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Public Service Commission

April 2, 2002

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

Dear Mr. Webb:

RE: Docket No. 011368-GU - Proposed Adoption of Rule 25-7.072, F.A.C., Codes of Conduct

Dear Mr. Webb:

The Commission has approved the adoption of new Rule 25-7.072, F.A.C., without changes.

We plan to file the rule for adoption on April 10, 2002.

Sincerely,

Handwritten signature of Richard C. Bellak in black ink.

Richard C. Bellak
Senior Attorney/Appeals

ADT7072.RCB
Enclosure
cc: Division of the Commission Clerk
and Administrative Services

DOCUMENT NUMBER - DATE

03724 APR-28

FPSC-COMMISSION CLERK

1 25-7.072 CODE OF CONDUCT

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

7 (2) Application of Tariff Provisions. A gas utility will apply
8 tariff provisions relating to gas transportation service in the
9 same manner to similarly situated marketers, brokers, or agents,
10 whether or not they are affiliated with the gas utility. In
11 addition, 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 (b) will not disclose, or cause to be disclosed, to any
19 marketer, broker or agent,

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

22 2. previously non-public information the gas utility
23 receives through its processing of requests for or
24 provision of transportation service, unless such
25 information is contemporaneously made available to

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

1 similarly situated market participants;

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

6 1. receiving transportation service requests or tariff
7 sales requests from customers (customer service inquiry
8 employees);

9 2. scheduling gas deliveries on the gas utility's
10 system;

11 3. making gas scheduling or allocation decisions;

12 4. purchasing gas or capacity; or

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

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

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

23 (f) will not give preference to its Marketing Affiliate
24 regarding temporarily available gas or capacity, but will make
25 temporarily available gas or capacity available to all similarly

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1 situated market participants;

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

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

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

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

9 History: New _____

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