

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED FPSC
NOV 18 AM 11:53
COMMISSION CLERK

DATE: November 18, 2004

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Office of the General Counsel (Moore) *OTM*
 Division of the Commission Clerk & Administrative Services (Belcher) *KB*
 Division of Economic Regulation (Hewitt, Slemkewicz) *JS* *TH* *JG*

RE: Docket No. 041252-WS – Proposed amendment of Rule 25-30.120, F.A.C.,
 Regulatory Assessment Fees; Water and Wastewater Utilities.

AGENDA: 11/30/04 – Regular Agenda – Interested Persons May Participate

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CCA\WP\041252.RCM.DOC

Discussion of Issues

Issue 1: Should the Commission amend Rule 25-30.120, F.A.C., to conform to statutory changes that require large water and wastewater utilities to pay regulatory assessment fees semi-annually; and to codify the standards used to determine whether an extension of time to file a return is granted?

Recommendation: Yes. (Moore, Slemkewicz, Belcher)

Staff Analysis: Rule 25-30.120, F.A.C., currently provides that all water and wastewater utilities, regardless of size, must pay regulatory assessment fees (RAF) no later than March 31 for the preceding year. Section 367.145, Florida Statutes, was amended during the 2004 regular legislative session to provide (by reference to section 350.113, Florida Statutes) that water and wastewater utilities with annual gross operating revenues of \$200,000 or more must pay regulatory assessment fees every six months instead of every 12 months. Smaller utilities will continue to pay their fees once a year. To conform to the statute, staff recommends the Commission amend Rule 25-30.120 and the regulatory assessment fee return forms.

DOCUMENT NUMBER-DATE
12359 NOV 18 04
FPSC-COMMISSION CLERK

Docket No. 041252-WS
Date: November 18, 2004

(Attachment 1.) For the large utilities, RAF will be due on January 30 and July 30 of each year for the previous six-month period.

The Commission should also amend the provisions of Rule 25-30.120(6) governing extensions of time to file a RAF return and pay the fees. This will codify the standards that are actually used by staff to determine whether an extension should be granted. Subsection (6) of the rule currently requires companies to submit a statement of good cause for the extension to the Commission. "Good cause" is not defined in the rule, and there is nothing in the rule explicitly stating what reasons justify an extension of time. Staff recommends eliminating the requirement for companies to include a statement of good cause and simply provide that an extension of 30 days will be granted if the company has applied for the extension within the time required (two weeks before the date the return is due) and the company does not have any unpaid regulatory assessment fees, penalties or interest due from a prior year. The Commission recently made this same change to the telecommunications company RAF rule in Docket 040436-TP, In re: Proposed Amendment of Rule 25-4.0161, F.A.C. The form to be used to request an extension of time is attached. (Attachment 2.)

A notice of rule development was published in the July 30, 2004, edition of the Florida Administrative Weekly. No comments were filed and no one requested a workshop.

Statement of Estimated Regulatory Cost:

As a result of the change in law, utilities with revenues of at least \$200,000 per year will earn approximately \$75 less interest per \$200,000 in revenue per year from paying their RAF earlier. (See Attachment 3.)

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket closed. (Moore)

Staff Analysis: Unless comments or requests for hearing are filed, the rules as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

CTM

1 **25-30.120 Regulatory Assessment Fees; Water and Wastewater Utilities.**

2 (1) As applicable and as provided in s. 350.113, F.S., each utility shall remit a fee
 3 based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment
 4 fee. Each utility shall pay a regulatory assessment fee in the amount of 0.045 of its gross
 5 revenues derived from intrastate business. The gross revenues reported for regulatory assessment
 6 fee purposes must agree with the amount reported as operating revenue on Schedule F-3 of the
 7 Operating Statement in the company's Annual Report, filed in accordance with Rule 25-30.110,
 8 F.A.C. A minimum annual regulatory assessment fee of \$25 shall be imposed if there are no
 9 revenues or ~~if revenues~~ are insufficient to generate a minimum annual fee.

10 (2) The obligation to remit the regulatory assessment fees for any year shall apply to
 11 any utility ~~that which~~ is subject to this Commission's jurisdiction on or before December 31 of
 12 that year or for any part of that year, whether or not the utility has actually applied for or been
 13 issued a certificate.

