

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

In the Matter of the Cancellation of the)	
Certificate of Service Authority and)	Case No. XD-2009-
Accompanying Tariffs of Nations Bell,)	
Inc. d/b/a MTS/Communicall)	

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE
AUTHORITY AND ACCOMPANYING TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and moves that the Missouri Public Service Commission (the Commission) cancel the certificate of service authority and accompanying tariff of Nations Bell, Inc. d/b/a MTS/Communicall (MTS or the Company). In support of its Motion, Staff states as follows:

1. On January 23, 1996, the Commission granted Nations Bell, Inc. d/b/a Nations Tel and Nations Bell, Inc. d/b/a MTS/Communicall certificates (plural) of service authority to provide intrastate interexchange telecommunications services in the State of Missouri, and approved the Company's tariffs, which were both labeled as P.S.C. Mo. No. 1¹.

2. On April 22, 2002 the Commission issued its *Order Recognizing Name Change*², acknowledging the name change of Nations Bell, Inc. to Nations Broadband, Inc. and approving an adoption notice reflecting the name change in the Company's tariff (singular) for Nations Bell, Inc. d/b/a Nations Tel.

3. On June 26, 2007, Staff received a letter from the attorney for Nations Broadband, Inc. indicating that the Company had ceased its Missouri operations and requesting the

¹ See *Order Approving Interexchange Certificate of Service Authority and Order Approving Tariff*, Case No. TA-96-157, issued January 23, 1996 and effective January 25, 2006.

² Case No. TO-2002-454.

cancellation of its certificate (singular) of service authority. The request made no explicit mention of either fictitious name. See Exhibit A.

4. Accordingly, on June 27, 2007, Staff filed a *Motion to Cancel Certificate of Service Authority and Accompanying Tariff*, recommending the Commission cancel the certificate (singular) of service authority of Nations Broadband, Inc. In Staff's motion, Staff makes mention of the Commission authorized use of the fictitious name "Nations Tel," but does not mention the authorized use of the fictitious name "MTS/Communicall."

5. On September 27, 2007 in Case No. XD-2007-0493, the Commission issued its *Order Canceling Certificate and Accompanying Tariff*, canceling the certificate (singular) of service authority issued to Nations Broadband, Inc. (originally Nations Bell, Inc. d/b/a Nations Tel) in Case No. TA-96-157, and canceling the Company's tariff (singular) P.S.C. Mo. No. 1.

6. In the attached correspondence, labeled Exhibit B, the attorney for Nations Broadband, Inc. indicates that it was the Company's intention to also have the certificate of service authority of Nations Broadband, Inc. d/b/a MTS/Communicall cancelled per his 2007 letter (Exhibit A). See Exhibit B.

7. The Commission has the authority to cancel the certificate of service authority of a telecommunications corporation pursuant to Section 392.410.5 RSMo (2000)³, which provides that "[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."

8. 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. Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

9. MTS is current in the payment of its Commission assessments.

³ All references to the RSMo are to the Revised Statutes of Missouri (2000), as currently supplemented.

10. The Company was current in the filing of its Annual Report when, in 2007, the Company requested cancellation of its certificate.

WHEREFORE, Staff recommends the Commission cancel the certificate of service authority granted to Nations Bell, Inc. d/b/a MTS/Communicall to provide intrastate interexchange telecommunications services and the accompanying tariff P.S.C. Mo. No. 1.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-5472 (Telephone)
(573) 751-9285 (Fax)
eric.dearmont@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed, hand-delivered, or transmitted by facsimile or electronically mailed to all counsel of record shown below this 12th day of March, 2009.

/s/ Eric Dearmont

Office of the Public Counsel
P.O. Box 2200
Jefferson City, MO 65102

Secretary of State
Registered Agent
MTX/Communicall
600 West Main Street
Jefferson City, MO 65102

Eric Grea
Official Representative
MTX/Communicall
13455 Noel Road, Suite 1000
Dallas, TX 75240

Steven L. Green
Underwood, Perkins & Ralston, PC
5420 LBJ Freeway, Suite 1900
Dallas, TX 75240

Meyer, David

Subject: FW: Draft motion to cancel Nations Broadband,

From: Steven L. Green [mailto:sgreen@sgreenlaw.com]

Sent: Tuesday, June 26, 2007 1:22 PM

To: Meyer, David

Subject: RE: Draft motion to cancel Nations Broadband, Inc.

David:

As the attorney for Nations Broadband, Inc. it is the company's position that it does not supply services in Missouri nor does it intend to do so in the future. Accordingly, it is in the company's best interest to cancel its certificate at this time.

Respectfully submitted,

Steve Green

Law Office of Steven L. Green, PC

3102 Oak Lawn Ave.

Suite 700

Dallas, Texas 75219

214-560-2223(phone)

214-292-8798(fax)

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Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

Exhibit A

6/26/2007

Dearmont, Eric

From: Green, Steve [sgreen@uprlaw.com]
Sent: Tuesday, March 10, 2009 2:12 PM
To: Dearmont, Eric
Subject: Nations Broadband, Inc. d/b/a MTS/Communicall

Per our conversation of even-date herewith and in line with my correspondence of 2007, please cancel the certificate issued under Nations Broadband, Inc. d/b/a MTS/Communicall. It is my understanding that the certificate for Nations Broadband, Inc. d/b/a Nations Tel was cancelled but that the certificate for MTS/Communicall did not get cancelled at the same time, although our intent was for both to be cancelled in 2007.

Regards,
Steven L. Green, Attorney
Underwood, Perkins & Ralston, P.C.
5420 LBJ Freeway, Suite 1900
Dallas, Texas 75240
(972) 661-5114
(972) 788-3369 Fax
www.uprlaw.com

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Underwood, Perkins & Ralston, P.C.

Exhibit B

3/10/2009