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September 21, 2001

Missouri Public
Service Commission
Executive Director

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Director, Utility Services
DONNA M. KOLILIS
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DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TA-2000-359

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STAFF MOTION TO WITHDRAW CONDITIONAL APPROVAL OF CERTIFICATE AND CLOSE CASE.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston
Senior Counsel
(573) 751-8701
(573) 751-9285 (Fax)

MP/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
SEP 21 2001

Missouri Public
Service Commission

In the Matter of the Application of Trans)
National Telecommunications, Inc. for a)
Certificate of Service Authority to Provide)
Resold Basic Local Telecommunications)
Service in Portions of the State of Missouri)
and for Competitive Classification.)

Case No. TA-2000-359

**STAFF MOTION TO WITHDRAW CONDITIONAL
APPROVAL OF CERTIFICATE AND CLOSE CASE**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and states:

1. On December 3, 1999, Trans National Telecommunications, Inc. (TNT) applied to the Commission for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri. The Commission issued its *Order Granting Certificate to Provide Basic Local and Exchange Access Telecommunications Services* on April 20, 2000. In its *Order*, the Commission ordered that the "certificate of service authority shall become effective when Trans National Telecommunications Inc.'s tariff becomes effective."

2. TNT submitted a proposed tariff on May 15, 2000. The Staff reviewed the proposed tariff and requested that TNT make numerous changes to the tariff to comply with Commission rules. Among the problems identified by the Staff were that the proposed tariff lacks a Customer Rights and Responsibilities Statement as well as an explanation of the territories where TNT intends to offer service. TNT has not filed a revised tariff reflecting the changes requested by the Staff. Counsel for TNT filed fifteen (15) separate extension requests that have kept this case open up to today. The last TNT filing extended the effective date of the

tariffs to October 1, 2001. For these reasons, the Staff does not recommend approval of the proposed tariff.

3. Prior to filing this Motion to Withdraw Conditional Certificate and Close Case, the Staff contacted counsel for TNT and requested the revised tariffs and advised TNT that it was preparing to file this motion. Counsel for TNT indicated that TNT had yet to authorize its counsel to file the revised tariff.

4. Under Section 392.410 RSMo. 2000, a certificate of service authority shall become null and void if the authority granted by the certificate is not exercised within a period of one year from issuance. However, as stated above, the Commission's *Order* granting the certificate of service authority is to become effective when TNT's tariffs become effective. This would appear to indicate that Section 392.410 RSMo 2000 would not apply since the effectiveness of the certificate of service authority, and the one-year time limit for exercising the granted authority, is conditioned upon TNT's tariffs being approved.

5. The Staff sees little difference between a certificate of service authority that is issued and not exercised within one year, and an instance where a company is conditionally granted a certificate and similarly fails to exercise its authority within one year. Over fifteen (15) months have passed since the Commission granted TNT its conditional certificate. Accordingly, the Staff recommends that the Commission cancel TNT's conditional certificate and issue an order closing this case.

WHEREFORE, the Staff respectfully requests that the Commission cancel TNT's conditional certificate and close this case.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Marc D. Poston
Senior Counsel
Missouri Bar No. 45722

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the service list below this 21st day of September 2001.



**Service List for
Case No. TA-2000-359
Verified: September 21, 2001 (lb)**

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