

Appendix B: Comparison of Current and Proposed Regulatory Text

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<p><u>§ 358.1 Applicability.</u></p> <p>(a) This part applies to any interstate natural gas pipeline that transports gas for others pursuant to subpart A of part 157 or subparts B or G of part 284 of this chapter and is affiliated in any way with a marketing or brokering entity and conducts transportation transactions with its marketing or brokering affiliate.</p>	<p>No substantive change proposed; minor wording changes proposed to reflect new definitions.</p>
<p>(b) This part applies to any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce.</p>	<p>No change proposed.</p>
<p>(c) This part does not apply to a public utility Transmission Provider that is a Commission-approved Independent System Operator (ISO) or Regional Transmission Organization (RTO). If a public utility transmission owner participates in a Commission-approved ISO or RTO and does not operate or control its transmission facilities and has no access to transmission, customer or market information covered by § 358.5(b), it may request an exemption from this part.</p>	<p>No substantive change proposed; minor wording changes proposed to reflect new definitions.</p>
<p>(d) A Transmission Provider may file a request for an exemption from all or some of the requirements of this part for good cause.</p>	<p>No change proposed.</p>
<p>(e) The Standards of Conduct in this part do not govern the relationship between a natural gas Transmission Provider as defined in § 358.3(a)(2) and its Energy</p>	<p>Proposed to be eliminated, as the coverage of the rule would no longer extend to energy affiliates.</p>

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Affiliates.	

<p><u>§ 358.2 General principles.</u></p> <p>(a) A Transmission Provider's employees engaged in transmission system operations must function independent from employees of its Marketing and Energy Affiliates.</p>	<p>Proposed to be revised to include the overarching principle of the prohibition against undue discrimination and to reflect new definitions; grammatical revisions.</p>
<p>(b) A Transmission Provider must treat all transmission customers, affiliated and non-affiliated, on a non-discriminatory basis, and must not operate its transmission system to preferentially benefit its Marketing or Energy Affiliates.</p>	<p>Proposed to be revised to reflect new definitions and provide greater precision in the prohibition.</p>
[New sections]	<p>Proposed to be revised to add two general principles with respect to disclosure of information and transparency.</p>
<p><u>§ 358.3 Definitions.</u></p>	<p>Proposed to be revised to list definitions in alphabetical order.</p>
<p>(a) <u>Transmission Provider</u> means:</p> <p>(1) Any public utility that owns, operates or controls facilities used for the transmission of electric energy in interstate commerce; or</p>	<p>No change proposed.</p>
<p>(2) Any interstate natural gas pipeline that transports gas for others pursuant to subpart A of part 157 or subparts B or G of part 284 of this chapter.</p>	<p>No change proposed.</p>
<p>(3) A Transmission Provider does not include a natural gas storage provider authorized to charge market-based rates that is not interconnected with the jurisdictional facilities of any affiliated interstate natural gas pipeline, has no exclusive franchise area, no captive</p>	<p>No change proposed.</p>

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ratepayers and no market power.	
<p>(b) <u>Affiliate</u> means:</p> <p>(1) Another person that controls, is controlled by or is under common control with, such person. An Affiliate includes a division that operates as a functional unit,</p>	<p>Proposed to be revised to conform to the current definition of “affiliate” in 18 CFR part 35.</p>
<p>(2) For any exempt wholesale generator, as defined under Section 32(a) of the Public Utility Holding Company Act of 1935, as amended, the same as provided in section 214 of the Federal Power Act.</p>	<p>Proposed to be revised to conform to the current definition of “affiliate” in 18 CFR part 35.</p>
<p>(c) <u>Control</u> (including the terms “controlling,” “controlled by,” and “under common control with”) as used in this part and §250.16 of this chapter, includes, but is not limited to, the possession, directly or indirectly and whether acting alone or in conjunction with others, of the authority to direct or cause the direction of the management or policies of a company. A voting interest of 10 percent or more creates a rebuttable presumption of control.</p>	<p>Proposed to be revised to conform to the current definition of “affiliate” in 18 CFR part 35.</p>
<p>(d) <u>Energy Affiliate</u> means an affiliate of a Transmission Provider that:</p> <p>(1) Engages in or is involved in transmission transactions in U.S. energy or transmission markets; or</p> <p>(2) Manages or controls transmission capacity of a Transmission Provider in U.S. energy or transmission markets; or</p> <p>(3) Buys, sells, trades or administers natural gas or electric energy in U.S. energy or transmission markets; or</p> <p>(4) Engages in financial transactions relating to the sale or transmission of natural gas or electric energy in U.S. energy or transmission markets.</p>	<p>Proposed to be eliminated.</p>

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(5) A local distribution company division of an electric public utility Transmission Provider shall be considered the functional equivalent of an Energy Affiliate, unless it qualifies for the exemption in § 358.3(d)(6)(v).

(6) An Energy Affiliate does not include:

(i) A foreign affiliate that does not participate in U.S. energy markets;

(ii) An affiliated Transmission Provider or an interconnected foreign affiliated natural gas pipeline that is engaged in natural gas transmission activities that are regulated by the state, provincial or national regulatory boards of the foreign country in which such facilities are located.

(iii) A holding, parent or service company that does not engage in energy or natural gas commodity markets or is not involved in transmission transactions in U.S. energy markets;

(iv) An affiliate that purchases natural gas or energy solely for its own consumption. “Solely for its own consumption” does not include the purchase of natural gas or energy for the subsequent generation of electricity.

(v) A State-regulated local distribution company that acquires interstate transmission capacity to purchase and resell gas only for on-system sales, and otherwise does not engage in the activities described in §§ 358.3(d)(1), (2), (3) or (4), except to the limited extent necessary to support on-system sales and to engage in de minimis sales necessary to remain in balance under applicable pipeline tariff requirements.

(vi) A processor, gatherer, Hinshaw

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<p>pipeline or an intrastate pipeline that makes incidental purchases or sales of <u>de minimis</u> volumes of natural gas to remain in balance under applicable pipeline tariff requirements and otherwise does not engage in the activities described in §§ 358.3(d)(1), (2), (3) or (4).</p>	
<p>(e) <u>Marketing, sales or brokering</u> means a sale for resale of natural gas or electric energy in interstate commerce. Sales and marketing employee or unit includes:</p> <ul style="list-style-type: none"> (1) An interstate natural gas pipeline's sales operating unit, to the extent provided in § 284.286 of this chapter, and (2) A public utility Transmission Provider's energy sales unit, unless such unit engages solely in bundled retail sales. (3) Marketing or sales does not include incidental purchases or sales of natural gas to operate interstate natural gas pipeline transmission facilities. 	<p>Proposed to be consolidated, revised, and reorganized under new definition of “marketing functions” at proposed 18 CFR 358.3(c).</p>
<p>(f) <u>Transmission</u> means natural gas transportation, storage, exchange, backhaul, or displacement service provided pursuant to subpart A of part 157 or subparts B or G of part 284 of this chapter; and electric transmission, network or point-to-point service, reliability service, ancillary services or other methods of transportation or the interconnection with jurisdictional transmission facilities.</p>	<p>Proposed to be revised to conform description of electric transmission to description of gas transmission, <u>i.e.</u>, by reference to the Commission’s regulations, and to delete the phrase “reliability service.”</p>
<p>(g) <u>Transmission Customer</u> means any eligible customer, shipper or designated agent that can or does execute a transmission service agreement or can or does receive transmission service, including all persons who have pending requests for</p>	<p>No change proposed.</p>

