# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the	)	
Certificate of Service Authority of	)	File No. PD-2010-
Heartland Payphone Services	)	

#### MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

**COMES Now** the Staff of the Missouri Public Service Commission and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of service authority to provide private pay telephone service in Missouri of Heartland Payphone Services ("the Company") and states as follows:

- 1. On January 7, 1998, the Commission granted a certificate of service authority to the Company to provide private pay telephone service in Missouri in Case No. TA-98-210.
- 2. On March 5, 2009, the Company contacted Staff and requested that its certificate of service authority be cancelled. See Attachment A.
- 3. Because the Company requested cancellation of its certificate and it is not providing services in Missouri, Staff recommends the Commission cancel the certificate.
- 4. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, which provides "[a]ny 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."
- 5. 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. W.D. 1989).

**WHEREFORE**, the Staff respectfully recommends the Commission cancel the certificate of service authority of Heartland Payphone Services to provide private pay telephone service in Missouri.

Respectfully submitted,

Colleen M. Dale Senior Counsel Missouri Bar No. 31624 Attorney for the Staff of the Missouri Public Service Commission P. O. Box 360 Jefferson City, MO 65102 (573) 751-4255 (Telephone)

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13<sup>th</sup> day of January, 2010.

## HIGHLY CONFIDENTIAL

(SEAL)

My commission expires/

COURTNEY J. FRANZESKOS
Notary Public-Notary Seal
State of Missouri, Miller County
Commission # 07338121
by Commission Expires Oct 30, 201

#### STATEMENT OF REVENUE

FY-2010 Mo. PSC Assessment



MAR 0 5 2009

Kenneth Meritt BUDGET & FISCAL SVCS Heartland Payphone Services Utility Type-Telephone(Payphone) MO. P.S.C. 14700 Oaks Crossing Road Oklahoma City, OK 73165-7030 hereby certify that the GROSS INTRASTATE OPERATING REVENUE of the abovenamed Company in the State of Missouri, for the calendar year 2008, is: NOTE: THE GROSS INTRASTATE OPERATING REVENUE REPORTED ON THIS STATEMENT MUST MATCH THE TOTAL MISSOURI JURISDICTIONAL OPERATING REVENUES REPORTED ON THE COMPANY'S ANNUAL REPORT. \*\*IF REPORTING ZERO REVENUE, DO YOU WISH TO RETAIN YOUR OPERATING CERTFICATE? \_\_\_\_ **ELECTRIC OPERATING REVENUE** GAS OPERATING REVENUE HEATING OPERATING REVENUE WATER OPERATING REVENUE SEWER OPERATING REVENUE TELEPHONE OPERATING REVENUE **TOTAL** State of 111 County of Sworn to and subscribed before me a Notary Public in and for said County and State this 2 day of Mence DATE

Mail one notarized copy of this statement to the Missouri Public Service Commission, Budget & Fiscal Services Department, P.O. Box 360, Jefferson City, Missouri 65102.

NO LATER THAN MARCH 31, 2009