
SENATE BILL NO. 4—SENATOR RHOADS

PREFILED JANUARY 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Eliminates universal energy charge funding low-income energy assistance and conservation programs. (BDR 58-40)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to energy; eliminating the universal energy charge to fund low-income energy assistance and conservation; eliminating the provisions requiring certain retail customers to pay the universal energy charge; eliminating requirements upon certain public utilities and municipal utilities relating to the universal energy charge; eliminating the Fund for Energy Assistance and Conservation; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 703.130 is hereby amended to read as follows:
2 703.130 1. The Commission shall appoint a Deputy
3 Commissioner who shall serve in the unclassified service of the
4 State.
5 2. The Commission shall appoint a Secretary who shall
6 perform such administrative and other duties as are prescribed by
7 the Commission. The Commission shall also appoint an Assistant
8 Secretary.
9 3. The Commission may employ such other clerks, experts or
10 engineers as may be necessary.
11 4. Except as otherwise provided in subsection 5, the
12 Commission:



1 (a) May appoint one or more hearing officers for a period
2 specified by the Commission to conduct proceedings or hearings
3 that may be conducted by the Commission pursuant to ~~[NRS~~
4 ~~702.160 and 702.170 and]~~ chapters 704, 704A, 704B, 705, 708 and
5 711 of NRS.

6 (b) Shall prescribe by regulation the procedure for appealing a
7 decision of a hearing officer to the Commission.

8 5. The Commission shall not appoint a hearing officer to
9 conduct proceedings or hearings:

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

12 (b) In any matter pending before the Commission pursuant to
13 NRS 704.061 to 704.110, inclusive, in which an electric utility has
14 filed a general rate application or an application to clear its deferred
15 accounts.

16 6. As used in this section, "electric utility" has the meaning
17 ascribed to it in NRS 704.187.

18 **Sec. 2.** NRS 703.147 is hereby amended to read as follows:

19 703.147 1. The Public Utilities Commission Regulatory Fund
20 is hereby created as a special revenue fund. Except as otherwise
21 provided in NRS ~~[702.170 and]~~ 704.7828, all money collected by
22 the Commission pursuant to law must be deposited in the State
23 Treasury for credit to the Fund. Money collected for the use of the
24 Consumer's Advocate of the Bureau of Consumer Protection in the
25 Office of the Attorney General must be transferred pursuant to the
26 provisions of subsection 8 of NRS 704.035.

27 2. Money in the Fund which belongs to the Commission may
28 be used only to defray the costs of:

29 (a) Maintaining staff and equipment to regulate adequately
30 public utilities and other persons subject to the jurisdiction of the
31 Commission.

32 (b) Participating in all rate cases involving those persons.

33 (c) Audits, inspections, investigations, publication of notices,
34 reports and retaining consultants connected with that regulation and
35 participation.

36 (d) The salaries, travel expenses and subsistence allowances of
37 the members of the Commission.

38 3. All claims against the Fund must be paid as other claims
39 against the State are paid.

40 4. The Commission ~~[must]~~ *shall* furnish upon request a
41 statement showing the balance remaining in the Fund as of the close
42 of the preceding fiscal year.

43 **Sec. 3.** NRS 703.164 is hereby amended to read as follows:

44 703.164 1. The Commission may employ, or retain on a
45 contract basis, legal counsel who shall:



1 (a) Except as otherwise provided in subsection 2, ~~be~~ *act as*
2 counsel and attorney for the Commission in all actions, proceedings
3 and hearings.

4 (b) Prosecute in the name of the Commission all civil actions for
5 the enforcement of ~~NRS 702.160 and 702.170 and~~ chapters 704,
6 704A, 704B, 705 and 708 of NRS and for the recovery of any
7 penalty or forfeiture provided for therein.

8 (c) Generally aid the Commission in the performance of its
9 duties and the enforcement of ~~NRS 702.160 and 702.170 and~~
10 chapters 704, 704A, 704B, 705 and 708 of NRS.

