

**LCB File No. R048-06**

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

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

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Investigation and rulemaking regarding identification )  
marking of subsurface installations. ) Docket No. 05-7045  
\_\_\_\_\_)

**NOTICE OF INTENT TO AMEND/ADOPT/REPEAL REGULATIONS,  
AND  
NOTICE OF WORKSHOP**

Pursuant to the Nevada Administrative Procedure, Nevada Revised Statutes ("NRS") 233B.010 et seq., including but not limited to NRS 233B.060, .0603, .061 and .063, NOTICE IS HEREBY GIVEN that the Public Utilities Commission of Nevada ("Commission") has opened this investigation/rulemaking docket in order to implement changes to the Commission's regulations pursuant to new law from the 2005 Legislative Session. This Investigation/Rulemaking has been designated by the Commission as Docket No. 05-7045.

The Commission, pursuant to NRS 233B.061(2), will hold a public WORKSHOP in this matter as follows:

June 1, 2006

10:00 a.m.  
Hearing Room B  
Public Utilities Commission of Nevada  
1150 E. William Street  
Carson City, Nevada 89701

at which time interested persons may appear and be heard. The workshop may continue from day to day as necessary. The purpose of this workshop is to receive comments from all interested persons regarding amendments to the foregoing regulations.

The Commission is seeking specific recommendations regarding the proposed regulatory language for discussion. The Commission is mindful that the topics included in this docket have been fully discussed before the 2005 Legislature. The policy of the State has been established by the Legislature and signed into law by the Governor. It is not the intent of the Commission to repeat or otherwise expand upon that policy discussion. Instead, the Commission will only entertain specific recommendations regarding the implementation of Nevada law as written by the 2005 Legislature. Commenters are encouraged to respond directly to the questions raised by the Commission and to avoid general discussion or tangential issues.

The following information is provided pursuant to the requirements of NRS 233B.0603:

On July 28, 2005, the Commission voted to open Docket No. 05-7045 for the purpose of revising sections of the Nevada Administrative Code (“NAC”) regarding the attachment of a permanent device on subsurface installations. This device will allow detection of the installation from the ground surface. The operator who marks the subsurface installation must use the identifying criteria and colors adopted by Commission regulation. In adopting such regulations, the Commission is required to use nationally accepted standards for the identifying criteria and colors for marking subsurface installations.

The proposed regulation potentially affect all entities that either install or own pipeline, conduit, cable, duct, wire, sewer line, storm drain, other drain line, or other structure that will be installed or located underground after October 1,2005, as well as the customers of such entities.

The methodology used by the Regulatory Operations Staff of the Commission (“Staff”) to measure the adverse or beneficial economic effects on small business and the public is a simplified Delphi method. Chosen participants are picked by the Staff member responsible for the particular rulemaking. Each participant reviews the text of the proposed regulation and determines the likely impacts of the regulation on small businesses and the public. Responses are gathered and shared with each participant. Each participant reviews each other's responses and a consensus view is formed by the participants. At this time, the Commission cannot quantify either the adverse or beneficial economic effects on the entities affected by the regulations or the public, either immediate or long-term, which may result from the regulations.

The Commission at this time is unsure if there will be any increased costs associated with enforcement of these proposed regulations. These regulations do not overlap or duplicate any federal, state, or local regulations, nor do they establish any new fee or increase an existing fee.

Pursuant to NRS 233B.061(1), persons wishing to comment upon the proposed action of the Commission may appear at the scheduled public workshop and/or address their comments, data, views, or arguments, in written form, to the Secretary of the Commission, 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109. Written submissions to be discussed at the workshop must be received by the Commission on or before Thursday, May 18, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the attached proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be

available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the county courthouses located in Reno, Carson City, and Las Vegas.

By the Commission,

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CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

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(SEAL)

**LCB File No. R048-06**

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

Docket No. 05-7045

**Section 1.** NAC 455.130 Marking location of subsurface installation.

Except when otherwise agreed to by an operator and an excavator, an operator marking the approximate location of a subsurface installation that has been located and identified pursuant to the provisions of NAC 455.125 shall mark the approximate location of the subsurface installation using the ~~following colors for the markings:~~

- ~~–1. Pursuant to the provisions of NRS 455.133, safety red must be used for electrical power, distribution and transmission installations, conduit for traffic signals and street lights and municipal electric installations.~~
- ~~–2. Pursuant to the provisions of NRS 455.133, high visibility safety yellow must be used for gas distribution and transmission installations, oil distribution and transmission installations, and installations containing or transporting dangerous materials, products or steam.~~
- ~~–3. Pursuant to the provisions of NRS 455.133, safety alert orange must be used for telephone and telegraph installations, police and fire communication installations and cable television installations.~~
- ~~–4. Pursuant to the provisions of NRS 455.133, safety precaution blue must be used for water installations and slurry pipelines.~~
- ~~–5. Pursuant to the provisions of NRS 455.133, safety green must be used for sewer and storm drain installations.~~
- ~~–6. Safety purple must be used for reclaimed water installations.~~
- ~~–7. Pink must be used for temporary survey markings.]~~

*uniform color code and marking guidelines in the Common Ground Alliance, Best Practices Version 2.0 (December 2004). A copy of this publication can be obtained at <http://www.commongroundalliance.com/>.*

**Sec. 2** NAC 455.XXX *Applicability*

*The marking location of subsurface installations does not apply to individual irrigation systems for landscaping or playing fields.*