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<p>transmission service or for information regarding transmission.</p>	
<p>(h) <u>Open Access Same-time Information System</u> or <u>OASIS</u> refers to the Internet location where a public utility posts the information, by electronic means, required by part 37 of this chapter.</p>	<p>No change proposed.</p>
<p>(i) <u>Internet Web site</u> refers to the Internet location where an interstate natural gas pipeline posts the information, by electronic means, required by §§ 284.12 and 284.13 of this chapter.</p>	<p>No change proposed.</p>
<p>(j) <u>Transmission Function employee</u> means an employee, contractor, consultant or agent of a Transmission Provider who conducts transmission system operations or reliability functions, including, but not limited to, those who are engaged in day-to-day duties and responsibilities for planning, directing, organizing or carrying out transmission-related operations.</p>	<p>Proposed to be recast and renumbered at proposed 18 CFR 358.3(i), incorporating new definition of “transmission functions.” <u>See</u> proposed 18 CFR 358.3(h). .</p>
<p>(k) <u>Marketing Affiliate</u> means an Affiliate as that term is defined in § 358.3(b) or a unit that— (1) With respect to a natural gas pipeline Transmission Provider, engages in “marketing and brokering” activities as those terms are defined at § 358.3(l); and (2) With respect to an electric Transmission Provider, engages in marketing, sales or brokering activities as those terms are defined at § 358.3(e).</p>	<p>Proposed to be eliminated; partially subsumed in new definition of “marketing functions” at proposed 18 CFR 358.3(c) and new definition of “affiliate” at proposed 18 CFR 358.3(a).</p>
<p>(l) <u>Marketing or brokering</u> under § 358.3(e) means a sale of natural gas to any person or entity by a seller that is not an interstate pipeline, except when: (1) The seller is selling gas solely from its</p>	<p>Proposed to be eliminated, but exceptions captured in new definition, “marketing functions,” at proposed 18 CFR 358.3(c).</p>

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<p>own production; (2) The seller is selling gas solely from its own gathering or processing facilities; or (3) The seller is an intrastate natural gas pipeline or a local distribution company making an on-system sale.</p>	
<p>New Definitions:</p>	<p>Marketing Functions (proposed 18 CFR 358.3(c)).</p> <p>Transmission Functions (proposed 18 CFR 358.3(i)).</p> <p>Marketing Function Employee (proposed 18 CFR 358.3(d)).</p> <p>Transmission Function Employee (proposed 18 CFR 358.3(i)).</p> <p>Transmission Function Information (proposed 18 CFR 358.3(j)).</p> <p>Transmission Service (proposed 18 CFR 358.3(l)).</p>
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<p><u>§ 358.4 Independent functioning.</u></p>	<p>Note: Provisions under the existing § 358.4(a) are proposed to be relocated at new proposed 18 CFR 358.5, following the overarching rules on prohibition of undue discrimination. Provisions under the existing § 358.4(b) are proposed to be relocated at new proposed 18 CFR 358.7.</p>
<p>(a) <u>Separation of functions.</u> (1) Except in emergency circumstances affecting system reliability, the transmission function employees of the</p>	<p>Paragraph (a)(1) is proposed to be recast and renumbered as “general rule” at proposed 18 CFR 358.5(a).</p>

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Transmission Provider must function independently of the Transmission Provider's Marketing or Energy Affiliates' employees.	
(2) Notwithstanding any other provisions in this section, in emergency circumstances affecting system reliability, a Transmission Provider may take whatever steps are necessary to keep the system in operation. Transmission Providers must report to the Commission and post on the OASIS or Internet Web site, as applicable, each emergency that resulted in any deviation from the standards of conduct, within 24 hours of such deviation.	System reliability exempted under proposed 18 CFR 358.5(b), subject to the recording of information exchanges.
(3) The Transmission Provider is prohibited from permitting the employees of its Marketing or Energy Affiliates from: (i) Conducting transmission system operations or reliability functions; and (ii) Having access to the system control center or similar facilities used for transmission operations or reliability functions that differs in any way from the access available to other transmission customers.	Paragraph (a)(3) is proposed to be recast and renumbered as "separation of functions" at proposed 18 CFR 358.5(c); also proposed to be revised to reflect new definitions.
(4) Transmission Providers are permitted to share support employees and field and maintenance employees with their Marketing and Energy Affiliates.	Proposed to be eliminated, but exceptions captured in new definition of "marketing function employee" at proposed 18 CFR 358.3(d) and the exemption for "permitted information exchanges" at proposed 18 CFR 358.5(b).
(5) Transmission Providers are permitted to share with their Marketing or Energy Affiliates senior officers and directors who are not "Transmission Function Employees" as that term is defined in §	Proposed to be revised to reflect new definitions and new scope of the rule; sharing employees eliminated as a concept.

