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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 11th day of September, 1997.

In the Matter of the Cancellation of the)
Certificate of Authority and Tariffs of) Case No. TD-98-99
Southnet Communications, Inc.)
)

ORDER ESTABLISHING CASE AND GIVING NOTICE

The Staff of the Commission (Staff) filed a motion on September 2, 1997, asking the Commission to open a docket for the purpose of canceling the interexchange certificate and tariff of Southnet Communications, Inc. (Southnet). Staff stated in its motion that Southnet had failed to file annual reports with the Commission as required by Sections 392.210 and 392.390.1, RSMo 1994¹. Staff made efforts to contact the company but mail was returned marked "Forward Order Expired." Subsequently, Staff unsuccessfully attempted to contact Southnet by telephone. The Missouri Secretary of State's Office informed Staff that Southnet was administratively dissolved on April 25, 1995, 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 Southnet's certificate and tariff be canceled for failure to comply with Missouri law and the conditions of certification. Southnet was granted its certificate in Case No. TA-92-82. Section 392.410 gives the Commission authority to cancel a telecommunications 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 process 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:

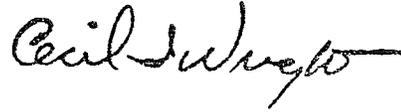
1. That Case No. TD-98-99 is established to consider whether the certificate and tariff of Southnet Communications, Inc., should be canceled.

2. That the Records Department of the Commission shall send a copy of this order to the registered agent for Southnet Communications, Inc., by certified mail.

3. That the certificate and tariff of Southnet Communications, Inc., shall be canceled without hearing if the company fails to respond on or before October 14, 1997.

4. That this order shall become effective on September 11, 1997.

BY THE COMMISSION

A handwritten signature in cursive script, appearing to read "Cecil I. Wright".

**Cecil I. Wright
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton,
Drainer and Murray, CC.,
concur.

ALJ: Hennessey