

# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-6850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** OCTOBER 22, 1998

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

**FROM:** DIVISION OF COMMUNICATIONS (MCCOY) *jm*  
DIVISION OF LEGAL SERVICES (K. PENA) *KMP*

**RE:** DOCKET NO. 981228-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY K. L. KINARD.

**AGENDA:** 11/03/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981228.RCM

RECEIVED 10:30  
 OCT 19 PM 3:15  
 DIRECTOR  
 DIVISION OF RECORDS AND REPORTING

### CASE BACKGROUND

On September 29, 1998, K. L. Kinard (Mr. Kinard) filed an application to provide pay telephone services (PATS) in Florida. Mr. Kinard has not previously been granted a PATS Certificate.

Mr. Kinard stated in his PATS application that he has a past felony history and attached documentation regarding the charges and disposition of his case. Mr. Kinard has completed his plea agreement requirements with the United States District Court, for The Middle District Of Florida, Tampa Division. He has no pending proceedings and is not on probation or parole. Mr. Kinard's charges were not related to the telecommunications industry and his civil rights have been fully restored. Mr. Kinard attached a letter of explanation and a copy of his Voter's Registration Card to the PATS application as further proof to the Commission that he has been rehabilitated and would like to be granted the opportunity to work in the pay telephone industry. [See Attachments A, B, and C]

Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant authority to provide pay telephone service to Mr. Kinard?

**RECOMMENDATION:** Yes, it is in the public interest to grant Mr. Kinard a certificate. Mr. Kinard should be granted Florida Public Service Commission Certificate No. 5965 to operate as a pay telephone provider within the State of Florida. (McCoy)

**STAFF ANALYSIS:** Rule 25-24.511, Florida Administrative Code, states in part:

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily canceled unless the applicant shows that granting of the new certificate is in the public interest.

Upon staff's review of Mr. Kinard's application along with the attachments, it appears that Mr. Kinard has fulfilled his obligations related to his plea agreement and his civil rights have been restored. Staff believes that granting Mr. Kinard a pay telephone certificate is in the public interest.

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

**RECOMMENDATION:** Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final and this docket may be closed. (K. Peña)

**STAFF ANALYSIS:** If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final and this docket may be closed.

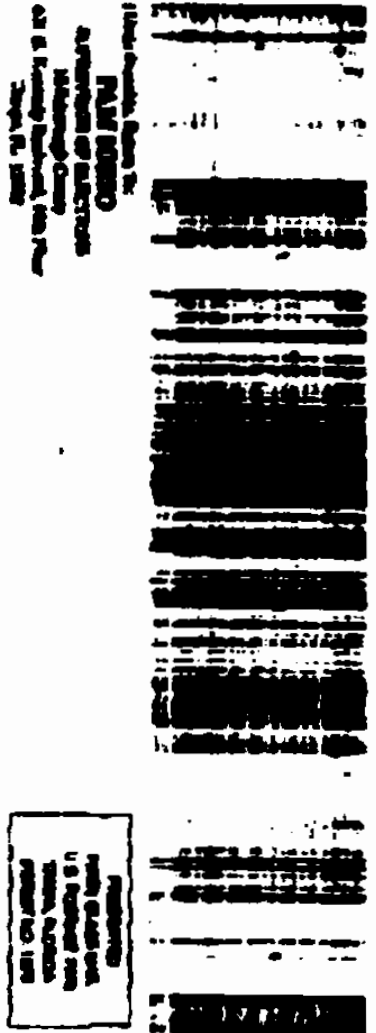
TO Whom it may Concern:

I'm writing this letter with full compliance to <sup>meet</sup> necessary qualifications to become a payphone provider. I served my sentence completely 7-14-97 attached are records from P.S.I. I have no probation or parole and all fines are paid as is my debt to society. My votes & civil rights are restored, a copy of my card is in this file as well. I have made many mistakes in life and I have fully paid my debt to society as a whole - my charges are in no way related to communications in any way. Upon my release I went to work at Ernie Haire Ford and worked there for 18 months. I've saved enough money to start my own business and this is what I want to make a career in as Pay phone Provider. I've never had any problems in providing quality service to the public in anything I've ever done in Business. I would like the opportunity to become Certified in the state of Florida to provide public service and will hold up my end of regulations & rules and provide perfect public service to Society.

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Thank you

DOCKET NO. 981228-TC  
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ATTACHMENT B



PAID BY  
 AUTHORITY OF ELECTRONIC  
 MAILING SERVICE  
 U.S. MAIL PERMIT NO. 100  
 TAMPA, FL 33602

POSTAGE WILL BE PAID BY ADDRESSEE  
 U.S. MAIL PERMIT NO. 100  
 TAMPA, FL 33602

KIMBERLY KEITH LEWIS  
 14401 BURNETT RD  
 MINNIE, FL 33602

POLARIS CIVIC CENTER  
 13450 BURNETT RD

X *Kimberly*

06/18/97	919
97-02164	919

13	23	66
4, 5, 6, 7		919

YOUR NEW VOTING CARD  
 SU MARIA TANMETA DE VOTAR

TOGILTS...  
 KIMBERLY KEITH LEWIS  
 14401 BURNETT RD  
 MINNIE, FL 33602

14401 BURNETT RD MINNIE, FL 33602

DOCKET NO. 981228-TC  
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ATTACHMENT C

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 Keith Kneard )

Docket No. 98-113-CR-T-21(C)

Prepared For:

The Honorable Ralph W. Nimmons, Jr.  
United States District Judge

Prepared By:

Cheryl B. Roggenbeck  
United States Probation Officer  
Tampa, FL - (813) 228-2901

Assistant United States Attorney:

Jay L. Hoffer  
Room 410, 800 Zack Street  
Tampa, FL 33602 (813) 274-8000

Defense Counsel:

Andrus A. Wilson (AFPD)  
801 E. Polk Street, Room 1000  
Tampa, FL 33602 (813) 228-2716

Sentencing Date:

February 1, 1998, at 4:00 p.m.

Offense of Conviction:

Counts 1 and 2: Passing Counterfeit Currency (18  
U.S.C. § 472) - 15 years/\$250,000 fine.

Mandatory Minimum Sentence:

No

Fine or Forfeiture:

Fled guilty November 2, 1995, before United States  
Magistrate Judge Elizabeth A. Jenkins, pursuant to a  
plea agreement. Adjudged guilty by Order entered  
November 16, 1995, by United States District Judge  
Ralph W. Nimmons, Jr.

Date of Arrest/Release Status:

Arrested September 9, 1994; detained until complaint  
dismissed without prejudice on October 21, 1995.  
Appeared on writ August 23, 1998; detained.

Identifying Data:

Social Security No.: 267-61-8012  
U.S. Marshal No: 18336-018  
FBI No: 613 234 0A9  
Address: 8820 N. Carey Road  
Lithia, Florida 33847

Date of Birth: May 27, 1964 (Age 31)  
Race: White, Non-Hispanic Sex: Male  
Citizenship: United States  
Dependents: One (child)  
Education: Some college

CONFIDENTIAL  
PROPERTY OF U.S. COURT  
SUBMITTED FOR OFFICIAL USE OF  
U.S. PAROLE COMMISSION AND  
FEDERAL BUREAU OF PRISONS.  
THE REPORT MAY BE DISCLOSED  
TO THE INMATE.

RE: Kinard, Keith

**PART B. THE DEFENDANT'S CRIMINAL HISTORY (continued)**

Court records indicate that on August 4, 1988, the defendant issued a worthless check in the amount of \$192.82 to Winn Dixie Supermarket.

28. 07/18/88 (Age 31)	Count 1: Fraudulent Use of a Credit Card Count 2: Obstructing and Officer Without Violence. Circuit Court of Hillsborough County, Florida. Docket No. 88-8728CFAWS.	08/30/88: Fled guilty to both counts. Adjudicated guilty: 1 year, 1 day state prison as to Court 1; time served as to Court 2.	4A1.10d	2
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Court records indicate that on July 18, 1988, the defendant attempted to use a fraudulent credit card in the name of Tobin McNamee to purchase \$314 worth of merchandise from the Home Depot in Tampa. The store personnel detected the fraud and contacted police. When the police arrived at the business, the defendant fled, but was apprehended in the parking lot.

29. 07/20/88 (Age 31)	Counts 1, 2, 7, 9, 11, & 13: Forgery. Counts 3 & 8: Fraudulent Use of a Credit Card (over \$100). Count 4: Unauthorized Use or Possession of a Fraudulent Identification Card. Count 5: Grand Theft. Counts 8, 10, 12, & 14: Use of a False Credit Card Under \$300. Circuit Court of Hillsborough County, Florida. Docket No. 88-8830CFAWS	08/14/88: Fled State Considers to each count. Adjudicated guilty of each each count. Counts 1-7, 9, 11, & 13: 1 year, 1 day state prison, each count to run concurrently with each other, and concurrently with Docket Nos. 88-8728, 88-4457, 88-4461, and 88-4274. Counts 8, 10, 12, & 14: Time served.	4A1.2td(2)	0
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Court records indicate that on or about March 31, 1988, the defendant obtained a Florida Identification Card in the name of Tobin McNamee. The defendant then used the identification card to obtain credit cards from Builders Square, Chevron, and Sears. He thereafter fraudulently used the credit cards to purchase merchandise totaling \$1,978.81.