

RECEIVED-FPSC

MEMORANDUM

99 MAR -8 PM 4:02

March 8, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp*
MCB

RE: DOCKET NO. 981726-TI - In re: Cancellation by Florida
Public Service Commission of Interexchange
Telecommunications 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)(b),
Records & Reports; Rules Incorporated.

99-0495-AS

Attached is an ORDER APPROVING SETTLEMENT to be issued in the
above-referenced docket. (Number of pages in order - 4)

KMP/slh
Attachment
cc: Division of Communications
I:981726.kmp

1 KAR.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
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)(b), Records &
Reports; Rules Incorporated.

DOCKET NO. 981726-TI
ORDER NO. PSC-99-0495-AS-TI
ISSUED: March 9, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

K & S International Communications, Inc. (K & S International)
currently holds Certificate of Public Convenience and Necessity No.
3994, issued by the Commission on April 29, 1995, authorizing the
provision of interexchange telecommunications service.

Under Section 364.336, Florida Statutes, certificate holders
must pay a minimum annual RAF of \$50 if the certificate was active
during any portion of the calendar year. Pursuant to Rule 25-
4.0161(2), Florida Administrative Code, the form and applicable
fees are due to the Florida Public Service Commission by January 30
of the subsequent year. All entities that apply for certification
receive a copy of our rules governing pay telephone service and an
affidavit in which the applicants attest that the rules have been
received and understood by the applicant. This affidavit must be

DOCUMENT NUMBER-DATE

03037 MAR-98

FPSC-RECORDS REPORTING

ORDER NO. PSC-99-0495-AS-TI
DOCKET NO. 981726-TI
PAGE 2

attached to the application in order for the application to be processed. The RAF form was mailed to K & S International in December, 1997, for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to K & S International on December 23, 1997.

The Division of Administration further advised our staff by memorandum that K & S International had not paid the regulatory assessment fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the years 1996 and 1997, nor statutory penalties and interest charges for late RAFs payments for the years 1996 and 1997.

Commission staff attempted to reach the contact person of K & S International by telephone. This effort was unsuccessful, indicating that K & S International may have violated Rule 25-24.480(1)(b), Florida Administrative Code, which requires the reporting to the Commission of a change in the name, title, or telephone number of the individual responsible for Commission contacts.

After this docket was opened, our staff received a call from Mr. John Kirby, Chairman/CEO of K & S International. He stated that the company would pay all the past due charges and would propose a settlement offer. K & S International paid all the past due statutory penalties and interest charges, provided the Commission with its correct address and telephone number, and submitted a settlement offer. K & S International agreed to pay future regulatory assessment fees in a timely manner, provide the Commission with updated reporting requirements within 10 days of a change, and contribute \$400 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. K & S International must comply with these requirements within five business days from the date this Order becomes final. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$400 contribution, this docket shall be closed.

Based on the foregoing, it is

ORDER NO. PSC-99-0495-AS-TI
DOCKET NO. 981726-TI
PAGE 3

ORDERED by the Florida Public Service Commission that K & S International Communications, Inc.' settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$400 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that upon receipt of the \$400 contribution this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of March, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By:

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

ORDER NO. PSC-99-0495-AS-TI
DOCKET NO. 981726-TI
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.