

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Protests by Natural Gas)	DOCKET NO. 910031-GU
Utilities of Application of Regulatory)	
Assessment Fee Rule During Period of)	ORDER NO. 24683
January-June, 1990)	
<hr/>		ISSUED: 6/20/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTIONORDER CLOSING DOCKET

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

In July of 1990, when the investor-owned gas utilities paid their regulatory assessment fees for the period covering January through June of 1990, five companies - Peoples Gas System, Inc., Miller Gas Company, St. Joe Natural Gas Company, City Gas Company of Florida, and Florida Public Utilities Company - adjusted the fees paid to reflect the change in the assessment rate that had become effective in April of 1990. That is, they paid assessment fees at the rate of one-eighth of one percent of gross operating revenues for January through April, and three-eighths of one percent for May and June.

DOCUMENT NUMBER-DATE
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 RECORDS/REPORTING

ORDER NO. 24683
DOCKET NO. 910031-GU
PAGE 2

In August of 1990, our staff advised the utilities that their assessment fee payments should have been calculated at the three-eighths of one percent rate for the entire January to June period. The utilities protested the application of the three-eighths rate for the entire period, and on April 19, 1991 we issued procedural Order No. 24394 in which we set the protest for an informal hearing and provided the utilities the opportunity to file briefs on the following issue:

Should the January-June 1990 regulatory assessment fees due from the investor-owned natural gas utilities be calculated at the rate of $3/8$ of one percent of gross operating revenues for the entire six-month period?

The utilities' briefs were scheduled to be filed by May 20, 1991, but in the intervening period the utilities and the staff reached a satisfactory resolution of the dispute. With the understanding that no penalties would be assessed for late payment of the assessment fee amounts in dispute, and with the further understanding that the utilities would be able to recover that portion of the assessment fee increase attributable to purchased gas costs for the January to June, 1990 period in a manner similar to that used in the conservation cost recovery docket, the utilities have withdrawn their protests, and no briefs have been filed in the case.

We therefore find it appropriate at this time to close this docket, as there is no longer a dispute to be resolved.

All utilities have now paid the full amount of their regulatory assessment fees for January to June, 1990. Those utilities that paid any penalty charges associated with this dispute will be entitled to a refund of those amounts. Staff will follow up on the specific amounts due to the utilities on an individual basis.

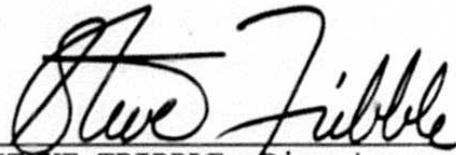
It is therefore

ORDERED by the Florida Public Service Commission that the natural gas utilities' protest of the application of the Commission's regulatory assessment fee rule for the period of January through June, 1990 has been withdrawn, and this docket will therefore be closed. It is further

ORDER NO. 24683
DOCKET NO. 910031-GU
PAGE 3

ORDERED that this Order shall become final unless an appropriate petition for formal proceeding is timely filed herein.

By ORDER of the Florida Public Service Commission, this 20th
day of JUNE, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 11, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

ORDER NO. 24683
DOCKET NO. 910031-GU
PAGE 4

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.