

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

In the Matter of the Cancellation of the Certificate of )  
Service Authority of Velocity The Greatest Phone ) **File No. XD-2012-**  
Company Ever, Inc., to Provide Competitive Interexchange )  
Telecommunications Services in 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 Velocity The Greatest Phone Company Ever, Inc., (Velocity or Company) and respectfully states as follows:

1. On December 14, 2009, the Commission granted Velocity a certificate of service authority to provide competitive intrastate interexchange telecommunications services in the state of Missouri in File No. XA-2010-0113.
2. On August 7, 2009, the Missouri Secretary of State's Office (SOS) revoked the foreign Company's authority to do business in the state of Missouri for failure to file a correct and current 2008 annual report. Pursuant to Section 351.602.3, RSMo, "[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." See Attachment A.
3. Additionally, Velocity has failed to file its calendar year 2010 annual report with the Commission.
4. Because Velocity 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 Velocity The Greatest Phone Company Ever, Inc., to provide competitive 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 I have provided a true and correct copy of the above pleading by prepaid First Class United States Postal Mail or electronic mail to: Velocity The Greatest Phone Company Ever, Inc., 7130 Spring Meadows West Drive, Holland, OH 43528; Velocity The Greatest Phone Company Ever, Inc., c/o Registered Agent, Missouri Secretary of State, 600 West Main, Jefferson City, MO 65102; and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 23<sup>rd</sup> day of November 2011.

**/s/Jennifer Hernandez**