

LCB File No. R141-99

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

Docket No. 97-8001 (Licensing Fee - Alternative Sellers)

(Adopted as temporary regulation May 6, 1999.)

AUTHORITY: NRS 703.025, 703.151, 704.977.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as Sections 2 to 12, inclusive, of this regulation.

Section 2. *Scope. The provisions of this regulation apply to all alternative sellers of electric service as defined in NRS 704.967.*

Section 3. *Definitions.*

“Alternative seller” has the meaning ascribed to it in NRS 704.967.

“Provider of last resort service” means an entity which provides service pursuant to NRS 704.982.

Section 4. *The commission shall levy and collect an annual licensing fee from all alternative sellers.*

Section 5. *The commission shall assess a fee, based on gross revenues on jurisdictional sales of an alternative seller and a provider of last resort service, to the extent the provider is not a public utility, for the calendar year preceding the year in which the fee is payable:*

1. *equal to the assessment rate for public utilities for the use of the commission; and*
2. *equal to the assessment rate for public utilities for the use of the utility consumers advocate in the bureau of consumer protection,*

except that the minimum fee in any one year must be ten dollars. The rate used to calculate the fee owed to the commission will be no more than the rate used to calculate the assessment for public utilities. An alternative seller may claim a credit for fees paid to regulated public utilities or other alternative sellers for services which are purchased for intrastate resale. The annual licensing fee is not a substitute for the payment of any other applicable fees, including, but not limited to, fees authorized by NRS 703.197 for filing documents.

Section 6. *On or before June 1 of each year, the commission shall mail revenue report forms to all alternative sellers under its jurisdiction, to the address of those alternative sellers on file with the commission. The revenue report form serves as notice of the commission's intent to collect a licensing fee, but failure on the part of the commission to notify any alternative seller does not invalidate the requirement of any alternative seller to remit the fee.*

Section 7. *Each alternative seller shall complete the revenue report, compute the amount of the fee, and return the completed revenue report to the commission with payment of the fee and any penalty due.*

Section 8. *The licensing fee shall be 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.*

Section 9. *The fee and any penalty computed by the alternative seller is subject to review and audit by the commission. The amount of the fee and any penalty may be adjusted*

by the commission as a result of the audit and review.

Section 10. *Any alternative seller which fails to pay the 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 one percent of the total unpaid balance for each month or portion thereof that the fee is delinquent, or ten dollars, whichever is greater. No penalty shall exceed \$1,000 for each delinquent payment.*

Section 11. *The commission may bring an action in its own name for the collection of any fee or penalty which is not paid pursuant to Sections 2 to 12, inclusive, of this regulation.*

Section 12. *The commission shall, on a quarterly basis, transfer to the account for the utility consumers advocate in the bureau of consumer protection in the office of the attorney general that portion of the fees collected which belongs to the utility consumers advocate.*