

IN THE SUPREME COURT OF THE STATE OF NEVADA

PUBLIC UTILITIES COMMISSION OF
NEVADA,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT
COURT of the State of Nevada, in and for the
County of Clark, THE HONORABLE
JOSEPH T. BONAVENTURE, District
Judge, and THE HONORABLE WILLIAM
D. KEPHART, District Judge,

Respondents,

and

SOUTHWEST GAS CORPORATION,

Real Party in Interest.

Case No. 80175

District Court No. A-19-791302-1

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Elizabeth A. Brown
Clerk of Supreme Court

**STATE OF NEVADA, BUREAU OF CONSUMER PROTECTION'S
MOTION FOR LEAVE TO JOIN THE PUBLIC UTILITY
COMMISSION OF NEVADA'S PETITION FOR WRIT OF
MANDAMUS OR, ALTERNATIVELY, PROHIBITION**

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Petitioner, Bureau of Consumer Protection (“BCP”), by and through counsel, Ernest D. Figueroa, Consumer Advocate for the State of Nevada, and Whitney F. Digesti, Deputy Attorney General, hereby respectfully requests leave to join the Petition for Writ of Mandamus or, Alternatively, Prohibition, filed on behalf of the Public Utility Commission of Nevada (“PUCN”) on December 9, 2019. This Joinder to Petition is made and based upon the Petition for Writ of Mandamus or, Alternatively, Prohibition filed with this Court on behalf of the PUCN, and upon such other documentary evidence as may be presented, and any oral arguments entertained in this matter.

The BCP is a party in the underlying district court case. The Petition for Writ of Mandamus or, Alternatively, Prohibition affects the BCP. Specifically, the BCP is within the Office of the Attorney General of the State of Nevada and is explicitly tasked with protecting the interests of Nevada ratepayers in utility rate cases before the PUCN. The underlying case is a petition for judicial review from a PUCN general rate case decision, and is currently before Department XIX in the Eighth Judicial District Court. The subject decision in the underlying case was arbitrary and in direct conflict with the applicable law. That is, whether public utilities such as Southwest Gas Corporation must follow the guidelines set forth in NRS 703, including the briefing schedule which does not allow for the filing of a reply, is not a decision that is subject to the district court’s discretion. The outcome of this decision will affect Nevada ratepayers.

As such, the BCP hereby adopts the following as set forth in the Petition for Writ of Mandamus or, Alternatively, Prohibition of the PUCN:

- a) The relief sought;
- b) The statement of facts and procedural history necessary to understand the issues presented in the Petition;
- c) The legal argument, addressing the Respondents' disregard of NRS 703.373 and this Court's ruling in *Rural Telephone Co. v. Pub. Utils. Comm'n of Nev.*, 133 Nev. 387, 398 P.3d 909, (2017);
- d) The reasons why the Court should hear the Petition;
- e) The reasons why the Writ should issue; and
- f) The Routing Statement.

Respectfully submitted this 12th day of December 2019.

AARON D. FORD
Attorney General

ERNEST D. FIGUEROA
Consumer Advocate

By: /s/ Whitney F. Digesti
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on December 12, 2019.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

/s/ Vivian Barrera-Monroy

Vivian Barrera Monroy, an employee
of the State of Nevada Office of the
Attorney General