

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19<sup>th</sup> day of May, 2010.

Application of Comtel Telecom Assets LP and )  
Matrix Telecom, Inc. for Transfer of Certain Assets ) **Case No. TM-2010-0302**  
and Customer Base )

**ORDER DISMISSING JOINT APPLICATION**

Issue Date: May 19, 2010

Effective Date: May 29, 2010

**Syllabus:** This order dismisses the Application filed by Comtel Telecom Assets LP (“Comtel”) and Matrix Telecom, Inc. (“Matrix”).

On April 28, 2010,<sup>1</sup> Comtel and Matrix filed an Application in which they asked the Commission for authority to transfer certain assets from Comtel to Matrix. Matrix wishes to serve Comtel’s customers, and Comtel wishes to have its certificate of service authority and tariffs canceled. Both Comtel and Matrix have certificates of service authority to provide basic local exchange and interexchange telecommunications services.<sup>2</sup>

On May 4, the Staff of the Commission filed a Motion to Dismiss. Staff says that Comtel and Matrix are alternative local exchange telecommunications companies, as well as interexchange companies. Section 392.420, RSMo, as of August 28, 2008, provides that for all existing alternative local exchange telecommunications companies, the Commission shall waive the application and enforcement of certain statutes.

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<sup>1</sup> Unless otherwise noted, all calendar references are to 2010.

<sup>2</sup> Commission Case Nos. XA-2004-0238, CA-2005-0393, TA-2006-0214.

One statute that Section 392.420 mandates the Commission waive is Section 392.300. Section 392.300 is the statute requiring telecommunications companies to receive Commission approval before transferring assets. Thus, approval or denial of the application would be application or enforcement of Section 392.300, which is prohibited by Section 392.420, and the Commission should dismiss the application.

Commission Rule 4 CSR 240-2.080(15) gives parties ten days to respond to pleadings, unless otherwise ordered by the Commission. The Commission issued no order after Staff's motion to dismiss; thus, any responses to Staff's motion were due by May 14. No party responded.

The Commission takes up Staff's motion unopposed, and will grant it. Approval or denial of the application would constitute application and enforcement of Section 392.300, which Section 392.420 prohibits.

**THE COMMISSION ORDERS THAT:**

1. The Application filed by Comtel Telecom Assets LPL and Matrix Telecom, Inc., is dismissed.
2. This order shall become effective on May 29, 2010.
3. This case shall be closed on May 30, 2010.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Clayton, Chm., Davis, Jarrett,  
Gunn, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge