

ASSEMBLY BILL NO. 518—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the regulation of telecommunication service. (BDR 58-1128)

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 telecommunication service; revising provisions governing the regulation of certain incumbent local exchange carriers; revising provisions governing the regulation of competitive suppliers of telecommunication service; allowing for greater competition among various telecommunication providers; repealing provisions governing the plan of alternative regulation and PAR carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Public Utilities Commission of Nevada to regulate
2 public utilities that provide telecommunication service to the public. With regard to
3 local telephone service, each service territory has an incumbent local exchange
4 carrier that has an obligation to serve the customers within that particular territory.
5 If no other telecommunication provider is authorized to serve the customers in that
6 particular territory, the incumbent local exchange carrier essentially has a
7 monopoly with regard to local telephone service. (Chapter 704 of NRS)
8 To foster competition in the local telephone market, existing law allows the
9 Commission to establish a plan of alternative regulation (PAR), whereby an
10 incumbent local exchange carrier may elect to become a PAR carrier under a
11 regulatory scheme which allows flexibility of pricing for certain competitive,
12 discretionary and deregulated services. Under the PAR regulatory scheme, the PAR
13 carrier is allowed to sell such services under less regulated conditions, and other
14 telecommunication providers, known as competitive suppliers, have the opportunity
15 to compete with the PAR carrier in the local telephone market. However, as the
16 incumbent local exchange carrier, the PAR carrier generally retains its obligations
17 as the provider of last resort of basic telephone service and must ensure that such
18 telephone service remains available at affordable rates to the customers within its
19 service territory. (NRS 704.040, 704.68904-704.68984)



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This bill repeals the PAR regulatory scheme and replaces it with a regulatory scheme that is intended to promote more competition in the local telephone market. Under this bill, all telecommunication providers, with the exception of certain small-scale providers of last resort, are classified as competitive suppliers. This bill reduces the regulatory authority of the Commission over such competitive suppliers and provides for greater flexibility of pricing with regard to most components of local telephone service, including basic telephone service. This bill also allows an incumbent local exchange carrier to be excused from its obligations as the provider of last resort under certain limited circumstances.

Finally, to maintain the availability of telephone service to rural, insular and high-cost areas, this bill requires the Commission to continue to levy and collect a uniform and equitable assessment from all telecommunication providers. The proceeds of the assessment must be used to reimburse providers of last resort so that they are able to provide telephone service to rural, insular and high-cost areas.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. *“Basic network service” means the provision of stand-alone telephone service furnished to a residential customer through the customer’s primary residential line as the only service that:*

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network with a minimum bandwidth of 300 to 3,000 hertz;

(b) Dual tone multifrequency signaling and single party service;

(c) Access to:

(1) Operator services;

(2) Telephone relay services;

(3) Local directory assistance;

(4) Interexchange service; and

(5) Emergency 911 service.

(d) The first single-line directory listing; and

(e) Universal lifeline service for those eligible for such service.

Sec. 3. *“Business line service” means flat or measured rate service for business lines or business trunk lines.*



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1 **Sec. 4. 1. “Competitive supplier” means a**
2 *telecommunication provider that is subject to the provisions of*
3 *sections 18 to 30, inclusive, of this act.*

4 **2. The term does not include a small-scale provider of last**
5 *resort unless the provider is authorized by the Commission*
6 *pursuant to section 21 of this act to be regulated as a competitive*
7 *supplier.*

8 **Sec. 5. “Fund to maintain the availability of telephone**
9 *service” means the fund established by the Commission pursuant*
10 *to NRS 704.040 to maintain the availability of telephone service.*

11 **Sec. 6. “Incumbent local exchange carrier” has the meaning**
12 *ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on*
13 *October 1, 1999, and includes a local exchange carrier that is*
14 *treated as an incumbent local exchange carrier pursuant to that*
15 *section.*

16 **Sec. 7. “Interexchange carrier” means any person providing**
17 *either or both intrastate and interstate telecommunication service*
18 *for a fee between two or more exchanges.*

19 **Sec. 8. “Local exchange carrier” has the meaning ascribed**
20 *to it in 47 U.S.C. § 153(26), as that section existed on December 1,*
21 *2006.*

22 **Sec. 9. “Provider of last resort” means the**
23 *telecommunication provider designated by the regulations of the*
24 *Commission to provide basic network service and business line*
25 *service to any person requesting and eligible to receive telephone*
26 *service in a particular service territory.*

27 **Sec. 10. “Small-scale provider of last resort” means an**
28 *incumbent local exchange carrier that is a provider of last resort*
29 *of basic network service and business line service to customers*
30 *through less than 60,000 access lines.*

31 **Sec. 11. “Telecommunication” means the transmission,**
32 *between or among points specified by the user, of information of*
33 *the user’s choosing, without change in the form or content of the*
34 *information sent and received, regardless of the facilities,*
35 *equipment or technology used.*

36 **Sec. 12. “Telecommunication provider” or “telephone**
37 *company” means any person required to obtain from the*
38 *Commission a certificate of public convenience and necessity*
39 *pursuant to NRS 704.330 to provide telecommunication service.*

40 **Sec. 13. “Telecommunication service” or “telephone**
41 *service” means the offering of telecommunication for a fee*
42 *directly to the public, or such classes of users as to be effectively*
43 *available directly to the public, regardless of the equipment,*
44 *facilities or technology used.*



1 **Sec. 14. 1.** *The Commission shall by regulation establish a*
2 *procedure for an incumbent local exchange carrier to provide*
3 *notice via the Internet of interconnection agreements entered into*
4 *with another telecommunication provider.*

5 2. *The procedure established by the Commission pursuant to*
6 *this section for providing notice via the Internet is the exclusive*
7 *method for providing such notice, and the Commission may not*
8 *require another method of notice.*

9 3. *When an incumbent local exchange carrier provides notice*
10 *via the Internet pursuant to this section, the notice must include a*
11 *link to the public area of its website where an electronic copy of*
12 *the interconnection agreements may be obtained.*

13 **Sec. 15.** *A telecommunication provider is immediately*
14 *excused by operation of law from all obligations as a provider of*
15 *last resort to any real property or the occupants of any real*
16 *property if the owner, operator or developer of the real property or*
17 *the homeowners' association for the common-interest community*
18 *where the real property is located directly or indirectly engages in*
19 *any of the following acts:*

20 1. *Grants to another person who provides, directly or by an*
21 *affiliate, telecommunication service or the functional equivalent of*
22 *such service through any form of telephony technology exclusive*
23 *rights to:*

24 (a) *Construct or install the facilities or equipment of that*
25 *person during the construction or development phase of the real*
26 *property; or*

27 (b) *Serve the occupants of the real property with such service.*

28 2. *Collects from the occupants of the real property any*
29 *mandatory rent, fee or other charge for the provision of*
30 *telecommunication service or the functional equivalent of such*
31 *service through any form of telephony technology to the occupants*
32 *of the real property.*

33 3. *Prevents or interferes with or imposes unreasonable*
34 *restrictions upon the provider of last resort's construction or*
35 *installation of facilities or equipment on the real property which*
36 *have been requested by the occupants of the real property.*

37 4. *Discriminates against the provider of last resort or imposes*
38 *unduly burdensome conditions on the terms, conditions and*
39 *compensation for the provider of last resort's construction or*
40 *installation of facilities or equipment on the real property.*

41 5. *Imposes an unreasonable payment or charge on the*
42 *occupants of the real property or on the provider of last resort as a*
43 *condition of allowing access to the real property by the provider of*
44 *last resort.*



1 **Sec. 16. 1.** *If a telecommunication provider is not excused*
2 *by operation of law from all obligations as a provider of last resort*
3 *to any real property or the occupants of any real property*
4 *pursuant to section 15 of this act, the telecommunication provider*
5 *may petition the Commission for a waiver of those obligations*
6 *pursuant to this section.*

7 2. *The Commission may approve a waiver for good cause*
8 *shown based on the facts and circumstances of the provision of*
9 *service to the real property or the occupants of the real property,*
10 *including, without limitation, the provision of broadband service*
11 *in a greenfield area.*

12 3. *If a telecommunication provider petitions the Commission*
13 *for a waiver, the telecommunication provider shall, on the same*
14 *day it files the petition with the Commission, send notice of the*
15 *petition, by first-class mail, to:*

16 (a) *The owner, operator or developer of the real property;*

17 (b) *If the real property is located in a common-interest*
18 *community, the homeowners' association for the common-interest*
19 *community; and*

20 (c) *Any other affected telecommunication provider.*

21 4. *The Commission shall act upon a petition for a waiver not*
22 *later than 90 days after the date on which the petition is filed with*
23 *the Commission.*

24 5. *As used in this section, "greenfield area" means any real*
25 *property except real property for which a local government has*
26 *issued a certificate of occupancy before the effective date of this*
27 *act.*

28 **Sec. 17. 1.** *If a telecommunication provider is excused by*
29 *operation of law or is given a waiver from all obligations as a*
30 *provider of last resort to any real property or the occupants of any*
31 *real property pursuant to section 15 or 16 of this act, the*
32 *Commission may reinstate those obligations pursuant to this*
33 *section based on its own motion, pursuant to a complaint or in*
34 *response to an application filed pursuant to subsection 2 by:*

35 (a) *The occupants of the real property, if any;*

36 (b) *The owner, operator or developer of the real property; or*

37 (c) *If the real property is located in a common-interest*
38 *community, the homeowners' association for the common-interest*
39 *community.*

40 2. *To apply for reinstatement of the obligations of the*
41 *provider of last resort, the occupants of the real property,*
42 *the owner, operator or developer of the real property or the*
43 *homeowners' association for the common-interest community*
44 *where the real property is located must file a verified application*
45 *with the Commission and, on the same day, send a copy of the*



1 *verified application, by first-class mail, to the provider of last*
2 *resort and any other affected telecommunication provider.*

3 *3. The Commission may not reinstate the obligations of the*
4 *provider of last resort pursuant to this section unless it is*
5 *established that there has been a termination or cessation of:*

6 *(a) The acts which resulted in the provider of last resort being*
7 *excused from its obligations by operation of law pursuant to*
8 *section 15 of this act; or*

9 *(b) The grounds which the Commission found demonstrated*
10 *good cause for a waiver pursuant to section 16 of this act.*

11 *4. If the Commission orders the reinstatement of the*
12 *obligations of the provider of last resort pursuant to this section,*
13 *the order of the Commission:*

14 *(a) Must be served on the provider of last resort and any other*
15 *affected telecommunication provider.*

16 *(b) Must not become effective sooner than 30 days after the*
17 *date of the order.*

18 *(c) Must allow the provider of last resort to require the owner,*
19 *operator or developer of the real property or the homeowners'*
20 *association for the common-interest community where the real*
21 *property is located, as appropriate, to pay in advance all costs*
22 *incurred for the construction and installation of necessary*
23 *facilities and equipment caused by:*

24 *(1) The acts which resulted in the provider of last resort*
25 *being excused from its obligations by operation of law pursuant to*
26 *section 15 of this act; or*

27 *(2) The grounds which the Commission found*
28 *demonstrated good cause for a waiver pursuant to section 16 of*
29 *this act.*

30 *(d) Must provide for a reasonable period for the construction*
31 *and installation of those necessary facilities and equipment by the*
32 *provider of last resort of not less than 120 days from the date on*
33 *which the owner, operator, developer or homeowners' association*
34 *satisfies the financial obligation imposed by paragraph (c).*

35 *(e) Must not impose any other restrictions or requirements on*
36 *the rates, terms or conditions of service except as permitted by this*
37 *chapter.*

38 **Sec. 18. 1. Except as otherwise provided in this section, any**
39 **telecommunication provider operating within this State is a**
40 **competitive supplier that is subject to the provisions of sections 18**
41 **to 30, inclusive, of this act.**

42 **2. A small-scale provider of last resort is not a competitive**
43 **supplier that is subject to the provisions of sections 18 to 30,**
44 **inclusive, of this act, unless the small-scale provider of last resort**



1 *is authorized by the Commission pursuant to section 21 of this act*
2 *to be regulated as a competitive supplier.*

3 **Sec. 19.** *The provisions of sections 18 to 30, inclusive, of this*
4 *act do not:*

5 1. *Apply to the Commission in connection with any actions or*
6 *decisions required or permitted by the Telecommunications Act of*
7 *1996, Public Law 104-104, 110 Stat. 56-161; or*

8 2. *Limit or modify:*

9 (a) *The duties of a competitive supplier that is an incumbent*
10 *local exchange carrier regarding the provision of network*
11 *interconnection, unbundled network elements and resold services*
12 *under the provisions of the Telecommunications Act of 1996,*
13 *Public Law 104-104, 110 Stat. 56-161; or*

14 (b) *The authority of the Commission to act pursuant to NRS*
15 *704.6881 and 704.6882.*

16 **Sec. 20.** *The Commission may adopt any regulations that are*
17 *necessary to carry out the provisions of sections 18 to 30,*
18 *inclusive, of this act.*

19 **Sec. 21.** 1. *A small-scale provider of last resort may apply*
20 *to the Commission to be regulated as a competitive supplier*
21 *pursuant to sections 18 to 30, inclusive, of this act.*

22 2. *The Commission may grant the application if it finds that*
23 *the public interest will be served by allowing the small-scale*
24 *provider of last resort to be regulated as a competitive supplier.*

25 3. *The application shall be deemed to be denied if the*
26 *Commission does not act on the application within 180 days after*
27 *the date the application is filed with the Commission.*

28 4. *If the Commission denies the application, the small-scale*
29 *provider of last resort:*

30 (a) *May not be regulated as a competitive supplier but remains*
31 *subject to regulation pursuant to this chapter as a*
32 *telecommunication provider; and*

33 (b) *May not submit another application to be regulated as a*
34 *competitive supplier sooner than 2 years after the date the most*
35 *recent application was denied, unless the Commission, upon a*
36 *showing of good cause, allows the provider to submit another*
37 *application sooner.*

38 **Sec. 22.** 1. *A competitive supplier is not subject to any*
39 *review of earnings or monitoring of the rate base or any other*
40 *regulation by the Commission relating to the net income or rate of*
41 *return of the competitive supplier, and the Commission shall not*
42 *consider the rate of return, the rate base or any other earnings of*
43 *the competitive supplier in carrying out the provisions of sections*
44 *18 to 30, inclusive, of this act.*



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2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 23. 1. Except as otherwise provided in sections 18 to 30, inclusive, of this act, a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such service to intrastate interexchange traffic are subject to regulation by the Commission which must not conflict with federal law.

3. A competitive supplier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 24. 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. Each competitive supplier must publish the rates, pricing, terms and conditions of basic network service and may publish the rates, pricing, terms and conditions of other telecommunication service by:

(a) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(b) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or



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(c) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 25. 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier.

2. Except as otherwise provided in this section and section 26 of this act, a competitive supplier that is an incumbent local exchange carrier shall not, without the approval of the Commission, discontinue basic network service or increase the rates or pricing or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

3. Except as otherwise provided in section 26 of this act, a competitive supplier that is an incumbent local exchange carrier shall not, sooner than June 30, 2008, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

4. On or after July 1, 2008:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to section 23 of this act; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

5. A competitive supplier must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by section 24 of this act.

Sec. 26. 1. The Commission may, upon its own motion or the petition of any person, classify as a deregulated telecommunication service:

(a) Before July 1, 2008, a basic network service, except access to emergency 911 service, provided by a competitive supplier; or

(b) At any time, intrastate access service.

2. If the Commission receives a written request for reclassification pursuant to subsection 1, the Commission shall act upon the request not later than 120 days after the date the Commission receives the request.



1 **Sec. 27. 1.** *A competitive supplier that is a provider of last*
2 *resort may use an alternative technology to satisfy the obligation*
3 *to provide basic network service or business line service in a*
4 *service territory.*

5 2. *Except as otherwise provided in this section, the*
6 *Commission may not exercise jurisdiction over an alternative*
7 *technology used by a competitive supplier that is a provider of last*
8 *resort to satisfy the obligation to provide basic network service or*
9 *business line service in a service territory, including, without*
10 *limitation, determining the rates, pricing, terms, conditions or*
11 *availability of an alternative technology.*

12 3. *If a competitive supplier that is a provider of last resort*
13 *uses an alternative technology to satisfy the obligation to provide*
14 *basic network service or business line service in a service territory,*
15 *the Commission may investigate whether basic network service or*
16 *business line service provided through the alternative technology*
17 *by the competitive supplier is functionally comparable with circuit-*
18 *switched wireline telephony.*

19 4. *If, after notice and hearing, the Commission finds any*
20 *material deficiency in the competitive supplier's use of the*
21 *alternative technology to satisfy the obligation to provide basic*
22 *network service or business line service, the Commission may*
23 *order the competitive supplier to implement corrective action,*
24 *within a technically reasonable period, to cure the material*
25 *deficiency in the use of the alternative technology.*

26 5. *As used in this section, "alternative technology" means*
27 *any technology, facility or equipment, other than circuit-switched*
28 *wireline telephony, that has the capability to provide customers*
29 *with service functionally comparable to basic network service or*
30 *business line service. The term includes, without limitation,*
31 *wireless or Internet technology, facilities or equipment.*

32 **Sec. 28. 1.** *The Commission may not prescribe the form or*
33 *method used by a competitive supplier to present rates, pricing,*
34 *terms and conditions on any bill or statement issued to a customer.*

35 2. *If a competitive supplier charges a customer a fixed price*
36 *or amount for a package of services, the competitive supplier, in*
37 *any bill or statement for the package of services, is permitted to*
38 *specify only the fixed price or amount for the package of services*
39 *and is not required to:*

40 (a) *Identify each separate service or component included in*
41 *the package of services; or*

42 (b) *Specify the unit price or amount charged for each separate*
43 *service or component included in the package of services.*

44 **Sec. 29. 1.** *A competitive supplier that is not a provider of*
45 *last resort may discontinue any telecommunication service by*



1 *providing written notice, not less than 10 days before the date of*
2 *the discontinuation, to any customer of that service and the*
3 *Commission.*

4 2. *A competitive supplier that is a provider of last resort may:*

5 (a) *Discontinue any telecommunication service, except basic*
6 *network service, by providing written notice, not less than 10 days*
7 *before the date of the discontinuation, to any customer of that*
8 *service and the Commission.*

9 (b) *Apply to the Commission to discontinue basic network*
10 *service to all or a portion of the service territory of the competitive*
11 *supplier on terms that are in the public interest.*

12 **Sec. 30.** *In exercising flexibility in the rates, pricing, terms*
13 *and conditions of any telecommunication service, a competitive*
14 *supplier that is an incumbent local exchange carrier shall not*
15 *engage in any anticompetitive act or practice or unlawfully*
16 *discriminate among similarly situated customers.*

17 **Sec. 31.** NRS 704.001 is hereby amended to read as follows:

18 704.001 It is hereby declared to be the purpose and policy of
19 the Legislature in enacting this chapter:

20 1. To confer upon the Commission the power, and to make it
21 the duty of the Commission, to regulate public utilities to the extent
22 of its jurisdiction;

23 2. To provide for fair and impartial regulation of public
24 utilities;

25 3. To provide for the safe, economic, efficient, prudent and
26 reliable operation and service of public utilities; ~~and~~

27 4. To balance the interests of customers and shareholders of
28 public utilities by providing public utilities with the opportunity to
29 earn a fair return on their investments while providing customers
30 with just and reasonable rates ~~and~~; and

31 5. *With regard to telecommunication service:*

32 (a) *To regulate competitive suppliers in a manner that allows*
33 *customers to benefit from full competition regarding rates and*
34 *services;*

35 (b) *To provide for basic network service to economically*
36 *disadvantaged persons who are eligible for a reduction in rates for*
37 *telephone service pursuant to NRS 707.400 to 707.500, inclusive;*
38 *and*

39 (c) *To maintain the availability of telephone service to rural,*
40 *insular and high-cost areas through:*

41 (1) *The levy and collection of a uniform and equitable*
42 *assessment from all persons furnishing intrastate*
43 *telecommunication service or the functional equivalent of such*
44 *service through any form of telephony technology; and*



(2) Payments to telecommunication providers from the fund to maintain the availability of telephone service.

Sec. 32. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, *and sections 2 to 13, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 33. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any ~~{telephone company}~~ *person* that provides a telecommunication service to the public, but only with regard to those operations ~~{of the telephone company}~~ which consist of providing a telecommunication service to the public.

(c) Any radio or broadcasting company or instrumentality that provides a common or contract service.

(d) Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon ~~{the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service}~~ *any public utility* and any *other* company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.

2. "Public utility" or "utility" also includes:

(a) Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.

(b) Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

(c) Any system for the distribution of liquefied petroleum gas to 10 or more users.



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1 ➤ The Commission may supervise, regulate and control all such
2 utilities, subject to the provisions of this chapter and to the exclusion
3 of the jurisdiction, regulation and control of such utilities by any
4 municipality, town or village, unless otherwise provided by law.

5 3. The provisions of this chapter and the term "public utility"
6 apply to all railroads, express companies, car companies and all
7 associations of persons, whether or not incorporated, that do any
8 business as a common carrier upon or over any line of railroad
9 within this State.

10 **Sec. 34.** NRS 704.033 is hereby amended to read as follows:

11 704.033 1. Except as otherwise provided in subsection 6, the
12 Commission shall levy and collect an annual assessment from all
13 public utilities, providers of discretionary natural gas service and
14 alternative sellers subject to the jurisdiction of the Commission.

15 2. Except as otherwise provided in subsections 3 and 4, the
16 annual assessment must be:

17 (a) For the use of the Commission, not more than 3.50 mills; and

18 (b) For the use of the Consumer's Advocate, not more than 0.75
19 mills,

20 ➤ on each dollar of gross operating revenue derived from the
21 intrastate operations of such utilities, providers of discretionary
22 natural gas service and alternative sellers in the State of Nevada.
23 The total annual assessment must be not more than 4.25 mills.

24 3. The levy for the use of the Consumer's Advocate must not
25 be assessed against railroads.

26 4. The minimum assessment in any 1 year must be \$100.

27 5. The gross operating revenue of the utilities must be
28 determined for the preceding calendar year. In the case of:

29 (a) ~~Telephone utilities,~~ *Telecommunication providers*, except
30 as provided in paragraph (c), the revenue shall be deemed to be all
31 intrastate revenues.

32 (b) Railroads, the revenue shall be deemed to be the revenue
33 received only from freight and passenger intrastate movements.

34 (c) All public utilities, providers of discretionary natural gas
35 service and alternative sellers, the revenue does not include the
36 proceeds of any commodity, energy or service furnished to another
37 public utility, provider of discretionary natural gas service or
38 alternative seller for resale.

39 6. Providers of commercial mobile radio service are not subject
40 to the annual assessment and, in lieu thereof, shall pay to the
41 Commission an annual licensing fee of \$200.

42 **Sec. 35.** NRS 704.040 is hereby amended to read as follows:

43 704.040 1. Every public utility shall furnish reasonably
44 adequate service and facilities . ~~[-and]~~ *Subject to the provisions of*
45 *subsection 3*, the charges made for any service rendered or to be



1 rendered, or for any service in connection therewith or incidental
2 thereto, must be just and reasonable.

3 2. Every unjust and unreasonable charge for service of a public
4 utility is unlawful.

5 ~~[3. The Commission may exempt, to the extent it deems~~
6 ~~reasonable, services related to telecommunication or public utilities~~
7 ~~which provide telecommunication services from any or all of the~~
8 ~~provisions of this chapter, upon a determination after hearing that~~
9 ~~the services are competitive or discretionary and that regulation~~
10 ~~thereof is unnecessary. For the purposes of this subsection, basic~~
11 ~~local exchange service and access services provided to~~
12 ~~interexchange carriers are not discretionary.~~

13 ~~4. The Commission shall adopt regulations necessary to~~
14 ~~establish a plan of alternative regulation for a public utility that~~
15 ~~provides telecommunication services. The plan of alternative~~
16 ~~regulation may include, but is not limited to, provisions that:~~

17 ~~—(a) Allow adjustment of the rates charged by a public utility that~~
18 ~~provides telecommunication services during the period in which the~~
19 ~~utility elects the plan of alternative regulation.~~

20 ~~—(b) Provide for flexibility of pricing for discretionary services~~
21 ~~and services that are competitive.~~

22 ~~—(c) Specify the provisions of this chapter, NRS 426.295 and~~
23 ~~chapter 707 of NRS that do not apply to a public utility that elects to~~
24 ~~be regulated under the plan of alternative regulation.~~

25 ~~—(d) Except as otherwise provided in this paragraph and NRS~~
26 ~~704.68952, if the public utility is an incumbent local exchange~~
27 ~~carrier, allow the incumbent local exchange carrier to select the~~
28 ~~duration of the period in which the incumbent local exchange carrier~~
29 ~~is to be regulated under the plan of alternative regulation. The~~
30 ~~incumbent local exchange carrier may not select a period that is less~~
31 ~~than 3 years or more than 5 years. The provisions of this paragraph~~
32 ~~do not apply to a plan of alternative regulation of an incumbent local~~
33 ~~exchange carrier regulated under a plan of alternative regulation that~~
34 ~~was approved by the Commission before June 11, 2003.~~

35 ~~—5. A public utility that elects to be regulated under a plan of~~
36 ~~alternative regulation established pursuant to subsection 4 is not~~
37 ~~subject to the remaining]~~

38 *3. Except as otherwise provided in sections 18 to 30,*
39 *inclusive, of this act:*

40 *(a) A competitive supplier is exempt from any provision of this*
41 *chapter governing the rates, prices, terms and conditions of any*
42 *telecommunication service.*

43 *(b) A small-scale provider of last resort is subject to the*
44 *provisions of this chapter, NRS 426.295 [or] and chapter 707 of*



1 NRS . ~~[to the extent specified pursuant to paragraph (c) of~~
2 ~~subsection 4.~~

3 ~~—6.] 4.~~ All *telecommunication* providers ~~[of telecommunication~~
4 ~~services]~~ which offer the same or similar service must be subject to
5 fair and impartial regulation, to promote adequate, economical and
6 efficient service.

7 ~~[7.—The Commission may]~~

8 *5. To maintain the availability of telephone service in*
9 *accordance with the regulations adopted pursuant to NRS*
10 *704.6873, the Commission shall* provide for the levy and collection
11 of ~~[an]~~ *a uniform and equitable* assessment, in an amount
12 determined by the Commission, from ~~[a public utility that provides~~
13 ~~telecommunication services in order to maintain the availability of~~
14 ~~telephone—service.]~~ *all persons furnishing intrastate*
15 *telecommunication service or the functional equivalent of such*
16 *service through any form of telephony technology, unless the levy*
17 *and collection of the assessment with regard to a particular form*
18 *of technology is prohibited by federal law.* Assessments levied *and*
19 *collected* pursuant to this subsection must be maintained in a
20 separate fund established by the Commission. The Commission
21 shall contract with an independent administrator to administer the
22 fund pursuant to open competitive bidding procedures established
23 by the Commission. The independent administrator shall collect the
24 assessments levied and distribute them from the fund pursuant to a
25 plan which has been approved by the Commission. Money in the
26 fund must be used for the sole purpose of maintaining the
27 availability of telephone service.

28 ~~[8.—As used in this section:~~

29 ~~—(a) “Incumbent local exchange carrier” has the meaning ascribed~~
30 ~~to it in NRS 704.68932.~~

31 ~~—(b) “Interexchange carrier” means any person providing~~
32 ~~intrastate telecommunications service for a fee between two or more~~
33 ~~exchanges.]~~

34 **Sec. 36.** NRS 704.070 is hereby amended to read as follows:

35 704.070 ~~[Unless exempt under the provisions of]~~ *Except as*
36 *otherwise provided in* NRS 704.075, 704.095 or 704.097 ~~[:] and~~
37 *sections 18 to 30, inclusive, of this act:*

38 1. Each public utility shall file with the Commission, within a
39 time to be fixed by the Commission, a copy of all schedules that are
40 currently in force for the public utility. Such schedules must be open
41 to public inspection.

42 2. A copy of each schedule that is currently in force for the
43 public utility, or so much of the schedule as the Commission deems
44 necessary for inspection by the public, must be:



1 (a) Printed in plain type and posted in each office of the public
2 utility where payments are made to the public utility by its
3 customers; and

4 (b) Open to inspection by the public and in such form and place
5 as to be readily accessible to and conveniently inspected by the
6 public.

7 **Sec. 37.** NRS 704.100 is hereby amended to read as follows:

8 704.100 Except as otherwise provided in NRS 704.075 and
9 ~~[704.68904 to 704.68984,]~~ *sections 18 to 30, inclusive, of this act* or
10 as may otherwise be provided by the Commission pursuant to NRS
11 704.095 or 704.097 : ~~[for pursuant to the regulations adopted by the~~
12 ~~Commission in accordance with subsection 4 of NRS 704.040:]~~

13 1. A public utility shall not make changes in any schedule,
14 unless the public utility:

15 (a) Files with the Commission an application to make the
16 proposed changes and the Commission approves the proposed
17 changes pursuant to NRS 704.110; or

18 (b) Files the proposed changes with the Commission using a
19 letter of advice in accordance with the provisions of subsection 5.

20 2. A public utility shall adjust its rates on a quarterly basis
21 between annual rate adjustment applications pursuant to subsection
22 8 of NRS 704.110 based on changes in the public utility's recorded
23 costs of natural gas purchased for resale.

24 3. A public utility shall post copies of all proposed schedules
25 and all new or amended schedules in the same offices and in
26 substantially the same form, manner and places as required by NRS
27 704.070 for the posting of copies of schedules that are currently in
28 force.

29 4. A public utility may not set forth as justification for a rate
30 increase any items of expense or rate base that previously have been
31 considered and disallowed by the Commission, unless those items
32 are clearly identified in the application and new facts or
33 considerations of policy for each item are advanced in the
34 application to justify a reversal of the prior decision of the
35 Commission.

36 5. Except as otherwise provided in subsection 6, if the
37 proposed change in any schedule does not change any rate or will
38 result in an increase in annual gross operating revenue, as certified
39 by the public utility, in an amount that does not exceed \$2,500:

40 (a) The public utility may file the proposed change with the
41 Commission using a letter of advice in lieu of filing an application;
42 and

43 (b) The Commission shall determine whether it should dispense
44 with a hearing regarding the proposed change.



6. If the applicant is a ~~[public utility furnishing telephone service]~~ *small-scale provider of last resort* and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

7. In making the determination pursuant to subsection 5 or 6, the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

Sec. 38. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and ~~[704.68904 to 704.68984,]~~ *sections 18 to 30*, inclusive, *of this act* or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 : ~~[for pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040.]~~

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in ~~[subsections 3 and 13,]~~ *subsection 3*, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes ~~[-~~

~~—(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~—(b) For all other public utilities,]~~ not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased



1 rates based upon actual recorded results of operations for the same
2 12 months, adjusted for increased revenues, any increased
3 investment in facilities, increased expenses for depreciation, certain
4 other operating expenses as approved by the Commission and
5 changes in the costs of securities which are known and are
6 measurable with reasonable accuracy at the time of filing and which
7 will become effective within 6 months after the last month of those
8 12 months, but the public utility shall not place into effect any
9 increased rates until the changes have been experienced and
10 certified by the public utility to the Commission and the
11 Commission has approved the increased rates. The Commission
12 shall also consider evidence supporting expenses for depreciation,
13 calculated on an annual basis, applicable to major components of the
14 public utility's plant placed into service during the recorded test
15 period or the period for certification as set forth in the application.
16 Adjustments to revenues, operating expenses and costs of securities
17 must be calculated on an annual basis. Within 90 days after the date
18 on which the certification required by this subsection is filed with
19 the Commission, or within the period set forth in subsection 2,
20 whichever time is longer, the Commission shall make such order in
21 reference to the increased rates as is required by this chapter. An
22 electric utility shall file a general rate application pursuant to this
23 subsection at least once every 24 months based on the following
24 schedule:

25 (a) An electric utility that primarily serves less densely
26 populated counties shall file a general rate application on or before
27 October 3, 2005, and at least once every 24 months thereafter.

28 (b) An electric utility that primarily serves densely populated
29 counties shall file a general rate application on or before
30 November 15, 2006, and at least once every 24 months thereafter.

31 4. In addition to submitting the statement required pursuant to
32 subsection 3, a public utility which purchases natural gas for resale
33 may submit with its general rate application a statement showing the
34 effects, on an annualized basis, of all expected changes in
35 circumstances. If such a statement is filed, it must include all
36 increases and decreases in revenue and expenses which may occur
37 within 210 days after the date on which its general rate application
38 is filed with the Commission if such expected changes in
39 circumstances are reasonably known and are measurable with
40 reasonable accuracy. If a public utility submits such a statement, the
41 public utility has the burden of proving that the expected changes in
42 circumstances set forth in the statement are reasonably known and
43 are measurable with reasonable accuracy. If the Commission
44 determines that the public utility has met its burden of proof:



(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a



1 hearing pursuant to NRS 703.320 or the requirements for a
2 consumer session pursuant to subsection 1 of NRS 704.069.

3 (b) The public utility shall provide written notice of each
4 quarterly rate adjustment to its customers by including the written
5 notice with a customer's regular monthly bill. The public utility
6 shall begin providing such written notice to its customers not later
7 than 30 days after the date on which the public utility files its
8 written notice with the Commission pursuant to paragraph (a). The
9 written notice that is included with a customer's regular monthly
10 bill:

11 (1) Must be printed separately on fluorescent-colored paper
12 and must not be attached to the pages of the bill; and

13 (2) Must include the following:

14 (I) The total amount of the increase or decrease in the
15 public utility's revenues from the rate adjustment, stated in dollars
16 and as a percentage;

17 (II) The amount of the monthly increase or decrease in
18 charges for each class of customer or class of service, stated in
19 dollars and as a percentage;

20 (III) A statement that customers may send written
21 comments or protests regarding the rate adjustment to the
22 Commission; and

23 (IV) Any other information required by the Commission.

24 (c) The public utility shall file an annual rate adjustment
25 application with the Commission. The annual rate adjustment
26 application is subject to the requirements for notice and a hearing
27 pursuant to NRS 703.320 and the requirements for a consumer
28 session pursuant to subsection 1 of NRS 704.069.

29 (d) The proceeding regarding the annual rate adjustment
30 application must include a review of each quarterly rate adjustment
31 and a review of the transactions and recorded costs of natural gas
32 included in each quarterly rate adjustment and the annual rate
33 adjustment application. There is no presumption of reasonableness
34 or prudence for any quarterly rate adjustment or for any transactions
35 or recorded costs of natural gas included in any quarterly rate
36 adjustment or the annual rate adjustment application, and the public
37 utility has the burden of proving reasonableness and prudence in the
38 proceeding.

39 (e) The Commission shall not allow the public utility to recover
40 any recorded costs of natural gas which were the result of any
41 practice or transaction that was unreasonable or was undertaken,
42 managed or performed imprudently by the public utility, and the
43 Commission shall order the public utility to adjust its rates if the
44 Commission determines that any recorded costs of natural gas



1 included in any quarterly rate adjustment or the annual rate
2 adjustment application were not reasonable or prudent.

3 9. Except as otherwise provided in subsection 10 and
4 subsection 5 of NRS 704.100, if an electric utility using deferred
5 accounting pursuant to NRS 704.187 files an application to clear its
6 deferred accounts and to change one or more of its rates based upon
7 changes in the costs for purchased fuel or purchased power, the
8 Commission, after a public hearing and by an appropriate order:

9 (a) Shall allow the electric utility to clear its deferred accounts
10 by refunding any credit balance or recovering any debit balance
11 over a period not to exceed 3 years, as determined by the
12 Commission.

13 (b) Shall not allow the electric utility to recover any debit
14 balance, or portion thereof, in an amount that would result in a rate
15 of return during the period of recovery that exceeds the rate of
16 return authorized by the Commission in the most recently completed
17 rate proceeding for the electric utility.

18 10. Before allowing an electric utility to clear its deferred
19 accounts pursuant to subsection 9, the Commission shall determine
20 whether the costs for purchased fuel and purchased power that the
21 electric utility recorded in its deferred accounts are recoverable and
22 whether the revenues that the electric utility collected from
23 customers in this State for purchased fuel and purchased power are
24 properly recorded and credited in its deferred accounts. The
25 Commission shall not allow the electric utility to recover any costs
26 for purchased fuel and purchased power that were the result of any
27 practice or transaction that was undertaken, managed or performed
28 imprudently by the electric utility.

29 11. If an electric utility files an application to clear its deferred
30 accounts pursuant to subsection 9 while a general rate application is
31 pending, the electric utility shall:

32 (a) Submit with its application to clear its deferred accounts
33 information relating to the cost of service and rate design; and

34 (b) Supplement its general rate application with the same
35 information, if such information was not submitted with the general
36 rate application.

37 12. A utility facility identified in a 3-year plan submitted
38 pursuant to NRS 704.741 and accepted by the Commission for
39 acquisition or construction pursuant to NRS 704.751 and the
40 regulations adopted pursuant thereto shall be deemed to be a prudent
41 investment. The utility may recover all just and reasonable costs of
42 planning and constructing such a facility.

43 13. ~~[A PAR carrier may, in accordance with this section and~~
44 ~~NRS 704.100, file with the Commission a request to approve or~~
45 ~~change any schedule to provide volume or duration discounts to~~



~~rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~—14.]~~ As used in this section:

(a) “Electric utility” has the meaning ascribed to it in NRS 704.187.

(b) “Electric utility that primarily serves densely populated counties” has the meaning ascribed to it in NRS 704.187.

(c) “Electric utility that primarily serves less densely populated counties” has the meaning ascribed to it in NRS 704.187.

~~[(d) “PAR carrier” has the meaning ascribed to it in NRS 704.68942.]~~

Sec. 39. NRS 704.120 is hereby amended to read as follows:

704.120 1. ~~[If, upon any hearing and after]~~ *Except as otherwise provided in subsection 2:*

(a) *After* due investigation ~~[, the rates, tolls, charges, schedules or joint rates shall be found to be]~~ , *notice and hearing, the Commission may:*

(1) *Determine that any rate, toll, charge, schedule or joint rate of a public utility is* unjust, unreasonable or unjustly discriminatory, or ~~[to be]~~ preferential, or otherwise in violation of any of the provisions of this chapter ~~[, the Commission shall have the power to fix]~~ and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

~~[2. —If it shall in like manner be found]~~

(2) *Determine* that any regulation, measurement, practice, act or service ~~[complained]~~ of *a public utility* is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter ~~[, or if it be found]~~ *or* that the service is inadequate ~~[, or that any reasonable service]~~ *or* cannot be obtained ~~[, the Commission shall have the power to]~~ *and may* substitute therefor such other regulations, measurements, practices, service or acts and make such order relating thereto as may be just and reasonable.

~~[3.]~~ (b) When complaint is made of more than one rate, charge or practice, the Commission may, in its discretion, order separate hearings upon the several matters complained of and at such times and places as it may prescribe.

~~[4.]~~ (c) No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.



~~[5. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.]~~

2. The provisions of subsection 1 do not apply to a competitive supplier, except that a competitive supplier that is an incumbent local exchange carrier is subject to the provisions of subsection 1 with regard to the provision of basic network service until July 1, 2008.

Sec. 40. NRS 704.175 is hereby amended to read as follows:

704.175 1. Except as provided in subsection 2, any public utility which installs or modifies any electrical supply line in any building or facility which it owns or operates, if the building or facility is open and accessible to the general public, shall perform such installation or modification as if the National Electrical Code adopted by the National Fire Protection Association applied to such work, and any local government which regulates electrical construction shall inspect such work within its jurisdiction for compliance with this section.

2. Communication equipment and related apparatus are exempted from the provisions of subsection 1 only if the equipment and apparatus ~~[is]~~ *are* owned, installed, operated and maintained by a ~~[public utility which provides communication services]~~ *telecommunication provider* under the jurisdiction of the Commission.

Sec. 41. NRS 704.210 is hereby amended to read as follows:

704.210 ~~[The]~~ *1. Except as otherwise provided in subsection 2, the* Commission may:

~~[1.]~~ *(a)* Adopt necessary and reasonable regulations governing the procedure, administration and enforcement of the provisions of this chapter, subject to the provisions of NRS 416.060.

~~[2.]~~ *(b)* Prescribe classifications of the service of all public utilities and, except as otherwise provided in NRS 704.075, fix and regulate the rates therefor.

~~[3.]~~ *(c)* Fix just and reasonable charges for transportation of all intrastate freight and passengers and the rates and tolls for the use of telephone lines within the State.

~~[4.]~~ *(d)* Adopt just and reasonable regulations for the apportionment of all joint rates and charges between public utilities.

~~[5.]~~ *(e)* Consider the need for the conservation of energy when acting pursuant to the provisions of ~~[subsections 1, 2 and 3.]~~ *this subsection.*

2. The provisions of subsection 1 do not apply to a competitive supplier.



Sec. 42. NRS 704.215 is hereby amended to read as follows:

704.215 ~~[The]~~ **1. Subject to the provisions of this chapter,** the Commission may adopt by reference all or part of any appropriate:

~~[(1)]~~ (a) Rule, regulation or rate ~~[related to telecommunications services]~~ **schedule relating to telecommunication service** issued by an agency of the Federal Government or of any state.

~~[(2)]~~ (b) Regulation proposed by the National Association of Regulatory Utility Commissioners or code issued by a national or state professional society.

~~[→]~~ **2.** A copy of each such rule, regulation, rate schedule ~~[related to telecommunications services]~~ or code ~~[so]~~ adopted **by the Commission pursuant to this section** must be included with the regulations filed with the Secretary of State.

Sec. 43. NRS 704.328 is hereby amended to read as follows:

704.328 The provisions of NRS 704.322 to 704.326, inclusive, ~~[shall]~~ **do** not apply to ~~[any]~~ :

1. A public utility engaged in:

~~[(1)]~~ (a) Interstate commerce if 25 percent or more of the operating revenues of such public utility are derived from interstate commerce.

~~[(2)]~~ (b) The business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:

~~[(a)]~~ (1) Serves 15 persons or less; and

~~[(b)]~~ (2) Operates in a county whose population is 400,000 or more.

2. A competitive supplier.

Sec. 44. NRS 704.329 is hereby amended to read as follows:

704.329 1. Except as otherwise provided in subsection 6, a person shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this State or an entity that holds a controlling interest in such a public utility without first submitting to the Commission an application for authorization of the proposed transaction and obtaining authorization from the Commission.

2. Any transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

3. Before authorizing a proposed transaction pursuant to this section, the Commission shall consider the effect of the proposed transaction on the public interest and the customs in this State. The Commission shall not authorize the proposed transaction unless the Commission finds that the proposed transaction:

(a) Will be in the public interest; and



* A B 5 1 8 *

(b) Complies with the provisions of NRS 704.7561 to 704.7595, inclusive, if the proposed transaction is subject to those provisions.

4. The Commission may base its authorization of the proposed transaction upon such terms, conditions or modifications as the Commission deems appropriate.

5. If the Commission does not issue a final order regarding the proposed transaction within 180 days after the date on which an application or amended application for authorization of the proposed transaction was filed with the Commission, and the proposed transaction is not subject to the provisions of NRS 704.7561 to 704.7595, inclusive, the proposed transaction shall be deemed to be authorized by the Commission.

6. The provisions of this section do not apply to:

(a) The transfer of stock of a public utility doing business in this State or to the transfer of the stock of an entity that holds a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.

(b) *A proposed transaction involving a competitive supplier or an entity that holds a controlling interest in such a competitive supplier.*

(c) Except as otherwise provided in this paragraph, a proposed transaction involving a ~~[public utility doing business in this State providing telecommunication services]~~ *small-scale provider of last resort* or an entity that holds a controlling interest in such a ~~[public utility]~~ *provider* if, in the most recently completed calendar year, not more than 10 percent of the gross operating revenue of the ~~[public utility]~~ *provider* or the entity that holds a controlling interest in the ~~[public—utility]~~ *provider* was derived from intrastate telecommunication ~~[services]~~ *service* provided to retail customers in this State by the ~~[public—utility—]~~ *provider*. Such a proposed transaction is not exempted from the provisions of this section if:

(1) Not later than 30 days after the date on which the person undertaking the proposed transaction submits the notification required by 15 U.S.C. § 18a, the Regulatory Operations Staff of the Commission or the Consumer's Advocate requests an order from the Commission requiring the person to file an application for authorization of the proposed transaction;

(2) The request alleges in sufficient detail that the proposed transaction may materially affect retail customers of public utilities in this State; and

(3) The Commission issues an order requiring the person to file an application for authorization of the proposed transaction.



~~(e)~~ (d) A public utility engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:

(1) Serves 15 persons or less; and

(2) Operates in a county whose population is 400,000 or more.

7. As used in this section:

(a) "Person" means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;

(3) A government or an agency or instrumentality of a government, including, without limitation, this State or an agency or instrumentality of this State; and

(4) A political subdivision of this State or of any other government or an agency or instrumentality of a political subdivision of this State or of any other government.

(b) "Transaction" means a merger, acquisition or change in control described in subsection 1.

Sec. 45. NRS 704.330 is hereby amended to read as follows:

704.330 1. ~~Every public utility~~ *Except as otherwise provided in this section, any person* owning, controlling, operating or maintaining or having any contemplation of owning, controlling or operating any public utility shall, before beginning such operation or continuing operations or construction of any line, plant or system or any extension of a line, plant or system within this State, obtain from the Commission a certificate that the present or future public convenience or necessity requires or will require such continued operation or commencement of operations or construction.

2. ~~Nothing in~~ *The provisions of* this section ~~requires~~ *do not require* a public utility to secure such a certificate for any extension within any town or city within which it lawfully *has* commenced operations or for any other extension ~~as long as~~ *if* the extension:

(a) Is *undertaken by a small-scale provider of last resort* to serve a telephone toll station or stations to be located not more than 10 miles from existing telephone facilities; ~~or~~

(b) *Is undertaken for any purpose by a competitive supplier; or*

(c) Remains within the boundaries of the service area which have been established by the Commission for its railroad, line, plant or system, and not then served by a public utility of like character.

3. Upon the granting of any certificate of public convenience, the Commission may make such an order and prescribe such terms



1 and conditions for the location of lines, plants or systems to be
2 constructed, extended or affected as may be just and reasonable.

3 4. When a complaint has been filed with the Commission
4 alleging that any utility is being operated without a certificate of
5 public convenience and necessity as required by this section, or
6 when the Commission has reason to believe that any provision of
7 this section is being violated, the Commission shall investigate such
8 operations and the Commission may, after a hearing, make its order
9 requiring the owner or operator of the utility to cease and desist
10 from any operation in violation of this section. The Commission
11 shall enforce compliance with such an order under the powers
12 vested in the Commission by law.

13 5. If any public utility in constructing or extending its line,
14 plant or system interferes or is about to interfere with the operation
15 of the line, plant or system of any other public utility already
16 constructed, the Commission, on complaint of the public utility
17 claiming to be injuriously affected, after hearing, may make such an
18 order prohibiting the construction or extension, or prescribing such
19 terms and conditions for the location of the lines, plants or systems
20 affected, as to it may seem just and reasonable.

21 6. Except as *otherwise* provided in ~~subsection 7, whenever~~
22 *subsections 7 and 8, if* the Commission, after a hearing upon its
23 own motion or upon complaint, finds that there is or will be a
24 duplication of service by public utilities in any area, the
25 Commission shall either issue a certificate of public convenience
26 and necessity assigning specific territories to one or to each of such
27 utilities, or, by certificate of public convenience and necessity,
28 otherwise define the conditions of rendering service and
29 construction, extensions within such territories, and shall order the
30 elimination of such duplication, all upon such terms as are just and
31 reasonable, having due regard to due process of law and to all the
32 rights of the respective parties and to public convenience and
33 necessity.

34 7. The Commission may allow *and regulate* a duplication of
35 service by ~~public utilities~~ *telecommunication providers* in an area
36 *if:*

37 ~~—(a) The service provided is related to telecommunication; and~~
38 ~~—(b) It~~ *where the provider of last resort is a small-scale*
39 *provider of last resort if the Commission* finds that the competition
40 should occur and that any duplication of service is reasonable.

41 8. *The Commission:*

42 (a) *Shall allow a duplication of service or facilities by*
43 *telecommunication providers in an area where the provider of last*
44 *resort is a competitive supplier; and*



(b) On or after July 1, 2008, shall not regulate a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier.

9. A competitive supplier that is a provider of last resort:

(a) Must provide to the Commission a description of and map depicting the boundaries of the service area in which the Commission has designated the competitive supplier as the provider of last resort; and

(b) May change the boundaries of that service area by filing an application with the Commission. The application shall be deemed approved if the Commission does not act on the application within 120 days after the date the application is filed with the Commission.

Sec. 46. NRS 704.380 is hereby amended to read as follows:

704.380 ~~[No]~~ 1. Except as otherwise provided in subsection 2, any public utility beginning, prosecuting or completing any new construction in violation of this chapter ~~[shall be]~~ is not permitted to levy any tolls or charges for services rendered, and all such tolls and charges ~~[shall be]~~ are void.

2. The provisions of subsection 1 do not apply to a competitive supplier that is operating in accordance with the provisions of this chapter governing telecommunication providers.

Sec. 47. NRS 704.390 is hereby amended to read as follows:

704.390 1. ~~[H]~~ Except as otherwise provided in sections 18 to 30, inclusive, of this act, it is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the Commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the Commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. Except as otherwise provided in subsection 3, the Commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.

3. The Commission shall not dispense with the hearing on the application of an electric utility.

Sec. 48. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS 704.001 to 704.7595, inclusive, to which a certificate of public convenience and necessity has been issued pursuant to NRS 704.001 to 704.7595, inclusive, may transfer the certificate to any person



1 qualified under NRS 704.001 to 704.7595, inclusive. Such a transfer
2 is void and unenforceable and is not valid for any purpose unless:

3 (a) A joint application to make the transfer has been made to the
4 Commission by the transferor and the transferee ~~or~~ *or the transfer*
5 *is incident to a transaction that is subject to an application under*
6 *NRS 704.329 approved by the Commission;* and

7 (b) The Commission has authorized the substitution of the
8 transferee for the transferor. If the transferor is an electric utility, the
9 Commission shall not authorize the transfer unless the transfer
10 complies with the provisions of NRS 704.7561 to 704.7595,
11 inclusive.

12 2. The Commission:

13 (a) Shall conduct a hearing on a transfer involving an electric
14 utility. The hearing must be noticed and conducted in the same
15 manner as other contested hearings before the Commission.

16 (b) May direct that a hearing be conducted on a transfer
17 involving any other public utility. If the Commission determines
18 that such a hearing should be held, the hearing must be noticed and
19 conducted in the same manner as other contested hearings before the
20 Commission. The Commission may dispense with such a hearing if,
21 upon the expiration of the time fixed in the notice thereof, no protest
22 to the proposed transfer has been filed by or on behalf of any
23 interested person.

24 3. In determining whether the transfer of a certificate of public
25 convenience and necessity to an applicant transferee should be
26 authorized, the Commission must take into consideration:

27 (a) The utility service performed by the transferor and the
28 proposed utility service of the transferee;

29 (b) Other authorized utility services in the territory for which the
30 transfer is sought;

31 (c) Whether the transferee is fit, willing and able to perform the
32 services of a public utility and whether the proposed operation will
33 be consistent with the legislative policies set forth in NRS 704.001
34 to 704.7595, inclusive; and

35 (d) Whether the transfer will be in the public interest.

36 4. The Commission may make such amendments, restrictions
37 or modifications in a certificate upon transferring it as the public
38 interest requires.

39 5. No transfer is valid beyond the life of the certificate
40 transferred.

41 **Sec. 49.** NRS 704.440 is hereby amended to read as follows:

42 704.440 1. ~~[The]~~ *Except as otherwise provided in subsection*
43 *2, the* Commission may, in its discretion, investigate and ascertain
44 the value of all property of every public utility actually used and
45 useful for the convenience of the public.



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~~[2.]~~ In making such *an* investigation , the Commission may avail itself of all information contained in the assessment rolls of the various counties and the public records and files of all state departments, offices and commissions, and any other information obtainable.

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 50. NRS 704.684 is hereby amended to read as follows:

704.684 1. Except as otherwise provided in ~~[subsection 2 and NRS 704.68984.]~~ *this section*, the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.

2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:

(a) Consider any revenues, costs and expenses that a ~~[public utility]~~ *small-scale provider of last resort* derives from providing a broadband service, if the Commission is determining the rates of the ~~[public utility]~~ *provider* under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;

(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;

(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or

(d) Determine the rates, terms and conditions of intrastate special access services.

3. *The provisions of subsection 1 do not:*

(a) *Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or*

(b) *Limit or modify:*

(1) *The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or*

(2) *The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.*

4. As used in this section ~~[~~:

~~—(a) “Affiliate of an incumbent local exchange carrier” has the meaning ascribed to it in NRS 704.6891.~~



1 ~~—(b) “Broadband”~~, “broadband service” means any two-way
2 service that transmits information at a rate that is generally not less
3 than 200 kilobits per second in at least one direction.

4 ~~[(c) “Incumbent local exchange carrier” has the meaning~~
5 ~~ascribed to it in NRS 704.68932.]~~

6 **Sec. 51.** NRS 704.6873 is hereby amended to read as follows:

7 704.6873 1. The Commission shall adopt regulations that
8 require each ~~[utility which provides telecommunication services]~~
9 *telecommunication provider furnishing service* to:

10 (a) An elementary or secondary public school; or

11 (b) A public library,

12 ➤ to establish discounts in the rates for the telecommunication
13 services that the ~~[utility provides]~~ *provider furnishes* to that school
14 or library. The amount of the discount must be determined by the
15 Commission in a manner that is consistent with the provisions of 47
16 U.S.C. § 254.

17 2. The Commission shall adopt regulations that require each
18 ~~[utility which provides telecommunication services]~~
19 *telecommunication provider furnishing service* to:

20 (a) Public or private nonprofit providers of health care which
21 serve persons in rural areas; or

22 (b) Persons with low income and persons in rural, insular and
23 high-cost areas,

24 ➤ to ensure that such providers of health care and persons have
25 access to telecommunication services that are reasonably
26 comparable to those services available in urban areas and that the
27 rates for such services charged by the ~~[utility]~~ *telecommunication*
28 *provider* are reasonably comparable to those charged in the urban
29 areas, to the extent required by the provisions of 47 U.S.C. § 254.

30 3. The Commission shall adopt regulations which set forth the
31 requirements for eligibility for ~~[persons]~~:

32 (a) *Persons* with low income ~~[and definitions for]~~ *to receive a*
33 *reduction in rates for telephone service pursuant to NRS 707.400*
34 *to 707.500, inclusive;*

35 (b) *Small-scale providers of last resort to apply to receive*
36 *payments from the fund to maintain the availability of telephone*
37 *service with regard to* rural, insular and high-cost areas ~~[]~~; and

38 (c) *Competitive suppliers that are providers of last resort to*
39 *apply to receive payments from the fund to maintain the*
40 *availability of telephone service with regard to rural, insular and*
41 *high-cost areas.*

42 4. Any regulations adopted pursuant to this section *and NRS*
43 *704.040 regarding the availability of telephone service* must ~~[be]~~:

44 (a) *Be* consistent with the *applicable* provisions of 47 U.S.C.
45 § 254 ~~[]~~;



- (b) Define rural, insular and high-cost areas;
- (c) Establish nondiscriminatory eligibility requirements for all small-scale providers of last resort that apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas; and
- (d) Allow competitive suppliers which are providers of last resort and which meet the eligibility requirements established by the Commission to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

Sec. 52. NRS 704.6875 is hereby amended to read as follows:
704.6875 1. Except as otherwise provided in subsection 2, each ~~public utility which provides telecommunication services~~ *telecommunication provider* shall provide timely written notice to a customer of the duration of each call that is billed to the customer, reported in minutes, seconds or any fraction thereof, if the charges for the telecommunication services are calculated, in whole or in part, on the basis of the duration of the call.

2. The provisions of this section do not apply to measured rate service. ~~{that is regulated by the Commission.}~~

Sec. 53. NRS 704.6881 is hereby amended to read as follows:
704.6881 The Commission shall, by regulation:

1. Establish standards of performance and reporting regarding the provision of interconnection, unbundled network elements and resold services, which encourage competition and discourage discriminatory conduct in the provision of local telecommunication services; and

2. Notwithstanding the provisions of NRS 703.320 to the contrary, establish penalties and expedited procedures for imposing penalties upon a *telecommunication* provider ~~{of telecommunication services}~~ for actions that are inconsistent with the standards established by the Commission pursuant to subsection 1. Such penalties may include financial payment to the complaining *telecommunication* provider ~~{of telecommunication services}~~ for a violation of the standards established by the Commission pursuant to subsection 1, provided that any penalty paid must be deducted, with interest, from any other award under any other judicial or administrative procedure for the same conduct in the same reporting period. Any penalty imposed pursuant to this subsection is in lieu of the civil penalties set forth in NRS 703.380 and must be:

(a) Imposed for violating a standard or standards established by regulations of the Commission pursuant to subsection 1;

(b) Determined by the Commission to further the goal of encouraging competition or discouraging discriminatory conduct; and



(c) In an amount reasonable to encourage competition or discourage discriminatory conduct.

Sec. 54. NRS 704.6882 is hereby amended to read as follows:

704.6882 Notwithstanding the provisions of NRS 703.310 and 703.320, the Commission shall establish by regulation expedited procedures for complaints filed by a *telecommunication* provider ~~[of telecommunication services]~~ against another *telecommunication* provider ~~[of telecommunication services]~~ for any dispute arising under this chapter or chapter 703 of NRS, including specific procedures for interim relief that may include a preliminary decision by a single Commissioner except as to the imposition of monetary penalties.

Sec. 55. NRS 704.6884 is hereby amended to read as follows:

704.6884 The provisions of NRS 704.6881 to 704.6884, inclusive, must not be construed to exempt *telecommunication* providers ~~[of telecommunication services]~~ from any other applicable statute of this State or the United States relating to consumer and antitrust protections. The exemption provided in paragraph (c) of subsection 3 of NRS 598A.040 does not apply to conduct of, or actions taken by, a *telecommunication* provider ~~[of telecommunication services]~~ in violation of the standards established pursuant to subsection 1 of NRS 704.6881.

Sec. 56. Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 60, inclusive, of this act.

Sec. 57. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 58, 59 and 60 of this act have the meanings ascribed to them in those sections.*

Sec. 58. *“Basic network service” has the meaning ascribed to it in section 2 of this act.*

Sec. 59. *“Telecommunication provider” or “telephone company” has the meaning ascribed to it in section 12 of this act.*

Sec. 60. *“Telecommunication service” or “telephone service” has the meaning ascribed to it in section 13 of this act.*

Sec. 61. NRS 707.440 is hereby amended to read as follows:

707.440 “Eligible provider” means a *telecommunication* provider ~~[of telecommunication services]~~ that has been designated as an eligible telecommunications carrier by the Commission to receive universal service support pursuant to 47 U.S.C. § 214, as that section existed on January 1, 1999.

Sec. 62. NRS 707.490 is hereby amended to read as follows:

707.490 1. The reduction in the telephone rates provided by lifeline or link up services must be based on the methods for determining reductions which are adopted by the Commission by regulation. The Commission may provide different methods for



1 determining reductions to allow for differences between eligible
2 providers. The methods may include, without limitation:

3 (a) Basing the reduction on the tariff filed by the eligible
4 provider with the Commission; or

5 (b) Establishing a formula pursuant to which the amount of the
6 reduction may be determined.

7 2. The reduction in such telephone rates applies only to:

8 (a) ~~[Residential flat rate basic local exchange service;~~

9 ~~—(b) Residential local exchange access service;~~

10 ~~—(c) Residential local calling area service; and~~

11 ~~—(d)] Basic network service; and~~

12 (b) Residential service connection charges ~~[]~~ *for such basic*
13 *network service.*

14 3. ~~[The reduced rate for residential local exchange access~~
15 ~~service, when combined with the reduced rate for residential local~~
16 ~~calling area service, must not exceed the comparable reduced rate~~
17 ~~for residential flat rate basic local exchange service.~~

18 ~~—4.]~~ If the amount of the reduction in rates provided by an
19 eligible provider to an eligible customer for lifeline services is
20 greater than the amount which the eligible provider receives as
21 universal service support pursuant to 47 U.S.C. § 254, the eligible
22 provider is entitled to reimbursement from the fund *to maintain the*
23 *availability of telephone service* established by the Commission
24 pursuant to NRS 704.040 for the difference between the amount of
25 the reduction and the amount received as universal service support
26 pursuant to 47 U.S.C. § 254.

27 **Sec. 63.** NRS 709.050 is hereby amended to read as follows:

28 709.050 1. The board of county commissioners may grant to
29 any person, company, corporation or association the franchise, right
30 and privilege to construct, install, operate and maintain street
31 railways, electric light, heat and power lines, gas and water mains,
32 telephone and telegraph lines, and all necessary or proper appliances
33 used in connection therewith or appurtenant thereto, in the streets,
34 alleys, avenues and other places in any unincorporated town in the
35 county, and along the public roads and highways of the county,
36 when the applicant complies with the terms and provisions of NRS
37 709.050 to 709.170, inclusive.

38 2. The board of county commissioners shall not:

39 (a) Impose any terms or conditions on a franchise granted
40 pursuant to subsection 1 for the provision of ~~[telecommunications]~~
41 *telecommunication* service or interactive computer service other
42 than terms or conditions concerning the placement and location of
43 the telephone or telegraph lines and fees imposed for a business
44 license or the franchise, right or privilege to construct, install or
45 operate such lines.



(b) Require a company that provides ~~telecommunications~~ *telecommunication* service or interactive computer service to obtain a franchise if it provides ~~telecommunications~~ *telecommunication* service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~230(e)(2),~~ *230(f)(2)*, as that section existed on ~~July 16, 1997.~~ *January 1, 2007.*

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➔ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) ~~telecommunications~~ *Telecommunication* service" has the meaning ascribed to it in ~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~ *section 13 of this act.*

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 64. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of his franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which his franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides ~~telecommunications~~ *telecommunication* service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.



3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, telegraph or electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 65. NRS 710.140 is hereby amended to read as follows:

710.140 1. The control, management and conduct of any telephone line or system purchased, acquired or constructed by any county must be exercised by the board of county commissioners of such county.

2. The board of county commissioners has the right to employ such persons as may be necessary to carry on the business of the county telephone line or system.

3. The board of county commissioners shall comply with chapter 332 of NRS in letting contracts for the use and benefit of the county telephone line or system.

4. If the Public Utilities Commission of Nevada has provided for the levy and collection of an assessment pursuant to ~~subsection 7 of~~ NRS 704.040 for ~~the~~ *the* fund to maintain the availability of telephone service, the county telephone line or system is subject to the levy and collection of the assessment and is entitled to receive money from the fund under the same terms and conditions as a ~~public utility that is subject to subsection 7 of NRS 704.040.~~ *telecommunication provider regulated pursuant to chapter 704 of NRS.*

5. In carrying on the business of the county telephone line or system, the board of county commissioners may create a separate corporation to provide communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS. The control and management of the separate corporation must be



1 exercised by the board of county commissioners, and the separate
2 corporation is subject to all applicable provisions of NRS 710.010 to
3 710.159, inclusive, to the same extent as the county telephone line
4 or system.

5 6. If, after October 1, 2006, the county telephone line or system
6 provides, outside the territorial boundaries of the county, any
7 communication services that are not within the scope of activities
8 regulated pursuant to chapter 704 of NRS, the county telephone line
9 or system:

10 (a) With regard to the facilities and property it maintains outside
11 the territorial boundaries of the county, shall comply with the same
12 federal, state and local requirements that would apply to a privately
13 held company providing the same communication services; and

14 (b) With regard to the provision of such services outside the
15 territorial boundaries of the county:

16 (1) Shall comply with any regulations and rules of the Public
17 Utilities Commission of Nevada that would apply to a privately held
18 company providing the same communication services;

19 (2) Shall not use any money from the county general fund for
20 the provision of such services; and

21 (3) Shall not engage in any transaction with an affiliated
22 entity at prices and terms that are lower than or more favorable than
23 the prices and terms that the county telephone line or system or the
24 affiliated entity would offer to or charge an unaffiliated third party
25 for such a transaction.

26 7. Nothing in this section requires a county telephone line or
27 system to offer any services to or engage in any transaction with an
28 affiliated entity or an unaffiliated third party.

29 8. Except as otherwise provided in subsections 4 and 6, nothing
30 in this section vests jurisdiction over a county telephone line or
31 system in the Public Utilities Commission of Nevada.

32 9. It is expressly provided that no general or other statute shall
33 limit or restrict the conduct and carrying on of the business of a
34 county telephone line or system by the board of county
35 commissioners except as specifically set forth in this section and
36 NRS 710.145.

37 10. As used in this section, "affiliated entity" means any entity
38 that is owned, operated or controlled by the same county that owns,
39 operates or controls the county telephone line or system.

40 **Sec. 66.** NRS 710.145 is hereby amended to read as follows:

41 710.145 1. Notwithstanding the provisions of any other
42 statute, a county telephone line or system may extend its
43 communication services outside the territorial boundaries of the
44 county if:



(a) The services are not within the scope of activities regulated pursuant to chapter 704 of NRS and the county telephone line or system complies with the provisions of subsection 6 of NRS 710.140;

(b) The ~~[Public Utilities Commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the]~~ services are *extended into an area served by one or more competitive [or discretionary and that regulation thereof is unnecessary:] suppliers regulated pursuant to sections 18 to 30, inclusive, of this act;* or

(c) The Public Utilities Commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the extension is to be made, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. If, after October 1, 2005, a county telephone line or system provides any communication services pursuant to paragraph (b) or (c) of subsection 1 outside the territorial boundaries of the county, the county telephone line or system shall:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county, comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services.

3. If a county telephone line or system and an affiliated entity engage in any transaction to provide communication services outside the territorial boundaries of the county, the Public Utilities Commission of Nevada has jurisdiction over such a transaction to the extent necessary to enforce this section and NRS 710.140.

4. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

5. Except as otherwise provided in subsections 1, 2 and 3, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

6. As used in this section, "affiliated entity" has the meaning ascribed to it in NRS 710.140.

Sec. 67. NRS 710.147 is hereby amended to read as follows:

710.147 1. The governing body of a county whose population is 50,000 or more:



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(a) Shall not sell ~~telecommunications~~ *telecommunication* service to the general public.

(b) May purchase or construct facilities for providing ~~telecommunications~~ *telecommunication* that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the county clerk and made available for public inspection during the business hours of the office of the county clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell ~~telecommunications~~ *telecommunication* service to the general public.

4. As used in this section:

(a) ~~“Telecommunications”~~ *“Telecommunication”* has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.]~~

~~—(b) “Telecommunications”~~ *section 11 of this act.*

(b) *“Telecommunication service”* has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ *section 13 of this act.*

Sec. 68. NRS 711.190 is hereby amended to read as follows:

711.190 1. Except as otherwise provided in NRS 318.1194:

(a) A city may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

(b) A county may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of the property of the county or any town in the county or that portion of the county or town dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

2. If a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise and shall enforce those terms and conditions in a nondiscriminatory manner.



3. A community antenna television company that is granted a franchise pursuant to this chapter may provide ~~telecommunications~~ *telecommunication* service or interactive computer service without obtaining a separate franchise from the local government.

4. A local government that grants a franchise pursuant to this chapter shall not require the community antenna television company to place its facilities in ducts or conduits or on poles owned or leased by the local government.

5. If a county whose population is 400,000 or more, or an incorporated city located in whole or in part within such a county, grants a franchise pursuant to this chapter, the term of the franchise must be at least 10 years. If a franchisee notifies such a county or city on or before the end of the eighth year of a franchise that it wishes to extend the franchise, the county or city shall, on or before the end of the ninth year of the franchise, grant an extension of 5 years on the same terms and conditions, unless the franchisee has not substantially complied with the terms and conditions of the franchise agreement.

6. As used in this section:

(a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ 230(f)(2), as that section existed on ~~July 16, 1997.~~

~~—(b) “Telecommunications”~~ *January 1, 2007.*

(b) “*Telecommunication* service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ *section 13 of this act.*

Sec. 69. NRS 268.086 is hereby amended to read as follows:

268.086 1. The governing body of an incorporated city whose population is 25,000 or more:

(a) Shall not sell ~~telecommunications~~ *telecommunication* service to the general public.

(b) May purchase or construct facilities for providing ~~telecommunications~~ *telecommunication* that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell ~~telecommunications~~ *telecommunication* service to the general public.



4. As used in this section:

(a) ~~["Telecommunications"]~~ **"Telecommunication"** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.]~~

~~—(b) "Telecommunications"]~~ **section 11 of this act.**

(b) **"Telecommunication"** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 70. NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city shall not:

1. Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides ~~[telecommunications]~~ **telecommunication** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ **telecommunication** service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ **230(f)(2)**, as that section existed on ~~[July 16, 1997.]~~

~~—(b) "Telecommunications"]~~ **January 1, 2007.**

(b) **"Telecommunication"** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 71. NRS 360.820 is hereby amended to read as follows:

360.820 ~~["Telecommunications"]~~ **"Telecommunication"** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 1, 2003.]~~ **section 13 of this act.**

Sec. 72. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, ~~[telecommunications]~~ **telecommunication** service or community antenna television service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the



1 local government is exempt but for which the public utility would be
2 liable if the public utility was not owned by a governmental entity;
3 and

4 (b) The Nevada Tax Commission shall, solely for the purpose
5 set forth in this paragraph, annually determine and apportion the
6 assessed valuation of the property of the public utility. For the
7 purpose of calculating any allocation or apportionment of money for
8 distribution among local governments pursuant to a formula
9 required by state law which is based partially or entirely on the
10 assessed valuation of taxable property:

11 (1) The property of the public utility shall be deemed to
12 constitute taxable property to the same extent as if the public utility
13 was not owned by a governmental entity; and

14 (2) To the extent that the property of the public utility is
15 deemed to constitute taxable property pursuant to this paragraph:

16 (I) The assessed valuation of that property must be
17 included in that calculation as determined and apportioned by the
18 Nevada Tax Commission pursuant to this paragraph; and

19 (II) The payments required by paragraph (a) in lieu of any
20 taxes that would otherwise be required on the basis of the assessed
21 valuation of that property shall be deemed to constitute payments of
22 those taxes.

23 2. The payments in lieu of taxes and franchise fees required by
24 subsection 1 are due at the same time and must be collected,
25 accounted for and distributed in the same manner as those taxes and
26 franchise fees would be due, collected, accounted for and distributed
27 if the public utility was not owned by a governmental entity, except
28 that no lien attaches upon any property or money of the local
29 government by virtue of any failure to make all or any part of those
30 payments. The local government may contest the validity and
31 amount of any payment in lieu of a tax or franchise fee to the same
32 extent as if that payment was a payment of the tax or franchise fee
33 itself. The payments in lieu of taxes and franchise fees must be
34 reduced if and to the extent that such a contest is successful.

