

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
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DIVISION OF APPEALS  
DAVID E. SMITH  
DIRECTOR  
(850) 413-6245

# Public Service Commission

August 17, 1998

Mr. Carroll Webb  
Joint Administrative Procedures  
Committee  
120 Holland Building  
Tallahassee, Florida 32399

Re: Docket No. 980276-EI - Proposed Amendment of Rule 25-6.0131, F.A.C., Investor-Owned Electric Company Regulatory Assessment Fees.

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rule and the form incorporated by reference into the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to this rule, please do not hesitate to call on me.

Sincerely,

*Christiana T. Moore*

Christiana T. Moore  
Associate General Counsel

ADM60131.MRD

Enclosures

cc: Division of Records & Reporting

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BLVD • TALLAHASSEE, FL 32399-0850

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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., each  
5 | company, utility, or cooperative shall remit to the Commission a  
6 | fee based upon its gross operating revenue. This fee shall be  
7 | referred to as a regulatory assessment fee. Regardless of the  
8 | gross operating revenue of a company, a minimum annual regulatory  
9 | 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 .00072 ~~0.000033~~ of  
12 | gross operating revenues derived from intrastate business,  
13 | excluding sales for resale between public utilities, municipal  
14 | electric utilities, and rural electric cooperatives or any  
15 | combination thereof.

16 | (b) Each municipal electric utility and rural electric  
17 | cooperative shall pay a regulatory assessment fee in the amount  
18 | of 0.00015625 of its gross operating revenues derived from  
19 | intrastate business, excluding sales for resale between public  
20 | utilities, municipal electric utilities, and rural cooperatives  
21 | 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.

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

1 (3) If the due date falls on a Saturday, Sunday, or a  
2 holiday, the due date is extended to the next business day. If  
3 the fees are sent by registered mail, the date of the  
4 registration is the United States Postal Service's postmark date.  
5 If the fees are sent by certified mail and the receipt is  
6 postmarked by a postal employee, the date on the receipt is the  
7 United States Postal Service's postmark date. The postmarked  
8 certified mail receipt is evidence that the fees were delivered.  
9 Regulatory assessment fees are considered paid on the date they  
10 are postmarked by the United States Postal Service or received  
11 and logged in by the Commission's Division of Administration in  
12 Tallahassee. Fees are considered timely paid if properly  
13 addressed, with sufficient postage and postmarked no later than  
14 the due date.

15 (4) Commission Form PSC/ADM 68 (01/9907/96), entitled  
16 "Investor-Owned Electric Utility Regulatory Assessment Fee  
17 Return"; Form PSC/ADM 69 (07/96), entitled "Municipal Electric  
18 Utility Regulatory Assessment Fee Return"; and Form PSC/ADM 70  
19 (07/96), entitled "Rural Electric Cooperative Regulatory  
20 Assessment Fee Return" are incorporated into this rule by  
21 reference and may be obtained from the Commission's Division of  
22 Administration. The failure of a utility to receive a return  
23 form shall not excuse the utility from its obligation to timely  
24 remit the regulatory assessment fees.

25 (5) Each company, utility, or cooperative shall have up to

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1 and including the due date in which to:

2 (a) Remit the total amount of its fee or

3 (b) Remit an amount which the company, utility, or  
4 cooperative estimates is its full fee.

5 (6) Where the company, utility, or cooperative remits less  
6 than its full fee, the remainder of the full fee shall be due on  
7 or before the 30th day from the due date and shall, where the  
8 amount remitted was less than 90 percent of the total regulatory  
9 assessment fee, include interest as provided by subsection (8) (b)  
10 of this Rule.

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

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

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

19 (c) Where a company, utility, or cooperative receives an  
20 extension of its due date pursuant to this rule, then the entity  
21 shall remit a charge in addition to the regulatory assessment  
22 fee, as set out in s. 350.113, F.S.

23 (8) The delinquency of any amount due to the Commission  
24 from the company, utility, or cooperative pursuant to the  
25 provisions of s. 350.113, F.S. and this rule, begins with the

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~~struck-through~~ type are deletions from existing law.

1 first calendar day after any date established as the due date  
2 either by operation of this rule or by an extension pursuant to  
3 this rule.

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

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

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

9 Law Implemented: 350.113, 366.14, F.S.

10 History: New 5/18/83, Amended 2/9/84, formerly 25-6.131, Amended  
11 6/18/86, 10/16/86, 3/7/89, 2/19/92, 07/08/96, 01/01/99.

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# Investor-Owned Electric Utility Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

**STATUS:**

\_\_\_\_\_ Actual Return  
 \_\_\_\_\_ Estimated Return

**PERIOD COVERED:**

**FOR PSC USE ONLY**

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0602002  
 003001

\$ \_\_\_\_\_ P  
 0602002  
 004011

\$ \_\_\_\_\_ I

Postmark Date \_\_\_\_\_

Initials of Preparer \_\_\_\_\_

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Utility) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	INTRASTATE AMOUNTS	SALES FOR RESALE & INTERSTATE AMOUNTS	TOTAL REVENUES
1.	Sales of Electricity:			
2.	Residential Sales (440)	\$ _____	\$ _____	\$ _____
3.	Commercial Sales (442)	_____	_____	_____
4.	Industrial Sales (442)	_____	_____	_____
5.	Public Street and Highway Lighting (444)	_____	_____	_____
6.	Other Sales to Public Authorities (445)	_____	_____	_____
7.	Sales to Railroads and Railways (446)	_____	_____	_____
8.	Interdepartmental Sales (448)	_____	_____	_____
9.	Total Sales to Ultimate Consumers	\$ _____	\$ _____	\$ _____
10.	Sales for Resale (447)	_____	_____	_____
11.	Total Sales of Electricity	\$ _____	\$ _____	\$ _____
12.	Provision for Rate Refunds (449.1)	_____	_____	_____
13.	Total Revenue Net of Refunds	\$ _____	\$ _____	\$ _____
14.	OTHER OPERATING REVENUES:			
15.	Forfeited Discounts (450)	_____	_____	_____
16.	Miscellaneous Service Revenues (451)	_____	_____	_____
17.	Sales of Water and Water Power (453)	_____	_____	_____
18.	Rent from Electric Property (454)	_____	_____	_____
19.	Interdepartmental Rents (455)	_____	_____	_____
20.	Other Electric Revenues (456)	_____	_____	_____
21.	Deferred Fuel Revenues	_____	_____	_____
22.	Deferred Conservation Revenues	_____	_____	_____
23.	Unbilled Revenues	_____	_____	_____
24.	Other	_____	_____	_____
25.	Total Other Operating Revenues	\$ _____	\$ _____	\$ _____
26.	Total Electric Operating Revenues	\$ _____	\$ _____	\$ _____
27.	Adjustments: (Specify)			
28.	_____	_____	_____	_____
29.	_____	_____	_____	_____
30.	_____	_____	_____	_____
31.	_____	_____	_____	_____
32.	_____	_____	_____	_____
33.	Total Adjustments	\$ _____	\$ _____	\$ _____
34.	Revenues Subject to Regulatory Assessment Fee	_____	_____	_____
35.	REGULATORY ASSESSMENT FEE RATE	.00072		
36.	REGULATORY ASSESSMENT FEE DUE (Line 34 x Line 35)	_____	_____	_____
37.	LESS: PAYMENT FOR JAN. 1 - JUNE 30 PERIOD	( _____ )		
38.	NET REGULATORY ASSESSMENT FEE DUE	_____	_____	_____
39.	PENALTY FOR LATE PAYMENT	_____	_____	_____
40.	INTEREST FOR LATE PAYMENT	_____	_____	_____
41.	TOTAL AMOUNT DUE	\$ _____	\$ _____	\$ _____

AS PROVIDED IN SECTION 350.113, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$25  
 THIS FORM MUST BE COMPLETED AND RETURNED REGARDLESS OF THE AMOUNT OF REVENUES REPORTED

I, the undersigned owner/officer of the above-named vendor, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_  
 (Signature of Utility Official) (Title) (Date)

\_\_\_\_\_  
 (Please Print Name) Telephone Number ( ) Fax Number ( )

**FLORIDA PUBLIC SERVICE COMMISSION**  
Instructions For Filing Regulatory Assessment Fee Return  
(Investor-Owned Electric Utility)

1. **WHEN TO FILE:** To avoid payment of penalties and interest, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND  
On or before January 30 for the six-month period July 1 through December 31.*

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each utility shall pay the currently authorized percentage, as indicated on Line 35 on the reverse side, of its gross operating revenues derived from intrastate business. Gross Operating Revenues are defined as the total revenues before expenses. The currently authorized percentage was implemented by Section 25-6.0131(1)(a), Florida Administrative Code. Annual revenue amounts are to be reported on the return for the period ended December 31.

