

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 17, 2013
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Rosanne Gervasi, Senior Attorney, Office of the General Counsel *RG*
RE: Docket No. 130033-PU

Please file the attached rule adoption packets in the docket file listed above.

Included are packets for the following rule adoptions:
25-6.0131, F.A.C.,
25-7.0131 and 25-7.101, F.A.C., and
25-30.120, F.A.C.

RECEIVED-FPSC
13 APR 17 PM 1:34
COMMISSION
CLERK

DOCUMENT NUMBER-DATE

02020 APR 17 20

FPSC-COMMISSION CLERK

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

April 17, 2013

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

2013 APR 17 AM 10:53
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

Re: Rule Certification Packet for Rule 25-6.0131, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-6.0131, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

Page 2

Please let me know if you have any questions. The contact name and information for the rule are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, rgervasi@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosanne Gervasi', written in a cursive style.

Rosanne Gervasi
Senior Attorney

Enclosures

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:51 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-6.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0131


Reference Number: Ref-02610; Reference Name: PSC/AFD 68 (01/99)

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Division of Library and Information Services
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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:50 AM
To: Julie Phillips
Cc: firules@dos.state.fl.us
Subject: 25-6.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

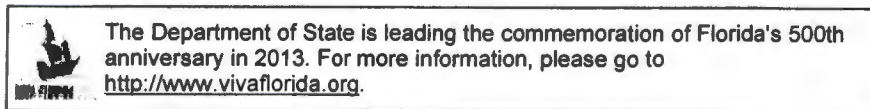
Rule Number: 25-6.0131

Reference Number: Ref-02611; Reference Name: PSC/AFD 69 (07/96)

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Division of Library and Information Services
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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:49 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-6.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0131

Reference Number: Ref-02612; Reference Name: PSC/AFD 70 (07-96)

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:36 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-6.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0131


Reference Number: Ref-02620; Reference Name: PSC/AIT 124 (12/11)

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CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-6.0131, F.A.C., have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

PSC/AFD 68 (01/99) – Investor-Owned Electric Utility Regulatory Assessment Fee Return

PSC/AFD 69 (07/96) – Municipal Electric Utility Regulatory Assessment Fee Return

PSC/AFD 70 (07/96) – Rural Electric Cooperative Regulatory Assessment Fee Return

PSC/AIT 124 (12/11) – Regulatory Assessment Fee Extension Request

Under the provisions of Section 120.54(3)(e)6., F. S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.


Ann Cole

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rule is hereby adopted by the undersigned agency by and upon its filing with the Department of State.

Rule No.

25-6.0131

Under the provision of Section 120.54(3)(e)6., F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk
Title _____
3
Number of Pages Certified _____

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., 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, 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 .00072 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) Each municipal electric utility and rural electric cooperative shall pay a regulatory assessment fee in the amount of 0.00015625 of its gross operating revenues derived from intrastate business, excluding sales for resale between public utilities, municipal electric utilities, and rural cooperatives or any combination thereof.

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

(3) If the due date falls on a Saturday, Sunday, or a holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administrative and Information Technology Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(4) Commission Form PSC/AFD 68 (01/99) ~~PSC/ECR 68 (01/99)~~, entitled "Investor-Owned Electric

Utility Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02610>; Form PSC/AFD 69 (07/96) PSC/ECR-69 (07/96), entitled “Municipal Electric Utility Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02611>; and Form PSC/AFD 70 (07/96) PSC/ECR-70 (07/96), entitled “Rural Electric Cooperative Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02612>. These forms are incorporated into this rule by reference and may also be obtained from the Commission’s Division of Administrative and Information Technology Services. 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) Each company, utility, or cooperative shall have up to and including the due date in which to:

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

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

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

(7) A company may request ~~from the Division of Administrative Services~~ 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. The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees.

~~penalties, or interest due from a prior period. The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.~~

(c) Where a company, utility, or cooperative receives an extension of its due date pursuant to this rule, then the entity shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee, ~~as set out in Section 350.113.F.S.~~

(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, 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.

Rulemaking Specific 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, _____.

SUMMARY OF THE RULE

Rules 25-6.0131, F.A.C., requires Commission-regulated electric companies, including investor-owned utilities, municipal utilities, and rural cooperatives, to remit regulatory assessment fees based upon their gross operating revenues. The rule amendment includes directives for the filing of either a 15-day or a 30-day extension of the due date for the payment of regulatory assessment fees or regulatory assessment fee return form due date, and provides that requests for extension will not be granted if the company has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. Form PSC/AIT 124 (Rev. 04/13), the Regulatory Assessment Fee Extension Request form, incorporated by reference in the rule, requires a statement of good cause for the extension request, as required by Section 350.113(5), F.S.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-6.0131, F.A.C., is amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms pursuant to Section 350.113(5), F.S., and to amend the filing forms accordingly.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

April 17, 2013

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

FILED
2013 APR 17 AM 10:57
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Re: Rule Certification Packet for Rules 25-7.0131 and 25-7.101, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-7.0131 and 25-7.101, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

Page 2

Please let me know if you have any questions. The contact name and information for these rules are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, rgervasi@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanne Gervasi".

Rosanne Gervasi
Senior Attorney

Enclosures

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:48 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-7.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-7.0131


Reference Number: Ref-02613; Reference Name: PSC/AFD 67 (01/99)

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Division of Library and Information Services
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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:48 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-7.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-7.0131

Reference Number: Ref-02614; Reference Name: PSC/AFD 71 (07/96)

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Administrative Code and Register Staff
Division of Library and Information Services
Florida Department of State

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:47 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-7.101 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-7.101


Reference Number: Ref-02615; Reference Name: PSC/AFD 244 (02/98)

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Division of Library and Information Services
Florida Department of State

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:33 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-7.0131 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-7.0131

Reference Number: Ref-02621; Reference Name: PSC /AIT 124 (12/11)

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CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rules 25-7.0131 and 25-7.101, F.A.C., have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

PSC/AFD 67 (01/99) – Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return

PSC/AFD 71 (07/96) – Gas Municipal or Gas District Regulatory Assessment Fee Return

PSC/AFD 244 (02/98) – Natural Gas Transmission Pipeline Company Regulatory Assessment Fee Return

PSC/AIT 124 (12/11) – Regulatory Assessment Fee Extension Request

Under the provisions of Section 120.54(3)(e)6., F. S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.


Ann Cole

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-7.0131

25-7.101

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk _____

Title _____
5

Number of Pages Certified _____

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

(1) As applicable and as provided in Sections 350.113 and 366.14, F.S., each gas utility, municipal, or gas district shall remit 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, a minimum annual regulatory assessment fee of \$25 shall be imposed.

(a) Each investor-owned gas utility shall pay a regulatory assessment fee in the amount of .005 of its gross operating revenue derived from intrastate business, excluding sales for resale between public utilities, municipal gas utilities, and gas districts or any combination thereof.

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

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

(3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date and the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administrative and Information Technology Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(4) Commission Form PSC/AFD 67 (01/99) PSC/ECR 67 (01/99), entitled "Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref->

02613 and Form PSC/AFD 71 (07/96) PSC/ECR 71 (07/96), entitled "Gas Municipal or Gas District Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02614>. These forms are incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative and Information Technology Services. 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) Each utility, municipal, and gas district shall have up to and including the due date in which to:

(a) Remit the total amount of its fee or

(b) Remit an amount which the utility, municipal, or gas district estimates is its full fee.

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

(7) A utility, municipal, or gas district may request ~~from the Division of Administrative Services~~ 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-02621>. 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. The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.

(c) Where a utility, municipal, or gas district receives an extension of its due date pursuant to this rule, then

the utility, municipal, or gas district shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee, ~~as set out in Section 350.113, F.S.~~

(8) The delinquency of any amount due to the Commission from the utility, municipal, or gas district 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, 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.

Rulemaking Specific Authority 350.127(2), ~~366.05, 366.14~~ FS. Law Implemented 350.113, 366.14 FS. History—New 5-18-83, Formerly 25-7.131, Amended 10-19-86, 4-25-90, 7-7-96, 1-1-99, _____.

25-7.101 Regulatory Assessment Fees; Natural Gas Transmission Companies.

(1) As provided in Section 368.109, F.S., each natural gas transmission company shall pay a regulatory assessment fee. The regulatory assessment fee shall be 0.25 percent annually of the natural gas transmission company's gross operating revenue derived from intrastate business, excluding sales of gas for resale to natural gas transmission companies, public utilities that supply gas, municipal gas utilities and gas districts.

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

(3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administrative and Information Technology Services in Tallahassee. Fees are considered timely paid if properly addressed, with

sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/AFD 244 (02/98) PSC/ECR 244 (2/98), entitled "Natural Gas Transmission Pipeline Company Regulatory Assessment Fee Return" is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02615>. This form may also be obtained from the Commission's Division of Administrative and Information Technology Services. 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) Each natural gas transmission company shall have up to and including the due date in which to remit the total amount of its fee.

(6) Where the natural gas transmission company remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by paragraph (8)(b) of this rule. The delinquency of any amount due to the Commission from the company, pursuant to the provisions of Section 368.109, F.S., and this rule, begins with the first calendar day after any date established as the due date by operation of this rule.

(7) A company 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 by reference in Rule 25-7.0131, F.A.C. This form may also be obtained from the Commission's Division of Administrative and Information Technology Services. A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report.

(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 utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period.

