

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

In the Matter of the Cancellation of the )  
Certificate of Service Authority of Mart )  
Building Co. )

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 Mart Building Co. In support of its *Motion*, Staff respectfully states:

1. In September 1994, Mart Building Co. 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-94-373.

2. The 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 five years. The Commission has assessed the company with an estimated assessment of \$0.00.

4. Staff contacted one of the corporate officers of Mart Building Co. (the vice-president and member of the board of directors) on November 1, 2005 by telephone. The officer 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. Mart Building Co. 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.

5. Mart Building Co. 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 listed on the website of the Secretary of State. Section 351.594(1) RSMo 2000 provides:

The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice or demand required or permitted by law to be served on the foreign corporation.

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 Mart Building Co. to provide private pay telephone service.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

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David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
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### **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 3<sup>rd</sup> day of November 2005.

**/s/ David A. Meyer**

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David A. Meyer

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


Mart Building Co.  
7333 East New 40 Highway  
Kansas City, MO 64129

Duren N. Sleyster  
Registered Agent for Mart Building Co.  
7333 E New 40 Hwy.  
Kansas City, MO 64129  
*(via certified mail)*

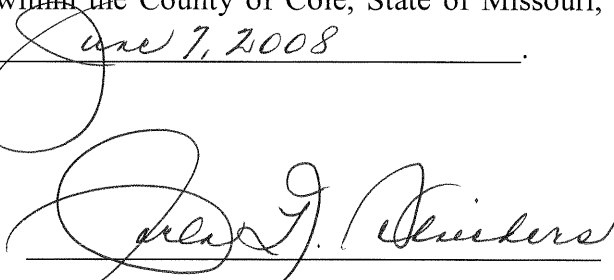
**VERIFICATION**

**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.

  
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Sherri L. Kohly  
Affiant

Subscribed and affirmed before me this 3rd 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.

  
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NOTARY PUBLIC

