

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

In the Matter of the Cancellation of the )  
Certificate of Service Authority and Tariff )  
of Harry Thielepape, d/b/a Missouri State )  
Discount Telephone )

Case No. LD-2007-\_\_\_\_\_

**MOTION TO CANCEL  
CERTIFICATE OF SERVICE AUTHORITY AND TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to cancel the Certificate of Service Authority it has granted to Harry Thielepape doing business under the fictitious name “Missouri State Discount Telephone,” as well as his tariff. In support of its Motion, the Staff respectfully states as follows:

1. The Commission granted Harry Thielepape a certificate of service authority to provide basic local exchange telecommunications service in Case No. TA-2001-334, in its order of March 16, 2001. The Commission subsequently approved the company’s tariff, P.S.C. No. 1, in the same case, and Mr. Thielepape’s certificate of service authority came into effect.

2. The Commission also granted Mr. Thielepape a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri in Case No. TA-2001-334. Mr. Thielepape never filed a tariff to provide these services, however.

3. Mr. Thielepape is an individual, and the Commission authorized him to do business under the fictitious name “Missouri State Discount Telephone.”

4. The telephone number Mr. Thielepape provided to the Commission has been disconnected and, as discerned through conversation with him via his private number, he denies any ownership of the business.

5. Mr. Thielepape avers that he transferred the business’ assets to Habla Comunicaciones, Inc., and to some entity owned or represented by a Mr. Mark McWhitter. The

contract information provided by Mr. Thielepape for these entities appears to be invalid, or these entities have ceased to exist.

6. No Annual Report for the present year has been received from either Mr. Thielepape, or from any entity claiming to be either Missouri State Discount Telephone or Habla Comunicaciones , Inc., or from Mr. McWhitter.

7. One customer contacted the Commission to make complaint about Mr. Thielepape since the discontinuance of service. That complainant was subsequently mollified by obtaining service from a different telecommunications company.

8. As of at least Jun 15, 2007 neither Mr. Thielepape, nor any entity representing to be Missouri State Discount Telephone or a successor there-of, is purchasing for resale any access lines from AT&T Missouri.

9. After disconnecting Missouri State Discount Telephone due to nonpayment, and subsequent to providing snap-back services, as of June 4, 2007 CenturyTel has ceased to provide service to the approximately 15 former customers of Mr. Thielepape on that system.

10. BPS is not providing access lines for resale to Mr. Thielepape, Missouri State Discount Telephone, or any purported successor agency.

11. Staff is not aware that Mr. Thielepape, Missouri State Discount Telephone, or any purported successor agency is still providing telecommunications services to any Missouri customers.

12. Staff also notes that as Mr. Thielepape was doing business as an individual, should he choose to reapply for a certificate, he need not retain an attorney to do so.

13. Because Mr. Thielepape disavows ownership of the business, and those entities he represents to have assumed it cannot be contacted, the Staff recommends that the Commission

issue an order canceling his certificate and tariff. The Commission's rule at 4 CSR 240-3.545(22), among other rules, requires telecommunications companies to maintain current contact information at the Commission.

14. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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.

However, 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. 1989).

15. Copies of this Motion are being served via certified mail upon the address Mr. Thielepape has provided to the Commission.

WHEREFORE, the Staff recommends the Commission cancel the Certificate of Service Authority it has granted to Harry Thielepape d/b/a Missouri State Discount Telephone to provide basic local and interexchange telecommunications services in Case No. TA-2001-334, in March 2001, as well as his tariff, P.S.C. No. 1.

Respectfully submitted,

/s/ Jennifer Heintz  
Jennifer Heintz  
Assistant General Counsel  
Missouri Bar No. 57128

/s/ Sarah Kliethermes  
Sarah Kliethermes  
Rule 13 supervised by Kevin Thompson  
Missouri Bar No. 36288

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel and parties of record this 26th day of June, 2007.

/s/ Jennifer Heintz

Office of the Public Counsel  
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P. O. Box 7800  
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Harry Thielepape, d/b/a  
Missouri State Discount Telephone  
804 Elkins Lake  
Huntsville, Texas 77340.  
*(via certified mail)*

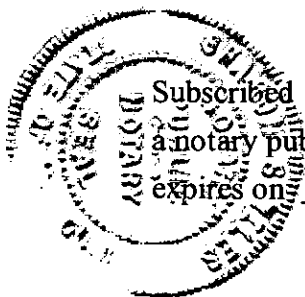
VERIFICATION

STATE OF MISSOURI    )  
                                  )  
COUNTY OF COLE     )

Comes now William L. Voight, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of his knowledge.



\_\_\_\_\_  
William L. Voight  
Affiant



Subscribed and affirmed before me this 26<sup>th</sup> of June 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on October 23, 2010.

  
\_\_\_\_\_  
NOTARY PUBLIC

SHARON S. WILES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: October 23, 2010  
Commission Number: 06429091