

1 **25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.**

2 (1) For the purposes of this rule and except for pay telephone service providers, all incumbent
3 local exchange companies, shared tenant service providers, alternative access vendors, and
4 competitive local exchange companies that hold an active certificate of public convenience
5 and necessity that was obtained prior to July 1, 2011, and all telecommunications companies
6 that hold an active certificate of authority obtained after July 1, 2011, are defined as local
7 telephone service providers. Companies classified as pay telephone service providers are
8 those companies that hold an active pay telephone certificate of public convenience and
9 necessity that was obtained prior to July 1, 2011, and those companies that hold an active pay
10 telephone certificate of authority obtained after July 1, 2011.

11 (2) (a) (+) For the interim period January 1, 2011 through December 31, 2011, as applicable
12 and as provided in Sections 350.113 and 364.336, F.S., each company shall remit a fee based
13 upon its gross operating revenue as provided below. Each company that has paid by August
14 15, 2011, regulatory assessment fees for the period January 1, 2011 through June 30, 2011,
15 shall pay a regulatory assessment fee in the amount of 0.0016 of its gross operating revenues
16 derived from intrastate business during the period July 1, 2011 through December 31, 2011.
17 Each company that has not paid any regulatory assessment fees for the period January 1, 2011
18 through December 31, 2011, shall pay a regulatory assessment fee in the amount of 0.0018 of
19 its gross operating revenues derived from intrastate business. The minimum regulatory
20 assessment fees provided in subsection (2) (b) shall apply and shall be filed in accordance with
21 the schedules provided in subsections (3) and (4). For the purpose of determining this fee,
22 each telecommunications company shall deduct from gross operating revenues any amount
23 paid to another telecommunications company for the use of any telecommunications network
24 to provide service to its customers.

25 (b) Effective January 1, 2012, as As applicable and as provided in Sections 350.113;

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

1 364.02(12) 364.02(13) and 364.336, F.S., each company shall remit a fee based upon its gross
2 operating revenue as provided below. This fee shall be referred to as a regulatory assessment
3 fee, and each company shall pay a regulatory assessment fee in the amount of 0.0016 ~~0.0020~~
4 of its gross operating revenues derived from intrastate business. For the purpose of
5 determining this fee, each telecommunications company shall deduct from gross operating
6 revenues any amount paid to another telecommunications company for the use of any
7 telecommunications network to provide service to its customers. Regardless of the gross
8 operating revenue of a company, a minimum annual regulatory assessment fee shall be
9 imposed as follows:

10 1. (a) Local Telephone Service Provider Exchange Company – \$600 ~~\$1,000~~; and

11 2. (b) Pay Telephone Service Provider – \$100.

12 ~~(c) Shared Tenant Service Provider – \$100;~~

13 ~~(d) Interexchange Company – \$700;~~

14 ~~(e) Alternative Access Vendor – \$600;~~

15 ~~(f) Competitive Local Exchange Company – \$600.~~

16 (3) (2) Telecommunications companies that owed gross regulatory assessment fees of \$10,000
17 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice
18 a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30
19 for the preceding period of January 1 through June 30, and no later than January 30 of the
20 following year for the period of July 1 through December 31. Telecommunications companies
21 that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar
22 year shall pay the fee and remit the appropriate form once a year. The regulatory assessment
23 fee and appropriate form shall be filed no later than January 30 of the subsequent year for the
24 current calendar year operations.

25 (4) (3) If the due date falls on a Saturday, Sunday, or legal holiday, the due date is extended to
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law.

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

9 (5) (4) Commission Form PSC/RAD 159 (XX/XX) PSC/RAD 25 (04/07), entitled "Local
10 Telephone Service Provider Exchange Company Regulatory Assessment Fee Return," is
11 available at [link]; Form PSC/RAD 160 (XX/XX), entitled "Interim Local Telephone Service
12 Provider Regulatory Assessment Fee Return," is available at [link]; Form PSC/RAD 26
13 (XX/XX) (04/07), entitled "Pay Telephone Service Provider Regulatory Assessment Fee
14 Return," is available at [link]; and Form PSC/RAD 161 (XX/XX) (04/07), entitled "Interim
15 Pay Telephone Service Provider Regulatory Assessment Fee Return," is available at [link]. ;
16 Form PSC/RAD 34 (04/07), entitled "Shared Tenant Service Provider Regulatory Assessment
17 Fee Return"; Form PSC/RAD 153 (04/07), entitled "Interexchange Company Regulatory
18 Assessment Fee Return"; Form PSC/RAD 1 (04/07), entitled "Alternative Access Vendor
19 Regulatory Assessment Fee Return"; and Form PSC/RAD 7 (04/07), entitled "Competitive
20 Local Exchange Company Regulatory Assessment Fee Return" These forms are incorporated
21 into this rule by reference and may also be obtained from the Commission's Division of
22 Administrative Services. The failure of a telecommunications company to receive a return
23 form shall not excuse the company from its obligation to timely remit the regulatory
24 assessment fees.

25 (6) (5) Each telecommunications company shall have up to and including the due date in

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1 | which to submit the applicable form and:

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

3 | (b) Remit an amount which the company estimates is its full fee.

4 | (7) (6) Where the company remits less than its full fee, the remainder of the full fee shall be
5 | due on or before the 30th day from the due date and shall, where the amount remitted was less
6 | than 90 percent of the total regulatory assessment fee, include interest as provided by
7 | subsection (9)(b) paragraph (8)(b) of this rule.

8 | (8) (7) A company may request ~~from the Division of Administrative Services~~ either a 15-day
9 | or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its
10 | return form by submitting to the Division of Administrative Services Commission Form
11 | PSC/ADM 124 (XX/XX) entitled "Regulatory Assessment Fee Extension Request," which is
12 | incorporated into this rule by reference and is available at [link]. This form may also be
13 | obtained from the Commission's Division of Administrative Services.

14 | (a) The request for extension must be received by the Division of Administrative Services at
15 | least two weeks before the due date. The request for extension must be submitted on Form
16 | PSC/ADM 124 (01/05) and will be granted if the company has applied for the extension
17 | within the time required in paragraph (b) below and the company does not have any unpaid
18 | regulatory assessment fees, penalties or interest due from a prior year. Form PSC/ADM 124
19 | (01/05), entitled "Regulatory Assessment Fee Extension Request" is incorporated into this rule
20 | by reference and may be obtained from the Commission's Division of Administrative
21 | Services.

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

25 | (c) Where a telecommunications company receives an extension of its due date pursuant to

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1 this rule, the telecommunications company shall remit a charge as set out in Section
2 350.113(5), F.S., in addition to the regulatory assessment fees, ~~as set out in Section~~
3 ~~350.113(5), F.S.~~

4 ~~(d) The return forms may be obtained from the Commission's Division of Administrative~~
5 ~~Services. The failure of a telecommunications company to receive a return form shall not~~
6 ~~excuse the company from its obligation to timely remit the regulatory assessment fees.~~

7 (9) ~~(8)~~ The delinquency of any amount due to the Commission from the telecommunications
8 company pursuant to the provisions of Section 350.113, F.S., and this rule, begins with the
9 first calendar day after any date established as the due date either by operation of this rule or
10 by an extension pursuant to this rule.

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

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

13 (10) ~~(9)~~ The Division of Administrative Services shall send by certified mail a regulatory
14 assessment fee delinquency notice to any company that fails to file a regulatory assessment fee
15 return and that fails to pay the regulatory assessment fee by the date specified in subsection (3)
16 ~~(2)~~, unless the company has met the requirements of subsections (7) ~~(6)~~ and (8) ~~(7)~~.

17 (11) ~~(10)~~ If a company fails to pay the regulatory assessment fee within 20 ~~15~~ days after
18 receiving a delinquency notice, the Division of Administrative Services, in cooperation with
19 the Division of Regulatory Analysis and the Office of General Counsel, will establish a docket
20 and administratively issue a Notice of Proposed Agency Action Order Imposing Penalties and
21 Collection Costs, and Requiring Payment of Delinquent Regulatory Assessment Fees, or
22 Cancelling Certificates ~~or Removing From the Register~~ for Violation of Rule 25-4.0161,
23 F.A.C., and Section 364.336, F.S. The company must pay the past due regulatory assessment
24 fees, the penalty and interest for late payment as provided in Section 350.113, F.S., and as
25 stated in subsection (9) ~~(8)~~ above, and must also pay the applicable penalty stated in

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1 subsection (12) ~~(11)~~ for failure to file the regulatory assessment fee return.
2 (12) ~~(11)~~ Pursuant to Section 364.285, F.S., the Commission has the authority to impose a
3 penalty or cancel a certificate ~~or registration~~ if a company refuses to comply with Commission
4 rules, orders, or Florida Statutes. The penalty, which will include collection costs, for failure
5 to file the regulatory assessment fee return by the date stated in the delinquency notice shall be
6 as follows:

- 7 (a) First violation – \$500;
- 8 (b) Second violation – \$1,000;
- 9 (c) Third violation – \$2,000.

10 Failure of the company to pay the full amount due and stated in the Notice of Proposed
11 Agency Action will result in the cancellation of the company's certificate. ~~Certificate of~~
12 ~~Public Convenience and Necessity, or will result in the cancellation of the company's tariff~~
13 ~~and removal of its name from the Commission's register, whichever is applicable.~~

14 (13) ~~(12)~~ For a company's fourth failure to pay the regulatory assessment fee after being sent a
15 delinquency notice, Commission staff shall file a recommendation to the Commission for
16 further action.

17 (14) ~~(13)~~ A company that reapplies for a Certificate of Authority ~~Public Convenience and~~
18 ~~Necessity, or refiles for registration,~~ must pay all prior unpaid regulatory assessment fees, plus
19 the penalty and interest defined in subsection (9) ~~(8)~~, and any prior unpaid penalty assessed in
20 accordance with subsection (11) ~~(10)~~.

21 Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 364.285, 364.336 FS.
22 History—New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-
23 26-95, 7-7-96, 11-11-99, 12-7-04, 10-6-05, 4-16-07, xx-xx-xx.

24
25

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE
Local Telephone Service Provider Regulatory Assessment Fee Return

Florida Public Service Commission

STATUS:

- Actual Return
- Estimated Return
- Amended Return

(See Filing Instructions on Back of Form)

PERIOD COVERED:

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY	
Check #	
\$ _____	06-03-001
	003001
\$ _____	E
\$ _____	P 06-03-001
	004011
\$ _____	I
Postmark Date	_____
Initials of Preparer	_____

(Name of Company)	(Address)	(City/State)	(Zip)
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LINE NO.		TOTAL FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Local Service Revenues	\$ _____	\$ _____
2.	Network Access Revenues	_____	_____
3.	Long Distance Network Services Revenues	_____	_____
4.	Miscellaneous Revenues	_____	_____
5.	TOTAL REVENUES	\$ _____	\$ _____
6.	LESS: Amounts Paid to Other Telecommunications Companies ⁽¹⁾		_____
7.	NET INTRASTATE OPERATING REVENUE for Regulatory Assessment Fee Calculation (Line 5 less Line 6)		\$ _____
8.	Regulatory Assessment Fee Due (Multiply Line 7 by 0.0016. If more than \$600, enter amount. If less, enter \$600.) ⁽²⁾		_____
9.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		_____
10.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		_____
11.	Extension Payment Fee (see "4. Extension " on back)		_____
12.	TOTAL AMOUNT DUE (Add lines 8 through 11)		\$ _____

(1) These amounts must be intrastate only and must be verifiable (see "2. Fees" on back).

(2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$600 shall be imposed as provided in Section 364.336, Florida Statutes.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

(Signature of Company Official)	(Title)	(Date)
(Preparer of Form - Please Print Name)	Telephone Number () _____	Fax Number () _____
	F.E.I. No. _____	

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Telecommunications Company)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return is required twice a year and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, **and**
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

2. **FEES:** Each company shall pay 0.0016 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 6, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. ***Do not deduct*** any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals. **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 9). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 10). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted up to a 30-day extension. A request must be made by filing the enclosed *Regulatory Assessment Fee Extension Request* form (PSC/ADM 124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due (Line 11):

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues by checking the "Estimated Return" space in the top left-hand corner on the reverse side. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the enclosed envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Regulatory Analysis at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE
Interim Local Telephone Service Provider Regulatory Assessment Fee Return
Used for Calendar Year 2011 Only

Florida Public Service Commission

STATUS:

- Actual Return
- Estimated Return
- Amended Return

(See Filing Instructions on Back of Form)

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY	
Check #	
\$ _____	06-03-001 003001
\$ _____	E
\$ _____	P 06-03-001 004011
\$ _____	I
Postmark Date	_____
Initials of Preparer	_____

 (Name of Company) (Address) (City/State) (Zip)

LINE NO.		TOTAL FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Local Service Revenues	\$ _____	\$ _____
2.	Network Access Revenues	_____	_____
3.	Long Distance Network Services Revenues	_____	_____
4.	Miscellaneous Revenues	_____	_____
5.	TOTAL REVENUES	\$ _____	\$ _____
6.	LESS: Amounts Paid to Other Telecommunications Companies ⁽¹⁾	_____	_____
7.	NET INTRASTATE OPERATING REVENUE for Regulatory Assessment Fee Calculation (Line 5 less Line 6)	_____	\$ _____
8.	Regulatory Assessment Fee Due (Multiply Line 7 by 0.0018. If more than \$600, enter amount. If less, enter \$600.) ⁽²⁾	_____	_____
9.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
10.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
11.	Extension Payment Fee (see "4. Extension " on back)	_____	_____
12.	TOTAL AMOUNT DUE (Add lines 8 through 11)	_____	\$ _____

(1) These amounts must be intrastate only and must be verifiable (see "2. Fees" on back).

