

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R075-20

1. A clear and concise explanation of the need for the adopted regulation.

The Public Utilities Commission of Nevada (the “Commission”) opened this Docket – Docket No. 19-02024 (the “Docket”) – pursuant to ordering paragraph 29 of its February 15, 2019, Order in Docket No. 18-05031. The Docket was opened to conduct an investigation and rulemaking to amend the Nevada Administrative Code (“NAC”) 704.516 *et seq.* to establish additional procedures and guidelines necessary to ensure that a public utility’s use of the schedule and contracts contemplated under NAC 704.518 are consistent with Nevada law and do not result in unjust or unreasonable rates.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

(a) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available at the website of the PUCN, <http://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times
Las Vegas Review Journal
Reno Gazette-Journal
Tonopah Times-Bonanza,

(b) Nevada Cogeneration Associated #1 and #2 (“NCA”), the Regulatory Operations Staff (“Staff”) of the Commission, and the Attorney General’s Bureau of Consumer Protection (“BCP”) filed comments in the matter. Commenters generally focused on proposed restrictions and limitations imposed on discounted rate contracts and contracts for special services. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together, “NV Energy”), Southwest Gas Corporation (“SWG”), NCA, Staff, and BCP participated in the hearing. Participants discussed particular clarifying language and definitions and the impact of the proposed regulation on particular classes of customers.

(c) The Commission’s final order adopting the regulation in the Docket and copies of the comments filed by interested persons are available for review on the Commission’s website: puc.nv.gov. Transcripts of the proceedings are available for review at the offices of the PUCN, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

3. The number of persons who:

(a) Attended the April 27, 2021, hearing: 6

- (b) **Testified at the April 27, 2021, hearing: 6**
- (c) **Submitted written comments: 3**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) **Name;**
- (b) **Telephone number;**
- (c) **Business address;**
- (d) **Business telephone number;**
- (e) **Electronic mail address; and**
- (f) **Name of entity or organization represented.**

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- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question 2(c).

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Proposed revisions to the regulation proposed by the commenters and participants were generally incorporated in the proposed regulation.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: both adverse and beneficial effects, and both immediate and long-term effects.**

- (a) Estimated economic effect on the businesses which they are to regulate.**

The regulation is expected to have minimal adverse effects on businesses in both the immediate and long-term.

The regulation is expected to have beneficial economic effects on businesses in both the immediate and long-term by providing clarity on applicable customer classes and the procedures required for those classes.

- (b) Estimated economic effect on the public which they are to regulate.**

The regulation is expected to have minimal adverse effects on the public in both the immediate and long-term.

The regulation is expected to have beneficial economic effects on the public in both the immediate and long-term by ensuring that all gas utility customers pay their share for resources utilized.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

Any costs associated with the regulation are considered incremental in nature.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap any other State, governmental agency, or federal regulations. The regulation amends NAC 704.516 to NAC 704.528.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

- 12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?**

Staff conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used his background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff's analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff's recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an Order issued in Docket No. 19-02024 on March 25, 2021.