

**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 Gates)	Case No. XD-2007-
Communications, Inc.)	

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel Gates Communications, Inc.'s certificate of service authority to provide intrastate interexchange telecommunications services and accompanying tariff P.S.C. MO Tariff No. 1. In support of its Motion, Staff respectfully states as follows:

1. On March 21, 2001, the Missouri Public Service Commission (Commission) issued its order approving the certificate of service authority of Gates Communications, Inc., and the accompanying tariff P.S.C. MO Tariff No.1 (Case No. TA-2001-456).

2. Gates Communications, Inc. is a Washington corporation and was authorized to transact business in Missouri on January 31, 2001. As of the date of this filing, the company is still a corporation in good standing in Missouri. The company's registered agent is TCS Corporate Services, Inc, 222 E Dunklin, Suite 102, Jefferson City, MO 65101. The company's address on file with the Commission is 1100 Olive Way, Suite 951, Seattle, WA 98101.

3. On July 26, 2006, Staff filed a formal complaint against Gates Communications, Inc. alleging that the company had violated the Commission's rules regarding annual report submissions (Case No. XC-2007-0035).

4. The company did not file an answer to Staff's Complaint. The Commission entered an Order Granting Default on September 5, 2006.

5. The telephone number provided to the Commission is answered by a recorded message stating that the speaker has gone home. Staff has left several messages, but none of Staff's calls have been returned.

6. The Commission sent copies of Staff's Complaint to the company's registered agent and to the company's address in Washington via registered mail. The copy of the Complaint sent to the company's Washington address was forwarded to another address. Staff has determined that the address the Complaint was forwarded to is a UPS Store and that the person who signed the registered mail receipt is an employee of the store.

7. The company's declining assessments support a finding that Gates Communications, Inc. is no longer active. Gates Communications, Inc.'s annual assessment for Fiscal Year 2006 was minimal. The company has not paid its 2006 assessment. The company filed a 2005 revenue statement with the Commission on April 24, 2006. No customers have contacted the Commission to make complaints about Gates Communications, Inc. since the commencement of the Commission's Electronic Filing and Information System.

8. Because Gates Communications, Inc. has violated the Commission's rules regarding the filing of annual reports and the payment of assessments, and because Staff has been unable to contact any representative of the company for several months, Staff recommends that the Commission issue an order canceling Gates Communications, Inc.'s certificate of authority and tariff.

9. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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.

However, 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, 496 (Mo. App. 1989).

10. Copies of this Motion are being served on TCS Corporate Services, Inc. as registered agent for Gates Communications, Inc. The Motion will also be served via certified mail to the company address on file with the Commission.

WHEREFORE, the Staff recommends that the Commission cancel Gates Communications, Inc.'s certificate of authority to provide intrastate interexchange telecommunications services approved in Case No. TA-2001-456 and accompanying tariff P.S.C. MO Tariff No. 1.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz
Assistant General Counsel
Missouri Bar No. 57128

Attorney for the Staff of the
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102
(573) 751-8701 (Telephone)
(573) 751-9285 (Fax)
jennifer.heintz@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been sent via certified mail to TCS Corporate Services, Inc. as registered agent for Gates Communications, Inc. and to the company's address on file with the Commission this 27th day of November, 2006.

/s/ Jennifer Heintz

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

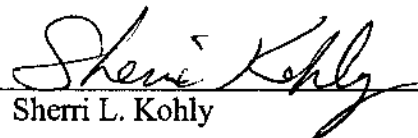
In the Matter of the Cancellation of the)
Certificate of Service Authority and)
Accompanying Tariff of Gates)
Communications, Inc.

Case No. **XD-2007-**

AFFIDAVIT OF SHERRI L. KOHLY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in the preparation of the accompanying Motion, and that the facts therein are true and correct to the best of her knowledge and belief.



Sherri L. Kohly

Subscribed and affirmed before me this 27th day of November 2006
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC