

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

In the Matter of the Surrender of the)
Certificate of Service Authority for) Case No. TO-2009-0240
Phonel, Inc.)

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation respectfully states:

1. On December 5, 2008, Phonel, Inc. filed a notice of surrender of its certificate of service authority issued in Case No. TA-2005-0098.

2. Because Phonel, Inc. has requested cancellation of its certificate of service authority and because Phonel, Inc. has no Missouri customers, cancellation of the company's certificate of service authority is not detrimental to the public interest. Staff recommends cancellation of Phonel, Inc.'s certificate of service authority. See Appendix A.

3. The Commission has the authority to cancel the certificate of a telecommunications corporation pursuant to Section 392.410.5, RSMo, which provides in relevant part: "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."

4. The Commission need not hold a hearing in the present matter 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).

WHEREFORE, Staff recommends that the Commission cancel the certificate of service authority granted to Phonel, Inc.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz
Senior Counsel
Missouri Bar No. 57128

Attorney for the Staff of the
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102
(573) 751-8701 (Telephone)
(573) 751-9285 (Fax)
jennifer.heintz@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 29th day of December 2008.

/s/ Jennifer Heintz

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TO-2009-0240
Phone1, Inc.

From: Lisa Mahaney
Telecommunications Department

William Voight 12/29/08
Utility Operations Division/Date

Subject: Staff Recommendation to Cancel Certificate of Service Authority and Tariff

Date: 12/29/08

On December 5, 2008, Phone1, Inc., a competitive telecommunications company, filed its Application for Surrender of Certificate of Service Authority.

Phone1 was granted a certificate of service authority to provide interexchange telecommunications service in Case No. TA-2005-0098. According to Phone1's request to cancel its certificate, the company has no customers in Missouri, so cancellation of its certificate of service authority and accompanying tariff is not detrimental to the public interest. The Staff has no objection to the request for cancellation and recommends that the Commission issue an order to cancel Phone1's certificate of service authority to provide interexchange telecommunications service and accompanying tariff, PSC MO No. 1, Original Page 1 through Original Page 31. The Staff is unaware of any other filing which affects or which would be affected by this proposal.

- The Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.
- The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- (No annual report Unpaid PSC assessment. Amount owed:
 Unpaid MoUSF Unpaid Relay Missouri)

