# STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY November 2, 2000

CASE NO: TD-2001-196

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

Sincerely,

Dale Hardy Roberts

Hole Hard 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 Authority and Accompanying	)	Case No.	TD-2001-196
Tariff of Gemini Communications Manage-	)	<u> </u>	
ment, Inc.	)		

#### ORDER CANCELING CERTIFICATE AND TARIFF

On September 21, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion requesting that the Commission cancel the certificate of authority and accompanying tariff of Gemini Communications Management, Inc. (Gemini). Staff served its motion via hand delivery and certified mail and attached its service list to its motion. No response to Staff's motion has been filed.

The Commission granted Gemini a certificate of service authority to provide interexchange telecommunications services in Case No. TA-98-118. The terms of the certificate require Gemini to file an annual report with the Commission and to keep the Commission informed of its current address and telephone number.

Staff states that Gemini did not file an annual report in 1998 as required by Sections 392.210 and 392.390.1, RSMo 1994, and further states that Gemini's 1999 annual report form was returned to the Commission by the United States Postal Service as undeliverable. In addition, Staff states that Gemini was administratively dissolved by the Missouri Secretary of State's Office on August 28, 2000, for failure to file an annual report in that office.



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).

The Commission has reviewed the application and the official file and finds that the certificate of service authority and accompanying tariff to provide intrastate interexchange telecommunications services granted to Gemini in Case No. TA-98-118 shall be canceled.

#### IT IS THEREFORE ORDERED:

- 1. That the certificate of authority and tariffs granted in Case No. TA-98-118 to Gemini Communications Management, Inc., shall be canceled on November 12, 2000, unless otherwise ordered by the Commission.
- 2. That this order shall become effective on November 12, 2000.
  - 3. That this case may be closed on November 13, 2000.

BY THE COMMISSION

Hoke Hold Roberts

(SEAL)

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

Keith Thornburg, Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 2nd day of November, 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  $2^{nd}$  day of Nov. 2000.

Dale Hardy Roberts

Ask Hard Roberts

Secretary/Chief Regulatory Law Judge