

Amendment No. 640

Senate Amendment to Assembly Bill No. 186 First Reprint	(BDR 58-189)
Proposed by: Senate Committee on Energy, Infrastructure and Transportation	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

AAK/WLK



Date: 5/13/2009

A.B. No. 186—Revises the definition of “public utility” and “utility.”
(BDR 58-189)



ASSEMBLY BILL NO. 186—ASSEMBLYMEN LESLIE, BOBZIEN, PIERCE, CONKLIN;
KIRKPATRICK AND OCEGUERA

FEBRUARY 17, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises the definition of “public utility” and “utility.”
(BDR 58-189)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 public utilities; revising the definition of “public utility” and
“utility”; and providing other matters properly relating thereto.**Legislative Counsel’s Digest:**

1 This bill revises the definition of “public utility” and “utility” to exempt certain persons
2 who own and operate renewable energy systems. (NRS 704.021)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** NRS 704.021 is hereby amended to read as follows:

704.021 “Public utility” or “utility” does not include:

1 1. Persons engaged in the production and sale of natural gas, other than sales
2 to the public, or engaged in the transmission of natural gas other than as a common
3 carrier transmission or distribution line or system.

4 2. Persons engaged in the business of furnishing, for compensation, water or
5 services for the disposal of sewage, or both, to persons within this State if:

6 (a) They serve 25 persons or less; and

7 (b) Their gross sales for water or services for the disposal of sewage, or both,
8 amounted to \$25,000 or less during the immediately preceding 12 months.

9 3. Persons not otherwise engaged in the business of furnishing, producing or
10 selling water or services for the disposal of sewage, or both, but who sell or furnish
11 water or services for the disposal of sewage, or both, as an accommodation in an
12 area where water or services for the disposal of sewage, or both, are not available
13 from a public utility, cooperative corporations and associations or political
14 subdivisions engaged in the business of furnishing water or services for the disposal
15 of sewage, or both, for compensation, to persons within the political subdivision.

16 4. Persons who are engaged in the production and sale of energy, including
17 electricity, to public utilities, cities, counties or other entities which are reselling the
18 energy to the public.
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1 5. Persons who are subject to the provisions of NRS 590.465 to 590.645,
2 inclusive.

3 6. Persons who are engaged in the sale or use of special fuel as defined in
4 NRS 366.060.

5 7. Persons who provide water from water storage, transmission and treatment
6 facilities if those facilities are for the storage, transmission or treatment of water
7 from mining operations.

8 8. Persons who are video service providers, as defined in NRS 711.151,
9 except for those operations of the video service provider which consist of providing
10 a telecommunication service to the public, in which case the video service provider
11 is a public utility only with regard to those operations of the video service provider
12 which consist of providing a telecommunication service to the public.

13 9. *Persons who for compensation own or operate individual systems which*
14 *use renewable energy to generate electricity and sell the electricity generated*
15 *from those systems to not more than one customer of a public utility per system if*
16 *each individual system is:*

17 (a) *Located on the premises of another person;*

18 (b) *Used to produce not more than 150 percent of that other person's*
19 *requirements for electricity on an annual basis for the premises on which the*
20 *individual system is located; and*

21 (c) *Not part of a larger system that aggregates electricity generated from*
22 *renewable energy for resale or use on premises other than the premises on which*
23 *the individual system is located.*

24 ➤ *As used in this subsection, "renewable energy" has the meaning ascribed to it*
25 *in NRS 704.7811.*