

**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 Affordaphone,)
Inc.)

Case No. CD-2006-

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

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

1. On October 21, 2002, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide basic local exchange telecommunications services to Affordaphone, Inc. (Affordaphone), in Case No. CA-2002-1158. Subsequently, the Commission approved the adoption of a preexisting tariff by Affordaphone that then became Affordaphone's tariff, MO PSC No. 1.

2. Affordaphone has indicated in submissions to the Commission in both its publicly available 2005 Annual Report and its confidential Statement of Revenue that it is no longer in business. Affordaphone reports \$0 revenue and no access lines.

3. Affordaphone has no past due annual reports or assessments to the Commission. No formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

4. Affordaphone is a Texas corporation, and its authority to do business in the state of Missouri was revoked January 5, 2006 for failing to file its annual registration report, according to the Missouri Secretary of State's office.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."

5. Because Affordaphone has requested cancellation of its certificate and because it is not providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling Affordaphone's certificate and tariff.

6. 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).

7. This pleading is being served on the address provided by the company to the Commission via certified mail, as well as upon its Missouri registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Affordaphone, Inc. to provide basic local telecommunications services and the accompanying tariff, MO PSC No. 1.

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 April, 2006.

/s/ **David A. Meyer**

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P.O. Box 7800
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The Corporation Company
Registered Agent for Affordaphone, Inc.
120 South Central Avenue
Clayton, MO 63105

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P.O. Box 1220
Bridgeport, TX, 76426
(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
Sherri L. Kohly
Affiant

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

Carla K. Schnieders
NOTARY PUBLIC

