



## Missouri Public Service Commission

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August 11, 1999

GORDON L. PERSINGER  
Acting Executive Director  
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

# FILED

AUG 11 1999

Missouri Public  
Service Commission

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-2000-28**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **SUBSTITUTE MOTION TO OPEN DOCKET AND CANCEL CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF**.

Please substitute this filing for the **MOTION TO OPEN DOCKET AND CANCEL CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF** which was filed in this case on July 12, 1999, with the Service List inadvertently omitted.

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,

Julie A. Kardis  
Assistant General Counsel  
(573) 751-8706  
(573) 751-9285 (Fax)

Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

AUG 11 1999

Missouri Public  
Service Commission

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff to Provide Intrastate )  
Interexchange Telecommunications Services )  
of Strategic Telecom Systems, Inc. )

Case No. TD-2000-28

**SUBSTITUTE 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:

1. On May 13, 1997, the Commission granted a certificate of service authority to provide intrastate interexchange telecommunications services to Strategic Telecom Systems, Inc. (STS) in case number TA-97-412. The Commission's Order in case number TA-97-412 states, "Applicant is required to file a Missouri-specific annual report pursuant to Section 392.210, RSMo, and Section 392.390.1 RSMo." The terms of the certificate also require applicant to keep the Commission informed of its current address and telephone number.

2. STS did not file an annual report for 1997 pursuant to Section 392.210, RSMo, and Section 392.390.1 RSMo as required by the Commission's Order. Additionally, STS' 1998 annual report form was returned by the post office as undeliverable. The Telecommunications Department Staff contacted the Missouri Secretary of State's office and was informed that STS was administratively dissolved on August 28, 1997 due to STS' failure to file an annual report.

3. STS submitted a letter to the Commission on March 13, 1998, stating that STS has discontinued conducting business in Missouri. However, STS has not filed a formal request to cancel its certificate. The Telecommunications Department Staff believes that STS 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, RSMo which provides:

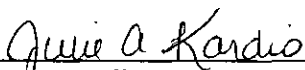
Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

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).

WHEREFORE, the Staff recommends the Commission cancel STS' certificate of service authority and accompanying tariff.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

  
\_\_\_\_\_  
Julie A. Kardis  
Assistant General Counsel  
Missouri Bar No. 44450

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-6651 (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 service list below this 11th day of August 1999.

      Jenni A. Kardis

## MEMORANDUM

To: Dan Joyce, General Counsel

Through: Wess Henderson, Director – Utility Operations Division  
John VanEschen, Manager – Telecommunications Department  
William Voight, Supervisor – Telecommunications Department

From: Sherri Murphy, Rate & Tariff Examiner III  
Telecommunications Department

Subject: Staff's Recommendation to File a Motion to Open Docket and Cancel Certificate  
of Service Authority and Accompanying Tariff

Date: April 5, 1999

The purpose of this memorandum is to express the Telecommunications Department Staff's (Staff's) recommendation that the Commission cancel the certificate of service authority to provide intrastate interexchange telecommunications services that was granted to Strategic Telecom Systems, Inc. (STS) on May 13, 1997 in Case No. TA-97-412. Although no formal request has been filed by STS to cancel its certificate, it is Staff's opinion that the company has violated the terms of its certificate. The Commission's Order in Case No. TA-97-412 specifically states "Applicant is required to file a Missouri-specific annual report pursuant to Section 392.210, RSMo, and Section 392.390.1, RSMo." STS' 1998 annual report form was returned by the post office as undeliverable. Additionally, STS submitted a letter to the Commission on March 13, 1998 (copy attached) stating that STS had discontinued conducting business in Missouri. The Telecommunications Department Staff (Staff) contacted the Missouri Secretary of State's office and was advised that, as a result of STS' failure to file an annual report, the Secretary of State's office administratively dissolved the company on August 28, 1997.

Based on Staff's belief that the company 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 Staff recommends that a motion be filed to open a docket to cancel STS' certificate of service authority and accompanying tariff.

The Commission has the authority to cancel a telecommunications corporation certificate pursuant to 392.410 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 Defenderfer Enterprises v. Public Serv. Commission, 776 S.W. 2d 494 (Mo. App. 1989).

Copy: Penny Baker



"Setting The Standard"

March 9, 1998

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-360

RECEIVED

MAR 13 1998

Records  
Public Service Commission

To Whom it May Concern:

As you know, Strategic Telecom Systems, Inc. applied for and received a certificate to provide intrastate services within your state as a switchless provider.

Regrettably, the Company was unable to generate sales in your state and has since discontinued conducting business.

Sincerely,

A.R. Catinella  
President, STS, Inc.

ARC/dhh

arc.mopsc

**Service List for**  
**Case No. TD-2000-28**  
**Revised: August 11, 1999**

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

**Strategic Telecom Systems, Inc.**  
6420 Baum Drive  
Knoxville, TN 37919