

**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 KMC Telecom )  
V, Inc. )

Case No. TD-2006-

**MOTION TO OPEN CASE AND CANCEL CERTIFICATES OF SERVICE  
AUTHORITY AND ACCOMPANYING TARIFFS**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel KMC Telecom V, Inc.'s certificates of service authority to provide basic local telecommunications services and to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri, as well as its tariffs. In support of its Motion, Staff respectfully states as follows:

1. In December 2000, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services limited to providing dedicated private line services, to KMC Telecom V, Inc., in Case No. TA-2000-785. The Commission also approved KMC Telecom V, Inc.'s tariff, Missouri P.S.C. Tariff No. 1.

2. In January 2004, the Commission granted a certificate of service authority to provide basic local telecommunications services to KMC Telecom V, Inc., in Case No. CA-2004-0173. Subsequently in that same case, the Commission also approved KMC Telecom V, Inc.'s tariffs, Missouri P.S.C. Tariff No. 2 and Missouri P.S.C. Tariff No. 3.

3. KMC Telecom V, Inc. has indicated in its confidential Statement of Revenue it submitted to the Commission that it is no longer in business. On that document, the company's

representative indicated that it was reporting no Missouri jurisdictional revenue and that it no longer wished to maintain its operating certificate in Missouri. The notarized statement of revenue containing this statement was submitted to the Commission by a manager of the company and is available on a highly confidential basis from the Commission's Electronic Filing and Information System.

4. The company's manager also submitted a letter to the commission indicating that the company no longer wished to retain its certificate. See Appendix A.

5. In its Annual Report submitted most recently to the Commission, the company reported no access lines.

6. KMC Telecom V, Inc. owes no annual reports other than the annual report for calendar year 2005 that was due on April 15, 2006. It owes no assessments to the Commission. No formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

7. KMC Telecom V, Inc. is a Delaware corporation. Its authority to do business in the state of Missouri was revoked for failing to file its annual registration report on February 19, 2004, according to the Missouri Secretary of State's office. 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."

8. Because KMC Telecom V, Inc. has requested cancellation of its certificate and because it is not providing telecommunications service in Missouri, and because it no longer has authority to transact business in the state, the Staff recommends that the Commission issue an order canceling KMC Telecom V, Inc.'s certificates and tariffs.

9. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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).

10. 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 certificates of service authority of KMC Telecom V, Inc. to provide basic local telecommunications services and to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services, limited to providing dedicated private line services in Missouri; and also its tariffs, Missouri P.S.C. Tariff No. 1 (for interexchange services) and Missouri P.S.C. Tariff No. 2 and Missouri P.S.C. Tariff No. 3. (related to local services).

Respectfully submitted,

/s/ David Meyer

David Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
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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 ~~18~~<sup>19</sup>th day of June 2006.

/s/ David A. Meyer

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

CT Corporation System  
Registered Agent for KMC Telecom V, Inc.  
120 South Central Ave.  
St. Louis, MO 63105

KMC Telecom V, Inc.  
1200 Route 22E  
Bridgewater, NJ 08807  
*(Via Certified Mail)*

KMC Telecom V, Inc.  
Mike Duke, Consultant  
11111 Linbrook Lane  
Duluth, GA 30097

March 3, 2006

RECEIVED

MAR 13 2006

Missouri Public Service Commission  
Budget & Fiscal Services Department  
Attn: David Mayer  
P.O. Box 360  
Jefferson City, MO 65102

BUDGET & FISCAL SVCS  
MO. P.S.C.

Re: **Statement of Revenue**  
**KMC Telecom V, Inc.**  
**FEIN: 22-3719935**

Dear Mr. Mayer:

Per your conversation with John Dietzel earlier today, this letter will serve as our notice to you that KMC Telecom V, Inc. ceased business on or before **December 31, 2005**. There is nothing to report and we will be filing a zero 2006 Statement of Revenue. We are actively working to close out the legal entities and ask that you please close KMC Telecom V Inc.'s account and remove any and all future filing obligations.

*We have moved.* Beginning February 13, 2006, all correspondence should be directed to the following address:

KMC Telecom V, Inc.  
1200 Route 22E  
Bridgewater, NJ 08807

Thanks in advance for your prompt attention to this matter. Please do not hesitate to call me at 908-203-4647 or 318-2946318 (cell) should you have any questions or need any additional information.

Sincerely,



Scotty Amos  
Tax Manager

**VERIFICATION**

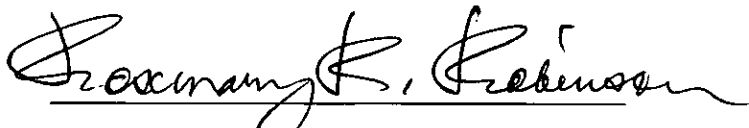
STATE OF MISSOURI    )  
                                  )  
COUNTY OF COLE     )

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.



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William L. Voight  
Affiant

Subscribed and affirmed before me this 28<sup>th</sup> day of June 2006. I am  
commissioned as a notary public within the County of Cole, State of Missouri,  
and my commission expires on 9-23-2008.



\_\_\_\_\_  
NOTARY PUBLIC

