

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
CLEC Certificate No. 7012 issued  
to KingTel, Inc. for violation  
of Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 030621-TX  
ORDER NO. PSC-03-1453-PAA-TX  
ISSUED: December 22, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER CANCELLING CLEC CERTIFICATE FOR VIOLATION OF RULE 25-  
4.0161, F.A.C., REGULATORY ASSESSMENT FEES

BY THE COMMISSION:

On June 16 1999, KingTel, Inc. obtained Florida Public Service  
Commission Competitive Local Exchange Telecommunications Company  
Certificate No. 7012. On June 25, 2002, In a separate proceeding,  
Docket No. 020573-TX was established for nonpayment of the 2001  
Regulatory Assessment Fee (RAF). On September 10, 2002, Order No.  
PSC-02-1244-PAA-TX was issued, which imposed a \$500 penalty or  
cancelled the company's certificate. The company subsequently paid  
the past due fee, including statutory late payment charges, and the  
\$500 penalty, and the docket was closed.

On December 12, 2002, The Division of the Commission Clerk &  
Administrative Services mailed the 2002 RAF notice. The due date  
was January 30, 2003. On February 21, 2003, the Office of the  
General Counsel sent a delinquent notice via certified mail. The  
US Postal Service returned the unopened delinquent notice stamped  
"unclaimed."

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On March 19, 2003, The Division of the Commission Clerk & Administrative Services notified staff that this company had not paid the 2002 RAF. On April 11, 2003 our staff wrote the company and explained that payment for the RAF needed to be paid by April 30, 2003, to avoid an enforcement docket from being established.

On August 4, 2003, Mr. Worlking Pierre, President, called our staff and stated that he wished to keep his certificate active and requested that staff fax him the RAF return form and options for resolving this docket. The form and information were faxed on August 5, 2003. On September 04, 2003, this Commission received payment for the 2002 RAF, including statutory late payment charges. The company reported no revenues for the period ended December 31, 2002. On October 31, 2003, the company's settlement proposal was received.

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of Regulatory Assessment Fees by January 30 of the subsequent year for telecommunications companies, and provides for late payment charges as outlined in Section 350.113, Florida Statutes, for any delinquent amounts. The company acted in violation of Rule 25-4.0161, Florida Administrative Code. The rule is incorporated by Rule 25-24.835, Florida Administrative Code. This Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes.

After this docket was opened, but prior to our staff filing a recommendation, this Commission received the company's payment for the outstanding Regulatory Assessment Fee, including statutory late payment charges, and a letter from the company which offered to pay a \$500 contribution to be paid within 30 days from the issuance of the Order accepting the settlement and proposed to pay future RAFs on a timely basis. In addition, the company's settlement proposal included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer.

We, therefore, accept the company's settlement proposal. The proposed contribution shall be received by this Commission within 30 days from the date of the Commission Order and shall identify

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the docket number and company name. The Commission shall forward the contribution to the Florida Department of Financial Services for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of this Commission's Order, Certificate No. 7012 shall be cancelled administratively. If KingTel, Inc.'s certificate is cancelled in accordance with this Commission's Order, the company shall be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that KingTel, Inc. shall make a \$500 contribution to be paid within 30 days from the issuance of this Order accepting the proposed settlement, and shall identify the docket number and company name. The Commission shall forward the contribution to the Florida Department of Financial Services for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that should KingTel, Inc. fail to pay in accordance with the terms of this Commission's Order, Certificate No. 7012 shall be cancelled administratively. If KingTel, Inc.'s certificate is cancelled in accordance with this Commission's Order, the company shall be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket should remain open pending the receipt of KingTel, Inc's settlement contribution. Upon receipt of the settlement

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contribution or the cancellation of Certificate No. 7012, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 22nd day of December, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

BY: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

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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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 12, 2004.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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