(2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$600 shall be imposed as provided in Section 364.336, Florida Statutes.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 (Preparer of Form - Please Print Name) Telephone Number () Fax Number ()

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Telecommunications Company)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return is required twice a year and payment must be filed or postmarked:

On or before July 30 for the six-month period January 1 through June 30, and
On or before January 30 for the six-month period July 1 through December 31.

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

2. **FEES:** Each company shall pay 0.0018 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 6, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. **Do not deduct** any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals. **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due. 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 9). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 10). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted up to a 30-day extension. A request must be made by filing the enclosed *Regulatory Assessment Fee Extension Request* form (PSC/ADM 124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due (Line 11):

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues by checking the "Estimated Return" space in the top left-hand corner on the reverse side. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the enclosed envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Regulatory Analysis at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE
Pay Telephone Service Provider Regulatory Assessment Fee Return

Florida Public Service Commission

FOR PSC USE ONLY	
Check #	_____
\$ _____	06-03-001 003001
\$ _____	E
\$ _____	P 06-03-001 004011
\$ _____	I
Postmark Date	_____
Initials of Preparer	_____

STATUS:

(See Filing Instructions on Back of Form)

- Actual Return
 Estimated Return
 Amended Return

PERIOD COVERED:

«Field3»

Please Complete Below If Official Mailing Address Has Changed

 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue (Florida)	\$ _____
2.	Gross Intrastate Revenue	_____
3.		
	Less: Amounts Paid to Other Telecommunications Companies ⁽¹⁾ (see "2. Fees" on back)	(_____)
4.	TOTAL REVENUES for Regulatory Assessment Fee Calculation (Line 2 less Line 3)	\$ _____
5.	REGULATORY ASSESSMENT FEE DUE - (Multiply Line 4 by 0.0016. If more than \$100, enter amount. If less, enter \$100.) ⁽²⁾	_____
6.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____
7.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____
8.	Extension Payment Fee (see "4. Extension" on back)	_____
9.	TOTAL AMOUNT DUE (Add lines 5 through 8)	\$ _____
10.	Number of pay telephones in operation at close of period covered by this Return	_____

(1) These amounts must be **intrastate only** and must be verifiable (see "2. Fees" on back).

(2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$100 shall be imposed as provided in Section 364.336, Florida Statutes.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 Telephone Number () Fax Number ()

(Preparer of Form - Please Print Name)

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Pay Telephone Service Provider)

1. **WHEN TO FILE:** For companies which owed a total of **\$10,000 or more** of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return is required twice a year and payment must be filed or postmarked:

On or before July 30 for the six-month period January 1 through June 30, and
On or before January 30 for the six-month period July 1 through December 31.

For companies which owed a total of **less than \$10,000** of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0016 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(2)(a), F.A.C., for 2011 and as referenced in Rule 25-4.0161(2)(b), F.A.C., for 2012 and beyond. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts other than the amount on Line 3.

On Line 3, deduct any amounts paid to another telecommunications company for the use of any telecommunications network (including installation charges) to provide service to its customers. **Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals. DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 6). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 7). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted up to a 30-day extension. A request must be made by filing the enclosed *Regulatory Assessment Fee Extension Request* form (PSC/ADM 124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due (Line 8):

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues by checking the "Estimated Return" space in the top left-hand corner on the reverse side. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your records, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Regulatory Analysis at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE
Interim Pay Telephone Service Provider Regulatory Assessment Fee Return
Used for Calendar Year 2011 Only

Florida Public Service Commission

STATUS:

- Actual Return
 Estimated Return
 Amended Return

(See Filing Instructions on Back of Form)

PERIOD COVERED:

«Field3»

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY	
Check #	_____
\$ _____	06-03-001 003001
\$ _____	E
\$ _____	P 06-03-001 004011
\$ _____	I
Postmark Date	_____
Initials of Preparer	_____

 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue (Florida)	\$ _____
2.	Gross Intrastate Revenue	_____
3.	Less: Amounts Paid to Other Telecommunications Companies ⁽¹⁾ (see "2. Fees" on back)	(_____)
4.	TOTAL REVENUES for Regulatory Assessment Fee Calculation (Line 2 less Line 3)	\$ _____
5.	REGULATORY ASSESSMENT FEE DUE - (Multiply Line 4 by 0.0018 If more than \$100, enter amount. If less, enter \$100.) ⁽²⁾	_____
6.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____
7.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____
8.	Extension Payment Fee (see "4. Extension" on back)	_____
9.	TOTAL AMOUNT DUE (Add lines 5 through 8)	\$ _____
10.	Number of pay telephones in operation at close of period covered by this Return	_____

(1) These amounts must be **intrastate only** and must be verifiable (see "2. Fees" on back).

