## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 891204+WS IN RE: Amendment of Rule of Rule 25,30.120, F.A.C., ORDER NO. 22434 regulatory assessment fees for water and sewer utilities ISSUED: 1/22/90

# NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rule 25+30.120 relating to regulatory assessment fees for water ' and wastewater utilities without change.

The rule amendment was filed with the Secretary of State on January 19, 1990, and will be effective on February 8, 1990. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this 22nd day of JANUARY

STEVE TRIBBLE, Director Division of Records & Reporting

(SEAL)

MCB 3649G

> DOCUMENT NUMBER-DATE 00621 JAN 22 1990 FPSC-RECORDS/REPORTING

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## CERTIFICATION OF

# PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES

#### FILED WITH THE

# DEPARTMENT OF STATE

I do hereby certify:

- /X/ (1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with: and
- /x/ (2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and
- /X/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11) (b).

  F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;
  - /X/ (a) And are filed not more than 90 days after the notice; or
  - // (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
  - // (c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or
  - /\_/ (d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

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// (e) Are filed within 21 days after the date the transcript was received by this agency.

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 No. 25-30.120 Specific
Rulemaking
Authority
350.127(21, F.S.

Law Being Implemented.
Interpreted or
Made Specific
350.113, F.S.

Under the provision of paragraph 120.54(12)(a), 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)

Steve Tribble

Director, Division of Records & Reporting Title

Number of Pages Certified

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25-30.120 Regulatory Assessment Peesr Water and Wastewater Sewer Utilities.

- (1) As applicable and as provided in s. 350.113, F.S. (1985), each utility shall remit a fee based upon its gross operating revenue. This fee shall be referred to as a regulatory assessment fee. For the year beginning January 1, 1990 each utility shall pay a regulatory assessment fee in the amount of two and one-half percent of its gross revenues derived from intrastate business for the first six months of that year and four and one-half percent for the second six months of that year. Thereafter, beginning January 1, 1991 each utility shall pay a regulatory assessment fee in the amount of four and one-half percent for the entire year. and-each-utility-shall-pay-a-regulatory-assessment-fee-in-the amount-of-two-and-one-half-percent-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. Regardless of the gross operating revenue of a utility company, a minimum annual regulatory assessment fee of \$25 shall be imposed.
- (2) The obligation to remit the regulatory assessment fees for any year shall apply to any utility which 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. Regulatory-assessment fees-are-due-each-danuary-30-for-the-preceding-period-or-any-part of-the-period-from-duly-1-until-Becember-317-and-on-duly-30-for the-preceding-period-or-any-part-of-the-period-from-danuary-1 until-dune-30.
  - (a) Regulatory assessment fees shall be filed with the

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

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Commission on or before March 31 for the preceding year ended December 31. The Commission shall, by January 15 of each year, 1 send one plank copy of the Regulatory Assessment Fee Return form 2 (PSC-WAS-10 or PSC-WAS-17), which is incorporated by reference 3 into this rule, to each utility. The forms may be obtained from 4 the Commission's Division of Administration. The failure of a 5 utility to receive a return form shall not excuse the utility from 6 its obligation to timely remit the regulatory assessment fees. 7 (b) Regulatory assessment fees are considered paid on the B date they are postmarked or received and logged in by the q Commission's Division of Administration in Tallahassee. Fees are 10 considered timely paid if properly addressed, with sufficient 11 postage and postmarked no later than the due date. If the fees 12 are sent by registered mail, the date of the registration is the 13 postmark date. If the fees are sent by certified mail and the 14 receipt is postmarked by a postal employee, the date on the 15 receipt is the postmark date. The postmarked certified mail 16 receipt is evidence that the fees were delivered. 17 fer Each utility shall have up to and including the due date 18 19 in which to: Remit the total amount of its fee, or 20 1. tat Remit an amount which the utility estimates is 21 2. +67 22 its full fee, or Seek and receive from the-Bureau-Chief-of 23 3. tet Piscal-Services-of the Division of 24 Administration Commission a 30-day extension 25 of its due date. The request for extension 26 must be written and accompanied by a statement of good cause. The request for extension must 28 be received by the Division of Administration 29 within five working days before the due date. 30 31

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treatment from another utility regulated by the Florida Public Service Commission is allowed a credit on the regulatory assessment fees paid to the FPSC. For the year beginning January 1, 1990, the credit shall be calculated by multiplying .035 +025 times the annual amount paid to the other regulated utility for purchased water or wastewater sewage treatment. Thereafter, the credit shall be calculated by multiplying .045 times the annual amount paid to the other regulated utility for purchase water or wastewater treatment. This credit may be deducted annually from the amount owed to the Commission pursuant to section 350.113, Florida Statutes.

- (4) Where a utility receives a 30-day extension of its due date pursuant to subsection (2)(b)3 (2)(e) of this rule, then the utility shall remit a-charge in addition to the regulatory assessment fee, as set out in s. 350.113(5), P.S. (1985) as follows: T
- (a) .75 percent of the fee to be remitted for an extension of 15 days or less, or
- (b) a charge of 1.5 percent of the fee for an extension of 16 to 30 days.
- (c) No other penalty or interest shall be collected if the additional charge is remitted within the extension time granted.
- (5) The delinquency of any amount due to the Commission from the utility pursuant to the provisions of s. 350.113, F.S. (1985), and this rule, begins with the first 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 s. 350.113(4), 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: A-penalty;

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as-set-out-in-s--350-1137-F-S--(1985)7-shall-apply-to-any-such 1 delinquent-amounts: 2 5 percent of the fee if the failure is for not more 1. 3 than 30 days, with an additional 5 percent for each 4 additional 30 days or fraction thereof during the time in which the failure continues, not to exceed a total penalty of 25 percent. The amount of interest to be charged is 1% for each 2. H thirty days or fraction thereof, not to exceed a total of 12% per annum. 10 In addition to the penalties and interest otherwise 11 provided, the Commission may impose an additional penalty upon a 12 utility for failure to pay regulatory assessment fees in a timely 13 manner in accordance with s. 367.161, F.S. Interest-at-the-rate 14 of-12%-per-annum-shall-apply-to-any-such-delinquent-amounts-15 (6) Any utility which requests an extension of not more than 16 30 days and remits, by the due date, an estimated fee payment of 17 at least 90% of the actual fee due shall not be charged interest 18 or penalty on the balance due if paid within the extension period. 19 (7) Any utility which fails to pay a penalty within 30 days 20 after its assessment by the Commission shall be subject to 21 interest applied to the penalty up to and including the date of 22 payment of the penalty. Such interest shall be compounded 23 monthly, based on the 30-day commercial paper rate for high-grade, 24 unsecured notes sold through dealers by major corporations in 25 multiples of \$1,000 as regularly published in the Wall Street 26 Journal. - 27

28 Specific Authority: 350.127(2), P.S.

29 Law Implemented: 350.113, F.S.

History: New 5/18/83, formerly 25-10.24, Amended 10/16/86,

Transferred from 25-10.024 and Amended 11/9/86.

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Rule 25-30.120 Docket No. 891204-WS

# SUMMARY OF RULE

The amendments adjust the rate at which regulatory assessment fees are calculated from two and one-half percent (2.50%), to four and one-half percent (4.50%), of gross operating revenues, beginning the second half of 1990. Fees will be due on a yearly basis on or before March 31, the time for filing annual reports. Utilities subject to the Commission's jurisdiction at any time during the year will be required to remit assessment fees. Penalties for late filings are described. New filing forms are incorporated in the rule.

## SUMMARY OF HEARINGS ON THE RULE

No hearings were held.

# FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

During the 1989 legislative session, several significant changes were made to the statutes governing the Commission's authority to collect regulatory assessment fees from water and wastewater utilities under its jurisdiction. The rule changes proposed by the Commission reflect those statutory changes. To fulfill the specific directive of Section 367.145(3). Florida Statutes, that fees collected from water and wastewater utilities

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"...may only be used to cover the cost of regulating water and wastewater systems...", the Commission proposes an increase of the regulatory assessment fee rate to 4 1/2 percent beginning July 1, 1990. To eliminate confusion among utilities over when their obligation to remit assessment fees begins, proposed subsection (2) of Rule 25-30.120, makes it clear that a utility's obligation attaches when it becomes subject to the Commission's jurisdiction. Pursuant to the legislative directive of Section 367.145(1), Florida Statutes, an amendment has been proposed to subsection (2)(a), directing that fees shall be filed on an annual basis on or before March 31, commensurate with the filing of annual reports. The proposed changes also clarify procedures for the imposition of fines, interest and other penalties for late remittances. Finally, the proposed amendments incorporate by reference a new regulatory assessment fee form which reflects the proposed changes.

