

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

LCB File No. R063-19

September 12, 2019

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

AUTHORITY: §1, NRS 703.025 and 704.210.

A REGULATION relating to public utilities; revising the definition of “significant service outage” applicable to public utilities that provide telecommunication services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations require a public utility to submit certain reports to the Public Utilities Commission of Nevada following a significant service outage. (NAC 704.2575, 704.2585) Existing regulations provide definitions of the term “significant service outage” that are tailored to the services provided by an electric utility, a public utility that provides telecommunication services, a water utility or a gas utility. (NAC 704.2565) The definition of “significant service outage” that is applicable to a public utility that provides telecommunication services incorporates a term that is defined in a regulation adopted by the Federal Communications Commission. (47 C.F.R. § 4.7(d)) The Federal Communications Commission has recently revised its regulations to use, and define, a different term. (81 Fed. Reg. 45055 (July 12, 2016), 82 Fed. Reg. 28410 (June 22, 2017)) This regulation revises the applicable definition of “significant service outage” to correspond with the revised federal regulations.

Section 1. NAC 704.2565 is hereby amended to read as follows:

704.2565 “Significant service outage” means:

1. For an electric utility, a forced outage of at least 3,000 customer hours or any outage lasting more than 10 hours that affects at least 50 customers.

2. For a public utility that provides telecommunication services ~~is a competitive supplier~~ *that* and *which* owns, operates, leases or otherwise utilizes facilities in Nevada and has more than 20,000 access lines, any outage lasting more than 30 minutes that:

(a) In a city whose population is 20,000 or more or in an unincorporated area of a county if the population of the entire unincorporated area of the county is 20,000 or more, potentially affects at least ~~300,000~~ **900,000** user minutes of telecommunication service in Nevada as defined in 47 C.F.R. § 4.7(e);

(b) In a city whose population is less than 20,000 or in an unincorporated area of a county if the population of the entire unincorporated area of the county is less than 20,000, potentially affects at least 30,000 user minutes of telecommunication service in Nevada as defined in 47 C.F.R. § 4.7(e);

(c) Potentially affects at least ~~1350 DS3~~ **667 OC3** minutes in Nevada as defined in 47 C.F.R. § 4.7(d);

(d) Potentially affects any special offices and facilities in Nevada as defined in 47 C.F.R. § 4.5(a) to (d), inclusive; or

(e) Potentially affects a 911 special facility in Nevada as defined in 47 C.F.R. § 4.5(e).

3. For a public utility which provides telecommunication services and which ~~is a small-scale provider of last resort,~~ **owns, operates, leases or otherwise utilizes facilities in Nevada and has 20,000 or less access lines,** any outage lasting more than 30 minutes that:

(a) Potentially affects at least 30,000 user minutes of telecommunication service in Nevada as defined in 47 C.F.R. § 4.7(e);

(b) Potentially affects at least ~~500 DS3~~ **250 OC3** minutes in Nevada as defined in 47 C.F.R. § 4.7(d);

(c) Potentially affects any special offices and facilities in Nevada as defined in 47 C.F.R. § 4.5(a) to (d), inclusive; or

(d) Potentially affects a 911 special facility in Nevada as defined in 47 C.F.R. § 4.5(e).

4. For a water utility, any unscheduled outage resulting in water pressure of less than 5 pounds per square inch in any water distribution main that affects service to 50 or more customers or lasts more than 6 hours.

5. For a gas utility, any unplanned outage that results in the interruption of service to 10 or more active customer accounts.