

In the Matter of a Suggested)
Rule for Conduct of Public Utility)
Activities in Unregulated Markets)
By the Commission)

DOCKET NO. 99-999-02
Notice of Request for Comment
on a Submitted Proposal for
Possible Commission Rule

ISSUED: February 12, 1999

By The Commission:

The Utah Heating & Air Conditioning Contractors Association (UHACCA) has submitted a suggested rule affecting utility activity in unregulated markets for consideration by the Commission. The Commission hereby gives notice of this suggested rule, which is attached as

Exhibit "A", followed by a list of citations for the proposed Standards of Conduct, attached as Exhibit "B". The Commission now requests comments on the UHACCA proposal. In order to give adequate consideration on whether a rule addressing these activities, and whether the UHACCA's suggested rule's provisions, should be proposed pursuant to the Utah Administrative Rulemaking Act U.C.A. §§63-46a-1 et seq., the Commission requests comments from interested persons pursuant to U.C.A. §63-46a-4(2) and Utah Administrative Rule R746-100(15). Comments should be filed with the Public Service Commission of Utah, 160 East 300 South, Salt Lake City, Utah 84111, on or before Monday, April 26, 1999. Comments should use this docket caption or make reference to this docket number to assist in the proper filing of comments.

DATED at Salt Lake City, Utah, this 12th day of February, 1999

(SEAL) /s/ Julie Orchard
Commission Secretary

EXHIBIT "A"

UTAH STANDARDS OF CONDUCT
FOR PUBLIC UTILITY ACTIVITIES
IN UNREGULATED MARKETS

I. Purpose. The purpose of these rules is to maintain fair competition and a level playing field⁽¹⁾ in markets for Non-Utility Goods and Services such as appliance sales and repair, home warranties, internet access, satellite television access, etc., in which commission-regulated gas or electric public utilities are now participating, directly or indirectly, or participate in the future, directly or indirectly. These rules are not intended to and do not apply to activities which are currently regulated such as the provision of natural gas or electricity or to any component of such activities such as electricity generation. Rules for the latter situation will be considered when there is a need for consideration of such rules.

II. Definitions

Unless the context otherwise requires, the following definitions govern the construction of these Rules.

- A. "Affiliated Competitor" means any division, subsidiary or affiliate of a Commission-regulated public utility and any alliances, partnerships, corporations, joint ventures or other revenue-sharing arrangements entered into by a Public Utility for the provision of Non-Utility Goods or Services.⁽²⁾
- B. "Commission" means the Public Service Commission of the State of Utah.
- C. "Customer" means the consumer of utility goods and services.
- D. "Customer Information" means non-public information and data specific to a utility Customer which a Public Utility acquired or developed in the course of its provision of utility service.
- E. "Non-Utility Goods or Services" means goods or services which are not subject to regulation under the Utah Public Utility Law. Examples include home security systems, satellite television, furnace and air-conditioning repair, and appliance warranties.
- F. "Public Utility" means any public utility subject to the jurisdiction of the Commission as an electrical corporation or gas corporation as defined in §§54-2-1(1) and (13), respectively of the Utah Code.
- G. "Unaffiliated Competitor" means a provider of Non-Utility Goods or Services which is not an Affiliated Competitor as defined above.

III. Applicability

- A. These Rules apply to all Public Utilities with Affiliated Competitors.⁽³⁾
- B. These Rules are concerned with the behavior of Public Utilities, not their Affiliated Competitors.⁽⁴⁾
- C. These Rules do not preclude or stay any form of civil relief otherwise available under state or federal law, nor do they preclude the application of state or federal laws designed to promote fair competition or prevent antitrust.⁽⁵⁾

