

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

In the Matter of the Cancellation of the)
Certificate of Service Authority to Provide)
Private Pay Telephone Service of Pay-)
Tele Communications, Inc., d/b/a Midwest)
Telecom)

Case No. PD-2005-

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE
TO PROVIDE PRIVATE PAY TELEPHONE SERVICE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificate of Service Authority respectfully states as follows:

1. On August 9, 1988, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide private pay telephone service to Pay-Tele Communications, Inc., d/b/a Midwest Telecom (Midwest) in Case No. TA-88-277.

2. Commission Staff received a phone call from an employee of Home Care Equipment whose address is 1723 Jeffco Blvd., Arnold, MO, stating they had mistakenly received an assessment letter for Midwest. Commission records indicated that the address for Midwest is 1723 Jeffco Blvd., Arnold MO.

3. According to the Missouri Secretary of State's website, Pay-Tele Communications, Inc., was administratively dissolved on August 18, 1997.

4. Staff believes that Midwest has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number. Section 392.210 (2), RSMo 2000 states, among other things, "The commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies..." Because Midwest has failed to keep the Commission informed of a current address or telephone number, the

Commission is unable to contact Midwest. Therefore, Midwest has denied the Commission access that is required of the Commission under Section 392.210 (2), RSMo 2000. Certainly, Midwest has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250, RSMo 2000.

5. Staff has performed an investigation and has determined that Midwest has not filed a statement of revenue for FYs 2001, 2002, 2003, 2004 and 2005 and owes no assessments.

6. Pursuant to Section 392.520.1, RSMo 2000, entities providing coin operated telephone services may be exempt from the requirements of Section 392.390 (1), RSMo 2000, which requires telecommunications companies to file annual reports. The Commission has exempted coin operated telephone service providers from such filing.

7. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5, RSMo Supp. 2004, 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. Because Midwest has not informed Staff of its current address and phone number, Staff is unable to provide service of this pleading to Midwest. Therefore, the Staff is serving this pleading on the registered agent of Pay-Tele Communications, Inc. 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.”

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Pay-Tele Communications, Inc., d/b/a Midwest Telecom to provide private pay phone service.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Mary Weston
Mary Weston
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Certificate of Service

I hereby certify that copies of the foregoing have been sent by certified mail, hand delivered or transmitted by facsimile or electronic mail to all parties of record as shown on the attached service list this 14th day of March 2005.

/s/ Mary Weston

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