

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

**LCB File No. R076-10**

May 26, 2010

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. Subject to the specific ~~[provisions of]~~ *requirements provided in* this section ~~[,]~~ *for representation by an attorney*, 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. ~~[(1)]~~ *With respect to any attorney appearing as a representative in* a contested case:

(a) An attorney who is not admitted and entitled to practice before the Supreme Court of Nevada *and who does not reside in Nevada* must associate with an attorney so admitted and entitled to practice and ~~[(shall)]~~ *must* file a notice of association with the Commission ~~[(if]~~

~~—(1) The]~~ *as provided in this section, unless, except as otherwise provided in paragraph*

*(b), the* attorney who is not admitted and entitled to practice before the Supreme Court of

Nevada *and who does not reside in 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 ~~[(filed; or~~

~~—(2) The]~~ *accepted for filing. For the purposes of this paragraph, the regulation of*

*railroads, telecommunications carriers, water utilities, electric utilities and natural gas utilities are deemed to be different substantive areas of utility regulation.*

*(b) Notwithstanding any prior appearances before the Commission, the* Commission, for good cause shown, ~~[(requires)]~~ *may require* the attorney who is not admitted and entitled to practice before the Supreme Court of Nevada *and who does not reside in Nevada* to associate with an attorney so admitted and entitled to practice ~~[(~~

~~—(b) The]~~ *and to file a notice of association as provided in this section.*

5. A notice of association required pursuant to ~~[(paragraph (a))] this section~~ must:

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

~~[(2)]~~ (b) 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)]~~ (c) 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)]~~ (d) 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) The]~~ 6. *Except as otherwise provided in subsection 7, 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)]~~ *in a notice of association required by this section* to sign any pleadings and be present at any proceeding on the record.

~~[(5)]~~ 7. 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.]~~ *and files a notice of association as provided in this section. The attorney who is admitted and entitled to practice before the Supreme Court of Nevada and who is identified in a notice of association required by this section must sign any pleadings and be present at any proceeding on the record.*

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

~~7.~~ 9. As used in this section, the term "contested case" has the meaning ascribed to it in NRS 233B.032.