

BEFORE THE PUBLIC UTILITIES COMMISSION

Application of Nevada Power Company d/b/a/)
NV Energy filed under the Advice Letter No.)
459 to revise Tariff No. 1-B to establish an) Docket No.: 15-11003
Optional Flexible Payment Plan.)

Apparently, the PUC needs to be reminded of the following:

The PUCN's basic regulatory duties, as defined by the Legislature (NRS 704.001), include:

To provide for fair and impartial regulation of public utilities.

To provide for the safe, economic, efficient, prudent and reliable operation and service of public utilities.

*To balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments **while providing customers with just and reasonable rates.***

Just what part of flex-pay fits those statutory goals of fair and impartial regulation?

We have a sitting Commissioner, David Noble, who has on numerous occasions stated that he is AGAINST subsidies. His most vocal resolute on this was during the smart meter opt out, along with Wagner who were against the other ratepayers paying for this. The net meeting fiasco showed that the subsidies were to be wound down for non-solar customers. Why should this be subsidized by other ratepayers?

The PUC's own reference regarding senior deposits is as follows, EXHIBIT A:

- ❖ **Certain customers who receive benefits from a retirement plan or from the Social Security Administration** cannot be required to pay a deposit, unless the customer has had a termination of service or has had four or more payments after the issuance of the next monthly bill within a 12-month period.
- ❖ Senior citizens who are required to pay deposits may be eligible to pay half of the deposit normally required.

In the 6th Revised version of Rule 13, under 1c it states:

c. If an elderly Customer establishes credit by making a Deposit:

- i. **the Deposit must not exceed 50 percent of the Deposit established pursuant to subsection 1.a.ii.**

- ii. if a termination of service for non-payment of bills occurs or the Customer has more than three (3) or more Delinquent Bills within a 12-month period, the remaining 50 percent of the Deposit must be provided.
- iii. if the Utility wishes to require a Deposit of an elderly Customer, after the elderly Customer has three (3) Delinquent Bills, the Utility must notify the Customer that upon a fourth such occurrence, a Deposit will be required

Since the PUC's citation CLEARLY references: **"Certain customers who receive benefits from a retirement plan or from the Social Security Administration", therefore, ANYONE who is on disability is ENTITLED to the SAME DEPOSIT REDUCTION as a senior! As their income for DISABILITY comes from the SOCIAL SECURITY ADMINISTRATION!**

What screening procedures have been ENACTED to DETERMINE if a ratepayer is ON DISABILITY from SSA, and WERE THEY OFFERED the REDUCED deposit amount?

I am willing to state no one BUT ME has IDENTIFIED this issue! So, who is going to ENFORCE this and have those on disability be able to have half of their current deposit REFUNDED to them?

The only figures I could come up with regarding those on SS Disability for Nevada were from 2014, EXHIBIT B.

Total blind/disabled is 38,757
18-64 years old is 28,093

So these numbers show that these people are entitled to 50% of the deposit, thus, taking them out of any figures of 'potential' participants in flexpay. Along with the fact, that in June of 2015, at MY RECOMMENDATION NVE extended the deposit payment plan from 3 to 4 months. So for this demographic at 50% of the deposit, with a 4 month payout, will be able to avoid being forced into flexpay.

Will the PUC ORDER NVE to notify customers, via an email and outreach campaign to have ratepayers have their deposits reviewed and partially refunded? A CONSUMER session should be done.

Or as USUAL, is the PUC going to do the ostrich in the sand approach, when they get CAUGHT not doing their job? ESPECIALLY when a ratepayer finds them to be in error.

Or should there be a concerted and aggressive outside of the PUC, campaign that the PUC is DISCRIMINATING against the disabled who are entitled to reduced deposits because of the benefits received from SSA?

STOP WITH YOUR CHINESE MENU APPROACH OF 1 FROM COLUMN A, 1 FROM COLUMN B approach to render your fair and equitable decisions.

Now NVE apparently has taken a page from Solar City's playbook: "We want everyone to have solar, as an alternative to NVE, but, you have to have a certain FICO score, etc". Flex pay is promoting basically the same thing: offering it as an alternative to making a deposit, BUT, we don't want people who are seniors or have health concerns. With the PUC ENDORSING this DISCRIMINATORY program.

Nowhere in this tariff does it state how much of a deposit if it is new construction. Along with the fact the ***PUC HAS INTENTIONALLY*** removed from their website that properties **WITHOUT HISTORICAL ENERGY USE DATA**, will have a FLAT RATE of \$100 for the deposit.

This hide the salami approach by the PUC is neither fair nor equitable to the ratepayers who are NOT part of this plan.

BY ENACTING THE PUC'S OWN ADMISSION REGARDING SOCIAL SECURITY BENEFITS, those who on these programs will have lower deposit amounts and SUBSTANTIALLY the REDUCE the number of POTENTIAL VICTIMS of flexpay. Is this QUALIFIED group of ratepayers being DENIED the option for lower amounts in order to INFLATE the numbers to have the PUC APPROVE flexpay? I say most definitely!

As Patrick Morton stated in his testimony filed March 29th, Page 24, Question 42:
"The prepaid program was created by NV Energy for NV Energy. No customer outreach or direct attempt at NPC or SPPC customer base was made by NV Energy."

So NVE has unilaterally determined that their ratepayers will jump at this program, by ascribing their views onto the ratepayers. Most likely the reason any outreach was NOT done, as once the ratepayers got the REAL details would REJECT this program.

Flexpay is a STAND alone program, not to be intermingled, so that the true effectiveness would be difficult to ascertain and isolate, piss poor planning to hide the probable failure of the program.

Question 46 stated:

"Cost should be appropriately assigned to the participating customer and not subsidized by other customers".

Which would follow EXACTLY how both the PUC & NVE approached the smart meter opt out.

Question 53 stated:

“Payment plans should be tailored to affordability. There are many different combinations that should be explored prior to launching the prepaid program. NV Energy touting prepaid as a program not requiring any deposit and reconnection fees only highlights the problem and the need to revisit the deposit rules.”

Thru out this entire docket I have ad nauseum cited that the deposits should be fixed amounts predicated on the type of structure classification that the service was being provided to, versus historical data, which is not a fair or equitable representation of the new residents energy usage. Which has been summarily ignored.

Changes to the Consumer Bill of Rights are IF the new is more protective/generous to the ratepayer. So how is eliminating options that others have such as the right to refute a bill, equal pay, timeframe notification, eliminating certain age demographics, regarding terminations of service more beneficial?

What are the proposals that NVE wants to offer? Nothing has been really fully defined.

Duress is not a NORMALLY accepted legal business practice, but it appears that it is being covertly applied here. The carrot dangling to avoid a deposit makes prepay seem a ‘welcomed’ alternative. When dealing with low income people, you are not dealing with highly educated people to understand all the nuances associated with this program, along with the fact you have non-English speaking who won’t understand the ‘finances’ associated with this program. They will ‘hear’ what they want, which would be elimination of a deposit, the ongoing fees are not going to be fully understood by this demographic. As they are going to be FORCED to sign that they understand the program, which they will do so under duress to be enrolled to avoid a deposit.

Any CONTRACT for implementation of this program most likely will be drafted in a ‘simplified’ form of ‘legalese’, which normally would be expected in any ‘business transaction’. But I SERIOUSLY doubt that this contract can be dumbed down enough to have people who haven’t graduated high school could understand.

Having been at numerous consumer sessions, when questions were asked, as hard as NVE tried to respond to a ratepayer’s concern, you could tell by the ratepayer’s looks, it was still way over their head.

This is IDENTICAL to how the PUC talks, on the VERY RARE occasions that they speak to the public. All one has to do is read the ‘report’ when a complaint is filed, its NOT dumbed down and ‘responds’ at a ‘business’ not ‘public understandable’ level.

When degreed/professionals are used to interacting with colleagues they use verbiage that is standard with them. But trying to explain things to an uneducated public, to 'dumbing down' to basically a junior high school education is extremely challenging.

Potential ratepayers to this duress-driven option will only hear/retain the 'avoidance' of the deposit.

EVERY option should be explored prior to implementing this program.

The 'purpose' of this plan to reduce NVE's outstanding receivables is PURELY NVE-centric. Write offs are a NORMAL part of EVERY business, yet, NVE wants to avoid this.

This plan will NOT be a TRUE enactment of energy savings, it is SOLELY one of DEPRIVATION over a 'Sword of Damocles' decision, regarding potential for termination of service.

NVE is trying to change their 'image' to one of being 'concerned' about their ratepayers. If this was in fact truthful, they would seek to exhaust EVERY option, generate a FAIR, flat rate deposit, rather than placing the most vulnerable demographic in a stress and financially devastating program such as flexpay.

Barry Gold in his statement said: "*Singling out a protected class of people who are not able to participate based solely on age may open this up for litigation.*" I can assure you, it will not be 'may open', this is nothing short of a 'begging' for litigation.

If the PUC decides to go forward with this, I am CERTAIN that a lot of elected representatives will become involved, and come 2017, your BDR's are going to be looked at with a fine tooth comb, ESPECIALLY if the PUC tries to revive from the dead, a BDR similar to SB46.

How can both the PUC & NVE decide that once a person reaches a certain age they are no longer a 'viable' candidate for a program? Seniors are a major protected group and now this plan wants to 'throw them under the bus', DISCRIMINATION!

The PUC CAVED to the solar people, does the PUC really think that about 18,000 solar customers and their 'fans', can OUT complain the following segment of Clark County and NVE ratepayers?

60 and 61 years: 22,003
62 to 64 years: 30,781

65 and 66 years: 17,406
67 to 69 years: 23,076
70 to 74 years: 28,808
75 to 79 years: 20,306
80 to 84 years: 14,190
85 years and over: 11,480

households in Clark County containing people over 60

Total Population: 715,365

Total Population 1,951,269 100

Above figures from Current Clark County, Nevada Population, Demographics and stats in 2016, 2015. <https://suburbanstats.org/population/nevada/how-many-people-live-in-clark-county>

DATED and DONE this 17th day of April, 2016.

/s/
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EXHIBIT A

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Utility Bills

Who Does the PUCN Regulate?

Preguntas Más Frecuentes del Consumidor

1. Am I required to provide my social security number when applying for new service?
2. What should I do if someone has fraudulently established service in my name?
3. Can a utility refuse to provide service?
4. When I apply for utility services, will I have to pay a deposit?
5. If I must pay a deposit, how much will it be?
6. If I must pay a deposit, do I have to pay it all at once?
7. If a utility did not collect a deposit from me or has refunded my deposit and my payment history becomes poor, can I be required to pay a deposit?
8. When will my deposit be returned to me?

1. Am I required to provide my social security number when applying for new service?

Utilities generally set forth the information required to apply for service in their tariffs. A utility may require information such as the legal name of the applicant and the date of birth in order to establish a customer's identity. Some utilities may require a social security number, but many provide an alternative such as a driver's license number.

2. What should I do if someone has fraudulently established service in my name?

If you believe that someone has used your personal information to establish service, contact the police to make a report and your utility to request a fraud packet. You may have to demonstrate that the service was not provided to you. For assistance, contact the PUCN's Consumer Complaint Resolution Division.

3. Can a utility refuse to provide service?

Yes. In general, an electric, gas or telecommunication utility may refuse to initiate service until a customer complies with the requirements outlined in the utility's tariffs to obtain service, including circumstances in which a customer is trying to obtain services via fraudulent means.

4. When I apply for utility services, will I have to pay a deposit?

Customers of electric, gas, and telephone utilities may be required to pay a deposit if they cannot establish credit by another method as defined in the tariffs for the particular type of utility. Electric, gas and telephone utility customers may establish credit by demonstrating that they have paid utility bills on time for the preceding twelve months. Certain customers who receive benefits from a retirement plan or from the Social Security Administration cannot be required to pay a deposit, unless the customer has had a termination of service or has had four or more payments after the issuance of the next monthly bill within a 12-month period. Customers who have no payment history or poor payment history may have to pay a deposit.

Water utilities are permitted by law to require a security deposit. Mobile home parks in which the landlords collect money from tenants to place in a tenant service charge account may collect a deposit equal to the amount that the utility collects to connect those customers.

Eligible Telecommunications Carriers ("ETCs") that provide lifeline services may charge a service deposit depending on the circumstances.

5. If I must pay a deposit, how much will it be?

For electric and gas utilities, a deposit cannot exceed one and a half times the estimated average monthly bill of the residence. This is normally based on the historical usage at the residence. For example, if the previous tenant of an apartment used \$100 worth of electricity a month, the new tenant's deposit cannot exceed \$150. In general, a telephone utility may charge up to twice the average estimated monthly bill for service or \$100, whichever is less.

Senior citizens who are required to pay deposits may be eligible to pay half of the deposit normally required.

6. If I must pay a deposit, do I have to pay it all at once?

Not necessarily. An electric or gas utility must permit payment of the deposit in installments. A telephone utility

may allow deposits and/or connection fees to be paid in installments if certain requirements are met.

A water utility or landlord of a mobile home park who provides water service may provide for a security deposit to be paid in installments. The rules for water utilities are generally set forth in their tariffs, and vary from utility to utility.

Note that utilities may charge interest on the unpaid portion of the deposit.

