

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

Long Distance of Michigan, Inc. d/b/a/ )  
Fonetel – Cancellation of Certificate of )  
Service Authority to Provide Intrastate )  
Interexchange and Non-Switched Services )  
as Granted in Original Case No. TA-2001- )  
545 / Tariff No. 2001045 )

Case No. TD-2009-0040

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and for its recommendation states:

1. On August 7, 2008, Long Distance of Michigan, Inc. d/b/a/ Fonetel (“Fonetel”) filed a letter requesting that the Missouri Public Service Commission (the “Commission”) cancel its certificates of service authority and accompanying tariffs, originally granted/approved by the Commission in case number TA-2001-545.

2. On August 8, the Commission ordered Staff to file a recommendation regarding Fonetel’s cancellation request no later than August 28, 2008.

3. The Commission has the authority to cancel a telecommunications corporation’s certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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).

4. Because Fonetel has requested cancellation of its certificate and it is not providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling the company's certificate of service authority. See Appendix A.

**WHEREFORE**, Staff recommends that the Commission issue an order to cancel Fonetel's certificate of service authority to provide interexchange and nonswitched telecommunications service, as well as its accompanying tariff, P.S.C. MO. No. 1.

Respectfully submitted,

**/s/ Eric Dearmont**

Eric Dearmont  
Assistant General Counsel  
Pursuant to Missouri Rule 13

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**/s/ William K. Haas**

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## **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27<sup>th</sup> of August 2008.

/s/ Eric Dearmont

# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. TD-2009-0040  
Company Name: Long Distance of Michigan, Inc. d/b/a Fonetel

From: Lisa Mahaney  
Telecommunications Department

William Voight      8/21/08  
Utility Operations Division/Date

William K. Haas      8/21/08  
General Counsel's Office/Date

Subject: Staff Recommendation to Cancel Certificate of Service Authority

Date: 8/21/08

On August 7, 2008, Long Distance of Michigan, Inc. d/b/a Fonetel ("Fonetel") filed a letter requesting cancellation of its certificate and accompanying tariff.

In Case No. TA-2001-545, Fonetel was granted a certificate of service authority to provide interexchange and nonswitched telecommunications service.

According to Fonetel's request for cancellation, the company has no customers in Missouri, so cancellation of its certificate of service is not detrimental to the public interest. Staff has no objection to the request for cancellation and recommends that the Commission issue an order to cancel Fonetel's certificate of service authority to provide interexchange and nonswitched telecommunications service and its accompanying tariff No. 1.

The Company is not delinquent in filing an annual report and paying the PSC assessment.

The Company is delinquent: ( No annual report  Unpaid PSC assessment.  
Amount owed: )

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**AFFIDAVIT OF LISA MAHANEY**

STATE OF MISSOURI )  
 ) ss:  
COUNTY OF COLE )

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.

*Lisa Mahaney*  
\_\_\_\_\_  
Lisa Mahaney

Subscribed and affirmed before me this 21<sup>st</sup> day of August 2008



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

*Susan L. Sundermeyer*  
\_\_\_\_\_  
NOTARY PUBLIC