

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Ionex Communications,	)	
Inc. d/b/a Birch Communication's Request	)	<b><u>File No. CD-2021-0235</u></b>
For Cancellation of Certificates of Service	)	<b><u>File No. XD-2021-0236</u></b>
Authority	)	

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff") and for its *Recommendation* states:

1. Ionex Communications Inc. d/b/a Birch Communications ("Ionex") provides resold and facilities-based local telecommunications services,<sup>1</sup> and intrastate interexchange telecommunications services under the name of Ionex.<sup>2</sup>

2. On January 25, 2021, Ionex requested cancellation of its certificates of service authority and of any tariffs on file. Ionex further requested that cancellation be effective December 31, 2020. Ionex's applicable tariffs are JC-2010-0767 and JX-2010-0769.

3. Ionex no longer has any customers, and has ceased operations within Missouri.

4. Also on January 25, 2021, the Commission ordered Staff to file a recommendation concerning the request of Ionex no later than February 4, 2021.

5. Pursuant to Commission rule 20 CSR 4240-28.011(3), notice shall be provided to the Commission to cancel certification(s) or registration(s) previously granted by the Commission. Notice should comply with the following requirements:  
(A) The company should submit written notice to the commission, as in a letter,

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<sup>1</sup> Case No. TA-2000-0600 (June 12, 2000).

<sup>2</sup> Case No. TO-2000-0518 (March 17, 2000).

containing the following information: (1) a statement requesting cancellation of a company's certification or registration and citing the specific certificates of service authority and/or registrations; (2) If the company also has a currently effective tariff, then the letter should also request cancellation of the tariff; (B) The letter can be signed by a company official and does not need to be signed or filed by an attorney; and (C) The letter should be electronically filed in EFIS.

6. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo, which provides "[a]ny 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."

7. 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. W.D. 1989).

8. The letter filed in EFIS on January 25, 2021, meets the requirements of Commission rule 20 CSR 4240-28.011(3). Thus, it is Staff's recommendation that the Commission issue an order cancelling the certificates of service authority and associated tariffs of Ionex, per the Commission's authority under Section 392.410.5 RSMo.

**WHEREFORE**, Staff respectfully recommends the Commission cancel the certificates of service authority and the applicable tariffs on file for Ionex Communications, Inc. d/b/a Birch Communication, and grant such other and further relief as the Commission finds just under the circumstances.

Respectfully Submitted,

**/s/ Travis J. Pringle**

Travis J. Pringle

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 4th day of February, 2021, to all parties and/or counsel of record.

**/s/ Travis J. Pringle**