

Chapters 703 and 704 of NAC

LCB File No. T001-08

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Investigation and rulemaking to adopt, amend,)
or repeal regulations pertaining to Chapters 703)
and 704 of the Nevada Administrative Code)
regarding noticing and interventions.)
_____)

Docket No. 08-06023

**NOTICE OF INTENT TO ACT UPON REGULATIONS,
NOTICE OF WORKSHOP AND NOTICE OF HEARING FOR THE
ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS OF THE
PUBLIC UTILITIES COMMISSION OF NEVADA**

On July 9, 2008, the Public Utilities Commission of Nevada (“Commission”) opened an investigation and rulemaking to adopt, amend or repeal regulations pertaining to Chapters 703 and 704 of the Nevada Administrative Code regarding noticing and interventions. This matter is designated as Docket No. 08-06023.

The Commission will hold a public **WORKSHOP** at **9:00 A.M.** on **WEDNESDAY, SEPTEMBER 24, 2008**, at the offices of the Commission, Hearing Room A, 1150 East William Street, Carson City, Nevada, 89701 and via videoconference to Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada, 89109. The purpose of the workshop is to solicit comments from all interested persons on noticing and interventions.

The Commission will hold a public **HEARING** at **9:00 A.M.** on **TUESDAY, SEPTEMBER 30, 2008**, at the offices of the Commission, Hearing Room A, 1150 East William

Street, Carson City, Nevada, 89701 and via videoconference to Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada, 89109. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations that pertain to chapters 703 and 704 of the Nevada Administrative Code. If no person who is directly affected by the proposed regulations appears at the hearing to request time to make an oral presentation, the Commission may proceed to act upon any written submissions.

The following information is provided pursuant to the requirements of Nevada Revised Statute (“NRS”) 233B.0603:

- The purpose of the proposed regulations is to streamline the Commission’s practices and procedures.
- The proposed regulations will ensure publication costs are timely paid, streamline the review of interventions, and streamline the Commission’s notification process for certain proceedings.
- The Commission will use the simplified Delphi method in determining the impact on small businesses, whereby experts will review the text of the proposed regulations and determine the likely impact of the proposed regulations on small businesses. These experts will share their responses with each other and form a consensus view.
- The proposed regulations will require businesses to timely pay publication costs while simultaneously reduce those costs by eliminating publication of notices for certain proceedings. The process by which businesses comment on interventions will also be standardized, thereby reducing any uncertainties that may exist. Businesses may also obtain Commission decisions more quickly with the simplified notification procedures in place.

- The proposed regulations will reduce the number of locations that notices of certain proceedings will be available for public review, however, this has been mitigated with the introduction of new features on the Commission's website that enable the posting of notices on a daily basis, which is available to the public. There will also be a slight reduction in utility costs past through to customers through the reduction in publication costs.
- There will be no additional cost to the Commission for the enforcement of the proposed regulations. Costs will be reduced.
- The proposed regulations do not overlap or duplicate any federal, state, or local regulations.
- The proposed regulations are not required pursuant to federal law.
- The proposed regulations are not more stringent than a federal regulation that regulates the same activity.
- The proposed regulations do not establish any new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Commission may appear at the scheduled workshop and hearing or may address their comments, data, views, or arguments in written form to the Commission at 1150 East William Street, Carson City, Nevada, 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada, 89109 on or before **FRIDAY, SEPTEMBER 19, 2008.**

A copy of this notice and the proposed regulations to be adopted, amended, or repealed 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 to be adopted, amended, or repealed will be available for public viewing on the

Commission's website at: <http://pucweb1.state.nv.us/PUCN>, and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 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. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the Commission, 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 or 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,

CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL)

Chapters 703 and 704 of NAC

LCB File No. T001-08

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

Docket No. 08-06023

Noticing and Interventions

Section 1. Chapter 703 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.

Sec. 2. *If a person fails to timely pay the cost of the newspaper publication pursuant to NAC 703.160(6), the Commission may reject the filing and/or seek an administrative fine from the person pursuant to NRS 703.380.*

Sec. 3. 1. *A person who desires to make a representation about a petition for leave to intervene filed pursuant to NAC 703.578 et seq. may file a response with the Commission.*

2. *The response must:*

(a) *Be in writing;*

(b) *Specifically support or oppose the petition for leave to intervene in the filing;*

(c) *Be served on each party of record and the person who filed the petition for leave to intervene as well as filed with the Commission no later than 5 business days after the deadline for filing petitions for leave to intervene established by the Commission.*

3. *A petitioner who receives a response to the petition for leave to intervene pursuant to subsection 1 may file a reply to the response.*

4. *The reply must :*

(a) *Be in writing;*

(b) Be served on each party of record and the person who filed the response as well as filed with the Commission no later than 10 business days after the deadline for filing petitions for leave to intervene established by the Commission.

