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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 5th day of August, 1997.

In the Matter of the Cancellation of the)
Certificate of Authority and Tariffs for) **Case No. TD-97-530**
WATS/800, Inc.)
)

ORDER ESTABLISHING CASE AND GIVING NOTICE

The Staff of the Commission (Staff) filed a motion on June 11, 1997, asking the Commission to open a docket for the purpose of canceling the interexchange certificate and tariff of WATS/800, Inc. (WATS). Staff stated in its motion that WATS had failed to file annual reports with the Commission as required by Sections 392.210 and 392.390.1, RSMo 1994.¹ Staff made efforts to contact the company but mail was returned marked "Return to Sender-Moved Left No Address." The Missouri Secretary of State's Office informed Staff that WATS was administratively dissolved on October 26, 1994 for failure to file an annual report. Staff included with its motion a memorandum setting out the facts alleged in the motion and recommending that WATS's certificate and tariff be canceled for failure to comply with Missouri law and the conditions of certification. WATS was granted its certificate in Case No. TA-92-26. Section 392.410 gives the Commission authority to cancel a telecommunication company's certificate of service authority.

¹ All statutory references are to the Revised Statutes of Missouri, 1994, unless otherwise indicated.

The Commission has considered Staff's motion and recommendation, and finds that a case should be opened to determine whether the company's certificate and tariff should be canceled. The company should be given notice of this proceeding and an opportunity to be heard. The requirement of due hearing is met when an opportunity for hearing is provided and no proper party requests the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Therefore if, after notice, no proper party requests an opportunity to be heard, the Commission may determine that no further hearing is necessary.

IT IS THEREFORE ORDERED:

1. That Case No. TD-97-530 is established to consider whether WATS/800, Inc.'s certificate and tariff should be canceled.
2. That the Records Department of the Commission shall send a copy of this order to the registered agent for WATS/800, Inc. by certified mail.
3. That WATS/800, Inc.'s certificate and tariff shall be canceled without hearing if the company fails to respond on or before September 5, 1997.
4. That this order shall become effective on August 5, 1997.

(S E A L)

Zobrist, Chm., Crumpton, Drainer,
Murray and Lumpe, CC., concur.

ALJ: Cronin/Wickliffe

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**