

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day
of March, 2013.

In the Matter of the Cancellation of the Certificate)
of Service Authority of Davidson Telecom, LLC to)
Provide Intrastate Interexchange and Nonswitched) **File No. XD-2013-0264**
Local Exchange Telecommunications Services in the)
State of Missouri)

In the Matter of the Cancellation of the Certificate of)
Service Authority of Davidson Telecom, LLC to)
Provide Basic Local Telecommunications Services in) **File No. CD-2013-0266**
the State of Missouri)

ORDER REGARDING STIPULATION AND AGREEMENT

Issue Date: March 13, 2013

Effective Date: March 23, 2013

On November 8, 2012, Staff filed a *Motion to Cancel Certificate of Service Authority* in each of the captioned matters (the “Motions”) seeking cancelation of Davidson Telecom, LLC’ s (“Davidson”) certificates of service authority to provide intrastate interexchange, nonswitched local exchange and basic local telecommunications services. Staff alleged that Davidson failed to submit annual reports and Missouri Universal Service Fund (“MoUSF”) net jurisdictional revenue reports, and remit MoUSF assessments as required by law and regulation of this Commission.

On November 19, 2012, Davidson objected to the Motions and requested the Commission to set a procedural schedule and evidentiary hearing for each matter. Ultimately, on March 4, 2013, Staff and Davidson filed a Stipulation and Settlement

Agreement (“Agreement”). The signatories state that the Agreement is in the public interest because it will provide funds to the Missouri school fund, eliminates the need for evidentiary hearings, leads to a broader resolution of issues and provides a reasonable and just solution and remedy to resolve the matters raised in the Motions. No other party filed responses or objected to the Agreement.¹

This is a contested case² pursuant to Section 386.390, RSMo 2000, although the statutes and Commission regulations allow for a decision without a hearing.³ The Agreement waives any procedural requirements that would otherwise be necessary before final decision.⁴ Also, because the settlement disposes of this action, the Commission need not separately state its findings of fact.⁵

Based on the Commission’s independent and impartial review of the Agreement, the Commission finds that it is consistent with the public interest and shall approve it. Therefore, the Commission incorporates the terms of the Agreement into this order.

THE COMMISSION ORDERS THAT:

1. The provisions of the Stipulation and Settlement Agreement filed on March 4, 2013 are approved and incorporated into this order as if fully set forth. The Signatories shall comply with the terms of the Stipulation and Settlement Agreement. A copy of the Stipulation and Settlement Agreement is attached to this order as Appendix A.

¹ The Office of the Public Counsel is also a party to this matter. Although Public Counsel is not a signatory to the Agreement, Commission Rule 4 CSR 240-2.115(2) provides that if the on-signatory parties fail to object within seven days from the filing of the Agreement, the Commission may treat the Agreement as being unanimous.

² A “[c]ontested case’ means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.” Section 536.010.4, RSMo Cum. Supp. 2011.

³ Sections 536.060 and 536.063, RSMo 2000; Commission Rule 4 CSR 240-2.115.

⁴ Section 536.060, RSMo 2000.

⁵ Section 536.090, RSMo 2000.

2. This order shall become effective on March 23, 2013.
3. This file shall be closed on March 24, 2013.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge