

State of Florida

Commissioners:
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DIVISION OF APPEALS
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ORIGINAL
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Public Service Commission

June 10, 1996

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 960366-PU, Proposed Amendment to Rules 25-4.0161, 25-6.0131, 25-7.0131 and 25-30.120, F.A.C., Relating to Regulatory Assessment Fees

Dear Mr. Webb:

The Commission has approved the adoption of amendments to Rules 25-4.0161, 25-6.0131, 25-7.0131 and 25-30.120, F.A.C., without changes.

The rule does not have an impact on small business.

Sincerely,

Diana W. Caldwell
Diana W. Caldwell
Associate General Counsel

- WACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR ADPTFEES MRD _____
- EAG cc: Enclosure _____
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1 25-4.0161 Regulatory Assessment Fees; Telecommunications
2 Companies.

3 (1) As applicable and as provided in s. 350.113, F.S. s.
4 364.336, F.S., and s. 364.337(4), F.S., each company shall remit a
5 fee based upon its gross operating revenue as provided below. This
6 fee shall be referred to as a regulatory assessment fee, and each
7 company shall pay a regulatory assessment fee in the amount of
8 0.0015 ~~15 of one percent~~ of its gross operating revenues derived
9 from intrastate business. For the purpose of determining this fee,
10 each interexchange telecommunications company and each pay
11 telephone company shall deduct from gross operating revenues
12 amounts paid for use of the local network to a telecommunications
13 company providing local service. Regardless of the gross operating
14 revenue of a company, a minimum annual regulatory assessment fee of
15 \$50 shall be imposed.

16 (2) Telecommunications companies that owed gross regulatory
17 assessment fees of \$10,000 or more for the preceding calendar year
18 shall pay the fee and remit the appropriate form twice a year. The
19 regulatory assessment fee and appropriate form shall be filed no
20 later than July 30 for the preceding period of January 1 through
21 June 30, and no later than January 30 of the following year for the
22 period of July 1 through December 31. Telecommunication companies
23 that owed gross regulatory assessment fees of less than \$10,000 for
24 the preceding calendar year shall pay the fee and remit the
25 appropriate form once a year. The regulatory assessment fee and

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1 appropriate form shall be filed no later than January 30 of the
2 subsequent year for the current calendar year operations.
3 ~~Regulatory assessment fees and the applicable regulatory assessment~~
4 ~~fee return form are due each January 30 for the preceding period or~~
5 ~~any part of the period from July 1 until December 31, and on July~~
6 ~~30 for the preceding period or any part of the period from January~~
7 ~~1 until June 30.~~

8 (3) If the due date falls on a Saturday, Sunday, or legal
9 holiday, the due date is extended to the next business day. If the
10 fees are sent by registered mail, the date of the registration is
11 the United States Postal Service's postmark date. If the fees are
12 sent by certified mail and the receipt is postmarked by a postal
13 employee, the date on the receipt is the United States Postal
14 Service's postmark date. The postmarked certified mail receipt is
15 evidence that the fees were delivered. Regulatory assessment fees
16 are considered paid on the date they are post marked by the United
17 States Postal Service or received and logged in by the Commission's
18 Division of Administration in Tallahassee. Fees are considered
19 timely paid if properly addressed, with sufficient postage, and
20 postmarked no later than the due date.

21 (4) Commission Form PSC/CMU 25 (XX/XX) (1/91), entitled
22 "Communication Company Regulatory Assessment Fee Return,"
23 applicable to local exchange telecommunications companies; Form
24 PSC/CMU 26 (XX/XX) (12/91), entitled "Pay Telephone Service
25 Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (XX/XX)

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1 ~~(12/91)~~, entitled "Shared Tenant Service Provider Regulatory
2 Assessment Fee Return"; Form PSC/CMU 153 (XX/XX) ~~(12/91)~~, entitled
3 "Interexchange Company Regulatory Assessment Fee Return"; and Form
4 PSC/CMU 1 (XX/XX) ~~(1/95)~~, entitled "Alternative Access Vendor
5 Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (XX/XX)
6 ~~(11/95)~~, entitled "Alternative Local Exchange Company Regulatory
7 Assessment Fee Return" are incorporated into this rule by reference
8 and may be obtained from the Commission's Division of
9 Administration.

10 (5) Each telecommunications company shall have up to and
11 including the due date in which to submit the applicable form and:

12 (a) Remit the total amount of its fee, or

13 (b) Remit an amount which the company estimates is its full
14 fee, ~~or~~

15 ~~(c) Seek and receive from the Commission a 30-day extension~~
16 ~~of its due date.~~

17 (6)(3) Where the company remits less than its full fee
18 ~~pursuant to subsection (2)(b) of this rule~~, the remainder of the
19 full fee shall be due on or before the 30th day from the due date
20 and shall, where the amount remitted was less than 90 percent of
21 the total regulatory assessment fee, include interest as provided
22 by subsection (8)(b)(5)(b) of this rule.

23 (7)(4) A company may request from the Division of
24 Administration a 30-day extension of its due date for payment of
25 regulatory assessment fees or for filing its return form.

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1 (a) The request for extension must be written and accompanied
2 by a statement of good cause.

3 (b) The request for extension must be received by the
4 Division of Administration at least two weeks before the due date.

5 (c) Where a telecommunications company receives an a-30-day
6 extension of its due date pursuant to ~~subsection (2)(c)~~ of this
7 rule, then the telecommunications company shall remit a charge in
8 addition to the regulatory assessment fees, as set out in s.
9 350.113(5), F.S.

10 (d) The return forms may be obtained from the Commission's
11 Division of Administration. The failure of a telecommunications
12 company to receive a return form shall not excuse the company from
13 its obligation to timely remit the regulatory assessment fees.

14 (8)-(5) The delinquency of any amount due to the Commission
15 from the telecommunications company pursuant to the provisions of
16 s. 350.113, F.S., and this rule, begins with the first calendar day
17 after any date established as the due date either by operation of
18 this rule or by an extension pursuant to this rule.

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

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

23 **Specific Authority:** 350.127(2), F.S.

24 **Law Implemented:** 350.113, 364.336, 364.337(4), F.S.

25 **History:** New 5/18/83, formerly 25-4.161, Amended 10/16/86, 1/1/91,

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1 12/29/91, 1/8/95, 12/26/95, _____.

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1 25-6.0131 Regulatory Assessment Fees; Investor-owned Electric
2 Companies, Municipal Electric Utilities, Rural Electric
3 Cooperatives.

4 (1) As applicable and as provided in s. 350.113, F.S. (1985),
5 each company, utility, or cooperative shall remit to the Commission
6 a fee based upon its gross operating revenue. This fee shall be
7 referred to as a regulatory assessment fee. Regardless of the
8 gross operating revenue of a company, a minimum annual regulatory
9 assessment fee of \$25 shall be imposed.

10 (a) ~~On January 30, 1992, each investor-owned electric company~~
11 ~~shall pay a regulatory assessment fee in the amount of 0.05~~
12 ~~percent of gross operating revenues derived from intrastate~~
13 ~~business, excluding sales for resale between public utilities,~~
14 ~~municipal electric utilities and rural electric cooperatives or any~~
15 ~~combination thereof. Beginning on July 30, 1992 and continuing~~
16 ~~thereafter, each~~ Each investor-owned electric company shall pay a
17 regulatory assessment fee in the amount of 0.000833 ~~0.08330~~ percent
18 of gross operating revenues derived from intrastate business,
19 excluding sales for resale between public utilities, municipal
20 electric utilities, and rural electric cooperatives or any
21 combination thereof.

22 (b) Each municipal electric utility and rural electric
23 cooperative shall pay a regulatory assessment fee in the amount of
24 0.00015625 ~~one-sixty-fourth of one percent~~ of its gross operating
25 revenues derived from intrastate business, excluding sales for

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1 resale between public utilities, municipal electric utilities, and
2 rural cooperatives or any combination thereof.

