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May 2, 2000

BRIAN D. KINKADE Executive Director

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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-2000-724

Dear Mr. Roberts:

MAY 0 2 2000

Missouri Public Service Commission

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,

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



Missouri Public Service Commission

Lu 4h - Mattan aftha Cana-Ilatian aftha		Commission
In the Matter of the Cancellation of the	•	
Certificate of Service Authority and)	Case No. TD-2000- 724
Accompanying Tariff for Executone)	
Information Systems, 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 April 6, 1993, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide interexchange telecommunications services to Executone Information Systems, Inc. (Executone) in Case No. TA-93-195. The Commission's Order in Case No. TA-93-195 states, "Applicant is required to file a Missouri-specific annual report pursuant to Section 392.210, RSMo, and Section 392.390.1 RSMo."
- 2. Executone has not filed a formal request to cancel its certificate. However, Executone did not file its annual report with the Commission in 2000. Furthermore, the Staff has received communication from Executone that it is no longer providing any regulated services within the State of Missouri.
- 3. 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 Serv. Comm'n, 776 S.W.2d 494, 496 (Mo. App. 1989).

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority and tariff of Executone.

Respectfully submitted,

DANA K. JOYCE General Counsel

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Missouri Bar No. 46377

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Missouri Public Service Commission

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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 2nd day of May 2000.

Service List for Case No. TD-2000-___ May 2, 2000

Office of the Public Counsel P.O. Box 7800 Jefferson City, MO 65102 Karen A. Kaine Executone Information Systems, Inc. 478 Wheelers Farms Road Milford, CT 06460