

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

**LCB FILE NO. R113-17I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 10/02/2017**

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

**Docket No. 17-08016**

September 29, 2017

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

**Section 1.** Chapter 704 of the NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation.

**Sec. 2.** *1. Any provider that was required to file a plan prior to January 1, 2018, may petition the Commission for relief from filing a plan pursuant to NAC 704.6803 through NAC 704.680315. In reviewing any such petition, the Commission will determine whether a plan establishing standards of performance and reporting, and/or incentives, regarding the provision of interconnection, unbundled network elements and/or resold services, is no longer necessary.*

*2. In evaluating a petition submitted pursuant to subsection 1, the Commission will determine, without limitation, whether a plan remains necessary to encourage competition and discourage discriminatory conduct in the provision of local telecommunication services, and is not contrary to the public interest.*

*3. If the Commission denies a provider's petition, filed pursuant to subsection 1, the provider may not file another petition for exemption pursuant to this section earlier than eighteen months after the provider's most recent petition pursuant to subsection 1 was filed.*

**Sec. 3.** NAC 704.680303 is hereby amended to read as follows:

704.680303 1. A nonrural incumbent local exchange carrier shall, in accordance with NAC 704.6803 to 704.680315, inclusive, file with the Commission a request for the approval of:

- (a) A plan for the reporting and auditing of performance measures; and
- (b) A plan establishing performance incentives.

2. The Commission will conduct a hearing on a request for approval of the plans submitted pursuant to subsection 1. At such a hearing, any certificated competitive local exchange carrier doing business in the service areas of the nonrural incumbent local exchange carrier that filed the request for approval may request modifications to the plans.

3. The Commission will issue an order granting, denying or modifying a request for the approval *or modification* of the plans.

4. *Any plan approved by the commission pursuant to this Section will remain in effect until the provider petitions for a modification of its existing plan and such petition is approved by the Commission; or a provider petitions for an exemption pursuant to NAC 704.680304 and such petition is approved by the Commission. The commission may eliminate any measure(s) set forth in NAC 704.680305 and/or the plan for system of penalties set forth in NAC 704.680315. ~~If the plans of a nonrural incumbent local exchange carrier are approved by the Commission pursuant to this section, the nonrural incumbent local exchange carrier shall file a request for review by the Commission of the plans. The request for review must be filed:~~*

~~—(a) If the Commission approved the plans on or before October 24, 2002, not later than January 31, 2003, and not later than January 31 of every third year thereafter; or~~

~~—(b) If the Commission approved the plans after October 24, 2002, not later than January 31 of the third year following the year in which the plans are approved, and not later than January 31 of every third year thereafter.]~~

5. ~~[The Commission may, upon good cause shown, conduct a hearing and issue an order in accordance with this section on a request for the renewal of the approval of the Commission of the plan.~~

~~—6.— Unless good cause is shown, no person may request a modification of the plans except as otherwise provided in this section.]~~ If good cause is shown, the Commission will treat a request *by any certificated competitive local exchange carrier* for modification *of any plan* as a request for approval subject to the provisions of this section. *Such request for modification by a certificated local exchange carrier may include revisions and/or additions to performance measures as permitted by NAC 704.680305.*

6. *The Commission shall upon the request of any party conduct a hearing and issue an order in accordance with this Section on a request for modification of the plan or request for exemption pursuant to NAC 704.680304.*

7. *If the Commission grants or denies a petition for modification pursuant to this Section, the same party may not file another petition for modification pursuant to this Section earlier than eighteen months after that person's most recent petition pursuant to this Section was filed.*