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

7 (3) If the due date falls on a Saturday, Sunday, or a
8 holiday, the due date is extended to the next business day. If the
9 fees are sent by registered mail, the date of the registration is
10 the United States Postal Service's postmark date. If the fees are
11 sent by certified mail and the receipt is postmarked by a postal
12 employee, the date on the receipt is the United States Postal
13 Service's postmark date. The postmarked certified mail receipt is
14 evidence that the fees were delivered. Regulatory assessment fees
15 are considered paid on the date they are postmarked by the United
16 States Postal Service or received and logged in by the Commission's
17 Division of Administration in Tallahassee. Fees are considered
18 timely paid if properly addressed, with sufficient postage and
19 postmarked no later than the due date.

20 (4) Commission Form PSC/ADM 68 (XX/XX), entitled "Investor-
21 Owned Electric Utility Regulatory Assessment Fee Return"; Form
22 PSC/ADM 69 (XX/XX), entitled "Municipal Electric Utility Regulatory
23 Assessment Fee Return"; and Form PSC/ADM 70 (XX/XX), entitled
24 "Rural Electric Cooperative Regulatory Assessment Fee Return" are
25 incorporated into this rule by reference and may be obtained from

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1 the Commission's Division of Administration. The failure of a
2 utility to receive a return form shall not excuse the utility from
3 its obligation to timely remit the regulatory assessment fees.

4 (5) Each company, utility, or cooperative shall have up to
5 and including the due date in which to:

6 (a) Remit the total amount of its fee, or

7 (b) Remit an amount which the company, utility, or
8 cooperative estimates is its full fee, ~~or~~

9 ~~(c) Seek and receive from the Commission a 30-day extension~~
10 ~~of its due date.~~

11 (6)(3) Where the company, utility, or cooperative remits
12 less than its full fee pursuant to ~~subsection (2)(b) of this Rule,~~
13 the remainder of the full fee shall be due on or before the 30th
14 day from the due date and shall, where the amount remitted was less
15 than 90% percent of the total regulatory assessment fee, include
16 interest as provided by subsection ~~(8)(b)(5)(b)~~ of this Rule.

17 (7)(4) A company may request from the Division of
18 Administration a 30-day extension of its due date for payment of
19 regulatory assessment fees or for filing its return form.

20 (a) The request for extension must be written and accompanied
21 by a statement of good cause.

22 (b) The request for extension must be received by the
23 Division of Administration at least two weeks before the due date.

24 (c) Where a company, utility, or cooperative receives an a
25 ~~30-day extension of its due date pursuant to subsection (2)(c) of~~

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1 this rule, then the entity shall remit a charge in addition to the
2 regulatory assessment fee, as set out in s. 350.113~~(5)~~, F.S.
3 ~~(1985)~~.

4 (8)~~(5)~~ The delinquency of any amount due to the Commission
5 from the company, utility, or cooperative pursuant to the
6 provisions of s. 350.113, F.S. ~~(1985)~~ and this rule, begins with
7 the first calendar day after any date established as the due date
8 either by operation of this rule or by an extension pursuant to
9 this rule.

10 (a) A penalty, as set out in s. 350.113, F.S. ~~(1985)~~ shall
11 apply to any such delinquent amounts.

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

14 **Specific Authority:** 350.127(2), F.S.

15 **Law Implemented:** 350.113, F.S.

16 **History:** New 5/18/83, Amended 2/9/84, formerly 25-6.131, Amended
17 6/18/86, 10/16/86, 3/7/89, 2/19/92, _____.

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1 25-7.0131 Regulatory Assessment Fees; Gas Utilities, Gas
2 Municipals, and Gas Districts.

3 (1) As applicable and as provided in s. 350.113, F.S. ~~41985~~
4 and s. 366.14, F.S. ~~1989~~, each gas utility, municipal, or gas
5 district shall remit a fee based upon its gross operating revenue.
6 This fee shall be referred to as a regulatory assessment fee.
7 Regardless of the gross operating revenue of a company, a minimum
8 annual regulatory assessment fee of \$25 shall be imposed.