(c) Where a utility receives either a 15-day or a 30-day extension of its due date pursuant to this rule, the utility 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, pursuant to the provisions of Section 368.109, F.S., and this rule, begins with the first calendar day after any date established as the due date by operation of this rule.

(a) A penalty, as set out in Section 350.113, 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.

Rulemaking Specific Authority 350.127(2), 368.104 FS. Law Implemented 350.113, 368.109, ~~368.111~~ FS. History—

New 9-13-98, _____.

SUMMARY OF THE RULES

Rules 25-7.0131 and 25-7.101, F.A.C., require Commission-regulated gas utilities, gas municipals, gas districts, and natural gas transmission companies to remit regulatory assessment fees based upon their gross operating revenues. The rule amendments include directives for the filing of either a 15-day or a 30-day extension of the due date for the payment of regulatory assessment fees or regulatory assessment fee return form due date, and provide that requests for extension will not be granted if the company has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. Moreover, the amendment to Rule 25-7.101, F.A.C., specifies how to request an extension of the due date for payment of the fees, and penalties and interest to be applied to delinquent payments. Form PSC/AIT 124 (Rev. 04/13), the Regulatory Assessment Fee Extension Request form, incorporated by reference in Rule 25-7.0131, requires a statement of good cause for the extension request, as required by Section 350.113(5), F.S.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULES

These rules are amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms pursuant to Section 350.113(5), F.S., and to amend the filing forms accordingly.

SUMMARY OF ANY HEARINGS HELD ON THE RULES

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

April 17, 2013

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-30.120, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-30.120, F.A.C., consisting of:

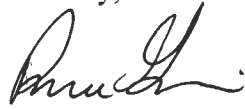
- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

FILED
APR 17 AM 11:01
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Page 2

Please let me know if you have any questions. The contact name and information for the rule are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, rgervasi@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanne Gervasi". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Rosanne Gervasi
Senior Attorney

Enclosures

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:39 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-30.120 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

Rule Number: 25-30.120


Reference Number: Ref-02616; Reference Name: PSC/AFD 010-WS (02/05)

Click [here](#) to log in.

Administrative Code and Register Staff
Division of Library and Information Services
Florida Department of State

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:38 AM
To: Julie Phillips
Cc: firules@dos.state.fl.us
Subject: 25-30.120 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

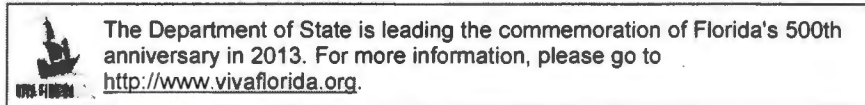
Rule Number: 25-30.120

Reference Number: Ref-02617; Reference Name: PSC/AFD 017-WS (02/05)

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Administrative Code and Register Staff
Division of Library and Information Services
Florida Department of State

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:37 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-30.120 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-30.120

Reference Number: Ref-02618; Reference Name: PSC/AFD 010-WL (02/05)

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:35 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-30.120 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

Rule Number: 25-30.120

Reference Number: Ref-02619; Reference Name: PSC/AFD 017-WL (02/05)

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, April 15, 2013 9:31 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-30.120 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

Rule Number: 25-30.120

Reference Number: Ref-02622; Reference Name: PSC/AIT 124 (12/11)

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Division of Library and Information Services
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CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-30.120, F.A.C., have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

PSC/AFD 010-WL (02/05) – Large Water Utility Regulatory Assessment Fee Return

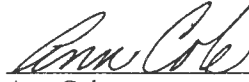
PSC/AFD 017-WL (02/05) – Large Wastewater Utility Regulatory Assessment Fee Return

PSC/AFD 010-WS (02/05) – Small Water Utility Regulatory Assessment Fee Return

PSC/AFD 017-WS (02/05) – Small Wastewater Utility Regulatory Assessment Fee Return

PSC/AIT 124 (12/11) – Regulatory Assessment Fee Extension Request

Under the provisions of Section 120.54(3)(e)6., F. S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Ann Cole

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rule is hereby adopted by the undersigned agency by and upon its filing with the Department of State.

Rule No.

25-30.120

Under the provision of Section 120.54(3)(e)6., F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk
Title _____
Number of Pages Certified _____

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

(1) As applicable and as provided in Section 350.113, F.S., each utility shall remit a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. Each utility shall pay a regulatory assessment fee in the amount of 0.045 of its gross revenues derived from intrastate business. The gross revenues reported for regulatory assessment fee purposes must agree with the amount reported as operating revenue on Schedule F-3 of the Operating Statement in the company's Annual Report, filed in accordance with Rule 25-30.110, F.A.C. A minimum annual regulatory assessment fee of \$25 shall be imposed if there are no revenues or if revenues are insufficient to generate a minimum annual fee.