(2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$100 shall be imposed as provided in Section 364.336, Florida Statutes.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 (Preparer of Form - Please Print Name) Telephone Number () Fax Number ()

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Pay Telephone Service Provider)

1. **WHEN TO FILE:** For companies which owed a total of **\$10,000 or more** of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return is required twice a year and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, and
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of **less than \$10,000** of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0018 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts other than the amount on Line 3.

On Line 3, deduct any amounts paid to another telecommunications company for the use of any telecommunications network (including installation charges) to provide service to its customers. **Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals.** **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 6). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 7). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted up to a 30-day extension. A request be made by filing the enclosed *Regulatory Assessment Fee Extension Request* form (PSC/ADM 124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due (Line 8):

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues by checking the "Estimated Return" space in the top left-hand corner on the reverse side. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your records, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Regulatory Analysis at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

FLORIDA PUBLIC SERVICE COMMISSION

(Type of Industry)

REGULATORY ASSESSMENT FEE EXTENSION REQUEST

(Utility/Company)

(Utility/Co Code)

(FEID No.)

Mailing Address:

This is to request an extension for filing the Regulatory Assessment Fee Return for the above utility/company for the period indicated below:

PERIOD

15 days to

30 days to

Statement of Good Cause (Reason For Request):

Statement of Good Cause (Reason For Request) lines

(Signature)

(Title)

(Date)

(Telephone Number)

(FAX Number)

NOTE TO UTILITY/COMPANY

- Your Regulatory Assessment Fee Extension Request form must be filed and received by the Florida Public Service Commission at the address referenced below BY CLOSE OF BUSINESS ON before the payment due date of . Once your request is received, you will be notified by fax (or by mail when a fax number is not provided) indicating that your request was approved or denied. THIS IS NOT AN AUTOMATIC EXTENSION, THEREFORE YOU MUST RECEIVE APPROVAL FROM THE COMMISSION IN ORDER TO RECEIVE AN EXTENSION. See approval criteria on the back of this form.
If an extension of 15 days or less is approved, 0.75% of the fee is to be included when making payment.
If an extension of 16 to 30 days is approved, 1.5% of the fee is to be included when making payment.

FOR PUBLIC SERVICE COMMISSION USE ONLY

Request Approved

Request Denied

The 20 Regulatory Assessment Fee has not been received.

The 20 Regulatory Assessment Fee was delinquent. Prior penalty and/or interest has not been received for your 20 Regulatory Assessment Fee.

The request was received too late for processing.

APPROVED BY:

(Fiscal Services Section Supervisor)

(Date)

If you have questions, please contact a staff member of the Fiscal Services Section or write to Division of Administrative Services, Fiscal Services Section, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399.

Criteria for Extension Request

- Form PSC/ADM 124, *Regulatory Assessment Fee Extension Request*, must contain a statement of good cause/reason for extension request. Examples of good cause include reasons such as financial hardship, severe illness, or acts of God; but do not include reasons such as management oversight or vacation time.
- The request for extension must be received by the Division of Administrative Services at least two weeks before the Regulatory Assessment Fee due date.
- The request for extension will not be granted if the utility has any unpaid regulatory assessment fees, penalties, and/or interest due from a prior period(s).
- Please be aware that pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree.

NOTICE OF PROPOSED RULE

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE:

25-4.0161: Regulatory Assessment Fees; Telecommunications Companies

PURPOSE AND EFFECT: Rule 25-4.0161 is amended to reduce the regulatory assessment fee for telecommunications companies under s. 350.113 and 364.336, F.S., as required by s. 364.336, F.S., to remove references to interexchange companies since they are no longer regulated by the Commission, to amend regulatory assessment fee filing forms consistent with the rule amendments, and to clarify requirements for requesting a filing extension.

Docket No. 110224-TP

SUMMARY: Rule 25-4.0161 is amended to reduce the regulatory assessment fee for telecommunications companies from 0.0020 to 0.0016, company types are redefined consistent with statutory changes, certain minimum regulatory assessment fees are changed, filing forms are amended to be consistent with the rule changes, and the procedure for requesting a filing extension is amended to require a statement of good cause consistent with s. 350.113(5), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: A SERC has been prepared by the agency. Based on the SERC, the agency has determined that this rule amendment will not have an adverse impact on small businesses, will not likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after implementation of the rule, and will not require legislative ratification pursuant to s. 120.541(3), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 350.113, 364.285, 364.336, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, November 22, 2011, at 1:30 p.m.

