

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
April 7, 2000**

CASE NO: TD-2000-535


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

James M. Fischer, P.C.
101 West McCarty, Suite 215
Jefferson City, MO 65101

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

Sincerely,



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

Uncertified Copies:

Gregory Luff
The Phoneco, Inc. d/b/a Network Services
Long Distance
8001 Roosevelt Blvd., Suite 500
Philadelphia, PA 19152

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Cancellation of)
the Certificate of Authority and) Case No. TD-2000-535
Accompanying Tariffs for Network)
Services Long Distance)

ORDER CANCELING CERTIFICATE

On March 5, 2000, the Staff of the Missouri Public Service Commission (Staff) filed with the Missouri Public Service Commission (Commission) its motion to open a "docket" [sic]¹ and cancel the certificate of service authority and accompanying tariff of Network Services Long Distance (NSLD).

Staff stated that the Commission had granted NSLD a certificate of service authority to provide intrastate interexchange telecommunications services in case number TA-95-360 on July 18, 1995². Staff stated that NSLD did not file an annual report for 1998. Staff stated that NSLD's 1999 annual report form was returned by the postal

¹ Docket "...in [American English] means 'a schedule of cases pending.' ...Docket may be used as a verb in [American English]. E.g., 'The case was docketed and tried shortly thereafter.'/'Thereafter he has either 60 or 90 days in which to docket the case with the Supreme Court....' Charles A. Wright, *The Law of Federal Courts* 755 (4th ed. 1983)." (Emphasis in original.) Bryan A. Garner, *A Dictionary of Modern Legal Usage* 289 (2nd ed. 1995). The individual cause is a "case" not a "docket."

² Staff misquotes that order's reference to Section 392.210, RSMo, as "392.310."

service as undeliverable. Staff stated that it contacted the Missouri Secretary of State's office and was informed that NSLD is a registered fictitious name owned by The Phonco, Inc. (PCI). Staff stated that PCI was administratively dissolved by the Missouri Secretary of State on August 31, 1998, due to its failure to file an annual report.

Staff stated that NSLD has not filed a formal request to cancel its certificate. However, Staff believes that NSLD 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.

Section 392.210, RSMo³, 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, 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 also require NSLD to keep the Commission informed of its current address and telephone number.

Staff stated that the Commission has the authority to cancel a telecommunications corporation certificate 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

³ All references herein to sections of the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 1994.

after notice and hearing, upon its own motion or upon application of the person or company affected."

In addition, Section 392.460, RSMo, states:

No telecommunications company authorized by the commission to provide or offer basic local or basic interexchange telecommunications service within the state of Missouri on January 1, 1984, shall abandon such service until and unless it shall demonstrate, and the commission finds, after notice and hearing, that such abandonment will not deprive any customers of basic local or basic interexchange telecommunications service or access thereto and is not otherwise contrary to the public interest.

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). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.

The Commission has reviewed the application and the official file and finds that the Certificate of Service Authority granted to NSLD in case number TA-95-360 shall be canceled.

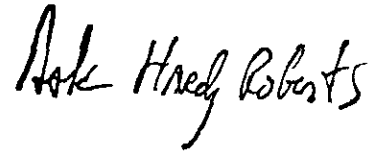
IT IS THEREFORE ORDERED:

1. That the certificate of authority granted in case number TA-95-360 to Network Services Long Distance shall be canceled on April 17, 2000.

2. That this order shall become effective on April 17, 2000.

3. That this case may be closed on April 18, 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 7th day of April, 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 07th day of April 2000.**

Dale Hardy Roberts

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

