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

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and:

(a) And 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 within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

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.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

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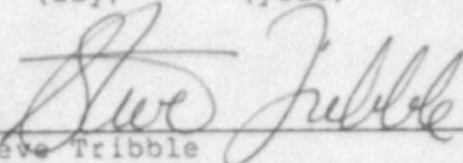
Rule No.
25-7.0131

Specific
Rulemaking
Authority
350.127(2), F.S.
366.14, F.S.

Law Being Implemented,
Interpreted or
Made Specific
350.113, 366.14, F.S.

Under the provision of paragraph 120.54(12) (a), 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)



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

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1 25-7.0131 Regulatory Assessment Fees; Gas Utilities, Gas
2 Municipals, and Gas Districts.

3 (1) As applicable and as provided in s. 350.113, F.S. (1985)
4 and s. 366.14, F.S. 1989, each gas utility, municipal, or gas
5 district shall remit a fee based upon its gross operating revenue.
6 This fee shall be referred to as a regulatory assessment fee and
7 ~~each-gas-utility-shall-pay-a-regulatory-assessment-fee-in-the~~
8 ~~amount-of-one-eighth-of-one-percent-of-its-gross-operating~~
9 ~~revenues-derived-from-intrastate-business.~~ Regardless of the
10 gross operating revenue of a company, a minimum annual regulatory
11 assessment fee of \$25 shall be imposed.

12 (a) Each investor-owned gas utility shall pay a regulatory
13 assessment fee in the amount of 0.375 percent of its gross
14 operating revenue derived from intrastate business, excluding sales
15 for resale between public utilities, municipal gas utilities, and
16 gas districts or any combination thereof.

17 (b) Each municipal or gas district shall pay a regulatory
18 assessment fee in the amount of 0.1919 percent of its gross
19 operating revenue derived from intrastate business, excluding sales
20 for resale between public utilities, municipal gas utilities, and
21 gas district or any combination thereof.

22 (2) Regulatory assessment fees are due each January 30 for
23 the preceding period or any part of the period from July 1 until
24 December 31, and on July 30 for the preceding period or any part of
25 the period from January 1 until June 30. The regulatory assessment
26 fees shall be remitted with the Commission's Regulatory Assessment
27 Fee Return form PSC/EAG 3, or PSC/EAG 37 (Rev. - - -) which
28 are hereby incorporated by reference and may be obtained from:
29 Florida Public Service Commission, Division of Administration, 101
30 East Gaines Street, Tallahassee, Florida 32399. Each utility,
31 municipal, and gas district shall have up to and including the due

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struck-through type are deletions from existing law.

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1 date in which to:

2 (a) Remit the total amount of its fee, or

3 (b) Remit an amount which the utility, municipal, or gas
4 district estimates is its full fee, or

5 (c) Seek and receive from the Commission a 30-day extension
6 of its due date.

7 (3) Where the utility, municipal, or gas district remits less
8 than its full fee pursuant to subsection (2)(b) of this rule, the
9 remainder of the full fee shall be due on or before the 30th day
10 from the due date and shall, where the amount remitted was less
11 than 90% of the total regulatory assessment fee, include interest
12 as provided by subsection (5)(b) of this rule.

13 (4) Where a utility, municipal, or gas district receives a
14 30-day extension of its due date pursuant to subsection (2)(c) of
15 this rule, then the utility, municipal, or gas district shall remit
16 a charge in addition to the regulatory assessment fee, as set out
17 in s. 350.113 (5), F.S. (1985).

18 (5) The delinquency of any amount due to the Commission from
19 the utility, municipal, or gas district pursuant to the provisions
20 of s. 350.113, F.S. (1985) and this rule, begins with the first day
21 after any date established as the due date either by operation of
22 this rule or by an extension pursuant to this rule.

23 (a) A penalty, as set out in s. 350.113, F.S. (1985) shall
24 apply to any such delinquent amounts.

25 (b) Interest at the rate of 12% per annum shall apply to any
26 such delinquent amounts.

27 Specific Authority: 350.127(2), F.S.

28 Law Implemented: 350.113, F.S., 366.14, F.S. (1989)

29 History: New 5/18/83, formerly 25-7.131, Amended 10/16/86.

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SUMMARY OF RULE

The amendment adjusts the rate at which the regulatory assessment fee is calculated for investor-owned natural gas utilities from one-eighth of one percent (0.125%), to 0.375.5 percent of gross operating revenue derived from intrastate business (except sales for resale). The amendment also assesses a regulatory fee for gas municipals and gas districts for safety regulation at a rate of one-fourth of 0.1919 percent of gross operating revenues.

SUMMARY OF HEARINGS ON THE RULE

A hearing was held on January 29, 1990, before the Director of Appeals, David Smith, acting as hearing officer. Representatives for the municipals and gas districts submitted a computation of revenues for 1988, 1989, and 1990. The Commission approved these changes at its March 20, 1990, agenda conference. Commission staff submitted a revenue and cost comparison exhibit using proposed rate changes. On the basis of the information submitted, the parties stipulated that the correct revenue projections for municipals and gas districts for 1990 was \$114,961,510.00. They further stipulated that the rule should be adopted incorporating a 0.1919 percent assessment fee rate for municipals and gas districts rather than the proposed rate of 0.250 percent.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

In order to fund the Commission's projected operating budget for the next fiscal year, and to adhere to the legislative directive of Section 350.113(3), Florida Statutes, that "regulatory fees assessed by the Commission...shall, to the extent practicable, be related to the cost of regulating such type of regulated company," the Commission proposes an increase in the regulatory fee rate charged investor-owned natural gas companies from one-eighth (0.125%) of one percent of gross operating revenue derived from intrastate business (excluding sales for resale) to three-eighths of one percent (0.375%). The Commission also proposes the assessment of a fee of 0.1919 percent of gross operating revenues for gas municipals and gas districts which are now subject to assessment for Commission safety regulation.

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