

ORIGINAL

NOTICE OF PROPOSED RULE DEVELOPMENT
FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: RULE NO.:

Regulatory Assessment Fees; Telecommunications Companies 25-4.0161

PURPOSE AND EFFECT: The purpose of the rule amendment is to streamline the process of Regulatory Assessment Fee (RAF) collections by codifying the penalty amount and defining when a penalty will be imposed upon a certificated or registered telecommunications company that fails to pay RAF. The changes should reduce the Commission's cost of collecting RAFs and ensure all certificated and registered companies are treated consistently.

SUBJECT AREA TO BE ADDRESSED: Delinquent Regulatory Assessment Fees.

SPECIFIC AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 350.113, 364.285, 364.336, FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO CHRISTIANA T.

CMP MOORE, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK BLVD.,

COM TALLAHASSEE, FL 32399-0850.

CTR Any person requiring some accommodation at this workshop because of a physical

ECR impairment should call the Division of the Commission Clerk and Administrative Services at

OPC (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech

MMS impaired should contact the Florida Public Service Commission by using the Florida Relay

RCA Service, which can be reached at: 1-800-955-8771 (TDD).

SCR

SEC

OTH

DOCUMENT NUMBER-DATE

02356 MAR-9 98

FPSC-COMMISSION CLERK

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 2

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, RKennedy@psc.state.fl.us, 413-6584.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) – (8) No change.

(9) The Division of the Commission Clerk and Administrative Services shall send by certified mail a regulatory assessment fee delinquency notice to any company that fails to file a regulatory assessment fee return and that fails to pay the regulatory assessment fee by the date specified in subsection (2), unless the company has met the requirements of subsections (6) and (7).

(10) If a company fails to pay the regulatory assessment fee within 15 days after receiving a delinquency notice, the Division, in cooperation with the Division of Competitive Markets and Enforcement and the Office of General Counsel, will establish a docket and administratively issue a Notice of Proposed Agency Action Order Imposing Penalties and Collection Costs, and Requiring Payment of Delinquent Regulatory Assessment Fees, or Cancelling Certificates or Removing From the Register for Violation of Rule 25-4.0161, Florida Administrative Code, and Section 364.336, Florida Statutes. The company must pay the past due regulatory assessment fees, the penalty and interest for late payment as provided in Section 350.113, Florida Statutes, and as stated in subsection (8) above, and must also pay the applicable penalty stated in subsection (11) for failure to file the regulatory assessment fee return.

(11) Pursuant to Section 364.285, Florida Statutes, the Commission has the authority to impose a penalty or cancel a certificate or registration if a company refuses to comply with Commission rules, orders, or Florida Statutes. The penalty, which will include collection costs, for failure to file the regulatory assessment fee return by the date stated in the delinquency notice shall be as follows:

(a) First violation – \$500

(b) Second violation – \$1,000

(c) Third violation – \$2,000

Failure of the company to pay the full amount due and stated in the Notice of Proposed Agency Action will result in the cancellation of the company's Certificate of Public Convenience and Necessity, or will result in the cancellation of the company's tariff and removal of its name from the Commission's register, whichever is applicable.

(12) For a company's fourth failure to pay the regulatory assessment fee after being sent a delinquency notice, Commission staff shall file a recommendation to the Commission for further action.

(13) A company that reapplies for a Certificate of Public Convenience and Necessity, or refiles for registration, must pay all prior unpaid regulatory assessment fees, plus the penalty and interest defined in subsection (8), and any prior unpaid penalty assessed in accordance with subsection (10).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 364.285, 364.336 FS.

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 4

History--New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-
95, 7-7-96, 11-11-99, 12-7-04 _____

I:\FAW-notices\Ruledev0161.doc

Submit FAW Notices

Step 5: Acknowledgement of Submittal

The Administrative Code and Weekly Unit has received your notice for publication in the FAW.

A confirmation number has been provided below which may be used to reference this submittal in any communications with the Unit. Use the your browser *Print* button or the *Print this Acknowledgement* button at the bottom of this page to generate a receipt for your records. A record of this transmittal will be maintained for approximately 30 days and may be accessed from the 'Submittal Listing' item in the FAW Online menu on the left of this page.

Confirmation No	Rule3436
Submitted On	3/9/2005 10:47:39 AM
FAW Pub Date	3/18/2005
Volume/Number	31/11
Notice Section	Rule Development
Payment Method	Blanket Purchase Order
PO #	015827
Department	Public Service Commission
Division	
Organization	
SAMAS Account	
Billing Address	2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850
Contact	Rose Thompson 850-413-6770 rthomps0@psc.state.fl.us
Submitted File	I:\FAW-notices\Ruledev\0161.doc
Notice Text	
Comments	

[Print this Acknowledgement](#)