

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the Certificate)
of Service Authority and Accompanying Tariff of) **Case No. XD-2006-0052**
Communications Billing, Inc.)

ORDER CANCELING CERTIFICATE AND TARIFF

Issue Date: September 12, 2005

Effective Date: September 12, 2005

On August 2, 2005, the Staff of the Commission filed a motion to open a case and to cancel Communications Billing, Inc.'s certificate of service authority and its accompanying tariff. The Commission granted Communications Billing a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri in Case No. TA-99-29. The Commission approved the company's tariff, Missouri P.S.C. Tariff No. 1, in the same case.

Staff notes that the website of the Missouri Secretary of State indicates that the certificate of authority granted to Communications Billing, Inc., an Ohio corporation, was revoked on November 4, 2004, because the company failed to file its Annual Registration Report. Section 351.602.3, RSMo 2000, provides that "[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority."

Staff also notes that the telephone number provided to the Commission by the company is no longer in service. A second telephone number found in the company's 2003 annual report remains operational, but Staff's messages left at that number have not been returned. Staff states that the company failed to submit its 2004 annual report,.

Staff indicates that it believes that Communications Billing has violated the terms of its certificate by its failure to keep the Commission informed of its current telephone number or provide current contact information through the annual report process. Staff states that the company's former regulatory representative has indicated that it has no way to contact the company. Section 392.210(2), RSMo 2000, states that "[t]he commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies" Staff notes that because the company has failed to keep the Commission informed of a current address or phone number, the Commission is unable to contact Communications Billing. Therefore, Staff states, Communications Billing has denied the Commission access that is required under Section 392.210(2), RSMo 2000. Staff also states that the company has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250, RSMo 2000.

Staff served copies of its motion on Communications Billing, but the company has not filed a response.

The Commission has the authority to cancel a telecommunications corporation's certificate under Section 392.410.5, which states, "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." Since no one has requested a hearing, the Commission may grant the relief requested based on Staff's motion.¹ Based on Staff's uncontested motion, the Commission finds that Communications Billing's certificate and accompanying tariff shall be canceled.

¹ *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

IT IS THEREFORE ORDERED:

1. That the certificate of service authority to provide intrastate interexchange telecommunications services granted to Communications Billing, Inc., in Case No. TA-99-29, is canceled.
2. That Communications Billing, Inc.'s tariff, Missouri P.S.C. Tariff No. 1, is canceled.
3. That this order shall become effective on September 22, 2005.
4. That this case may be closed on September 23, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of September, 2005.