative or an attorney, service must be made on that representative or attorney. Service must be made before or concurrently with the filing of the pleading with the Commission.

3. Upon the advance request of another party, a party serving a document shall telephone the requesting party when the document is ready to be served so that it may be accepted personally by the requesting party in lieu of service by mail.

Sec. 24. NAC 703.615 is hereby amended to read as follows:

703.615 There must appear on all documents required to be served an acknowledgment of receipt of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) *(by electronic service to)* (by mailing a copy thereof, properly addressed, with postage prepaid to).

Dated at, this(day) of(month) of(year)

.....

Signature

Sec. 25. NAC 703.715 is hereby amended to read as follows:

703.715 1. An exhibit must ~~[be limited in size to 8 1/2 by 11 inches when folded, unless otherwise permitted by the presiding officer.]~~ *meet the requirements for a nonsystem document as described in section 10 of this regulation.* A copy of each documentary exhibit must be furnished to each party of record, and ~~[seven]~~ *three* copies must be furnished to the Commission. A copy must be submitted to the court reporter or transcriber. If relevant evidence is included in a written or printed statement, book or document of any kind, containing other matter not relevant and not intended to be put in evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering the evidence or exhibit shall present, in convenient and proper form for filing, a copy of the relevant portions, or at the discretion of the presiding officer, read these portions into the record. Any

documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection.

2. If documents are numerous, such as freight bills or bills of lading, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an orderly abstract of relevant data contained in these documents may be prepared and offered as an exhibit. Other parties of record may examine both the abstract and the source document.

3. In a proceeding involving detailed accounting exhibits, the presiding officer shall require each party to file with him and to serve on each party of record a copy of these exhibits within a specified time before the hearing to enable the parties of record to study the exhibits and to prepare cross-examination with reference to them. An amendment to an exhibit may be made after the exhibit has been filed with the presiding officer if it does not prejudice the rights of any party or if it corrects a clerical or mathematical error.

Sec. 26. NAC 703.760 is hereby amended to read as follows:

703.760 In any hearing, the presiding officer may order briefs to be filed within a reasonable time. ~~[The original and seven copies of each]~~ *Each* brief must be filed with the Commission and must be accompanied by an acknowledgment of or an affidavit showing service on each party of record.

Sec. 27. NAC 703.780 is hereby amended to read as follows:

703.780 1. The presiding officer may require any party of record to file proposed findings of fact and conclusions of law at the close of the proceeding. The presiding officer will fix the period within which these proposed findings and conclusions must be filed. No decision, report or recommended order may be made until after the expiration of this period.

2. Each proposed finding of fact and conclusion of law must be clearly and concisely stated and numbered. Each proposed finding of fact must specifically show by appropriate references to the transcript, the testimony which supports the statement.

3. ~~[An original and seven copies of]~~ *The* proposed findings of fact and conclusions of law, accompanied by a certificate of service, must be filed by each party with the Commission, and one copy must be served upon each party of record.

4. Any party of record may petition the Commission for an extension of time in which to file proposed findings of fact and conclusions of law.

Sec. 28. NAC 703.820 is hereby amended to read as follows:

703.820 Any party may obtain a copy of the transcript of a hearing before the Commission from the official reporter upon payment of the fees fixed therefor. The original ~~[and one copy]~~ of each transcript must be provided to the Commission by the initiating party within 15 business days after the close of the hearing unless otherwise ordered by the presiding officer.

Sec. 29. NAC 704.465 is hereby amended to read as follows:

704.465 1. An original ~~[and one copy]~~ of each written report which concerns intrastate pipeline facilities, required to be made by Part 191 of Title 49 of the Code of Federal Regulations, must be filed with the Commission.

2. The Commission will transmit one copy of each report to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. If a report concerns a gas leak, the copy will be transmitted within 10 days after the Commission's receipt of the report. If it is an annual report, the copy will be transmitted within 15 days after the Commission's receipt of the report.

Sec. 30. NAC 704.580 is hereby amended to read as follows:

704.580 1. Except as otherwise provided in NAC 704.622, whenever a utility desires to file a change in its tariff which will increase its annual revenues, the utility must submit a completed application, setting forth the proposed changes in its tariff and the reasons for the changes. The application must contain recorded results of revenues, expenses, investments, and costs of capital for the test year and annualization adjustments as described in written instructions provided by the staff. The utility shall notify its customers of its intent to seek increased rates in accordance with NAC 704.587.

