

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 7, 2001**

CASE NO: TD-2002-19

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

Five Star Telecom, Inc.
5905 Johns Rd
Tampa, FL 33634

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Executive Vice-President
624 S. Grand Ave., Suite 302
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General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Robert L. Hawkins III
PO Box 1497
700 East Capitol Avenue
Jefferson City, MO 65102

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

Sincerely,



Dale Hardy 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) Case No. TD-2002-19
Authority Accompanying Tariff of Five Star Telecom, Inc.)

**ORDER CANCELING INTEREXCHANGE CERTIFICATE
AND CANCELING INTEREXCHANGE TARIFF**

This order cancels the certificate of service authority to provide intrastate interexchange telecommunications services granted to Five Star Telecom, Inc., along with its accompanying tariffs.

On June 13, 2001, the Staff of the Missouri Public Service Commission filed its motion to open a case and cancel Five Star Telecom's certificate of service authority and its accompanying tariff. Staff stated that the Commission granted Five Star Telecom a certificate of service authority to provide intrastate interexchange telecommunications services in Case No. TA-97-166. Staff reported that Five Star Telecom's 2000 annual report form was returned by the postal service as undeliverable. Staff noted that records of the Missouri Secretary of State's office indicate that Five Star Telecom was administratively dissolved by the Missouri Secretary of State on September 14, 1999, due to its failure to file an annual report with that office.

Staff stated that Five Star Telecom has not filed a formal request to cancel its certificate. Staff alleged that Five Star Telecom has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number and its failure to file annual reports. Staff certified that a copy of its motion was mailed

certified return receipt requested or hand-delivered to Five Star Telecom at the following addresses:

Five Star Telecom, Inc.
5905 Johns Rd.
Tampa, FL 33634

Robert L. Hawkins III
P.O. Box 1497
700 East Capitol Avenue
Jefferson City, MO 65102

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Section 392.210, RSMo,¹ states, "Every telecommunications company shall file with the commission an annual report . . . covering the yearly period fixed by the commission." Section 392.390.1 states, "[A telecommunications company must file] annual reports with the commission as required by the commission and in a form and at times prescribed by the commission." In addition, the terms of the certificate also require Five Star Telecom to keep the Commission informed of its current address and telephone number.

The Commission has the authority to cancel a telecommunications corporation certificate under Section 392.410.5, which states, "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."

¹ All references to the Revised Statutes of Missouri, unless otherwise specified, are to the revision of 2000.

The *Deffenderfer* case held that the requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.² Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.

The Commission has reviewed the application and the official file and finds that it is reasonable to cancel Five Star Telecom's certificate. Therefore, the certificate of service authority granted to Five Star Telecom in Case No. TA-98-214, along with its accompanying tariffs, will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority granted in Case No. TA-97-166 to Five Star Telecom, Inc., along with its accompanying tariffs, is canceled.
2. That this order will become effective on August 17, 2001.
3. That this case may be closed on August 18, 2001.

BY THE COMMISSION

(SEAL)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Nancy Dippell, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of August, 2001.

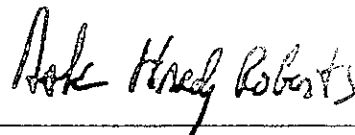
² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

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 7th day of August 2001.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

