

In the Supreme Court of Nevada

SOUTHWEST GAS CORPORATION,
Appellant,

vs.

PUBLIC UTILITIES COMMISSION
OF NEVADA; and STATE OF
NEVADA BUREAU OF CONSUMER
PROTECTION,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

**REPLY BRIEF ON MOTION FOR EXTENSION
TO FILE OPENING BRIEF AND APPENDIX**

Appellant Southwest Gas appreciates that, in responding to this motion for extension, the respondent Public Utilities Commission of Nevada has not outright opposed it but rather “urges the Court to examine” for itself whether the motion satisfies the requirement of “extraordinary circumstances and extreme need.” (Resp. 4.)

Southwest Gas has. The Commission is still mistaken about a supposed obligation on *this* Court to expedite this appeal ahead of all other appeals. As Southwest Gas previously explained, the quoted statute, NRS 703.373(10), discusses expedited judicial review in the *district court*, while leaving appeals in this Court subject to the ordinary

“rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution as in other civil cases.” NRS 703.376. But ultimately, that statutory question is irrelevant because Southwest Gas has demonstrated the requisite need, regardless of whether this appeal is in some sense considered expedited.

First, Southwest Gas’s appellate counsel has diligently been working on the appeal. That task was made more difficult, as previously discussed, by the abrupt departure of the attorney who had drafted the underlying briefs in this complex matter in the district court. The Commission recently reached out to Southwest Gas’s counsel about the preparation of a joint appendix. And while that appendix may not include every page of the more than 17,000-page administrative record or the hundreds of pages of district-court briefing, the record is likely to be substantial.

Second, appellate counsel have attempted to address the staffing issue by enlisting other attorneys to assist, in particular with the preparation of briefs in other cases. Nonetheless, counsel were unable to entirely shift responsibility, even in those other cases, because some of the assisting attorneys are not licensed in Nevada, and Southwest Gas’s

Nevada counsel have had to review and revise to ensure compliance with this Court's rules. (This Court recently granted a similar motion in another of counsel's cases, Docket No. 77652, based in part on this circumstance.)

Third, the family and medical circumstance described in the motion is genuine. In addition to having to cease work—or having work interrupted—to care for counsel's pet and to submit an in-person claim in a bankruptcy proceeding regarding money owed to counsel personally, counsel also unexpectedly had to care for his young daughter and take time off work when she fell ill and was, because of COVID restrictions, unable to participate in her usual school and day-care activities.

Southwest Gas understands the importance of this case. That is why the issues, in particular the issue of a presumption of prudence under *Public Service Commission v. Ely Light & Power Co.*, 80 Nev. 312, 393 P.2d 305 (1964), deserve a full hearing.

Southwest Gas appreciates the Court's extraordinary courtesy in these extraordinary times and asks the Court to grant the motion.

Dated this 9th day of December, 2020.

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CERTIFICATE OF SERVICE

I certify that on December 9, 2020, I submitted the foregoing “Reply Brief on Motion for Extension to File Opening Brief and Appendix” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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