

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of February, 2007.

In the Matter of the Application of Name Change )  
from LDMI Telecommunications, Inc. d/b/a LDMI )  
Telecommunications to LDMI Telecommunications, ) **Case No. XN-2007-0275**  
Inc. d/b/a Cavalier Telephone and LDMI ) **Tariff No. YX-2007-0506**  
Telecommunications, Inc. d/b/a Cavalier Business )  
Communications )

**ORDER RECOGNIZING CHANGE OF FICTITIOUS CORPORATE NAME  
AND APPROVING TARIFF**

Issue Date: February 15, 2007

Effective Date: February 22, 2007

On January 23, 2007, LDMI Telecommunications, Inc. d/b/a LDMI Telecommunications (“LDMI”), which is a certificated, Commission-regulated provider of telecommunications services in the State of Missouri, filed a letter requesting that the Commission recognize two new fictitious corporate names, which would be used in lieu of the company’s currently-recognized fictitious name of “LDMI Telecommunications.” As explained in the letter, the purpose of the request was: (1) to enable the company to provide traditional residential telecommunications services in Missouri under the fictitious name “Cavalier Telephone,” and (2) to enable the company to provide traditional business

telecommunications services in Missouri under the fictitious name “Cavalier Business Communications.”<sup>1</sup>

Accompanying the letter were documents showing that LDMI registered both of the new fictitious names with the Missouri Secretary of State for a period of five years beginning December 29, 2006. Also attached to the letter were two new tariffs, numbered YX-2007-0506 and YX-2007-0507, both with a proposed effective date of February 22, 2007.<sup>2</sup> Although these new tariffs were intended to cancel and completely replace the corresponding existing tariff filed by LDMI (*i.e.*, Tariff No. JX-2004-0198), they contained no substantive changes.<sup>3</sup> Finally, the letter indicated that LDMI’s customers had already been notified of the impending name changes.

On January 25, 2007, the Commission directed its Staff to commence an investigation and promptly file a report containing its recommendation as to whether the Commission should recognize LDMI’s fictitious name changes and approve the accompanying new tariffs. During the course of this investigation, Staff advised LDMI to withdraw one of the new tariffs, explaining that Staff would not favorably recommend Commission approval of a situation where LDMI, which holds only one certificate of service authority, would be simultaneously providing telecommunications services under two different fictitious names.

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<sup>1</sup> On October 2, 2006, in Case No. TM-2007-0140, Cavalier Telephone Corporation and Talk America Holdings, Inc. jointly filed an application seeking approval of a transaction whereby a wholly-owned subsidiary of Cavalier Telephone Corporation would acquire indirect control of two Commission-regulated, wholly-owned subsidiaries of Talk America Holdings, Inc. named LDMI Telecommunications, Inc. and Talk America, Inc. This case appears to have arisen out of that transaction.

<sup>2</sup> The first new tariff, No. YX-2007-0506, referred to LDMI Telecommunications, Inc. d/b/a Cavalier Telephone, while the second, No. YX-2007-0507, referred to LDMI Telecommunications, Inc. d/b/a Cavalier Business Communications.

<sup>3</sup> The revisions consisted of: (1) the fictitious name changes referred to above; (2) the addition of sequential page numbers to each page; and (3) a change in the identity of the company employee responsible for maintaining LDMI’s tariff records, as reflected in the footer on each page.

Therefore, on January 30, 2007, LDMI withdrew Tariff No. YX-2007-0507, which employed the fictitious name of “Cavalier Business Communications,” in its entirety. Two days later, LDMI filed copies of the customer notices LDMI had previously sent its customers regarding the forthcoming name changes, thereby enabling Staff to review their contents.

On February 2, 2007, the Staff of the Commission filed a verified Memorandum concluding that LDMI’s letter and attachments comply with the applicable Commission Rules governing utility company name changes and setting forth filing requirements for telecommunications company tariffs.<sup>4</sup> Accordingly, the Memorandum recommends approval of LDMI’s request to change its fictitious name from “LDMI Communications” to “Cavalier Telephone,” and also recommends approval of Tariff No. YX-2007-0506 with an effective date of February 22, 2007.

The Commission has reviewed LDMI’s pleadings and Staff’s Memorandum, and finds that the change of LDMI’s fictitious name from “LDMI Telecommunications” to “Cavalier Telephone” will be recognized. The Commission further finds that the new tariff reflecting this name change will be approved.

**IT IS ORDERED THAT:**

1. The Commission acknowledges that LDMI Telecommunications, Inc. will henceforth be doing business in Missouri under the fictitious name of Cavalier Telephone rather than under the fictitious name of LDMI Telecommunications, and recognizes that LDMI Telecommunications, Inc. d/b/a LDMI Telecommunications is now to be known as LDMI Telecommunications, Inc. d/b/a Cavalier Telephone.

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<sup>4</sup> These regulations include 4 CSR 240-2.060(5), 4 CSR 240-3.020(1), and 4 CSR 240-3.545(20).

2. Tariff No. YX-2007-0506 is approved to become effective on February 22, 2007. The tariff approved is:

**P.S.C. Missouri No. 1**  
**Original Title Sheet**  
**Original Sheet Nos. 1-37**

3. Tariff No. JX-2004-0198 is cancelled as of the effective date of this order.
4. This order shall become effective on February 22, 2007.
5. This case may be closed on February 23, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray and Appling, CC., concur  
Gaw, C., dissents  
Clayton, C., absent

Lane, Regulatory Law Judge