(2) The obligation to remit the regulatory assessment fees for any year shall apply to any utility that is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, ~~whether or not the utility has actually applied for or been issued a certificate.~~

(a) For large utilities with annual revenues of \$200,000 or more based on the most recent prior calendar year, regulatory assessment fees shall be filed with the Commission on or before July 30 for the preceding period or any part of the period from January 1 until June 30, and on January 30 for the preceding period or any part of the period from July 1 until December 31. Commission Form PSC/AFD 010-WL (02/05) PSC/ECR 10-WL (02/05) entitled "Large Water Utility System Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02618> and Commission Form PSC/AFD 017-WL (02/05) PSC/ECR 017-WL (02/05) entitled "Large Wastewater Utility System Regulatory Assessment Fee Return" is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02619>. These forms are incorporated into this rule by reference and may also be obtained from the Division of Administrative and Information Technology Services. 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.

(b) For small utilities with annual revenues of less than \$200,000 based on the most recent prior calendar year, regulatory assessment fees shall be filed with the Commission on or before March 31 for the preceding year

ended December 31. Commission Form PSC/AFD 010-WS (02/05) ~~PSC/ECR 010-WS (02/05)~~ entitled “Small Water Utility System Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02616> and Commission Form PSC/AFD 017-WS (02/05) ~~PSC/ECR 017-WS (02/05)~~ entitled “Small Wastewater Utility System Regulatory Assessment Fee Return” is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02617>. These forms are incorporated into this rule by reference and may also be obtained from the Commission’s Division of Administrative and Information Technology Services. 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.

(c) For the purpose of this rule, a utility operating both a water system and a wastewater system shall consider each system separately in determining the revenue threshold for filing regulatory assessment fees on either an annual or semi-annual basis.

(d) Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission’s Division of Administrative and Information Technology Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(3) If the due date falls on a Saturday, Sunday, or a legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service’s postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service’s postmark date. The postmarked certified mail receipt is evidence that the fees were delivered.

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

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

(b) Remit an amount which the utility estimates is its full fee.

(5) Any utility that purchases water or wastewater treatment from another utility regulated by the Florida

Public Service Commission is allowed to deduct the annual expense for purchased water or wastewater treatment from its gross operating revenues before calculating the amount of the regulatory assessment fees due.

(6) A utility may request ~~from the Division of Administrative Services~~ 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-02622>. This form may also be obtained from the Commission’s Division of Administrative and Information Technology Services. ~~Commission Form PSC/ADM 124 (Rev. 01/01/05), entitled “Regulatory Assessment Fee Extension Request”, is incorporated into this rule by reference and may be obtained from the Commission’s Division of Administrative 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. ~~The request for extension will be granted if the utility has applied for the extension within the time required in paragraph (b) below and the utility does not have any unpaid regulatory assessment fees, penalties or interest due from a prior period.~~

(b) The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. ~~The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.~~

(c) Where a utility receives either a 15-day extension or a 30-day extension of its due date pursuant to this rule, the utility shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fee, ~~set out in Section 350.113, F.S.~~

(7) The delinquency of any amount due to the Commission from the utility 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) Pursuant to Section 350.113, F.S., a penalty shall be assessed against any utility that fails to pay its

regulatory assessment fee by March 31, in the following manner:

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

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

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

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

~~(9) Any utility that fails to pay a penalty within 30 days after its assessment by the Commission shall be subject to interest applied to the penalty up to and including the date of payment of the penalty. Such interest shall be compounded monthly, based on the 30-day commercial paper rate for high-grade, unsecured notes sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.~~

Rulemaking Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 350.113, 367.145, 367.161 FS.

History—New 5-18-83, Formerly 25-10.24, Amended 10-19-86, Formerly 25-10.024, Amended 11-10-86, 2-8-90, 7-7-96, 2-3-05, _____.

SUMMARY OF THE RULE

Rule 25-30.120, F.A.C., requires Commission-regulated water and wastewater companies to remit regulatory assessment fees based upon their gross operating revenues. The rule amendment includes directives for the filing of either a 15-day or a 30-day extension of the due date for the payment of regulatory assessment fees or regulatory assessment fee return form due date, and provides that requests for extension will not be granted if the company has any unpaid regulatory assessment fees, penalties, or interest due from a prior period. Moreover, the rule amendment deletes provisions that are no longer necessary. Form PSC/AIT 124 (Rev. 04/13), the Regulatory Assessment Fee Extension Request form, incorporated by reference in the rule, requires a statement of good cause for the extension request, as required by Section 350.113(5), F.S.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-30.120, F.A.C., is amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms pursuant to Section 350.113(5), F.S., and to amend the filing forms accordingly.

SUMMARY OF ANY HEARINGS HELD ON THE RULES

No timely request for a hearing was received by the agency, and no hearing was held.