

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-6.0131,)	DOCKET NO. 911130-EI
F.A.C., Reduction to Regulatory)	
Assessment Fee for Investor-owned)	ORDER NO. 25701
Electric Utilities.)	
<hr/>		ISSUED: 2-7-92

NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule 25-6.0131, F.A.C., relating to reduction of regulatory assessment fee for investor-owned electric utilities without change.

The rule amendment was filed with the Department of State on January 30, 1992, and will be effective on February 19, 1992. 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
7th day of February, 1992.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

MER
 adp60131.cjp

DOCUMENT NUMBER-DATE

01437 FEB -7 1992

FPSC-RECORDS/REPORTING

ORDER NO. 25701
DOCKET NO. 911130-EI
PAGE 2

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

RECEIVED
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
JAN 10 1992
11 31 AM '92

ORDER NO. 25701
DOCKET NO. 911130-EI
PAGE 3

covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-6.0131	350.127(2)	350.113

Under the provision of paragraph 120.54(13)(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

(S E A L)



7:11 PM
02 MAY 30 PM 3:53
AND ASSISTANT SECRETARY

ORDER NO. 25701
DOCKET NO. 911130-EI
PAGE 4

1 25-6.0131 Regulatory Assessment Fees; Investor-owned Electric
2 Companies, Municipal Electric Utilities, Rural Electric
3 Cooperatives.

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

10 (a) On January 30, 1992, ~~Each~~ investor-owned electric
11 company shall pay a regulatory assessment fee in the amount of 0.05
12 ~~one-eighth of one~~ percent of gross operating revenues derived from
13 intrastate business, excluding sales for resale between public
14 utilities, municipal electric utilities and rural electric
15 cooperatives or any combination thereof. Beginning on July 30,
16 1992 and continuing thereafter, each investor-owned electric
17 company shall pay a regulatory assessment fee in the amount of
18 0.08330 percent of gross operating revenues derived from intrastate
19 business, excluding sales for resale between public utilities,
20 municipal electric utilities and rural electric cooperatives or any
21 combination thereof.

22 (b) Each municipal electric utility and rural electric
23 cooperative shall pay a regulatory assessment fee in the amount of
24 one-sixty-fourth of one percent of its gross operating revenues
25 derived from intrastate business, excluding sales for resale

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

ORDER NO. 25701
DOCKET NO. 911130-EI
PAGE 5

1 between public utilities, municipal electric utilities and rural
2 cooperatives or any combination thereof.

3 (2) Regulatory assessment fees are due each January 30 for
4 the preceding period or any part of the period from July 1 until
5 December 31, and on July 30 for the preceding period or any part of
6 the period from January 1 until June 30. Each company, utility, or
7 cooperative shall have up to and including the due date in which
8 to:

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

10 (b) Remit an amount which the company, utility, or
11 cooperative estimates is its full fee, or

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

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

20 (4) Where a company, utility, or cooperative receives a
21 30-day extension of its due date pursuant to subsection (2)(c) of
22 this rule, then the entity shall remit a charge in addition to the
23 regulatory assessment fee, as set out in s. 350.113(5), F.S.
24 (1985).

25 (5) The delinquency of any amount due to the Commission from

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

ORDER NO. 25701
DOCKET NO. 911130-EI
PAGE 6

1 the company, utility, or cooperative pursuant to the provisions of
2 s. 350.113, F.S. (1985) and this rule, begins with the first day
3 after any date established as the due date either by operation of
4 this rule or by an extension pursuant to this rule.

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

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

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

10 Law Implemented: 350.113, F.S.

11 History: New 5/18/83, Amended 2/9/84, formerly 25-6.131, Amended
12 6/18/86, 10/16/86, 3/7/89, _____.

13

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

ORDER NO. 25701
DOCKET NO. 911130-EI
PAGE 7

Rule 25-6.0131
Docket No. 911130-EI

SUMMARY OF RULE

The regulatory assessment fee for investor-owned electric utilities is decreased from one-eighth of one percent to 0.05 percent of gross operating revenues until July 30, 1992, when it will increase to 0.08330 percent of gross operating revenues.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Section 350.113, Florida Statutes, which governs the Commission's collection of regulatory assessment fees, specifies that the fee shall be related to the cost of regulating types of regulated utilities. The current regulatory assessment fee produces more revenue than is necessary to meet the cost of regulating investor-owned utilities. The proposed revision decreases the fee in order to reduce the cash balance in the Regulatory Trust Fund and provide sufficient cash to cover estimated regulatory costs.

92 JUN 30 PM 3:53
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

MEMORANDUM

FEBRUARY 4, 1992

TO : STEVE TRIBELE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM: MARSHA E. RULE, ASSOCIATE GENERAL COUNSEL *MR*
RE : DOCKET NO. 911130-EI, RULE 25-6.0131

25701

(7)

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)
 Telephone (PATS)
 Telephone (Shared Tenant)
 Water and Sewer
 Docket only

RECEIVED
FEB - 6 1992
pm
FPSC-RECORDS/REPORTING

This document has the following priority:

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

This docket will be closed upon issuance of the Notice.

MER
Attachment
cc: File
Sandy Simmons (w/o attach.)
W. Terrell
adp60131.cjp

DOCUMENT NUMBER-DATE

01437 FEB-7 1992

FPSC-RECORDS/REPORTING