

ASSEMBLY BILL NO. 154—ASSEMBLYMEN ROBERTS, TOLLES,
NGUYEN, WATTS; AND MONROE-MORENO

FEBRUARY 18, 2021

JOINT SPONSOR: SENATOR HAMMOND

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing certain notice provided by public utilities. (BDR 58-510)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to public utilities; authorizing public utilities to provide certain notice to customers electronically; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth general standards and practices for public utilities. (NRS
2 704.143-704.1835) **Section 1** of this bill authorizes a public utility to provide by
3 electronic transmission any notice that is required to be provided to a customer if
4 the customer requests such transmission and it is within the capability of the public
5 utility to provide the notice electronically. **Section 2** of this bill authorizes a public
6 utility to provide notice of each quarterly rate adjustment to its customers
7 electronically pursuant to **section 1** instead of with the customer’s regular monthly
8 bill as required under existing law. (NRS 704.110)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

3 *If notice is required to be provided by a public utility to a*
4 *customer pursuant to this chapter or the regulations adopted*
5 *pursuant thereto, the notice may be provided to the customer, if*
6 *requested by the customer and within the capability of the public*



1 *utility, by electronic transmission to the most recent electronic*
2 *mail address provided to the public utility by the customer.*

3 **Sec. 2.** NRS 704.110 is hereby amended to read as follows:

4 704.110 Except as otherwise provided in NRS 704.075,
5 704.68861 to 704.68887, inclusive, and 704.7865, or as may
6 otherwise be provided by the Commission pursuant to NRS
7 704.095, 704.097 or 704.7621:

8 1. If a public utility files with the Commission an application to
9 make changes in any schedule, including, without limitation,
10 changes that will result in a discontinuance, modification or
11 restriction of service, the Commission shall investigate the propriety
12 of the proposed changes to determine whether to approve or
13 disapprove the proposed changes. If an electric utility files such an
14 application and the application is a general rate application or an
15 annual deferred energy accounting adjustment application, the
16 Consumer's Advocate shall be deemed a party of record.

17 2. Except as otherwise provided in subsection 3, if a public
18 utility files with the Commission an application to make changes in
19 any schedule, the Commission shall, not later than 210 days after the
20 date on which the application is filed, issue a written order
21 approving or disapproving, in whole or in part, the proposed
22 changes.

23 3. If a public utility files with the Commission a general rate
24 application, the public utility shall submit with its application a
25 statement showing the recorded results of revenues, expenses,
26 investments and costs of capital for its most recent 12 months for
27 which data were available when the application was prepared.
28 Except as otherwise provided in subsection 4, in determining
29 whether to approve or disapprove any increased rates, the
30 Commission shall consider evidence in support of the increased
31 rates based upon actual recorded results of operations for the same
32 12 months, adjusted for increased revenues, any increased
33 investment in facilities, increased expenses for depreciation, certain
34 other operating expenses as approved by the Commission and
35 changes in the costs of securities which are known and are
36 measurable with reasonable accuracy at the time of filing and which
37 will become effective within 6 months after the last month of those
38 12 months, but the public utility shall not place into effect any
39 increased rates until the changes have been experienced and
40 certified by the public utility to the Commission and the
41 Commission has approved the increased rates. The Commission
42 shall also consider evidence supporting expenses for depreciation,
43 calculated on an annual basis, applicable to major components of the
44 public utility's plant placed into service during the recorded test
45 period or the period for certification as set forth in the application.



1 Adjustments to revenues, operating expenses and costs of securities
2 must be calculated on an annual basis. Within 90 days after the date
3 on which the certification required by this subsection is filed with
4 the Commission, or within the period set forth in subsection 2,
5 whichever time is longer, the Commission shall make such order in
6 reference to the increased rates as is required by this chapter. The
7 following public utilities shall each file a general rate application
8 pursuant to this subsection based on the following schedule:

9 (a) An electric utility that primarily serves less densely
10 populated counties shall file a general rate application:

11 (1) Not later than 5 p.m. on or before the first Monday in
12 June 2019; and

13 (2) Once every 36 months thereafter or on a date specified in
14 an alternative rate-making plan approved by the Commission
15 pursuant to NRS 704.7621.

16 (b) An electric utility that primarily serves densely populated
17 counties shall file a general rate application:

18 (1) Not later than 5 p.m. on or before the first Monday in
19 June 2020; and

20 (2) Once every 36 months thereafter or on a date specified in
21 an alternative rate-making plan approved by the Commission
22 pursuant to NRS 704.7621.

