

Angel De Fazio, BSAT
POB 29194
Las Vegas, NV 89126
702/490-9677
NTEFUSA@Aol.Com

June 9, 2014

Office of the Attorney General
ATTN: OML Coordinator
100 N. Carson St.
Carson City, NV 89701

Via: 775/684-1108

Re: **Carolyn Tanner, General Counsel**
NV Bar Number 5520
David Noble, Commissioner
NV Bar Number 6761 (Inactive)
Public Entity: PUC
1150 E. William Street
Carson City, NV 89701-3109
Breanne Potter, Ass't PUC Secretary

Assertions: Violation of Open Meeting
Law

Dear Deputy Attorney General:

Under NRS 241.040(4), the Office of the Attorney General must investigate and prosecute alleged violations of the Open Meeting Law. The Office of the Attorney General believes that any person may file a complaint with the Office of the Attorney General even if that person is not directly aggrieved by the offense.

Ever since I filed my prior complaint with your office, the PUC has started/attempted to cut into the public's right to appear at PUC agendas and now consumer sessions. There has NEVER been single location consumer sessions, without video-conferencing on issues that they are required to allow public comments.

This is getting out of hand and one would think by now Tanner and the PUC should be cognizant of the fact, I will not tolerate their 'cutting off at the knees' public input and open meeting law participation. Apparently, they are either slow learners or think that I will not proceed with another filing with the Attorney General's Office.

On June 4, 2014, Breanne Potter issued two notices of Notice of Consumer Session and Notice of Hearing for Dockets 14-05004 and 14-05005. Which cover the triennial rate case for NV Energy customers in the south (14-05004) and Recovery of smart meter costs for those in Sierra Pacific (14-05005). Which cited "*At which time interested persons may*

appear and be heard regarding the above-captioned matters and the effects that these matters may have on their utility service.” **EXHIBITS A,B**

Yet, they are video conferencing to both locations during hearings whereby the public is precluded from speaking. **EXHIBITS A, B**

These dockets 14-05004/5 are interrelated, as 14-05005 is predicated on the decision rendered in 14-05004 regarding recovery of smart meter costs, that was to be addressed in the current triennial rate case, as in dockets 13-06002/4 Sierra Pacific’s request to recover costs was to be addressed in the newly filed rate case for ratepayers in the south (14-05004). Therefore, all ratepayers have a highly vested interest in the outcome of these two dockets in question.

Even the PUC has acknowledged that there is an interrelationship between these two dockets, as by their own admission as they stated on both of these consumer session notices they cited: *“Pursuant to 703.740, this Docket has been consolidated with Docket 14-05004 for hearing purposes only.”* **EXHIBITS A,B**

703.740 NAC Consolidation. (NRS 703.025, 704.210)

The Commission may consolidate two or more dockets in any one

1. hearing when it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by a consolidated hearing.

2. At a consolidated hearing the presiding officer will determine the order in which the parties introduce their evidence and the general procedure to be followed during the course of the consolidated proceeding.

3. The presiding officer will apportion the costs of the hearing among the parties in a manner not contrary to statute.

4. Unless the Commission orders otherwise, the Secretary will place the same date of issuance and the same effective date, if applicable, on all orders made by the Commission in relation to a consolidated hearing.

[Pub. Service Comm’n, Gen. Order 3 § 11.070, eff. 1-1-79]

Not to negate the fact, that when the PUC called for requests to be commenters, ratepayers from both north/SP and south/NVE filed in a timely manner said requests. There was no rejection of people requesting to be a commenter, be restricted to either north/south, all requests were accepted and are a matter of the PUC’s record of said dockets. **EXHIBITS C,D,E,F**

On June 6, 2014, I sent an email to Breanne Potter, Assistant Commission Secretary requesting that the upcoming consumer session for Dockets 14-05004 and 14-05005 be video conferenced to both locations, as the decisions rendered by the PUC will be impacting both Sierra Pacific and NV Energy consumers. I received a follow up email from Carolyn Tanner, General Counsel stating that it was decision of the presiding Commissioner, David Noble to NOT ALLOW video conferencing during these dockets. I responded to Tanner’s email with a ‘courtesy gloves off’ email, to which as of this filing, has not been responded to. **EXHIBIT G & J**

In 2013 when Sierra Pacific filed their triennial rate cases, designed by Dockets numbers 13-06002, 06003 and 06004. They were required to hold a consumer session regarding these as referenced on the PUC's website:

NRS704.069 *Commission required to conduct consumer session for certain rate cases; Commission required to conduct general consumer session annually in certain counties. Except as otherwise provided in subsections 9 and 11 of*

1. NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

A public utility has filed a general rate application, an (a) application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

The changes proposed in the application will result in an increase (b) in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

Application of Sierra Pacific Power Company d/b/a NV)	
Energy for authority to adjust its annual revenue)	
requirement for general rates charged to all classes of)	Docket No. 13-06002
electric customers and for relief properly related thereto.)	
_____)	
Application of Sierra Pacific Power Company d/b/a NV)	
Energy for authority to increase its annual revenue)	
requirement for general rates charged to all classes of)	Docket No. 13-06003
gas customers and for relief properly related thereto.)	
_____)	
Application of Sierra Pacific Power Company d/b/a NV)	
Energy for approval of new and revised depreciation)	Docket No. 13-06004
rates for its electric and common accounts.)	
_____)	

On July 11, 2013, Breanne Potter issued a Notice of Consumer Session and Notice of Hearings for Dockets 13-06002-4, wherein the consumer session was video conferenced to the Las Vegas Office of the PUC, citing "at which time interested persons may appear and be heard regarding the above-captioned matters and the effects that these matters may have on their utility service." **EXHIBIT H**

NOTICE IS HEREBY GIVEN that the Commission has scheduled a CONSUMER SESSION for the Applications in Docket Nos. 13-06002, 13-06003, and 13-06004 to be held as follows:

WEDNESDAY, SEPTEMBER 4, 2013
6:00 p.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

Since when can a presiding Commissioner decide to halt public input, especially when he has a history of being 'annoyed' when he has to deal with the public. This is not Noble's first time in trying to 'control' public participation. This was referenced in a prior complaint OML File No.: 14-008.

There was never any mention that the public has to be in 'select' areas in order to participate in any open meeting that is required by statute to be held.

§ 13.02 Relationship of Open Meeting Law to Administrative Procedures Act, NRS Chapter 233B The 2009 Legislature made changes to the method of adopting regulations by agencies that are subject to Nevada's Administrative Procedures Act. (APA). SB 267 amended NRS 233B.061 to apply the OML to agency workshops and hearings. SB 267 also amended NRS 233B regarding the holding of workshops and hearings only after LCB has returned proposed regulations to the agency. Act of June 3, 2009, Ch. 419, § 2, 2009 Nev. Stat. 2283. ***All workshops and public hearings must be conducted in accordance with the OML. NRS 233B.061 now applies the OML to all executive branch agencies subject to the APA, whether the agencies adopt regulations by board, commission or other public body, or by an individual.*** Agencies headed by a single person such as the Insurance Commissioner are included. The notice requirements for both NRS 233B and NRS 241.020 may be met in the same notice document so that duplication of notices at different times may be avoided. The OML's minimum notice requirement is before 9:00am three working days before the meeting. The Nevada Administrative Procedure Act (APA), chapter 233B of NRS, requires some agencies to give notice and conduct public hearings before adopting rules and regulations. The 2011 Legislature amended the rules of conduct of some bodies which meet or operate under NRS 233B. ***NRS 241.030(4) subjects all meetings of public bodies when meeting as a quasi-judicial body to the OML.***

§ 13.03 Relationship of Open Meeting Law to the First Amendment to the Constitution of the United States. *Once the right to speak has been granted by the Legislature (NRS 241.020(2)(3)), the full panoply of First Amendment rights attaches to the public's right to speak. The public's freedom of speech during public meetings is vigorously protected by both the U.S. Constitution and the Nevada Constitution. Freedom of expression upon public questions is secured by the First Amendment. New York Times Co. v. Sullivan, 376 U.S. 254, 269 (1964). This constitutional safeguard was fashioned to assure unfettered interchange of ideas for bringing about political and social changes desired by the people.*

These consumer sessions in question are not applicable with the annual ones that are held in specific counties:

In addition to the case-specific consumer sessions required by

2. subsection 1, *the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.*

(Added to NRS by 2001, 3243; A 2005, 1919; 2007, 2978; 2011, 384; 2013, 740)

General Consumer Sessions: *Each calendar year, the PUCN must conduct at least one general consumer session in the county with the largest population (Clark) and in the county with the second largest population (Washoe). The General consumer session allows 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 record from the consumer session is provided to the Legislature.* **EXHIBIT I**

All of these changes that are now affecting the public are because Tanner has an issue with me citing her 'actions' and failure to comply with the law regarding ADA accommodations. When I challenged the PUC on May 22, 2014, regarding having something read into the record, as Tanner submitted to you during her 'response', the PUC argued with me over this and I stated I would be filing with the AG's Office. This 'controlling' of public input, I believe is because of me challenging them and also the following: It is no surprise that Tanner is highly agitated that I caught her and had entered into the May 22, 2014 agenda documents, her 'playing' on facebook while she was at a legislature meeting complaining she was 'bored'. When said exhibit was turned into the PUC, they intentionally redacted all the posts, not showing that it was from her facebook page, along with another time, she was playing on facebook during work hours. **EXHIBIT K** This will be the subject of another complaint that the PUC with wanton disregard for the validity of the exhibit selectively decided to redact relevant information. Tanner freely and with full knowledge knew her posts were available to anyone on the internet. **EXHIBIT L**

Tanner and the PUC's issue is with me and therefore, the public should not be brought into this issue, nor be denied their rights as afforded under the open meeting law.

We the undersigned, are in support of this complaint regarding our rights under the open meeting law that are being denied, we are not a party to any other complaint filed with the Attorney General's Office, nor should we be embroiled with the issue regarding Tanner and De Fazio over the ADA issue.

We are requesting an **EXPEDITED** decision, as our rights are being severely impacted, and we should not be subject to any backlog of cases in the Attorney General's Office.

Please issue any correspondence to the main complainant via email at **NTEFUSA@Aol.Com.**

Thanking you in advance for your prompt attention to this matter.

DATED and DONE this 9th day of June, 2014.

/s/
Angel De Fazio, BSAT
Primary Complainant

Additional Complainants

/s/
Fred Voltz

/s/
Sheila Z. Stirling, Ph.D.

/s/
Jonathan Friedrich

/s/
Bruce Kittess

/s/
Carole Fineberg

/s/
Colonel Robert Frank, USAF (Ret.)

/s/
A. Jane Lyon

/s/
Richard Schweickert, Ph.D.

/s/
National Toxic Encephalopathy Foundation

/s/
Michelle Johnson, ND

/s/
Juanita Cox

/s/
Ken Koepp

/s/
Nikki Young

/s/
Mike Hazard

/s/
Joyce Hazard

/s/
Penny Hess

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Nevada Power Company d/b/a NV)
Energy for authority to increase its annual revenue)
requirement for general rates charged to all classes of) Docket No. 14-05004
electric customers and for relief properly related thereto.)
_____)

NOTICE OF CONSUMER SESSION
AND
NOTICE OF HEARING

On May 2, 2014, Nevada Power Company d/b/a NV Energy (“NPC”) filed an Application with the Public Utilities Commission of Nevada (“Commission”) for authority to increase its annual revenue requirement for general rates charged to all classes of electric customers and for relief properly related thereto (“Application”). The Commission has designated this filing as Docket No. 14-05004.

The filing is made pursuant to the Nevada Revised Statutes (“NRS”) and the Nevada Administrative Code (“NAC”), including but not limited to NRS 704.110, and NAC 703.2201 through 703.2481. Pursuant to NAC 703.5274, NPC requests that certain information it has filed with the Application under seal be deemed confidential and not be publicly disclosed for a period of five years.

The Application requests an increase in revenues of \$20,845,000. This is approximately a 0.90 percent increase over present revenues. The effect of the proposed request for increased revenues on each customer class of service is as follows:

Class	Description	Percent Increase/Decrease
Residential-Single Family	RS-1	1.85%
Residential-Single-Family-Prepaid Meter	RS PPM	no change
Residential-Multi-Family	RM	1.12%
Residential-Multi-Family-Prepaid Meter	RM PPM	no change
Residential-Large Family	RSL	0.76%
Residential-TOU-Single-Family-Option A	ORS OPT A	0.83%
Residential-TOU-Single-Family-Option A-HEVRR	ORS A HEVRR	(0.79%)

