

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

In the Matter of the Application of	)	
Magnus Communications, Inc. for	)	
Cancellation of its Certificate of Service	)	Case No. CD-2005-0301
Authority.	)	

**STAFF RECOMMENDATION TO CANCEL**  
**CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its motion and recommendation respectfully states:

1. On March 10, 2005, counsel for Magnus Communications, Inc. (Magnus) filed its pleading to Surrender Certificate of Service Authority (Application). In accord with Magnus' Application, the Staff submits its Memorandum attached as Appendix A. Staff recommends that the Commission issue an order to cancel the certificate of service authority of Magnus to provide basic local exchange telecommunications service. Magnus has never filed a proposed tariff.

2. Magnus was granted a certificate of service authority to provide basic local exchange telecommunications service on May 16, 2002, in Case No. TA-2002-396. Magnus states in its Application that it has no customers. Therefore, cancellation of Magnus' certificate is not detrimental to the public interest. Staff confirmed that Magnus owes no assessment fees or annual reports and has no other matters pending before the Commission.

3. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410, RSMo 2000 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, Staff recommends the Commission issue an order canceling the certificate of service authority of Magnus Communications, Inc. to provide basic local exchange telecommunications service.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ Robert S. Berlin**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 28<sup>th</sup> day of March 2005.

**/s/ Robert S. Berlin**

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