

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-**

RECEIVED-FPSC  
DEC - 6 AM 8:39  
RECORDS AND REPORTING

**DATE:** DECEMBER 7, 2000

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAC c.f.f.*

**RE:** DOCKET NO. 000970-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4616 ISSUED TO K.C.S. COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

**AGENDA:** 12/19/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000970.RCM

**CASE BACKGROUND**

- **04/11/96** - This company obtained Florida Public Service Commission Certificate No. 4616.
- **12/08/99** - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) notice. The due date was January 31, 2000.
- **02/29/00** - The Division of Administration mailed a delinquent notice.
- **10/02/00** - Order No. PSC-00-1800-PAA-TC was issued, which imposed a \$500 fine or cancelled the company's certificate.

DOCUMENT NUMBER-DATE

15588 DEC-68

FPSC-RECORDS/REPORTING

- **10/18/00** - Mr. Ron Kain, President, called and requested information about this docket. Staff was advised that the company would pay the outstanding balance and make a settlement offer.
- **10/20/00** - The Commission received the company's check for the outstanding amount, including statutory penalty and interest charges, and a settlement proposal. The company reported no revenues for the period ended December 31, 1999.
- **10/31/00** - Staff contacted the company and explained that we could not recommend acceptance of its settlement as it was not in line with previous Commission decisions.
- **11/20/00** - The Commission received the company's amended settlement proposal.

The Commission is vested with jurisdiction over this matter pursuant to Section 364.336, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the modified settlement offer proposed by K.C.S. Communications, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should accept the company's modified settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 4616 should be canceled administratively. (Isler)

**STAFF ANALYSIS:** After Order No. PSC-00-1800-PAA-TC was issued, the company's president, Mr. Ron Kain, contacted staff on October 18 and advised that his records show he mailed the 1999 RAF form on February 14. On October 19, Mr. Kain contacted staff and asked that the options available to resolve this docket be faxed to him. This was done on the same date. On October 20, the Commission received a copy of the RAF form previously mailed, a check for the past due balance in full and a settlement proposal. Staff called Mr. Kain on October 31 and explained that we could not recommend approval since it was not in line with prior Commission decisions dealing with the same rule violation. On November 20, the Commission received the company's amended proposal. The company offered a \$100 contribution and proposed to pay future RAFs on a timely basis. This settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the modified settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 4616 should be canceled administratively.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Elliott)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.