

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and)
Accompanying Tariff of Communigroup)
of K.C., Inc.)

Case No. XD-2006-_____

**MOTION TO OPEN CASE AND CANCEL
CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel Communigroup of K.C., Inc.'s certificate of service authority to provide intrastate interexchange telecommunications services, as well as its tariff, P.S.C. Mo. No. 1. In support of its Motion, the Staff respectfully states as follows:

1. In March 1987, the Commission granted Communigroup of K.C., Inc. a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri in Case No. TA-87-51. The Commission subsequently approved the company's tariff, P.S.C. Mo. No. 1.

2. On February 13, 2006, Communigroup of K.C., Inc. sought Chapter 7 bankruptcy protection and commenced the process of liquidating its assets. The company sought and received authority from the federal bankruptcy court to terminate its services by February 28, 2006. See Appendix A. The company has subsequently indicated that it did terminate its services. Accordingly, it is appropriate to cancel the company's certificate and tariff. The bankruptcy trustee has indicated that it is appropriate to do so at this time. See Appendix B.

3. Three informal complaints against Communigroup of K.C., Inc. have been registered in the Commission's Electronic Filing and Information System. All have been closed,

and even the most recent complaint has been closed for approximately three years. No formal complaints have been filed against Communigroup of K.C., Inc. during that time period.

4. Communigroup of K.C., Inc. is a Missouri corporation and remains in good standing at the Missouri Secretary of State.

5. Communigroup of K.C., Inc. has not filed its calendar year 2005 annual report. It has paid all assessments through the third quarterly payment of Fiscal Year 2006. The company sought bankruptcy protection approximately three weeks after that payment was due, and has not made any subsequent payments toward its Fiscal Year 2006 assessment.

6. Accordingly, because Communigroup of K.C., Inc. no longer has any Missouri customers and because its trustee has requested cancellation of its certificate of service authority, the Staff recommends that the Commission issue an order canceling Communigroup of K.C., Inc.'s certificate of service authority to provide intrastate interexchange telecommunications services and its tariff, P.S.C. Mo. No. 1.

7. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo 2000, 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).

8. This pleading will be served via certified mail on the address of the bankruptcy trustee, as well as the address provided by the company to the Commission and its registered agent in Missouri.

WHEREFORE, the Staff recommends the Commission cancel Communigroup of K.C., Inc.'s certificate of service authority to provide intrastate interexchange telecommunications services and its tariff, P.S.C. Mo. No. 1.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

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)
david.meyer@psc.mo.gov

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 25th day of April 2006.

/s/ David A. Meyer

Office of the Public Counsel
Governor Office Building, Suite 650
200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

Communigroup of K.C., Inc.
6950 W 56th Street
Mission, KS 66202

CT Corporation System
Registered Agent for Communigroup of K.C., Inc.
120 South Central Ave.
St. Louis, MO 63105

Carl R. Clark
Andrew D. Hennier
Lentz & Clark
Trustee for Communigroup of K.C., Inc.
P.O. Box 12167
9260 Glenwood
Overland Park, KS 66282-2167
(via certified mail)



The relief described hereinbelow is SO ORDERED.

Signed February 28, 2006.

ROBERT D. BERGER
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY DIVISION

IN RE:)

COMMUNIGROUP OF K.C., INC.,)
A Missouri Corporation,)

Debtor.)

Case No. 06-20119-RDB

**ORDER ON AMENDED EMERGENCY MOTION TO DETERMINE
DATE TO TERMINATE SERVICES**

THIS MATTER comes on for consideration upon the Trustee's Amended Emergency Motion to Determine Date to Terminate Services, filed February 21, 2006. Andrew D. Hennier appeared for Carl R. Clark and Carl R. Clark appeared in person, Cynthia F. Grimes appeared for Debtor and David Jones appeared as the corporate representative of Debtor. Due and proper notice was provided the Federal Communications Commission ("FCC") and the FCC made no appearances at the hearing. The court, having considered the motion, the file, and being duly advised in the premises, finds and orders as follows:

1. This Court previously entered its order allowing the Trustee to continue to operate this business as a telecommunications company until February 28th, 2006, or until such time thereafter as the Trustee obtains authority from the Federal Communications Commission or from a Court of competent

jurisdiction to allow the discontinuance of the telecommunications services currently being provided by this Debtor.

2. The Trustee's motion presently before the Court seeks to allow discontinuance of service by February 28th, 2006 regardless of whether certification from the FCC has been obtained. The President of CGI, David Jones, has provided the Trustee with his analysis of the financial condition of the business, and has determined it would be unfeasible to continue operation past February 28th, 2006. In an effort to protect as much of the estate as possible, the Trustee files the present motion.

IT IS ORDERED, ADJUDGED AND DECREED that the Trustee, Carl R. Clark, is allowed to discontinue service on February 28, 2006, or on such date thereafter that the Trustee determines is in the best interest of the bankruptcy estate.

IT IS SO ORDERED.

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Respectfully submitted:

s/ Carl R. Clark

Carl R. Clark, KS #11411
Andrew D. Hennier, KS # 17322
Lentz & Clark, P.A.
9260 Glenwood
P.O. Box 12167
Overland Park, KS 66282-2167
(913) 648-0600
(913) 648-0664 Telecopier
Attorneys for Chapter 7 Trustee

Meyer, David

From: Andrew Hennier
Sent: Thursday, April 20, 2006 2:56 PM
To: Meyer, David
Subject: Communigroup of K.C., Inc.

David,

Please consider this the Chapter 7 Trustee's authority to prepare the pleadings necessary to cancel the certificates of which we spoke. Please provide me with copies of those pleadings and give me a call if you need any additional information. Thank you.

ANDREW D. HENNIER

Attorney
Lentz & Clark, P.A.
9260 Glenwood
P.O. Box 12167
Overland Park, KS 66282
www.lentzandclark.com

~WARNING~

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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

Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 24th day of April 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on *June 7, 2008*.

Carla K. Schnieders

NOTARY PUBLIC

