

**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 Nations )  
Broadband, Inc.

Case No. XD-2007-

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

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel the certificate of service authority it has granted to Nations Broadband, Inc. to provide intrastate interexchange telecommunications services in Missouri, as well as its tariff. In support of its Motion, Staff respectfully states as follows:

1. On January 6, 1996, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Nations Bell, Inc., in Case No. TA-96-157, and authorized use of the fictitious name "NationsTel" in the same case. Subsequently, the Commission approved a name change to Nations Broadband Inc., effective April 22, 2002 in Case No. TO-2002-454. The company's tariff, P.S.C. Mo. No. 1, was approved in the original case and was amended in the subsequent case.

2. Now, Nations Broadband, Inc., through correspondence from Steven L. Green, counsel for Nations Broadband Inc., has asked the Commission to cancel its certificate of service authority because it has ceased operating in Missouri. See Appendix A.

3. According to the Missouri Secretary of State's website, the registration of Nations Broadband, Inc., a Texas corporation, was revoked February 23, 2004 because the company failed to maintain a registered agent. 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.”

4. Nations Broadband, Inc. owes no annual reports or assessments to the Commission. No complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

5. Because Nations Broadband, Inc. has requested cancellation of its certificate; and because it is not providing telecommunications service in Missouri; and because it is no longer authorized to conduct business in Missouri, the Staff recommends that the Commission issue an order canceling Nations Broadband, Inc.’s certificate of service authority, as well as its tariff.

6. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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 Nations Broadband, Inc. to provide intrastate interexchange telecommunications services; and also its tariff, P.S.C. Mo. No. 1.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
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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 27<sup>th</sup> day of June 2007.

/s/ David A. Meyer

Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102

Missouri Secretary of State  
Registered Agent for Nations Broadband, Inc.  
600 West Main  
Jefferson City MO 65102

Nations Broadband, Inc.  
13455 Noel Rd., 10<sup>th</sup> floor  
Dallas, TX 75240  
*(via certified mail)*

*Courtesy copy to:*  
Law Office of Steven L. Green, PC  
3102 Oak Lawn Ave., Suite 700  
Dallas, Texas 75219

**Meyer, David**

**Subject:** FW: Draft motion to cancel Nations Broadband,

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**From:** Steven L. Green [mailto:[sgreen@sgreenlaw.com](mailto:sgreen@sgreenlaw.com)]

**Sent:** Tuesday, June 26, 2007 1:22 PM

**To:** Meyer, David

**Subject:** RE: Draft motion to cancel Nations Broadband, Inc.

David:

As the attorney for Nations Broadband, Inc. it is the company's position that it does not supply services in Missouri nor does it intend to do so in the future. Accordingly, it is in the company's best interest to cancel its certificate at this time.

Respectfully submitted,

Steve Green

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Suite 700

Dallas, Texas 75219

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If you believe this message has been sent to you in error, please notify the sender by replying to this transmission, or by calling the LAW OFFICE OF STEVEN L. GREEN at (214) 560-2223.

Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

6/26/2007

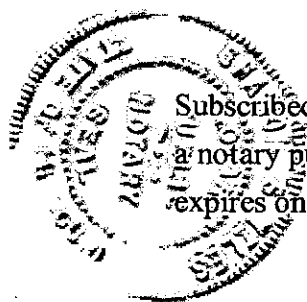
## VERIFICATION

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )


Comes now William L. Voight, 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 his knowledge.



William L. Voight  
Affiant



Subscribed and affirmed before me this 27<sup>th</sup> of June 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on October 23, 2010.

  
NOTARY PUBLIC

SHARON S. WILES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: October 23, 2010  
Commission Number: 06429091