

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

In the Matter of the Cancellation of the)
Certificate of Service Authority of)
Premiere Network Services, Inc.)

Case No. LD-2006-

MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel Premiere Network Services, Inc.'s certificate of service authority to provide basic local and intrastate interexchange services. In support of its Motion, Staff respectfully states as follows:

1. On March 2, 2001, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide basic local and intrastate interexchange telecommunications services to Premiere Network Services, Inc., in Case No. TA-2001-235. The Commission granted a waiver of the requirement to file tariffs in its order, and the Commission's records do not reflect that Premiere Network Services, Inc. ever filed tariffs.

2. Premiere Network Services, Inc. sought protection from its creditors by filing under Chapter 11 of the Federal Bankruptcy Code on March 29, 2004 in Bankruptcy Petition 04-33402-hdh7 (N.D. Tex). On July 29, 2005, the company's case was converted to Chapter 7 (liquidation).

3. The contact telephone numbers previously provided to the Commission have been disconnected. Although mail does not come back as undeliverable from the address provided to the Commission, the company's bankruptcy counsel indicated in a telephone conversation with the undersigned counsel that the lease on that space had expired. That counsel also indicated that

the company's liquidation was entering its final stages. Accordingly, it is appropriate to cancel the company's certificate.

4. In the Annual Reports it has submitted to the Commission, the company reported no access lines and no Missouri jurisdictional revenues.

5. Premiere Network Services, Inc. owes no assessments to the Commission. However, it has failed to submit its 2005 annual report to the Commission. No formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

6. Premiere Network Services, Inc. is a Texas corporation, and its authority to do business in the state of Missouri was revoked October 22, 2004 for failing to file its annual registration report, according to the Missouri Secretary of State's office. Section 351.602.3 RSMo. (2000) states that "[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority."

7. As the company no longer has authority to do business in Missouri, it is being liquidated, and because it never filed tariffs and never provided telecommunications service in Missouri, Staff recommends that the Commission now cancel the company's certificate.

8. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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).

9. Section 392.410.5 also states that

Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.

Accordingly, the Commission has the authority and the support to determine the certificate to provide basic local and intrastate interexchange telecommunications services to Premiere Network Services, Inc., in Case No. TA-2001-235 is null and void, because the company never filed tariffs and, accordingly, never provided service or exercised its certificate.

10. This pleading is being served by certified mail on the company's counsel in its bankruptcy case (Case No. 04-33402-hdh7 (N.D. Tex)), as well as via regular mail upon its Missouri registered agent and the address the company has previously provided to the Commission.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Premiere Network Services, Inc. to provide basic local and intrastate interexchange telecommunications services in portions of the state of Missouri.

Respectfully submitted,

/s/ David Meyer

David Meyer
Senior Counsel
Missouri Bar No. 46620

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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 13th day of June, 2006.

/s/ David A. Meyer

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

CT Corporation System
Registered Agent for Premiere Network Services, Inc.
120 South Central Ave.
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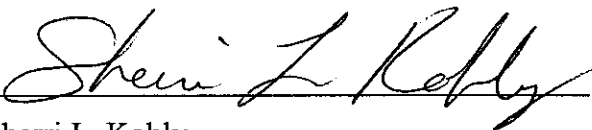
Premiere Network Services, Inc.
1510 N. Hampton Road, Suite 120
DeSoto, TX 75115

Premiere Network Services, Inc.
c/o Marc W. Taubenfeld, Esq.
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(Via Certified Mail)

VERIFICATION

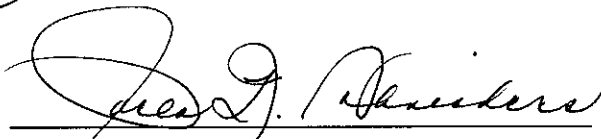
STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.



Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 13th day of June 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

