

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities. | DOCKET NO. 041252-WS  
ORDER NO. PSC-04-1192-NOR-WS  
ISSUED: December 3, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
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 25-30.120, Florida Administrative Code, relating to regulatory assessment fees; water and wastewater utilities.

The attached Notice of Rulemaking will appear in the December 10, 2004 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions 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 December 31, 2004.

By ORDER of the Florida Public Service Commission this 3rd day of December, 2004.

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

(SEAL)

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DOCUMENT NUMBER-DATE  
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NOTICE OF PROPOSED RULEMAKING  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 041252-WS

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees; Water and Wastewater Utilities 25-30.120

PURPOSE AND EFFECT: To implement an amendment to section 367.145(1), F.S.

SUMMARY: Requires water and wastewater utilities with annual gross operating revenues of \$200,000 or more to pay regulatory assessment fees on a semi-annual basis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None as a result of the rule change. 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), F.S.

LAW IMPLEMENTED: 350.113, 367.145, 367.161, F.S.

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.

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) 413-6098.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(2) The obligation to remit the regulatory assessment fees for any year shall apply to any utility that which 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 March 31 ~~for the preceding year ended~~ December 31. Commission Form PSC/ECR ~~CCA 10-WL (xx/xx)~~ entitled "Large Water System Regulatory Assessment Fee Return" and Commission Form PSC/ECR ~~CCA 017-WL (xx/xx)~~ entitled "Large Wastewater System 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. 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/ECR 010-WS (xx/xx) entitled “Small Water System Regulatory Assessment Fee Return” and Commission Form PSC/ECR 017-WS (xx/xx) entitled “Small Wastewater System 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. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory 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.

(db) 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 The Commission Clerk and Administrative Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(3) – (5) No change.

(6) A utility may request from the Division of the Commission Clerk and Administrative Services either a 15-day extension or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return. Commission Form PSC/CCA 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 the Commission Clerk and Administrative Services.

(a) The request for extension will be granted if the utility has applied for the extension within the time required in (b) below and the utility does not have any unpaid regulatory assessment fees, penalties or interest due from a prior period. ~~must be written and accompanied by a statement of good cause.~~

(b) No change.

(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 in addition to the regulatory assessment fee set out in Section 350.113, F.S.

(7) No change.

(8) **Any utility that which** 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 which** 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.  
Specific Authority 350.127(2) FS.

Law Implemented 350.113, 367.145, 367.161 FS.

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History—New 05-18-83, Formerly 25-10.24, Amended 10-16-86, Formerly 25-10.024, Amended  
11-09-86, 02-08-90, 07-08-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Slemkewicz

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE(S) APPROVED: November 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 30,  
Number 31, July 30, 2004.