

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariff)
of Robert Whelan d/b/a Media Concepts)

Case No. XD-2007-_____

**MOTION TO CANCEL
CERTIFICATE OF SERVICE AUTHORITY AND TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to cancel the Certificate of Service Authority it has granted to Robert Whelan doing business under the fictitious name "Media Concepts," as well as his tariff. In support of its Motion, the Staff respectfully states as follows:

1. The Commission granted Robert Whelan a certificate of service authority to provide interexchange telecommunications services in Case No. TA-94-289, in its order of May 10, 1994. The Commission subsequently approved the company's tariff, P.S.C. Mo. Tariff No. 1, in the same case, and Mr. Whelan's certificate of service authority came into effect.

2. Mr. Whelan is an individual, and the Commission authorized him to do business under the fictitious name "Media Concepts."

3. Now, the telephone number Mr. Whelan provided to the Commission has been disconnected and no new number is available. However, mail sent to the address provided by the company has not been returned to the Commission as undeliverable. Staff attempted to contact Mr. Whelan through the email address he provided the Commission as well, but has received no reply.

4. Annual reports submitted by Mr. Whelan covering calendar years 2002 through 2005 reflect he received no telecommunications revenues. Staff also notes that Mr. Whelan indicated in those reports that he was doing business as "Media Concepts, Inc." and referenced a

Kansas corporation by that name. Staff has verified that such a corporation existed and has Mr. Whelan's address and contact information as its own, and that the Kansas Secretary of State's website currently reflects that corporation as "delinquent" because no annually-required filings have been submitted on its behalf.

5. In keeping with indications that Mr. Whelan has ceased operations, he has not submitted a 2006 annual report or a fiscal year 2008 statement of revenue to the Commission. The Commission mailed copies of the annual report and statement of revenue forms to the company in January 2007 and those were not returned. No customers have contacted the Commission to make complaints about Mr. Whelan since the commencement of the Commission's Electronic Filing and Information System.

6. Staff also notes that as Mr. Whelan was doing business as an individual, should he choose to reapply for a certificate, he need not retain an attorney to do so.

7. Because Mr. Whelan cannot be contacted, the Staff recommends that the Commission issue an order canceling his certificate and tariff. The Commission's rule at 4 CSR 240-3.545(22), among other rules, requires telecommunications companies to maintain current contact information at the Commission.

8. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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).

9. Copies of this Motion are being served via certified mail upon the address Mr. Whelan has provided to the Commission.

WHEREFORE, the Staff recommends the Commission cancel the Certificate of Service Authority it has granted to Robert Whelan d/b/a Media Concepts to provide intrastate interexchange telecommunications services in Case No. TA-94-289 in May 1994, as well as his tariff, P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

/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

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 7th day of June 2007.

/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

Robert Whelan d/b/a Media Concepts
15140 Sherwood, Suite 100
Leawood, KS 66224
(via certified mail)

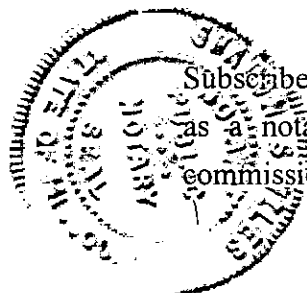
VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF COLE)

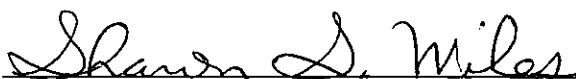
Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.



Sherri L. Kohly
Affiant



Subscribed and affirmed before me this 7th day of June 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on October 23, 2010.



NOTARY PUBLIC

SHARON S. WILES
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: October 23, 2010
Commission Number: 06429091