

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980276-EI

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees; Investor-Owned
Electric Companies, Municipal Electric
Utilities, Rural Electric Cooperatives

25-6.0131

PURPOSE AND EFFECT: To decrease the regulatory assessment fee.

SUMMARY: Amends Rule 25-6.0131, F.A.C., to decrease the regulatory assessment fee charged to investor-owned electric companies from .0833 percent to .072 percent of gross operating revenues.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because the rule change should not result in any additional costs or negative impacts on utilities, small businesses, small cities, or small counties, a Statement of Estimated Regulatory Costs was not prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 350.113, 366.14, FS

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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98 AUG 12 AM 11:21
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE THAT WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

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) No Change.

(a) Each investor-owned electric company shall pay a regulatory assessment fee in the amount of .00072 ~~0.000833~~ of gross operating revenues derived from intrastate business, excluding sales for resale between public utilities, municipal electric utilities, and rural electric cooperatives or any combination thereof.

(b) - (3) No Change.

(4) Commission Form PSC/ADM 68 (01/9907/96), entitled "Investor-Owned Electric Utility Regulatory Assessment Fee Return"; Form PSC/ADM 69 (07/96), entitled "Municipal Electric Utility Regulatory Assessment Fee Return"; and Form PSC/ADM 70 (07/96), entitled "Rural Electric Cooperative Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory

assessment fees.

(5) - (8) No Change.

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

Law Implemented: 350.113, 366.14, F.S.

History: New 5-18-83, Amended 2-9-84, formerly 25-6.131, Amended 06-18-86, 10-16-86, 03-07-89, 02-19-92, 07-08-96, 01-01-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Evelyn Sewell.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: August 4, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
Volume 24, Number 12, March 20, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

1 25-6.0131 Régulatory 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., each
5 company, utility, or cooperative shall remit to the Commission a
6 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) Each investor-owned electric company shall pay a
11 regulatory assessment fee in the amount of .00072 ~~0.000833~~ of
12 gross operating revenues derived from intrastate business,
13 excluding sales for resale between public utilities, municipal
14 electric utilities, and rural electric cooperatives or any
15 combination thereof.

16 (b) Each municipal electric utility and rural electric
17 cooperative shall pay a regulatory assessment fee in the amount
18 of 0.00015625 of its gross operating revenues derived from
19 intrastate business, excluding sales for resale between public
20 utilities, municipal electric utilities, and rural cooperatives
21 or any combination thereof.

22 (c) Regulatory assessment fees are due each January 30 for
23 the preceding period or any part of the period from July 1 until
24 December 31, and on July 30 for the preceding period or any part
25 of the period from January 1 until June 30.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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

15 (4) Commission Form PSC/ADM 68 (01/9907/96), entitled
16 "Investor-Owned Electric Utility Regulatory Assessment Fee
17 Return"; Form PSC/ADM 69 (07/96), entitled "Municipal Electric
18 Utility Regulatory Assessment Fee Return"; and Form PSC/ADM 70
19 (07/96), entitled "Rural Electric Cooperative Regulatory
20 Assessment Fee Return" are incorporated into this rule by
21 reference and may be obtained from the Commission's Division of
22 Administration. The failure of a utility to receive a return
23 form shall not excuse the utility from its obligation to timely
24 remit the regulatory assessment fees.

25 (5) Each company, utility, or cooperative shall have up to

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1 and including the due date in which to:

2 (a) Remit the total amount of its fee or

3 (b) Remit an amount which the company, utility, or
4 cooperative estimates is its full fee.

5 (6) Where the company, utility, or cooperative remits less
6 than its full fee, the remainder of the full fee shall be due on
7 or before the 30th day from the due date and shall, where the
8 amount remitted was less than 90 percent of the total regulatory
9 assessment fee, include interest as provided by subsection (8) (b)
10 of this Rule.

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

14 (a) The request for extension must be written and
15 accompanied 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
18 date.

19 (c) Where a company, utility, or cooperative receives an
20 extension of its due date pursuant to this rule, then the entity
21 shall remit a charge in addition to the regulatory assessment
22 fee, as set out in s. 350.113, F.S.

23 (8) The delinquency of any amount due to the Commission
24 from the company, utility, or cooperative pursuant to the
25 provisions of s. 350.113, F.S. and this rule, begins with the

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1 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. shall apply
5 to any such delinquent amounts.

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

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

9 Law Implemented: 350.113, 366.14, F.S.

10 History: New 5/18/83, Amended 2/9/84, formerly 25-6.131, Amended
11 6/18/86, 10/16/86, 3/7/89, 2/19/92, 07/08/96, 01/01/99.

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