2. The Commission will give public notice of the application in accordance with its regulations and procedures. The Commission will not consider the request for a rate increase as filed until the submittal is complete and ready for the staff's analysis.

~~{3.— An original and 10 legible copies of each application must be filed with the Commission.}~~

Sec. 31. NAC 704.620 is hereby amended to read as follows:

704.620 1. The Commission may set the matter for hearing if, in its judgment, the public convenience and necessity require a hearing.

2. The record of a public hearing convened solely to receive comments from customers may be reported by the Commission's sound recording equipment as provided in NRS 703.330 under the direction of the presiding ~~Commissioner.~~ *officer*. The Commission Secretary will file and maintain the tapes.

3. The utility shall provide a stenographer for reporting and transcribing a complete record of the evidentiary hearing. The cost of recording and transcribing must be paid by the utility. At least 5 days before the date on which the evidentiary hearing is scheduled, the utility shall notify the Commission that the utility has made arrangements for the reporting and transcription of the

complete record of the evidentiary hearing. The utility shall provide the Commission with the original ~~[and two copies of transcripts no]~~ *of the transcript not* later than 10 days after the conclusion of the hearing.

4. If the utility is required to present and justify its requested changes in rates, it shall be prepared to explain the information included in its application and may supplement its application with a statement of increased revenues, any increased investment in facilities, increased depreciation expenses, any other operating expenses approved by the Commission, and any changes in the costs of securities which are known, measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of the test year. The supplemental information must be provided no sooner than 90 calendar days after the date on which the utility files its application.

5. The Commission will issue its opinion and order in the matter no later than 180 days after the completed application has been filed.

Sec. 32. NAC 704.680355 is hereby amended to read as follows:

704.680355 1. In addition to the certification required by NAC 704.680353, a complaint filed by a provider pursuant to NAC 704.68035 to 704.680365, inclusive, must:

(a) Contain a short and plain written statement of the claim showing that the complainant is entitled to relief;

(b) Include the facts, statutes, regulations, orders and tariffs that support each claim for relief in the complaint;

(c) Specify the relief requested, including any interim relief being requested;

(d) Include a certificate of service, made under penalty of perjury, that sets forth the method of service on the respondent and the Bureau of Consumer Protection in the Office of the

Attorney General, in accordance with NAC 703.610 via same-day or overnight delivery, with a copy sent by electronic mail; and

(e) Include a summary of the complaint, in 25 words or less, suitable for publication by the Commission.

2. A complainant must file the original ~~[and nine copies of the complaint]~~ with the Commission. Upon the filing of a complaint, the Commission will designate a docket number for the administrative proceedings on the complaint and assign a presiding Commissioner for those administrative proceedings.

3. Not later than 3 business days after the date on which a complaint is filed with the Commission, the parties to the complaint shall execute a protective agreement regarding discovery.

Sec. 33. NAC 704.680361 is hereby amended to read as follows:

704.680361 1. Objections to requests for discovery, if any, must be made to the party requesting discovery not later than 3 business days after the date on which the request for discovery is made. A response to a request for discovery must be served on the party requesting the discovery not later than 10 calendar days after the date on which the request is made. A dispute concerning discovery may be resolved through a conference call between the parties and the presiding officer.

2. All service between the parties must be made ~~[by same-day or overnight delivery, with a copy sent via electronic mail.]~~ *pursuant to NAC 703.680.*

Sec. 34. NAC 704.68062 is hereby amended to read as follows:

704.68062 1. Any person may request that the Commission classify a new service or classify or reclassify an existing service, which is provided by a provider of last resort of basic

service, as essential, discretionary, competitive or deregulated. Such a request must be filed with the Commission in the form of an application or a letter of advice. The service to be classified or reclassified must be provided in a market whose size is no smaller than a wire center, and no larger than the entire area of service of the provider. The requester has the burden of demonstrating that the classification or reclassification will not unfairly or unreasonably impede competition. Except as otherwise provided in subsection 2, the request must:

(a) Fully identify and describe the service proposed to be classified or reclassified, including, without limitation, the:

- (1) Technical and common names of the service;
- (2) Number of units of the service currently provided within the market for which classification or reclassification is sought;
- (3) Facilities and equipment used in providing the service;
- (4) Nature and extent of the market in which the service is or will be provided, including, without limitation, the type of subscribers for that service, the source of revenues for that service and the geographic regions in which the service is or will be provided; and
- (5) Current price which a subscriber is charged for that service.