11 2. Each district attorney shall:

12 (a) Prosecute any violation of chapter 704, 704A, 705, 708 or
13 711 of NRS for which a criminal penalty is provided and which
14 occurs in his county.

15 (b) Aid in any investigation, prosecution, hearing or trial held
16 under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS
17 and, at the request of the Commission or its legal counsel, act as
18 counsel and attorney for the Commission.

19 3. The Attorney General shall, if the district attorney fails or
20 refuses to do so, prosecute all violations of the laws of this state by
21 public utilities under the jurisdiction of the Commission and their
22 officers, agents and employees.

23 4. The Attorney General is not precluded from appearing in or
24 moving to intervene in any action and representing the interest of
25 the State of Nevada in any action in which the Commission is a
26 party and is represented by independent counsel.

27 **Sec. 4.** NRS 703.197 is hereby amended to read as follows:

28 703.197 1. The Commission may collect fees for the filing of
29 any official document required by this chapter and chapters 704,
30 704A, 704B, 705 and 708 of NRS or by a regulation of the
31 Commission.

32 2. Filing fees may not exceed:

33 (a) For applications, \$200.

34 (b) For petitions seeking affirmative relief, \$200.

35 (c) For each tariff page which requires public notice and is not
36 attached to an application, \$10. If more than one page is filed at one
37 time, the total fee may not exceed the cost of notice and publication.

38 (d) For all other documents which require public notice, \$10.

39 3. If an application or other document is rejected by the
40 Commission because it is inadequate or inappropriate, the filing fee
41 must be returned.

42 4. The Commission may not charge any fee for filing ~~f~~

43 ~~(a) A complaint.~~

44 ~~(b) A request for a refund pursuant to NRS 702.160.] a~~
45 *complaint.*



1 **Sec. 5.** NRS 702.010, 702.020, 702.030, 702.040, 702.050,
2 702.060, 702.070, 702.080, 702.090, 702.100, 702.110, 702.150,
3 702.160, 702.170, 702.250, 702.260, 702.270 and 702.280 are
4 hereby repealed.

5 **Sec. 6.** Notwithstanding the amendatory provisions of this act,
6 the provisions of NRS 702.010 to 702.280, inclusive, 703.130,
7 703.147, 703.164 and 703.197 continue in force and effect for the
8 purposes of:

9 1. Paying and enforcing the payment of all money required to
10 be paid pursuant to NRS 702.160 before July 1, 2003, until all such
11 money has been paid; and

12 2. Distributing all money in the Fund for Energy Assistance
13 and Conservation until all such money has been distributed.

14 **Sec. 7.** This act becomes effective on July 1, 2003.

LEADLINES OF REPEALED SECTIONS

702.010 Definitions.

702.020 "Calendar quarter" defined.

702.030 "Commission" defined.

702.040 "Fund" defined.

702.050 "Housing Division" defined.

702.060 "Municipal utility" defined.

702.070 "Person" defined.

702.080 "Public utility" defined.

702.090 "Retail customer" defined.

702.100 "Universal energy charge" defined.

702.110 "Welfare Division" defined.

702.150 Applicability; exemptions for certain retail customers; limitations on receipt of assistance by certain retail customers.

702.160 Amount of charge; duty to pay; exemptions for certain activities; collection; duties of public utilities and municipal utilities; duties of certain retail customers; cap; refunds.

702.170 Powers and duties of Commission; regulations and enforcement; reports; audits and investigations; administrative charge; deposit of money; civil action for recovery of money.

702.250 Fund for Energy Assistance and Conservation: Creation; administration of Fund by Welfare Division; distribution of money in Fund.



702.260 Programs to assist eligible households in paying for natural gas and electricity; powers and duties of Welfare Division; administrative expenses; criteria for eligibility; emergency assistance; regulations.

702.270 Programs of energy conservation, weatherization and energy efficiency for eligible households; powers and duties of Housing Division; administrative expenses; criteria for eligibility; emergency assistance; regulations.

702.280 Coordination and evaluation of programs; duties of Welfare Division and Housing Division; submission of report to Governor, Legislative Commission and Interim Finance Committee.

