

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

In the Matter of the Cancellation of the )  
Registration of DIECA Communications )  
Inc. d/b/a Covad Communications ) Case No. DD-2010-\_\_\_\_  
Company to Provide Interconnected Voice )  
Over Internet Protocol Service. )

**MOTION TO CANCEL VoIP REGISTRATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and moves the Missouri Public Service Commission (Commission) to cancel the Voice over Internet Protocol (VoIP) Service Registration of DIECA Communications Inc. d/b/a Covad Communications Company (Covad or Company). For its Motion, Staff respectfully states the following:

1. On September 22, 2008, the Commission in Case No. DA-2009-0074, granted registration to Covad to provide VoIP services in certain exchanges of Missouri.

2. On April 29, 2009, the Commission received a forwarded copy of the Company's *Section 63.71 Application (Application)*, an application for the discontinuance of service that Covad submitted to the Federal Communications Commission. The *Application* was pursuant to 47 CFR 63.71, which resembles the Commission's procedure for ceasing operations in 4 CSR 240-3.560. The filing was assigned the tracking number BCES-2009-1753.

3. Covad's *Application* for discontinuance of service stated that in an effort to maintain its nationwide broadband network, Covad was shutting down offices where growth has been stagnant for some time. The *Application* further states that Covad's discontinuance of service "will not result in harm to the affected customers because the customers will have the opportunity to select another telecommunications carrier for their telecommunications needs, and

the CLECs and ILEC(s) in their area will continue to offer them high speed data and Internet service.”

4. On January 7, 2009, Covad sent an email notice to its affected customers stating the Company would cease service on May 10, 2009. Also, on April 21-22, 2009, written notice was sent by first-class mail informing customers of the June 10, 2009 revised disconnect date. The notices are attached to the Company’s application as Exhibit A.

5. Because Covad has requested cancelation of its registration and is not providing telecommunications services in Missouri, Staff recommends the Commission issue an order canceling the Company’s certificate.

6. Covad is not delinquent in the payment of an annual assessment or the filing of an annual report.

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. Staff notes that if Covad’s registration is canceled, the Company still remains obligated to file an annual report, submit a statement of revenue, and pay any assessments for operations conducted in calendar year 2009.

**WHEREFORE**, Staff of the Missouri Public Service Commission requests that the Commission issue an order canceling the VoIP service registration of DIECA Communications Inc. d/b/a Covad Communications Company, including a provision that the Company remains obligated to file an annual report, submit a statement of revenue, and pay any assessments for operations conducted in calendar year 2009.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via certified First Class United States Mail to Anthony Hansel, Assistant General Counsel for Covad Communications Company, 1750 K Street, NW, Suite 200, Washington, DC 20006; and The Office of Public Counsel via electronic mail at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 16<sup>th</sup> day of July, 2009.

**/s/ Jennifer Hernandez**