

House Bill 562

By: Representatives Parsons of the 42nd, Forster of the 3rd, Rogers of the 26th, Crawford of the 127th, Murphy of the 23rd, and others

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 certain terms; to change provisions relating to regulatory assessments on public service
4 corporations and utilities; to increase the annual sum of such assessments; to establish
5 administrative fees for filing certain matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

14 "46-2-10.

15 (a) As used in this Code section, the term:

16 (1) 'Administrative filing fees' means the fees for filing certain matters with the
17 commission as provided for in this Code section. The administrative filing fees are
18 intended to reflect the incremental costs of handling the filed matters.

19 (2) 'Public service corporation or utility' means any investor owned electric company,
20 telecommunications company, natural gas company, electing natural gas distribution
21 company, natural gas pipeline company, natural gas marketer, railroad, or any other entity
22 whose service or market is regulated or supervised by the commission, regardless of
23 whether such entity's rates are regulated by the commission.

24 (3) 'Regulatory assessments' means the special fees collected under this Code section by
25 the state revenue commissioner. The regulatory assessments are intended to reflect the
26 normal recurring operating costs of the commission.

1 (b)(1) There shall be paid by all public service corporations ~~and or~~ utilities ~~which whose~~
 2 services are subject to the jurisdiction of the ~~Public Service Commission~~ commission a
 3 special fee in addition to all other fees required by law. Such fee shall be fixed by the
 4 state revenue commissioner upon each of such public service corporations or utilities
 5 according to the gross revenues of each such public service corporation or utility resulting
 6 from intrastate service regulated by the commission, as ascertained by the state revenue
 7 commissioner from reports filed with the state revenue commissioner by such public
 8 service corporations and utilities and from gross revenues reported for income tax
 9 purposes, if any, pursuant to Chapter 7 of Title 48, and shall be apportioned among such
 10 public service corporations or utilities upon the basis of such gross revenues so as to
 11 produce a an annual revenue of \$1,050,000.00 per annum as provided in this subsection.
 12 Notwithstanding any other provisions of this Code section, the gross revenues of a
 13 ~~telephone utility~~ telecommunications company shall not include revenues of such a utility
 14 received from the collection of interstate tolls, interstate access or subscriber line charges,
 15 interstate call charges, amounts paid by a telecommunications service provider to any
 16 other telecommunications service provider for carrier access charges, or any charges for
 17 any unregulated services. Any revenues collected by a ~~local exchange company~~ public
 18 service corporation or utility as a billing and collection agent shall be excluded from the
 19 calculation of the gross revenues of ~~the local exchange company~~ such entity.

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

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

31 (B) Effective January 1, 2006, not later than April 1 of each year, the state revenue
 32 commissioner shall notify each public service corporation or utility of the state of the
 33 amount due by it under this Code section, and the fee shall be paid into the general fund
 34 of the state by July 1 of such year. Such sum shall be \$3 million for the payments to be
 35 made July 1, 2006; \$5 million for the payments to be made July 1, 2007; \$7 million for
 36 the payments to be made July 1, 2008; and \$9 million for the payments to be made July

1 1, 2009, and each year thereafter. Such sum shall be available for appropriation in an
 2 amount sufficient to cover the cost of operating the commission.

3 (c) The Public Service Commission shall charge and collect the following administrative
 4 filing fees which shall be deposited into the general fund of the state and which shall be
 5 available for appropriation to the commission:

6 (1) For filing a rate-making proceeding under Code Section 46-2-25:

7 (A) For electric utilities with one million or more retail
 8 customers \$400,000.00

9 (B) For electric utilities with less than one million retail
 10 customers \$200,000.00

11 (C) For natural gas electing distribution companies \$300,000.00

12 (D) For natural gas local distribution companies \$100,000.00

13 (E) For other utilities \$35,000.00

14 (2) For filing a fuel cost recovery proceeding under Code Section
 15 46-2-26 \$20,000.00

16 (3) For filing a gas supply plan proceeding under Code Section
 17 46-2-26 \$120,000.00

18 (4) For filing a territorial dispute under Part 1 of Article 1 of
 19 Chapter 3 of this title \$10,000.00

20 (5) For filing a capacity supply plan proceeding under subsection
 21 (e) of Code Section 46-4-155 \$20,000.00

22 (6) For filing an application for arbitration of terms and conditions
 23 of telecommunications interconnection \$20,000.00

24 (7) For filing an application for financing authority under Code
 25 Section 46-2-28 \$1,000.00

26 (8) For filing an application for certificate of authority or certificate of public
 27 convenience and necessity:

28 (A) For a certificate of authority as a natural gas marketer under
 29 Code Section 46-4-153 \$5,000.00

30 (B) For a certificate of authority to provide local exchange
 31 service under Code Section 46-5-163 \$1,000.00

32 (C) For all other certificates of authority and certificates of
 33 public convenience and necessity \$200.00

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

1

SECTION 2.

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