

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. | DOCKET NO. 040436-TP  
ORDER NO. PSC-04-0982-NOR-TP  
ISSUED: October 11, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

NOTICE OF RULEMAKING

BY THE COMMISSION:


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; telecommunications companies.

The attached Notice of Rulemaking will appear in the October 15, 2004, Florida Administrative Weekly.

If requested within 21 days of the date of this notice, a hearing will be scheduled and announced in the Florida Administrative Weekly.

Written requests for hearing or written comments on the rule must be received by the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 5, 2004.

By ORDER of the Florida Public Service Commission this 11th day of October, 2004.

  
\_\_\_\_\_  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

(SEAL)  
CTM

DOCUMENT NUMBER-DATE

10924 OCT 11 3

FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0982-NOR-TP  
DOCKET NO. 040436-TP  
PAGE 2

NOTICE OF PROPOSED RULEMAKING  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 040436-TP

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees; Telecommunications Companies      **25-4.0161**

PURPOSE AND EFFECT: To increase the amount of regulatory assessment fees paid by certificated or registered telecommunications companies to cover the Public Service Commission's actual cost of regulating the companies.

SUMMARY: Raises the regulatory assessment fee of .15% of a certificated or registered communication company's gross operating revenues derived from intrastate business to .20%.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule will increase the amount of regulatory fees that telecommunications companies must pay.

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

LAW IMPLEMENTED: 350.113, , 364.02(13), 364.336, FS

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

ORDER NO. PSC-04-0982-NOR-TP  
DOCKET NO. 040436-TP  
PAGE 3

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE(S) IS:  
Christiana Moore, 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 Sections 350.113, 364.02(13) and 364.336, Florida Statutes, 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 company shall pay a regulatory assessment fee in the amount of 0.0020 ~~0.0015~~ gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. 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/CMP 25 (\_\_\_/\_\_\_), entitled “Local Exchange Company Regulatory Assessment Fee Return,” Form PSC/CMP 26 (\_\_\_/\_\_\_), entitled “Pay Telephone Service Provider Regulatory Assessment Fee Return”; Form PSC/CMP 34 (\_\_\_/\_\_\_), entitled “Shared Tenant Service Provider Regulatory Assessment Fee Return”; Form PSC/CMP 153

ORDER NO. PSC-04-0982-NOR-TP  
DOCKET NO. 040436-TP  
PAGE 4

(  /  ), entitled “Interexchange Company Regulatory Assessment Fee Return”; and Form PSC/CMP 1 (  /  ), entitled “Alternative Access Vendor Regulatory Assessment Fee Return”; and Form PSC/CMP 7(  /  ), entitled “Competitive Local Exchange Company Regulatory Assessment Fee Return” are incorporated into this rule by reference and may be obtained from the Commission’s Division of the Commission Clerk and Administrative Services.

(5) – (7) No change.

(a) The request for extension must be submitted on Form PSC/CCA 124 ( / ) written and will be granted if the company has applied for the extension within the time required in (b) below and the company does not have any unpaid regulatory assessment fees, penalties or interest due from a prior year -accompanied by a statement of good cause. Form PSC/CCA 124 ( / ), entitled “Regulatory Assessment Fee Extension Request” is incorporated into this rule by reference and may be obtained from the Commission’s Division of the Commission Clerk and Administrative Services.

(b) – (8) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 364.02(13), 364.336 FS.

History–New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot

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

---

ORDER NO. PSC-04-0982-NOR-TP  
DOCKET NO. 040436-TP  
PAGE 5

DATE PROPOSED RULE APPROVED: October 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 30,  
Number 21, May 21, 2004

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 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 the Commission Clerk and Administrative Services 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).