

**REVISED PROPOSED REGULATION OF THE PUBLIC  
UTILITIES COMMISSION OF NEVADA**

**LCB File No. R005-04**

March 25, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 703.025, 704.210, 704.997 and 704.998.

A REGULATION relating to competitive natural gas service; eliminating certain restrictions on the use of the name or logo, or both, of a distribution company by an affiliate; and providing other matters properly relating thereto.

**Section 1.** NAC 704.7891 is hereby amended to read as follows:

704.7891 “Affiliate” means a company that ~~[is]~~ :

*1. Is* a branch, division or subsidiary of a distribution company ~~[that:~~

~~1. Provides]; and~~

*2. Provides* a potentially competitive or discretionary ~~[electric or]~~ natural gas service . ~~[-; or~~

~~2. Is a provider of last resort as described in NRS 704.982.]~~

**Sec. 2.** NAC 704.7913 is hereby amended to read as follows:

704.7913 *1.* An affiliate:

~~[1.]~~ *(a)* Shall not market or otherwise sell services jointly with the distribution company;

~~[2. Shall not have a name, logo, trademark, service mark or trade name that is deceptively similar to that of the distribution company, except that an affiliate which has been designated by the Commission as a provider of last resort service pursuant to NRS 704.982 may have a name,~~

~~logo, trademark, service mark or trade name that is similar or identical to that of the distribution company if the affiliate has been specifically authorized to do so by the Commission, subject to any conditions that the Commission deems necessary;~~

~~—3.— Shall not have the logo, trademark or other corporate identification of the distribution company appear on documents of the affiliate or on goods or merchandise sold by the affiliate, unless the Commission:~~

~~—(a) Designates the affiliate to be the provider of last resort service pursuant to NRS 704.982; and~~

~~—(b) Specifically authorizes, subject to any conditions that the Commission deems necessary, the affiliate to use the name, logo, trademark, service mark or trade name;~~

~~—4.— Shall not use the name of the distribution company in any material that the affiliate circulates, unless the affiliate provides with the material the information described in subsection 6;~~

~~—5.]~~ (b) Shall not use space in the correspondence of the distribution company or any other form of information about the distribution company for the purpose of advertising the services of the affiliate; and

~~6.]~~ (c) Shall not advertise its affiliation with the distribution company, unless the affiliate includes each of the following statements in a manner no less prominent than the statement of affiliation:

~~(a)]~~ (1) (Name of the affiliate) is not the same corporation as (name of distribution company). (Name of affiliate) has separate management and separate employees.

~~(b)]~~ (2) (Name of affiliate)'s affiliation with (name of distribution company) does not entitle (name of affiliate) to any special endorsement of the Public Utilities Commission of Nevada.

~~[(e)]~~ (3) The safety, reliability and cost of distribution service received by customers of (name of affiliate) will be equivalent to that received by customers of nonaffiliated companies.

*2. For the purposes of this section, the term “advertise” does not include the use, pursuant to NRS 704.997, of the name or logo, or both, of the distribution company by the affiliate.*