

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 22, 2000**

CASE NO: TD-2001-17

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**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 Authority and) Case No. TD-2001-17
Accompanying Tariff of Fiberline Network)
Communications, L.P.)

ORDER CANCELING CERTIFICATE

On July 11, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion to open a case and cancel the certificate of service authority and tariff for Fiberline Network Communications, L.P. (Fiberline). The Commission granted Fiberline a certificate of service authority to provide intrastate interexchange telecommunications services on August 7, 1990, in Case No. TA-90-135.

Staff stated that Fiberline did not file an annual report for 1998. In addition, Fiberline's 1999 annual report form was returned by the post office as undeliverable. Although Fiberline has not filed a formal request to cancel its certificate, Staff believes that the company 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 filed a Status Update on August 30, 2000, which indicates that Staff gave notice via certified United States Mail, return receipt requested, to Scott Nauert, President of Fiberline, and to Fiberline's attorneys, of the Staff's motion recommending that the Commission cancel Fiberline's certificate of service authority and tariff. Subsequently,

the United States Postal Service (USPS) returned the letter addressed to Mr. Nauert as undeliverable and marked "Attempted, Not Known." The USPS returned the receipt showing delivery of the letter addressed to Fiberline's attorneys.

The Commission has authority to cancel a telecommunications corporation's certificate pursuant to Section 392.410.5, RSMo Supp. 1999, 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. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989). Fiberline did not respond to Staff's motion to cancel its certificate of service authority and no one has requested a hearing in this case. Therefore, the Commission may grant the relief requested based on Staff's motion.


The Commission has reviewed the application and the official file, and finds that the certificate of service authority and accompanying tariff to provide intrastate interexchange telecommunications services granted to Fiberline in Case No. TA-90-135 shall be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority and tariffs granted to Fiberline Network Communications, L.P., in Case No. TA-90-135 shall be canceled on October 2, 2000.

2. That this case may be closed on October 3, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 22nd day of September, 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 22ND day of September 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