7. If a utility did not collect a deposit from me or has refunded my deposit and my payment history becomes poor, can I be required to pay a deposit?

Yes. An electric or gas utility customer who has had more than three late payments in 12 consecutive months, or who has had service shut off, can be required to pay a deposit to guarantee future payments. A telephone utility customer can be required to pay a deposit after termination of service because of a delinquent bill, payment of a delinquent bill in installments, or after having had two or more checks dishonored. Water utilities generally have rules in their tariffs regarding when a security deposit may be required.

8. When will my deposit be returned to me?

Electric, gas and telephone utilities are required to refund the deposit promptly upon termination of service. In general, a deposit may be refunded or credited to a customer's account. When service is terminated at the request of the customer, the deposit may also be used to pay off any outstanding balance on the account. Electric, gas and telephone utilities may hold a deposit indefinitely until a customer makes timely payments for 12 consecutive months or otherwise establishes satisfactory credit. Upon establishment of satisfactory credit, the deposit must be refunded. It may take one or two billing cycles after a customer qualifies for the refund of a deposit for the refund to be applied to the account.

All utilities regulated by the PUCN are required to return any deposits they collect with interest when the refund of the deposit is due. Mobile home park landlords also must return to tenants and former tenants any utility deposits or refunds owed to them including any interest owed to the customer by the utility.

A deposit and any applicable interest may be applied to the new account of a customer who moves to a new address within the same utility's service area.

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EXHIBIT B

Table 3.
Number of recipients in state (by eligibility category, age, and receipt of OASDI benefits) and amount of payments, by county, December 2014

| County | ANSI Code | Total | Category | | Age | | | SSI recipients also receiving OASDI | Amount of payments (thousands of dollars) ^a |
|-------------------------|-----------|--------|----------|--------------------|----------|--------|-------------|-------------------------------------|--|
| | | | Aged | Blind and disabled | Under 18 | 18-64 | 65 or older | | |
| Total, Nevada | 32 | 50,919 | 12,162 | 38,757 | 9,807 | 28,093 | 13,019 | 15,590 | 28,853 |
| Counties | | | | | | | | | |
| Churchill | 32001 | 493 | 107 | 386 | 69 | 308 | 116 | 200 | 259 |
| Clark | 32003 | 38,973 | 9,743 | 29,230 | 8,037 | 20,491 | 10,445 | 11,284 | 22,274 |
| Douglas | 32005 | 396 | 84 | 312 | 59 | 251 | 86 | 142 | 211 |
| Elko | 32007 | 492 | 98 | 394 | 67 | 321 | 104 | 193 | 284 |
| Esmeralda | 32009 | 16 | (X) | (X) | (X) | (X) | (X) | (X) | 8 |
| Eureka | 32011 | 18 | (X) | (X) | (X) | 12 | (X) | 10 | 9 |
| Humboldt | 32013 | 223 | 57 | 166 | 30 | 133 | 60 | 86 | 112 |
| Lander | 32015 | 86 | 23 | 63 | (X) | 54 | (X) | 34 | 46 |
| Lincoln | 32017 | 63 | 20 | 43 | (X) | 41 | (X) | 31 | 31 |
| Lyon | 32019 | 876 | 124 | 752 | 146 | 598 | 132 | 302 | 496 |
| Mineral | 32021 | 144 | 27 | 117 | (X) | 107 | (X) | 50 | 80 |
| Nye | 32023 | 1,014 | 178 | 836 | 126 | 691 | 197 | 339 | 543 |
| Pershing | 32027 | 63 | 11 | 52 | (X) | 45 | (X) | 20 | 31 |
| Storey | 32029 | 12 | (X) | (X) | 0 | (X) | (X) | (X) | 6 |
| Washoe | 32031 | 6,915 | 1,478 | 5,437 | 1,118 | 4,234 | 1,563 | 2,470 | 3,864 |
| White Pine | 32033 | 145 | 23 | 122 | 16 | 102 | 27 | 46 | 78 |
| Independent city | | | | | | | | | |
| Carson City | 32510 | 990 | 178 | 812 | 110 | 690 | 190 | 370 | 521 |

SOURCES: Social Security Administration, Master Beneficiary Record and Supplemental Security Record, 100 percent data; and U.S. Postal Service geographic data.

NOTES: ANSI = American National Standards Institute; (X) = suppressed to avoid disclosing information about particular individuals.

a. The state payment total does not equal the sum of the rounded county totals.

CONTACT: (410) 965-0090 or statistics@ssa.gov.