**Section 452.130 Non-Discriminatory Provision of Delivery Services and Ancillary Services in Transactions Involving the Generation Function**

a) Electric utility transmission and distribution function employees shall strictly enforce all tariff provisions relating to delivery services (regardless of whether dealing with the electric utility's generation function, affiliated interests, or non-affiliated ARES) if these tariff provisions do not provide for the use of discretion.

b) If provisions of delivery services tariffs allow for discretion, electric utility transmission and distribution function employees shall apply these tariff provisions in a fair, impartial and non-discriminatory manner. Similarly situated users and potential users of delivery services shall be treated equally.

c) An electric utility shall not, through its tariffs or otherwise, give preference to retail power sales made on behalf of the customers of its generation function over the interests of any other retail customer in matters relating to delivery services or tariffed ancillary services. These matters shall include, but not be limited to, delivery services price, delivery services quality, curtailments, interconnections, service restoration, scheduling, priority, balancing, and ancillary services availability. All requests for delivery services shall be processed in a non-discriminatory manner.

d) If an electric utility offers or attributes a rate discount, rebate, or fee waiver on delivery services or delivery-service related, tariffed ancillary services to its generation function or retail customers of its generation function, then, at the same time, it shall offer the same discount, rebate, or fee waiver to all similarly situated ARES or customers of similarly situated ARES. The electric utility shall maintain a log of all discounts, rebates, or fee waivers granted to its generation function or for retail customers of its generation function. The entry in the log shall be made within 24 hours after the delivery services or ancillary services transaction commences. The entry in the log shall be maintained for one year after the discount, rebate, or fee waiver expires. The log shall be available for Commission inspection. The log shall be made available to the public upon written request.

e) Merchant generation function employees shall not state or imply to any person or entity unaffiliated with the electric utility that they have access to, or information about, delivery services that is unavailable to ARES or retail customers, nor shall any utility employee state or imply that delivery services provided in conjunction with the utility's generation services will be superior to the delivery services provided to the customers of ARES.