

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

In the Matter of the Petition of Budget)	
Phone, Inc. for Designation as an Eligible)	Case No. CO-2006-0085
Telecommunications Carrier)	

STAFF RESPONSE

COMES NOW the Staff of the Public Service Commission and in response to the filings in this case, states:

This case was initially submitted by a non-attorney. The Commission's rule at 4 CSR 240-2.040 governs practice before this Commission, and provides that only natural persons may represent themselves. All other entities, including corporate entities such as Budget Phone, Inc., must be represented by either Missouri-licensed attorneys or attorneys who have received leave from the Commission to appear in a particular case.

On October 25, 2005, the same individual who submitted the initial application filed a letter in the case file requesting to withdraw the application.

The Commission's rule at 4 CSR 240-2.116(1) states that "[a]n applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties."

The Office of Public Counsel has filed a request for a ruling on the merits of the application or, alternatively, an evidentiary hearing. Essentially, the Public Counsel has requested to have a decision on the merits of an application that is void. Having no attorney, Budget Phone is unable to respond with a further valid filing. Although Budget Phone did not comply with the exact requirements of the Commission's rule governing dismissal, Staff

recommends that the Commission dismiss this case, and if Budget Phone chooses to refile, that the Commission make a decision on the merits of the application at that time, when the Commission has a valid application before it and Budget Phone is in a position to respond to the Public Counsel's statements.

WHEREFORE, Staff requests that the Commission dismiss this application.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27th day of October 2005.

/s/ David A. Meyer