

ASSEMBLY BILL NO. 510—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises various provisions governing the Public Utilities Commission of Nevada. (BDR 58-1140)

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

~

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

AN ACT relating to the Public Utilities Commission of Nevada; requiring that the entire Commission must act in certain matters; requiring that the Commission appoint an Executive Director; revising the dates by which certain applications must be filed; indicating that certain provisions of law do not prohibit the Commission from taking certain action; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 **Section 2** of this bill requires that certain matters be decided by the entire  
2 Public Utilities Commission of Nevada and allows the Commission to designate  
3 hearing officers as acting commissioners in certain circumstances.  
4 **Section 3** of this bill requires the Commission to appoint an Executive Director  
5 and specifies the qualifications and duties of the Executive Director. **Section 1** of  
6 this bill revises provisions to be consistent with this new requirement.  
7 **Section 4** of this bill revises the dates by which electric utilities must file  
8 general rate applications.  
9 **Section 5** of this bill provides that the provisions of chapter 704 of NRS do not  
10 prohibit the Commission from allowing an electric utility to provide reduced rates  
11 to low-income customers.

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

- 1 **Section 1.** NRS 703.070 is hereby amended to read as follows:  
2 703.070 The Governor shall designate one of the  
3 Commissioners to be Chairman, whose term as Chairman shall be at



\* A B 5 1 0 \*

1 the pleasure of the Governor. ~~[The Chairman shall serve as the~~  
2 ~~Executive Officer of the Commission.]~~

3 **Sec. 2.** NRS 703.085 is hereby amended to read as follows:

4 703.085 1. *All commissioners are required for the*  
5 *Commission to act in any matter involving:*

6 (a) *A general rate application or an annual deferred energy*  
7 *accounting adjustment application of an electric utility or a public*  
8 *utility which purchases natural gas for resale; and*

9 (b) *A plan of an electric utility to increase its supply of*  
10 *electricity or decrease the demands made on its system pursuant to*  
11 *NRS 704.741.*

12 2. ~~[A]~~ *Except as otherwise provided in subsection 1, a*  
13 majority of the commissioners has full power to act in all matters  
14 within the jurisdiction of the Commission.

15 ~~[2-]~~ 3. Before the Commission may enter a final order on a  
16 matter, there must be at least ~~[two]~~ *the required number of*  
17 commissioners who are able to act on the matter. If there are fewer  
18 than ~~[two]~~ *the required number of* commissioners who are able to  
19 act on the matter because of disqualifications, illnesses, incapacities,  
20 vacancies that have not yet been filled, or any other reason, the  
21 Governor shall appoint the requisite number of persons to serve as  
22 acting commissioners in the place of the commissioners who are  
23 unable to act on the matter so that there are at least ~~[two]~~ *the*  
24 *required number of* persons who are able to act on the matter,  
25 whether serving as a commissioner or an acting commissioner. If  
26 there are fewer than ~~[two]~~ *the required number of* commissioners  
27 who are able to act on the matter because of disqualifications,  
28 illnesses, incapacities, vacancies that have not yet been filled, or any  
29 other reason, and the Governor has not appointed the requisite  
30 number of persons to serve as acting commissioners pursuant to this  
31 subsection, the ~~[Deputy Commissioner]~~ *Commission may designate*  
32 *a hearing officer* appointed pursuant to subsection ~~[4]~~ 6 of NRS  
33 703.130 ~~[may]~~ *to* serve as an acting commissioner.

34 ~~[3-]~~ 4. Before the Governor may appoint a person to serve as  
35 an acting commissioner in the place of a commissioner who is  
36 unable to act on the matter, the person must be qualified to serve in  
37 the office of that commissioner as if the Governor were appointing  
38 the person to fill a vacancy in that office.

39 ~~[4-]~~ 5. A person who is appointed or authorized to serve as an  
40 acting commissioner shall be deemed to be a commissioner and is  
41 entitled to exercise the powers of a commissioner only in  
42 proceedings before the Commission that involve the matter or  
43 matters for which the person is appointed or authorized to serve as  
44 an acting commissioner.



