

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

In the Matter of the Cancellation of the Certificate )	
of Service Authority of Vistavox of MO, Inc., to )	
Provide Competitive Basic Local )	<b>File No. CD-2012-_____</b>
Telecommunications Services in Portions of the )	
State of Missouri )	

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of service authority and associated tariff of Vistavox of MO, Inc., (Vistavox or Company) and respectfully states as follows:

1. On August 26, 2007, the Commission granted Vistavox a certificate of service authority to provide basic local telecommunications services in portions of the state of Missouri, and classified those services and the Company as competitive in Case No. CA-2007-0475.

2. On October 25, 2011, the Missouri Secretary of State's Office (SOS) administratively dissolved the Company's authority to do business in the state of Missouri for failure to file a correct and current 2011 annual report. Pursuant to Section 351.476.1, RSMo (2000), a corporation administratively dissolved "may not carry on any business except that appropriate to wind up and liquidate its business and affairs...." See Attachment A.

3. Additionally, Vistavox has failed to file its calendar year 2010 annual report with the Commission and is delinquent in the payment of its 2012 assessment. The Commission's Budget and Fiscal Services Department assessed the Company based on estimated revenues, since the Company also failed to file its annual Statement of Revenue.

4. Because Vistavox can no longer lawfully provide telecommunications services in Missouri, the Staff recommends that the Commission cancel the Company's certificate.

5. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5, RSMo (Supp. 2010), which provides “[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.”

6. 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. W.D. 1989).

**WHEREFORE**, the Staff respectfully recommends that the Commission cancel the certificate of service authority and associated tariff of Vistavox of MO, Inc., to provide competitive basic local telecommunications services in portions of the state of Missouri.

Respectfully submitted,

**/s/Jennifer Hernandez**

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### **CERTIFICATE OF SERVICE**

I hereby certify that I have provided a true and correct copy of the above pleading by prepaid First Class United States Postal Mail or electronic mail to: Vistavox of MO, Inc., 719 Hwy 5 N, P.O. Box 2023, Mountain Home, AR 72654; Vistavox of MO, Inc., c/o Registered Agent, Joseph E. Rebman, Esq., 8000 Maryland Ave., Suite 1060, Saint Louis, MO 63105; and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 29<sup>th</sup> day of November 2011.

**/s/Jennifer Hernandez**