3. **FAILURE TO FILE BY DUE DATE:** A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due. Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 39). 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 (Line 40).

4. **EXTENSION:** A utility, for good cause shown in a written request, may be granted up to a 30 day extension. A request should be made by filing the enclosed Request for Extension to File Regulatory Assessment Fee Return form (PSC/ADM-124), two weeks prior to the filing date. If an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a utility may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the utility shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** Computational errors and/or differences in gross operating revenues reported for regulatory assessment fee purposes and those reported in the annual report may cause adjustments to amounts paid to the Commission. The utility will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed to the Commission by reason of the adjustment. A utility may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed pre-addressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. However, if you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If any additional assistance is required in preparing the Regulatory Assessment Fee Return, please contact the Division of Auditing and Financial Analysis at (850) 413-6480 or at the above-referenced address, directing correspondence to the attention of the division.

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980276-EI

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees; Investor-Owned  
Electric Companies, Municipal Electric  
Utilities, Rural Electric Cooperatives

25-6.0131

PURPOSE AND EFFECT: To decrease the regulatory assessment fee.

SUMMARY: Amends Rule 25-6.0131, F.A.C., to decrease the regulatory assessment fee charged to investor-owned electric companies from .0833 percent to .072 percent of gross operating revenues.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because the rule change should not result in any additional costs or negative impacts on utilities, small businesses, small cities, or small counties, a Statement of Estimated Regulatory Cost was not prepared.

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, 366.14, 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.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A



HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE THAT WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No Change.

(a) Each investor-owned electric company shall pay a regulatory assessment fee in the amount of .00072 ~~0.000033~~ of gross operating revenues derived from intrastate business, excluding sales for resale between public utilities, municipal electric utilities, and rural electric cooperatives or any combination thereof.

(b) - (3) No Change.

(4) Commission Form PSC/ADM 68 (01/9907/96), entitled "Investor-Owned Electric Utility Regulatory Assessment Fee Return"; Form PSC/ADM 69 (07/96), entitled "Municipal Electric Utility Regulatory Assessment Fee Return"; and Form PSC/ADM 70 (07/96), entitled "Rural Electric Cooperative Regulatory Assessment Fee Return" are 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) - (8) No Change.

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

Law Implemented: 350.113, 366.14, F.S.

History: New 5-18-83, Amended 2-9-84, formerly 25-6.131, Amended 06-18-86, 10-16-86, 03-07-89, 02-19-92, 07-08-96, 01-01-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Evelyn Sewell.

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

DATE PROPOSED RULE APPROVED: August 4, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 24, Number 12, March 20, 1998

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. 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).

**STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE**

Section 350.113(3), Florida Statutes, provides that regulatory assessment fees shall, to the extent practicable, be related to the cost of regulating the type of regulated company. In a recent report of a review of Commission operations, the Auditor General found that regulatory assessment fee (RAF) collections during the 1996-97 fiscal year did not appear to be related to the cost of regulation for all industries. The Commission responded to the report stating that it would consider the need for changes in the RAF rates charged to regulated companies.

The Division of Administration reviewed RAF revenues and costs for each industry and determined that the revenues for investor-owned electric companies exceed regulatory costs. This situation has existed for several years and it is projected that it will continue unless the RAF rate is reduced.

**STATEMENT ON FEDERAL STANDARDS**

There is no federal standard on the same subject.

# MEMORANDUM

June 19, 1998

**TO: DIVISION OF APPEALS (MOORE)**

**FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT)**

**SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 980276-EI, PROPOSED REVISIONS TO RULE 25-6.0131, F.A.C., REGULATORY ASSESSMENT FEES**

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Currently, Rule 25-6.0131, F.A.C., Regulatory Assessment Fees, describes the amount of regulatory assessment fees (RAFs) investor-owned electric utilities (IOUs) are required to submit to the Commission. The amendment would decrease the RAF percentage of gross operating revenues to be paid from 0.00083 to 0.00072. The authorizing statute, Section 350.113, Florida Statutes, states that the fees shall, to the extent practicable, be related to the cost of regulating such type of regulated company. The RAFs generated by the current percentage rate are projected to exceed the cost of regulation of IOUs. Therefore, the proposed rule changes would decrease the amount of future RAFs, but meet the statutory requirements to cover regulatory costs.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, since there should be no additional costs or negative impacts on utilities, small businesses, small cities, or small counties, a SERC will not be prepared for the proposed rule change.

Please keep my name on the CASR.

CBH:e-rafi02