

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

SELECT A TYPE: Amendment

RULE NO.: RULE TITLE:

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

PURPOSE AND EFFECT: To update regulatory assessment fee rates to accurately reflect the cost of regulation.

Docket No. 20230115-EU

SUMMARY: 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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

A SERC has not been prepared by the Agency. No SERC is required pursuant to the exemption in Section 120.80(13)(g)2., F.S., as amended by Section 51, Chapter 2023-240, Laws of Florida.

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: Ratification is not required pursuant to the exemption in Section 120.80(13)(g)2., F.S., as amended by Section 51, Chapter 2023-240, Laws of Florida.

RULEMAKING AUTHORITY: 350.127(2), 366.05, F.S.

LAW IMPLEMENTED: 350.113, 366.14, F.S.

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: Jon Rubottom, jrubotto@psc.state.fl.us, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850) 413-6199.

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) 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 ~~0.00072~~ 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) through (3) No change.

(4) Commission Form PSC/ECO PSC/AFD 68 (01/24) ~~(01/99)~~, entitled "Investor-Owned Electric Utility Regulatory Assessment Fee Return," is available at [new hyperlink] 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 Return," is available at [new hyperlink] 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 Return," is available at [new hyperlink] 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) through (6) No change.

(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), 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,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Apryl Lynn, Deputy Executive Director, Administrative

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 49, Number 177, September 12, 2023.

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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
None					

### Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
<a href="#">27954253</a>	25-6.0131	Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives	Proposed	1/17/2024 Vol. 50/11	1/17/2024