STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY May 26, 2000

CASE NO: TD-2000-548

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

Mark P. Johnson/Lisa Creighton Sonnenschein, Nath & Rosenthal 4520 Main Street, Suite 1100 Kansas City, MO 64111 General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Bobby Garrett, President
Digital One Plus, Inc.
624 Six Flags Drive, Suite 214
Arlington, TX 76011

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

Dale Hardy Roberts

lok Hard Roberts

Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

| In the Matter of the Cancellation of |) | |
|---|---|----------------------|
| the Certificate of Service Authority and |) | Case No. TD-2000-548 |
| Accompanying Tariff for Digital One Plus, |) | **· |
| Inc. |) | |

ORDER DIRECTING FILING

On March 9, 2000, the Staff of the Missouri Public Service Commission (Staff) filed and its motion asking the Commission to cancel the certificate of authority and accompanying tariff of Digital One Plus, Inc. (Digital). Digital was originally granted a certificate of service authority by the Commission to provide intrastate interexchange telecommunications services on March 14, 1997, in case number TA-97-290.

In support of its motion, Staff states that Digital did not file an annual report in 1998, as required by Sections 392.210 and 392.390.1, RSMo 1994, and that its 1999 annual report form was returned by the post office as undeliverable. Staff further states that it was informed by the Missouri Secretary of State's Office that Digital was administratively dissolved on August 18, 1997, for failure to file an annual report. Staff argues that Digital has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number and by its failure to file annual reports as required by law.

Staff states that the Commission has authority to cancel a telecommunications corporation's certificate pursuant to Section 392.410.5, RSMo Supp. 1999:

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.

Staff's motion includes a certificate of service that recites that a copy of the motion was mailed or hand-delivered, on March 9, 2000, to Digital's president at an address in Arlington, Texas, and to Digital's attorneys in Kansas City. The file includes no indication as to whether or not either copy was ever received, or whether either copy was returned by the post office as undeliverable. The Commission concludes that the record does not show that sufficient notice has been given to Digital to permit the Commission to exercise its authority under Section 392.410.5, RSMo Supp. 1999.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission shall give notice of its Motion to Cancel Certificate of Service Authority and Accompanying Tariff by mailing a copy thereof to Digital One Plus, Inc., and its attorneys of record by certified United States Mail, return receipt requested, and shall file its pleading in this case advising the Commission whether the same was delivered or was returned. The Staff shall further advise Digital One Call, Inc., in its cover letter that Commission rules require that a response be filed within ten days.

2. That this Order shall become effective on May 26, 2000.

BY THE COMMISSION

Hoke Horey Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Kevin A. Thompson, Deputy Chief Regulatory Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1), (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 26th day of May, 2000.

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 26th day of May 2000.

Hele Hold Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

