

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

In the Matter of the Cancellation of the )  
Certificates of Service Authority of: )  
 )  
St. Joe Inn, Inc. d/b/a Days Inn ) Case No. PD-2006-  
T&T Communications, LLC )  
BNL Communications, Inc. )  
Data Tel Communications, LLC )

**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 open a case and cancel the certificates of service authority to provide private pay telephone service of the above-captioned companies. In support of its Motion, Staff respectfully states as follows:

1. The above captioned companies (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. 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.

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

- a) Each of Provider's 2005 statement of revenue forms report \$0 annual revenue.
- b) Each of the Provider's 2005 statement of revenue forms indicates that the Providers do not wish to retain their operating certificate.
- c) The confidential Statements of Revenue submitted to the Commission were completed under oath by owners (for LLC's) or officers (for corporations) of the

companies, and are available on a highly confidential basis from the Commission's Electronic Filing and Information System.

3. None of the Providers has any past due assessments to the Commission for the previous four years. BNL Communications, Inc. has an outstanding assessment amount of \$25.95 for FY2001. As payphone providers, the companies do not submit annual reports to the Commission. No formal complaints have been filed against any of the Providers since the commencement of the Electronic Filing and Information System.

4. Because the Providers have requested cancellation of their certificates and because they are no longer providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling their certificates of service authority.

5. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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. Staff is serving this verified pleading via certified mail on the last known address of the Providers as reflected in Appendix A. Commission Rule 4 CSR 240-2.080(17)(C)(1) states that service by mail is complete upon mailing.

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

Respectfully submitted,

**/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 return receipt requested or hand-delivered to all counsel of record as shown on the service list below this 25<sup>th</sup> day of May, 2006.

**/s/ David A. Meyer**

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<b><u>Certificated Provider Name and Address</u></b>	<b><u>Case Number and Date of Certification</u></b>
St. Joe Inn d/b/a Days Inn Prem Kotwani, Registered Agent 4312 Frederick Boulevard St. Joseph, MO 64506	TA-95-310 05/23/95
T&T Communications, LLC Timothy Voyles, Registered Agent 4119 Upton Court St. Louis, MO 63116	TA-2002-196 11/27/01
BNL Communications, Inc. 425 North Lawndale Avenue Kansas City, MO 64123	TA-93-182 02/16/93
Michael Huffman Registered Agent for BNL Communications, Inc. 222 West Maple Independence, MO 64050	
Data Tel Communications, LLC Karen Eaton, Registered Agent 4602 Valley Ln. St. Joseph, MO 64503	TA-2001-538 06/07/01

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.

Sherri L. Kohly  
Sherri L. Kohly  
Affiant



Subscribed and affirmed before me this 25<sup>th</sup> day of May 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on September 11, 2006.

Sharon S. Wiles  
NOTARY PUBLIC

SHARON S WILES  
Notary Public - Notary Seal  
STATE OF MISSOURI  
COLE COUNTY  
MY COMMISSION EXP. SEPT 11, 2006