

**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     )     File No. XD-2010-  
Communicate Technological Systems, L.L.C     )

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

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and respectfully moves that the Missouri Public Service Commission (“Commission”) cancel the certificate of service authority and accompanying tariff of Communicate Technological Systems, L.L.C. (“Communicate” or “Company”). In support of its *Motion*, Staff states the following:

1.     On June 4, 1999, the Commission issued an *Order*<sup>1</sup> which granted Communicate a certificate of service authority to provide intrastate interexchange telecommunications services in the State of Missouri.
2.     Communicate is incorporated under the laws of the State of Delaware and is listed as an active limited liability corporation by the Missouri Secretary of State.
3.     Communicate is deficient in the filing of the Company’s calendar year 2006, 2007, and 2008 annual reports. On June 17, 2009, the Staff filed a *Complaint* against Communicate for the annual reporting deficiencies. The Company failed to file an answer to Staff’s *Complaint*, and on July 24, 2009, the Commission issued an *Order To Show Cause*,

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<sup>1</sup> See *Order Approving Interexchange Certificate of Service Authority and Order Approving Tariff*, effective June 11, 1999, in Commission Case No. TA-99-537.

allowing until August 3, 2009, for the Company to show why the Commission should not issue a default order against the Company. At the time of this filing, no response has been received.

4. Communicate owes no assessments to the Commission.

5. To the best of Staff's knowledge, information and belief, Communicate is no longer providing telecommunication services in Missouri.

6. Pursuant to Section 392.410.5 RSMo (Supp. 2008) the Commission has the authority to cancel the certificate of service authority of a telecommunications corporation after notice and hearing.

7. A hearing is not necessary if the Commission gives proper notice and opportunity to intervene and no party requests such a hearing. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

**WHEREFORE**, the Staff recommends that after proper notice the Missouri Public Service Commission cancel the certificate of service authority granted to Communicate Technological Systems, L.L.C. to provide intrastate interexchange telecommunications services and the accompanying tariff File No. JX-2003-0542.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on CT Corporation System, 120 South Central Avenue, Clayton, MO 63105, Missouri registered agent for Communicate Technological Systems, L.L.C., via certified First Class United States Mail, postage prepaid; Communicate Technological Systems L.L.C., Legal Department, 2646 South Loop West, Suite 660, Houston, TX 77054, via certified First Class United States Mail, postage prepaid; and The Office of Public Counsel of the State of Missouri, via electronic mail at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 4<sup>th</sup> day of August, 2009.

**/s/ Jennifer Hernandez**