

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECORDS AND
REPORTING

93 FEB - 3 PM 1:34

RECEIVED FPSC

DATE: FEBRUARY 4, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (BEDELL) *CB MCR*

RE: DOCKET NO. 981726-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 3994 ISSUED TO K & S INTERNATIONAL COMMUNICATIONS, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.480(2) (A) AND (B), F.A.C., RECORDS & REPORTING; RULES INCORPORATED.

AGENDA: 02/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981726.RCM

CASE BACKGROUND

K & S International Communications, Inc. obtained Florida Public Service Commission IXC Certificate No. 3994 on April 29, 1995.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered on December 23, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1996 and 1997 RAF, plus the 1996 and 1997 statutory penalty and interest charges.

DOCUMENT NUMBER-DATE

01347 FEB-98

FPSC-RECORDS/REPORTING

DOCKET NO. 981726-TI
DATE: FEBRUARY 4, 1999

Staff called the telephone number listed in the Master Commission Directory for this company, but was unsuccessful in reaching the company. Staff then called Directory Assistance, but no new listing was provided.

After the docket was opened, Mr. John Kirby, Chairman/CEO of K & S, called staff on January 12, 1999. He advised that he wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. In addition, he provided the Commission with his correct address and telephone number. The Division of Administration's records show that the company paid the past due amount, plus paid the 1998 regulatory assessment fees. In addition, the company wrote the Commission two letters. One letter provided updated reporting information and proposed to notify the Commission 10 days prior to any change in its address or telephone number. (ATTACHMENT A) The other letter proposed to pay future regulatory assessment fees by the due date of each year and offered a \$400 settlement to resolve this case. (ATTACHMENT B) Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by K & S International Communications, Inc. to resolve the apparent violations of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2) (a) and (b), F.A.C., Records & Reporting; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should accept the company's settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

DOCKET NO. 981726-TI
DATE: FEBRUARY 4, 1999

The Division of Administration notified staff by memorandum that K & S International had not submitted the regulatory assessment fees for 1996 and 1997, along with the 1996 and 1997 statutory penalty and interest charges.

Staff attempted to call the company, but was unsuccessful in reaching the company or obtaining a new telephone listing from Directory Assistance for this company.

After the docket was opened, Mr. John Kirby, Chairman/CEO of K & S, called staff on January 12, 1999. He advised that he wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. In addition, Mr. Kirby provided the Commission with his correct address and telephone number. The Division of Administration's records show that the company paid the past due amount, plus paid the 1998 regulatory assessment fees. In addition, the company wrote the Commission two letters. One letter provided updated reporting information and proposed to notify the Commission 10 days prior to any change in its address or telephone number. (ATTACHMENT A) The other letter proposed to pay future regulatory assessment fees by the due date of each year and offered a \$400 settlement to resolve this case. (ATTACHMENT B)

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

DOCKET NO. 981720-II
DATE: FEBRUARY 4, 1999

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$400 contribution, this docket should be closed. (Bedell)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$400 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

DOCKET NO. 981726-TI
DATE: FEBRUARY 4, 1999
ATTACHMENT A



January 12 1999

State of Florida
Public Service Commission
Paula Isler

Ref: docket No.981726-TI

As we discussed I am writing to you to let you know that there has been a change of address and we wish you forward to us all or any correspondence to the following address below. I am also writing to you to excuse us for any inconvenience, and we will commit to pay this assessments on a timely basis in the future.

K&S International Communications Inc,
261 Parkway Ave
Homestead, Flo. 33030-6023

Telephone Nu. 305 361 3444 Home phone
Internet address: jkirby4337@aol.com

If in case of change of any of this data in the future, we will let the commission now 10 days prior to the change.

Sincerely Yours



John W. Kirby
Chairman/CEO

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DOCKET NO. 981726-TI
DATE: FEBRUARY 4, 1999
ATTACHMENT B



January 12 1999

State of Florida
Public Service Commission
Paula Isler

Ref: docket No.981726-TI

As we have discussed we K&S International Communion, Inc. would wish to keep our IXC Certificate, and wish to make a sattlment offer in liu of having our certificate canceled by the commission.

Our Sattlement offer is is to pay the oamount of US -400.00/100 dollars to canceled our total violation that totals US\$1.000.00/100 dollars.

We hope that this offer satisfied the commission for this sattlement.

Sincerely,

A handwritten signature in black ink, appearing to read 'John W. Kirby', is written over a horizontal line.

John W. Kirby
Chairman/CEO

- 6 -

EXCELLENCE IN TELECOMMUNICATIONS

January 12 1999

State of Florida
 Public Service Commission
 Paula Isler

Ref: docket No.981726-TI

We have discussed we K&S International Communication, Inc. would wish to keep our IXC certificate, and wish to make a settlement offer in lieu of having our certificate canceled by the commission.

Our Settlement offer is to pay the amount of US 400,00/100 dollars to canceled our total violation that is US1,000.00/100 dollars.

We hope that this offer satisfied the commission for this settlement.

[Signature]
 John W. Kirby
 Chairman/CEO

ACK
 NYA
 NYO
 DAF
 CMO
 CTR
 EAG
 DEN
 LN
 GFC
 TCH
 SEC
 WAS
 GTH

Paula Isler
RAR

DOCUMENT NUMBER - DATE

01123 JAN 28 99

FPSC-RECORDS/REPORTING

COMMUNICATIONS



DEPOSIT DATE
D071 JAN 28 1999

1032, 1033, + 1034

200.00 RAF
70.00 P+I
1/12/99
PP
T1357

RICHARD L. KIRBY
KITTY KIELLAND KIRBY
801 OCEAN DRIVE, APT. 27-B
KEY BISCAYNE, FL 33149

1032

JANUARY 12 1999

State of Florida Public Service Commission \$ 76⁰⁰/₁₀₀

Pay to the Order of
Seventy Six⁰⁰/₁₀₀

Dollars

CITIBANK

COMM. P.S.B. # 84
KEY BISCAYNE, FL 33149

Check No. 981726-TI

Amount in 1996
is of US 144.00
down payment for the

RICHARD L. KIRBY
KITTY KIELLAND KIRBY
801 OCEAN DRIVE, APT. 27-B
KEY BISCAYNE, FL 33149

1033

JANUARY 12 1999

State of Florida Public Service Commission \$ 144⁰⁰/₁₀₀

Pay to the Order of
One hundred forty four⁰⁰/₁₀₀

Dollars

CITIBANK

COMM. P.S.B. # 84
KEY BISCAYNE, FL 33149

Check No. 981726-TI

Pay to order
P.A.R.

RICHARD L. KIRBY
KITTY KIELLAND KIRBY
801 OCEAN DRIVE, APT. 27-B
KEY BISCAYNE, FL 33149

1034

JANUARY 12 1999

State of Florida Public Service Commission \$ 50⁰⁰/₁₀₀

Pay to the Order of
Fifty⁰⁰/₁₀₀

Dollars

CITIBANK

COMM. P.S.B. # 84
KEY BISCAYNE, FL 33149

Check No. 981726-TI

Key Drive, Suite 208 • Miami, FL 33131
(377) 2050 • Facsimile: (305) 377-1325



DEPOSIT DATE
D071 JAN 28 1999

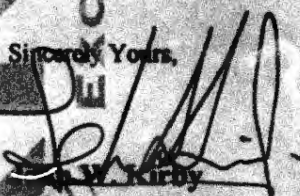
1032, 1033, + 1034
200.00 RAF
70.00 P+I
1/12/99
PP
T1357

January 12 1999
State of Florida
Public Service Commission
Paula Isler

Ref: docket No.981726-TI

As we discussed, KAS International Communications, Inc. has a current past due amount in 1996 regulatory assessment fee (RAF) of US\$76.00 dollars and for the year 1997 total past due of US\$ 144.00 dollars. We are immediately paying this past due regulatory assessments, as well as a down payment for the 1998 assessment that will become due on february 1 1999.

Please take payments from a personal account City Bank
checks N. 1032 for US\$76.00 assessment 1996
N. 1033 for US\$144.00 assessment 1997
N. 1034 for US\$50.00 assessment 1998

Sincerely Yours,

W. Kirby
Chairman/CEO

Paula Isler
RAF

MAIL ROOM
99 JAN 14 PM 4 44

RECEIVED
STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

RECEIVED
Courvoisier Center • 501 Brickell Key Drive, Suite 208 • Miami, FL 33131
Telephone: (305) 577-2080 • Facsimile: (305) 577-1325



INTERNATIONAL COMMUNICATIONS

January 12 1999

State of Florida
Public Service Commission
Paula Isler

Ref: Packet No.981726-TI

As we discussed I am writing to you to let you know that there has been a change of address and we wish you forward us all or any correspondence to the following address below. I am also writing to you to excuse us for any inconvenience, and we will commit to pay this assessments on a timely basis in the future.

K&S International Communications Inc,
261 Parkway Ave
Homestead, Flo. 33030-6023

Telephone Nu. 305.361 3444 Home phone
Internet address: kirby4337@aol.com

If in case of change of any of this data in the future, we will let the commission know 10 days prior to the change.

Sincerely yours,


John W. Kirby
Chairman/CEO