14 (a) For large utilities with annual revenues of \$200,000 or more based on the most
 15 recent prior calendar year, rRegulatory assessment fees shall be filed with the Commission on or
 16 before July 30 for the preceding period or any part of the period from January 1 until June 30,
 17 and on January 30 for the preceding period or any part of the period from July 1 until March 31
 18 ~~for the preceding year ended~~ December 31. Commission Form PSC/ECR ~~CCA 10-WL (xx/xx)~~
 19 entitled "Large Water System Regulatory Assessment Fee Return" and Commission Form
 20 PSC/ECR ~~CCA 017-WL (xx/xx)~~ entitled "Large Wastewater System Regulatory Assessment
 21 Fee Return" are incorporated into this rule by reference and may be obtained from the
 22 Commission's Division of the Commission Clerk and Administrative Services. The failure of a
 23 utility to receive a return form shall not excuse the utility from its obligation to timely remit the
 24 regulatory assessment fees.

25 (b) For small utilities with annual revenues of less than \$200,000 based on the most

1 recent prior calendar year, regulatory assessment fees shall be filed with the Commission on or
2 before March 31 for the preceding year ended December 31. Commission Form PSC/ECR 010-
3 WS (xx/xx) entitled “Small Water System Regulatory Assessment Fee Return” and Commission
4 Form PSC/ECR 017-WS (xx/xx) entitled “Small Wastewater System Regulatory Assessment Fee
5 Return” are incorporated into this rule by reference and may be obtained from the Commission’s
6 Division of the Commission Clerk and Administrative Services. The failure of a utility to
7 receive a return form shall not excuse the utility from its obligation to timely remit the regulatory
8 fees.

9 (c) For the purpose of this rule, a utility operating both a water system and a
10 wastewater system shall consider each system separately in determining the revenue threshold
11 for filing regulatory assessment fees on either an annual or semi-annual basis.

12 (db) Regulatory assessment fees are considered paid on the date they are postmarked
13 by the United States Postal Service or received and logged in by the Commission’s Division of
14 The Commission Clerk and Administrative Services in Tallahassee. Fees are considered timely
15 paid if properly addressed, with sufficient postage and postmarked no later than the due date.

16 (3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is
17 extended to the next business day. If the fees are sent by registered mail, the date of the
18 registration is the United States Postal Service’s postmark date. If the fees are sent by certified
19 mail and the receipt is postmarked by a postal employee, the date on the receipt is the United
20 States Postal Service’s postmark date. The postmarked certified mail receipt is evidence that the
21 fees were delivered.

22 (4) Each utility shall have up 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 estimates is its full fee.

25 (5) Any utility that purchases water or wastewater treatment from another utility

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

1 regulated by the Florida Public Service Commission is allowed to deduct the annual expense for
2 purchased water or wastewater treatment from its gross operating revenues before calculating the
3 amount of the regulatory assessment fees due.

4 (6) A utility may request from the Division of the Commission Clerk and
5 Administrative Services either a 15-day extension or a 30-day extension of its due date for
6 payment of regulatory assessment fees or for filing its return. Commission Form PSC/CCA 124
7 Rev. 01/01/05), entitled "Regulatory Assessment Fee Extension Request", is incorporated into
8 this rule by reference and may be obtained from the Commission's Division of the Commission
9 Clerk and Administrative Services.

10 (a) The request for extension will be granted if the utility has applied for the
11 extension within the time required in (b) below and the utility does not have any unpaid
12 regulatory assessment fees, penalties or interest due from a prior period. ~~must be written and~~
13 accompanied by a statement of good cause.

14 (b) The request for extension must be received by the Division of the Commission
15 Clerk and Administrative Services at least two weeks before the due date.

16 (c) Where a utility receives either a 15-day extension or a 30-day extension of its due
17 date pursuant to this rule, the utility shall remit a charge in addition to the regulatory assessment
18 fee set out in Section 350.113, F.S.

19 (7) The delinquency of any amount due to the Commission from the utility pursuant
20 to the provisions of Section 350.113, F.S., and this rule, begins with the first calendar day after
21 any date established as the due date either by operation of this rule or by an extension pursuant to
22 this rule.

23 (a) Pursuant to Section 350.113, F.S., a penalty shall be assessed against any utility
24 that fails to pay its regulatory assessment fee by March 31, in the following manner:

25 1. Five percent of the fee if the failure is for not more than 30 days, with an

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

1 additional five percent for each additional 30 days or fraction thereof during the time in which
2 the failure continues, not to exceed a total penalty of 25 percent.

3 2. The amount of interest to be charged is one percent for each thirty days or fraction
4 hereof, not to exceed a total of 12 percent per annum.

5 (b) In addition to the penalties and interest otherwise provided, the Commission may
6 impose an additional penalty upon a utility for failure to pay regulatory assessment fees in a
7 timely manner in accordance with Section 367.161, F.S.

8 (8) Any utility ~~that~~ which requests and receives an extension of not more than 30
9 days or remits, by the due date, an estimated fee payment of at least 90 percent of the actual fee
10 due shall not be charged interest or penalty on the balance due if paid within the extension
11 period.

12 (9) Any utility ~~that~~ which fails to pay a penalty within 30 days after its assessment by
13 the Commission shall be subject to interest applied to the penalty up to and including the date of
14 payment of the penalty. Such interest shall be compounded monthly, based on the 30-day
15 commercial paper rate for high-grade, unsecured notes sold through dealers by major
16 corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.

17 Specific Authority 350.127(2) FS.

18 Law Implemented 350.113, 367.145, 367.161 FS.

19 History—New 05-18-83, Formerly 25-10.24, Amended 10-16-86, Formerly 25-10.024, Amended
20 11-09-86, 02-08-90, 07-08-96, _____.

21
22 i:\Rule 25-30.120.CTM.DOC

Small Water System 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)

FOR PSC USE ONLY

Check# _____

\$ _____ 0604001
003001

\$ _____ P _____ 0604001
004010

\$ _____ I _____

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

(SYSTEM'S NAME) (ADDRESS) (CITY/STATE) (ZIP)

Florida Public Service Commission Certificate	# _____	# _____	# _____
WATER OPERATING REVENUES:			
1. Unmetered Water Revenues (460)	\$ _____	\$ _____	\$ _____
MEASURED WATER REVENUES			
2. Residential Revenues (461.1)	_____	_____	_____
3. Commercial Revenues (461.2)	_____	_____	_____
4. Industrial Revenues (461.3)	_____	_____	_____
5. Revenues from Public Authorities (461.4)	_____	_____	_____
6. Multiple Family Dwelling Revenues (461.5)	_____	_____	_____
7. TOTAL METERED SALES	\$ _____	\$ _____	\$ _____
FIRE PROTECTION REVENUES			
8. Public Fire Protection (462.1)	_____	_____	_____
9. Private Fire Protection (462.2)	_____	_____	_____
10. TOTAL FIRE PROTECTION REVENUE	\$ _____	\$ _____	\$ _____
11. Other Sales to Public Authorities (464)	_____	_____	_____
12. Sales to Irrigation Customers (465)	_____	_____	_____
13. SALES FOR RESALE (466)	_____	_____	_____
14. Interdepartmental Sales (467)	_____	_____	_____
15. TOTAL WATER SALES (Lines 1+7+10+11+12+13+14)	\$ _____	\$ _____	\$ _____
OTHER WATER REVENUES			
16. Guaranteed Revenues (Include Revenues from A.F.P.I. Charges) (469)	_____	_____	_____
17. Forfeited Discounts (470)	_____	_____	_____
18. Miscellaneous Service Revenues (471)	_____	_____	_____
19. Rents From Water Property (472)	_____	_____	_____
20. Interdepartmental Rents (473)	_____	_____	_____
21. Other Water Revenues (474) Describe:	_____	_____	_____
	_____	_____	_____
22. TOTAL OTHER WATER REVENUES (Lines 16+17+18+19+20+21)	\$ _____	\$ _____	\$ _____
23. TOTAL WATER OPERATING REVENUES*(Lines 15+22)	\$ _____	\$ _____	\$ _____
24. LESS: Expense for Purchased Water From FPSC-Regulated Utility	(_____)	(_____)	(_____)
25. NET WATER OPERATING REVENUES (Line 23 Less Line 24)	_____	_____	_____
26. Regulatory Assessment Fee Due - (Multiply Line 25 by 0.045)	_____	_____	_____
27. LESS: Approved Prior-Period Credit	_____	(_____)	_____
28. NET REGULATORY ASSESSMENT FEE (Line 26 Less Line 27)	_____	\$ _____	_____
29. Penalty for Late Payment	_____	_____	_____
30. Interest for Late Payment	_____	_____	_____
31. TOTAL AMOUNT DUE	_____	\$ _____	_____

*These amounts must agree with Annual Report Schedule F-3
If service was purchased from a regulated utility, please insert its name: _____

AS PROVIDED IN SECTION 350.113, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$25

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 System Official) (Title) (Date)

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

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION

Instructions For Filing Regulatory Assessment Fee Return
(Small Water System)

1. **WHO MUST FILE:** Each small regulated utility under the jurisdiction of the Florida Public Service Commission (Commission) for any part of the 12-month period, January 1 through December 31, preceding the due date as reflected in the following paragraph. A small utility is defined as a utility with annual revenues of less than \$200,000 based on the most recent prior calendar year.
2. **WHEN TO FILE:** To avoid payment of penalties and interest, this Regulatory Assessment Fee Return form must be filed or postmarked before March 31 for the report period January 1 through December 31. However, if March 31 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.
3. **FEES:** Each Commission-regulated system shall pay the presently established percentage (Line 26) of its gross operating revenues derived from intrastate business. (Gross Operating Revenues are defined as the total revenues before expenses.) To assure an accurate recording of your fee payment, it is most important that you identify each certificate number in the appropriate space.
4. **FAILURE TO FILE BY DUE DATE:** 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 29). 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 30).
5. **EXTENSION:** A system may be granted an extension for a period not to exceed 30 days. Such request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/CCA 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 system may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the system 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.

6. **AUTHORITY:** The authority to collect regulatory assessment fees is granted to the Commission by Section 350.113 and 367.145, Florida Statutes.
7. **REGULATORY ASSESSMENT FEE DUE:** Amounts are due and payable to the Commission by March 31. If there are no revenues *OR* if revenues are insufficient to generate a minimum annual fee, remit the minimum fee. 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.
8. **FEE ADJUSTMENTS:** Computation 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. You will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.
9. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed 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

10. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Economic Regulation at (850) 413-6900 or at the above-referenced address, changing the Attention Line.

Large Water System Regulatory Assessment Fee Return

STATUS:
 _____ Actual Return
 _____ Estimated Return

PERIOD COVERED:
 FIELD(3)

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

FIELD(1)

FOR PSC USE ONLY

Check# _____

\$ _____ 0604001
 _____ 003001

\$ _____ P _____ 0604001
 _____ 004010

\$ _____ I _____

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

(SYSTEM'S NAME) (ADDRESS) (CITY/STATE) (ZIP)

Florida Public Service Commission Certificate	# _____	# _____	# _____
WATER OPERATING REVENUES:			
1. Unmetered Water Revenues (460)	\$ _____	\$ _____	\$ _____
MEASURED WATER REVENUES			
2. Residential Revenues (461.1)	_____	_____	_____
3. Commercial Revenues (461.2)	_____	_____	_____
4. Industrial Revenues (461.3)	_____	_____	_____
5. Revenues from Public Authorities (461.4)	_____	_____	_____
6. Multiple Family Dwelling Revenues (461.5)	_____	_____	_____
7. TOTAL METERED SALES	\$ _____	\$ _____	\$ _____
FIRE PROTECTION REVENUES			
8. Public Fire Protection (462.1)	_____	_____	_____
9. Private Fire Protection (462.2)	_____	_____	_____
10. TOTAL FIRE PROTECTION REVENUE	\$ _____	\$ _____	\$ _____
11. Other Sales to Public Authorities (464)	_____	_____	_____
12. Sales to Irrigation Customers (465)	_____	_____	_____
13. SALES FOR RESALE (466)	_____	_____	_____
14. Interdepartmental Sales (467)	_____	_____	_____
15. TOTAL WATER SALES (Lines 1+7+10+11+12+13+14)	\$ _____	\$ _____	\$ _____
OTHER WATER REVENUES			
16. Guaranteed Revenues (Include Revenues from A.F.P.I. Charges) (469)	_____	_____	_____
17. Forfeited Discounts (470)	_____	_____	_____
18. Miscellaneous Service Revenues (471)	_____	_____	_____
19. Rents From Water Property (472)	_____	_____	_____
20. Interdepartmental Rents (473)	_____	_____	_____
21. Other Water Revenues (474) Describe:	_____	_____	_____
22. TOTAL OTHER WATER REVENUES (Lines 16+17+18+19+20+21)	\$ _____	\$ _____	\$ _____
23. TOTAL WATER OPERATING REVENUES*(Lines 15+22)	\$ _____	\$ _____	\$ _____
24. LESS: Expense for Purchased Water From FPSC-Regulated Utility	(_____)	(_____)	(_____)
25. NET WATER OPERATING REVENUES (Line 23 Less Line 24)	_____	_____	_____
26. Regulatory Assessment Fee Due - (Multiply Line 25 by 0.045)	_____	_____	_____
27. LESS: Payment for January 1- June 30 Period	_____	(_____)	_____
28. LESS: Approved Prior-Period Credit	_____	(_____)	_____
29. NET REGULATORY ASSESSMENT FEE (Line 26 Less Line 27)	_____	\$ _____	_____
30. Penalty for Late Payment	_____	_____	_____
31. Interest for Late Payment	_____	_____	_____
32. TOTAL AMOUNT DUE	_____	\$ _____	_____

*These amounts must agree with Annual Report Schedule F-3
 If service was purchased from a regulated utility, please insert its name: _____

AS PROVIDED IN SECTION 350.113, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$25

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 System Official) (Title) (Date)

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

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION

Instructions For Filing Regulatory Assessment Fee Return
(Large Water System)

1. **WHO MUST FILE:** Each large regulated utility under the jurisdiction of the Florida Public Service Commission (Commission) for any part of the six-month periods, January 1 through June 30 and July 1 through December 31, preceding the due date as reflected in the following paragraph. A large utility is defined as a utility with annual revenues of \$200,000 or more based on the most recent prior calendar year.

2. **WHEN TO FILE:** To avoid payment of penalties and interest, this Regulatory Assessment Fee Return form 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.

3. **FEES:** Each Commission-regulated system shall pay the presently established percentage (Line 26) of its gross operating revenues derived from intrastate business. (Gross Operating Revenues are defined as the total revenues before expenses.) To assure an accurate recording of your fee payment, it is most important that you identify each certificate number in the appropriate space.

4. **FAILURE TO FILE BY DUE DATE:** 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 30). 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 31).

5. **EXTENSION:** A system may be granted an extension for a period not to exceed 30 days. Such request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/CCA 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 system may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the system 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.

6. **AUTHORITY:** The authority to collect regulatory assessment fees is granted to the Commission by Section 350.113 and 367.145, Florida Statutes.

7. **REGULATORY ASSESSMENT FEE DUE:** Amounts are due and payable to the Commission by either January 30 or July 30 depending on the reporting period. If there are no revenues OR if revenues are insufficient to generate a minimum annual fee, remit the minimum fee. 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.

8. **FEE ADJUSTMENTS:** Computation 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. You will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.

9. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed 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

10. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Economic Regulation at (850) 413-6900 or at the above-referenced address, changing the Attention Line.

11. **AMOUNT OF REVENUES TO BE REPORTED:** For the January 1 through June 30 reporting period, the amount of gross operating revenues to be reported is for that period. However, for the July 1 through December 31 reporting period, the amount of gross operating revenues to be reported is for the entire 12-month period of January 1 through December 31. After calculating the regulatory assessment fee due for the 12-month period (Line 26), deduct the payment made for the January 1 through June 30 period (Line 27) to determine the TOTAL AMOUNT DUE (Line 32).

Small Wastewater System Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return

PERIOD COVERED:
FIELD(3)

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

FIELD(1)

FOR PSC USE ONLY

Check# _____

_____ 0604002
_____ 000000

\$ _____ P _____ 0604002
_____ 000000

\$ _____ I _____

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

(System's Name) (Address) (City/State) (Zip)

	# _____	# _____	# _____
Florida Public Service Commission Certificate			
WASTEWATER OPERATING REVENUES			
FLAT-RATE REVENUES			
1. Residential Revenues (521.1)	_____	_____	_____
2. Commercial Revenues (521.2)	_____	_____	_____
3. Industrial Revenues (521.3)	_____	_____	_____
4. Revenues from Public Authorities (521.4)	_____	_____	_____
5. Multiple Family Dwelling Revenues (521.5)	_____	_____	_____
6. Other Revenues (521.6)	_____	_____	_____
7. TOTAL FLAT-RATE REVENUES	_____	_____	_____
MEASURED REVENUES			
8. Residential Revenues (522.1)	_____	_____	_____
9. Commercial Revenues (522.2)	_____	_____	_____
10. Industrial Revenues (522.3)	_____	_____	_____
11. Revenues from Public Authorities (522.4)	_____	_____	_____
12. Multiple Family Dwelling Revenues (522.5)	_____	_____	_____
13. TOTAL MEASURED REVENUES	_____	_____	_____
14. Revenues from Public Authorities (523)	_____	_____	_____
15. Revenues from Other Systems (524)	_____	_____	_____
16. Interdepartmental Revenues (525)	_____	_____	_____
17. TOTAL (Lines 7+13+14+15+16)	_____	\$ _____	_____
OTHER WASTEWATER REVENUES			
18. Guaranteed Revenues (Include Revenues from A.F.P.I. Charges (530)	_____	_____	_____
19. Sales of Sludge (531)	_____	_____	_____
20. Forfeited Discounts (532)	_____	_____	_____
21. Rents From Wastewater Property (534)	_____	_____	_____
22. Interdepartmental Rents (535)	_____	_____	_____
23. Other Wastewater Revenues (536) Describe:	_____	_____	_____
24. TOTAL OTHER WASTEWATER REVENUES (Lines 18+19+20+21+22+23)	_____	_____	_____
25. TOTAL WASTEWATER OPERATING REVENUES* (Lines 17+24)	_____	\$ _____	_____
26. LESS: Expense for Purchased Wastewater Treatment from FPSC-Regulated Utility	_____	(_____)	(_____)
27. NET WASTEWATER OPERATING REVENUES (Line 25 less Line 26)	_____	_____	_____
28. Regulatory Assessment Fee Due – (Multiply Line 27 by 0.045)	_____	_____	_____
29. LESS: Approved Prior-Period Credit	_____	_____	_____
30. NET REGULATORY ASSESSMENT FEE (Line 28 Less Line 29)	_____	_____	_____
31. Penalty for Late Payment	_____	_____	_____
32. Interest for Late Payment	_____	_____	_____
33. TOTAL AMOUNT DUE	_____	_____	_____

*These amounts must agree with Annual Report Schedule F-3

If service was purchased from a regulated utility, please insert its name: _____

AS PROVIDED IN SECTION 350.113, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$25

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 System Official) (Please Print Name)

(Title)

(Date)

Telephone Number () Fax Number ()

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Small Wastewater System)

1. **WHO MUST FILE:** Each small regulated system under the jurisdiction of the Florida Public Service Commission (Commission) for any part of the 12-month period, January 1 through December 31, preceding the due date as reflected in the following paragraph. A small utility is defined as a utility with annual revenues of less than \$200,000 based on the most recent prior calendar year.
2. **WHEN TO FILE:** To avoid payment of penalties and interest, this Regulatory Assessment Fee Return form must be filed or postmarked before March 31 for the report period January 1 through December 31. However, if March 31 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.
3. **FEES:** Each Commission-regulated system shall pay the presently established percentage (Line 28) of its gross operating revenues derived from intrastate business. (Gross Operating Revenues are defined as the total revenues before expenses.) To assure an accurate recording of your fee payment, it is most important that you identify each certificate number in the appropriate space.
4. **FAILURE TO FILE BY DUE DATE:** 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 31). 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 32).
5. **EXTENSION:** A utility may be granted an extension for a period not to exceed 30 days. Such request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/CCA 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.
6. **AUTHORITY:** The authority to collect regulatory assessment fees is granted to the Commission by Section 350.113 and 367.145, Florida Statutes
7. **REGULATORY ASSESSMENT FEE DUE:** Amounts are due and payable to the Commission by March 31. If there are no revenues *OR* if revenues are insufficient to generate a minimum annual fee, remit the minimum fee. 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.
8. **FEE ADJUSTMENTS:** Computation 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. You will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.
9. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed 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

10. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Economic Regulation at (850) 413-6900 or at the above-referenced address, changing the Attention Line.

Large Wastewater System 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)

FOR PSC USE ONLY

Check# _____

\$ _____ 0604002
000000

\$ _____ P 0604002
000000

\$ _____ I

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

_____ (System's Name) _____ (Address) _____ (City/State) _____ (Zip)

	# _____	# _____	# _____
Florida Public Service Commission Certificate			
WASTEWATER OPERATING REVENUES			
FLAT-RATE REVENUES			
1. Residential Revenues (521.1)	\$ _____	\$ _____	\$ _____
2. Commercial Revenues (521.2)	_____	_____	_____
3. Industrial Revenues (521.3)	_____	_____	_____
4. Revenues from Public Authorities (521.4)	_____	_____	_____
5. Multiple Family Dwelling Revenues (521.5)	_____	_____	_____
6. Other Revenues (521.6)	_____	_____	_____
7. TOTAL FLAT-RATE REVENUES	\$ _____	\$ _____	\$ _____
MEASURED REVENUES			
8. Residential Revenues (522.1)	_____	_____	_____
9. Commercial Revenues (522.2)	_____	_____	_____
10. Industrial Revenues (522.3)	_____	_____	_____
11. Revenues from Public Authorities (522.4)	_____	_____	_____
12. Multiple Family Dwelling Revenues (522.5)	_____	_____	_____
13. TOTAL MEASURED REVENUES	\$ _____	\$ _____	\$ _____
14. Revenues from Public Authorities (523)	_____	_____	_____
15. Revenues from Other Systems (524)	_____	_____	_____
16. Interdepartmental Revenues (525)	_____	_____	_____
17. TOTAL (Lines 7+13+14+15+16)	\$ _____	\$ _____	\$ _____
OTHER WASTEWATER REVENUES			
18. Guaranteed Revenues (Include Revenues from A.F.P.I. Charges (530)	_____	_____	_____
19. Sales of Sludge (531)	_____	_____	_____
20. Forfeited Discounts (532)	_____	_____	_____
21. Rents From Wastewater Property (534)	_____	_____	_____
22. Interdepartmental Rents (535)	_____	_____	_____
23. Other Wastewater Revenues (536) Describe:	_____	_____	_____
24. TOTAL OTHER WASTEWATER REVENUES	\$ _____	\$ _____	\$ _____
(Lines 18+19+20+21+22+23)			
25. TOTAL WASTEWATER OPERATING REVENUES* (Lines 17+24)	\$ _____	\$ _____	\$ _____
26. LESS: Expense for Purchased Wastewater Treatment from FPSC-Regulated Utility	(_____)	(_____)	(_____)
27. NET WASTEWATER OPERATING REVENUES (Line 25 less Line 26)	_____	_____	_____
28. Regulatory Assessment Fee Due - (Multiply Line 27 by 0.045)	_____	_____	_____
29. LESS: Payment for January 1 - June 30 Period	_____	(_____)	(_____)
30. LESS: Approved Prior-Period Credit	_____	(_____)	(_____)
31. NET REGULATORY ASSESSMENT FEE (Line 28 Less Line 29)	_____	_____	_____
32. Penalty for Late Payment	_____	_____	_____
33. Interest for Late Payment	_____	_____	_____
34. TOTAL AMOUNT DUE	_____	\$ _____	_____

*These amounts must agree with Annual Report Schedule F-3
 If service was purchased from a regulated utility, please insert its name: _____

AS PROVIDED IN SECTION 350.113, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$25

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 System Official) _____ (Title) _____ (Date)
 _____ (Please Print Name) Telephone Number () _____ Fax Number () _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Large Wastewater System)

1. **WHO MUST FILE:** Each large regulated system under the jurisdiction of the Florida Public Service Commission (Commission) for any part of the 12-month period, January 1 through December 31, preceding the due date as reflected in the following paragraph. A large utility is defined as a utility with annual revenues of \$200,000 or more based on the most recent prior calendar year.
2. **WHEN TO FILE:** To avoid payment of penalties and interest, this Regulatory Assessment Fee Return form 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.

3. **FEES:** Each Commission-regulated system shall pay the presently established percentage (Line 28) of its gross operating revenues derived from intrastate business. (Gross Operating Revenues are defined as the total revenues before expenses.) To assure an accurate recording of your fee payment, it is most important that you identify each certificate number in the appropriate space.
4. **FAILURE TO FILE BY DUE DATE:** 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 32). 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 33).
5. **EXTENSION:** A utility may be granted an extension for a period not to exceed 30 days. Such request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/CCA 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.

6. **AUTHORITY:** The authority to collect regulatory assessment fees is granted to the Commission by Section 350.113 and 367.145, Florida Statutes.
7. **REGULATORY ASSESSMENT FEE DUE:** Amounts are due and payable to the Commission by either January 30 or July 30 depending on the reporting period. If there are no revenues *OR* if revenues are insufficient to generate a minimum annual fee, remit the minimum fee. 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.
8. **FEE ADJUSTMENTS:** Computation 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. You will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.
9. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed 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

10. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Economic Regulation at (850) 413-6900 or at the above-referenced address, changing the Attention Line.
11. **AMOUNT OF REVENUES TO BE REPORTED:** For the January 1 through June 30 reporting period, the amount of gross operating revenues to be reported is for that period. However, for the July 1 through December 31 reporting period, the amount of gross operating revenues to be reported is for the entire 12-month period of January 1 through December 31. After calculating the regulatory assessment fee due for the 12-month period (Line 28), deduct the payment made for the January 1 through June 30 period (Line 29) to determine the TOTAL AMOUNT DUE (Line 34).

FLORIDA PUBLIC SERVICE COMMISSION
(Type of Industry)
REGULATORY ASSESSMENT FEE EXTENSION REQUEST

_____ (Utility) _____ (Utility Code) (FEID No.)

Mailing Address: _____

This is to request an extension for filing the Regulatory Assessment Fee Return for the above-named utility for the period indicated below:

PERIOD _____ (Month) _____ (Day) - _____ (Month) _____ (Day) , _____ (Year)

___ 15 days to _____ (Month) _____ (Day) , _____ (Year)

___ 30 days to _____ (Month) _____ (Day) , _____ (Year)

_____ (Signature)

_____ (Date)

_____ (Title)

() _____ (Telephone Number)

() _____ (FAX Number)

NOTE TO UTILITY

- Your Regulatory Extension Fee Request form must be filed and received by the Florida Public Service Commission at the address referenced below **AT LEAST TWO WEEKS before the payment due date of** _____ (Month) _____ (Day) , _____ (Year) . Once your request is received, you will be notified by fax (or by mail when a faxed number is not provided) indicating that your request was approved or denied. **THIS IS NOT AN AUTOMATIC EXTENSION, THEREFORE YOU MUST RECEIVE APPROVAL FROM THE COMMISSION IN ORDER TO RECEIVE AN EXTENSION.**
- If an extension of **15 days or less is approved**, 0.75% of the fee is to be included when making payment.
- If an extension of **16 to 30 days is approved**, 1.5% of the fee is to be included when making payment.

FOR PUBLIC SERVICE COMMISSION USE ONLY	
Request Approved	_____
Request Denied	_____
___	The 200___ Regulatory Assessment Fee has not been received.
___	The 200___ Regulatory Assessment Fee was delinquent. Prior penalty and/or interest has not been received for your 200___ Regulatory Assessment Fee.
___	The request was received too late for processing.
APPROVED BY:	_____ (Date)
	_____ (Fiscal Services Section Supervisor)

IF YOU HAVE QUESTIONS, PLEASE CONTACT A STAFF MEMBER OF THE FISCAL SERVICES SECTION AT EITHER (850) 413-6267 - FAX (850) 413-6268 OR (850) 413-6275 - FAX (850) 413-6276; OR WRITE TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, FISCAL SERVICES SECTION, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 21, 2004
TO: Office of General Counsel (Moore)
FROM: Division of Economic Regulation (Hewitt) *BA*
RE: Statement of Estimated Regulatory Costs for Proposed Amendments to Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities

SUMMARY OF THE RULE

Currently, all water and wastewater utilities are required to pay their regulatory assessment fee (RAF) annually by March 31st on gross revenue earned the previous year. The Proposed Amendments to Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities, would implement new legislation, in section 367.145(1), Florida Statutes, that requires large water and wastewater utilities to pay their RAF semi-annually. The RAF would be due on July 31st and January 30th of each year for the previous six month period.

ESTIMATED NUMBER OF ENTITIES REQUIRED TO COMPLY AND GENERAL DESCRIPTION OF INDIVIDUALS AFFECTED

There are 59 large water and wastewater companies certified by the Commission. These "large" utilities each have at least \$200,000 per year in revenues.

RULE IMPLEMENTATION AND ENFORCEMENT COST AND IMPACT ON REVENUES FOR THE AGENCY AND OTHER STATE AND LOCAL GOVERNMENT ENTITIES

The Commission would benefit by receiving RAFs in a more timely manner that better matches the expenditures for utility regulation. There would be a slight increase in staff time to handle the paperwork associated with the additional RAF payments but the amount would be minimal. Forms also had to be revised/created to differentiate between large and small utilities. Also, a form is being added that would standardize the requests for extensions of time to pay the RAF. There would be no impact on FPSC revenues as the same amount of RAFs would be paid in two installments rather than one. The RAF funds deposited with the state do not earn the Commission interest.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES

There would be a reduction in the available cash on hand for the large utilities which would have to remit their RAF for the first six months of the year eight months earlier. For a utility which has \$200,000 a year revenues, the RAF would be due based on \$100,000 (assuming a proportional income stream) of revenues, on July 31st. Approximately 2% per year for a certificate of deposit, equal to \$60 for the eight month period, could be earned on the \$4,500 of RAF, August to March, and \$15 for the two month period February to March, or \$75 for every \$200,000 in revenues. Ratepayers, who ultimately pay for regulatory expenses, would bear the burden for the lost interest in a subsequent rate case.

IMPACT ON SMALL BUSINESSES, SMALL CITIES, OR SMALL COUNTIES

There should be no impacts on small businesses, small cities, or small counties.

CH:kb

cc: Mary Andrews Bane
Chuck Hill
John Slemkewicz
Hurd Reeves

SERC Summary

The proposed rule amendments would implement new legislation that requires large water and wastewater utilities to pay their RAF semi-annually. Large utilities, those with revenues of at least \$200,000, would lose approximately \$75 per \$200,000 in revenue per year in interest from paying their RAF earlier.