

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Syniverse)
Networks, Inc. For Approval of a Merger with)
Syniverse Technologies, Inc.,) **Case No. XM-2008-0178**

ORDER REJECTING APPLICATION FOR FAILURE TO COMPLY WITH COMMISSION REGULATIONS

Issue Date: December 3, 2007

Effective Date: December 3, 2007

On November 27, 2007, Syniverse Networks, Inc. (“Syniverse”) filed an application for approval of a merger with Syniverse Technologies, Inc. The application is signed by David Robinson, Syniverse’s Manger of Public Policy.

Commission Rule 4 CSR 240.2.010(13) includes in its definition of a pleading “any . . . , complaint, . . . , which is not a tariff or correspondence, and which is filed in a case.” MCFC’s complaint is a pleading pursuant to this rule. All pleadings are governed by 4 CSR 240-2.080, and all pleadings not in substantial compliance with 4 CSR 240-2.080, applicable statutes or commission orders “shall not be accepted for filing.”

Pleadings filed with the Commission require the signature of an attorney authorized to practice law in Missouri, unless the entity signing the pleading is a natural person representing only that natural person, i.e. themselves. (4 CSR 240-2.080(1) and (6)).¹ The lack of the proper signature is the equivalent of the application bearing no signature, and

¹ Specific regulations for practice before the Commission are also delineated in 4 CSR 240-2.040, and specific regulations for all applications filed with the Commission are delineated in 4 CSR 240-2.060.

unsigned pleadings shall be rejected. (4 CSR 240-2.080(5)). Moreover, 4 CSR 240-2.040(5), specifically addressing practice before the Commission, states:

A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

The underlying basis for these Commission Rules can be found in RSMo sections 484.010 and 484.020.² Section 484.010 defines the practice of law as “the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court of record, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies.” Section 484.020 restricts the practice of law and engagement in law business to licensed attorneys.

Syniverse, not being a natural person representing only him or herself, must be represented by an attorney authorized to practice law in Missouri to appear before the Commission in this Complaint. Syniverse’s application is defective because of the lack of that representation as evidenced by the lack of a signature by an attorney authorized to practice law in Missouri. Syniverse’s application is deficient and must be rejected.

Syniverse was directed to file an appropriate application for this merger in Case Number XN-2008-0149. Consequently, Syniverse must still comply with the order issued in that case on November 29, 2007, and must submit a proper application for the merger no later than December 17, 2007, unless it requests an appropriate extension of time.

² All statutory citations refer to RSMo 2000 unless otherwise noted.

IT IS ORDERED THAT:

1. Syniverse Networks, Inc.'s application for approval of a merger with Syniverse Technologies, Inc. is rejected for failure to comply with applicable filing requirements.
2. This order shall become effective on December 3, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of December, 2007.