(b) Specify the proposed classification of the service and provide all facts necessary to support that classification, including, without limitation, facts to support the findings required in NAC 704.68068 to 704.68076, inclusive, as appropriate.

(c) Specify the specific market area for which the classification or reclassification is being sought.

(d) Specify a method of accounting for the service to be classified or reclassified which satisfies the requirements of NAC 704.68492 for large providers of last resort of basic service or NAC 704.68066 for small providers of last resort of basic service, as appropriate.

(e) For a service proposed to be reclassified as competitive or discretionary which does not include a component classified, or proposed to be classified as an essential service, provide an analysis which demonstrates that the price which the reclassified service will recover is equal to or greater than the total service long-run incremental cost associated with that service.

(f) If the request proposes to reclassify a service as a competitive or discretionary service that includes a component classified, or proposed to be classified, as an essential service, provide information sufficient to demonstrate that the price for the service covers the combined tariffed rates for all components of the service classified, or proposed to be classified, as an essential service plus the total service long-run incremental cost of those components which are not classified, or proposed to be classified, as an essential service. If there is a substantial difference in cost between providing a component of essential service to a competitor and providing the same component to itself, the provider may, upon the approval of the Commission, impute the cost of providing that essential service to itself to reflect the difference in cost. The provider may make such an imputation upon a clear and convincing demonstration to the Commission:

- (1) Of the existence and substantiality of the difference in cost;
- (2) That the difference in cost is not the result of discriminatory and preferential treatment in the design of its network for the provision of essential service components; and
- (3) That the imputation of the cost will not unfairly or unreasonably impede competition.

(g) If the request proposes to classify a service as a discretionary service, show that the cost which is incurred directly and indirectly from the provision of each unit of that service,

including, without limitation, the price of components for essential services as described in paragraph (f) of this subsection, where appropriate, have been used to establish the minimum price which must be charged for each unit of service.

(h) If the request proposes to classify a service as a competitive or deregulated service, include a plan which sets forth the procedures which the provider will use for the protection, use, sharing, and issuance of information regarding its competitors and customers and the services they request or receive. The procedures must include:

(1) The terms and conditions governing access by the provider and other persons to that information if the information is used to promote or provide competitive services; and

(2) The manner in which the provider will obtain authorization from the customer to release the information.

(i) If the request proposes to classify a service as a deregulated service, include the information and documentation which must be filed with the annual report pursuant to subsection 1 of NAC 704.68078.

(j) If the request proposes to classify a service as a discretionary or competitive service, include the information and documentation which must be filed pursuant to subsection 2 of NAC 704.68078 if the provider is a large provider of last resort of basic service with 50,000 or more access lines, or pursuant to NAC 704.68072 if the provider is a large provider of last resort of basic service with less than 50,000 access lines or a small provider of last resort of basic service.

(k) Include plans which set forth safeguards to ensure that the provider will not unfairly or unreasonably impede competition.

(l) If the request proposes to classify a service as a discretionary service, specify the proposed minimum and maximum rates to be charged if the request to classify the service as discretionary is approved.

2. A request to classify a service that is filed by a person other than the provider of the service is exempt from the requirements set forth in paragraphs (d) to (k), inclusive, of subsection 1.

3. As used in this section:

(a) “Letter of advice” means ~~the~~ a document ~~that is required to accompany a tariff sheet~~ transmitted to the Commission pursuant to NAC 703.390.

(b) “Wire center” means the geographic area encompassing all customers who may be served from a building which contains one or more central offices of a provider of last resort of basic service. A wire center is part of an exchange.

Sec. 35. NAC 704.7477 is hereby amended to read as follows:

704.7477 1. When a provider of telecommunication service proposes to establish or change its schedule of minimum and maximum rates or the terms and conditions for a new or existing discretionary service, it shall file with the Commission, along with the proposed schedule, ~~two verified copies of~~ a document containing a:

(a) Summary of the proposed schedule and any changes therein; and

(b) Statement of facts sufficient to establish and support the schedule and changes.

↪ The applicant has the burden of demonstrating that the application of the price range will not unfairly or unreasonably impede competition.

2. Small providers of last resort of basic service may adopt the price range for comparable service, if any, of another provider of last resort of basic service pursuant to NAC 704.68072,

unless it is demonstrated that application of the price range to the small provider's operations is unreasonable. The applicant has the burden of demonstrating that the application of the price range will not unfairly or unreasonably impede competition.