PLACE: Room 148, Betty Easley Conference, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) For the purposes of this rule and except for pay telephone service providers, all incumbent local exchange companies, shared tenant service providers, alternative access vendors, and competitive local exchange companies that hold an active certificate of public convenience and necessity that was obtained prior to July 1, 2011, and all telecommunications companies that hold an active certificate of authority obtained after July 1, 2011, are defined as local telephone service providers. Companies classified as pay telephone service providers are those companies that hold an active pay telephone certificate of public convenience and necessity that was obtained prior to July 1, 2011, and those companies that hold an active pay telephone certificate of authority obtained after July 1, 2011.

(2) (a) (+) For the interim period January 1, 2011 through December 31, 2011, as applicable and as provided in Sections 350.113 and 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. Each company that has paid by August 15, 2011, regulatory assessment fees for the period January 1, 2011 through June 30, 2011, shall pay a regulatory assessment fee in the amount of 0.0016 of its gross operating revenues derived from intrastate business during the period July 1, 2011 through December 31, 2011. Each company that has not paid any regulatory assessment fees for the period January 1, 2011 through December 31, 2011, shall pay a regulatory assessment fee in the amount of 0.0018 of its gross operating revenues derived from intrastate business. The minimum regulatory assessment fees provided in subsection (2) (b) shall apply and shall be filed in accordance with the schedules provided in subsections (3) and (4). For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another

telecommunications company for the use of any telecommunications network to provide service to its customers.

(b) Effective January 1, 2012, as As applicable and as provided in Sections 350.113, ~~364.02 (12)~~ ~~364.02(13)~~ and 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of ~~0.0016~~ ~~0.0020~~ of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee shall be imposed as follows:

1. (a) Local Telephone Service Provider Exchange Company – \$600 ~~\$1,000~~; and

2. (b) Pay Telephone Service Provider – \$100;

~~(c) Shared Tenant Service Provider – \$100;~~

~~(d) Interexchange Company – \$700;~~

~~(e) Alternative Access Vendor – \$600;~~

~~(f) Competitive Local Exchange Company – \$600.~~

(3) (2) Telecommunications companies that owed gross regulatory assessment fees of \$10,000 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30 for the preceding period of January 1 through June 30, and no later than January 30 of the following year for the period of July 1 through December 31. Telecommunications companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations.

(4) (3) If the due date falls on a Saturday, Sunday, or 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 Administration Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(5) (4) Commission Form PSC/RAD 159 (XX/XX) ~~PSC/RAD 25 (04/07)~~, entitled "Local Telephone Service Provider Exchange Company Regulatory Assessment Fee Return," is available at [\[link\]](#); Form PSC/RAD 160 (XX/XX), entitled "Interim Local Telephone Service Provider Regulatory Assessment Fee Return," is available at [\[link\]](#); Form PSC/RAD 26 (XX/XX) (04/07), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return," is available at [\[link\]](#); and Form PSC/RAD 161 (XX/XX) (04/07), entitled "Interim Pay Telephone Service Provider Regulatory Assessment Fee Return," is available at [\[link\]](#). ~~Form PSC/RAD 34 (04/07), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/RAD 153 (04/07), entitled "Interexchange Company Regulatory Assessment Fee Return"; Form PSC/RAD 1 (04/07), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/RAD 7 (04/07), entitled "Competitive Local Exchange Company Regulatory Assessment Fee Return"~~ These forms are incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative Services. The failure of a telecommunications company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(6) (5) Each telecommunications company shall have up to and including the due date in which to submit the applicable form and:

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

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

(7) (6) Where the 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 subsection (9)(b) ~~paragraph (8)(b)~~ of this rule.

(8) (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 Services Commission Form PSC/ADM 124 (XX/XX) entitled "Regulatory Assessment Fee Extension Request," which is incorporated into this rule by reference and is available at [link]. This form may also be obtained from the Commission's Division of Administrative Services.

(a) The request for extension must be received by the Division of Administrative Services at least two weeks before the due date. The request for extension must be submitted on Form PSC/ADM 124 (01/05) and will be granted if the company has applied for the extension within the time required in paragraph (b) below and the company does not have any unpaid regulatory assessment fees, penalties or interest due from a prior year. Form PSC/ADM 124 (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.

(b) The request for extension will not be granted if the company 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 telecommunications company receives an extension of its due date pursuant to this rule, the telecommunications company shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fees, as set out in Section 350.113(5), F.S.

(d) The return forms may be obtained from the Commission's Division of Administrative Services. The failure of a telecommunications company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(9) (8) The delinquency of any amount due to the Commission from the telecommunications company 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.

(10) (9) The Division of Administrative Services shall send by certified mail a regulatory assessment fee delinquency notice to any company that fails to file a regulatory assessment fee return and that fails to pay the regulatory assessment fee by the date specified in subsection (3) (2), unless the company has met the requirements of subsections (7) (6) and (8) (7).

(11) (10) If a company fails to pay the regulatory assessment fee within 20 15 days after receiving a delinquency notice, the Division of Administrative Services, in cooperation with the Division of Regulatory Analysis and the Office of General Counsel, will establish a docket and administratively issue a Notice of Proposed Agency Action Order Imposing Penalties and Collection Costs, and Requiring Payment of Delinquent Regulatory Assessment Fees, or Cancelling Certificates or Removing From the Register for Violation of Rule 25-4.0161, F.A.C., and Section 364.336, F.S. The company must pay the past due regulatory assessment fees, the penalty and interest for late payment as provided in Section 350.113, F.S., and as stated in subsection (9) (8) above, and must also pay the applicable penalty stated in subsection (12) (11) for failure to file the regulatory assessment fee return.

(12) (11) Pursuant to Section 364.285, F.S., the Commission has the authority to impose a penalty or cancel a certificate or registration if a company refuses to comply with Commission rules, orders, or Florida Statutes. The penalty, which will include collection costs, for failure to file the regulatory assessment fee return by the date stated in the delinquency notice shall be as follows:

(a) First violation – \$500;

(b) Second violation – \$1,000;

(c) Third violation – \$2,000.

Failure of the company to pay the full amount due and stated in the Notice of Proposed Agency Action will result in the cancellation of the company's certificate. Certificate of Public Convenience and Necessity, or will result in the cancellation of the company's tariff and removal of its name from the Commission's register, whichever is applicable.

(13) (12) For a company's fourth failure to pay the regulatory assessment fee after being sent a delinquency notice, Commission staff shall file a recommendation to the Commission for further action.

(14) (13) A company that reapplies for a Certificate of Authority Public Convenience and Necessity, or refiles for registration, must pay all prior unpaid regulatory assessment fees, plus the penalty and interest defined in subsection (9) (8), and any prior unpaid penalty assessed in accordance with subsection (11) (10).

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 364.285, 364.336 FS. History--New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99, 12-7-04, 10-6-05, 4-16-07, xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216,

kcowdery@psc.state.fl.us

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 30, July 29, 2011

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-4.0161, F.A.C., has been amended to reduce the regulatory assessment fee for telecommunications companies under §§ 350.113 and 364.336, Fla. Stat., as required by § 364.336(2), Fla. Stat. (2011), in order to reflect the reduction in regulation resulting from the amendments to chapter 364, Fla. Stat. (2011), to remove references to company types no longer regulated by the Commission, to amend regulatory assessment fee filing forms consistent with the rule amendments, and to clarify requirements for requesting a filing extension.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards pertaining to this rule.



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: September 8, 2011
TO: Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel
FROM: William B. McNulty, Economic Analyst, Division of Economic Regulation *wbm*
RE: Statement of Estimated Regulatory Costs for Proposed Rule Amendments to Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Docket No. 110224-TP

Summary of the Rule

Rule 25-4.0161, F.A.C. Regulatory Assessment Fees (RAFs) sets the rate at which telecommunications companies are assessed for regulatory costs. Currently, the assessed rate is 0.20 percent of a certificated company's gross operating revenues derived from intrastate business and minimum rates are specific to each type of telecommunications company.

The draft rule would decrease the telecommunications companies' RAF rate to 0.16 percent in response to statutory requirements of the Regulatory Reform Act passed by the 2011 Legislature and signed into law by the Governor. Minimum annual RAFs for local exchange companies would be decreased from \$1,000 to \$600. Minimum annual RAFs for Shared Tenant Providers' would increase from \$100 to \$600. All other types of telecommunication companies' minimum rates would not change (i.e. Competitive Local Exchange Companies' and Alternative Access Vendors' minimum annual RAFs would remain at \$600, and pay telephone providers' minimum annual RAFs would remain at \$100). In addition, no RAF revenue would be collected from interexchange companies since they are now deregulated. These changes are designed to reflect the reductions in regulatory activities resulting from the amendments to Chapter 364 which took effect on July 1, 2011.

The following items address Section 120.541, F.S., requirements regarding the Statement of Estimated Regulatory Costs (SERC) presented as part of Staff's recommendation in this proceeding.

