

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to) DOCKET NO. 960366-PU
Rules 25-4.0161, 25-6.0131, 25-) ORDER NO. PSC-96-0786-FOF-PU
7.0131 and 25-30.120, F.A.C.,) ISSUED: June 17, 1996
Relating to Regulatory)
Assessment Fees)
_____)

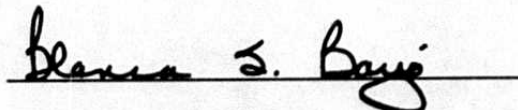
NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rules 25-4.0161, 25-6.0131, 25-7.0131, and 25-30.120, Florida Administrative Code, relating to regulatory assessment fees, without changes.

The rule amendments were filed with the Department of State on June 17, 1996 and will be effective on July 8, 1996. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 17th day of June, 1996.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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FPSC-RECORDS/REPORTING

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. s. 364.336, F.S., and s. 364.337(4), F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 ~~.15 of one percent~~ of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each interexchange telecommunications company and each pay telephone company shall deduct from gross operating revenues amounts paid for use of the local network to a telecommunications company providing local service. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) Telecommunications companies that owed gross regulatory assessment fees of \$10,000 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30 for the preceding period of January 1 through June 30, and no later than January 30 of the following year for the period of July 1 through December 31. Telecommunication companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the

appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations. Regulatory assessment fees and the applicable regulatory assessment fee return form are due each January 30 for the preceding period or any part of the period from July 1 until December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30.

(3) If the due date falls on a Saturday, Sunday, or legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are post marked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/CMU 25 (7/96) (1/91), entitled "Communication Company Regulatory Assessment Fee Return," applicable to local exchange telecommunications companies; Form

PSC/CMU 26 (7/96) ~~(12/91)~~, entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (7/96) ~~(12/91)~~, entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (7/96) ~~(12/91)~~, entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (7/96) ~~(1/95)~~, entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (7/96) ~~(11/95)~~, entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) Each telecommunications company shall have up to and including the due date in which to submit the applicable form and:

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

(b) Remit an amount which the company estimates is its full fee, ~~or~~

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

(6) ~~(3)~~ Where the company remits less than its full fee pursuant to subsection ~~(2) (b)~~ of this rule, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by subsection (8) (b) ~~(5) (b)~~ of this rule.

(7)-(4) A company may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(c) Where a telecommunications company receives an a 30-day extension of its due date pursuant to subsection (2)(e) of this rule, then the telecommunications company shall remit a charge in addition to the regulatory assessment fees, as set out in s. 350.113(5), F.S.

(d) The return forms may be obtained from the Commission's Division of Administration. The failure of a telecommunications company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(8)-(5) The delinquency of any amount due to the Commission from the telecommunications company pursuant to the provisions of s. 350.113, F.S., and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

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

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

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

Law Implemented: 350.113, 364.336, 364.337(4), F.S.

History: New 5/18/83, formerly 25-4.161, Amended 10/16/86, 1/1/91, 12/29/91, 1/8/95, 12/26/95, 7/8/96.

25-6.0131 Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives.

(1) As applicable and as provided in s. 350.113, F.S. ~~(1985)~~, each company, utility, or cooperative shall remit to the Commission a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$25 shall be imposed.

(a) ~~On January 30, 1992, each investor owned electric company shall pay a regulatory assessment fee in the amount of 0.05 percent of gross operating revenues derived from intrastate business, excluding sales for resale between public utilities, municipal electric utilities and rural electric cooperatives or any combination thereof. Beginning on July 30, 1992 and continuing thereafter, each~~ Each investor-owned electric company shall pay a regulatory assessment fee in the amount of 0.000833 ~~0.00330~~ percent of gross operating revenues derived from intrastate business,

excluding sales for resale between public utilities, municipal electric utilities, and rural electric cooperatives or any combination thereof.

(b) Each municipal electric utility and rural electric cooperative shall pay a regulatory assessment fee in the amount of 0.00015625 ~~one sixty fourth of one percent~~ of its gross operating revenues derived from intrastate business, excluding sales for resale between public utilities, municipal electric utilities, and rural cooperatives or any combination thereof.

(2) Regulatory assessment fees are due each January 30 for the preceding period or any part of the period from July 1 until December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30.

(3) If the due date falls on a Saturday, Sunday, or a holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered

timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(4) Commission Form PSC/ADM 68 (7/96), entitled "Investor-Owned Electric Utility Regulatory Assessment Fee Return"; Form PSC/ADM 69 (7/96), entitled "Municipal Electric Utility Regulatory Assessment Fee Return"; and Form PSC/ADM 70 (7/96), entitled "Rural Electric Cooperative Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory assessment fees.

(5) Each company, utility, or cooperative shall have up to and including the due date in which to:

- (a) Remit the total amount of its fee, or
- (b) Remit an amount which the company, utility, or cooperative estimates is its full fee, or
- ~~(c) Seek and receive from the Commission a 30 day extension of its due date.~~

(6)-(3) Where the company, utility, or cooperative remits less than its full fee pursuant to subsection (2) (b) of this Rule, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90% percent of the total regulatory assessment fee, include interest as provided by subsection (8) (b) (5) (b) of this Rule.

(7)(4) A company may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(c) Where a company, utility, or cooperative receives an a 30-day extension of its due date pursuant to ~~subsection (2)(e)~~ of this rule, then the entity shall remit a charge in addition to the regulatory assessment fee, as set out in s. 350.113(5), F.S. (1985).

(8)(5) The delinquency of any amount due to the Commission from the company, utility, or cooperative pursuant to the provisions of s. 350.113, F.S. (1985) and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

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

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

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

Law Implemented: 350.113, F.S.

History: New 5/18/83, Amended 2/9/84, formerly 25-6.131, Amended 6/18/86, 10/16/86, 3/7/89, 2/19/92, 7/8/96.

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

(1) As applicable and as provided in s. 350.113, F.S. ~~(1985)~~ and s. 366.14, F.S. ~~1989~~, each gas utility, municipal, or gas district shall remit a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$25 shall be imposed.

(a) Each investor-owned gas utility shall pay a regulatory assessment fee in the amount of 0.00375 ~~0.375 percent~~ of its gross operating revenue derived from intrastate business, excluding sales for resale between public utilities, municipal gas utilities, and gas districts or any combination thereof.

(b) Each municipal or gas district shall pay a regulatory assessment fee in the amount of 0.001919 ~~0.1919 percent~~ of its gross operating revenue derived from intrastate business, excluding sales for resale between public utilities, municipal gas utilities, and gas district or any combination thereof.

(2) Regulatory assessment fees are due each January 30 for the preceding period or any part of the period from July 1 until December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30.

(3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date and the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(4) Commission Form PSC/ADM 67 (7/96), entitled "Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return" and Form PSC/ADM 71 (7/96), entitled "Gas Municipal or Gas District Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory assessment fees. ~~The regulatory assessment fees shall be remitted with the Commission's Regulatory Assessment Fee Return form PSC/EAG 3, PSC/EAG or PSC/EAG (Rev.)~~ which are hereby incorporated by reference.

(5) Each utility, municipal, and gas district shall have up to and including the due date in which to:

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

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

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

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

(7)(4) A utility, municipal, or gas district may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(c) Where a utility, municipal, or gas district receives an a 30-day extension of its due date pursuant to ~~subsection (2)(c)~~ of this rule, then the utility, municipal, or gas district shall remit

a charge in addition to the regulatory assessment fee, as set out in s. 350.113 ~~(5)~~, F.S. ~~(1985)~~.

~~(8)(5)~~ The delinquency of any amount due to the Commission from the utility, municipal, or gas district pursuant to the provisions of s. 350.113, F.S. ~~(1985)~~ and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

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

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

Specific Authority: 350.127(2), F.S., 366.14, F.S. (1989)

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

History: New 5/18/83, formerly 25-7.131, Amended 10/16/86, 4/25/90, 7/8/96.

25-30.120 Regulatory Assessment Fees; Water and Wastewater Utilities.

(1) As applicable and as provided in s. 350.113, F.S. ~~(1985)~~, each utility shall remit a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. ~~For the year beginning January 1, 1990 each utility shall pay a regulatory assessment fee in the amount of two and one half percent of its gross revenues derived from intrastate business for~~

~~the first six months of that year and four and one half percent for the second six months of that year. Thereafter, beginning January 1, 1991 each~~ Each utility shall pay a regulatory assessment fee in the amount of 0.045 of its gross revenues derived from intrastate business ~~four and one half percent for the entire year.~~ The gross revenues reported for regulatory assessment fee purposes must agree with the amount reported as operating revenue on Schedule F-3 of the Operating Statement in the company's Annual Report, filed in accordance with Rule 25-30.110, F.A.C. A minimum annual regulatory assessment fee of \$25 shall be imposed if there are no revenues or if revenues are insufficient to generate a minimum annual fee. ~~Regardless of the gross operating revenue of a utility, a minimum annual regulatory assessment fee of \$25 shall be imposed.~~

(2) The obligation to remit the regulatory assessment fees for any year shall apply to any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has actually applied for or been issued a certificate.

(a) Regulatory assessment fees shall be filed with the Commission on or before March 31 for the preceding year ended December 31. Commission Form PSC/WAW 10 (7/96) entitled "Water System Regulatory Assessment Fee Return" and Commission Form PSC/WAW 17 (7/96) entitled "Wastewater System Regulatory Assessment Fee Return" are incorporated into this rule by reference and The

~~Commission shall, by January 15 of each year, send one blank copy of the Regulatory Assessment Fee Return form (PSC WAS 10 or PSC WAS 17), which is incorporated by reference into this rule, to each utility. The forms may be obtained from the Commission's Division of Administration. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory assessment fees.~~

(b) Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered.

(4) Each utility shall have up to and including the due date in which to:

1. Remit the total amount of its fee, or

2. Remit an amount which the utility estimates is its full fee, ~~or~~
- ~~3. Seek and receive from the Bureau Chief of the Division of Administration a 30 day extension of its due date. The request for extension must be written and accompanied by a statement of good cause. The request for extension must be received by the Division of Administration within five working days before the due date.~~

~~(5)-(3)~~ Any utility that purchases water or wastewater treatment from another utility regulated by the Florida Public Service Commission is allowed to deduct the annual expense for purchased water or wastewater treatment from its gross operating revenues before calculating the amount of the regulatory assessment fees due ~~a credit on the regulatory assessment fees paid to the FPSC. For the year beginning January 1, 1990, the credit shall be calculated by multiplying .035 times the annual amount paid to the other regulated utility for purchased water or wastewater treatment. Thereafter, the credit shall be calculated by multiplying .045 times the annual amount paid to the other regulated utility for purchase water or wastewater treatment. This credit may be deducted annually from the amount owed to the Commission pursuant to section 350.113, Florida Statutes.~~

(6)(4) A utility may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(c) Where a utility receives a 30-day extension of its due date pursuant to ~~subsection (2)(b)3~~ of this rule, ~~then~~ the utility shall remit a charge in addition to the regulatory assessment fee, set out in s. 350.113(5), F.S. (1985) as follows:

~~(a) .75 percent of the fee to be remitted for an extension of 15 days or less, or~~

~~(b) a charge of 1.5 percent of the fee for an extension of 16 to 30 days.~~

~~(c) No other penalty or interest shall be collected if the additional charge is remitted within the extension time granted.~~

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

(a) Pursuant to s. 350.113~~(4)~~, F.S., a penalty shall be assessed against any utility that fails to pay its regulatory assessment fee by March 31, in the following manner:

1. Five 5 percent of the fee if the failure is for not more than 30 days, with an additional five 5 percent for each additional 30 days or fraction thereof during the time in which the failure continues, not to exceed a total penalty of 25 percent.
2. The amount of interest to be charged is one percent ~~1%~~ for each thirty days or fraction thereof, not to exceed a total of 12 percent % per annum.

(b) In addition to the penalties and interest otherwise provided, the Commission may impose an additional penalty upon a utility for failure to pay regulatory assessment fees in a timely manner in accordance with s. 367.161, F.S.

~~(8)(6)~~ Any utility which requests and receives an extension of not more than 30 days or ~~and~~ remits, by the due date, an estimated fee payment of at least 90 percent % of the actual fee due shall not be charged interest or penalty on the balance due if paid within the extension period.

~~(9)(7)~~ Any utility which fails to pay a penalty within 30 days after its assessment by the Commission shall be subject to interest applied to the penalty up to and including the date of

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payment of the penalty. Such interest shall be compounded monthly, based on the 30-day commercial paper rate for high-grade, unsecured notes sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.

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

Law Implemented: 350.113, F.S.

History: New 5/18/83, formerly 25-10.24, Amended 10/16/86, Transferred from 25-10.024 and Amended 11/9/86, Amended 2/8/90, 7/8/96.