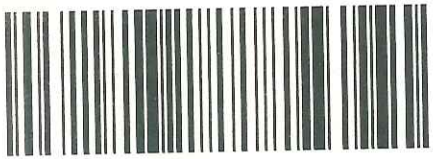
CERTIFIED MAIL



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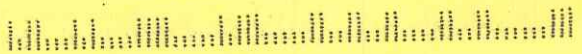
Missouri Public Service Commission
Administration Division
P.O. Box 360
Jefferson City, Missouri 65102

MO 419-2629 (4-01)

Atlas Communications, Ltd.
100 Front Street, Suite 1370
West Conshocken, PA 19428

ATLA100 194283019 1C03 03 01/19/05
FORWARD TIME EXP RTN TO SEND
:ATLAS COMMUNICATIONS
PO BOX 607
CONSHOHOCKEN PA 19428-0607

RETURN TO SENDER





PLACE STICKER AT TOP OF ENVELOPE TO THE R
OF THE RETURN ADDRESS. FOLD AT DOT

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Atlas Communications, Ltd.
100 Front Street, Suite 1370
West Conshocken, PA 19428

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7002 0460 0003 0704 9974

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Nullification and the Cancellation of the Certificates of Service Authority and Accompanying Tariff of Atlas Communications, Ltd.	))))	Case No. TD-2005-0218

MOTION TO OPEN CASE AND NULLIFY AND CANCEL
CERTIFICATES 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 nullify Atlas Communications, Ltd.'s certificate of service authority to provide basic local exchange services and cancel its certificate of service authority to provide interexchange telecommunications services and its tariff. In support of its Motion, Staff respectfully states as follows:

1. In July 1996, the Missouri Public Service Commission (Commission) issued its order approving the certificate of service authority of Atlas Communications, Ltd. to provide intrastate interexchange telecommunications services in Case No. TA-96-443. The company's tariff, Missouri P.S.C. Tariff No. 1, was approved in the same case.

2. Subsequently, in July 1998 in Case No. TA-98-330, the Commission issued its order approving the certificate of service authority of Atlas Communications, Ltd. to provide basic local exchange telecommunications services. The Commission stated in its 'ordered' section "[t]hat Atlas Communications, Ltd., is granted a certificate of service authority to provide basic local exchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when

the company's tariff becomes effective." *Order Granting Certificate to Provide Basic Local Telecommunications Services*, Case No. TA-98-330 (July 7, 1998). This finding is in keeping with the provisions of Section 392.220 RSMo. (2000), as the company could not lawfully provide service until a tariff was effective.

3. The company never filed a tariff to offer basic local exchange telecommunications services.

4. The web site of the Office of the Missouri Secretary of State reports that Atlas Communications, Ltd. was administratively dissolved October 22, 2004. The company had filed its annual registration reports with the Secretary of State's office prior to 2004, but failed to do so for that year and was dissolved.

5. Atlas Communications, Ltd. failed to submit its 2003 annual report to the Commission. It also has not its paid its Fiscal Year 2005 assessment to the Commission The Commission based that assessment on an estimate because the company failed to provide its Statement of Revenue for the relevant calendar year. The company had filed its annual reports and paid its assessments prior to the most recent submission and payment.

6. Until the past few months, the Commission's Electronic Filing and Information System reflected the contact information for Atlas Communications, Ltd.'s Competitive Local Exchange operations as its attorney, Early, Lennon, Crocker & Bartosiewicz, P.L.C., in Kalamazoo, Michigan. However, upon being contacted regarding Atlas Communications, Ltd.'s status, that law firm indicated it no longer represented Atlas and did not know what had happened to the company. The firm provided its last known contact information for Atlas to the Commission. The Data Center changed its contacts in the EFIS system accordingly.

7. Before its representation ceased, Atlas' legal representative had provided the Commission with a letter indicating that Atlas never provided local exchange services within the State of Missouri. That letter is attached as Attachment A.

