BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petitions of SOUTHERN BELL TELEPHONE COMPANY for rate stabilization and implementation orders and other relief.	DOCKET NO. 880069-TL ORDER NO. PSC-92-0524-FOF-TL ISSUED: 06/18/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

APPEARANCES:

CHARLOTTE BRAYER, Esquire, American Association of Retired Persons, 275 John Knox Road, EE 102, Tallahassee, Florida 32303, on behalf of the American Association of Retired Persons.

MICHAEL W. TYE, Esquire, AT&T Communications of the Southern States, Inc., 106 East College Avenue, Suite 1410, Tallahassee, Florida 32301, on behalf of AT&T Communications of the Southern States, Inc.

MICHAEL B. TWOMEY, Esquire, Assistant Attorney General, Department of Legal Affairs, Suite 1601-The Capitol, Tallahassee, Florida 32399-1050, on behalf of the Attorney General of the State of Florida.

STEPHANIE K. WALSH, Esquire, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Litigation Center, JALS-RL, Suite 400, 901 N. Stuart Street, Arlington, Virginia 22203, on behalf of The Department of Defense and All Other Federal Executive Agencies.

DOUGLAS S. METCALF, Communications Consultants, Inc., 1600 East Amelia Street, Orlando, Florida 32803-5505, on behalf of Florida Ad Hoc Telecommunications Users Committee.

KENNETH A. HOFFMAN and LAURA L. WILSON, Esquires, Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz, P.A., Post Office Box 1876, Tallahassee, Florida 32302, on behalf of the Florida Pay Telephone Association.

RICHARD D. MELSON, Esquire, Post Office Box 6526, Tallahassee, Florida 32314, and MICHAEL J. HENRY, MCI Telecommunications Corp., MCI Center, Three Ravania Drive, Atlanta, Georgia 30346, on behalf of MCI Telecommunications Corporation.

R. DOUGLAS LACKEY, Esquire, 4300 Southern Bell Center, 675 West Peachtree Street, N.E., Atlanta, Georgia 30375, and HARRIS R. ANTHONY, Esquire, c/o Marshall M. Criser, III, 150 So. Monroe Street, Suite 400, Tallahassee, Florida 32301, on behalf of Southern Bell Telephone and Telegraph Company.

FLOYD R. SELF, Esquire, Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz, P.A., Post Office Box 1876, Tallahassee, Florida 21201-1876, on behalf of US Sprint Communications Company Limited Partnership.

PETER DUNBAR, Esquire, Haben, Culpepper, Dunbar and French, 306 North Monroe Street, Tallahassee, FL 32301, on behalf of The Florida Cable Television Association.

DAN HENDRICKSON, Post Office Box 1201, Tallahassee, FL, on behalf of Florida Consumer Action Network.

HAROLD McLEAN, Assistant Public Counsel, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on behalf of the Citizens of the State of Florida.

TRACY HATCH, Esquire Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863, on behalf of the Commission Staff.

PRENTICE P. PRUITT, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0862, Counsel to the Commissioners.

FINAL ORDER

I. BACKGROUND

By Order No. 20162, this Commission ruled on Southern Bell Telephone and Telegraph Company's (Southern Bell's or the Company's) petitions for rate stabilization and other relief. As a result of implementing a rate stabilization plan (the Plan), the Commission expanded the Company's authorized range of return on equity (ROE) to a minimum of 11.5% and a maximum of 16%. The Commission also set rates for the Company targeted at a 13.2% ROE. Within the expanded range, the Commission implemented an earnings sharing plan. Any earnings in excess of 14% are to be shared, with 60% being returned to Southern Bell's ratepayers and the other 40% retained by the Company. All earnings in excess of 16% after sharing are to be returned to the ratepayers. In addition, earnings stemming from certain exogenous factors and the net of rate increases (except regrouping) and rate decreases, were excluded from the sharing process.

