

MEMORANDUM

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December 8, 1998 98 DEC -8 PM 3:09

RECORDS AND REPORTING

TO : DIVISION OF RECORDS & REPORTING

FROM : CHRISTIANA T. MOORE, ASSOCIATE GENERAL COUNSEL *CTM*

RE : DOCKET NO. 980275-GU - PROPOSED AMENDMENT OF RULE 25-7.0131, F.A.C, INVESTOR-OWNED GAS UTILITY REGULATORY ASSESSMENT FEES

98-1659-FOE-TP

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

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
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- Telephone (TI)
- Telephone (TC)
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- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

*forwarded - 5/13
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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.

NOA70131.MRD
Attachment

cc: File
Sandy Moses (w/o attach.)
W. Terrell

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendment of
Rule 25-7.0131, F.A.C.,
Investor-Owned Gas Utility
Regulatory Assessment Fees.

DOCKET NO. 980275-GU
ORDER NO. PSC-98-1659-FOF-GU
ISSUED: December 9, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

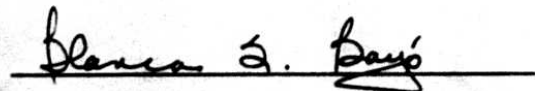
NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rule 25-7.0131, Florida Administrative Code, relating to investor-owned gas utility regulatory assessment fees with one change to Form PSC/ADM 67.

The rule amendments were filed with the Department of State on December 7, 1998 and will be effective on January 1, 1999. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 9th day of December, 1998.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

CTM

DOCUMENT NUMBER-DATE

13848 DEC-98

FPSC-RECORDS/REPORTING

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. and s. 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 ~~0.00375~~ 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.

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(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 Administration 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/ADM 67 (01/99 ~~07/96~~), entitled "Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return" and Form PSC/ADM 71 (07/96), entitled "Gas Municipal or Gas District Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. 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 subsection (8) (b) of this rule.

(7) A utility, municipal, or gas district may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration 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 in addition to the regulatory assessment fee, as set out in s. 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

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of s. 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 s. 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.

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, 4/25/90, 07/08/96, 01/01/99.