

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980275-GU

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees; Gas Utilities,
Gas Municipals, and Gas Districts

25-7.0131

PURPOSE AND EFFECT: To amend the rule to increase the
assessment fee.

SUMMARY: Amends Rule 25-7.0131, F.A.C., to increase the
regulatory assessment fee charged to investor-owned gas
utilities from .375 percent to .5 percent of gross operating revenues from
intrastate business.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Amendment of
the rule will increase the amount of Regulatory Accessment Fee
investor-owned gas utilities will be required to pay beginning in
1999. If the higher rate had been in effect for 1997, the
utilities would have collectively been required to pay an
additional \$468,221 in fees.

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), 366.14, 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

DOCUMENT NUMBER DATE

08583 AUG 12 88

FPSC-RECORDS/REPORTING

RECEIVED
98 AUG 12 AM 11:23
DEPT. OF STATE
TALLAHASSEE, FLORIDA

THE PROCEEDING.

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

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

(1) No Change.

(a) Each investor-owned gas utility shall pay a regulatory assessment fee in the amount of .005 ~~0.00375~~ 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) - (3) No Change.

(4) Commission Form PSC/ADM 67 (01/99 ~~07/96~~), entitled "Investor-Owned Natural Gas Utility Regulatory Assessment Fee Return" and Form PSC/ADM 71 (07/96), entitled "Gas Municipal or Gas District 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., 366.14, F.S. (1989)

Law Implemented: 350.113, F.S., 366.14, F.S. (1989)

History: New 5/18/83, formerly 25-7.131, Amended 10/16/86,
4/25/90, 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 25-7.0131 Regulatory Assessment Fees; Gas Utilities, Gas
2 Municipals, and Gas Districts.

3 (1) As applicable and as provided in s. 350.113, F.S. and
4 s. 366.14, F.S., each gas utility, municipal, or gas district
5 shall remit a fee based upon its gross operating revenue. This
6 fee shall be referred to as a regulatory assessment fee.
7 Regardless of the gross operating revenue of a company, a minimum
8 annual regulatory assessment fee of \$25 shall be imposed.

9 (a) Each investor-owned gas utility shall pay a regulatory
10 assessment fee in the amount of .005 ~~0.00375~~ of its gross
11 operating revenue derived from intrastate business, excluding
12 sales for resale between public utilities, municipal gas
13 utilities, and gas districts or any combination thereof.

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

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

23 (3) If the due date falls on a Saturday, Sunday, or a legal
24 holiday, the due date is extended to the next business day. If
25 the fees are sent by registered mail, the date of the

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

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

12 (4) Commission Form PSC/ADM 67 (01/99 ~~07/96~~), entitled
13 "Investor-Owned Natural Gas Utility Regulatory Assessment Fee
14 Return" and Form PSC/ADM 71 (07/96), entitled "Gas Municipal or
15 Gas District Regulatory Assessment Fee Return" are incorporated
16 into this rule by reference and may be obtained from the
17 Commission's Division of Administration. The failure of a
18 utility to receive a return form shall not excuse the utility
19 from its obligation to timely remit the regulatory assessment
20 fees.

21 (5) Each utility, municipal, and gas district shall have up
22 to and including the due date in which to:

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

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

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1 | less than its full fee, the remainder of the full fee shall be
2 | due on or before the 30th day from the due date and shall, where
3 | the amount remitted was less than 90 percent of the total
4 | regulatory assessment fee, include interest as provided by
5 | subsection (8) (b) of this rule.

6 | (7) A utility, municipal, or gas district may request from
7 | the Division of Administration a 30-day extension of its due date
8 | for payment of regulatory assessment fees or for filing its
9 | return form.

10 | (a) The request for extension must be written and
11 | accompanied by a statement of good cause.

12 | (b) The request for extension must be received by the
13 | Division of Administration at least two weeks before the due
14 | date.

15 | (c) Where a utility, municipal, or gas district receives an
16 | extension of its due date pursuant to this rule, then the
17 | utility, municipal, or gas district shall remit a charge in
18 | addition to the regulatory assessment fee, as set out in s.
19 | 350.113, F.S.

20 | (8) The delinquency of any amount due to the Commission
21 | from the utility, municipal, or gas district pursuant to the
22 | provisions of s. 350.113, F.S. and this rule, begins with the
23 | first calendar day after any date established as the due date
24 | either by operation of this rule or by an extension pursuant to
25 | this rule.

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

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

5 Specific Authority: 350.127(2), F.S., 366.14, F.S. (1989)

6 Law Implemented: 350.113, F.S., 366.14, F.S. (1989)

7 History: New 5/18/83, formerly 25-7.131, Amended 10/16/86,
8 4/25/90, 07/08/96, 01/01/99.

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