

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Revised Tariff Filing    )  
of Fiber Four Corporation d/b/a Rock Port    ) Case No. TO-2000-5  
Long Distance, Holway Long Distance,        )  
KLM Long Distance and IAMO Long Distance.    )

NOTICE CLOSING CASE

On July 2, 1999, Fiber Four Corporation (Fiber Four), doing business as Rock Port Long Distance, Holway Long Distance, KLM Long Distance, and IAMO Long Distance, filed its Motion to Reinstate and Approve Tariff Filing for an Interim Period of Time. Accompanying this pleading were proposed tariff sheets. Because Fiber Four's pleading was not verified, although in the nature of an application, the Commission issued its Order Directing Filing on July 6, 1999, directing Fiber Four to comply with Commission rule 4 CSR 240-2.060(1)(F).

Also in the order of July 6, 1999, the Commission directed the Staff of the Missouri Public Service Commission (Staff) to review Fiber Four's motion and tariff and to file a report by July 15, 1999, including a recommendation as to whether or not Fiber Four's proposed tariff should be approved. The Staff filed its report on July 16, 1999, and recommended that Fiber Four's proposed tariff be rejected because "[t]he Commission has consistently found that companies wishing to provide service under additional names must file an application for certificate of service authority for each name and notice must be given of the application." See In the Matter of GTE Card Services Incorporated

d/b/a GTE Long Distance's Tariff Revision Designed to Reflect the Use of the d/b/a GTE Long Distance and to Expand the Services Offered by the Company to Provide Full Service Long Distance Message Telecommunications and 800/888 Services, Case No. TO-96-381 (Order Rejecting Tariffs, issued June 21, 1996).

On July 19, 1999, Fiber Four filed its Motion to Withdraw Tariff Filing. Fiber Four's motion seeks leave of the Commission to withdraw its proposed tariff. Commission rule 4 CSR 240-2.116, which relates to the voluntary dismissal of an application or complaint, provides that "once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties." Because no evidence has been offered or prepared testimony filed herein, Fiber Four need not seek leave from the Commission to withdraw its motion.

As to Fiber Four's proposed tariff, Fiber Four may withdraw its tariff at any time without seeking leave of the Commission or the consent of any other parties. See In the Matter of Sprint Missouri, Inc.'s Proposed Tariff Establishing Rules, Regulations and Charges That Apply to Unauthorized Changes Made by CLECs in Choosing a Local Service Provider for an End User, Case No. TT-99-388 (Notice of Withdrawal of Tariff and Order Canceling Procedural Schedule and Closing Case, issued June 4, 1999).

Because the motion and tariff that formed the basis for this case have been withdrawn by Fiber Four, there is no reason for this case to remain open. Therefore, this case may now be closed.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Dale Hardy Roberts".

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,  
on this 21st day of July, 1999.

Thompson, Deputy Chief Regulatory Law Judge.