

ORIGINAL

DOCKET NO. 011368-GU

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

/x/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/x/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/x/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3) (e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3) (a), F.S., and;

/ (a) Are filed not more than 90 days after the notice; or

/ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;

or

/ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

/x/ (d) Are filed more than 90 days after the notice, but

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

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not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

 / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

 / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

 / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

 / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

 / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

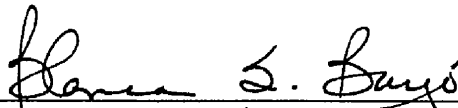
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-7.072

Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



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

Number of Pages Certified

(S E A L)

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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

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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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SUMMARY OF RULE

The rule defines marketing affiliate as an unregulated subsidiary of a gas utility that sells gas to a transportation customer on the gas utility's system. The rule requires that tariff provisions be applied in the same manner to affiliated and non-affiliated marketers, including as to transportation or curtailment priority matters. Non-public information is not to be shared with affiliates unless made available contemporaneously to non-affiliate market participants. The rule prohibits sharing of employees directly responsible for gas transportation operations of the utility with the marketing affiliate and requires that the marketing affiliate be charged fully allocated costs for services provided by the utility. The rule further requires that there be no tying of discounts for transportation to participation of an affiliate, no preferences toward affiliates regarding temporarily available gas or capacity, separate books and records from the affiliate and no affirmative promotion or advertising of the relationship between the utility and affiliate for the purpose of soliciting subscribership.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

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FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The participation by unregulated affiliates of natural gas utilities in competitive markets requires that cross-subsidization by the utilities of their affiliates be prevented. The rule will aid in preserving reasonable regulated rates for utility service by avoiding such cross-subsidization.

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