

**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 UKI )  
Communications, Inc. )

Case No. TD-2005-

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

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificate of Service Authority and Accompanying Tariff, respectfully states as follows:

1. On April 5, 2000, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide interexchange telecommunications services to UKI Communications, Inc. (UKI) in Case No. TA-2000-544. The company's tariff PSC Mo. No. 1, was approved in the same case.

2. UKI's 2004 annual report form was returned by the post office as undeliverable. Telecommunications companies are required to file a Missouri-specific annual report pursuant to Sections 392.210 and 392.390.1, RSMo 2000.

3. According to the Missouri Secretary of State's website, UKI was administratively dissolved on February 19, 2004.

4. Staff believes that UKI has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number and its failure to file annual reports. Section 392.210 (2), RSMo 2000 states, among other things, "The commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies..." Because UKI has failed to keep the Commission informed of

a current address or telephone number, the Commission is unable to contact UKI. Therefore, UKI has denied the Commission access that is required of the Commission under Section 392.210 (2), RSMo 2000. Certainly, UKI has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250, RSMo 2000.

5. Staff has performed an investigation and has determined that besides the FY 2004 annual report, UKI has not filed its FY 2003 annual report and owes assessments of approximately \$70.00.

6. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5, RSMo Supp. 2004, 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. Because UKI has not informed Staff of its current address and phone number, Staff is unable to provide service of this pleading to UKI. Therefore, the Staff is serving this pleading on the registered agent of UKI as listed on the website of the Secretary of State. Section 351.380(1), RSMo 2000 provides:

“The registered agent so appointed by a corporation upon whom any process, notice or demand required or permitted by law to be served upon a corporation may be served.”

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of UKI Communications, Inc., to provide interexchange telecommunications services and the accompanying tariff, PSC Mo. No. 1.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Mary Weston  
Mary Weston  
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Missouri Bar No.

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Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been sent by certified mail, hand delivered or transmitted by facsimile or electronic mail to all parties of record as shown on the attached service list this 23<sup>rd</sup> day of March 2005.

/s/ Mary Weston

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