

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

LCB File No. R198-01

January 22, 2002

(Part of this draft, relating to telephone service, is now located in R059-02)

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

AUTHORITY: §§1-17, 20, 21, 26, 30-41, NRS 703.025 and 704.210; §§18, 19, 22-25, 27, 28, 29, NRS 703.025, 704.1835 and 704.210.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. 1. *If a customer is required to be present at the location where service is provided so that the utility is able to conduct a service visit or repair visit at that location, the utility shall provide the customer with a 4-hour time span during which the service visit or repair visit will be scheduled.*

2. If it is likely that the employee of the utility or other person who is to conduct the scheduled visit will arrive after the 4-hour time span on the day of the scheduled visit or will not arrive at all on the day of the scheduled visit, the utility shall use its best efforts to notify the customer by telephone as soon as the utility knows that it is likely that the employee or other person will arrive after the 4-hour time span on the day of the scheduled visit or will not arrive at all on the day of the scheduled visit.

3. Whether or not the utility notifies the customer by telephone pursuant to subsection 2:

(a) If the employee or other person arrives after the 4-hour time span on the day of the scheduled visit, the utility shall not charge any service fee or repair charge for all labor performed during the scheduled visit.

(b) If the employee or other person does not arrive at all on the day of the scheduled visit, the utility shall not charge any service fee or repair charge for:

(1) The missed visit; and

(2) All labor performed during any later visit that is scheduled as a substitute for the missed visit.

Sec. 3. 1. *For the purposes of this section, the commission hereby adopts by reference the slamming rules and remedies of the Federal Communications Commission, 47 C.F.R. §§ 64.1100 to 64.1195, inclusive, and any amendments made to those rules and remedies by the Federal Communications Commission. The provisions of 47 C.F.R. §§ 64.1100 to 64.1195, inclusive, may be purchased from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, or toll-free at 866-512-1800, for the price of \$___.*

2. Pursuant to the authority granted to state commissions by 47 C.F.R. § 64.1110, the commission hereby declares its intention to administer and enforce the slamming rules and remedies of the Federal Communications Commission with regard to providers of telecommunication service that are subject to the jurisdiction of the commission.

3. A provider of telecommunication service that is subject to the jurisdiction of the commission shall not violate the slamming rules and remedies of the Federal Communications Commission.

4. Upon the request of a subscriber, a provider of telecommunication service that is subject to the jurisdiction of the commission shall change the preferred long distance carrier of the subscriber in accordance with the procedures established by the slamming rules and remedies of the Federal Communications Commission.

Sec. 4. 1. If a customer makes an application for service and the utility is unable to provide service to the requested location within 5 business days after the date on which the customer makes the application, the utility shall provide the customer with a temporary cellular telephone unless:

(a) A line extension is needed to provide service to the requested location; or

(b) The requested location is in area where cellular telephone service is unavailable.

2. If a customer is provided with a temporary cellular telephone by a utility pursuant to subsection 1, the customer:

(a) May use the temporary cellular telephone until the utility provides service to the requested location; and

(b) Shall pay the rates that the provider of the cellular telephone service charges for single-party service for the period during which the temporary cellular telephone is in use by the customer.

Sec. 5. If a utility charges a customer for use of any telecommunication service based on units of time, the charges must be assessed and billed to the customer in units of minutes or seconds.

Sec. 6. If a utility terminates basic service to a customer for nonpayment, the utility shall continue to provide the customer with access to:

1. Emergency 911 service; and

2. Toll-free 800 numbers and all other toll-free numbers.

Sec. 7. *A utility shall provide its customers with at least 30 days' notice of:*

- 1. Its intent to change a rate; and*
- 2. The effective date of each change in a rate.*

Sec. 8. *1. If a customer is required to be present at the location where service is provided so that the utility is able to conduct a service visit or repair visit at that location, the utility shall provide the customer with a 4-hour time span during which the service visit or repair visit will be scheduled.*

2. If it is likely that the employee of the utility or other person who is to conduct the scheduled visit will arrive after the 4-hour time span on the day of the scheduled visit or will not arrive at all on the day of the scheduled visit, the utility shall use its best efforts to notify the customer by telephone as soon as the utility knows that it is likely that the employee or other person will arrive after the 4-hour time span on the day of the scheduled visit or will not arrive at all on the day of the scheduled visit.

3. Whether or not the utility notifies the customer by telephone pursuant to subsection 2:

(a) If the employee or other person arrives after the 4-hour time span on the day of the scheduled visit, the utility shall not charge any service fee or repair charge for all labor performed during the scheduled visit.

(b) If the employee or other person does not arrive at all on the day of the scheduled visit, the utility shall not charge any service fee or repair charge for:

- (1) The missed visit; and*
- (2) All labor performed during any later visit that is scheduled as a substitute for the missed visit.*

Sec. 9. NAC 704.302 is hereby amended to read as follows:

704.302 As used in NAC 704.302 to 704.390, inclusive, *and section 2 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 704.303 to 704.317, inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NAC 704.303 is hereby amended to read as follows:

704.303 “Customer” means a person:

1. Who receives or applies to receive residential gas or electric service from a utility; or
2. In whose name such service is or is to be provided, as evidenced by:
 - (a) ~~[His]~~ A signature on the application or contract for service; or
 - (b) ~~[In the absence of a signed instrument, the receipt and payment of bills regularly issued in the name of the customer, regardless of the identity of the actual user of the service.]~~ *Other demonstrable evidence establishing that the person requested the utility to provide service in that person’s name.*

Sec. 11. NAC 704.321 is hereby amended to read as follows:

704.321 1. Except as otherwise provided in this section, a utility may not enter into any agreement with a customer under terms which are inconsistent with the provisions of NAC 704.302 to 704.390, inclusive ~~;~~

~~—2. Nothing in], and section 2 of this regulation.~~

2. The provisions of NAC 704.302 to 704.390, inclusive, ~~[shall be deemed to]~~ *and section 2 of this regulation do not* preclude a utility from entering into an agreement with a customer under terms which are more favorable to the customer than those provided by those sections.

Sec. 12. NAC 704.326 is hereby amended to read as follows:

704.326 1. Except as otherwise provided in subsection 2, a customer may make an application for service by mail.

2. A customer who is applying for service from a utility for the first time, or who has not received service from the utility during the preceding 2 years, must apply for service in person unless this will cause ~~him~~ *the customer* undue hardship.

3. Upon the request of a customer who has applied for service from a utility, the utility shall provide the customer with a range of historical energy use at the location where service is to be provided to the customer. In providing the information to the customer who has applied for service, the utility shall take appropriate measures to protect confidential customer information regarding all prior customers at that location.

Sec. 13. NAC 704.328 is hereby amended to read as follows:

704.328 1. Except as otherwise provided in subsections 2 and 3, a deposit for each service provided by a utility must not exceed an amount equal to 150 percent of the estimated average monthly bill of the customer for each such service. Deposits for multiple types of utility service from the same utility must be calculated separately.

2. If an elderly customer establishes credit by making a deposit, the deposit must not exceed 50 percent of the deposit established pursuant to subsection 1.

3. If the service of a customer has been terminated and he is not currently receiving service, the deposit required by the utility for resumption of service must not exceed an amount equal to 150 percent of the ~~highest~~ estimated *average* monthly bill of the customer for the service to be resumed.

4. A utility may require:

(a) An elderly customer who has had a termination of service or made four or more payments after the issuance of the next monthly bill within a 12-month period to provide the remaining 50 percent of the deposit.

(b) A customer, who has not been required to provide a deposit, to provide a deposit once his credit has become unsatisfactory.

5. By posting a deposit, the customer agrees that the deposit is a pledge to make future payments to the utility and not payment for future services that are furnished by the utility.

6. A utility may apply a deposit to any amounts outstanding at the time service is terminated or discontinued at the request of the customer.

Sec. 14. NAC 704.330 is hereby amended to read as follows:

704.330 *1.* A utility may require a customer who is subject to termination of service and who requests the resumption or continuation of service to provide a deposit in addition to any other deposit made by the customer pursuant to NAC 704.328 only if the initial deposit has been returned to the customer or more than one-half of the deposit has been applied to the account of the customer. In no event may the amount of a deposit held by a utility exceed the amounts specified in NAC 704.328.

2. If a utility requires a residential customer to provide a deposit pursuant to subsection 1, the deposit may be combined with any arrearage, and the customer may pay the deposit and the arrearage pursuant to:

(a) A program of equalized billing in accordance with NAC 704.338; or

(b) An agreement for deferred payment in accordance with NAC 704.341.

Sec. 15. NAC 704.337 is hereby amended to read as follows:

704.337 1. Except as otherwise provided in subsection 4, if a utility is unable, because of circumstances beyond its control, to read the meter of a customer on the date scheduled, it may bill the customer based upon his estimated usage for the billing period.

2. For the purposes of this section, circumstances beyond the control of a utility include:

(a) Severe weather;

(b) The presence of an animal on the premises of the customer which prevents an employee of the utility from reading the meter without risk of injury; or

(c) Any other circumstance which makes it unreasonably difficult to read the meter.

3. A utility shall consider the following factors in calculating a bill based upon estimated usage:

(a) The usage of the customer during the same month of the preceding year;

(b) Any change in temperature from the preceding month;

(c) The usage during the preceding month; and

(d) Seasonal load factors.

4. A utility which issues three consecutive bills to a customer based upon estimated usage, or ~~five~~ *four* such bills for a customer in the area surrounding Lake Tahoe, shall notify the customer of its right of access to the premises of the customer. Thereafter, any additional and consecutive bill based upon estimated usage may be issued only under extraordinary circumstances.

5. A utility shall:

(a) Adjust the estimated usage upon the first reading of a meter after an estimated reading;

(b) Print the word “estimate” *plainly* on each bill which is based upon estimated usage; and

(c) Notify customers of its right to issue bills based upon estimated usage.

Sec. 16. NAC 704.338 is hereby amended to read as follows:

704.338 1. ~~[A]~~ *Except as otherwise provided in this section, a utility shall offer a program of equalized billing to any residential customer ~~[who has made 12 or more consecutive timely payments at the same address.~~*

~~—2. The] at any time upon the request of the customer.~~

2. If a residential customer requests to enter into the program of equalized billing and the customer has an arrearage when the request is made, the customer may not enter into the program unless the customer:

(a) Pays at least 50 percent of the arrearage upon entering into the program; and

(b) Agrees to pay, in amounts that are apportioned over the first year of participation in the program, the remaining arrearage and any deposit required by the utility pursuant to NAC 704.330 as a condition of continuing or resuming service.

3. If a residential customer enters into the program of equalized billing, the equalized billing must be calculated by dividing the total amount of estimated bills for 1 year by the number of monthly payments for that year. The utility shall, at least once each year, adjust the monthly payments to conform to the actual bills.

~~[3.]~~ *4. A utility may not adjust the amount of an equalized bill because of a change in rates before the rates become effective.*

5. If a residential customer fails to make 2 or more consecutive timely payments while participating in the program of equalized billing, the utility may, in addition to any other rights and remedies available to the utility, remove the customer from the program. If the utility removes the customer from the program, the customer may not enter into the program again without the approval of the utility.

