

BDR 43-703 AB 175(R2)

UNSOLICITED

EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: May 12, 2015

Agency Submitting: Public Utilities Commission of Nevada

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
CAT 01 - Personnel (Expense)		\$1,159,925	\$1,451,133	\$2,902,267
CAT 04 - Operating (Expense)		\$43,555		
CAT 05 - Equipment (Expense)		\$39,600		
CAT 26 - Information Services (Expense)		\$13,838		
Application Fees (Revenue)		\$1,256,918		
Regulatory Assessment (Revenue)			\$1,451,133	\$2,902,267
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

Section 27 directs the PUCN to charge and collect a fee from each applicant for an initial permit to operate a transportation network company in this state. In addition, this section requires the PUCN to levy and collect an annual assessment from all transportation network companies based on their gross operating revenues derived from their intrastate operations. The total annual assessment will total the amount necessary for the PUCN to regulate the transportation network companies. The optimum reserve range would be between three months of personnel expenses and three months (or 25%) of annual expenditures. A new budget account number may need to be established or a special use category may be assigned within the current PUCN budget account for the permitting and regulation of transportation network companies. The optimum reserve range would be between 3 months of personnel expenses and 3 months (or 25%) of annual expenditures.

Name Ann Scott

Title Administrative Analyst

Public Utilities Commission - 224-3920 Estimated Costs of \$2,708,052 for the Biennium May 12, 2015

SUMMARY - Provides for the permitting and regulation of transportation network companies.

The proposed statute will require the PUCN to engage in the following activities:

Sections 25, 26, 27, 30, 31, 37, 38, 41, 42 and 46 all include components that would require the Public Utilities Commission (PUCN) to review and/or revise regulations, and hold workshops/hearings that are necessary to carry out the provisions of this act.

<u>Section 25</u> requires the PUCN to accept applications for the issuance of a permit to operate a transportation network company in this state.

<u>Section 26</u> requires the PUCN to review, approve and issue an initial permit to operate a transportation network company in this state.

<u>Section 27</u> requires the PUCN to establish by regulation an annual assessment for all transportation network companies in this state based on gross operating revenue derived from the interstate operations of such network companies.

<u>Section</u> <u>30</u> requires the PUCN to adopt the minimum qualifications and conditions set forth in this section, to include: the minimum qualifications for drivers; the requirement for investigations and background checks of drivers; and the conditions for which a transportation network company must terminate an agreement with a driver.

<u>Section 31</u> requires the PUCN to adopt the provisions of this act allowing the transportation network company to charge a fare for transportation services by the driver and also the requirements on the company concerning those fares.

<u>Section 37</u> requires the PUCN to adopt the reporting requirements set forth in this section and to adopt regulations setting forth the form and contents of the information required to be kept and provided by the transportation network company pursuant to subsection 1.

<u>Section</u> <u>38</u> requires the PUCN to adopt the certain requirements relating to the provision of transportation services by a driver as established by this section.

<u>Section 41</u> directs the PUCN to adopt regulations to establish procedures for investigating a complaint, holding a hearing and imposing disciplinary action, including the imposition of fines.

<u>Section 42</u> allows for the PUCN to impose certain penalties for any violation of the provisions of this bill by a transportation network company or driver.

<u>Section</u> <u>46</u> directs the PUCN to adopt regulations necessary to carry out the provisions of this chapter.

The PUCN estimates at a minimum ten (10) days of four (4) workshops and four (4) days of one (1) hearing would be needed to develop and adopt regulations that are necessary to carry out the provisions of this act.

The following is an estimate of the rulemaking costs based on previous rulemaking proceedings:

Noticing Publication Costs	\$6,570
Workshops $(1x3) + (1x3) + (1x2) + (1x2) = 10$ days)	
Court Reporter (\$280/day)	\$2,800
Transcripts (\$7.80/page)	\$19,500
Hearings (1x 4) days each = 4 days)	
Court Reporter (\$280/day)	\$1,120
Transcripts (\$7.80/page)	\$7,800
Operating Expenses (postage, copying, mailing)	\$4,165
Operating Expense (LCB Legal Review)	\$1,600
Consultant	\$0
Small Business Impact investigation -if required (NRS 233B.0608)*	\$0
Total	\$43,555

Sections 10, 11, 12, 25, 26, 30, 31, 32, 33, 36, 37, 41, 42, and 48 would require the PUCN to employ: one (1) additional full-time unclassified Chief Attorney (U3903) position; one (1) additional full-time unclassified Division Manager (UXXXX) position; one (1) additional full-time unclassified Sr. Attorney (U3811) position for General Counsel; one (1) additional full-time unclassified Sr. Attorney (U3811) position for Staff Counsel; one (1) additional full-time unclassified Regulatory Economist (U4515) position; two (2) additional full-time unclassified Financial Analysts (U4406) positions; two (2) additional full-time unclassified Sr. Analysts (U4226) positions; one (1) additional full-time classified Compliance Investigator 2 (11.365) position; and one (1) additional full-time classified Administrative Assistant 3 (2.211) position. Personnel and associated costs estimated at \$2,120,756 for the biennium. More specifically:

<u>Section 10, 11,</u> and <u>12</u> establishes certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

<u>Sections 25 and 26 direct the PUCN to, within 120 days, accept, review and approve permits to operate a transportation network company in this state.</u>

<u>Section 30</u> establishes: the minimum qualifications for drivers; the requirement for investigations and background checks of drivers; and the conditions for which a transportation network company must terminate an agreement with a driver.

<u>Section 31</u> allowes the transportation network company to charge a fare for transportation services by the driver and also the requirements on the company concerning those fares with certain disclosures.

<u>Section</u> <u>32</u> prohibits a transportation network company from entering into an agreement with any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws, and requires annual inspections of each motor vehicle operated by a driver.

<u>Sections</u> <u>36</u> and <u>37</u> impose on transportation network companies certain recordkeeping and reporting requirements.

These sections will require an estimated one (1) FTE Division Manager for Regulatory Operations to manage the new caseload these sections will create and also to provide leadership, coordination and oversight of the new division; to include: planning, organizing, and overseeing the work of professional staff; and training, supervising and evaluating the performance of the employees' work activities accordingly.

These sections will also require an estimated two (2) FTE Financial Analysts; one (1) Regulatory Economist; and two (2) FTE Sr. Analysts for the Regulatory Operations division to investigate each applicant for compliance with the related statutes and regulations and to perform the necessary audits and investigations required by these sections for compliance and licensing review. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough positions to take on the additional workload.

Finally, these sections will require an estimated one (1) FTE Administrative Assistant 3 to provide administrative and legal support to the new division.

Section 33 prohibits discrimination by a transportation network company or driver.

<u>Sections 41</u> and <u>42</u> directs the PUCN to adopt regulations to establish procedures for investigating a complaint, holding a hearing and imposing disciplinary action, including the imposition of fines.

These sections will require an estimated one (1) FTE Chief Attorney to serve as a PUCN Hearing Officer to preside over Orders to Show Cause and other violations of this act. Currently, the PUCN only employs one Hearing Officer which is not enough to take on the new cases that would result from this act.

These sections, in addition to Section 25, will require an estimated one (1) FTE Sr. Attorney for the Staff Counsel of the Regulatory Operations division to ensure legal compliance and to participate in disciplinary investigations, proceedings and actions required by this act. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough Sr. Attorneys to take on the additional workload.

<u>Sections 38</u> through <u>42</u> impose regulations that pertain to the quality of service the transportation network companies are to adhere to and the responsibility of the PUCN to accept, investigate and resolve consumer complaints.

These sections will require an estimated one (1) FTE Compliance Investigator 2 for the Regulatory Operations division to handle the expected increased volume of consumer complaints. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough Compliance Investigators to take on the additional workload.

<u>Section</u> <u>48</u> allows for the PUCN to employ legal counsel to represent the PUCN in all actions, proceedings and hearings; prosecute in the name of the PUCN all civil actions within the agency's jurisdiction; and generally aid the PUCN in the performance of its duties and the enforcement of applicable statutues and regulations.

In addition to addressing the issues that may arise from Sections 25, 26, 37 and 42 and possible resulting appeals, the PUCN will require an estimated one (1) FTE Sr. Attorney for the General Counsel division to handle the expected increased volume of proceedings, hearings, civil actions and appeals. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough Sr. Attorneys to take on the additional workload.

In addition to the aformentioned new positions that this added regulatory requirement would necessitate, there would be additional workload added on to current positions as well. The PUCN requests that unclassified salary adjustments be considered for these positions. The positions include: Chairman (U4702); Commissioner (EA) (U4501); Executive Director (U4407); Director of Regulatory Operations (U4804); Chief Attorney (EA) (U3903); Sr. Attorney (EA) (U3811); Administrative Attorney (EA) (U3810); Pub Ed/Stat Analys Ofcr (EA) (U3902). Adjustments in salaries (not including fringe benefits) are estimated at \$278,303 for the biennium.

Summary of Fiscal Impact for the Biennium:

Rulemaking Costs	\$43,555
Personnel Costs	\$2,107,891
Unclassified Salary Adjustments	\$556,606
Total	\$2,708,052

	<u>FY 2016</u> Eff 10/01/2015		FY 2017			<u>Futu</u>	ıre Biennia
Category 01 - Personnel							
Chief Attorney (U3903)							
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	88,617	\$ 13	18,156		\$	236,312
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	23,837	\$ 3	31,512		\$	63,024
TOTAL CATEGORY 01 - PERSONNEL	\$	112,454	\$ 14	19,668		\$	299,336
Category 05 - Equipment							
GL 8241 - New Furnishings Carson City/Las Vegas Offices:							
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600	\$	-		\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600	\$	-		\$	-
Category 26 - Information Services							
GL 8371 - Computer Hardware under \$5,000							
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258	\$	-		\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258	\$	-		\$	-
TOTALS	\$	117,312	\$ 14	19,668	•	\$	299,336
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM			\$ 26	56,980	:		

Category 01 - Personnel	<u>FY 2016</u> Eff 10/01/2015		<u>FY 2017</u>		<u>Futu</u>	<u>ıre Biennia</u>	
Division Manager (EA) Uxxxx							
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	73,426		\$ 9	7,901	\$	195,802
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	21,105		\$ 2	7,864	\$	55,728
TOTAL CATEGORY 01 - PERSONNEL	\$	94,531		\$ 12	25,765	\$	251,530
Category 05 - Equipment							
GL 8241 - New Furnishings Carson City/Las Vegas Offices:							
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600		\$	-	\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600		\$	-	\$	-
Category 26 - Information Services							
GL 8371 - Computer Hardware under \$5,000							
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258		\$	-	\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258		\$	-	\$	-
TOTALS	\$	99,389		\$ 12	25,765	\$	251,530
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM				\$ 22	25,154		

^{*}Unclassified paybill change: Establish Division Manager (EA) Uxxxx to encompass all PUCN manager position titles, to include: U3908, U4919, U4605, U4310, and U3925.

	<u>FY 2016</u> Eff 10/01/2015		FY 2017		<u>Futu</u>	<u>ire Biennia</u>
<u>Category 01 - Personnel</u>	,,					
SR ATTORNEY (EA) U3811						
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	80,178	\$ 10	06,904	\$	213,808
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	22,390	\$ 2	29,579	\$	59,158
TOTAL CATEGORY 01 - PERSONNEL	\$	102,568	\$ 13	36,483	\$	272,966
<u>Category 05 - Equipment</u>						
GL 8241 - New Furnishings Carson City/Las Vegas Offices:						
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600	\$	-	\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600	\$	-	\$	-
Category 26 - Information Services						
GL 8371 - Computer Hardware under \$5,000						
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258	\$	-	\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258	\$	-	\$	-
TOTALS	\$	107,426	\$ 13	36,483	\$	272,966
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM			\$ 24	13,909		

	<u>FY 2016</u> Eff 10/01/2015		FY 2017		<u>Futu</u>	<u>ire Biennia</u>
<u>Category 01 - Personnel</u>	,,					
SR ATTORNEY (EA) U3811						
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	80,178	\$ 10	06,904	\$	213,808
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	22,390	\$ 2	29,579	\$	59,158
TOTAL CATEGORY 01 - PERSONNEL	\$	102,568	\$ 13	36,483	\$	272,966
<u>Category 05 - Equipment</u>						
GL 8241 - New Furnishings Carson City/Las Vegas Offices:						
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600	\$	-	\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600	\$	-	\$	-
Category 26 - Information Services						
GL 8371 - Computer Hardware under \$5,000						
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258	\$	-	\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258	\$	-	\$	-
TOTALS	\$	107,426	\$ 13	36,483	\$	272,966
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM			\$ 24	13,909		

	<u>FY 2016</u> Eff 10/01/2015			FY 201	<u>.7</u>	<u>Futu</u>	<u>ire Biennia</u>
<u>Category 01 - Personnel</u>	,,						
Regulatory Economist (EA) U4515							
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	65,750		\$ 87,6	667	\$	175,334
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	19,643		\$ 25,9	911	\$	51,822
TOTAL CATEGORY 01 - PERSONNEL	\$	85,394	-	\$ 113,5	578	\$	227,156
<u>Category 05 - Equipment</u>							
GL 8241 - New Furnishings Carson City/Las Vegas Offices:							
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600		\$ -	-	\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600	<u>-</u>	\$.	<u> </u>	\$	-
Category 26 - Information Services							
GL 8371 - Computer Hardware under \$5,000							
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258		\$.	-	\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258	-	\$.	<u> </u>	\$	-
TOTALS	\$	90,252		\$ 113,5	578	\$	227,156
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM			=	\$ 203,8	330		

Catagory 01 Paysonnal	<u>FY 2016</u> Eff 10/01/2015		FY 2017		<u>Futu</u>	re Biennia		
<u>Category 01 - Personnel</u>								
(2) Financial Analyst (EA) U4406								
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	122,520		\$ 16	3,360		\$	326,720
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	37,572		\$ 4	9,534		\$	99,068
TOTAL CATEGORY 01 - PERSONNEL	\$	160,092		\$ 21	.2,894		\$	425,788
<u>Category 05 - Equipment</u>								
GL 8241 - New Furnishings Carson City/Las Vegas Offices:								
FY 2016 - 1 Executive Units @ \$3,600	\$	7,200		\$	-		\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	7,200		\$	-		\$	-
Category 26 - Information Services								
GL 8371 - Computer Hardware under \$5,000								
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	2,516		\$	-		\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	2,516		\$	-		\$	-
TOTALS	\$	169,808		\$ 21	2,894	•	\$	425,788
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM				\$ 38	32,702	:		

Category 01 - Personnel	<u>FY 2016</u> Eff 10/01/2015		FY 2017		<u>Futu</u>	<u>ure Biennia</u>	
(2) Sr Analyst (EA) U4226							
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	109,791		\$ 146,38	8	\$	292,776
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	35,150		\$ 46,29	8	\$	92,596
TOTAL CATEGORY 01 - PERSONNEL	\$	144,941		\$ 192,68	6	\$	385,372
Category 05 - Equipment							
GL 8241 - New Furnishings Carson City/Las Vegas Offices:							
FY 2016 - 1 Executive Units @ \$3,600	\$	7,200		\$ -		\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	7,200		\$ -	_	\$	-
Category 26 - Information Services							
GL 8371 - Computer Hardware under \$5,000							
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	2,516		\$ -		\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	2,516		\$ -	_	\$	-
TOTALS	\$	154,657		\$ 192,68	6	\$	385,372
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM				\$ 347,34	<u>3</u>		

^{*}Unclassified paybill change: add (EA) to Sr Analyst U4226

Category 01 - Personnel	<u>FY 2016</u> Eff 10/01/2015			<u>FY 2017</u>		<u>Futu</u>	<u>ıre Biennia</u>
Compliance Investigator 2 (11.365)							
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	30,083		\$ 40,1	.10	\$	80,221
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	13,159		\$ 17,5	529	\$	35,058
TOTAL CATEGORY 01 - PERSONNEL	\$	43,242	-	\$ 57,6	539	\$	115,279
Category 05 - Equipment							
GL 8241 - New Furnishings Carson City/Las Vegas Offices:							
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600		\$	-	\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600	-	\$	-	\$	-
Category 26 - Information Services							
GL 8371 - Computer Hardware under \$5,000							
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258		\$	-	\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258	_	\$	<u> </u>	\$	-
TOTALS	\$	48,100	-	\$ 57,6	539	\$	115,279
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM			=	\$ 105,7	<u> </u>		

	<u>FY 2016</u> Eff 10/01/2015			FY 2017		<u>Futu</u>	re Biennia
Category 01 - Personnel							
Administrative Assistant 3 (2.211)							
FY 2016 Salaries \$ (effective 10/01/2015) FY 2017 Salaries \$	\$	24,508		\$	32,677	\$	65,354
FY 2016 Benefits \$ (effective 10/01/2015) FY 2017 Benefits \$	\$	11,327		\$	14,957	\$	29,914
TOTAL CATEGORY 01 - PERSONNEL	\$	35,834	-	\$	47,634	\$	95,268
<u>Category 05 - Equipment</u>							
GL 8241 - New Furnishings Carson City/Las Vegas Offices:							
FY 2016 - 1 Executive Units @ \$3,600	\$	3,600		\$	-	\$	-
TOTAL CATEGORY 05 - EQUIPMENT	\$	3,600	_	\$	-	\$	-
Category 26 - Information Services							
GL 8371 - Computer Hardware under \$5,000							
FY 2016 - 1 Desktop PC's and software @ \$1,258	\$	1,258		\$	-	\$	-
TOTAL CATEGORY 26 -INFORMATION SERVICES	\$	1,258	_	\$	-	\$	-
TOTALS	\$	40,692	_	\$	47,634	\$	95,268
TOTAL PERSONNEL & ASSOCIATED COSTS FOR THE BIENNIUM			=	\$	88,327		

Public Utilities Commission - 224-3920 Schedule of Budget Adjustments Necessary for Unclassified Salary Adjustments

UCODE	POSN #	UNCLASSIFIED PAY BILL POSITION TITLE	С	URRENT	RE	QUESTED ¹
U4702	0001	CHAIRMAN	Ś	123,783	Ś	149,729
U4501	0002, 0003	COMMISSIONER (EA)	Ś	117,030		139,222
0-301	0002, 0000	COMMISSIONER (EA)	Y	117,030	7	133,222
U4407	0382	EXECUTIVE DIRECTOR	\$	117,030	Ś	127,721
U4804	0101	DIRECTOR, REGULATORY OPERATNS	\$	117,030	\$	127,721
U3903	0019, 0111,	CHIEF ATTORNEY (EA)	\$	118,156	Ś	132,600
00000	0376	omer miner (en)	Ψ.	110,100	Ť	132,000
	0020, 0381,					
U3811	0113, 0198,	SR ATTORNEY (EA)	\$	106,904	ċ	115,075
03611	0357, 0358,	SKATTOKNET (EA)	Ş	100,904	Ş	113,073
	0206					
	0013, 0006,					
U3810	, ,	ADMINISTRATIVE ATTORNEY (EA)	\$	70,894	ċ	85,836
03610	308	ADMINISTRATIVE ATTORNET (EA)	Ş	70,634	Ş	63,630
	300					
		21.2 52.1 (57.7				
U3902	0009, 0354	PUB EDU/STAT ANALYS OFCR (EA)	\$	67,518	Ş	73,194

Estimated Fiscal Impact Cat 01-Personnel:

FY 2016 \$ 278,303

FY 2017 \$ 278,303

¹ Current and Requested Salary does not include fringe benefits