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July 11, 2000

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

**FILED**

JUL 11 2000

**RE: Fiberline Network Communications, L.P.**  
**Case No. TD-2001- 17**

**Missouri Public  
Service Commission**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF.**

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,

*Julie A. Kardis*

Julie A. Kardis  
Assistant General Counsel  
(573) 751-8706  
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JAK:sw  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

JUL 11 2000

Missouri Public  
Service Commission

In the Matter of the Cancellation of the )  
Certificates of Service Authority and ) Case No. TD-2001- 17  
Accompanying Tariff of Fiberline )  
Network Communications, L.P. )

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE**  
**AUTHORITY AND ACCOMPANYING TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificate of Service Authority and Accompanying Tariff, respectfully states as follows:

1. On August 7, 1990, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Fiberline Network Communications, L.P. (Fiberline) in Case No. TA-90-135. The Commission's Order in Case No. TA-90-135 states, "Applicant is required to file a Missouri-specific annual report pursuant to Section 392.310, RSMo, and Section 392.390.1 RSMo." The terms of the certificate also require the applicant to keep the Commission informed of its current address and telephone number.

2. Fiberline did not file an annual report for 1998 as required by the Commission's Order. Additionally, Fiberline's 1999 annual report form was returned by the post office as undeliverable.

3. Fiberline has not filed a formal request to cancel its certificates. However, the Staff believes that Fiberline has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number and its failure to file annual

reports. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 1999), which provides:

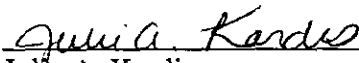
Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

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).

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority to provide interexchange telecommunications services and the accompanying tariff of Fiberline Network Communications, L.P.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

  
Julie A. Kardis  
Assistant General Counsel  
Missouri Bar No. 44450

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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 attached service list this 11<sup>th</sup> day of July 2000.

Quia A. Kardis

**Service List for  
Case No. TD-2001-\_\_  
July 11, 2000**

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