



*Commissioners*

SHEILA LUMPE  
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER  
Vice Chair

**Missouri Public Service Commission**

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.ecodev.state.mo.us/psc/>

March 9, 2000

BRIAN D. KINKADE  
Executive Director

GORDON L. PERSINGER  
Director, Research and Public Affairs

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
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

**FILED<sup>2</sup>**

MAR 09 2000

Missouri Public  
Service Commission

**RE: Case No. TD-2000-548**

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 09 2000

Missouri Public  
Service Commission

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff for Digital One )  
Plus, Inc. )

Case No. TD-2000- 548

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 March 14, 1997, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Digital One Plus, Inc. (DOPI) in Case No. TA-97-290. The Commission's Order in Case No. TA-97-290 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. DOPI did not file an annual report for 1998 as required by the Commission's Order. Additionally, DOPI'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 DOPI was administratively dissolved by the Missouri Secretary of State on August 18, 1997 due to its failure to file an annual report.

3. DOPI has not filed a formal request to cancel its certificate. However, the Staff believes that DOPI 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:

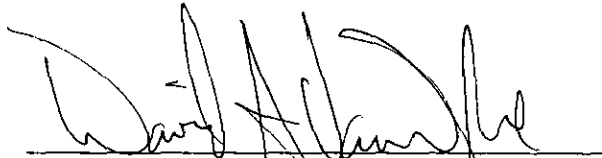
Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

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 DOPI.

Respectfully submitted,

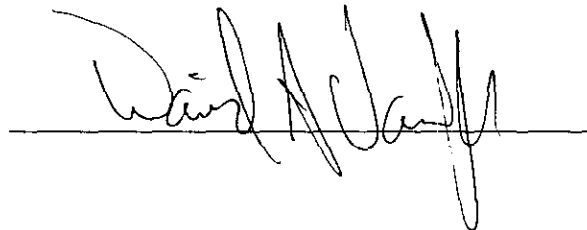
DANA K. JOYCE  
General Counsel

  
\_\_\_\_\_  
David VanDyke  
Assistant General Counsel  
Missouri Bar No. 46377

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7485 (Telephone)  
(573) 751-9285 (Fax)

### **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 9, 2000**

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

**Mark P. Johnson/ Lisa Creighton  
Sonnenschein, Nath & Rosenthal  
4520 Main Street, Suite 1100  
Kansas City, MO 64111**

**Bobby Garrett, President  
Digital One Plus, Inc.  
624 Six Flags Drive, Suite 214  
Arlington, TX 76011**