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#### CERTIFICATION OF

## INCORPORATION BY RULE

I do hereby certify:

(1) That paragraph (2) (a) incorporates Form PSC/WAS 10 (Rev. 01/90) into Rule 25-30.120 by reference.

(2) That Form PSC/WAS 10 (Rev. 01/90) consists of information for filing regulatory assessment fee returns for water utilities.

Steve Tribble

Director, Division of Records and Reporting Title

(SEAL)

Number of Pages Certified

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# FLORIDA PUBLIC SERVICE COMMISSION INFORMATION FOR FILING REGULATORY ASSESSMENT FEE RETURN (WATER UTILITY)

- Each regulated utility under the jurisdiction of the Commission for any I. WHO MUST FILE: part of the 12-month period, January 1 through December 31, preceding the due date as reflected under Paragraph II.
- To avoid payment of penalties and interest, a Regulatory Assessment Fee II. WHEN TO FILE: Return [Form PSC/WAS-10(Rev.01/90)] must be filed on or before March 31 for the report period, January 1 through December 31. (When March 3) falls on a Sunday, remittance may be made on April 1 without penalty.)
- Each Commission-regulated utility shall pay the appropriate percentage III. FEES: of its gross operating revenues derived from intrastate business as reported on Annual Report Schedule F-3. The presently established percentages appear on Lines 26 and 27 of the enclosed Regulatory Assessment Fee Return [Form PSC/HAS-10(Rev.01/90)]. To assure an accurate recording of your fee payment, it is most important that you identify each certificate number in the appropriate space.
  - Failure to file a return by the established due date will result in a IV. FAILURE TO FILE BY DUE DATE: 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 30). 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 31).
    - A utility, for good cause shown in a written request, may be granted an V. EXTENSIONS: extension for a period not to exceed thirty days. Such request should be made by filing the attached Form PSC/ADM-124(Rev.01/90), Request for Extension to File Regulatory Assessment Fee Return, in sufficient time to allow Commission action prior to the normal due date. If an extension is granted, a charge shall be added to the amount due:
      - 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 utility may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the utility will 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.

An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space on the Regulatory Assessment Fee Return [Form PSC/WAS-10(Rev.01/90)].

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- VI. <u>AUTHORITY</u>:
  The authority to collect regulatory assessment fees is granted to the Commission by Sections 350.113 and 367.161. Florida Statutes.
- VII. REGULATORY ASSESSMENT FEE DUE:

  Amounts are due and payable to the Florida Public Service Commission by March 31. If there are no revenues OR if revenues are insufficient to generate a minimum annual fee of \$25, remit the \$25 minimum fee.
- VIII. FEE ADJUSTMENTS:
  Computation errors and/or differences in gross operating revenues reported for regulatory assessment fee purposes and those reported in the annual report may cause adjustments to amounts paid the Commission. You will be notified, via PSC/ADM-125(Rev.10/89), as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.
  - 1X. MAILING INSTRUCTIONS: To assure a more accurate and expeditious recording of your payment, it is important that you use the enclosed preaddressed envelopes in remitting your fees. If you are unable to use these envelopes, please address your remittance as shown below:

Florida Public Service Commission 101 East Gaines Street Tallahassee, Florida 32399-0876

ATTENTION: FISCAL SERVICES

PLEASE REMEMBER: Envelopes containing fee payments must be postmarked on or before the due date in order to avoid possible penalty and interest charges. However, when March 31 falls on a Sunday, the envelopes may be postmarked on April 1 without penalty.

ADDITIONAL ASSISTANCE: If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Water & Sewer at the above address or call that division at (904) 488-8482.

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REGULATORY ASSESSMENT FEE RETURN FLORIDA PUBLIC SERVICE COMMISSION

STATUS: Actual Return Estimated Return	PERIOD COVERED: January 1 - Decemb	per 31, 1990	FOR PSC US  \$  \$  \$	P 0604001 003001 P 0604001 004010
(Place Label Here)		F.E.I. NO TELEPHONE:_( UTILITY'S CONTA	)	
7. TOTAL METERED S	Revenue (460)  tomers (461.1)  omers (461.2)  omers (461.3)  ies (461.4)  Dwelling (461.5)  ALES	# \$ \$ \$	# \$ \$ \$ \$	\$ \$ \$
10. TOTAL FIRE PROT  11. Other sales to 12. Sales to Irriga 13. Sales for Resal 14. Interdepartment	otection (462.2) ECTION REVENUE Public Authorities (46 ation Customers (465) le (466) tal Sales (467)	\$ \$ 4) \$  \$	\$ \$ \$ \$ \$	\$ \$ \$ \$

ORDER	NO.:	22434
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ORIDA PUBLIC SERVICE CO	DMMISSION CERTIFICATE	. #	#;-	#
Other Water Revenues				
16. Guaranteed Re from A.F.P.I. 17. Forfeited Dis 18. Miscellaneous 19. Rents from Wa	ter Property (472)	\$	\$	\$ 
(Lines 16+) 23. TOTAL WATER ( (Line 15 +	NATER REVENUES  17+18+19+20+21)  PERATING REVENUES*  Line 22)  se for Purchased Water  Regulated Utility	s	s	·—
(Line 23 1 26. Regulatory A (2-1/21 of 27. Regulatory A (4-1/21 of 28. LESS: Appro 29. NET REGULATO 30. Penalty for 31. Interest for 32. TOTAL AMOUNT			sss Line 28)**	ss
**Minimum Fee - 325				
If service was purchas	ed from a regulated uti	lity. please	insert its r	name below.
NAME OF UTILITY:				
I. the undersigned Under penalties of per above is a true and co for the period indicat	owner/officer of the abordery, I declare that, to prect statement of gross ted.	ove-named utili the best of m revenues deriv	ty, have read by knowledge red from intr	the foregoin and belief, t astate busine
COMPANY OFFICIAL:	(Signature)		(1	itle)
DATE:				

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### CERTIFICATION OF

## INCORPORATION BY RULE

I do hereby certify:

- (1) That paragraph (2) (a) incorporates Form PSC/WAS 17 (Rev. 01/90) into Rule 25-30.120 by reference.
- (2) That Form PSC/WAS 17 (Rev. 01/90) consists of information for filing regulatory assessment fee returns for water utilities.

Steve Tribble

Director, Division of Records and Reporting Title

(SEAL)

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# " ORIDA PUBLIC SERVICE COMMISSIO" INFORMATIO. OR FILING REGULATORY ASSESSMEN TEE RETURN (WASTEWATER UTILITY)

- Each regulated utility under the jurisdiction of the Commission for any I. WHO MUST FILE: part of the 12-month period, January 1 through December 31, preceding the due date as reflected under Paragraph II.
- To avoid payment of penalties and interest, a Regulatory Assessment Fee II. WHEN TO FILE: Return [Form PSC/HAS-17(Rev.01/90)] must be filed on or before March 31 for the report period, January 1 through December 31. (When March 31 falls on a Sunday, remittance may be made on April 1 without penalty.)
- For 1990, the Regulatory Assessment Fee percentage shall be as reflected below:

2-1/2% for the period January 1 through June 30, 1990 4-1/2% for the period July 1 through December 31, 1990

Each Commission-regulated utility shall pay the appropriate percentage of its gross operating revenues derived from intrastate business as reported on Annual Report Schedule F-3. The established percentages appear on Lines 28 and 29 of the enclosed Regulatory Assessment Fee Return [Form PSC/WAS-17(Rev.01/90)]. To assure an accurate recording of your fee payment, it is most important that you identify each certificate number in the appropriate space.

- IV. 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 32). 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 33).
  - A utility, for good cause shown in a written request, may be granted an V. EXTENSIONS: extension for a period not to exceed thirty days. Such request should be made by filing the attached Form PSC/ADM-124(Rev.O1/90), Request for Extension to File Regulatory Assessment Fee Return, in sufficient time to allow Commission action prior to the normal due date. If an extension is granted, a charge shall be added to the amount due:

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 utility may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the utility will 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.

An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space on the Regulatory Assessment Fee Return [Form PSC/WAS-17(Rev.01/90)].

