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**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

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**FILED**

AUG 11 1999

Missouri Public  
Service Commission

**RE: Case No. TD-2000-41**

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 error on July 12, 1999.

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*

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 Multimedia Long Distance Co. )

Case No. TD-2000-41

**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 November 9, 1994, the Commission granted a certificate of service authority to provide intrastate interexchange telecommunications services to Multimedia Long Distance Co. Inc. (MLDC) in case number TA-95-83. The Commission's Order in case number TA-95-83 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. MLDC 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, MLDC's 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 MLDC was administratively dissolved on April 25, 1995 due to MLDC's failure to file an annual report.

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

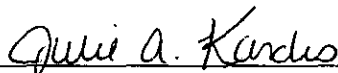
Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

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 MLDC's 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  
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### **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.

Julie 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 Multimedia Long Distance Co. (MLDC) on November 9, 1994 in Case No. TA-95-83. Although no formal request has been filed by MLDC 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-95-83 specifically states "Applicant is required to file a Missouri-specific annual report pursuant to Section 392.210, RSMo, and Section 392.390.1, RSMo." MLDC did not file an annual report for 1997. Additionally, MLDC's 1998 annual report form was returned by the post office as undeliverable. The Telecommunications Department Staff (Staff) contacted the Missouri Secretary of State's office and was advised that, as a result of MLDC's failure to file an annual report, the Secretary of State's office administratively dissolved the company on April 25, 1995.

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 MLDC's 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

**Service List for**  
**Case No. TD-2000-41**  
**Revised: August 11, 1999**

**Office of Public Counsel**  
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