

*Missouri Public Service Commission*

General Counsel's Office  
P.O. Box 360, Suite 800  
Jefferson City, Missouri 65102

MO 419-2928 (4-10)



VISTAVOX  
UNABLE TO FORWARD/FOR C 70 12/05/11  
DU \*\*C002\*\*

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Vistavox of MO, Inc.  
Legal Department  
719 Hwy 5 N  
P.O. Box 202  
Mountain Hc

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BC: 65102036050 \*2750-03079-29-45

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

In the Matter of the Cancellation of the Certificate )  
of Service Authority of Vistavox of MO, Inc., to )  
Provide Competitive Basic Local )  
Telecommunications Services in Portions of the )  
State of Missouri )

File No. CD-2012- 0167

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (Commission) to cancel the certificate of service authority and associated tariff of Vistavox of MO, Inc., (Vistavox or Company) and respectfully states as follows:

1. On August 26, 2007, the Commission granted Vistavox a certificate of service authority to provide basic local telecommunications services in portions of the state of Missouri, and classified those services and the Company as competitive in Case No. CA-2007-0475.

2. On October 25, 2011, the Missouri Secretary of State's Office (SOS) administratively dissolved the Company's authority to do business in the state of Missouri for failure to file a correct and current 2011 annual report. Pursuant to Section 351.476.1, RSMo (2000), a corporation administratively dissolved "may not carry on any business except that appropriate to wind up and liquidate its business and affairs...." See Attachment A.

3. Additionally, Vistavox has failed to file its calendar year 2010 annual report with the Commission and is delinquent in the payment of its 2012 assessment. The Commission's Budget and Fiscal Services Department assessed the Company based on estimated revenues, since the Company also failed to file its annual Statement of Revenue.

4. Because Vistavox can no longer lawfully provide telecommunications services in Missouri, the Staff recommends that the Commission cancel the Company's certificate.

5. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5, RSMo (Supp. 2010), which provides “[a]ny 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.”

6. 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. W.D. 1989).

**WHEREFORE**, the Staff respectfully recommends that the Commission cancel the certificate of service authority and associated tariff of Vistavox of MO, Inc., to provide competitive basic local telecommunications services in portions of the state of Missouri.

Respectfully submitted,

**/s/Jennifer Hernandez**

Jennifer Hernandez  
Associate Staff Counsel  
Missouri Bar No. 59814

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)  
**jennifer.hernandez@psc.mo.gov**

**CERTIFICATE OF SERVICE**

I hereby certify that I have provided a true and correct copy of the above pleading by prepaid First Class United States Postal Mail or electronic mail to: Vistavox of MO, Inc., 719 Hwy 5 N, P.O. Box 2023, Mountain Home, AR 72654; Vistavox of MO, Inc., c/o Registered Agent, Joseph E. Rebman, Esq., 8000 Maryland Ave., Suite 1060, Saint Louis, MO 63105; and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 29<sup>th</sup> day of November 2011.

**/s/Jennifer Hernandez**

**ADMINISTRATIVE DISSOLUTION  
OR REVOCATION FOR A  
FOR-PROFIT CORPORATION**

00800233  
Vistavox of MO, Inc.  
JOSEPH E REBMAN ESQ  
8000 MARYLAND AVE, STE 1060  
ST LOUIS, MO 63105

October 25, 2011

Vistavox of MO, Inc.  
00800233

The above corporation has failed to comply with Section 351.484 or 351.598 RSMo, by:

*Failure to file a correct and current annual report*

Therefore, the above corporation stands **administratively dissolved or revoked** under the provisions of Section 351.486 or Section 351.602, RSMo, as of October 25, 2011, subject to rescission as in these acts provided. **A corporation administratively dissolved may not carry on any business except that necessary to wind up and liquidate its business and affairs under Section 351.476.**

To request reinstatement forms please include your name, mailing address, telephone number, entity name and entity charter number by email to [rescissions@sos.mo.gov](mailto:rescissions@sos.mo.gov) [<mailto:rescissions@sos.mo.gov>](mailto:rescissions@sos.mo.gov); by fax (573) 751-5841 or call toll free (866) 223-6535.

For further information, please contact the Corporations Division at (866) 223-6535 toll free.



A handwritten signature in black ink, appearing to read "Rich Lamb".

Rich Lamb  
Executive Deputy Secretary of State

Attachment A