

SOUTHWEST GAS CORPORATION,
Appellant,
v.
PUBLIC UTILITIES COMMISSION OF
NEVADA,
Respondent.

CASE NO. 80911

**PUBLIC UTILITIES COMMISSION OF NEVADA’S RESPONSE TO
SOUTHWEST GAS CORPORATION’S MOTION FOR EXTENSION TO
FILE OPENING BRIEF AND APPENDIX**

In requesting yet another extension of the deadline for filing its opening brief, Southwest Gas Corporation (“SWG”) asks this Court to further exacerbate the potential harm to Nevadans resulting from delay in this appeal. As the Public Utilities Commission of Nevada (“PUCN”) explained in its opposition to SWG’s second motion for an extension, SWG’s ratepayers will experience increases to their rates if SWG prevails in this case, and the potential magnitude of those rate increases grows with each day that this matter remains pending.

The question raised by SWG’s latest motion is whether SWG demonstrates the Court-ordered standard of *extraordinary circumstances and extreme need* to justify its extension request, and whether SWG’s circumstances and need warrant exposing its customers (more than 776,000 Nevada households and businesses) to the risk of greater economic harm during a time when so many are already

suffering financial hardships from the effects of the COVID-19 pandemic.¹ The PUCN leaves to the Court’s discretion the determination of whether SWG has met the standard that the Court imposed on SWG in its November 9, 2020, Order Granting Motion.

SWG has known for some time that it would be required to file an opening brief and appendix in this case. A Notice of Entry of Order Denying Petition for Judicial Review was filed with the Eighth Judicial District Court on March 6, 2020. SWG filed its original notice of appeal of that order with this Court on April 2, 2020. SWG has had at least 250 days to prepare for the eventuality of an opening brief in this case. Rather than filing its opening brief in accordance with Court-ordered deadlines, SWG has filed motions for extensions on September 25, 2020, October 26, 2020, and now, on November 30, 2020, each time doing so with full knowledge that an extension would subject its customers to the risk of additional rate increases resulting from the utility’s potential ability to collect interest, or “carry,” on delayed revenues if this Court ultimately reverses the decisions of the PUCN and the district court.

¹ This Court’s Order Granting Motion, issued on November 9, 2020, stated that “[n]o further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need.”

The PUCN asks that the Court, in considering SWG’s pending motion, take into account the unique risk of escalating financial impact to Nevadans that arises from delays in appeals of utility ratemaking decisions.² The impact of delay on SWG’s customers is the PUCN’s central concern and is the only reason why the PUCN has objected to requests for extensions in this case.

In a different case currently pending before this Court, *Sierra Pacific Power Co. v. Public Utilities Commission of Nevada*, Case No. 81154, the PUCN has not objected to motions for extensions of time because that case presents a significantly lower level of risk to Nevada ratepayers. There, Sierra Pacific Power Company d/b/a NV Energy and Nevada Power Company d/b/a NV Energy (together, “NV Energy”) have similarly requested three extensions of time to file an opening brief. While that case also concerns rates charged to customers, the risk of escalating costs to Nevada ratepayers is minimal. A full-party stipulation was filed with the PUCN on September 24, 2020, wherein all parties to the PUCN proceeding agreed to dismiss Case No. 81154. The PUCN has already issued an Interim Order approving that stipulation in full. The only remaining issue to be

² In its October 27, 2020, Opposition to SWG’s second request for an extension, the PUCN explains that this unique risk of financial harm to ratepayers is why the Nevada Legislature established an expedited process for judicial review of PUCN decisions, requiring not only shorter briefing schedules at the district court, but also providing that “[a]ll [appeals of PUCN decisions] have precedence over any civil action of a different nature pending in the court.” NRS 703.373(10).

addressed by the PUCN is unrelated to the terms of the stipulation and would not affect the agreement to dismiss Case No. 81154. Moreover, every party to Case No. 81154 has already signed the stipulation to dismiss the case, and NV Energy is merely waiting to file that stipulation with this Court until a PUCN final order is issued. The PUCN is scheduled to vote on a final order on December 9, 2020.

In conclusion, the PUCN urges the Court to examine whether SWG's November 30, 2020, Motion for Extension satisfies the Court-ordered requirement to demonstrate extraordinary circumstances and extreme need, particularly considering that further delaying this appeal imposes the risk of additional financial harm upon hundreds of thousands of Nevada households and businesses.

Dated this 2nd day of December, 2020.

THE PUBLIC UTILITIES COMMISSION OF NEVADA

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CERTIFICATE OF SERVICE

I certify that I am an employee of the Public Utilities Commission of Nevada and that on this date I electronically filed and served copies of the **Public Utilities Commission of Nevada's Response to Southwest Gas Corporation's Motion for Extension** with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF filing system to the following:

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Dated this December 2, 2020.

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