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June 28, 2016

Mr. George Taylor
C/o
Nevada Attorney General

Via: email gtaylor@ag.nv.gov

Re: PUC Open Meeting Law Violations
Stephanie Mullen-Executive Director
Carolyn Tanner- Former General Counsel
Paul Thomsen- Chairman
David Noble- Commissioner
Alaina Burtenshaw- Commissioner
Matt Fox- Admin Attorney (Burtenshaw)
Jessica Diss-Admin Attorney (Noble)
Roman Borisov- Former Admin Attorney
(Thomsen)
Dan Haggarty-Admin Attorney (Thomsen)

Dear Mr. Taylor:

Since Carolyn Tanner resigned on June 16th, the PUC needs to have a public discussion about appointing a new General Counsel. We are monitoring to see if they are going to continue to skirt the OML.

As of this date, there hasn't been any type of administrative agenda meeting notice. We believe the PUC is having behind-the-scenes discussions on replacing the General Counsel. Peter Kostas, the PUC Public Information Officer, stated to the media that Tanner left as of June 16th.

We also believe that the aforementioned-named parties have intentionally refused to conduct open meetings in order to 'protect' their mistake in hiring the current Executive Director, so that she would not be subject to scrutiny about her lack of knowledge in utility regulation, knowledge in how the PUC conducts their 'internal operations,' etc. The named parties knew that certain activities of the PUC required public discussion, with approval in a public meeting. We place the responsibility in the following order:

Stephanie Mullen- should have known her job, what actions required public disclosure and that she is statutorily unqualified for her position

Carolyn Tanner- full legal responsibility to enforce administration (admin) meetings to disclose PUC activity

Paul Thomsen- chair, responsible for conducting the admin meeting

David Noble- worked in general counsel's office for over a decade-knew better

Alaina Burtenshaw- should have known by being prior chair of PUC

We believe the hiring of Mullen was the direct cause of the PUC's failure to conduct any subsequent admin meetings.

Ever since September 30, 2015, the PUC has not held a single admin agenda meeting. This coincidentally ties in with the announcement of Paul Thomsen as the new PUC Chair on September 30, 2015, along with the hiring of Stephanie Mullen as the new Executive Director in August 2015.

The admin meetings are suppose to be held for the following reasons, as per their agenda page (Exhibit A):

"Administrative Agenda meetings are held in accordance with Nevada's Open Meeting Law. Meeting items are administrative in nature and pertain to internal PUCN operations. Commissioners may deliberate or take action on noticed administrative items. Meetings are scheduled by the Executive Director on an as-needed basis."

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/9Dr.SheilaStirling1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/10Dr.SheilaStirling2of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/11Dr.SheilaStirling3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/2AngelDeFazioPUCWatchDogs1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/3AngelDeFazioPUCWatchDogs2of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/4AngelDeFazioPUCWatchDogs3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/5AngelDeFazioPUCWatchDogs4of4.pdf>

It is important to note that at both 'agenda meetings' (utility and admin) the public is 'invited' to speak. The problem is they have now changed it to:

*Public Comment The PUCN's **utility agenda meetings** are subject to [Nevada Open Meeting Law](#) requirements. Consistent with the Open Meeting Law, the PUCN allows public comment during **utility agenda** meetings. (Exhibit B)*

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/9Dr.SheilaStirling1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/10Dr.SheilaStirling2of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/11Dr.SheilaStirling3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

We have determined that the PUC has eliminated the entire admin meetings portion of the PUC's public actions. On May 26, 2016, Mullens placed on the utility agenda meeting the admin budget/mill tax calculation, under 6a 'Miscellaneous' of the meeting notice, contrary to where it belongs and is to be noticed. None of the long-time PUC employees addressed this issue. One explanation: Mullen would not have to present, comment or be placed in the spotlight to answer questions.

<http://pucweb1.state.nv.us/PDF/AXImages/Agendas/10-16/6493.pdf>

Here's the link to the budget:

<http://pucweb1.state.nv.us/PDF/AXImages/Agendas/10-16/6498.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/9Dr.SheilaStirling1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/10Dr.SheilaStirling2of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/11Dr.SheilaStirling3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/4AngelDeFazioPUCWatchDogs3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/5AngelDeFazioPUCWatchDogs4of4.pdf>

Some background is needed. Carolyn Tanner the former PUC General Counsel, had been with the PUC since August 2013; Dave Noble Commissioner (Noble) since 1997; Alaina Burtenshaw (Burtenshaw) Commissioner since 1992, so they are not novices nor can they feign plausible deniability. Prior to becoming a Commissioner in August 2011, Noble was working as an administrative attorney, assistant staff counsel, *assistant general counsel*, and hearings officer. Burtenshaw, prior to becoming Commissioner in January 2010 and later Chair from February 2011- September 2015, was assistant staff counsel and later staff counsel with the Regulatory Operations Division. (Exhibit C).

Tanner was the General Counsel and is supposed to be the ultimate legal authority for the PUC. She and Mullen are both fully culpable for failure to provide transparency into the way the PUC was being administered.

On June 10, 2015, Crystal Jackson gave her notice during the admin agenda meeting, and the Commissioners created their 'blue ribbon' search committee, consisting of:

- Carolyn Tanner – general counsel
- Tammy Cordova – 'attorney' for staff
- Don Lomoljo- utility hearing officer 'attorney'
- Anne-Marie Cuneo- director of regulatory operations
- Crystal Jackson- retiring ED
- Breanne Potter-acting as personnel officer

This committee contained three active attorneys. None of them did any due diligence to ascertain whether there were legal requirements for this position. Only when the two signatories to this letter started researching did they discover this:

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

On July 22, 2015, the PUC's 'search committee' presented to the PUC two allegedly 'qualified' candidates for the open ED position. The Commission offered the position to Stephanie Mullen. Voltz and De Fazio commented when these two candidates were presented. Voltz opined during public comment that the PUC should have renewed their search to find qualified candidates and appointed an interim ED. The Commissioners approved Mullen anyway with no public discussion of the compensation she was to be offered.

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/9-February-2016/MaryMLahrenLetter.PDF>

None of the commissioners asked the two applicants about utility experience during the public interviews. Also, because this was a public 'hiring,' the resumes were to be made public. On July 21st, at the last minute, the PUC posted Taylor's and Mullen's resumes in an unsuccessful attempt to curtail the public's ability to 'find out' about these two allegedly qualified finalists. Right after it was posted, Tanner removed Mullen's resume claiming "personal information." Tanner then reversed her decision and re-posted Mullen's resume, with the only redaction being address and phone number. Both applicants had to sign a form indicating they knew their information would be a matter of public record. This begs the question: What were the justifications for the 'personal info removal' act of Tanner?

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/9-February-2016/MaryMLahrenLetter.PDF>

Notice the following numbers prior to the.pdf, removal of resume (5967) then four document numbers later it shows up (5971).

<http://pucweb1.state.nv.us/PDF/AXImages/Agendas/A05-15/5967.pdf>

<http://pucweb1.state.nv.us/PDF/AXImages/Agendas/A05-15/5968.pdf>

<http://pucweb1.state.nv.us/PDF/AXImages/Agendas/A05-15/5971.pdf>

Voltz and De Fazio subsequently discovered that there was a statute regarding the necessary qualifications of the ED. None of the three active attorneys on the search committee, nor the resigning ED (Jackson), nor the three Commissioners, nor the three

Commissioners' three personal, Administrative Attorneys (Fox, Diss, Borisov) ever verified how they should legally proceed in filling the ED position.

If, in fact, they discovered the statute and decided to 'amend' the statute, there was no public discussion. The Commissioners lacked the ability to unilaterally amend this requirement [NRS703.130 2(b)].

When informed of its violations, the PUC refused to review their mistake. Since July 22nd the PUC has willfully permitted the ongoing fraud of Mullen receiving ratepayer-funded public compensation.

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/9-February-2016/MaryMLahrenLetter.PDF>

On February 9, 2016 at the Sunset Subcommittee, this situation was brought to its attention both verbally and in submitted, written comments.

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/9-February-2016/defazio.PDF>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/9-February-2016/MaryMLahrenLetter.PDF>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

When it was time for the PUC to present to the Sunset Subcommittee, the lack of knowledge and experience of Mullen was memorialized in the 2/9 video between the times of: 2:01:27-2:01:54. Mullen's full performance about the agency she is paid to administer was 27 seconds. Her salary is over \$105K/year.

http://nvleg.granicus.com/MediaPlayer.php?view_id=14&clip_id=5497

At this same Sunset Subcommittee meeting, Mullen was listed as the agency contact on a Power Point submission, but it was Anne-Marie Cuneo, head of the PUC's Regulatory Operations function who made the presentation and answered questions, not Mullen, whose job is to have overall administrative oversight and responsibility. NRS 703.130

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/9-February-2016/9-PUCNGeneralInformation.pdf>

On February 24, 2010, the PUC decided to hide as much as possible the activities conducted under their admin agenda meetings by not informing the public that the admin meetings were audio recorded and intentionally deciding not to broadcast them, Item 7 on this (Exhibit D) "*The administrative agenda will not be broadcast over the internet. Administrative agendas will be recorded and transcribed by request.*" Note:

This does not reference that an audio will be provided but transcribed, which would cause the requester to pay fees for this transcription.

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/9Dr.SheilaStirling1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/10Dr.SheilaStirling2of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/11Dr.SheilaStirling3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/7MichelleJohnson.pdf>

Under an open records request , De Fazio asked the PUC for all admin meeting audio files. All the audio files can be accessed here:

<http://pucwatchdogs.com/audio.htm>

Since February 2010, where the first record of admin meeting is listed, (Exhibit E), there have been numerous admin meetings. The meeting frequency increased when there was either a budget submission or Bill Draft Requests (BDR)

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/2AngelDeFazioPUCWatchDogs1of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/5AngelDeFazioPUCWatchDogs4of4.pdf>

Every year the US Department of Transportation (USDOT) does a Pipeline Safety audit and forwards its report to the PUC. If there are problems, the ED files a status check. This year the USDOT report was dated Dec. 11, 2015, file stamped as received by the

PUC on December 12, 2015, with a PUC response dated January 22, 2016. (Exhibits F, G).

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/1AngelDeFazio2.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/2AngelDeFazioPUCWatchDogs1of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/4AngelDeFazioPUCWatchDogs3of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/11Dr.SheilaStirling3of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

The problem: The PUC response was not discussed in an open meeting. Prior pipeline submissions can be found at the following admin dates under meeting minutes:

1/30/2013

11/8/2013

11/20/2014

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/9Dr.SheilaStirling1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/10Dr.SheilaStirling2of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

Additionally, on a semi-annual basis, there are numerous PUC employees involved with external committees (national, state, etc.), with status updates provided in written or verbal to the Commissioners. The last update was done on 7/22/2015. Others were:

9/21/2011
5/9/2012
1/30/2013
8/28/2013
2/14/2014
8/13/2014
1/28/2015
4/29/2015

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/2AngelDeFazioPUCWatchDogs1of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/12Dr.SheilaStirling4of4.pdf>

Any and all changes to the PUC's Internal Handbook/Manual are presented to the Commission for approval and inclusion with revisions noted. It is impossible to believe that in nine months there haven't been any changes. Prior handbook/manual changes occurred on:

10/27/2010

12/20/2010
1/27/2011
6/25/2013
9/17/2013
11/8/2013
2/14/2014
4/30/2014
8/13/2014
1/28/2015
4/29/2015
6/10/2015

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/2AngelDeFazioPUCWatchDogs1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/3AngelDeFazioPUCWatchDogs2of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/5AngelDeFazioPUCWatchDogs4of4.pdf>

BDRs for the upcoming legislative session were due on June 1st to the Governor's Finance office. Even though the Commissioners have to approve BDRs, there has been no public meeting to discuss them. Each prior legislative session there have been numerous revisions and discussions. It is improbable that the PUC is not submitting any BDRs. Prior meetings regarding BDRs were held on

:

6/27/2012
4/30/2014
8/13/2014
11/20/2014
1/28/2015

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/2AngelDeFazioPUCWatchDogs1of4.pdf>

<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/3AngelDeFazioPUCWatchDogs2of4.pdf>

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<https://www.leg.state.nv.us/interim/78th2015/Committee/StatCom/Sunset/Other/16-June-2016/5AngelDeFazioPUCWatchDogs4of4.pdf>

At an unknown date, Mullens unilaterally created a position for open records requests with no public discussion. "The PUCN's [Executive Director](#) has designated [Trisha Osborne](#) as the agency's records official and has designated [Peter Kostas](#) and [Elizabeth Avram](#) as alternate records officials who will act when the designated records official is absent or otherwise unavailable to act. The records official is the point of contact for members of the public who request disclosure of public records." (Exhibit H)

For an extended period of time, Voltz has been monitoring and commenting on the PUC's outstanding administrative fines. On July 22, 2015, after five years of the executive director providing quarterly updates on outstanding fines, Commissioner Dave Noble said the reports are no longer required to be publicly discussed. This is related to the fact that Voltz has monitored their lack of effort to collect or otherwise resolve these outstanding fines to benefit the state's General Fund, and hiding from the public their collective ineffectiveness in serving the public interest. This happened just before a new ED was due to take on the position. Since then Voltz has been making open records requests for the quarterly reports of these outstanding fines. This issue was twice brought to the state Board of Examiners' attention without any subsequent progress.

As you have seen, since 2010 the PUC has tried to hide the full content of the admin meetings by relying upon their 'minutes,' activities that required formal action by the Commissioners in a public meeting have been conducted in private, reports requiring disclosure were never publicly presented, no public discussion has been had about new BDR's, and changes to the admin handbook have not been raised in public meetings...all open meeting law problems.

Submitted by:

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/s/
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EXHIBIT A

State of Nevada
Public Utilities Commission



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AGENDAS

Agendas

[Utility Agenda Meeting Schedule](#)

[Live Utility Agenda Audio Link](#)

[Administrative Agenda Meeting Schedule](#)

Utility Agenda Meetings

Utility Agenda meetings are held in accordance with Nevada's [Open Meeting Law](#). Meeting items are typically dockets pertaining to regulated utilities. [Commissioners](#) may deliberate or take action on noticed agenda meeting items. Meetings are generally held once every two weeks.

- [Schedule](#) (Check regularly as meeting dates/times are subject to change.)
- [Notices, Supporting Documents & Archived Audio](#)

Live Utility Agenda Audio Link

Archived audio from previous utility agenda meetings is available by clicking on the above link to Notices, Supporting Documents & Archived Audio.

- [Live Utility Agenda Audio Link](#)

Administrative Agenda Meetings

Administrative Agenda meetings are held in accordance with Nevada's [Open Meeting Law](#). Meeting items are administrative in nature and pertain to internal PUCN operations. Commissioners may deliberate or take action on noticed administrative items. Meetings are scheduled by the [Executive Director](#) on an as-needed basis.

- [Schedule](#)
- [Notices & Supporting Documents](#)

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EXHIBIT B

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CONSUMER PARTICIPATION IN PUCN PROCEEDINGS

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Parties to a Proceeding

The PUCN is a quasi-judicial agency, similar to a court of law. In formal PUCN proceedings, also called contested cases, participation is limited to entities that are “parties” to the proceeding.

Parties to a proceeding may include:

- The applicant
- The complainant
- The petitioner
- A respondent
- An intervener

Parties that participate as a matter of right include:

- [PUCN Regulatory Operations Staff](#)
- [Attorney General's Bureau of Consumer Protection \("BCP"\)](#)

Consumer Participation

▪ **Consumer Participation as an Intervener**

An intervener is a person or organization whose substantial interests may be affected by the PUCN's decisions. In order to become an intervener in a proceeding, a person or organization must file a Petition for Leave to Intervene with the Commission. The presiding officer assigned to the docket will either grant or deny the petition. A person or organization that is granted intervener status may present technical evidence through witnesses and question other parties' witnesses. ([NAC 703.578 – 703.600](#)) The BCP,



which is part of the Nevada Attorney General's Office, is the consumers' advocate. The BCP represents the collective interests of residential and small business customers before the PUCN. Because the BCP's role is to advocate on behalf of consumers for reliable utility service at the lowest reasonable cost, individual consumers generally are not granted intervener status in PUCN proceedings. ([NRS 228.360](#))

■ **Consumer Participation as a Commenter**

To participate in the contested case as a commenter, the person must file written comments prior to the scheduled proceeding on the contested case and identify the person as a commenter. If the person files such written comments prior to the proceeding, the Commission will place the commenter on the docket-specific service list maintained by the Commission, and the commenter will receive notifications of Commission-issued notices and orders thereafter. Commenters are not parties to a proceeding. A commenter may file written comments regarding the issues in the proceeding but may not otherwise participate. Commission proceedings are open to the public to attend and observe. While comments are valuable, comments are not evidence and therefore cannot be considered by the Commission when making a decision in a particular proceeding. ([NAC 703.491](#))

Public Comment

The PUCN's [utility agenda meetings](#) are subject to [Nevada Open Meeting Law](#) requirements. Consistent with the Open Meeting Law, the PUCN allows public comment during utility agenda meetings.

Consumer Participation in Consumer Sessions

The PUCN holds several consumer sessions every year. Consumer sessions offer a forum for the public to voice opinions about a filing or regulated utility directly to PUCN commissioners and staff. For more information about consumer sessions, please [click here](#).

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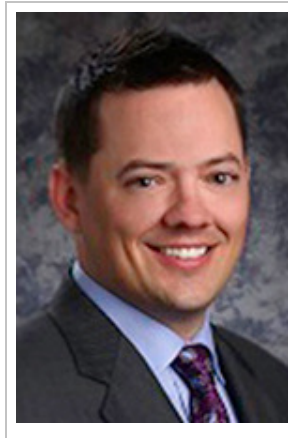
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Chairman Paul A. Thomsen

Paul A. Thomsen became Chairman of the Public Utilities Commission of Nevada on Oct. 1, 2015. Gov. Brian Sandoval appointed Chairman Thomsen to replace outgoing Commissioner Rebecca Wagner.

Previously, Chairman Thomsen served as Gov. Sandoval's appointee as the Director of the Governor's Office of Energy. He was selected for that position in September 2013.

Prior to his service as the Director of the Governor's Office of Energy, Chairman Thomsen was the Director of Policy and Business Development for Ormat Technologies, a leading vertically integrated global provider of a diverse range of renewable energy solutions, headquartered in Reno. He has also worked for the

law firm of Lionel Sawyer and Collins, U.S. Sen. Harry Reid, and U.S. Sen. Richard Bryan.

In addition, he was President of the Board of Directors of the Geothermal Energy Association, Chairman of the U.S. Clean Heat and Power Association, President of the Nevada Geothermal Council, and industry expert for the U.S. Department of Energy Geothermal Technologies Program Blue Ribbon Panel. He also served on the boards of the Economic Development Authority of Nevada, Nevada Mining Association, Nevada Lung Association and AVA Ballet.

Chairman Thomsen earned a bachelor's degree in Political Science and a master's in Public Administration from the University of Nevada, Reno.

Reports



Commissioner Alaina Burtenshaw, Esq.

Alaina Burtenshaw was appointed Commissioner to the Public Utilities Commission of Nevada by Gov. Jim Gibbons on Jan. 18, 2010 and was re-appointed by Gov. Brian Sandoval in June 2013.

Commissioner Burtenshaw served as Chairman of the PUCN from February 2011 through September 2015.

Commissioner Burtenshaw's career with the PUCN began in 1992, first as assistant staff counsel and later staff counsel, with the Regulatory Operations arm of the PUCN. She represented Regulatory Operations in electric, gas and water utility cases in Northern and Southern Nevada and was the principal attorney in larger deferred energy and general rate cases. She also represented Regulatory

Operations in cases associated with environmental impacts, renewable energy and all other matters within the Commission's jurisdiction.

Previous to joining the PUCN, Commissioner Burtenshaw worked in private practice in Las Vegas from 1987 to 1992, where she focused on administrative law.

In January 2014, the board of directors for the National Association of Regulatory Utility Commissioners appointed her Chairman of its Committee on Water, which works with the EPA and other groups to increase awareness about the uses and reuses of water and wastewater.

Commissioner Burtenshaw received a bachelor's degree in History from Idaho State University and a Juris Doctorate degree from the University of Nebraska-Lincoln. She is a licensed attorney in the state of Nevada.

Commissioner David Noble, Esq.

David Noble was appointed Commissioner of the Public Utilities Commission of Nevada by Gov. Brian Sandoval in August 2011 and reappointed in October 2012.

Commissioner Noble has been with the Commission since 1997, working as an administrative attorney, assistant staff counsel, assistant general counsel, and hearings officer. Commissioner Noble was also a Commission liaison to the Nevada Legislature on various utility and administrative matters over six regular legislative sessions from 2001 to 2011.

Commissioner Noble earned his Bachelor of Arts degree in international relations and environmental studies



from the University of Pennsylvania and his Juris Doctorate degree from Loyola Law School (Los Angeles).

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EXHIBIT D

2010 FEB 23 AM 8: 52

Administrative Agenda A01-10
Item 3A

ADMINISTRATIVE AGENDA MEETINGS
DRAFT PROCEDURES FOR REVIEW/APPROVAL

1. Commissioners, General Counsel and the Executive Director may submit items for the Administrative Agenda.
2. To place an item on the Administrative Agenda, the agenda item worksheet must be completed and submitted to Business Process Services.
3. Agenda briefing information (supporting documentation) should be provided to Business Process Services 3 business days prior to the agenda meeting so that the document may be scanned and be available to the public the same day that the notice of administrative agenda is posted.
4. Administrative Agenda meetings will be scheduled by the Assistant Commission Secretary in collaboration with the Commissioners, General Counsel and the Executive Director with noticing and posting requirements taken into consideration.
5. Business Process Services will draft the agenda meeting notice. The draft notice will be distributed to the Chairman, General Counsel and the Executive Director for approval. Commissioners will be provided a copy of the draft notice for review.
6. The Notice of Administrative Agenda will be sent to all parties on the administrative agenda service list that is maintained by Policy Support. If a particular item requires additional service, the person that placed that item on the agenda will advise the Assistant Commission Secretary.
7. The administrative agenda will not be broadcast over the Internet. Administrative agendas will be recorded and transcribed by request.
8. The Assistant Commission Secretary will take minutes of the administrative agendas. The minutes will be scanned and will be available on the Commission's website.

EXHIBIT E



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EXHIBIT F

RECEIVED-PUBLIC
UTILITIES COMMISSION
OF NEVADA-CARSON CITY

2015 DEC 11 AM 10:50



U.S. Department
Of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

1200 New Jersey Ave., SE
Washington, DC 20590

December 10, 2015

OVERNIGHT EXPRESS MAIL

Ms. Stephanie Mullen
Executive Director
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701-3109

Dear Ms. Mullen:

Sections 60105(e) and 60106(d) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Act) provide for the monitoring of State pipeline safety programs by the Pipeline and Hazardous Materials Safety Administration (PHMSA). This annual monitoring is to ensure compliance with the Act's requirements for State pipeline safety programs and provides information for determining the State's total point award for the PHMSA pipeline safety grant for next year.

September 14 - 18, 2015, a representative of PHMSA's Office of State Programs evaluated the CY2014 Pipeline Safety program activities conducted by the Public Utilities Commission of Nevada (PUCN). The evaluation encompassed the validation of annual Progress Report documents submitted to PHMSA, review of the pipeline program procedures and records, and the observation of an on-site inspection of a pipeline operator conducted by your staff. Thank you for the courtesies extended to Mr. Leonard Steiner, PHMSA State Programs, by your staff.

I would like to extend PHMSA's congratulations for being appointed to the Executive Director of the PUCN. I look forward to working with you and if you have any questions, please contact me or any of my staff.

Since the evaluation, I have learned of several changes. First, Mr. Clark Stoner has retired after thirteen years of pipeline safety. I wish him the best in his retirement. I have learned that Mr. Ken Jones was selected as the Program Manager and I look forward to working with him. Additionally, PHMSA recognizes and commends the service of Mr. Paul Maquire serving on the National Association of Regulatory Utility Commissioners (NARUC) Staff Subcommittee on Pipeline Safety, and the contributions of Mr. Jones and Mr. Craig Rogers as members of the common Ground Alliance and Nevada Regional Common Ground Alliance associations. I appreciate your support of these important pipeline safety initiatives.

Based on the evaluation and the validation of Progress Report information, it appears the pipeline safety program is generally complying with PHMSA's requirements. If an item has not been corrected from the previous evaluation, it will result in a loss of grant funding. As a result of this evaluation, I would like to bring the following items to your attention:

1. Each year PHMSA's State Programs Office reviews and scores the annual Progress Report submitted by each State program. Through the Progress Report, the State documents meet the minimum basic requirements established by PHMSA. This year no deficiencies were discovered and the PUCN received the maximum 50 points for the Progress Report score.
2. During the Performance Evaluation one point was deducted for failing to document the results of transmission integrity management program inspections (IMP) on the correct form. In conjunction with the adequate documentation of these inspections, the forms must be uploaded into a Federal integrity management database (IMDB). On all future IMP inspections, please ensure the correct form is used and uploaded to the IMDB in a timely manner.
3. PHMSA appreciates that the PUCN has used its authority to assess civil penalties. In CY2014, \$7,500.00 in penalties was assessed and \$87,500.00 was collected from violations of pipeline safety regulations. We encourage you to continue to use this penalty, when circumstances warrant, as an important compliance tool.
4. PHMSA appreciates that the PUCN has encouraged and assisted operators to replace pipe that have high risk factors. The Distribution Integrity Management Program should readily identify those segments of pipelines that will have the highest risks.

Please provide your comments regarding item 2 above within 60 days of your receipt of this letter to avoid losing performance points in next year's evaluation. The response should be addressed to me at the following address: 3700 S. MacArthur Blvd, Suite B, Oklahoma City, OK 73179-7612. Thank you for your contributions and continuing support of the pipeline safety program.

Sincerely,



Zach Barrett
Director for State Programs
Office of Pipeline Safety

cc: Ken Jones, Nevada State Program Manager
Paul A. Thomsen, Chairman, Public Utilities Commission of Nevada
Paul Maguire Engineering Manager, Public Utilities Commission of Nevada.
Acting Director, Western Region Director, PHMSA, PHP-500

EXHIBIT G



BRIAN SANDOVAL
Governor

STATE OF NEVADA

PUBLIC UTILITIES COMMISSION

PAUL A. THOMSEN
Chairman
ALAINA BURTENSHAW
Commissioner
DAVID NOBLE
Commissioner
STEPHANIE MULLEN
Executive Director

January 22, 2016

Mr. Zach Barrett
Pipeline and Hazardous Materials Safety Administration
Director State Programs
Office of Pipeline Safety
3700 S. MacArthur Blvd, Suite B
Oklahoma City, OK 73179-7612

Re: Nevada's 2014 Pipeline Safety Program Evaluation

Dear Mr. Barrett:

I am in receipt of your letter dated December 10, 2015, wherein you provided the Public Utilities Commission of Nevada ("PUCN") with the results of Leonard Steiner's pipeline safety program review for calendar year 2014. The PUCN appreciates the efforts of Mr. Steiner in learning how the PUCN's pipeline safety program is administered and Mr. Steiner's suggestions on how the PUCN can improve its pipeline safety program. Mr. Steiner has a wealth of experience in the area of pipeline safety, and many of the suggestions he made during his visit were very helpful and are being investigated/implemented.

