

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

LCB File No. R068-09

October 6, 2009

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

AUTHORITY: §§ 1 and 3, NRS 703.025 and 704.210; § 2, NRS 703.025, 703.320, 703.380 and 704.210.

A REGULATION relating to utilities; providing for the filing of responses to petitions for leave to intervene in proceedings of the Public Utilities Commission of Nevada; revising provisions concerning the publication of notice of certain filings and proceedings; 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. A person who wishes to respond to a petition for leave to intervene filed pursuant to NAC 703.578 to 703.600, inclusive, may file with the Commission a response to the petition for leave to intervene.

2. A response to a petition for leave to intervene must:

(a) Be in writing;

(b) Specifically support or oppose the petition for leave to intervene for which the response is filed; and

(c) Be filed with the Commission and served on each party of record and all persons who filed a petition for leave to intervene in the applicable proceeding not later than 5 business days after the deadline for filing a petition for leave to intervene established by the

Commission or the date of the filing of the petition for leave to intervene for which the response is filed, whichever is later.

3. A person who has filed a petition for leave to intervene and who receives a response to the petition for leave to intervene may file a reply to the response. The reply must be:

(a) In writing; and

(b) Filed with the Commission and served on each party of record, the person who filed the response and all persons who filed a petition for leave to intervene in the applicable proceeding not later than 5 business days after the date on which the response was filed.

Sec. 2. NAC 703.160 is hereby amended to read as follows:

703.160 1. The Secretary shall cause public notice of each filing or proceeding described in subsection 10 to be published in the manner prescribed in this section. The publisher of the public notice shall, not later than 5 days after publication of the notice, provide to the Commission proof of the publication of the notice. The proof must include:

(a) The name of the newspaper in which the notice was published;

(b) The name of the county in which the notice was published;

(c) A statement signed by the publisher that the newspaper in which the notice was published is a newspaper of general circulation in the county in which the notice was published; and

(d) The date of the publication of the notice.

2. Except as otherwise provided in this section, if the Secretary determines that the filing or proceeding will have:

(a) A statewide effect, the Secretary shall cause the public notice to be published once in four or more newspapers of general circulation in this State, no two of which are published in the same county.

(b) An effect on a limited number of counties, the Secretary shall cause the public notice to be published once in a newspaper of general circulation in each county affected. If there is no newspaper published in an affected county, the Secretary shall cause the public notice to be published once in a newspaper of general circulation in an adjoining county.

3. The Secretary will ~~[, if practicable,]~~ post each business day on the Internet website of the Commission a current list of all public notices published pursuant to this section.

4. The public notice must be an advertisement which is not less than 1 column inch by 3 inches, with a border on all sides, and must include, as appropriate:

(a) At the beginning of the notice, a title that generally describes the relief requested or the type of proceeding scheduled;

(b) The name of the applicant, complainant or petitioner or the name of the agent for the applicant, complainant or petitioner;

(c) A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled and the effect of the relief or proceeding upon consumers;

(d) The location where the filing is on file for the public or the location and time for the proceeding; and

(e) The date by which persons must file comments, notices of intent to participate as a commenter or petitions for leave to intervene with the Commission.

↪ The public notice must be published prominently so that it is reasonably calculated to notify affected persons.

5. If the notice is:

(a) A public notice for a hearing, the Secretary shall cause the notice of hearing to be:

(1) Served on each party and published at least 10 days before the hearing is held; and

(2) Posted at the principal office of the Commission at least 3 days before the hearing is held.

(b) For a filing or a proceeding other than a hearing, the Secretary shall cause the public notice to be published in the appropriate newspapers not less than 3 working days before the proposal in the filing becomes effective or the proceeding is held.

6. The applicant, complainant or petitioner shall *timely* pay the cost of the publication. *If the applicant, complainant or petitioner fails to timely pay the cost of the publication, the Commission may, after notice and an opportunity to be heard and upon due consideration of all relevant circumstances, dismiss the applicable filing without prejudice, seek an administrative fine pursuant to NRS 703.380 or both dismiss the applicable filing without prejudice and seek an administrative fine.*

7. On a weekly basis, the Commission will cause to be published a summary of public notices concerning the filings and proceedings described in subsection 10. The summary of public notices will be published in the Sunday edition of a newspaper of general circulation in Carson City and such other newspapers as determined by the Secretary.

8. If public notice of a filing or proceeding is published by the Secretary pursuant to this section, the Secretary's notice shall be deemed to be legally sufficient public notice of the filing or proceeding, even if public notice in the summary of public notices is deficient or fails to be published pursuant to this section.

9. If public notice of a filing or proceeding is published in the summary of public notices pursuant to this section, the public notice in the summary of public notices shall be deemed to be

legally sufficient public notice of the filing or proceeding, even if the Secretary's public notice is deficient or fails to be published pursuant to this section.

10. Except as otherwise provided pursuant to subsection 12, the provisions of this section apply to the following filings or proceedings:

(a) An application or tariff filing involving any authorization, expansion, reduction or curtailment of services, facilities or authority, any increase in rates, fares or charges, or any change in regulations.

(b) A complaint filed with the Commission pursuant to NAC 703.651.

(c) A petition.

(d) A prehearing conference.

(e) A workshop.

(f) A consumer session.

(g) A hearing.

11. The provisions of this section do not apply to a quarterly rate adjustment made pursuant to subsection 8 or 9 of NRS 704.110.

12. The provisions of this section do not apply to a petition submitted to the Commission pursuant to NAC 703.290.

Sec. 3. NAC 703.578 is hereby amended to read as follows:

703.578 As used in NAC 703.578 to 703.600, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, "association" means an organization, other than a for-profit corporation, partnership or limited-liability company, created to represent the interests of its members.