



in Case No. TA-98-121 and same is incorporated herein by reference. Pursuant to 4 CSR 240-2.160 (K) and (L), St. John's states that it has no pending actions or final judgments or decisions against it with respect to customer rates or service within the last three years and that currently no annual report or assessment fees are overdue.

4. Initially, St. John's allowed three private physicians' offices located on the St. John's campus to utilize St. John's private telecommunications system on a non-profit basis and was therefore required by the Commission to obtain an STS certificate of service authority. As of the date of filing, none of these private offices are currently utilizing St. John's telecommunications system and St. John's has no intention or desire to permit any third parties to utilize its telecommunications system in the future. Accordingly, St. John's no longer desires or requires an STS certificate of service authority from this Commission. No "customers" will be harmed by cancellation of St. John's certificate of service authority as no one but St. John's is currently utilizing St. John's telecommunications system.

5. St. John's decision to surrender its certificate of service authority is due, in large part, to the cost and resource commitment required of St. John's to comply with the Commission's regulatory requirements, especially in light of the Commission's recent proceeding in Case No. TC-2004-0406 (Annual Report Complaint), and the fact that in the last year, only one private physician's office was utilizing St. John's system and that office has since obtained an alternative provider in November 2004.

6. Section 392.410(5) RSMo 2000 authorizes the Commission to alter or modify any certificate of service authority upon application of the affected certificated entity. As

no third party will be affected by cancellation of St. John's certificate, St. John's submits that this Application can be processed without the need for an evidentiary hearing.

7. 4 CSR 240-2.015 also authorizes the Commission to waive any rule for good cause. Given what transpired in Case No. TC-2004-0406, St. John's assumes that the Commission will require St. John's to file an annual report for year 2004 in April 2005. Because St. John's operates on a non-profit basis with negligible reportable revenues and Commission assessment fees, and has had only one private physician office utilizing its telecommunications system for a portion of year 2004 and that office no longer is on the system, St. John's requests that in addition to canceling St. John's certificate, the Commission in its Order also waive any annual report/statement of revenue requirements which might otherwise be imposed on St. John's for year 2004.

WHEREFORE, St. John's respectfully requests that the Commission issue an order canceling St. John's certificate of service authority, waiving any further annual report/statement of revenue reporting requirements, and for what other relief as might be deemed just and reasonable in the premises.

Respectfully submitted,

/s/ **Charles Brent Stewart**

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Application was sent to the General Counsel's Office and the Office of the Public Counsel, this 11th day of November, 2004.

**/s/ Charles Brent Stewart**

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