

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

In the Matter of the Cancellation of the)
Certificates of Service Authority of Robert)
L. Harris d/b/a 21st Century) Case No. PD-2006-
Communications)

**MOTION TO OPEN CASE AND 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 Robert L. Harris d/b/a 21st Century Communications. In support of its *Motion*, Staff respectfully states:

1. In April 1997 in Case No. TA-97-359, Robert L. Harris d/b/a 21st Century Communications was granted a certificate 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.

2. Now, Staff is unable to contact the Provider through a valid mailing address or telephone number. As Mr. Harris failed to pay his Fiscal Year 2006 assessment, Staff sent him notification of his delinquency via certified mail. That mail was returned as unclaimed. (See Appendix B.) Although the Commission has been provided a telephone number to reach Mr. Harris, calls placed to that telephone number are not answered and the line gives no option to leave a message. Mr. Harris failed to submit his Fiscal Year 2006 statement of revenue covering 2004, so the Commission estimated his assessment. The last communication between the Commission and Mr. Harris appears to have been in August 2004, when he paid his Fiscal Year 2005 assessment. The assessment amounts have all been minimal.

3. Staff believes that Mr. Harris has violated the terms of his certificate of service authority 1) by his failure to keep the Commission informed of a valid address and telephone

number where he may be reached, and 2) by failing to file a 2004 statement of revenue. Sections 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 Mr. Harris has failed to keep the Commission informed of a current address or telephone number, the Commission is unable to contact him. Therefore, Mr. Harris has denied the Commission the access that is required of the Commission under Section 392.210(2), RSMo 2000. Certainly, Mr. Harris has denied the Commission its abilities to supervise telecommunications operations and services as statutorily mandated under Section 386.250.

4. Staff has made an investigation and no other matters are pending in front of the Commission pertaining to this individual.

5. 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).

6. Although the most recent mailing to Mr. Harris was returned as unclaimed, it is still unclear whether Mr. Harris’ address itself is incorrect. Accordingly, this verified pleading is being sent to that same address, but not via certified mail because the most recent correspondence from the Commission was sent to that address, and it was not claimed. Commission Rule 4 CSR 240-2.080(17)(C)(1) states that “[s]ervice by mail is complete upon mailing.”

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Robert L. Harris d/b/a 21st Century Communications 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
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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 14th day of December 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

Robert L. Harris
d/b/a 21st Century Communications
9201 West 112th Terrace
Overland Park, KS 66210

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.


Sherri L. Kohly

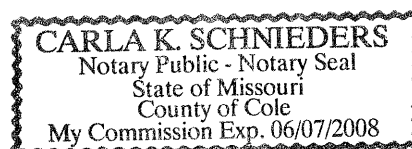
Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 12th day of December 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.

use 7. 2008

Dean T. Kirschner

NOTARY PUBLIC



CERTIFIED MAIL

Missouri Public Service Commission

Administration Division

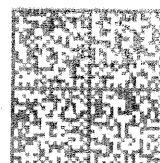
P.O. Box 360

Jefferson City, Missouri 65102

MO 419-2629 (4-01)



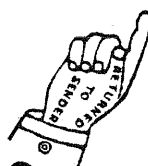
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02 1A
0004350512 NOV 04 2005
MAILED FROM ZIP CODE 65101

Notified
11-10-04
11-10-04



UNCLAIMED

Robert L Harris
21st Century Communications
9201 West 112th Terrace
Overland Park KS

RECEIVED

NOV 29 2005

BUDGET & FISCAL SVCS
MO. P.S.C.

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