

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rule  
25-7.072, F.A.C., Codes of  
Conduct.

DOCKET NO. 011368-GU  
ORDER NO. PSC-02-0892-FOF-GU  
ISSUED: July 5, 2002

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY

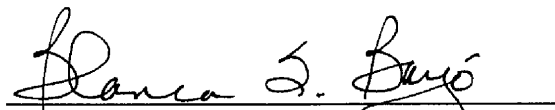
NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service  
Commission, pursuant to Section 120.54, Florida Statutes, has  
adopted Rule 25-7.072, Florida Administrative Code, relating to  
code of conduct, without changes.

The rule was filed with the Department of State on July 3,  
2002 and will be effective on July 23, 2002. A copy of the rule as  
filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 5th  
day of July, 2002.



BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

RCB

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

25-7.072 CODE OF CONDUCT

(1) Definition. Marketing Affiliate means an unregulated 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, 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;

(b) will not disclose, or cause to be disclosed, to any marketer, broker or agent,

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

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

(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.

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

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

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

(g) will maintain its books and records separately from those of its Marketing Affiliate; and

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

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

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

History: New 07/23/2002.