

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

LCB File No. R198-01

December 2, 2002

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

AUTHORITY: §§1-22, NRS 703.025, 704.1835 and 704.210.

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

1. If a customer is required to be present at the location where the 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. 2. NAC 704.302 is hereby amended to read as follows:

704.302 As used in NAC 704.302 to 704.390, inclusive, *and section 1 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. 3. 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 the service; or~~

~~[(b) In the absence of a signed instrument,]~~

3. In whose name such service is or is to be provided, as may be established by other demonstrable evidence that the person requested the utility to provide the service in that person’s name, such as the receipt and payment of bills regularly issued in ~~[the name of the customer,]~~ that person’s name, regardless of the identity of the actual user of the service.

Sec. 4. 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 1 of this regulation.

2. *The provisions of NAC 704.302 to 704.390, inclusive, ~~shall be deemed to~~ and section 1 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. 5. 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 *gas or electric* service by mail.

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

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

Sec. 6. 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 *the* service, the deposit required by the utility for resumption of *the* 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 *the* service is terminated or discontinued at the request of the customer.

Sec. 7. NAC 704.330 is hereby amended to read as follows:

704.330 *1.* A utility may require a customer who is subject to *the* termination of service and who requests the resumption or continuation of *the* 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. 8. 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. 9. 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 the 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~~ 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. 10. NAC 704.339 is hereby amended to read as follows:

704.339 1. Each bill issued by a utility for *the* 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 delivery by other means, upon delivery of the bill to the billing address of the customer.

2. A customer may pay the bill:

(a) By depositing payment 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

(c) By making payment to any person authorized by the utility to accept payment.

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

4. 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.

5. If a utility does not have the capability described in subsection 4, 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.

6. 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 ~~4.7~~ 7, 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.

~~4.7~~ 7. Any arrearage contained in a bill for service is past due and should be paid at the business office of the utility.

~~5.8~~ 8. A utility may charge a fee, as set forth in its tariff, for ~~the~~ :

(a) The return of an unpaid check ~~for 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. 11. NAC 704.341 is hereby amended to read as follows:

704.341 1. Except as otherwise provided in this section ~~11~~ 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 *the* service, and ~~his~~ *the* 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 ~~;~~ *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. 12. 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. 13. 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]~~ *the* service is found to exist on the ~~[customer's]~~ premises;
2. If the use of ~~[electric or gas]~~ *the* 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]~~ *the* premises are such as to indicate to the utility ~~[his intention]~~ *that the customer intends* 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 the* service is provided has been abandoned; ~~[or]~~
8. If the customer obtained *the* 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 1 of this regulation.

Sec. 14. 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 1 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 1 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 *the* 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. 15. 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 *the* 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 *the* 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 electronic mail if the customer has requested to be provided with such an additional notice via electronic mail and the customer has provided the utility with a correct electronic mail address. The additional notice via electronic 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 the 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.

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

(b) If the location is a multiunit residential complex having a master meter, the utility shall provide notice to each unit within the multiunit 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.

Sec. 16. NAC 704.370 is hereby amended to read as follows:

704.370 1. ~~[A]~~ *If a utility intends to terminate the service to a residential customer because of nonpayment, the* utility shall postpone *the* 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 *the* 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.

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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 *the* service in accordance with the requirements of the utility's billing; or

(2) That he is able to pay for *the* 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 *the* 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. 17. 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,]~~ *a utility intends to terminate the service to a customer because of nonpayment,* 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. 18. 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 *the* service *to any customer* on a weekend, *on* a holiday ~~or~~ or on the day before a weekend or a holiday.

2. *Except as otherwise provided in subsections 1 and 2 of NAC 704.350, a utility may not terminate the 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 the service is provided;*
- (b) Is on a life support device which, to operate effectively at that location, requires the service provided by the utility; and*
- (c) Is likely to die without the aid of the life support device if the utility terminates the service.*

3. *A utility may not terminate the service to a residential customer because of nonpayment if the outstanding amount owed by the customer is \$50 or less.*

4. *If a utility intends to terminate the service to a residential customer or multiunit residential complex because of nonpayment, the utility shall postpone the termination if the termination would occur during a forecasted period of extreme temperature for the local geographical area which encompasses the location where the service is provided and which typically experiences similar temperature conditions as the location where the service is provided.*

5. *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. 19. 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 the* service is provided.

Sec. 20. NAC 704.383 is hereby amended to read as follows:

704.383 1. A utility shall resume *the* 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 the service to a customer because of 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 the service, the utility shall resume the 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 a utility terminates the service to a multiunit residential complex because of nonpayment and the customer of record or another person or entity on behalf of the customer of record subsequently pays the utility in an amount that is sufficient to resume the service, the utility shall immediately resume the service to each unit within the multiunit residential complex.*

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

Sec. 21. 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 *electric or gas* 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. 22. NAC 704.390 is hereby amended to read as follows:

704.390 1. A utility may not terminate *the* 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 *the* service is provided at least 48 hours before the date upon which *the* 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 *the* 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 the 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 the service to a residential customer who is handicapped or whose household includes a handicapped person.