9 (a) Each investor-owned gas utility shall pay a regulatory
10 assessment fee in the amount of 0.00375 ~~0.375~~ percent of its gross
11 operating revenue derived from intrastate business, excluding sales
12 for resale between public utilities, municipal gas utilities, and
13 gas districts or any combination thereof.

14 (b) Each municipal or gas district shall pay a regulatory
15 assessment fee in the amount of 0.001919 ~~0.1919~~ percent of its
16 gross operating revenue derived from intrastate business, excluding
17 sales for resale between public utilities, municipal gas utilities,
18 and gas district or any combination thereof.

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

23 (3) If the due date falls on a Saturday, Sunday, or a legal
24 holiday, the due date is extended to the next business day. If the
25 fees are sent by registered mail, the date of the registration is

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1 the United States Postal Service's postmark date. If the fees are
2 sent by certified mail and the receipt is postmarked by a postal
3 employee, the date and the receipt is the United States Postal
4 Service's postmark date. The postmarked certified mail receipt is
5 evidence that the fees were delivered. Regulatory assessment fees
6 are considered paid on the date they are postmarked by the United
7 States Postal Service or received and logged in by the Commission's
8 Division of Administration in Tallahassee. Fees are considered
9 timely paid if properly addressed, with sufficient postage and
10 postmarked no later than the due date.

11 (4) Commission Form PSC/ADM 67 (XX/XX), entitled "Investor-
12 Owned Natural Gas Utility Regulatory Assessment Fee Return" and
13 Form PSC/ADM 71 (XX/XX), entitled "Gas Municipal or Gas District
14 Regulatory Assessment Fee Return" are incorporated into this rule
15 by reference and may be obtained from the Commission's Division of
16 Administration. The failure of a utility to receive a return form
17 shall not excuse the utility from its obligation to timely remit
18 the regulatory assessment fees. ~~The regulatory assessment fees~~
19 ~~shall be remitted with the Commission's Regulatory Assessment Fee~~
20 ~~Return form PSC/EAG 3, PSC/EAG or PSC/EAG (Rev.)~~
21 ~~which are hereby incorporated by reference.~~

22 (5) Each utility, municipal, and gas district shall have up
23 to and including the due date in which to:

- 24 (a) Remit the total amount of its fee, or
25 (b) Remit an amount which the utility, municipal, or gas

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1 district estimates is its full fee, ~~or~~

2 ~~(e) Seek and receive from the Commission a 30 day extension~~
3 ~~of its due date.~~

4 ~~(6)(3)~~ Where the utility, municipal, or gas district remits
5 less than its full fee ~~pursuant to subsection (2)(b) of this rule,~~
6 the remainder of the full fee shall be due on or before the 30th
7 day from the due date and shall, where the amount remitted was less
8 than 90% percent of the total regulatory assessment fee, include
9 interest as provided by subsection ~~(8)(b)(5)(b)~~ of this rule.

10 ~~(7)(4)~~ A utility, municipal, or gas district may request
11 from the Division of Administration a 30-day extension of its due
12 date for payment of regulatory assessment fees or for filing its
13 return form.

14 (a) The request for extension must be written and accompanied
15 by a statement of good cause.

16 (b) The request for extension must be received by the
17 Division of Administration at least two weeks before the due date.

18 (c) Where a utility, municipal, or gas district receives an
19 a 30 day extension of its due date pursuant to ~~subsection (2)(e) of~~
20 this rule, then the utility, municipal, or gas district shall remit
21 a charge in addition to the regulatory assessment fee, as set out
22 in s. 350.113 ~~(5)~~, F.S. ~~(1985)~~.

23 ~~(8)(5)~~ The delinquency of any amount due to the Commission
24 from the utility, municipal, or gas district pursuant to the
25 provisions of s. 350.113, F.S. ~~(1985)~~ and this rule, begins with

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1 the first calendar day after any date established as the due date
2 either by operation of this rule or by an extension pursuant to
3 this rule.

4 (a) A penalty, as set out in s. 350.113, F.S. ~~(1985)~~ shall
5 apply to any such delinquent amounts.

