

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 13, 2018
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Samantha Cibula, Office of the General Counsel *SMC.*
RE: Docket No. 20030163-GU

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2018 SEP 13 AM 8:30
COMMISSION
CLERK

STATE OF FLORIDA

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



GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6248

Public Service Commission

November 25, 2002

Mr. John Rosner, Chief Attorney
Joint Administrative Procedures Committee
Holland Building, Room 120
Tallahassee, FL 32399-1300

Dear Mr. Rosner:

As I explained during our telephone conversation last week, we would like to make a few additional changes to the Code of Conduct Rule. These changes are minor corrections. The changes are shown in italics on the enclosed draft of the rule, and occur on lines 2, 3, 8 and 13. Please contact me after you have had a chance to review the changes, so that we can discuss them. My telephone number is 413-6230. Thank you for your assistance with this matter.

Sincerely,

Marlene K. Stern

Marlene K. Stern, Senior Attorney

MKS
Enclosure

1 **25-7.072 Code of Conduct**

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

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

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

- 13 1. Receiving and processing transportation service requests or tariff sales
14 requests from customers (customer service inquiry employees);
- 15 2. Scheduling gas deliveries on the gas utility's system;
- 16 3. Making gas scheduling or allocation decisions;
- 17 4. Purchasing gas or capacity; or
- 18 5. Selling gas to end users behind the city gate.

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

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

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

25 ~~(c) Will not share with its Marketing Affiliate any of its employees having direct~~

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

1 responsibility for the day-to-day operations of a gas utility's transportation operations, including
2 employees involved in:

- 3 1. ~~Receiving transportation service requests or tariff sales requests from~~
4 ~~customers (customer service inquiry employees);~~
- 5 2. ~~Scheduling gas deliveries on the gas utility's system;~~
- 6 3. ~~Making gas scheduling or allocation decisions;~~
- 7 4. ~~Purchasing gas or capacity; or~~
- 8 5. ~~Selling gas to end users behind the city gate, and such employees will be~~

9 ~~physically separated from the gas utility's Marketing Affiliate.~~

10 ~~(d)~~ (c) Will charge the Marketing Affiliate the fully allocated costs for any general and
11 administrative, and support services provided to Marketing Affiliate.

12 (d) Will prevent the flow of any type of subsidy or value from the utility to the Marketing
13 Affiliate, for which the Marketing Affiliate does not compensate the utility;

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

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

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

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

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

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

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1 **History: New 07/23/02, amended** _____.

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RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL
HAROLD A. MCLEAN
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(850) 413-6199

Public Service Commission

March 31, 2003

Mr. John Rosner, Chief Attorney
Joint Administrative Procedures Committee
Holland Building, Room 120
Tallahassee, FL 32399-1300

Re: Proposed amendments to Rule 25-7.072, Florida Administrative Code - Code of Conduct Rule

Dear Mr. Rosner,

As you may recall, I have previously corresponded with you and other staff members of the Joint Administrative Procedures Committee (JAPC) about the above referenced rule. We recently made changes to the rule in order to address JAPC's concerns. Before officially proposing those changes, we received assurance that the amendments did in fact address JAPC's concerns satisfactorily. At the last Agenda Conference (March 18, 2003) the Commission voted to make additional changes to the rule. These changes are minor, but in abundance of caution we want to make sure that JAPC finds them acceptable. The changes are on page 2 of the attached rule. I will call you to discuss these changes within the next few days. If you have any questions about them, please call me at 413-6230. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marlene K. Stern".

Marlene K. Stern, Senior Attorney

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