

Amendment No. 38

Assembly Amendment to Assembly Bill No. 154	(BDR 58-510)
Proposed by: Assembly Committee on Growth and Infrastructure	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

VDW/KCR



Date: 4/2/2021

A.B. No. 154—Revises provisions governing certain notice provided by public utilities. (BDR 58-510)



ASSEMBLY BILL NO. 154—ASSEMBLYMEN ROBERTS, TOLLES, NGUYEN, WATTS; AND
MONROE-MORENO

FEBRUARY 18, 2021

JOINT SPONSOR: SENATOR HAMMOND

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing certain notice provided by public utilities. (BDR 58-510)

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; authorizing public utilities to provide certain notice to customers electronically; revising certain requirements governing the quarterly rate of adjustment provided by a public utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general standards and practices for public utilities. (NRS 704.143-704.1835) **Section 1** of this bill authorizes a public utility to provide by electronic transmission any notice that is required to be provided to a customer if the customer requests such transmission and it is within the capability of the public utility to provide the notice electronically. **Section 2** of this bill authorizes a public utility to provide notice of each quarterly rate adjustment to its customers electronically pursuant to **section 1** instead of with the customer's regular monthly bill as required under existing law. ~~(NRS 704.110)~~ Existing law also requires the quarterly rate of adjustment to be printed on fluorescent colored paper separately from the customer's bill and prescribes the contents of the quarterly rate of adjustment. (NRS 704.110) Section 2 of this bill: (1) removes the requirement that the quarterly rate of adjustment be printed on fluorescent colored paper separately from the bill; (2) provides that if the quarterly rate of adjustment is provided electronically, the subject line of the electronic transmission must indicate that such an adjustment is included in the transmission; and (3) requires the contents of the quarterly rate of adjustment to be in clear and bold text, regardless of the method of transmission.

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 a new section to read as follows:

If notice is required to be provided by a public utility to a customer pursuant to this chapter or the regulations adopted pursuant thereto, the notice may be provided to the customer, if requested by the customer and within the capability of the public utility, by electronic transmission to the most recent electronic mail address provided to the public utility by the customer.

Sec. 2. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

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 annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

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

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

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) Once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

1 (1) Not later than 5 p.m. on or before the first Monday in June 2020; and

2 (2) Once every 36 months thereafter or on a date specified in an alternative
3 rate-making plan approved by the Commission pursuant to NRS 704.7621.

4 (c) A public utility that furnishes water for municipal, industrial or domestic
5 purposes or services for the disposal of sewage, or both, which had an annual gross
6 operating revenue of \$2,000,000 or more for at least 1 year during the immediately
7 preceding 3 years and which had not filed a general rate application with the
8 Commission on or after July 1, 2005, shall file a general rate application on or
9 before June 30, 2008, and at least once every 36 months thereafter unless waived by
10 the Commission pursuant to standards adopted by regulation of the Commission. If
11 a public utility furnishes both water and services for the disposal of sewage, its
12 annual gross operating revenue for each service must be considered separately for
13 determining whether the public utility meets the requirements of this paragraph for
14 either service.

15 (d) A public utility that furnishes water for municipal, industrial or domestic
16 purposes or services for the disposal of sewage, or both, which had an annual gross
17 operating revenue of \$2,000,000 or more for at least 1 year during the immediately
18 preceding 3 years and which had filed a general rate application with the
19 Commission on or after July 1, 2005, shall file a general rate application on or
20 before June 30, 2009, and at least once every 36 months thereafter unless waived by
21 the Commission pursuant to standards adopted by regulation of the Commission. If
22 a public utility furnishes both water and services for the disposal of sewage, its
23 annual gross operating revenue for each service must be considered separately for
24 determining whether the public utility meets the requirements of this paragraph for
25 either service.