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- VI. AUTHORITY:
  The authority to collect regulatory assessment fees is granted to the Commission by Sections 350.113 and 367.161, Florida Statutes.
- VII. REGULATORY ASSESSMENT FEE DUE:

  Amounts are due and payable to the Florida Public Service Commission by March 31. If there are no revenues OR if revenues are insufficient to generate a minimum annual fee of \$25, remit the \$25 minimum fee.
- VIII. FEE ADJUSTMENTS:

  Computation errors and/or differences in gross operating revenues reported for regulatory assessment fee purposes and those reported in the annual report may cause adjustments to amounts paid the Commission. the annual report may cause adjustments to amounts paid the Commission. You will be notified, via PSC/ADM-125(Rev.10/89), as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.
  - IX. MAILING INSTRUCTIONS:

    To assure a more accurate and expeditious recording of your payment, it is important that you use the enclosed preaddressed envelopes in remitting your fees. If you are unable to use these envelopes, please address your remittance as shown below:

Florida Public Service Commission 101 East Gaines Street Tallahassee, Florida 32399-0876

ATTENTION: FISCAL SERVICES

PLEASE REMEMBER: Envelopes containing fee payments must be postmarked on or before the due date in order to avoid possible on penalty and interest charges. However, when March 31 falls on a Sunday, the envelopes may be postmarked on April 1 without penalty.

<u>ADDITIONAL ASSISTANCE</u>: If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Water & Sewer at the above address or call that division at (904) 488-8462.

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# REGULATORY ASSESSMENT FEE RETURN FLORIDA PUBLIC SERVICE COMMISSION

STATUS: — Actual Return — Estimated Retu	PERIOD COVERED:  January 1 - December 31, 1990	FOR PSC USE ONLY 0604001  S P 0604001 004010  S 1
	F.E.I. NO	
(Place Label H	ere) TELEPHONE:_(	)
	UTILITY'S CON	NTACT
	0112111	
		# #
Flat-Rate Revenue  1. Residential 2. Commercial 3. Industrial 4. Revenues f 5. Multiple F 6. Other Reve	Revenues (521.1)  Revenues (521.2)  Revenues (521.3)  rom Public Authorities (521.4)  amily Dwelling Revenues (521.5)  nues (521.6)  RATE REVENUES	
9. Commercial 10. Industrial 11. Revenues 12. Hultiple 13. TOTAL MEA	I Revenues (522.1)  Revenues (522.2)  Revenues (522.3)  from Public Authorities (522.4)  Family Dwelling Revenues (522.5)  SURED REVENUES  Subblic Authorities (523)  Subblic Authorities (523)	\$ \$ \$ \$

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$_{PA}$	GE	19	

	BLIC SERVICE COMMISSION CERTIFICATE #	
Other W	Allendar Davanues	
18.	Guaranteed Revenues (Include Revenues \$	\$ \$
	from A F.P.1. Charges,	
19.	Sales of Slunge (537)	
20.		
21.	Rents from Wastewall Rents (535) Interdepartmental Rents (536) Describe:	
22.	Interdepartmental Rents (535) Other Wastewater Revenues (536) Describe:	
23.		sss
	TOTAL OTHER WASTEWATER REVENUES \$	
24.	(Lines 18+19+20+21+22+23)	
25	TOTAL WASTEWATER OPERATING REVENUES	s s
25.	(Line 17 + Line 24)	
26.		
	Treatment from IPSC-Regulation	
		s s
27.	NET WASTEWATER OPERATING REVENUES \$	
	(Line 25 less Line 26) Regulatory Assessment Fee Due Regulatory Assessment Fee Due	The state of the s
28.		
	Accordmont PPP DUE	
29.		
	(4-1/21 of one-half of Credit LESS: Approved Prior-Period Credit NET REGULATORY ASSESSMENT FEE (Line 28 + Line	29 less Line 30)** \$
22	Interest 101 Late 101	,
24	TOTAL AMOUNT DUE	
	with Annual Report Sched	ule F-3
*The	ese amounts must agree with Annual Report Sched	
**Mir	nimum ree - 325 Amed 7	
	ice was purchased from a regulated utility.	alone insert its name below
	the war purchased from a regulated utility.	piease instit
If serv	ice was boremass.	
	UTILITY:	
NAME OF		
		. and the fo
	the undersigned owner/officer of the above-nam	ed utility, have read the ro
1.	the undersigned owner/officer of the above-nam Under penalties of perjury. I declare that, the above is a true and correct statemen	to the best of my knowled f
going.	Under penaltics and correct statemen	it of gross revenues bernies
belief.	the above is a true and colorated.	
intrast	tate business for the period	
		(Title)
HITTI IT	Y OFFICIAL:(Signature)	
0112		