

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 15, 2000**

CASE NO: TD-2000-604

Office of the Public Counsel
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Ken Grossfield
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Touchtone has not filed a formal request to cancel its certificate. However, Staff believes that Touchtone has violated the terms of its certificate by its failure to file annual reports and its failure to keep the Commission informed of its current address and telephone number, and recommends that the Commission cancel Touchtone's certificate of service authority.

Staff's motion states that the Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5, RSMo Supp. 1999, which states, in part: "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."

On May 31, 2000, the Commission issued an Order Directing Filing, which directed Staff to give notice of its Motion to Cancel Certificate of Service Authority and Accompanying Tariff by mailing a copy thereof to Touchtone and its attorney of record by certified United States Mail, return receipt requested. The Commission also directed Staff to file its pleading advising the Commission whether the same was delivered or was returned.

On August 2, 2000, the Commission issued a second Order Directing Filing, which directed Staff to file a pleading advising the Commission as to the status of its compliance with the Commission's Order of May 31, 2000.

Staff filed a Status Update on August 9, 2000. In the Update, Staff states that Staff gave notice, via certified United States Mail, return receipt requested, to Mr. Grossfield and to Touchtone's

attorney of Staff's motion recommending the Commission cancel Touchtone's certificate of service authority and tariff. Subsequently, the United States Postal Service (USPS) returned the receipts showing delivery of the letters to both Mr. Grossfield and Touchtone's attorney.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Touchtone did not respond to Staff's motion to cancel its certificate of service authority and no one has requested a hearing in this case. Therefore, the Commission may grant the relief requested based on Staff's motion.

Section 392.210, RSMo 1994, states, in part: "Every telecommunications company shall file with the commission an annual report . . . covering the yearly period fixed by the commission." Section 392.390.1, RSMo 1994, states, in part: "[A telecommunications company shall file] annual reports with the commission as required by the commission and in a form and at times prescribed by the commission." In addition, the terms of the certificate require Touchtone to keep the Commission informed of its current address and telephone number.

Touchtone has failed to file the required annual reports and, therefore, the certificate of service authority granted to Touchtone in Case No. TA-95-123 will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority to provide intrastate interexchange telecommunications services granted to Touchtone Network, Inc., in Case No. TA-95-123 is canceled.
2. That this order shall become effective on August 25, 2000.
3. That this case may be closed on August 28, 2000.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

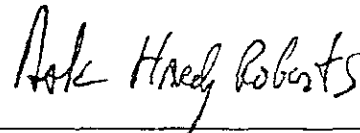
Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 15th day of August, 2000.

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

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 15th day of Aug. 2000.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

