

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

Notice by Cognigen Networks, Inc. that it)
No Longer Intends to Provide to Service)
to Certain Customers Subscribing to) Case No. XO-2007-0213
Specific Services as Outlined in the FCC)
63.71 Filing Which is Attached Hereto.)

STAFF MOTION TO DISMISS

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), and states:

1. On December 8, 2006, Cognigen Networks, Inc. submitted a pleading it filed with the Federal Communications Commission to the Commission’s Electronic Filing and Information System together with a cover letter to this Commission. The cover letter indicated that the company intended to cease providing certain products in Missouri. The cover letter also indicated that the company sought Commission approval to discontinue these products.

2. The cover letter and the petition indicate that they were submitted to this Commission in keeping with 47 CFR 63.71(a), which states in pertinent part:

§ 63.71 Procedures for discontinuance, reduction or impairment of service by domestic carriers.

Any domestic carrier that seeks to discontinue, reduce or impair service shall be subject to the following procedures:

(a) The carrier shall notify all affected customers of the planned discontinuance, reduction, or impairment of service and shall notify and submit a copy of its application to the public utility commission and to the Governor of the State in which the discontinuance, reduction, or impairment of service is proposed, and also to the Secretary of Defense, Attn. Special Assistant for Telecommunications, Pentagon, Washington, DC 20301. Notice shall be in writing to each affected customer unless the Commission authorizes in advance, for good cause shown, another form of notice. ...

3. This Commission’s authority to act on the petition submitted to the Federal Communications Commission is limited to filing comments at the Federal Communications

Commission under very limited circumstances. Staff does not believe comments are necessary in this case.

4. Staff has spoken to the company's counsel, and has confirmed that the company intended to submit the pleading to comply with Federal law. The submission in the Commission's Electronic Filing and Information System as a docketed case was made by the company in error.

5. Pursuant to 4 CSR 240-2.116(4), the Commission may dismiss a case for good cause. As the Commission has no authority to rule upon this submission and it was submitted to the Electronic Filing and Information System in error, Staff moves that the Commission dismiss this case.

WHEREFORE, the Staff recommends that the Commission dismiss this case.

Respectfully submitted,

/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 22nd day of December 2006.

/s/ David A. Meyer