

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

In The Matter of the Application of YourTel)
America, Inc. For Authority to)
Issue and Transfer Stock)

File No. TO-2011-0261

MOTION TO DISMISS

COMES NOW the Staff of the Missouri Public Service Commission and moves the Missouri Public Service Commission (Commission) to dismiss the application to issue and transfer stock and states as follows:

1. On February 14, 2011, YourTel America, Inc. (“YourTel”) asked the Commission to approve its application issue and transfer stock. Although YourTel does not state in its application any statutory authority for the Commission to grant such approval, the Commission’s authority generally derives from §392.290 and §392.300 RSMo 2000.

2. YourTel is an alternative local exchange telecommunications company, as well as an interexchange telecommunications company.

3. Effective August 28, 2008, §392.420 RSMo Supp. 2009 provides that “for all existing alternative local exchange telecommunications companies, the commission shall waive...the application and enforcement of ...section[s] ... 392.290, 392.300...”

4. Approval or denial of the Application would constitute “application and enforcement” of §§392.290 and 392.300 RSMo 2000. Therefore, the Commission should dismiss the Application, without granting or denying the relief requested in it, and inform the applicants that the requirement to obtain Commission approval for the issuance and transfer of stock, to the extent it ever applied to them, no longer applies.

WHEREFORE, the Staff respectfully moves the Commission dismiss the Application to Issue and Transfer Stock.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of February, 2011.

