

**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 New Concept )  
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 for its Motion to Open Case and Cancel Certificate of Service Authority and Tariff, respectfully states as follows:

1. In January 1998, the Missouri Public Service Commission (Commission) issued its order in Case No. TA-98-215, granting New Concept Communications, LLC a certificate of service authority to provide intrastate interexchange telecommunications services. The Commission also approved its tariff, P.S.C. MO. No. 1, in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that New Concept Communications, LLC, a California limited liability corporation, registered with the State of Missouri to do business in 1997. The web site also reports that that registration will expire in 2050. New Concept Communications, LLC has no other filings of record with that office.

3. Mail sent to the address provided by the company has been returned to the Commission as undeliverable. See Appendix A.

4. The company has failed to provide a telephone number to the Commission and, as it has never filed an annual report, it is unclear how the company may otherwise be reached by telephone.

5. New Concept Communications, LLC does not appear to have ever provided service to Missouri customers. This statement is supported by the fact that the Commission never assessed New Concept Communications, LLC for an amount other than \$0.00 from fiscal year 2000 (based on calendar year 1998) to date, with the exception of a single year when the Commission assessed the company an estimated amount of approximately \$2.00. Moreover, no customer has contacted the Commission regarding the company since the commencement of the Commission's Electronic Filing and Information System.

6. In support of the conclusion that the entity has ceased to exist, New Concept Communications, LLC failed to submit annual reports for every calendar year since receiving its certificate of service authority in 1998, and has never provided a Statement of Revenue. When the Commission assessed New Concept Communications, LLC an estimated assessment for Fiscal Year 2003, the company did not respond.

7. Other states have already reached the conclusion that New Concept Communications, LLC no longer warrants registration as a public utility. For example, the Tennessee Regulatory Authority revoked New Concept Communications, LLC's authority to conduct business as a public utility in the State of Tennessee in its Docket 98-00692 on June 13, 2000 because the entity did not respond to inquiries from that agency, nor did it comply with its assessment requirements. Likewise, the Pennsylvania Public Utility Commission cancelled New Concept Communications, LLC's certificate of public convenience because the entity failed to file its annual reports in its Docket A-310591 in 2002, noting that the notices of its complaint that had been sent via certified mail were not claimed.

8. Because New Concept Communications, LLC 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 New Concept Communications, LLC's certificate and tariff.

9. 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).

10. This pleading is being served on the address provided by the company and reflected by the Commission's Electronic Information and Filing System, as well as upon its Missouri registered agent.

**WHEREFORE**, the Staff recommends the Commission cancel the certificate of service authority granted New Concept Communications, LLC to provide interexchange telecommunications services, as well as its accompanying tariff, P.S.C. MO. No. 1.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/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 12<sup>th</sup> day of July 2005.

**/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

New Concept Communications, LLC  
10960 Wilshire Boulevard  
Suite 1000  
Los Angeles, CA 90024

CSC Lawyers Incorporating Service Company  
Registered Agent for  
New Concept Communications, LLC  
221 Bolivar Street  
Jefferson City, MO 65101  
*(via certified mail)*

Missouri Public Service Commission  
Administration Division  
P.O. Box 360  
Jefferson City, Missouri 65102

MO 419-2629 (4-01)



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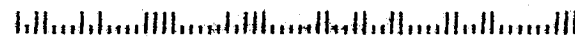
JAN 31 2005

BUDGET & FISCAL SVCS  
MO. P.S.C.

IXC  
PY05  
Legal Department  
Assessment Coordinator  
New Concept Communications, LLC  
10960 Wilshire Blvd.  
Ste. 1000  
Los Angeles, CA 90024

- ☐ Undeliverable As Addressed  
☐ Moved, Left No Address  
☐ Unclaimed  
☐ Refused  
☐ Attempted, Not Known  
☐ No Such Street \_\_\_\_\_ Number \_\_\_\_\_  
☐ Deceased  
☐ Vacant

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Appendix A