

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

LCB File No. R207-97

Effective December 3, 1999

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

AUTHORITY: §§1-8, NRS 703.025 and 704.976.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 8, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Electric service” has the meaning ascribed to it in NRS 704.971.*

Sec. 4. *“Noncompetitive service” has the meaning ascribed to it in NRS 704.973.*

Sec. 5. *“Potentially competitive service” has the meaning ascribed to it in NRS 704.974.*

Sec. 6. 1. *Any interested person may file an application to request that the commission classify an electric service as a potentially competitive service.*

2. *An application filed pursuant to subsection 1 must be submitted to the commission and must, in addition to the requirements set forth in NAC 703.535:*

(a) *Describe and identify fully the electric service to be classified as a potentially competitive service, including, without limitation:*

(1) *The technical and common names of the electric service.*

(2) *The facilities and equipment that are or will be used to provide the electric service.*

(3) The components of electric service that are necessary to provide the electric service, other than those components for which classification as a potentially competitive service is being sought.

(4) The geographic market area for which the classification of the electric service as a potentially competitive service is being sought.

(5) The nature and extent of the market in which the electric service is or will be provided, including, without limitation:

(I) The class of customers for that electric service.

(II) The source of revenues for that electric service.

(b) Provide all facts necessary to support classification of the electric service as a potentially competitive service, including, without limitation, facts that support the determination required pursuant to subsection 3 of NRS 704.976.

(c) Contain an acknowledgment that the applicant has served a copy of the application upon the existing provider of the electric service sought to be reclassified as a potentially competitive service.

3. The geographic market area identified pursuant to subparagraph (4) of paragraph (a) of subsection 2 must not extend beyond the boundaries of the certificated service area of more than one vertically integrated electric utility, as that term is defined in NRS 704.975.

4. As used in this section, "person" means a natural person, any form of business or social organization and any other legal entity, including, without limitation, a corporation, partnership, association, trust, unincorporated organization, government, governmental agency or political subdivision of a government.

Sec. 7. If the commission receives a request to classify an electric service as a potentially competitive service and that request meets the requirements set forth in section 6 of this regulation, the commission will, if the electric service meets the requirements set forth in subsection 3 of NRS 704.976:

- 1. Determine that the service is a potentially competitive service; and*
- 2. Establish an appropriate period in which a provider of noncompetitive service who provides the service determined to be potentially competitive must:*
 - (a) Cease to provide the service determined to be potentially competitive; or*
 - (b) Provide the service determined to be potentially competitive through an affiliate, as authorized pursuant to NRS 704.978 and 704.980.*

Sec. 8. If, after a request is made to the commission pursuant to section 6 of this regulation, the commission does not determine that an electric service is a potentially competitive service, the commission will deem the electric service to be a noncompetitive service.