

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

In the Matter of the Cancellation of the Certificate of)
Service Authority of AT&T Communications of the)
Southwest, Inc., d/b/a SmarTalk, to Provide Intrastate) **File No. XD-2013-_____**
Interexchange Telecommunications Services Within)
the State of Missouri)

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (“Commission”) to cancel the certificate of service authority and associated tariff of AT&T Communications of the Southwest, Inc., d/b/a SmarTalk (“SmarTalk”). For its Motion, Staff states as follows:

1. On October 31, 2006, the Commission granted SmarTalk a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri and approved the associated tariff in Case No. TA-2007-0135.

2. On February 27, 2013, Staff received SmarTalk’s Statement of Revenue for calendar year 2012. (See Highly Confidential Attachment A). SmarTalk indicated on the form that it no longer wished to retain its certificate of service authority.

3. Because SmarTalk requested cancellation of its certificate and is not providing services in Missouri to the best of Staff’s knowledge, information and belief, Staff recommends the Commission cancel the certificate.

4. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5, RSMo (Supp. 2012), 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.”

5. 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. W.D., 1989).

6. SmarTalk is current on the payment of fiscal year assessments, but has not submitted its 2012 calendar year annual report.

WHEREFORE, Staff recommends the Commission cancel the certificate of service authority and associated tariff of AT&T Communications of the Southwest, Inc., d/b/a SmarTalk to provide intrastate interexchange telecommunications services in the state of Missouri.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez
Senior Staff Counsel
Missouri Bar No. 59814
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751- 8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 20th day of June 2013 by: First Class United States Postal Mail, postage prepaid, to SmarTalk, One AT&T Way, Room 2B115E, Bedminster, NJ 07921; by electronic mail to SmarTalk at rx2463@att.com; and the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/ Jennifer Hernandez