

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

In the Matter of the Application of Ozark	)	
Technologies, LLC to Withdraw and Have	)	<b>Case No. XD-2009-0053</b>
Canceled all Certificates of Service Authority	)	

**STAFF RECOMMENDATION**

**COMES NOW** the Staff (Staff) of the Missouri Public Service Commission (Commission) and for its Staff Recommendation respectfully states as follows:

1. On August 20, 2008, Ozark Technologies, LLC (Ozark) filed an Application for the Withdrawal and Cancellation of Certificates of Service Authority requesting the Commission cancel their certificates of service authority and accompanying tariffs.

2. On August 21, 2008 the Commission ordered Staff to file a recommendation regarding Ozark's cancellation request by September 10, 2008<sup>1</sup>.

3. In Case Number TA-2001-133, the Commission granted Ozark a certificate to provide interexchange intrastate and non-switched local exchange private line telecommunications services.

4. The Commission has the authority to cancel a telecommunications corporation's certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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.

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<sup>1</sup> The original order date of August 10 was corrected in an Errata Modifying Order, issued August 22, 2008.

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).

5. In the attached document, labeled Appendix A, Staff recommends that because Ozark has requested cancellation of its certificate and is not providing telecommunications service in Missouri, that the Commission issue an order canceling the company's certificate of service authority and accompanying tariff.

**WHEREFORE**, Staff recommends that the Commission issue an order to cancel Ozark's certificate of service authority to provide intrastate interexchange and non-switched telecommunications service, as well as its accompanying tariff, PSC MO No. 1, Original Page 1 through Original Page 19.

Respectfully submitted,

/s/ Eric Dearmont  
Eric Dearmont  
Assistant General Counsel  
Pursuant to Missouri Rule 13

/s/ William K. Haas  
William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

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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 all counsel of record this 5<sup>th</sup> day of September, 2008.

/s/ Eric Dearmont\_\_\_\_\_

# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. XD-2009-0053  
Ozark Technologies, LLC

From: Lisa Mahaney  
Telecommunications Department

William Voight      9/4/08  
Utility Operations Division/Date

William K. Haas      9/4/08  
General Counsel's Office/Date

Subject: Staff Recommendation to Cancel Certificate of Service Authority

Date: 9/4/08

On August 20, 2008, Ozark Technologies, LLC (Ozark), a competitive telecommunications company, filed its Application for the Withdrawal and Cancellation of Certificates of Service Authority.

Ozark was granted a certificate of service authority to provide interexchange telecommunications service in Case No. TA-2001-133. According to Ozark's request to cancel its certificate, the company has no customers in Missouri, so cancellation of its certificates of service authority and accompanying tariffs 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 Ozark's certificate of service authority to provide interexchange telecommunications service and accompanying tariff, PSC MO No. 1, Original Page 1 through Original Page 19. 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 and paying the PSC assessment.  
☐ 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:    )

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Authority )

Case No. XD-2009-0053

**AFFIDAVIT OF LISA MAHANEY**

STATE OF MISSOURI )  
 ) ss:  
COUNTY OF COLE )

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



\_\_\_\_\_  
Lisa Mahaney

Subscribed and affirmed before me this

14th

day of

September 2008



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

  
NOTARY PUBLIC