23 (c) A public utility that furnishes water for municipal, industrial
24 or domestic purposes or services for the disposal of sewage, or both,
25 which had an annual gross operating revenue of \$2,000,000 or more
26 for at least 1 year during the immediately preceding 3 years and
27 which had not filed a general rate application with the Commission
28 on or after July 1, 2005, shall file a general rate application on or
29 before June 30, 2008, and at least once every 36 months thereafter
30 unless waived by the Commission pursuant to standards adopted by
31 regulation of the Commission. If a public utility furnishes both
32 water and services for the disposal of sewage, its annual gross
33 operating revenue for each service must be considered separately for
34 determining whether the public utility meets the requirements of this
35 paragraph for either service.

36 (d) A public utility that furnishes water for municipal, industrial
37 or domestic purposes or services for the disposal of sewage, or both,
38 which had an annual gross operating revenue of \$2,000,000 or more
39 for at least 1 year during the immediately preceding 3 years and
40 which had filed a general rate application with the Commission on
41 or after July 1, 2005, shall file a general rate application on or before
42 June 30, 2009, and at least once every 36 months thereafter unless
43 waived by the Commission pursuant to standards adopted by
44 regulation of the Commission. If a public utility furnishes both
45 water and services for the disposal of sewage, its annual gross



1 operating revenue for each service must be considered separately for
2 determining whether the public utility meets the requirements of this
3 paragraph for either service.

4 ↪ The Commission shall adopt regulations setting forth standards
5 for waivers pursuant to paragraphs (c) and (d) and for including the
6 costs incurred by the public utility in preparing and presenting the
7 general rate application before the effective date of any change in
8 rates.

9 4. In addition to submitting the statement required pursuant to
10 subsection 3, a public utility may submit with its general rate
11 application a statement showing the effects, on an annualized basis,
12 of all expected changes in circumstances. If such a statement is
13 filed, it must include all increases and decreases in revenue and
14 expenses which may occur within 210 days after the date on which
15 its general rate application is filed with the Commission if such
16 expected changes in circumstances are reasonably known and are
17 measurable with reasonable accuracy. If a public utility submits
18 such a statement, the public utility has the burden of proving that the
19 expected changes in circumstances set forth in the statement are
20 reasonably known and are measurable with reasonable accuracy.
21 The Commission shall consider expected changes in circumstances
22 to be reasonably known and measurable with reasonable accuracy if
23 the expected changes in circumstances consist of specific and
24 identifiable events or programs rather than general trends, patterns
25 or developments, have an objectively high probability of occurring
26 to the degree, in the amount and at the time expected, are primarily
27 measurable by recorded or verifiable revenues and expenses and are
28 easily and objectively calculated, with the calculation of the
29 expected changes relying only secondarily on estimates, forecasts,
30 projections or budgets. If the Commission determines that the public
31 utility has met its burden of proof:

32 (a) The Commission shall consider the statement submitted
33 pursuant to this subsection and evidence relevant to the statement,
34 including all reasonable projected or forecasted offsets in revenue
35 and expenses that are directly attributable to or associated with the
36 expected changes in circumstances under consideration, in addition
37 to the statement required pursuant to subsection 3 as evidence in
38 establishing just and reasonable rates for the public utility; and

39 (b) The public utility is not required to file with the Commission
40 the certification that would otherwise be required pursuant to
41 subsection 3.

42 5. If a public utility files with the Commission an application to
43 make changes in any schedule and the Commission does not issue a
44 final written order regarding the proposed changes within the time



1 required by this section, the proposed changes shall be deemed to be
2 approved by the Commission.

3 6. If a public utility files with the Commission a general rate
4 application, the public utility shall not file with the Commission
5 another general rate application until all pending general rate
6 applications filed by that public utility have been decided by the
7 Commission unless, after application and hearing, the Commission
8 determines that a substantial financial emergency would exist if the
9 public utility is not permitted to file another general rate application
10 sooner. The provisions of this subsection do not prohibit the public
11 utility from filing with the Commission, while a general rate
12 application is pending, an application to recover the increased cost
13 of purchased fuel, purchased power, or natural gas purchased for
14 resale pursuant to subsection 7, a quarterly rate adjustment pursuant
15 to subsection 8 or 10, any information relating to deferred
16 accounting requirements pursuant to NRS 704.185 or an annual
17 deferred energy accounting adjustment application pursuant to NRS
18 704.187, if the public utility is otherwise authorized to so file by
19 those provisions.