Sec. 17. NAC 704.339 is hereby amended to read as follows:

704.339 1. *A utility shall:*

(a) Deliver a bill to a customer by deposit of the bill with the United States Postal Service for delivery to the customer by first-class mail or by another means of physical delivery of the bill to the billing address of the customer; and

(b) Upon the request of the customer, deliver an electronic bill to the customer via the Internet. The electronic bill:

(1) Must contain the same content and be presented in the same format as the bill delivered to the customer pursuant to paragraph (a); and

(2) Is in addition to the bill delivered to the customer pursuant to paragraph (a) and may not be used to determine the past due date for payment of the bill delivered to the customer pursuant to paragraph (a).

2. Each bill issued by a utility *pursuant to paragraph (a) of subsection 1* for service provided during the current billing period is due:

(a) Upon deposit of the bill with the United States Postal Service for delivery to the customer by first-class mail; or

(b) In the case of *physical* delivery by other means, upon *physical* delivery of the bill to the billing address of the customer.

~~2.~~ 3. A customer may pay the bill:

(a) By depositing payment *in the form of a check or a money order* with the United States Postal Service for delivery to the utility by first-class mail;

(b) By making payment at the business office of the utility ~~[; or]~~, *using cash, a check, a money order, a credit card, a debit card, an electronic check or, if authorized by the utility, some other form of electronic fund transfer;*

(c) By making payment to any person authorized by the utility to accept payment ~~[;~~ ~~—3.]~~, *using cash, a check, a money order, a credit card, a debit card, an electronic check or, if authorized by the utility, some other form of electronic fund transfer; or*

(d) *By making payment through a bank-by-phone system or, if authorized by the utility, by making payment through a payment terminal, an automatic withdrawal system or another system that allows for electronic fund transfers.*

4. *A utility shall authorize at least one system of payment that allows customers to make payments to the utility via the Internet.*

5. The date a bill is past due may not be earlier than 15 days after its issuance.

6. *If a utility has the capability to allow a customer to choose the date that, for each billing cycle, will be the last day for payment before the past due date, the utility shall:*

(a) *On an annual basis, notify customers that they have such a choice; and*

(b) *Upon the request of a customer, allow the customer to make such a choice.*

7. *If a utility does not have the capability described in subsection 6, the utility shall, upon the request of a customer and to the extent practicable, work with the customer to establish by mutual agreement the date that, for each billing cycle, will be the last day for payment before the past due date.*

8. If the last day for payment before the past due date falls on a Sunday, legal holiday, or any other day on which the office of a utility used for the payment of bills is closed, the last day for payment is the next business day. Except as otherwise provided in subsection ~~[4.]~~ 9, payment

of a bill by first-class mail is timely if the payment is received not more than 4 days after the past due date.

~~[4.]~~ **9.** Any arrearage contained in a bill for service is past due and should be paid at the business office of the utility.

~~[5.]~~ **10.** A utility may charge a fee, as set forth in its tariff, for ~~[the]~~ :

(a) *The* return of an unpaid check ~~[or the]~~.

(b) *The* late payment of a bill.

(c) *The use of a credit card to make a payment to the utility. The utility shall not charge a fee for the use of a credit card to make a payment to the utility unless the fee has been reviewed and approved by the commission.*

Sec. 18. NAC 704.341 is hereby amended to read as follows:

704.341 1. Except as otherwise provided in this section ~~[]~~ *and NAC 704.338*, a utility shall provide a program for the deferred payment of a delinquent bill for any customer who requests the program and agrees in writing to pay:

(a) The arrearage within 90 days after the execution of the agreement, in four equal payments, with the first payment to be made upon the execution of the agreement; and

(b) All future bills when due.

FLUSH The 90-day period otherwise provided for payment of the arrearage may be extended at the discretion of the utility.

2. If a customer who enters into an agreement for the deferred payment of an arrearage is required to pay a deposit as a condition of continuing or resuming service, and his service has not been terminated because of his failure to comply with an existing agreement for deferred payment ~~[]~~ *or he is entering into the agreement pursuant to subsection 3:*

(a) *Except as otherwise provided in paragraph (b), the deposit and the arrearage must be included in the agreement and must be paid within 120 days, in four equal payments ~~[. The first of these payments must]~~, with the first payment to be made upon the execution of the agreement ~~[.]~~; and*

(b) *If the customer is a residential customer, the payments must be credited to the arrearage first and, if the customer pays the arrearage in full as provided by the agreement, the utility shall waive the deposit.*

3. ~~[The utility shall consider any commitment by]~~ *If a governmental agency or ~~[its agent to assist customers who are unable to pay their bills even though money from that organization has not yet been disbursed.~~*

~~—4. Unless the utility otherwise agrees,]~~ *another entity that provides energy assistance to lower-income residential customers pledges or pays money on behalf of a residential customer who has an arrearage, the utility shall allow the customer to enter into an agreement for the deferred payment of the remaining arrearage and any deposit owed by the customer, regardless of whether the customer has entered into any other prior agreements for deferred payment pursuant to this section.*

4. *Except as otherwise provided in subsection 3, a customer may not ~~[initiate a program]~~ enter into an agreement for deferred payment pursuant to this section more than once during any 11-month period ~~[.]~~, unless the utility agrees otherwise.*

5. The service of a customer who enters into an agreement *for deferred payment* pursuant to this section may be terminated without notice for any failure to make payment as provided by the agreement.

6. Each agreement *for deferred payment* entered into pursuant to this section must:

(a) Specify the date on which each installment is due; and

(b) Contain a statement, in boldface type, of the right of the utility to terminate the service of the customer for his failure to make payment as ~~agreed.~~ *provided by the agreement.*

Sec. 19. NAC 704.342 is hereby amended to read as follows:

704.342 *1.* A utility shall provide a program for the payment of bills for *residential* customers who have difficulty paying their bills because of financial hardship.

2. A utility shall coordinate with governmental agencies and other entities that provide energy assistance to lower-income residential customers and with governmental agencies and other entities that provide services for weatherization and energy efficiency to lower-income residential customers to enable such agencies and entities to administer efficiently and effectively their assistance and services to lower-income residential customers.

3. A utility shall disclose to the agencies and entities described in subsection 2 information concerning the energy use of a residential customer, if the customer signs a release authorizing the utility to disclose that information.

4. To the extent that it is feasible, practicable and allowed by law, a utility shall incorporate into its database:

(a) Information concerning the household income and special needs of lower-income residential customers; and

(b) Information that will enable the agencies and entities described in subsection 2 to administer efficiently and effectively their assistance and services to lower-income residential customers.

Sec. 20. NAC 704.350 is hereby amended to read as follows:

704.350 A utility may terminate electric or gas service without prior notice only:

1. If an unsafe or hazardous condition related to that service is found to exist on the customer's premises;
 2. If the use of electric or gas service on the premises is found to be detrimental or damaging to the facilities or services of the utility or its customers;
 3. Upon the order of any court or the commission;
 4. If the acts of the customer or the conditions upon his premises are such as to indicate to the utility his intention to defraud it;
 5. If the utility has tried diligently to meet the requirements for notice set forth in NAC 704.360 and 704.365 but has not been able to give such a notice;
 6. If an event (a force majeure) occurs which could not have been reasonably anticipated or controlled and which requires the termination of the service;
 7. If the location ~~[at which the]~~ *where* service is provided has been abandoned; ~~[or]~~
 8. If the customer obtained service without the specific credit authorization of the utility ~~[]~~;
- or*
9. *If the termination without prior notice is otherwise authorized pursuant to NAC 704.302 to 704.390, inclusive, and section 2 of this regulation.*

Sec. 21. NAC 704.355 is hereby amended to read as follows:

704.355 1. Except as otherwise provided in NAC 704.302 to 704.390, inclusive, *and section 2 of this regulation*, a utility may terminate electric or gas service to a customer without his permission, after adequate notice has been given pursuant to NAC 704.360 and 704.365 for any of the following reasons:

- (a) Nonpayment of a delinquent bill.

(b) Failure to make a security deposit, an installment payment on a delinquent bill, or a security deposit, or a guarantee, when required.

(c) Violation of any rule of the utility.

2. Except as otherwise provided ~~[by NAC 704.380,]~~ *in NAC 704.302 to 704.390, inclusive, and section 2 of this regulation,* a utility may terminate service:

(a) At the new location of a customer for his failure to pay a delinquent bill for service which he received at a previous location; or

(b) If a customer receives residential service at more than one location, at any of the locations for his failure to pay a delinquent bill at any location.

Sec. 22. NAC 704.360 is hereby amended to read as follows:

704.360 1. If a utility has a ground for the termination of service under NAC 704.355 and intends to terminate the service, ~~[it]~~ *the utility* shall *in every case* send a written notice of its intended action to the customer at least 10 days before it carries out the action.

2. If the utility receives no response to the *initial* notice, it shall send a second notice to the customer using ~~[a]~~ :

(a) A method required by NAC 704.390, if the customer is subject to the provisions of that section; or

(b) A method which ensures that the notice is delivered to the customer or the customer's premises at least 48 hours before it terminates the service.

3. The initial notice must be served personally upon the customer or mailed, by first-class mail, to him at his last known mailing address. Service of the *initial* notice shall be deemed complete as of the date of mailing or personal delivery. ~~[A]~~

4. *Except as otherwise provided in NAC 704.390, a* second notice may be communicated to the customer:

- (a) In person;
- (b) By first-class mail sent to him at his last known address;
- (c) By telephone if the person receiving the communication is 18 years of age or older and is a resident at the address where the service is being provided; or
- (d) By posting the notice on the door of that residence if no one is at home.

FLUSH If a utility intends to change the method it normally uses to deliver ~~the~~ a second notice, it shall send a written notice to its customers specifying the new method and the date on which it will begin using that method.

~~[4. A]~~

5. *The initial notice and any second notice* of an intended termination of service must contain the following information in clear and understandable language ~~;~~ , *with the information listed in paragraphs (i), (j) and (l) presented in a larger type size than the balance of the notice:*

- (a) An identification of the account affected by the intended termination.
- (b) The date on or after which the intended termination will occur.
- (c) The address of the location where service will be terminated.
- (d) The reason for the intended termination, including, if the intended termination is for nonpayment, a statement designating the bill as one for actual or estimated use and specifying the total amount owed, the period over which that amount was incurred, and the minimum payment required to avoid termination.

(e) The procedures which are available to dispute or appeal from the intended termination, specifying the address and telephone number of the utility's office which is responsible for handling complaints or inquiries.

(f) A statement that the utility will promptly investigate any complaint or dispute and give the customer its written decision on the matter.

(g) A statement that if the customer wishes to dispute any fact or interpretation of a regulation relied upon by the utility in its decision to terminate the service, the customer must communicate with the division. The statement must include the mailing address, telephone number, and toll-free telephone number of the division.

(h) A statement that the service will not be terminated before a resolution of the dispute if the customer pays the questioned portion of the bill at the time the dispute arises and pays all subsequent bills.

(i) An explanation of any arrangements for payment which the utility offers to customers who have difficulty in paying their bills.

(j) A list of the names, addresses, and telephone numbers of at least two governmental agencies or other organizations which have notified the utility that they will help customers who are unable to pay their bills.

(k) An explanation of the restrictions on the termination as set forth in NAC 704.370.

(l) A statement that elderly or handicapped customers must notify the utility of their status as members of households which contain electric or gas appliances which are essential for health.

(m) An explanation of the utility's fee schedule and procedures for reconnecting the service.

~~{5.—If}~~

6. *If a utility provides a customer with an initial notice or a second notice of an intended termination of service as required by this section, the utility shall provide the customer with an additional notice via e-mail if the customer has requested to be provided with such an additional notice via e-mail and the customer has provided the utility with a correct e-mail address. The additional notice via e-mail must contain the same information as the initial notice or second notice provided to the customer.*

7. *If a utility provides a residential customer with an initial notice or a second notice of an intended termination of service and the customer or another adult resident of the customer's household communicates orally with the utility concerning the notice, the utility shall explain to the customer or other adult resident each item of information which is included in the notice pursuant to subsection 5.*

8. *In addition to the notice required by the other provisions of this section, if a utility intends to terminate service at a ~~[-~~*

~~—(a) Location] location~~ having a master meter, ~~[it must]~~ *the utility shall* use *its* best efforts to post notice of its intended action in a conspicuous place at the location ~~[-~~

~~—(b) Mobile] and:~~

(a) If the location is a mobile home park having a master meter, ~~[it must also]~~ *the utility shall* use *its* best efforts to provide notice of its intended action to each mobile home in the park.

~~[The requirements of this subsection are in addition to those of subsections 1 to 4, inclusive.]~~

(b) If the location is a multi-unit residential complex having a master meter, the utility shall provide notice to each unit within the multi-unit residential complex in the same manner that the utility is required by the provisions of this section to provide notice to the customer of record for the master meter.

FLUSH

Sec. 23. NAC 704.370 is hereby amended to read as follows:

704.370 1. A utility shall postpone termination of service to a residential customer for 30 days after the day on which it receives both of the following:

(a) A statement from a licensed physician or public health official certifying that any termination of the service would be especially dangerous to the health of the customer or another person who is a permanent resident of the premises where the service is being provided and would constitute an emergency affecting the health of the person. The physician or health official may consider the feebleness, advanced age, physical disability or handicap, mental incapacity, serious illness, or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement must be in writing and include:

- (1) The address where service is provided;
- (2) The name of the person whose health would be especially endangered;
- (3) A clear description of the nature of the emergency; and
- (4) The name, title, and signature of the physician or official certifying the emergency.

FLUSH The statement may be made by telephone if a written statement is sent for confirmation to the utility within 5 days after the oral statement is made.

(b) A statement signed by the customer:

(1) That he is unable to pay for service in accordance with the requirements of the utility's billing; or

(2) That he is able to pay for service only in installments. The utility shall allow an installment period of up to 90 days for a customer to pay his bills.

2. The postponement may be extended for an additional 30 days if the utility receives a renewed medical certificate before the expiration of the original period of postponement.

3. If a utility again intends to terminate service after a customer has obtained a postponement pursuant to subsection 1, the utility shall give written notice of its intended action:

(a) To the division; ~~{and}~~

(b) To the customer and *to* any other person *who is* required to receive notice pursuant to NAC 704.360 ~~{}~~ *or 704.365; and*

(c) To appropriate state or local agencies that provide energy assistance to lower-income residential customers.

4. Before the period of postponement expires, the customer must arrange with the utility to pay his bills in accordance with its applicable rules.

Sec. 24. NAC 704.372 is hereby amended to read as follows:

704.372 1. If the service of a customer is being terminated for nonpayment of a delinquent bill or any installment due on such a bill, the utility may postpone the termination, regardless of whether the customer is qualified to make deferred payments pursuant to NAC *704.338 or* 704.341, if the utility determines that the customer is able to pay the amount owed and the customer agrees to a plan for payment.

2. In determining whether a customer is able to pay the amount owed, the utility shall consider:

(a) The amount owed;

(b) The length of time the bill or installment is past due;

(c) The date the account was established;

(d) The history of payment maintained by the customer with the utility;

(e) The credit history of the customer;

(f) The period for payment;

- (g) Any extraordinary circumstances of the case; and
- (h) Any information presented to the utility by the customer.

Sec. 25. NAC 704.375 is hereby amended to read as follows:

704.375 **1.** Except as otherwise provided in subsections 1 and 2 of NAC 704.350, a utility may not terminate service *to any customer* on a weekend, *on* a holiday ~~or~~ or on the day before a weekend or a holiday.

2. *A utility may not terminate service to a residential customer if the utility has knowledge that the customer or a permanent resident of the customer's household:*

(a) Is confined to the location where service is provided;

(b) Is on a life support device which, to operate effectively at that location, requires service provided by the utility; and

(c) Is likely to die without the aid of the life support device if the utility terminates service.

3. *A utility may not terminate service to a residential customer for nonpayment if:*

(a) The outstanding amount owed by the customer is \$50 or less; or

(b) The termination would occur during a forecasted period of extreme temperature for the local geographical area which encompasses the location where service is provided and which typically experiences similar temperature conditions as the location where service is provided.

4. *As used in this section:*

(a) "Forecasted period of extreme temperature" means any period of 24 hours for which the National Weather Service has issued a forecast predicting that, at some point during the period of 24 hours, the outside temperature will be:

(1) One hundred five degrees Fahrenheit or higher; or

(2) Fifteen degrees Fahrenheit or lower.

(b) “National Weather Service” means the National Weather Service of the National Oceanic and Atmospheric Administration of the United States Department of Commerce.

Sec. 26. NAC 704.380 is hereby amended to read as follows:

704.380 A utility may not terminate the service of a:

1. Residential customer because of his failure to pay a delinquent bill for another class of service.

2. Customer because of delinquent bills which were incurred by the previous occupant of the location ~~[at which]~~ *where* service is provided.

Sec. 27. NAC 704.383 is hereby amended to read as follows:

704.383 1. A utility shall resume service to a customer:

(a) If he has complied with the requirements of the utility set forth in its tariff;

(b) Upon the order of any court of competent jurisdiction or the commission; or

(c) If the statement conforms to the requirements of that paragraph, immediately upon its receipt of the statement described in paragraph (a) of subsection 1 of NAC 704.370.

2. *Except as otherwise provided in subsection 3, if a utility terminates service to a customer for nonpayment and the customer or another person or entity on behalf of the customer subsequently pays the utility in an amount that is sufficient to resume service, the utility shall resume service to the customer:*

(a) On the same day that the payment is received by the utility, if the payment is received by the utility on or before 10:00 a.m.; or

(b) Within 24 hours after the time when the payment is received by the utility, if the payment is received by the utility after 10:00 a.m.

3. *If, for nonpayment, a utility terminates service to a multi-unit residential complex having a master meter and the customer of record for the master meter or another person or entity on behalf of the customer of record subsequently pays the utility in an amount that is sufficient to resume service, the utility shall immediately resume service to each unit within the multi-unit residential complex.*

4. A utility may charge a fee, as set forth in its tariff, to resume service to a customer.

Sec. 28. NAC 704.385 is hereby amended to read as follows:

704.385 A utility shall give written notice to:

1. Each new residential customer at the time he applies for service; and
2. Each residential customer at least once annually by means of a notice enclosed with a bill,

FLUSH that special assistance is available to elderly *persons* and to handicapped persons who are unable to pay their bills on a timely basis and that such a person must communicate with the utility if he wishes to avail himself of that special assistance.

Sec. 29. NAC 704.390 is hereby amended to read as follows:

704.390 1. A utility may not terminate service to a residential customer who is elderly or handicapped, or whose household includes an elderly or handicapped person, unless ~~it~~ *the utility* has notified the customer or ~~some~~ *another* adult resident *of the customer's household* in person or by telephone at the address where service is provided at least 48 hours before the date upon which termination would occur.

2. ~~[The utility's representative]~~ *When providing the notice required by subsection 1, the utility* shall explain to the customer or other adult resident each item of information which subsection ~~[4]~~ *5* of NAC 704.360 requires to be included in a written notice of intent to terminate service.

3. *In addition to the notice required by subsection 1, the utility shall:*

(a) *Notify the aging services division of the department of human resources, if the utility intends to terminate service to a residential customer who is elderly or whose household includes an elderly person.*

(b) *Notify the appropriate state agency that aids handicapped persons, if the utility intends to terminate service to a residential customer who is handicapped or whose household includes a handicapped person.*

Sec. 30. NAC 704.395 is hereby amended to read as follows:

704.395 As used in NAC 704.395 to 704.421, inclusive, *and sections 4 to 8, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 704.3955 to 704.403, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. NAC 704.3965 is hereby amended to read as follows:

704.3965 “Customer” means a person:

1. Who receives or applies to receive any residential telecommunication service from a utility; or
2. In whose name such service is or is to be provided, as evidenced by:
 - (a) ~~His~~ A signature on the application or contract for service; or
 - (b) ~~[In the absence of a signed instrument, the receipt and payment of bills regularly issued in the name of the customer, regardless of the identity of the actual user of the service.]~~ *Other demonstrable evidence establishing that the person requested the utility to provide service in that person’s name.*

Sec. 32. NAC 704.404 is hereby amended to read as follows:

704.404 The provisions of NAC 704.395 to 704.421, inclusive ~~[]~~, *and sections 4 to 8, inclusive, of this regulation:*

1. Apply to telephone service furnished to residential customers by a provider of basic service which provides service through 10,000 or more access lines.
2. Provide guidance to a provider of basic service which provides service through less than 10,000 access lines regarding the scope and substance of the issues which must be addressed in the tariffs ~~[which]~~, *terms and conditions that* must be filed with the commission.

Sec. 33. NAC 704.4065 is hereby amended to read as follows:

704.4065 1. A utility shall notify each customer that special programs may be available for customers who are elderly or handicapped or have other special needs.

2. The notice required by subsection 1 must:

- (a) Be made by means of a notice enclosed with a bill;
- (b) Be made not less frequently than once each year; and
- (c) State that information concerning these programs may be found in NAC 704.395 to 704.421, inclusive, *and sections 4 to 8, inclusive, of this regulation* or obtained from the business office of the utility.

Sec. 34. NAC 704.407 is hereby amended to read as follows:

704.407 1. Except as otherwise provided in subsection 2, a utility may not enter into any agreement with a customer under terms that are inconsistent with the provisions of NAC 704.395 to 704.421, inclusive, *and sections 4 to 8, inclusive, of this regulation*, unless it informs the customer of his rights under those sections.

2. ~~[Nothing in]~~ *The provisions of* NAC 704.395 to 704.421, inclusive, ~~[shall be deemed to]~~ *and sections 4 to 8, inclusive, of this regulation do not* preclude a utility from entering into an

agreement with a customer under terms that are more favorable to the customer than those provided by those sections.

Sec. 35. NAC 704.4125 is hereby amended to read as follows:

704.4125 1. ~~[A]~~ *A utility shall:*

(a) Deliver a bill to a customer by deposit of the bill with the United States Postal Service for delivery to the customer by first-class mail or by another means of physical delivery of the bill to the billing address of the customer; and

(b) Upon the request of the customer, deliver an electronic bill to the customer via the Internet. The electronic bill:

(1) Must contain the same content and be presented in the same format as the bill delivered to the customer pursuant to paragraph (a); and

(2) Is in addition to the bill delivered to the customer pursuant to paragraph (a) and may not be used to determine the past due date for payment of the bill delivered to the customer pursuant to paragraph (a).

2. *Each* bill for service issued by a utility *pursuant to paragraph (a) of subsection 1* is due:

(a) Upon deposit of the bill with the United States Postal Service for delivery to the customer by first-class mail; or

(b) In the case of *physical* delivery by other means, upon *physical* delivery of the bill to the billing address of the customer.

~~[2-]~~ 3. A customer may pay the bill:

(a) Unless there is reason to believe that he has defrauded, is defrauding or intends to defraud the utility, or other good cause exists, by depositing payment *in the form of a check or a money order* with the United States Postal Service for delivery to the utility by first-class mail;

(b) By making payment at the business office of the utility ~~[; or]~~ , *using cash, a check, a money order, a credit card, a debit card, an electronic check or, if authorized by the utility, some other form of electronic fund transfer;*

(c) By making payment to any person authorized by the utility to accept payment ~~£~~
~~3. Except as otherwise provided in this subsection, the]~~ , *using cash, a check, a money order, a credit card, a debit card, an electronic check or, if authorized by the utility, some other form of electronic fund transfer; or*

(d) *By making payment through a bank-by-phone system or, if authorized by the utility, by making payment through a payment terminal, an automatic withdrawal system or another system that allows for electronic fund transfers.*

4. *A utility shall authorize at least one system of payment that allows customers to make payments to the utility via the Internet.*

5. *The date a bill is past due may not be earlier than 15 days after its issuance.*

6. *If a utility has the capability to allow a customer to choose the date that, for each billing cycle, will be the last day for payment before the past due date, the utility shall:*

(a) *On an annual basis, notify customers that they have such a choice; and*

(b) *Upon the request of a customer, allow the customer to make such a choice.*

7. *If a utility does not have the capability described in subsection 6, the utility shall, upon the request of a customer and to the extent practicable, work with the customer to establish by mutual agreement the date that, for each billing cycle, will be the last day for payment before the past due date.*

8. *If the last day for payment before that date falls on a Sunday, legal holiday, or any other day on which the office of a utility used for the payment of bills is closed, the last day for*

payment is the next business day. Payment of a bill by first-class mail is timely if the payment is received by the utility not more than 3 days after the past due date.

~~[4.]~~ **9.** A utility may charge a fee, as set forth in its tariff, for ~~[the]~~ :

(a) *The* return of an unpaid check ~~[or the]~~.

(b) *The* late payment of a bill.

(c) *The use of a credit card to make a payment to the utility. The utility shall not charge a fee for the use of a credit card to make a payment to the utility unless the fee has been reviewed and approved by the commission.*

Sec. 36. NAC 704.4145 is hereby amended to read as follows:

704.4145 1. If a customer disputes any bill, charge, or service, the utility shall promptly investigate the matter and report its determination to the customer. If the customer so requests, the report must be made in writing. Whether or not a written report is requested, upon an adverse determination by the utility, it shall inform the customer of his right to file a complaint with the division.

2. If the customer is not satisfied with the utility's determination, he may file a complaint with the division.

3. ~~[[~~ *Except as otherwise provided in NAC 704.4151, if the customer files* a complaint ~~[is filed, unless the utility agrees to waive the requirement at the request of]~~ *with* the division, the customer may be required by the utility to pay any disputed amount to the utility pending resolution of the complaint ~~[~~ *unless the utility agrees to waive the requirement at the request of the division.* If such a payment is made, the utility shall refund any money found by the commission to have been charged improperly.

4. A summary of the provisions of this section must be:

(a) Printed on the front or back of each bill or notice of termination issued by a utility; or

(b) Set forth in a section of each telephone directory issued by a utility. If this method is used, a reference to that section of the directory must be included on the front or back of each bill or notice of termination issued by the utility.

FLUSH The summary must include the mailing address, telephone number, and toll-free telephone number of the division.

Sec. 37. NAC 704.4151 is hereby amended to read as follows:

704.4151 1. If a customer fails to pay disputed toll charges ~~[.]~~ *and* files a complaint with the division, ~~[and a utility terminates service to the customer because of his failure to pay the disputed charges.]~~ the utility shall *continue to* furnish local service to the customer pending resolution of the dispute if toll restriction is available and the customer makes prior payment, in full, of:

(a) All outstanding charges for local service; *and*

(b) ~~[Any required deposit and connection fee for local service; and~~

~~—(c)]~~ The rates and charges for toll restriction set forth in the tariff of the utility.

~~[—2.]~~ If the commission resolves the complaint in favor of the customer, the utility shall reimburse the customer for *the* rates and charges ~~[previously paid pursuant to paragraphs (b) and (c) of subsection 1. The utility is not required to make reimbursement of any required deposit and connection fee for local service if the utility has terminated service because of the failure of the customer to pay both local and toll charges.~~

~~—3.—~~ The utility shall notify the customer of his right to obtain local service pursuant to this section as soon as:

~~—(a) A complaint by the customer is pending before the division or the commission; and~~

~~—(b) The utility has made an involuntary termination of the local service of the customer.] paid~~
to the utility pursuant to this paragraph.

2. If a customer complies with the provisions of subsection 1, the utility shall not terminate local service to the customer for failure to pay the disputed toll charges while the complaint is pending.

3. If the commission resolves the complaint against the customer, the customer shall pay the toll charges that the customer owes to the utility, and the utility shall transfer the toll charges to the appropriate provider of telecommunication service that provided the toll service to the customer.

Sec. 38. NAC 704.416 is hereby amended to read as follows:

704.416 Except as otherwise provided in NAC ~~[704.418, 704.4185 and 704.4195,]~~ *704.395 to 704.421, inclusive, and sections 4 to 8, inclusive, of this regulation,* a utility may terminate service to a customer without his consent, after giving any notice required by NAC 704.4165 and 704.417, for any of the following reasons:

1. Failure of the customer or any co-signer of the customer to pay a delinquent bill or any installment due on such a bill, including a bill for service received:

(a) At a previous location; or

(b) If the customer receives service at more than one location, at any such location.

2. Failure of the customer or any guarantor of the customer to pay any required deposit or connection fee or any installment due on either.

3. ~~[Failure of the customer to pay toll charges appearing on the bill. If the utility terminates local service under this subsection, it shall comply with the requirements of NAC 704.4151.~~

~~4.]~~ Violation by the customer of any rule of the utility set forth in its tariff. As used in this subsection, “rule” means a provision that establishes the application of rates, charges, and standards for service and is not included in a rate schedule.

Sec. 39. NAC 704.4165 is hereby amended to read as follows:

704.4165 1. Except as otherwise provided in NAC 704.418, a utility that intends to terminate ~~[the service of]~~ *service to* a customer shall give written notice of the termination to the customer and make a reasonable effort to notify any:

- (a) Co-signer or guarantor of the customer; and
- (b) Third person designated by the customer pursuant to NAC 704.4175.

2. Except as otherwise provided in subsection 1, the notice must be served upon each person described in that subsection at least 5 days before the date of the termination by personal delivery or by first-class mail addressed to his last known mailing address. Service of the notice shall be deemed complete as of the date of mailing or personal delivery.

3. The notice must clearly set forth:

- (a) The account number and telephone number of the customer affected;
- (b) The date on or after which the termination will occur;
- (c) The reason for the termination;
- (d) If the termination is for nonpayment of a delinquent bill or any installment due on such a bill, the total amount of money owed to the utility by the customer and the minimum payment required to avoid termination;
- (e) The telephone number at which the customer may obtain information from the utility concerning his bill or service;

(f) A statement that the customer may contest the termination before the division as provided in NAC 704.4205; and

(g) If required by that section, the statement required by NAC 704.4205.

4. If a utility provides a customer with written notice of its intent to terminate service as required by this section, the utility shall provide the customer with an additional notice via e-mail if the customer has requested to be provided with such an additional notice via e-mail and the customer has provided the utility with a correct e-mail address. The additional notice via e-mail must contain the same information as the written notice provided to the customer.

Sec. 40. NAC 704.421 is hereby amended to read as follows:

704.421 1. A utility shall resume service to a customer:

(a) If he has complied with the requirements of the utility set forth in its tariff;

(b) Upon the order of any court of competent jurisdiction or the commission; or

(c) Immediately upon a determination that failure to resume service would be especially dangerous to the health of the customer or any person who is a permanent resident of the premises where the service is being provided.

2. If a utility terminates service to a customer for nonpayment and the customer or another person or entity on behalf of the customer subsequently pays the utility in an amount that is sufficient to resume service, the utility shall resume service to the customer:

(a) Within 15 hours after the time when the payment is received by the utility, if the payment is received by the utility on a day other than a Friday, Saturday, Sunday or holiday;
or

(b) By the end of the next business day, if the payment is received by the utility on a Friday, Saturday, Sunday or holiday.

3. A utility may charge a fee, as set forth in its tariff, to resume service to a customer.

Sec. 41. NAC 704.6848 is hereby amended to read as follows:

704.6848 If the commission authorizes the provider to be regulated in accordance with an alternative plan of regulation, the commission will, as a condition of entry into such a plan, specify the conditions of entry into that alternative plan which:

1. Specify the rate at which each basic service will be capped during the term of the plan.
2. Require the terms and conditions of basic service to be subject to complete tariffing requirements, including conformance with the provisions of NAC 704.395 to 704.421, inclusive, *and sections 4 to 8, inclusive, of this regulation* and 704.68028, where applicable.
3. Specify the rates for other essential services and the range of rates for discretionary services that will become effective at the time of entry into the alternative plan of regulation.
4. Require the terms and conditions of the other essential and discretionary services to be subject to complete tariffing requirements, including conformance with the provisions of NAC 704.395 to 704.421, inclusive, *and sections 4 to 8, inclusive, of this regulation* and 704.68028 where applicable.
5. Authorize the provider to adjust its rates for intrastate switched access, exclusive of the charge for a common carrier line, and its rates for its elements of tariffed cellular interconnection, to the extent that such elements correspond to the rates for interstate access, so that those rates will be in parity with its rates for interstate switched access at the time of entry into the plan.
6. Specify the standards for quality of service which the provider must meet pursuant to paragraph (f) of subsection 1 of NAC 704.68476 during the term of its participation in the alternative plan of regulation, including the procedures which will govern the mandatory

investigation by the commission if a decrease in the availability or reliability, or both, of basic service occurs under the plan.

7. Specify the modernizations, expansions, or improvements of the system required as a condition of the provider's participation in the alternative plan of regulation.

8. Specify the category of service for each of the services offered by the provider at the time of entry into the alternative plan of regulation if the applicant has requested a change in the classification of a service.

9. Specify any other terms and conditions of the provider's participation in the alternative plan of regulation.

10. Specify the date on which the provider's entry is approved. The date of actual commencement of the alternative plan of regulation must be within 60 days after the issuance of an order by the commission specifying the terms and conditions of the provider's participation in the plan, unless a later date is approved by the commission.