

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the)
Certificate of Service Authority and)
Tariffs of Kelly's Westport Inn, Inc.)

Case No. PD-2008-

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel Kelly's Westport Inn, Inc.'s (Kelly's Westport Inn) certificate of service authority to provide private pay telephone services in Missouri. In support of its Motion, Staff respectfully states as follows:

1. On June 19, 1998, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to provide private pay telephone services, to Kelly's Westport Inn, in Case No. TA-98-522.

2. On February 23, 2008, the Vice-President of Kelly's Westport Inn sent a letter to the Commission, requesting that the Commission cancel Kelly's Westport Inn's authority effective immediately. (The Commission received this letter on February 28, 2008, a true and accurate copy of the letter is attached hereto as Attachment A).

3. The letter indicated that the certificate of service authority is being surrendered because Kelly's Westport Inn no longer operates private coin phones.

4. The services to be discontinued are private pay telephone services.

5. Kelly's Westport Inn has no past due annual reports or assessments to the Commission.

6. Kelly's Westport Inn is reflected as being in good standing by the Missouri Secretary of State's website.

7. Because Kelly's Westport Inn has requested cancellation of its certificate and because it is not providing private pay telephone service in Missouri, the Staff recommends that the Commission issue an order canceling the company's certificate.

8. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), which provides:

"Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected."

However, the Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Kelly's Westport Inn, Inc. to provide private pay telephone services in Missouri.

Respectfully submitted,

/s/ **Blane Baker**

Blane Baker
Legal Counsel
Missouri Bar No. 58454

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed return receipt requested or electronically to all counsel of record as shown on the attached service list this 5th day of February 2008.

/s/ Blane Baker

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Registered Agents, Ltd.
Registered Agent for Kelly's Westport Inn, Inc.
2345 Grand Blvd., Suite 2400
Kansas City, MO 64108

Kelly's Westport Inn, Inc.
500 Westport Road
Kansas City, MO 64111
(Via Certified Mail)

RECEIVED
February 28, 2008
Data Center
Missouri Public
Service Commission

February 23, 2008

MISSOURI PUBLIC SERVICE COMMISSION
Post Office Box 360
Jefferson City, MO 65102

Dear Sir or Madam:

Kelly's Westport Inn. Inc., 500 Westport Road, Kansas City, MO 64111,
wishes to terminate its status as a Missouri Public Utility effective January
31, 2008.

We will no longer operate private coin phones.

Thanks for your attention to this matter.

Sincerely,



Michael J. Kelly
Vice-president
Kelly's Westport Inn, Inc.
500 Westport Road
Kansas City, MO 64111