

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

In the Matter of the Cancellation of the     )  
Certificate of Service Authority of J.T.     )  
Enterprises, Inc.                                     )  
Case No. PD-2006-

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), and moves that the Commission cancel the payphone certificate of service authority of J.T. Enterprises, Inc. In support of its *Motion*, Staff respectfully states:

1. In September 1994, J.T. Enterprises, Inc. was granted a certificate 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. The certificate was granted in Case No. 96-26.

2. J.T. Enterprises, Inc. is now "dissolved" according to the Office of the Missouri Secretary of State.<sup>1</sup> It was a Missouri corporation, and was created on July 21, 1994 and dissolved on March 2, 1998. 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....*"

3. J.T. Enterprises, Inc. has not returned a statement of revenue form for at least the past four years. Mail sent to the addresses provided to the Commission has not been returned,

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<sup>1</sup> Another Missouri corporation has virtually the same name as the company involved in this case, and that fact is noted here to avoid further confusion. The sole difference between J.T. Enterprises, Inc. and J. T. Enterprises, Inc. is the space between the "J." and the "T." It is important to note that the J. T. Enterprises, Inc. (with a space) is an active corporation and remains in good standing. The space-less J.T. Enterprises, Inc. has a registered agent at the same address on Chiquita Terrace as the J.T. Enterprises, Inc. registered with the Commission. The president of J. T. Enterprises, Inc. (with a space), also located in St. Louis but at a different location and who has a functional telephone number, indicated that his company has not provided payphone service, nor had it applied for a payphone certificate. Cancellation of J.T. Enterprises, Inc.'s certificate should eliminate any future confusion.

however. Although the telephone number provided to the Commission remains live, the line merely rings and rings and repeated attempts have never garnered an answer, nor does the line appear to have a way to leave a message. Research in reverse directories indicated the telephone number is now connected to an individual at a residence other than that reflected in the Commission's records for the company. The Commission's records reflect the same address as that of the company's registered agent.

4. Staff believes that J.T. Enterprises, Inc. has violated the terms of its certificate of service authority by 1) its failure to maintain the authorization to operate in the State of Missouri, and 2) by the failure to file statements of revenue.

5. J.T. Enterprises, Inc. is not delinquent in paying any assessments that may have been assessed during the history of their registration with the Commission. As a payphone provider, it is not required to submit annual reports to the Commission.

6. Staff has made an investigation and no other matters are pending in front of the Commission. No complaints have been submitted to the Commission regarding service provided by J.T. Enterprises, Inc. since the commencement of the Commission's Electronic Filing and Information System.

7. 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).

8. Staff is serving this pleading on the registered agent for the company as reflected by 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.” This address is identical to that provided by the company to the Commission, but to ensure delivery, a second non-certified copy is being sent to that same address.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of J.T. Enterprises, Inc. to provide private pay telephone service.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

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David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
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### **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 2<sup>nd</sup> day of November 2005.

**/s/ David A. Meyer**

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David A. Meyer

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

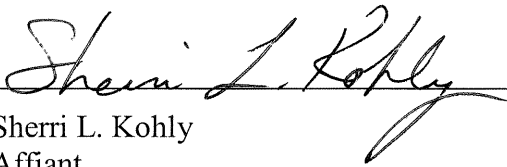
Edward W. Johnson  
Registered agent for J.T. Enterprises, Inc.  
1734 Chiquita Terrace  
St. Louis, MO 63138  
*(via certified mail)*

J.T. Enterprises, Inc.  
1734 Chiquita Terrace  
St. Louis, MO 63138

## 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 that the facts therein are true and correct to the best of her knowledge.

  
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Sherri L. Kohly  
Affiant

Subscribed and affirmed before me this 1<sup>st</sup> day of November, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on September 11, 2006.

  
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NOTARY PUBLIC

