

STATE OF FLORIDA

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KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 16, 2024

Matthew Hargreaves
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399
RuleAdoptions@DOS.MyFlorida.com

VIA E-MAIL

Re: Rule Certification Packet for Rule 25-6.0131, F.A.C.

Dear Mr. Hargreaves:

Enclosed for filing is a complete rule certification packet for Rule 25-6.0131, F.A.C., consisting of:

- (1) One copy of the coded text of the rule in Word version;
- (2) One copy of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically.
- (3) One copy of the signed rule certification form;
- (4) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One copy of the coded text of the rule, including the legal citations and history notes;
- (6) One copy of the summary of the rule;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One copy of the summary of the hearings held on the rule.

The rule is to be effective on April 1, 2024.

Please let me know if you have any questions. The contact name and information for this rule are Jon Rubottom, Office of General Counsel, c/o Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6199, jrubotto@psc.state.fl.us.

Sincerely,



Jon Rubottom
Senior Attorney

Enclosures

cc: Office of the Commission Clerk (Docket No. 20230115-EU)

Janet Cayson

From: FL-Rules@dos.state.fl.us
Sent: Tuesday, February 13, 2024 10:03 AM
To: Janet Cayson
Cc: flrules@dos.state.fl.us
Subject: 25-6.0131 Reference Material for Rule Adoption Approved

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear JCayson:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0131

Reference Number: Ref-16449; Reference Name: Form PSC/ECO 68, Investor-Owned Electric Utility Regulatory Assessment Fee Return

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Janet Cayson

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Rule Number: 25-6.0131

Reference Number: Ref-16450; Reference Name: Form PSC/ECO 69, Municipal Electric Utility Regulatory Assessment Return

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

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Rule Number: 25-6.0131

Reference Number: Ref-16448; Reference Name: Form PSC/ECO 70, Rural Electric Cooperative Regulatory Assessment Fee Return

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-6.0131	
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Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date: April 1, 2024



Signature, Person Authorized to Certify Rules

Commission Clerk

Title

3

Number of Pages Certified

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code, that materials incorporated by reference in Rule 25-6.0131 have been:

(1) Filed through the Department of State's e-rulemaking website at www.flrules.org.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials as described in option (1) above, a true and complete copy of the incorporated materials has been provided to the Department of State as outlined in paragraph 1-1.013(5)(c), F.A.C. Copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form numbers and form titles, or title of documents below:

Form PSC/ECO 68 (01/24) Investor-Owned Electric Utility Regulatory Assessment Fee Return

Form PSC/ECO 69 (01/24) Municipal Electric Utility Regulatory Assessment Fee Return

Form PSC/ECO 70 (01/24) Rural Electric Cooperative Regulatory Assessment Fee Return

Under the provisions of Section 120.54(3)(e)6., F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Signature, Person Authorized to Certify Rules

Clerk

Title

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No. 25-6.0131

Rules covered by this certification:

Rule No. 25-6.0131



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

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

(1) As applicable and as provided in Section 350.113, F.S., and Section 366.14, F.S., each company, utility, or cooperative shall remit to the Commission 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, utility, or cooperative, a minimum annual regulatory assessment fee of \$25 shall be imposed.

(a) Each investor-owned electric company shall pay a regulatory assessment fee in the amount of 0.000848 ~~.00072~~ of its gross operating revenues derived from intrastate business, excluding sales for resale between investor-owned electric companies ~~public utilities~~, municipal electric utilities, and rural electric cooperatives or any combination thereof.

(b) Each municipal electric utility and rural electric cooperative shall pay a regulatory assessment fee in the amount of 0.00009905 ~~0.00015625~~ of its gross operating revenues derived from intrastate business, excluding sales for resale between investor-owned electric companies ~~public utilities~~, municipal electric utilities, and rural electric cooperatives 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 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/ECO PSC/AFD 68 (01/24) (01/99), entitled “Investor-Owned Electric Utility Regulatory Assessment Fee Return₁”; is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16449>
~~http://www.flrules.org/Gateway/reference.asp?No=Ref-02610~~; Commission Form PSC/ECO PSC/AFD 69 (01/24) (07/96), entitled “Municipal Electric Utility Regulatory Assessment Fee Return₁” is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16450>
~~http://www.flrules.org/Gateway/reference.asp?No=Ref-02611~~; and Commission Form PSC/ECO PSC/AFD 70 (01/24) (07/96), entitled “Rural Electric Cooperative Regulatory Assessment Fee Return₁” is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16448>
~~http://www.flrules.org/Gateway/reference.asp?No=Ref-02612~~. These forms are incorporated into this rule by reference and may be also be obtained from the Commission’s Division of Administrative and Information Technology Services. The failure of a company, utility, or cooperative to receive a return form shall not excuse the company, utility, or cooperative from its obligation to timely remit the regulatory assessment fees.

(5) Each company, utility, or cooperative 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 company, utility, or cooperative estimates is its full fee.

(6) Where the company, utility, or cooperative 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 company, utility, or cooperative 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 (12/11)₂, entitled “Regulatory Assessment Fee Extension Request,” which is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02620>. 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.

(b) The request for extension will not be granted if the company, utility, or cooperative has any unpaid regulatory assessment fees, penalties, or interest due from a prior period.

(c) Where a company, utility, or cooperative receives an extension of its due date pursuant to this rule, the entity 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, utility, or cooperative 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(4), 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.

PROPOSED EFFECTIVE DATE: April 1, 2024

Rulemaking 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, 5-7-13,

_____.

SUMMARY OF THE RULE

Rule 25-6.0131, F.A.C., implements the Commission's statutory mandate to collect a regulatory assessment fee from each regulated electric company under its jurisdiction as required by law. Specifically, the rule establishes filing requirements and a rate at which the fee should be calculated for investor-owned electric companies, municipal electric utilities, and rural electric cooperatives. The rule amendments update the regulatory assessment fee rate for electric utilities to accurately reflect the cost of regulation. The rate for investor-owned electric companies will change from 0.00072 to 0.000848, and the rate for municipal electric utilities and rural electric cooperatives will change from 0.00015625 to 0.00009905. Other amendments update the rule language for clarity and consistency. The rule will become effective on April 1, 2024.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule amendments are designed to address a projected deficit in the Commission's revenues from investor-owned electric companies and a projected surplus in revenues from municipal electric utilities and rural electric cooperatives. The amendments will allow the Commission's revenue to accurately reflect the cost of regulating each industry as required by law.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 16, 2024

Jon Rubottom, Esq.
Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Dear Jon Rubottom:

Your adoption package for Rule 25-6.0131, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 9:19 a.m. on February 16, 2024. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is April 1, 2024.

Sincerely,

Matthew J. Hargreaves
Administrative Code and Register Director

MJH/al

Leijon, Alexandra

From: Jon Rubottom <JRubotto@psc.state.fl.us>
Sent: Friday, February 16, 2024 9:19 AM
To: RuleAdoptions
Cc: Samantha Cibula
Subject: Rule Certification Packet for Rule 25-6.0131, F.A.C.
Attachments: DOS Rule Certification Packet for Adoption [25-6.0131].pdf; Copy of Rule 25-6.0131 Coded Text in Word file.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good morning:

Please see the rule certification materials for Rule 25-6.0131, F.A.C., attached to this email. The PDF file contains the complete Rule Certification Packet, and the Word document is a copy of the coded text of the rule. I await your email confirming receipt of these documents.

Thank you,

Jon Rubottom

Senior Attorney
Appeals, Rules & Ethics Section
Office of the General Counsel
Florida Public Service Commission
Email: JRubotto@psc.state.fl.us
Phone: (850) 413-6191



PLEASE NOTE: Florida has broad public records laws. Written communications to or from the Florida Public Service Commission may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.



Senator Blaise Ingoglia, Chair
Representative Tobin Rogers "Toby" Overdorf, Vice Chair
Senator Colleen Burton
Senator Erin Grall
Senator Rosalind Osgood
Senator Darryl Ervin Rouson
Representative Shane G. Abbott
Representative Jervonte "Tae" Edmonds
Representative Alina Garcia
Representative Yvonne Hayes Hinson
Representative Joel Rudman, M.D.



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-6.0131
File Control No: 192354

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 2/16/2024

This certification expires after: 2/23/2024

Certifying Attorney: Jamie Jackson

NOTE:

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*