

LCB File No. R198-01

PROPOSED REGULATION OF THE PUBLIC UTILITIES
COMMISSION OF NEVADA

PUCN Docket No. 01-3015 (Consumer Bill of Rights)

December 17, 2001

AUTHORITY: NRS 703.025, NRS 703.151 & AB 661 Section 40.5

Gas and Electric Service

Section 1. NAC 704.303 is hereby amended to read as follows:

NAC 704.303 “Customer” defined. “Customer” means a person:

1. Who receives or applies to receive residential gas or electric service from a utility; or
2. In whose name such service is or is to be provided, as evidenced by:

(a) ~~[His]~~ A signature on the application or contract for service; or

~~[(b) In the absence of a signed instrument, the receipt and payment of bills regularly issued in the name of the customer, regardless of the identity of the actual user of the service.]~~

(b) Demonstrable evidence that the person receiving service requested that service be provided in his or her name.

Sec. 2. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Historical usage.*

Upon request, a utility will provide an incoming residential customer with a range of historical energy use at an address provided by the customer. The utility shall take appropriate measures to protect confidential customer information of the prior customer.

It is suggested that the new section be placed between NAC 704.326 and NAC 704.327.

Sec. 3. NAC 704.328 is hereby amended to read as follows:

NAC 704.328 Deposit: Generally.

1. Except as otherwise provided in subsections 2 and 3, a deposit for each service provided by a utility must not exceed an amount equal to 150 percent of the estimated average monthly bill of the customer for each such service. Deposits for multiple types of utility service from the same utility must be calculated separately.

2. If an elderly customer establishes credit by making a deposit, the deposit must not exceed 50 percent of the deposit established pursuant to subsection 1.

3. If the service of a customer has been terminated and he is not currently receiving service, the deposit required by the utility for resumption of service must not exceed an amount equal to 150 percent of the ~~[highest]~~ estimated *average* monthly bill of the customer for the service to be resumed.

4. A utility may require:

(a) An elderly customer who has had a termination of service or made four or more payments after the issuance of the next monthly bill within a 12-month period to provide the remaining 50 percent of the deposit.

(b) A customer, who has not been required to provide a deposit, to provide a deposit once his credit has become unsatisfactory.

5. By posting a deposit, the customer agrees that the deposit is a pledge to make future payments to the utility and not payment for future services that are furnished by the utility.

6. A utility may apply a deposit to any amounts outstanding at the time service is terminated or discontinued at the request of the customer.

Sec. 4. NAC 704.330 is hereby amended to read as follows:

NAC 704.330 Deposit: Additional amount.

1. A utility may require a customer who is subject to termination of service and who requests the resumption or continuation of service to provide a deposit in addition to any other deposit made by the customer pursuant to NAC 704.328 only if the initial deposit has been returned to the customer or more than one-half of the deposit has been applied to the account of the customer. In no event may the amount of a deposit held by a utility exceed the amounts specified in NAC 704.328.

2. The deposit may be combined with any outstanding arrears and both may be paid in a deferred payment arrangement.

Sec. 5. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ Electronic Billing.

In addition to delivering a bill to a customer via the U. S. Mail, a utility will also provide, upon request, an electronic bill via the Internet. An electronic bill will contain the same content and be presented in a similar format as a conventional bill.

It is suggested that the new section be placed between NAC 704.336 and NAC 704.337.

Sec. 6. NAC 704.337 is hereby amended to read as follows:

NAC 704.337 Billing based upon estimated usage.

1. Except as otherwise provided in subsection 4, if a utility is unable, because of circumstances beyond its control, to read the meter of a customer on the date scheduled, it may bill the customer based upon his estimated usage for the billing period.

2. For the purposes of this section, circumstances beyond the control of a utility include:

(a) Severe weather;

(b) The presence of an animal on the premises of the customer which prevents an employee of the utility from reading the meter without risk of injury; or

(c) Any other circumstance which makes it unreasonably difficult to read the meter.

3. A utility shall consider the following factors in calculating a bill based upon estimated usage:

(a) The usage of the customer during the same month of the preceding year;

(b) Any change in temperature from the preceding month;

(c) The usage during the preceding month; and

(d) Seasonal load factors.

4. A utility which issues three consecutive bills to a customer based upon estimated usage, or ~~five~~ *four* such bills for a customer in the area surrounding Lake Tahoe, shall notify the customer of its right of access to the premises of the customer. Thereafter, any additional and consecutive bill based upon estimated usage may be issued only under extraordinary circumstances.

5. A utility shall:

- (a) Adjust the estimated usage upon the first reading of a meter after an estimated reading;
 - (b) *Plainly* ~~print~~ print the word “estimate” on each bill which is based upon estimated usage;
- and
- (c) Notify customers of its right to issue bills based upon estimated usage.

Sec. 7. NAC 704.338 is hereby amended to read as follows:

NAC 704.338 Equalized billing for service.

1. A utility shall offer equalized billing to any residential customer. ~~[who has made 12 or more consecutive timely payments at the same address.]~~ *Entry into the equalized billing plan shall be made available at any time.*

2. The equalized billing must be calculated by dividing the total amount of estimated bills for 1 year by the number of monthly payments for that year. The utility shall, at least once each year, adjust the monthly payments to conform to the actual bills.

3. A utility may not adjust the amount of an equalized bill because of a change in rates before the rates become effective.

4. A customer who has an arrears at the time that the equalized billing plan is entered into shall be required to pay half the arrears upon entering the program; the remaining half shall be apportioned over the coming equalized billing plan year.

5. A customer who fails to pay two consecutive equalized billing plan amounts may be removed from the program.

Sec. 8. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 1, 2, and 3 of this regulation:

NAC _____ Forms of payment.

1. Bills may be paid by using:

- (a) Cash*
- (b) Check*
- (c) Money Order*
- (d) Electronic Check*
- (e) Bank-by-phone*
- (f) Payment terminals, if available*
- (g) Electronic fund transfers*
- (h) Automatic withdrawal, if offered*
- (i) Credit Card*

2. A utility must include within its payment options at least one method of payment via the Internet.

3. A utility that intends to assess a fee for use of a credit card shall first have that fee reviewed and approved by the Commission.

It is suggested that the provisions set forth as sections 1, 2, and 3 be placed between NAC 704.339 and NAC 704.341.

Sec. 9. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Variable payment date.*

A utility that has the capability to offer a payment date of the customer's choosing shall do so upon customer request. The utility shall notify its customers annually that variable payment dates are available. If a utility does not have such capability, the utility shall work with the customer to establish a mutually-agreeable payment date.

It is suggested that the new section be placed between NAC 704.339 and NAC 704.341.

Sec. 10. NAC 704.341 is hereby amended to read as follows:

NAC 704.341 Program for deferred payment of delinquent bill.

1. Except as otherwise provided in this section, a utility shall provide a program for the deferred payment of a delinquent bill for any customer who requests the program and agrees in writing to pay:

(a) The arrearage within 90 days after the execution of the agreement, in four equal payments, with the first payment to be made upon the execution of the agreement; and

(b) All future bills when due.

The 90-day period otherwise provided for payment of the arrearage may be extended at the discretion of the utility.

2. If a customer who enters into an agreement for the deferred payment of an arrearage is required to pay a deposit as a condition of continuing or resuming service, and his service has not been terminated because of his failure to comply with an existing agreement for deferred payment, the deposit and the arrearage must be paid within 120 days, in four equal payments. The first of these payments must be made upon execution of the agreement.

3. The utility shall consider any commitment by a governmental agency or its agent to assist customers who are unable to pay their bills even though money from that organization has not yet been disbursed.

4. Unless the utility otherwise agrees, a customer may not initiate a program for deferred payment pursuant to this section more than once during any 11-month period.

5. The service of a customer who enters into an agreement pursuant to this section may be terminated without notice for any failure to make payment as provided by the agreement.

6. Each agreement entered into pursuant to this section must:

(a) Specify the date on which each installment is due; and

(b) Contain a statement, in boldface type, of the right of the utility to terminate the service of the customer for his failure to make payment as agreed.

7. If a customer who enters into an agreement for the deferral of an arrears is required to pay a deposit as a condition of continuing or resuming service, the deposit and the arrears will be included in the deferred payment agreement. Payments shall first be credited to the arrears and, if the customer successfully pays off the arrears, as scheduled by the agreement, the deposit will be waived.

Sec. 11. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Service repair calls*

When a customer is required to be present for a service or repair visit, a utility must provide the customer with a four-hour time span during which the visit will be scheduled. If the utility fails to meet its time commitment, any service fee or repair charge shall be waived. If a utility's service or repair employee is going to be late or miss a premise visit, the utility shall use its best efforts to provide telephonic notice to the customer, in addition to waiving any fees associated with the visit.

It is suggested that the new section be placed between NAC 704.343 and NAC 704.344.

Sec. 12. NAC 704.360 is hereby amended to read as follows:

NAC 704.360 Notice of proposed termination.

1. If a utility has a ground for the termination of service under NAC 704.355 and intends to terminate the service, it shall *in every case* send a written notice of its intended action to the customer at least 10 days before it carries out the action.

2. If the utility receives no response to the notice, it shall send a second notice to the customer using a method which ensures that the notice is delivered to the customer or the customer's premises at least 48 hours before it terminates the service.

3. The initial notice must be served personally upon the customer or mailed, by first-class mail, to him at his last known mailing address. Service of the notice shall be deemed complete as of the date of mailing or personal delivery. A second notice may be communicated to the customer:

(a) In person;

(b) By first-class mail sent to him at his last known address;

(c) By telephone if the person receiving the communication is 18 years of age or older and is a resident at the address where the service is being provided; or

(d) By posting the notice on the door of that residence if no one is at home.

If a utility intends to change the method it normally uses to deliver the second notice, it shall send a written notice to its customers specifying the new method and the date on which it will begin using that method.

(e) Upon request, customers who provide a utility with correct E-mail addresses will also receive termination notices via E-mail. Any E-mail notice will be provided in addition to any notice sent through the mail or posted at the customer's service location.

4. A notice of an intended termination of service must contain the following information in clear and understandable language:

(a) An identification of the account affected by the intended termination.

(b) The date on or after which the intended termination will occur.

(c) The address of the location where service will be terminated.

(d) The reason for the intended termination, including, if the intended termination is for nonpayment, a statement designating the bill as one for actual or estimated use and specifying the total amount owed, the period over which that amount was incurred, and the minimum payment required to avoid termination.

(e) The procedures which are available to dispute or appeal from the intended termination, specifying the address and telephone number of the utility's office which is responsible for handling complaints or inquiries.

(f) A statement that the utility will promptly investigate any complaint or dispute and give the customer its written decision on the matter.

(g) A statement that if the customer wishes to dispute any fact or interpretation of a regulation relied upon by the utility in its decision to terminate the service, the customer must communicate with the division. The statement must include the mailing address, telephone number, and toll-free telephone number of the division.

(h) A statement that the service will not be terminated before a resolution of the dispute if the customer pays the questioned portion of the bill at the time the dispute arises and pays all subsequent bills.

(i) An explanation of any arrangements for payment which the utility offers to customers who have difficulty in paying their bills.

(j) A list of the names, addresses, and telephone numbers of at least two governmental agencies or other organizations which have notified the utility that they will help customers who are unable to pay their bills.

(k) An explanation of the restrictions on the termination as set forth in NAC 704.370.

(l) A statement that elderly or handicapped customers must notify the utility of their status as members of households which contain electric or gas appliances which are essential for health.

