



GOVERNOR'S OFFICE OF ENERGY

**MINUTES
Committee on Energy Choice**

April 20, 2018

Technical Working Group on Consumer Protections: Protecting Against Undue
Rate Increases and Fraudulent Practices

The Committee on Energy Choice held a public meeting on April 20, 2018, beginning at
1:00 P.M. at the following location:

Legislative Counsel Bureau
401 South Carson Street, Room 2134
Carson City, NV 89701

The meeting was also available via videoconference at:
Grant Sawyer State Office Building
555 East Washington, Room 4412
Las Vegas, NV 89101

1. Call to Order and Roll Call: The meeting was called to order at 1:05pm by Ernest Figueroa. The agenda item was opened up for roll call and a quorum was confirmed.

Members Present

Ernest Figueroa, Carson City
Ann Silver-via telephone
Jennifer Taylor, Las Vegas

Members Absent

Senator Atkinson
Barry Gold

Lieutenant Governor Mark Hutchison assigned Jennifer Taylor as temporary, technical working group member for this meeting. A letter authorizing the temporary assignment was provided with the meeting material.

2. Public Comments and Discussion:

Ernest Figueroa opened up for public Agenda Item No. 2 and asked if anyone from the public sought to make a comment in both Carson City and Las Vegas locations.

Angel De Fazio-Provided a verbal statement regarding customer deposits and consumer protection. She provided an identical written statement (attached).

Vice Chair Figueroa-Agenda items No. 3 and 4 will be addressed out of order. He closed agenda item No. 2 and moved to Item No. 4.

4. Presentation via telephone – Experiences with Restructured Electricity Marketplace for Massachusetts Residential Customers: Liz Anderson, Asst. Attorney General, Massachusetts Attorney General’s Office; Susan M. Baldwin, Susan M. Baldwin Consulting. (For Discussion)

Liz Anderson-Statute passed in 1997 to create restructuring in the Massachusetts electric markets with the goal of reducing electricity costs for consumers. In 2011 the MA Attorney General’s office (AGO) noticed an increase in complaints about suppliers and they investigated competitive suppliers for violations of the state consumer protection law. Complaints were similar regardless of the supplier; false promises of savings, huge bills, aggressive and harassing marketing behavior, slamming and enrolling elderly and limited English proficiency consumers who do not understand the substances of the solicitation. The AGO’s office commissioned a market study to analyze the volume and pattern of complaints received by the AGO reflected serious problems with the market. In 2016 the AGO commissioned a study of the market.

Susan Baldwin-Massachusetts report included questions; do the customers pay more or less as a result of choice? How does the market affect low-income customers? The approach in the study included electric companies who rendered billing on behalf of more than 50 suppliers and asked for all bills rendered separately for each supplier and each month. Their analysis was supplier-specific and they looked for savings and losses relative to electric companies. Results of the study concluded that the net consumer loss was large and increasing; low-income participation was twice that of non-low-income participation; there was a premium to participate; consumer losses vastly outweighed consumer gains; based on demographics some communities participate more and some communities pay more. Their findings determined that residential customers did not benefit from retail electric competition.

Liz Anderson-Recommended an end to the individual residential electric supply market. If the issues continue, the residential electric supply market will need significant oversight and enforcement resources to mitigate ongoing consumer harm. Their recommendations include more transparency regarding rates; complaint data should be made public; significant consumer education; protections for low-income consumers; targeted remedies and a supplier-funded enforcement team.

Ernest Figueroa-On your recommendation of continuing municipal aggregation, please explain the increase in the number of complaints and expand why you think municipal aggregation should continue in Massachusetts.

Susan Baldwin-We do not have an official recommendation as we do not receive complaints as compared to individual markets. It is a different process in the commonwealth. We see a different kind of conclusion than what was outlined in the report.

Liz Anderson-Of the household, 19% purchased through municipal aggregation.

Ernest Figueroa-Relating to the Attorney General’s authority, is this in conjunction with your equivalent of the Public Utilities Commission. Or does the AG take the primary role of enforcing marketing and transparency issues irrespective of another administrative regulator?

