

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

LCB File No. R076-10

Docket No. 10-01003

April 30, 2010

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

AUTHORITY: NRS 703.025, 704.210

A REGULATION relating to the Public Utilities Commission of Nevada; regarding representation of parties in Commission proceedings and other matters properly related thereto.

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

NAC 703.510 Representation: Generally; by attorney.

1. Subject to the specific *requirements for representation by attorneys provided in* ~~provisions of~~ this section, in any proceeding before the Commission, a person may represent himself or may be represented by an attorney or any other person who satisfies the Commission or the presiding officer that the person possesses the expertise and is otherwise competent to advise and assist in the presentation of matters before the Commission. 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 appearing in any proceeding before the Commission must be duly admitted to practice and in good standing before the highest court of any state or the District of Columbia.

4. *With respect to any attorney appearing as a representative in* ~~Hn~~ a contested case:

(a) An attorney who is not admitted and entitled to practice before the Supreme Court of Nevada *and does not reside in Nevada* must associate with an attorney so admitted and entitled to practice and shall file a notice of association with the Commission *as provided herein unless* ~~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 same substantive area of utility regulation* in the 3 years immediately preceding the date on which the case is *accepted for filing. For purposes of this paragraph, regulation of railroads, telecommunications carriers, water utilities, electric utilities and natural gas utilities are deemed to be different substantive areas of utility regulation.* ~~filed; or~~

(b) ~~(2)~~ *Notwithstanding any prior appearances, the* ~~The~~ Commission, for good cause shown, *may* require~~s~~ 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 *and to file a notice of association as provided herein.*

~~(b)~~c) The notice of association required pursuant to *this section* ~~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.

~~(e)d~~ 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 *in the notice of association required by this section* ~~[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 *and files a notice of association as provided herein. The attorney who is admitted and entitled to practice before the Supreme Court of Nevada and who is identified in the notice of association required by this section must sign all pleadings and be present at all proceedings on the record* ~~[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.