

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and)
Tariffs of Network PTS, Inc.)

Case No. CD-2008-0323

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Missouri Public Service Commission (Commission) to cancel Network PTS, Inc.'s (NPTS) certificate of service authority to provide basic local telecommunications services in the State of Missouri, and all applicable tariffs. In support of its Motion, Staff respectfully states as follows:

1. On November 20, 2006, the Commission issued its Order in Case No. CA-2007-0147, granting a certificate of service authority to NPTS to provide basic local telecommunications services in the exchanges of Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, CenturyTel of Missouri, LLC, and Embarq Missouri, Inc. d/b/a/ Embarq.
2. In the same Order, the Commission approved NPTS' basic local exchange tariffs: P.S.C. MO Tariff No. 2 and P.S.C. MO Tariff No. 3, Tariff Tracking Numbers YC-2007-0232 and YC-2007-0233, respectively.
3. On April 8, 2008, Counsel for NPTS filed an Application To Cancel Certificate Of Service Authority And Accompanying Tariffs, stating NPTS "has no business, activity or customers in Missouri under this certificate of service authority. As a result, no notification to customers is necessary, and cancellation of the certificate and tariffs of [NPTS] will not be detrimental to the public interest."
4. NPTS has no past assessments or annual reports due to the Commission.
5. Because NPTS is not providing telecommunications services in Missouri under this

certificate of authority, the Staff recommends the Commission issue an order canceling NPTS' certificate of service authority to provide basic local telecommunications services and the applicable tariffs.

6. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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. 1989).

WHEREFORE, the Staff respectfully recommends the Commission cancel the certificate of service authority of Network PTS, Inc., to provide basic local telecommunications services in the State of Missouri, and all applicable tariffs.

Respectfully submitted,

/s/ **Jennifer Hernandez**

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