DRAFTED BY:	Hayley
FINAL DRAFT ON:	6/5/14 AT 9:02 AM
DATE:	
X	HW For AP 6/4/14

Residential-TOU-Single-Family-Option B	ORS OPT B	1.56%
Residential-TOU-Single-Family-Option B-HEVRR	ORS OPT B HEVRR	2.19%
Residential-TOU-Multi-Family-Option A	ORM OPT A	0.98%
Residential-TOU-Multi-Family-Option B	ORM OPT B	no change
Residential-Large Single-Family-TOU-Option A	OLRS OPT A	no change
Residential-Large Single Family-TOU-Option A HEVRR	OLRS OPT A HEVRR	no change
Residential-Large Single-Family-TOU-Option B	OLRS OPT B	no change
Residential-Large Single-Family-TOU-Option B HEVRR	OLRS OPT B HEVRR	no change
Residential-Private Area Lighting	RS-PAL	(4.25%)
General Service-Non-TOU	GS	1.86%
General Service-TOU	OGS-TOU	0.91%
General Service-TOU-HEVRR	OGS-TOU-HEVRR	no change
General Service-Private Area Lighting	GS-PAL	(5.33%)
Large General Service-1	LGS-1	(2.10%)
Large General Service-1-TOU	OLGS-1-TOU	(0.73%)
Large General Service-1-TOU-HEVRR	OLGS-1-TOU HEVRR	no change
Large General Service-1 SSR	SSR-3-LGS1	(1.36%)
Large General Service-2 Secondary	LGS-2S	0.39%
Large General Service-2: Primary LSR	LSR-1-LGS2P	no change
Large General Service-2: Primary	LGS-2P	(0.68%)
Large General Service-2: Transmission	LGS-2T	no change
Large General Service-2: Transmission LSR	LSR-1-LGS2T	4.84%
Large General Service-3: Secondary	LGS-3S	1.42%
Large General Service-3: Primary	LGS-3P	1.76%
Large General Service-3: Primary LSR	LSR-2-LGS3P	2.16%
Large General Service-3: Transmission	LGS-3T	1.32%
Large General Service-3: Transmission LSR	LSR-2-LGS3T	3.22%
Extra Large General Service: Secondary	LGS-X-S	1.82%
Extra Large General Service: Primary	LGS-X-P	0.78%
Extra Large General Service: Transmission	LGS-X-T	1.80%
Standby Service-Transmission Street Lighting	SST	no change
Street Lighting	SL	(0.68%)
LGS-Water Pumping-2: Secondary	LGS-2S-WP	1.79%
LGS-Water Pumping-2: Secondary LSR	LSR-2-LGS-2S-WP	no change
LGS-Water Pumping-2: Primary	LGS-2P-WP	(7.25%)
LGS-Water Pumping-2: Transmission	LGS-2T-WP	no change
LGS-Water Pumping-3: Secondary	LGS-3S-WP	(8.82%)
LGS-Water Pumping-3: Secondary LSR	LSR-2-LGS-3S-WP	no change
LGS-Water Pumping-3: Primary	LGS-3P-WP	(4.00%)
LGS-Water Pumping-3: Primary LSR	LSR-2-LGS-3P-WP	no change
LGS-Water Pumping-3: Transmission	LGS-3T-WP	no change
General Service: DOS	GS-DOS	30.02%
Large General Service-1: DOS	LGS-1-DOS	(15.04%)
Large General Service-2: DOS	LGS-2-DOS	(0.25%)
Large General Service-3: Secondary DOS	LGS-3S-DOS	(0.21%)
Large General Service-3: Primary DOS	LGS-3P-DOS	1.62%
Large General Service-3: Transmission DOS	LGS-3T-DOS	(58.58%)
LGS-Water Pumping-2: Secondary DOS	LGS-2S-WP-DOS	(11.93%)
LGS-Water Pumping-2: Transmission DOS	LGS-2T-WP-DOS	(15.27%)
LGS-Water Pumping-3: Secondary DOS	LGS-3S-WP-DOS	9.84%
LGS-Water Pumping-3: Primary DOS	LGS-3P-WP-DOS	(4.83%)
LGS-Water Pumping-3: Transmission DOS	LGS-3T-WP-DOS	(50.44%)
TOTAL SYSTEM		0.90%

The Commission may approve rates as proposed by NPC or decrease or increase the rates as necessary to provide that such rates are just and reasonable.

NOTICE IS HEREBY GIVEN that the Commission has scheduled a CONSUMER SESSION for the Application in Docket No. 14-05004 to be held as follows:

TUESDAY, JULY 22, 2014
6:00 p.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

At which time interested persons may appear and be heard regarding the above-captioned matters and the effects that these matters may have on their utility service. Representatives from NPC will be present at the consumer session to answer questions. Public comments may be limited to five minutes per speaker.

NOTICE IS HEREBY GIVEN that the Commission has scheduled HEARINGS on the Application in Docket No. 14-05004 to be held as follows:

Cost of Capital:
TUESDAY, AUGUST 26, 2014
10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

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Revenue Requirement:
MONDAY, SEPTEMBER 8, 2014
10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

Rate Design:
WEDNESDAY, SEPTEMBER 24, 2014
10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

These hearings may be continued from day to day as necessary. The Commission may approve changes to rates as necessary to provide that such rates are just and reasonable. Pursuant to NAC 703.740, this Docket has been consolidated with Docket No. 14-05005 for hearing purposes only. At this time, the Commission has scheduled August 26-28, 2014, September 8-12, 2014, and September 22-26, 2014 for these hearings. The Commission is not responsible for providing clerical or administrative assistance or materials to parties during Commission proceedings. If such assistance is necessary, parties must make other arrangements for this type of assistance.

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The filings are available for public viewing at the Commission's website at: <http://puc.nv.gov> and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. This notice has been posted at the county courthouses in Carson City, Reno, and Las Vegas.

To accommodate individuals who enter the Commission office who are sensitive to fragrance and chemical products, please use sparingly or not at all: perfumes, colognes, and perfumed body lotions, aftershave, hair products, etc.

By the Commission,



BREANNE POTTER,
Assistant Commission Secretary

Dated: Carson City, Nevada

6/4/14

(SEAL)

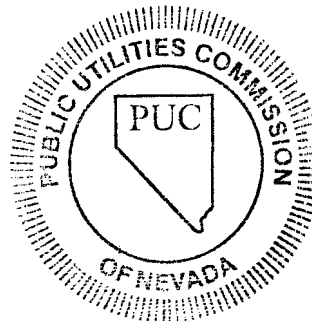


EXHIBIT B

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Petition of Sierra Pacific Power Company d/b/a NV	)	
Energy for cost recovery for the Advanced Service	)	
Delivery Project and Nevada Dynamic Pricing Trial	)	Docket No. 14-05005
pursuant to the Order issued in Docket Nos. 13-06002,	)	
13-06003, and 13-06004.	)	
_____	)	

NOTICE OF CONSUMER SESSION
AND
NOTICE OF HEARING

On May 2, 2014, Sierra Pacific Power Company d/b/a NV Energy ("SPPC") filed a Petition with the Public Utilities Commission of Nevada ("Commission") seeking cost recovery for the Advanced Service Delivery Project and the Nevada Dynamic Pricing Trial ("Petition"). This filing has been designated by the Commission as Docket No. 14-05005.

The filing is made pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), including but not limited to NAC 703.540 and ordering paragraph 10 of the Commission's Modified Final Order in Docket Nos. 13-06002, 13-06003, and 13-06004, issued February 3, 2014.

The Commission may approve changes to rates as necessary to provide that such rates are just and reasonable.

NOTICE IS HEREBY GIVEN that the Commission has scheduled a CONSUMER SESSION for the Petition in Docket No. 14-05005 to be held as follows:

WEDNESDAY, JULY 23, 2014
6:00 p.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

At which time interested persons may appear and be heard regarding the above-captioned

Hayley
6/3/14 AT 9:02 AM

x HW for AP 6/4/14

matters and the effects that these matters may have on their utility service. Representatives from SPPC will be present at the consumer session to answer questions. Public comments may be limited to five minutes per speaker.

NOTICE IS HEREBY GIVEN that the Commission has scheduled a HEARING on the Petition in Docket No. 14-05005 to be held as follows:

Revenue Requirement:
MONDAY, SEPTEMBER 8, 2014
10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

Rate Design:
WEDNESDAY, SEPTEMBER 24, 2014
10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

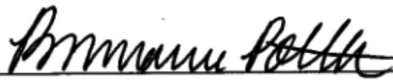
This hearing may be continued from day to day as necessary. Pursuant to NAC 703.740, this Docket has been consolidated with Docket No. 14-05004 for hearing purposes only. At this time, the Commission has scheduled September 8-12, 2014 and September 24-25, 2014 for this

hearing. The Commission is not responsible for providing clerical or administrative assistance or materials to parties during Commission proceedings. If such assistance is necessary, parties must make other arrangements for this type of assistance.

The filings are available for public viewing at the Commission's website at: <http://puc.nv.gov> and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. This notice has been posted at the county courthouses in Carson City, Reno, and Las Vegas.

To accommodate individuals who enter the Commission office who are sensitive to fragrance and chemical products, please use sparingly or not at all: perfumes, colognes, and perfumed body lotions, aftershave, hair products, etc.

By the Commission,


BREANNE POTTER,
Assistant Commission Secretary

Dated: Carson City, Nevada

6/4/14
(SEAL)



EXHIBIT C



State of Nevada
Public Utilities Commission



[Back](#)

Docket: 14-05004

	<u>Date Filed</u>	<u>Doc Type</u>	<u>Notes</u>	<u>DocID</u>
View	2014-06-05	MISC CORRESPONDENCE	Court Reporter	38632
View	2014-06-05	SERVICE LIST	Order on Kroger Co.	38614
View	2014-06-05	ORDER	Kroger Co. Intervention	38615
View	2014-06-05	SERVICE LIST	Order on So. NV Hotel Group	38616
View	2014-06-05	ORDER	So. NV Hotel Group Intervention	38617
View	2014-06-05	SERVICE LIST	Order on Switch	38618
View	2014-06-05	ORDER	Switch Intervention	38619
View	2014-06-05	SERVICE LIST	Order on Colorado River Commission	38620
View	2014-06-05	ORDER	Colorado River Commission Intervention	38621
View	2014-06-05	SERVICE LIST	Order on Wal-Mart Stores & Sams West	38622
View	2014-06-05	ORDER	Wal-Mart Stores & Sams West Intervention	38623
View	2014-06-05	SERVICE LIST	Order on So. NV Water Authority	38624
View	2014-06-05	ORDER	So. NV Water Authority Intervention	38625
View	2014-06-05	SERVICE LIST	Order on Ovation MM	38626
View	2014-06-05	ORDER	Ovation MM Intervention	38627
View	2014-06-04	SERVICE LIST	Notice	38605
View	2014-06-04	NOTICE	Consumer Session & Hearing	38606
View	2014-06-04	MISC CORRESPONDENCE	PUC Notice Letter	38607
View	2014-06-02	MISC CORRESPONDENCE	Kroger Co.	38480
View	2014-06-02	PROCEEDING TRANSCRIPT	Prehearing Conference	38457
View	2014-06-02	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	So. NV Hotel Group - ERROR	38464
View	2014-05-29	AFFIDAVIT PUB/POST	Nevada Power Company	38375
View	2014-05-29	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Howard Hughes Properties et al.	38386
View	2014-05-28	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Switch	38336

View	2014-05-28	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	So. NV Hotel Group	38332
View	2014-05-28	NOTICE OF COMMENTER	C. Wisecup	38338
View	2014-05-28	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Colorado River Commission	38341
View	2014-05-28	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Wal-Mart & Sams West	38345
View	2014-05-28	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	So. NV Water Authority	38348
View	2014-05-28	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Alliance for Solar Choice	38350
View	2014-05-27	AFFIDAVIT PUB/POST	Application & Prehearing	38288
View	2014-05-27	NOTICE OF COMMENTER	R. Frank	38322
View	2014-05-27	NOTICE OF COMMENTER	S. Sterling	38323
View	2014-05-27	NOTICE OF COMMENTER	AARP	38326
View	2014-05-23	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Ovation MM	38273
View	2014-05-23	NOTICE OF COMMENTER	J. Hazard	38282
View	2014-05-23	NOTICE OF COMMENTER	M. Hazard	38283
View	2014-05-21	NOTICE OF COMMENTER	C. Zimmerman	38182
View	2014-05-21	NOTICE OF COMMENTER	W. Ellis	38183
View	2014-05-21	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Kroger Co.	38206
View	2014-05-19	NOTICE OF COMMENTER	J. Friedrich	38080
View	2014-05-19	NOTICE OF COMMENTER	B. Kittess	38081
View	2014-05-19	NOTICE OF COMMENTER	A. Sanchez	38034
View	2014-05-19	NOTICE OF COMMENTER	L. Barillas	38035
View	2014-05-19	NOTICE OF COMMENTER	L. Buckardt	38048
View	2014-05-19	NOTICE OF COMMENTER	A. Lyon	38049
View	2014-05-19	NOTICE OF COMMENTER	C. Fineberg	38050
View	2014-05-19	NOTICE OF COMMENTER	M. Lahren	38051
View	2014-05-19	NOTICE OF COMMENTER	J. Snatic	38057
View	2014-05-19	NOTICE OF COMMENTER	R. Schweickert	38058
View	2014-05-19	NOTICE OF COMMENTER	M. Johnson	38069
View	2014-05-16	NOTICE OF COMMENTER	A. De Fazio	37982
View	2014-05-16	NOTICE OF COMMENTER	NTEF	37983
View	2014-05-16	NOTICE OF COMMENTER	NV Energy Stop Smart Meters	37984
View	2014-05-16	NOTICE OF COMMENTER	PUC Watch Dogs	37985
View	2014-05-16	NOTICE OF COMMENTER	F. Voltz	37986
View	2014-05-15	NOTICE OF COMMENTER	R. Lervoid	38319
View	2014-05-14	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	Federal Executive Agencies	37808
View	2014-05-14	MISC CORRESPONDENCE	Court Reporter	37834
View	2014-05-08	SERVICE LIST	Notice	37546
View	2014-05-08	NOTICE	Application & Prehearing	37547
View	2014-05-08	MISC CORRESPONDENCE	PUC Notice Letter	37548

View	2014-05-07	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	BCP/Consumer Protection	37484
View	2014-05-02	ORIGINAL FILING	Vol. 7 - Testimony	37287
View	2014-05-02	ORIGINAL FILING	Vol. 11 - Testimony	37313
View	2014-05-02	ORIGINAL FILING	Vol. 12 - Testimony	37314
View	2014-05-02	ORIGINAL FILING	Vol. 13 - Testimony	37323
View	2014-05-02	ORIGINAL FILING	Vol. 14 - Data Request Responses	37326
View	2014-05-02	ORIGINAL FILING	Vol. 15 - Data Request Responses	37327
View	2014-05-02	ORIGINAL FILING	Vol. 16 - Data Request Responses	37329
View	2014-05-02	ORIGINAL FILING	Vol. 17 - Data Request Responses	37330
View	2014-05-02	ORIGINAL FILING	Vol. 8 - Testimony	37305
View	2014-05-02	ORIGINAL FILING	Vol. 9 - Testimony	37307
View	2014-05-02	ORIGINAL FILING	Vol. 10 - Testimony	37310
View	2014-05-02	ORIGINAL FILING	Vol. 18 - Data Request Responses	37331
View	2014-05-02	ORIGINAL FILING	Vol. 19 - Data Request Responses	37332
View	2014-05-02	ORIGINAL FILING	Vol. 20 - Data Request Responses	37333
View	2014-05-02	ORIGINAL FILING	Vol. 21 - Work Papers	37334
View	2014-05-02	ORIGINAL FILING	Vol. 22 - Work Papers	37335
View	2014-05-02	ORIGINAL FILING	Vol. 23 - Work Papers	37336
View	2014-05-02	ORIGINAL FILING	Vol. 24 - Work Papers	37337
View	2014-05-02	ORIGINAL FILING	Vol. 1 - SPPC Transmittal Letter	37232
View	2014-05-02	ORIGINAL FILING	Vol. 2 - App/Draft Notice/Exhibits	37233
View	2014-05-02	ORIGINAL FILING	Vol. 3 - Statements	37235
View	2014-05-02	ORIGINAL FILING	Nevada Power Company	37226
View	2014-05-02	ORIGINAL FILING	Nevada Power Company Confidential	37227
View	2014-05-02	ORIGINAL FILING	Vol. 4 - Testimony	37279
View	2014-05-02	ORIGINAL FILING	Vol. 5 - Testimony	37280
View	2014-05-02	ORIGINAL FILING	Vol. 6 - Testimony	37284

