

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

In the Matter of the Cancellation of the Certificate )  
of Service Authority and Associated Tariff of Net )  
Talk.com, Inc. to Provide Basic Local )  
Telecommunications Services in the State of )  
Missouri )

**File No. CD-2014-\_\_\_\_\_**

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY  
AND ASSOCIATED TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and moves for the Missouri Public Service Commission ("Commission") to cancel the certificate of service authority and associated tariff of Net Talk.com, Inc. ("Net Talk" or "Company"). For its Motion, Staff respectfully states as follows:

1. On February 14, 2011, the Commission granted a certificate of service authority to Net Talk to provide basic local exchange telecommunications services in the State of Missouri in Case No. TA-2011-0166 and ordered Net Talk to file a tariff. Net Talk's Commission approved tariff is assigned tracking number YC-2011-0484.

2. The Commission's Order granting Net Talk its certificate reminded the Company of its obligation to file an annual report pursuant to Section 392.210, RSMo.

3. Section 392.210.1 RSMo (2000) requires every telecommunications company to "...file with the commission an annual report at a time and covering the yearly period fixed by the commission," and Rule 4 CSR 240-3.540(1) requires the report to be filed on or before April 15<sup>th</sup> of each year.

4. At the time of this filing, the Company has not submitted its calendar year 2011 or 2012 annual report.

5. Despite Staff's attempts to contact Net Talk, the Company has continued to be delinquent in the filing of its calendar year 2011 and 2012 annual report.

6. Due to the Company's continued neglect of the Commission's statutes, rules and orders, Staff moves for the Commission to cancel Net Talk's certificate of service authority and associated tariff.

7. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, which provides "[a]ny 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."

8. 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. W.D. 1989).

9. If the Commission cancels Net Talk's certificate of service authority, the Staff also recommends the Commission order the Company to provide notice to the Commission when transfer of its customers to another provider is complete.

**WHEREFORE**, Staff recommends the Commission give notice to Net Talk.com, Inc., as required by law and, after the opportunity for hearing, cancel its certificate of service authority and associated tariff to provide basic local exchange telecommunications services in the State of Missouri. Staff further requests that the Commission require the Company to notify the Commission when transfer of customers to another provider is complete.

Respectfully submitted,

**/s/ Whitney Hampton**

Whitney Hampton  
Associate Staff Counsel  
Missouri Bar No. 64886

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-6651 (Telephone)  
(573) 751-9265 (Fax)  
[Whitney.Hampton@psc.mo.gov](mailto:Whitney.Hampton@psc.mo.gov)

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing was mailed, electronically mailed, or hand-delivered to all parties to this cause on this 14<sup>th</sup> day of November, 2013.

**/s/ Whitney Hampton**