

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

In the Matter of the Cancellation of the)
Certificates of Service Authority of Logix)
Communications Corporation)

Case No. TD-2005-_____

MOTION TO OPEN CASE AND CANCEL CERTIFICATES OF SERVICE AUTHORITY

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 Logix Communications Corporation. In support of its Motion, the Staff respectfully states as follows:

1. In Case No. TA-98-342, the Missouri Public Service Commission (Commission) granted a certificate of service authority to Dobson Wireless to provide basic local telecommunications services. Dobson Wireless subsequently changed its name to Logix Communications Corporation in Case No. TO-2001-52.

2. In Case No. TA-98-314, the Commission granted a certificate of service authority to Dobson Wireless to provide intrastate resold nonswitched local exchange and interexchange telecommunications services. Again, Dobson Wireless subsequently changed its name to Logix Communications Corporation in Case No. TO-2001-52.

3. On February 28, 2002, Logix Communications Corporation sought bankruptcy protection under Chapter 11 of the Federal bankruptcy code in the Southern District of Texas.

4. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to Logix Communications Corporation, an Oklahoma corporation, was revoked August 28, 2000 because the company failed to file its Annual Registration Report.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.”

5. The Commission approved the transfer of the Missouri assets of Logix Communications Corporation, including all customers, to Western Communications, Inc. d/b/a Logix Communications in Case No. LM-2003-0028. The Commission noted in that case that Logix Communications Corporation was in bankruptcy and that the transfer was as a result of an agreement between the two companies within the context of the bankruptcy proceeding. The transfer was subsequently completed.

6. In its *Order Approving Transfer of Assets and Subscribers, Waiving Commission Rule 4 CSR 240-33.150 and Making Logix Communications Corp. a Party* in Case No. LM-2003-0028, the Commission ordered “[t]hat Logix Communications Corp. shall file a statement concerning the ongoing nature of its business in Missouri and, if appropriate, an application to cancel its certificate of service authority and tariff after the transfer of customer to Western Communications, Inc.”

7. Logix Communications Corporation has subsequently sent two letters to the Commission. In the first letter, attached as Attachment A, the “secretary/treasurer” of the Logix Communications bankruptcy estate indicated that Logix Communications Corporations had ceased operations. In the second letter, attached as Attachment B, the “assistant secretary/treasurer” of Intelleg Communications Corporation, who indicated that that entity was formerly known as Logix Communications Corporation, was no longer operating or providing service in Missouri. In the latter letter, the correspondent requested that the Commission cancel the certificate of service authority the company had held.

8. In keeping with indications that the company has ceased operations and that it transferred all of its Missouri assets in 2002, Logix Communications Company has not filed a 2003 or 2004 annual report.

9. Likewise, the company paid its assessments through the first quarterly assessment of Fiscal Year 2003 (summer 2002). By that time, the company had received bankruptcy protection. The Commission did not assess the company after Fiscal Year 2003.

10. Logix Communications Company no longer has tariffs because those tariffs were adopted by Western Communications, Inc. d/b/a Logix Communications.

11. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), 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 upon the address provided by the company via certified mail.

WHEREFORE, the Staff recommends the Commission cancel the cancel the Certificates of Service Authority it has granted to Logix Communications Corporation in Case Nos. TA-98-314 and TA-98-342.

Respectfully submitted,

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/s/ David A. Meyer

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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 29th day of April 2005.

/s/ David A. Meyer

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