Susan Baldwin-The statute gives the Attorney General is given general enforcement authority relating to consumer protection laws regardless of the industry. They have take the lead in addressing marketing issues. The Public Utilities Commission addresses slamming and billing issues.

Ernest Figueroa-Based on the findings in your report, did consumers want to pay more thinking they would receive additional benefits?

Susan Baldwin/Liz Anderson-We have not been able to exactly analyze this data on the supply or demand side if consumers think they would receive additional benefits by paying a premium, if its green or if it is attributable to renewable energy.

Ernest Figueroa-Restated goals of Energy Choice committee and Consumer Protection technical working group and asked if their report is organized in any particular order.

Liz Anderson-Addressed the variable rate issue emphasizing consumers want lower rates and to save money. Going from variable to fixed rate is a source of harm.

Susan Baldwin-Companies were enrolling consumers in the program to reduce the rate. A lot of misinformation and misrepresentation.

Liz Anderson-There should be a requirement that you cannot charge more than the customer would have paid an electric utility company. Customers are indicating that they are paying a high premium, but not getting a lot in return. Consumers indicate that gift cards and giveaways that are offered are not enough.

Susan Baldwin-Connecticut complaint included the consumer could not get through to the 1-800 telephone number for customer service. They couldn't cancel or get out of contracts. I suggest that, if the initiative passes, you require that each licensed supplier kicks-in a serious amount of money because you are using up a considerable amount of resources. Ensure you have enforcement squads and make sure they enforce the safeguards that are put in place.

Liz Anderson-Consumer education is important specifically relating to variable and fixed rates.

Susan Baldwin-Suggests you provide consumer education in the language that it is being marketed to, i.e. if telemarketing is provided in a Hispanic area, the information should be provided in Spanish.

Ernest Figueroa-What mechanism was used to get the information from the suppliers?

Liz Anderson-The Attorney General, as oversight, has the authority to ask a certain amount of questions per month of the utility companies.

Jennifer Taylor-In your report, you indicated suppliers were misrepresenting the source and/or amounts of renewable energy offered. Please expand on three points: misrepresentation regarding source and amounts; the work that you were able to do to fix the misrepresentations; the choice issue and the suppliers who were offering renewable energy (in-state energy or REC energy).

Liz Anderson-Renewable energy is an attractive product to sell. Most of the renewable energy that is sold is RECs and will offset customer use. We court voluntary demands as we also have RTS obligation that go toward finding new renewable energy projects here. Anything beyond the RTS, approximately 15%-20%, is considered voluntary demand and it can be met with any type of REC. There are no instructions on what type of REC can be used. There is a concern as customers pay a premium for renewable energy that may not be worth the premium. Sited example; Iowa hydro or wind energy that is fairly inexpensive is marked up and marketed as renewable energy for a chance to improve the environment.

Susan Baldwin-How do you make sure suppliers are held accountable for that claim and who is going to hold them accountable?

Liz Anderson-Suppliers are not required to report that information. The only way to hold them accountable would be to conduct a civil investigation.

Susan Baldwin-You may want to start out with a good foundation and creating some system of accountability. Suppliers pushed back indicating they purchase REC after-the-fact so they cannot disclose up front what the sources are going to be because they change based on the REC market. Suppliers were telling consumers that if they signed up for the program, they would avoid having a power plant located close to their homes, they would help with windmill production, would help to fund jobs and this was not the case in those instances.

Jennifer Taylor-In setting up the structure, were they regulations that were more effective than others in terms of preventing abuses such as those outlined? If they were effective, why was the analysis and the conclusion made that it would be more beneficial to the consumers of Nevada to recommend closing the retail supply market rather than beefing up those enforcement mechanisms?

Susan Baldwin-In 2014 in Connecticut I computed that on an annual basis, consumers were paying \$164 million more than if they hadn't stayed with an electric company. Between then and now, the legislature, the Office of Consumer Counsel, the Connecticut Public Utilities Commission, put forth a lot of effort to create consumer protection safeguards, i.e. variable rate issue. Each year the Connecticut Office of Consumer Counsel recompute the numbers. Recent figures indicate that consumers are losing \$46 million.

