

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

In the Matter of the Cancellation of the     )  
Certificate of Service Authority of ETS     )                      Case No. PD-2008-  
Payphones, Inc.                                     )

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

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel the certificate of service authority it has granted to ETS Payphones, Inc. to provide private pay telephone service in the State of Missouri via customer-owned coin-operated telephone equipment. In support of its Motion, Staff respectfully states as follows:

1.       On June 10, 1999, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to provide private pay telephone service in the State of Missouri via customer-owned coin-operated telephone equipment to ETS Payphones, Inc. in Case No. TA-99-560.

2.       The web site of the Office of the Missouri Secretary of State reports that the authority of ETS Payphones, Inc., a Delaware corporation, to do business in Missouri was withdrawn on April 23, 2007, pursuant to the company's filing of an Application for Certificate of Withdrawal of Foreign Corporation.

3.       Empire Payphones, Inc., certificated in Case No. PA-2006-0355, has represented to Staff to have purchased the assets of ETS Payphones, Inc.

4.       No complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

5. Because it is no longer authorized to do business in Missouri, and because it is not providing telecommunications service, the Staff recommends that the Commission issue an order canceling ETS Payphones, Inc.'s certificate of service authority.

6. The Commission has the authority to cancel a telecommunications corporation 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).

7. This pleading is being served via certified mail on the address provided most recently by the company to the Commission, as well as upon its Missouri registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of ETS Payphones, Inc. to provide private pay telephone service in the State of Missouri via customer-owned coin-operated telephone equipment.

Respectfully submitted,

/s/ Sarah Kliethermes  
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## Certificate of Service

I hereby certify that copies of the foregoing have been mailed return receipt requested or electronically to all counsel of record as shown on the attached service list this 16<sup>th</sup> day of November, 2007.

/s/ Sarah L. Kliethermes

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