

**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 ICG Telecom )  
Group, Inc.

Case No. LD-2006-

**MOTION TO OPEN CASE AND CANCEL CERTIFICATES OF SERVICE**  
**AUTHORITY AND ACCOMPANYING TARIFFS**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel ICG Telecom Group, Inc.'s certificates of service authority to provide basic local telecommunications services and to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri, as well as its tariffs. In support of its Motion, Staff respectfully states as follows:

1. As of August 14, 1998, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services, to ICG Telecom Group, Inc., in Case No. TA-98-577. The Commission also approved ICG Telecom Group, Inc.'s tariff, Tariff Mo PSC No. 1.

2. On October 6, 1998, the Commission granted a certificate of service authority to provide basic local telecommunications services to ICG Telecom Group, Inc., in Case No. TA-98-589. The Commission also approved ICG Telecom Group, Inc.'s tariff, Tariff Mo PSC No. 2.

3. ICG Telecom Group, Inc. has indicated in its confidential Statement of Revenue it submitted to the Commission that it is no longer in business. 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 president of the company and is available on a highly confidential basis from the Commission's Electronic Filing and Information System.

4. The company also submitted a letter to the commission from its controller indicating that the company no longer wished to retain its certificate. See Appendix A.

5. In its Annual Report submitted most recently to the Commission, the company reported no access lines.

6. ICG Telecom Group, Inc. 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.

7. ICG Telecom Group, Inc. is a Colorado corporation reflected as being in good standing by the Missouri Secretary of State's website.

8. Because ICG Telecom Group, Inc. has requested cancellation of its certificate and because it is not providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling ICG Telecom Group, Inc.'s certificates and tariffs.

9. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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).

10. This pleading is being served on the address provided by the company to the Commission via certified mail, as well as upon its Missouri registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of ICG Telecom Group, Inc. to provide basic local telecommunications services and to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri, as well as its tariffs, Tariff Mo PSC No. 1 and Tariff Mo PSC No. 2.

Respectfully submitted,

/s/ **David Meyer**

David Meyer  
Senior Counsel  
Missouri Bar No. 46620

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Missouri Public Service Commission  
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## **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed return receipt requested or electronically to all counsel of record as shown on the attached service list this 14th day of April, 2006.

/s/ **David A. Meyer**

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

CSC Lawyers Incorporating Service Co.  
Registered Agent for Areocom LLC  
221 Bolivar  
Jefferson City, MO 65101

ICG Telecom Group, Inc.  
161 Inverness Drive West  
Engelwood, CO 80202  
***(Via Certified Mail)***



March 7, 2006

Tim Gentry  
Controller  
(303)414-8448

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

Re: ICG Telecom Group, Inc.,  
Statement of Revenue, FY-2007 Mo. PSC Assessment

To Whom It May Concern:

Enclosed please find the Statement of Revenue, FY-2007 Mo. PSC Assessment for the Year Ending December 31, 2005 for ICG Telecom Group, Inc. We have checked the box to not retain our certificate since we have no customers or operations in Missouri and do not plan to have in the future.

Please acknowledge receipt of this filing by date stamping the copy of this cover letter and returning it in the self-addressed, stamped envelope enclosed.

If you have any questions or comments, please contact me at (303)414-8448

Sincerely,

A handwritten signature in dark ink, appearing to be "T. Gentry", written over a horizontal line.

Tim Gentry

Enclosures

RECEIVED

MAR 13 2006

BUDGET & FISCAL SVCS  
MO. P.S.C.

## 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

Sherri L. Kohly  
Affiant



Subscribed and affirmed before me this 13<sup>th</sup> day of April 2006. I am  
Commissioned as a notary public within the County of Cole, State of Missouri,  
and my commission expires on September 11, 2006.

Sharon S. Wiles

NOTARY PUBLIC

