STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
June 20, 2000

CASE NO: TD-2000-628

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

Sincerely,

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 20th day of June, 2000.

In the Matter of the Request of Paul V. Slatinsky, for Cancellation of the Certificate of Service Authority to Provide Private Pay Telephone Service within the State of Missouri	)))))	**Case No. TD-2000-628**

ORDER CANCELING PAYPHONE CERTIFICATE

On April 6, 2000, Paul V. Slatinsky (Slatinsky) filed a letter, asking the Missouri Public Service Commission (Commission) to cancel his certificate of authority to provide private pay telephone service in the state of Missouri. The Commission granted Slatinsky a certificate of authority as a provider of coin operated consumer telephone services in case number TA-96-387 on June 11, 1996.

Slatinsky stated that he held a certificate either under the name of PhoneMaster or his individual name. This, however, proved to be incorrect since no certificate could be found in the name of PhoneMaster, but only in the individual name of Slatinsky. Slatinsky stated that he received a letter from the Commission in June of 1999, about his assessment for the fiscal year beginning July 1, 1999, totaling $22.65. Slatinsky stated that at that time he knew he was going to be selling his business. (Slatinsky does not state what kind of business he was in; the Commission assumes that Slatinsky is speaking of his payphone business.) That is why, Slatinsky stated, he

only paid the payment due for July 15, 1999, i.e., he paid only the quarterly payment allowed under Commission rules.

Slatinsky says that he then sold his business in August of 1999, so therefore, he says, he does not owe the remainder of the assessment. Slatinsky stated that he received a letter from the Commission dated March 24, 2000, stating that he was delinquent in the payment of his account. Slatinsky states that he understood how this happened; he admits failing to request that his payphone certificate be canceled since he thought he might later decide to get back in the business. Now, however, he is requesting that he have his certificate canceled[1].

Section 392.300(1), RSMo 1994, states, in part, that no telecommunications company may sell any part of its system without a Commission order. Thus, on April 24, 2000, the Commission directed its Staff to investigate and file a report and recommendation concerning Slatinsky's request to cancel his certificate, his request to waive assessments, and the purported transfer of his facilities.

On May 24, 2000, the Staff filed its recommendation. Staff stated that the internal accounting department of the Commission has already waived Slatinsky's delinquent assessments. Staff also stated that although Slatinsky sold telecommunications assets without having first secured Commission authority, it would serve little purpose to

[1] Slatinsky did not ask that his delinquent assessment be waived. However, the Commission assumed that he did not want to pay the $16.98 assessment which became due in April of the year 2000.

require him to file an application seeking approval since he has requested cancellation of his certificate. Thus, Staff recommended that the Commission order Slatinsky's certificate canceled but that the Commission should take no action regarding his failure to file an application to transfer his assets.

Section 392.410(5), RSMo states, in part: "...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...."

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary and that the Commission can decide the case on the basis of the application or the party's statements. *See* State ex rel. Rex Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

The Commission has reviewed the application, the Staff recommendation, and the official file and finds that the certificate of service authority granted to Slatinsky in case number TA-96-387 shall be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of authority granted in case number TA-96-387 to Paul V. Slatinsky shall be canceled on June 30, 2000.

2. That this order shall become effective on June 30, 2000.

3. That this case may be closed on July 3, 2000.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray, Schemenauer,
and Simmons, CC., concur

Hopkins, Senior Regulatory Law Judge

ALJ/Sec'y: Hopkins/Boyce

6-15
Date Circulated

TD-2000-628
CASE NO.

Lumpe, Chair

Drainer, Vice Chair

Murray, Commissioner

Schemenauer, Commissioner

Simmons, Commissioner

6-20
Agenda Date

Action taken: 6-0AS

Must Vote Not Later Than _____

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 20th day of June, 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge