



# 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

59 JUL 23 AM 11:15

RECEIVED-FPSC

**DATE:** JULY 23, 1998

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

**FROM:** DIVISION OF COMMUNICATIONS (BIEGALSKI) *VB*  
DIVISION OF LEGAL SERVICES (COX) *WPC MB*

**RE:** DOCKET NO. 971104-TI - 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, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

**AGENDA:** 08/04/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\971104.RCM

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission acknowledge Kirby Communications International, Inc.'s letter withdrawing its protest in this docket and make Order No. PSC-97-1252-FOF-TI final and effective?

**RECOMMENDATION:** Yes. The Commission should acknowledge Kirby's letter withdrawing its protest and make Order No. PSC-97-1252-FOF-TI final and effective as of the date of the Commission's vote on this recommendation. (Biegalski)

**STAFF ANALYSIS:** On September 11, 1997, staff filed a recommendation to cancel Kirby's certificate for nonpayment of regulatory assessment fees for the years 1993 and 1996. By Notice of Proposed Agency Action Order No. PSC-97-1252-FOF-TI (PAA Order), issued October 14, 1997, in Docket No. 971104-TI, the Commission approved staff's recommendation. On November 3, 1997, Kirby timely

DOCUMENT NUMBER-DATE

**07772 JUL 23 98**

FPSC-RECORDS/REPORTING

DOCKET NO. 971104-TI  
DATE: July 23, 1998

filed a letter protesting the PAA Order and requesting a hearing on this matter. (Attachment A, Page 3)

On March 19, 1998, Kirby filed a letter notifying the Commission that it wished to withdraw its protest of the PAA Order. (Attachment B, Page 4) Staff notes that Kirby stated in an October 7, 1997 letter to staff that it was not operating in any state. (Attachment C, Page 5) In addition, Kirby's filing with the Secretary of State is inactive as of June 5, 1998. Acknowledging Kirby's withdrawal does not remove the liability of the past due regulatory assessment fees, including statutory penalties and interest. Because Kirby withdrew its protest and no other protests to the PAA Order were filed, there are no issues for the Commission to address in this docket. Accordingly, the Commission should acknowledge that Kirby has withdrawn its protest and make Order No. PSC-97-1252-FOF-TI final and effective as of the date of the Commission's vote on this recommendation.

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

**RECOMMENDATION:** Yes. If the Commission approves staff's recommendation in Issue 1, no further issues remain for the Commission to address. Therefore, this docket should be closed. (Cox)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, no further issues remain for the Commission to address. Therefore, this docket should be closed.



*Millie Slocumb*

*Attorney at Law*  
6010 Fairdale Lane, Suite 700  
Houston, TX 77057-6102

Tel. No. (713) 789-1300

98 MAY 29 11:11 AM '98  
Form No. (713) 781-2094

May 26, 1998

Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0880

Delivered via Regular Mail  
and by facsimile transmission  
to: 850-413-6205

Attention: Mr. Will Cox

**ORIGINAL**

Re: Docket No. 971104-TI, Order No. PSC-97-1252-FOF-TI  
Kirby Communications International, Inc., Certificate Number 3187

Dear Mr. Cox:

This is written to confirm our telephone conversation as to Kirby Communications International, Inc.'s ("KCI's) desire to voluntarily withdraw its Petition for a formal proceeding, in lieu of the Florida Public Service Commission waiving the \$500.00 fine, with the understanding that KCI will be free to reapply for a Certificate at a later date when KCI resumes its intention to do business in Florida. Based on this understanding KCI would like to voluntarily withdraw its Petition for a formal proceeding and would request that KCI's Certificate be canceled at KCI's request.

If you need additional information, please notify me. Otherwise, I assume that no hearing will take place and that the \$500.00 fine against KCI will be waived and that KCI's Certificate is to be canceled, with the right to reapply for reinstatement at a later date.

Thank you for your assistance in this matter.

Sincerely,

*Millie Slocumb*  
Millie Slocumb

- CK \_\_\_\_\_
- FA \_\_\_\_\_
- PP \_\_\_\_\_
- AF \_\_\_\_\_
- MU *Biegalski*
- TR \_\_\_\_\_
- AG \_\_\_\_\_
- EG *Cox*
- IN \_\_\_\_\_
- IPC \_\_\_\_\_
- CH \_\_\_\_\_
- REC *1*
- VAS \_\_\_\_\_
- YTH *ADM/Lake*

JUN 1 1998  
LEGAL DIVISION

DOCUMENT NUMBER-DATE

05828 MAY 29 98

FLORIDA PUBLIC SERVICE COMMISSION

*Millie Slocumb*  
*Attorney at Law*  
6010 Fairdale Lane, Suite 700  
Houston, TX 77057-6102

Tel. No. (713) 789-1300

Fax No. (713) 781-2094

October 7, 1997

Public Service Commission  
State of Florida  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Delivery via certified mail  
Return receipt requested  
Article No. P 183 028 372

Attention: Barbara H. Bailey, Research Assistant

Re: Kirby Communications International, Inc. ("KCI")

Dear Ms. Bailey:

I apologize for not notifying you of the disconnect of KCI's telephone number. KCI is currently not operating in any state and, as secretary of the company, I have asked all of the taxing authorities in Florida to place KCI's accounts as "inactive".

Your office may contact me at 713-789-1300 regarding any matter related to KCI. When the company re-establishes its operations, I will forward its new information to you. As of this date, correspondence related to KCI may still be sent to its office at 6010 Fairdale Lane, Suite 500, Houston, TX 77057, or you may send correspondence for KCI to my attention at 6010 Fairdale, Suite 700.

Thank you for your assistance in this matter.

Sincerely,

*Millie Slocumb*  
Millie Slocumb

Enclosures

RECEIVED

OCT 10 1997

CMU