

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Staff of the Missouri Public)	
Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2004-0329</u>
)	
Natel, L.L.C.,)	
)	
Respondent.)	

ORDER CANCELLING CERTIFICATE AND TARIFFS
AND CLOSING CASE

Issue Date: June 23, 2005

Effective Date: July 5, 2005

This order cancels the certificate of service authority and tariffs of Natel, L.L.C.

On January 30, 2004, the Staff of the Commission filed its complaint against Natel, L.L.C., alleging that Natel had failed to file its Annual Report for 2002 with the Commission by April 15 of the following year and further alleging that Natel had failed to comply with the Commission's Assessment Order for Fiscal Year 2004 by paying the amount assessed. Staff sought authority to pursue monetary penalties in circuit court. Section 392.210.1, RSMo, authorizes a penalty of \$100.00 for each day that a required annual report is late. Section 386.570, RSMo, authorizes a penalty between \$100.00 and \$2,000.00 for each day that a Commission assessment remains unpaid. In its third count, Staff urged the Commission to construe Natel's failure to timely respond to the complaint, should such occur, as its consent to the cancellation of its certificate of service authority and its tariffs.

On February 3, the Commission issued its Notice of Complaint, and attempted to serve Natel, by certified mail, at its last known address. Staff had stated in its Complaint that Natel lacked a Registered Agent in Missouri and Staff was thus unable to provide a secondary service address. On February 10, the notice directed to Natel was returned undelivered. The Postal Service further noted that it was unable to forward the item.

On March 9, 2004, the Commission directed its Staff to make a new attempt to obtain service upon Natel. Staff responded on March 11, stating that it had made repeated unsuccessful attempts to achieve service on Natel. Staff further stated that it had exhausted the contact information available to it. Staff requested that the Commission cancel Natel's certificate of service authority and tariffs and close the case.

On April 9, 2004, the Commission directed Staff to serve the Missouri Secretary of State. Having received no response, on June 17, the Commission requested a status report. Staff filed its Status Report on June 23, 2004. Therein, Staff stated that it had, on April 12, requested the Secretary of State to serve Natel. On May 5, the Secretary of State advised Staff that it was unable to do so. Staff repeated its request that the Commission cancel Natel's certificate of service authority and tariffs and close the case.

In support of its request, Staff stated that this Commission granted a certificate of service authority to provide interexchange telecommunications service in the state of Missouri to Natel on May 5, 2000, in Case No. TA-2000-634 and simultaneously approved Natel's tariff, P.S.C. Mo. Tariff No. 1.

The Commission will grant the requested relief and cancel Natel's certificate and tariff and close this case.

IT IS THEREFORE ORDERED:

1. That the certificate of interexchange telecommunications service authority granted to Natel, L.L.C., in Case No. TA-2000-634 is cancelled.
2. That the tariff of Natel, L.L.C., P.S.C. Mo. Tariff No. 1, approved in Case No. TA-2000-634, is cancelled.
3. That this order shall become effective on July 5, 2005.
4. That this case may be closed on July 6, 2005.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to Section 386.240,
RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of June, 2005.