35 3. The provisions of this section do not:

36 (a) Apply to the acquisition by a local government of a public
37 utility owned by another governmental entity, except a public utility
38 owned by another local government for which any payments in lieu
39 of state or local taxes or franchise fees was required before its
40 acquisition as provided in this section.

41 (b) Require a local government to make any payments in lieu of
42 taxes or franchise fees to the extent that the making of those
43 payments would cause a deficiency in the money available to the
44 local government to make required payments of principal of,
45 premium, if any, or interest on any bonds or other securities issued



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1 to finance the acquisition of that public utility or to make required
2 payments to any funds established under the proceedings under
3 which those bonds or other securities were issued.

4 (c) Require a county to duplicate any payments in lieu of taxes
5 required pursuant to NRS 244A.755.

6 **Sec. 73.** NRS 360.830 is hereby amended to read as follows:

7 360.830 1. Except as otherwise provided in this section, if on
8 or after July 1, 2003, a local government:

9 (a) Acquires from another entity a public utility that provides
10 water service or sewer service; or

11 (b) Expands facilities for the provision of water service, sewer
12 service, electric service, natural gas service, ~~telecommunications~~
13 *telecommunication* service or community antenna television
14 service, and the expansion results in the local government serving
15 additional retail customers who were, before the expansion, retail
16 customers of a public utility which provided that service,

17 ➔ the local government shall enter into an interlocal agreement with
18 each affected local government to compensate the affected local
19 government each fiscal year, as nearly as practicable, for the amount
20 of any money from state and local taxes and franchise fees and from
21 payments in lieu of those taxes and franchise fees, and for any
22 compensation from a local government pursuant to this section, the
23 affected local government would be entitled to receive but will not
24 receive because of the acquisition of that public utility or expansion
25 of those facilities as provided in this section.

26 2. An affected local government may waive any or all of the
27 compensation to which it may be entitled pursuant to subsection 1.

28 3. The provisions of this section do not require a:

29 (a) Local government to provide any compensation to an
30 affected local government to the extent that the provision of that
31 compensation would cause a deficiency in the money available to
32 the local government to make required payments of principal of,
33 premium, if any, or interest on any bonds or other securities issued
34 to finance the acquisition of that public utility or expansion of those
35 facilities, or to make required payments to any funds established
36 under the proceedings under which those bonds or other securities
37 were issued.

38 (b) County to duplicate any compensation an affected local
39 government receives from any payments in lieu of taxes required
40 pursuant to NRS 244A.755.

41 **Sec. 74.** NRS 598.9682 is hereby amended to read as follows:

42 598.9682 "Provider" means:

43 1. A ~~{person who is in the business of providing a~~
44 ~~telecommunications service;}~~ *telecommunication provider as*
45 *defined in section 12 of this act;*



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2. An agent, employee, independent contractor or representative of ~~such a [person who is in the business of providing a telecommunications service;]~~ *telecommunication provider*; or

3. A person who originates a charge for a ~~[telecommunications]~~ *telecommunication* service and directly or indirectly bills a customer for the charge.

Sec. 75. NRS 598.9684 is hereby amended to read as follows:

598.9684 ~~["Telecommunications service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound over a communications system or network, including, without limitation, a communications system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.]~~
"Telecommunication service" has the meaning ascribed to it in section 13 of this act.

Sec. 76. NRS 598.969 is hereby amended to read as follows:

598.969 A provider shall not:

1. Make a statement or representation regarding the provision of a ~~[telecommunications]~~ *telecommunication* service, including, without limitation, a statement regarding the rates, terms or conditions of a ~~[telecommunications]~~ *telecommunication* service, that:

(a) Is false, misleading or deceptive; or

(b) Fails to include material information which makes the statement or representation false, misleading or deceptive.

2. Misrepresent his identity.

3. Falsely state to a person that the person has subscribed or authorized a subscription to or has received a ~~[telecommunications]~~ *telecommunication* service.

4. Omit, when explaining the terms and conditions of a subscription to a ~~[telecommunications]~~ *telecommunication* service, a material fact concerning the subscription.

5. Fail to provide a customer with timely written notice containing:

(a) A clear and detailed description relating directly to the services for which the customer is being billed and the amount the customer is being charged for each service;

(b) All terms and conditions relating directly to the services provided; and

(c) The name, address and telephone number of the provider.

6. Fail to honor, within a reasonable period, a request of a customer to cancel a ~~[telecommunications]~~ *telecommunication* service pursuant to the terms and conditions for the service.



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7. Bill a customer for a ~~telecommunications~~ *telecommunication* service after the customer has cancelled the ~~telecommunications~~ *telecommunication* service pursuant to the terms and conditions of the service.

8. Bill a customer for services that the provider knows the customer has not authorized, unless the service is required to be provided by law. The failure of a customer to refuse a proposal from a provider does not constitute specific authorization.

9. Change a customer's subscription to a local exchange carrier or an interexchange carrier unless:

(a) The customer has authorized the change within the 30 days immediately preceding the date of the change; and

(b) The provider complies with the provisions of 47 U.S.C. § 258, as amended, and the verification procedures set forth in 47 C.F.R. part 64, subpart K, as amended.

10. Fail to provide to a customer who has authorized the provider to change his subscription to a local exchange carrier or an interexchange carrier a written confirmation of the change within 30 days after the date of the change.

11. Propose or enter into a contract with a person that purports to:

(a) Waive the protection afforded to the person by any provision of this section; or

(b) Authorize the provider or an agent, employee, independent contractor or representative of the provider to violate any provision of this section.

Sec. 77. NRS 598.9691 is hereby amended to read as follows:

598.9691 The Public Utilities Commission of Nevada may adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a ~~telecommunications~~ *telecommunication* service.

Sec. 78. Section 2.270 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 416, Statutes of Nevada 2001, at page 2096, is hereby amended to read as follows:

Sec. 2.270 Power of Board: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.272, the Board may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to Carson City or the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise.



(d) Provide that any public utility be authorized, for any purpose or object whatever, to install, operate or use within the city mechanical water meters, or similar mechanical devices, to measure the quantity of water delivered to water users.

2. The Board:

(a) Shall not sell ~~telecommunications~~ *telecommunication* service to the general public.

(b) May purchase or construct facilities for providing ~~telecommunications~~ *telecommunication* that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the Clerk and made available for public inspection during the business hours of the Office of the Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~telecommunications~~ *telecommunication* service to the general public.

5. As used in this section:

(a) ~~“Telecommunications”~~ *“Telecommunication”* has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~—(b) “Telecommunications”~~ *section 11 of this act.*

(b) *“Telecommunication”* service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ *section 13 of this act.*

Sec. 79. Section 2.272 of the Charter of Carson City, being chapter 565, Statutes of Nevada 1997, at page 2750, is hereby amended to read as follows:

Sec. 2.272 Franchises for the provision of ~~telecommunications~~ *telecommunication* service.

1. The Board shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~telecommunications~~ *telecommunication* service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.



(b) Require a company that provides ~~[telecommunications]~~ *telecommunication* service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ *telecommunication* service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ *telecommunication* service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ *230(f)(2)*, as that section existed on ~~[July 16, 1997.]~~

~~—(b) "[Telecommunications]" January 1, 2007.~~

(b) "*Telecommunication* service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ *section 13 of this act.*

Sec. 80. Section 2.280 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2098, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.285, the City Council may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.



2. The City Council:

(a) Shall not sell ~~{telecommunications}~~ *telecommunication* service to the general public.

(b) May purchase or construct facilities for providing ~~{telecommunications}~~ *telecommunication* that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~{telecommunications}~~ *telecommunication* service to the general public.

5. As used in this section:

(a) ~~{“Telecommunications”}~~ *“Telecommunication”* has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~—(b) “Telecommunications”~~ *section 11 of this act.*

(b) *“Telecommunication* service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ *section 13 of this act.*

Sec. 81. Section 2.285 of the Charter of the City of Henderson, being chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~{telecommunications}~~ *telecommunication* service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~{telecommunications}~~ *telecommunication* service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~{telecommunications}~~ *telecommunication* service or interactive computer service to obtain a franchise if it provides ~~{telecommunications}~~ *telecommunication* service over the telephone or telegraph lines owned by another company.



(c) Require a person who holds a franchise for the provision of ~~telecommunications~~ **telecommunication** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~230(e)(2);~~ **230(f)(2)**, as that section existed on ~~July 16, 1997.~~

~~(b) "Telecommunications"~~ **January 1, 2007.**

(b) "**Telecommunication** service" has the meaning ascribed to it in ~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 82. Section 2.300 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 416, Statutes of Nevada 2001, at page 2100, is hereby amended to read as follows:

Sec. 2.300 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.315, the City Council may:

(a) Provide, by contract, franchise or public ownership or operation, for any utility to be furnished to the residents of the City.

(b) Provide for the construction and maintenance of any facility which is necessary for the provision of those utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges, including fees for connection, for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking and no rate, fee, toll or charge for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking may be prescribed, revised, amended, altered, increased or decreased without proceeding as follows:

(1) There must be filed with the City Clerk and available for public inspection schedules of all rates, fees, tolls and charges which the City has established and which are in force at that time for any service which is performed or product which is furnished in connection with any utility which is owned or operated by the City.

(2) No change may be made in any of those schedules except upon 30 days' notice to the inhabitants of the City and the holding of a public hearing with respect to the proposed change. Notice of the proposed change must be given by at



1 least two publications during the 30-day period before the
2 hearing.

3 (3) At the time which is set for the hearing on the
4 proposed change, any person may appear and be heard and
5 offer any evidence in support of or against the proposed
6 change.

7 (4) Every utility which is owned or operated by the
8 City shall furnish reasonably adequate service and facilities,
9 and the charges which are made for any service which is or
10 will be rendered, or for any service which is connected with
11 or incidental to any service which is or will be rendered, by
12 the City must be just and reasonable.

13 2. Any rate, fee, toll or charge, including any fee for
14 connection which is due for services, facilities or
15 commodities which are furnished by the City or by any utility
16 which is owned or operated by the City pursuant to this
17 section is a lien upon the property to which the service is
18 rendered. The lien:

19 (a) Must be perfected by filing with the County Recorder
20 of the County a statement by the City Clerk in which he states
21 the amount which is due and unpaid and describes the
22 property which is subject to the lien.

23 (b) Is coequal with the latest lien upon that property to
24 secure the payment of general taxes.

25 (c) Is not subject to extinguishment by the sale of any
26 property on account of the nonpayment of general taxes.

27 (d) Is prior and superior to all liens, claims, encumbrances
28 and titles, other than the liens of assessments and general
29 taxes.

30 (e) May be enforced and foreclosed in such manner as
31 may be prescribed by ordinance.

32 3. The City Council:

33 (a) Shall not sell ~~telecommunications~~
34 ~~telecommunication~~ service to the general public.

35 (b) May purchase or construct facilities for providing
36 ~~telecommunications~~ ~~telecommunication~~ that intersect with
37 public rights-of-way if the governing body:

38 (1) Conducts a study to evaluate the costs and benefits
39 associated with purchasing or constructing the facilities; and

40 (2) Determines from the results of the study that the
41 purchase or construction is in the interest of the general
42 public.

43 4. Any information relating to the study conducted
44 pursuant to subsection 3 must be maintained by the City



Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ **telecommunication** service to the general public.

6. As used in this section:

(a) ~~["Telecommunications"]~~ **"Telecommunication"** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.]~~

~~—(b) "Telecommunications"] section 11 of this act.~~

(b) **Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 83. Section 2.315 of the Charter of the City of Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2754, is hereby amended to read as follows:

Sec. 2.315 Franchises for the provision of ~~[telecommunications]~~ **telecommunication** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ **telecommunication** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ **telecommunication** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2);]~~ **230(f)(2)**, as that section existed on ~~[July 16, 1997.]~~

~~—(b) "Telecommunications"] January 1, 2007.~~

(b) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**



Sec. 84. Section 2.280 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2103, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the City Council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the City for residents located within or without the City.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this Charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the City Clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

(2) No changes may be made in any schedule so filed with the City Clerk except upon 30 days' notice to the inhabitants of the City and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the City during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the City shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each business customer and for each housing unit within the



1 City to which water is provided by a utility of up to 25 cents
2 per month. If such a charge is provided for, the City Council
3 shall, by ordinance, provide for the expenditure of that money
4 for any purpose relating to the beautification of the City.

5 2. Any charges due for services, facilities or
6 commodities furnished by the City or by any utility operated
7 by the City pursuant to this section is a lien upon the property
8 to which the service is rendered and must be perfected by
9 filing with the County Recorder of Clark County of a
10 statement by the City Clerk stating the amount due and
11 unpaid and describing the property subject to the lien. Each
12 such lien must:

13 (a) Be coequal with the latest lien thereon to secure the
14 payment of general taxes.

15 (b) Not be subject to extinguishment by the sale of any
16 property on account of the nonpayment of general taxes.

17 (c) Be prior and superior to all liens, claims,
18 encumbrances and titles other than the liens of assessments
19 and general taxes.

20 3. The City Council:

21 (a) Shall not sell ~~{telecommunications}~~
22 **telecommunication** service to the general public.

23 (b) May purchase or construct facilities for providing
24 ~~{telecommunications}~~ **telecommunication** that intersect with
25 public rights-of-way if the governing body:

26 (1) Conducts a study to evaluate the costs and benefits
27 associated with purchasing or constructing the facilities; and

28 (2) Determines from the results of the study that the
29 purchase or construction is in the interest of the general
30 public.

31 4. Any information relating to the study conducted
32 pursuant to subsection 3 must be maintained by the City
33 Clerk and made available for public inspection during the
34 business hours of the Office of the City Clerk.

35 5. Notwithstanding the provisions of paragraph (a) of
36 subsection 3, an airport may sell ~~{telecommunications}~~
37 **telecommunication** service to the general public.

38 6. As used in this section:

39 (a) "Housing unit" means a:

40 (1) Single-family dwelling;

41 (2) Townhouse, condominium or cooperative
42 apartment;

43 (3) Unit in a multiple-family dwelling or apartment
44 complex; or

45 (4) Mobile home.



(b) ~~["Telecommunications"]~~ **"Telecommunication"** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.]~~

~~—(c) "Telecommunications"]~~ **section 11 of this act.**

(c) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 85. Section 2.285 of the Charter of the City of North Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~["telecommunications"]~~ **telecommunication** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~["telecommunications"]~~ **telecommunication** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~["telecommunications"]~~ **telecommunication** service or interactive computer service to obtain a franchise if it provides ~~["telecommunications"]~~ **telecommunication** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~["telecommunications"]~~ **telecommunication** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2).]~~ **230(f)(2)**, as that section existed on ~~[July 16, 1997.]~~

~~—(b) "Telecommunications"]~~ **January 1, 2007.**

(b) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 86. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1143, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:



1 (a) Acquire, control, improve and dispose of any real or
2 personal property for the use of the City, its residents and
3 visitors.

4 (b) Except as otherwise provided in NRS 598D.150 and
5 640C.100, regulate and impose a license tax for revenue upon
6 all businesses, trades and professions.

7 (c) Provide or grant franchises for public transportation
8 and utilities.

9 (d) Appropriate money for advertising and publicity and
10 for the support of a municipal band.

11 (e) Enact and enforce any police, fire, traffic, health,
12 sanitary or other measure which does not conflict with the
13 general laws of the State of Nevada. An offense that is made
14 a misdemeanor by the laws of the State of Nevada shall also
15 be deemed to be a misdemeanor against the City whenever
16 the offense is committed within the City.

17 (f) Fix the rate to be paid for any utility service provided
18 by the City as a public enterprise. Any charges due for
19 services, facilities or commodities furnished by any utility
20 owned by the City is a lien upon the property to which the
21 service is rendered and is perfected by filing with the County
22 Recorder a statement by the City Clerk of the amount due and
23 unpaid and describing the property subject to the lien. Any
24 such lien is:

25 (1) Coequal with the latest lien upon the property to
26 secure the payment of general taxes.

27 (2) Not subject to extinguishment by the sale of any
28 property on account of the nonpayment of general taxes.

29 (3) Prior and superior to all liens, claims,
30 encumbrances and titles other than the liens of assessments
31 and general taxes.

32 2. The City Council:

33 (a) Shall not sell ~~telecommunications~~
34 ~~telecommunication~~ service to the general public.

35 (b) May purchase or construct facilities for providing
36 ~~telecommunications~~ ~~telecommunication~~ that intersect with
37 public rights-of-way if the governing body:

38 (1) Conducts a study to evaluate the costs and benefits
39 associated with purchasing or constructing the facilities; and

40 (2) Determines from the results of the study that the
41 purchase or construction is in the interest of the general
42 public.

43 3. Any information relating to the study conducted
44 pursuant to subsection 2 must be maintained by the City



Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ **telecommunication** service to the general public.

5. As used in this section:

(a) ~~["Telecommunications"]~~ **"Telecommunication"** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.]~~

~~—(b) "Telecommunications"] section 11 of this act.~~

(b) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 87. Section 2.150 of the Charter of the City of Reno, being chapter 565, Statutes of Nevada 1997, at page 2761, is hereby amended to read as follows:

Sec. 2.150 Franchises for the provision of ~~[telecommunications]~~ **telecommunication** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ **telecommunication** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ **telecommunication** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2);]~~ **230(f)(2)**, as that section existed on ~~[July 16, 1997.]~~

~~—(b) "Telecommunications"] January 1, 2007.~~

(b) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**



1 **Sec. 88.** Section 2.110 of the Charter of the City of Sparks,
2 being chapter 470, Statutes of Nevada 1975, as last amended by
3 chapter 416, Statutes of Nevada 2001, at page 2107, is hereby
4 amended to read as follows:

5 Sec. 2.110 Powers of City Council: Provisions for
6 utilities.

7 1. Except as otherwise provided in subsection 2 and
8 section 2.115, the City Council may:

9 (a) Provide by contract, franchise or public enterprise, for
10 any utility to be furnished to the City for the residents thereof.

11 (b) Provide for the construction of any facility necessary
12 for the provisions of such utility.

13 (c) Fix the rate to be paid for any utility provided by
14 public enterprise. Any charges due for services, facilities or
15 commodities furnished by any utility owned by the City is a
16 lien upon the property to which the service is rendered and
17 must be performed by filing with the County Recorder a
18 statement by the City Clerk of the amount due and unpaid and
19 describing the property subject to the lien. Each such lien
20 must:

21 (1) Be coequal with the latest lien thereon to secure
22 the payment of general taxes.

23 (2) Not be subject to extinguishment by the sale of any
24 property on account of the nonpayment of general taxes.

25 (3) Be prior and superior to all liens, claims,
26 encumbrances and titles other than the liens of assessments
27 and general taxes.

28 2. The City Council:

29 (a) Shall not sell ~~telecommunications~~
30 ~~telecommunication~~ service to the general public.

31 (b) May purchase or construct facilities for providing
32 ~~telecommunications~~ ~~telecommunication~~ that intersect with
33 public rights-of-way if the governing body:

34 (1) Conducts a study to evaluate the costs and benefits
35 associated with purchasing or constructing the facilities; and

36 (2) Determines from the results of the study that the
37 purchase or construction is in the interest of the general
38 public.

39 3. Any information relating to the study conducted
40 pursuant to subsection 2 must be maintained by the City
41 Clerk and made available for public inspection during the
42 business hours of the Office of the City Clerk.

43 4. Notwithstanding the provisions of paragraph (a) of
44 subsection 2, an airport may sell ~~telecommunications~~
45 ~~telecommunication~~ service to the general public.



5. As used in this section:

(a) ~~["Telecommunications"]~~ **"Telecommunication"** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~—(b) "Telecommunications"]~~ **section 11 of this act.**

(b) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 89. Section 2.115 of the Charter of the City of Sparks, being chapter 565, Statutes of Nevada 1997, at page 2763, is hereby amended to read as follows:

Sec. 2.115 Franchises for the provision of ~~[telecommunications]~~ **telecommunication** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ **telecommunication** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ **telecommunication** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ **telecommunication** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ **230(f)(2)**, as that section existed on ~~[July 16, 1997.~~

~~—(b) "Telecommunications"]~~ **January 1, 2007.**

(b) **"Telecommunication** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ **section 13 of this act.**

Sec. 90. NRS 704.68904, 704.68908, 704.6891, 704.68912, 704.68916, 704.6892, 704.68922, 704.68924, 704.68928, 704.68932, 704.68936, 704.6894, 704.68942, 704.68944, 704.68946, 704.68947, 704.68948, 704.68952, 704.68956, 704.6896, 704.68964, 704.68966, 704.68968, 704.68972, 704.68976, 704.6898 and 704.68984 are hereby repealed.



Sec. 91. 1. The Public Utilities Commission of Nevada shall:

(a) On or before December 31, 2007, repeal any regulations which the Commission has adopted pursuant to NRS 704.68904 to 704.68984, inclusive, and any other regulations which are inconsistent with this act; and

(b) Except as otherwise provided in subsection 2, on or before July 1, 2008, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. Notwithstanding any other provision of this act:

(a) In carrying out the provisions of NRS 704.6873, as amended by this act, the Commission shall:

(1) Commence a regulatory proceeding to establish the eligibility requirements for competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service based on the need of such competitive suppliers for funding to maintain the availability of telephone service to rural, insular and high-cost areas; and

(2) Conclude that regulatory proceeding and establish the eligibility requirements not later than January 1, 2009.

(b) Except for a small-scale provider of last resort, a competitive supplier that is a provider of last resort:

(1) May not apply to receive payments from the fund to maintain the availability of telephone service until the Commission has completed the regulatory proceeding required by this subsection; and

(2) Is not eligible to receive payments from the fund to maintain the availability of telephone service unless the competitive supplier meets the eligibility requirements established by the Commission in the regulatory proceeding required by this subsection.

3. As used in this section, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, and sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 92. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

704.68904 Definitions.

704.68908 "Affected person" defined.

704.6891 "Affiliate of an incumbent local exchange carrier" and "affiliate" defined.



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- 704.68912 "Basic network service" defined.
704.68916 "Competitive service" defined.
704.6892 "Competitive supplier" defined.
704.68922 "Deregulated service" defined.
704.68924 "Discretionary service" defined.
704.68928 "Electing PAR carrier" defined.
704.68932 "Incumbent local exchange carrier" defined.
704.68936 "Local area of transport and access" or "LATA" defined.
704.6894 "Other essential service" defined.
704.68942 "PAR carrier" defined.
704.68944 "Price floor" defined.
704.68946 "Telecommunication" defined.
704.68947 "Telecommunication service" defined.
704.68948 Authority of PAR carrier to become electing PAR carrier for purposes of regulation; procedure for making election.
704.68952 Regulation of electing PAR carrier: Limitations on power of Commission regarding earnings and rates; termination and continuation of plan of alternative regulation; limitations on receipt of money from fund created pursuant to NRS 704.040.
704.68956 Regulation of electing PAR carrier: Approval of Commission required to discontinue or change terms and conditions relating to provision of certain basic network services.
704.6896 Reclassification of basic network services: Authority of Commission; adoption of criteria for reclassification; period for acting on request for reclassification from PAR carrier.
704.68964 Flexibility in pricing and terms of services: Authority of PAR carrier; procedure and requirements for exercising flexibility; PAR carrier permitted to bill customer using fixed price or amount for package of services.
704.68966 Flexibility in pricing and terms of services: Prohibition against anticompetitive acts and practices and unreasonable discrimination among similarly situated customers.
704.68968 Promotional price reductions: Notice; duration; geographic area; nondiscriminatory basis.
704.68972 Introduction of new services: Notice; conditions; exemption from certain regulations of Commission; classification; price.
704.68976 Rates for services to be averaged geographically; exception.
704.6898 Intrastate access prices: Maximum amount; offset of reductions.
704.68984 Powers and duties of Commission and PAR carriers under certain federal and state laws preserved.

