

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

In the Matter of the Cancellation of the )  
Certificate of Service Authority and Tariff )  
of Corban Communications, Inc. )

Case No. XD-2005-\_\_\_\_\_

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificate of Service Authority it has granted to Corban Communications, Inc., as well as the company's tariff. In support of its Motion, the Staff respectfully states as follows:

1. In August 2003 in Case No. XA-2004-0045, the Missouri Public Service Commission (Commission) granted a certificate of service authority to Corban Communications, Inc. to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services. The Commission approved the company's tariff, P.S.C. Mo. No. 1, in the same case.

2. On March 11, 2004, Corban Communications, Inc. sought bankruptcy protection under Chapter 11 of the Federal bankruptcy code in the Northern District of Texas (Dallas) with Bankruptcy Petition #: 04-32972-saf7. The company's case converted to Chapter 7 (liquidation) March 8, 2005.

3. On October 6, 2004, Corban Communications, Inc. sent a letter to the Commission. In the letter, attached as Appendix A, Corban Communications, Inc.'s representative indicated that Corban Communications was not providing services in the State of Missouri and that its certificate of service authority and tariff should be cancelled. The individual who signed the letter is reflected as the president of the company according to the

company's most recent filing with the Missouri Secretary of State. Counsel for the bankruptcy estate has indicated this cancellation may occur. See Appendix B.

4. In the October 6, 2004 letter at Appendix A, the company indicated it ceased providing telecommunications services of any kind or nature after July 23, 2004. According to documents filed with the bankruptcy court, none of the assets transferred were located in the state of Missouri. Accordingly, the company would not have had to seek authority from this Commission regarding the asset transfer that took place under the auspices of the bankruptcy court that was alluded to in the October 6, 2004 letter. See Section 392.300 RSMo. (2000).

5. The company's 2003 Annual Report reflects no revenues. The company owes no assessments but has not filed a 2004 Annual Report.

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. Copies of this Motion are being served upon addresses provided by the company, the most recent one via certified mail; and also upon counsel in the company's bankruptcy case.

**WHEREFORE**, the Staff recommends the Commission cancel the cancel the Certificate of Service Authority it has granted to Corban Communications, Inc. to provide interexchange and nonswitched local exchange telecommunications services, as well as the company's tariff, P.S.C. Mo. 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 10<sup>th</sup> day of May 2005.

**/s/ David A. Meyer**

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