20 7. A public utility may file an application to recover the
21 increased cost of purchased fuel, purchased power, or natural gas
22 purchased for resale once every 30 days. The provisions of this
23 subsection do not apply to:

24 (a) An electric utility which is required to adjust its rates on a
25 quarterly basis pursuant to subsection 10; or

26 (b) A public utility which purchases natural gas for resale and
27 which adjusts its rates on a quarterly basis pursuant to subsection 8.

28 8. A public utility which purchases natural gas for resale must
29 request approval from the Commission to adjust its rates on a
30 quarterly basis between annual rate adjustment applications based
31 on changes in the public utility's recorded costs of natural gas
32 purchased for resale. A public utility which purchases natural gas
33 for resale and which adjusts its rates on a quarterly basis may
34 request approval from the Commission to make quarterly
35 adjustments to its deferred energy accounting adjustment. The
36 Commission shall approve or deny such a request not later than 120
37 days after the application is filed with the Commission. The
38 Commission may approve the request if the Commission finds that
39 approval of the request is in the public interest. If the Commission
40 approves a request to make quarterly adjustments to the deferred
41 energy accounting adjustment of a public utility pursuant to this
42 subsection, any quarterly adjustment to the deferred energy
43 accounting adjustment must not exceed 2.5 cents per therm of
44 natural gas. If the balance of the public utility's deferred account
45 varies by less than 5 percent from the public utility's annual



1 recorded costs of natural gas which are used to calculate quarterly
2 rate adjustments, the deferred energy accounting adjustment must be
3 set to zero cents per therm of natural gas.

4 9. If the Commission approves a request to make any rate
5 adjustments on a quarterly basis pursuant to subsection 8:

6 (a) The public utility shall file written notice with the
7 Commission before the public utility makes a quarterly rate
8 adjustment. A quarterly rate adjustment is not subject to the
9 requirements for notice and a hearing pursuant to NRS 703.320 or
10 the requirements for a consumer session pursuant to subsection 1 of
11 NRS 704.069.

12 (b) The public utility shall provide written notice of each
13 quarterly rate adjustment to its customers by including the written
14 notice with a customer's regular monthly bill ~~or~~ *or by electronic*
15 *transmission pursuant to section 1 of this act.* The public utility
16 shall begin providing such written notice to its customers not later
17 than 30 days after the date on which the public utility files its
18 written notice with the Commission pursuant to paragraph (a). The
19 written notice ~~[that is included with a customer's regular monthly~~
20 ~~bill.]~~ *required by this paragraph:*

21 (1) Must be printed separately on fluorescent-colored paper
22 and must not be attached to the pages of the bill ~~or~~, *if included with*
23 *the customer's regular monthly bill;* and

24 (2) Must include the following:

25 (I) The total amount of the increase or decrease in the
26 public utility's revenues from the rate adjustment, stated in dollars
27 and as a percentage;

28 (II) The amount of the monthly increase or decrease in
29 charges for each class of customer or class of service, stated in
30 dollars and as a percentage;

31 (III) A statement that customers may send written
32 comments or protests regarding the rate adjustment to the
33 Commission;

34 (IV) A statement that the transactions and recorded costs
35 of natural gas which are the basis for any quarterly rate adjustment
36 will be reviewed for reasonableness and prudence in the next
37 proceeding held by the Commission to review the annual rate
38 adjustment application pursuant to paragraph (d); and

39 (V) Any other information required by the Commission.

40 (c) The public utility shall file an annual rate adjustment
41 application with the Commission. The annual rate adjustment
42 application is subject to the requirements for notice and a hearing
43 pursuant to NRS 703.320 and the requirements for a consumer
44 session pursuant to subsection 1 of NRS 704.069.



1 (d) The proceeding regarding the annual rate adjustment
2 application must include a review of each quarterly rate adjustment
3 and the transactions and recorded costs of natural gas included in
4 each quarterly filing and the annual rate adjustment application.
5 There is no presumption of reasonableness or prudence for any
6 quarterly rate adjustment or for any transactions or recorded costs of
7 natural gas included in any quarterly rate adjustment or the annual
8 rate adjustment application, and the public utility has the burden of
9 proving reasonableness and prudence in the proceeding.

10 (e) The Commission shall not allow the public utility to recover
11 any recorded costs of natural gas which were the result of any
12 practice or transaction that was unreasonable or was undertaken,
13 managed or performed imprudently by the public utility, and the
14 Commission shall order the public utility to adjust its rates if the
15 Commission determines that any recorded costs of natural gas
16 included in any quarterly rate adjustment or the annual rate
17 adjustment application were not reasonable or prudent.

18 10. An electric utility shall adjust its rates on a quarterly basis
19 based on changes in the electric utility's recorded costs of purchased
20 fuel or purchased power. In addition to adjusting its rates on a
21 quarterly basis, an electric utility may request approval from the
22 Commission to make quarterly adjustments to its deferred energy
23 accounting adjustment. The Commission shall approve or deny such
24 a request not later than 120 days after the application is filed with
25 the Commission. The Commission may approve the request if the
26 Commission finds that approval of the request is in the public
27 interest. If the Commission approves a request to make quarterly
28 adjustments to the deferred energy accounting adjustment of an
29 electric utility pursuant to this subsection, any quarterly adjustment
30 to the deferred energy accounting adjustment must not exceed 0.25
31 cents per kilowatt-hour of electricity. If the balance of the electric
32 utility's deferred account varies by less than 5 percent from the
33 electric utility's annual recorded costs for purchased fuel or
34 purchased power which are used to calculate quarterly rate
35 adjustments, the deferred energy accounting adjustment must be set
36 to zero cents per kilowatt-hour of electricity.

37 11. A quarterly rate adjustment filed pursuant to subsection 10
38 is subject to the following requirements:

39 (a) The electric utility shall file written notice with the
40 Commission on or before August 15, 2007, and every quarter
41 thereafter of the quarterly rate adjustment to be made by the electric
42 utility for the following quarter. The first quarterly rate adjustment
43 by the electric utility will take effect on October 1, 2007, and each
44 subsequent quarterly rate adjustment will take effect every quarter
45 thereafter. The first quarterly adjustment to a deferred energy



1 accounting adjustment must be made pursuant to an order issued by
2 the Commission approving the application of an electric utility to
3 make quarterly adjustments to its deferred energy accounting
4 adjustment. A quarterly rate adjustment is not subject to the
5 requirements for notice and a hearing pursuant to NRS 703.320 or
6 the requirements for a consumer session pursuant to subsection 1 of
7 NRS 704.069.

8 (b) The electric utility shall provide written notice of each
9 quarterly rate adjustment to its customers by including the written
10 notice with a customer's regular monthly bill ~~[]~~ *or by electronic*
11 *submission pursuant to section 1 of this act.* The electric utility
12 shall begin providing such written notice to its customers not later
13 than 30 days after the date on which the electric utility files a written
14 notice with the Commission pursuant to paragraph (a). The written
15 notice ~~[that is included with a customer's regular monthly bill;]~~
16 *required by this paragraph:*

17 (1) Must be printed separately on fluorescent-colored paper
18 and must not be attached to the pages of the bill ~~[]~~, *if included with*
19 *the customer's regular monthly bill;* and

20 (2) Must include the following:

21 (I) The total amount of the increase or decrease in the
22 electric utility's revenues from the rate adjustment, stated in dollars
23 and as a percentage;

24 (II) The amount of the monthly increase or decrease in
25 charges for each class of customer or class of service, stated in
26 dollars and as a percentage;

27 (III) A statement that customers may send written
28 comments or protests regarding the rate adjustment to the
29 Commission;

30 (IV) A statement that the transactions and recorded costs
31 of purchased fuel or purchased power which are the basis for any
32 quarterly rate adjustment will be reviewed for reasonableness and
33 prudence in the next proceeding held by the Commission to review
34 the annual deferred energy accounting adjustment application
35 pursuant to paragraph (d); and

36 (V) Any other information required by the Commission.

37 (c) The electric utility shall file an annual deferred energy
38 accounting adjustment application pursuant to NRS 704.187 with
39 the Commission. The annual deferred energy accounting adjustment
40 application is subject to the requirements for notice and a hearing
41 pursuant to NRS 703.320 and the requirements for a consumer
42 session pursuant to subsection 1 of NRS 704.069.

43 (d) The proceeding regarding the annual deferred energy
44 accounting adjustment application must include a review of each
45 quarterly rate adjustment and the transactions and recorded costs of



1 purchased fuel and purchased power included in each quarterly
2 filing and the annual deferred energy accounting adjustment
3 application. There is no presumption of reasonableness or prudence
4 for any quarterly rate adjustment or for any transactions or recorded
5 costs of purchased fuel and purchased power included in any
6 quarterly rate adjustment or the annual deferred energy accounting
7 adjustment application, and the electric utility has the burden of
8 proving reasonableness and prudence in the proceeding.

9 (e) The Commission shall not allow the electric utility to recover
10 any recorded costs of purchased fuel and purchased power which
11 were the result of any practice or transaction that was unreasonable
12 or was undertaken, managed or performed imprudently by the
13 electric utility, and the Commission shall order the electric utility to
14 adjust its rates if the Commission determines that any recorded costs
15 of purchased fuel and purchased power included in any quarterly
16 rate adjustment or the annual deferred energy accounting adjustment
17 application were not reasonable or prudent.

18 12. If an electric utility files an annual deferred energy
19 accounting adjustment application pursuant to subsection 11 and
20 NRS 704.187 while a general rate application is pending, the
21 electric utility shall:

22 (a) Submit with its annual deferred energy accounting
23 adjustment application information relating to the cost of service
24 and rate design; and

25 (b) Supplement its general rate application with the same
26 information, if such information was not submitted with the general
27 rate application.

28 13. A utility facility identified in a 3-year plan submitted
29 pursuant to NRS 704.741 and accepted by the Commission for
30 acquisition or construction pursuant to NRS 704.751 and the
31 regulations adopted pursuant thereto, or the retirement or
32 elimination of a utility facility identified in an emissions reduction
33 and capacity replacement plan submitted pursuant to NRS 704.7316
34 and accepted by the Commission for retirement or elimination
35 pursuant to NRS 704.751 and the regulations adopted pursuant
36 thereto, shall be deemed to be a prudent investment. The utility may
37 recover all just and reasonable costs of planning and constructing, or
38 retiring or eliminating, as applicable, such a facility. For the
39 purposes of this subsection, a plan or an amendment to a plan shall
40 be deemed to be accepted by the Commission only as to that portion
41 of the plan or amendment accepted as filed or modified with the
42 consent of the utility pursuant to NRS 704.751.

43 14. In regard to any rate or schedule approved or disapproved
44 pursuant to this section, the Commission may, after a hearing:



1 (a) Upon the request of the utility, approve a new rate but delay
2 the implementation of that new rate:

3 (1) Until a date determined by the Commission; and

4 (2) Under conditions as determined by the Commission,
5 including, without limitation, a requirement that interest charges be
6 included in the collection of the new rate; and

7 (b) Authorize a utility to implement a reduced rate for
8 low-income residential customers.

9 15. The Commission may, upon request and for good cause
10 shown, permit a public utility which purchases natural gas for resale
11 or an electric utility to make a quarterly adjustment to its deferred
12 energy accounting adjustment in excess of the maximum allowable
13 adjustment pursuant to subsection 8 or 10.

14 16. A public utility which purchases natural gas for resale or an
15 electric utility that makes quarterly adjustments to its deferred
16 energy accounting adjustment pursuant to subsection 8 or 10 may
17 submit to the Commission for approval an application to discontinue
18 making quarterly adjustments to its deferred energy accounting
19 adjustment and to subsequently make annual adjustments to its
20 deferred energy accounting adjustment. The Commission may
21 approve an application submitted pursuant to this subsection if the
22 Commission finds that approval of the application is in the public
23 interest.

24 17. As used in this section:

25 (a) "Deferred energy accounting adjustment" means the rate of a
26 public utility which purchases natural gas for resale or an electric
27 utility that is calculated by dividing the balance of a deferred
28 account during a specified period by the total therms or kilowatt-
29 hours which have been sold in the geographical area to which the
30 rate applies during the specified period, not including kilowatt-hours
31 sold pursuant to an expanded solar access program established
32 pursuant to NRS 704.7865.

33 (b) "Electric utility" has the meaning ascribed to it in
34 NRS 704.187.

35 (c) "Electric utility that primarily serves densely populated
36 counties" means an electric utility that, with regard to the provision
37 of electric service, derives more of its annual gross operating
38 revenue in this State from customers located in counties whose
39 population is 700,000 or more than it does from customers located
40 in counties whose population is less than 700,000.

41 (d) "Electric utility that primarily serves less densely populated
42 counties" means an electric utility that, with regard to the provision
43 of electric service, derives more of its annual gross operating
44 revenue in this State from customers located in counties whose



- 1 population is less than 700,000 than it does from customers located
- 2 in counties whose population is 700,000 or more.

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