

**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.*