

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.**

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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.