

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

FILED³
DEC 14 2004
Missouri Public
Service Commission

In the Matter of the Application of)
Socket Communications Group, Inc.)
for Cancellation of its Certificate of Authority)

Case No. TD-2002-64

Exhibit No. 39

Case No(s) 11-2005-0066

Date 11-12-14 Rptf 2

**ORDER CANCELING LOCAL EXCHANGE
AND INTEREXCHANGE CERTIFICATE**

This order cancels the applicant's local and interexchange certificate of service authority.

On August 6, 2001, Socket Communications Group, Inc., filed with the Missouri Public Service Commission an application to cancel its certificate of service authority for basic local exchange and interexchange telecommunications services.

Socket Communications' Application

According to Socket Communications, on February 7, 2000, in case number TA-2000-398, the Commission granted it a certificate of service authority to provide local exchange and interexchange telecommunications services.

Socket Communications stated that Socket Communications Group, Inc., is the predecessor to Socket Telecom, LLC. As was noted in Socket Telecom's application in case number TA-2001-560, once it was certificated as an interexchange carrier in Missouri, Socket Communications' certificate would be withdrawn. Socket Telecom's certificate was issued on July 9, 2001. Socket Communications stated that it had no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court and that no Commission annual reports or assessment fees are overdue. Socket Communications further noted that it has not had any telecommunications customers in the state of Missouri, and therefore it asserts that the termination of its certificate will not have an adverse impact on customers and is not contrary to the public interest. Since there are no customers, Socket

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Communications observed, no customer notifications are being sent.

Thus, Socket Communications requested that the Commission order the cancellation of its certificate of service authority to provide telecommunications services in the state of Missouri.

Staff's Recommendation

On August 13, 2001, the Commission's Staff filed its recommendation. Staff recommended that the Commission issue an order to cancel Socket Communications' certificate of service authority, as well as Socket Communications' tariff, Tariff PSC Mo No. 1.

Conclusions of Law

The Commission has the authority to cancel a telecommunications corporation certificate under Section 392.410.5, RSMo, which states: "Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own application or upon application of the person or company affected."

In addition, Section 392.460, RSMo, requires that, before a telecommunications company can abandon its service, the company must show that customers will not be deprived of service and that the company's action is not contrary to the public interest:

No telecommunications company authorized by the commission to provide or offer interexchange or basic interexchange telecommunications service within the state of Missouri on January 1, 1984, shall abandon such service until and unless it shall demonstrate, and the commission finds, after notice and hearing, that such abandonment will not deprive any customers of interexchange or basic interexchange telecommunications service or access thereto and is not otherwise contrary to the public interest.

The *Deffenderfer* case held that the requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.^[1] Since no one has requested a hearing, the Commission may grant the relief requested based on the application.

The Commission has reviewed the application, Staff's recommendation, and the official case file, and concludes that the certificate of service authority granted to Socket Communications in case number TA-2000-398 should be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of authority granted in case number TA-2000-398 to Socket Communications Group, Inc., and the accompanying tariff will be canceled on August 24, 2001.
2. That this order will become effective on August 24, 2001.

3. That this case may be closed on August 25, 2001.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 14th day of August, 2001.

[1] *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).