

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

LCB File No. R063-99

August 9, 1999

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

AUTHORITY: §§ 2-6, NRS 703.025, 704.997 and 704.998.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, “alternative seller” has the meaning ascribed to it in NRS 704.994.*

Sec. 3. 1. *The commission will levy and collect an annual licensing fee from each alternative seller.*

2. Except as otherwise provided in this section, the annual licensing fee is payable at the same rate as the rate used to assess public utilities for the use of the commission and the use of the consumer's advocate of the bureau of consumer protection in the office of the attorney general pursuant to NRS 704.033, based on each dollar of gross revenue derived from sales related to services provided pursuant to the license of the alternative seller during the calendar year preceding the year in which the fee is payable. In no event will the annual licensing fee be less than \$10.

3. An alternative seller may claim a credit against the annual licensing fee owed for fees paid to a public utility or another alternative seller for services purchased for intrastate resale during the calendar year preceding the year in which the fee is payable.

4. For the purposes of this section, the gross revenue of an alternative seller does not include revenue derived from the sale of a discretionary service pursuant to a contract entered into before the effective date of this regulation. The exemption provided by this subsection is not applicable upon the expiration of such a contract.

5. The annual licensing fee required to be paid pursuant to this section is in addition to, and not in lieu of, any other fee or assessment required to be paid by the alternative seller.

6. As used in this section, “discretionary service” means the sale of natural gas to a customer who is an end user and is eligible to be served under a schedule or contract approved by the commission pursuant to NAC 704.518 or a tariff for transportation services approved by the commission.

Sec. 4. *1. On or before June 1 of each year, the commission will mail revenue report forms to all alternative sellers, to the addresses on file with the commission. The revenue report form serves as notice of the commission's intent to collect an annual licensing fee, but failure on the part of the commission to notify any alternative seller does not invalidate the requirement of the alternative seller to pay the fee.*

2. Each alternative seller shall complete the revenue report form, compute the amount of the fee owed, and return the completed form to the commission accompanied by the payment of the fee and any penalty due pursuant to the provisions of subsection 5.

3. The annual licensing fee is due on July 1 of each year, but may, at the option of the alternative seller, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The annual licensing fee and any penalty computed by the alternative seller is subject to review and audit by the commission, and the amount of the fee and any penalty may be adjusted by the commission as a result of the audit and review.

5. Any alternative seller who fails to pay the annual licensing fee on or before August 1 or, if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to the fee, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the fee is delinquent or \$10, whichever is greater. In no event will a penalty exceed \$1,000 for each delinquent payment.

Sec. 5. *The commission may bring an appropriate action in its own name for the collection of any fee or penalty which is not paid pursuant to sections 3 and 4 of this regulation.*

Sec. 6. *The commission will, on a quarterly basis, transfer to the account for the consumer's advocate in the bureau of consumer protection in the office of the attorney general that portion of the fees and penalties collected pursuant to sections 3, 4 and 5 of this regulation which belongs to the consumer's advocate.*