

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF DELTA NATURAL GAS COMPANY,)	CASE NO.
INC. FOR AN ORDER APPROVING USE OF)	2011-00094
DISCLAIMER BY NON-REGULATED AFFILIATES)	

ORDER

On March 14, 2011, Delta Natural Gas Company, Inc. ("Delta") filed an application requesting Commission approval of proposed disclaimers to be used by its non-regulated affiliates as well as for use on its corporate website. While there were no intervenors in this proceeding, Delta was subject to one round of discovery from the Commission Staff. The case now stands submitted for decision.

KRS 278.2213(13) provides that a utility's name, trademark, brand, or logo shall not be used by a non-regulated affiliate in any type of visual or audio media without a disclaimer and that the Commission shall approve any disclaimer prior to use by the utility's affiliate. The statute directs the Commission to develop specifications for the disclaimer. Pursuant to this statutory directive, the Commission promulgated 807 KAR 5:080, Section 6, which states:

The disclaimer used by an affiliate of an affected utility shall comply with the following requirements:

- (1) The disclaimer shall state that "(affiliate's name) is not the same company as (utility's name). (Affiliate's name) is not regulated by the Kentucky Public Service Commission. You do not have to buy (the affiliate's) (products or services, as applicable) in order to continue to receive quality regulated services from the utility.";

- (2) If an affiliate of an affected utility uses the utility's name, trademark, brand, or logo in a print format, the disclaimer shall appear in capital letters on the first page or at the first point where the utility's name, trademark, logo or brand appears;
- (3) If an affiliate of an affected utility uses the utility's name, trademark, brand, or logo in a televised format, the disclaimer shall appear at the first point at which the utility's name, trademark, logo, or brand appears; and
- (4) If an affiliate of an affected utility uses the utility's name in an audio format, the disclaimer shall be spoken at the close of the advertisement.

Delta has three non-regulated affiliates: Delta Resources, Inc. ("Delta Resources"), Delgasco, Inc., and Enpro, Inc. Delta asserts that since Delta Resources is the only non-regulated affiliate whose name includes the utility's name, that it should be the only non-regulated affiliate required to use a disclaimer. It further asserts that Delta Resources does not utilize any televised or audio advertising and that letterhead and invoices are the only form of print format Delta Resources utilizes. Delta requests that the following disclaimer be approved for Delta Resources:

DELTA RESOURCES, INC. IS NOT THE SAME COMPANY AS DELTA NATURAL GAS COMPANY, INC. DELTA RESOURCES, INC. IS NOT REGULATED BY THE KENTUCKY PUBLIC SERVICE COMMISSION. YOU DO NOT HAVE TO BUY DELTA RESOURCES, INC.'S PRODUCTS OR SERVICES IN ORDER TO CONTINUE TO RECEIVE QUALITY REGULATED SERVICES FROM THE UTILITY.

In addition, Delta states that its corporate website includes references to all three of its affiliates and proposes that the following disclaimer be approved for its corporate website.

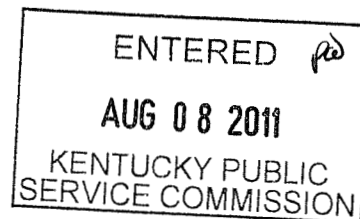
DELTA'S THREE SUBSIDIARIES, DELTA RESOURCES, INC., DELGASCO, INC., AND ENPRO, INC. ARE NOT THE SAME COMPANIES AS DELTA NATURAL GAS COMPANY, INC. THE THREE SUBSIDIARIES ARE NOT REGULATED BY THE KENTUCKY PUBLIC SERVICE COMMISSION. YOU DO NOT HAVE TO BUY THE THREE

SUBSIDIARIES' PRODUCTS OR SERVICES IN ORDER TO CONTINUE TO RECEIVE QUALITY REGULATED SERVICES FROM THE UTILITY.


The Commission, having considered Delta's request and being otherwise sufficiently advised, finds that Delta's proposed disclaimers are consistent with the requirements of 807 KAR 5:080, Section 6, are reasonable, and should be approved for usage as proposed.

IT IS THEREFORE ORDERED that Delta's application for approval of disclaimers is approved.

By the Commission



ATTEST:


Executive Director

Connie King
Mngr. Corporate & Employee Services
Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391