

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R011-15**

**1. A clear and concise explanation of the need for the adopted regulation.**

The regulation improves processes and procedures of the Public Utilities Commission of Nevada ("PUCN"), updates certain provisions adopting publications by reference, and clarifies a provision pertaining to annual report filings by providers of last resort of basic telecommunication services.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

(a) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available at the website of the PUCN, <http://puc.nv.gov>, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times  
Las Vegas Review Journal  
Nevada Appeal  
Reno Gazette Journal  
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission  
1150 East William Street  
Carson City, Nevada 89701

Public Utilities Commission  
9075 West Diablo Drive, Suite 250  
Las Vegas, Nevada 89148

First Judicial District Court  
885 East Musser Street  
Carson City, Nevada 89701

Second Judicial District Court  
75 Court Street  
Reno, Nevada 89501

Eighth Judicial District Court  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

(b) The PUCN held five rounds of comments, a workshop on May 9, 2012, a workshop on January 14, 2015, and a hearing on January 20, 2015, to solicit public response. Most of the participants support the temporary regulation as adopted. In the latest round of comments, Nevada Press Association suggested publishing links to two of the PUCN-maintained resources in newspapers in addition to publishing the resources on the PUCN

website. Telecommunications providers participating in the workshop, which included AT&T Companies, CenturyLink, TW Telecom of Nevada, and Nevada Telecommunications Association, objected to Nevada Press Association's suggestion. The PUCN did not incorporate Nevada Press Association's suggestion in the proposed regulation for reasons stated at the January 14, 2015, workshop.

Also in the latest round of comments, Charter Fiberlink expressed concern over changes to the commenter status in the proposed regulation. Charter Fiberlink stated that the changes can be confusing. Upon raising the issue at the workshop and soliciting responses from the participants, which, in addition to telecommunications providers mentioned above, included the Attorney General's Bureau of Consumer Protection, the Regulatory Operations Staff of the PUCN, and Southwest Gas Corporation, the PUCN concluded that the PUCN's existing noticing practices alleviate Charter Fiberlink's concern.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the PUCN, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

3. **The number of persons who:**
  - (a) **Attended each hearing:** May 9, 2012 – 8; January 14, 2015 – 7; January 20, 2015 - 5
  - (b) **Testified at each hearing:** May 9, 2012 - 8; January 14, 2015 – 7; January 20, 2015 - 4
  - (c) **Submitted written comments:** 14
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
  - (a) **Name;**
  - (b) **Telephone number;**
  - (c) **Business address;**
  - (d) **Business telephone number;**
  - (e) **Electronic mail address; and**
  - (f) **Name of entity or organization represented.**

Dan Jacobsen  
Attorney General's Bureau of Consumer Protection  
100 North Carson Street  
Carson City, Nevada 89701  
(775) 684-1295  
Djacobsen@ag.nv.gov

Catherine Mazzeo  
Southwest Gas Corporation  
5241 Spring Mountain Road  
Las Vegas, Nevada 89150  
(702) 876-7250  
catherine.mazzeo@swgas.com

Barry Smith  
Nevada Press Association  
102 North Curry Street  
Carson City, Nevada 89703  
(775) 885-0866  
[nevadapress@att.net](mailto:nevadapress@att.net)

Roger Moffitt  
AT&T Companies  
645 East Plumb Lane, Room B132  
Reno, Nevada 89502  
(775) 333-3114  
[roger.moffitt@att.com](mailto:roger.moffitt@att.com)

Torry Somers  
CenturyLink  
6700 Via Austi Parkway  
Las Vegas, Nevada 89119  
(702) 244-8100  
[torry.r.somers@centurylink.com](mailto:torry.r.somers@centurylink.com)

Mike Eifert  
Nevada Telecommunications Association  
P.O. Box 34449  
Reno, Nevada 89533  
[Eifert.nta@att.net](mailto:Eifert.nta@att.net)  
(775) 827-0191

Donald Brookhyser  
Nevada Independent Energy Coalition  
1300 SW Fifth, Suite 1750  
Portland, Oregon 97210  
(503) 402-8702  
[deb@a-klaw.com](mailto:deb@a-klaw.com)

Steven Tackes  
TW Telecom of Nevada LLC  
510 West Fourth Street  
Carson City, NV 89703  
(775) 884-8306  
[stackes@kcnvlaw.com](mailto:stackes@kcnvlaw.com)

Charlie Born  
Frontier Communications  
9260 East Stockton Blvd.  
Elk Grove, California 95624  
(916) 686-3570  
charlie.born@ftr.com

Charles Hudak  
Charter Fiberlink NV-CCVII, LLC  
Three Ravinia Drive  
Suite 1700  
Atlanta, Georgia 30346  
(770) 399-9500

Angel De Fazio  
P.O. Box 29194  
Las Vegas, Nevada 89126  
ntefusa@aol.com

Fred Voltz  
1805 North Carson Street, #231  
Carson City, Nevada 89701  
zebedee-177@yahoo.com

Elizabeth Elliot  
Sierra Pacific Power Company d/b/a NV Energy and  
Nevada Power Company d/b/a NV Energy  
6226 West Sahara Avenue  
Las Vegas, Nevada 89151  
(702) 402-5697  
dbrooks@nvenergy.com

Tammy Cordova  
Regulatory Operations Staff of the PUCN  
1150 East William Street  
Carson City, Nevada 89701  
(775) 684-6124  
uttinger@puc.nv.gov

- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question 2(c).

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulation has undergone numerous changes from its inception as a result of public comments received.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: both adverse and beneficial effects, and both immediate and long-term effects.**

- (a) Estimated economic effect on the businesses which they are to regulate.**

The regulation does not regulate any businesses.

- (b) Estimated economic effect on the public which they are to regulate.**

The regulation does not regulate the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

Any costs associated with the regulation are considered incremental in nature.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap any other local, State, or Federal regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

- 12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?**

The Regulatory Operations Staff (“Staff”) of the Commission conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used his background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff’s analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff’s recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an Order issued in Docket No. 12-02013 on December 19, 2014.