

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

**LCB File No. R124-06**

Effective September 18, 2006

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

AUTHORITY: §1, NRS 703.025 and 704.210.

A REGULATION relating to public utilities; revising provisions concerning representation of parties before the Public Utilities Commission of Nevada; revising provisions concerning appearances before the Commission by attorneys not licensed to practice law in Nevada; and providing other matters properly relating thereto.

**Section 1.** NAC 703.510 is hereby amended to read as follows:

703.510 1. ~~[A party or commenter]~~ *Subject to the specific provisions of this section, in any proceeding before the Commission, a person* may represent himself or may be represented by an attorney ~~[.Any]~~ *or any* other person who satisfies the Commission or the presiding officer that ~~[he]~~ *the person* possesses the expertise ~~[to render valuable service to the Commission, and that he]~~ *and* is otherwise competent to advise and assist in the presentation of matters before the Commission . ~~[, may be allowed to appear on behalf of one or more parties or may be allowed to file written comments on behalf of one or more commenters.]~~ *The Commission may, for good cause shown, exclude any representative or impose conditions upon the participation of any representative appearing before the Commission pursuant to the provisions of this section.*

2. *The provisions of this section rather than the provisions of Nevada Supreme Court Rule 42 govern appearances before the Commission by attorneys who are not admitted and entitled to practice before the Supreme Court of Nevada.*

3. An attorney ~~[at law appearing as counsel]~~ *appearing* in any proceeding *before the Commission* must be duly admitted to practice and in good standing before the highest court of any state ~~[. If an]~~ *or the District of Columbia.*

4. *In a contested case:*

(a) An attorney *who* is not admitted and entitled to practice before the Supreme Court of Nevada ~~[, he]~~ must associate with an attorney so admitted and entitled to practice ~~[.~~

~~3. Counsel for the Commission's staff or his assistant]~~ *and shall file a notice of association with the Commission if:*

(1) *The attorney who is not admitted and entitled to practice before the Supreme Court of Nevada has not appeared before the Commission in the 3 years immediately preceding the date on which the case is filed; or*

(2) *The Commission, for good cause shown, requires the attorney who is not admitted and entitled to practice before the Supreme Court of Nevada to associate with an attorney so admitted and entitled to practice.*

(b) *The notice of association required pursuant to paragraph (a) must:*

(1) *Identify each jurisdiction in which the attorney who is required to file the notice is duly admitted and in good standing;*

(2) *Identify by name and State Bar of Nevada identification number the attorney with whom the attorney who is required to file the notice is associating;*

(3) *Describe the qualifications of the attorney who is required to file the notice to advise and assist in the presentation of the contested case before the Commission; and*

(4) *Be signed by the attorney who is required to file the notice and by the attorney with whom the attorney who is required to file the notice is associating.*

*(c) The Commission or presiding officer may require the attorney who is admitted and entitled to practice before the Supreme Court of Nevada and who is identified pursuant to subparagraph (2) of paragraph (b) to sign any pleadings and be present at any proceeding on the record.*

*5. An attorney who resides in Nevada and who is not admitted and entitled to practice before the Supreme Court of Nevada may not appear in any proceeding before the Commission unless the attorney:*

*(a) Is qualified or has an application for qualification pending for the limited practice of law pursuant to Nevada Supreme Court Rule 49.10; and*

*(b) Associates with an attorney who is admitted and entitled to practice before the Supreme Court of Nevada in accordance with the provisions of subsection 4.*

*6. An attorney from the Regulatory Operations Staff of the Commission shall represent the Commission's staff in all proceedings before the Commission.*

*7. As used in this section, the term "contested case" has the meaning ascribed to it in NRS 233B.032.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R124-06**

The Public Utilities Commission of Nevada adopted regulations assigned LCB File No. R124-06 which pertain to chapter 703 of the Nevada Administrative Code on August 29, 2006.

**Notice date:** 6/28/2006  
**Hearing date:** 8/8/2006

**Date of adoption by agency:** 8/29/2006  
**Filing date:** 9/18/2006

**INFORMATIONAL STATEMENT**

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

A Combined Notice of Intent to Amend/Adopt/Repeal Regulations and Notice of Workshop concerning proposed revisions to NAC 703.510 was issued on May 24, 2006. The included proposed language was a result of a consensus between parties that participated in a non-233B workshop which was properly noticed and held by the Commission on April 27, 2006. The Commission also sought comment on the proposed regulation in the Combined Notice. The Combined Notice, including the request for comments, was published in the Elko Daily Free Press, Las Vegas Review Journal, Nevada Appeal, Reno Gazette Journal, and Tonopah Times-Bonanza. Additionally, the notices were mailed to county clerks, county libraries and all persons who requested inclusion on the Commission's service list.

The following represents a summary of the written comments that were filed with the Commission:

Nevada Telecommunications Association ("NTA") supported the changes to NAC 703.510(1). It had no comments in regard to the other proposed changes to NAC 703.510.

Barrick Goldstrike Mines, Inc. ("Barrick") supports the consensus language that was issued with the notice.

Newmont Mining Corporation ("Newmont") supports the consensus language.

The Regulatory Operations Staff of the Commission ("Staff") supports the consensus language.

Newmont filed Supplemental Comments in regard to the LCB version of the noticed language. It supported this version but suggested one minor change to Section 1.

The following represents a summary of the public responses that were made to the Commission at the duly-noticed workshop held on June 28, 2006:

Southwest Gas Corporation ("SWG") supported the noticed proposed language but suggested a slight modification to Section 1.

Staff, Newmont, Barrick, NTA, Nevada Power Company ("NPC"), Sierra Pacific Power Company ("Sierra"), AT&T Nevada supported the noticed proposed language.

The Nevada Bar Association, one of the participants in the non-233B workshop, filed a no action letter regarding the proposed rules.

The following represents a summary of the public responses that were made to the Commission at the duly-noticed hearing held on August 8, 2006:

Staff, Newmont, Barrick, NTA, NPC&Sierra, and SWG all supported the LCB version of the proposed regulation that was filed with the Commission on July 13, 2006.

A copy of the summary may be obtained by calling the Commission at (775) 684-6100 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: 6**
- (b) Testified at the workshop: 6**
- (c) Attended the hearing: 6**
- (d) Testified at the hearing: 5**
- (e) Submitted to the agency written comments:**
  - non-233B workshop: 10
  - 233B workshop: 4
  - 233B hearing: none

Written Comments were submitted to the Commission by Staff, Barrick, Newmont, and NTA.

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

Comments were solicited from affected businesses by the notice placed in the newspapers mentioned in the response to question #1 above, by direct mailings to interested persons on the Commission's mailing list and by posting of notices at county libraries, courthouses and the Commission's website.

Appearances were made at the foregoing workshops and hearing by interested persons including representatives of: Staff, NPC&Sierra, SWG, Barrick, Newmont, AT&T Nevada, the Nevada Bar Association, and NTA.

Written comments were received as set forth in the responses to questions 1 and 2(e) above.

Written comments and response comments were filed with the Commission on June 14, 2006 pursuant to the Commission-issued Request for Comments.

A summary of the comments is contained in answer #1 above.

A copy of the summary may be obtained by calling the Commission at (775) 684-6100 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 proposed regulation was drafted in accordance with the April 27, 2006 non-233B workshop participants' suggestions and consensus draft language. Changes were made pursuant to the suggestions made at the workshop on June 28, 2006 before the regulation was adopted by the Commission at a duly-noticed agenda meeting on August 23, 2006.

**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 in each case must include:**

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

The Commission completed a small business impact statement pursuant to NRS 233B.0608. Staff recommended, and the Commission found, that the proposed regulations do not impose a direct and significant economic burden upon small businesses nor do they directly restrict the formation, operation, or expansion of a small business.

The Commission cannot estimate the specific economic effect in dollars of the entire regulation upon the public or businesses at this time.

The regulation revises NAC 703.510, which addresses appearances before the Commission. The changes to the existing regulation are being made to in order to clarify, streamline, and provide consistency regarding the association process that is currently required of a non-Nevada licensed attorney who desires to practice before this Commission.

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

The Commission does not anticipate any increased costs associated with enforcement of the adopted 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.**

The Commission is not aware of any overlap or duplication by this regulation of any regulation of any other local, state or federal government agencies.

**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 Commission is not aware of any provision in this regulation that is 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.**

The Commission is not aware of any provision in this regulation that provides for a new fee, or increases an existing fee.