

**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 Victory )  
Communications, Inc. )

Case No. CD-2005-\_\_\_\_\_

**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 Victory Communications, Inc. 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. Victory Communications, Inc. received a certificate of service authority to provide basic local exchange telecommunications services in April 2004 in Case No. CA-2004-0427. The company's tariff, P.S.C. MO. NO. 1, was approved in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to Victory Communications, Inc., a Louisiana corporation, was revoked April 25, 2005 because the company failed to file its Annual Registration Report.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."

3. As the company first received its certificate of service authority in 2004, the calendar year 2004 is the first year it would have been required to submit an annual report. It has not done so. The Commission assessed the company an amount for Fiscal Year 2006 based upon an estimate, because the company did not return a statement of revenue.

4. Attempts to contact the company directly have been futile. The telephone number provided by the company to the Commission is no longer in service. The company provided a different telephone number to the Federal Communications Commission in its Form 499-A (318-343-5151) but that telephone number is out of service as well. However, mail sent to the address provided by the company has not been returned as undeliverable.

5. Victory Communications, Inc.'s registered agent is listed by the Missouri Secretary of State as:

Mary Ann Young  
812 Swifts Highway  
Jefferson City, MO 65109

However, according to the most recently-filed annual registration report, the company changed its registered agent to:

Carl J. Lumley  
130 S. Bemiston, Suite 200  
St. Louis, MO 63105

Neither Ms. Young nor Mr. Lumley have indicated that they have any contact information for the company other than what has already been provided to the Commission. It is not clear why the Secretary of State's website still reflects Ms. Young as the company's registered agent. Both attorneys indicated that in the recent past they had tried to contact the company about this problem without success.

6. Staff is not aware that Victory Communications, Inc. is still providing telecommunications services to any Missouri customers. No customers have contacted the Commission to make complaints, either formal or informal, about Victory Communications, Inc. since it received its certificate of service authority.

7. The Commission has granted Victory Communications, Inc. authority to provide service only in territory served by Southwestern Bell Telephone, L.P. d/b/a SBC Missouri. According to information available from SBC Missouri, the company does not have an interconnection agreement and, accordingly, it cannot provide service to customers in that territory under the terms of its certificate.

8. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), 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.

9. 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).

10. Thus, the Commission has the authority to cancel the certificate of service authority it granted to Victory Communications, Inc. to provide basic local exchange telecommunications services in Case No. CA-2004-0427, as well as the company's tariff, P.S.C. MO. NO. 1. Such an action is supported because the company cannot be contacted, and because it appears the company has no Missouri customers, and it no longer has legal authority to operate under normal circumstances in Missouri.

WHEREFORE, the Staff requests that the Commission grant Staff's Motion and cancel the certificate of service authority it granted to Victory Communications, Inc. to provide basic local exchange telecommunications services in Case No. CA-2004-0427, as well as the company's tariff, P.S.C. MO. NO. 1.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/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](mailto: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 29<sup>th</sup> day of June 2005.

**/s/ David A. Meyer**

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

Mary Ann Young  
Registered Agent for Victory Communications, Inc.  
812 Swifts Highway  
Jefferson City, MO 65109

Carl J. Lumley  
Registered Agent for Victory Communications, Inc.  
130 S. Bemiston, Suite 200  
St. Louis, MO 63105

Victory Communications, Inc.  
681 Downsville Road  
Downsville, LA 71234  
*(via certified mail)*