

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

**LCB File No. R145-01**

Effective January 22, 2002

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

AUTHORITY: §§1-14, NRS 703.025, 704.210 and 704.763.

**Section 1.** Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Biofuel” means any alcohol, ether, ester or other chemical compound made from herbaceous plants, woody plants or organic waste.*

**Sec. 4.** *“Biomass” has the meaning ascribed to it in NRS 704.007.*

**Sec. 5.** *“Electric utility” has the meaning ascribed to it in NRS 704.187.*

**Sec. 6.** *“Excluded sale” means electricity that an electric utility sells to any person or entity other than its retail customers in this state.*

**Sec. 7.** *“Generation asset” means any plant, facility, equipment or system which is located within or outside this state and which converts nonelectrical energy into electrical energy or otherwise produces electrical energy.*

**Sec. 8.** *“Heavy metal” means any heavy metal which is released in quantities that must be reported to the United States Environmental Protection Agency pursuant to 42 U.S.C. §*

*11023 and 40 C.F.R. Part 372.*

**Sec. 9. 1.** *“Native generation” means electricity which is generated from a generation asset that is owned by or under contract to an electric utility.*

*2. The term does not include purchased power.*

**Sec. 10.** *“Purchased power” means electricity that an electric utility purchases from another person or entity pursuant to a purchase agreement.*

**Sec. 11. 1.** *On a semiannual basis before the close of the billing cycles for January and July of each calendar year, each electric utility shall provide to its retail customers a disclosure statement that discloses the information required by sections 12 and 13 of this regulation.*

*2. Each electric utility shall:*

*(a) Include the disclosure statement as an insert to the bills that the electric utility sends to its retail customers; and*

*(b) If the electric utility maintains a website on the Internet or any successor to the Internet, post the disclosure statement on that website.*

*3. The information disclosed in the disclosure statement must be presented in a type size that is not smaller than 10-point type.*

**Sec. 12. 1.** *The disclosure statement must disclose:*

*(a) The total number of megawatt-hours sold by the electric utility to retail customers in this state, which must be calculated by taking the sum of native generation and purchased power and reducing that sum by excluded sales; and*

*(b) For each energy source, the number of megawatt-hours generated from the energy source and the percentage that those megawatt-hours constitute of the total number of*

*megawatt-hours sold by the electric utility to retail customers in this state. The energy sources must be identified in the disclosure statement as follows:*

- (1) Coal.*
- (2) Natural gas.*
- (3) Oil.*
- (4) Hydroelectric.*
- (5) Geothermal.*
- (6) Solar.*
- (7) Nuclear.*
- (8) Wind.*
- (9) Biofuel.*
- (10) Biomass.*

*(11) Other. The number of megawatt-hours generated from other energy sources must be calculated and disclosed in an aggregate amount. Each energy source contributing to the aggregate amount must be specified in the disclosure statement.*

*2. For the purposes of subsection 1, the electric utility shall consider:*

*(a) Its native generation to be consumed by its retail customers in this state, unless the electric utility identifies specific amounts of its native generation as part of its excluded sales;*

*(b) Its excluded sales to be generated by an average mix of the energy sources used for its native generation; and*

*(c) Its purchased power to be generated by an average mix of the energy sources used to generate electricity in the region consisting of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, unless the electric utility*

*identifies specific amounts of its purchased power that are generated from specific energy sources.*

*3. The disclosure statement must disclose the average emissions of each of the following substances, as measured in pounds per megawatt-hour sold by the electric utility to retail customers in this state:*

*(a) High-level radioactive waste.*

*(b) Sulfur dioxide.*

*(c) Carbon dioxide.*

*(d) Carbon monoxide.*

*(e) Particulate matter.*

*(f) Volatile organic compounds.*

*(g) Oxides of nitrogen.*

*(h) Heavy metals.*

*(i) Any other substances which the commission, in cooperation with the division of environmental protection of the state department of conservation and natural resources, determines may cause a significant health or environmental impact and for which sufficiently accurate and reliable data is available.*

*4. For the purposes of subsection 3, the electric utility shall consider:*

*(a) Its native generation to be consumed by its retail customers in this state, unless the electric utility identifies specific amounts of its native generation as part of its excluded sales;*

*(b) The emissions attributable to its excluded sales to be an average mix of the emissions attributable to its native generation; and*

*(c) The emissions attributable to its purchased power to be an average mix of the emissions*

*attributable to generation of electricity in the region consisting of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, unless the electric utility identifies specific emissions attributable to specific amounts of its purchased power.*