By Order No. 24066, the Commission extended Southern Bell's rate stabilization plan until December 31, 1992. In extending the Plan, the Commission retained the original parameters of the Plan; however, it did not reset rates. The Commission also set aside for subsequent disposition $18,420,620 for 1991 and an additional $21,868,551 for 1992. These amounts are in addition to the amounts previously identified for subsequent disposition relating to 1989 through 1990. Order No. 24861 set forth the final amounts available for disposition. By Order No. 25367, Southern Bell was directed to refund approximately $100.8 million including interest through the end of February 1992. The $100.8 million refund was based on amounts held for disposition for 1988 through the end of 1991. By Order No. 25558, the Commission required Southern Bell to implement a credit on customers' bills beginning in January 1992 to end further accrual of excess earnings from the prior set asides until a final decision is made.

On October 3, 1991, the Office of Public Counsel (Public Counsel), the Attorney General of the State of Florida (AG), and the American Association of Retired Persons (AARP) filed a Joint Petition requesting certain relief with respect to Southern Bell. The petition requested: the immediate, across-the-board refund of more than $80 million of accumulated overcharges; the immediate reduction of Southern Bell's current rates by approximately $18 million annually now and by $39.8 million effective January 1,

1992; a permanent reduction of Southern Bell's approved rates of, at a minimum, $105.6 million now and $127.4 million effective January 1, 1992; the immediate placement of an additional $87.6 million of annual revenues subject to refund pending the establishment of permanent rates; the filing of Minimum Filing Requirements (MFRs) by Southern Bell; and, the reinstitution of full rate base regulation under Section 364.036(5), Florida Statutes. The United States Department of Defense on behalf of itself and All Other Federal Executive Agencies (DOD) filed a motion on October 15, 1991, in support of the Joint Petition.

By Order No. 25541, the Commission disposed of the Petition. Inter alia, the Commission found it appropriate to hold an expedited hearing to address the issue of whether Southern Bell's cost of capital has significantly changed beyond that which was contemplated by the rate stabilization plan such that a new ROE should be set; and if so, the amount to be placed subject to refund. See Order No. 25541, issued December 26, 1991. The expedited hearing was held February 10 and 11, 1992.

II. PARTIES

Eleven of the parties participated to varying degrees in this proceeding. Six of the parties filed testimony and presented witnesses at the hearing. The participating parties are as follows:

Southern Bell Telephone and Telegraph Company (Southern Bell)
Office Of Public Counsel (Public Counsel)
American Association of Retired Persons (AARP)
AT&T Communications of the Southern States, Inc. (ATT-C)
Attorney General of the State of Florida (Attorney General)
The Department of Defense and All Other Federal Executive Agencies (DOD)
Florida Ad Hoc Telecommunications Users Committee (Ad Hoc)
Florida Pay Telephone Association (FPTA)
MCI Telecommunications Corporation (MCI)
US Sprint Communications Company Limited Partnership (Sprint)
Florida Cable Television Association (FCTA)

III. INTRODUCTION

Our examination of Southern Bell's cost of capital was prompted in part by the Joint Petition and by our own concern that within the context of the rate stabilization plan, Southern Bell's authorized ROE might not be consonant with the current capital markets. In addition to the basic issue of Southern Bell's authorized ROE, several threshold issues were raised regarding whether the rate stabilization plan contemplated changes during the pendency of the Plan due to changes in cost of equity capital; whether the Commission should make any changes during the plan due to changes in cost of capital or whether we are compelled as a matter of law to address the changes in cost of capital regardless of the plan.

Southern Bell provided the testimony of two cost of capital witnesses and one policy witness. The remaining parties proffered the testimony of five cost of capital witnesses and one policy witness. The Commission Staff presented one technical witness. Hearing from these witnesses and their respective counsel consumed approximately eighteen and one-half hours over the course of two days of hearing.

