

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

In the Matter of the Nullification of the)
Certificates of Service Authority of) Case No. TD-2007-
Trucomm Corporation)

MOTION TO NULLIFY CERTIFICATES OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and requests the Commission nullify and cancel the certificates of authority it has granted to TruComm Corporation. In support of its motion, Staff respectfully states as follows:

1. On October 21, 2003, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to TruComm Corporation to provide basic local telecommunications services in Missouri, in Case No. CA-2004-0115.

2. The Commission, in its order in Case No. CA-2004-0115, stated "That Rule 4 CSR 240-3.510(1)(C) is waived. TruComm Corporation may not operate until its tariffs have been submitted to the Commission and approved."

3. On October 8, 2003, the Commission issued an order granting a certificate of service authority to TruComm Corporation to provide intrastate, interexchange telecommunications services and non-switched local exchange telecommunications services, limited to providing dedicated private line services in Missouri, in Case No. XA-2004-0114.

4. The Commission, in its order in Case No. XA-2004-0114, stated "That the Commission also waives the requirement of Commission Rule 4 CSR 240-3.510(1)(C) that TruComm Corporation file a proposed tariff with a 45-day effective date with its application. However, TruComm Corporation may not conduct business in Missouri until the Commission has approved its tariff."

5. TruComm Corporation has never filed an interconnection agreement or a proposed tariff to provide any telecommunications service in Missouri. Staff requests that the Commission take official notice of its records and that the company has not submitted tariffs or an interconnection agreement, under the provisions of Section 536.070(6) RSMo. (2000) and 4 CSR 240-2.130(2).

6. According to the Missouri Secretary of State's website, the registration of TruComm Corporation, an Illinois corporation, was revoked March 14, 2006 because the company failed to file its Annual Registration Report. Section 351.602.3 RSMo. (2000) states that "[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority."

7. TruComm Corporation has indicated in its confidential Statement of Revenue it submitted to the Commission that it is not providing telecommunications services in Missouri. On that document, the company's representative indicated that it was reporting no Missouri jurisdictional revenue and that it no longer wished to maintain its operating certificates in Missouri. The notarized statement of revenue containing this statement was submitted to the Commission by the vice president, operations and is available on a highly confidential basis from the Commission's Electronic Filing and Information System.

8. In its Annual Report submitted most recently to the Commission, the company reported no revenues and no customers. No complaints have been submitted pertaining to the company since the commencement of the Commission's Electronic Filing and Information System.

9. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410, 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). Section 392.410.5 also states that

Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.

As the company never filed a tariff, it was never authorized to offer service and thus never could have exercised its certificate.

10. Service of this pleading is being made upon the company's registered agent via certified mail; and also upon the address of the company provided to the Commission.

WHEREFORE, the Staff recommends the Commission take official notice of its records regarding the lack of tariff submissions by TruComm Corporation, and nullify and cancel the certificates of service authority of TruComm Corporation to provide basic local telecommunications service; to provide intrastate, interexchange telecommunications services; and to provide non-switched local exchange telecommunications services, limited to providing dedicated private line services in Missouri.

Respectfully submitted,

/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed return receipt requested or electronically to all counsel of record as shown on the service list below this 15th day of May 2007.

/s/ David A. Meyer

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Michael A Kaplan
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(via certified mail)

TruComm Corporation
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1608 Barclay Boulevard
Buffalo Grove, IL 60089-4523

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 15th day of May 2007. I am
commissioned as a notary public within the County of Cole, State of Missouri,
and my commission expires on October 23, 2010.





NOTARY PUBLIC