Economic Analysis Showing Whether The Rule Is Likely To Have An Adverse Impact On Either Economic Growth Or Business Competitiveness In Excess Of \$1 Million Within 5 Years

Section 120.541(2)(a)1 requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Similarly, Section 120.541(2)(a)2 requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5

years after the implementation of the rule. Since the intent of the draft rule is to reduce the RAF rates rather than to increase them, economic growth, private job sector employment, private sector investment, and business competitiveness are not expected to be adversely impacted during the five year period identified in the statute. One notable exception to the proposed decrease in RAF rates is the proposed rate for shared tenant service providers. Shared tenant service providers have typically paid the minimum annual RAF rate, but that rate is proposed to increase from \$100 to \$600 since such entities have become local exchange companies under the new legislation.

Economic Analysis Showing Whether The Rule Is Likely To Increase Regulatory Costs In Excess Of \$1 Million Within 5 Years

Section 120.541(2)(a)3 requires an economic analysis showing whether the draft rule directly or indirectly is likely to increase regulatory cost, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. RAF revenue during the first year of rule implementation (2012-2013) is expected to decrease by \$1,185,115 based on the proposed RAF rates relative to the existing RAF rates. RAF revenue collected in each of the following 4 years is expected to likewise be substantially reduced relative to what would be collected under existing RAF rates. Thus, the regulatory costs are expected to be reduced in the aggregate for the 5 years following the enactment of the rule.

Estimated Number Of Entities Required To Comply And General Description Of Individuals Affected

Section 120.541(2)(b) requires a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals anticipated to be affected by the rule. The number of telecommunications companies which are required to comply with the rule as of July 1, 2011, include:

- 10 incumbent local exchange companies,
- 25 alternative access vendors,
- 298 competitive local exchange companies,
- 106 pay telephone providers, and
- 20 shared tenant service providers.

The proposed minimum annual RAF rate for competitive local exchange companies, alternative access vendors, and pay telephone service providers are the same as the current minimum annual RAF rate. In 2010, 341 of 417 such companies paid the minimum annual RAF rate. A similar or slightly lower number of companies is expected to pay the minimum annual RAF fee in 2012-2013.

At the August 22, 2011, staff rule development workshop, staff solicited feedback from the telecommunications companies regarding the expected impact of the draft rule on their customers. No responses to the requests for expected customer impacts were received. Staff believes that the impact of the fee reduction on customers will be de minimus.

Rule Implementation And Enforcement Cost And Impact On Revenues For The Agency And Other State And Local Government Entities

Section 120.541(2)(c) requires a good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues. The rule development process includes a sequence of actions by the agency which vary according to the rule being implemented. These steps include rule drafting; a rule development workshop; preparing, filing, and presenting a rule recommendation (including a SERC); Commission consideration of the draft rule recommendation at an Agenda Conference; a rule hearing if one is requested; a possible additional agenda conference for those cases where a rule hearing is conducted or written comments are filed; and ultimately, filing the rule with the Secretary of State. Most of the costs to the agency associated with these rule development actions, including a possible rule hearing, are fixed costs and not likely to be affected substantially for the level of complexity associated with the development of this rule. Enforcement costs with the rule change are also primarily fixed costs and should remain at approximately the same levels as they have been in the past.

The impact on state revenues is expected to be a decrease of \$1,185,115 in revenues in the first year of rule implementation, based on the latest estimated gross intrastate revenues for 2012-2013:

Estimated 2012-2013 Gross Intrastate Revenues:	\$2,962,787,000
Estimated 2012-2013 RAF Revenue at 0.20 %:	\$5,925,574
Estimated 2012-2013 RAF Revenue at 0.16 %:	<u>\$4,740,459</u>
Change in RAF Revenue at 0.16%:	(\$1,185,115)

The impact on local government revenue is expected to be de minimis.

Estimated Transactional Costs To Individuals And Entities

Section 120.541(2)(d) requires a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. Under the draft rule, telecommunication companies would be required to prepare revised RAF forms similar to the current RAF forms in terms of the required information. Companies which choose to revise the rates they charge their customers based on the revised RAF rates would have some minor expense associated with implementing the rate changes.

At the August 22, 2011, staff rule development workshop, staff solicited feedback from the telecommunications companies regarding the expected impact of the draft rule on their customers. No responses to the requests for expected customer impacts were received. Staff believes that the impact of the fee reduction on customers will be de minimus.

Impact On Small Businesses, Small Cities, Or Small Counties

Kathryn Cowdery
September 8, 2011
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Section 120.541(2)(e) requires an analysis of the impact of the proposed rule change on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined in Section 120.52, F.S. Staff solicited written comments on this matter from the telecommunications companies at the August 22, 2011 rule development workshop. No comments were received. Staff believes the impact of the proposed RAF fee changes on small businesses, small counties, and small cities will be de minimus.

Additional Information Deemed Useful By The Agency

None.

cc: Chuck Hill
Beth Salak
Dale Mailhot
Marshall Willis