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

8 **Specific Authority:** 350.127(2), F.S., 366.14, F.S. (1989)

9 **Law Implemented:** 350.113, F.S., 366.14, F.S. (1989)

10 **History:** New 5/18/83, formerly 25-7.131, Amended 10/16/86,
11 4/25/90, _____.

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1 25-30.120 Regulatory Assessment Fees; Water and Wastewater
2 Utilities.

3 (1) As applicable and as provided in s. 350.113, F.S. ~~41985~~,
4 each utility shall remit a fee based upon its gross operating
5 revenue. This fee shall be referred to as a regulatory assessment
6 fee. ~~For the year beginning January 1, 1990 each utility shall pay~~
7 ~~a regulatory assessment fee in the amount of two and one half~~
8 ~~percent of its gross revenues derived from intrastate business for~~
9 ~~the first six months of that year and four and one half percent for~~
10 ~~the second six months of that year. Thereafter, beginning January~~
11 ~~1, 1991 each~~ Each utility shall pay a regulatory assessment fee in
12 the amount of 0.045 of its gross revenues derived from intrastate
13 business ~~four and one half percent for the entire year.~~ The gross
14 revenues reported for regulatory assessment fee purposes must agree
15 with the amount reported as operating revenue on Schedule F-3 of
16 the Operating Statement in the company's Annual Report, filed in
17 accordance with Rule 25-30.110, F.A.C. A minimum annual regulatory
18 assessment fee of \$25 shall be imposed if there are no revenues or
19 if revenues are insufficient to generate a minimum annual fee.
20 ~~Regardless of the gross operating revenue of a utility, a minimum~~
21 ~~annual regulatory assessment fee of \$25 shall be imposed.~~

22 (2) The obligation to remit the regulatory assessment fees
23 for any year shall apply to any utility which is subject to this
24 Commission's jurisdiction on or before December 31 of that year or
25 for any part of that year, whether or not the utility has actually

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1 applied for or been issued a certificate.

2 (a) Regulatory assessment fees shall be filed with the
3 Commission on or before March 31 for the preceding year ended
4 December 31. Commission Form PSC/WAW 10 (XX/XX) entitled "Water
5 System Regulatory Assessment Fee Return" and Commission Form
6 PSC/WAW 17 (XX/XX) entitled "Wastewater System Regulatory
7 Assessment Fee Return" are incorporated into this rule by reference
8 ~~and The Commission shall, by January 15 of each year, send one~~
9 ~~blank copy of the Regulatory Assessment Fee Return form (PSC WAS 10~~
10 ~~or PSC WAS 17), which is incorporated by reference into this rule,~~
11 ~~to each utility. The forms may be obtained from the Commission's~~
12 ~~Division of Administration. The failure of a utility to receive a~~
13 ~~return form shall not excuse the utility from its obligation to~~
14 ~~timely remit the regulatory assessment fees.~~

15 (b) Regulatory assessment fees are considered paid on the
16 date they are postmarked by the United States Postal Service or
17 received and logged in by the Commission's Division of
18 Administration in Tallahassee. Fees are considered timely paid if
19 properly addressed, with sufficient postage and postmarked no later
20 than the due date.

21 (3) If the due date falls on a Saturday, Sunday, or a legal
22 holiday, the due date is extended to the next business day. If the
23 fees are sent by registered mail, the date of the registration is
24 the United States Postal Service's postmark date. If the fees are
25 sent by certified mail and the receipt is postmarked by a postal

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1 employee, the date on the receipt is the United States Postal
2 Service's postmark date. The postmarked certified mail receipt is
3 evidence that the fees were delivered.

