

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

In the Matter of the Cancellation of the Certificate )  
of Service Authority and Accompanying Tariff of ) File No. XD-2010-  
PowerCom Corporation to Provide Interexchange )  
Telecommunications Services )

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

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and respectfully moves that the Missouri Public Service Commission (“Commission”) cancel the certificate of service authority and accompanying tariff of PowerCom Corporation (“PowerCom” or “Company”). In support of its *Motion*, Staff states the following:

1. On January 14, 2000, the Commission in Case No. TA-2000-350 issued an Order which granted PowerCom a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, and approved the filed tariff P.S.C. Mo. No. 1.

2. On July 8, 2009, PowerCom filed a *Notice Of Cessation Of Operations*, tracking number BCES-2010-0015, which stated:

We regret to inform you that on February 28, 2009, due to financial insolvency, Powercom ceased operations and is no longer in business. The remaining assets of Powercom have been surrendered to its senior secured lender and unfortunately the unsecured obligation owed to your company will not be paid.

3. Included in the July 8<sup>th</sup> correspondence, was a copy of PowerCom’s January 21, 2009 *Joint Application For Authority To Transfer Assets* (“*Application*”) filed before the Minnesota Public Utilities Commission. Paragraph seven of the *Application* states PowerCom defaulted on its obligations to BCN Telecom, Inc. (“BCN”) under a note and loan agreement.

Further, BCN holds a perfected security interest in PowerCom's collateral, and after the consummation of the transaction, PowerCom will no longer operate.

4. As PowerCom has submitted its *Notice of Cessation Of Operations* and to the best of Staff's knowledge, information, and belief the Company is no longer providing telecommunications services in Missouri, Staff recommends the Commission cancel the certificate of service authority and tariff of PowerCom.

5. PowerCom is not delinquent in the filing of any calendar year annual report.

6. PowerCom owes \$ 50.03 to the Commission for its fiscal year 2010 assessment.

7. Pursuant to Section 392.410.5 RSMo (Supp. 2008), the Commission has the authority to cancel the certificate of service authority of a telecommunications corporation after notice and hearing.

8. A hearing is not necessary if the Commission gives proper notice and opportunity to intervene and no party requests such a hearing. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

**WHEREFORE**, the Staff recommends the Missouri Public Service Commission cancel the certificate of service authority granted to PowerCom Corporation to provide intrastate interexchange telecommunications services and the accompanying tariff.

Respectfully submitted,

**/s/ Jennifer Hernandez**  
Jennifer Hernandez  
Legal Counsel  
Missouri Bar No. 59814

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Missouri Public Service Commission  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by First Class United States Mail, postage prepaid on Dan Larsen, regulatory contact for PowerCom Corporation, 1807 N. Center Street, Beaver Dam, WI 53916; and The Office of Public Counsel of the State of Missouri, via electronic mail at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 9<sup>th</sup> day of September, 2009.

**/s/ Jennifer Hernandez**