

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

In the Matter of the Cancellation of the Certificate        )  
of Service Authority of Tennessee Telephone Service,) )  
LLC d/b/a Freedom Communications USA, LLC, to        )  
Provide Interexchange Telecommunications Service        )  
in the State of Missouri                                        )

**File No. LD-2013-**

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**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 Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC (“Company”). For this Motion, Staff respectfully states as follows:

1. On November 12, 2009, the Commission granted a certificate of service authority to the Company to provide intrastate interexchange telecommunications services in the State of Missouri in File No. LA-2010-0104.

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.”

3. Rule 4 CSR 240-3.540 (1) requires a telecommunications company to file an annual report on or before April 15<sup>th</sup> of each year.

4. Regarding fiscal year assessments, Section 386.370.5 RSMo (2000) provides that:

...each public utility subject to the jurisdiction of the commission....shall file....on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time

aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

5. Since being granted a certificate, the Company has failed to correct a deficiency in its 2009 annual report, file a calendar year annual report for 2010 and 2011, file a statement of revenue for calendar year 2010 or 2011, or pay its estimated fiscal year 2012 and 2013 assessments.

6. Attempts to contact the Company by letter, email and telephone regarding these matters remain unsuccessful.

7. Due to the Company's continued neglect of the Commission's statutes, rules, and orders, Staff moves for the Commission to cancel the Company's certificate of service authority.

8. 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."

9. 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).

**WHEREFORE**, Staff recommends the Commission cancel the certificate of Service Authority and associated tariff of Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC, to provide interexchange telecommunications services in Missouri.

Respectfully submitted,

**/s/Jennifer Hernandez**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 6<sup>th</sup> day of December by: First Class United States Mail, postage prepaid, to: Freedom Communications USA, LLC, 220 Creekside Drive, Dickson, TN 37055; by electronic mail to Mark P. Johnson at [mark.johnson@snrdenton.com](mailto:mark.johnson@snrdenton.com); and to the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov).

**/s/Jennifer Hernandez**