

House Bill 1354

By: Representatives Lucas of the 105<sup>th</sup>, Wix of the 33<sup>rd</sup>, Post 1, Rogers of the 20<sup>th</sup>, and Skipper of the 116<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated,  
2 relating to the organization and members of the Public Service Commission, so as to define  
3 a certain term; to increase the amount of certain special fees; to increase a certain amount  
4 available for appropriation to the Public Service Commission; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the  
9 organization and members of the Public Service Commission, is amended by striking in its  
10 entirety Code Section 46-2-10, relating to the payment of special fees by corporations and  
11 utilities subject to the jurisdiction of the commission, notice of the amount due, and  
12 procedure on default, and inserting in lieu thereof the following:

13 "46-2-10.

14 (a) As used in this Code section, the term 'public service corporation or utility' means any  
15 investor owned electric company, telecommunications company, natural gas company,  
16 electing natural gas distribution company, natural gas pipeline company, natural gas  
17 marketer, railroad, or any other entity whose service or market is regulated or supervised  
18 by the commission, regardless of whether such entity's rates are regulated by the  
19 commission.

20 (b) There shall be paid by all public service corporations ~~and~~ or utilities ~~which~~ whose  
21 services are subject to the jurisdiction of the ~~Public Service Commission~~ commission a  
22 special fee in addition to all other fees required by law. Such fee shall be fixed by the state  
23 revenue commissioner upon each of such public service corporations or utilities according  
24 to the gross revenues of each such public service corporation or utility resulting from  
25 intrastate service regulated by the commission, as ascertained by the state revenue  
26 commissioner from reports filed with the state revenue commissioner by such public

1 service corporations and utilities and from gross revenues reported for income tax  
 2 purposes, if any, pursuant to Chapter 7 of Title 48, and shall be apportioned among such  
 3 public service corporations or utilities upon the basis of such gross revenues so as to  
 4 produce a revenue of ~~\$1,050,000.00~~ \$3,000,000.00 per annum. Notwithstanding any other  
 5 provisions of this Code section, the gross revenues of a ~~telephone utility~~  
 6 telecommunications company shall not include revenues of such a utility received from the  
 7 collection of interstate tolls, interstate access or subscriber line charges, interstate call  
 8 charges, amounts paid by a telecommunications service provider to any other  
 9 telecommunications service provider for carrier access charges, or any charges for any  
 10 unregulated services. Any revenues collected by a ~~local exchange company~~ public service  
 11 corporation or utility as a billing and collection agent shall be excluded from the  
 12 calculation of the gross revenues of ~~the local exchange company~~ such entity.

13 ~~(b)~~(c)(1) Not later than December 1, ~~1994~~ 2004, the state revenue commissioner shall  
 14 notify each public service corporation or utility of the state of the amount due by it under  
 15 this Code section, and the fee shall be paid into the general fund of the state by January  
 16 20, ~~1995~~ 2005. Such sum of ~~\$1,050,000.00~~ \$3,000,000.00 shall be available for  
 17 appropriation in an amount sufficient to cover the cost of operating the ~~Public Service~~  
 18 ~~Commission~~ commission.

19 (2) Effective January 1, ~~1995~~ 2005, not later than April 1 of each year, the state revenue  
 20 commissioner shall notify each public service corporation or utility of the state of the  
 21 amount due by it under this Code section, and the fee shall be paid into the general fund  
 22 of the state by July 1 of such year. Such sum shall be increased to \$4,000,000.00 for the  
 23 payments to be made on and after July 1, 2005. Such sum of ~~\$1,050,000.00~~ shall be  
 24 available for appropriation in an amount sufficient to cover the cost of operating the  
 25 ~~Public Service Commission~~ commission.

26 ~~(e)~~(d) In case of default in payment by any public service corporation or utility of the fee  
 27 provided for in this Code section, the state revenue commissioner shall proceed to collect  
 28 the same in the same manner as franchise taxes are collected."

## 29 SECTION 2.

30 All laws and parts of laws in conflict with this Act are repealed.