

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

In the Matter of the Cancellation of the )  
Certificates of Public Convenience and )  
Necessity and Tariffs of GTE Midwest )  
Incorporated d/b/a Verizon Midwest and )  
GTE Arkansas Incorporated. )

Case No. ID-2005-\_\_\_\_\_

**MOTION TO OPEN CASE AND CANCEL CERTIFICATES OF PUBLIC CONVENIENCE  
AND NECESSITY AND ACCOMPANYING TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel certificates of public convenience and necessity it has granted to GTE Midwest Incorporated d/b/a Verizon Midwest and GTE Arkansas Incorporated, as well as the latter company's remaining tariff. In support of its Motion, the Staff respectfully states as follows:

1. On December 8, 1992, the Commission issued a *Report And Order* in Case No. TM-93-1 authorizing (A) the transfer of assets from GTE North Incorporated to GTE Midwest Incorporated, and (B) the merger of (1) Contel of Missouri, Inc., d/b/a GTE Missouri; (2) Contel System of Missouri, Inc., d/b/a GTE Systems of Missouri; (3) Contel of Iowa, Inc., d/b/a GTE Iowa (Contel of Iowa); and (4) The Kansas State Telephone Company, d/b/a GTE of Eastern Missouri into GTE Midwest Incorporated. See 1 MPSC3d 445 (1992). In that same order, the Commission also approved a transfer of the certificates of public convenience and necessity of those applicants to GTE Midwest Incorporated. *Id.* In July 2000 in Case No. TO-2001-29, the Commission approved GTE Midwest Incorporated's use of the fictitious name Verizon Midwest.

2. In April 2000, the Commission approved the transfer of some Missouri assets to Spectra Communications Group, LLC in Case No. TM-2000-182. Subsequently, in May 2002, the Commission approved the transfer of the remaining Missouri assets of GTE Midwest

Incorporated, including all remaining Missouri customers, to CenturyTel of Missouri LLC in Case No. TM-2002-232. In the latter case, the Commission noted that GTE Midwest Incorporated's certificates should be cancelled upon receipt of notice that the contemplated transaction had closed. The transfer was subsequently completed, but GTE Midwest Incorporated chose not to have the Commission cancel its certificate of public convenience and necessity at that time. The company's tariffs, however, were cancelled.

3. On December 9, 1992, the Commission issued an *Order Approving Merger* in Case No. TM-93-128, approving the merger of Contel of Arkansas, Inc. d/b/a GTE Arkansas and Contel of Kansas, Inc. d/b/a GTE Systems of Arkansas into GTE Arkansas Incorporated. See 1 MPSC3d 448 (1992). In that same order, the Commission also approved a transfer of the certificates of public convenience and necessity of Contel of Arkansas to GTE Arkansas Incorporated. *Id.* Although in some correspondence the company has referred to its use of the fictitious name Verizon Arkansas, it does not appear from the Commission's records that the Commission has approved the use of that fictitious name, and the use of that name did not commence until after all of the company's customers had been transferred (see para. 4 below).

4. In June 2000, the Commission approved the transfer of the Missouri assets of GTE Arkansas Incorporated, including all of its Missouri customers, to CenturyTel of Northwest Arkansas LLC in Case No. TM-2000-471. The Commission authorized GTE Arkansas Incorporated to discontinue offering telecommunications services in its Missouri exchanges when the transfer took place. The transfer was subsequently completed. GTE Arkansas Incorporated, however, did not wish to surrender its certificate at that time. The company's General and Local Exchange Tariff, P.S.C. Mo. No. 4, remained uncanceled after the transaction was completed.

5. On May 6, 2005, the Vice President and Associate General Counsel of both GTE Midwest Incorporated and GTE Arkansas Incorporated sent letters to the Commission. In the letters, attached as Appendices A and B, the companies' officer indicated the companies were no longer providing services in the State of Missouri and now wanted its certificates of service authority cancelled.

6. Neither company owes assessments or annual reports to the Commission.

7. The Commission has the authority to cancel a telecommunications corporation's certificate of public convenience and necessity (the certificates held by these companies are characterized as such in the Commission's cases mentioned above) pursuant to Section 392.410 RSMo (Supp. 2004), which provides in part:

4. Any certificate of public convenience and necessity granted by the commission to a telecommunications company prior to September 28, 1987 shall remain in full force and effect unless modified by the Commission....
5. The Commission may review and modify the terms of any certificate of public convenience and necessity issued to a telecommunications company prior to September 28, 1987, in order to ensure its conformity with the requirements and policies of this chapter. 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).

8. Copies of this Motion are being served upon the addresses provided by the company, the most recent via certified mail.

**WHEREFORE**, the Staff recommends the Commission cancel the cancel the certificates of public convenience and necessity it has granted to GTE Midwest Incorporated d/b/a Verizon

Midwest and GTE Arkansas Incorporated, as well as the sole remaining tariff of GTE Arkansas Incorporated, P.S.C. Mo. No. 4.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

---

David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[david.meyer@psc.mo.gov](mailto:david.meyer@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 19<sup>th</sup> day of May 2005.

**/s/ David A. Meyer**

Office of the Public Counsel  
Governor Office Building, Suite 650  
200 Madison Street  
P. O. Box 7800  
Jefferson City, MO 65102

Carl E. Erhard  
Vice President –Regulatory Affairs  
Verizon  
816 Congress, Suite 1500  
Austin, TX 78701

---

Thomas R. Parker  
Vice President and General Counsel  
Verizon Services Group  
HAI03J43  
600 Hidden Ridge  
Irving, TX 75038  
*(via certified mail)*