

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

MOTION FOR EXTENSION TO FILE OPENING BRIEF AND APPENDIX

Appellant Southwest Gas Corporation requests an extension through January 26, 2021 to file its opening brief and appendix. NRAP 31(b)(3). This is the fourth such request. Without an extension, the brief would be due January 4, 2021.

Appellant is mindful of this requirement that the extension demonstrate extreme need. The requested extension is necessary, however, to give the client an opportunity to review and, if necessary, make changes to the brief. The record in this case is extraordinary complex. The Commission first provided its requests excerpts for inclusion on December 22, 2020. And the parties were still making adjustments until December 31, when respondents requested the

inclusion of another exhibit that required that the vast majority of the appendix (a total of more than 5,000 pages) be renumbered. Southwest Gas is happy to make this accommodation and is pleased that the joint appendix, filed today, may streamline the parties' and this Court's ability to review the relevant parts of the record. Nonetheless, this caused somewhat of a burden, especially to appellate counsel's staff, over the Christmas and New Year's holidays, as they prepared for today's filing of the joint appendix. Appellate counsel conferred with respondents' counsel last week regarding these changes and, although counsel indicated the aim to file by today's deadline, warned that an extension might be necessary.

In addition, the father of one of appellant's attorneys recently died from complications of COVID-19, and he had to take time away both before and after the death to make healthcare decisions and to attend to his family and the administration of his father's affairs. While some accommodations—such as the postponement of an upcoming oral argument in this Court—were extended, this disruption nonetheless affected many areas of counsel's practice.

Counsel do not take this extension request lightly and are mindful of the Commission's position that his appeal should be expedited.

Nonetheless, the principal issue in this appeal—whether a natural gas utility is entitled to a presumption of prudence in its incurred costs—is of substantial and recurring importance, far beyond the parties' dispute over the specific expenses in this case. The requested extension will enable that issue to be briefed thoughtfully for the Court's review.

Dated this 4th day of January, 2021.

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CERTIFICATE OF SERVICE

I certify that on January 4, 2021, I submitted the foregoing “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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