



BRIAN SANDOVAL
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION

ALAINA BURTENSHAW
Chairman

REBECCA WAGNER
Commissioner

DAVID NOBLE
Commissioner

CRYSTAL JACKSON
Executive Director

July 16, 2014

VIA EMAIL

Attn: Mr. Fred Voltz
zebedee_177@yahoo.com

Re: Records Request

Mr. Voltz:

Chapter 239 of the Nevada Revised Statutes ("NRS"), specifically NRS 239.0107(1), requires a governmental entity to respond to public records requests within five business days. Accordingly, the Public Utilities Commission of Nevada ("Commission") is responding to your July 9, 2014, request for an "in-person audit at [the Commission's] Carson City offices of all consumer/ratepayer complaint files filed between 7/9/13 and 7/9/14."

Please find the attached list of Dockets in which consumer complaints were brought before the Commission between July 9, 2013, and July 9, 2014.¹ The records associated with each of those Dockets, including all materials considered by the Commission and all resulting Commission Orders, are available for remote viewing on the Commission's website at puc.nv.gov. However, you are welcome to access the records via a computer at the Commission's Carson City office.

Pursuant to NRS 239.0107(1)(d), if a governmental entity denies a person's request to inspect a public record, or a part thereof, based on the confidential nature of the record, the governmental entity must provide written notice of the existence of the confidential record and a citation to the specific statute or other legal authority supporting the record's confidentiality. Therefore, the Commission now provides you with notice that the Commission's Regulatory Operations Staff ("Staff") possesses internal investigative records that are also relevant to your records request. However, Staff, which regularly appears as a party before the Commission, asserts confidentiality of portions of its internal investigative records because the documents were prepared in anticipation of litigation and in some instances represent confidential attorney/client communications

¹ Complaints brought before the Commission are either transmitted to the Commission pursuant to Nevada Administrative Code ("NAC") 703.636 or investigated directly by the Commission pursuant to NAC 703.651.

under NRS 49.095. Moreover, portions of the records include utility customers' personal information, such as account numbers, addresses, and other private details regarding their receipt of utility service.

Pursuant to NRS 49.095, and balancing the interest for nondisclosure (Staff maintaining its abilities to effectively investigate utility operations, negotiate settlements, and participate in Commission proceedings; and protecting the privacy of utility customers to not discourage the filing of complaints) against the general policy in favor of an open and accessible government, the Commission will not disclose portions of Staff's internal investigative records.²

NRS 239.0107(1)(c) requires that if the Commission has custody of a requested record but is unable to make the public record available by the end of the fifth business day after the date on which the request was received, the Commission may provide notice in writing of the date and time after which the record will be available. Therefore, the Commission now notifies you that Staff possesses additional records responsive to your request, namely documents related to the Consumer Complaint Resolution Division's efforts to investigate and resolve consumer complaints.³ However, many of the responsive documents will need to be redacted to remove the aforementioned confidential information, which will require the Commission to dedicate personnel and expend extraordinary resources.

As required by NRS 239.052, the Commission has adopted a fee schedule, available on the Commission's website, which provides that the Commission may, pursuant to NRS 239.055, charge a fee (not to exceed \$0.50 per page) to provide records that require "extraordinary use of its personnel or technological resources." The fee schedule defines extraordinary use of personnel as more than one hour of staff time to review, redact, copy, or otherwise process a records request. The Commission estimates that providing the additional records responsive to your request will require approximately 30 hours of staff time, totaling \$1,535.70 in costs to the Commission. This amount reflects 30 hours of the hourly rate of pay (\$51.19) of the attorney position assigned to your request. Nevertheless, consistent with the Commission's fee schedule, you will be charged no

² There is a presumption that "all public records are open to public disclosure unless either (1) the Legislature has expressly and unequivocally created an exemption or exception by statute...or (2) balancing the private or law enforcement interests for nondisclosure against the general policy in favor of an open and accessible government requires restricting public access to government records." *Reno Newspapers v. Sherriff*, 234 P.3d 922, 925 (2010).

³ Only the records associated with complaints brought before the Commission are responsive to your request, as only those complaints have been "filed." Informal, oral complaints, or even written complaints not submitted to the Commission, are neither within the scope of your request nor subject to public disclosure because they are submitted by customers with the understanding that the complaints will remain confidential unless formally filed with the Commission.

more than \$0.50 per page, which the Commission estimates will total approximately \$500.00 (\$0.50 x 1,000 pages) for the additional records held by Staff.

If you remain interested in obtaining the additional records, please send a check, payable to the Public Utilities Commission of Nevada, to:

ATTN: Office of General Counsel
Public Utilities Commission
1150 E. William Street
Carson City, NV 89701-3109

The additional records will be compiled when your payment has been received by our office. The Commission anticipates that it will take up to one month to compile the relevant documents and make them available due to current workload and understaffing. Pursuant to NRS 239.052, the Commission may charge an additional fee for copies necessary for redacting confidential information. The fee for copies will not be known until the Commission has reviewed all of the documents that are responsive to your request.

If you have any questions or wish to clarify your request to inspect public records, please feel free to contact me.

Sincerely,



Garrett Weir
Assistant General Counsel
Public Utilities Commission of Nevada
(775) 684-6185
gweir@puc.nv.gov

cc: Carolyn E. Tanner, General Counsel
Crystal Jackson, Executive Director

Consumer Complaints

Date Filed	Docket No.	Description
6/4/2014	14-06006	Duane K. Wingate vs. Nevada Power Company d/b/a NV Energy. Complaint regarding a dispute over the time frame for the installation of a net meter and the corresponding bills for service.
6/3/2014	14-06001	Anna Robles-Smith vs. Nevada Power Company d/b/a NV Energy. Complaint regarding the calculation of back billing charges.
5/22/2014	14-05035	Gale Gast vs. Nevada Power Company d/b/a NV Energy. Complaint regarding overcharges for electrical service improvement.
4/17/2014	14-04027	Fred Voltz vs. Sierra Pacific Power Company d/b/a NV Energy. Complaint regarding NV Energy's Outage Reporting process.
4/17/2014	14-04026	Fred Voltz vs. Sierra Pacific Power Company d/b/a NV Energy. Complaint regarding NV Energy's Chief Executive Officer Position.
4/8/2014	14-04013	Gabor Vass vs. Nevada Power Company d/b/a NV Energy. Complaint regarding improper billing for actual usage.
4/4/2014	14-04009	PH Metro, LLC ("PH Metro") vs. Nevada Power Company d/b/a NV Energy ("NPC"). Complaint regarding a failure by NPC to provide a meaningful account of the cost overruns incurred by NPC in providing electric service to the 1078 bed Clark County Detention Facility developed by PH Metro during 2009.
3/19/2014	14-03010	Lorrie Cusick vs. Sierra Pacific Power Company d/b/a NV Energy. Complaint regarding the increase to the basic service charge and notice to customers.
3/17/2014	14-03009	Carol Sing on behalf of Trioid International Group, Inc. vs. Central Telephone Company d/b/a CenturyLink. Complaint regarding slamming and high internet billing.
11/19/2013	13-11025	BBC Las Vegas LLC and Robert Eichelberger vs. Nevada Power Company d/b/a NV Energy. Complaint regarding BBC Las Vegas LLC migrating from the General Service rate schedule to the Large General Service-1 rate schedule.