

of Staff, Cable & Wireless Communications, Inc. submitted substitute adoption notices on March 27, 1995. In its recommendation, Staff states that it has reviewed the proposal of Cable & Wireless Communications, Inc., and has no objections to changing the name of Cable & Wireless Communication, Inc. to Cable & Wireless, Inc., or to the approved Adoption Notices as amended, and therefore Staff recommends that the Commission issue an order amending the certificate issued to Cable & Wireless, Inc. to reflect the corporate name change, and to approve the tariff sheets containing the adoption notices. Staff adds that it is unaware of any other filing which affects or would be affected by this proposal.

The Commission has reviewed the official case file and Staff's recommendation, and is of the opinion that there is no reason to object to the change of the company's name from Cable & Wireless Communications, Inc. to Cable & Wireless, Inc., as the change in name is slight and is unlikely to result in customer confusion. Likewise, the Commission finds that the adoption of the company's existing tariffs by the company under its new name is just and reasonable. Nevertheless, the Commission cannot place its stamp of approval upon this most simple of cases without remarking upon the length of time it has taken for this case to reach a point at which Commission approval would be appropriate. The case file indicates that the company's articles of amendment to the articles of incorporation are dated August 27, 1993; a Certificate of Amendment granted to the company by the government of the District of Columbia is dated September 3, 1993; and an Amended Certificate of Authority of a Foreign Corporation granted to the company by the State of Missouri is dated March 16, 1994. None of these documents, nor the company's adoption notices, were submitted to the Commission until March 21, 1995. The file does not reflect any explanation for this dilatoriness.

The Commission believes that it would be appropriate at this time to remind the company of the provisions of § 386.570.1, RSMo 1994, which states as follows:

Any corporation, person or public utility which violates or fails to comply with any provision of the constitution of this state or this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision hereof, of the commission in a case in which a penalty has not herein been provided for such corporation, person, or public utility is subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense.

Section 386.570.1, RSMo 1994. The Commission is of the opinion that the letter sent to the company by the Executive Secretary of the Commission constitutes a "direction, demand, or requirement, ... of the Commission ..." for purposes of this statute. In addition, § 392.480, RSMo 1994 requires all telecommunication services offered or provided by a telecommunications company to be offered under tariff. To the extent that the company has been offering or providing telecommunication services in the State of Missouri under the name of Cable & Wireless, Inc., it has been doing so without having a proper tariff on file. This in turn would appear to also trigger the penalty provisions of § 392.360, RSMo 1994.

While the Commission does not deem it necessary to impose penalties in this case, the Commission stresses that the documents requested by it are reasonable and not burdensome to produce. The Amended Certificate of Authority of a Foreign Corporation would have been required by the State of Missouri in any event, and the drafting of an adoption notice is not particularly onerous. In the future, the Commission will not tolerate delays of the duration present in this case without substantial justification by the company involved.

IT IS THEREFORE ORDERED:

1. That the Commission hereby acknowledges the corporate change in the name of the company from Cable & Wireless Communications, Inc., to Cable & Wireless, Inc.

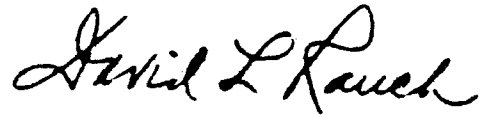
2. That the Certificate of Service Authority previously issued to Cable & Wireless Communications, Inc. is hereby amended to reflect the change in corporate name from Cable & Wireless Communications, Inc. to Cable & Wireless, Inc.

3. That the following tariff sheets submitted by Cable & Wireless, Inc. on March 21, 1995, as amended on March 27, 1995, be and are hereby approved to become effective on April 21, 1995:

Cable & Wireless Communications, Inc.
PSC MO No. 2 Original Adoption Notice Page
PSC MO No. 3 Original Adoption Notice Page

4. That this order shall become effective on April 21, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC., Concur.