

ADOPTED REGULATION OF THE PUBLIC

UTILITIES COMMISSION OF NEVADA

LCB File No. R059-02

Effective February 17, 2005

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

AUTHORITY: §§1-15, NRS 703.025 and 704.210.

A REGULATION relating to utilities; adopting certain rules and remedies regarding slamming of long distance telephone service; requiring a telephone utility to continue to provide access to certain emergency service if it temporarily suspends a customer's basic service for nonpayment; amending various provisions relating to the Consumer Bill of Rights for telephone service; making changes relating to billings, payments and disputes concerning telephone service; revising provisions relating to the suspension, termination and resumption of telephone service; and providing other matters properly relating thereto.

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

Sec. 2. 1. *For the purposes of this section, the Commission hereby adopts by reference:*

(a) The slamming rules and remedies of the Federal Communications Commission, 47 C.F.R. §§ 64.1100 to 64.1195, inclusive, and all definitions applicable to those sections; and

(b) Any amendments made to those rules and remedies and definitions by the Federal Communications Commission.

2. The provisions of 47 C.F.R. §§ 64.1100 to 64.1195, inclusive, may be purchased from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, or toll-free at 866-512-1800, for the price of

\$40. Those provisions are also available, free of charge, from the Government Printing Office at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

3. Pursuant to the authority granted to state commissions by 47 C.F.R. § 64.1110, the Commission hereby declares its intention to administer and enforce the slamming rules and remedies of the Federal Communications Commission with regard to providers of telecommunication service that are subject to the jurisdiction of the Commission.

4. A provider of telecommunication service that is subject to the jurisdiction of the Commission shall not violate the slamming rules and remedies of the Federal Communications Commission.

5. Upon the request of a subscriber, a provider of telecommunication service that is subject to the jurisdiction of the Commission shall change the preferred long distance carrier of the subscriber in accordance with the procedures established by the slamming rules and remedies of the Federal Communications Commission.

Sec. 3. *If a utility temporarily suspends basic service to a customer because of nonpayment, the utility shall, if it has the technology, continue to provide the customer with access to:*

- 1. Emergency 911 service;*
- 2. At least one telephone number for reporting trouble to the utility; and*
- 3. At least one telephone number for the business office of the utility.*

Sec. 4. NAC 704.395 is hereby amended to read as follows:

704.395 As used in NAC 704.395 to 704.421, inclusive, *and section 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 704.3955 to 704.403, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NAC 704.3965 is hereby amended to read as follows:

704.3965 “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 ~~the~~

~~—(a) His~~ a signature on the application or contract for *such* 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.]~~

3. In whose name such service is or is to be provided, as may be established by other demonstrable evidence that the person requested the utility to provide such service in that person’s name.

Sec. 6. NAC 704.404 is hereby amended to read as follows:

704.404 The provisions of NAC 704.395 to 704.421, inclusive ~~of~~, *and section 3 of this regulation:*

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 ~~which~~ *that* must be filed with the Commission.

Sec. 7. NAC 704.4065 is hereby amended to read as follows:

704.4065 1. A utility shall notify each customer that special programs may be available for customers who are elderly or handicapped or have other special needs.

2. The notice required by subsection 1 must:

- (a) Be made by means of a notice *on a bill or* enclosed with a bill;
- (b) Be made not less frequently than once each year; ~~{and}~~
- (c) State that information concerning these programs may be found in NAC 704.395 to 704.421, inclusive, *and section 3 of this regulation* or obtained from the business office of the utility ~~{ }~~; *and*
- (d) Be printed in a type size that is not smaller than 12-point type or font.*

Sec. 8. NAC 704.407 is hereby amended to read as follows:

704.407 1. Except as otherwise provided in subsection 2, a utility may not enter into any agreement with a customer under terms that are inconsistent with the provisions of NAC 704.395 to 704.421, inclusive, *and section 3 of this regulation*, unless it informs the customer of his rights under those sections.

2. ~~{Nothing in}~~ *Notwithstanding the provisions of* NAC 704.395 to 704.421, inclusive, ~~{shall be deemed to preclude}~~ *and section 3 of this regulation*, a utility ~~{from entering}~~ *may enter* into an agreement with a customer under terms that are more favorable to the customer than those provided by ~~{those sections.}~~ *NAC 704.395 to 704.421, inclusive, and section 3 of this regulation, if the more favorable terms are consistent with the tariffs of the utility.*

Sec. 9. NAC 704.4125 is hereby amended to read as follows:

704.4125 1. A bill for service issued by a utility is due:

(a) Upon deposit of the bill with the United States Postal Service for delivery to the customer by first-class mail; or

(b) In the case of delivery by other means, upon delivery of the bill to the billing address of the customer.

2. A customer may pay the bill:

(a) Unless there is reason to believe that he has defrauded, is defrauding or intends to defraud the utility, or other good cause exists, by depositing payment with the United States Postal Service for delivery to the utility by first-class mail;

(b) By making payment at the business office of the utility; or

(c) By making payment to any person authorized by the utility to accept payment.

3. Except as otherwise provided in this subsection, the date a bill is past due may not be earlier than 15 days after its issuance. If the last day for payment before ~~that~~ *the past due* date falls on a Sunday, legal holiday, or any other day on which the office of a utility used for the payment of bills is closed, the last day for payment is the next business day. Payment of a bill by first-class mail is timely if the payment is received by the utility not more than 3 days after the past due date.

4. A utility may charge *a customer* a fee, as set forth in its tariff, for ~~the~~ :

(a) *The* return of an unpaid check . ~~for the~~

(b) *The* late payment of a bill.

(c) *The use of a credit card to make a payment to the utility. The utility shall not charge the customer a fee for the use of a credit card to make a payment to the utility or enter into an agreement with a third-party credit card service which charges the customer such a fee, unless the fee has been reviewed and approved by the Commission.*

Sec. 10. NAC 704.4145 is hereby amended to read as follows:

704.4145 1. If a customer disputes any bill, charge, or service, the utility shall promptly investigate the matter and report its determination to the customer. If the customer so requests, the report must be made in writing. Whether or not a written report is requested, upon an adverse

determination by the utility, it shall inform the customer of his right to file a complaint with the Division.

2. If the customer is not satisfied with the utility's determination, he may file a complaint with the Division.

3. ~~[[~~ *Except as otherwise provided in NAC 704.4151, if the customer files* a complaint ~~is filed, unless the utility agrees to waive the requirement at the request of]~~ *with* the Division, the customer may be required by the utility to pay any disputed amount to the utility pending resolution of the complaint ~~]~~ *unless the utility agrees to waive the requirement.* If such a payment is made, the utility shall refund any money found by the Commission to have been charged improperly.

4. A summary of the provisions of this section must be:

(a) Printed on the front or back of each bill or notice of termination issued by a utility; or

(b) Set forth in a section of each telephone directory issued by a utility. If this method is used, a reference to that section of the directory must be included on the front or back of each bill or notice of termination issued by the utility.

↪ The summary must include the mailing address, telephone number, and toll-free telephone number of the Division.

Sec. 11. NAC 704.4151 is hereby amended to read as follows:

704.4151 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~~ *brings current all* outstanding charges for local service . ~~];~~

~~—(b) Any required deposit and connection fee for local service; and~~

~~—(c) The~~ *If toll restriction is available from the utility, the customer shall pay 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 paragraphs (b) and (c) 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.] :~~

(a) Any disputed charges which the customer paid to the utility and which are resolved by the complaint;

(b) Any rates and charges for toll restriction which the customer paid to the utility and which are related to the complaint; and

(c) Any other amounts which the customer paid to the utility and which are related to the complaint.

