
ASSEMBLY BILL NO. 46—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE PUBLIC UTILITIES
COMMISSION OF NEVADA)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to privileges applicable to information obtained from records and other property of public utilities and certain other entities. (BDR 58-310)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to public utilities; establishing that an applicable privilege is not waived when certain entities disclose or make available confidential information to the Public Utilities Commission of Nevada and certain other persons and governmental entities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes privileges for communications made under certain
2 circumstances, which authorize a person to refuse to disclose, and to prevent any
3 other person from disclosing, information contained in such privileged
4 communications. (Chapter 49 of NRS) With certain exceptions, existing law also
5 provides that a privilege is waived if a person who holds the privilege voluntarily
6 discloses or consents to disclosure of any significant part of the information
7 contained in the privileged communication. (NRS 49.385)
8 With certain exceptions, the records and files in the possession of the Public
9 Utilities Commission of Nevada are public records and are required to be open at
10 all reasonable times to the public. (NRS 239.010, 703.190) Under existing law, the
11 Commission is authorized to: (1) keep confidential certain information in the
12 records of public utilities and other entities, including, without limitation, trade
13 secrets and confidential commercial information, that are required to be made
14 available to the Commission and its officers and employees; and (2) take such
15 actions as are necessary to prevent the disclosure of such information by persons



16 and governmental entities authorized by existing law to have access to such
17 confidential information. (NRS 703.190, 703.196)

18 This bill provides that if any such confidential information is also privileged,
19 the privilege is not waived as a result of the confidential information being
20 disclosed or made available to the Commission, its officers and employees, and
21 other persons and governmental entities authorized by existing law to have access
22 to the confidential information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 703.196 is hereby amended to read as follows:

2 703.196 1. Any books, accounts, records, minutes, papers
3 and property of any public utility, alternative seller, provider of
4 discretionary natural gas service or provider of new electric
5 resources that are subject to examination pursuant to NRS 703.190
6 or 703.195 and are made available to the Commission, any officer or
7 employee of the Commission, an affected governmental entity, any
8 officer or employee of an affected governmental entity, the Bureau
9 of Consumer Protection in the Office of the Attorney General or any
10 other person under the condition that the disclosure of such
11 information to the public be withheld or otherwise limited, must not
12 be disclosed to the public unless the Commission first determines
13 that the disclosure is justified.

14 2. The Commission shall take such actions as are necessary to
15 protect the confidentiality of such information, including, without
16 limitation:

17 (a) Granting such protective orders as it deems necessary; and

18 (b) Holding closed hearings to receive or examine such
19 information.

20 3. If the Commission closes a hearing to receive or examine
21 such information, it shall:

22 (a) Restrict access to the records and transcripts of such hearings
23 without the prior approval of the Commission or an order of a court
24 of competent jurisdiction authorizing access to the records or
25 transcripts; and

26 (b) Prohibit any participant at such a hearing from disclosing
27 such information without the prior authorization of the Commission.

28 4. A representative of the Regulatory Operations Staff of the
29 Commission and the Bureau of Consumer Protection:

30 (a) May attend any closed hearing held pursuant to this section;
31 and

32 (b) Have access to any records or other information determined
33 to be confidential pursuant to this section.



1 5. The Commission shall consider in an open meeting whether
2 the information reviewed or examined in a closed hearing may be
3 disclosed without revealing the confidential subject matter of the
4 information. To the extent the Commission determines the
5 information may be disclosed, the information must become a part
6 of the records available to the public. Information which the
7 Commission determines may not be disclosed must be kept under
8 seal.

9 *6. No waiver of any applicable privilege in the information
10 contained in any books, accounts, records, minutes, papers and
11 property of any public utility, alternative seller, provider of
12 discretionary natural gas service or provider of new electric
13 resources that are subject to examination pursuant to NRS
14 703.190 or 703.195 shall occur as a result of making such
15 information available or disclosing such information to the
16 Commission, the Regulatory Operations Staff of the Commission
17 or any other officer or employee of the Commission, an affected
18 governmental entity, any officer or employee of an affected
19 governmental entity, the Bureau of Consumer Protection in the
20 Office of the Attorney General or any other person to whom such
21 information is disclosed or made available if further disclosure of
22 such information to the public is prohibited by this section.*

23 **Sec. 2.** This act becomes effective upon passage and approval.



