

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 3187 issued to
Kirby Communications
International, Inc. For
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 971104-TI
ORDER NO. PSC-98-1155-FOF-TI
ISSUED: August 25, 1998

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST
AND CLOSING DOCKET

BY THE COMMISSION:

Kirby Communications International, Inc. (Kirby), an
interexchange telecommunications carrier (IXC), currently holds
Certificate of Public Convenience and Necessity Number 3187, issued
by this Commission on August 17, 1993, authorizing the provision of
interexchange telecommunications service. Kirby has not paid the
regulatory assessment fees required by Section 364.336, Florida
Statutes, and Rule 25-4.0161, Florida Administrative Code, for the
years 1993 and 1996.

The regulatory assessment fee form was mailed to Kirby in
September, 1993, for the period of January 1, 1993, through
December 31, 1993. The regulatory assessment fee form was mailed to
Kirby in December, 1995, for the period of January 1, 1996, through
December 31, 1996. 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. Notification of the delinquency was mailed via certified
letter to the address listed in the Master Commission Directory on
June 3, 1997. The letter was returned by the United States Post
Office marked "unclaimed." Subsequently, we have given Kirby
adequate opportunity to pay its past due fees, yet there was no
response. To date, Kirby has not paid the required fees.

By Notice of Proposed Agency Action Order No. PSC-97-1252-FOF-
TI (PAA Order), issued October 14, 1997, in Docket No. 971104-TI, DATE

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we determined that we would cancel Kirby's certificate for nonpayment of regulatory assessment fees. On November 3, 1997, Kirby timely filed a letter protesting the PAA Order and requesting a hearing on this matter. Thereafter, on March 19, 1998, Kirby filed another letter in which it withdrew its protest of our order canceling its certificate. We note that Kirby stated in an October 7, 1997, letter to our staff that it was not operating in any state. Furthermore, Kirby's filing with the Secretary of State is inactive as of June 5, 1998.

Upon consideration, we acknowledge Kirby's voluntary withdrawal of its protest of the PAA order. In light of Kirby's withdrawal of its protest in this docket, we hereby reinstate Order No. PSC-97-1252-FOF-TI, and declare it a final Order. The order shall be deemed effective August 4, 1998.

Based on the foregoing, it is

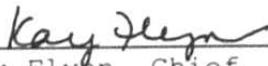
ORDERED by the Florida Public Service Commission that Kirby Communications International, Inc.'s withdrawal of its protest of Order No. PSC-97-1252-FOF-TI is acknowledged. It is further

ORDERED that Order No. PSC-97-1252-FOF-TI is reinstated as final and effective August 4, 1998. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of August, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

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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.