

199—34.3(476) Definition—systematic marketing effort. In determining whether activity constitutes a “*systematic marketing effort, other than on an incidental or casual basis,*” the board will consider whether the effort is regular or irregular, recurring or nonrecurring, active or passive in nature and whether the effort is done on a comprehensive basis. Factors that shall be considered include, but are not limited to, the types and number of media used, the frequency, extent, and duration of the marketing effort, the amount of marketing expenses incurred, and whether the public utility appeared to intend to increase significantly its market share.