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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariffs) Case No. TD-98-358
of American Wats, Inc.)

ORDER ESTABLISHING CASE AND GIVING NOTICE

The Staff of the Commission (Staff) filed a motion on February 19, 1998 asking the Commission to open a docket for the purpose of canceling the interexchange certificate and tariffs of American Wats, Inc. (AWI). Staff stated in its motion that AWI had failed to file annual reports with the Commission as required by Sections 392.210 and 392.390.1, RSMo 1994. Staff made efforts to contact the company but mail was returned marked "Forward Time Expired." The Missouri Secretary of State's Office informed Staff that AWI was administratively dissolved on August 12, 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 AWI's certificate and tariffs be canceled for failure to comply with Missouri law and the conditions of certification. AWI was granted its certificate in Case No. TA-93-152. Section 392.410, RSMo Supp. 1997, gives the Commission authority to cancel a telecommunications company's certificate of service authority.

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-98-358 is established to consider whether the certificate and tariffs of American Wats, Inc. should be canceled.
2. That the Records Department of the Commission shall send a copy of this order to the registered agent for American Wats, Inc. by certified mail.
3. That the certificate and tariffs of American Wats, Inc. shall be canceled without hearing if the company fails to respond on or before March 27, 1998.
4. That this order shall become effective on February 25, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 25th day of February, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION