

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

In the Matter of the Cancellation of the)
Certificates of Service Authority and)
Accompanying Tariffs of Comm South)
Companies, Inc. d/b/a Missouri Comm)
South, 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 cancel Comm South Companies, Inc. d/b/a Missouri Comm South, Inc.'s certificate of service authority to provide basic local services, as well as its tariffs, Mo. P.S.C. No. 1 and MO. PSC Tariff No. 3 (relating to basic local exchange service) and MO PSC - Tariff No. 2 (relating to interexchange service). In support of its Motion, the Staff respectfully states as follows:

1. In October 1997, the Commission granted Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri in Case No. TA-97-203. The Commission subsequently approved the company's tariffs, Mo. P.S.C. No. 1 and MO. PSC Tariff No. 3.

2. The Commission also granted Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. a certificate of service authority to provide intrastate interexchange services in Missouri in June 2003 in Case No. XA-2003-0515. The Commission approved the company's tariff, MO PSC - Tariff No. 2, in the same case.

3. On September 14, 2005, the "Director, Regulatory Affairs" of Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. sent a letter to the Commission indicating that

the company had entered into Chapter 7 bankruptcy protection and that it was liquidating its assets. At that time, the company indicated that the cessation of service had not yet taken place but that as soon as it was, the company would be requesting that the Commission cancel its certificates of service authority because it no longer had any Missouri customers. See Appendix A. On October 7, 2005, the same company representative submitted a letter requesting cancellation of its certificates and tariffs on or after November 10, 2005 because that date coincided with the termination of its service under its Section 63.71 Discontinuance Application filed with the Federal Communications Commission. See Appendix B. According to pleadings filed in Case No. 03-39496-HDH-7 (U.S. Bankruptcy Court, N.D. Tex.) (Comm South Companies, Inc.'s bankruptcy case), the author of these letters has been and remains an employee of the bankruptcy trustee for Comm South Companies, Inc., and the trustee has also confirmed cancellation is now appropriate in a conversation with the undersigned counsel.

4. As of December 31, 2005, the company no longer provided telecommunications service in Missouri. Accordingly, it is appropriate to cancel the company's certificates and tariffs.

5. Although in the past formal complaints have been filed against Comm South Companies, Inc. d/b/a Missouri Comm South, Inc., Staff considers that all of these complaints have been resolved. Only one complaint remains open before the Commission, in Case No. TC-2005-0139. In conjunction with this motion to cancel the company's certificate of service authority and in keeping with the conclusion of Staff's *Investigation and Report* filed June 13, 2005, Staff is also filing a motion in Case No. TC-2005-0139 requesting the Commission close that case.

6. All informal complaints against Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. in the Commission's Electronic Filing and Information System have been closed, and even the most recent complaint has been closed for at least five months.

7. Comm South Companies, Inc. is a Texas corporation and remains in good standing at the Missouri Secretary of State.

8. Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. does not owe the Commission any annual reports. It has paid all assessments through the first quarterly payment of Fiscal Year 2006. Subsequently, the company may only make payments when permitted by direct court order because the company's bankruptcy case converted to Chapter 7 liquidation on September 7, 2005.

9. Accordingly, because Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. no longer has any Missouri customers and because it has requested cancellation of its certificates of service authority, the Staff recommends that the Commission issue an order canceling Comm South Companies, Inc. d/b/a Missouri Comm South, Inc.'s certificates of service authority to provide basic local exchange and interexchange telecommunications services and its tariffs, Mo. P.S.C. No. 1 and MO. PSC Tariff No. 3 (relating to basic local exchange service) and MO PSC - Tariff No. 2 (relating to interexchange service).

10. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo 2000, 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).

11. This pleading will be served via certified mail on the address provided by the company to the Commission as well as upon its registered agent in Missouri.

WHEREFORE, the Staff recommends the Commission cancel Comm South Companies, Inc. d/b/a Missouri Comm South, Inc.'s certificates of service authority to provide basic local exchange and interexchange telecommunications services and its tariffs, its tariffs, Mo. P.S.C. No. 1 and MO. PSC Tariff No. 3 (relating to basic local exchange service) and MO PSC - Tariff No. 2 (relating to interexchange service).

Respectfully submitted,

/s/ David A. Meyer

David A. 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)
david.meyer@psc.mo.gov

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 18th of January 2006.

/s/ **David A. Meyer**

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

The Corporation Company
Registered Agent for Comm South Companies, Inc.
7733 Forsyth Blvd.
St. Louis, MO 63105

Comm South Companies, Inc.
c/o Lain, Faulkner & Co., PC
Attn: Sheri Pringle
400 N St. Paul, Suite 600
Dallas, TX 75201
(via certified mail)



8035 E. R.L. Thornton
Suite 410
Dallas, Texas 75228

September 14, 2005

Secretary of the Commission
Missouri Public Service Commission
Governor Office Building
200 Madison Street
Jefferson City, MO 65102

Dear Secretary of the Commission,

Comm South Companies, Inc. d/b/a Missouri Comm South ("Comm South") is a telecommunications carrier providing residential pre-paid local and long distance service to 260 customers throughout the State of Missouri (Case # TA-97-203, granted 10/21/1997, Case # XA-2003-0515, granted 7/6/2003). Comm South also provides service to a pay telephone provider in the state. Comm South is in Chapter 7 bankruptcy protection and is in the process of liquidating its business and its assets, including discontinuing telecommunications service. A copy of the Chapter 7 bankruptcy order is attached for your records.

In compliance with the rules of the Federal Communications Commission and Missouri CSR 240-3.560, Comm South notified customers on September 10, 2005 that it will be discontinuing residential service in thirty days. A copy of the discontinuance notice is attached. Comm South must retain its certification to provide service in Missouri for a short period of time after discontinuance of residential service in order to allow its pay telephone customer to transition to another carrier. Thereafter, Comm South will surrender its certification to the state and request its tariff be cancelled. A copy of Comm South's discontinuance notice to the Federal Communications Commission is also enclosed for your records.

If you have any questions about the foregoing, don't hesitate to communicate with the undersigned.

Thank you.

Sheri Pringle
Director, Regulatory Affairs
Comm South Companies, Inc.
214-355-7005
springle_csc@hotmail.com

Enclosures



8035 E. R.L. Thornton
Suite 410
Dallas, Texas 75228

September 10, 2005

Dear Missouri Comm South Customer:

RE: **NOTICE OF DISCONTINUANCE OF PRE-PAID LOCAL AND LONG
DISTANCE TELEPHONE SERVICE**

It has been our pleasure at Comm South (d/b/a Missouri Comm South, Inc.) to provide you with quality, pre-paid local and long distance services. **We regret to inform you that as of October 10, 2005, Comm South Companies, Inc. (d/b/a Missouri Comm South, Inc.)¹ ("Comm South") will no longer provide pre-paid local and long distance telephone service.**

Your action is required! You must select a new local and/or long distance telephone provider to provide you with the same services you are currently receiving from Comm South as quickly as possible but no later than October 10, 2005. Please see the enclosed letter from dPi Teleconnect, LLC, one potential provider of pre-paid local and long distance services. You can also find a list of local and long distance telephone service providers in your local telephone directory.

As a pre-paid customer of Comm South, you are free to discontinue Comm South service **at any time** by simply not pre-paying Comm South for telephone service and choosing another provider. Pre-paid customers do not maintain deposits with Comm South.

After selecting a new local telephone provider, you should also contact your current long distance provider to ensure that your current long distance calling plan is not changed as a result of your change in your local service. If you do not contact your long distance provider, you may be charged basic rates (non-calling plan rates) for long distance calls. Of course, if you are receiving long distance services from Comm South, you must select a new long distance provider.

The Federal Communications Commission will normally authorize this proposed

¹ Comm South also does business under the following names: Alabama Comm South Corp., Arkansas Comm South, Inc., Florida Comm South, Altair Communications, Inc., Mississippi Comm South, Missouri Comm South, Inc., E-Z Tel. Inc., Comm South in Tennessee, and Comm South Companies VA, Inc. Comm South converted its Chapter 11 bankruptcy to a Chapter 7 bankruptcy and will liquidate and exit the telecommunications business after receipt of all necessary court and regulatory approvals.

discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of Comm South, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

Again, it has been our pleasure to serve you. If you require assistance or have questions about termination of your service, please contact Comm South using the contact information found below.

Sincerely,

Comm South Companies, Inc.
8035 E. RL Thornton, Suite 410
Dallas, TX 75228
1-800-936-5223



RECEIVED²

OCT 11 2005

*Records
Public Service Commission*

8035 E. R.L. Thornton
Suite 410
Dallas, Texas 75228

October 7, 2005

Missouri Public Service Commission
Secretary of the Commission
Governor Office Building
200 Madison Street
Jefferson City, MO 65102

RE: **Amendment to effective date of certificate cancellation - Comm South Companies, Inc. (d/b/a Missouri Comm South) BCES-2006-0802**

Dear Secretary of the Commission,

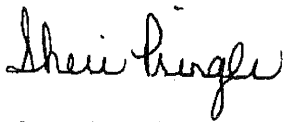
On September 14, 2005, Comm South Companies, Inc. (d/b/a Missouri Comm South, Inc.) ("Comm South") filed a notice with the Missouri Public Service Commission requesting to withdraw its CLEC authority to provide (1) resold residential service and (2) resold intrastate toll service, effective October 10, 2005.

Comm South wishes to amend the effective date of such cancellation to **November 10, 2005**, because: (1) the November 10 date coincides with the effective date of our Section 63.71 Discontinuance Application filed with the Federal Communications Commission; and/or (2) to ensure that customers' pre-payments received up to and including to October 10 get the full 30 days of service corresponding to their pre-payment (this further benefits Comm South's customers by providing them with between 30 and 60 days notice of discontinuance). As indicated in our September 14, 2005 notice, Comm South must retain its certificated authority to provide pay telephone service in Missouri for a period of time (not to exceed December 31, 2005) after discontinuance of these residential services in order to allow its pay telephone customer to transition to another carrier.

Accordingly, Comm South requests that, to the extent the Missouri Public Service Commission must take any affirmative action on Comm South's CLEC authority, it only take action on those portions of Comm South's CLEC authority that relate to: (1) resold local residential service; and (2) resold intrastate toll service, and that any such action not become effective until **November 10, 2005** (the amended effective date).

If anything further is required, please don't hesitate to contact the undersigned.

Sincerely,

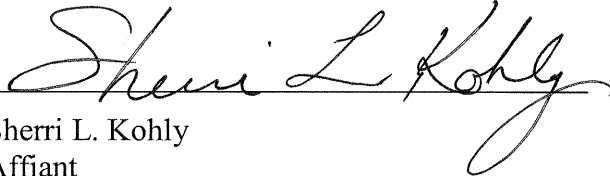
A handwritten signature in cursive script, appearing to read "Sheri Pringle".

Sheri Pringle
Director - Regulatory Affairs
Comm South Companies, Inc.
214.355.7005
springle_csc@hotmail.com

VERIFICATION

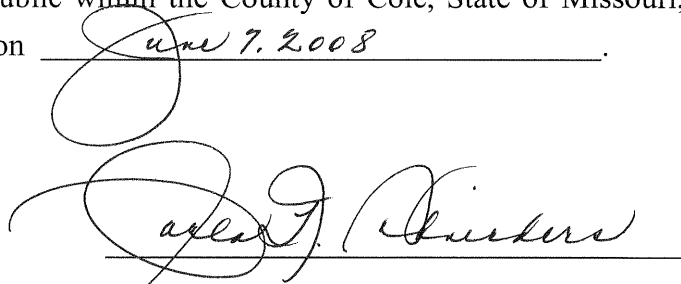
STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Sherri L. Kohly, 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 her knowledge.



Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 17th day of January 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

