

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

Joint Application of Public Communications	)	
Services, Inc. and Global Tel*Link Corporation to	)	
Transfer Assets of Public Communications	)	<b>File No. TO-2011-0054</b>
Services, Inc. to Global Tel*Link Corporation	)	

**MOTION TO DISMISS**

**COMES NOW** the Staff of the Missouri Public Service Commission and moves the Missouri Public Service Commission (Commission) to dismiss the application to transfer assets and states as follows:

1. On August 25, 2010, Public Communications Services, Inc. (“PCSI”) and Global Tel\*Link Corporation (“Global”) asked the Commission to approve a transfer of certain assets from PCSI to Global. Although they do not state that they make their application pursuant to any particular statutory provision, any Commission authority over the transfer of the assets of telecommunications companies is found in §392.300 RSMo 2000.

2. Both PCSI and Global are certificated as interexchange telecommunications carriers and PCSI is also certificated as a payphone provider. Both companies are foreign corporations.

3. Section 392.300 RSMo 2000 does not apply to this transaction and no Commission approval is required for the proposed transaction to be consummated. Section 392.300 has two subsections. Subsection 392.300.1 applies whenever a certificated telecommunications company divests itself of any portion of the “franchise, facilities or system” it uses to provide service. This matter does not involve the divestiture from the certificated company of anything, much less any portion of its franchise, facilities or system. Those who privately hold the stock of the company wish to sell the stock to another party, without any effect on the telecommunications company. As noted in the application,

Following the stock purchase and approval of this Commission, the assets of PCS will be transferred to GTL. GTL plans to operate the companies separately for a period of time, until such time as integration can be accomplished in a transparent maner with no negative effect on end users.

Subsection 392.300.2 applies only to the transfer of ownership of a certificated telecommunications company organized and operating under the laws of Missouri. As noted above, both companies are foreign corporations.

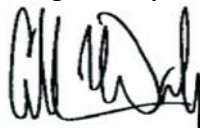
4. Finally, effective August 28, 2008, §392.420 RSMo Supp. 2009 provides that:

The commission is authorized, in connection with ... a certificate of interexchange or ... service ..., to entertain a petition to suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 [...]. ...[F]or all existing alternative local exchange telecommunications companies, the commission shall waive...the application and enforcement of ...section ...392.300...”

5. Although the waiver mandate applies only to local exchange companies, it can be used as guidance to the Commission in this situation involving interexchange carriers, which have been traditionally regulated less extensively than local exchange carriers have been regulated. Logically, if these provisions are to be uniformly waived for local exchange carriers, then they also should be waived for interexchange carriers, who generally do not own or control any essential facilities and are subject to vigorous competition.

**WHEREFORE**, the Staff respectfully moves the Commission dismiss the Application to Transfer Assets.

Respectfully submitted,



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## **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 16<sup>th</sup> day of September, 2010.

A handwritten signature in black ink, appearing to be "Allan" followed by a stylized flourish.