

**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 NorVergence,)
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 open a case and cancel NorVergence, Inc.'s certificate of service authority to provide interexchange telecommunications services and its tariff. In support of its Motion, Staff respectfully states as follows:

1. In February 2004, the Commission granted NorVergence, Inc. a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri in Case No. LA-2004-0236. The Commission approved the company's tariff, PSC Mo.-No.1, in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to NorVergence, Inc., a New Jersey corporation, was revoked December 2, 2004 because the company failed to file its Annual Registration Report.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."

3. The telephone number provided to the Commission by the company is no longer in service. Staff counsel contacted former local counsel for NorVergence, Inc., who indicated that they were unaware of any other way to contact their former client.

4. The Commission assessed NorVergence, Inc., a minimal assessment based on an estimate because the company failed to submit its Statement of Revenue. The company also failed to submit its 2004 calendar year annual report, which is the first year that the company would have had to do so.

5. Staff believes that NorVergence, Inc., has violated the terms of its certificate by its failure to keep the Commission informed of its current telephone number or provide current contact information through the annual report process. The company's former counsel also has indicated they have no way to contact the company. Section 392.210(2) RSMo. (2000) states, among other things, "The commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies... ." Because NorVergence, Inc., has failed to keep the Commission informed of a current address or telephone number, the Commission is unable to contact NorVergence, Inc.,. Therefore, NorVergence, Inc., has denied the Commission access that is required of the Commission under Section 392.210(2) RSMo. (2000). Certainly, NorVergence, Inc., has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250 RSMo. (2000).

6. No customers have contacted the Commission with complaints about NorVergence, Inc., since the commencement of the Commission's EFIS system.

7. 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).

8. Thus, the Commission has the authority to cancel the certificate of service authority it granted to NorVergence, Inc., to provide intrastate interexchange telecommunications services in Missouri in Case No. LA-2002-0236, as well as the company's tariff, PSC Mo.-No.1. Such an action is supported because the company appears to have disappeared and the Commission's Staff is unable to communicate with the company other than by sending letters that do not generate a response.

9. This pleading is being served via certified mail upon the most recent address provided to the Commission by the company. It is also being served by regular mail upon its registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority it granted to NorVergence, Inc., to provide intrastate interexchange telecommunications services in Missouri in Case No. LA-2004-0236, as well as the company's tariff, PSC Mo.-No.1.

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 15th day of July 2005.

/s/ David A. Meyer

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