

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule)
 25-7.0131, F.A.C., Regulatory)
 Assessment Fees for Gas Utilities,)
 Municipals, and Districts.)

DOCKET NO. 891203-GU

ORDER NO. 22383

ISSUED: 1-8-90

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-7.0131, F.A.C., relating to regulatory assessment fees for gas utilities, municipals, and districts.

The attached Notice of Rulemaking appeared in the December 22, 1989, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Monday, January 29, 1990
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule(s) must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL, 32399, no later than January 12, 1990.

By Direction of the Florida Public Service Commission,
 this 8th day of January, 1990.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

MCB
 3554G

DOCUMENT NUMBER-DATE

00174 JAN-8 1990

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 891203-GU

RULE TITLE: Regulatory Assessment Fees for
Gas Utilities, Municipals, and
Districts
RULE NO.:
25-7.0131

PURPOSE AND EFFECT: The proposed rule amendments will increase the assessment fee collected by the Public Service Commission from investor-owned natural gas utilities, and it will assess a fee for the first time from gas municipals and gas districts to cover the costs of safety regulation.

SUMMARY: The amendments adjust 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 three eighths of one percent (0.375%) of gross operating revenue derived from intrastate business (except sales for resale). The amendment also assess a regulatory fee for gas municipals and gas districts for safety regulation at a rate of one-fourth of one percent (0.250%) of gross operating revenues.

RULEMAKING AUTHORITY: 350.127(2), Florida Statutes

LAW IMPLEMENTED: 350.113 Florida Statutes, 366.14, Florida Statutes

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES: The proposed amendments would raise regulatory assessment fees of investor-owned natural gas utilities, and assess regulatory fees for the first time from gas municipals and gas districts commensurate with Commission costs of safety regulation. The

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effect of these increases will be to increase assessment fee expenses while perhaps decreasing income tax expense. The increased fees will be passed on to consumers in the form of higher rates. Offsetting the increased cost to ratepayers would be the benefit to ratepayers of no decline in the quality of Commission regulation of the industry.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 A.M. January 29, 1990.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399
THE FULL TEXT OF THE RULES IS:

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 and each gas utility shall pay a regulatory assessment fee in the amount of one-eighth of one percent of its gross operating

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~~revenues-derived-from-intrastate-business.~~ 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 three-eighths of one 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 one-fourth of one 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. 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. 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

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

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

(4) Where a utility, municipal, or gas district receives 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).

(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 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., 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.

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NAME OF PERSON ORIGINATING PROPOSED RULE: James Ward

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission

DATE PROPOSED RULE APPROVED: December 5, 1989.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

MEMORANDUM

January 4, 1990

TO : STEVE TRIBBLE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM: MARTHA CARTER BROWN, ASSOCIATE GENERAL COUNSEL MCB
RE : DOCKET NO. 891203-GU, RULE 25-7.0131

22383

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

Industry distribution is:

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

This document has the following priority:

Must be issued today.
 Must be issued within 48 hours.
 Must be issued within 5 working days.

MCB/cp (3502G)
cc: W. Terrell

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00174 JAN-8 1990
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