

ORIGINAL

STATE OF FLORIDA

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Public Service Commission

May 21, 2002

Mr. Carroll Webb  
Joint Administrative Procedures Committee  
Room 120 Holland Building  
Tallahassee, FL 32399-1300

Dear Mr. Webb:

RE: Docket No. 030163-GU - Proposed amendment of Rule 25-7.072, F.A.C., Code of Conduct

Dear Mr. Webb:

The Commission has approved the amendment of Rule 25-7.072 without changes.

We plan to file the rule for adoption on May 29, 2003.

Sincerely,

*Marlene K. Stern*

Marlene K. Stern  
Senior Attorney

ADT7-072.MKS  
Enclosure

cc: Division of the Commission Clerk  
and Administrative Services

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1 | 25-7.072 Code of Conduct

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

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

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

18 | 1. Receiving and processing transportation service  
19 | requests or tariff sales requests from customers  
20 | (customer service inquiry employees);

21 | 2. Scheduling gas deliveries on the gas utility's  
22 | system;

23 | 3. Making gas scheduling or allocation decisions;

24 | 4. Purchasing gas or capacity; or

25 | 5. Selling gas to end users behind the city gate.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 (b) Will not disclose, or cause to be disclosed, to any  
2 marketer, broker or agent,

3 1. Previously non-public information about a customer  
4 without that customer's prior authorization, or

5 2. Previously non-public information the gas utility  
6 receives through its processing of requests for or  
7 provision of transportation service, unless such  
8 information is contemporaneously made available to  
9 similarly situated market participants;

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

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

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

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

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

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

24 (c)(d) Will charge the Marketing Affiliate the fully  
25 allocated costs for any general and administrative and support

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1 services provided to Marketing Affiliate.

2 (d) Will prevent the flow of any type of subsidy from the  
3 utility to the Marketing Affiliate;

4 (e) Will not condition or tie an offer or agreement to  
5 provide a transportation discount to a customer to a requirement  
6 that the gas utility's Marketing Affiliate is involved in the  
7 transaction.

8 (f) Will not give preference to its Marketing Affiliate  
9 regarding temporarily available gas or capacity, but will make  
10 temporarily available gas or capacity available to all similarly  
11 situated market participants;

12 (g) Will maintain its books and records separately from those  
13 of its Marketing Affiliate; and

14 (h) May not affirmatively promote or advertise its  
15 affiliate's relationship with the utility for the purpose of  
16 soliciting subscribership.

17 Specific Authority: 350.127(2), 366.05(1), F.S.

18 Law Implemented: 366.05(1), F.S.

19 History: New 07/23/02, amended .

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