

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

In the Matter of the Cancellation of the)
Certificate of Service Authority of Aztec)
Marketing, Inc.)

Case No. PD-2006-

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and moves that the Commission cancel the payphone certificate of service authority of Aztec Marketing, Inc. In support of its *Motion*, Staff respectfully states:

1. In June 2001, Aztec Marketing, Inc. received a certificate of service authority from the Missouri Public Service Commission (Commission) to provide private pay telephone services, pursuant to the Commission's authority under Section 386.250, RSMo 2000. The certificate was granted in Case No. TA-2001-604.

2. The corporation, a Missouri corporation, is in good standing according to the Missouri Secretary of State's website, and mail has not been returned from the company's address.

3. However, the company has not returned the Commission's Statement of Revenue form for at least the past four years. The Commission has assessed the company with an estimated assessment of \$0.00.

4. Staff contacted Robin Martinez, the counsel and registered agent for Aztec Marketing, Inc., on November 3, 2005 by telephone. The counsel and registered agent verified that the Commission had the correct address and stated that the company is not providing payphone service and that the certificate should be cancelled.

5. Aztec Marketing, Inc. is not delinquent in paying any assessments that may have been assessed during the history of their registration with the Commission. As a payphone provider, the company is not required to submit annual reports to the Commission.

6. Staff has made an investigation and no other matters are pending in front of the Commission.

7. The Commission has the authority to cancel a certificate to provide payphone services pursuant to Section 392.410.5 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).

8. Staff is serving this pleading on the registered agent for the company as listed on the website of the Secretary of State. Section 351.380(1) RSMo 2000 provides:

The registered agent so appointed by a corporation upon whom any process, notice or demand required or permitted by law to be served upon a corporation may be served.

Commission Rule 4 CSR 240-2.080(17)(C)(1) states “Service by mail is complete upon mailing.” Staff is also serving this pleading upon the address provided by the company.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Aztec Marketing, Inc. to provide private pay telephone service.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
david.meyer@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following, this 8th day of November 2005.

/s/ David A. Meyer

David A. Meyer

Office of the Public Counsel
Governor Office Building, Suite 650
200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

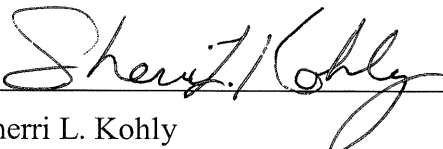
Robin Martinez, Esq.
Registered Agent for Aztec Marketing, Inc.
11 East Kansas Street
Liberty, MO 64068
(via certified mail)

Aztec Marketing, Inc.
5510 Truman Road
Kansas City, MO 64127

VERIFICATION

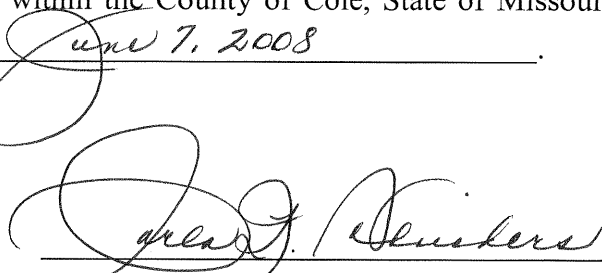
STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.



Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 7th day of November, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

