

MEMORANDUM

January 26, 1989

TO : DIRECTOR OF RECORDS AND REPORTING

FROM : DIVISION OF APPEALS (BROWN) MCB

RE : DOCKET NO.: 881337-EI

CASE: AMENDMENT OF RULE 25-6.0131(1)(a), FLORIDA ADMINISTRATIVE CODE, REGARDING REGULATORY ASSESSMENT FEES FOR INVESTOR-OWNED ELECTRIC COMPANIES.

AGENDA: 2/7/89 - CONTROVERSIAL AGENDA - PARTIES MAY NOT PARTICIPATE

PANEL : FULL COMMISSION

CRITICAL DATES: NONE

ISSUE

ISSUE: Should the Commission adopt the proposed amendment to Rule 25-6.0131(1)(a), Florida Administrative Code, to include the rate at which the regulatory assessment fee is calculated for investor-owned electric utilities from one-twelfth of one percent to one-eighth of one percent of gross operating revenue derived from intrastate business, except sales for resale, beginning with the January 1, 1989, billing period, for which payment is due July 30, 1989?

RECOMMENDATION: The Commission should adopt the proposed amendment to Rule 25-6.0131(1)(a), Florida Administrative Code. At Agenda for initial action in this docket, November 29, 1988, the Commission voted to amend the Rule as proposed. The deadline for filing requests for hearing or comments was January 6, 1989. No requests for hearing or comments were filed. Staff recommends that the Commission adopt the amendments to Rule 25-6.0131(1)(a), Florida Administrative Code, without change.

MCB:prl
Attachment
2446G

DOCUMENT NUMBER-DATE
00938 JAN 25 1989
FPSC-RECORDS/REPORTING

1 25-6.0131 Regulatory Assessment Fees; Investor-owned Electric
2 Companies, Municipal Electric Utilities, Rural Electric
3 Cooperatives.

4 (1) As applicable and as provided in s. 350.113, F.S. (1985),
5 each company, utility, or cooperative shall remit to the
6 Commission a fee based upon its gross operating revenue. This fee
7 shall be referred to as a regulatory assessment fee. Regardless
8 of the gross operating revenue of a company, a minimum annual
9 regulatory assessment fee of \$25 shall be imposed.

10 (a) Each investor-owned electric company shall pay a
11 regulatory assessment fee in the amount of one-eighth ~~one-twelfth~~
12 of one percent of gross operating revenues derived from intrastate
13 business, excluding sales for resale between public utilities,
14 municipal electric utilities and rural electric cooperatives or
15 any combination thereof.

16 (b) Each municipal electric utility and rural electric
17 cooperative shall pay a regulatory assessment fee in the amount of
18 one-sixty-fourth of one percent of its gross operating revenues
19 derived from intrastate business, excluding sales for resale
20 between public utilities, municipal electric utilities and rural
21 cooperatives or any combination thereof.

22 (2) Regulatory assessment fees are due each January 30 for
23 the preceding period or any part of the period from July 1 until
24 December 31, and on July 30 for the preceding period or any part
25 of the period from January 1 until June 30. Each company,
26 utility, or cooperative shall have up to and including the due
27 date in which to:

28 (a) Remit the total amount of its fee, or

29 (b) Remit an amount which the company, utility, or
30 cooperative estimates is its full fee, or

31 (c) Seek and receive from the Commission a 30-day extension

CODING: Words underlined are additions; words in
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1 of its due date.

2 (3) Where the company, utility, or cooperative remits less
3 than its full fee pursuant to subsection (2)(b) of this Rule, the
4 remainder of the full fee shall be due on or before the 30th day
5 from the due date and shall, where the amount remitted was
6 less than 90% of the total regulatory assessment fee, include
7 interest as provided by subsection (5)(b) of this Rule.

8 (4) Where a company, utility, or cooperative receives a
9 30-day extension of its due date pursuant to subsection (2)(c) of
10 this rule, then the entity shall remit a charge in addition to the
11 regulatory assessment fee, as set out in s. 350.113(5), F.S.
12 (1985).

13 (5) The delinquency of any amount due to the Commission from
14 the company, utility, or cooperative pursuant to the provisions of
15 s. 350.113, F.S. (1985) and this rule, begins with the first day
16 after any date established as the due date either by operation of
17 this rule or by an extension pursuant to this rule.

18 (a) A penalty, as set out in s. 350.113, F.S. (1985) shall
19 apply to any such delinquent amounts.

20 (b) Interest at the rate of 12% per annum shall apply to any
21 such delinquent amounts.

22 Specific Authority: 350.127(2), F.S.

23 Law Implemented: 350.113, F.S.

24 History: New 5/18/83, Amended 2/9/84, formerly 25-6.131, Amended
25 6/18/86, 10/16/86.
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