~~[5-]~~ 6. A person who is appointed to serve as an acting commissioner:

(a) Is subject to all legal requirements and restrictions and enjoys all legal protections and immunities that apply to a commissioner and to state officers generally while the person is engaged in the business of the Commission as an acting commissioner; and

(b) Is entitled to receive, for each day the person is engaged in the business of the Commission as an acting commissioner, a salary of \$80 and the per diem allowance and travel expenses provided for state officers and employees generally. The person is not entitled to receive any other compensation for serving as an acting commissioner.

~~[6-]~~ 7. A person who is appointed to serve as an acting commissioner serves at the pleasure of the Governor. The appointment of the person expires:

(a) On the date that the Governor declares that the appointment has expired; or

(b) On the date that the matter or matters for which the person was appointed are no longer pending before the Commission,   
 ➔ whichever date occurs earlier.

~~[7-]~~ 8. The Governor may reappoint a person to serve as an acting commissioner.

**Sec. 3.** NRS 703.130 is hereby amended to read as follows:

703.130 1. The Commission shall appoint ~~[a—Deputy Commissioner]~~ *an Executive Director*, who ~~[shall serve in the unclassified service of the State.]~~ *must be:*

*(a) Knowledgeable and experienced in public administration and fiscal management;*

*(b) Knowledgeable in the areas of utility regulation by the Commission; and*

*(c) Independent of and have no pecuniary interest in any entity regulated by the Commission.*

2. *The Executive Director shall:*

*(a) Serve as Chief Financial Officer for the Commission;*

*(b) Direct the daily operation of the Commission, including, without limitation:*

*(1) Budget preparation;*

*(2) Administration;*

*(3) Human resources;*

*(4) Purchases and acquisitions made by the Commission;*

*and*

*(5) Contracts and leases entered into by the Commission;*

*(c) Develop and implement policies and procedures to ensure the efficient operation of the Commission;*



(d) *Oversee:*

(1) *The review of applications for certificates, permits and modifications of tariffs;*

(2) *The maintenance of a hearing calendar of all matters pending before the Commission; and*

(3) *Compliance with and enforcement of statutes and regulations pertaining to utilities which are regulated by the Commission; and*

(e) *Authenticate documents and serve as custodian of all agency records.*

3. *The Executive Director is in the unclassified service of the State.*

4. The *Executive Director, with the approval of the* Commission , shall ~~appoint~~ *designate* a Secretary who shall perform such administrative and other duties as are prescribed by the ~~Commission~~ *Executive Director*. The *Executive Director, with the approval of the* Commission , shall also ~~appoint~~ *designate* an Assistant Secretary.

~~3-1~~ 5. The ~~Commission~~ *Executive Director* may employ such other clerks, experts or engineers as may be necessary.

~~4-1~~ 6. Except as otherwise provided in subsection ~~5-1~~ 7, the Commission:

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

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

~~5-1~~ 7. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

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

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

~~6-1~~ 8. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

**Sec. 4.** NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation,



1 changes that will result in a discontinuance, modification or  
2 restriction of service, the Commission shall investigate the propriety  
3 of the proposed changes to determine whether to approve or  
4 disapprove the proposed changes. If an electric utility files such an  
5 application and the application is a general rate application or an  
6 annual deferred energy accounting adjustment application, the  
7 Consumer's Advocate shall be deemed a party of record.

8 2. Except as otherwise provided in subsection 3, if a public  
9 utility files with the Commission an application to make changes in  
10 any schedule, the Commission shall, not later than 210 days after the  
11 date on which the application is filed, issue a written order  
12 approving or disapproving, in whole or in part, the proposed  
13 changes.

14 3. If a public utility files with the Commission a general rate  
15 application, the public utility shall submit with its application a  
16 statement showing the recorded results of revenues, expenses,  
17 investments and costs of capital for its most recent 12 months for  
18 which data were available when the application was prepared.  
19 Except as otherwise provided in subsection 4, in determining  
20 whether to approve or disapprove any increased rates, the  
21 Commission shall consider evidence in support of the increased  
22 rates based upon actual recorded results of operations for the same  
23 12 months, adjusted for increased revenues, any increased  
24 investment in facilities, increased expenses for depreciation, certain  
25 other operating expenses as approved by the Commission and  
26 changes in the costs of securities which are known and are  
27 measurable with reasonable accuracy at the time of filing and which  
28 will become effective within 6 months after the last month of those  
29 12 months, but the public utility shall not place into effect any  
30 increased rates until the changes have been experienced and  
31 certified by the public utility to the Commission and the  
32 Commission has approved the increased rates. The Commission  
33 shall also consider evidence supporting expenses for depreciation,  
34 calculated on an annual basis, applicable to major components of the  
35 public utility's plant placed into service during the recorded test  
36 period or the period for certification as set forth in the application.  
37 Adjustments to revenues, operating expenses and costs of securities  
38 must be calculated on an annual basis. Within 90 days after the date  
39 on which the certification required by this subsection is filed with  
40 the Commission, or within the period set forth in subsection 2,  
41 whichever time is longer, the Commission shall make such order in  
42 reference to the increased rates as is required by this chapter. The  
43 following public utilities shall each file a general rate application  
44 pursuant to this subsection based on the following schedule:



\* A B 5 1 0 \*

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in ~~December 2007,~~ **June 2010**, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in ~~December 2008,~~ **June 2011**, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$500,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$500,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.

➔ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if



1 the expected changes in circumstances consist of specific and  
2 identifiable events or programs rather than general trends, patterns  
3 or developments, have an objectively high probability of occurring  
4 to the degree, in the amount and at the time expected, are primarily  
5 measurable by recorded or verifiable revenues and expenses and are  
6 easily and objectively calculated, with the calculation of the  
7 expected changes relying only secondarily on estimates, forecasts,  
8 projections or budgets. If the Commission determines that the public  
9 utility has met its burden of proof:

10 (a) The Commission shall consider the statement submitted  
11 pursuant to this subsection and evidence relevant to the statement,  
12 including all reasonable projected or forecasted offsets in revenue  
13 and expenses that are directly attributable to or associated with the  
14 expected changes in circumstances under consideration, in addition  
15 to the statement required pursuant to subsection 3 as evidence in  
16 establishing just and reasonable rates for the public utility; and

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

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

25 6. If a public utility files with the Commission a general rate  
26 application, the public utility shall not file with the Commission  
27 another general rate application until all pending general rate  
28 applications filed by that public utility have been decided by the  
29 Commission unless, after application and hearing, the Commission  
30 determines that a substantial financial emergency would exist if the  
31 public utility is not permitted to file another general rate application  
32 sooner. The provisions of this subsection do not prohibit the public  
33 utility from filing with the Commission, while a general rate  
34 application is pending, an application to recover the increased cost  
35 of purchased fuel, purchased power, or natural gas purchased for  
36 resale pursuant to subsection 7, a quarterly rate adjustment pursuant  
37 to subsection 8 or 9, any information relating to deferred accounting  
38 requirements pursuant to NRS 704.185 or an annual deferred energy  
39 accounting adjustment application pursuant to NRS 704.187, if the  
40 public utility is otherwise authorized to so file by those provisions.

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



\* A B 5 1 0 \*

1 (a) An electric utility which is required to adjust its rates on a  
2 quarterly basis pursuant to subsection 9; or

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

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

11 (a) The public utility shall file written notice with the  
12 Commission before the public utility makes a quarterly rate  
13 adjustment between annual rate adjustment applications. A quarterly  
14 rate adjustment is not subject to the requirements for notice and a  
15 hearing pursuant to NRS 703.320 or the requirements for a  
16 consumer session pursuant to subsection 1 of NRS 704.069.

17 (b) The public utility shall provide written notice of each  
18 quarterly rate adjustment to its customers by including the written  
19 notice with a customer's regular monthly bill. The public utility  
20 shall begin providing such written notice to its customers not later  
21 than 30 days after the date on which the public utility files its  
22 written notice with the Commission pursuant to paragraph (a). The  
23 written notice that is included with a customer's regular monthly  
24 bill:

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

27 (2) Must include the following:

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

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

34 (III) A statement that customers may send written  
35 comments or protests regarding the rate adjustment to the  
36 Commission; and

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

38 (c) The public utility shall file an annual rate adjustment  
39 application with the Commission. The annual rate adjustment  
40 application is subject to the requirements for notice and a hearing  
41 pursuant to NRS 703.320 and the requirements for a consumer  
42 session pursuant to subsection 1 of NRS 704.069.

43 (d) The proceeding regarding the annual rate adjustment  
44 application must include a review of each quarterly rate adjustment  
45 and a review of the transactions and recorded costs of natural gas



\* A B 5 1 0 \*



1 included in each quarterly rate adjustment and the annual rate  
2 adjustment application. There is no presumption of reasonableness  
3 or prudence for any quarterly rate adjustment or for any transactions  
4 or recorded costs of natural gas included in any quarterly rate  
5 adjustment or the annual rate adjustment application, and the public  
6 utility has the burden of proving reasonableness and prudence in the  
7 proceeding.

8 (e) The Commission shall not allow the public utility to recover  
9 any recorded costs of natural gas which were the result of any  
10 practice or transaction that was unreasonable or was undertaken,  
11 managed or performed imprudently by the public utility, and the  
12 Commission shall order the public utility to adjust its rates if the  
13 Commission determines that any recorded costs of natural gas  
14 included in any quarterly rate adjustment or the annual rate  
15 adjustment application were not reasonable or prudent.

16 9. An electric utility shall adjust its rates on a quarterly basis  
17 based on changes in the public utility's recorded costs of purchased  
18 fuel or purchased power in the following manner:

19 (a) An electric utility shall file written notice with the  
20 Commission on or before August 15, 2007, and every quarter  
21 thereafter of the quarterly rate adjustment to be made by the electric  
22 utility for the following quarter. The first quarterly rate adjustment  
23 by the electric utility will take effect on October 1, 2007, and each  
24 subsequent quarterly rate adjustment will take effect every quarter  
25 thereafter. A quarterly rate adjustment is not subject to the  
26 requirements for notice and a hearing pursuant to NRS 703.320 or  
27 the requirements for a consumer session pursuant to subsection 1 of  
28 NRS 704.069.

29 (b) Each electric utility shall provide written notice of each  
30 quarterly rate adjustment to its customers by including the written  
31 notice with a customer's regular monthly bill. The electric utility  
32 shall begin providing such written notice to its customers not later  
33 than 30 days after the date on which the electric utility files a written  
34 notice with the Commission pursuant to paragraph (a). The written  
35 notice that is included with a customer's regular monthly bill:

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

38 (2) Must include the following:

39 (I) The total amount of the increase or decrease in the  
40 electric utility's revenues from the rate adjustment, stated in dollars  
41 and as a percentage;

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



1 (III) A statement that customers may send written  
2 comments or protests regarding the rate adjustment to the  
3 Commission; and

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

5 (c) An electric utility shall file an annual deferred energy  
6 accounting adjustment application pursuant to NRS 704.187 with  
7 the Commission. The annual deferred energy accounting adjustment  
8 application is subject to the requirements for notice and a hearing  
9 pursuant to NRS 703.320 and the requirements for a consumer  
10 session pursuant to subsection 1 of NRS 704.069.

11 (d) The proceeding regarding the annual deferred energy  
12 accounting adjustment application must include a review of each  
13 quarterly rate adjustment and a review of the transactions and  
14 recorded costs of purchased fuel and purchased power included in  
15 each quarterly rate adjustment and the annual deferred energy  
16 accounting adjustment application. There is no presumption of  
17 reasonableness or prudence for any quarterly rate adjustment or for  
18 any transactions or recorded costs of purchased fuel and purchased  
19 power included in any quarterly rate adjustment or the annual  
20 deferred energy accounting adjustment application, and the electric  
21 utility has the burden of proving reasonableness and prudence in the  
22 proceeding.

23 (e) The Commission shall not allow the electric utility to recover  
24 any recorded costs of purchased fuel and purchased power which  
25 were the result of any practice or transaction that was unreasonable  
26 or was undertaken, managed or performed imprudently by the  
27 electric utility, and the Commission shall order the electric utility to  
28 adjust its rates if the Commission determines that any recorded costs  
29 of purchased fuel and purchased power included in any quarterly  
30 rate adjustment or the annual deferred energy accounting adjustment  
31 application were not reasonable or prudent.

32 10. If an electric utility files an annual deferred energy  
33 accounting adjustment application pursuant to subsection 9 and  
34 NRS 704.187 while a general rate application is pending, the  
35 electric utility shall:

36 (a) Submit with its annual deferred energy accounting  
37 adjustment application information relating to the cost of service  
38 and rate design; and

39 (b) Supplement its general rate application with the same  
40 information, if such information was not submitted with the general  
41 rate application.

42 11. A utility facility identified in a 3-year plan submitted  
43 pursuant to NRS 704.741 and accepted by the Commission for  
44 acquisition or construction pursuant to NRS 704.751 and the  
45 regulations adopted pursuant thereto shall be deemed to be a prudent



1 investment. The utility may recover all just and reasonable costs of  
2 planning and constructing such a facility.

3 12. As used in this section:

4 (a) "Electric utility" has the meaning ascribed to it in  
5 NRS 704.187.

6 (b) "Electric utility that primarily serves densely populated  
7 counties" means an electric utility that, with regard to the provision  
8 of electric service, derives more of its annual gross operating  
9 revenue in this State from customers located in counties whose  
10 population is 400,000 or more than it does from customers located  
11 in counties whose population is less than 400,000.

12 (c) "Electric utility that primarily serves less densely populated  
13 counties" means an electric utility that, with regard to the provision  
14 of electric service, derives more of its annual gross operating  
15 revenue in this State from customers located in counties whose  
16 population is less than 400,000 than it does from customers located  
17 in counties whose population is 400,000 or more.

18 **Sec. 5.** NRS 704.120 is hereby amended to read as follows:

19 704.120 1. If, upon any hearing and after due investigation,  
20 the rates, tolls, charges, schedules or joint rates shall be found to be  
21 unjust, unreasonable or unjustly discriminatory, or to be preferential,  
22 or otherwise in violation of any of the provisions of this chapter, the  
23 Commission shall have the power to fix and order substituted  
24 therefor such rate or rates, tolls, charges or schedules as shall be just  
25 and reasonable.

26 2. If it shall in like manner be found that any regulation,  
27 measurement, practice, act or service complained of is unjust,  
28 unreasonable, insufficient, preferential, unjustly discriminatory or  
29 otherwise in violation of the provisions of this chapter, or if it be  
30 found that the service is inadequate, or that any reasonable service  
31 cannot be obtained, the Commission shall have the power to  
32 substitute therefor such other regulations, measurements, practices,  
33 service or acts and make such order relating thereto as may be just  
34 and reasonable.

35 3. When complaint is made of more than one rate, charge or  
36 practice, the Commission may, in its discretion, order separate  
37 hearings upon the several matters complained of and at such times  
38 and places as it may prescribe.

39 4. No complaint shall at any time be dismissed because of the  
40 absence of direct damage to the complainant.

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



1       6. The provisions of this section do not apply to a competitive  
2 supplier, except that a competitive supplier that is an incumbent  
3 local exchange carrier is subject to the provisions of this section  
4 with regard to:

5       (a) The provision of basic network service until January 1, 2012;  
6 and

7       (b) Any general rate application filed by the competitive  
8 supplier pursuant to paragraph (b) of subsection 2 of NRS  
9 704.68877. If the competitive supplier files such a general rate  
10 application, the general rate case proceeding must be conducted by  
11 the Commission in accordance with this section and NRS 704.110.

12       ***7. Nothing in this chapter shall be construed to prohibit the***  
13 ***Commission from authorizing an electric utility to provide reduced***  
14 ***rates to low-income customers upon a hearing and after due***  
15 ***investigation.***

