

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

In the Matter of the Cancellation of the)	
Certificate of Service Authority and Tariff)	<u>File No. PD-2017-</u>
of Commercial Pay Phones, Inc.)	

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY AND TARIFF

COMES NOW the Staff of the Missouri Public Service Commission and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of authority to provide payphone service in Missouri of Commercial Pay Phones, Inc. ("the Company") and states as follows:

1. On December 5, 1996, the Commission granted a certificate of authority to Commercial Pay Phones to provide payphone services in Case No. TA-97-159.

2. Section 392.611(2) requires telecommunications providers to submit an annual report to the Commission along with other necessary information to calculate assessments. The requirements telecommunications providers must meet are further explained and codified in 4 CSR 240-28.040 (reporting) and 4 CSR 240-28.050 (assessments). The code of state regulations extends these requirements to payphone providers.

3. The Company is required to comply with all applicable Commission rules except those specifically waived by the Commission, including filing a "Missouri-specific annual report".

4. Commercial Pay Phones, Inc. sent its required Statement of Revenue for 2011 and has not responded to Commission prompts thereafter. Payphone providers are not required to file an Annual Report. Staff sent its fiscal year 2017 assessment invoice based on the estimated revenues of the Company, but has not received a

response and a phone call May 4, 2017, revealed that the number goes to an ATM company with no knowledge of Commercial Pay Phones. The Company has failed to:

- a) File a Statement of Revenue for 2012
- b) File a Statement of Revenue for 2013
- c) File a Statement of Revenue for 2014
- d) File a Statement of Revenue for 2015
- e) File a Statement of Revenue for 2016
- f) Submit its assessment payment for fiscal year 2015

Due to the Company's failure to comply with the applicable statutes, rules and orders, Staff moves for the Commission to cancel the Company's certificate of service authority to provide payphone services in the state of Missouri.

5. 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."

6. 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 to provide payphone services in Missouri of Commercial Pay Phones, Inc.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne

Legal Counsel

Missouri Bar No. 64078

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

whitney.payne@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 22nd day of May, 2017, to all counsel of record.

/s/ Whitney Payne