

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

In the Matter of the Cancellation of the )  
Certificate of Service Authority and Tariff )  
of BAK Communications, LLC. )

Case No. XD-2006-\_\_\_\_\_

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

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificate of Service Authority it has granted to BAK Communications, LLC, as well as the company's tariff. In support of its Motion, the Staff respectfully states as follows:

1. On November 9, 2001, in Case No. TA-2002-184, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to BAK Communications, LLC to provide intrastate interexchange telecommunications services. The Commission approved the company's tariff, P.S.C. Mo. Tariff No. 1, in the same case.

2. BAK Communications, LLC is a California limited liability company. On February 28, 2006, the registered agent in Missouri for BAK Communications, LLC resigned without replacement. See Appendix A. The Secretary of State indicated that the entity would be dissolved in June 2006 if the company's failure to have a registered agent or office in the state was not corrected, and the company does not appear to have corrected that problem. The company has not responded and the Secretary of State's office has indicated that dissolution will take place.

3. One of the telephone numbers provided to the Commission no longer reaches the company and all telephone numbers provided to the Commission by the company are no longer

in service. However, mail sent to the address provided by the company has not been returned to the Commission as undeliverable.

4. In keeping with indications that the company has ceased operations, BAK Communications, LLC has not filed a 2005 annual report. The company owes no assessments. No customers have contacted the Commission to make complaints about BAK Communications, LLC since the commencement of the Commission's Electronic Filing and Information System.

5. Because BAK Communications, LLC no longer has authority to transact business in Missouri, because it does not provide telecommunications service in Missouri, and because it has apparently ceased to exist and cannot be contacted, the Staff recommends that the Commission issue an order canceling BAK Communications, LLC certificate and tariff.

6. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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).

7. Copies of this Motion are being served via registered mail upon the Missouri Secretary of State, as Section 347.033 RSMo. (2000) provides that "[i]n the event that a limited liability company shall fail to appoint or maintain a registered agent in this state ... then the secretary, as long as such default exists, shall automatically be appointed as an agent of such limited liability company upon whom any process, notice or demand required or permitted by law to be served upon the limited liability company may be served." Service is also being made upon the company at the address it has provided to the Commission.

WHEREFORE, the Staff recommends the Commission cancel the Certificate of Service Authority it has granted to BAK Communications, LLC to provide intrastate interexchange telecommunications services in Case No. TA-2002-184, as well as the company's tariff, P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

/s/ **David A. Meyer**

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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](mailto: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 15<sup>th</sup> day of June 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

BAK Communications, LLC  
1108 E 17<sup>th</sup> Street  
Santa Ana, CA 92701

Secretary of State of Missouri  
Registered Agent for BAK Communications, LLC  
600 West Main Street  
P. O. Box 778  
Jefferson City, MO 65102  
(via certified mail)



Corporations Division  
P.O. Box 778, Jefferson City, MO 65102

James C. Kirkpatrick State Information Center  
600 W. Main Street, Rm 322, Jefferson City, MO 65101

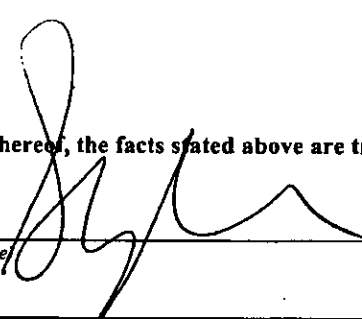
File Number: 200606111625  
FL0055987  
Date Filed: 02/28/2006  
Robin Carnahan  
Secretary of State

## Statement of Resignation of Registered Agent of Limited Liability Company

(Submit in duplicate with filing fee of \$10)

1. The name of the limited liability company is:  
**BAK COMMUNICATIONS, LLC**
2. The street address of the registered office is:  
**222 E Dunklin, Suite 102, Jefferson City, MO 65101**
3. The name of the registered agent is:  
**TCS Corporate Services, Inc.**
4. Written notice of the agent's resignation has been given to the limited liability company.

In affirmation thereof, the facts stated above are true:

	<b>Sherry Gale</b>	<b>March 25, 2004</b>
(Authorized Signature)	(Printed Name)	(Date)
(Authorized Signature)	(Printed Name)	(Date)
(Authorized Signature)	(Printed Name)	(Date)

State of Missouri  
Change/Resignation of Agent 1 Page(s)

LLC-6 (11/00)



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T0604613688

Appendix A



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**

28th day of February, 2006

BAK Communications, LLC  
1108 E. 17<sup>th</sup> Street  
Santa Ana, CA 92701

RE: BAK COMMUNICATIONS, LLC  
FL0055987

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 BAK COMMUNICATIONS, 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](http://www.sos.mo.gov)

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

# 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 15<sup>th</sup> day of June 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 9-23-2008.

Rosemary R. Robinson  
NOTARY PUBLIC