(m) An explanation of the utility's fee schedule and procedures for reconnecting the service.

5. Items listed in 4(i), 4(j), and 4(l) shall be in a larger type size than the balance of the notice.

~~5.~~ **6.** If a utility intends to terminate service at a:

(a) Location having a master meter, it must use best efforts to post notice of its intended action in a conspicuous place at the location.

(b) Mobile home park having a master meter, it must also use best efforts to provide notice of its intended action to each mobile home in the park.

The requirements of this subsection are in addition to those of subsections 1 to 4, inclusive.

Sec. 13. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Termination at multi-unit complexes.*

If a utility has grounds to terminate service to a multi-unit residential complex, it shall provide notice of that termination to all units within that complex in accordance with the provisions in NAC 704.360. For purposes of notice, residents of a multi-unit residential complex shall be given the same notice as the customer of record.

It is suggested that the new section be placed between NAC 704.365 and NAC 704.370.

Sec. 14. NAC 704.370 is hereby amended to read as follows:

NAC 704.370 Postponement of termination when dangerous to health.

1. A utility shall postpone termination of service to a residential customer for 30 days after the day on which it receives both of the following:

(a) A statement from a licensed physician or public health official certifying that any termination of the service would be especially dangerous to the health of the customer or another person who is a permanent resident of the premises where the service is being provided and would constitute an emergency affecting the health of the person. The physician or health official may consider the feebleness, advanced age, physical disability or handicap, mental incapacity, serious illness, or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement must be in writing and include:

(1) The address where service is provided;

- (2) The name of the person whose health would be especially endangered;
- (3) A clear description of the nature of the emergency; and
- (4) The name, title, and signature of the physician or official certifying the emergency.

The statement may be made by telephone if a written statement is sent for confirmation to the utility within 5 days after the oral statement is made.

(b) A statement signed by the customer:

(1) That he is unable to pay for service in accordance with the requirements of the utility's billing; or

(2) That he is able to pay for service only in installments. The utility shall allow an installment period of up to 90 days for a customer to pay his bills.

2. The postponement may be extended for an additional 30 days if the utility receives a renewed medical certificate before the expiration of the original period of postponement.

3. If a utility again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility shall give written notice of its intended action:

(a) To the division; and

(b) To the customer and any other person required to receive notice pursuant to NAC 704.360.

(c) To appropriate state or local assistance agencies.

4. Before the period of postponement expires, the customer must arrange with the utility to pay his bills in accordance with its applicable rules.

Sec. 15. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Restriction on termination: Amount outstanding.*

In no case shall a utility terminate service to a customer for non-payment if the outstanding amount is \$50 or less.

It is suggested that the new section be placed between NAC 704.380 and NAC 704.383.

Sec. 16. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation:

NAC _____ *Restrictions on termination during periods of extreme weather.*

1. Utility service shall not be terminated for non-payment during periods of extreme weather.

2. A Period of extreme weather includes any 24-hour period when the temperature, as provided by the National Weather Service, is forecasted to be 105 degrees F. or higher or 15 degrees F. or lower.

It is suggested that the provisions set forth as sections 1 and 2 be placed between NAC 704.380 and NAC 704.383.

Sec. 17. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Restrictions on terminations for customers on life support.*

In no event, shall a utility terminate service to a household when the utility has knowledge that a resident who is confined to the household is on life support device, the absence of which is likely to threaten or would cause death.

It is suggested that the new section be placed between NAC 704.380 and NAC 704.383.

Sec. 18. NAC 704.383 is hereby amended to read as follows:

NAC 704.383 Resumption of service.

1. A utility shall resume service to a customer:
 - (a) If he has complied with the requirements of the utility set forth in its tariff;
 - (b) Upon the order of any court of competent jurisdiction or the commission; or
 - (c) If the statement conforms to the requirements of that paragraph, immediately upon its receipt of the statement described in paragraph (a) of subsection 1 of NAC 704.370.
2. A utility may charge a fee, as set forth in its tariff, to resume service to a customer.
3. *If service is terminated for non-payment, it will be restored the same day if payment is received by 10 a.m. If payment is made later than 10 a.m., service shall be restored within 24 hours.*

Sec. 19. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ Resumption of service to multi-unit complexes.

If a utility has terminated service to a multi-unit residential complex for non-payment and the bill is then paid, the utility shall immediately restore service to each unit within the complex.

It is suggested that the new section be placed between NAC 704.383 and NAC 704.385.

Sec. 20. NAC 704.390 is hereby amended to read as follows:

NAC 704.390 Elderly and handicapped persons: Notice of termination.

1. A utility may not terminate service to a residential customer who is elderly or handicapped, or whose household includes an elderly or handicapped person, unless it has notified the customer or some adult resident in person or by telephone at the address where service is provided at least 48 hours before the date upon which termination would occur.

~~2. The utility's representative shall explain to the customer or other adult resident each item of information which subsection 4 of NAC 704.360 requires to be included in a written notice of intent to terminate service.~~
2. *In addition to the notice described in 1., the utility shall notify the Division for Aging Services, Elderly Protective Services, if it intends to terminate the service of a customer known to be elderly.*
3. *In addition to the notice described in 1., the utility shall notify the appropriate state agency that aids the disabled if it intends to terminate the service of a customer known to be disabled.*

Sec. 21. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 4, inclusive, of this regulation:

NAC _____ Energy Assistance

Utilities shall coordinate with agencies and others who provide energy assistance for lower income Nevadans and with agencies and others who provide weatherization and energy efficiency services to lower income Nevadans to enable such assistance and services to be efficiently and effectively administered. Such coordination shall include:

1. *If the customer signs a release, the utility shall provide usage information to relevant energy assistance or weatherization service agencies.*

2. *If new or additional energy assistance funds are pledged or paid on behalf of a customer, the utility shall offer the customer a deferred payment agreement for the balance owed regardless of any previous deferred payment agreements.*

3. *Incorporation into the utility's database if and when feasible and practical, income information, special needs information, and information for energy assistance and weatherization service.*

4. *The utility's representative shall explain to the customer or other adult resident each item of information which subsection 4 of NAC 704.360 requires to be included in a written notice of intent to terminate service.*

It is suggested that the provisions set forth as sections 1 to 4, inclusive, be placed after NAC 704.390.

Telephone Service

Sec. 22. NAC 704.3965 is hereby amended to read as follows:

NAC 704.3965 "Customer" defined. "Customer" means a person:

1. Who receives or applies to receive any residential telecommunication service from a utility; or

2. In whose name such service is or is to be provided, as evidenced by:

(a) ~~[His]~~ A signature on the application or contract for service; or

~~[(b) In the absence of a signed instrument, the receipt and payment of bills regularly issued in the name of the customer, regardless of the identity of the actual user of the service.]~~

(b) Demonstrable evidence that the person receiving service requested that service be provided in their name.

Sec. 23. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ "Slamming" defined.

Slamming is the unauthorized change of a subscriber's preferred carrier.

It is suggested that the new section be placed between NAC 704.401 and NAC 704.4015.

Sec. 24. NAC 704.404 is hereby amended to read as follows:

NAC 704.404 Applicability; purpose. The provisions of NAC 704.395 to 704.421, inclusive:

1. Apply to telephone service furnished to residential customers by a provider of basic service which provides service through 10,000 or more access lines.

2. Provide guidance to a provider of basic service which provides service through less than 10,000 access lines regarding the scope and substance of the issues which must be addressed in the tariffs, *terms and conditions* which must be filed with the commission.

Sec. 25. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ Change of carrier.

