

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 4053 issued to
Key Communication Management
Inc. d/b/a Discount Plus for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 970961-TI
ORDER NO. PSC-97-1141-FOF-TI
ISSUED: September 30, 1997

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING
FINE OR CANCELING INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE AND DIRECTING CERTIFICATED INTEREXCHANGE
TELECOMMUNICATIONS PROVIDERS TO DISCONTINUE SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

Key Communication Management, Inc. d/b/a Discount Plus
(Discount Plus or the company), an interexchange telecommunications
carrier (IXC), currently holds certificate of public convenience
and necessity Number 4053, issued by the Commission on July 27,
1995, authorizing the provision of interexchange telecommunications
service. This docket was opened to cancel Discount Plus'
certificate, unless the company paid its delinquent 1996 regulatory
assessment fee, which was due by January 30, 1997, along with
statutory penalties, and a \$500 fine for failure to comply with
Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida

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Administrative Code. On August 29, 1997, Discount Plus paid its 1996 regulatory assessment fee, along with the statutory penalties and interest charges. We find it appropriate, nevertheless, to levy the fine in the amount of \$500.

Pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Discount Plus' certificate, unless the company pays the fine in the amount of \$500 for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, to the Florida Public Service Commission. Discount Plus must comply with this requirement within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the fine is received, this docket shall be closed. Should Discount Plus fail to comply with this Order within five business days from the date this Order becomes final, Discount Plus shall have its certificate canceled and the docket will be closed.

Should Discount Plus' certificate be canceled, all certificated interexchange carriers in the State of Florida are instructed to discontinue service to Discount Plus, pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited. Any certificated interexchange carriers providing service to Discount Plus must contact the Commission at the conclusion of the response period indicated herein in order to determine if Discount Plus' certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Key Communication Management, Inc. d/b/a Discount Plus shall pay a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that should Key Communication Management, Inc. d/b/a Discount Plus fail to comply with this Order, Key Communication Management, Inc. d/b/a Discount Plus' certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that all certificated interexchange telecommunications providers shall discontinue service to Key Communication Management, Inc. d/b/a Discount Plus upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine.

By ORDER of the Florida Public Service Commission, this 30th day of September, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 21, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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.

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This filing must be completed within thirty (30) days of the effective date 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.