

**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 Tralee Telephone)
Company, 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 September 2002, the Missouri Public Service Commission (Commission) issued its order in Case No. XA-2003-0046, granting Tralee Telephone Company, LLC a certificate of service authority to provide intrastate interexchange telecommunications services. The Commission also approved its tariff, Missouri P.S.C Tariff No. 1, in the same case.

2. Tralee Telephone Company, LLC has now requested the cancellation of its certificate of service authority. See Appendix A.

3. The company owes no annual reports or assessments to the Commission. There are currently no open complaints against the company before the Commission.

4. The company filed its *Articles of Cancellation of a Foreign Limited Liability Company* with the Missouri Secretary of State and cancelled its registration on June 28, 2005. See Appendix B.

5. Because Tralee Telephone Company, LLC has requested cancellation of its certificate, and because it is not providing telecommunications service in Missouri, the Staff

recommends that the Commission issue an order canceling Tralee Telephone Company, LLC's certificate and tariff.

6. 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).

7. This pleading is being served both on the address provided by the company to the Commission via certified mail, as well as upon its Missouri registered agent and its counsel. Service is not being made upon its registered agent because by canceling its registration with the Secretary of State, the company has also revoked the authority of its registered agent in the state.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority granted Tralee Telephone Company, LLC to provide interexchange telecommunications services, as well as its accompanying tariff, Missouri P.S.C. Tariff No. 1.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/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 September 2005.

/s/ David A. Meyer

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