3. Protests against a proposed schedule must be filed within 30 days after publication of the notice issued by the Commission. The Commission will act upon a proposal within 60 days after it is filed. A request for a hearing or a protest must be sufficient to support a finding of the Commission that:

(a) Authorizing the proposed schedule would cause substantial harm to the public interest; and

(b) There is a likelihood that, after an investigation, the proposed schedule would be found to be unjust and unreasonable.

↪ If such a finding is made by the Commission and the proposed schedule is suspended, the Commission will immediately schedule a hearing on the matter.

4. When a provider of telecommunication service proposes to change any actual rate charged within the range of the approved minimum and maximum rates in the schedule, it shall:

(a) Notify the public affected by the proposed changes:

(1) By advertising the changes in a quarter page of a newspaper of general circulation in the market area 10 days before the changes take effect; or

(2) According to a plan approved by the Commission.

(b) File with the Commission ~~[two verified copies of]~~ a summary of the proposed changes.

There must be attached to the summary:

(1) The list of prices specifying the actual rates to be charged;

(2) An affidavit indicating that an advertisement summarizing the proposed changes has been or will be published pursuant to subparagraph (1) of paragraph (a) or describing the provider's plan to inform the public affected by the proposed changes if an advertisement in a newspaper is considered to be inappropriate; and

(3) A description of the provider's plan for responding to customers' requests for changes in service.

5. Proposed changes in rates within the range of approved minimum and maximum rates for an existing service:

(a) Become effective on the date specified in the proposal, which must not be less than 10 days after it is filed with the Commission; and

(b) Will not be suspended by the Commission.

Sec. 36. NAC 704.7565 is hereby amended to read as follows:

704.7565 On the date of filing an application, the applicant must furnish ~~the original and 11 copies of the~~ *a* complete set of the required statements, schedules and exhibits to the Commission. The applicant must also serve ~~three complete sets~~ *a complete set* upon the Consumer's Advocate.

Sec. 37. NAC 704.8933 is hereby amended to read as follows:

704.8933 1. Upon receipt of a joint request for the transfer of a portfolio energy credit from the owner of a portfolio energy credit and the proposed purchaser of the portfolio energy credit, the Administrator shall transfer the portfolio energy credit from the account of the owner to the account specified in the request, unless the credit cannot be transferred. The Administrator shall send a notice of the transfer of the portfolio energy credit to the electronic mail addresses of the owner and purchaser within 5 business days after the portfolio energy credit is transferred.

2. If a portfolio energy credit cannot be transferred, the Administrator shall, within 15 days after he receives the request for the transfer of a portfolio energy credit, notify the owner of the credit and the proposed purchaser, in writing, of the reason why the credit cannot be transferred.

3. The Administrator shall, each month, ~~mail~~ *send by regular mail or electronic mail* to each participant in the system of portfolio energy credits a statement of his account.

Sec. 38. NAC 704.9215 is hereby amended to read as follows:

704.9215 1. A utility's resource plan must be accompanied by a summary that is suitable for distribution to the public. The summary must contain easily interpretable tables, graphs and maps and must not contain any complex explanations or highly technical language. ~~It~~ *The summary* must be ~~separately bound and~~ approximately 30 pages in length.

2. The summary must include:

(a) A brief introduction, addressed to the public, describing the utility, its facilities and the purpose of the resource plan, and the relationship between the resource plan and the strategic plan of the utility for the duration of the period covered by the resource plan.

(b) The forecast of low growth, the forecast of high growth and the forecast of base growth of the peak demand for electric energy and of the annual electrical consumption, for the next 20 years, commencing with the year following the year in which the resource plan is filed, both with and without the impacts of programs for conservation and demand management and an explanation of the economic and demographic assumptions associated with each forecast.

(c) A summary of the demand side plan listing each program and its effectiveness in terms of costs and showing the 20-year forecast of the reduction of demand and the contribution of each program to this forecast.

(d) A summary of the preferred plan showing each planned addition to the system for the next 20 years, commencing with the year following the year in which the resource plan is filed, with its anticipated capacity, cost and date of beginning service.

(e) A summary of renewable energy showing how the utility intends to comply with the portfolio standard and listing each existing contract for renewable energy and each existing contract for the purchase of renewable energy credits and the term and anticipated cost of each such contract.

