

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

LCB File No. R131-07

November 20, 2007

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

AUTHORITY: §§1 and 2, NRS 703.025 and 704.210.

A REGULATION relating to the Public Utilities Commission of Nevada; revising the requirements for certain petitions filed with the Commission; revising the order in which evidence is received at certain hearings of the Commission; revising the list of persons who may cross-examine witnesses at certain hearings of the Commission; and providing other matters properly relating thereto.

Section 1. NAC 703.540 is hereby amended to read as follows:

703.540 1. A pleading praying for affirmative relief, other than an application, motion, answer or complaint, must be styled a “petition.”

2. If the subject of any desired relief is not readily apparent or specifically covered by the provisions of this chapter, a petition seeking that relief and stating the reasons relied upon may be filed. The petition will be handled in the same manner as other petitions.

3. If the Commission does not grant, deny or set a petition for further proceedings within 60 days after the date on which the petition is received by the Commission, the petition shall be deemed denied.

4. ~~[[~~ *Except as otherwise provided in subsection 5, if* the Commission sets a petition for further proceedings, the Commission will rule on the petition within 120 days after the date on which the Commission set the petition for further proceedings.

5. If the Commission sets a petition for further proceedings concerning a resource plan of a utility, the Commission will rule on the petition within 180 days after the date on which the Commission set the petition for further proceedings.

Sec. 2. NAC 703.695 is hereby amended to read as follows:

703.695 1. Applicants, petitioners or complainants may present their evidence first at a hearing. Then any parties of record opposing the application, petition or complaint may present their evidence. The presiding officer ~~shall~~ *may* designate the stage of the proceeding at which each intervener or member of the Commission's staff may be heard. Evidence must be received in the following order unless the presiding officer determines that a special circumstance requires a different order:

(a) Upon an application or petition:

- (1) Applicant or petitioner;
- (2) *Intervenors;*
- (3) Commission's staff;
- ~~[(3) Intervenors;]~~ and
- (4) Rebuttal by the applicant or petitioner.

(b) Upon a complaint:

- (1) Complainant;
- (2) Respondent;
- (3) *Intervenors;*
- (4) Commission's staff;
- ~~[(4) Intervenors;]~~ and
- (5) Rebuttal by complainant.

(c) Upon a complaint by the Commission or an order to show cause:

- (1) Commission's staff;
- (2) Respondent;
- (3) Interveners; and
- (4) Rebuttal by Commission's staff.

2. In addition to any cross-examination by the parties pursuant to NAC 703.685, witnesses may be cross-examined by the presiding officer, any Commissioner, ~~and the~~ *or any* administrative ~~assistants and~~ *attorney, policy adviser or* legal counsel for the Commission.

3. If there is more than one applicant, petitioner or complainant, the witnesses of all applicants, petitioners or complainants may present direct testimony on an issue before any of these witnesses may be cross-examined on that issue, unless otherwise ordered by the presiding officer.

4. If two or more matters are set for hearing at the same time and place, the matter having the lowest docket number will be heard first, unless the presiding officer directs a different order for the convenience of the parties.