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<p>358.3(j). A Transmission Provider may share transmission information covered by § 385.5(a) and (b) with its shared senior officers and directors provided that they do not participate in directing, organizing or executing transmission system operations or marketing functions; or act as a conduit to share such information with a Marketing or Energy Affiliate.</p>	
<p>(6) Transmission Providers are permitted to share risk management employees that are not engaged in Transmission Functions or sales or commodity Functions with their Marketing and Energy Affiliates. This provision does not apply to natural gas transmission providers.</p>	<p>Proposed to be revised to reflect new definitions and new scope of the rule; sharing employees eliminated as a concept.</p>
<p>(b) <u>Identifying affiliates on the public Internet.</u></p>	<p>Proposed to be relocated in the transparency rule in proposed 18 CFR 358.7(e).</p>
<p>(1) A Transmission Provider must post the names and addresses of Marketing and Energy Affiliates on its OASIS or Internet Web site.</p>	<p>Proposed to be revised to reflect new definitions and coverage of the rule. See proposed 18 CFR 358.7(e)(1).</p>
<p>(2) A Transmission Provider must post on its OASIS or Internet Web site, as applicable, a complete list of the facilities shared by the Transmission Provider and its Marketing and Energy Affiliates, including the types of facilities shared and their addresses.</p>	<p>Proposed to be revised to reflect new definitions and coverage of the rule. <u>See</u> proposed 18 CFR 358.7(e)(2).</p>

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(3) A Transmission Provider must post comprehensive organizational charts showing:

(i) The organizational structure of the parent corporation with the relative position in the corporate structure of the Transmission Provider, Marketing and Energy Affiliates;

(ii) For the Transmission Provider, the business units, job titles and descriptions, and chain of command for all positions, including officers and directors, with the exception of clerical, maintenance, and field positions. The job titles and descriptions must include the employee's title, the employee's duties, whether the employee is involved in transmission or sales, and the name of the supervisory employees who manage non-clerical employees involved in transmission or sales.

(iii) For all employees who are engaged in transmission functions for the Transmission Provider and marketing or sales functions or who are engaged in transmission functions for the Transmission Provider and are employed by any of the Energy Affiliates, the Transmission Provider must post the name of the business unit within the marketing or sales unit or the Energy Affiliate, the organizational structure in which the employee is located, the employee's name, job title and job description in the marketing or sales unit or Energy Affiliate, and the employee's position within the chain of command of the Marketing or Energy Affiliate.

(iv) The Transmission Provider must

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For existing § 358.4(b)(3)(i)-(iii), proposed to be revised to reflect new definitions in the rule. Proposed to be recast and simplified as “identification of employee information on the public internet” at proposed 18 CFR 358.7(f). Requirement for organizational charts deleted; requirement to post marketing affiliates retained. See proposed 18 CFR 358.7(e)(1).