As discussed in greater detail below, we have determined that the rate stabilization plan did not expressly provide for alteration of the Plan's parameters during the course of the Plan solely due to changes in the capital markets as evidenced in this case. However, notwithstanding that the Plan did not contemplate changes due to changes in the cost of capital, our regulatory responsibilities require us to address issues appropriately placed before us. Our review of the evidence in the record of this proceeding indicates that there has been change in the cost of equity capital for Southern Bell since the inception of the Plan. However, when weighed against altering the experimental rate stabilization plan, the change has not been of sufficient magnitude to compel us to hold any revenues subject to refund at this time.

IV. MOTION TO STRIKE TESTIMONY

On January 22, 1992, Southern Bell filed a Motion to Strike portions of testimony of several witnesses in this proceeding. By Order No. 25697, the Prehearing Officer deferred a ruling on this matter to the full Commission.

The Motion argued that the testimony regarding Southern Bell's capital structure contained in the prefiled testimony of witnesses Parcell, Rothschild, Cicchetti and Clinger should be stricken on the grounds that the Company's capital structure was not identified as an issue in this proceeding and is not relevant to the issues that were identified. The parties subject to the Motion responded arguing that capital structure is directly relevant to the appropriate cost of equity capital for Southern Bell.

Upon consideration, we find that the Motion should be denied. The capital structure of Southern Bell is one factor that investors examine in evaluating whether the Company's return to its investors is adequate. Therefore, we find that it crosses the threshold of relevancy in determining the Company's appropriate rate of return on equity.

V. WHETHER THE PLAN CONTEMPLATED CHANGES DUE TO CHANGES IN THE COST OF EQUITY CAPITAL

Whether the Commission, in adopting the Plan, contemplated that changes in the cost of capital would necessitate changes to the Plan and whether the two following issues dealing with the perennial questions of "can we?" and "should we?" are threshold questions which must be answered before addressing the substantive issue of Southern Bell's cost of equity capital.

Southern Bell argues that the Plan was originally approved with a term of three years and subsequently extended for two additional years. According to the Company, the Plan was designed so that, absent major unforeseeable circumstances during its pendency, there would not be any rate proceeding instituted by the Company or by the Commission. The sole provision in the Plan that allows for the institution of a proceeding by the Commission is if the Company experiences significant unforeseen improvements in its earnings. In support of its position, Southern Bell points to the testimony of its witness in the 1988 proceeding that the Company would not file for relief due to changes in the cost of equity capital. Thus, Southern Bell argues, the Plan does not contemplate the institution of any proceeding by the Company or by the Commission solely because of a purported change in the Company's cost of equity capital.

To the contrary, DOD, Ad Hoc and MCI argue that the Plan does not preclude action by the Commission in response to changes in the

cost of capital for Southern Bell. In specific response to Southern Bell, DOD argues that the Plan can be modified without "significant, unforeseen improvements [in earnings]"; however, even in the event the Commission requires such a standard, it has indeed been met. DOD also argues that it is highly questionable that the Commission contemplated a change in the economy would occur to the extent that it has in the past 12 months. Further, because of this change, in conjunction with other factors, Southern Bell's cost of capital has declined significantly.

Additionally, DOD cites the testimony of its witness, Mr. King, asserting that the Commission's commentary on the so-called "escape clause" in the Plan indicates that the Commission contemplated the possible termination of the Plan if such action were warranted. DOD opines that the state of the economy is analogous to an "exogenous factor" in that the Company has no control over its status. Had the opposite situation occurred, DOD states that Southern Bell might be knocking on the Commission's door to discontinue the Plan because of a "significant unforeseen" decline which would place Southern Bell in financial jeopardy.

Upon consideration, we find that our adoption of the Plan did not contemplate that the Commission would revisit the parameters of the Plan during the pendency of the Plan. Order No. 20162 is silent on the specific question of whether changes in the cost of equity capital would prompt us to effect a change in the Plan. A review of the circumstances leading to the adoption of the Plan does not indicate that the Commission intended that changes in the cost of equity capital would prompt a revisitation of the parameters of the Plan. For these reasons, we conclude that changes solely in the cost of equity capital are not contemplated within the parameters of the Plan as a basis for making adjustments to the Plan.

