

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule
25-7.0131, F.A.C., Regulatory
Assessment Fees; Gas Utilities,
Gas Municipals, and Gas Districts

DOCKET NO. 891203-GU
ORDER NO. 22789
ISSUED: 4-9-90

NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rule 25-7.0131, F.A.C., relating to regulatory assessment fees; gas utilities, gas municipals, and gas districts with changes.

The rule amendment was filed with the Secretary of State on April 5, 1990, and will be effective on April 25, 1990. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission,
this 9th day of APRIL, 1990.

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

MCB
3994G

by: Kay Flynn
Chief, Bureau of Records

DOCUMENT NUMBER-DATE
03079 APR-9 1990
FPSC-RECORDS/REPORTING

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CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and:

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

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Rule No.
25-7.0131

Specific
Rulemaking
Authority
350.127(2), F.S.
366.14, F.S.

Law Being Implemented,
Interpreted or
Made Specific
350.113, 366.14, F.S.

Under the provision of paragraph 120.54(12)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Steve Tribble
Director, Division of Records & Reporting
Title

Number of Pages Certified

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Rule 25-7.0131
Docket No. 891203-GU

SUMMARY OF RULE

The amendment adjusts the rate at which the regulatory assessment fee is calculated for investor-owned natural gas utilities from one-eighth of one percent (0.125%), to 0.375.5 percent of gross operating revenue derived from intrastate business (except sales for resale). The amendment also assesses a regulatory fee for gas municipals and gas districts for safety regulation at a rate of one-fourth of 0.1919 percent of gross operating revenues.

SUMMARY OF HEARINGS ON THE RULE

A hearing was held on January 29, 1990, before the Director of Appeals, David Smith, acting as hearing officer. Representatives for the municipals and gas districts submitted a computation of revenues for 1988, 1989, and 1990. Commission staff submitted a revenue and cost comparison exhibit using proposed rate changes. On the basis of the information submitted, the parties stipulated that the correct revenue projections for municipals and gas districts for 1990 was \$114,961,510.00. They further stipulated that the rule should be adopted incorporating a 0.1919 percent assessment fee rate for municipals and gas districts rather than the proposed rate of 0.250 percent.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

In order to fund the Commission's projected operating budget for the next fiscal year, and to adhere to the legislative directive of Section 350.113(3), Florida Statutes, that "regulatory fees assessed by the Commission...shall, to the extent practicable, be related to the cost of regulating such type of regulated company," the Commission proposes an increase in the regulatory fee rate charged investor-owned natural gas companies from one-eighth (0.125%) of one percent of gross operating revenue derived from intrastate business (excluding sales for resale) to three-eighths of one percent (0.375%). The Commission also proposes the assessment of a fee of 0.1919 percent of gross operating revenues for gas municipals and gas districts which are now subject to assessment for Commission safety regulation.

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25-7.0131 Regulatory Assessment Fees; Gas Utilities, Gas
Municipals, and Gas Districts.

3 (1) As applicable and as provided in s. 350.113, P.S. (1985)
4 and s. 366.14, F.S. 1989), each gas utility, municipal, or gas
5 district shall remit a fee based upon its gross operating revenue.
6 This fee shall be referred to as a regulatory assessment fee and
7 ~~each-gas-utility-shall-pay-a-regulatory-assessment-fee-in-the~~
8 ~~amount-of-one-eighth-of-one-percent-of-its-gross-operating~~
9 ~~revenues-derived-from-intrastate-business.~~ Regardless of the
10 gross operating revenue of a company, a minimum annual regulatory
11 assessment fee of \$25 shall be imposed.

12 (a) Each investor-owned gas utility shall pay a regulatory
13 assessment fee in the amount of 0.375 percent of its gross
14 operating revenue derived from intrastate business, excluding sales
15 for resale between public utilities, municipal gas utilities, and
16 gas districts or any combination thereof.

17 (b) Each municipal or gas district shall pay a regulatory
18 assessment fee in the amount of 0.1919 percent of its gross
19 operating revenue derived from intrastate business, excluding sales
20 for resale between public utilities, municipal gas utilities, and
21 gas district 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 of
25 the period from January 1 until June 30. The regulatory assessment
26 fees shall be remitted with the Commission's Regulatory Assessment
27 Fee Return form PSC/EAG 3, or PSC/EAG 37 (Rev. - - -) which
28 are hereby incorporated by reference and may be obtained from:
29 Florida Public Service Commission, Division of Administration, 101
30 East Gaines Street, Tallahassee, Florida 32399. Each utility,
31 municipal, and gas district shall have up to and including the due

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

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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, or

(c) Seek and receive from the Commission a 30-day extension of its due date.

(3) Where the utility, municipal, or gas district remits less than its full fee pursuant to subsection (2)(b) of this rule, 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% of the total regulatory assessment fee, include interest as provided by subsection (5)(b) of this rule.

(4) Where a utility, municipal, or gas district receives a 30-day extension of its due date pursuant to subsection (2)(c) of 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 (5), F.S. (1985).

(5) The delinquency of any amount due to the Commission from the utility, municipal, or gas district pursuant to the provisions of s. 350.113, F.S. (1985) and this rule, begins with the first 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. (1985) shall apply to any such delinquent amounts.

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

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

Law Implemented: 350.113, F.S., 366.14, F.S. (1989)

History: New 5/18/83, formerly 25-7.131, Amended 10/16/86.

CODING: Words underlined are additions; words in struck-through type are deletions from existing law.

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**GAS MUNICIPALS AND GAS DISTRICTS
REGULATORY ASSESSMENT FEE RETURN
FLORIDA PUBLIC SERVICE COMMISSION**

FOR PSC USE ONLY	
\$	0801002 003001
\$	P 0801002 004010
\$	(1)

STATUS: ACTUAL RETURN _____ ESTIMATED RETURN _____

PERIOD COVERED:
 JAN. 1 - JUN. 30, 19_____
 JUN. 30 - DEC. 31, 19____

F.E.I. NO. : _____

TELEPHONE NO. : _____

CONTACT PERSON: _____

LINE NO.	ACCOUNT CLASSIFICATION	INTRASTATE AMOUNTS
1.	GAS SERVICE REVENUES:	\$ _____
2.	OTHER OPERATING REVENUES:	\$ _____
3.	OTHER GAS REVENUES:	\$ _____
4.	TOTAL GROSS REVENUES:	\$ _____
5.	LESS:	\$ _____
	a) SALES FOR RESALE:	\$ _____
	b) SALES FOR ELECTRIC GENERATION TO ELECTRIC COOPERATIVES, MUNICIPALS, AND INVESTOR-OWNED UTILITIES:	\$ _____
6.	REVENUES SUBJECT TO REGULATORY ASSESSMENT FEE:	\$ _____
7.	REGULATORY ASSESSMENT FEE DUE* (0.001919 of LINE 6)	\$ _____
8.	LESS: APPROVED PRIOR-PERIOD OVERPAYMENT	\$ _____
9.	NET REGULATORY ASSESSMENT FEE DUE	\$ _____
10.	PENALTY FOR LATE PAYMENT	\$ _____
11.	INTEREST FOR LATE PAYMENT	\$ _____
12.	TOTAL AMOUNT DUE	\$ _____

* AS PROVIDED FOR IN SECTION 366.113 (F.S.), THE MINIMUM ANNUAL FEE IS \$25.

I, the undersigned general officer of the above-named utility, have read the foregoing. Under the penalties of perjury, I declare that, to the best of my knowledge and belief, the above is a true and correct statement of gross revenues derived from intrastate business for the period indicated.

COMPANY OFFICIAL: _____ TITLE: _____ DATE: _____
(Signature)

PSC/CAG-3770 (8/2/82)

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INVESTOR-OWNED NATURAL GAS UTILITIES
 REGULATORY ASSESSMENT FEE RETURN
 FLORIDA PUBLIC SERVICE COMMISSION

FOR PSC USE ONLY

0801801
 000001

P
 0801801
 000010

STATUS: ACTUAL RETURN _____ ESTIMATED RETURN _____

PERIOD COVERED:
 JAN. 1 - JUN. 30, 19____
 JUN. 30 - DEC. 31, 19____
 JAN. 1 - DEC. 31, 19____

F.E.L. NO. : _____
 TELEPHONE NO. : _____
 CONTACT PERSON: _____

LINE NO.	ACCOUNT CLASSIFICATION	INTRASTATE AMOUNT
1.	GAS SERVICE REVENUES	
2.	RESIDENTIAL SALES (480)	\$ _____
3.	COMMERCIAL SALES (481)	_____
4.	INDUSTRIAL SALES (481)	_____
5.	OTHER SALES TO PUBLIC AUTHORITIES (482)	_____
6.	INTERDEPARTMENTAL SALES (484)	_____
7.	TOTAL SALES TO ULTIMATE CONSUMERS	\$ _____
8.	SALES FOR RESALE (483)	_____
9.	TOTAL NATURAL GAS SERVICE REVENUES	\$ _____
10.	REVENUES FROM MANUFACTURED GAS	_____
11.	TOTAL GAS SERVICE REVENUES	\$ _____
12.	OTHER OPERATING REVENUES	
13.	INTRACOMPANY TRANSFERS (485)	\$ _____
14.	FORFEITED DISCOUNTS (487)	_____
15.	MISCELLANEOUS SERVICE REVENUES (488)	_____
16.	REVENUE FROM TRANSPORTATION OF OTHERS' GAS (489)	_____
17.	SALES OF PRODUCTS EXTRACTED FROM NATURAL GAS (490)	_____
18.	REVENUE FROM NATURAL GAS PROCESSED BY OTHERS (491)	_____
19.	INCIDENTAL GASOLINE AND OIL SALES (492)	_____
20.	RENT FROM GAS PROPERTY (493)	_____
21.	INTERDEPARTMENTAL RENTS (494)	_____
22.	OTHER GAS REVENUES (495)	_____
23.	PURCHASED GAS ADJUSTMENT OVERUNDER RECOVERIES	_____
24.	CONSERVATION COST RECOVERY OVERUNDER RECOVERIES	_____
25.	UNBILLED REVENUES	_____
26.	OTHER (SPECIFY)	_____
27.	PROVISION FOR RATE RETURN (498)	_____
28.	PIPELINE REFUNDS	_____
29.	OTHER REFUNDS	_____
30.	TOTAL OTHER OPERATING REVENUES	\$ _____
31.	TOTAL GAS OPERATING REVENUES	\$ _____
32.	ADJUSTMENTS (SPECIFY)	
33.	_____	\$ _____
34.	_____	_____
35.	_____	_____
36.	TOTAL ADJUSTMENTS	\$ _____
37.	REVENUES SUBJECT TO REGULATORY ASSESSMENT FEE	\$ _____
38.	REGULATORY ASSESSMENT FEE DUE:	
39.	3% of 1% of LINE 37 (0.003%)	\$ _____
40.	LESS: APPROVED PRIOR-PERIOD OVERPAYMENT	_____
41.	LESS: PAYMENT FOR JAN. 1 - JUN. 30 PERIOD	_____
42.	NET REGULATORY ASSESSMENT FEE DUE	\$ _____
43.	PENALTY FOR LATE PAYMENT	\$ _____
44.	INTEREST FOR LATE PAYMENT	_____
45.	TOTAL AMOUNT DUE	\$ _____

* AS PROVIDED FOR IN SECTION 366.112 (7) (b), THE MINIMUM ANNUAL FEE IS \$75.

I, the undersigned, chief officer of the above-named utility, have read the foregoing. Under the penalties of perjury, I declare that, to the best of my knowledge and belief, the above is a true and correct statement of gross revenues derived from intrastate business for the period indicated.

COMPANY OFFICIAL _____ TITLE _____ DATE _____
 (Signature)

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INVESTOR-OWNED NATURAL GAS UTILITIES
 REGULATORY ASSESSMENT FEE RETURN
 FLORIDA PUBLIC SERVICE COMMISSION

FOR PSC USE ONLY

0801801
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 0801801
 000010

STATUS: ACTUAL RETURN _____ ESTIMATED RETURN _____

PERIOD COVERED:
 JAN. 1 - JUN. 30, 19____
 JUN. 30 - DEC. 31, 19____
 JAN. 1 - DEC. 31, 19____

F.E.L. NO. : _____
 TELEPHONE NO. : _____
 CONTACT PERSON: _____

LINE NO.	ACCOUNT CLASSIFICATION	INTRASTATE AMOUNT
1.	GAS SERVICE REVENUES	
2.	RESIDENTIAL SALES (480)	\$ _____
3.	COMMERCIAL SALES (481)	_____
4.	INDUSTRIAL SALES (481)	_____
5.	OTHER SALES TO PUBLIC AUTHORITIES (482)	_____
6.	INTERDEPARTMENTAL SALES (484)	_____
7.	TOTAL SALES TO ULTIMATE CONSUMERS	\$ _____
8.	SALES FOR RESALE (483)	_____
9.	TOTAL NATURAL GAS SERVICE REVENUES	\$ _____
10.	REVENUES FROM MANUFACTURED GAS	_____
11.	TOTAL GAS SERVICE REVENUES	\$ _____
12.	OTHER OPERATING REVENUES	
13.	INTRACOMPANY TRANSFERS (485)	\$ _____
14.	FORFEITED DISCOUNTS (487)	_____
15.	MISCELLANEOUS SERVICE REVENUES (488)	_____
16.	REVENUE FROM TRANSPORTATION OF OTHERS' GAS (489)	_____
17.	SALES OF PRODUCTS EXTRACTED FROM NATURAL GAS (490)	_____
18.	REVENUE FROM NATURAL GAS PROCESSED BY OTHERS (491)	_____
19.	INCIDENTAL GASOLINE AND OIL SALES (492)	_____
20.	RENT FROM GAS PROPERTY (493)	_____
21.	INTERDEPARTMENTAL RENTS (494)	_____
22.	OTHER GAS REVENUES (495)	_____
23.	PURCHASED GAS ADJUSTMENT OVERUNDER RECOVERIES	_____
24.	CONSERVATION COST RECOVERY OVERUNDER RECOVERIES	_____
25.	UNBILLED REVENUES	_____
26.	OTHER (SPECIFY)	_____
27.	PROVISION FOR RATE RETURN (498)	_____
28.	PIPELINE REFUNDS	_____
29.	OTHER REFUNDS	_____
30.	TOTAL OTHER OPERATING REVENUES	\$ _____
31.	TOTAL GAS OPERATING REVENUES	\$ _____
32.	ADJUSTMENTS (SPECIFY)	
33.	_____	\$ _____
34.	_____	_____
35.	_____	_____
36.	TOTAL ADJUSTMENTS	\$ _____
37.	REVENUES SUBJECT TO REGULATORY ASSESSMENT FEE	\$ _____
38.	REGULATORY ASSESSMENT FEE DUE:	
39.	3% of 1% of LINE 37 (0.003%)	\$ _____
40.	LESS: APPROVED PRIOR-PERIOD OVERPAYMENT	_____
41.	LESS: PAYMENT FOR JAN. 1 - JUN. 30 PERIOD	_____
42.	NET REGULATORY ASSESSMENT FEE DUE	\$ _____
43.	PENALTY FOR LATE PAYMENT	\$ _____
44.	INTEREST FOR LATE PAYMENT	_____
45.	TOTAL AMOUNT DUE	\$ _____

* AS PROVIDED FOR IN SECTION 366.112 (7) (b), THE MINIMUM ANNUAL FEE IS \$75.

I, the undersigned, chief officer of the above-named utility, have read the foregoing. Under the penalties of perjury, I declare that, to the best of my knowledge and belief, the above is a true and correct statement of gross revenues derived from intrastate business for the period indicated.

COMPANY OFFICIAL _____ TITLE _____ DATE _____
 (Signature)

M E M O R A N D U M

April 9, 1990

TO : STEVE TRIBBLE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM: MARTHA C. BROWN, ASSOCIATE GENERAL COUNSEL *MCB*
RE : DOCKET NO. 891203-GU, RULE 25-7.0131

22789

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

Industry distribution is:

Electric (IOU)
 Electric (Muni & Coop)
 Electric (Safety)
 Gas (IOU)
 Gas (Safety)
 Telephone (LEC)
 Telephone (IXC)
 Telephone (PATS)
 Water and Sewer
 Docket only

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.

MCB/cpp
Attachment
cc: File
Sandy Simmons (w/o attach.)
W. Terrell (w/o attach.)
3907G

DOCUMENT NUMBER-DATE
03079 APR -9 1990
FPSC-RECORDS/REPORTING