

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the )  
Certificates of Service Authority and ) **Case No. TD-2006-0548**  
Accompanying Tariffs of KMC Telecom )  
V, Inc. )

### **ORDER CANCELING CERTIFICATES AND TARIFFS**

Issue Date: July 10, 2006

Effective Date: July 20, 2006

**Syllabus:** This order cancels KMC Telecom V, Inc.'s ("KMC") certificates of service authority to provide basic local telecommunications services and to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri, along with its associated tariffs.

In December of 2000, the Commission granted KMC a certificate of authority to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services in Case No. TA-2000-785. The Commission also approved KMC's tariff, Missouri P.S.C. Tariff No.1. In January 2004, the Commission granted KMC a certificate of authority to provide basic local telecommunications services in Case No. CA-2004-0173, and approved that certificate's accompanying tariffs, Missouri P.S.C. Tariff No. 2 and Missouri P.S.C. Tariff No. 3.

On March 3, 2006, the Tax Manager of KMC submitted a statement to the Commission indicating that it was reporting no Missouri jurisdictional revenue and it no longer wished to maintain its operating certificates in Missouri. On June 28, 2006, the Staff of the Missouri Public Service Commission filed its verified motion asking the Commission

to cancel KMC's certificates of service authority and its tariffs. Staff's motion indicates that: (1) KMC requested the cancellation of its certificates; (2) KMC's authority to do business in the state of Missouri was revoked on February 19, 2004, by the Secretary of State; and, (3) KMC no longer provides telecommunications service in Missouri. KMC has also not filed its annual report with the Commission for the calendar year of 2005, which was due on April 15, 2006. Staff further reports that KMC owes no assessments to the Commission and no formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System. On June 28, 2006, Staff served copies of its verified motion, which is hereby admitted into evidence, on KMC. KMC has not filed a response to Staff's motion.

The Commission has the authority to cancel a telecommunications corporation's 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." Because no one has requested a hearing, the Commission may grant the relief requested based upon the Staff's motion.<sup>1</sup>

Based on Staff's uncontested motion, the Commission finds that: (1) KMC no longer provides telecommunications services in the state of Missouri; (2) KMC's authority to do business in the state of Missouri was revoked on February 19, 2004; and, (3) KMC is in noncompliance for having failed to file its 2005 annual statement. As a result, the certificates of service authority granted to KMC, along with its associated tariffs, will be canceled.


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<sup>1</sup> *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 S.W. 2d 494 (Mo. App. W.D. 1989).

**IT IS ORDERED THAT:**

1. KMC Telecom V, Inc.'s certificate of service authority to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services issued in Case No. TA-2000-785 is canceled.
2. KMC Telecom V, Inc.'s intrastate interexchange and nonswitched local exchange tariff, Missouri P.S.C. Tariff No.1, is canceled.
3. KMC Telecom V, Inc.'s certificate of service authority to provide basic local telecommunications services in Case No. CA-2004-0173 is canceled.
4. KMC Telecom V, Inc.'s basic local tariffs, Local Exchange Tariff -- Missouri P.S.C. Tariff No. 2, and Access Services Tariff -- Missouri P.S.C. Tariff No. 3, are canceled.
5. This order shall become effective on July 20, 2006.
6. This case may be closed on July 21, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10th day of July, 2006.