

OF THE STATE OF MISSOURI

Case No. TD-2005-0318

ORDER CANCELING CERTIFICATES AND TARIFF

On July 21, 2003, the Commission received a letter from QCC, Inc., requesting that the Commission cancel its certificate and tariff. On March 22, 2005, the Staff of the Commission filed a motion to cancel QCC's certificates and its tariff. The Commission is given the authority to cancel a telecommunications corporation's certificate by Section 392.410 which provides that "[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."

The statute's requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.¹ 4 CSR 240-2.080(16) provides that parties are allowed not more than ten days in which to respond to any pleading unless otherwise ordered by the Commission. More than ten days have passed since Staff filed its motion. No response has been filed and no one has requested a hearing. Therefore, the Commission may grant the

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

relief requested based on Staff's motion, and will cancel QCC's certificates of service authority and its tariff.

IT IS THEREFORE ORDERED:

1. That the certificates of service authority to provide shared tenant services and basic exchange and local exchange intrastate telecommunications services granted to QCC, Inc., are canceled.
2. That the tariffs filed by QCC, Inc., are canceled.
3. That this order shall become effective on April 18, 2005.
4. That this case may be closed on April 19, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of April, 2005.