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

30 4. In addition to submitting the statement required pursuant to subsection 3, a
31 public utility may submit with its general rate application a statement showing the
32 effects, on an annualized basis, of all expected changes in circumstances. If such a
33 statement is filed, it must include all increases and decreases in revenue and
34 expenses which may occur within 210 days after the date on which its general rate
35 application is filed with the Commission if such expected changes in circumstances
36 are reasonably known and are measurable with reasonable accuracy. If a public
37 utility submits such a statement, the public utility has the burden of proving that the
38 expected changes in circumstances set forth in the statement are reasonably known
39 and are measurable with reasonable accuracy. The Commission shall consider
40 expected changes in circumstances to be reasonably known and measurable with
41 reasonable accuracy if the expected changes in circumstances consist of specific
42 and identifiable events or programs rather than general trends, patterns or
43 developments, have an objectively high probability of occurring to the degree, in
44 the amount and at the time expected, are primarily measurable by recorded or
45 verifiable revenues and expenses and are easily and objectively calculated, with the
46 calculation of the expected changes relying only secondarily on estimates,
47 forecasts, projections or budgets. If the Commission determines that the public
48 utility has met its burden of proof:

49 (a) The Commission shall consider the statement submitted pursuant to this
50 subsection and evidence relevant to the statement, including all reasonable
51 projected or forecasted offsets in revenue and expenses that are directly attributable
52 to or associated with the expected changes in circumstances under consideration, in

1 addition to the statement required pursuant to subsection 3 as evidence in
2 establishing just and reasonable rates for the public utility; and

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

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

9 6. If a public utility files with the Commission a general rate application, the
10 public utility shall not file with the Commission another general rate application
11 until all pending general rate applications filed by that public utility have been
12 decided by the Commission unless, after application and hearing, the Commission
13 determines that a substantial financial emergency would exist if the public utility is
14 not permitted to file another general rate application sooner. The provisions of this
15 subsection do not prohibit the public utility from filing with the Commission, while
16 a general rate application is pending, an application to recover the increased cost of
17 purchased fuel, purchased power, or natural gas purchased for resale pursuant to
18 subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any
19 information relating to deferred accounting requirements pursuant to NRS 704.185
20 or an annual deferred energy accounting adjustment application pursuant to NRS
21 704.187, if the public utility is otherwise authorized to so file by those provisions.

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

25 (a) An electric utility which is required to adjust its rates on a quarterly basis
26 pursuant to subsection 10; or

27 (b) A public utility which purchases natural gas for resale and which adjusts its
28 rates on a quarterly basis pursuant to subsection 8.

29 8. A public utility which purchases natural gas for resale must request
30 approval from the Commission to adjust its rates on a quarterly basis between
31 annual rate adjustment applications based on changes in the public utility's
32 recorded costs of natural gas purchased for resale. A public utility which purchases
33 natural gas for resale and which adjusts its rates on a quarterly basis may request
34 approval from the Commission to make quarterly adjustments to its deferred energy
35 accounting adjustment. The Commission shall approve or deny such a request not
36 later than 120 days after the application is filed with the Commission. The
37 Commission may approve the request if the Commission finds that approval of the
38 request is in the public interest. If the Commission approves a request to make
39 quarterly adjustments to the deferred energy accounting adjustment of a public
40 utility pursuant to this subsection, any quarterly adjustment to the deferred energy
41 accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the
42 balance of the public utility's deferred account varies by less than 5 percent from
43 the public utility's annual recorded costs of natural gas which are used to calculate
44 quarterly rate adjustments, the deferred energy accounting adjustment must be set
45 to zero cents per therm of natural gas.

46 9. If the Commission approves a request to make any rate adjustments on a
47 quarterly basis pursuant to subsection 8:

48 (a) The public utility shall file written notice with the Commission before the
49 public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not
50 subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the
51 requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

52 (b) The public utility shall provide written notice of each quarterly rate
53 adjustment to its customers by including the written notice with a customer's

regular monthly bill ~~or by electronic transmission pursuant to section 1 of this act.~~ The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice ~~that is included with a customer's regular monthly bill;~~ required by this paragraph:

(1) Must be printed separately ~~on fluorescent-colored paper and must not be attached to the pages of the bill;~~ , if included with the customer's regular monthly bill or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to section 1 of this act; and

(2) Must include the following ~~in clear and bold text:~~

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

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

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

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

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

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

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

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by

less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment must be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill ~~or by electronic submission pursuant to section 1 of this act~~. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice ~~that is included with a customer's regular monthly bill~~ **required by this paragraph:**

(1) Must be printed separately ~~on fluorescent colored paper and must not be attached to the pages of the bill~~, **if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to section 1 of this act;** and

(2) Must include the following **in clear and bold text:**

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

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

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

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

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

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel

1 and purchased power included in any quarterly rate adjustment or the annual
2 deferred energy accounting adjustment application, and the electric utility has the
3 burden of proving reasonableness and prudence in the proceeding.

