

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rules 25-7.100,
F.A.C., Annual Reports; and 25-
7.101, F.A.C., Regulatory
Assessment Fees for Natural Gas
Transmission Companies.

DOCKET NO. 971444-GU
ORDER NO. PSC-98-0410-NOR-GU
ISSUED: March 20, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
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 adopt new Rules 25-7.100 and 25-7.101,
Florida Administrative Code, relating to regulatory assessment fees
for natural gas transmission companies.

The attached Notice of Rulemaking will appear in the March 27,
1998 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following
time and place:

Florida Public Service Commission
9:30 a.m., April 29, 1998
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

DOCUMENT NUMBER-DATE

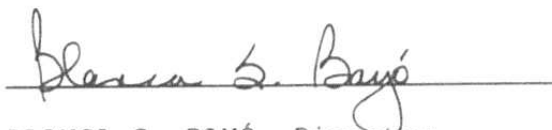
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FPSC-RECORDS/REPORTING

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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 April 17, 1998.

By ORDER of the Florida Public Service Commission, this 20th day of March, 1998.

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)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 971444-GU

RULE TITLE:	RULE NO.:
Annual Report	25-7.100
Regulatory Assessment Fees	25-7.101

PURPOSE AND EFFECT: The purpose and effect of Rule 25-7.100 is to provide for the filing of annual reports by natural gas transmission companies as appropriate for regulatory purposes. The purpose and effect of Rule 27-7.101 is to provide for payment of regulatory assessment fees so as to allow for safety inspections of natural gas transmission companies.

SUMMARY: Rule 25-7.100 provides for filing of annual reports by natural gas transmission companies on or before April 30 for the preceding calendar year. The report includes the balance sheet, income statement and retained earnings statement. Extensions of the filing date are provided for. Rule 25-7.101 provides for payment of a regulatory assessment fee based on 0.256 percent annually of the natural gas transmission company's gross operating revenue derived from intrastate business, with exclusions. The fees for respective six-month periods are due January 30 and July 30. The rule references from PSC/ADM 244 (2/98), entitled "Natural Gas Transmission Pipeline Company Regulatory Assessment Fee Return".

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Extensions of time to pay the fee and penalties and interest for failure to pay the fee are provided for.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rules, which are summarized above, would currently impact one company, which has not yet responded to staff's data requests. No impact on the Commission beyond examining the reports and performing safety inspections is foreseen. The impact on the company would be the regulatory assessment fee, which is unknown at this time and the additional transaction costs to prepare the required information from readily available data. There are no likely impacts on small business foreseen and no alternatives available to meeting the statutory requirements with the proposed rules. 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: 368.104 FS.

LAW IMPLEMENTED: 368.109, 368.111 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.

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HEARING: 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., April 29, 1998.

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

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES ARE: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-7.100 Annual Report

(1) Each natural gas transmission company shall annually file the following information with the Commission on a calendar year basis:

(a) Comparative Balance Sheet for the reporting year and the prior year

(b) Comparative Statement of Income for the reporting year and the prior year

(c) Statement of Retained Earnings for the reporting year.

(2) The report shall be due on or before April 30 for the preceding calendar year.

(3) A company may file a written request for an extension of time with the Division of Auditing and Financial Analysis no later than April 30. One extension of 31 days will be granted upon request. A request for a longer extension must be accompanied by a statement

of good cause and shall specify the date by which the report will be filed.

(4) The company shall file an original and three copies of the information required in subsection (1).

Specific Authority: 368.104, F.S.

Law Implemented: 368.104, F.S.

History--New

25-7.101 Regulatory Assessment Fees

(1) As provided in s. 368.109, F.S., each natural gas transmission company shall pay a regulatory assessment fee. The regulatory assessment fee shall be 0.25 percent annually of the natural gas transmission company's gross operating revenue derived from intrastate business, excluding sales of gas for resale to natural gas transmission companies, public utilities that supply gas, municipal gas utilities and gas districts.

(2) Regulatory assessment fees are due each January 30 for the preceding 6 month period or any part of the period from July 1 until December 31, and on July 30 for the preceding 6 month period or any part of the period from January 1 until June 30.

(3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are

sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. 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 Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/ADM 244 (2/98), entitled "Natural Gas Transmission Pipeline Company Regulatory Assessment Fee Return" is incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. 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.

(5) Each natural gas transmission company shall have up to and including the due date in which to remit the total amount of its fee.

(6) A company may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(7) The delinquency of any amount due to the Commission from the company, pursuant to the provisions of s. 368.109, F.S. and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension to this rule.

(a) A penalty shall be added to the amount of fee due, in the amount of 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25%.

(b) In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year.

(8) A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report.

Specific Authority: 368.104, FS.

Law Implemented: 368.109, F.S., 368.111, FS.

History--New

NAME OF PERSON ORIGINATING PROPOSED RULES:

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: March 10, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

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Volume 23, Number 46, November 14, 1997

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 Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).