

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the Certificate )  
Of Service Authority of AT&T Communications ) **File No. XD- 2013-0533**  
Of the Southwest, Inc., d/b/a SmarTalk, to Provide ) Tracking No. YX-2007-0222  
Intrastate Interexchange Telecommunications )  
Services in the State of Missouri )

## ORDER CANCELING CERTIFICATE AND ACCOMPANYING TARIFF

Issue Date: July 12, 2013

Effective Date: July 22, 2013

On October 31, 2006, the Commission granted AT&T Communications of the Southwest, Inc., d/b/a SmarTalk (“SmarTalk”) a certificate of service authority to provide intrastate interexchange telecommunications services in File No. TA-2007-0135, and approved the associated tariff recorded in Tracking No. YX-2007-0222.

On March 30, 2012, SmarTalk provided written notice to the Commission indicating that pursuant to Section 392.461, RSMo<sup>1</sup>, SmarTalk was withdrawing Message Telecommunications Services Tariff, P.S.C. MO No. 1. SmarTalk’s Notice of Election and Withdrawal was recorded in File No. JX-2012-0542, with an effective date of May 1, 2012.

On February 27, 2013, SmarTalk filed a Statement of Revenue with the Commission, in which SmarTalk indicated a wish to no longer retain its certificate of service authority. On June 20, 2013, the Staff of the Missouri Public Service

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<sup>1</sup> Section 392.461.(2), RSMo Cum.Supp.2012, states in pertinent part: “Notwithstanding other provisions....a telecommunications company may, upon written notice to the commission, elect to be exempt from any requirements to file or maintain with the commission any tariff or schedule of rates....”

Commission filed a motion requesting the Commission cancel SmarTalk's certificate of service authority and associated tariff to provide intrastate interexchange telecommunications services within Missouri.

Staff states in its motion that SmarTalk, to the best of Staff's knowledge, is not providing services in Missouri. Staff recommends that the Commission cancel SmarTalk's certificate of service authority to provide intrastate interexchange telecommunications service, and SmarTalk's accompanying tariff.

The Commission has the authority to cancel a certificate and tariff pursuant to Section 392.410.5, RSMo Cum.Supp.2012, which states, in part, "[a]ny certificate or 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."

On June 27, 2013, the Commission issued an Order Directing Notice allowing any parties to file an objection or request a hearing no later than July 8, 2013. No objections or requests for a hearing were filed. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing.<sup>2</sup>

Based on Staff's motion, the Commission finds that the certificate of service authority and accompanying tariff granted to AT&T Communications of the Southwest, Inc., d/b/a SmarTalk, shall be canceled.

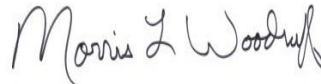
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<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

**THE COMMISSION ORDERS THAT:**

1. The certificate of service authority to provide intrastate interexchange telecommunications services, granted to AT&T Communications of the Southwest, Inc., d/b/a SmarTalk in File No. TA-2007-0135 is canceled.
2. AT&T Communications of the Southwest, Inc., d/b/a SmarTalk's tariff, P.S.C. MO No. 1, and found in Tracking No. YX-2007-0222, if not already cancelled pursuant to the Notice of Election and Withdrawal in Tracking No. JX-2012-0542, is canceled.
3. This order shall become effective on July 22, 2013.
4. This file may be closed on July 23, 2013.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary

(SEAL)

Kim S. Burton, Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri  
on this 12<sup>th</sup> day of July, 2013.