

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY

April 28, 2000

CASE NO: TD-2000-680

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

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**David Harms**  
805 West Cherry  
Nevada, MO 64772

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

Sincerely,



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

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

In the Matter of the Request of David Harms, )  
for Cancellation of the Certificate of )  
Service Authority to Provide Private Pay ) Case No. TD-2000-680  
Telephone Service within the State of Missouri )

**ORDER CANCELING PAYPHONE CERTIFICATE**

On April 24, 2000, David Harms (Harms) sent a letter, asking the Missouri Public Service Commission (Commission) to cancel his certificate of authority to provide private pay telephone service in the state of Missouri. The Commission granted Harms a certificate of authority as a provider of coin operated consumer telephone services in case number TA-97-360 on April 1, 1997.

Harms stated in his letter that the purpose of the letter was to inform the Commission that he was no longer in the pay telephone business. Actually, Harms stated, he never was in the pay telephone business due to his never receiving the pay telephones he ordered from an unnamed pay telephone company. This telephone company, Harms asserted, went bankrupt and he never was reimbursed the \$8,000 he invested.

Section 392.410(5), RSMo Supp. 1998 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...."

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary and that the Commission can decide the case on the basis of the application or the party's statements. See State ex rel. Rex Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989). No one requested a hearing in this matter.

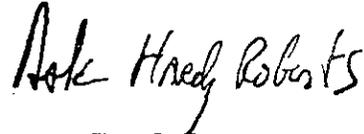
The Commission has reviewed the application and the official file and finds that the Certificate of Service Authority granted to Harms in case number TA-97-360 on April 1, 1997, shall be canceled.

**IT IS THEREFORE ORDERED:**

1. That the certificate of authority granted in case number TA-97-360 on April 1, 1997, to David Harms shall be canceled on May 9, 2000.
2. That this order shall become effective on May 10, 2000.

3. That this case may be closed on May 11, 2000.

**BY THE COMMISSION**



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

( S E A L )

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
4 CSR 240-2.120(1) (November 30, 1995)  
and Section 386.240 RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 28th day of April, 2000.

FYI: To Be Issued By Delegation

AJ/Sec'y: Thornburg / Pope

4-26 Date Circulated

5-2 Return by ~~3pm~~ 10am

TA-2000-372  
CASE NO.

[Signature]  
Lumpke, Chair

[Signature]  
Crubpton, Commissioner

[Signature]  
Murray, Commissioner

[Signature]  
Schemenauer, Commissioner

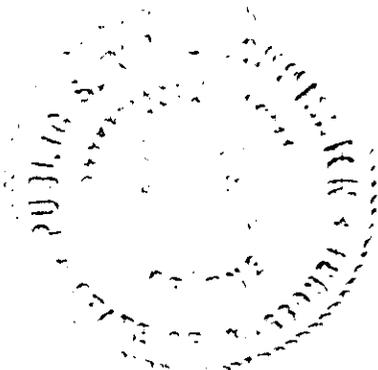
[Signature]  
Drainer, Vice-Chair

**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 28<sup>th</sup> day of April 2000.



Dale Hardy Roberts

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge