

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

**CASE NO: TD-2000-550**

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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**

**Uncertified Copies:**

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

In the Matter of the Cancellation of	)	
the Certificate of Service Authority and	)	<u>Case No. TD-2000-550</u>
Accompanying Tariff for Gates Communica-	)	
tions, 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 authority and accompanying tariff of Gates Communications, Inc. (GCI). The Commission granted GCI a certificate of service authority to provide intrastate interexchange telecommunications services on April 6, 1999, in case number TA-99-363.

Staff stated that GCI's 1999 annual report form was returned by the post office as undeliverable. Staff contacted the Missouri Secretary of State's Office and was informed that GCI was administratively dissolved the Missouri Secretary of State on October 28, 1999, due to its failure to file an annual report. Although GCI has not filed a formal request to cancel its certificate, Staff believes GCI 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.

On May 26, 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 GCI 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. Jakovljevic and to GCI's attorney of Staff's motion recommending that the Commission cancel GCI's certificate of service authority and tariff. Subsequently, the United States Postal Service (USPS) returned the letter addressed to Mr. Jakovljevic as undeliverable and marked "Attempted, Not Known." The USPS returned the receipt showing delivery of the letter addressed to GCI's attorneys.

The Commission has authority to cancel a telecommunications corporation's 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 party requests such a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494 (Mo. App. 1989). GCI did not respond to

Staff's motion to cancel its certificate of service authority and no one has requested a hearing in the case. Therefore, the Commission may grant the relief requested based on Staff's motion.

The Commission has reviewed the application and the official file and finds that the certificate of service authority and accompanying tariff to provide intrastate interexchange telecommunications services granted to GCI in case number TA-99-363 shall be canceled.

**IT IS THEREFORE ORDERED:**

1. That the certificate of authority and tariffs granted in case number TA-99-363 to Gates Communications, Inc., shall be canceled on August 25, 2000.

2. 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 15<sup>th</sup> day of Aug. 2000.

*Dale Hardy Roberts*

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

