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 Long

Distance Services, Inc. d/b/a Long Distance

Services of Virginia.

Case No. TD-97-554

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ORDER ESTABLISHING CASE AND GIVING NOTICE

The Staff of the Commission (Staff) filed a motion on June 23, 1997, asking the Commission to open a docket for the purpose of canceling the interexchange certificate and tariff of Long Distance Services, Inc. d/b/a Long Distance Services of Virginia (LDS). Staff stated in its motion that LDS 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 "Return to Sender-Not At This Address." The Missouri Secretary of State's Office informed Staff that LDS was administratively dissolved on August 21, 1996, 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 LDS's certificate and tariff be canceled for failure to comply with Missouri law and the conditions of certification. LDS was granted its certificate in Case No. TA-96-25. 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-97-554 is established to consider whether Long Distance Services, Inc. d/b/a Long Distance Services of Virginia'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 Long Distance Services, Inc. d/b/a Long Distance Services of Virginia by certified mail.
- 3. That Long Distance Services, Inc. d/b/a Long Distance Services of Virginia'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.

BY THE COMMISSION

Cecil July 10

(S E A L)

Cecil I. Wright Executive Secretary

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

ALJ: Cronin/Wickliffe