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Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-6.0131: Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives

PURPOSE AND EFFECT: Rule 25-6.0131 would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly.

Docket No. 130033-PU

SUMMARY: Rule 25-6.0131 requires Commission-regulated electric companies, including investor-owned utilities, municipal utilities, and rural cooperatives, to remit regulatory assessment fees based upon their gross operating revenues. The rule amendment would include directives for the filing of either a 15-day or a 30-day extension of the due date for the payment of regulatory assessment fees or regulatory assessment fee return form due date, and would provide that requests for extension will not be granted if the company has any unpaid regulatory assessment fees, penalties, or interest due from a prior period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05, FS

LAW IMPLEMENTED: 350.113, 366.14, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0131 Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives.

(1) - (2) No change.

(3) If the due date falls on a Saturday, Sunday, or a holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administrative and Information

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Technology Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(4) Commission Form PSC/AFD 68 (Rev. 04/13) PSC/ECR 68 (01/99), entitled "Investor-Owned Electric Utility Regulatory Assessment Fee Return" is available at: (hyperlink); Form PSC/AFD 69 (Rev. 04/13) PSC/ECR 69 (07/96), entitled "Municipal Electric Utility Regulatory Assessment Fee Return" is available at: (hyperlink); and Form PSC/AFD 70 (Rev. 04/13) PSC/ECR 70 (07/96), entitled "Rural Electric Cooperative Regulatory Assessment Fee Return" is available at: (hyperlink). These forms are incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative and Information Technology Services. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory assessment fees.

(5) – (6) No change.

(7) A company may request ~~from the Division of Administrative Services~~ either a 15-day or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form by submitting to the Division of Administrative and Information Technology Services Commission Form PSC/AIT 124 (Rev. 04/13) entitled "Regulatory Assessment Fee Extension Request," which is incorporated into this rule by reference and is available at: (hyperlink). This form may also be obtained from the Commission's Division of Administrative and Information Technology Services.

~~(a) The request for extension must be received by the Division of Administrative and Information Technology Services at least two weeks before the due date. The request for extension must be written and accompanied by a statement of good cause.~~

~~(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.~~

~~(c) Where a company, utility, or cooperative receives an extension of its due date pursuant to this rule, then the entity shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee, as set out in Section 350.113, F.S.~~

(8) No change.

*Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 350.113, 366.14 FS. History—New 5-18-83, Amended 2-9-84, Formerly 25-6.131, Amended 6-18-86, 10-16-86, 3-7-89, 2-19-92, 7-7-96, 1-1-99, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 30, July 27, 2012

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**Notices Submitted to/Confirmed by Administrative Code & Register Staff**

Notices Confirmed by ACR

**Notices Submitted to ACR**

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
<a href="#">12666471</a>	25-30.120	Regulatory Assessment Fees; Water and Wastewater Utilities	Proposed	2/20/2013 Vol. 39/35	2/19/2013
<a href="#">12666180</a>	25-7.0131,...	Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, Regulatory Assessment Fees	Proposed	2/20/2013 Vol. 39/35	2/19/2013
 <a href="#">12665695</a>	25-6.0131	Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives	Proposed	2/20/2013 Vol. 39/35	2/19/2013
<a href="#">12663076</a>	2/19/2013	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/20/2013 Vol. 39/35	2/18/2013
<a href="#">12662203</a>	2/19/2013	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/20/2013 Vol. 39/35	2/18/2013

**Notices Confirmed by ACR**

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
None					

[Back to Agency Home](#)