8. Atlas filed both a Competitive Local Exchange Carrier Annual Report and an Interexchange Carrier Annual Report for 2002. The former report reflected Atlas' former counsel as its point of contact. In the latter report, the company listed all corporate offices as "vacant" except for its "vice-chairman." Also in that report, the company provided a direct company contact, including an address and telephone number, in West Conshocken, Pennsylvania. The telephone number the company provided in that report was the same telephone number the company's former counsel provided for contacting its Competitive Local Exchange operations. Both addresses, though not identical (one is a street address and one is a Post Office Box), were both in West Conshocken and have the same Zip code. The telephone number the company and its former counsel provided, however, has been disconnected.

9. Staff is not aware that Atlas has any remaining interexchange Missouri customers. No customers have contacted the Commission with complaints about Atlas since the commencement of the Commission's EFIS system.

10. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2003), 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). Section 392.410.5 also states that

> Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.

11. Accordingly, the Commission has the authority and the support to determine the certificate to provide basic local exchange services it granted to Atlas Communications, Ltd. in Case No. TA-98-330 is null and void.

12. The Commission also has the authority to cancel the certificate of service authority of Atlas Communications, Ltd. to provide intrastate interexchange telecommunications services in Case No. TA-96-443, as well as the company's tariff, Missouri P.S.C. Tariff No. 1. Such an action is supported because the company has been administratively dissolved in the State of Missouri;[1] because the Commission's staff has been unable to contact the company directly, nor do its former attorneys have any more recent information than the Commission about how to contact the company; and because the company has failed to submit its most recent Statement of Revenue and Annual Report as well as pay the most recent estimated assessment.

13. This pleading is being served on the Missouri registered agent for Atlas Communications, Ltd., and is also being mailed to both West Conshocken, Pennsylvania addresses the Commission has on file and that the company or its former representative provided.

[1] Although the entity does not appear to be dissolved in its native state of Pennsylvania, the contact information held by the Pennsylvania Secretary of State is identical to the information held by both the Missouri Secretary of State and the Commission.

WHEREFORE, the Staff moves that the Commission find the conditional certificate of service authority to provide basic local exchange services it granted to Atlas Communications, Ltd. in Case No. TA-98-330 is null and void; and cancel the certificate of service authority granted Atlas Communications, Ltd. in Case No. TA-96-443 to provide interexchange telecommunications services, as well as its accompanying tariff, Missouri P.S.C. Tariff 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

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 7th day of January 2004.

/s/ David A. Meyer

Office of the Public Counsel
Governor Office Building, Suite 650
200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

John L. Hearne
Registered Agent for Atlas Communications, Ltd.
300-B East High Street
Jefferson City, MO 65101

Atlas Communications, Ltd.
100 Front Street, Suite 1370
West Conshocken, PA 19428

Atlas Communications, Ltd.
P. O. Box 607
Conshocken, PA 19428-0609

EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.

ATTORNEYS AT LAW

900 COMERICA BUILDING
KALAMAZOO, MICHIGAN 49007-4752
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FILED[3]
MAY 19 2003
Missouri Public Service Commission

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THOMPSON BENNETT
JOHN T. PETERS, JR.

VINCENT T. EARLY
(1922 - 2001)
JOSEPH J. BURGIE
(1926 - 1992)

April 30, 2003

RECEIVED[4]
MAY 16 2003
Records
Public Service Commission

State of Missouri
Public Service Commission
P O Box 360
Jefferson City MO 65102

RE: Atlas Communications, Ltd.

Dear Sir/Madam:

We are the attorneys for Atlas Communications, Ltd. ("Atlas"). Please be advised that Atlas is not currently providing local exchange services within the state of Missouri, nor have they on any prior date.

Should you have any questions, please contact me.

Very truly yours,

EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.

Patrick D. Crocker
PDC/cmd

Attachment A