

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

In the Matter of the Cancellation of the Certificate)
of Service Authority of Michael Evering 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 Michael Evering and respectfully states as follows:

1. On February 27, 1997, the Commission granted Michael Evering a certificate of service authority to provide private pay telephone service in the State of Missouri via customer-owned coin operated telephone (COCT) equipment in Case No. TA-97-262.
2. On December 13, 2005, the Staff filed a *Motion to Open Case and Cancel Certificates of Service Authority (Motion)* for several certificated providers, including Michael Evering, in Case No. PD-2006-0252. Mr. Evering failed to respond to the *Motion*.
3. On December 28, 2005, the Commission issued its *Order Canceling Certificates (Order)* stating, “[t]he Commission has reviewed Staff’s motion and finds that it should cancel the certificates of service authority that Staff requested the Commission to cancel.” However, the Commission inadvertently omitted Michael Evering from the ordered paragraphs. See Attachment A.
4. The Staff has not received any communication from Mr. Evering since the 2005 *Order*.

5. 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.”

6. 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 Michael Evering to provide private pay telephone service in the State of Missouri via customer-owned coin operated telephone (COCT) equipment.

Respectfully submitted,

/s/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: Michael Evering, 1505 Oakglen Drive, Fenton, MO 63026; and the Office of the Public Counsel at opcservice@ded.mo.gov this 7th day of December 2011.

/s/Jennifer Hernandez