

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

April 4, 2000

CASE NO: TD-2000-576

Office of the Public Counsel
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Missouri Public Service Commission
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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

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of April, 2000.

In the Matter of the Cancellation of)
the Certificate of Service Authority) Case No. TD-2000-576
for JATO Communications Corp.)

**ORDER CANCELING
BASIC LOCAL AND LOCAL EXCHANGE CERTIFICATE**

On March 17, 2000, JATO Communications Corp. (JATO) filed with the Missouri Public Service Commission (Commission) its application to cancel the certificate of service authority for basic local and local exchange access telecommunications services for JATO.

JATO stated that it is a Missouri corporation which the Commission granted a certificate of service authority to provide basic local and local exchange access telecommunications services in case number TA-99-148 on March 25, 1999. JATO stated that the Commission approved an interconnection agreement in case number TO-99-555 on August 6, 1999¹.

JATO stated that it has no Missouri basic local intrastate interexchange customers and that it has not conducted business in Missouri since April 6, 1999. Thus, JATO requested that the Commission cancel its certificates of service authority to provide

¹ JATO did not include the name of the carrier with which it was interconnected which is Southwestern Bell Telephone Company.

basic local telecommunications services and exchange access telecommunications services in the state of Missouri.

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

In addition, Section 392.460, RSMo², 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.

On March 27, 2000, the Staff of the Commission (Staff) filed its recommendation. Staff stated that it recommended that the Commission

² All references herein to Sections of the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 1994.

issue an order to cancel the certificate of service authority to provide basic local telecommunications and local exchange access services. Staff noted that JATO had never filed a tariff.

The Commission has reviewed the application, Staff's recommendation, and the official file and finds that the Certificate of Service Authority granted to JATO in case number TA-99-148 shall be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of authority granted in case number TA-99-148 to JATO Communications Corp. shall be canceled on April 14, 2000.
2. That this order shall become effective on April 14, 2000.
3. That this case may be closed on April 17, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Hopkins, Senior Regulatory Law Judge

ALJ/Sec'y: Hopkins/Boyce

3-30 TD-2000-526
Date Circulated CASE NO.

LL
Lumpe, Chair

[Signature]
Crumptory, Commissioner

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Drainer, Vice-Chair

4-4
Agenda Date

Action taken: 5-OAS
Must Vote Not Later Than _____

**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 04th day of April 2000.



Dale Hardy Roberts

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