

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

In the Matter of the Cancellation of the)	
Certificates of Service Authority of:)	
)	
Harold B. Flora d/b/a American)	
Telephone Service)	
Timothy W. Sander d/b/a Independent)	
Telecom)	
Jerry Guelker)	
Johnny J. Stimage)	
Joseph Denatale)	
Kenneth Arthur)	
Larry Crow d/b/a L&L Telecom)	
Larry A. Fiscus)	Case No. PD-2006-
Linda R. Leach)	
Mark A. Hunter)	
Mark L. Conlee)	
Douglas C. Marshall d/b/a Mi Familia)	
Distributing)	
Michael Evering)	
Michael V. Merx)	
Mark B. Langworthy d/b/a Midwest)	
Telephone)	
Mojtaba M. Hadjiha)	
Pat Whiteaker)	
Dan R. Thomas d/b/a PH4 Technologies)	

**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. None of the Providers listed has returned the Commission's Statement of Revenue form for the FY-2006 Assessment. The Commission has assessed all of the Providers with an estimated assessment of \$0.00.

3. Staff believes that the Providers have violated the terms of their certificates of service authority by their failure to file a 2006 statement of revenue.

4. Staff attempted to contact each of the Providers on the list. Staff spoke directly to Larry Crow d/b/a L & L Telecom, Mark L. Conlee, and Mojtaba M. Hadjiha and all three specifically requested that their payphone certificates be cancelled. Staff left messages at five (5) of the Provider's last known telephone numbers. One of those five Providers, Larry Fiscus, returned Staff's call and confirmed that he is no longer in the payphone business and has no objections to having his certificate cancelled. The remaining ten (10) Providers' phone numbers have been disconnected or re-assigned.

5. None of the providers is delinquent in paying any assessment that may have been assessed during the history of their registration with the Commission. As a payphone provider, the individuals are not required to submit annual reports to the Commission. See 4 CSR 240-3.505(1)(B).

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

7. 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).

8. Staff is serving this verified pleading (see Appendix B) on the last known address of the Providers as reflected in Appendix A. Commission Rule 4 CSR 240-2.080(17)(C)(1) provides that 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/ David A. Meyer

David Meyer
Senior Counsel
Missouri Bar No. 46620
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)
david.meyer@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed return receipt requested or hand-delivered to all parties of record as shown on the attached service list (see Appendix A) this 13th day of December, 2005.

/s/ David A. Meyer

<u>Certificated Provider Name and Address</u>	<u>Case Number</u> <u>Date of Certification</u>
Harold B. Flora d/b/a American Telephone Service 4251 Lindell Boulevard St. Louis, MO 63108	TA-91-207 1/11/1991
Timothy W. Sander d/b/a Independent Telecom 2335 Palm Drive Florissant, MO 63031	TA-94-282 5/25/1994
Jerry Guelker 6623 Leona St. Louis, MO 63116	TA-92-161 3/27/1992
Johnny J. Stimage 8426 Olive Boulevard St. Louis, MO 63132	TA-99-612 7/19/1999
Joseph Denatale 527 Chambers Rd. Ferguson, MO 63135	TA-96-318 5/3/1996
Kenneth Arthur 5731 Dr. Martin Luther King Dr. St. Louis, MO 63112	TA-2001-337 1/4/2001
Larry Crow d/b/a L & L Telecom 6120 Arbor Way Parkville, MO 64152	TA-96-416 7/9/1996
Larry A. Fiscus 2720 South Mina Joplin, MO 64804	TA-99-356 3/18/1999
Linda R. Leach 5100 N.W. 83rd Terrace Kansas City, MO 64151	TA-96-146 12/13/1995

Appendix A

<u>Certificated Provider Name and Address</u>	<u>Case Number</u> <u>Date of Certification</u>
Mark A. Hunter 8993 East Farm Road 80 Strafford, MO 65757	TA-94-257 5/25/1994
Mark L. Conlee 811 Apple Blossom Excelsior Springs, MO 64024	TA-92-247 6/19/1992
Douglas C. Marshall d/b/a Mi Familia Distributing 901 North Highway 67 Florissant, MO 63031	TA-97-373 4/2/1997
Michael Evering 1505 Oakglen Drive Fenton, MO 63026	TA-97-262 2/27/1997
Michael V. Merx 4152 Glendale House Springs, MO 63051	TA-95-11 9/7/1994
Mark B. Langworthy d/b/a Midwest Telephone 6600 Blue Parkway Kansas City, MO 64129	TA-2000-45 8/24/1999
Mojtaba M. Hadjiha 4460 Virginia Ave. St. Louis, MO 63111	TA-2003-0309 5/29/2003
Pat Whiteaker 5147 Old Lemay Ferry Imperial, MO 63052	TA-93-168 1/19/1993
Dan R. Thomas d/b/a PH4 Technologies 10623 Landseer St. Louis, MO 63136	TA-95-77 12/9/1994

VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading and the attached Appendix A, and that the facts therein are true and correct.

Sherri L. Kohly

Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 12th day of December, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.

Carla K. Schnieders

NOTARY PUBLIC

