

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

CASE NO: TD-2000-553

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Enclosed find certified copy of an ORDER the above-numbered case(s).

Sincerely,

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

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

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Cancellation of)	
the Certificate of Service Authority)	<u>Case No. TD-2000-553</u>
and Accompanying Tariff for Call Plus)	
of Delaware, Inc.)	

ORDER CANCELING CERTIFICATE

On March 9, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion to open a case and cancel the certificate of service authority for Call Plus of Delaware, Inc. (Call Plus). Staff's motion states that the Commission granted Call Plus a certificate of service authority to provide intrastate inter-exchange telecommunications services on August 19, 1997, in Case No. TA-97-546. The order granting certificate states that "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.

Staff states that Call Plus did not file an annual report for 1998. In addition, Call Plus's 1999 annual report form was returned by the postal service as undeliverable. Staff contacted the Missouri Secretary of State's office and was informed that Call Plus was administratively dissolved by the Missouri Secretary of State on September 14, 1999, due to its failure to file an annual report.

Staff notes that Call Plus has not filed a formal request to cancel its certificate. However, Staff believes that Call Plus 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. Staff recommends that the Commission cancel Call Plus's certificate of service authority 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 Call Plus 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. Giannoit and to Call Plus's attorney of Staff's motion recommending that the Commission cancel Call Plus's certificate of service authority and tariff. Subsequently, the United

States Postal Service (USPS) returned the letter addressed to Mr. Giannoit as undeliverable and marked "Attempted, Not Known." The USPS returned the receipt showing delivery of the letter addressed to Call Plus's attorneys.

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). Call Plus 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 Call Plus to keep the Commission informed of its current address and telephone number.

Call Plus has failed to file the required annual reports and has failed to keep the Commission informed of its current address and telephone number. Therefore, the certificate of service authority granted to Call Plus in Case No. TA-97-546 will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority to provide intrastate interexchange telecommunications services granted to Call Plus of Delaware, Inc., in Case No. TA-97-546 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.



A handwritten signature in dark ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a horizontal line underneath.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge