

**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 WesTex)
Communications, LLC d/b/a WTX)
Communications)

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 moves that the Commission open a case and cancel WesTex Communications, LLC d/b/a WTX Communications' certificate of service authority to provide interexchange telecommunications services and its tariff. In support of its Motion, Staff respectfully states as follows:

1. In June 2003, the Missouri Public Service Commission (Commission) issued its order in Case No. LA-2003-0491, granting WesTex Communications, LLC d/b/a WTX Communications a certificate of service authority to provide intrastate interexchange telecommunications services. The Commission also approved its tariff, P.S.C. Mo. Tariff No. 1, in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that WesTex Communications, LLC, a Texas limited liability corporation, registered with the State of Missouri to do business in 2002. The web site also reports that that registration is perpetual. The entity also registered to do business under the fictitious name of WTX Communications. Neither registration entails subsequent reporting or filing requirements.

3. Mail sent to the address provided by the company has been returned to the Commission as undeliverable. See Appendix A.

4. All telephone numbers provided to the Commission by the entity are now out of service, including the direct dial number, the fax number, and the 866-customer service number.

5. WesTex Communications, LLC d/b/a WTX Communications does not appear to have ever provided service to Missouri customers. No customer has contacted the Commission regarding the company since the commencement of the Commission's Electronic Filing and Information System.

6. In support of the conclusion that the entity has ceased to exist, WesTex Communications, LLC d/b/a WTX Communications failed to submit annual reports for every calendar year since receiving its certificate of service authority, and has never provided a Statement of Revenue. However, the company owes no assessments.

7. Because WesTex Communications, LLC d/b/a WTX Communications does not provide telecommunications service in Missouri, and because it has apparently ceased to exist and cannot be contacted, the Staff recommends that the Commission issue an order canceling WesTex Communications, LLC d/b/a WTX Communications' certificate and tariff.

8. 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).

9. This pleading is being served both on the address provided by the company and reflected by the Commission's Electronic Information and Filing System, as well as upon its Missouri registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority granted WesTex Communications, LLC d/b/a WTX Communications to provide interexchange telecommunications services, as well as its accompanying tariff, P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

David A. Meyer
Senior Counsel
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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 12th day of July 2005.

/s/ **David A. Meyer**

Office of the Public Counsel
Governor Office Building, Suite 650
200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

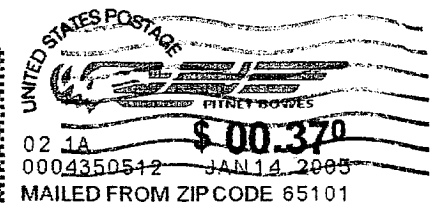
WesTex Communications, LLC d/b/a WTX
Communications
4902 Ross Road
Arcola, TX 77583

National Registered Agents, Inc.
Registered Agent for
WesTex Communications, LLC d/b/a WTX
Communications
300-B East High Street
Jefferson City, MO 65101

(via certified mail)

Missouri Public Service Commission
Administration Division
P.O. Box 360
Jefferson City, Missouri 65102

MO 419-2629 (4-01)



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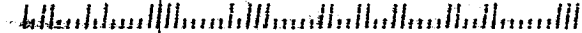
Marla Hanley
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*also
bad address
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FY05

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Appendix A

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