

LCB File No. R048-08

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

Docket No. 07-06016

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

AUTHORITY: NRS 704.68865, 704.68869.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in Sections 3 through 7, inclusive, have the meanings ascribed to them in those sections.*

Sec. 3. *“Small-scale provider of last resort” or “applicant” has the meaning ascribed to it in NRS 704.023.*

Sec. 4. *“Alternative provider” is a provider of telecommunication service or telephone service as defined by NRS 704.028.*

Sec. 5. *“Competitive supplier” has the meaning ascribed to it in NRS 704.011.*

Sec. 6. *A small-scale provider of last resort may file an application with the Commission to be regulated as a competitive supplier. The applicant shall file the following information:*

- (1) A map of its service area identifying all exchanges in the service area;*
- (2) The types of services and price of each type of service currently provided by the applicant. For switched and special access services, provide the number of units for each type in each exchange. If an applicant has changed its rates pursuant to NRS 704.110 within the past three (3) years, the applicant shall reference the docket number for that proceeding;*
- (3) The type of network used in providing these services;*
- (4) Information regarding alternative providers that the applicant claims are providing telecommunication service in the applicant’s service area, which includes, but is not limited to:*

- (a) The name of the alternative providers and the type of technology those alternative providers are using;*
- (b) The type of services and price of each service that are provided by alternative providers;*
- (c) The approximate percentage of households and businesses in each exchange area that have services available from alternative providers; and*
- (d) A comparison of the approximate size and available resources of the alternative providers to the size and available resources of the small-scale provider of last resort;*

↪ If the applicant cannot provide the information required in subsection 4, the applicant must submit the information it has, including information from reasonably available public sources, with an explanation why all the information required in this subsection cannot be provided.

(5) A list of the number of units of the facilities, unbundled network elements, resold services, special access and operational or any other services that each of those alternative providers listed in subsection 4 purchases from the applicant.

(6) Copies of the applicant's Form 477 filing made to the Federal Communications Commission for the preceding three (3) years.

(7) Evidence of the number of customers the applicant has lost to the alternative providers in its service area. Such evidence may include, but is not limited to, a general statement regarding the market share held by the alternative providers, the number of customer telephone numbers that have been ported to alternative providers, and a trend analysis of such information; and

(8) Statements and supporting documents demonstrating that the applicant's market is and will remain open to alternative providers, including any legal or physical barriers to entry that may be faced by alternative providers. Such a demonstration shall include the following, where applicable:

- (a) Information demonstrating that the applicant has satisfied the duties and obligations imposed by 47 U.S.C. § 251;*

(b) A plan that alternative providers will be assured to receive, on a nondiscriminatory basis, the services required by 47 U.S.C. § 251 or such other services listed in subsection 5; and

(c) For the three (3) year period preceding the filing date of the application, all complaints or other legal action made against the applicant by any other carrier regarding any anticompetitive act or practice or unlawful discrimination.

(9) Any other factors that the applicant believes demonstrate that substantial competition exists in its service area.

Sec. 7. *The applicant has the burden of demonstrating that granting the application is in the public interest pursuant to NRS 704.68869(2).*

Sec. 8. *The Commission will act upon an application filed pursuant to this section within 180 days after it is filed.*