

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rule 25-7.072, F.A.C., Code of
Conduct.

DOCKET NO. 030163-GU
ORDER NO. PSC-03-0665-FOF-GU
ISSUED: May 30, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF ADOPTION OF RULE OF AMENDMENTS

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

The rule amendments were filed with the Department of State on
May 29, 2003 and will be effective on June 18, 2003. 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 30th
day of May, 2003.

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

By:



Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

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FPSC-COMMISSION CLERK

25-7.072 Code of Conduct

(1) Definition. Marketing Affiliate means an 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) 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.~~

~~(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 from the utility to the 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;

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(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 07/23/02, amended 06/18/03.