3. *If the Commission resolves the complaint against the customer, the customer shall pay toll charges that the customer owes to the utility, and the utility shall transfer toll charges to the appropriate provider of telecommunication service that provided toll service to the customer.*

Sec. 12. NAC 704.416 is hereby amended to read as follows:

704.416 Except as otherwise provided in NAC ~~[704.418, 704.4185 and 704.4195,]~~ **704.395 to 704.421, inclusive, and section 3 of this regulation,** a utility may terminate service to a customer without ~~[his consent,]~~ **the consent of the customer,** 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]~~ **, except that if the customer files a complaint with the Division to dispute the toll charges and complies with the provisions of NAC 704.4151, the utility may not terminate** local service under this subsection ~~[, it shall comply with the requirements of NAC 704.4151.]~~ **unless the Commission resolves the complaint against the customer.**

4. 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. 13. NAC 704.4165 is hereby amended to read as follows:

704.4165 1. Except as otherwise provided in NAC 704.418, a utility that intends to terminate ~~[the service of]~~ **service to** 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 *business* 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.

Sec. 14. NAC 704.421 is hereby amended to read as follows:

704.421 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. *If a utility temporarily suspends service to a customer because of nonpayment and the customer or another person or entity on behalf of the customer subsequently pays the utility in an amount that is sufficient to resume service, the utility shall resume service to the customer:*

(a) *Within 24 hours after the time when the payment is received by the utility, if the payment is received by the utility on a day other than a Friday, Saturday, Sunday or legal holiday; or*

(b) *By the end of the next business day, if the payment is received by the utility on a Friday, Saturday, Sunday or legal holiday.*

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

Sec. 15. NAC 704.6848 is hereby amended to read as follows:

704.6848 If the Commission authorizes the provider to be regulated in accordance with a plan of alternative regulation, the Commission will, as a condition of entry into such a plan, specify the conditions of entry into that plan of alternative regulation which:

1. Specify the rate at which each basic service will be capped during the term of the plan.

2. Require the terms and conditions of basic service to be subject to complete tariffing requirements, including conformance with the provisions of NAC 704.395 to 704.421, inclusive, *and section 3 of this regulation* and 704.68028, where applicable.

3. Specify the rates for other essential services and the minimum rates that may be charged for discretionary services, both of which will become effective at the time of entry into the plan of alternative regulation.

4. Require the terms and conditions of the other essential and discretionary services to be subject to complete tariffing requirements, including conformance with the provisions of NAC 704.395 to 704.421, inclusive, *and section 3 of this regulation* and 704.68028 where applicable.

5. Authorize the provider to adjust its rates for intrastate switched access, exclusive of the charge for a common carrier line, and its rates for its elements of tariffed cellular interconnection, to the extent that such elements correspond to the rates for interstate access, so that those rates will be in parity with its rates for interstate switched access at the time of entry into the plan.

6. Specify the standards for quality of service which the provider must meet pursuant to paragraph (f) of subsection 1 of NAC 704.68476 during the term of its participation in the plan of alternative regulation, including the procedures which will govern the mandatory investigation by the Commission if a decrease in the availability or reliability, or both, of basic service occurs under the plan.

7. Specify the modernizations, expansions or improvements of the system required as a condition of the provider's participation in the plan of alternative regulation.

8. Specify the category of service for each of the services offered by the provider at the time of entry into the plan of alternative regulation if the applicant has requested a change in the classification of a service.

9. Specify any other terms and conditions of the provider's participation in the plan of alternative regulation.

10. Specify the date on which the provider's entry is approved. The date of actual commencement of the plan of alternative regulation must be within 60 days after the issuance of

an order by the Commission specifying the terms and conditions of the provider's participation in the plan, unless a later date is approved by the Commission.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R059-02**

The Public Utilities Commission of Nevada adopted regulations assigned LCB File No. R059-02 which pertain to chapter 704 of the Nevada Administrative Code on January 12, 2005.

