

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

In the Matter of the Cancellation of the)	
Certificate of Service Authority and Tariff)	<u>File No. XD-2017-</u>
of Network Utilization Services)	Tariff No. JX-2003-0763
Corporation)	

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY AND TARIFF

COMES NOW the Staff of the Missouri Public Service Commission and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of interexchange service authority in Missouri and accompanying tariff of Network Utilization Services (“the Company”) and states as follows:

1. On February 10, 1996, the Commission granted a certificate of interexchange service authority to Network Utilization Services in Case No. TA-96-162. It has an existing approved tariff, JX-2003-0763.

2. Section 392.611(2) requires telecommunications providers to submit an annual report to the Commission along with other necessary information to calculate assessments. The requirements telecommunications providers must meet are further explained and codified in 4 CSR 240-28.040 (reporting) and 4 CSR 240-28.050 (assessments).

3. The Commission’s *Report and Order* in Case No. TA-96-162 required the Company to comply with all applicable Commission rules except those specifically waived by the Commission, including filing a “Missouri-specific annual report”.

4. Network Utilization Services sent its required 2013 Statement of Revenue and its 2014 Annual Report and has not responded to Commission prompts thereafter. Staff sent its fiscal year 2017 assessment invoice based on the estimated revenues of

the Company, but has not received a response and a phone call May 4, 2017, directed the caller to other telephone providers in the immediate area. The Company has failed to:

- a) File a Statement of Revenue for 2014
- b) File a Statement of Revenue for 2015
- c) File a Statement of Revenue for 2016
- d) Submit its assessment payment for fiscal year 2013
- e) File an Annual Report for 2015
- f) File an Annual Report for 2016

Due to the Company's failure to comply with the applicable statutes, rules and orders, Staff moves for the Commission to cancel the Company's certificate of service authority to provide interexchange service authority in the state of Missouri and cancel its accompanying tariff.

5. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, which provides "[a]ny 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."

6. 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).

WHEREFORE, the Staff respectfully recommends the Commission cancel the certificate of service authority to provide interexchange telecommunications service in Missouri and the tariff of Network Utilization Services.

Respectfully submitted,

/s/ Whitney Payne

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 19th day of May, 2017, to all counsel of record.

/s/ Whitney Payne