Liz Anderson-In 2017 the Office of Consumer Counsel asked for an investigation of potential targeting of elderly and other vulnerable consumers. They were receiving a lot of disturbing complaints. Even though in Connecticut where there are consumer protections, it appears that there are some vulnerable communities that are being taken advantage of as they are being signed up for contracts that are not beneficial to them.

Susan Baldwin-This technical working group is doing the right thing in gleaning information from various states' experiences. Does not see the benefit of a restructured market or room to improve kilowatts.

Jennifer Taylor-Did you have a chance to look at the Texas power to choose website that includes rates? Would a website like this provide a remedy for transparency issues?

Susan Baldwin-Has not looked at Texas website, but looked at one for Connecticut. It is important to look at the rates that are on the website are the actual rates that are being charged. Low income consumers are less likely to have access to a broadband connection so they may not benefit from the internet.

Liz Anderson-Suggests that we ensure that the rates that are quoted are the rates that are charged, as they can vary from month to month. Regardless of access to the internet, people need to know what a good rate is. We have a voluntary website, but I don't believe that it is enough.

Susan Baldwin-Referencing Appendix A of the report, if you could setup a fact sheet with actual supplier names and what they charge that helps with transparency to get the word out. Appendix 2b is a subset of what a particular supplier charges in one month. Verify the rate quoted by the supplier versus what rate is on the website.

Jennifer Taylor-If there isn't a level of sophistication to determine if there are violations in rate charges, how to you get to the bottom of it to find out if there is an ongoing violation?

Liz Anderson-Recommends using a demographic report where you look at the presence of the suppliers and what rates they are charging. Community engagement on a municipal level. People who work with the low-income consumers who can go out to the community and try to educate the consumers and on a

case-by-case basis try to help them. In New York, they recommended not enrolling suppliers unless they can guarantee savings. The last option would be to hold an investigation to have some accountability.

Jennifer Taylor-In your recommendation, you indicated that suppliers should contribute significant sums of money to assist in enforcement and education. Do you have an estimate of what the sums would be?

Liz Anderson-It would depend upon how many suppliers you would have. If there is are a lot of suppliers, the sum would be less per supplier. Massachusetts law requires a utility to contribute toward our experts and legal costs for a rate payer advocate. It would be a large sum of money in the aggregate, but not when you break it down by supplier and then by rate payer.

Susan Baldwin-When the market starts, you do not have a large base to spread it over.

Jennifer Taylor-Please confirm that Massachusetts has not experienced significant job growth in renewable energy as a result of having a restructured retail market.

Liz Anderson-Cannot speak to that based on the report that we did and where we currently stand. Cannot determine what the connection would be relating to job growth, renewable energy in restructured retail market.

Susan Baldwin-We did not look at commercial and industrial markets, as it was beyond the scope of the study.

Ann Silver-Were you able to determine the impact on small businesses?

Liz Anderson-Were not able to isolate small business versus large businesses.

Susan Baldwin-You could look at usage per month, having a cut-off point and then define small businesses. We did not do this for the study. Referred to the New York proceeding as an example.

Ann Silver-How much time did Massachusetts allot to the distribution of consumer information and awareness, and acknowledgement of information that has been discussed prior to implementation?

Liz Anderson-I cannot speak to that, as I was not a part of the process in the late 1990's and early 2000. I am aware that there was a lot of work done prior to restructuring so that when it was approved, it happened immediately. There are regulations required of suppliers, i.e. fact sheets and that is a majority of the consumer education that happens.

Ernest Figueroa closed agenda item No. 4 and moved on to agenda Item No. 3.

3. Approval of Minutes from the March 23, 2018 meeting.

Ernest Figueroa opened up Agenda Item No. 3 asking if members of the Committee approved the minutes from the March 23, 2018 meeting. A motion was made to approve the minutes by Ann Silver and seconded by Jennifer Taylor.

Ernest Figueroa closed agenda item No. 3 and moved to Item No. 5 on the agenda.

5. Consideration and Approval of Policy Recommendations for the full Committee (For Possible Action)

Ernest Figueroa opened up Agenda Item No. 5.

Ernest Figueroa-First recommendation: Successful implementation of the Energy Choice Initiative will depend on effective and comprehensive efforts to educate and inform customers, particularly residential and small business customers. Read six subpoints verbatim.

Ann Silver-Agrees with first issue statement. Questioned what group will be responsible for consumer education.

Ernest Figueroa-We have flagged the issue and it will be up to the policy makers to decide and figure out the unanswered questions that our recommendations raise.

Jennifer Taylor-Substance and recommendations are good. To answer Ms. Silver's concern, I believe it is implicit at this time. Potentially a phrase could be added similar to "this commission, the Governor's office and Nevada legislature should consider implementing customer education. Otherwise, as stated, I believe the substance of the recommendations are acceptable.

Ann Silver-It is implicit, however I wanted to draw attention to the concern about budgets allocated to resources to ensure education is implemented.

Ernest Figueroa-Technical correction on document. Mr. Krueger's name is misspelled. On the recommendations it indicates Kreuger and it should be Krueger.

Ernest Figueroa-Second recommendation; In Order for Customers to Make Informed Choices in a Competitive Energy Market, they Must be able to Make Accurate Comparisons of Essential Terms of Service Among Various Providers. This is an important recommendation. Read two subpoints verbatim and does not have any further recommendations of edits to this document.

Jennifer Taylor-Is in line with what Senator Brooks submitted into AB45 for disclosures with solar customers. This is well within our legislature to create.

Ernest Figueroa-Third recommendation: A Competitive Energy Marketplace Must Ensure the Protection of Confidential Customer Data and Maintain Respect for Customer Privacy. Read one subpoint verbatim. The policy makers need to decide if the information could be transmitted, should be transmitted and whether it needs to be transmitted. After hearing public comment today regarding NRS 603A, it appears that there is still an open issue regarding the transmission of data. Determine if each customer will have to give their approval to have their data transmitted. Possibly more specific language to broaden the recommendation is needed.

Ernest Figueroa- Suggested edit: ...and other related consumer protection issues associated with the sharing of this information."

Jennifer Taylor/Ernest Figueroa-Suggests language: "including but not limited to who the information may be shared with, what acquiescence would be required if you would like to state that level of detail. "The method and manner and whether or not this information can be shared to retail energy providers."

Ernest Figueroa-Fourth recommendation: Successful Implementation of the Energy Choice Initiative May Require Amendments to Nevada's Deceptive Trade Practices Act that Respond to and Reflect Changes Attendant to a Competitive Energy Marketplace. Read four subpoints verbatim.

There needs to be adequate regulatory restrictions and other types of consumer protections that need to be enacted. They range from a variety of issues such as slamming, cramming, door-to-door sales, the ability of whether or not to confirm marketing relating to environmental claims. The deceptive trade practice and

unfair trade practices act will need to be done by the legislature to make sure consumer protections are included in them and that the Attorney General's office has the ability to enforce it. Read four subpoints verbatim and does not have any further recommendations of edits to this document.

Suggests edit to Recommendation D. Technical recommendation: insert a comma after NRS 598 and add NRS 598A. The NRS 598 is our Fair Trade Practices Act and NRS 598A is our Unfair Trade Practices Act. This will be consistent with our statutory scheme.

Ernest Figueroa-Fifth recommendation: Successful Implementation of the Energy Choice Initiative Should Ensure that Excessive Costs do not Prohibit Customers from Exercising the Right to Choose a Retail Provider. Read two subpoints verbatim.

Jennifer Taylor-no other input or edits for this set of recommendations.

Ann Silver-Referred to Recommendation 4, A: Suggests inserting the word advance between the words no and notification.

Ernest Figueroa-Asked for a motion to approve the policies and recommendations for the full committee with the edits and additions that we have reviewed upon opening the item for consideration.

Ann Silver-Moved to approve the document with edits.

Jennifer Taylor-Seconded the motion.

Ernest Figueroa closed agenda item No. 5 and moved on to agenda Item No. 6.

6. Public comments and discussion.

Ernest Figueroa opened Agenda Item No. 6 and asked if anyone from the public sought to make a comment in the Carson City or Las Vegas location.

No public comment.

Ernest Figueroa closed agenda item No. 6 and moved to Item No. 7 on the agenda.

7. Adjournment.

Ernest Figueroa made a motion to adjourn the meeting. Ann Silver made a motion to adjourn. Jennifer Taylor seconded the motion.

The meeting was adjourned.

April 20, 2018 TWG-Consumer Protection, Angel De Fazio, BSAT

Good afternoon. I was the instigator for a PUC docket regarding customer deposits, which brought to light, issues regarding how deposits are determined.

With the consumer protections proposed item today, my experience from this docket is relevant and needs to be fully addressed by this committee.

When NVE takes on a new customer they have basically 4 options; 1) pay a deposit; 2) produce a letter from a prior utility citing they are in good standing, 3) have their credit rating with Experion determine whether they are required to pay a deposit or 4) are in certain demographics that are excluded from a deposit (within certain parameters). With a new option on the horizon regarding pre-payment for energy usage.

There are rumors floating around that there might be a database created of customer's history with NVE, for companies coming in to access, this is not acceptable and without our express written permission, this information is to remain within the confines of NVE. This must be highly delineated in any consumer bill of rights regarding our privacy. *NO DATA SHARING*

Lets look at the tel-com industry, when a customer changes from one carrier to another, ie, Verizon doesn't have access to Sprint's customer's history, so why should any electric provider have access? *WHATSOEVER*

Yesterday at a TWG meeting, they were discussing providers of last resort and used the term 'temporary'. There is no temporary as the committee is alluding to. If customer's information is made available to incoming companies, that information will be a hindrance for a ratepayer to have access to 'choice' as promised by ECI. As slow pays, low usage, seniors, disabled et al, will not be enticing to new companies. These companies aren't coming to NV because they are benevolent, they are coming here to increase their financial bottom line.

This could be likening to the insurance companies, who provide SR30 insurance policies, but at a premium rate to the driver. With slow pays et al, the probability of defaulting is taken into consideration and rates are determined on their perceived losses.

All we keep hearing is that we need to 'conserve' energy. So when ratepayers 'conserve', this will actually harm them, in getting a 'choice' with a new provider. So those who aren't problematic with credit will be pushed into this so-called 'temporary' provider, because of low usage. A financial punishment that is not justifiable, if their history is accessible to new carriers.

This proposed consumer bill of rights, needs to assure that every ratepayer, their business relationship with NVE is private and new companies coming in, have to follow the same protocols that NVE has to abide by, in enacting relationship with potential customers.

I hope that the MA AG's rep incorporate the IL's litigation that mirrors them, that most likely will be in Nevada's future if ECI passes.

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April 20, 2018 TWG-Consumer Protection, Angel De Fazio, BSAT

There was a reference in Joe Reynolds Summary of the ECI workshop regarding, educating the public on this ballot question.

On Aug 19th and 21st of 2014, the PUC TRIED to hold meetings to explain ratemaking, that was a complete bust. No one walked out with any clarification on the topic, let alone a noticeable showing from the public. I have the video, I just replayed it and it was a complete waste of time and I knew the topic. So the PUC addressing ECI will be even worse.

There are major inherent problems with the PUC basically overseeing public education; 1) the public does NOT trust the PUC, just yesterday, Joe Reynolds peers went after him regarding ethics, etc., so if the Chair of the PUC is suppose to be the ultimate, most knowledgeable person of the PUC isn't perceived as such, what does that say about his underlings. 2) there is no trust in legislators, so it begs to ask the question, who will the public trust and attend informational sessions on this question?

The only option is the BCP, as the public knows they are there to defend and protect their interests. The costs that Reynolds referenced in the report to educate the public is TEN million, which most of it coming out of the slush fund of millions that the PUC have in their so called reserve.

The assertion that they will need to hire an 'army of consumer representatives' is delusional. AGAIN the PUC will be ignored by many, especially since the current PUC consumer complaint representatives have a well documented history and reputation for siding with utilities and failing to address the ratepayers needs, along with not listening to them. Ask anyone who has had an interaction with the PUC.

There's rhetoric about job creation, which once this is basically in effect, they won't need that many. So why not have those from 18-64 who are on disability, participate in the Ticket To Work Program offered thru Social Security? Let the PUC do something that actually benefits the public!

Its COMMON knowledge that the media gives free air time under PSA's, that will cut costs. The PUC has no concept of real world costs, as they are basically granted whatever they want from the Board of Examiners, by either tapping into their reserve or asking for an increase to their mill tax and their current Executive Director has no real world corporate experience, no one equates working at a summer camp as real world corporate experience.

You can blast them with tv ads and like with elections, the public will ignore them. You can't put a gun to people's heads to come to these events.

Then you have all the controversy over what ECI entails, that no one can agree on, so how do you educate voters when there is no consensus?

Is the PUC that delusional that the public can make an educated and informed decision on this ballot question? All these references to education are AFTER the FACT! Lets face facts, Nevada is NOT known for the high quality education of kids coming out of school, who became barely literate adults, who are voting on an issue, as massive as this amendment to the constitution!

This is analogous to putting a condom on after the fact, you have already been screwed.



BRIAN SANDOVAL
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION

ALAINA BURTENSHAW
Chairman

REBECCA WAGNER
Commissioner

DAVID NOBLE
Commissioner

CRYSTAL JACKSON
Executive Director

FOR IMMEDIATE RELEASE:

Date: Aug. 12, 2014

Contact: Peter Kostas
Public Information Officer
(775) 684-6118

**PUBLIC UTILITIES COMMISSION SCHEDULES
GENERAL CONSUMER SESSIONS IN LAS VEGAS**

Presentation on PUCN ratemaking process also scheduled

Las Vegas, Nev. – The Public Utilities Commission of Nevada has scheduled two general consumer sessions to hear comments from the public regarding the utilities regulated by the PUCN.

The consumer sessions are scheduled for:

Tuesday, Aug. 19, at 1 p.m. and 6 p.m.

Hearing Room A

Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250,
Las Vegas, NV 89148

In addition, PUCN regulatory operations staff will conduct a one-hour presentation on ratemaking at 11 a.m. Tuesday, Aug. 19, at the PUCN office. Consumers are invited to attend and learn about the PUCN's ratemaking process.

The annual general consumer sessions allow the public to provide input about any topic concerning utilities regulated by the PUCN, including NV Energy and Southwest Gas as well as some telecommunication, railroad and water companies. The PUCN does not regulate the Southern Nevada Water Authority.

In addition to members of the PUCN, representatives from the Nevada Bureau of Consumer Protection and the utilities will be available to respond to concerns about their companies. Individuals with questions regarding the consumer sessions can contact the PUCN at (702) 486-7210.

The public notice for the consumer sessions and ratemaking presentation can be found on the PUCN's website at puc.nv.gov. Go to Popular Links on the home page, select Consumer Sessions followed by View Scheduled Consumer Sessions.

The record from the consumer sessions will be provided to the Legislative Commission.

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FOR IMMEDIATE RELEASE:

Date: Aug. 13, 2014

Contact: Peter Kostas
Public Information Officer
(775) 684-6118

**PUBLIC UTILITIES COMMISSION SCHEDULES
GENERAL CONSUMER SESSIONS IN RENO**

Presentation on PUCN ratemaking process also scheduled

Reno, Nev. – The Public Utilities Commission of Nevada has scheduled two general consumer sessions to hear comments from the public regarding the utilities regulated by the PUCN.

The consumer sessions are scheduled for:

Thursday, Aug. 21, at 1 p.m. and 6 p.m.
Washoe County Commission Chambers
1001 E. 9th Street, Building A
Reno, NV 89512

In addition, PUCN regulatory operations staff will conduct a one-hour presentation on ratemaking at 11 a.m. Thursday, Aug. 21, at the Washoe County Commission Chambers.

→ Consumers are invited to attend and learn about the PUCN's ratemaking process.

The annual general consumer sessions allow the public to provide input about any topic concerning utilities regulated by the PUCN, including NV Energy and Southwest Gas as well as some telecommunication, railroad and water companies. The PUCN does not regulate the Truckee Meadows Water Authority.

In addition to the PUCN, representatives from the Nevada Bureau of Consumer Protection and the utilities will be available to respond to concerns about their companies. Individuals with questions regarding the consumer sessions can contact the PUCN at (775) 684-6101.

The public notice for the consumer sessions and ratemaking presentation can be found on the PUCN's website at puc.nv.gov. Go to Popular Links on the home page, select Consumer Sessions followed by View Scheduled Consumer Sessions.

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