

SOUTHWEST GAS CORPORATION,
Appellant,

v.

PUBLIC UTILITIES COMMISSION OF
NEVADA,

STATE OF NEVADA, BUREAU OF
CONSUMER PROTECTION
Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

The Public Utilities Commission of Nevada (“PUCN”) does not oppose the fourth motion for extension filed by Southwest Gas Corporation (“SWG”) on January 4, 2021 (“Motion”). The PUCN continues to have significant concerns as to the risk of escalating financial impacts to Nevadans that arises from delays in appeals of utility ratemaking decisions, but the PUCN recognizes that the unfortunate circumstance cited in the Motion of the death of appellant counsel’s father due to COVID-19 results in an extreme need.

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SWG of its requested inclusions in the Joint Appendix in November after initiating discussions on the appendix. After hearing nothing from SWG as to what it would seek to include in the Joint Appendix, the PUCN sent downloadable files to SWG on December 22, 2020, of the excerpts of the certified record from the district court that the PUCN sought to include. After receiving no response from SWG, the PUCN and the State of Nevada Bureau of Consumer Protection (“BCP”) sent SWG’s counsel an e-mail on December 28, 2020. SWG, the BCP, and the PUCN participated in a conference call on December 30, 2020, and in the afternoon of December 31, 2020, SWG finally sent a draft of the appendix. The PUCN and the BCP reviewed the 5,000 plus pages of the draft appendix on New Year’s Eve, the same day on which they received it from SWG, finding one potential error and requesting one additional exhibit be included after seeing what SWG proposed to include. The PUCN appreciates the diligent efforts on the part of the staff of SWG’s counsel to file the Joint Appendix on January 4, but the PUCN is concerned by SWG’s statements that appear intended to fault Respondents for the delay in compiling the Joint Appendix.

The PUCN asks that this Court prohibit any further extensions for SWG and require SWG to file its opening brief on January 26, 2020, the filing deadline requested by SWG in this latest motion. SWG has had nearly a full year to prepare and file its opening brief, all the while exposing its own 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. While SWG argues that the presumption of prudence at issue in this appeal is more important than the financial burden it places on its own customers, the PUCN's brief will demonstrate that (1) the presumption of prudence does not exist in Nevada; and (2) the presumption of prudence is not at issue in this case as the PUCN did not base its contested decision on the existence or non-existence of such a presumption.

For the foregoing reasons, the PUCN does not oppose SWG's Motion and requests that the Court order SWG to file its opening brief on or before January 26, 2021. The PUCN also requests that the Court specifically prohibit any further extensions of time for the filing of SWG's opening brief.

Dated this 7th day of January, 2021.

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 January 7, 2021.

/S/ SHAYLA HOOKER

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