

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991138-TP
ORDER NO. PSC-99-2102-FOF-TP
ISSUED: October 25, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rule 25-4.0161, Florida Administrative Code, relating to regulatory assessment fees without changes.

The rule was filed with the Department of State on October 22, 1999 and will be effective on November 11, 1999. A copy of the rule as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 25th day of October, 1999.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

By:

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CTM

DOCUMENT NUMBER-DATE

13056 OCT 25 99

STATE OF FLORIDA DEPARTMENT OF RECORDS

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S., and s. 364.336, F.S., ~~and s. 364.337, 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 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each ~~interexchange~~ telecommunications company ~~and each pay telephone company~~ shall deduct from gross operating revenues any amounts paid to another telecommunications company for the use of any for use of the local network to a telecommunications network to provide service to its customers. ~~company providing local service.~~ Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(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. Telecommunication companies

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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.

(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 post marked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/CMU 25 (11/99)~~(07/96)~~, entitled "Local Exchange~~Communication~~ Company Regulatory Assessment Fee Return," ~~applicable to local exchange telecommunications companies~~; Form PSC/CMU 26 (11/99)~~(07/96)~~, entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (11/99)~~(07/96)~~,

entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (11/99)~~(07/96)~~, entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (11/99)~~(07/96)~~, entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (11/99)~~(07/96)~~, entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(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.

(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 (8)(b) of this rule.

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

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

(b) The request for extension must be received by the Division of Administration 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 in addition to the regulatory assessment fees, as set out in s. 350.113(5), F.S.

(d) The return forms may be obtained from the Commission's Division of Administration. 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.

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

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

Law Implemented: 350.113, 364.336, ~~364.337(4)~~, F.S.

History: New 05/18/83, formerly 25-4.161, Amended 10/16/86, 01/01/91, 12/29/91, 01/08/95, 12/26/95, 07/08/96, 11/11/99.

MEMORANDUM

RECEIVED-FPSC

October 25, 1999

99 OCT 22 PM 2:55

TO : DIVISION OF RECORDS & REPORTING

RECORDS AND REPORTING

FROM : CHRISTIANA T. MOORE, ASSOCIATE GENERAL COUNSEL

CTM

RE : DOCKET NO. 991138-TP - PROPOSED AMENDMENT OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

2102-FDF

5 pp

Attached please find a Notice of Adoption for distribution by your office.

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
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- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

Handwritten signature

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

This docket will be closed upon issuance of the Notice.

NOA0161.CTM

Attachment

cc: File

Sandy Moses (w/o attach.)

W. Terrell