

## **R12-12 DEFINITIONS**

For purposes of the rules set forth in this Chapter, the following definitions shall apply:

- (a) "Advertising" means the commercial use, by a public utility, of any media, including newspaper, printed matter, bill insert, radio, television, social media, or other means of communication, in order to transmit a message to a substantial number of members of the public or to such public utility's customers.
- (b) "Political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any issue of public importance.
- (c) "Promotional advertising" means any of the following: (1) advertising for the purpose of encouraging any person to select or use the service or additional service of any utility or the selection or installation of any appliance or equipment designed to use such utility's service, where such appliance, equipment, or service would promote or encourage indiscriminate and wasteful consumption of energy contrary to subsection (d)(5) of this rule, (2) advertising intended to enhance the utility's image or to achieve other objectives not related to the provision of utility service and, (3) advertising intended to compete with other utility service providers for additional customers or load.
- (d) "Lobbying" means (1) influencing or attempting to influence legislative or executive action through direct communication or activities with a designated individual, or that individual's immediate family, (2) developing goodwill through communications or activities, including the building of relationships, with a designated individual, or that individual's immediate family, with the intention of influencing current or future legislative or executive action, or (3) obtaining the services of another person, including through membership in a trade or other organization, to engage in any of the activities identified in (1) or (2). For purposes of this subsection, the definitions of words and terms in G.S. 120C-100 shall apply, unless modified by these rules.

"Lobbying" does not include communications or activities as part of a business, civic, religious, fraternal, personal, or commercial relationship which is not connected to legislative or executive action, or both. In addition, "lobbying" shall not include a utility's participation in judicial or quasi-judicial proceedings in any federal or state court or judicial or quasi-judicial administrative tribunal or commission, or in any other administrative or regulatory proceedings before this Commission, before the Federal Energy Regulatory Commission, or before any other state regulatory agency or commission whose jurisdiction is comparable to this Commission's jurisdiction.

For purposes of this definition, "designated individual" means a public servant, a state, local, or federal legislative or executive official or that official's employing agency, and any such official's or agency's employee or agent.

- (e) "Charitable contribution" means money, services, or a thing of value donated to an organization, affiliate of a utility, or other person that is religious, charitable, educational, scientific, or literary in purpose.
- (f) "Political contribution" means money, services, or a thing of value donated to an elected public official, a candidate for public office, a political party, or an entity that provides money, property, services, or other things of value for the purpose of supporting the election or re-election of an elected public official or a candidate for public office.
- (g) The terms "political advertising" and "promotional advertising" as defined hereinabove do not include —
  - (1) advertising which informs electric, or natural gas consumers how they can conserve energy or can reduce peak demand for energy, or water or sewer consumers how they can conserve water,
  - (2) advertising required by law or regulation, including advertising required under part 1 of title II of the National Energy Conservation Policy Act,
  - (3) advertising regarding service interruptions, safety measures (including utility location services), or emergency conditions,
  - (4) advertising concerning employment opportunities with such public utility,
  - (5) advertising which promotes the use of energy efficient appliances, equipment or services, or appliances, equipment, or services that conserve water, or
  - (6) any explanation or justification of existing or proposed rate schedules or billing practices or notifications of hearings thereon.

- (h) "Bill insert" means any written or printed matter included and distributed with a utility bill, other than (1) the bill itself, (2) the envelope or other container for the bill, and (3) any written or printed matter explaining or otherwise directly related to the bill or to the account for which the bill is rendered.

*(NCUC Docket No. M-100, Sub 80, 10/14/80; 10/31/80; NCUC Docket No. M-100, Sub 150, 08/10/2021.)*