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October 21, 1999

TO : DIVISION OF RECORDS & REPORTING

FROM : CHRISTIANA T. MOORE, DIVISION OF APPEALS

RE : DOCKET NO. 991138-TP - PROPOSED AMENDMENT OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

RECORDS AND REPORTING
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Attached is an original and three copies of the certification of Rule 25-4.0161. The Department of State must receive the original and two copies of the certification no later than 5:00 p.m., October 22, 1999. The Certification includes:

- (1) An original and two certified copies of Rule 25-4.0161, F.A.C., and a true and complete copy of Forms PSC/CMU-1 (Rev. 11/99); PSC/CMU-7 (11/99); PSC/CMU-25 (11/99); PSC/CMU-26 (11/99); PSC/CMU-34 (11/99) and PSC/CMU-153 (11/99) incorporated by reference into the rule;
- (2) A summary of the rule;
- (3) A summary of the hearing on the rule; and
- (4) A written statement of the facts and circumstances justifying the rule.

CRT0161.CTM
Attachments

AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 MAS _____
 CPC _____
 PAI _____
 SEC 1 _____
 WAW _____
 OTH _____

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DOCUMENT NUMBER-DATE

~~10105~~ 10105 OCT 26 99

FPSC-DIVISION OF REPORTING

DOCKET NO. 991138-TP

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

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), 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(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) 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 more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

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the final public hearing on the rule; or

 / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

 / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

 / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

 / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

 / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

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.

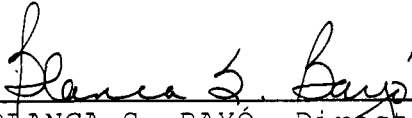
Rule No.

25-4.0161

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Under the provision of subparagraph 120.54(3)(e)6., 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)



BLANCA S. BAYÓ, Director
Division of Records & Reporting

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1 25-4.0161 Regulatory Assessment Fees; Telecommunications
2 Companies.

3 (1) As applicable and as provided in s. 350.113, F.S. and s.
4 364.336, F.S., ~~and s. 364.337, F.S.,~~ each company shall remit a
5 fee based upon its gross operating revenue as provided below.
6 This fee shall be referred to as a regulatory assessment fee, and
7 each company shall pay a regulatory assessment fee in the amount
8 of 0.0015 of its gross operating revenues derived from intrastate
9 business. For the purpose of determining this fee, each
10 ~~interexchange~~ telecommunications company ~~and each pay telephone~~
11 ~~company~~ shall deduct from gross operating revenues any amounts
12 paid to another telecommunications company for the use of any ~~for~~
13 ~~use of the local network to a telecommunications network to~~
14 provide service to its customers. ~~company providing local~~
15 ~~service.~~ Regardless of the gross operating revenue of a company,
16 a minimum annual regulatory assessment fee of \$50 shall be
17 imposed.

18 (2) - (3) No Change.

19 (4) Commission Form PSC/CMU 25 (/) (07/96), entitled "Local
20 Exchange Communication Company Regulatory Assessment Fee Return, ~~Form~~
21 ~~applicable to local exchange telecommunications companies.~~ Form
22 PSC/CMU 26 (/) (07/96), entitled "Pay Telephone Service Provider
23 Regulatory Assessment Fee Return"; Form PSC/CMU 34 (/) (07/96),
24 entitled "Shared Tenant Service Provider Regulatory Assessment
25 Fee Return"; Form PSC/CMU 153 (/) (07/96), entitled

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

1 "Interexchange Company Regulatory Assessment Fee Return"; and
2 Form PSC/CMU 1 (/)(07/96), entitled "Alternative Access Vendor
3 Regulatory Assessment Fee Return"; and Form PSC/CMU 7
4 (/)(07/96), entitled "Alternative Local Exchange Company
5 Regulatory Assessment Fee Return" are incorporated into this rule
6 by reference and may be obtained from the Commission's Division
7 of Administration.

8 (5) - (8)(b) No Change.
9 Specific Authority 350.127(2) FS.
10 Law Implemented 350.113, 364.336, ~~364.337(4)~~ FS.
11 History--New 05-18-83, formerly 25-4.161, Amended 10-16-86, 01-
12 01-91, 12-29-91, 01-08-95, 12-26-95, 07-08-96, _____.

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

CERTIFICATION OF
MATERIALS INCORPORATED BY REFERENCE

IN RULES FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-4.0161. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

PSC/CMU 1 - Alternative Access Vendor Regulatory Assessment Fee Return; PSC/CMU 7 - Alternative Local Exchange Company Regulatory Assessment Fee Return; PSC/CMU 25 - Local Exchange Company Regulatory Assessment Fee Return; PSC/CMU 26 - Pay Telephone Service Provider Regulatory Assessment Fee Return; PSC/CMU 34 - Shared-Tenant Service Provider Regulatory Assessment Fee Return; PSC/CMU 153 - Interexchange Company Regulatory Assessment Fee Return;


BLANCA S. BAYO, Director
Division of Records & Reporting

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SUMMARY OF RULE

The revised rule reflects the change in Section 364.336, F.S., regarding deducting amounts paid to other telecommunications companies.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Section 364.336, Florida Statutes, was amended by Chapter 98-277, Laws of Florida, to change how regulatory assessment fees (RAF) for telecommunications companies are to be calculated. Effective January 1, 1999, each company licensed or operating under Chapter 364 shall deduct any amount paid to another telecommunications company for use of any telecommunications network from the gross operating revenue for the purpose of computing the fee that is due. Prior to the change, only interexchange companies and pay telephone companies were permitted to deduct payments made for use of the local network.

Rule 25-4.0161, Florida Administrative Code, is amended to reflect the change in the statute. In addition, the RAF forms for the companies subject to the rule--local exchange companies, pay telephone service providers, shared-tenant service providers, interexchange companies, alternative access vendors, and

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alternative local exchange companies--is revised to allow the deduction and to include instructions on what amounts are not deductible in computing RAF. These instructions are designed to reduce the number of questions the companies will have regarding the change and prevent the companies from incorrectly deducting payments made for taxes, unregulated items, and the federal subscriber line charge. Other minor changes to the forms were made such as adding a line for the form preparer's name and phone number and deleting unnecessary information.