

Commissioners:
JOE GARCIA, CHAIRMAN
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DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission
September 13, 1999

Ms. Monique H. Cheek
Office of Tourism, Trade, and
Economic Development
Executive Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

SUBJECT: Docket No. 991138-TP - Proposed Amendment of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies

The Commission has determined that the above rule will affect small business. Accordingly, pursuant to Section 120.54(3)(b), Florida Statutes, enclosed is a copy of the Florida Administrative Weekly (FAW) notice for the proposed rule, which will be published in the September 17, 1999 edition of the FAW. Also enclosed is a copy of the statement of estimated regulatory costs.

If there are any questions with respect to this rule or the Commissions's rulemaking procedures, please do not hesitate to call on me.

Sincerely,

Christiana T. Moore
Associate General Counsel

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- PAI _____
- SEC _____
- WAW _____
- OTH _____

Enclosures
cc: [Redacted] of Records & Reporting

DOCUMENT NUMBER-DATE

11009 SEP 13 99

FPSC-RECORDS/REPORTING

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 991138-TP.

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees: Telecommunications 25-4.0161
Companies

PURPOSE AND EFFECT: The rule is being amended to reflect a change in the law implemented by the rule and to revise the regulatory assessment fee forms to include instructions about what amounts paid to other telecommunications companies are deductible. These instructions are designed to assist the companies in calculating the fee and reduce the number of questions the companies will have.

SUMMARY: The revised rule reflects the change in s. 364.336, FS, regarding deducting amounts paid to other telecommunications companies.

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, 364.336 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.

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., October 20, 1999

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

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, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. and s. 364.336, F.S., ~~and s. 364.337, F.S.,~~ each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each ~~interexchange~~ telecommunications company ~~and each pay telephone company~~ shall deduct from gross operating revenues any amounts ~~paid to another telecommunications company for the use of any for use of the local network to a telecommunications network to provide service to its customers.~~ ~~company providing local~~

~~service.~~ Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) - (3) No Change.

(4) Commission Form PSC/CMU 25 (/)~~(07/96)~~, entitled "Local Exchange~~Communication~~ Company Regulatory Assessment Fee Return," ~~applicable to local exchange telecommunications companies~~; Form PSC/CMU 26 (/)~~(07/96)~~, entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (/)~~(07/96)~~, entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (/)~~(07/96)~~, entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (/)~~(07/96)~~, entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (/)~~(07/96)~~, entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) - (8)(b) No Change.

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 364.336, ~~364.337(4)~~ FS.

History--New 05-18-83, formerly 25-4.161, Amended 10-16-86, 01-01-91, 12-29-91, 01-08-95, 12-26-95, 07-08-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Cater

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: September 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 25, Number 16, April 23, 1999

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 48 hours 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).

MEMORANDUM

99 JUN 28 11 09:11

June 28, 1999

TO: DIVISION OF APPEALS (MOORE)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CBH/R* *msd*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR PROPOSED REVISIONS TO RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

Currently, Rule 25-4.0161, F.A.C., contains the requirements for the assessment and the remitting of regulatory assessment fees (RAFs) by telecommunications companies. Each company pays a fee based on a percentage of its gross operating revenue, with a minimum fee of \$50. The rule allows each interexchange telecommunications and pay telephone company to deduct from gross operating revenues amounts paid to a telecommunications company providing local service for use of the local network.

The proposed revision to Rule 25-4.0161, F.A.C., would conform to statutory changes expanding the deduction to any amounts paid by a telecommunication company to another telecommunications company for use of any telecommunications network to provide service to its customers. The proposed rule change would allow a savings to companies that now include in their gross operating revenues amounts paid to use telecommunications networks. The Commission would lose RAFs that telecommunications companies would save.

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

Please keep my name on the CASR.

CBH:tf/e-telraf

cc: Mary Andrews Bane
Hurd Reeves
Ray Kennedy