VI. WHETHER THE COMMISSION MUST SET RATES WHICH ARE FAIR, JUST AND REASONABLE AND NOT EXCESSIVE, IRRESPECTIVE OF THE PROVISIONS OF SOUTHERN BELL'S RATE STABILIZATION PLAN

This issue, raised by the Attorney General, goes to the core of our authority to act to insure the fulfillment of our statutory responsibilities. It essentially asks the question of "can we" act in this situation.

The Attorney General argues that, regardless of the provisions of the Plan, the Commission must insure that Southern Bell's rates are fair, just and reasonable, regardless of any prior decisions in this case. In support of its claim, the Attorney General cites several provisions in Chapter 364, Florida Statutes, each of which require the rates to be charged by a telecommunications company to be fair, just, and reasonable. The Attorney General argues that it is clear that the Florida Statutes, as a matter of law, will only tolerate telecommunications rates that yield reasonable compensation and that the Commission has no discretion to allow otherwise. For the standards establishing "reasonable compensation," the Attorney General cites the criteria established by the Supreme Court of the United States in Bluefield Waterworks and Improvement Company v. Public Service Commission of West Virginia, 262 U.S. 679 (1923) and Federal Power Commission v. Hope Natural Gas Company, 320 U.S. 591 (1944), which provide that the equity portion of the compensation to a regulated utility should be commensurate with returns on investments having corresponding risks and should be sufficient to assure confidence in the financial integrity of the utility so that its credit is maintained and so that it may attract capital.

The Attorney General asserts that the Commission's orders establishing and extending the term of the so-called incentive rate plan for Southern Bell were not intended to, and cannot be read to allow Southern Bell to achieve compensation at a certain level or range of established earnings without regard to the conditions currently being experienced in this nation's economic and financial markets. The Attorney General further asserts that even if the Commission fully intended such a result in its prior orders, it would still be statutorily bound to determine just and reasonable rates at a level which were neither insufficient to yield reasonable compensation nor which yielded excessive compensation.

The arguments of DOD, Ad Hoc, FCTA, and MCI echo those of the Attorney General.

Southern Bell argues in response that any final decision of the Commission is binding upon the Commission and the other parties to the decision, in the absence of significantly changed circumstances. According to the Company, the doctrine of administrative res judicata applies in Florida. Peoples Gas System, Inc. v. Mason, 187 So.2d 335 (Fla. 1966). Under this doctrine, Southern Bell asserts that the Commission should not alter a decision unless significantly changed circumstances justify

the change. Peoples Gas System, supra; Austin Tupler Trucking, Inc. v. Hawkins, 377 So.2d 679 (Fla. 1979). In reliance on these cases, Southern Bell argues that, having approved the terms of the Southern Bell incentive plan, and having committed to refrain from any alteration of those terms absent a significant improvement in the earnings of Southern Bell, the Commission should not alter those terms unless there have been significant changed circumstances. Southern Bell concludes by stating that since Southern Bell's cost of equity is still within the range of 11.5% to 16%, no change in circumstances has occurred.

We note initially that Southern Bell does not argue that we cannot conduct a proceeding prompted solely by changes in the cost of equity; the Company simply asserts that we should not do so in this case. Southern Bell's reliance on Peoples Gas and Austin Tupler is misplaced. Those cases each dealt with situations in which the Court determined that the Commission must provide notice and an opportunity to be heard prior to modifying a prior decision. In this case, we have held the hearing required by those cases. We find that as a matter of law the Commission is not precluded from conducting a hearing to establish a reasonable return on equity (ROE) for purposes of holding revenues subject to refund pending a full review of the rate stabilization plan in the broader context of a full rate case. Moreover, when the authorized ROE of a company is appropriately called into question before the Commission, our statutory mandate requires that we address the issue. We answer the question of "can we" act in the affirmative.

VII. WHETHER REVENUES SHOULD BE SET SUBJECT TO REFUND

The final question we must answer in this proceeding is "should we" hold revenues subject to refund. The core issue is whether the cost of equity capital for Southern Bell has fallen significantly such that we should require Southern Bell to hold an amount of revenue subject of refund to protect the Company's ratepayers from excessive charges. To reach an answer requires a comparison of the current circumstances surrounding Southern Bell's cost of equity capital with those present when we first implemented the Plan.

Seven witnesses testified regarding Southern Bell's current cost of equity capital. In reaching their ROE recommendations, six of the seven witnesses utilized one or more of four frequently used financial analytical models: discounted cash-flow analysis (DCF),

comparable earnings analysis (CE), risk premium analysis (RP) and capital asset pricing model (CAPM). Each of these six witnesses' recommendations is summarized as follows: Mr. Parcell, testifying on behalf of Ad Hoc - 10.75% to 11.0%; Mr. Rothschild, testifying on behalf of Public Counsel - 10.5%; Mr. Clinger, testifying on behalf of FPTA - 11.25%; Mr. Cicchetti, testifying on behalf of AARP - 11.4%; Dr. Vander Weide, testifying on behalf of Southern Bell - 13.6% to 15.4%; and Dr. Carleton, also testifying on behalf of Southern Bell - 14% to 15.5%. The seventh ROE witness, Dr. King, testifying on behalf of DOD, did not utilize any of the above mentioned models. He recommended a ROE of 11.2% based on his observations of a drop in the equity markets of 200 basis points.

Three of the seven witnesses in this proceeding also testified on the subject of cost of equity capital in our 1988 proceeding. Dr. Vander Weide testified on behalf of Southern Bell and recommended a ROE of 14% to 16%. Mr. Cicchetti testified on behalf of the Commission Staff and recommended a ROE of 12.5%. Mr. Clinger testified on behalf of Public Counsel and recommended a ROE of 12.4%. The difference in the ROE recommendations of these witnesses between the 1988 and 1992 proceedings is 50, 110 and 115 basis points, respectively.

Southern Bell argues that we should not subject any revenues to refund. The Company asserts that the Plan was approved by the Commission as an experiment in recognition of the rapidly changing dynamics in the telecommunications industry in Florida. In support, Southern Bell relies on Order No. 24066, which extended the Plan for the years 1991 and 1992, in order to gather more complete data on the totality of the Plan and also on Order No. 25482, which denied the Office of Public Counsel's and the Department of Defense's Motions for Reconsideration of Order No. 24066. Southern Bell argues that to place any revenues subject to refund would disrupt the Plan by sending the wrong signals to the investment community and would deprive the Company of the incentives created by the Plan.

With respect to the question of changes in the cost of capital, Southern Bell argues that the recommendations of four of the five non-Bell witnesses as to the appropriate cost of equity capital for the Company have declined only between 80 and 100 basis points between 1988 and 1992. Southern Bell argues that the fifth witness' testimony, that the decline is 200 basis points, is simply not credible since Southern Bell's bond rates have declined only 102 basis points since 1988. Southern Bell asserts that, based on

the testimony of its two witnesses, the Company's cost of equity capital is between 13.5% and 15.5%, which represents a decline of only approximately 50 basis points since 1988.

Southern Bell notes this still leaves the Company within the "zone of reasonableness" set by the Commission for the Plan. According to Southern Bell, based on the testimony of either its own witnesses or those of the other parties, that the cost of equity capital has not changed significantly and that no Commission action is warranted.

Each of the parties, other than Southern Bell, argues that the cost of capital has declined significantly and that revenues should be held subject to refund. Public Counsel argues that the purpose of this proceeding is simply to determine whether Southern Bell's ratepayers should be protected in the event that it is determined in the impending rate case that Southern Bell's authorized cost of equity should be lowered. In support, Public Counsel argues that there has clearly been a decline in the cost of capital for Southern Bell and that revenues should be held subject to refund as a matter of caution. According to Public Counsel, to do anything else leaves the ratepayers unprotected if a permanent change is made through the rate case.

Ad Hoc agrees with Public Counsel and further argues that holding revenues subject to refund will not harm either Southern Bell or the Plan. Ad Hoc also argues that failure to subject revenues to refund will allow Southern Bell to benefit from lower capital costs through no efforts of its own at the expense of its ratepayers. The arguments of DOD, FPTA, AARP, and the Attorney General either adopt the arguments of Public Counsel and Ad Hoc or are substantially the same.

When we approved the Plan, we contemplated that it would result in increased earnings and efficiencies which would benefit both stockholders and ratepayers. We believe that the Company should be rewarded for measures taken to increase efficiencies. Moreover, we are concerned that manipulation of the Plan may render the experiment ineffective or meaningless. More specifically, we are concerned that holding revenues subject to refund may destroy the very incentives that we wanted to engender. Such action may also send the wrong signals to the investment community. Before taking any action that will affect the Plan prior to its dated termination, we believe that there must be substantial justification. However, we also must balance these concerns

against our belief that Southern Bell should not be allowed to profit from declines in its equity costs. Such benefits are not due to any efforts or efficiencies generated by the Company.

Based on the information before us, it appears that the most reasonable measure of the decline in the cost of equity capital is a comparison of the ROE recommendations of those witnesses in this proceeding that also testified in the 1988 proceeding. In addition, it appears that the disposition of any amounts held subject to refund should be consistent with the sharing structure of the Plan. As noted above, the comparison of the ROE recommendations yields a range of decline in the cost of equity capital of 50 to 115 basis points. Assuming the maximum drop of 115 basis points, the sharing point would drop from 14% to 12.85%. Based on the Company's current achieved ROE of 12.93%, 0.13% of Southern Bell's earnings would be held subject to further disposition; this is approximately $2.7 million. Moreover, consistent with the structure of the Plan, the $2.7 million would be split 60/40 with the ratepayers; this leaves a maximum potential benefit to ratepayers of approximately $1.62 million.

There are two concerns weighing against subjecting money to refund in this case. First and foremost is the impact such a decision would have on future incentive plans. The purpose of an incentive plan is to encourage a company to institute operating efficiencies. In this case, Southern Bell has been encouraged to institute efficiencies by allowing shareholders to share in the profits that result from greater operating efficiencies. A decision to place money subject to refund would cause companies to be concerned that the Commission and other interested parties will use shifts in the capital market to claim all of the savings for the ratepayers, thus negating any incentive to institute efficiencies.

Additionally, subjecting monies to refund in this proceeding would send the message to the investing public that orders of this Commission could be changed for very little reason. The Commission only very recently reviewed Southern Bell's Plan. As a result of that review, the Commission decided to continue the Plan until the end of 1992. The Commission believes that a reasonable expectation exists with investors that the Commission intended that the Plan remain in effect as originally adopted until the stated expiration date. A decision at this point to place monies subject to refund would produce a perception of increased regulatory risk that would negatively impact all companies regulated by this Commission.

While the Commission would not hesitate to take appropriate action in the event of a significant change in the cost of capital, the evidence presented in this case does not reveal such an extraordinary change that would necessitate action of the nature contemplated by the intervenors. On balance, the maximum potential benefit to the ratepayers of $1.62 million is not sufficient to outweigh the potential harm to the entire incentive process. Therefore, we decline to require Southern Bell to set revenues subject to refund in this proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's Motion to Strike certain testimony is denied as set forth in the body of this Order. It is further

ORDERED that the approval of the Rate Stabilization Plan in Order No. 20162 did not contemplate that changes in the cost of equity capital would prompt a change in the parameters of the Plan as set forth in the body of this Order. It is further

ORDERED that as a matter of law the Commission is not precluded from holding revenues subject to refund after a hearing to establish an appropriate return on equity and pending a later revenue requirements case as set forth in the body of this Order. It is further

ORDERED that no revenues shall be placed subject to refund as a result of this proceeding as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission, this 18th day of June, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.