

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

In the Matter of the Cancellation of the)
Certificate of Service Authority to Provide)
Private Pay Telephone Service of John Jay)
Rosacker.)

Case No. PD-2005-

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE
TO PROVIDE PRIVATE PAY TELEPHONE SERVICE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificate of Service Authority respectfully states as follows:

1. On January 20, 2000, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide private pay telephone service to John Jay Rosacker in Case No. TA-2000-367.

2. On June 30, 2004, Staff received a FY-2005 Statement of Revenue from the John Jay Rosacker indicating "Not in Business in Missouri since 2002." A copy of the statement is attached hereto and made a part hereof.

3. Staff has performed an investigation and has determined that John Jay Rosacker owes less than two dollars in assessments and has not returned his FY 2006 Statement of Revenue.

4. Pursuant to Section 392.520.1, RSMo 2000, entities providing coin operated telephone services may be exempt from the requirements of Section 392.390 (1), RSMo 2000, which requires telecommunications companies to file annual reports. The Commission has exempted coin operated telephone service providers from such filing.

5. The Commission has the authority to cancel a telecommunications company 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.”

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 (Mo. App. 1989).

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of John Jay Rosacker to provide private pay phone service.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Mary Weston
Mary Weston
Assistant General Counsel
Missouri Bar No. 54669

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
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(573) 751-9285 (Fax)
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Certificate of Service

I hereby certify that copies of the foregoing have been sent by certified mail, hand delivered or transmitted by facsimile or electronic mail to all parties of record as shown on the attached service list this 12th day of May 2005.

/s/ Mary Weston

**Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102**

**John Jay Rosacker
4118 Woodbury Court North
Topeka KS 66606**

RECEIVED

STATEMENT OF REVENUE
FY-2005 Mo. PSC Assessment

JAN 23 2004

John Jay Rosacker
4118 Woodbury Court North
Topeka, KS 66606

INTERNAL ACCOUNTING
MO. PSC
1-20-04

I, John Jay Rosacker, 785-296-0342
NAME TITLE TELEPHONE #

hereby certify that the GROSS INTRASTATE OPERATING REVENUE of the above-named Company in the State of Missouri, for the calendar year 2003, is:

NOTE: REPORT (to the nearest dollar) GROSS INTRASTATE OPERATING REVENUE APPLICABLE TO YOUR RESPECTIVE UTILITY OPERATIONS. THE GROSS INTRASTATE OPERATING REVENUE REPORTED ON THIS STATEMENT MUST MATCH THE MISSOURI SPECIFIC REVENUE REPORTED ON THE COMPANY'S ANNUAL REPORT.

IF REPORTING ZERO REVENUE, DO YOU WISH TO RETAIN YOUR OPERATING CERTIFICATE? ☐ YES ☐ NO

ELECTRIC OPERATING REVENUE	\$	
GAS OPERATING REVENUE	\$	
HEATING OPERATING REVENUE	\$	
WATER OPERATING REVENUE	\$	
SEWER OPERATING REVENUE	\$	
TELEPHONE OPERATING REVENUE	\$	
TOTAL	\$	<u>0</u>

*Not in Business in Missouri
since 2002*

John Jay Rosacker
SIGNATURE

State of _____
County of _____

Sworn to and subscribed before me a Notary Public in and for said County and State this
____ day of _____,
DATE MONTH YEAR

(SEAL)

NOTARY PUBLIC

My commission expires _____

Mail one notarized copy of this statement to the Missouri Public Service Commission, Budget & Fiscal
Services Department, P.O. Box 360, Jefferson City, Missouri 65102.
NO LATER MARCH 31, 2004

Attachment