

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

In the Matter of the Cancellation of the Certificate)	
of Service Authority of Airnex Communications,)	
Inc., to Provide Intrastate Interexchange)	File No. XD-2013-_____
Telecommunications Services within 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 of Airnex Communications, Inc., ("Airnex" or "Company"). For its Motion, Staff respectfully states as follows:

1. On April 9, 1999, the Commission granted a certificate of service authority to Airnex to provide intrastate interexchange telecommunications services in the State of Missouri in Case No. TA-99-355.

2. Section 392.210.1 RSMo (2000) requires every telecommunications company to "...file with the commission an annual report at a time and covering the yearly period fixed by the commission," and 4 CSR 240-3.540 (1) requires the report to be filed on or before April 15th of each year.

3. Section 386.370.5 RSMo (2000) provides:

[i]n order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission...shall file...on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year...."

4. On February 25, 2009, Staff filed a *Complaint* against Airnex for its failure to file a calendar year 2007 annual report in TC-2009-0305.

5. Airnex did not answer Staff's *Complaint* and on April 15, 2009, the Commission issued its *Order Granting Default (Order)*. The *Order* found all of the allegations in Staff's *Complaint* deemed admitted by Airnex, and authorized the Commission's General Counsel to pursue a penalty action against Airnex in circuit court.

6. Airnex has continued to be delinquent or deficient in the filing of its calendar year 2007, 2008, 2009, 2010 and 2011 annual reports.

7. Airnex has also failed to submit its Statement of Revenue for calendar year 2011.

8. Attempts to contact the Company by letter and telephone regarding these matters have been unsuccessful.

9. Due to the Company's continued neglect of the Commission's statutes, rules, and orders, Staff moves for the Commission to cancel Airnex's certificate of service authority.

10. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, 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."

11. 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, Staff recommends the Commission cancel the certificate of service authority and associated tariff of Airnex Communications, Inc., to provide intrastate interexchange telecommunications services in the State of Missouri.

Respectfully submitted,

/s/Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 18th day of July, 2012 by: First Class United States Mail, postage prepaid, to Airnex Communications, Inc., 5000 Hopyard, Ste. 240, Pleasanton, CA 94588; and electronic mail to the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/Jennifer Hernandez