

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) **Case No. XO-2007-0213**
Subscribing to Specific Services as Outlined in the)
FCC 63.71 Filing Which is Attached Hereto.)

NOTICE OF DEFICIENCY

Issue Date: December 19, 2006

On December 8, 2006, Cognigen Networks, Inc., filed an application with the Missouri Public Service Commission advising the Commission that Cognigen no longer intends to provide service to the 118 Missouri customers subscribing to its CogniState, CogniPhone, or InTandem products and asking the Commission for an order approving Cognigen's request to discontinue service to the aforementioned customers effective no later than January 15, 2007. Cognigen's application is deficient in several areas.

First, the attorney signing the application, Patrick D. Crocker, does not appear to be a Missouri-licensed attorney. Commission Rule 4 CSR 240-2.040(3)(C), addressing licensed attorneys who are not members of the Missouri Bar who wish to practice before the Commission, states:

(3) Attorneys who wish to practice before the commission shall fully comply with its rules and also comply with one (1) of the following criteria:

(A) ...;

(C) Any attorney who is not a member of the Missouri Bar, but who is a member in good standing of the bar of any court of record may petition the commission for leave to be permitted to appear and participate in a particular case under all of the following conditions:

1. The visiting attorney shall file in a separate pleading a statement identifying each court of which that attorney is a member and certifying

that neither the visiting attorney nor any member of the attorney's firm is disqualified to appear in any of these courts;

2. The statement shall designate some member in good standing of the Missouri Bar having an office within Missouri as associate counsel; and

3. The designated Missouri attorney shall simultaneously enter an appearance as an attorney of record.

To redress this deficiency Cognigen must provide proof of Mr. Crocker's good standing with the Missouri Bar, or else bring its application into compliance with 4 CSR 240-2.040(3)(C). Also, if Mr. Crocker is not a licensed Missouri attorney, but wishes to appear before the Commission in this proceeding, he will need to be admitted *pro hac vice* and demonstrate compliance with the Commission's rules and Missouri Supreme Court Rules 6.01(m) and 9.03.

Second, Cognigen's application is deficient for failure to comply with 4 CSR 240-2.060 which applies to all applications before the Commission. Cognigen must bring its application into compliance with all Commission regulatory requirements.

Third, Cognigen fails to cite any statutory or regulatory authority in its application under which the Commission could grant Cognigen the requested relief.

No action will be taken on said application until it is brought into compliance with all Commission regulatory requirements.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Dated at Jefferson City, Missouri,
on this 19th day of December, 2006.

Voss, Regulatory Law Judge