EXHIBIT D



State of Nevada
Public Utilities Commission



[Back](#)

Docket: 14-05005

	<u>Date Filed</u>	<u>Doc Type</u>	<u>Notes</u>	<u>DocID</u>
View	2014-06-05	MISC CORRESPONDENCE	Court Reporter	38635
View	2014-06-04	SERVICE LIST	Notice	38608
View	2014-06-04	NOTICE	Consumer Session & Hearing	38609
View	2014-06-04	MISC CORRESPONDENCE	PUC Notice Letter	38610
View	2014-06-02	PROCEEDING TRANSCRIPT	Prehearing Conference	38453
View	2014-05-30	NOTICE OF COMMENTER	AARP	38436
View	2014-05-28	AFFIDAVIT PUB/POST	Petition & Prehearing	38352
View	2014-05-28	NOTICE OF COMMENTER	C. Wisecup	38339
View	2014-05-27	INTERVENTION/ANSWER /RESPONSE/WITHDRAW	BCP/Consumer Protection	38302
View	2014-05-27	NOTICE OF COMMENTER	S. Sterling	38324
View	2014-05-27	NOTICE OF COMMENTER	R. Frank	38325
View	2014-05-23	NOTICE OF COMMENTER	J. Hazard Corrected	38279
View	2014-05-23	NOTICE OF COMMENTER	M. Hazard Corrected	38280
View	2014-05-21	NOTICE OF COMMENTER	W. Ellis	38184
View	2014-05-21	NOTICE OF COMMENTER	C. Zimmerman	38186
View	2014-05-19	NOTICE OF COMMENTER	B. Kittess	38082
View	2014-05-19	NOTICE OF COMMENTER	A. Sanchez	38036
View	2014-05-19	NOTICE OF COMMENTER	L. Barillas	38037
View	2014-05-19	NOTICE OF COMMENTER	J. Friedrich	38038
View	2014-05-19	NOTICE OF COMMENTER	A. Lyon	38039
View	2014-05-19	NOTICE OF COMMENTER	C. Fineberg	38046
View	2014-05-19	NOTICE OF COMMENTER	L. Buckardt	38047
View	2014-05-19	NOTICE OF COMMENTER	R. Schweickert	38060
View	2014-05-19	NOTICE OF COMMENTER	M. Lahren	38061
View	2014-05-19	NOTICE OF COMMENTER	J. Snatic	38062
View	2014-05-19	NOTICE OF COMMENTER	M. Johnson	38074
View	2014-05-16	NOTICE OF COMMENTER	NTEF	37989
View	2014-05-16	NOTICE OF COMMENTER	M. Hazard	38019
View	2014-05-16	NOTICE OF COMMENTER	J. Hazard	38020
View	2014-05-16	NOTICE OF COMMENTER	NV Energy Stop Smart Meters	37992
View	2014-05-16	NOTICE OF COMMENTER	PUC Watch Dogs	37994
View	2014-05-16	NOTICE OF COMMENTER	A. De Fazio	37987
View	2014-05-16	NOTICE OF COMMENTER	F. Voltz	37988
View	2014-05-14	MISC CORRESPONDENCE	Court Reporter	37833

View	2014-05-08	SERVICE LIST	Notice	37554
View	2014-05-08	NOTICE	Petition & Prehearing	37555
View	2014-05-08	MISC CORRESPONDENCE	PUC Notice Letter	37556
View	2014-05-02	ORIGINAL FILING	Sierra Pacific Power	37222

EXHIBIT E

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

NOTICE OF APPLICATION FOR AUTHORITY TO ADJUST ANNUAL REVENUE
REQUIREMENT FOR GENERAL RATES CHARGED
TO ALL CLASSES OF CUSTOMERS
AND
NOTICE OF PREHEARING CONFERENCE

On May 2, 2014, Nevada Power Company d/b/a NV Energy ("NPC") filed an Application with the Public Utilities Commission of Nevada ("Commission") for authority to change its annual revenue requirement for general rates charged to all classes of customers ("Application"). This filing has been designated by the Commission as Docket No. 14-05004.

This Notice serves only to notify the public that the Commission has received the above-referenced filing. It is the responsibility of interested persons to review the filing and monitor the proceedings to determine their desired levels of involvement based on how this matter may affect their unique situations. The details provided within this Notice are for informational purposes only and are not meant to be an all-inclusive overview of the filing.

The Application requests an increase in revenues of \$20,845,000. This is approximately a 0.90 percent increase over present revenues. The effect of the proposed request for increased revenues on each customer class of service is as follows:

Class	Description	Percent Increase/Decrease
Residential-Single Family	RS-1	1.85%
Residential-Single-Family-Prepaid Meter	RS PPM	no change
Residential-Multi-Family	RM	1.12%
Residential-Multi-Family-Prepaid Meter	RM PPM	no change
Residential-Large Family	RSL	0.76%
Residential-TOU-Single-Family-Option A	ORS OPT A	0.83%
Residential-TOU-Single-Family-Option A-HEVRR	ORS A HEVRR	(0.79%)
Residential-TOU-Single-Family-Option B	ORS OPT B	1.56%
Residential-TOU-Single-Family-Option B-HEVRR	ORS OPT B HEVRR	2.19%
Residential-TOU-Multi-Family-Option A	ORM OPT A	0.98%
Residential-TOU-Multi-Family-Option B	ORM OPT B	no change
Residential-Large Single-Family-TOU-Option A	OLRS OPT A	no change
Residential-Large Single Family-TOU-Option A HEVRR	OLRS OPT A HEVRR	no change
Residential-Large Single-Family-TOU-Option B	OLRS OPT B	no change

DRAFTED BY: Hayley
FINAL DRAFT ON: 5/8/14 9:02 AM
REVIEWED BY: _____ DATE: _____

X: HW for GW 5/8/14

Residential-Large Single-Family-TOU-Option B HEVRR	OLRS OPT B HEVRR	no change
Residential-Private Area Lighting	RS-PAL	(4.25%)
General Service-Non-TOU	GS	1.86%
General Service-TOU	OGS-TOU	0.91%
General Service-TOU-HEVRR	OGS-TOU-HEVRR	no change
General Service-Private Area Lighting	GS-PAL	(5.33%)
Large General Service-1	LGS-1	(2.10%)
Large General Service-1-TOU	OLGS-1-TOU	(0.73%)
Large General Service-1-TOU-HEVRR	OLGS-1-TOU HEVRR	no change
Large General Service-1 SSR	SSR-3-LGS1	(1.36%)
Large General Service-2 Secondary	LGS-2S	0.39%
Large General Service-2: Primary LSR	LSR-1-LGS2P	no change
Large General Service-2: Primary	LGS-2P	(0.68%)
Large General Service-2: Transmission	LGS-2T	no change
Large General Service-2: Transmission LSR	LSR-1-LGS2T	4.84%
Large General Service-3: Secondary	LGS-3S	1.42%
Large General Service-3: Primary	LGS-3P	1.76%
Large General Service-3: Primary LSR	LSR-2-LGS3P	2.16%
Large General Service-3: Transmission	LGS-3T	1.32%
Large General Service-3: Transmission LSR	LSR-2-LGS3T	3.22%
Extra Large General Service: Secondary	LGS-X-S	1.82%
Extra Large General Service: Primary	LGS-X-P	0.78%
Extra Large General Service: Transmission	LGS-X-T	1.80%
Standby Service-Transmission Street Lighting	SST	no change
Street Lighting	SL	(0.68%)
LGS-Water Pumping-2: Secondary	LGS-2S-WP	1.79%
LGS-Water Pumping-2: Secondary LSR	LSR-2-LGS-2S-WP	no change
LGS-Water Pumping-2: Primary	LGS-2P-WP	(7.25%)
LGS-Water Pumping-2: Transmission	LGS-2T-WP	no change
LGS-Water Pumping-3: Secondary	LGS-3S-WP	(8.82%)
LGS-Water Pumping-3: Secondary LSR	LSR-2-LGS-3S-WP	no change
LGS-Water Pumping-3: Primary	LGS-3P-WP	(4.00%)
LGS-Water Pumping-3: Primary LSR	LSR-2-LGS-3P-WP	no change
LGS-Water Pumping-3: Transmission	LGS-3T-WP	no change
General Service: DOS	GS-DOS	30.02%
Large General Service-1: DOS	LGS-1-DOS	(15.04%)
Large General Service-2: DOS	LGS-2-DOS	(0.25%)
Large General Service-3: Secondary DOS	LGS-3S-DOS	(0.21%)
Large General Service-3: Primary DOS	LGS-3P-DOS	1.62%
Large General Service-3: Transmission DOS	LGS-3T-DOS	(58.58%)
LGS-Water Pumping-2: Secondary DOS	LGS-2S-WP-DOS	(11.93%)
LGS-Water Pumping-2: Transmission DOS	LGS-2T-WP-DOS	(15.27%)
LGS-Water Pumping-3: Secondary DOS	LGS-3S-WP-DOS	9.84%
LGS-Water Pumping-3: Primary DOS	LGS-3P-WP-DOS	(4.83%)
LGS-Water Pumping-3: Transmission DOS	LGS-3T-WP-DOS	(50.44%)
TOTAL SYSTEM		0.90%

The Commission may approve rates as proposed by NPC or decrease or increase the rates as necessary to provide that such rates are just and reasonable.

The filing is made pursuant to the Nevada Revised Statutes (“NRS”) and the Nevada Administrative Code (“NAC”), including but not limited to NRS 704.110, and NAC 703.2201

through 703.2481. Pursuant to NAC 703.5274, NPC requests that certain information it has filed with the Application under seal be deemed confidential and not be publicly disclosed for a period of five years.

Interested and affected persons may file petitions for leave to intervene pursuant to NAC 703.578 through 703.600, or notices of intent to participate as a commenter pursuant to NAC 703.491 at either of the Commission's offices on or before WEDNESDAY, MAY 28, 2014.

A person who submits a timely notice of intent to participate as a commenter may thereafter file written comments pursuant to NAC 703.491. A commenter is not a party of record and shall not take any action that only a party of record may take. Pursuant to NAC 703.500, only parties of record are entitled to enter an appearance, introduce relevant evidence, examine and cross-examine witnesses, make arguments, make and argue motions and generally participate in the proceeding.

NOTICE IS HEREBY GIVEN that, pursuant to NAC 703.655, the Commission has scheduled a PREHEARING CONFERENCE in this Docket to be held as follows:

FRIDAY, MAY 30, 2014
9:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

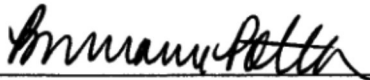
Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

The purpose of the prehearing conference is to formulate and simplify issues involved in this proceeding and set a hearing and procedural schedule. At the prehearing conference, the

Commission may take any action authorized by NAC 703.655.

The filing is available for public viewing at the Commission's website at: <http://puc.nv.gov> and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. This Notice has been posted at the county courthouses located in Carson City, Las Vegas, and Reno. A person must request in writing to be placed on the service list for this proceeding in order to receive any further notices in this matter.

By the Commission,



BREANNE POTTER
Assistant Commission Secretary

Dated: Carson City, Nevada

5-8-14

(SEAL)



EXHIBIT F

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA
NOTICE OF PETITION FOR COST RECOVERY FOR THE ADVANCED SERVICE
DELIVERY PROJECT AND NEVADA DYNAMIC PRICING TRIAL
AND
NOTICE OF PREHEARING CONFERENCE

On May 2, 2014, Sierra Pacific Power Company d/b/a NV Energy ("SPPC") filed a Petition with the Public Utilities Commission of Nevada ("Commission") seeking cost recovery for the Advanced Service Delivery Project and the Nevada Dynamic Pricing Trial. This filing has been designated by the Commission as Docket No. 14-05005.

This Notice serves only to notify the public that the Commission has received the above-referenced filing. It is the responsibility of interested persons to review the filing and monitor the proceedings to determine their desired levels of involvement based on how this matter may affect their unique situations. The details provided within this Notice are for informational purposes only and are not meant to be an all-inclusive overview of the filing.

The Commission may approve changes to rates as necessary to provide that such rates are just and reasonable.

The filing is made pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), including but not limited to NAC 703.540 and ordering paragraph 10 of the Commission's Modified Final Order in Docket Nos. 13-06002, 13-06003, and 13-06004, issued February 3, 2014.

Interested and affected persons may file petitions for leave to intervene pursuant to NAC 703.578 through 703.600, or notices of intent to participate as a commenter pursuant to NAC 703.491 at either of the Commission's offices on or before WEDNESDAY, MAY 28, 2014.

A person who submits a timely notice of intent to participate as a commenter may thereafter file written comments pursuant to NAC 703.491. A commenter is not a party of record

DOCUMENT REVIEW AND FINAL ROUTING

DRAFTED BY:	<i>aylu</i>	
FINAL DRAFT ON:	<i>5/8/14</i>	AT <i>9:00</i> AM
REVIEWED & APPROVED BY:	DATE	
☐ APPROVED		
☒ CORRECTED	<i>HW for GW 5/8/14</i>	
☐ SECRETARY / LEGAL SEC.		
☐ OTHER ()		

and shall not take any action that only a party of record may take. Pursuant to NAC 703.500, only parties of record are entitled to enter an appearance, introduce relevant evidence, examine and cross-examine witnesses, make arguments, make and argue motions and generally participate in the proceeding.

NOTICE IS HEREBY GIVEN that, pursuant to NAC 703.655, the Commission has scheduled a PREHEARING CONFERENCE in this Docket to be held as follows:

FRIDAY, MAY 30, 2014
9:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive
Las Vegas, Nevada 89148

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

The purpose of the prehearing conference is to formulate and simplify issues involved in this proceeding and set a hearing and procedural schedule. At the prehearing conference, the Commission may take any action authorized by NAC 703.655.

The filing is available for public viewing at the Commission's website at:
<http://puc.nv.gov> and at the offices of the Commission: 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. This Notice has been posted at the county courthouses located in Carson City, Las Vegas, and Reno.

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A person must request in writing to be placed on the service list for this proceeding in order to receive any further notices in this matter.

By the Commission,



BREANNE POTTER
Assistant Commission Secretary

Dated: Carson City, Nevada

5-8-14

(SEAL)



EXHIBIT G

From: ntefusa <ntefusa@aol.com>

To: ctanner <ctanner@puc.nv.gov>

Cc: bpotter <bpotter@puc.nv.gov>; jvt702 <jvt702@hotmail.com>; cruiserita <cruiserita@aol.com>; pgehriglv <pgehriglv@aol.com>; nelsonorth <nelsonorth@cox.net>; emmcor1 <emmcor1@aol.com>; unbromated <unbromated@gmail.com>; cw7790 <cw7790@msn.com>; mhazard36 <mhazard36@cox.net>; doc <doc@synergeticshealth.com>; rthomas <rthomas@mail.pyramid.net>; iowndi <iowndi@cox.net>; sciencegem <sciencegem@yahoo.com>; standup4freedom <standup4freedom@cox.net>; iwannanewmouse <iwannanewmouse@cox.net>; pennyh44 <pennyh44@gmail.com>; nvjack <nvjack@cccomm.net>; ork5star <ork5star@gmail.com>; marylahren <marylahren@hotmail.com>; drdave <drdave@hopperinstitute.com>; eblindberg <eblindberg@charter.net>; whitesage8 <whitesage8@earthlink.net>; vickid <vickid@lasvegasvalleyteaparty.com>; rschweickert <rschweickert@gmail.com>; karennis1 <karennis1@yahoo.com>; believingyoucan <believingyoucan@cox.net>; ziepp <ziepp@reagan.com>; shalom2 <shalom2@frontiernet.net>; sealion20 <sealion20@hotmail.com>; snatic <snatic@sbcglobal.net>; zebedee_177 <zebedee_177@yahoo.com>; brucesky <brucesky@sbcglobal.net>; foreveramber2004 <foreveramber2004@hotmail.com>; barillasleo57 <barillasleo57@gmail.com>; yea4life <yea4life@cox.net>; bobfrank <bobfrank@cox.net>; info <info@unitedwellnesscitizensalliance.org>; wrenmoglo <wrenmoglo@gmail.com>; simi4relo <simi4relo@gmail.com>; bekie8168 <bekie8168@aol.com>; greatsam <greatsam@usfds.com>; markginlv <markginlv@live.com>; brookline <brookline@aol.com>; jan.winter21 <jan.winter21@hotmail.com>; bekyginlv <bekyginlv@live.com>; Dgehriglv <Dgehriglv@aol.com>; stenogirl <stenogirl@cox.net>; cks <cks@cox.net>; buckalin <buckalin@aol.com>; sroutson <sroutson@winnemuccafarms.com>

Subject: Re: Dockets 14-05004 and 14-05005 Consumer Sessions

Date: Fri, Jun 6, 2014 11:03 am

Ok, the 'courtesy' gloves are off now!

This is pure bullshit! Noble has had a hard on for the ratepayers ever since the s'meter dockets! I have videos of him with the most disgusted look/scowl upon his face when he chairs a docket and he has to interact with the public!

5005 is contingent upon 5004 and as such we have a RIGHT TO HEAR OTHER CONSUMER COMMENTS! They CAN'T pick/choose when it's going to be video-conferenced, when they did the SP rate case it was video-conferenced!

DO I NEED TO FILE ANOTHER COMPLAINT REGARDING THE OPEN MEETING LAW? YOU KNOW I DO NOT MAKE IDLE THREATS REGARDING THE AG'S OFFICE AS YOU ARE VERY WELL AWARE!

CARE FOR ANOTHER PRESS RELEASE? STOP SCREWING THE RATEPAYERS AND TRYING TO SILENCE US, CAPISH?

I DO NOT APPROACH THINGS 'GINGERLY'!!!

*"Two **things** are **infinite**: the universe and **human stupidity**; and I'm not sure about the the universe."* -Albert Einstein

"Activism is the rent I pay for living on this planet." -Alice Walker

Angel De Fazio, BSAT
President/Executive Director
National Toxic Encephalopathy Foundation
501c3 Tax Deductible Organization
NTEF-USA.Org

Organic & Chemical Free Store
ChemicalFreeLiving.Com

Nevada's Disability Representative
Functional Needs Working Group
A project of FEMA R9 RDIS

PUCWatchDogs.Com
NVESmartMeters.Info
S.A.F.E.R.- Save Animals From Electro-Magnetic Radiation
702.490.9677

-----Original Message-----

From: Carolyn E. Tanner <ctanner@puc.nv.gov>
To: 'ntefusa@aol.com' <ntefusa@aol.com>
Cc: Bre Potter <bpotter@puc.nv.gov>
Sent: Fri, Jun 6, 2014 10:52 am
Subject: Dockets 14-05004 and 14-05005 Consumer Sessions

Ms. De Fazio,

Dockets 14-05004 and 14-05005 have been consolidated for hearing purposes pursuant to NAC 703.740. Docket No. 14-05004 (Nevada Power Company d/b/a NV Energy) was noticed for a consumer session at the Las Vegas office for Tuesday, July 22, 2014 at 6pm. Docket No. 14-05005 (Sierra Pacific Power Company d/b/a NV Energy) was noticed for a consumer session at the Carson City office for Wednesday, July 23, 2014 at 6pm. It is the decision of the Presiding Officer that these consumer sessions will not be video conferenced. Thank you.

Carolyn "Lina" Tanner
General Counsel
Office of General Counsel
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, NV 89701-3109
Tel. 775.684.6188
Fax 775.684.6186



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EXHIBIT H

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Sierra Pacific Power Company d/b/a NV)	
Energy for authority to adjust its annual revenue)	
requirement for general rates charged to all classes of)	Docket No. 13-06002
electric customers and for relief properly related thereto.)	
_____)	
Application of Sierra Pacific Power Company d/b/a NV)	
Energy for authority to increase its annual revenue)	
requirement for general rates charged to all classes of)	Docket No. 13-06003
gas customers and for relief properly related thereto.)	
_____)	
Application of Sierra Pacific Power Company d/b/a NV)	
Energy for approval of new and revised depreciation)	Docket No. 13-06004
rates for its electric and common accounts.)	
_____)	

NOTICE OF CONSUMER SESSION
AND
NOTICE OF HEARINGS

Sierra Pacific Power Company d/b/a NV Energy ("SPPC") filed an Application with the Public Utilities Commission of Nevada ("Commission") for authority to adjust its annual revenue requirement for general rates charged to all classes of electric customers and for relief properly related thereto. The Commission has designated this filing as Docket No. 13-06002.

SPPC filed an Application with the Commission for authority to increase its annual revenue requirement for general rates charged to all classes of gas customers and for relief properly related thereto. The Commission has designated this filing as Docket No. 13-06003.

SPPC filed an Application with the Commission for approval of new and revised depreciation rates for its electric and common accounts. The Commission has designated this filing as Docket No. 13-06004.

The filings are made pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), including but not limited to NRS 704.100, NRS 704.110, NAC

Hayley
7/9/13 12 ap

☒	GCW	7/9/13
☐		
☐		

703.2201 through 703.2481, NAC 703.2715 through 703.278, and NAC 704.6502 through 704.6546. Pursuant to NRS 704.196 and NAC 703.5274, SPPC requests that certain information it has filed with the Applications under seal be deemed confidential and not be publicly disclosed for a period of five (5) years.

NOTICE IS HEREBY GIVEN that the Commission has scheduled a CONSUMER SESSION for the Applications in Docket Nos. 13-06002, 13-06003, and 13-06004 to be held as follows:

WEDNESDAY, SEPTEMBER 4, 2013
6:00 p.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

at which time interested persons may appear and be heard regarding the above-captioned matters and the effects that these matters may have on their utility service. Representatives from SPPC will be present at the consumer session to answer questions. Public comments may be limited to five minutes per person.

NOTICE IS HEREBY GIVEN that the Commission has scheduled HEARINGS on the Applications in Docket Nos. 13-06002, 13-06003, and 13-06004 to be held as follows:

//

//

//

Cost of Capital and Depreciation:

MONDAY, OCTOBER 7, 2013
9:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

Revenue Requirement and Rate Design:

MONDAY, OCTOBER 28, 2013
9:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

These hearings may be continued from day to day as necessary. At this time, the Commission has scheduled October 7-11, 2013, and October 28-November 1, 2013 for these hearings. The Commission is not responsible for providing clerical or administrative assistance or materials to parties during Commission proceedings. If such assistance is necessary, parties must make other arrangements for this type of assistance.

The filings are available for public viewing at the Commission's website at:

<http://puc.nv.gov> and at the offices of the Commission: 1150 East William Street, Carson City,

Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148. This notice has been posted at the county courthouses in Carson City, Reno, and Las Vegas.

By the Commission,

Crystal Jackson for
BREANNE POTTER,
Assistant Commission Secretary

Dated: Carson City, Nevada

7-11-13

(SEAL)

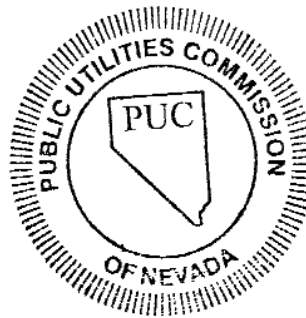


EXHIBIT I

State of Nevada Public Utilities Commission


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CONSUMER SESSIONS

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[Consumer Complaints with a Utility](#)

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Consumer Sessions

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About Consumer Sessions

There are two types of consumer sessions: general consumer sessions and case-specific consumer sessions.

In the photo at right, PUCN staff and commissioners (background) listen as a consumer expresses her opinion at a general consumer session.



Nevada Revised Statute ("NRS") 704.069 outlines the circumstances that require the PUCN to conduct consumer sessions.

- **Case-Specific Consumer Sessions:** The PUCN must conduct consumer sessions when a public utility files a general rate application; an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale; an annual deferred energy accounting adjustment application; or an annual rate adjustment application. The consumer session is held if the application will result in an increase in annual gross operating revenue in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less. The PUCN may hold additional case-specific consumer sessions, although not required to do so by statute. Case-specific consumer sessions offer a forum for the public to voice opinions about the filing directly to PUCN commissioners and staff.
- **General Consumer Sessions:** Each calendar year, the PUCN must conduct at least one general consumer session in the county with the largest population (Clark) and in the county with the second largest population (Washoe). The General consumer session allows 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 record from the consumer session is provided to the Legislature.

What to Expect at a Consumer Session

Case-specific and general consumer sessions are free and open to the public. PUCN staff facilitate the consumer session by greeting attendees, signing up those who wish to speak and answering questions about the process.

In addition to members of the PUCN, representatives from the Nevada Bureau of Consumer Protection and the utilities are available to respond to consumer concerns.

Speakers may be limited to five minutes at the discretion of the PUCN chairman or presiding officer of the case depending on the number of speakers. A court reporter provides transcription services for the official record or the meeting is tape recorded and later transcribed.

Consumer Session Announcements

Information about when and where consumer sessions are held is publicly noticed in local newspapers, available on the PUCN's website, in inserts in your monthly gas, water, wastewater and electricity bills, or by contacting PUCN offices in Las Vegas or Carson City.

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EXHIBIT J

From: ntefusa <ntefusa@aol.com>

To: bpotter <bpotter@puc.nv.gov>; djacobsen <djacobsen@ag.nv.gov>; rcooper <rcooper@ag.nv.gov>; dnorris <dnorris@ag.nv.gov>; msaunders <msaunders@ag.nv.gov>; ewitkoski <ewitkoski@ag.nv.gov>

Cc: jvt702 <jvt702@hotmail.com>; cruiserita <cruiserita@aol.com>; pgehriglv <pgehriglv@aol.com>; nelsonnorth <nelsonnorth@cox.net>; emmcor1 <emmcor1@aol.com>; unbromated <unbromated@gmail.com>; cw7790 <cw7790@msn.com>; mhazard36 <mhazard36@cox.net>; doc <doc@synergeticshealth.com>; ntefusa <ntefusa@aol.com>; rthomas <rthomas@mail.pyramid.net>; iowndi <iowndi@cox.net>; sciencegem <sciencegem@yahoo.com>; standup4freedom <standup4freedom@cox.net>; iwannanewmouse <iwannanewmouse@cox.net>; pennyh44 <pennyh44@gmail.com>; nvjack <nvjack@cccomm.net>; ork5star <ork5star@gmail.com>; marylahren <marylahren@hotmail.com>; drdave <drdave@hopperinstitute.com>; eblindberg <eblindberg@charter.net>; whitesage8 <whitesage8@earthlink.net>; vickid <vickid@lasvegasvalleyteaparty.com>; rschweickert <rschweickert@gmail.com>; karennis1 <karennis1@yahoo.com>; believingyoucan <believingyoucan@cox.net>; ziepp <ziepp@reagan.com>; shalom2 <shalom2@frontiernet.net>; sealion20 <sealion20@hotmail.com>; snatic <snatic@sbcglobal.net>; zebedee_177 <zebedee_177@yahoo.com>; brucesky <brucesky@sbcglobal.net>; foreveramber2004 <foreveramber2004@hotmail.com>; barillasleo57 <barillasleo57@gmail.com>; yea4life <yea4life@cox.net>; bobfrank <bobfrank@cox.net>; info <info@unitedwellnesscitizensalliance.org>; wrenmoglo <wrenmoglo@gmail.com>; simi4relo <simi4relo@gmail.com>; beckie8168 <beckie8168@aol.com>; greatsam <greatsam@usfds.com>; markginlv <markginlv@live.com>; brookline <brookline@aol.com>; jan.winter21 <jan.winter21@hotmail.com>; bekyginlv <bekyginlv@live.com>; Dgehriglv <Dgehriglv@aol.com>; stenogirl <stenogirl@cox.net>; cks <cks@cox.net>; buckalin <buckalin@aol.com>; sroutson <sroutson@winnemuccafarms.com>

Subject: 5004 & 5005 consumer sessions

Date: Fri, Jun 6, 2014 12:44 am

Hi Breanna,

I was reading the notice of the consumer session regarding 14-05004 and noticed that the hearings are video conferenced but not the consumer session, the same with the 5005 consumer session.

During SP rate case the consumer session was video conferenced as we were able to participate in their case, this should be reciprocal for 5004.

Also, there was a note that for 'hearing' purposes 5004 & 5005 would be consolidated. There is a direct and substantial relationship between SP&NVE as 5005 has to do with the recovery of the smart meter fees that were 'carried' over for the south's rate case docket.

Since all of us are going to be impacted with the determination regarding recovery of s'meter costs, we all should be able to at least hear what others impacted have to say. As some people might be bringing up points that others would be interested in hearing and researching further.

I am requesting that on both the 22nd and 23rd consumer sessions, be video conferenced as transparency under the open meeting law. As all the ratepayers have a direct and substantial interest in the outcome of both of these dockets. As 'technically' in these dockets they really aren't two separate issues, as the PUC has determined that they want to consolidate them, thus, the consumer sessions should be given the same 'consideration' of consolidation or at least access to all consumer sessions.

Thanks

*"Two things are infinite: the universe and **human stupidity**; and I'm not sure about the the universe."* -Albert Einstein

"Activism is the rent I pay for living on this planet." -Alice Walker

Angel De Fazio, BSAT
President/Executive Director
National Toxic Encephalopathy Foundation
501c3 Tax Deductible Organization
NTEF-USA.Org

Organic & Chemical Free Store
ChemicalFreeLiving.Com

Nevada's Disability Representative
Functional Needs Working Group
A project of FEMA R9 RDIS

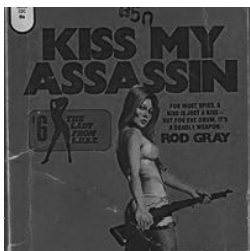
PUCWatchDogs.Com
NVESmartMeters.Info
S.A.F.E.R.- Save Animals From Electro-Magnetic Radiation
702.490.9677

EXHIBIT K

Search for people, places and things



Angel Home



Carolyn Lina Tanner

Add Friend

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DO YOU KNOW CAROLYN?

To see what she shares with friends, send her a friend request.

Add Friend

Sponsored

Take your
business global
benchmark-
business.com



BENCHMARK YOUR
BUSINESS, AND SEE
IF YOU'RE READY
TO GROW INTO
INTERNATIONAL
MARKETS.

Chat (7)

ABOUT

Lives in Reno, Nevada

From Reno, Nevada

PHOTOS



FRIENDS · 382



Kareen Prentice

Melissa Lustig-Chudzik

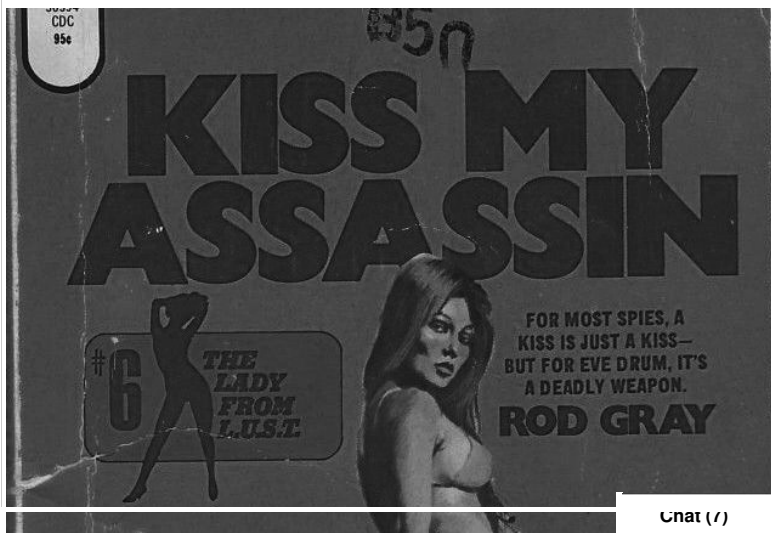
Ben Golden

Carolyn Lina Tanner changed her cover photo.
11 hours ago



Share

Carolyn Lina Tanner changed her profile picture.
11 hours ago



Chat (1)

Wash Bucket Savings!
localnapadeals.co



Buy a NAPA 5-Gal Wash Bucket ONL \$2.99. PLUS 20% Items That Fit Insic the Bucket!

Recent

- 2010s
- 2000s
- Born

		
Missy Allison	Victoria Reeder	Barry Conaty
		
Anna Penrose-Levig	Leah Lustig O'Connor	Jennifer McDonnell

GROUPS · 2

	PINATA'S REVENGE - Burningman Theme Camp 210 members WE ARE PINATA'S REVENGE!! 1. We...
	Reno Santa/Vampire/Superhero/Zombie Crawl 4,577 members Let's Do Things & Reindeer Games...

RECENT ACTIVITY

	Carolyn is now friends with Garrett Weir and Katie Peterson Reynolds.
--	---



Share

8 people like this.

Barry Conaty Your better, most reliable, and appropriately-priced assassins always, always, always wear garters. That's been established by science.
11 hours ago · 2

Lisa Todd So love your profile pics lady! 
11 hours ago · 1

Donna Kos another rockin' profile pic!
10 hours ago · 1

Carolyn Lina Tanner Apparently redheads are to pulp fiction what Fabio was to cheesy romance novels...
7 hours ago

Lucia Rosling Shaw Where do you dig these things up?! Love them.
27 minutes ago

Carolyn Lina Tanner changed her cover photo.
19 May

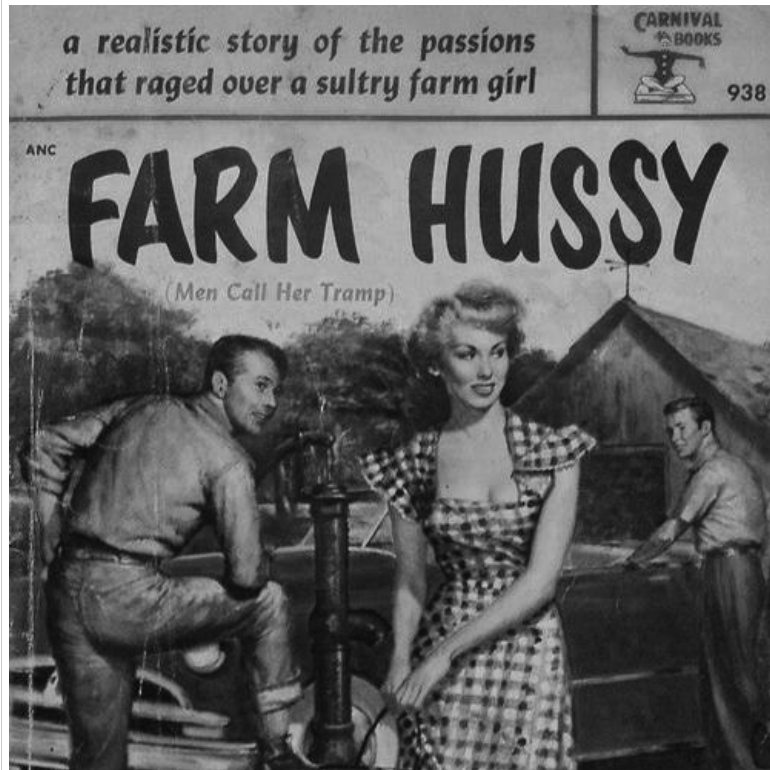


Chat (1)



Share

Carolyn Lina Tanner changed her profile picture.
19 May



Chat (/)

Share

21 people like this.

David Bobzien Oh come on, is this committee THAT boring?
19 May at 11:47 · 2

Carolyn Lina Tanner Y.E.S.
19 May at 11:49 · 1

Peter Rhoads keep em coming!
19 May at 15:11 · 1

Anna Penrose-Levig I think this is my favorite so far. I'm going to start using "farm hussy" in everyday life.
19 May at 16:44 · 1

Carolyn Lina Tanner I recommend it, Anna Penrose-Levig
19 May at 20:45

Greg Olivet Great band name.
19 May at 20:57 · 1

Carolyn Lina Tanner changed her cover photo.
14 May



Share

Michael J Brown likes this.

Chat (7)

Carolyn Lina Tanner changed her profile picture.
14 May



Share

7 people like this.

Lon Bubeck Oh yeah.
14 May at 20:16

Chat (1)

Brian Robinhold I'm pretty sure body paint didn't come around until at least 1890
14 May at 20:54 · 1

John Shaw Wow!
14 May at 21:44

Lynne Candy That is soooooo you!
14 May at 21:46 · 2

Carolyn Lina Tanner changed her profile picture.
11 May



Share

82 people like this.

Lucia Rosling Shaw Does Mother's Day sort of suck sometimes...?
11 May at 09:21 · 1

Chat (1)

Lexi Boeger aw!!

11 May at 10:00

Susan Johnson Abele Such a sweet picture of an amazing boy and his awesome mother!

11 May at 10:23

Carolyn Lina Tanner It's a day. Doesn't help that I'm sick & hormonal. I have one cool girl to help me thru it though!

11 May at 10:30 · 10

Mark Zimmerman This brought tears to all of our eyes. Lauren says she misses her buddy.

11 May at 12:01 · 1

Carolyn Lina Tanner Aw, so sweet! Xoxo

11 May at 13:17

Laura Ganchan-Romero Miss that sweet face. Love you friend and Ruby doo too

11 May at 14:44 · 1

Paula Reynolds Golden Precious....

11 May at 22:56

Tammy Toot Faulstich Casey Oh Lina, you are beautiful and the angel you are holding is precious! Living always in our hearts and souls!

11 May at 23:53 · 2

Jessie Groothuis A lovely boy and mama

13 May at 04:57

Carolyn Lina Tanner changed her cover photo.

11 May



Cnat (1)



Share

11 people like this.

Carolyn Lina Tanner changed her profile picture.
10 May



Chat (/)

Share

47 people like this.

View 7 more comments

Melissa Lustig-Chudzik I see Ruby in you!

10 May at 15:02 · 2

Jeff Tueller Strong resemblance to Miss Ruby for sure.

10 May at 17:08 · 2

Lexi Boeger wahahaaa!

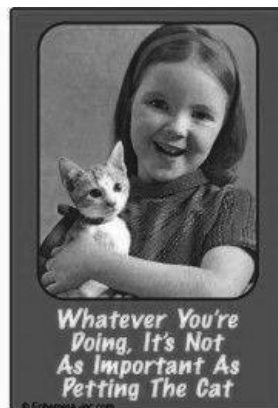
11 May at 00:08 · 1

Paula Reynolds Golden So special - these two!

11 May at 00:13 · 1

Carolyn Lina Tanner changed her profile picture.

8 May



Share

7 people like this.

Chat (7)

Carolyn Lina Tanner changed her cover photo.

8 May



Share

46 people like this.

Carolyn Lina Tanner My TBT with my DearDarlingSweetAuntieMimzee. And those other dudes...

8 May at 14:55 · 3

Lindsay Anderson Great one!

8 May at 15:11

Leah Lustig O'Connor Love it

8 May at 19:38

Paula Reynolds Golden This is the most favorite photo in my study - the open, loving faces of the 100% genuine, one of a kind tanner clan!

8 May at 22:50

Carolyn Lina Tanner changed her cover photo.

7 May



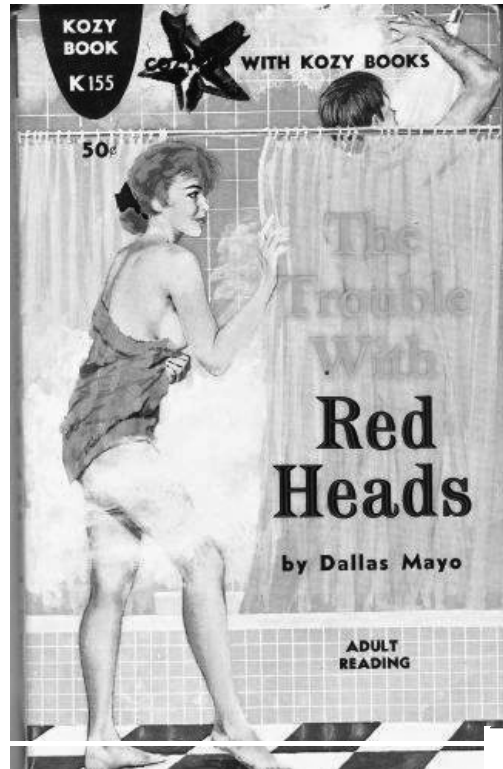
Chat (1)



Share

Carolyn Lina Tanner changed her profile picture.

7 May



Chat (/)



Share

6 people like this.

View 3 more comments

Lou Brewer He seemed very happy but said he is having some more physical problems??

7 May at 12:35

John Shaw Serious side boob there. The rating just went up to PG-13

7 May at 13:47 · 1

Barry Conaty A glimpse of side boob is all you get for 50 cents.

7 May at 14:04 · 1

Steven D Lustig There are NO problems with redheads!!!

7 May at 17:23 · 1

See more recent stories ▾

Chat (7)

EXHIBIT L

Item 8A



*National Toxic Encephalopathy Foundation
Post Office Box 29194
Las Vegas, Nevada 89126
702.490.9677
Fax 888.885.9629
Info@NTEF-USA.Org*

RECEIVED
PUBLIC UTILITIES COMMISSION
OF NEVADA LAS VEGAS
14 MAY 22 AM 10:13

May 22, 2014

As per the response of the PUC, to the AG's Office, the NTEF is requesting that this be read into the record. Note: Please read only the bold face comments and submit this as an Exhibit)

My name is David L. Hopper, Ph.D., FAABM, FAAPH, FIABMCP, FABMP, FAAS Secretary for the NTEF, 501c3 non-profit Nevada Corporation, which is governed by their Board of Directors and selected representatives.

I have just been made aware that after two years, our chosen spokesperson is being denied the right to appear before the PUC, during public comments that the public is afforded under the Nevada OML. She will now have to decide whether to represent herself, the foundation or our advocacy groups. The foundation has a direct and substantial interest in the rulings of the PUC, as we are a customer of the utilities that they regulate as well as represent the public which may be impacted by the rulings of the PUC. The PUC was never invited or engaged to provide input into the operations and activities of the foundation.

The incorporation of the NTEF and CFL into the ongoing activities over the accommodation request is an attempt to make it appear that the store, foundation, and Ms. DeFazio are one and the same. The foundation and e-commerce store are not involved with Ms. DeFazio's complaint regarding the PUC's and the AG's Office concerning ADA compliance. The co-mingling of a private individual and the foundation is not subject to the ongoing discourse regarding these accommodations.

I am conscious of the escalating issue between Ms. DeFazio and the PUC over her accommodation request. What you are erroneously failing to realize is that, the foundation is not a party to the current complaint filed with the AG's Office. The foundation is not seeking accommodations as delineated in the complaint.

The apparent retaliatory actions of the PUC upon Ms. DeFazio is now infringing upon the rights of the foundation as a ratepayer during public comments.