(f) A summary of:

(1) The energy supply plan for the next 3 years setting out the anticipated cost, price volatility and reliability risks of the energy supply plan;

(2) The risk management strategy;

(3) The fuel procurement plan; and

(4) The purchased power procurement plan.

(g) A summary of the activities, acquisitions and costs included in the action plan of the utility.

(h) An integrated evaluation of the components of the resource plan which relates the preferred plan to the objectives of the strategic plan of the utility, and any other information useful in presenting to the public a comprehensive summary of the utility and its expected development.

Sec. 39. NAC 703.565, 704.010, 704.015 and 704.020 are hereby repealed.

TEXT OF REPEALED SECTIONS

703.565 Filing of pleadings; number of copies required.

1. Except as otherwise provided in this section, the original and nine legible copies of all pleadings must be filed with the Commission.

2. The presiding officer may require a party or a commenter to file additional copies if needed.

704.010 Conformance to provisions of chapter; exceptions. All rules, regulations, and schedules of rates filed on and after October 1, 1958, must conform to the provisions of this chapter unless, in the opinion of the Commission, certain forms of schedules of rates will better serve the needs of the public and the Commission.

704.015 Filing of copies with Commission. Three copies of all rules, regulations, and schedules of rates must be filed with the Commission.

704.020 Format.

1. All rules, regulations, and schedules of rates must be on 8 1/2 by 11-inch sheets of paper. They must be typewritten, printed or reproduced by some other process on paper of good quality.

2. Each sheet must be numbered in the upper right-hand corner beginning with "Original Sheet P.U.C.N. No. 1." When a new sheet is filed cancelling an original sheet, it must read, "First revised sheet P.U.C.N. No. 1 cancels original sheet P.U.C.N. No. 1," "Second revised sheet P.U.C.N. No. 1 cancels first revised sheet P.U.C.N. No. 1," and so forth.

3. The name of the operating company under which the certificate is issued must appear in the upper left-hand corner. The notations “Issued: (date issued),” “Effective: (date effective),” and “Issued by: (name & title)” must appear in the lower left-hand corner.

4. A margin of at least five-eighths of an inch must be allowed at the left-hand edge of each sheet.

5. A 2-inch square must be left in the lower right-hand corner of each page for the Commission’s use.

6. No change in writing or erasure may be made in any regulation or schedule of rates.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R107-07**

The Public Utilities Commission of Nevada adopted regulations assigned LCB File No. R107-07 which pertain to chapters 703 and 704 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of annual reports and licensing fees for alternative sellers of natural gas. These documents were also made available at the website of the Public Utilities Commission (“PUC”), <http://pucweb1.state.nv.us/PUCN/>, mailed to all county libraries in Nevada, published in the following newspapers:

Elko Daily Free Press
Las Vegas Review Journal
Nevada Appeal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701

Public Utilities Commission
101 Convention Center Drive, Suite 250
Las Vegas, Nevada 89109

First Judicial District Court
885 East Musser Street
Carson City, Nevada 89701

Second Judicial District Court
75 Court Street
Reno, Nevada 89501

Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

The Regulatory Operations Staff provided a clarification regarding confidential information. Sierra Pacific Power Company and Nevada Power Company provided formatting language to conform the regulations to changes in the quarterly base tariff energy rate filings made by the PUC in another rulemaking. Central Telephone Company d/b/a Embarq proposed numerous changes regarding formatting and confidentiality requirements along with payment methodologies. The remaining participants voiced their support or objections to the proposed changes.

A copy of the transcript of the proceedings is available for review at the offices of the PUC, 1150 East William Street, Carson City, Nevada 89701 and 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

2. The number of persons who:

(a) Attended each hearing: October 18, 2007 - 15

(b) Testified at each hearing: October 18, 2007 - 7

(c) Submitted to the agency written comments: 6

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question #1.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on October 24, 2007. It was revised to address issues concerning formatting, confidentiality, and service of process.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects:

Those entities that have the technical ability to file electronically will save money on the cost of either mailing or hand-delivering the filing. The elimination of copies will save money on copying costs as well. Finally, the electronic filing system will provide more transparency by allowing all entities to conduct text-based searches on-line.

(b) Both immediate and long-term effects:

See Item # 5(a).

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

These regulations do not overlap or duplicate any federal, state, or local regulations.

- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

- 10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The PUC has determined that the proposed regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the PUC adopted the findings of Staff, which conducted a Delphi Method exercise to determine the impacts. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts.