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## Missouri Public Service Commission

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March 9, 2000

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> 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-2000- 554

FILED<sup>2</sup>

MAR 0 9 2000

Missouri Public Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a MOTION TO OPEN DOCKET 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,

David A. VanDyke

Assistant General Counsel

(573) 751-7485

(573) 751-9285 (Fax)

DAV/lb Enclosure

cc: Counsel of Record

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

FILED<sup>2</sup>
MAR 0 9 2000

To the Matter of the Consultation of the Y	Service Commission
In the Matter of the Cancellation of the )	- Commission
Certificate of Service Authority and )	Case No. TD-2000- 554
Accompanying Tariff for Assisted )	Case No. 1D-2000- 33 /
Operator Services, Inc.	

## MOTION TO OPEN DOCKET 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 Docket and Cancel Certificate of Service Authority and Accompanying Tariff, respectfully states as follows:

- 1. On May 21, 1993, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Assisted Operator Services, Inc. (AOSI) in Case No. TA-93-235. The Commission's Order in Case No. TA-93-235 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. AOSI did not file an annual report for 1998 as required by the Commission's Order. Additionally, AOSI'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 AOSI was administratively dissolved by the Missouri Secretary of State on May 27, 1994 due to its failure to file an annual report.

3. AOSI has not filed a formal request to cancel its certificate. However, the Staff believes that AOSI 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 part 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 and tariffs of AOSI.

Respectfully submitted,

DANA K. JOYCE General Counsel

David VanDyke

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Missouri Bar No. 46377

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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 9th day of March 2000.

Service List for Case No. TD-2000-\_\_\_ March 3, 2000

Office of the Public Counsel P.O. Box 7800 Jefferson City, MO 65102

Al Mokry, President Long Distance Network Operator Service, Inc. d/b/a Assisted Operator Service, Inc. 2400 Lakeside Blvd., Suite 450 Richardson, TX 75082 James M. Fisher, P.C. 101 West McCarty Street Suite 215 Jefferson City, MO 65101