After two years, the foundation is now being denied their rights that have never been questioned, until Ms. DeFazio filed her complaint. **Ms. DeFazio last appeared as our representative on April 30, 2014, at both the utility and administrative agenda meetings without limitations. According to the emails between yourself and Ms. DeFazio, this revision came about at the same time she refused your suggestion of utilizing the room that has mold concerns.**

If the PUC, wants to pay my hourly rate (\$300.00) including preparation of comments and travel time, so that we can be represented by another member of the foundation, you can forward a check directly to my office. Based upon both videos and audio tapes of meetings, the duration is normally thirty minutes, with thirty minute travel time each way and at least two hours to read the relevant filed documents in the dockets we are desirous to comment on. If I sat on the board of another non-profit organization, will you impede my representing them also as a commenter?

In lieu of being pay for my time, we will have our chosen representative appear on our behalf. If they are denied, we will file a complaint with the AG's Office for this intrusion into our corporate proceedings and violation of the OML.

May 22, 2014

As per the response of the PUC, to the AG's Office, dated March 31, 2014, PUC Watch Dogs are requesting that this be read into the record.

There are enough attorneys at the PUC and should know that corporations/advocacy groups and individuals are not synonymous. Therefore, the denial of free speech especially during an open meeting is a violation of the OML.

If you will not allow our designated spokesperson speak, then you will read our statements into the record as prepared.

The overt retaliatory actions of the PUC upon Ms. DeFazio is now infringing upon the rights of our advocacy group. Therefore, at every meeting we will provide written statements and expect them to be read into the record, failure to comply will be met with us filing an OML violation complaint with the attorney general's office.

You can't say one thing and then refuse to follow thru with said statement.

PUC Watch Dogs of Nevada.

Angel De Fazio, BSAT
POB 29194
Las Vegas, NV 89126
702/490-9677

Exhibit

April 14, 2014

Mr. George Taylor, Esq.
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
Open Meeting Law Division
100 North Carson Street
Carson City, NV 89701

Via email: gtaylor@ag.nv.gov
ctanner@puc.nv.gov

Re: OML File No.: 14-008

Dear Mr. Taylor,

I am in receipt of Mrs. Tanner's response to my complaint regarding the above referenced filing.

I found quite a few of her 'responses' to be either factually untrue or overtly misleading.

Please consider this letter my official reply to her letter dated March 31, 2014, mailed on April 2, 2014.

I am not going to present any further federal ADA citation references, as I stand by the formerly filed ones, this is exclusively to refute her 'deceptive' responses.

Page 1.

- ❖ Yes, there is no culpability or response required by any of the Commissioners, for this particular issue.
- ❖ The 'crux' as she stated, is in fact true, as far as my assertions of the commission not reading submissions. The best proof I can provide is that the commissioners apparently don't pay attention to public filings, is that they didn't even read one of the 'filings' in a docket item they were to vote on during an agenda meeting, memorialized thru their attached audio file Exhibit Audio 1. This agenda meeting was held on August 14, 2013, #18-13, whereby Commissioner Burtenshaw stated that these relevant filings for agenda item, 2B, were just recently accepted for filing, as she 'just' checked the 'daily filing report'. I have 'never' encountered while at any presentation to the Commission, what I had to say, was taken at face value and impacted a pending agenda item [minutes 3:58-11:59]. As they clearly admitted that the comments 'that were made' assisted in the pending docket to be converted to a 'contested case' [13:28-15:42]. As I 'only' received these filings iteratively as I was walking out the door to attend the meeting, if I had not been able to appear and comment these erroneous tariffs would have been accepted. Therefore, if I 'followed' their suggestion to 'file' a comment and have it

entered into the docket, it would have been entered after the voting and not be heard to affect this into converting them into three contested cases. (Right after this meeting I met with Commissioner Burtenshaw, Shelley Cassidy and another member of the public, whereby, the Commissioner actually 'thanked me' for presenting what I did during the meeting, aka catching the discrepancies in the proposed tariffs).

- ❖ Ask any commenter if they believe that their comments were in fact read and there would be a unanimous response of 'no'.
- ❖ I am thoroughly convinced that my initial 'official' filing as a commenter, during the first smart meter docket was never read, as it consisted of five volumes and was well over 1,200 pages
- ❖ Yes, I represent three, either non-profit or advocacy groups, as such, each of those are entitled to present, and the 'allowance' to comment is not the point of this complaint. It is strictly on whether I was denied my right to appear with an accommodation and comment in person as I have 'established' such presence, as Mrs. Tanner clearly stated.

Page 2 –Factual history-repiy

- ❖ Mrs. Tanner is wrong predicated on her chronology of this accommodation request. The phone call to Breanne Potter was done at 3:24 pm, on March 12, 2014, the call was a duration of 5.16 minutes, Exhibit A. This is a screen shot of the telephone record that shows I did not call the day prior to the meeting, to be held on March 14, 2014. Apparently, Mrs. Tanner is confused that the date of her email to me, is the date I made this request.
- ❖ I clearly told both Breanne (verbally) and in writing told Mrs. Tanner it was a 'fibro flare', as it was very clearly stated in my initial response to Mrs. Tanner's email, *"What makes you determine that this was a request for an 'unspecified illness'? When I asked Brienne, I said it was due to a fibro flair. Fibro is FAR from non chronic, short term, and it is classified as a disability, as it effects life activities, let me also add, that upon chemical exposures that the PUC graciously accommodates is one of the 'triggers' for a fibro flair in my case"*, which she intentionally ignored and also selectively neglected to mention in her response. I could give a 'possible' pass to Breanne about her recollection of the full disclosure regarding 'fibro flare', but, not for Mrs. Tanner. As she was informed in writing and still is in denial, as verified by her response negating the reference.
- ❖ NRS Chapter 241 reference is a non-sequitur. As I fully delineated in my complaint that since both the state and PUC receive federal funding, they are required to adhere to federal law not state statutes. The only time an exception to this is made, is if the state law is more 'protective' than federal, which NRS Chapter 241, still would have no merit, nor is it applicable to ADA Title II and Section 504 accommodations. Federal law supersedes state law.
- ❖ Mrs. Tanner in her initial email clearly stated "non-chronic", *"I have been informed that you are seeking an ADA accommodation for tomorrow's PUCN Agenda meeting due to an unspecified illness. Please be advised that conditions of short term, nonchronic nature are generally not covered by the ADA."* That was her 'personal/professional' basis to deny my request on her 'diagnosis'.
- ❖ Yes, Mrs. Tanner is correct that neither herself or anyone else at the commission is qualified to diagnosis any medical condition. Yet, she freely made the 'non-chronic' diagnosis and ignored the written notification about fibro being protected under the ADA.

- ❖ Mrs. Tanner is gravely mistaken about me using the 'agenda' filing alternative, as referenced with her agenda document filing exhibit she annexed to her response. As the way it was 'presented' and entered, I had to physically be there to have it submitted as an exhibit. One would extrapolate and expect a seasoned legal professional to verify their 'allegations' in their response and not leave the preverbal door open to expose their deflection of salient facts and evidence. I never stated that items filed are not entered into any relevant docket or agenda meeting, I stated that they are not 'read'. That was an in person appearance to the commission and that email was entered as an 'exhibit' at that hearing, agenda #17 13. If Mrs. Tanner had in fact put in the time to listen to the audio recording of this agenda, she would have discovered during a very rudimentary and sophomoric due diligence effort, that I was there in person and 'clearly' stated that the email was to be entered into the record. Exhibit Audio 2. This is at 3:51 6:21 of their archived audio. There is absolutely nothing in writing that explains or verifies, that this email as she is presenting it, was 'filed' by me outside of being physically there and addressing the commission. As I 'never' file anything without a caption, comments, exhibits etc., unless it is in conjunction with my physical presence and verbal presentation to the commission, to be incorporated into that particular docket/meeting. This is what Mrs. Tanner is trying to imply, that I just filed it as an 'alternative' way to comment, therefore, I availed myself of their 'option' to 'file a response' and didn't warrant an accommodation as I requested, when in fact I was physically present and presented to the commission. For further verification, there are records of numerous exhibits filed by me right after I appear and requested said exhibits to be incorporated into the record, every time I wanted something entered as an exhibit, it was during my comments to the commission, with video/audio confirming said notification/request. Also, these in person exhibits are memorialized in even consumer sessions or other opportunities that the public is invited to 'appear' before the commission, along with filings submitted as an actual 'commenter', as she alluded to them being a part of the record and micro filed when necessary. Additionally, the 'time stamp', shows it was most likely filed by a PUC employee, who I handed off the exhibit to, right after the meeting. As the audio is 33:57 minutes in length, and the file stamp shows 10:18 a.m., of the same date, July 25, 2013. The meeting was scheduled for 9:30 a.m. I 'never' 'pop in' to just drop off a non-explained exhibit, nor was this filed via the PUC's electronic filing system, as there is no electronic acceptance cover sheet, just her chronic deflection of the salient facts. There are only three ways, that I am aware of, that the public is able to get something entered into a docket: 1). Filed electronically under the relevant docket, whereby you are automatically given an electronic submission email receipt and there is a PUC coversheet on all electronically filed documents, with date, time and who submitted it; 2). Drop it off at the front desk and have the PUC do the actual filing; 3). Have it entered after presenting to the commission. Items such as a request to be notified of filings are a 'form' that is required and as far as I know they are not entered into any docket. Therefore, these at times, were either electronically submitted or dropped off by me, thus, that is in no way to be 'perceived' as a 'filing/appearance' alternative, as they are not comments, only the request to be placed on either a service list or mailing list for notifications, that are required to be 'renewed' every six months.

- ❖ Mrs. Tanner is making a 'medical observation predicated on her statement "*Of note, despite the fact that Ms De Fazio's writing ability does not seem to be diminished by her condition...*" Now, Mrs. Tanner is versed on the capabilities/imitations of my cognitive abilities? That she is qualified to determine, if in fact, these are my original writings or submissions/presentations being reviewed/edited by someone else? Nor the extensive time it takes for these 'writings' to be produced. Mrs. Tanner has never met me in person, only via videoconferencing when we were both in attendance, as she admitted in her response, is she now practicing 'telemedicine'? I do appreciate the left handed complement she made regarding my writings.
- ❖ The public has never been notified that their comments can be 'read into the record'. it appears that only when an issue is brought forward are these 'options' made public.
- ❖ Mrs. Tanner is over-reaching by trying to equate a 'standard' agenda meeting with the smart meter dockets. Yes, this particular issue did fill the rooms to capacity. Yes, at consumer sessions, they are most of the times 'filled to capacity'. I have yet to see any of these '*lengthy, crowded and contentious*' claims for agenda meetings. Ever since the PUC opened their dockets for the smart meters, Buffet buyout, rate cases, if there are 2-3 members of the public at an agenda meeting it's a lot. As these agenda meetings are held during 'normal' working hours and very few people are able to take time off to attend. The main exemption was the smart meter fiasco, that the public felt taking time off of their jobs was necessary to fight this deployment. Most of the time it is either a representative of the BCP, an attorney representing a utility, a named party to a referenced agenda docket item. There are more people at these agenda meetings associated with the PUC than the public. Again, not relevant and misleading analogy. Not to negate the fact, that Mrs. Tanner has only taken her position in August, no first hand experience/knowledge on the 'smart meter' public 'attendance capacity' reference.

Argument reply

- ❖ Predicated on her assertion "*discretion to determine whether the use of an electronic device will interfere with the conduct of their meeting, and, presumably, the power to forbid such a device's use in appropriate circumstances*". How are the hearing impaired segment suppose to participate if there are no electronic devices, unless during a meeting there is a sign language interpreter present? As the 'live audio' is discriminatory to the hearing impaired from 'listening' to the proceedings, especially if they are homebound. They need electronic communicative devices. That would clearly confirm that certain segments of the disabled population are allowed 'exclusions' under this, while others are discriminated against. It is unlawful to pick and choose which disabled citizens are granted accommodations. I wonder if the PUC has the ability to create Braille handouts that are placed in each meeting room during a meeting?
- ❖ The fact remains, the accommodation request is already incorporated into their meetings and available at their 'chosen discretion/discrimination'?
- ❖ Telephonic participation would not be disruptive, as each telephonic device has a 'mute' button, therefore, only when the meeting is open to comments, would the public be allowed to comment and heard by the commission. Additionally, they can 'require' that those who want to use this accommodation be 'pre approved'.

- ❖ The reference to Cold Springs et al, shows that 'technical' compliance is 'fluid' and the 'spirit' was compromised. There is nothing that has 'ever' been presented that the public must physically appear in person to address the commission, when public comments are offered.
- ❖ Mrs. Tanner has again referenced the erroneous date to try and justify her actions. Mrs. Tanner's involvement was the day before on March 13th, my request as explained above was two days prior to the meeting being held on March 14th and was with Breanne Potter. Mrs. Tanner was brought in after the call and that does not negate the fact, that I followed the PUC's own 'notification' to contact the PUC two days prior for accommodations, which was complied with, predicated on the time verification of Exhibit A.
- ❖ Mrs. Tanner is semi correct regarding utilizing requests for accommodations. As my 'standard' accommodation request, is an email generated by the PUC to those on the service list on a relevant docket, to avoid wearing fragrances. I 'previously' didn't force this accommodation request for agenda meetings, consumer sessions etc.
- ❖ I clearly referenced in my complaint that the commission is 'not required' to have discussions with the public. Nor did I expect to interact with the commission during the agenda in question. It was intended to have it on their 'audio record' or video tape, in case it was necessary down the road to prove that the commission was made aware of x,y,z., or as explained above, comments made that impacted a commission decision.
- ❖ The issue at hand is the accessibility to be a participant and not be excluded over disability accessibility issues.

Response

Mrs. Tanner is trying to portray/convey that the PUC has 'graciously and without reservation' accommodated my environmentally mediated disability. The PUC was trying to be 'benevolent' and that this 'email notification' action was a magnanimous gesture on their part. The PUC is required to provide this type of accommodation 'notification, as it is an 'acceptable' and is a federally followed protocol. To wit: 1). *US Access Board "Fragrance-Free Policy-It is recommended that a fragrance-free policy include prohibition of fragrance-emitting devices (FEDS) and sprays; use of fragrance free maintenance, laundry, paper and other products; restrictions on perfume, cologne, and other scented personal care products used by employees, visitors, and other occupants; and prohibitions on use of potpourri and burning incense and scented candles. An important first step is educating staff and others about the need for and benefits of reducing or eliminating the use of fragranced products.* 2). *ACCESS BOARD MEETING POLICY, On July 26, 2000, the Access Board adopted the following policy: Federal Register notices announcing Board meetings will include the statement that: "Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants".*

Lawsuits have been filed and damages awarded over this very 'common' failure to accommodate. 1). *City of Detroit was sued and forced to pay and institute a fragrance free policy on certain floors of their buildings (McBride v City of Detroit);* 2). *In 2005, Detroit was the site for a private lawsuit between a DJ, Erin Weber, and a local radio station involving perfume. As in the McBride case, Weber complained about a coworker's perfume, got no relief, then sued and won a \$10.6 million verdict. The award was later knocked down to \$814,000.*

I have been civil and respectful when asking for accommodations that I am entitled to. I have no problem being forced to elevate my discrimination to have it legally mandated. Precedents have been made and I have no problem with turning this into a media nightmare to make sure that no other disabled person is subjected to what I have had to endure.

It's obvious that Mrs. Tanner has expertise in certain areas of law, but, she is now venturing into my 'arena of comfort' and I would enthusiastically look forward to 'educating' her on what she is required to do, sans her 'smoke and mirror' defense, along with the State of Nevada.

Mrs. Tanner is presenting erroneous 'rebuttals', bringing in issues that are not applicable to an agenda meeting. Versus a 'highly contested' issue that has a request for commenters, various opportunities for the 'filed' requests to be a commenter, who are then allowed to address the commission. As the commission has a 'policy', that the public is 'allowed' to comment, written or verbal, on a docket if they have requested to 'appear' as a commenter. Short of filing this request, the 'only' ongoing opportunity the public is afforded is the agenda meetings, where at the end of the meetings, the public is invited to present comments on any issue that is under the governance of the PUC, rather than waiting for their annual consumer sessions.

This was a single, isolated request that was denied for invalid reasons, which if granted would not have escalated to this 'first step', now I want this accommodation afforded to anyone who is entitled under the ADA. Mrs. Tanner's smoke and mirror responses to alleviate the PUC from any culpability to address my request are highly transparent and not acceptable.

Mrs. Tanner was unable to refute my allegations of federal versus state authority, grievance policy as federally mandated for state government agencies, recipient of federal funds to comply with Section 504.

I now have decided, since I am entitled to 'fragrance free policy notification' accommodations, that I want the fragrance notification to be extended, to any and all notifications of any docket or public invited meeting to be enacted. This can be readily and easily achieved by incorporating it right under their 'standard' notification, regarding notification of accommodations, two days prior to an agenda meeting, for example. Since, there is no 'service list' for agenda meetings, this would be sufficient. This would entail a simple typed statement, completely financially neutral and no building modifications are necessary. Since it is being done with 'requested' dockets, it should be no problem to be laterally applicable to agenda notifications, consumer sessions etc.

Also, when there are press releases issued notifying the public of consumer sessions, it should also be incorporated and have a 'notification' on the PUC website. These are 'reasonable' and since it is already being done with certain dockets, it should be promoted to 'avoid' the pick and chose' when or when not to have this accommodation notification to the public. Any attempt to try and restrict the current fragrance free notifications will be met with action that will make the smart meter fiasco be a walk in the park.

Or in the alternative, the PUC can go and purchase commercial high efficiency air filters for each of the meeting rooms, with minimum specs of: Activated carbon filter in powder-coated canister, at least 3" depth, micro-HEPA particle filter, organic cotton pre-filter, 25# or more of carbon, rated at 99% efficient at 0.1 microns, no UV or ozone generating capability, they go for about \$1,500/unit. So which is more 'reasonable'?

Mrs. Tanner appears to be confused as to what is an 'accommodation' and what is a 'right to participate in a public meeting'. Allowing me to represent the various groups to the commission is not interchangeable to providing ADA accommodations. The only 'association' would be that the accommodation conveys upon me the ability to participate, not the 'right' to represent the named parties I represent. To further elaborate, even if I was only representing a single entity or even myself as an individual, an accommodation would still be a opportunity I am afforded. Representation and accommodation are two distinct issues and not to be blatantly treated as synonyms. As she stated that they 'allow' me to present for eight minutes. Eight minutes is not an ADA accommodation or any type of 'accommodation', by any stretch of her imagination.

Mrs. Tanner may or may not be aware that this is not the first time I have cited 'open meeting law' violations or participant ability to file as a commenter. One can be heard, after the agenda and public comments were being taken, on the attached audio, Exhibit Audio 1, over the 'commenter form', [33:52], the other was targeting Commissioner Noble. He was the presiding Commissioner, I 'believe' it was regarding the rate increase for Sierra Pacific, during a consumer session, that was videoconference to the Las Vegas Office. He informed one of the Las Vegas front office staff, that he was not going to let me represent my groups. I harshly informed her, that he better not try to control who can appear before the commission. The young lady then informed me that Commissioner Noble would be addressing it when he called the meeting to order. Needless to say, he never tried to suppress me, nor did he even mention this when he called the meeting to order. It was just his attempt to try and intimidate me, which didn't work. Most likely, he knew it was being videotaped and it would used as evidence against him.

Rather than regurgitate citations from the original complaint, I incorporate all the federal citations from the original complaint as if they were incorporated and presented in this reply.

Mrs. Tanner is fully cognizant that I do not acquiesce when I firmly believe in an issue, as she kept referencing the smart meters, which I was the main initiator of and never allowed us to be suppressed or denied our rights for x,y,z reasons, to keep the analog meters. This issue is no different. I have federal law on my side, and I will not cease to get what the federal government has ascribed upon me and others. I am highly resolute, tenacious and if I was able to mobilized the public against NV Energy, the PUC will be the preverbal 'piece of cake' over ADA law.

Thusly, predicated on the 'skewed' responses presented by Mrs. Tanner as 'factual', they need to be thoroughly scrutinized and compared to the exhibits/evidence that I have provided. I keep records and create 'documentations' that most people would not think would be necessary, i.e. copy of the telephone call details. Nothing that Mrs. Tanner has stated negates the fact, they denied me the right to accommodations, failure to even provide irrefutable evidence/defense of their allegations, which were easily discredited and need to be given more than a cursory review.

Summary

- ❖ This complaint has to do with only accommodations, not appearance time
- ❖ Did claimant provide legal references justifying her request-yes
- ❖ Did respondent prove irrefutably that claimant is not covered-no
- ❖ Did respondent provide irrefutable evidence that their offered alternatives at times were enacted/utilized by the claimant-no
- ❖ Did respondent prove they are not under the auspices of federal regulations regarding the ADA-no
- ❖ Is this complaint under the jurisdiction of the AG-yes

I respectfully request that you disavow Mrs. Tanner's request that the PUC be absolved of any liability for violation of the open meeting law and ADA.

Respectfully submitted and requested,

Angel De Fazio, BSAT Signed electronically

Angel De Fazio, BSAT

Attachments: Audio 1
Audio 2

1

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21 people like this.

David Bobzien Oh come on, is this committee THAT boring?
19 May at 11:47 · 2

Carolyn Lina Tanner Y.E.S.
19 May at 11:49 · 1



BRIAN SANDOVAL
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION

ALAINA BURTENSHAW
Chairman

REBECCA WAGNER
Commissioner

DAVID NOBLE
Commissioner

CRYSTAL JACKSON
Executive Director

Exhibit H

March 31, 2014

George Taylor, Esq.
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Re: Open Meeting Law Complaint of Angel De Fazio; A.G. File No. 14-008.

Dear Mr. Taylor:

I received your letter notifying the Public Utilities Commission of Nevada ("Commission") of Ms. Angel De Fazio's complaint alleging an Open Meeting Law ("OML") violation by the Commission, and specifically by General Counsel (the "Complaint"). I understand that in this instance, a written response is not required of each Commissioner, for no Commissioner has personal knowledge of my decision process underlying the Complaint. Accordingly, this letter by General Counsel shall constitute the formal response of the Commission.

Introduction.

The Complaint includes numerous documents, including my e-mail correspondence with Ms. De Fazio regarding a request for accommodation at the Commission's agenda meeting of March 14, 2014 (the "Agenda"). Ms. De Fazio apparently believes that I made a determination that she was not disabled. As our e-mail correspondence shows, this is untrue. While Ms. De Fazio's request came to me as an ADA issue, it is an OML issue. The accommodation provided to Ms. De Fazio is reasonable under NRS 241.020 and consistent with past Commission practice. At the crux of the Complaint, Ms. De Fazio believes that the Commissioners do not read written comments. This belief is unfounded.

I understand that Ms. De Fazio frequently appears before the Commission at agenda meetings. I have personally witnessed her give comments at a few agenda meetings since my employment began last August. What is clear from the Complaint is that time and time again, the Commission makes reasonable accommodations for Ms. De Fazio or at her request without question. In addition to honoring her requests related to chemical sensitivities, the Commission has consistently allowed Ms. De Fazio an extended comment period. Of note, the Commission has a reasonable and content neutral time limitation on public comment of two minutes, due to the large number of citizens who regularly attend agenda meetings. Based upon Ms. De Fazio's assertion that she represents three

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

different organizations, the Commission consistently allows Ms. De Fazio the opportunity to speak for eight minutes: two minutes for herself and two minutes for each organization.¹ During the agenda meetings at which I have witnessed Ms. De Fazio speak, she reads into the record a single eight-plus minute comment from a prepared written statement to the benefit of herself and each organization.

Factual History.

On March 13, 2014, Ms. De Fazio contacted Breanne Potter, Assistant Commission Secretary, regarding the agenda meeting scheduled for March 14, 2014 (the "Agenda"). Ms. Potter advised me that Ms. De Fazio was seeking an "ADA accommodation" for the Agenda because she was sick and could not attend. Ms. Potter stated that Ms. De Fazio did not tell her the nature of her illness, and only that she was "having a flare up." Ms. Potter did not query Ms. De Fazio as to what a "flare up" meant. She offered Ms. De Fazio the opportunity to present her comments in writing to the Commission before the Agenda. Ms. De Fazio insisted that she be allowed to be available by telephone, and the matter was referred to the Office of General Counsel.

On March 13, 2014, at 11:17 am, I sent Ms. De Fazio an e-mail regarding her ADA request. I noted that she had not specified her illness. But, regardless, this matter fell under NRS Chapter 241. I advised her that she could submit her comments in writing, and that these would be filed with the Agenda materials. Ms. De Fazio clearly took offense to this response, but her offense is not relevant to the issue of reasonable access under NRS Chapter 241. Ms. De Fazio asserts that I determined that her medical condition is "non-chronic". I did not. Neither I nor anyone at the Commission is qualified to diagnose or affirm Ms. De Fazio's various medical issues.²

Public comments submitted in writing are filed with the applicable agenda materials in the Commission database. They are posted on the Commission website upon filing. Ms. De Fazio has utilized this process without issue in the past. Exhibit A, attached hereto, is illustrative of the process she has followed: On July 25, 2013, the Commission held Agenda 17-13. The agenda items are posted on the Commission website and accessible by a hyperlink. Agenda 17-13 Item 1A is the initial public comment period. As you can see, Ms. De Fazio submitted as public comment correspondence between her and former General Counsel, Jan Cohen. The document is listed as a "miscellaneous item" and clearly indicates that it is in reference to Item 1A. Of note, all written comments submitted become a permanent record to the agenda and are micro-filed as such after the retention period.

Ms. De Fazio was not denied the right to comment at the Agenda. Rather, she was denied the opportunity to do it in the manner that she demanded. She was given a reasonable accommodation that makes her comments available to the Commission and to the public and allows them to be memorialized in the same fashion as an oral comment. Ms. De Fazio's primary complaint with the accommodation offered is her belief that the Commissioners do not read these agenda materials. This is completely unfounded. Of note, despite the fact that Ms. De Fazio's writing ability does not

¹ Upon information and belief, these organizations are National Toxic Encephalopathy Foundation, Functional Needs Working Group, and PUCWatchDogs.com.

² Ms. De Fazio repeatedly refers to Commission General Counsel attempting to "silence her" about future litigation allegedly related to smart meters. Again, Ms. De Fazio's allegations are baseless, and no content restriction was placed upon her.

Letter to George Taylor, Esq.

appear to be diminished by her condition, she elected not to make any public comment at all on March 14, 2014, nor did any other member of the three organizations that she asserts she represents. Ms. De Fazio could have requested that her statement be read into the record. Instead, she refused any accommodation but the telephone.

The Commission provides the public with the opportunity to comment at agenda meetings both in person and in writing. The Commission has not allowed public comment at agenda meetings via telephone. As Ms. De Fazio's Complaint makes clear, Commission agenda meetings can be lengthy, crowded and contentious. Ms. De Fazio's particular issue smart meters is one that has concerned many citizens. There are occasions where the Commission hearing rooms are filled to capacity with members of the public desiring to give comments. The Commission cannot accommodate such a volume of public comment via telephone. While Ms. De Fazio is correct that *parties to contested proceedings and rule makings* may be allowed telephone access, the Commission has never done so for the general public at agenda meetings.

Argument.

The accommodation offered to Ms. De Fazio on March 13, 2014, is reasonable under Nevada's Open Meeting Law. The Office of the Attorney General's Open Meeting Law Opinions are persuasive. A public body has the "discretion to determine whether the use of an electronic device will interfere with the conduct of their meeting, and, presumably, the power to forbid such a device's use in appropriate circumstances." OMLO2000-43 (December 11, 2000) (addressing the restriction of every kind of electronic device that may be used to audio or video record a public meeting). Allowing telephonic participation by the public during public comment periods would be particularly disruptive to a busy public body such as the Commission.

Further, the Office of the Attorney General agrees that the term "comment" in NRS 241.020 means both oral and written comment. *See In the Matter of Cold Springs Citizen Advisory*, OMLO 04-053 (December 7, 2004) at 3. However, in *In the Matter of Cold Springs Citizen Advisory Board*, the Attorney General found that despite its technical compliance, the Board's restriction that all public comment on one agenda item be in the form of written questions may have violated the spirit of the OML. *Id.* This finding was based upon the fact that the Board did not notify the public of the written question limitation and it was an unfair surprise, that the written question-only format discourages those who cannot write from participating, that not all comments can be posed in the form of a written question, and that the legislative history discussed that the public comment portion of the meeting would resemble that of a town hall meeting. *Id.* At 3 – 4.