Sec. 4. 1. *The Commission Secretary shall cause a notice of proceeding to be served on each party of record at least 5 business days before the proceeding is held.*

2. The Commission Secretary shall cause a notice of proceeding to be sent to all other persons who have been placed on the service list for the proceeding.

3. The Commission Secretary will, if practicable, post each business day on the Internet website of the Commission a current list of all notices of proceedings

4. The Commission Secretary will post each business day at the offices of the Commission a current list of all notices of proceedings.

5. The provisions of this section apply to the following proceedings:

(a) Prehearing conferences;

(b) Workshops; and

(c) Hearings.

6. The provisions of this section do not apply to proceedings conducted pursuant to NRS 233B.061.

Sec. 5. NAC 703.160 is hereby amended to read as follows:

1. The Secretary shall cause public notice of each filing or proceeding described in subsection 10 to be published in the manner prescribed in this section. The publisher of the public notice shall, not later than 5 days after publication of the notice, provide to the Commission proof of the publication of the notice. The proof must include:

(a) The name of the newspaper in which the notice was published;

(b) The name of the county in which the notice was published;

(c) A statement signed by the publisher that the newspaper in which the notice was published is a newspaper of general circulation in the county in which the notice was published; and

(d) The date of the publication of the notice.

2. Except as otherwise provided in this section, if the Secretary determines that the filing or proceeding will have:

(a) A statewide effect, the Secretary shall cause the public notice to be published once in four or more newspapers of general circulation in this State, no two of which are published in the same county.

(b) An effect on a limited number of counties, the Secretary shall cause the public notice to be published once in a newspaper of general circulation in each county affected. If there is no newspaper published in an affected county, the Secretary shall cause the public notice to be published once in a newspaper of general circulation in an adjoining county.

3. The Secretary will, if practicable, post each business day on the Internet website of the Commission a current list of all public notices published pursuant to this section.

4. The public notice must be an advertisement which is not less than 1 column inch by 3 inches, with a border on all sides, and must include, as appropriate:

(a) At the beginning of the notice, a title that generally describes the relief requested or the type of proceeding scheduled;

(b) The name of the applicant, complainant or petitioner or the name of the agent for the applicant, complainant or petitioner;

(c) A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the

type of proceeding scheduled and the effect of the relief or proceeding upon consumers;

(d) The location where the filing is on file for the public or the location and time for the proceeding; and

(e) The date by which persons must file comments, notices of intent to participate as a commenter or petitions for leave to intervene with the Commission.

The public notice must be published prominently so that it is reasonably calculated to notify affected persons.

5. ~~If the notice is:~~

~~—(a) A public notice for a hearing, the Secretary shall cause the notice of hearing to be:~~

~~—(1) Served on each party and published at least 10 days before the hearing is held; and~~

~~—(2) Posted at the principal office of the Commission at least 3 days before the hearing is held.~~

~~—(b) For a filing or a proceeding other than a hearing,]~~ the Secretary shall cause the public notice to be published in the appropriate newspapers not less than 3 working days before the proposal in the filing becomes effective or the proceeding is held.

6. The applicant, complainant or petitioner shall pay the cost of the publication.

7. On a weekly basis, the Commission will cause to be published a summary of public notices concerning the filings and proceedings described in subsection 10. The summary of public notices will be published in the Sunday edition of a newspaper of general circulation in Carson City and such other newspapers as determined by the Secretary.

8. If public notice of a filing or proceeding is published by the Secretary pursuant to this section, the Secretary's notice shall be deemed to be legally sufficient public notice of the filing or proceeding, even if public notice in the summary of public notices is deficient or fails to be

published pursuant to this section.

9. If public notice of a filing or proceeding is published in the summary of public notices pursuant to this section, the public notice in the summary of public notices shall be deemed to be legally sufficient public notice of the filing or proceeding, even if the Secretary's public notice is deficient or fails to be published pursuant to this section.

10. Except as otherwise provided pursuant to subsections *11 and 12*, the provisions of this section apply to the following filings or proceedings:

(a) An application or tariff filing involving any authorization, expansion, reduction or curtailment of services, facilities or authority, any increase in rates, fares or charges, or any change in regulations.

(b) A complaint filed with the Commission pursuant to NAC 703.651.

(c) A petition.

(d) ~~{A prehearing conference.~~

~~—(e) A workshop.~~

~~—(f) A consumer session.~~

~~{(g) A hearing.}~~

11. The provisions of this section do not apply to a quarterly rate adjustment made pursuant to subsection 8 or 9 of NRS 704.110.

12. The provisions of this section do not apply to a petition submitted to the Commission pursuant to NAC 703.290.

13. If a notice of filing is combined with a notice of proceeding described in Section 4 of this regulation, the requirements of both NAC 703.160 and Section 4 of this regulation will be followed by the Commission Secretary.