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OIR-16-05 Conflicting provisions in 1394-1- Retail Disclosure to Consumers, promotional materials

OIR-16-05 Conflicting provisions in 1394.1. Retail Disclosure to Consumers, promotional materials

1394.1. Retail Disclosure to Consumers (h) (1) conflicts with 1394.1. Retail Disclosure to Consumers (b) (1) and Public Utilities Code - PUC 398.4. (b).

Please remove 1394.1. Retail Disclosure to Consumers (h) (1).

1394.1. Retail Disclosure to Consumers (b) (1)

The power content label shall be provided in all product-specific written promotional materials that are distributed to consumers or made available on the retail supplier's webpages.

1394.1. Retail Disclosure to Consumers (h) (1)

If the retail supplier offers promotional materials that consist of more than one page, the power content label or a note telling the customer where the power content label can be found, shall appear on the cover page or the first facing page. If a note is used to tell the customer where the power content label can be found, the note shall appear in a type size no smaller than 10 point.

Public Utilities Code - PUC 398.4. (b)

(b) The disclosures required by this section shall be made to potential end-use consumers in all product-specific written promotional materials that are distributed to consumers by either printed or electronic means, including the retail supplier's Internet Web site, if one exists, except that advertisements and notices in general circulation media shall not be subject to this requirement.

1391. Definitions. "Product-specific written promotional materials that are distributed to consumers" conflicts with itself. To advertise is to describe or draw attention to (a product, service, or event) in a public medium in order to promote sales. A advertisement is a notice or announcement in a public medium promoting a product.

1391. Definitions.

"Product-specific written promotional materials that are distributed to consumers" means any paper, electronic, or other media that contain words pertaining to a specific electricity portfolio being advertised or offered and that are distributed to consumers or made available over the Internet. It does not include advertisements and notices in general circulation media.

Please remove "advertised or " from 1391. Definitions. "Product-specific written promotional materials that are distributed to consumers".

Please add standard citing references {(a), (b), (c)..} to 1391. Definitions.

Steve Uhler
sau@wwmpd.com