

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

In the Matter of the Cancellation of the Certificates of)	
Service Authority of:)	
)	
KL Marketing Corp. d/b/a Advanced Coin Telephone,)	
Farthing Enterprises, Inc.,)	Case No. PD-2006-
Gateway Payphone, Inc.,)	
Missouri Public Payphone Corporation,)	
MO-KAN Telecom, Inc., and)	
Phillips Maduros Enterprises, Inc.)	

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and moves that the Commission cancel the payphone certificates of service authority of the above-captioned companies. In support of its *Motion*, Staff respectfully states:

1. The above-captioned companies (Companies) 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 attached as “Appendix A.”

2. Each of the Companies shares the following facts that support Staff’s motion to open a mass docket case for the cancellation of the Companies’ certificates:

a) The Companies have been “dissolved” according to the Office of the Missouri Secretary of State. All of these companies were Missouri corporations. Section 351.476(1) RSMo. (2000) states “A dissolved corporation continues its corporate

existence but *may not carry on any business except that appropriate to wind up and liquidate its business and affairs...*”

- b) The Companies have not returned a statement of revenue form for at least the past two years. Mail sent to the addresses provided to the Commission has not been returned, however.

3. Staff believes that the Companies have violated the terms of their certificates of service authority by 1) their failure to maintain their authorization to operate in the State of Missouri, and 2) by their failure to file statements of revenue. All of the Companies have been dissolved for at least a year and failed to file statements of revenue for some time prior to their dissolution. See Affidavit of Sherri Kohly, marked “Appendix B,” attached hereto and made a part hereof.

4. The Companies are not delinquent in paying any assessments that may have been assessed during the history of their registration with the Commission. As payphone providers, the Companies are not required to submit annual reports to the Commission.

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

6. The Commission has the authority to cancel a certificate to provide payphone services 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).

7. Staff is serving this pleading on the registered agent for each company listed on the website of the Secretary of State. Section 352.380(1) RSMo 2000 provides:

The registered agent so appointed by a corporation upon whom any process, notice or demand required or permitted by law to be served upon a corporation may be served.

Commission Rule 4 CSR 240-2.080(17)(C)(1) states “Service by mail is complete upon mailing.” Staff is also serving this pleading upon the addresses provided by the Companies if that address differs from that of the Companies’ registered agent.

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

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
david.meyer@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following, this 13th day of October 2005.

/s/ David A. Meyer

David A. Meyer

Office of the Public Counsel
Governor Office Building, Suite 650
200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

Elizabeth W. Lane
Registered Agent for Gateway Payphone, Inc.
500 N. Broadway, Suite 2000
St. Louis, MO 63102-2147
(Via Certified Mail)

Gateway Payphone, Inc.
707 Purvis
Wood River, IL 62095

A. Overton Durrett
Registered Agent for MO-KAN Telecom, Inc.
315 Nichols Road, Suite 214
Kansas City, MO 64112
(Via Certified Mail)

MO-KAN Telecom, Inc.
6717 Harvard
Raytown, MO 64133

Kevin Koper
Registered Agent for
KL Marketing Corp. d/b/a Advanced Coin Telephone
9 Rustic Creek Ct.
St. Peters, MO 63376
(Via Certified Mail)

David Farthing
Registered Agent for Farthing Enterprises, Inc.
5705 Westchester Meadow Dr.
St. Charles, MO 63304
(Via Certified Mail)

Michael R. Wenninghoff
Registered Agent for Missouri Public Payphone
Corporation
214 SE Brownfield Drive
Lee's Summit, MO 64063
(Via Certified Mail)

Missouri Public Payphone Corporation
113 SE Chelsea Drive
Lee's Summit, MO 64063

James Maduros
Registered Agent for Phillips Maduros Enterprises,
Inc.
4938 Evanston Avenue
Kansas City, MO 64133
(Via Certified Mail)

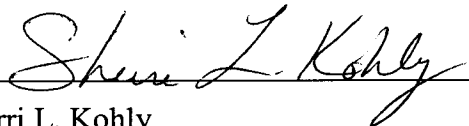
<u>Certificated Companies</u>	<u>Case No. Date of Certification</u>	<u>Sec. of State Date of Dissolution</u>	<u>Sec. of State Registered Agent</u>
KL Marketing Corp. d/b/a Advanced Coin Telephone 9 Rustic Creek Court St. Peters, MO 63376	TA-97-179 12/27/96	8/31/98	Kevin Koper 9 Rustic Creek Ct. St. Peters, MO 63376
Farthing Enterprises, Inc. 5705 Westchester Meadow Dr. St. Charles, MO 63304	TA-99-36 8/31/98	8/21/04	David Farthing 5705 Westchester Meadow Dr. St. Charles, MO 63304
Gateway Payphone, Inc. 707 Purvis Wood River, IL 62095	TA-92-96 1/14/92	8/18/97	Elizabeth W. Lane 500 N. Broadway, Suite 2000 St. Louis, MO 63102-2147
Missouri Public Payphone Corporation 113 SE Chelsea Drive Lee's Summit, MO 64063	TA-99-541 6/16/99	2/17/04	Michael R. Wenninghoff 214 SE Brownfield Drive Lee's Summit, MO 64063
MO-KAN Telecom, Inc. 6717 Harvard Raytown, MO 64133	TA-98-190 12/16/97	8/28/00	A. Overton Durrett 315 Nichols Road, Suite 214 Kansas City, MO 64112
Phillips Maduros Enterprises, Inc. c/o James Maduros 4938 Evanston Avenue Kansas City, MO 64133	TA-98-459 5/27/98	11/1/00	James Maduros 4938 Evanston Avenue Kansas City, MO 64133

APPENDIX A

VERIFICATION

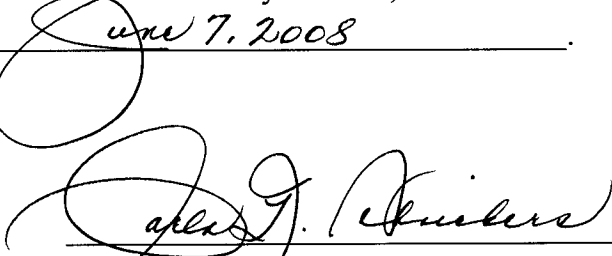
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 accompanying pleading 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 October, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