IV. Nondiscrimination⁽⁶⁾

- A. Requests for Utility Service. A Public Utility must process all similar requests for service in the same manner and within the same period of time.⁽⁷⁾
- B. No Preference. A Public Utility may not through a tariff provision or otherwise give its Affiliated Competitor or the customers of its Affiliated Competitor any form of preference over Unaffiliated Competitors.⁽⁸⁾
- C. Service Provided Without Discrimination. A Public Utility must contemporaneously offer the same discounts, rebates, fee waivers, or penalty waivers to all similarly situated Unaffiliated Competitors or customers of Unaffiliated Competitors that it may offer its Affiliated Competitor or customers of its Affiliated Competitor.⁽⁹⁾ A Public Utility may not use the "similarly situated" qualification to create such a unique discount or other arrangement with its Affiliated Competitors that no Unaffiliated Competitor could be considered similarly situated. All Unaffiliated Competitors in the same market should be offered the same discount or other arrangement.⁽¹⁰⁾
- D. A Public Utility must apply the terms and conditions of its tariff in the same manner without regard to whether its Affiliated Competitor is involved.⁽¹¹⁾
- E. No Tying. A Public Utility shall not condition or tie the provision of any product, service or rate agreement by the Public Utility to the provision of any product or service in which an Affiliated Competitor is involved.⁽¹²⁾
- F. No Representation of Advantage. A Public Utility shall not represent that any advantage accrues to customers or others in the use of the Public Utility's services as a result of that customer or others dealing with the Affiliated Competitor.⁽¹³⁾

G. Requests for Information. A Public Utility shall process all similar requests for information in the same manner and within the same period of time. A Public Utility may not provide information to an Affiliated Competitor without a request when information is made available to Nonaffiliated Competitors only upon request.⁽¹⁴⁾

V. Information

A. Proprietary Customer Information. A Public Utility shall not release any proprietary customer information without the prior written authorization of the Customer.⁽¹⁵⁾

B. Nondisclosure of Information. A Public Utility may not disclose to its Affiliated Competitor any information obtained in connection with providing services to an Unaffiliated Competitor or customer thereof, a potential Unaffiliated Competitor or customer thereof, any agent of such customer or potential Unaffiliated Competitor, or any other entity seeking to provide service to a customer or potential customer.⁽¹⁶⁾

C. Contemporary Disclosure Requirement. A Public Utility must contemporaneously disclose to Unaffiliated Competitors, information provided to its Affiliated Competitor not readily available or generally known to any other competitor.⁽¹⁷⁾

VI. Separation

A. Corporate Entities. A Public Utility and its Affiliated Competitors shall be separate corporate entities.⁽¹⁸⁾

B. Books and Records. A Public Utility and each of its Affiliated Competitors shall keep separate books of account and records.⁽¹⁹⁾

C. Employees.

1. Sharing of Employees Prohibited. Employees of a Public Utility may not be shared with an Affiliated Competitor.⁽²⁰⁾ An employee is considered to be shared for purposes of this paragraph if the employee is directly employed by one entity and performs work for any other entity, regardless of the specific contractual arrangements.⁽²¹⁾

2. Transfer of Employees. An employee who is transferred between a Public Utility and an Affiliated Competitor cannot return to the original employer for at least one year.⁽²²⁾ An employee of a Public Utility who is hired by an Affiliated Competitor shall not remove proprietary property or information from the Public Utility, shall not provide the Affiliated Competitor with proprietary property or information of the Public Utility, shall not use proprietary property or information of the Public Utility on behalf of the Affiliated Competitor, and, prior to employment with the Affiliated Competitor, shall sign a statement indicating that the employee has read and will abide by the restrictions of this section and understands that a violation of this section could result in the imposition of penalties pursuant to section VIII.C. of this Rule.⁽²³⁾

3. Location of Employees. Employees of a Public Utility must be located in a separate building from the employees of an Affiliated Competitor.⁽²⁴⁾

4. Systems. The employees of a Public Utility and the employees of an Affiliated Competitor must be served by separate telecommunications and computer systems.⁽²⁵⁾

D. General and Administrative Costs.

1. As a general principle, a Public Utility and its Affiliated Competitors may share joint corporate oversight, governance, support systems and personnel except as herein provided. Such joint utilization shall not allow or provide a means for the transfer of confidential information from the Public Utility to the Affiliated Competitor, create the opportunity for preferential treatment or unfair competitive advantage, lead to customer confusion, or create significant opportunities for cross-subsidization of Affiliated Competitors. The Public Utility shall develop specific mechanisms and procedures to ensure the Public Utility follows the mandates of this paragraph and to ensure that the Public utility is not utilizing joint corporate support services as a conduit to circumvent these Rules. Within thirty days after the Effective Date of these Rules and at other times upon request by the Commission, a Public Utility shall advise the Commission of the specific mechanisms and procedures it has put into place to comply with this provision. Examples of services that may be shared include: payroll, taxes, shareholder services, insurance, financial reporting, financial planning and analysis, corporate accounting, corporate security, human resources (compensation, benefits, employment policies), employee records, regulatory affairs, lobbying, legal, and pension management.⁽²⁶⁾

2. The Public Utility shall fully and transparently allocate costs for any shared services authorized pursuant to VI.D.1. of these Rules to be provided to any Affiliated Competitor.⁽²⁷⁾

E. Transfer of Goods and Services. If a Public Utility offers its Affiliated Competitors, or customers of its Affiliated Competitors, any product or service other than those authorized pursuant to VI.D.1. of these Rules, it shall simultaneously offer the same to all Unaffiliated Competitors and their customers.⁽²⁸⁾ For example, if a Public Utility allows its Affiliated Competitors to bill for Non-Utility Goods and Services on Customer utility bills, the Public Utility shall provide this same service to all Nonaffiliated Competitors. This provision shall not be construed as authorizing a Public Utility to offer its Affiliated Competitors products or services specifically prohibited under these Rules such as offering advertising space as prohibited by VII.H. of these Rules.

VII. Corporate Identification and Advertising

A. Sales Leads and Other Assistance. A Public Utility must not provide sales leads to its Affiliated Competitors,⁽²⁹⁾ refer a potential customer to its Affiliated Competitor, provide any information to its Affiliated Competitors regarding a potential business arrangement between a customer and the Affiliated Competitor, acquire information on behalf of or to provide to its Affiliated Competitor, or share with an Affiliated Competitor a market analysis report, surveys, or research or any other type of report that is proprietary or not available to the public, including, without limitation, any forecast, planning or strategic report.⁽³⁰⁾

B. Speaking on behalf of Affiliated Competitor. A Public Utility must refrain from giving any appearance that it speaks on behalf of any of its Affiliated Competitors.⁽³¹⁾

C. Promotion of Affiliate. A Public Utility may not in any manner promote its Affiliated Competitor nor shall the Public Utility promote or market any product or service offered by its Affiliated Competitor.⁽³²⁾

D. Lists and Advice. A Public Utility shall not provide any person with a list of providers of Non-Utility Goods and Services and shall not offer or provide Customers with advice or assistance of any kind regarding its Affiliated Competitors or any Unaffiliated Competitors.⁽³³⁾

D. Joint Advertising or Marketing Programs.

1. A Public Utility may not engage in joint advertising or joint marketing programs of any sort with any of its Affiliated Competitors.⁽³⁴⁾

2. A Public Utility shall not participate with any of its Affiliated Competitors in joint sales calls, through joint call centers or otherwise, or joint proposals (including responses to requests for proposals (RFPs)) to existing or potential customers.⁽³⁵⁾

3. At a customer's unsolicited request, a Public Utility may participate, on a nondiscriminatory basis, in non-sales meetings with its Affiliated Competitors or any other market participant to discuss technical or operational subjects regarding the Public Utility's provision of utility service to the Customer;⁽³⁶⁾

E. Name and Logo. A Public Utility shall not trade upon, promote, or advertise its Affiliated Competitor's affiliation with the Public Utility, nor allow the Public Utility name or logo to be used by any Affiliated Competitor or in any material circulated by the Affiliate Competitor, unless it discloses in plain legible or audible language, on the first page or at the first point where the Public Utility name or logo appears that:

1. the Affiliated Competitor "is not the same company as [name of Utility], the Utility,";
2. the Affiliated Competitor is not regulated by the Utah Public Service Commission; and
3. "You do not have to buy [the Affiliated Competitor's] products in order to continue to receive quality regulated services from the Public Utility."

The application of the name/logo disclaimer is limited to the use of the name or logo in Utah.⁽³⁷⁾

F. Affiliation.

1. A Public Utility shall not allow any of its Affiliated Competitor to trade upon, promote, or advertise their affiliation or suggest that they receive preferential treatment as a result of their affiliation with the Public Utility.⁽³⁸⁾

2. If the Public Utility or any Affiliated Competitor is asked whether they are affiliated, employees of the Public Utility or Affiliated Competitor may answer affirmatively, but must inform the questioner that:

- a. The Affiliated Competitor is not regulated by the Utah Public Service Commission;

b. No advantage will accrue to any customer due to the affiliate relationship; and

c. Customers may select an Unaffiliated Competitor.⁽³⁹⁾

G. No recommendation. Employees of a Public Utility may not state or provide to any customer or potential customer any opinion regarding the reliability, experience, qualifications, financial capability, managerial capability, operations capability, customer service record, consumer practices or market share of any Affiliated Competitor or Nonaffiliated Competitor.⁽⁴⁰⁾

H. Billing Envelopes. A Public Utility shall not offer or provide to its Affiliated Competitors advertising space in Utility billing envelopes or any other form of "Public Utility to Customer" written communication.⁽⁴¹⁾

I. Trade Shows. A Public Utility shall not participate with its Affiliated Competitors in trade shows, conferences, or other information or marketing events held in Utah;⁽⁴²⁾

J. Research and Development. A Public Utility shall not share or subsidize costs, fees, or payments with its Affiliated Competitor associated with research and development activities or investment in advanced technology research.⁽⁴³⁾

VIII. Regulatory Oversight

A. Notice to Commission. Within thirty days after the Effective Date of this Rule, each Public Utility must advise the Commission of the existence and business activities of each of its Competitive Affiliates. A Public Utility must, within ten days after the creation of any new Competitive Affiliates, notify the Commission of the existence and business activities of such new Competitive Affiliates.⁽⁴⁴⁾

B. Complaint Procedure. If a Public Utility receives a complaint regarding these Standards of Conduct, the Public Utility will attempt to resolve the complaint on an informal basis. The Public Utility will prepare a written statement communicating to the complainant the results of the Public Utility's preliminary investigation within 30 days of the initial receipt of the complaint by the Public Utility with a description of the action taken or proposed to be taken. If the complainant is satisfied with the action taken or proposed to be taken, the complainant will acknowledge its agreement by signing and returning a copy of the Public Utility's written statement addressing the action taken or proposed to be taken. If the complainant is not satisfied with the Public Utility's response, then the complainant may address the complaint to the Commission.⁽⁴⁵⁾

C. Penalties. Public Utilities who violate any of the provisions of this Rule shall be subject to [penalties and other remedies as provided under the Utah Public Utility Law].

EXHIBIT "B"

Citations for Proposed Standards of Conduct

California

Re Standards of Conduct Governing Relationships Between Energy Utilities and Their Affiliates, Decision 97-12-088, 183 P.U.R.4th 503

(Cal.P.U.C. Dec. 16, 1997) (final rules)

Maine

Re Standards of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, Docket No. 98-457, 1998 WL 455869

(Me. P.U.C. July 1, 1998) (proposed rules)

Massachusetts

Re Local Distribution Companies and Their Marketing Affiliates, 172 P.U.R.4th 357 (Mass. C.P.U. Aug. 16, 1996) (order issuing and soliciting comment on proposed standards of conduct for natural gas local distribution companies and their marketing affiliates)

Re Electric Industry Restructuring Notice of Inquiry/Rulemaking, 1996 WL 761981 (Mass. D.P.U. Nov. 27, 1996) (Order to Consolidate gas and

electric standards of conduct rulemakings)

Michigan

Re Michigan Consolidated Gas Company, 185 P.U.R.4th 527 (Mich. P.S.C. Ap. 28, 1998) (order authorizing a natural gas local distribution company to implement a pilot program for expanded gas customer choice; standards of conduct adopted)

Montana

Re Montana Power Company, 181 P.U.R.4th 397 (Mont. P.S.C. Oct. 31, 1997) (order resolving issues in consolidated cases involving restructuring, competition, and other issues)

Nevada

Proposed Regulation of the Public Utilities Commission of Nevada, LCB File No. R087-98, July 20, 1998 (to establish regulations governing conditions under which affiliates of distribution companies may offer potentially competitive, discretionary or other competitive components of electric or natural gas service)

New Jersey

Re Standards of Conduct for Local Distribution Companies and Their Gas Marketing Affiliates, 167 PUR4th 237 (N.J.B.P.U. Jan. 5, 1996) (order adopting standards of conduct)

New York

In the Matter of Central Hudson Gas & Electric Corporation's Plans for Electric Rate/Restructuring Pursuant to Opinion No. 96-12, 1998 WL 140914 (N.Y.P.S.C. Feb. 4, 1998) (order adopting terms of settlement)

Ohio

Re Ohio's Natural Gas Customer Choice Programs, 1998 WL 408980 (Ohio P.U.C. May 15, 1998) (commission staff's report on the customer choice programs of Columbia Gas of Ohio, East Ohio Gas Company and Cincinnati Gas and Electric Company; summarizes affiliate codes of conduct of these three companies)

1. ¹ Compare the usual recital which refers to *promoting* fair competition and a level playing field. Since these Standards of Conduct relate to *existing* competitive activities rather than to *new* competitive activities (such as gas or electric marketing), the language in the text regarding *maintaining* fair competition and a level playing field was selected.
2. ² Note that the usual definition of an affiliate is a company controlled by or under common control with another company. In these proposed rules, no definition of "control" was used in this definition. The May 10, 1998 article in The Salt Lake Tribune Business Section entitled, "Utilities Bolster Bottom Line With New Services, Products," indicates that the Utah utilities are allowing companies to use their name as a marketing tool. The Utah utilities may simply be receiving a fee (fixed or percentage) for the use of the name and may have no "control" in the legal sense over the company using the name. Therefore, the more standard definition of an affiliate as an entity over which a company has control or which controls a company did not seem appropriate. For an example of the more standard definition, see Massachusetts, §12.02(4) or New Jersey (definitions). For a significantly more detailed definition, see California definitions.
3. ³ The applicability sections of the standards of conduct reviewed were specific to the task or problem a particular commission was addressing. For example, if the standards of conduct were contained in rules regarding customer choice in electricity, the applicability section referred to transactions between public utilities and their power marketing affiliates. Because of the definitions of Affiliated Competitors and Non-Utility Goods and Services, the applicability section in these Rules applies to currently competitive markets such as appliance sales and repair and to any future competitive markets such as solar energy or LNG vehicles. Note that section I of these Rules provides that the Rules are not intended to and do not apply to activities which are currently regulated such as the provision of natural gas or electricity or to any component of such activities such as electricity generation. Section I further provides that rules for those situations will be considered when there is a need for consideration of such rules.
4. ⁴ Preamble to the California Standards of Conduct Governing Relationships Between Energy Utilities and Their Affiliates, Decision 97-12-088, 183 PUR4th 503 (December 16, 1997). This provision is in response to claims that commissions do not have jurisdiction over non-utility affiliates.
5. ⁵ Preamble to the California Standards of Conduct and Standard of Conduct, II.F.; Massachusetts, §12.03(15) (nothing in rules shall be construed to modify, impair, or supersede the federal or state antitrust laws).
6. ⁶ The concept behind the provisions in this section comes from situations like that investigated in Re Competitive Impact of Appliance Sales and

Service Practices of Minnesota Gas and Electric Utilities, 126 PUR4th 207 (Minn. PUC, Aug. 28, 1991) in which allegations were made that Minnegasco, a local distribution company, offered preference in utility hookup to customers purchasing an appliance from Minnegasco.

