

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

In the Matter of the Cancellation of the Certificate)
of Service Authority of Davidson Telecom, LLC to)
Provide Basic Local Telecommunications Services) **File No. CD-2013-**_____
in the State of Missouri)

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (“Commission”) to cancel the certificate of service authority of Davidson Telecom, LLC (“Davidson Telecom” or “Company”). For its Motion, Staff respectfully states as follows:

1. On April 28, 2003, the Commission granted a certificate of service authority to Davidson Telecom to provide basic local telecommunications services in the State of Missouri in Case No. CA-2003-0308.

2. Section 392.248.3 RSMo (2000) provides that “[t]he universal service fund shall be funded through assessments on all telecommunications companies in the state which shall be based on Missouri jurisdictional telecommunications services revenue and other nondiscriminatory factors as determined by the commission.”

3. Rule 4 CSR 240-31.060 establishes the methods of assessment for Missouri Universal Service Fund (MoUSF) funding, and Section (4), Subsection (B) of the rule provides that “[t]he Fund Administrator will periodically submit to each telecommunications company a request for information regarding its Missouri net jurisdictional revenues. Such report will be due to the Fund Administrator ninety (90) days from the receipt of the request.”

4. Rule 4 CSR 240-31.065 (1) provides that “[a]ll applicable carriers shall place on each retail end-user customer’s bill, a surcharge equal to the percentage assessment ordered by the commission.” Further, Section (4) of the rule provides that “[a]ll applicable carriers shall remit to the Fund Administrator the funds received as a result of the application of the MoUSF surcharge.”

5. Section 392.210.1 RSMo (2000) requires every telecommunications company to “...file with the commission an annual report at a time and covering the yearly period fixed by the commission,” and Rule 4 CSR 240-3.540 (1) requires the report to be filed on or before April 15th of each year.

6. Despite Staff’s and the MoUSF Administrator’s numerous letters and emails to Davidson Telecom, the Company has continued to be delinquent or deficient in the filing of its calendar year 2010 and 2011 annual reports, the submission of the MoUSF 2012 Net Jurisdictional Revenue Report, and the monthly MoUSF assessment remittances for September 2011, February 2012, July 2012, August 2012, September 2012, and October 2012.

7. Due to the Company’s continued neglect of the Commission’s statutes, and rules, Staff moves for the Commission to cancel Davidson Telecom’s certificate of service authority.

8. 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.”

9. Further, Section 392.248 RSMo (2000) provides that “[a] telecommunications company that fails to pay an assessment that is due and payable pursuant to this section may have its certificate revoked or be required to pay appropriate penalties under chapter 386, RSMo, after notice and hearing.”

10. 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).

11. If the Commission cancels Davidson Telecom’s certificate of service authority, the Staff also recommends the Commission order the Company to provide notice to the Commission when transfer of its customers to another provider is complete.

WHEREFORE, Staff recommends the Commission cancel the certificate of service authority and associated tariff of Davidson Telecom, LLC, to provide basic local telecommunications services in the State of Missouri and notify the Commission when transfer of customers to another provider is complete.

Respectfully submitted,

/s/Jennifer Hernandez
Jennifer Hernandez
Senior Staff Counsel
Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751- 8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 8th day of November, 2012 by: certified mail to Barry Rubens, Davidson Telecom, LLC, P.O. Box 2342, 525 Spring Street, Davidson, NC 28036; electronic mail to Barry Rubens at brubens@davidsontelecom.com; and electronic mail to the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/Jennifer Hernandez