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<p>update the information on its OASIS or Internet Web site, as applicable, required by §§ 358.4(b)(1), (2) and (3) within seven business days of any change, and post the date on which the information was updated.</p> <p>(v) The Transmission Provider must post information concerning potential merger partners as affiliates within seven days after the potential merger is announced.</p> <p>(vi) All OASIS or Internet Web site postings required by part 358 must comply, as applicable, with the requirements of § 37.6 or §§ 284.12(a) and (c)(3)(v) of this chapter.</p> <p>[New Section]</p>	<p>For existing § 358.4(b)(3)(iv), proposed to be revised and recast as “timing and general requirements of postings on the public internet” at proposed 18 CFR 358.7(g). No substantive changes.</p> <p>For existing § 358.4(b)(3)(v), proposed to be relocated and revised to reflect new definitions in the rule. <u>See</u> proposed 18 CFR 358.7(e)(3).</p> <p>Proposed to be revised to add the requirement that postings be sufficiently prominent as to be readily accessible. <u>See</u> proposed 18 CFR 358.7(g)(3).</p> <p>Proposed new section suspending posting requirements in the event of an emergency, such as a natural disaster. <u>See</u> proposed 18 CFR 358.7(g)(2).</p>
<p>(c) <u>Transfers</u>. Employees of the Transmission Provider, Marketing or Energy Affiliates are not precluded from transferring among such functions as long as such transfer is not used as a means to circumvent the Standards of Conduct. Notices of any employee transfers between the Transmission Provider, on the one hand, and the Marketing or Energy Affiliates on</p>	<p>Proposed to be revised to reflect new definitions and coverage of the rule. <u>See</u> proposed 18 CFR 358.7(f)(2).</p>

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<p>the other, must be posted on the OASIS or Internet Web site, as applicable. The information to be posted must include: the name of the transferring employee, the respective titles held while performing each function (<u>i.e.</u> , on behalf of the Transmission Provider, Marketing or Energy Affiliate), and the effective date of the transfer. The information posted under this section must remain on the OASIS or Internet Web site, as applicable, for 90 days.</p>	
<p>(d) <u>Books and records</u>. A Transmission Provider must maintain its books of account and records (as prescribed under parts 101, 125, 201 and 225 of this chapter) separately from those of its Energy Affiliates and these must be available for Commission inspections.</p>	<p>Proposed to be relocated at proposed 18 CFR 358.8(d).</p>
<p>(e) <u>Written procedures</u>. (1) By February 9, 2004, each Transmission Provider is required to file with the Commission and post on the OASIS or Internet Web site a plan and schedule for implementing the standards of conduct.</p>	<p>Proposed to be eliminated.</p>
<p>(2) Each Transmission Provider must be in full compliance with the standards of conduct by September 22, 2004.</p>	<p>Proposed to be replaced with new 18 CFR 358.8(a).</p>
<p>(3) The Transmission Provider must post on the OASIS or Internet Web site, current written procedures implementing the standards of conduct in such detail as will enable customers and the Commission to determine that the Transmission Provider is in compliance with the requirements of this</p>	<p>Proposed to be revised to reflect change in policy with respect to timing of applicability of the rule. <u>See</u> proposed 18 CFR 358.7(d).</p>

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<p>section by September 22, 2004 or within 30 days of becoming subject to the requirements of part 358.</p>	
<p>(4) Transmission Providers will distribute the written procedures to all Transmission Provider employees and employees of the Marketing and Energy Affiliates.</p>	<p>Proposed to be revised to reflect new definitions and new scope of the rule. <u>See</u> proposed 18 CFR 358.8(b).</p>
<p>(5) Transmission Providers shall train officers and directors as well as employees with access to transmission information or information concerning gas or electric purchases, sales or marketing functions. The Transmission Provider shall require each employee to sign a document or certify electronically signifying that s/he has participated in the training.</p>	<p>Proposed to be revised to require annual training and certification of completion and to be relocated at proposed 18 CFR 358.8(c).</p>
<p>(6) Transmission Providers are required to designate a Chief Compliance Officer who will be responsible for standards of conduct compliance.</p>	<p>Proposed to be revised to require posting of names of Chief Compliance Officers and to be relocated at proposed 18 CFR 358.8(c)(2).</p>
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<p><u>§ 358.5 Non-discrimination requirements.</u></p>	<p>This section is proposed to be placed before the Independent Functioning section. As most of the provisions in the existing § 358.5 relate to a distinct concept of handling information, paragraphs (a) and (b), revised to reflect new definitions and simplified, are proposed to be relocated in new proposed 18 CFR 358.6.</p>
<p>(a) <u>Information access.</u> (1) The Transmission Provider must ensure that any employee of its Marketing or Energy Affiliate may only have access to that information available to the Transmission Provider's transmission customers (<i>i.e.</i> , the information posted on the OASIS or Internet Web site, as applicable), and must not have access to any information about the Transmission Provider's transmission system that is not available to all users of an OASIS or Internet Web site, as applicable.</p>	<p>Concept retained but revised to reflect new definitions and simplified in terms of “prohibited receipt and disclosure” of information in new proposed 18 CFR 358.6(a).</p>
<p>(2) The Transmission Provider must ensure that any employee of its Marketing or Energy Affiliate is prohibited from obtaining information about the Transmission Provider's transmission system (including, but not limited to, information about available transmission capability, price, curtailments, storage, ancillary services, balancing,</p>	<p>Concept retained but revised to reflect new definitions and simplified in new proposed 18 CFR 358.6(a).</p>

