

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the)
Certificates of Service Authority of) Case No. TD-2005-_____
Ameritel Missouri, Inc.)

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificates of Service Authority it has granted to Ameritel Missouri, Inc., as well as the company's tariffs. In support of its Motion, the Staff respectfully states as follows:

1. In September 2003 in Case No. LA-2004-0047, the Commission granted a certificate of service authority to Ameritel Missouri, Inc. to provide basic local exchange telecommunications services in all of Southwestern Bell Telephone Company's service areas; a certificate to provide interexchange telecommunications services; and a certificate to provide local exchange telecommunications services, restricted to dedicated, private line services. The company has three tariffs to provide services under these certificates: P.S.C.Mo.No.1, (local exchange), P.S.C.Mo.No.2 (interexchange), and P.S.C.Mo.No.3 (basic local).

2. The Missouri Secretary of State's office administratively dissolved the company, a Missouri corporation, on May 27, 2004 because it failed to file its 2003 annual registration report. The company was created in 2003, so it never filed an annual registration report with the Secretary of State during the period of its existence. Section 351.486.3 states that "[a] corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under Section 351.476 and notify claimants under Sections 351.478 and 351.482... ."

3. Mail does not come back from the address listed as the point of contact for the company on its tariff and in the Commission's Electronic Filing and Information System:

105 Seminole Court
Hot Springs, AR 71901

This address was derived from the forwarding address provided by the United States Postal Service when mail to the address actually provided by the company was returned as undeliverable. See Appendix A.

4. In Ameritel Missouri, Inc.'s 2003 annual report the company filed with the Commission, the company listed the address for the individual completing the report, as well as the address for the Official Company Representative, the consumer services contact, the individual to receive Statements of Revenue, tariff and technical contacts, and the address of the CFO/Comptroller at:

1307 Central Avenue
Hot Springs, AR 71901

5. Former counsel for the company, listed in the 2003 annual report as the legal contact for the company, has indicated the address at 1307 Central Avenue is the contact address she had been provided for the company, and also that she is no longer in contact with the company.

6. A formerly Commission-regulated entity, "M.L.M. Communications, Inc. d/b/a Ameritel, Your Phone Company," was located at Ameritel Missouri, Inc.'s former address at 1307 Central Avenue in Hot Springs and mail sent to that address is returned to the Commission as undeliverable. See Case No. TD-2005-0360. The same individuals are listed as contacts for both Ameritel Missouri, Inc. and M.L.M. Communications, Inc., d/b/a Ameritel Your Phone

Company. Those individuals have not responded to any attempts by the Staff of the Commission to contact them regarding either company.

7. All telephone and fax numbers provided in the company's 2003 annual report to the Commission have been disconnected.

8. The company owes no assessments. It has submitted its 2003 annual report, and in that annual report, the company indicated it had no customers and no revenues. It has failed to submit its 2004 annual report.

9. The undersigned counsel has confirmed with Southwestern Bell Telephone L.P. d/b/a SBC Missouri representatives that the company no longer is providing service using SBC Missouri lines.

10. Because Ameritel Missouri, Inc. evidently does not actually provide services in Missouri; because no apparently valid address or contact information remains for the company; and because the company is no longer permitted to do any business in Missouri except that necessary to wind up and liquidate its business and affairs, the Staff recommends that the Commission issue an order canceling Ameritel Missouri, Inc.'s certificates and tariffs.

11. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp.2003), 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).

12. Copies of this Motion are being served by certified mail upon the most recent address available, and via regular mail on its former address and registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificates of service authority granted to Ameritel Missouri, Inc. to provide basic local telecommunications services, interexchange and non-switched local exchange telecommunications services in Case No. LA-2004-0047, as well as the associated tariffs, P.S.C.Mo.No.1, (local exchange), P.S.C.Mo.No.2 (interexchange), and P.S.C.Mo.No.3 (basic local).

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 7th day of June 2005.

/s/ David A. Meyer

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Governor Office Building, Suite 650
200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

Ameritel Missouri, Inc.
Troy Muncrief
105 Seminole Court
Hot Springs, AR 71901
(via certified mail)

Ameritel Missouri, Inc.
1307 Central Avenue
Hot Springs, AR 71901

CT Corporation System
Registered Agent for Ameritel Missouri, Inc.
120 South Central Ave.
St. Louis, MO 63105

And a courtesy copy has been sent to:

Frederick S. Wetzel III
Frederick S. Wetzel, P.A.
1500 Riverfront Drive, Suite 104
Little Rock, AR 72202-1749

Missouri Public Service Commission

Adjudication Division - Data Center

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#2169

AMER423 719013015 1304 12 03/18/05
FORWARD TIME EXP RTN TO SEND
:AMERITEL USA
105 SEMINOLE CT
HOT SPRINGS NATIONAL PA AR 71901-7117

RETURN TO SENDER

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