

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
May 2, 2000**

CASE NO: TD-2000-626

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James B. McKinzie, President
Local Fone Service, Inc.
624 Six Flags Drive, Suite 214
Arlington, TX 76011

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Cancellation of)
the Certificate of Service Authority) Case No. TD-2000-626
for Local Fone Service, Inc.)

ORDER CANCELING CERTIFICATE

On April 6, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion to open a "docket" [sic]¹ and cancel the certificate of service authority for Local Fone Service, Inc. (Local Fone). Staff's motion states that the Commission granted Local Fone certificates of service authority to provide basic local and local exchange telecommunications services on July 8, 1997, in case number TA-97-411. The order granting certificates provided that Local Fone's certificates would not become effective until its tariff became effective. Local Fone does not have an effective tariff and its certificates have never become effective.

Staff stated that Local Fone did not file an annual report for 1998. In addition, Local Fone's 1999 annual report form was returned

¹ Docket "...in [American English] means 'a schedule of cases pending.' ...Docket may be used as a verb in [American English]. E.g., 'The case was docketed and tried shortly thereafter.'/'Thereafter he has either 60 or 90 days in which to docket the case with the Supreme Court....' Charles A. Wright, *The Law of Federal Courts* 755 (4th ed. 1983)." (Emphasis in original.) Bryan A. Garner, *A Dictionary of Modern Legal Usage* 289 (2nd ed. 1995). The individual cause is a "case" not a "docket."

by the postal service as undeliverable. Staff contacted the Missouri Secretary of State's office and was informed that Local Fone was administratively dissolved by the Missouri Secretary of State on August 31, 1998, due to its failure to file an annual report.

Staff's motion states that the Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5, RSMo Supp. 1999, which states, in part: "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."

Local Fone has not filed a formal request to cancel its certificates. However, Staff believes that Local Fone has violated the terms of its certificates by its failure to file annual reports and recommends that the Commission cancel Local Fone's certificates of service authority.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Local Fone did not respond to Staff's motion to cancel its certificates of service authority and no one has requested a hearing in this case. Therefore, the Commission may grant the relief requested based on Staff's motion.

Section 392.210, RSMo 1994, states, in part: "Every telecommunications company shall file with the commission an annual report...covering the yearly period fixed by the commission." Section

392.390.1, RSMo 1994, states, in part: "[A telecommunications company shall file] annual reports with the commission as required by the commission and in a form and at times prescribed by the commission." In addition, the terms of the certificate require Local Fone to keep the Commission informed of its current address and telephone number.

Local Fone has failed to file the required annual reports and, therefore, the certificates of service authority granted to Local Fone in case number TA-97-411 will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority to provide local exchange telecommunications services granted to Local Fone Service, Inc., in case number TA-97-411 is canceled.


2. That the certificate of service authority to provide basic local telecommunications services granted to Local Fone Service, Inc., in case number TA-97-411 is canceled.

3. That this order shall become effective on May 12, 2000.

4. That this case may be closed on May 15, 2000.

BY THE COMMISSION

(S E A L)



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Morris L. Woodruff, Regulatory Law Judge,
by delegation of authority pursuant to
4 CSR 240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 2nd day of May, 2000.

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 2nd day of May 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