In the Matter of Cold Springs Citizen Advisory is distinguishable from this matter. The accommodation offered to Ms. De Fazio came at her request the day before the scheduled hearing, and she has utilized this process in the past. There was no surprise. Ms. De Fazio does not appear to have any difficulty writing, and she generally prepares written comments that she reads into the record. There was no content or format restriction placed upon Ms. De Fazio in the submission of comments. While discussion with the Commission is allowed during public comment, it is not required. *See* NRS 241.020(2)(d)(3). Ms. De Fazio elected not to appear at the Agenda (or send anyone from her organizations in her stead), she elected not to submit any written comments, and

Letter to George Taylor, Esq.

she now complains that she failed to do so because of her unfounded belief that no one would read them.³

Conclusion.

I respectfully request that you find that the Commission did not violate the Nevada Open Meeting Law by providing Ms. De Fazio with the opportunity to provide written comments when she was too ill to appear at the Commission's March 14, 2014, agenda meeting. Should you require any additional information, please do not hesitate to contact me.

Sincerely,



Carolyn E. Tanner
General Counsel

Encl.

cc: Hon. Alaina Burtenshaw, Chairman
Hon. Rebecca Wagner, Commissioner
Hon. David Noble, Commissioner
Crystal Jackson, Executive Director
Ms. Angel De Fazio

³ Ms. De Fazio includes a letter by Mr. Fred Voltz in her supporting documentation. In his letter, Mr. Voltz also asserts the Commission "is not aware of these comments unless the individual Commissioners re-read dockets just before meetings." This assertion is unsupported by any evidence. Upon information and belief, the Commissioners, like Mr. Voltz, are well aware of how to access supporting documentation for their agendas, including late-filed documentation. Curiously, Mr. Voltz also claims that I have refused to allow the posting for chemical sensitivities. Again, this assertion is baseless and false. I have never spoken to Mr. Voltz about this or any other issue.

Angel De Fazio, BSAT
POB 29194
Las Vegas, NV 89126
702/490-9677
NTEFUSA@Aol.Com

May 6, 2014

Mr. George Taylor, Esq.
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
Open Meeting Law Division
100 North Carson Street
Carson City, NV 89701

Exhibit 3

Via email: gtaylor@ag.nv.gov
ctanner@puc.nv.gov

Re: OML File No.: 14-008

Dear Mr. Taylor,

I defer to your expertise as to whether to have this considered an addendum to my original complaint or if you want me to file this as a new complaint. I leave this to your discretion.

Today, the PUC sent out an email notifying people of the fragrance 'policy'.
Exhibit A.

The use of the term 'affront' is a bullying and harassment term and I am not asking but DEMANDING that the signs and email that was sent out remove it immediately.

According to the dictionary:

af-front

noun

1. a personally offensive act or word; deliberate act or display of disrespect; intentional slight; insult: an affront to the king.
 2. an offense to one's dignity or self-respect.
- verb (used with object)
3. to offend by an open manifestation of disrespect or insolence: His speech affronted all of us.
 4. to make ashamed or confused; embarrass.
 5. Archaic. to front; face; look on.
 6. Obsolete . to meet or encounter face to face; confront.

As it is implying an 'offense' that is NOT equable to an exacerbation by any stretch of the imagination. I find her 'accommodation an 'affront' to my health status. Mrs. Tanner being an attorney should be highly cognizant of the fact that 'words' have legal implications and as such, this one is not going to be tolerated. I am not offended by the use of fragrances/chemicals, I am HARMED by said chemicals/frangrances, clearly a complete difference that she should be aware of.

I followed the request that Mrs. Tanner vocalized on April 30th, to submit my request in writing and it would be reviewed. I am attaching the original email and her subsequent emails addressing the issue. Exhibits B, C, D, E, F, G, H, I.

I find it extremely ironic, when I said it was the 'law', Mrs. Tanner ignored it. Then when I referenced it as her finding 'religion', now, she acknowledges that it's the law. She should have accepted that initially. Just because Mrs. Tanner is an attorney, does not negate the fact that non-attorneys can have legal knowledge that do not fit under their 'area' of law, as this entire complaint/issue is obviously predicated on.

If Mrs. Tanner had any rudimentary knowledge of neuro-anatomy, is that the incorporation of only the term 'synthetic' does not know that essential oils, albeit misinterpreted as 'natural', predicated on their 'distillation' process; steam, chemical, mechanical, go DIRECTLY into the brain in order to 'achieve' their 'alleged' responses. Therefore, by only referencing the term 'synthetic' gives a 'pass' to the essential oils'. A quick and dirty anatomy: you inhale something, it goes thru the olfactory epithelium, olfactory neurons directly into the brain, there is no barrier. You inhale, it goes thru the nasal passage into the lungs also.

The 'suggestion' that Mrs. Tanner proposed to 'stick' me in an isolated room, at the Las Vegas Office, if the 'scents' in the main meeting room were an affrontage is not acceptable, as that overflow room is toxic to me. To wit, on Wednesday, April 30th, the PUC held their administrative agenda meeting in that room. Even with a mask on, I noticed an 'off' smell and it was embedded on my clothes even after I left the meeting. This is analogous to someone going into a smoke filled room, when they come out, their clothes will have absorbed the smell of smoke, no different when those with environmental issues are exposed to fragrances, chemicals, we just perceive them at lower threshold levels.

You can't exacerbate a disability or any other health condition, because you don't want to add a simple addendum to a public meeting notice. The PUC has made a good 'first step', but the fluidity of attendees is a complete unknown variable. As such, only with the incorporation of the 'simple' statement could all of this be ameliorated.

The federal guidelines for the ADA supersede the state's and as such, there needs to be uniformity not a provisional approach. As her latest 'suggestion' to be done on an 'annual' basis, is impacted by the fact that there is a requirement that semi-annually those on the 'current' list, are re-requested to sign up to remain on their notification lists. I believe the last one was sent out in March or due by March.

The ADA is not a pick and choose type law, it is comprehensive and covers every qualifying disability and accommodations need to be unilateral, not segmented as she has proposed. As she also has stated that she is going to request from the Attorney General's Office a ruling on this, as such, I concur that this needs to be addressed from said office. As any ruling is predicated on federal not state because of the 'employee number' and also being the 'recipient of federal funding', such as I fully elaborated on in my initial complaint to the Attorney General's Office. I 'believe' that it is under the purview of the Attorney General's Office that they adhere to both state and also federal laws/rulings. Therefore, the ruling should be based upon federal rulings, not a 'water-down' state version.

As Mrs. Tanner is under the misguided impression that since Nevada doesn't have a fragrance free policy, that does not impact the right of accessibility or notification accommodations that the ADA and US Access Board are promoting. As I have not asked for the state's offices to be fragrance free, only notifications for when the public is invited to attend. I have absolutely no problem in seeking whatever remedies I am afforded under the law.

Mrs. Tanner 'suggested' that I contact my legislative representative regarding the fragrance free issue. I spoke with Governor Sandoval's campaign manager and also left a message for his press secretary, as he is going to be named in the press notification of how the disabled are treated in this state and the 'unacceptable' ideas of how to assimilate this demographic into public participation of public entities meetings, events etc. As for the past three years the Governor has issued a proclamation in support of this issue.

In order to make it 'more convenient' for the PUC to comply with my request, I provided her with the dates in May that I had planned to attend and even those were summarily disregarded/dismissed by her, promulgating her 'rethinking' of her original denial of my request.

Now, since Mrs. Tanner has 'determined' that the overflow room is her concept of accommodations, does that include the liability of the PUC to be sued for the health impacts from a sick room? I say the room is sick, I say it has not been properly remediated and also another member of the public is denied participation over the mold issue. I am sure that Mrs. Wisecup would be more than willing to provide evidence of how sick and the duration of said exposure

she had to endure and why she can no longer attend meetings at the Las Vegas Office.

The most salient issue is that the PUC's Las Vegas Office is in a LEED Certified Building. As it seems to be a requirement that state buildings are in LEED certified structures. This is a three story building and the PUC's offices are on the second floor. This rating is the lowest that any LEED building can achieve, with the most bare minimum standards, aka poor quality building to get tax incentives. The PUC was notified over a year ago that there was a highly documented video made of water coming thru a fire spigot in the main meeting room, that has been posted on YouTube.Com. It is important to note that during this 'stream' of water flowing, the Chairwoman of the PUC, Commissioner Burtenshaw was captured stating 'it's happened' before. In order for the water to come from a potential leak in the roof, traverse thru the third floor to the second floor there is and was a path of water intrusion that has hidden mold and or mildew that is emanating into their offices. <https://www.youtube.com/watch?v=zzqghZJ1G9g> Along with a leak that was proven by the ceiling tile that presented with water demarcation stains in the overflow room that Mrs. Tanner has volunteered to encase me in.

After a couple of months, the ceiling tile in the 'overflow' meeting room was replaced, whether there was proper remediation done is unknown. Whether the leak in the main meeting room has been ameliorated is also unknown, as I have not been in attendance at any other meeting when it was raining. It is highly known that if an office has the 'need' to disburse an air freshener, air sanitizer etc., that there is a problem that they are trying to cover up. Covering up a 'unpleasant' odor is not healthy nor in compliance with LEED certifications, as the aerosol is just a 'masking' agent temporarily covering up an ongoing problem.

Therefore, it is common knowledge that the Las Vegas Office has a can of Lysol sitting on a table at their office, especially in the overflow room. In any notice calling for the public to participate under the open meeting parameters, the venue should be 'safe' for everyone. By having meetings in a public building with LEED certification, the majority of the public is under the misguided impression that the building is 'healthy'. I am not alluding I am full out asserting that this is a sick building and proper remediation has not been done.

Nor will I comply and accept an 'accommodation' that is both unhealthy for the public and an exacerbation of my health condition. I had a discussion with Chairwoman Burtenshaw and also Peter Kostos after the administrative hearing meeting on April 30th and discussed various issues, especially the impact of indoor air quality upon her staff.

Thank you for your prompt attention to this matter.

Respectfully submitted,

/s/
Angel De Fazio

Angel De Fazio, BSAT
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Exhibit 2

May 13, 2014

Mr. George Taylor, Esq.
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
Open Meeting Law Division
100 North Carson Street
Carson City, NV 89701

Via email: gtaylor@ag.nv.gov
ctanner@puc.nv.gov

Re: OML File No.: 14-008

Dear Mr. Taylor,

The concerted, retaliatory latest tactic of the PUC from being forced to comply with the ADA, regarding the open meeting law is beyond ludicrous. Apparently, because they 'learned' that they are not above the law, are now, blatantly trying to curtail public input in their agenda meetings and usurp corporate activities.

After speaking with counsel, I have been advised as one of their directives, to file this with your office and then the decision rendered will dictate what legal action the National Toxic Encephalopathy and myself will initiate and who the named parties will be.

According to NRS 704.001 the stated purpose/duties of the PUC are.

NRS 704.001 Purpose and policy of Legislature in enacting chapter. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

1. To confer upon the Commission the power, and to make it the duty of the Commission, to regulate public utilities to the extent of its jurisdiction;
2. To provide for fair and impartial regulation of public utilities,

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

In reviewing NRS Chapters 82, 78, 78B, regarding Nevada corporations, there is nothing in these statutes that gives the PUC any legal authority to interfere, micro-manage or otherwise direct corporate business activities, especially if said corporate entities are not a utility that they are empowered to regulate. Yet, the PUC on May 9th, has 'mandated, that corporate entities are not allowed to be represented by their own chosen representative. That a member of the public can only 'present' once to the commission. EXHIBIT A

There is nothing that myself or others could find that prohibit entities from electing who is to represent them during open meetings. Or how many entities can be represented by a single member of the public.

The intended purpose of the open meeting is for the public to interact with entities and have their concerns/opinions heard. This current 'mandate' of the PUC is a mendacious attempt to curtail the purpose of the open meeting law, impede free speech under the first amendment, interfere with business activities and punish those who seek to enforce rights afforded them under the law.

There is no other way to interpret this 'change' other than it being a concerted, mendacious, egregious retaliation, as for well over two years there has been no 'problem' in who was allowed to present at the PUC's open agenda meetings.

Myself and also Mr. Voltz represent other organizations, so this is prima facie evidence that this because of the ADA compliance issue. As Mr. Voltz only on April 30th, appeared as a representative of an advocacy group, every other time it has been myself. Furthermore, my demanding that they have the 'suggested' room as an 'accommodation' be tested and remediated for mold. EXHIBIT B

Metaphorically speaking: the more attempts by Mrs. Tanner to create roadblocks affords me the ability to build a suspension bridge over them. To quote Newton's 3rd Law of Motion: "For every action there is an equal and opposite reaction." What does this mean? This means that for every force there is a reaction force that is equal in size, but opposite in direction. That is to say that whenever an object pushes another object it gets pushed back in the opposite direction equally hard. Only I will exert a greater force over their 'force'.

Mrs. Tanner is flailing and treading in shark infested waters. She is so desperate to try and 'get the goods' on me, that she attempted to 'infer' that the corporate e-commerce store was 'deceptive marketing' regarding chemical laden 'personal care items', when in fact she was referencing a homeopathic over the counter

medicine. Her 'failed' attempt to try and 'weasel' out of being accused of practicing medicine without a license, was pathetic. There was no need to bring up the term MCS to feign that it wasn't recognized. Another attempt at smoke/mirrors and retaliatory activity. EXHIBIT C

Every time Mrs. Tanner tries to impede my activities with the PUC, it will not be endured at any level. This is how a 'professional' acts? This is how an executive branch of the Nevada government acts when forced to comply with the law?

More importantly, in Mrs. Tanner's response she alleged that the granting of the telephonic appearance would be problematic because of "lengthy, crowded and contentious" meetings. Since the March request there have been not including the April 30th utility and administrative agenda meetings, two meetings, March 26th and April 9th. Upon playing the audio recordings of both, there was no one from the public appearing to speak. Only on April 30th, did two members of the public appear at both meetings.

Along with the fact that the commission 'permits' me to appear on behalf of 3 entities, that Mrs. Tanner admits she was a witness to. With all these 'highly crowded' meetings, a mere 8 minutes would not be a problem by any means. Again, concerted retaliation, as they can't justify their actions on this 'revised' policy.

The 'revision' to curtail my right to speak is a direct violation of free speech and that will not be tolerated.

This is an issue that will not go away and I will keep publicizing how they try to 'penalize' the disabled over accommodations, retaliatory actions and how the state of Nevada adheres to federal law.

DATED and DONE this 13th day of May, 2014.

/s/

Angel De Fazio, BSAT

Cc: Carolyn Tanner