

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Name Change of Opex)
Communications, Inc. d/b/a TCI Long Distance)

File No. XN-2011-0074
Tracking No. YX-2011-0125

ORDER EXTENDING SUSPENSION AND REQUIRING REPLY

Issue Date: November 8, 2010

Effective Date: November 8, 2010

The Commission is extending the tariff's suspension and requiring the applicant to file a response.

Opex Communications, Inc. ("applicant") seeks to do business under a fictitious name in addition to its corporate name. To accomplish that objective, applicant filed¹ tariff sheets ("tariff") with an effective date of October 14, 2010. Staff filed a motion² to suspend the tariff until November 14, 2010, so as to extend the time for Staff to investigate the matter and file its recommendation. The Commission granted that motion,³ which initiated a contested case.⁴ Staff filed its recommendation⁵ against the tariff.

The Commission's regulations allow up to ten days for a reply to the recommendation.⁶ A fully informed reply will assist the Commission's decision-making. But the current suspension expires before that time. Therefore, the Commission will extend the tariff's suspension as permitted by law⁷ to allow the applicant time to file

¹ On September 14, 2010.

² Filed on October 5, 2010.

³ By order issued on October 6, 2010.

⁴ As described in the *Notice of Contested Case* issued on October 8, 2010.

⁵ On November 5, 2010.

⁶ 4 CSR 240-2.080(15) .

⁷ Section 392.230.3, RSMo Supp. 2009.

such reply.⁸ If such reply cites legal theories or asserts legal rights, applicant shall file it only through an attorney admitted to practice in Missouri.⁹

THE COMMISSION ORDERS THAT:

1. The tariff sheets assigned tracking no. YX-2011-0125 are suspended until December 13, 2010. The specific tariff sheets suspended are:

Missouri P.S.C. Tariff No. 1

Original Adoption Notice No. 1

First Revised Page No. 1, canceling Original Page No. 1

2. Opex Communications, Inc. shall file a reply to the recommendation of the Commission's staff no later than November 15, 2010, as described in the body of this order.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of November, 2010.

⁸ 4 CSR 240-2.050(3)(A).

⁹ 4 CSR 240-2.040(5); *Reed v. Labor & Indus. Relat. Comm'n*, 789 S.W.2d 19, 22-23 (Mo. banc 1990).