

57 (b) Notwithstanding Subsection 13-1-2(3)(c), the Department of Commerce shall  
 58 deposit a fee assessed under this section ~~§~~ → :

58a (i) if the balance of the Public Utility Regulatory Restricted Account is less than or  
 58b equal to \$3,000,000, ~~←~~ \$ into the Public Utility Regulatory Restricted Account ~~§~~ → [ ] or  
 59 (ii) if the balance of the Public Utility Regulatory Restricted Account is greater than  
 59a \$3,000,000, into the General Fund. ~~←~~ \$ (c) Within appropriations by the Legislature:

60 (i) the Department of Commerce may use the funds in the Public Utility Regulatory  
 61 Restricted Account to administer:

62 (A) the Division of Public Utilities; and  
 63 (B) the Office of Consumer Services; and

64 (ii) the Public Service Commission may use the funds in the Public Utility Regulatory  
 65 Restricted Account to administer the Public Service Commission.

66 ~~[(4)]~~ (5) (a) ~~[It is the intent of the]~~ The Legislature intends that the public utilities  
 67 provide all of the funds for the administration, support, and maintenance of:

68 (i) the Public Service Commission;

69 (ii) state agencies within the Department of Commerce involved in the regulation of  
 70 public utilities; and

71 (iii) expenditures by the attorney general for utility regulation.

72 (b) Notwithstanding Subsection ~~[(4)]~~ (5)(a), the fee imposed by Subsection (1) shall  
 73 not exceed the greater of:

74 (i) (A) for a public utility other than an electrical cooperative, .3% of the public utility's  
 75 gross operating revenues for the preceding calendar year; or

76 (B) for an electrical cooperative, .15% of the electrical cooperative's gross operating  
 77 revenues for the preceding calendar year; or

78 (ii) \$50.

79 ~~[(5)]~~ (6) (a) There is created a Supplemental Levy Committee to levy additional  
 80 assessments on public utilities when unanticipated costs of regulation occur in any fiscal year.

81 (b) The Supplemental Levy Committee shall consist of:

82 (i) one member selected by the executive director of the Department of Commerce;

83 (ii) one member selected by the chairman of the Public Service Commission;

84 (iii) two members selected by the three public utilities that paid the largest percent of  
 85 the current regulatory fee; and

86 (iv) one member selected by the four appointed members.

87 (c) (i) The members of the Supplemental Levy Committee shall be selected within 10