7. ⁷ California, §III.B.5.; Maine, §3.D; Massachusetts, §12.03(5); Michigan, (E)(4); Montana §20.3D; New Jersey, (d); Ohio - CG&I and Columbia - 4.

8. ⁸ California III.A.2.; Maine, §3.A.; Massachusetts, §12.03(3); Michigan (E)(2); Montana §20.3C (preferences in scheduling, transportation, storage, or curtailment priority); New Jersey, (c); Ohio - CG&I and Columbia - 3 (ancillary services such as billing and envelope service to be priced uniformly and available to all equally); New York - Central Hudson 4.

9. ⁹ California III.B.2. and III.F. (discount reports); Maine, §3.B.; Massachusetts, §12.03(4); Michigan (E)(6) (excluding requirement to provide details of discounts to the Commission staff for inspection and audit); New Jersey, (h) (if provide discount, must file with Board of Public Utilities and Division of Ratepayer Advocate; also quarterly discount reports required); Ohio - Columbia - 13.

10. ¹⁰ California, III.B.2.

11. ¹¹ California, III.B.3 & 4.; Michigan, (E)(1) (apply tariff provision in same manner without undue discrimination to all similarly situated customers); Montana §20.3 A & B; New Jersey, (a), (b) & (l); Ohio - CG&E and Columbia 1 and 2; New York - Central Hudson 4.

12. ¹² California III.C. (also prohibits conditioning or tying availability of discounts, etc.); Maine, §3.E; Massachusetts, §12.03(10) (regarding LDC tying of agreements to release interstate pipeline capacity); Michigan (E)(7) (regarding condition or tie agreement to release interstate pipeline capacity to service with affiliate); Montana §20.3H; New Jersey, (j) (regarding release of interstate pipeline capacity); Ohio - CG&E & Columbia 9.

13. ¹³ California III.A.1.; Maine, §3.J.1.; Michigan (E)(3); Montana §20.3J; Ohio - CG&E & Columbia 11 (not communicate the *idea* that any advantage might accrue); New York - Central Hudson 3 (not *imply* or represent - prohibition on both the public utility and the affiliate).

14. ¹⁴ Maine, §3.F., first two sentences.

15. ¹⁵ Maine, §3.I.; Massachusetts, §12.03(8); See also, Duke 1997 WL 281270 - access by affiliates, subsidiaries and third parties to customer specific information of the public utility's retail customers located within its franchise service territory is prohibited unless specifically requested in writing by the customer.

16. ¹⁶ Massachusetts, §12.03(7); Montana §20.3 E; New Jersey, (e); Ohio - CG&E & Columbia - 5.

17. ¹⁷ Re BNG, Inc., 172 PUR4th 347 (1996) (Ex. 5, pg. 28); Montana §20.3 F; New Jersey, (f); New York - Central Hudson 5 (re proprietary customer information).

18. ¹⁸ California Standards of Conduct, V.A.; Michigan (E)(9) (operating employees will be employed by separate corporate entities); New York Order Concerning Gas Appliance and Repair Service, Case No. 93-G-0804 - requiring that local distribution companies providing appliance repair services do so through a fully separate, unregulated subsidiary with a complete separation of functions; Maryland (requirement that when an affiliate use a utility's name or logo, there shall be a disclaimer, prominently displayed, that the utility and affiliate are separate entities).

19. ¹⁹ California V.B. (would allow Commission access to affiliate's books); Maine, §3.M (provides that the affiliate's books and records are subject to Commission review); Massachusetts, §12.03(12) (no statement regarding Commission access to affiliate books); Michigan (E)(10); Montana §20.3K (to ensure that separation is both functional and financial); New Jersey, (k); Ohio - CG&E & Columbia - 10.

20. ²⁰ California V.G.1.; Maine, §3.L., first sentence; Massachusetts, §12.03(11), first sentence; Michigan (E)(9) (operating employees will function independently, be employed by separate corporate entities, and maintain

separate business offices); Montana §20.3 G (operating employees must function independently of each other; operating employees defined); New Jersey, (g) (employees with direct responsibility for day to day operations); Ohio - CG&E & Columbia 8 (separate activities of operating employees in all areas where failure to maintain independent operations may have the effect of harming customers or unfairly disadvantaging unaffiliated suppliers).

21. ²¹ Maine, §3.L., second sentence.

22. ²² California V.G.2.; Maine, §3.L., last sentence

23. ²³ Nevada, §10.3.

24. ²⁴ California V.C. (not share office space, office equipment, services, and systems or have access to the computer or information systems of the other except to the extent appropriate to perform shared corporate support functions); Maine, §3.L., first sentence; Massachusetts, §12.03(11, first sentence (requires physical separation); New York - Central Hudson - 9 (other than the holding company and public utility, no affiliate may be located in the same building).

25. ²⁵ California V.C. (not share office space, office equipment, services, and systems or have access to the computer or information systems of the other except to the extent appropriate to perform shared corporate support functions); Maine, §3.L., third sentence (same as text).

26. ²⁶ Generally, California V.E. (with some modifications).

27. ²⁷ California V.E.; Massachusetts, §12.03(11), second sentence; Montana §20.3K (allocation of costs associated with support personnel to ensure that regulated ratepayers do not subsidize affiliate; records of cost allocation subject to Commission review upon request); New Jersey, (g) (fully allocated costs for any general and

administrative and support services); New York - Central Hudson 7.

28. ²⁸ See Massachusetts proposed standards for the gas and electric industries dated Nov. 27, 1996, standard (4); Nevada §11. - 1. and 3.

29. ²⁹ California III.E.1.; New York - Central Hudson 1.

30. ³⁰ California III.E.; Nevada, §11.11.

31. ³¹ Massachusetts, §12.03(9), first sentence; Michigan (E)(3); New York - Central Hudson 1.

32. ³² Maine, 3.J.2.; Massachusetts proposed standards for the gas and electric industries, Nov. 27, 1996, Standard (11).

33. ³³ Nevada, §11.14 and §11.15.

34. ³⁴ California V.F.4.; Maine, §3.J.2. (also provides that a Public Utility may not promote or market any product or service offered by its Affiliated Competitor and defines "Joint advertising or marketing programs" to include the use of the same or substantially similar name or logo).

35. ³⁵ California Standards of Conduct, V.F.4.

36. ³⁶ California Standards of Conduct, V.F.4.

37. ³⁷ California Standards of Conduct, V.F.1. (over dissent of Commissioner P. Gregory Conlon who would have prohibited the use of the name, logo, etc.). Note also the proposed complete prohibition in Maine, 3.J.2. and Nevada §23. - 2.

38. ³⁸ Massachusetts, §12.03(9), second sentence.

39. ³⁹ Maine, §3.J.4.

40. ⁴⁰ Maine, §3.K.

41. ⁴¹ California Standards of Conduct, V.F.3. - deleted the following: unless it provides access to all other unaffiliated service providers on the same terms and condition - the cost of bill stuffing is prohibitive for everyone except a public utility affiliate. Therefore, "access" is meaningless.

42. ⁴² California Standards of Conduct, V.F.4.e.

43. ⁴³ California Standards of Conduct, V.F.5.

44. ⁴⁴ Concept from Maine, §3.Q.

45. ⁴⁵ Michigan - (F); complaint procedure and complaint log - Massachusetts §12.03(13) and (14).