

**REQUEST TO ESTABLISH DOCKET**  
(Please Type)

<b>Date</b>	2/13/03	<b>Docket No.</b>	030163-614
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<b>1. Division Name/Staff Name:</b>	
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<b>2. OPR:</b>	Appeals/Stern
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<b>3. OCR:</b>	CMP/Makin
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<b>4. Suggested Docket Title:</b>	Proposed amendment of Rule 25-7.072, Code of Conduct
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**5. Suggested Docket Mailing List (attach separate sheet if necessary)**

**A. Provide NAMES OR ACRONYMS ONLY if a regulated company.**

**B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)**

**1. Parties and their representatives (if any):**


**2. Interested persons and their representatives (if any):**

<b>All Gas Utilities</b>	

**6. Check one:**

0 Documentation is attached.

   Documentation will be provided with recommendation.

DOCUMENT NUMBER - DATE  
01490 FEB 13 8  
FPSC-COMMISSION CLERK

M E M O R A N D U M

February 13, 2003

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FROM: DIVISION OF APPEALS (STERN)  
RE: DOCKET NO.

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Attached is a NOTICE OF RULE DEVELOPMENT to be placed in the above-referenced docket.

MKS  
Attachment

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Code of Conduct  
RULE NO.: 25-7.072

PURPOSE AND EFFECT: To ensure that no natural gas utility or marketing affiliate gain an unfair competitive advantage over un-affiliated competitors.

SUBJECT AREA TO BE ADDRESSED: Conduct between a regulated gas utility and its unregulated marketing affiliate.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: MARLENE STERN, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Makin, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6644

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-7.072 Code of Conduct.

(1) Definition. Marketing Affiliate means ~~a business entity, unregulated by the Commission, business entity~~ that is a subsidiary of a gas utility or is owned by or subject to control by the gas utility's parent company, and sells gas at the retail level to a transportation customer on the gas utility's system.

(2) Application of Tariff Provisions. A gas utility will apply tariff provisions relating to gas transportation service in the same manner to similarly situated marketers, brokers, or agents, whether or not they are affiliated with the gas utility. In addition, ~~each~~ a gas utility:

(a) Will not, through a tariff provision or otherwise, give its Marketing Affiliate or its Marketing Affiliate's customers, preference over non-affiliated marketers or their customers in matters relating to: ~~gas transportation or curtailment priority, specifically including the manner and timing of the processing of requests for transportation service;~~

~~1. Receiving and processing transportation service requests or tariff sales requests from customers (customer service inquiry employees);~~

~~2. Scheduling gas deliveries on the gas utility's system;~~

~~3. Making gas scheduling or allocation decisions;~~

~~4. Purchasing gas or capacity; or~~

~~5. Selling gas to end users behind the city gate.~~

(b) through 2. No change.

~~(c) Will not share with its Marketing Affiliate any of its employees having direct responsibility for the day-to-day operations of a gas utility's transportation operations, including employees involved in:~~

~~1. Receiving transportation service requests or tariff sales requests from customers (customer service inquiry employees);~~

~~2. Scheduling gas deliveries on the gas utility's system;~~

~~3. Making gas scheduling or allocation decisions;~~

~~4. Purchasing gas or capacity; or~~

~~5. Selling gas to end users behind the city gate, and such employees will be physically separated from the gas utility's Marketing Affiliate.~~

~~(c)(d) Will charge the Marketing Affiliate the fully allocated costs for any general and administrative and support services provided to Marketing Affiliate.~~

~~(d) Will prevent the flow of any type of subsidy or value from the utility to the Marketing Affiliate, for which the Marketing Affiliate does not compensate the utility;~~

(e) through (h) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366 05(1) FS. History--New 7-23-02, Amended

**PUBLIC SERVICE COMMISSION**

DOCKET NO: Undocketed

RULE TITLES: RULE NOS..

Customer Relations; Rules Incorporated 25-24.490

Rules Incorporated 25-24.585

Customer Relations; Rules Incorporated 25-24.845

PURPOSE AND EFFECT: To add subsections (11) and (12) of Rule 25-4.110 to Rules 25-24.490, 25-24.585, and 25-24.845, so that these rules apply to interexchange, shared tenant service, and alternative local exchange companies. These amendments will apply the requirements implemented by Chapter 202, F.S., to these companies.

SUBJECT AREA TO BE ADDRESSED: Taxation requirements on customer bills resulting from the implementation of Chapter 202, F.S.

SPECIFIC AUTHORITY: 350.127(2), 364.604(5), 427.704(8), 364.337(2) FS.

LAW IMPLEMENTED: 350.113, 364.03, 364.14, 364.15, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339, 364.603, 364.19, 364.337, 364.602, 364.604 FS.