

**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 BarTel )  
Communications, Inc. )

Case No. CD-2005-\_\_\_\_\_

**MOTION TO OPEN CASE AND CANCEL  
CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel the certificate of service authority it granted to BarTel Communications, Inc. to provide basic local exchange telecommunications services, as well as the company's tariff. In support of its Motion, Staff respectfully states as follows:

1. BarTel Communications, Inc. received a certificate of service authority to provide basic local exchange telecommunications services in 1999 in Case No. TA-99-138. The company's tariff, P.S.C. Mo. No. 1, was approved in the same case.

2. BarTel Communications, Inc. has provided the following contact information to the Commission:

BarTel Communications, Inc.  
4162 Wilmington Avenue  
St. Louis, MO 63116

3. BarTel Communications, Inc. is a Kansas corporation and is not in good standing in Kansas because it failed to file its 2004 annual report with the Kansas Secretary of State. Its status on the Kansas Secretary of State's web site is described as "forfeited" as of July 15, 2004. In Missouri, BarTel Communications, Inc. is reflected by the Missouri Secretary of State's office as being in good standing because it is current on its filings.

4. BarTel's Missouri registered agent is listed by the Missouri Secretary of State as:

Thomas R. Hird  
4162 Wilmington Avenue  
St. Louis, MO 63116

5. According to correspondence from BarTel received after September 11, 2003, the company ceased operations some time before December 31, 2002. See Attachment A.

6. On September 11, 2003, Staff filed a complaint against BarTel in Case No. TC-2004-0127 because BarTel failed to pay \$649.51 of its Fiscal Year 2003 assessment (covering the quarterly assessments due January 15, 2003 and April 15, 2003), and also failed to submit its annual reports on time for calendar years 2001 and 2002. The company had paid the first two quarterly assessments for Fiscal Year 2003.

7. During the course of the complaint case, the company submitted a letter to the case, not by a Missouri-licensed attorney, indicating that the company had no Missouri customers and wished to surrender its certificate. The submission indicated the company had no funds or assets and could not afford a Missouri-licensed attorney. See Attachment B.

8. BarTel does not owe the Commission any annual reports, but has not paid the assessments that were the subject of Case No. TC-2004-0127. The company's representative has indicated it has no funds or assets to pay that amount. See Attachment B at page 2, second paragraph; see also Attachment A, first paragraph. The company has also not paid its Fiscal Year 2004 assessment, which the Commission based on an estimate. Staff is not aware that the company has filed for bankruptcy protection and the company's name does not appear in the resources customarily used to research such filings. All of the overdue assessments (for the third and fourth quarters of Fiscal Year 2003 and for Fiscal Year 2004) came due after the company ceased operations.

9. Staff is not aware that BarTel Communications, Inc. is still providing telecommunications services to any Missouri customers. The most recent annual reports and statements of revenue submitted by BarTel support this conclusion. No customers have contacted the Commission to make complaints, either formal or informal, about BarTel since the end of 2002.

10. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), which provides:

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.

Section 392.410.5 RSMo. (2000) also states that

Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.

11. 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).

12. Thus, the Commission has the authority to cancel the certificate of service authority it granted to BarTel Communications, Inc. to provide basic local exchange telecommunications services in Case No. TA-99-138, as well as the company's tariff, P.S.C. Mo. No. 1. Such an action is supported because the company has requested it, and because it appears the company has no Missouri customers, nor does it intend to provide service in the future in Missouri.

WHEREFORE, the Staff requests that, after allowing due time for a response, the Commission grant Staff's Motion and cancel the certificate of service authority it granted to

BarTel Communications, Inc. to provide basic local exchange telecommunications services in Case No. TA-99-138, as well as the company's tariff, P.S.C. Mo. No. 1.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following this 9<sup>th</sup> day of March 2005.

**/s/ David A. Meyer**

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