*5. The information disclosed in the disclosure statement pursuant to this section must be based upon data taken from a 12-month period that ends not more than 6 months before the date on which the electric utility first releases the disclosure statement to its retail customers.*

**Sec. 13. 1.** *The disclosure statement must, without limitation:*

*(a) Provide a summary of any programs and information relating to energy conservation that is offered by the electric utility;*

*(b) Describe the procedures for enrolling in the equal payment plan or for making alternative payment arrangements with the electric utility;*

*(c) Describe any energy programs that provide assistance to retail customers with low incomes and explain how to apply for assistance from such programs; and*

*(d) Identify any other energy programs which may provide assistance to retail customers and which are operated by the electric utility or by other sources known to the electric utility, including, without limitation, federal, state and local governments.*

*2. The disclosure statement may include any other information about electric services, and any products and services relating thereto, that are being provided to or purchased for retail customers by the electric utility.*

**Sec. 14.** NAC 704.295 is hereby amended to read as follows:

704.295 The provisions of NAC 704.280 to 704.295, inclusive, do not apply to:

1. Advertising which informs customers how they can conserve energy or reduce peak

demand for energy.

2. Advertising required by law, including , *without limitation*, advertising required ~~[under part 1 of Title II of the National Energy Conservation Policy Act (42 U.S.C. §§ s8211 et seq.).]~~

*by NRS 704.763 and sections 2 to 13, inclusive, of this regulation.*

3. Advertising regarding interruptions in service, safety measures ~~[ ]~~ or emergency conditions.

4. Advertising concerning opportunities for employment with a utility.

5. Any explanation of or justification for existing or proposed rate schedules, or notifications of hearings thereon.

**LEGISLATIVE REVIEW OF ADOPTED REGULATION  
AS REQUIRED BY THE ADMINISTRATIVE PROCEDURES ACT  
NRS 233B.066  
PUBLIC UTILITIES COMMISSION OF NEVADA  
LCB FILE NO. R145-01  
DOCKET NO. 01-7038**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) 704.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The regulation in Public Utilities Commission of Nevada (“Commission”) Docket No. 01-7038 was noticed two (2) times: August 21, 2001 and October 4, 2001, in the Elko Daily Free Press, the Ely Daily Times, the Humboldt Sun, the Las Vegas Review Journal, the Mineral County Independent, the Nevada Appeal, the Reno Gazette Journal and the Tonopah Times-Bonanza. Additionally, the notice was mailed to county clerks in Reno, Carson City and Nevada, and all persons who requested inclusion on the Commission’s service list. There was no public response except from the affected businesses which is discussed in #3 below. A copy of the summary may be obtained by calling the Commission at (775) 687-6001 or (702) 486-2600, or by writing to the Commission at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

**2. The number of persons who:**

**(a) Attended the workshop:**

October 1, 2001: 7

November 15, 2001: 5

**(b) Testified at the workshop:**

October 1, 2001: 5

November 15, 2001: 4

**(c) Attended the hearing:**

November 15, 2001: 3

**(d) Testified at the hearing:**

November 15, 2001: 3

**(e) Submitted to the agency written comments:** Written comments were submitted to the Commission by the Regulatory Operations Staff (“Staff”) of the Commission, Sierra Pacific Power Company (“Sierra”), and Nevada Power Company (“NPC”).

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by publication in the newspapers, as outlined in #1 above, and by direct mail to interested persons subscribing to the Commission’s mailing list. Sierra and NPC proposed that: (1) the regulations be revised to include "before the close of" in what is now Section 11. A copy of the summary may be obtained by calling the Commission at (775) 687-6001 or (702) 486-2600, or by writing to the Commission at 1150 East

William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Sierra Pacific Power and NPC asserted at the workshop held on November 15, 2001 that they believed that Section 8 of the proposed regulation, which defines the term "heavy metal," should be amended to read as follows: "'Heavy Metal' means any heavy metal which is released *into the atmosphere in* quantities . . . ."

The Presiding Officer was not persuaded that the change was necessary or desirable. Therefore, the regulations were adopted without change.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both intermediate and long-term effects.**

The only electric service providers operating in Nevada that would be subject to the disclosure requirements of the proposed rules are Sierra and NPC. These companies may experience some adverse economic effect from the implementation of the regulation. However, the cost is expected to be very minimal.

The regulation is expected to have a long-term beneficial economic effect upon the regulated community. The regulation is expected to result in market efficiency and business savings resulting from the utilization of market information synthesized by Staff, allowing all market participants to reap economic benefit from free, publicly available market information.

The intermediate and long-term economic effect on the public is expected to be beneficial.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

**8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.