

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
June 15, 2000**

CASE NO: TD-2000-714

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

CSD stated in its petition that it was acquired by merger by Metromedia Fiber Network, Inc. (Network). CSD stated that another subsidiary of Network, namely, Metromedia Fiber Network Services, Inc., thus an affiliate of CSD, holds a certificate of authority to provide intrastate telecommunications services in Missouri pursuant to the Commission's order in case number TA-2000-335, and intends to provide service to Missouri customers. CSD stated that no service is provided to Missouri customers by CSD and, therefore, there are no customers to notify of its petition.

Commission Rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a . . . specific reference to the statutory provision or other authority under which relief is requested." CSD's petition did not comply with Commission Rule 4 CSR 240-2.080(3) in that it did not include a specific reference to the statutory provision or other authority under which relief was requested. On May 4, 2000, the Commission ordered CSD to file a supplemental pleading which includes a specific reference to the statutory provision or other authority under which it requested relief. CSD filed its amendment to its pleading on May 15, 2000, which stated that it filed its pleadings pursuant to Section 392.460 RSMo¹.

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."

In addition, Section 392.460, RSMo, states:

No telecommunications company authorized by the commission to provide or offer competitive interexchange or basic interexchange telecommunications service within the state of Missouri on January 1, 1984, shall abandon such service until and unless it shall demonstrate, and the commission finds, after notice and hearing, that such abandonment will not deprive any customers of competitive interexchange or basic interexchange telecommunications service or access thereto and is not otherwise contrary to the public interest.

¹ All references herein to sections of the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 1994.

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). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.

On June 9, 2000, the Staff of the Commission (Staff) filed its recommendation. Staff stated that it recommended that the Commission issue an order to cancel its certificate of service authority to provide intrastate telecommunications services in the state of Missouri.

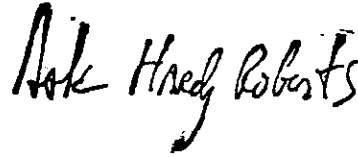
The Commission has reviewed the application, Staff's recommendation, and the official case file and finds that the Certificate of Service Authority granted to CSD in case number TA-96-413 shall be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of authority granted in case number TA-96-413 to Communication Systems Development, Inc. shall be canceled on June 26, 2000.
2. That this order shall become effective on June 26, 2000.

3. That this case may be closed on June 27, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 15th day of June, 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 15th day of June 2000.

Dale Hardy Roberts

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

