

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

**In the Matter of the Cancellation of the)
Certificates of Service Authority of:)
)
Kenny Valek;)
Shirley J. Barker;)
Marguerite L. McGee;)
Gina Barker;)
Michael F. Loy; d/b/a Bexar)
Communications;)
Shekki Gorman;)
Zahari Jovcev;) **Case No. PD-2005-**
David H. Paxton;)
Chris L. Rucker;)
Michael Smith;)
Angelique Whitson d/b/a Unique)
Creations;)
Betty Cornwell;)
David Wood; and)
Laura Wood.)**

**MOTION TO OPEN CASE AND CANCEL
CERTIFICATES OF SERVICE AUTHORITY**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificates of Service Authority to Provide Private Pay Telephone Services, respectfully states:

1. The above captioned individuals (Providers) have been granted certificates of service authority by the Missouri Public Service Commission (Commission) to provide private pay telephone services, pursuant to the Commission's authority under Section 386.250, RSMo 2000. A list containing information for each of the Providers was prepared and verified by affiant

Staff employee Sherri L. Kohly of the Utility Operations Division of the Commission. A copy of said list is marked "Appendix A," attached hereto and made a part hereof.

2. Each of the Providers share the following facts that support Staff's motion to open a mass docket case for the cancellation of the Providers' certificates:

- a) Staff is unable to contact the Providers through a valid mailing address or telephone number.
- b) The Providers' 2003 statement of revenue form, which was mailed by the Budget and Fiscal Services Department of the Commission's Administration Division on January 15, 2004, was returned by the post office as undeliverable.

3. Staff believes that the Providers have violated the terms of their certificates of service authority by 1) their failure to keep the Commission informed of a current address and telephone number, and 2) by the failure of the Providers to file a 2003 statement of revenue. See Affidavit of Sherri Kohly, marked "Appendix B," attached hereto and made a part hereof. Section 392.210(2), RSMo 2000 states, among other things, "The commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies...." Because the Providers have failed to keep the Commission informed of a current address or telephone number, the Commission is unable to contact the Providers. Therefore, the Providers have denied the Commission the access that is required of the Commission under Section 392.210(2), RSMo 2000. Certainly, the Providers have denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250.

4. Staff has made an investigation and no other matters are pending in front of the Commission.

5. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5, RSMo 2000, 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).

6. Because the Providers have provided no current contact information and because the 2003 statement of revenue was returned to the Commission by the United States Postal Service as undeliverable, Staff is serving this pleading on the last known principal office address of the Providers. Commission Rule 4 CSR 240-2.080(17)(C)(1) states "Service by mail is complete upon mailing."

WHEREFORE, the Staff recommends the Commission cancel the certificates of service authority to provide private pay telephone service.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Mary E. Weston

Mary E. Weston
Assistant General Counsel
Missouri Bar No. 54669

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-6726 (Telephone)
(573) 751-9285 (Fax)
mary.weston@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed return receipt requested or hand-delivered to all counsel of record as shown on the attached service list this 13th day of July 2004.

/s/ Mary E. Weston

Kenny Valek
801 Lee Avenue
Festus, MO 63028

Shirley J. Barker
601 Gateway Blvd. Ste. 260
South San Francisco, MO 94080

**Marguerite L. McGee
10910 East 98th Terrace
Kansas City, MO 64134**

**Gina Barker
414 Northwest 63rd, Apt. 221
Kansas City, MO 64118**

**Michael F. Loy
d/b/a Bexar Communications
#7 Bridgeview Estates
Kimberling City, MO 65686**

**Shekki Gorman
13740 Shoreline
Earth City, MO 63045**

**Zahari Jovcev
322 Courtois St.
St. Louis, MO 63111**

**David H. Paxton
23611 East 24 Highway
Independence, MO 64056**

**Chris L. Rucker
1228 N.E. Florence Ave.
Lees Summit, MO 64086**

**Michael Smith
720 South Fairway
Springfield, MO 65802**

**Angelique Whitson
d/b/a Unique Creations
P.O. Box 25854
St. Louis, MO 63136**

**Betty Cornwell
7901 E. 117th Terrace
Kansas City, MO 64134**

**David and Laura Wood
114 E. Conner
Fairland, OK 74343**

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

<u>Certificated Provider Name and Address</u>	<u>Case No. Date of Certification</u>
Kenny Valek 801 Lee Avenue Festus, MO 63028	TA-96-225 2/23/1996
Shirley J. Barker 601 Gateway Blvd. Ste. 260 South San Francisco, MO 94080	TA-96-307 4/17/1996
Marguerite L. McGee 10910 East 98th Terrace Kansas City, MO 64134	TA-99-104 11/3/1998
Gina Barker 414 Northwest 63rd, Apt. 221 Kansas City, MO 64118	TA-99-357 3/19/1999
Michael F. Loy d/b/a Bexar Communications #7 Bridgeview Estates Kimberling City, MO 65686	TA-2000-235 10/14/1999
Shekki Gorman 13740 Shoreline Earth City, MO 63045	TA-2000-835 7/20/2000
Zahari Jovcev 322 Courtois St. St. Louis, MO 63111	TA-95-254 4/14/1995
David H. Paxton 23611 East 24 Highway Independence, MO 64056	TA-95-260 4/14/1995
Chris L. Rucker 1228 N.E. Florence Ave. Lees Summit, MO 64086	TA-93-228 6/2/1993
Michael Smith 720 South Fairway Springfield, MO 65802	TA-2001-370 2/9/2001
Angelique Whitson d/b/a Unique Creations P.O. Box 25854 St. Louis, MO 63136	PA-2003-0473 6/4/2003
Betty Cornwell	TA-96-128

7901 E. 117th Terrace
Kansas City, MO 64134

12/6/1995

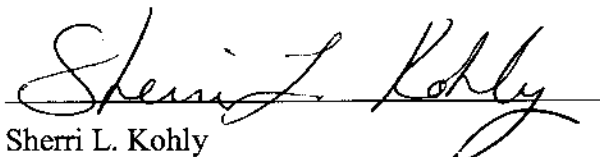
David and Laura Wood
114 E. Conner
Fairland, OK 74343

TA-97-453
5/15/1997

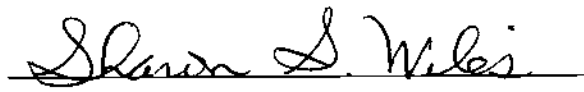
VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the foregoing pleading styled "In the Matter of the Cancellation of the Certificates of Service Authority of Kenny Valek, et. al." and the attached Appendix A, and that the facts therein are true and correct.


Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 12th day of July, 2004.
I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on September 11, 2006.


NOTARY PUBLIC

