



Commissioners

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July 10, 2001

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLLIS  
Director, Administration

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-2002-19

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 return receipt requested 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)  
[eanderso@mail.state.mo.us](mailto:eanderso@mail.state.mo.us)

EWA:ccl  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

JUL 10 2001

Missouri Public  
Service Commission

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff of Five Star ) Case No. TD-2002-19  
Telecom, 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 December 5, 1996, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Five Star Telecom, Inc. (FSTI) in Case No. TA-97-166. Telecommunications companies are required to file a Missouri-specific annual report pursuant to Sections 392.210 and 392.390.1 RSMo 2000. The companies are also required to keep the Commission informed of its current address and telephone number.

2. FSTI's 2000 annual report form was returned by the post office as undeliverable. According to the Missouri Secretary of State's website, FSTI was administratively dissolved on September 14, 1999, for failure to file an annual report.

3. FSTI has not filed a formal request to cancel its certificates. However, the Staff believes that FSTI 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 2000, which provides:

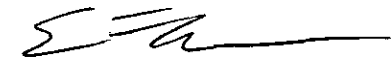
Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

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 Five Star Telecom, Inc.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



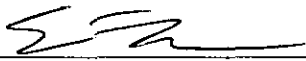
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed return receipt requested or hand-delivered to all counsel of record as shown on the attached service list this 10<sup>th</sup> day of July 2001.



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**Service List for  
Case No. TD-2002-\_\_\_\_\_  
Verified: July 9, 2001 (ccl)  
Previous Case No. TA-97-166**

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P.O. Box 7800  
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**Paul Gamberg  
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**Five Star Telecom, Inc.  
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Tampa, FL 33634**