Upon the request of a subscriber, a provider of telecommunications services under the jurisdiction of the Commission shall change the selection of a long distance carrier in conformance with the procedures outlined by the Federal Communications Commission's

First Order on Reconsideration in CC Docket No. 94-129 released on May 3, 2000 or in subsequent amendments to those procedures. Pursuant to a delegation of authority, the Commission shall assume enforcement authority over such carrier changes.

It is suggested that the new section be placed between NAC 704.408 and NAC 704.4085.

Sec. 26. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Temporary cellular service.*

If a company providing basic local telephone service cannot provide that service within five business days of a customer's request for service, the company shall provide the customer with a temporary cellular telephone until service can be provided. This applies only to these areas where cellular service is available and a line extension is not needed in order to serve the customer. The customer shall pay the provider's rates for single-party cellular service for the time period the temporary cellular telephone is in use.

It is suggested that the new section be placed between NAC 704.408 and NAC 704.4085.

Sec. 27. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Billing units.*

Any company that bills in units of time must use minutes or seconds.

It is suggested that the new section be placed between NAC 704.412 and NAC 704.4125.

Sec. 28. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Optional electronic billings.*

In addition to delivering a bill to a customer via the U. S. Mail, a utility shall also provide, upon request, an electronic bill via the Internet. An electronic bill shall contain the same content and be presented in a similar format as a conventional bill.

It is suggested that the new section be placed between NAC 704.412 and NAC 704.4125.

Sec. 29. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Variable payment date.*

A utility that has the capability to offer a payment date of the customer's choosing shall do so upon customer request. The utility shall notify its customers annually that variable payment dates are available. If a utility does not have such capability, the utility shall work with the customer to establish a mutually-agreeable date.

It is suggested that the new section be placed between NAC 704.4125 and NAC 704.413.

Sec. 30. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 1, 2, and 3 of this regulation:

NAC _____ *Forms of payment.*

1. Bills may be paid by using:

(a) Cash

(b) Check

(c) Money Order

- (d) *Electronic Check*
- (e) *Bank-by-phone*
- (f) *Payment terminals, if available*
- (g) *Electronic fund transfers*
- (h) *Automatic withdrawal, if offered*
- (i) *Credit card*

2. *Utilities must include within their payment options at least one method of payment via the Internet.*

3. *A utility that intends to assess a fee for use of a credit card shall first have that fee reviewed and approved by the Commission.*

It is suggested that the provisions set forth as sections 1, 2, and 3 be placed between NAC 704.413 and NAC 704.4135.

Sec. 31. NAC 704.4151 is hereby amended to read as follows:

NAC 704.4151 Furnishing local service to customer who fails to pay disputed charges.

1. If a customer fails to pay disputed toll charges, *and* files a complaint with the division, ~~and a utility terminates service to the customer because of his failure to pay the disputed charges,~~ the utility shall *continue to* furnish local service to the customer pending resolution of the dispute if toll restriction is available and the customer makes prior payment, in full, of:

- (a) All outstanding charges for local service; *and*
~~[(b) Any required deposit and connection fee for local service;]~~ and
~~[(c)] (b)~~ The rates and charges for toll restriction set forth in the tariff of the utility.

2. If the commission resolves the complaint in favor of the customer, the utility shall reimburse the customer for rates and charges previously paid pursuant to paragraph ~~[s (b)] [and (c)] (b)~~ of subsection 1. ~~[The utility is not required to make reimbursement of any required deposit and connection fee for local service if the utility has terminated service because of the failure of the customer to pay both local and toll charges.]~~

~~—3. The utility shall notify the customer of his right to obtain local service pursuant to this section as soon as:~~

- ~~—(a) A complaint by the customer is pending before the division or the commission; and~~
- ~~—(b) The utility has made an involuntary termination of the local service of the customer.]~~

3. *A Local Exchange Company shall not terminate basic local telephone service for failure to pay disputed toll charges. After proper investigation, any remaining disputed charges shall be returned to the originating billing entity.*

Sec. 32. NAC 704.416 is hereby amended to read as follows:

NAC 704.416 Grounds for termination of service. Except as otherwise provided in NAC 704.418, 704.4185 and 704.4195, a utility may terminate service to a customer without his consent, after giving any notice required by NAC 704.4165 and 704.417, for any of the following reasons:

- 1. Failure of the customer or any co-signer of the customer to pay a delinquent bill or any installment due on such a bill, including a bill for service received:
 - (a) At a previous location; or
 - (b) If the customer receives service at more than one location, at any such location.
- 2. Failure of the customer or any guarantor of the customer to pay any required deposit or connection fee or any installment due on either.

~~[3. Failure of the customer to pay toll charges appearing on the bill. If the utility terminates local service under this subsection, it shall comply with the requirements of NAC 704.4151.]~~

~~[4.]~~ 3. Violation by the customer of any rule of the utility set forth in its tariff. As used in this subsection, “rule” means a provision that establishes the application of rates, charges, and standards for service and is not included in a rate schedule.

Sec. 33. NAC 704.4165 is hereby amended to read as follows:

NAC 704.4165 Notice of proposed termination.

1. Except as otherwise provided in NAC 704.418, a utility that intends to terminate the service of a customer shall give written notice of the termination to the customer and make a reasonable effort to notify any:

- (a) Co-signer or guarantor of the customer; and
- (b) Third person designated by the customer pursuant to NAC 704.4175.

2. Except as otherwise provided in subsection 1, the notice must be served upon each person described in that subsection at least 5 days before the date of the termination by personal delivery or by first-class mail addressed to his last known mailing address. Service of the notice shall be deemed complete as of the date of mailing or personal delivery.

3. The notice must clearly set forth:

- (a) The account number and telephone number of the customer affected;
- (b) The date on or after which the termination will occur;
- (c) The reason for the termination;
- (d) If the termination is for nonpayment of a delinquent bill or any installment due on such a bill, the total amount of money owed to the utility by the customer and the minimum payment required to avoid termination;
- (e) The telephone number at which the customer may obtain information from the utility concerning his bill or service;
- (f) A statement that the customer may contest the termination before the division as provided in NAC 704.4205; and
- (g) If required by that section, the statement required by NAC 704.4205.

4. Upon request, customers who provide a utility with current E-mail addresses will also receive termination notices via E-mail. Any E-mail notice will be in addition to any notice sent through the mail or posted at the customer’s service location.

Sec. 34. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ Access to 911, 800 and toll-free numbers.

During periods of temporary disconnection of basic local service, a utility will continue to provide access to 911, 800 and other toll-free numbers.

It is suggested that the new section be placed between NAC 704.419 and NAC 704.4195.

Sec. 35. NAC 704.421 is hereby amended to read as follows:

NAC 704.421 Resumption of service.

1. A utility shall resume service to a customer:

- (a) If he has complied with the requirements of the utility set forth in its tariff;
- (b) Upon the order of any court of competent jurisdiction or the commission; or

(c) Immediately upon a determination that failure to resume service would be especially dangerous to the health of the customer or any person who is a permanent resident of the premises where the service is being provided.

2. A utility may charge a fee, as set forth in its tariff, to resume service to a customer.

3. Service shall be restored no later than 15 hours after the customer's payment has been received. If the payment was received on a Friday or holiday, service shall be restored by the end of the next business day.

Sec. 36. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Notice of rate changes.*

A utility shall provide its customers with at least 30 days notice of rate changes or an intent to change rates.

It is suggested that the new section be placed after NAC 704.421.

Sec. 37. Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC _____ *Service/repair calls.*

When a customer needs to be present for a service or repair visit, a utility must provide the customer with a four-hour time span during which the visit will be scheduled. If the utility fails to meet its time commitment, any service fee or repair charge shall be waived. If a utility is going to be late or miss a premise visit, it shall use its best efforts to provide telephonic notice to the customer, in addition to waiving any fees associated with the visit.

It is suggested that the new section be placed after NAC 704.421.