

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the Certificate)
of Service Authority and Accompanying Tariff of) **Case No. CD-2005-0299**
BarTel Communications, Inc.)

ORDER CANCELING CERTIFICATE AND TARIFF

Issue Date: May 23, 2005

Effective Date: June 2, 2005

This order cancels the certificate of service authority to provide basic local telecommunications service granted to BarTel Communications, Inc., along with its accompanying tariff.

On March 9, 2005, the Staff of the Commission filed a motion to open a case and cancel BarTel's certificate of service authority and accompanying tariff. Staff notes that the Commission granted BarTel a certificate of service authority to provide basic local telecommunications service in Case No. TA-99-138. The Commission also approved the company's tariff, Mo. P.S.C. No. 1, in the same case.

As support for its motion, Staff states that BarTel is a Kansas corporation and is not in good standing with the Kansas Secretary of State's Office because the company failed to file its 2004 annual report. Staff notes that BarTel's status on the Kansas Secretary of State's website is described as "forfeited" as of July 15, 2004. Staff indicates that the company is reflected as being in good standing with the Missouri Secretary of State's office because the company is current on its filings.

Staff states that it filed a complaint case in September 2003 against BarTel in Case No. TC-2004-0127 because the company failed to pay part of its assessments for Fiscal Year 2003 and failed to submit its annual reports on time for calendar years 2001 and 2002. Staff notes that it received a letter, dated September 16, 2003, from the company that indicates that the company ceased operations as of December 31, 2002. Staff included a copy of the letter as Attachment A to its motion.

Staff further indicates that during the course of the complaint case, the company submitted another letter, dated February 2, 2004, which states that the company has no Missouri customers and wishes to surrender its certificate. The letter was not from a Missouri-licensed attorney. The company also indicated that it had no funds or assets and could not afford a Missouri-licensed attorney. Staff submitted a copy of the letter as Attachment B to its motion.

Staff notes that BarTel does not owe the Commission any annual reports, but has not paid the assessments that were the subject of Case No. TC-2004-0127. Staff states that the company's representative has indicated that the company does not have any funds or any assets to pay the assessments. The company has also not paid its Fiscal Year 2004 assessment. Staff notes that all of the overdue assessments (for the third and fourth quarters of Fiscal Year 2003 and Fiscal Year 2004) came due after the company ceased operations. Staff states that it is not aware that BarTel is still providing telecommunications services to any Missouri customers, and that no customers have contacted the Commission to make complaints about BarTel since the end of 2002.

BarTel did not file a response to the Staff's motion.

On March 31, 2005, the Commission issued an order directing Staff to clarify whether or not the company had filed its annual report for calendar years 2001 and 2002. Staff filed its response on April 1, 2005, indicating that the company has filed these annual reports.

The Commission has the authority to cancel a telecommunications corporation certificate under Section 392.410.5, which states, "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." Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.

The Commission has reviewed the application and finds that it is reasonable to cancel BarTel's certificate. In addition, the Commission finds that it would be in the public interest to cancel the tariff of the company. Therefore, the certificate of service authority granted to BarTel in Case No. TA-99-138, along with its accompanying tariff, Mo. P.S.C. No. 1, will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority granted in Case No. TA-99-138 to BarTel Communications, Inc., as well as its accompanying tariff (Mo. P.S.C. No. 1), are canceled.

2. That this order shall become effective on June 2, 2005.
3. That this case may be closed on June 3, 2005.

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of May, 2005.