In your letter you laid out four specific points, and I would like to respond to each of those points as follows:

Item # 1 – PUCN's Annual Progress Report:

I would like to thank you for the full 50 point score on the PUCN's 2014 Progress Report. The PUCN's pipeline safety group puts a lot of effort into preparing its Annual Progress Report and always tries to include detailed notes on each attachment section in order to provide as much information as possible on what is occurring in Nevada with regards to pipeline safety. Additionally, the PUCN would like to thank your Staff member, Rex Evans, for his work on reviewing draft copies of the PUCN's Annual Progress Reports. Mr. Evans has on several occasions found small discrepancies during his review and his feedback has allowed these discrepancies to be corrected before the final Progress Report was filed.

Item # 2 – Transmission Integrity Management Program Inspections:

The PUCN will ensure that future transmission integrity management program inspections utilize the correct form and that those forms are uploaded to Federal integrity management database. Since the time Mr. Steiner performed the 2014 Program Evaluation (September 2015), the PUCN pipeline safety group has performed several transmission integrity management program inspections and the forms associated with these inspections have been or are in the process of being uploaded to the integrity management database.

Item # 3 – PUCN's Use of its Civil Penalty Authority

NORTHERN NEVADA OFFICE
1150 East William Street
Carson City, Nevada 89701-3109
(775) 684-6101 • Fax (775) 684-6110

<http://puc.nv.gov>

SOUTHERN NEVADA OFFICE
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148
(702) 486-7210 • Fax (702) 486-7206

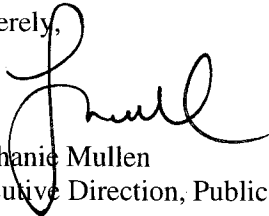
I would like to thank you for your acknowledgment of the PUCN's use of its civil penalty authority. The PUCN understands the importance of using its civil penalty authority as a tool to ensure operator compliance. As will be outlined in the PUCN's 2015 Progress Report that will be filed on March 2, 2016, in 2015 the PUCN assessed approximately \$345,000 in civil penalties and compliance actions for violations of pipeline safety regulation, which is a PUCN pipeline safety program record.

Item # 4 – PUCN's Support for the Replacement of Higher Risk Pipeline Infrastructure

I would like to thank you for acknowledging the PUCN's efforts in promoting the replacement of higher risk, aging pipeline infrastructure. In 2015, the PUCN once again approved a special gas infrastructure rate, via Docket No. 15-06001, and this special gas infrastructure rate will allow Nevada's largest Local Distribution Company, Southwest Gas Corporation, to replace 50 miles of higher risk Poly-Vinyl Chloride and Aldyl A distribution pipelines as well as 10 miles of pre-code, grandfather clause (49 CFR 192.619(c)), steel transmission pipelines.

The PUCN appreciates its relationship with PHMSA in working to ensure compliance with pipeline safety regulations and in reducing damages to underground pipeline facilities and looks forward to reinforcing this strong relationship in the future.

Sincerely,



Stephanie Mullen
Executive Director, Public Utilities Commission of Nevada

cc: Paul Maguire, Engineering Manager
Ken Jones, Senior Gas Pipeline Engineer
file/database

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PUCN RECORDS OFFICIAL

The PUCN's [Executive Director](#) has designated [Trisha Osborne](#) as the agency's records official and has designated [Peter Kostas](#) and [Elizabeth Avram](#) as alternate records officials who will act when the designated records official is absent or otherwise unavailable to act. The records official is the point of contact for members of the public who request disclosure of public records.

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