

LCB File No. R126-02

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

AUTHORITY: NRS 704.1835.

Water Utilities

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

Sec. 2. *“Customer” defined. “Customer” means a person:*

- 1. Who receives or applies to receive residential water service from a utility; or*
- 2. In whose name such service is or is to be provided, as evidenced by a signature on the application or contract for service; or*
- 3. In whose name such service is or is to be provided, as may be established by other demonstrable evidence establishing that the person requested the utility to provide service in that person’s name.*

Sec. 3. *“Landlord” defined. “Landlord” shall have the meaning ascribed to that term by NRS 118A.100 and 118B.014.*

Sec. 4. *“Utility” defined. As used in NAC 704.____ to 704.____, inclusive, “utility” means:*

- 1. A public utility furnishing water service to residential customers, as defined in NRS 704.020*
- 2. Except as otherwise inconsistent with these regulations, a landlord who pays for the utility service and who distributes or resells the water to one or more residential tenants.*

Sec. 5. *Inconsistent agreements void.*

1. Except as otherwise provided in this section, a utility may not enter into any agreement with a customer under terms which are inconsistent with the provisions of NAC sections 704.____ to 704.____, inclusive.

2. The provisions of Sections 704.____ to 704.____, inclusive, do not preclude a utility from entering into an agreement with a customer under terms that are more favorable to the customer than those provided by those sections.

Sec. 6. Program for deferred payment of delinquent bills. *If a utility intends to terminate a residential customer's service because of the customer's failure to pay for that service, it shall first offer the customer a program of deferred payments. Said program shall require the customer to pay:*

1. The arrearage within 60 days in three equal payments, with the first payment due upon the execution of the agreement, and

2. All future bills when due.

Sec. 7. Postponement of termination when dangerous to health.

1. A water 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 physical 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 billings; or

(2) That he is able to pay for service only in installments. The utility shall allow an installment period of up to 60 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 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 Commission's Consumer Complaint Resolution Division; and

b. To the customer and any governmental agencies or other organizations which have notified the utility that they will help customers who are unable to pay their bills.

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

5. In no case shall a water utility terminate service to a customer when the forecasted temperature for the customer's location is 110 degrees Fahrenheit or higher.

Sec. 8. Termination of service to a multi-unit residential complex

1. If a utility has grounds to terminate service to a multi-unit residential complex, it must use its best efforts to notify the occupants of each family dwelling unit located therein. The utility shall notify the occupants to be affected by a written posting on the door stating:

a. The reason for the termination;

b. The deadline for making payment or correcting the reasons for the termination; and

c. The date of termination of service in the event that payment is not made nor corrective action taken.

2. For purposes of the notice required by this subsection, residents of a multi-unit residential complex shall be given notice at the same time that notice is given to the customer(s) of record.