

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule)	DOCKET NO. 881337-EI
25-6.0131(1)(a), regarding)	
regulatory assessment fees for)	ORDER NO. 20766
investor-owned electric utilities.)	ISSUED: 2-17-89

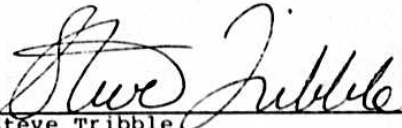
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendment to Rule 25-6.0131(1)(a), Florida Administrative Code, relating to regulatory assessment fees for investor-owned utilities without changes.

The amendment was filed with the Secretary of State on February 15, 1989, and will be effective on March 7, 1989. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission,
this 17th day of FEBRUARY, 1989.


 Steve Tribble
 Director
 Division of Records & Reporting

(S E A L)

MCB

2507G

DOCUMENT NUMBER-DATE
 01704 FEB 17 1989
 FPSC-RECORDS/REPORTING

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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.

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<u>Rule No.</u>	<u>Specific Rulemaking Authority</u>	<u>Law Being Implemented, Interpreted or Made Specific</u>
25-6.0131(1)(a)	350.127(2), F.S.	350.113, 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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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) Each investor-owned electric company shall pay a regulatory assessment fee in the amount of one-eighth ~~one-twelfth~~ of one 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 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. 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

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of its due date.

(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% of the total regulatory assessment fee, include interest as provided by subsection (5)(b) of this Rule.

(4) Where a company, utility, or cooperative receives a 30-day extension of its due date pursuant to subsection (2)(c) 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).

(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 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% 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.

Rule 25-6.0131(1)(a)

Docket No. 881337-EI

SUMMARY OF RULE

The amendment adjusts the rate at which the regulatory assessment fee is calculated for investor-owned electric utilities from one-twelfth of one percent (0.083%) to one-eighth of one percent (0.125%) of gross operating revenue derived from intrastate business, excepting sales for resale, beginning with the second half of the 1988-89 fiscal year.

SUMMARY OF HEARINGS ON THE RULE

No requests for hearing or comments were filed.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Florida Public Service Commission's Regulatory Trust Fund is projected to have a negative balance by the end of fiscal year 1989-1990. To fund the Commission's appropriated budget and provide for adequate cash flow, the regulatory assessment fee charged investor-owned electric utilities should be raised to one-eighth of one percent (0.125%) of gross operating revenues as provided by section 350.113, Florida Statutes.

M E M O R A N D U M

February 17, 1989

TO : STEVE TRIBBLE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM: MARTHA C. BROWN, ASSOCIATE GENERAL COUNSEL *MCB/KP*
RE : DOCKET NO. 881337-EI, RULE 25-6.0131(1)(a), AMENDMENT OF
RULE 25-6.0131(1)(a) REGARDING REGULATORY ASSESSMENT FEES
FOR INVESTOR-OWNED ELECTRIC UTILITIES

20766

Attached please find a Notice of Adoption for distribution
by your office.

Industry distribution is:

Electric (IOU)
 Electric (Muni & Coop)
 Electric (Safety)
 Gas (IOU)
 Gas (Safety)
 Telephone (LEC)
 Telephone (IXC)
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 Water and Sewer
 Docket only

This document has the following priority:

Must be issued the next working day.
 Must be issued within 2 working days.
 Must be issued within 5 working days.

This docket will be closed upon issuance of the Notice.

MCB:prl
Attachment
cc: File
Sandy Simmons (w/o attach.)
W. Terrell (w/o attach.)

DOCUMENT NUMBER-DATE
01794 FEB 17 1989
FPSC-RECORDS/REPORTING