

ORIGINAL

NOTICE OF PROPOSED RULEMAKING  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050378-TP

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.

SUMMARY: The rule amendment codifies the procedures to be followed and the penalty amounts to be imposed for a telecommunications company's filing of a regulatory assessment fee return after the due date and after the company has received a delinquency notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is anticipated that implementation of the rule will result in a decrease in enforcement costs for collection of delinquent RAFs. 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

DMP \_\_\_\_\_ do so in writing within 21 days of this notice.

COM \_\_\_\_\_ SPECIFIC AUTHORITY: 350.127(2), FS

CTR \_\_\_\_\_  
ECR \_\_\_\_\_ LAW IMPLEMENTED: 350.113, 364.285, 364.336, FS

GCL \_\_\_\_\_ WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE

OPC \_\_\_\_\_  
MMS \_\_\_\_\_ SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND

RCA \_\_\_\_\_ ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR

SCR \_\_\_\_\_ INCLUSION IN THE RECORD OF THE PROCEEDING.

SEC   1  

OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE(S) IS:

Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245, cmoore@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) thru (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 of the Commission Clerk and Administrative Services, 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.

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, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: July 19, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 31, Number 11, March 18, 2005

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 the Commission Clerk and Administrative Services 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).

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.

<b>Confirmation No</b>	<b>Proposed2603</b>
Submitted On	7/20/2005 9:29:29 AM
FAW Pub Date	7/29/2005
Volume/Number	31/30
Notice Section	Proposed Rules
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 rthomps@psc.state.fl.us
Submitted File	I:\FAW-notices\050378tp.doc
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