

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 1354:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"46-2-10.

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

(b) There shall be paid by all public service corporations ~~and~~ or utilities ~~which~~ whose services are subject to the jurisdiction of the ~~Public Service Commission~~ commission a special fee in addition to all other fees required by law. Such fee shall be fixed by the state revenue commissioner upon each of such public service corporations or utilities according to the gross revenues of each such public service corporation or utility resulting from intrastate service regulated by the commission, as ascertained by the state revenue commissioner from reports filed with the state revenue commissioner by such public service corporations and utilities and from gross revenues reported for income tax purposes, if any, pursuant to Chapter 7 of Title 48, and shall be apportioned among such

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

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

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

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

26 SECTION 2.

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