

**NAC Chapter 455**

**LCB File No. T002-08**

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

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Investigation and rulemaking to adopt, amend, or )  
repeal regulations pertaining to Nevada )  
Administrative Code Chapter 455 regarding ) Docket No. 08-01009  
subsurface installations, including service laterals.)  
\_\_\_\_\_)

**NOTICE OF INTENT TO ACT UPON REGULATIONS,  
NOTICE OF WORKSHOP AND NOTICE OF HEARING FOR THE  
ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS OF THE  
PUBLIC UTILITIES COMMISSION OF NEVADA**

On January 24, 2008, the Public Utilities Commission of Nevada (“Commission”) opened an investigation and rulemaking to adopt, amend or repeal regulations pertaining to Nevada Administrative Code Chapter 455 regarding subsurface installations, including service laterals. This matter is designated as Docket No. 08-01009.

The Commission will hold a public **WORKSHOP** at **9:00 A.M.** on **THURSDAY, OCTOBER 16, 2008**, at the offices of the Commission, Hearing Room A, 1150 East William Street, Carson City, Nevada, 89701 and via videoconference to Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada, 89109. The purpose of the workshop is to solicit comments from all interested persons on service laterals.

The Commission will hold a public **HEARING** at **9:00 A.M.** on **THURSDAY, OCTOBER 23, 2008**, at the offices of the Commission, Hearing Room A, 1150 East William Street, Carson City, Nevada, 89701 and via videoconference to Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada, 89109. The purpose of the hearing is

to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations that pertain to Nevada Administrative Code Chapter 455 regarding subsurface installations, including service laterals. If no person who is directly affected by the proposed regulations appears at the hearing to request time to make an oral presentation, the Commission may proceed to act upon any written submissions.

The following information is provided pursuant to the requirements of Nevada Revised Statute (“NRS”) 233B.0603:

- The need for and purpose of the proposed regulations are to provide clarity to the duties of sewer system operators to locate and identify sewer laterals in response to a request to mark the location of subsurface installations prior to excavation.
- The proposed regulations clarify that sewer system operators shall mark sewer laterals in the public right-of-way.
- The Commission will use the simplified Delphi method in determining the impact on small businesses, whereby experts will review the text of the proposed regulations and determine the likely impact of the proposed regulations on small businesses. These experts will share their responses with each other and form a consensus view.
- The proposed regulations will require some sewer system operators to expend more money for marking activities because they are not marking sewer laterals to the extent clarified by the regulation. Over time these costs will diminish as the sewer system operators develop better records on the location of subsurface installations. Some excavators will expend less money for marking activities because they are currently conducting such marking activities in place of the sewer system operators. All of these costs will ultimately be borne by utility ratepayers, as they are already today.

- There is no estimate on the additional cost to the Commission for the enforcement of the proposed regulations. Those costs are dependent on the level of compliance by sewer system operators.
- The proposed regulations do not overlap or duplicate any federal, state, or local regulations.
- The proposed regulations are not required pursuant to federal law.
- The proposed regulations are not more stringent than a federal regulation that regulates the same activity.
- The proposed regulations do not 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 workshop and hearing or may address their comments, data, views, or arguments in written form to the Commission at 1150 East William Street, Carson City, Nevada, 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada, 89109 on or before **THURSDAY, OCTOBER 9, 2008.**

A copy of this notice and the proposed regulations to be adopted, amended, or repealed 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 to be adopted, amended, or repealed will be available for public viewing on the Commission's website at: <http://pucweb1.state.nv.us/PUCN>, and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 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



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**Docket No. 08-01009**

**Service Laterals**

**Section 1.** Chapter 455 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.

**Sec. 2.** *“Sewer system operator” is an operator as defined by NRS 455.096.*

**Sec. 3.** *“Sewer lateral” is a subsurface installation as defined by NRS 455.101.*

**Sec. 4.** *Upon receipt of a notice through an association for operators pursuant to NRS 455.110(1)(a) to mark the location of subsurface installations prior to excavation, a sewer system operator shall locate and identify all sewer laterals connected to the sewer system of the operator pursuant to NRS 455.130. Section 4 of this regulation does not apply to the portion of any sewer lateral located within the property boundary of a customer of a sewer system operator.*