

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

In the matter of the Cancellation of	)	
Certificate of Service Authority of	)	File No. PD-2011-0312
Toni M. Tolley d/b/a Payphones of	)	
America North	)	

**TONI M. TOLLEY D/B/A PAYPHONES OF AMERICA NORTH'S OBJECTION TO AND  
SUGGESTIONS OPPOSING STAFF'S MOTION FOR CANCELLATION  
AND REQUEST FOR HEARING**

COMES NOW Toni M. Tolley d/b/a Payphones of America North ("Tolley" or "Company"), by its undersigned counsel, and respectfully submits objection and suggestions in opposition to the Staff Motion for Cancellation (Staff's Motion) and, insofar as necessary, requests a hearing on the matter. In support, Tolley states the following to the Commission:

1. Tolley is an authorized private pay telephone service provider in the State of Missouri and received a certificate of service authority on June 18, 2001 in Case No. TA-2001-0645.

2. On March 25, 2011 the Staff of the Commission filed its motion requesting that Tolley's certificate be canceled. The asserted basis for Staff's motion is that for the years 2008 and 2009, the Company reported zero Missouri jurisdictional revenue in its annual statements of revenue for those years.

3. It is unclear whether the rates charged by some incumbent telephone companies comply with Federal Communications Commission standards and are therefore not set at proper competitive levels. As a consequence, Tolley is a complainant in a complaint before the Commission filed by certain other payphone providers in Case No. TC-2005-0067. That

complaint has not been resolved although the parties have engaged in negotiations toward a settlement. Tolley wishes to preserve party status in the complaint.

4. Tolley appeals to the Commission to keep the Company's certificate active. Although the process of reapplying for certification is uncomplicated, it would be in the public interest for Tolley to avoid duplicating the expense of reapplication.

5. In its April 8, 2001 Order Directing Notice, the Commission directed that objections be filed no later than April 18, 2011. This objection and suggestions are being filed out of time for the reason that the undersigned is involved in preparation for trial in *McGuire, et al. v. Synergy LLC, et al.*, Case No. 09HE-CC00036, in Henry County, Missouri. As a consequence of preparing for trial, the deadline for filing the objection was overlooked. Failing to meet the filing deadline was not for purposes of delay but rather due to circumstances which the Company asks the Commission to deem excusable.

WHEREFORE, Tolley submits its objection to Staff's Motion for cancellation of the Company's Certificate of Service Authority and requests a hearing upon the matter, and after hearing, prays that the Commission deny Staff's Motion.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley #28847  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102  
573/634-2266  
573/636-3306 FAX  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

Attorneys for Toni M. Tolley d/b/a Payphones of  
America North

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 26th day of April, 2011, to General Counsel's Office at [gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us); and Office of Public Counsel at [opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us).

/s/ Mark W. Comley