

P. Isler  
ROR

Settlement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

01 FEB -2 PM 1:41

In re: 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.

DOCKET NO. 000970-TC  
ORDER NO. PSC-01-0056-AS-TC  
ISSUED: January 8, 2001

TF614

The following Commissioners participated in the disposition of this matter:

- J. TERRY DEASON, Chairman
- E. LEON JACOBS, JR.
- LILA A. JABER
- BRAULIO L. BAEZ
- MICHAEL A. PALECKI

DEPOSIT	DATE
0019	FEB 06 2001

Alena  
Jan 26 1991

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

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CMP \_\_\_\_\_  
COM \_\_\_\_\_  
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PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC \_\_\_\_\_  
SER \_\_\_\_\_  
OTH \_\_\_\_\_

K.C.S. Communications, Inc. (K.C.S.) currently holds Certificate of Public Convenience and Necessity No. 4616, issued on April 11, 1996, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that K.C.S. had not paid the 1999 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1999 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. All entities that apply for certification receive a copy of our rules governing pay telephone

BETTY MOORE AND  
RONALD J KAIN JTWR05  
2239 IMPERIAL GOLF COURSE BLVD  
NAPLES, FL 33942-1070

62-15/311

0343

DATE 2-1-01

PAY TO THE  
ORDER OF

Public Service Commission \$100.00  
One Hundred 00/100 DOLLARS

PNC NATIONAL BANK  
WILMINGTON, DE

FINANCIAL MANAGEMENT ACCOUNT  
CODE 994

FOR

K.C.S. Communication

0343

REDACTED

es, certificate  
certificate was  
e RAFs form was  
ugh December 31.

DOCUMENT NUMBER-DATE

01624 FEB-55

FISC-RECORDS/REPORTING

P. J. Jester  
ROR

Settlement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

01 FEB -2 PM 1:41

In re: 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.

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DEPOSIT	DATE
DO 10 03	FEB 08 2001

Received  
Jan 26 7th

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

K.C.S. Communications, Inc. (K.C.S.) currently holds Certificate of Public Convenience and Necessity No. 4616, issued on April 11, 1996, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that K.C.S. had not paid the 1999 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1999 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. All entities that apply for certification receive a copy of our rules governing pay telephone service.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. The RAFs form was mailed to K.C.S. for the period of January 1, through December 31.

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DOCKET NO. 000970-TC  
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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. K.C.S. was scheduled to remit its 1999 RAFs by January 31, 2000.

On October 2, 2000, we issued Order No. PSC-00-1800-PAA-TC to impose a \$500 fine. Failure to comply or respond to this Order would result in the cancellation of K.C.S.'s certificate. K.C.S. has since paid the 1999 RAFs, including accrued statutory penalties and interest charges, offered to contribute \$100 to the State General Revenue Fund, and proposed to pay future RAFs on a timely basis.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. K.C.S. must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. K.C.S. has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. The Commission is vested jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that K.C.S. Communications, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that if K.C.S. Communications, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of January, 2001.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

JAE

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

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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.