4 (e) The Commission shall not allow the electric utility to recover any recorded
5 costs of purchased fuel and purchased power which were the result of any practice
6 or transaction that was unreasonable or was undertaken, managed or performed
7 imprudently by the electric utility, and the Commission shall order the electric
8 utility to adjust its rates if the Commission determines that any recorded costs of
9 purchased fuel and purchased power included in any quarterly rate adjustment or
10 the annual deferred energy accounting adjustment application were not reasonable
11 or prudent.

12 12. If an electric utility files an annual deferred energy accounting adjustment
13 application pursuant to subsection 11 and NRS 704.187 while a general rate
14 application is pending, the electric utility shall:

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

17 (b) Supplement its general rate application with the same information, if such
18 information was not submitted with the general rate application.

19 13. A utility facility identified in a 3-year plan submitted pursuant to NRS
20 704.741 and accepted by the Commission for acquisition or construction pursuant
21 to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or
22 elimination of a utility facility identified in an emissions reduction and capacity
23 replacement plan submitted pursuant to NRS 704.7316 and accepted by the
24 Commission for retirement or elimination pursuant to NRS 704.751 and the
25 regulations adopted pursuant thereto, shall be deemed to be a prudent investment.
26 The utility may recover all just and reasonable costs of planning and constructing,
27 or retiring or eliminating, as applicable, such a facility. For the purposes of this
28 subsection, a plan or an amendment to a plan shall be deemed to be accepted by the
29 Commission only as to that portion of the plan or amendment accepted as filed or
30 modified with the consent of the utility pursuant to NRS 704.751.

31 14. In regard to any rate or schedule approved or disapproved pursuant to this
32 section, the Commission may, after a hearing:

33 (a) Upon the request of the utility, approve a new rate but delay the
34 implementation of that new rate:

35 (1) Until a date determined by the Commission; and

36 (2) Under conditions as determined by the Commission, including, without
37 limitation, a requirement that interest charges be included in the collection of the
38 new rate; and

39 (b) Authorize a utility to implement a reduced rate for low-income residential
40 customers.

41 15. The Commission may, upon request and for good cause shown, permit a
42 public utility which purchases natural gas for resale or an electric utility to make a
43 quarterly adjustment to its deferred energy accounting adjustment in excess of the
44 maximum allowable adjustment pursuant to subsection 8 or 10.

45 16. A public utility which purchases natural gas for resale or an electric utility
46 that makes quarterly adjustments to its deferred energy accounting adjustment
47 pursuant to subsection 8 or 10 may submit to the Commission for approval an
48 application to discontinue making quarterly adjustments to its deferred energy
49 accounting adjustment and to subsequently make annual adjustments to its deferred
50 energy accounting adjustment. The Commission may approve an application
51 submitted pursuant to this subsection if the Commission finds that approval of the
52 application is in the public interest.

53 17. As used in this section:

1 (a) "Deferred energy accounting adjustment" means the rate of a public utility
2 which purchases natural gas for resale or an electric utility that is calculated by
3 dividing the balance of a deferred account during a specified period by the total
4 therms or kilowatt-hours which have been sold in the geographical area to which
5 the rate applies during the specified period, not including kilowatt-hours sold
6 pursuant to an expanded solar access program established pursuant to
7 NRS 704.7865.

8 (b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

9 (c) "Electric utility that primarily serves densely populated counties" means an
10 electric utility that, with regard to the provision of electric service, derives more of
11 its annual gross operating revenue in this State from customers located in counties
12 whose population is 700,000 or more than it does from customers located in
13 counties whose population is less than 700,000.

14 (d) "Electric utility that primarily serves less densely populated counties"
15 means an electric utility that, with regard to the provision of electric service,
16 derives more of its annual gross operating revenue in this State from customers
17 located in counties whose population is less than 700,000 than it does from
18 customers located in counties whose population is 700,000 or more.