4 (4) Each utility shall have up to and including the due date
5 in which to:

- 6 1. Remit the total amount of its fee, or
- 7 2. Remit an amount which the utility estimates is its
8 full fee, or
- 9 ~~3. Seek and receive from the Bureau Chief of the~~
10 ~~Division of Administration a 30-day extension of~~
11 ~~its due date. The request for extension must be~~
12 ~~written and accompanied by a statement of good~~
13 ~~cause. The request for extension must be received~~
14 ~~by the Division of Administration within five~~
15 ~~working days before the due date.~~

16 (5)(3) Any utility that purchases water or wastewater
17 treatment from another utility regulated by the Florida Public
18 Service Commission is allowed to deduct the annual expense for
19 purchased water or wastewater treatment from its gross operating
20 revenues before calculating the amount of the regulatory assessment
21 fees due a credit on the regulatory assessment fees paid to the
22 FPSC. For the year beginning January 1, 1990, the credit shall be
23 calculated by multiplying .035 times the annual amount paid to the
24 other regulated utility for purchased water or wastewater
25 treatment. Thereafter, the credit shall be calculated by

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1 multiplying ~~.045~~ times the annual amount paid to the other
2 regulated utility for purchase water or wastewater treatment. This
3 credit may be deducted annually from the amount owed to the
4 Commission pursuant to section 350.113, Florida Statutes.

5 (6)(4) A utility may request from the Division of
6 Administration a 30-day extension of its due date for payment of
7 regulatory assessment fees or for filing its return.

8 (a) The request for extension must be written and accompanied
9 by a statement of good cause.

10 (b) The request for extension must be received by the
11 Division of Administration at least two weeks before the due date.

12 (c) Where a utility receives a 30-day extension of its due
13 date pursuant to ~~subsection (2)(b)3~~ of this rule, then the utility
14 shall remit a charge in addition to the regulatory assessment fee,
15 set out in s. 350.113(5), F.S. ~~(1985)~~ as follows:

16 ~~(a) .75 percent of the fee to be remitted for an extension of~~
17 ~~15 days or less, or~~

18 ~~(b) a charge of 1.5 percent of the fee for an extension of 16~~
19 ~~to 30 days.~~

20 ~~(c) No other penalty or interest shall be collected if the~~
21 ~~additional charge is remitted within the extension time granted.~~

22 (7)(5) The delinquency of any amount due to the Commission
23 from the utility pursuant to the provisions of s. 350.113, F.S.
24 ~~(1985)~~, and this rule, begins with the first calendar day after any
25 date established as the due date either by operation of this rule

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1 or by an extension pursuant to this rule.

2 (a) Pursuant to s. 350.113~~(4)~~, F.S., a penalty shall be
3 assessed against any utility that fails to pay its regulatory
4 assessment fee by March 31, in the following manner:

5 1. Five 5 percent of the fee if the failure is for not
6 more than 30 days, with an additional five 5
7 percent for each additional 30 days or fraction
8 thereof during the time in which the failure
9 continues, not to exceed a total penalty of 25
10 percent.

11 2. The amount of interest to be charged is one percent
12 ~~1%~~ for each thirty days or fraction thereof, not to
13 exceed a total of 12 percent ~~%~~ per annum.

14 (b) In addition to the penalties and interest otherwise
15 provided, the Commission may impose an additional penalty upon a
16 utility for failure to pay regulatory assessment fees in a timely
17 manner in accordance with s. 367.161, F.S.

18 (8)~~(6)~~ Any utility which requests and receives an extension
19 of not more than 30 days or ~~and~~ remits, by the due date, an
20 estimated fee payment of at least 90 percent ~~%~~ of the actual fee
21 due shall not be charged interest or penalty on the balance due if
22 paid within the extension period.

23 (9)~~(7)~~ Any utility which fails to pay a penalty within 30
24 days after its assessment by the Commission shall be subject to
25 interest applied to the penalty up to and including the date of

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1 | payment of the penalty. Such interest shall be compounded monthly,
2 | based on the 30-day commercial paper rate for high-grade, unsecured
3 | notes sold through dealers by major corporations in multiples of
4 | \$1,000 as regularly published in the Wall Street Journal.

5 | **Specific Authority:** 350.127(2), F.S.

6 | **Law Implemented:** 350.113, F.S.

7 | **History:** New 5/18/83, formerly 25-10.24, Amended 10/16/86,
8 | Transferred from 25-10.024 and Amended 11/9/86, Amended 2/8/90,___

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