

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

In the Matter of the Cancellation of the Certificate of )  
Service Authority of Uni-Tel Communications Group, Inc., ) **File No. XD-2012-\_\_\_\_\_**  
to Provide Competitive Intrastate Interexchange )  
Telecommunications Services in Missouri )

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of service authority and associated tariff of Uni-Tel Communications Group, Inc., (Uni-Tel or Company) and respectfully states as follows:

1. On December 28, 1998, the Commission granted Uni-Tel a certificate of service authority to provide competitive intrastate interexchange telecommunications services in Missouri in Case No. TA-99-215.
2. On August 25, 2010, the Missouri Secretary of State's Office (SOS) revoked the foreign Company's authority to do business in the state of Missouri for failure to file a correct and current 2010 annual report. Pursuant to Section 351.602.3, RSMo, "[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." See Attachment A.
3. Additionally, on November 7, 2011, the Commission received a notice from Mr. Michael Gustaitis, past attorney of record for Uni-Tel, which stated the Company has not conducted business in Missouri since December 2008. See Attachment B.
4. Uni-Tel has failed to file its calendar year 2010 annual report with the Commission and is delinquent in the payment of its fiscal year 2011 and 2012 assessments.

5. Because the Company is no longer operating in Missouri and can no longer lawfully provide telecommunications services in Missouri, the Staff recommends that the Commission cancel the Company's certificate.

6. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5, RSMo (Supp. 2010), 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."

7. 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 that the Commission cancel the certificate of service authority and associated tariff of Uni-Tel Communications Group, Inc., to provide competitive intrastate interexchange telecommunications services in Missouri.

Respectfully submitted,

**/s/Jennifer Hernandez**

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### **CERTIFICATE OF SERVICE**

I hereby certify that I have provided a true and correct copy of the above pleading by prepaid First Class United States Postal Mail or electronic mail to: Uni-Tel Communications Group, Inc., 932 N. Wright St., Suite 104, P.O. Box 1000, Naperville, IL 60563; Uni-Tel

Communications Group, Inc., c/o Registered Agent, Missouri Secretary of State, 600 West Main, Jefferson City, MO 65102; and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 23<sup>rd</sup> day of November 2011.

**/s/Jennifer Hernandez**