

Commissioners:  
JOE GARCIA, CHAIRMAN  
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DIVISION OF APPEALS  
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# Public Service Commission

October 15, 1999

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

Re: Docket No. 991138-TP - Proposed Amendment of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies

Dear Mr. Webb:

The Commission has approved the amendment of Rule 25-4.0161 without changes.

We plan to file the rule for adoption on October 22, 1999.

Sincerely,

*Christiana T. Moore*  
Christiana T. Moore  
Associate General Counsel

ADT0161.CTM  
Enclosure

cc: Division of Records & Reporting

AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
MAS \_\_\_\_\_  
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PAI \_\_\_\_\_  
SEC \_\_\_\_\_  
WAW \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

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PPSC-RECORDS/REPORTING

1           25-4.0161 Regulatory Assessment Fees; Telecommunications  
2 Companies.

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

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

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1 fees of less than \$10,000 for the preceding calendar year shall  
2 pay the fee and remit the appropriate form once a year. The  
3 regulatory assessment fee and appropriate form shall be filed no  
4 later than January 30 of the subsequent year for the current  
5 calendar year operations.

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

20 (4) Commission Form PSC/CMU 25 ( / )~~(07/96)~~, entitled "Local  
21 Exchange~~Communication~~ Company Regulatory Assessment Fee Return,"  
22 ~~applicable to local exchange telecommunications companies~~; Form  
23 PSC/CMU 26 ( / )~~(07/96)~~, entitled "Pay Telephone Service Provider  
24 Regulatory Assessment Fee Return"; Form PSC/CMU 34 ( / )~~(07/96)~~,  
25 entitled "Shared Tenant Service Provider Regulatory Assessment

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1 Fee Return"; Form PSC/CMU 153 ( / )(07/96), entitled  
2 "Interexchange Company Regulatory Assessment Fee Return"; and  
3 Form PSC/CMU 1 ( / )(07/96), entitled "Alternative Access Vendor  
4 Regulatory Assessment Fee Return"; and Form PSC/CMU 7  
5 ( / )(07/96), entitled "Alternative Local Exchange Company  
6 Regulatory Assessment Fee Return" are incorporated into this rule  
7 by reference and may be obtained from the Commission's Division  
8 of Administration.

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

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

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

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

25 (b) The request for extension must be received by the Division

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1 of Administration at least two weeks before the due date.

2 (c) Where a telecommunications company receives an extension  
3 of its due date pursuant to this rule, the telecommunications  
4 company shall remit a charge in addition to the regulatory  
5 assessment fees, as set out in s. 350.113(5), F.S.

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

11 (8) The delinquency of any amount due to the Commission from  
12 the telecommunications company pursuant to the provisions of s.  
13 350.113, F.S., and this rule, begins with the first calendar day  
14 after any date established as the due date either by operation of  
15 this rule or by an extension pursuant to this rule.

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

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

20 Specific Authority: 350.127(2), F.S.

21 Law Implemented: 350.113, 364.336, ~~364.337(4)~~, F.S.

22 History: New 5/18/83, formerly 25-4.161, Amended 10/16/86,  
23 1/1/91, 12/29/91, 1/8/95, 12/26/95, 07/08/96, \_\_\_\_\_.

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