

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

In the Matter of the Application of NOW Communications,)
Inc., Known in Missouri as Now Communications,)
Incorporated of Delaware, d/b/a Cleartel Communications,)
and nii communications, Ltd., for Approval to Cancel the)
Certificates of Service Authority of NOW Communications,) **File No. LD-2010-0163**
Inc. Known in Missouri as Now Communications,)
Incorporated of Delaware, d/b/a Cleartel Communications,)
and nii communications, Ltd., to Provide Telecommunica-)
tions Services in Missouri.)

**ORDER REJECTING APPLICATION
AND DIRECTING STAFF INVESTIGATION**

Issue Date: January 12, 2010

Effective Date: January 12, 2010

On November 25, 2009, nii communications, Ltd., and NOW Communications, Inc., known in Missouri as Now Communications Incorporated of Delaware, d/b/a Cleartel Communications, submitted an Application for the Cancellation of Certificates of Service Authority and Withdrawal of Tariffs.

The application indicated that nii is a Texas limited partnership, and that NOW is a Delaware corporation. The application was signed and verified by Randy Muench, President of nii and NOW. There is no indication that Mr. Muench is an attorney licensed in the State of Missouri. A corporation and a limited partnership are artificial entities created by law. As such they cannot appear or act in person. In legal matters, they must be represented by licensed attorneys.¹

¹ *Clark v. Austin*, 340 Mo. 467, 101 S.W.2d 977, 982-83 (1937); see also, Commission Rule 4 CSR 240-2.040(5) and Sections 484.010 and .020, RSMo.

The Commission issued a Notice of Deficiency on November 30, 2009, allowing nii and NOW until December 30, 2009, to correct the deficiency in their application. No response was filed. The Commission will therefore reject this application.

Because it appears the companies want to cancel their authority, the Commission will direct its Staff to investigate the situation and file its own motion to cancel the certificates and tariff if it believes that is appropriate.

THE COMMISSION ORDERS THAT:

1. The application filed by NOW Communications, Inc., known in Missouri as Now Communications, Incorporated of Delaware, d/b/a Cleartel Communications, and nii communications, Ltd., on November 25, 2009, is rejected.
2. The Staff of the Missouri Public Service Commission shall investigate whether these certificates and tariff should be canceled and take any action appropriate as a result of that investigation.
3. This case may be closed.
4. This order shall become effective upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of January, 2010.