

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

FILED³

DEC 14 2004

Application of Socket Internet)

Missouri Public
Service Commission

Services Corporation for Cancellation)

of Certificate of Service Authority to) Case No. TD-2000-601

Provide Interexchange Telecommunications)

Service and Cancellation of)

Interexchange Tariff)

Exhibit No. 40
Case No(s). CO-2005-0066
Date 11-12-04 Rptr TR

ORDER CANCELING COMPETITIVE INTEREXCHANGE

TELECOMMUNICATIONS SERVICES CERTIFICATE

On March 27, 2000, Socket Internet Services Corporation (Socket) filed with the Missouri Public Service Commission (Commission) its application to cancel the certificate of service authority for competitive interexchange telecommunications services for Socket.

Socket stated that it is a Missouri corporation to which the Commission granted a certificate of service authority to provide competitive interexchange telecommunications services in case number TA-98-136 on November 12, 1997.

Socket stated that it has no Missouri interexchange customers and it does not intend to seek or serve customers under this certificate. Thus, Socket requested the Commission to cancel its certificates of service authority to provide competitive interexchange telecommunications services in the state of Missouri.

The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5, RSMo Supp.

1999, which states, in part: "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."

In addition, Section 392.460, RSMo, states:

No telecommunications company authorized by the commission to provide or offer competitive 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 competitive interexchange or basic interexchange telecommunications service or access thereto and is not otherwise contrary to the public interest.

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. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.

On March 29, 2000, the Staff of the Commission (Staff) filed its recommendation. Staff stated that it recommended that the Commission issue an order to cancel the certificate of service authority to provide competitive interexchange telecommunications. Staff noted that Socket had never filed a tariff.

The Commission entered its order requesting a supplement to the Staff recommendation on April 4, 2000. The order asked that the Staff file a pleading containing the Staff's conclusions regarding the status of the annual reports which Socket was obligated to file and also regarding the status of the annual assessments which Socket may have been obligated to pay. Staff filed its response on April 11, 2000, stating that Socket has filed all required annual reports and that Socket has no outstanding assessments.

The Commission has reviewed the application, Staff's recommendation along with Staff's supplement, and the official file and finds that the Certificate of Service Authority granted to Socket in case number TA-98-136 shall be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of authority granted in case number TA-98-136 to Socket Internet Services Corporation shall be canceled on April 24, 2000.

2. That this order shall become effective on April 24, 2000.
- 3.
4. That this case may be closed on April 25, 2000.

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 pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 12th day of April, 2000.