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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.0131: Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts

25-7.101: Regulatory Assessment Fees

PURPOSE AND EFFECT: Rules 25-7.0131 and 25-7.101 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: Rules 25-7.0131 and 25-7.101 require Commission-regulated gas utilities, gas municipals, gas districts, and natural gas transmission companies, to remit regulatory assessment fees based upon their gross operating revenues. The rule amendments 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. The amendment to Rule 25-7.101 would also specify how to request an extension of the due date for payment of the fees, and penalties and interest to be applied to delinquent payments.

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, 368.104, FS

LAW IMPLEMENTED: 350.113, 366.14, 368.109, 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:

25-7.0131 Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts.

(1) As applicable and as provided in Sections 350.113 and 366.14, F.S., each gas utility, municipal, or gas district shall remit a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$25 shall be imposed.

(a) Each investor-owned gas utility shall pay a regulatory assessment fee in the amount of .005 of its gross operating revenue derived from intrastate business, excluding sales for resale between public utilities, municipal gas utilities, and gas districts or any combination thereof.

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(b) Each municipal or gas district shall pay a regulatory assessment fee in the amount of 0.001919 of its gross operating revenue derived from intrastate business, excluding sales for resale between public utilities, municipal gas utilities, and gas district or any combination thereof.

(2) Regulatory assessment fees are due each January 30 for the preceding period or any part of the period from July 1 until December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30.

(3) If the due date falls on a Saturday, Sunday, or a legal 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 and 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 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 67 (Rev. 04/13) PSC/ECR-67 (01/99), entitled "Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return" is available at: [\(hyperlink\)](#) and Form PSC/AFD 71 (Rev. 04/13) PSC/ECR-71 (07/96), entitled "Gas Municipal or Gas District 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) Each utility, municipal, and gas district shall have up to and including the due date in which to:

(a) Remit the total amount of its fee or

(b) Remit an amount which the utility, municipal, or gas district estimates is its full fee.

(6) Where the utility, municipal, or gas district remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by paragraph (8)(b) of this rule.

(7) A utility, municipal, or gas district 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 utility, municipal, or gas district receives an extension of its due date pursuant to this rule, then the utility, municipal, or gas district 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) The delinquency of any amount due to the Commission from the utility, municipal, or gas district pursuant to the provisions of Section 350.113, F.S., and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

(a) A penalty, as set out in Section 350.113, F.S., shall apply to any such delinquent amounts.

(b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

Rulemaking Specific Authority 350.127(2), 366.05, 366.14 FS. Law Implemented 350.113, 366.14 FS. History—New 5-18-83, Formerly 25-7.131, Amended 10-19-86, 4-25-90, 7-7-96, 1-1-9, _____.

25-7.101 Regulatory Assessment Fees; Natural Gas Transmission Companies.

(1) As provided in Section 368.109, F.S., each natural gas transmission company shall pay a regulatory assessment fee. The regulatory assessment fee shall be 0.25 percent annually of the natural gas transmission company's gross operating revenue derived from intrastate business, excluding sales of gas for resale to natural gas transmission companies, public utilities that supply gas, municipal gas utilities and gas districts.

(2) Regulatory assessment fees are due each January 30 for the preceding 6 month period or any part of the period from July 1 until December 31, and on July 30 for the preceding 6 month period or any part of the period from January 1 until June 30.

(3) If the due date falls on a Saturday, Sunday, or a legal 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 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 244 (Rev. 04/13) PSC/ECR 244 (2/98), entitled "Natural Gas Transmission Pipeline Company Regulatory Assessment Fee Return" 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. 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) Each natural gas transmission company shall have up to and including the due date in which to remit the total amount of its fee.

(6) Where the natural gas transmission company remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by paragraph (8)(b) of this rule. The delinquency of any amount due to the Commission from the company, pursuant to the provisions of Section 368.109, F.S., and this rule, begins with the first calendar day after any date established as the due date by operation of this rule.

(7) A company may request 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 Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report.

(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.

(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.

(c) Where a utility receives either a 15-day or a 30-day extension of its due date pursuant to this rule, the utility shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee.

(8) The delinquency of any amount due to the Commission from the company, pursuant to the provisions of Section 368.109, F.S., and this rule, begins with the first calendar day after any date established as the due date by operation of this rule.

(a) A penalty, as set out in Section 350.113, F.S., shall apply to any such delinquent amounts.

(b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

Rulemaking Specific Authority 350.127(2), 368.104 FS. Law Implemented 350.113, 368.109, 368.114 FS. History—New 9-13-98, _____.

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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ID	Rule No./ Organization	Rule Title	Section	Issue	Date
12666471	25-30.120	Regulatory Assessment Fees; Water and Wastewater Utilities	Proposed	2/20/2013 Vol. 39/35	2/19/2013
✓ 12666180	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
12665695	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
12663076	2/19/2013	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/20/2013 Vol. 39/35	2/18/2013
12662203	2/19/2013	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/20/2013 Vol. 39/35	2/18/2013

Notices Confirmed by ACR

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None					

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