

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991138-TP
ORDER NO. PSC-99-1769-NOR-TP
ISSUED: September 9, 1999

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.0161, Florida Administrative Code, relating to regulatory assessment fees.

The attached Notice of Rulemaking will appear in the September 17, 1999 edition of the Florida Administrative Weekly.

If requested within 21 days of the date of this notice, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., October 20, 1999
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than October 8, 1999.

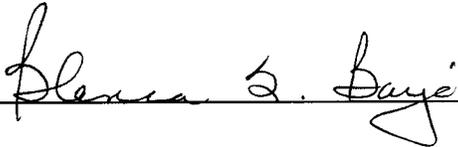
DOCUMENT NUMBER-DATE

10847 SEP-99

RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 9th
day of September, 1999.



A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

CTM

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 991138-TP

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees: Telecommunications 25-4.0161
Companies

PURPOSE AND EFFECT: The rule is being amended to reflect a change in the law implemented by the rule and to revise the regulatory assessment fee forms to include instructions about what amounts paid to other telecommunications companies are deductible. These instructions are designed to assist the companies in calculating the fee and reduce the number of questions the companies will have.

SUMMARY: The revised rule reflects the change in s. 364.366, FS, regarding deducting amounts paid to other telecommunications companies.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2) FS

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LAW IMPLEMENTED: 350.113, 364.336, 364.337(4) FS

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 TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., October 20, 1999

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. s. 364.336, F.S., and s. 364.337, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each

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company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each ~~interexchange~~ telecommunications company and ~~each pay telephone company~~ shall deduct from gross operating revenues any amounts paid to another telecommunications company for the use of any for use of the local network to a telecommunications network to provide service to its customers. ~~company providing local service.~~ Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) - (3) No Change.

(4) Commission Form PSC/CMU 25 (/) ~~(07/96)~~, entitled "Local Exchange~~Communication~~ Company Regulatory Assessment Fee Return," ~~applicable to local exchange telecommunications companies~~; Form PSC/CMU 26 (/) ~~(07/96)~~, entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (/) ~~(07/96)~~, entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (/) ~~(07/96)~~, entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (/)

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~~(07/96)~~, entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7

~~(/) (07/96)~~, entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) - (8)(b) No Change.

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 364.336, 364.337(4) FS.

History--New 05-18-83, formerly 25-4.161, Amended 10-16-86, 01-01-91, 12-29-91, 01-08-95, 12-26-95, 07-08-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Cater

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: September 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
Volume 25, Number 16, April 23, 1999

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

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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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

M E M O R A N D U M

September 9, 1999

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SEP - 8 PM 3:53

RECORDS AND REPORTING

TO : DIVISION OF RECORDS & REPORTING

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

RE : DOCKET NO. 991138-TP - PROPOSED AMENDMENT OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

1769-NOR

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

Industry distribution is:

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

This document has the following priority:

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

NOR0161.CTM
 Attachment
 cc: File
 W. Terrell

W. Terrell

See 6 miler



September 15, 1999

-----VIA FACSIMILE-----

Blanca S. Bayó, Director
 Division of Records and Reporting
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, Florida 32399-0850

Re: Docket No. 991134-TC	Docket No. 991138-TP
Docket No. 991149-TC	Docket No. 991193-TC
Docket No. 991212-TC	Docket No. 991226-TL
Docket No. 991296-TC	

Dear Ms. Bayó:

The Florida Public Telecommunications Association requests that it be included on the mailing list as an interested entity in each of the above-referenced dockets. Please address all correspondence as follows:

Angela B. Green, General Counsel
 Florida Public Telecommunications Association, Inc.
 125 South Gadsden Street, Suite 200
 Tallahassee, Florida 32301

Thank you for your assistance with this matter.

Sincerely,

Angela B. Green
 General Counsel

Done 9/16/99

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 09 SEP 19 12:02
 RECORDS AND REPORTING

99113:mailinglist.doc