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<p>maintenance activity, capacity expansion plans or similar information) through access to information not posted on the OASIS or Internet Web site or that is not otherwise also available to the general public without restriction.</p>	
<p>(b) <u>Prohibited disclosure.</u> (1) An employee of the Transmission Provider may not disclose to its Marketing or Energy Affiliates any information concerning the transmission system of the Transmission Provider or the transmission system of another (including, but not limited to, information received from non-affiliates or information about available transmission capability, price, curtailments, storage, ancillary services, balancing, maintenance activity, capacity expansion plans, or similar information) through non-public communications conducted off the OASIS or Internet Web site, through access to information not posted on the OASIS or Internet Web site that is not contemporaneously available to the public, or through information on the OASIS or Internet Web site that is not at the same time</p>	<p>Concept retained but revised to reflect new definitions and simplified in new proposed 18 CFR 358.6(a).</p>

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publicly available.	
<p>(2) A Transmission Provider may not share any information, acquired from non-affiliated transmission customers or potential non-affiliated transmission customers, or developed in the course of responding to requests for transmission or ancillary service on the OASIS or Internet Web site, with employees of its Marketing or Energy Affiliates, except to the limited extent information is required to be posted on the OASIS or Internet website in response to a request for transmission service or ancillary services.</p>	<p>Concept retained but revised to reflect new definitions and simplified in new proposed 18 CFR 358.6(a).</p>
<p>(3) If an employee of the Transmission Provider discloses information in a manner contrary to the requirements of § 358.5(b)(1) and (2), the Transmission Provider must immediately post such information on the OASIS or Internet Web site.</p>	<p>Proposed to be revised to reflect new definitions and to be located in new proposed 18 CFR 358.7(a).</p>
<p>(4) A non-affiliated transmission customer may voluntarily consent, in writing, to allow the Transmission Provider to share the non-affiliated customer's information with a Marketing or Energy Affiliate. If a non-affiliated customer authorizes the Transmission Provider to share its information with a Marketing or Energy</p>	<p>Proposed to be revised to reflect new definitions and be located in new proposed 18 CFR 358.7(c).</p>

