

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-6.0131, F.A.C., Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives, Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, Rule 25-7.101, F.A.C., Regulatory Assessment Fees (Natural Gas Transmission Companies); and Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities.

DOCKET NO. 130033-PU  
ORDER NO. PSC-13-0158-FOF-PU  
ISSUED: April 19, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

NOTICE OF ADOPTION OF RULES

BY THE COMMISSION:

NOTICE is hereby given that pursuant to Section 120.54, Florida Statutes, the Florida Public Service Commission has adopted the following rules without changes:

Rule 25-6.0131, Florida Administrative Code (F.A.C.), Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives;

Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts;

Rule 25-7.101, F.A.C., Regulatory Assessment Fees; Natural Gas Transmission Companies; and

Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities.

The rules were filed with the Department of State on April 17, 2013, and will be effective on May 7, 2013. A copy of the rules as filed with the Department are attached to this Notice.

DOCUMENT NUMBER 02071

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FPSC-COMMISSION CLERK

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This docket is closed upon issuance of this Notice.

By ORDER of the Florida Public Service Commission this 19th day of April, 2013.



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ANN COLE

Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Section 350.113, F.S., 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 .00072 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 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 Administrative and Information Technology Services 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/AFD 68 (01/99) PSC/ECR 68 (01/99), entitled "Investor-Owned Electric

Utility Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02610>; Form PSC/AFD 69 (07/96) PSC/ECR 69 (07/96), entitled “Municipal Electric Utility Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02611>; and Form PSC/AFD 70 (07/96) PSC/ECR 70 (07/96), entitled “Rural Electric Cooperative Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02612>. These forms are incorporated into this rule by reference and may also be obtained from the Commission’s Division of Administrative and Information Technology Services. 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.

(6) Where the company, utility, or cooperative remits less than its full fee, 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 paragraph (8)(b) of this rule.

(7) A company may request ~~from the Division of Administrative Services~~ either a 15-day or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form by submitting to the Division of Administrative and Information Technology Services Commission Form PSC/AIT 124 (12/11) entitled “Regulatory Assessment Fee Extension Request,” which is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02620>. This form may also be obtained from the Commission’s Division of Administrative and Information Technology Services.

(a) The request for extension must be received by the Division of Administrative and Information Technology Services at least two weeks before the due date. The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.

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

(8) The delinquency of any amount due to the Commission from the company, utility, or cooperative pursuant to the provisions of Section 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 Section 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.

*Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 350.113, 366.14 FS. 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, 7-7-96, 1-1-99, \_\_\_\_\_.*

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

(1) As applicable and as provided in Sections 350.113 and 366.14, F.S., 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 .005 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 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 Administrative and Information Technology Services 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/AFD 67 (01/99) PSC/ECR 67 (01/99), entitled "Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02613> and Form PSC/AFD 71 (07/96) PSC/ECR 71 (07/96), entitled "Gas Municipal or Gas District Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02614>. These forms are incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative and Information Technology Services. 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 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.

(6) Where the utility, municipal, or gas district remits less than its full fee, 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 paragraph (8)(b) of this rule.

(7) A utility, municipal, or gas district may request ~~from the Division of Administrative Services~~ either a 15-day or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form by submitting to the Division of Administrative and Information Technology Services Commission Form PSC/AIT 124 (12/11) entitled "Regulatory Assessment Fee Extension Request," which is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02621>. This form may also be obtained from the Commission's Division of Administrative and Information Technology Services.

(a) The request for extension must be received by the Division of Administrative and Information Technology Services at least two weeks before the due date. ~~The request for extension must be written and accompanied by a statement of good cause.~~

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. ~~The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.~~

(c) Where a utility, municipal, or gas district receives an extension of its due date pursuant to this rule, ~~then~~ the utility, municipal, or gas district shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee, ~~as set out in Section 350.113, F.S.~~

(8) The delinquency of any amount due to the Commission from the utility, municipal, or gas district pursuant to the provisions of Section 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 Section 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.

*Rulemaking Specific Authority 350.127(2), ~~366.05, 366.14~~ FS. Law Implemented 350.113, 366.14 FS. History—New*

5-18-83, Formerly 25-7.131, Amended 10-19-86, 4-25-90, 7-7-96, 1-1-99, \_\_\_\_\_.

**25-7.101 Regulatory Assessment Fees; Natural Gas Transmission Companies.**

(1) As provided in Section 368.109, F.S., each natural gas transmission company shall pay a regulatory assessment fee. The regulatory assessment fee shall be 0.25 percent annually of the natural gas transmission company's gross operating revenue derived from intrastate business, excluding sales of gas for resale to natural gas transmission companies, public utilities that supply gas, municipal gas utilities and gas districts.

(2) Regulatory assessment fees are due each January 30 for the preceding 6 month period or any part of the period from July 1 until December 31, and on July 30 for the preceding 6 month 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 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 Administrative and Information Technology Services 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/AFD 244 (02/98) PSC/ECR-244 (2/98), entitled "Natural Gas Transmission Pipeline Company Regulatory Assessment Fee Return" is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02615>. This form may also be obtained from the Commission's Division of Administrative and Information Technology Services. 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 natural gas transmission company shall have up to and including the due date in which to remit the



total amount of its fee.

