

## BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Cancellation of the Certificate )  
of Service Authority of Airnex Communications, )  
Inc., to Provide Intrastate Interexchange ) **File No. XD-2013-0022**  
Telecommunications Services within the State of )  
Missouri. )

### **APPLICATION FOR REHEARING, RECONSIDERATION AND FURTHER EXTENSION OF EFFECTIVE DATE OF ORDER CANCELING CERTIFICATE AND ACCOMPANYING TARIFF**

Comes Now Airnex Communications, Inc. ("Airnex"), by and through the undersigned counsel, pursuant to 386.500 RSMo. and 4 CSR 240-2.160, and for its Application for Rehearing, Reconsideration and Further Extension of Effective Date of Order Canceling Certificate and Accompanying Tariff, states to the Commission:

1. On August 1, 2012 the Commission issued its Order Canceling Certificate and Accompanying Tariff ("Cancellation Order") in this proceeding, with an effective date of August 11, 2012. On August 10, the Commission extended the effective date of the Cancellation Order to August 21, 2012.

2. Airnex requests that the Commission rehear and/or reconsider its Cancellation Order. Airnex has been authorized to provide service in Missouri since 1999. Sometime in 2007 there was a breakdown in the communications from and systems of an outside vendor, resulting in Airnex unintentionally failing to comply with annual reporting requirements.

3. The appropriate management personnel at Airnex did not become aware of the problem until learning of the Commission's Cancellation Order.

4. Since the issuance of the Commission's Cancellation order, Airnex has submitted the missing annual reports, which it understands are undergoing Staff review.

5. Airnex understands that such a breakdown in communications with the Commission and compliance with its regulations is not acceptable. Airnex is committed to improving its systems to avoid any further problems. Airnex will make every effort to meet any remaining concerns so as to return to full compliance.

6. Airnex requests that the Commission further extend the effective date of its Cancellation Order for another 30 days, to allow time for Staff to confirm that Airnex has now addressed all prior issues and/or time to resolve any open items, without an interruption in Airnex's authority and provision of service to its Missouri customers.

7. Airnex further requests that the Commission rehear and/or reconsider its Cancellation Order, upon confirmation that all issues have been resolved, and thereupon rescind that Order so that Airnex's certificate of authority and accompanying tariff can remain in effect.

8. Airnex apologizes for the Commission having to expend its resources dealing with these issues. Again, Airnex is committed to resolving the current situation and avoiding any similar problems in the future.

WHEREFORE, Airnex requests that the Commission:

(1) further extend by 30 days the effective date of its Order Canceling Certificate and Accompanying Tariff;

(2) rehear and/or reconsider that Order, and thereupon rescind it; and

(3) grant such other and further relief as the Commission deems meet and proper.

Respectfully submitted,

/s/Carl J. Lumley

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 20th day of August, 2012, to the following parties:

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/s/ Carl J. Lumley

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