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<p>Affiliate, the Transmission Provider must post notice on the OASIS or Internet Web site of that consent along with a statement that it did not provide any preferences, either operational or rate-related, in exchange for that voluntary consent.</p>	
<p>(5) A Transmission Provider is not required to contemporaneously disclose to all transmission customers or potential transmission customers information covered by § 358.5(b)(1) if it relates solely to a Marketing or Energy Affiliate's specific request for transmission service.</p>	<p>Proposed to be revised to reflect new definitions and be located in new proposed 18 CFR 358.7(b).</p>
<p>(6) A Transmission Provider may share generation information necessary to perform generation dispatch with its Marketing and Energy Affiliate that does not include specific information about individual third party transmission transactions or potential transmission arrangements.</p>	<p>Proposed to be revised to reflect new definitions and to be located in new proposed 18 CFR 358.6(b), which adds the requirement of a record of the information exchange, as provided in new proposed 18 CFR 358.7(h).</p>
<p>(7) Neither a Transmission Provider nor an employee of a Transmission Provider is permitted to use anyone as a conduit for sharing information covered by the prohibitions of § 358.5(b)(1) and (2) with a Marketing or Energy Affiliate. A Transmission Provider may share information covered by § 358.5(b)(1) and (2) with employees permitted to be shared under § 358.4(a)(4), (5) and (6) provided that such employees do not act as a conduit to share such information with any Marketing or Energy Affiliates.</p>	<p>Proposed to be revised to reflect new definitions, clarify coverage, and to be relocated in new proposed 18 CFR 358.6, and highlighted as the "no conduit rule." See proposed 18 CFR 358.6(a).</p>
<p>(8) A Transmission Provider is permitted to share information necessary to maintain the operations of the transmission system with</p>	<p>Proposed to be revised to reflect new definitions and to be located in new proposed 18 CFR 358.6(b)(2), which adds the</p>

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its Energy Affiliates.	requirement of a record of the information exchange, as provided in new proposed 18 CFR 358.7(h).
(c) <u>Implementing tariffs</u> . (1) A Transmission Provider must strictly enforce all tariff provisions relating to the sale or purchase of open access transmission service, if these tariff provisions do not permit the use of discretion.	No changes but proposed to be relocated at proposed 18 CFR 358.4(a)(1).
(2) A Transmission Provider must apply all tariff provisions relating to the sale or purchase of open access transmission service in a fair and impartial manner that treats all transmission customers in a non-discriminatory manner, if these tariff provisions permit the use of discretion.	No changes but proposed to be relocated at proposed 18 CFR 358.4(a)(2).
(3) A Transmission Provider must process all similar requests for transmission in the same manner and within the same period of time.	No changes but proposed to be relocated at proposed 18 CFR 358.4(a)(4).
(4)(i) Electric Transmission Providers must maintain a written log, available for Commission audit, detailing the circumstances and manner in which they exercised their discretion under any terms of the tariff. The information contained in this log is to be posted on the OASIS or Internet website within 24 hours of when a Transmission Provider exercises its discretion under any terms of the tariff. (ii) Natural gas Transmission Providers must maintain a written log of waivers that the natural gas Transmission Provider grants with respect to	Proposed to be revised to and consolidated to reflect new definitions and new coverage of the rule. Proposed to be revised to reflect change in policy with respect to timing of the applicability of the rule, including the new requirement of a five year record retention. <u>See</u> proposed 18 CFR 358.4(a)(5).

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<p>tariff provisions that provide for such discretionary waivers and provide the log to any person requesting it within 24 hours of the request.</p>	
<p>(5) The Transmission Provider may not, through its tariffs or otherwise, give preference to its Marketing or Energy Affiliate, over any other wholesale customer in matters relating to the sale or purchase of transmission service (including, but not limited to, issues of price, curtailments, scheduling, priority, ancillary services, or balancing).</p>	<p>Proposed to be revised to reflect new definitions and to be relocated at proposed 18 CFR 358.4(a)(3).</p>
<p>(d) <u>Discounts</u>. Any offer of a discount for any transmission service made by the Transmission Provider must be posted on the OASIS or Internet Web site contemporaneous with the time that the offer is contractually binding. The posting must include: the name of the customer involved in the discount and whether it is an affiliate or whether an affiliate is involved in the transaction, the rate offered; the maximum rate; the time period for which the discount would apply; the quantity of power or gas upon which the discount is based; the delivery points under the transaction; and any conditions or requirements applicable to the discount. The posting must remain on the OASIS or Internet Web site for 60 days from the date of posting.</p>	<p>No changes proposed but proposed to be relocated at proposed 18 CFR 358.4(b).</p>