

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

LCB File No. R070-15

Effective April 4, 2016

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

AUTHORITY: §§1 and 2, NRS 427A.797, as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888, and NRS 703.025.

A REGULATION relating to telecommunications; revising provisions relating to the establishment of the amount of the surcharge on certain telephone services to fund a program to provide devices for telecommunication or other assistive technology to persons who are deaf or have severely impaired speech or hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to develop and administer a program to provide devices for telecommunication or other assistive technology to persons who are deaf or have severely impaired speech or hearing and to fund centers to provide various services for such persons. Funding for the program is provided by a surcharge imposed on each telephone and wireless telephone line of each customer in this State, and the amount of the surcharge is established by the Public Utilities Commission of Nevada. Before the passage of Assembly Bill No. 200 of the 2015 Legislative Session, existing law also required that the program developed by the Division be approved by the Commission. (NRS 427A.797) Assembly Bill No. 200 eliminated the requirement for approval of the program by the Commission and limited the amount of the surcharge to not more than 8 cents per month. (NRS 427A.797, as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888.)

Existing regulations provide that the Commission will, after an investigation and hearing, notify each carrier of the amount of the surcharge to be assessed and collected for the year that begins on July 1 not later than the immediately preceding June 1. (NAC 707.020) **Section 1** of this regulation establishes certain additional procedures, which include: (1) the filing by the Division, on or before February 1 of each year, of an application, which may include the approved annual program budget, that requests the Commission to establish the amount of the surcharge for the upcoming year; and (2) the filing with the Commission by its Regulatory Operations Staff, on or before the following March 1, of the Staff's calculation of a proposed amount of the surcharge. **Section 1** also revises existing regulations which provide that the Commission will hold a hearing before establishing the amount of the surcharge and provides instead that the Commission may dispense with such a hearing if it is not requested by a carrier

unless the Commission determines that a hearing is necessary or required by statute. **Section 2** of this regulation repeals existing regulations relating to the Commission's approval of the program in order to conform to the changes made by Assembly Bill No. 200.

Section 1. NAC 707.020 is hereby amended to read as follows:

707.020 1. *The Commission will, on an annual basis, establish the amount of the surcharge to be assessed and collected for the program developed pursuant to NRS 427A.797, as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888, by the Aging and Disability Services Division of the Department of Health and Human Services.*

2. *If, on or before February 1 of each year, the Division files an application with the Commission requesting the establishment of the amount of the surcharge and includes the approved annual program budget, the Commission will, except as otherwise provided in NRS 427A.797, as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888, base its calculation of the amount of the surcharge on the budget as filed.*

3. *On or before March 1 of each year, the Regulatory Operations Staff of the Commission shall file its calculation of a proposed amount of the surcharge with the Commission.*

4. *Within 10 days after the Regulatory Operations Staff of the Commission files its calculation of a proposed amount of the surcharge pursuant to subsection 3, any carrier or interested person may file comments on the proposed amount of the surcharge, and any carrier may request a hearing on the matter. If no request for a hearing is received by the Commission, it will dispense with a hearing and act upon the matter unless it finds that a hearing is necessary or required by statute.*

5. On or before June 1 of each year, the Commission ~~1, after an investigation and hearing, 1~~ will *establish and* notify each carrier of the amount of the surcharge to be assessed and collected

for the period from July 1 of that year to June 30 of the next year from each of its customers ~~for the program developed pursuant to~~ *pursuant to this section and* NRS 427A.797 ~~by the Aging and Disability Services Division of the Department of Health and Human Services.~~, *as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888.*

6. The surcharge will be assessed ~~for each line of access~~ *in the manner set forth in NRS 427A.797, as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888*, and will be either a percentage of the basic charge for service to the customer or an equal amount for each customer in a class of customers. ~~An intraexchange carrier may not list the surcharge as a separate item on the customer's bill unless the intraexchange carrier demonstrates to the Commission that it would be unduly burdensome to comply with this provision.~~

~~—2.— The Commission, upon its own motion or upon the petition of an interested person for good cause shown, will conduct a hearing to evaluate the reasonableness of the surcharge currently in effect.~~

~~—3.—~~ The surcharge must be billed by each carrier to its customers on a monthly basis.

7. *For the purposes of this section, “annual program budget” includes, without limitation, the amounts established by the Division to:*

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or have severely impaired speech or hearing established pursuant to subsection 2 of NRS 427A.797, as amended by section 2 of Assembly Bill No. 200, chapter 191, Statutes of Nevada 2015, at page 888; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

Sec. 2. NAC 707.050 is hereby repealed.

TEXT OF REPEALED SECTION

707.050 Review by Commission of program to provide devices for telecommunication to persons with impaired speech or hearing. (NRS 427A.797, 703.025) The Commission will review and approve or disapprove the program developed pursuant to NRS 427A.797 by the Aging and Disability Services Division of the Department of Health and Human Services at the hearing held by the Commission each year to determine the amount of surcharge for an upcoming period.