(6) Where the natural gas transmission company remits less than its full fee, 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 paragraph (8)(b) of this rule. The delinquency of any amount due to the Commission from the company, pursuant to the provisions of Section 368.109, F.S., and this rule, begins with the first calendar day after any date established as the due date by operation of this rule.

(7) A company may request either a 15-day or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form by submitting to the Division of Administrative and Information Technology Services Commission Form PSC/AIT 124 (12/11) entitled "Regulatory Assessment Fee Extension Request," which is incorporated by reference in Rule 25-7.0131, F.A.C. This form may also be obtained from the Commission's Division of Administrative and Information Technology Services. A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report.

(a) The request for extension must be received by the Division of Administrative and Information Technology Services at least two weeks before the due date.

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period.

(c) Where a utility receives either a 15-day or a 30-day extension of its due date pursuant to this rule, the utility shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee.

(8) The delinquency of any amount due to the Commission from the company, pursuant to the provisions of Section 368.109, F.S., and this rule, begins with the first calendar day after any date established as the due date by operation of this rule.

(a) A penalty, as set out in Section 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.

*Rulemaking Specific Authority 350.127(2), 368.104 FS. Law Implemented 350.113, 368.109, ~~368.111~~ FS. History--  
New 9-13-98, \_\_\_\_\_.*

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

(1) As applicable and as provided in Section 350.113, F.S., each utility shall remit a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. Each utility shall pay a regulatory assessment fee in the amount of 0.045 of its gross revenues derived from intrastate business. 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.

(2) The obligation to remit the regulatory assessment fees for any year shall apply to any utility that 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) For large utilities with annual revenues of \$200,000 or more based on the most recent prior calendar year, regulatory assessment fees shall be filed with the Commission on or before July 30 for the preceding period or any part of the period from January 1 until June 30, and on January 30 for the preceding period or any part of the period from July 1 until December 31. Commission Form PSC/AFD 010-WL (02/05) ~~PSC/ECR 10-WL (02/05)~~ entitled "Large Water Utility System Regulatory Assessment Fee Return" is available at:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-02618> and Commission Form PSC/AFD 017-WL (02/05) ~~PSC/ECR 017-WL (02/05)~~ entitled "Large Wastewater Utility System Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02619>. These forms are incorporated into this rule by reference and may also be obtained from the Division of Administrative and Information Technology

Services. 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) For small utilities with annual revenues of less than \$200,000 based on the most recent prior calendar year, regulatory assessment fees shall be filed with the Commission on or before March 31 for the preceding year ended December 31. Commission Form PSC/AFD 010-WS (02/05) ~~PSC/ECR 010-WS (02/05)~~ entitled "Small Water Utility System Regulatory Assessment Fee Return" is available at:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-02616> and Commission Form PSC/AFD 017-WS (02/05) ~~PSC/ECR 017-WS (02/05)~~ entitled "Small Wastewater Utility System Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02617>. These forms are incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative and Information Technology Services. 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.

(c) For the purpose of this rule, a utility operating both a water system and a wastewater system shall consider each system separately in determining the revenue threshold for filing regulatory assessment fees on either an annual or semi-annual basis.

(d) 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 Administrative and Information Technology Services 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:

- (a) Remit the total amount of its fee; or
- (b) Remit an amount which the utility estimates is its full fee.

(5) 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.

(6) A utility may request ~~from the Division of Administrative Services~~ either a 15-day or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form by submitting to the Division of Administrative and Information Technology Services Commission Form PSC/AIT 124 (12/11) entitled "Regulatory Assessment Fee Extension Request," which is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02622>. This form may also be obtained from the Commission's Division of Administrative and Information Technology Services. Commission Form PSC/ADM 124 (Rev. 01/01/05), entitled "Regulatory Assessment Fee Extension Request", is incorporated into this rule by reference and may be obtained from the Commission's Division of Administrative Services.

(a) The request for extension must be received by the Division of Administrative and Information Technology Services at least two weeks before the due date. The request for extension will be granted if the utility has applied for the extension within the time required in paragraph (b) below and the utility does not have any unpaid regulatory assessment fees, penalties or interest due from a prior period.

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.

(c) Where a utility receives either a 15-day extension or a 30-day extension of its due date pursuant to this

rule, the utility shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee, ~~set out in Section 350.113, F.S.~~

(7) The delinquency of any amount due to the Commission from the utility pursuant to the provisions of Section 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) Pursuant to Section 350.113, 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 percent of the fee if the failure is for not more than 30 days, with an additional five 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 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 Section 367.161, F.S.

(8) Any utility that requests and receives an extension of not more than 30 days or 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) Any utility that 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 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.~~

*Rulemaking Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 350.113, 367.145, 367.161 FS.*

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*History—New 5-18-83, Formerly 25-10.24, Amended 10-19-86, Formerly 25-10.024, Amended 11-10-86, 2-8-90, 7-*

*7-96, 2-3-05, \_\_\_\_\_.*