

RESOLUTION NO. 4889

A RESOLUTION ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM AND DELEGATING PROGRAM ADMINISTRATION TO THE GENERAL MANAGER

WHEREAS, Congress enacted the “Fair and Accurate Credit Transactions Act of 2003” (“FACTA”), which required the federal banking agencies to enact regulations requiring each financial institution and creditor to establish programs to detect, prevent and mitigate identity theft in connection with covered accounts; and

WHEREAS, the Federal Trade Commission in 2007 enacted regulations to implement FACTA, codified at 16 CFR Part 681, which regulations require adoption of such programs by November 1, 2008; and

WHEREAS, the Federal Trade Commission’s regulations require that creditors such as utility companies establish identity theft prevention programs designed to identify, detect and respond to “Red Flags,” defined as patterns, practices or specific activities that indicate the possible existence of identity theft; and

WHEREAS, the regulations require that the utility’s Board of Commissioners approve the initial written program that considers the Federal Trade Commission’s published guidelines; and


WHEREAS, Staff have developed an Identify Theft Prevention Program (the “Program”) designed to be implemented by the General Manager, that includes procedures for detecting and responding to Red Flags, annual review and updating of the Program, oversight of the Program and the District’s service providers, and appropriate training of staff; and

WHEREAS, the Board of Commissioners, based on information and evaluation presented by Staff, believes that approval of the Identity Theft Prevention Program, which is attached hereto as Appendix A, is in the best interests of the District and its ratepayers;

NOW, THEREFORE, BE IT RESOLVED that the Commission of Public Utility District No. 1 of Clark County hereby approves the Identity Theft Prevention Program, substantially in the form attached as Appendix A.

BE IT FURTHER RESOLVED that the Commission delegates to the General Manager the authority to implement the Identity Theft Prevention Program, to periodically amend the Program as necessary or advisable to reflect changes in risks to customers or the District related to identity theft, and to take such other actions reasonably necessary to implement the Program.

PASSED AND APPROVED this 21st day of October 2008.



President



Secretary