

**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 Business)
Telecom, Inc. d/b/a BTI)

Case No. CD-2006-_____

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel the certificate of service authority it granted to Business Telecom, Inc. d/b/a BTI to provide basic local exchange telecommunications services, as well as the company's tariff. In support of its Motion, Staff respectfully states as follows:

1. The Commission granted Business Telecom, Inc. d/b/a BTI a certificate of service authority to provide basic local telecommunications services in the state of Missouri, limited to exchanges served by certain large incumbent local exchange telecommunications companies, in Case No. TA-98-552 in October 1998. The company's current tariff, P.S.C. MO No. 3, was subsequently approved.

2. Phone-Link, Inc. is a North Carolina corporation and is reflected by the Missouri Secretary of State's office as being in good standing.

3. The Commission has received a letter from counsel for Business Telecom, Inc. d/b/a BTI indicating that the company "has not marketed its services and accordingly has no customers to notify of its decision to withdraw its certificate." The company seeks immediate cancellation of its certificate. See Appendix A.

4. Staff is not aware that Business Telecom, Inc. d/b/a BTI is still providing telecommunications services to any Missouri customers. In Case No. TA-98-552, the

Commission granted authority for Business Telecom, Inc. d/b/a BTI to provide service to customers in areas served by “SWBT, GTE Midwest Incorporated (GTE), and Sprint Missouri, Inc. d/b/a Sprint (Sprint).” Subsequently, Business Telecom, Inc. d/b/a BTI entered into interconnection agreements only with SBC Missouri, Inc. (see Case No. TO-99-130 and TO-2000-636). In Case No. TO-2005-0336, in its initial *Petition* seeking arbitration in that matter, SBC Missouri, Inc. listed Business Telecom, Inc. as one of the CLECs that, when contacted by SBC Missouri to negotiate a successor interconnection agreement, informed SBC Missouri that they planned to discontinue service and terminate the interconnection agreement.

5. No customers have contacted the Commission to make complaints about Business Telecom, Inc. d/b/a BTI since the commencement of the Commission’s Electronic Filing and Information System.

6. Business Telecom, Inc. d/b/a BTI has paid all assessments and submitted all annual reports to date.

7. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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.

8. 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 will be served via certified mail upon the address provided most recently by Business Telecom, Inc. d/b/a BTI to the Commission (which is identical with that provided to the Missouri Secretary of State), as well as upon its Missouri registered agent.

10. Thus, the Commission has the authority to cancel the certificate of service authority it granted to Business Telecom, Inc. d/b/a BTI to provide basic local exchange telecommunications services in Case No. TA-98-552, as well as the company's tariff, P.S.C. MO. No. 3. Such an action is supported because the company has no Missouri customers, nor does it intend to provide service in the future in Missouri, and because its representative has requested cancellation.

11. Finally, Staff notes that Business Telecom, Inc. d/b/a BTI holds a certificate to provide intrastate interexchange telecommunications services under Case No. TA-93-102, but that certificate is unaffected by this proceeding.

WHEREFORE, the Staff requests that the Commission grant Staff's Motion and cancel the certificate of service authority it granted to Business Telecom, Inc. d/b/a BTI to provide basic local exchange telecommunications services in Case No. TA-98-552 as well as the company's tariff, P.S.C. MO. No. 3.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
david.meyer@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following this 15th day of February 2006.

/s/ David A. Meyer

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

CSC- Lawyers Incorporating Service Company
Registered Agent for Business Telecom, Inc. d/b/a BTI
221 Bolivar Street
Jefferson City, MO 65101

Business Telecom, Inc. d/b/a BTI
7037 Old Madison Pike, Suite 400
Huntsville, AL 35806
(via certified mail)

7037 Old Madison Pike
Suite 400
Huntsville, AL 35806



Telephone: 256-382-2230
Facsimile: 256-382-3969

January 25, 2006

Ms. Colleen M. Dale
Secretary
Missouri Public Service Commission
200 Madison Street
P. O. Box 360
Jefferson City, Missouri 65102-0360

Re: Business Telecom, Inc., d/b/a BTI
Request for Cancellation of Certificate of Service Authority to Provide Resold Basic
Local Telecommunications Service and withdrawal of Tariff P.S.C. MO No. 3

Dear Ms. Dale:

The purpose of this letter (original and ten (10) copies) is to advise the Commission that Business Telecom, Inc., d/b/a BTI is hereby seeking the immediate cancellation of its certificate of service authority to provide basic local exchange telecommunications services (as granted in Case No. TA-98-552 on October 20, 1998) and the corresponding withdrawal of its Tariff P.S.C. MO No. 3.

While Business Telecom, Inc. was granted the certificate of service authority to provide basic local exchange telecommunications service in 1998, the Company has not marketed its services and accordingly has no customers to notify of its decision to withdraw its certificate.

Please date-stamp and return to me the additional copy of this cover letter in the enclosed self-addressed stamped envelope that has been provided for that purpose.

Any questions regarding this filing may be directed to me at 256-382-3856 or by email at tony.mastando@itcdeltacom.com. Thank you for your assistance in this matter.

Sincerely,

BUSINESS TELECOM, INC.

A handwritten signature in black ink, appearing to read "D. Anthony Mastando", is written over a horizontal line.

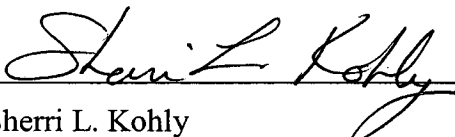
D. Anthony Mastando
Vice President/Senior Regulatory Attorney

APPENDIX A

VERIFICATION

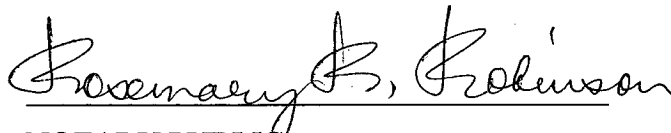
STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.



Sherri L. Kohly
Affiant

Subscribed and affirmed before me this 15th day of February 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 9-23-2008.



NOTARY PUBLIC

