

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

ORIGINAL

Public Service Commission

November 30, 1998

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

Re: DOCKET NO. 980275-GU - PROPOSED AMENDMENT OF RULE 25-7.0131, F.A.C, INVESTOR-OWNED GAS UTILITY REGULATORY ASSESSMENT FEES

Dear Mr. Webb:

The Commission has approved the amendment of Rule 25-7.0131 without changes, and Form PSC/ADM 67 with the change noticed in the Florida Administrative Weekly on November 13, 1998.

We plan to file the rule for adoption on December 7, 1998.

Sincerely,

Christiana T. Moore
Associate General Counsel

ACK _____
 AFA _____
 APP _____
 CAF AD170131.MRD
Enclosure
 CMU cc: Division of Records & Reporting
 CTR _____
 EAG _____
 LEG _____
 LIN _____
 OPC _____
 RCH _____
 SEC 1
 WAS _____
 OTH _____

DOCUMENT NUMBER-DATE
13461 DEC-1 98

1 25-7.0131 Regulatory Assessment Fees; Gas Utilities, Gas
2 Municipals, and Gas Districts.

3 (1) As applicable and as provided in s. 350.113, F.S. and
4 s. 366.14, F.S.; each gas utility, municipal, or gas district
5 shall remit a fee based upon its gross operating revenue. This
6 fee shall be referred to as a regulatory assessment fee.
7 Regardless of the gross operating revenue of a company, a minimum
8 annual regulatory assessment fee of \$25 shall be imposed.

9 (a) Each investor-owned gas utility shall pay a regulatory
10 assessment fee in the amount of .005 ~~0.00375~~ of its gross
11 operating revenue derived from intrastate business, excluding
12 sales for resale between public utilities, municipal gas
13 utilities, and gas districts or any combination thereof.

14 (b) Each municipal or gas district shall pay a regulatory
15 assessment fee in the amount of 0.001919 of its gross operating
16 revenue derived from intrastate business, excluding sales for
17 resale between public utilities, municipal gas utilities, and gas
18 district or any combination thereof.

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

23 (3) If the due date falls on a Saturday, Sunday, or a legal
24 holiday, the due date is extended to the next business day. If
25 the fees are sent by registered mail, the date of the

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

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

12 (4) Commission Form PSC/ADM 67 (01/99 ~~07/96~~), entitled
13 "Investor-Owned Natural Gas Utility Regulatory Assessment Fee
14 Return" and Form PSC/ADM 71 (07/96), entitled "Gas Municipal or
15 Gas District Regulatory Assessment Fee Return" are incorporated
16 into this rule by reference and may be obtained from the
17 Commission's Division of Administration. The failure of a
18 utility to receive a return form shall not excuse the utility
19 from its obligation to timely remit the regulatory assessment
20 fees.

21 (5) Each utility, municipal, and gas district shall have up
22 to and including the due date in which to:

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

24 (b) Remit an amount which the utility, municipal, or gas
25 district estimates is its full fee

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1 (6) Where the utility, municipal, or gas district remits
2 less than its full fee, the remainder of the full fee shall be
3 due on or before the 30th day from the due date and shall, where
4 the amount remitted was less than 90 percent of the total
5 regulatory assessment fee, include interest as provided by
6 subsection (8) (b) of this rule.

7 (7) A utility, municipal, or gas district may request from
8 the Division of Administration a 30-day extension of its due date
9 for payment of regulatory assessment fees or for filing its
10 return form.

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

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

16 (c) Where a utility, municipal, or gas district receives an
17 extension of its due date pursuant to this rule, then the
18 utility, municipal, or gas district shall remit a charge in
19 addition to the regulatory assessment fee, as set out in s.
20 350.113, F.S.

21 (8) The delinquency of any amount due to the Commission
22 from the utility, municipal, or gas district pursuant to the
23 provisions of s. 350.113, F.S. and this rule, begins with the
24 first calendar day after any date established as the due date
25 either by operation of this rule or by an extension pursuant to

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this rule.

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

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

Specific Authority: 350.127(2), F.S., 366.14, F.S. (1989)

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

History: New 5/18/83, formerly 25-7.131, Amended 10/16/86, 4/25/90, 07/08/96, 01/01/99.

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TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE **FIELD(2)**
Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return

Florida Public Service Commission
(See Filing Instructions on Back of Form)

STATUS: _____ Actual Return
 _____ Estimated Return

PERIOD COVERED:
FIELD(3)

FIELD(1)

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____

\$ _____ 0601001

\$ _____ 003001

\$ _____ P 0601001

\$ _____ I 004011

Payment Due _____

Initials of Preparer _____

(Name of Utility)

(Address)

(City/State)

(Zip)

LINE NO.	ACCOUNT CLASSIFICATION	INTRASTATE AMOUNTS	LINE NO.	ACCOUNT CLASSIFICATION	INTRASTATE AMOUNTS
1.	GAS SERVICE REVENUES:		24.	Deferred Conservation Cost Recovery Revenues	\$ _____
2.	Residential Sales (480)	\$ _____	25.	Unbilled Revenues	_____
3.	Commercial Sales (481)	_____	26.	Other	_____
4.	Industrial Sales (481)	_____	27.	Provision for Rate Refund (496)	_____
5.	Other Sales To Public Authorities (482)	_____	28.	Pipeline Refunds	_____
6.	Interdepartmental Sales (484)	_____	29.	Other Refunds	_____
7.	Total Sales To Ultimate Consumers	\$ _____	30.	Total Other Operating Revenues	\$ _____
8.	Sales For Resale (483)	_____	31.	Total Gas Operating Revenues	\$ _____
9.	Total Natural Gas Service Revenues	\$ _____	32.	Adjustments: (Specify)	_____
10.	Revenues From Manufactured Gas	_____	33.	_____	_____
11.	Total Gas Service Revenues:	\$ _____	34.	_____	_____
12.	OTHER OPERATING REVENUES	_____	35.	Total Adjustments	\$ _____
13.	Intransitility Transfers (485)	_____	36.	Revenues Subject To Regulatory Assessment Fee	_____
14.	Forfeited Discounts (487)	_____	37.	REGULATORY ASSESSMENT FEE RATE	_____ .005
15.	Miscellaneous Service Revenues (488)	_____	38.	REGULATORY ASSESSMENT FEE DUE (Line 37 x Line 36)	\$ _____
16.	Revenue from Transportation of Others' Gas (489)	_____	40.	LESS: Payment For Jan. 1 - Jun. 30 Period	_____
17.	Sales of Products Extracted from Natural Gas (490)	_____	41.	Net Regulatory Assessment Fee Due	_____
18.	Revenue From Natural Gas Processed by Others (491)	_____	42.	Penalty For Late Payment	_____
19.	Incidental Gasoline and Oil Sales (492)	_____	43.	Interest For Late Payment	_____
20.	Rent From Gas Property (493)	_____	44.	TOTAL AMOUNT DUE	\$ _____
21.	Interdepartmental Rents (494)	_____			
22.	OTHER GAS REVENUES (495)	_____			
23.	Deferred Purchased Gas Adjustment Revenues	_____			

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 () _____

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Division For Filing Regulatory Assessment Fee Returns
(Investor-Owned Natural Gas 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 38 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 25-7.0131(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 42). 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 43).

- 4. 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, retain the last copy for your records, and return the original and the remaining copy in the enclosed preaddressed envelope. This will 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 Analysts at (850) 413-6480 or at the above-referenced address, directing correspondence to the attention of the division.