

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

<b>In the Matter of the Cancellation of the</b>	)	
<b>Certificates of Service Authority of:</b>	)	
	)	
<b>TSC Payphone Corp.,</b>	)	
<b>Universal Communications, Inc.,</b>	)	<b>Case No. PD-2006-</b>
<b>Cherokee Communications, Inc.,</b>	)	
<b>Cherry Communications, Inc.,</b>	)	
<b>and CAD, Inc.</b>	)	

**MOTION TO OPEN CASE AND CANCEL  
CERTIFICATES OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificates of Service Authority to Provide Private Pay Telephone Service, respectfully states:

1. The above captioned companies (Companies) have been granted certificates of service authority by the Missouri Public Service Commission (Commission) to provide private pay telephone services, pursuant to the Commission's authority under Section 386.250, RSMo 2000. A list containing information for each of the Companies is marked "Appendix A," attached hereto and made a part hereof.

2. Each of the said Companies shares the following facts and support Staff's motion to open a mass docket case for the cancellation of the Companies' certificates:

- a) Staff is unable to contact the Companies through a valid mailing address or telephone number.
- b) The Companies' 2006 statement of revenue form, mailed by the Budget and Fiscal Services Department of the Commission's Administration Division on January 14, 2005, was returned by the post office as undeliverable.

- c) The Companies were “dissolved” according to the Office of the Missouri Secretary of State. Section 351.476(1), RSMo 2000, states “A dissolved corporation continues its corporate existence but *may not carry on any business except that appropriate to wind up and liquidate its business and affairs...*”

3. Staff believes that the Companies have violated the terms of their certificates of service authority by 1) their failure to keep the Commission informed of a current address and telephone number, and 2) by the failure of the Companies to file a 2006 statement of revenue. 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 the Companies have failed to keep the Commission informed of a current address or telephone number, the Commission is unable to contact the Companies. Therefore, the Companies have denied the Commission the access that is required of the Commission under Section 392.210(2), RSMo 2000. Certainly, the Companies have denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250, RSMo 2000.

4. Staff has made an investigation. No assessments or other matters are pending in front of the Commission.

5. 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.

6. The Commission has the authority to cancel a telecommunications company certificate 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).

7. Because the Companies have provided no current contact information and because the 2006 statement of revenue was returned to the Commission by the United States Postal Service as undeliverable, Staff is unable to provide service of this pleading to the Companies directly. Therefore, Staff is serving this pleading on the registered agent for each company listed on the website of the Secretary of State. Section 352.380(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 certificates of service authority of the Companies to provide private pay telephone service.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Mary E. Weston

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed return receipt requested or hand-delivered to all counsel of record as shown on the attached service list this 20th day of July, 2005.

/s/ Mary E. Weston

<b><u>Certificated Companies</u></b>	<b><u>Case No. Date of Certification</u></b>	<b><u>Sec. of State Date of Dissolution</u></b>	<b><u>Sec. of State Registered Agent</u></b>
TSC Payphone Corp. 1601 North Collins Blvd. Richardson, TX 75080	TA-98-262 02/10/1998	08/28/2000	The Corporation Company 120 South Central Ave. Clayton, MO 63105
Universal Communications Inc. 127 Sycamore Dr. #12 Branson, MO 65616	TA-95-5 09/16/1994	12/16/1994	Brian W. Hughs 102 E. Glenn Nixa, MO 65714
Cherokee Communications, Inc. 1001 Lakeside Ave. 7 <sup>th</sup> Floor Cleveland, OH 44114	TA-93-339 11/19/1993	05/05/1997	C.T. Corporation System 906 Olive St. St. Louis, MO 63101
Cherry Communications, Inc. 2205 Enterprise Dr. Ste. 501 Westchester, IL 60154	TA-92-265 07/24/1992	08/14/2000	C.T. Corporation System 120 South Central Ave. Clayton, MO 63105
CAD, Inc. 5403 Castlebay Springfield, MO 65809	TA-98-304 02/25/1998	06/30/2004	David C. Agee, Esq. 901 E. St. Louis St. Ste. 1900 Springfield, MO 65806

APPENDIX A