

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

In the Matter of the Cancellation of the Certificate)
of Service Authority of Sterling Payphones, LLC to)
Provide Private Pay Telephone Service Within the)
State of Missouri)

File No. PD-2012-_____

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of service authority of Sterling Payphones, LLC (Sterling or Company) and respectfully states as follows:

1. On December 3, 2007, the Commission granted Sterling a certificate of service authority to provide private pay telephone service in the state of Missouri via customer-owned coin telephone (COCT) equipment in Case No. PA-2008-0152.
2. On June 24, 2011, the Commission's Budget and Fiscal Services Department (BFS) sent Sterling correspondence regarding its fiscal year 2012 assessment. On July 5, 2011, BFS received the returned correspondence from the United States Postal Service without a forwarding address and marked as "Return To Sender Not Deliverable As Addressed Unable To Forward." See Attachment A.
3. The Staff attempted to contact Sterling using the telephone contact information on file, but the number is disconnected. The Staff also contacted the Company's former counsel, who does not have any updated contact information or knowledge of the status of the Company.
4. Pursuant to 4 CSR 240-3.505(1)(B), COCT providers are exempt from the Section 392.390 (1), RSMo (2000) requirement to file annual reports. The Company is delinquent in the payment of its Fiscal Year 2011 assessment.

5. To the best of the Staff's knowledge, information and belief, Sterling is no longer providing telephone services in Missouri. As such, the Staff recommends that the Commission cancel the Company's certificate of service authority.

6. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5, RSMo (Supp. 2010), which provides "[a]ny 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."

7. 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. W.D. 1989).

WHEREFORE, the Staff recommends that the Commission cancel the certificate of service authority of Sterling Payphones, LLC, to provide private pay telephone service in the state of Missouri via customer-owned coin telephone equipment

Respectfully submitted,

/s/Jennifer Hernandez

Jennifer Hernandez
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CERTIFICATE OF SERVICE

I hereby certify that I have provided a true and correct copy of the foregoing by First Class United States Postal Mail, postage prepaid, or electronic mail to: Sterling Payphones, LLC, 200 Public Square, Suite 700, Cleveland, OH 44114; Sterling Payphones, LLC, c/o Pacific

Registered Agents, Inc., 150 White Oak Road, Seligman, MO 65745; and the Office of the Public Counsel at opcservice@ded.mo.gov this 12th day of December 2011.

/s/Jennifer Hernandez