

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

**In the Matter of the Cancellation of the )  
Certificates of Service Authority of: )  
)  
David E. Obernier, )  
Robert A. Thebeau, )  
Douglas Ross, )  
Jeff D. Baygents, )  
Kyle B. Cline, )  
Russell E. Hardt, )  
Charles Glenn Clark d/b/a Clark’s )  
Communications System, )  
Edmund D. Jones d/b/a Vagabond )  
Publishing Company, )  
Kent Gilmore d/b/a Lourell’s, )  
Bart D. Booth, and )  
James Callahan d/b/a Callahan )  
Enterprise & Distribution )**

**Case No. PD-2006-**

**MOTION TO OPEN CASE AND CANCEL  
CERTIFICATES OF SERVICE AUTHORITY**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificates of Service Authority to Provide Private Pay Telephone Service, respectfully states:

1. The above-captioned individuals (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. A list containing information for each of the Providers is marked “Appendix A,” attached hereto and made a part hereof.

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) Staff is unable to contact the Providers through a valid mailing address or telephone number.
- b) The Providers' 2006 statement of revenue form, mailed by the Budget and Fiscal Services Department of the Commission's Administration Division on January 14, 2005, was returned by the post office as undeliverable.

3. Staff believes that the Providers have violated the terms of their certificates of service authority by 1) their failure to keep the Commission informed of a current address and telephone number, and 2) by the failure of the Providers to file a 2006 statement of revenue. Sections 392.210(2), RSMo 2000 states, among other things, "The Commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies..." Because the Providers have failed to keep the Commission informed of a current address or telephone number, the Commission is unable to contact the Providers. Therefore, the Providers have denied the Commission the access that is required of the Commission under Section 392.210(2), RSMo 2000. Certainly, the Providers have denied the Commission its abilities to supervise telecommunications operations and services as statutorily mandated under Section 386.250, RSMo 2000.

4. Staff has made an investigation and no other matters are pending in front of the Commission.

5. Pursuant to Section 392.520.1, RSMo 2000, entities providing coin operated telephone services may be exempt from the requirements of Section 392.390 (1), RSMo 2000, which requires telecommunications companies to file annual reports. The Commission has exempted coin operated telephone service providers from such filing.

6. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5, RSMo 2000, 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).

7. Because the Providers have provided no current contact information and because the 2006 statement of revenue was returned to the Commission by the United States Postal Service as undeliverable, Staff is serving this pleading on the last known principal office address of the Providers. Commission Rule 4 CSR 240-2.080(17)(C)(1) states, "Service by mail is complete upon mailing."

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

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Mary E. Weston  
Mary E. Weston  
Assistant General Counsel

Missouri Bar No. 54669  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-6726 (Telephone)  
(573) 751-9285 (Fax)

### **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 attached service list this 20th day of July, 2005.

/s/ Mary E. Weston

**Certificated Provider Name and Address****Case Number  
Date of Certification**

David E. Obernier  
1202 Parody Lane  
St. Charles, MO 63303

TA-97-156  
12/05/1996

Robert A. Thebeau  
213 Westmoreland  
Collinsville, IL 62234

TA-98-553  
07/31/1998

Douglas Ross  
2009 Independence  
Cape Girardeau, MO 63703

TA-94-376  
08/24/1994

Jeff D. Baygents  
3134 West State St.  
Springfield, MO 65802

TA-96-457  
08/06/1996

Kyle B. Cline  
834 Eaglebrook Dr.  
Manchester, MO 63021

PA-2003-0040  
09/04/2002

Russell E. Hardt  
100 West 5<sup>th</sup> St.  
Fulton, MO 65251

TA-98-381  
04/09/1998

Charles Glenn Clark d/b/a Clark's Communications System  
HCR 61, Box 576  
Dixon, MO 65459

TA-97-284  
02/27/97

Edmund D. Jones d/b/a Vagabond Publishing Company  
4020 Shreve Avenue  
St. Louis, MO 63115

TA-93-356  
09/17/93

Kent Gilmore d/b/a Lourell's  
P.O. Box 320384  
Kansas City, MO 64132-0384

PA-2002-0236  
02/06/03

Bart D. Booth  
509 Delaware, Apt. 402  
Kansas City, MO 64105

TA-99-184  
12/10/98

James Callahan d/b/a Callahan Enterprise & Distribution  
8600 Ward Parkway Center Common Area  
Kansas City, MO 64114

PA-2005-0014  
8/4/04