

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

**LCB File No. R048-08**

April 8, 2008

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

AUTHORITY: §1, NRS 703.025, 704.210, 704.68865 and 704.68869.

A REGULATION relating to telecommunications; providing for an application for a small-scale provider of last resort to request regulation as a competitive supplier; and providing other matters properly relating thereto.

**Section 1.** Chapter 704 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. Pursuant to NRS 704.68869, a small-scale provider of last resort may file with the Commission an application to be regulated as a competitive supplier.*
- 2. The application must include, without limitation:*
  - (a) A map of the service area of the small-scale provider of last resort which identifies all exchanges in the service area;*
  - (b) For each type of service currently provided in the service area by the small-scale provider of last resort:*
    - (1) The price of the service;*
    - (2) The type of network used in providing the service;*
    - (3) For a switched or special access service, the number of units for the service in each exchange; and*

*(4) For any service that has had its rate changed pursuant to NRS 704.110 within 3 years before the filing of the application, the docket number of the proceeding which changed the rate;*

*(c) For each alternative provider that provides a service in the service area of the small-scale provider of last resort:*

*(1) If known or accessible from a reasonably available public source:*

*(I) The name of the alternative provider;*

*(II) The type of technology used by the alternative provider;*

*(III) The type and price of each service provided by the alternative provider;*

*(IV) The approximate percentage of household and business customers in each exchange that have services from the alternative provider; and*

*(V) Data comparing the alternative provider and the small-scale provider of last resort as regards total resources of the company, including, without limitation, total financial resources, managerial and employee resources, number of customers in the United States and areas in the United States where services are provided;*

*(2) For any information described in subparagraph (1) which is not known or accessible from a reasonably available public source, an explanation of why that information is not included in the application; and*

*(3) A list of any service, equipment or facility leased or purchased by the alternative provider from the small-scale provider of last resort, including, without limitation, any:*

*(I) Unbundled network element;*

*(II) Resold service;*

*(III) Special access service; or*

*(IV) Operational service;*

*(d) A copy of each FCC Form 477 provided to the Federal Communications Commission within the 3 years preceding the filing of the application;*

*(e) Evidence of the number of customers lost to an alternative provider by the small-scale provider of last resort in the service area of the small-scale provider of last resort, including, without limitation, a general statement or trend analysis regarding:*

*(1) The market share held by an alternative provider; and*

*(2) The number of customer telephone numbers that have been ported to an alternative provider;*

*(f) Evidence that the service area of the small-scale provider of last resort will remain open to competition from an alternative provider, including, without limitation:*

*(1) Evidence that any legal or physical barriers to entry in the service area will not substantially impede competition in the service area;*

*(2) If applicable, information demonstrating that the small-scale provider of last resort has satisfied the duties and obligations imposed by 47 U.S.C. § 251;*

*(3) A written plan providing how, if the application is granted, an alternative provider will be able to receive, on a nondiscriminatory basis, any service presently available to be leased or purchased from the small-scale provider of last resort as well as any service required to be made available pursuant to 47 U.S.C. § 251; and*

*(4) Information regarding any complaint or other legal action made against the small-scale provider of last resort by an alternative provider, within 3 years before the filing of the application, in regards to unlawful discrimination or an anticompetitive act or practice; and*

*(g) Any other evidence that the small-scale provider of last resort believes will demonstrate that substantial competition exists in its service area.*

*3. The small-scale provider of last resort that files the application bears the burden of proving that the application will serve the public interest.*

*4. Within 180 days after an application is filed pursuant to this section, the Commission will act upon that application.*

*5. As used in this section, “alternative provider” means an entity that provides telecommunication service or telephone service.*