

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

In the Matter of the Cancellation of the Certificate )  
of Service Authority and Associated Tariff of )  
Telmex USA, LLC to Resell Intrastate )  
Interexchange Telecommunications Services in the )  
State of Missouri )

**File No. XD-2014-\_\_\_\_\_**

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY  
AND ASSOCIATED TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (“Commission”) to cancel the certificate of service authority and associated tariff of Telmex USA, LLC (“Telmex USA” or “Company”). For its Motion, Staff respectfully states as follows:

1. On April 9, 2001, the Commission granted a certificate of service authority to Telmex USA to provide intrastate interexchange telecommunications services in the State of Missouri in Case No. TA-2001-408 and approved the tariff assigned tracking number JX-2003-0989.

2. Section 392.210.1 RSMo (2000) requires every telecommunications company to “...file with the commission an annual report at a time and covering the yearly period fixed by the commission,” and Rule 4 CSR 240-3.540(1) requires the report to be filed on or before April 15<sup>th</sup> of each year.

3. At the time of this filing, the Company has not submitted its calendar year 2012 annual report.

4. Despite Staff’s attempt to contact Telmex USA, the Company has continued to be delinquent in the filing of its calendar year 2012 annual report.

5. Due to the Company's continued neglect of the Commission's statutes and rules, Staff moves for the Commission to cancel Telmex USA's certificate of service authority and associated tariff.

6. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, which provides "[a]ny 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."

7. 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. W.D. 1989).

8. If the Commission cancels Telmex USA's certificate of service authority, the Staff also recommends the Commission order the Company to provide notice to the Commission when transfer of its customers to another provider is complete.

**WHEREFORE**, Staff recommends the Commission give notice to Telmex USA, LLC, as required by law and, after the opportunity for hearing, cancel its certificate of service authority and associated tariff to provide intrastate interexchange telecommunications services in the State of Missouri. Staff further recommends that the Commission require the Company to notify the Commission when transfer of customers to another provider is complete.

Respectfully submitted,

**/s/ Whitney Hampton**

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**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing was mailed, electronically mailed, or hand-delivered to all parties to this cause on this 14<sup>th</sup> day of November, 2013.

**/s/ Whitney Hampton**