

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

In the Matter of the Cancellation of the)	
Certificates of Service Authority and)	
Accompanying Tariffs of Exergy Group,)	Case No. XD-2006-
LLC)	

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel Exergy Group, LLC's certificate of service authority to provide intrastate interexchange telecommunications services and accompanying tariff P.S.C. MO Tariff No. 1. In support of its Motion, Staff respectfully states as follows:

1. On March 24, 2003, the Missouri Public Service Commission (Commission) issued its order approving the certificate of service authority of Exergy Group, LLC and the accompanying tariff P.S.C. MO Tariff No.1 (Case No. XA-2003-0291).

2. Exergy Group, LLC is a Florida limited liability company and was authorized to transact business in Missouri on December 24, 2002. As of the date of this filing, the company is still an active LLC in Missouri. However, the company's registered agent filed a statement of resignation with the Missouri Secretary of State on April 10, 2006. The resignation became effective on May 10, 2006.

3. On April 10, 2006, the Missouri Secretary of State issued Exergy Group, LLC notice¹ that the company would be administratively dissolved sixty (60) days after the effective date of the resignation if it did not file a statement of change of registered agent. Exergy Group, LLC has not filed a statement of change of registered agent.

¹ See Attachment A.

4. The Secretary of State has the authority pursuant to Section 351.598(3) RSMo to revoke the certificate of a foreign corporation authorized to do business in Missouri if the foreign corporation is without a registered agent for thirty days or more.

5. The telephone number provided to the Commission has been disconnected. The company's website is inactive. Undersigned counsel contacted the company representative responsible for filing Exergy Group, LLC's annual report via e-mail and that individual, Sufian Nabhan, informed counsel via return e-mail that the company went out of operation some months ago.²

6. Exergy Group LLC submitted a 2004 annual report to the Commission on January 31, 2005. The company has not filed an annual report for 2005.

7. The company's declining assessments support a finding that Exergy Group, LLC is no longer active. Exergy Group, LLC's annual assessment for Fiscal Year 2006 was minimal. The company paid its 2006 assessment on August 4, 2005. The company owes the Commission no assessments. The company has failed to file a revenue statement with the Commission for the past two years. No customers have contacted the Commission to make complaints about Exergy Group, LLC since the commencement of the Commission's Electronic Filing and Information System.

8. Because Exergy Group, LLC is soon to have its authority to do business in Missouri revoked, and because Staff has been informed that the company has ceased business activity, the Staff recommends that the Commission issue an order canceling Exergy Group LLC's certificate of authority and tariff.

9. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), which provides:

² See Attachment B.

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, 496 (Mo. App. 1989).

10. Copies of this motion are being served on the Missouri Secretary of State as registered agent for Exergy Group, LLC. The Motion will also be served via certified mail to the company address on file with the Commission.

WHEREFORE, the Staff recommends that the Commission cancel Exergy Group, LLC's certificate of authority to provide intrastate interexchange telecommunications services in Case No. XA-2003-0291 and accompanying tariff P.S.C. MO Tariff No. 1.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz
Assistant General Counsel
Missouri Bar No. 57128

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Missouri Public Service Commission
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(573) 751-8701 (Telephone)
(573) 751-9285 (Fax)
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Certificate of Service

I hereby certify that copies of the foregoing have been sent via certified mail to the Missouri Secretary of State as registered agent for Exergy Group, LLC at the address listed below.

/s/ Jennifer Heintz_____

Secretary of State
600 West Main
PO Box 778
Jefferson City, MO 65102



Office of the Secretary of State
State of Missouri
Jefferson City
65101

ROBIN CARNAHAN
SECRETARY OF STATE

CORPORATIONS DIVISION
(866) 223-6535 TOLL FREE

RESIGNATION OF REGISTERED AGENT NOTICE

April 10, 2006

Exergy Group, L.L.C.
1550 W. 84th St., Ste. 50
Hialeah, FL 33014

RE: EXERGY GROUP, LLC
FL0075424

We have received a resignation of registered agent for the above named entity as of the date of this letter. This resignation becomes effective 30 days after the above date. At that time, the EXERGY GROUP, LLC will no longer have a registered agent. You will be administratively dissolved 60 days after the resignation of the agent becomes effective.

To avoid administrative dissolution, you must file the enclosed Statement of Change of Registered Agent and Registered Office form.

Please feel free to contact us at (866) 223-6535 (toll free) if we can be of service.

Chuck Meek
P. O. Box 778
Jefferson City, MO 65102
(866) 223-6535
www.sos.mo.gov

JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • PO BOX 778 • JEFFERSON CITY 651 02

Attachment A

Heintz, Jennifer

From: Sufian Nabhan [sufian.nabhan@exergygroup.com]
Sent: Thursday, June 29, 2006 4:01 PM
To: Heintz, Jennifer
Subject: RE: MO Public Service Commission

Dear Jennifer

Sorry for the delay, I check this e-mail bi-weekly only. Exergy is not doing business in all states since a few months ago.

Thanks

Sufian Nabhan

From: Heintz, Jennifer [mailto:jennifer.heintz@psc.mo.gov]
Sent: Thursday, June 29, 2006 9:45 AM
To: sufian.nabhan@exergygroup.com
Subject: MO Public Service Commission

Mr. Nabhan:

I am attempting to ascertain whether Exergy Group, LLC is still in operation and providing telephone service in Missouri. The telephone number on file with the Commission has been disconnected. Please contact me to discuss the status of your company.

Jennifer Heintz
Assistant General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102

(573) 751-8701

Attachment B

6/29/2006