

CHAPTER.....

AN ACT relating to public utilities; clarifying the applicability of the Utility Environmental Protection Act to certain utility facilities owned by suppliers of utility services that provide utility services only to the members of those suppliers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a supplier of utility services that provides utility services only to its own members is subject to the jurisdiction, control and regulation of the Public Utilities Commission of Nevada for certain limited purposes. (NRS 704.675) **Section 1** of this bill clarifies that, if such a supplier of utility services is not jointly owned by certain other entities and is subject to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., a utility facility owned by the supplier is exempt from the provisions of the Utility Environmental Protection Act, which controls the permitting process for the construction of new utility facilities. (NRS 704.820-704.900)

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

Section 1. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional



or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction;

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(c) Over which an agency of the Federal Government has exclusive jurisdiction ~~H~~; or

(d) Owned by a supplier of services described in NRS 704.673 or 704.675 that:

(1) Is not jointly owned by or with an entity that is not such a supplier of services; and

(2) Is subject to the provisions of the National Environmental Policy Act of 1969, 42 U.S.C §§ 4321 et seq.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the Commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the Commission.

Sec. 2. This act becomes effective on July 1, 2007.

