

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariff)
of Cypress Telecommunications)
Corporation

Case No. XD-2007-

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel Cypress Telecommunications Corporation's certificate of service authority to provide intrastate interexchange telecommunications services in Missouri, as well as its tariff. In support of its Motion, Staff respectfully states as follows:

1. In January 1994, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to provide intrastate interexchange telecommunications services to Cypress Telecommunications Corporation in Case No. TA-94-34. The Commission approved the company's tariff, P.S.C. MO No. 1, in the same case.

2. Cypress Telecommunications Corporation has indicated in its confidential Statement of Revenue it submitted to the Commission that it is not providing telecommunications services in Missouri. On that document, the company's representative indicated that it was reporting no Missouri jurisdictional revenue and that it no longer wished to maintain its operating certificate in Missouri. The notarized statement of revenue containing this statement was submitted to the Commission by the controller of the company and is available on a highly confidential basis from the Commission's Electronic Filing and Information System. The company also submitted a letter with its 2006 annual report requesting certificate cancellation. See Appendix A.

3. In its Annual Report submitted most recently to the Commission, the company reported no revenues and no customers.

4. Cypress Telecommunications Corporation has no past due annual reports or assessments to the Commission. No formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

5. The web site of the Office of the Missouri Secretary of State reports that the authority of Cypress Telecommunications Corporation, a Texas corporation, to do business in Missouri was revoked on January 13, 1994 because the company failed to file its Annual Registration Report. Section 351.602.3 RSMo. (2000) states that “[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.”

6. Because Cypress Telecommunications Corporation has requested cancellation of its certificate, because it is not providing telecommunications service in Missouri, and because it required to cease doing business in the state, the Staff recommends that the Commission issue an order canceling the company’s certificate.

7. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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.”

However, 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).

8. This pleading is being served on the address provided by the company to the Commission via certified mail. The Secretary of State's website reflects that the company has no registered agent. Section 351.594.2 provides that "a foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or its most recent annual report, if the foreign corporation: (1) Has no registered agent or its registered agent cannot with reasonable diligence be served; ... or (3) Has had its certificate of authority revoked under section 351.602." As both subsections (1) and (3) of this statute apply in this case, the registered mail service upon the company should suffice.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Cypress Telecommunications Corporation to provide intrastate interexchange telecommunications services in Missouri, as well as its tariff, PSC MO No. 1.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

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CYTEL

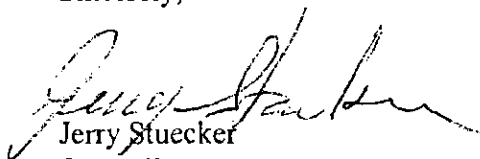
February 6, 2007

Missouri Public Service Commission
Budget & Fiscal Services Department,
P.O. Box 360
Jefferson City, MO 65102

Re: Cypress Telecommunications Corp

Cypress Telecommunications Corporation (Cytel) has never conducted operations in Missouri and wishes to forfeit its corporate charter or authority to do business with the Public Service Commission. Cytel has never conducted business in the state of Missouri, never solicited residential or commercial customers residing in the state of Missouri, nor has Cytel ever generated any revenues based upon telecommunications services sold to residential or commercial customers residing in the state of Missouri. As such, Cytel should have to file any Revenue reports, Annual reports or any other periodic reports. Although Cytel may have earlier filed an application for Certificate of Authority with the office of the Secretary of State suggesting it had been conducting business in Missouri, that information is incorrect and/or was completely in error.

Sincerely,

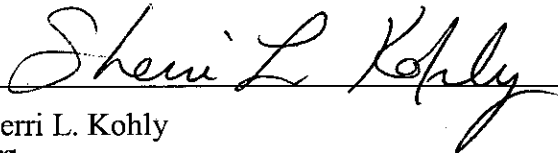


Jerry Stuecker
Controller

VERIFICATION

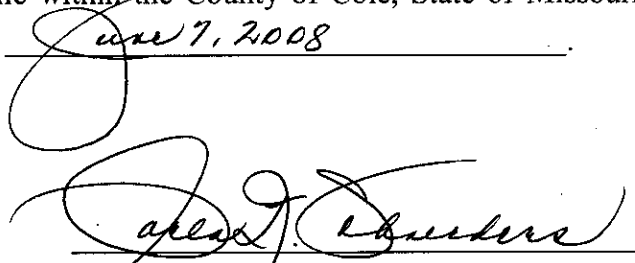
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 29th day of March 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008



NOTARY PUBLIC

