

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

In the Matter of the Cancellation of the)
Certificate of Service Authority of)
Empire Payphones, Inc.)

Case No. PD-2010-

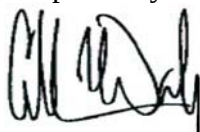
MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of service authority to provide private pay telephone service in Missouri of Empire Payphones, Inc. (“the Company”) and states as follows:

1. On May 21, 2006, the Commission granted a certificate of service authority to the Company to provide private pay telephone service in Missouri in Case No. PA-2006-0355.
2. On May 5, 2010, the Company filed with the Commission a request that its certificate of service authority be cancelled. See Submission Tracking No. BCES-2010-1641.
3. Because the Company requested cancellation of its certificate and it is not providing services in Missouri, Staff recommends the Commission cancel the certificate.
4. 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.”
5. 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).

WHEREFORE, the Staff respectfully recommends the Commission cancel the certificate of service authority of Empire Payphones, Inc. to provide private pay telephone service in Missouri.

Respectfully submitted,



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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 6th day of May, 2010.

