

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

LCB File No. R061-17

October 4, 2017

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

AUTHORITY: §§1 and 2, 703.025, 704.1835 and 704.210; §3, NRS 703.025 and 704.210.

A REGULATION relating to public utilities; revising provisions governing the postponement of termination of service to a customer receiving electric, gas, water or telecommunication service in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities. (Chapter 704 of NRS) Existing regulations require a public utility or, in certain circumstances, a landlord, to postpone the termination of service to a customer receiving electric, gas, water or telecommunication service if the public utility or landlord receives certain documents, including a signed statement from a licensed physician or public health official certifying that the termination of service would be dangerous to the health of the customer or another person who is a resident of the applicable premises. (NAC 704.370, 704.3936, 704.4185) This regulation expands existing regulations so that such a statement may also be signed by an advanced practice registered nurse.

Section 1. NAC 704.370 is hereby amended to read as follows:

704.370 1. A utility shall postpone the termination of service to a customer for 30 days after the day on which it receives both of the following:

(a) A statement from a licensed physician , ~~or~~ public health official *or advanced practice registered nurse* certifying that any termination of service would be especially dangerous to the health of the customer or another person who is a permanent resident of the premises where service is being provided and would constitute an emergency affecting the health of the person.

The *licensed* physician ~~or~~ , *public* health official *or advanced practice registered nurse* may

consider the feebleness, advanced age, physical disability, mental incapacity, serious illness or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement must be in writing and include:

- (1) The address where service is provided;
- (2) The name of the person whose health would be especially endangered;
- (3) A clear description of the nature of the emergency; and
- (4) The name, title and signature of the *licensed* physician ~~for~~, *public health* official *or advanced practice registered nurse* certifying the emergency.

↪ The statement may be made by telephone if a written statement is sent for confirmation to the utility within 5 days after the oral statement is made.

(b) A statement signed by the customer:

(1) That the customer is unable to pay for service in accordance with the requirements of the utility's billing; or

(2) That the customer is able to pay for service only in installments. The utility shall allow an installment period of up to 90 days for the customer to pay the bills of the customer.

2. The postponement may be extended for an additional 30 days if the utility receives a renewed medical certificate before the expiration of the original period of postponement.

3. If a utility again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility shall give written notice of its intended action:

(a) To the Division;

(b) To the customer and to any other person who is required to receive notice pursuant to NAC 704.360 or 704.365; and

(c) To governmental agencies or other organizations which have notified the utility that they will assist customers in paying their utility bills.

4. Before the period of postponement expires, the customer must arrange with the utility to pay the bills of the customer in accordance with its applicable rules.

Sec. 2. NAC 704.3936 is hereby amended to read as follows:

704.3936 1. If a utility or landlord intends to terminate service to a customer because of nonpayment, the utility or landlord shall postpone the termination for 30 days after the day on which it receives both of the following:

(a) A statement from a licensed physician , ~~or~~ public health official *or advanced practice registered nurse* certifying that any termination of service would be especially dangerous to the health of the customer or another person who is a permanent resident of the premises where service is being provided and would constitute an emergency affecting the health of the person.

The *licensed* physician ~~or~~ , *public* health official *or advanced practice registered nurse* may consider the feebleness, advanced age, physical disability, mental incapacity, serious illness or other infirmity of the person affected and may also consider the necessity of cooling to maintain the health of the person affected, such as the necessity of cooling provided by an evaporative cooler or similar device. Except as otherwise provided in this paragraph, the statement must be in writing and include:

- (1) The address where service is provided;
- (2) The name of the person whose health would be especially endangered;
- (3) A clear description of the nature of the emergency; and
- (4) The name, title and signature of the *licensed* physician ~~or~~ , *public health* official *or advanced practice registered nurse* certifying the emergency.

↪ The statement may be made by telephone if a written statement is sent for confirmation to the utility or landlord within 5 days after the oral statement is made.

(b) A statement signed by the customer:

(1) That he or she is unable to pay for service in accordance with the requirements of the utility's or landlord's billing; or

(2) That he or she is able to pay for service only in installments. The utility or landlord shall allow an installment plan of up to 60 days for the customer to pay the bills of the customer. The installment plan must consist of three equal payments with the first payment to be made when the customer presents the signed statement to the utility or landlord.

2. The postponement may be extended for an additional 30 days if the utility or landlord receives a renewed medical certificate before the expiration of the original period of postponement.

3. If a utility or landlord again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility or landlord shall give written notice of its intended action:

(a) To the Division;

(b) To the customer; and

(c) To each governmental agency or other organization which has notified the utility or landlord that it will help customers who are unable to pay their bills.

4. Before the period of postponement expires, the customer must arrange with the utility or landlord to pay the bills of the customer in accordance with its applicable rules.

Sec. 3. NAC 704.4185 is hereby amended to read as follows:

704.4185 1. Unless extraordinary circumstances exist, if the local service of a customer is being terminated, the utility shall postpone the termination for 30 days after it receives both of the following:

(a) A statement from a licensed physician , ~~or~~ public health official *or advanced practice registered nurse* certifying that the termination would be especially dangerous to the health of the customer or other person who is a permanent resident of the premises affected. The *licensed* physician ~~or~~ , *public* health official *or advanced practice registered nurse* may consider the feebleness, advanced age, physical disability, mental incapacity, serious illness, or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement must be in writing and include:

- (1) The address where service is provided;
- (2) The name of the person whose health would be especially endangered;
- (3) A clear description of the nature of the emergency; and
- (4) The name, title, and signature of the *licensed* physician ~~or~~ , *public health* official *or advanced practice registered nurse* making the statement.

↪ The statement may be made by telephone if a written statement is sent for confirmation to the utility within 5 days after the oral statement is made.

(b) A statement signed by the customer that he or she is presently unable to pay the bill or installment. Before the period of postponement expires, the customer must arrange with the utility to pay the bill or installment.

2. The postponement may be extended once for an additional 30 days if the utility receives a renewed medical certificate before the expiration of the original period of postponement.

3. The utility shall allow an installment period of up to 90 days for the customer to pay his or her bills. The utility may impose toll restriction upon the customer, for which the customer shall pay the rates and charges set forth in the tariff of the utility.

4. If the utility again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility shall give written notice of its intended action:

(a) To the Division; and

(b) To the customer and any cosigner or guarantor of the customer in the manner provided by NAC 704.4165 and 704.417.