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Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

September 21, 2000

BRIAN D. KINKADE  
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ROBERT SCHALLENBERG  
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. TD-2001- 196

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,

Eric William Anderson  
Assistant General Counsel  
(573) 751-7485  
(573) 751-9285 (Fax)

EWA/dkf  
Enclosure  
cc: Counsel of Record

FILED<sup>2</sup>  
SEP 21 2000  
Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
SEP 21 2000 mh  
Missouri Public  
Service Commission

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff of Gemini ) Case No. TD-2001- 196  
Communications Management, Inc. )

**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 November 18, 1997, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Gemini Communications Management, Inc. (Gemini) in Case No. TA-98-118. The Commission's Order in Case No. TA-98-118 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. Gemini did not file an annual report for 1998 as required by the Commission's Order. Additionally, Gemini's 1999 annual report form was returned by the post office as undeliverable. The Staff contacted the Missouri Secretary of State's office and was informed that Gemini was administratively dissolved on August 28, 2000 for failure to file an annual report.

3. Gemini has not filed a formal request to cancel its certificates. However, the Staff believes that Gemini 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:

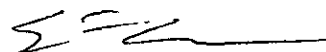
Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

4. 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 Gemini Communications Management, Inc.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



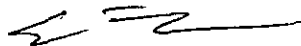
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Eric William Anderson  
Assistant General Counsel  
Missouri Bar No. 47253

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7485 (Telephone)  
(573) 751-9285 (Fax)  
eanderson@mail.state.mo.us

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed certified return receipt requested or hand-delivered to all counsel of record as shown on the attached service list this 21<sup>st</sup> day of September 2000.



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Service List for  
Case No. TD-2001-\_\_\_\_  
September 21, 2000

Office of the Public Counsel  
PO Box 7800  
Jefferson City, MO 65102

Michael J. Gudeman, President & CEO  
Gemini Communications Management, Inc.  
12140 Woodcrest Ex. Dr., Ste. 190  
St. Louis, MO 63141

James M. Fischer  
Fischer & Dority, PC  
101 Madison St.  
Jefferson City, MO 65102

Jerry M. Hendricks, Consultant  
Telecard Regulatory Services  
11655 SW Allen Blvd., #23  
Beaverton, OR 97005-4849