
ASSEMBLY BILL NO. 24—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE PUBLIC UTILITIES COMMISSION OF NEVADA)

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the Public Utilities Commission of Nevada. (BDR 58-454)

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 the Public Utilities Commission of Nevada; revising provisions governing the administrative operations of the Commission; revising the duties of the Executive Director of the Commission; prohibiting certain actions of Commissioners concerning contested cases; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Public Utilities Commission of Nevada to maintain a
- 2 principal office in Carson City and authorizes the Commission to maintain an office
- 3 in Las Vegas. (NRS 703.120) **Section 2** of this bill requires the Commission to
- 4 maintain offices in Carson City and Clark County. **Section 2** also authorizes the
- 5 electronic filing of any document required to be filed with the Commission.
- 6 Existing law requires the Commission to appoint an Executive Director of the
- 7 Commission to carry out certain functions of the Commission. (NRS 703.130)
- 8 **Section 3** of this bill requires the Executive Director to conduct the administrative
- 9 operations of the Commission and repeals provisions which authorize the Executive
- 10 Director to carry out functions that do not concern administrative operations.
- 11 **Sections 4, 5 and 7** of this bill require the Executive Director to approve certain
- 12 expenditures of the Commission, including travel expenses of each Commissioner
- 13 and employee of the Commission and expenses of certain witnesses appearing
- 14 before the Commission.
- 15 **Section 6** of this bill prohibits a Commissioner from directing or influencing, or
- 16 attempting to direct or influence, an investigation or recommendation of the
- 17 Regulatory Operations Staff of the Commission concerning a contested case
- 18 pending before the Commission.



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

- 1 **Section 1.** NRS 703.085 is hereby amended to read as follows:
2 703.085 1. All commissioners are required for the
3 Commission to act in any matter involving:
4 (a) A general rate application or an annual deferred energy
5 accounting adjustment application of an electric utility or a public
6 utility which purchases natural gas for resale; and
7 (b) A plan of an electric utility to increase its supply of
8 electricity or decrease the demands made on its system pursuant to
9 NRS 704.741.
- 10 2. Except as otherwise provided in subsection 1, a majority of
11 the commissioners has full power to act in all matters within the
12 jurisdiction of the Commission.
- 13 3. Before the Commission may enter a final order on a matter,
14 there must be at least the required number of commissioners who
15 are able to act on the matter. If there are fewer than the required
16 number of commissioners who are able to act on the matter because
17 of disqualifications, illnesses, incapacities, vacancies that have not
18 yet been filled, or any other reason, the Governor shall appoint the
19 requisite number of persons to serve as acting commissioners in the
20 place of the commissioners who are unable to act on the matter so
21 that there are at least the required number of persons who are able to
22 act on the matter, whether serving as a commissioner or an acting
23 commissioner. If there are fewer than the required number of
24 commissioners who are able to act on the matter because of
25 disqualifications, illnesses, incapacities, vacancies that have not yet
26 been filled, or any other reason, and the Governor has not appointed
27 the requisite number of persons to serve as acting commissioners
28 pursuant to this subsection, the Commission may designate a
29 hearing officer appointed pursuant to subsection ~~7~~ 6 of NRS
30 703.130 to serve as an acting commissioner.
- 31 4. Before the Governor may appoint a person to serve as an
32 acting commissioner in the place of a commissioner who is unable
33 to act on the matter, the person must be qualified to serve in the
34 office of that commissioner as if the Governor were appointing the
35 person to fill a vacancy in that office.
- 36 5. A person who is appointed or authorized to serve as an
37 acting commissioner shall be deemed to be a commissioner and is
38 entitled to exercise the powers of a commissioner only in
39 proceedings before the Commission that involve the matter or
40 matters for which the person is appointed or authorized to serve as
41 an acting commissioner.



1 6. A person who is appointed to serve as an acting
2 commissioner:

3 (a) Is subject to all legal requirements and restrictions and
4 enjoys all legal protections and immunities that apply to a
5 commissioner and to state officers generally while the person is
6 engaged in the business of the Commission as an acting
7 commissioner; and

8 (b) Is entitled to receive, for each day the person is engaged in
9 the business of the Commission as an acting commissioner, a salary
10 of \$80 and the per diem allowance and travel expenses provided for
11 state officers and employees generally. The person is not entitled to
12 receive any other compensation for serving as an acting
13 commissioner.

14 7. A person who is appointed to serve as an acting
15 commissioner serves at the pleasure of the Governor. The
16 appointment of the person expires:

17 (a) On the date that the Governor declares that the appointment
18 has expired; or

19 (b) On the date that the matter or matters for which the person
20 was appointed are no longer pending before the Commission,
21 ↪ whichever date occurs earlier.

22 8. The Governor may reappoint a person to serve as an acting
23 commissioner.

24 **Sec. 2.** NRS 703.120 is hereby amended to read as follows:

25 703.120 1. The Commission shall ~~keep its principal office~~
26 ~~at~~ *maintain offices in* Carson City, Nevada, *and Clark County,*
27 *Nevada,* in rooms provided by the Buildings and Grounds Division
28 of the Department of Administration . ~~[and may maintain another~~
29 ~~office in Las Vegas, Nevada.]~~

30 2. ~~[If an office is so maintained in Las Vegas, any]~~ *Any*
31 document which is required to be filed with the Commission may be
32 filed *electronically, in the manner prescribed by the Executive*
33 *Director,* at its office in ~~[Las Vegas with the same effect as if it were~~
34 ~~filed at the]~~ *Clark County or at its* office in Carson City.

35 **Sec. 3.** NRS 703.130 is hereby amended to read as follows:

36 703.130 1. The Commission shall, within the limits of
37 legislative appropriations or authorizations, employ and fix the
38 salaries of or contract for the services of such professional, technical
39 and operational personnel and consultants as the execution of its
40 duties and the operation of the Commission may require.

41 2. The Commission shall appoint an Executive Director ~~[]~~ *to*
42 *conduct the administrative operations of the Commission,* who
43 must be:

44 (a) Knowledgeable and experienced in public administration and
45 fiscal management; *and*



- 1 (b) ~~Knowledgeable in the areas of utility regulation by the~~
2 ~~Commission; and~~
3 ~~—(e)~~ Independent of and have no pecuniary interest in any entity
4 regulated by the Commission.
- 5 3. The Executive Director shall:
- 6 (a) Serve as Chief Financial Officer for the Commission;
- 7 (b) Direct the daily *administrative* operation of the Commission,
8 including, without limitation:
- 9 (1) Budget preparation;
- 10 (2) ~~Administration;~~ *Assisting the Commission in*
11 *administrative matters;*
- 12 (3) Human resources;
- 13 (4) Purchases and acquisitions made by the Commission; and
- 14 (5) Contracts and leases entered into by the Commission;
- 15 (c) Develop and implement policies and procedures to ensure
16 the efficient *administrative* operation of the Commission;
- 17 (d) Oversee ~~:~~
- 18 ~~—(1) The review of applications for certificates, permits and~~
19 ~~modifications of tariffs;~~
- 20 ~~—(2) The~~ *the* maintenance of a hearing calendar of all matters
21 pending before the Commission; and
- 22 ~~{(3) Compliance with and enforcement of statutes and~~
23 ~~regulations pertaining to utilities which are regulated by the~~
24 ~~Commission; and}~~
- 25 (e) Authenticate documents and serve as custodian of all agency
26 records.
- 27 4. The Executive Director is in the unclassified service of the
28 State.
- 29 5. The Executive Director, with the approval of the
30 Commission, shall designate a Secretary who shall perform such
31 administrative ~~and other~~ duties as are prescribed by the Executive
32 Director. The Executive Director, with the approval of the
33 Commission, shall also designate an Assistant Secretary.
- 34 6. ~~The Executive Director may employ such other clerks,~~
35 ~~experts or engineers as may be necessary.~~
- 36 ~~—7.~~ Except as otherwise provided in subsection ~~{8;}~~ 7, the
37 Commission:
- 38 (a) May appoint one or more hearing officers for a period
39 specified by the Commission to conduct proceedings or hearings
40 that may be conducted by the Commission pursuant to NRS 702.160
41 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of
42 NRS.
- 43 (b) Shall prescribe by regulation the procedure for appealing a
44 decision of a hearing officer to the Commission.



1 ~~[8.]~~ 7. The Commission shall not appoint a hearing officer to
2 conduct proceedings or hearings:

3 (a) In any matter pending before the Commission pursuant to
4 NRS 704.7561 to 704.7595, inclusive; or

5 (b) In any matter pending before the Commission pursuant to
6 NRS 704.061 to 704.110, inclusive, in which an electric utility has
7 filed a general rate application or an annual deferred energy
8 accounting adjustment application.

9 ~~[9.]~~ 8. As used in this section, "electric utility" has the
10 meaning ascribed to it in NRS 704.187.

11 **Sec. 4.** NRS 703.140 is hereby amended to read as follows:

12 703.140 The expenditures of each Commissioner and
13 employee of the Commission while traveling on its business must be
14 sworn to by the person who incurred the expense and must be
15 approved by the ~~[Chair]~~ *Executive Director* of the Commission.

16 **Sec. 5.** NRS 703.168 is hereby amended to read as follows:

17 703.168 The Commission may, in carrying out its duties:

18 1. Cooperate with the Federal Government, its departments and
19 agencies.

20 2. Confer with the regulatory agencies of other states on
21 matters of mutual concern and benefit to persons served by the
22 public utilities and alternative sellers of this state.

23 3. Use the services, records, facilities and cooperation of
24 federal and state regulatory agencies, and hold joint hearings and
25 participate in joint conferences to reach decisions in matters which
26 require cooperation. All necessary expenses incurred in attending
27 hearings and conferences outside this state are a charge against the
28 State, and must be paid as other claims against this state are paid.
29 The claims must be sworn to by the Commissioner who incurred the
30 expense and approved by the ~~[Chair]~~ *Executive Director*.

31 **Sec. 6.** NRS 703.301 is hereby amended to read as follows:

32 703.301 1. In any contested case pending before the
33 Commission, the Regulatory Operations Staff of the Commission
34 may, without filing a petition for leave to intervene:

35 (a) Appear and participate in the contested case as an
36 independent party; and

37 (b) Be represented by legal counsel in the contested case.

38 2. A Commissioner ~~[may]~~ *shall* not ~~[discuss]~~ :

39 (a) *Direct or attempt to direct an investigation of the
40 Regulatory Operations Staff of the Commission concerning a
41 contested case pending before the Commission.*

42 (b) *Influence or attempt to influence a recommendation of the
43 Regulatory Operations Staff of the Commission concerning a
44 contested case pending before the Commission.*



1 (c) *Discuss* with a member of the Regulatory Operations Staff of
2 the Commission any substantive issues of fact or law concerning a
3 contested case pending before the Commission except upon notice
4 to all parties to the contested case and an opportunity for all such
5 parties to participate.

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

8 **Sec. 7.** NRS 703.340 is hereby amended to read as follows:

9 703.340 1. Either party is entitled to an order by the
10 Commission for the appearance of witnesses or the production of
11 books, papers and documents containing material testimony.

12 2. Witnesses appearing upon the order of the Commission are
13 entitled to the same fees and mileage as witnesses in civil actions in
14 the courts of the State, and the fees and mileage must be paid out of
15 the State Treasury in the same manner as other claims against the
16 State are paid. No fees or mileage may be allowed unless the ~~[Chair]~~
17 *Executive Director* of the Commission certifies the correctness of
18 the claim.

19 **Sec. 8.** This act becomes effective on July 1, 2011.



