

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

SOUTHWEST GAS CORPORATION,  
Appellant,  
vs.  
PUBLIC UTILITIES COMMISSION OF  
NEVADA; and STATE OF NEVADA  
BUREAU OF CONSUMER PROTEC-  
TION,  
Respondents.

Electronically Filed  
Aug 10 2021 10:20 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Case No. 80911

**NEVADA RESORT ASSOCIATION’S MOTION TO PARTICIPATE IN  
ORAL ARGUMENT**

Pursuant to Rule 29(h) of the Nevada Rules of Appellate Procedure, the Nevada Resort Association (“NRA”) files this Motion to Participate in Oral Argument as *amici curiae* in the above-referenced matter. This Motion is based on the following Memorandum of Points and Authorities, the Briefs on file, and any additional information the Court chooses to consider.

**MEMORANDUM OF POINTS & AUTHORITIES**

On March 19, 2021, this Court granted NRA’s Motion for Leave to File Amicus Curiae Brief. NRA’s *amicus* brief was focused on the single issue of Appellant Southwest Gas Corporation (“SWG”) arguing that utilities are entitled to a presumption of prudence in general rate case proceedings before the Public Utilities Commission of Nevada (“PUCN”). On August 3, 2021, this Court issued an Order scheduling oral argument in this case for September 10, 2021, and allotted 60 minutes for

argument. NRA files this Motion, pursuant to NRAP 29(h), and seeks permission to participate in oral argument for this matter and offers that extraordinary reasons support this request.

NRA represents the voice of the gaming and resort industry in Nevada. NRA's members are some of the largest employers in the State and all of its members receive service from PUCN regulated utilities. Some NRA members are the largest customers of Nevada utility providers and frequently participate in utility ratemaking proceedings before the PUCN. NRA has a substantial interest in the resolution of this case as it could potentially change the legal requirement that has been part of the foundation of Nevada utility ratemaking law for decades and is a fundamental requirement to ensure just and reasonable rates for Nevada customers.

Two related reasons support NRA's participation in oral argument. First, NRA presents a unique and important perspective to the Court on behalf of its members' interests, as some of the largest customers of regulated Nevada utilities, that will be affected by the Court's resolution of the case. NRA believes that the Court would benefit by hearing brief arguments and being able to ask questions on the legal impact and practical consequences to some of Nevada's largest employers and utility customers in resolving the issues before it. Respondents are in a different position than the NRA's members. While the BCP represents residential ratepayers, NRA members are large commercial customers who will be impacted in any rate

proceedings by potentially large amounts given their sizeable utility usage and may be faced with proposed utility rate increases without the ability to meaningfully evaluate utility financial information and evidence within the sole control of the utilities and necessary to challenge, evaluate and understand proposed rate increases. SWG argues utilities should not bear the burden of proof to demonstrate prudence of the expenditures they seek to recover from customers and offers an interpretation of Nevada law that would fundamentally change customers' ability to effectively participate in rate case proceedings. NRA is best positioned to answer complex questions on the practical impact any resolution by this Court would have on large customers and large employers to have meaningful and effective participation in general rate proceedings before the PUCN. Second, the central issue in these proceedings is complex and warrants thorough arguments by a wide range of participants. NRA's arguments and responses to any questions would further this interest by providing the Court a different perspective that is important to the Court's resolution of the issues. Several of NRA's members have participated in numerous PUCN general rate case proceedings and understand well how those proceedings work, the importance to customers of having the ability to meaningfully and efficiently participate in those proceedings and, that the outcome of those proceedings can have a sizeable impact on their operating costs. NRA can provide specific context for what is currently required of utilities in a rate case proceeding, why those requirements

are important for meaningful participation by utility customers, and the impact the substantial changes Appellant proposes would have on customers and the process. It is thus important for large customers to provide the Court with meaningful, specific information on the issue presented.

Given NRA's unique position of representing members directly impacted by PUCN's proceedings and whose members have intimate familiarity with the rate case proceedings, coupled with its different and practical perspective on the impact of any changes to rate case proceedings, NRA submits that extraordinary circumstances exist to warrant its participation in oral argument in this case.

Dated: August 10, 2021.

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## CERTIFICATE OF SERVICE

Pursuant to NRAP 25(e), I hereby certify that on the 10th day of August, 2021, I electronically filed the foregoing **NEVADA RESORT ASSOCIATION'S MOTION TO PARTICIPATE IN ORAL ARGUMENT**, with the Clerk of the Nevada Supreme Court via the Court's e-Flex system. Service will be made by e-Flex on all registered participants.

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