

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Halo Wireless, Inc.,)	
)	
Complainant)	
)	
v.)	
)	
Craw-Kan Telephone Cooperative, Inc.,)	
Ellington Telephone Company,)	
Goodman Telephone Company,)	
Granby Telephone Company,)	Case No. TC-2012-0331
Iamo Telephone Company ,)	
Le-Ru Telephone Company,)	
McDonald County Telephone Company,)	
Miller Telephone Company,)	
Ozark Telephone Company,)	
Rock Port Telephone Company,)	
Seneca Telephone Company,)	
Alma Communications Co. d/b/a Alma Tel.. Co.,)	
Choctaw Telephone Company,)	
MoKan Dial, Inc., and)	
Peace Valley Telephone Company, Inc.)	
)	
Respondents)	

CRAW-KAN TELEPHONE COOPERATIVE ET AL.'S
MOTION TO DISMISS HALO WIRELESS, INC.'S FIRST AMENDED COMPLAINT

COME NOW Respondents Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Goodman Telephone Company, Granby Telephone Company, Iamo Telephone Company , Le-Ru Telephone Company, McDonald County Telephone Company, Miller Telephone Company, Ozark Telephone Company, Rock Port Telephone Company, Seneca Telephone Company, and Peace Valley Telephone Company, Inc. (hereinafter "Craw-Kan Telephone et al." or "Respondents"), and for their Motion to Dismiss Halo Wireless, Inc.'s First Amended Complaint, state to the Missouri Public Service Commission (Commission or PSC) as follows:

1. On January 29, 2010, Halo Wireless, Inc. (Halo) filed an application for certificate of authority for a foreign, for-profit corporation. The Missouri Secretary of State's office issued a Certificate of Authority as a foreign corporation on the same day. See Attachment 1 (Certificate of Authority #F01031388). Halo listed its specific business purpose as "Wholesale Telecommunications Services."

2. On June 10, 2010, the Missouri Secretary of State issued Halo Wireless, Inc. (Halo) a reminder to file its annual report or face dismissal of its Certificate of Authority to operate in the state of Missouri and transact business as a foreign corporation. See Attachment 2.

3. Halo did not respond or otherwise file an annual report.

4. As a result, on August 25, 2010, the Missouri Secretary of State's Office administratively dissolved Halo for failure to file an annual report. See Attachment 3.

5. Halo's authority as a foreign corporation to transact business in Missouri ceased on August 25, 2010. §351.602 RSMo. Thus, Halo had no legal authority to file its complaint, so it must be dismissed.

6. Standing is determined as a matter of law, based upon the petition "along with any other non-contested facts accepted as true by the parties at the time the motion to dismiss was argued." *Exec. Bd. of the Mo. Baptist Convention v. Carnahan*, 170 S.W.3d 437, 445 (Mo. App. W.D. 2005). The question of standing is a threshold issue. *Id.* "A party cannot obtain relief from a court if that party lacks standing." *Id.* (quoting *Cont'l Coal, Inc. v. Mo. Land Reclamation Comm'n*, 150 S.W.3d 371, 378 (Mo. App. W.D. 2004)).

7. Missouri law is clear: “A foreign corporation transacting business in this state without a certificate of authority may not maintain a proceeding in any court of this state until it obtains a certificate of authority.” §351.574.1 RSMo. (emphasis added).

8. Missouri law is also clear that Halo may be fined for doing business in this state without authority, and the Secretary of State may report violations to the prosecuting attorney of any city or county where Halo is doing business. §351.574.4 RSMo.

CONCLUSION

Respondents respectfully request that the Commission issue an order dismissing Halo’s Complaint, notifying the Missouri Secretary of State, and granting such other relief as is reasonable and necessary in the circumstances.

Respectfully submitted,

By: **/s/ Brian T. McCartney**
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 2nd day of May, 2012, to the following parties:

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