Notice date: 12/20/2001; 4/22/2002; 8/12/2002; 12/18/2002; 1/14/2004

Hearing date: 2/19/2003; 3/2/2004

Date of adoption by agency: 1/12/2005

Filing date: 2/17/2005

INFORMATIONAL STATEMENT

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. 01-3015 was noticed seven (7) times: March 23, 2001, December 20, 2001, April 22, 2002, August 12, 2002, November 20, 2002, December 18, 2002, and January 14, 2004 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 public response from Carol Ranalli of Sparks, Nevada who asked that the temperature at which utility service terminations occur be examined with respect to public health issues. (March 27, 2002 Workshop transcript Vol. 5 at pgs. 182-183). A copy of the summary may be obtained by calling the Commission at (775) 687-6001 or (702) 486-7210, 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:

June 15, 2001:	24
January 22, 2002:	9
January 23, 2002:	14
January 29, 2002:	7
March 27, 2002:	10
June 28, 2002:	15
October 10, 2002:	3

(b) Testified at the workshop:

June 15, 2001:	24
January 22, 2002:	9
January 23, 2002:	14
January 29, 2002:	7
March 27, 2002:	10
June 28, 2002:	15
October 10, 2002:	3

- (c) **Attended the hearing:**
 - February 19, 2003: 19
 - March 2, 2004: 19
- (d) **Testified at the hearing:**
 - February 19, 2003: 19
 - March 2, 2004: 19

(e) **Submitted to the agency written comments:** Written comments were submitted to the Commission by the Attorney General’s Bureau of Consumer Protection; the Commission’s Regulatory Operations Staff; Washoe County Senior Law Project; SBC Nevada d/b/a Nevada Bell; Central Telephone Company-Nevada d/b/a Sprint of Nevada & Sprint Communications Company LP; MCI WorldCom, Inc.; Pac-West Telecomm, Inc.; XO Communications; Cox Communications; Advanced Telcom Group, Inc.; Humboldt Telephone Company; Sierra Pacific Power Company; Nevada Power Company; Southwest Gas Corporation; Southern Nevada Water Authority; Verizon California Inc. d/b/a Verizon Nevada; AT&T Communications of Nevada, Inc.; Citizen Communications; Nevada Telecommunications Association; Billing Concepts, Inc.; U.S. TelePacific Corporation d/b/a TelePacific Communications; Thelma Clark, Senior Advocate; Carol Ranalli; Mpower Communications Corporation; American Association For Retired Persons; NOS Communications Inc.; Affinity Network Incorporated; Qwest; and the Clark County Dept. of Business License.

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. The electric and gas utilities responded to the regulations by filing a consensus version of the regulations on December 17, 2002. The telecommunications companies, in general, responded in support of the changes to the regulations, with the exception of some issues, such as the font size of certain notices. The affected water companies made no comment to the regulations. 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.

The regulations were adopted with changes proposed by the companies and interested persons.

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 companies affected by these regulations may experience some adverse economic effect from the implementation of the regulation. However, the cost is expected to be minimal.

There is expected to be a beneficial economic effect upon the regulated companies in so far as the regulations provide clear guidance to the companies regarding customer billing issues.

There should be no adverse economic effect from the implementation of the regulation on the public. There is expected to be a beneficial effect upon the public in so far as the regulations provide the public with added protections.

The regulation is expected to have intermediate and long-term beneficial economic effects upon the regulated community. The intermediate and long-term economic effect on the public is also 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.

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re: proposed rulemaking to amend and adopt)
regulations pursuant to AB 661 Section 40.5 and the)
Consumer Bill of Rights (NAC 704.302 to 704.390,) Docket No. 01-3015
inclusive, and 704.395 to 704.424, inclusive).)
_____)

At a general session of the Public Utilities
Commission of Nevada, held at its offices on
January 12, 2005.

PRESENT: Chairman Donald L. Soderberg
Commissioner Carl B. Linvill
Commission Secretary Crystal Jackson

ORDER ADOPTING REGULATIONS

The Public Utilities Commission of Nevada (“Commission”) makes the following findings of fact and conclusions of law:

1. On February 21, 2001, the Commission voted to open a rulemaking docket for the purpose of revising the Consumer Bill of Rights, which has been designated Docket No. 01-3015.
2. On September 20, 2001, the Commission voted to expand the scope of Docket No. 01-3015 to include Assembly Bill 661 Section 40.5.
3. These matters come within the purview of the Commission’s jurisdiction pursuant to Chapters 703 and 704 of the Nevada Revised Statutes and the Nevada Administrative Code.
4. On March 23, 2001, the Commission issued a Notice of Workshop and a Procedural Order.
5. On June 19, 2001, Procedural Order No. 2 was issued.
6. On October 18, 2001, Procedural Order No. 3 was issued.
7. On December 20, 2001, a Notice of Intent to Amend/Adopt/Repeal Regulations, Notice of Workshops, and Notice of Hearing was issued. Procedural Order No. 4 was also issued on December 20, 2001.
8. On December 27, 2001, a Corrected Notice of Workshops was issued.
9. On January 3, 2002, Corrected Procedural Order No. 4 was issued.

10. On January 16, 2002, an Order was issued approving the report of the Commission's Regulatory Operations Staff ("Staff") that the proposed regulations do not impose a direct and significant economic burden upon small business.

11. On February 27, 2002, Procedural Order No. 5 was issued.

12. On April 1, 2002, an Order was issued granting a motion for leave to file comments late.

13. On April 22, 2002, a Re-Notice of Intent to Amend/Adopt/Repeal Regulation and Notice of Workshop was issued.

14. On August 12, 2002, a Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Workshop was issued, in addition to a Procedural Order.

15. On October 23, 2002, an Order was issued approving Staff's report that the proposed regulations do not impose a direct and significant economic burden upon small business.

16. On November 20, 2002, a Notice of Hearing was issued.

17. On December 18, 2002, a Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Hearing was issued.

18. On January 14, 2004, a Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Hearing was issued.

19. Appearances were made at the workshops and hearings by interested persons, including the Attorney General's Bureau of Consumer Protection; Staff; Washoe County Senior Law Project; SBC Nevada d/b/a Nevada Bell; Central Telephone Company-Nevada d/b/a Sprint of Nevada & Sprint Communications Company LP; MCI WorldCom, Inc.; Pac-West Telecomm, Inc.; XO Communications; Cox Communications; Advanced Telcom Group, Inc.; Humboldt Telephone Company; Sierra Pacific Power Company; Nevada Power Company; Southwest Gas Corporation; Southern Nevada Water Authority; Verizon California Inc. d/b/a Verizon Nevada; AT&T Communications of Nevada, Inc.; Citizen Communications; Nevada Telecommunications Association; Billing Concepts, Inc.; U.S. TelePacific Corporation d/b/a TelePacific Communications; Thelma Clark, Senior Advocate; Carol Ranalli; Mpower Communications Corporation; American Association For Retired Persons; NOS Communications Inc.; Affinity Network Incorporated; and the Clark County Dept. of Business License.

20. On December 28, 2004, the Commission voted at a duly-noticed public meeting to adopt the attached regulations (attached hereto as Attachment 1 and as modified by Attachment 2) as temporary.

21. The Commission finds that it would be in the public interest to adopt the temporary regulations (attached hereto as Attachment 1 with the modifications attached hereto as Attachment 2) as permanent. Furthermore, the Commission finds that it would be in the public interest to allow the utilities until June 30, 2005 to come into compliance with these regulations. THEREFORE, based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. The temporary regulations attached hereto as Attachment 1 are ADOPTED as permanent and as modified by Attachment 2.

2. The utilities affected by the regulations (attached hereto as Attachment 1 and as modified by Attachment 2) SHALL have until **June 30, 2005** to come into compliance with the regulations.

3. The Commission retains jurisdiction for the purpose of correcting any errors which may have occurred in the drafting or issuance of this Order.

By the Commission,

DONALD L. SODERBERG, Chairman

CARL B. LINVILL, Commissioner

Attest: _____
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL)