

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

The Staff of the Missouri Public)	
Service Commission,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2018-0282
)	
PhoneHost Communications, LLC,)	
)	
Respondent.)	

MOTION TO DISMISS

COMES NOW Respondent, PhoneHost Communications, LLC, by and through counsel, and hereby moves the Commission to Dismiss the Staff Complaint pursuant to 4 CSR 240-2,070(7) and states:

1. The Staff has named the wrong entity as the Respondent in the captioned matter. As the Staff correctly states in paragraph 3 of the Complaint, PhoneHost Communications, LLC ("PHC") is a Missouri limited liability company formed on August 29, 2017. Its Charter Number is LC001553514. (See Articles and Certificate of Organization, Exhibit A attached.) As stated in the attached Affidavit (Exhibit B), although formed in 2017, PHC has never done any business, either within the State of Missouri or outside the state. It has never provided telephone service or ANY services to any entities or customers.

2. A search of the online records of the Missouri Secretary of State reveals another limited liability company with a similar name to respondent's. Perhaps the entity the Staff intended to name as the respondent herein is a Missouri limited liability

company called PhoneHost, LLC ("PH"). This Missouri limited liability company filed its Articles of Organization on August 8, **2016**. Its Charter Number is **LC001502591**. (See Articles and Certificate of Organization, attached as Exhibit C.) The organizer of PH is Kennis Mann, who, according to the Staff, "identified himself as the owner of New Dawn Fiber" (see paragraph 12 of the Complaint). The current Registered Agent for PH is S & A Registered Agent, Inc., 4240 Duncan Avenue, Suite 200, St. Louis, MO 63110. (Exhibit D)

3. PHC admits that it has not sought a certificate of convenience and necessity for telecommunications services because it has never conducted business.

WHEREFORE, Respondent PhoneHost Communications, LLC moves that the Staff Petition be dismissed for failure to state a claim on which relief may be granted pursuant to 4 CSR 240-2.070(7), for its costs incurred in addressing this frivolous Complaint, and for such further relief as the Commission considers just in the circumstances.

Respectfully submitted,

THE BLAUVELT LAW FIRM, LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or first class United States Postal Mail, on this 13th day of April, 2018, to all counsel of record.

/s/Janet I. Blauvelt