

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariff) Case No. TD-2009-
of ezTel Networks Services, LLC)

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and requests the Missouri Public Service Commission (Commission) cancel ezTel Network Services, LLC's (ezTel Network) certificate of service authority to provide intrastate interexchange telecommunications in Missouri, and its associated tariff. For this Motion, Staff respectfully states the following:

1. On February 22, 2000, the Commission issued an Order, in case number TA-2000-414, granting ezTel Network a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri. See Appendix A.
2. In the same order, ezTel Network's submitted tariff, assigned File Number 200000626, was approved as amended. See Appendix A.
3. On June 25, 2008, the Commission's Budget and Fiscal Services Department sent a notice of assessment for the fiscal year 2009, to ezTel Network Services, LLC, 436 Lynchburg Avenue, Brookneal, Virginia, 24528.
4. On July 7, 2008, the notice was returned to the Budget and Fiscal Services Department stamped "Return to Sender, Not Deliverable as Addressed, Unable to Forward," and with handwriting stating "Return to Sender No Company by this name at this address." See Appendix B.

5. Regarding assessments, ezTel Network owes \$18.67 for fiscal year 2007, and \$7.41 for fiscal year 2008.
6. Regarding annual reports, ezTel Network is delinquent in filing its calendar year 2007 annual report.
7. Staff is aware that ezTel Network filed for Chapter 11 bankruptcy on July 30, 2002, in the United States Bankruptcy Court Northern District of Mississippi. See Appendix C.
8. The bankruptcy case number assigned to that filing is 02-14614.
9. On November 16, 2007, the Court issued an order converting the case from a Chapter 11 to Chapter 7 proceeding. The Court notes in its Order that ezTel, LLC, the parent corporation of ezTel Network Services, LLC, also converted its case from a Chapter 11 to a Chapter 7 proceeding. See Appendix D.
10. On February 6, 2008, the Court dismissed ezTel Network's bankruptcy case for failure to pay the required conversion fee of \$25.00. See Appendix E.
11. On March 24, 2008, the Court dismissed ezTel, LLC's Chapter 7 proceeding, case number 02-14612, for failure to pay the required conversion fee of \$25.00. See Appendix F.
12. Counsel for Staff searched the Court's filing system to determine if either ezTel Network or its parent, ezTel, LLC has refiled a petition. To date, no subsequent docket under either name was found.
13. However, Counsel for Staff found a docket entry for ezTel Communications, LLC, case Number 02-14611, with a mailing address the same as ezTel Network.

14. While Staff is unaware of the relationship between ezTel Network Services, LLC and ezTel Communications, LLC, the latter was dissolved by the Court on February 6, 2008.

See Appendix G attached.

15. On July 23, 2008, Counsel for Staff contacted Amy Duffer, former tax analyst and annual report contact for ezTel Network. She stated to Counsel that ezTel Network is no longer in business, the company filed for bankruptcy, to her knowledge ezTel Network does not operate anywhere in the United States, and she knows of no employees to whom Counsel can speak.

16. It is Staff's understanding and belief that ezTel Network does not currently provide any regulated intrastate services to customers in Missouri, and as such, recommends the Commission issue an order canceling its certificate and associated tariff.

17. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), which provides "[a]ny 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."

18. 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).

WHEREFORE, the Staff respectfully recommends the Commission cancel the certificate of service authority of ezTel Network Services, LLC, to provide intrastate interexchange telecommunications services in Missouri, and its P.S.C. Mo. tariff No. 1.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission

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BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of ezTel)

Network Services, LLC, for a Certificate) **Case No.TA-2000-414**

of Service Authority to Provide Interexchange) Tariff No. 200000626

Telecommunications Services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY

AND ORDER APPROVING TARIFF

Applicant ezTel Network Services, LLC, applied to the Public Service Commission on January 12, 2000, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994. Applicant asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Applicant is a Mississippi corporation, with its principal office located at ezTel Network Services, LLC, 667-D Highway 51 North, Ridgeland, Mississippi 39157.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 18, 2000, directing parties wishing to intervene to file their requests by February 2, 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Applicant filed a proposed tariff in conjunction with its application and filed substitute sheets on January 31, 2000. The tariff's effective date is February 26, 2000. Applicant's tariff describes the rates, rules, and regulations it intends to use, identifies Applicant as a competitive company, and lists the waivers requested. Applicant

Appendix A

intends to provide interexchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on February 10, 2000, the Staff of the Commission (Staff) stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on February 26, 2000.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that Applicant's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on January 12, 2000, shall be approved as amended to become effective on February 26, 2000.

IT IS THEREFORE ORDERED:

1. That ezTel Network Services, LLC, is granted certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.
2. That ezTel Network Services, LLC, is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

392.240(1) - ratemaking

392.270 - valuation of property (ratemaking)

392.280 - depreciation accounts

392.290 - issuance of securities

Appendix A

- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1999 - issuance of securities,
debts and notes

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
 - 4 CSR 240-30.010(2)(C) - rate schedules
 - 4 CSR 240-30.040 - Uniform System of Accounts
 - 4 CSR 240-32.030(1)(B) - exchange boundary maps
 - 4 CSR 240-32.030(1)(C) - record-keeping
 - 4 CSR 240-32.030(2) - in-state record-keeping
 - 4 CSR 240-32.050(3) - local office record-keeping
 - 4 CSR 240-32.050(4) - telephone directories
 - 4 CSR 240-32.050(5) - call intercept
 - 4 CSR 240-32.050(6) - telephone number changes
 - 4 CSR 240-32.070(4) - public coin telephone
 - 4 CSR 240-33.030 - minimum charges rule
 - 4 CSR 240-33.040(5) - financing fees
3. That the tariff filed by ezTel Network Services, LLC, on January 12, 2000, and assigned Tariff File No. 200000626, is approved as amended to become effective on February 26, 2000. The tariff approved is:

P.S.C. MO. TARIFF NO. 1

ORIGINAL SHEET 1 through ORIGINAL SHEET 32

4. That this order shall become effective on February 26, 2000.

5. That this case shall be closed on [issue date +11 days].

BY THE COMMISSION

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.
Dated at Jefferson City, Missouri,
on this 22nd day of February, 2000.

Appendix A

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

MO 419-2629 (4-01)

*Return to Sender by
No company by
this name at this address*

Amy Duffer
EZtel Network Services, LLC (1X6)
436 Lynchburg Ave.
Brookneal, VA 24528

RECEIVED

JUL 07 2008

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

ASSESSMENT

2452832652 651020060

FIRST CLASS

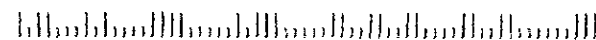


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**U.S. Bankruptcy Court
Northern District of Mississippi (Aberdeen)
Bankruptcy Petition #: 02-14614-DWH**

Assigned to: Judge David W. Houston III

Chapter 7

Previous chapter 11

Voluntary

No asset

Date Filed: 07/30/2002*Date Converted:* 11/16/2007*Date Terminated:* 02/25/2008*Date Dismissed:* 02/06/2008**Debtor****ezTel Networks Services, LLC**

436 Lynchburg Ave.

Brookneal, VA 24528

()

Tax id: 52-2206908

represented by **Craig M. Geno**

Harris Jernigan & Geno,

PLLC

P.O. Box 3380

Ridgeland, MS 39158-3380

601-427-0048

Email:

cmgeno@harrisgeno.com

Trustee**Jeffrey A. Levingston**

P.O. Box 1327

Cleveland, MS 38732

662-843-2791

represented by **Sammye S. Tharp**

Suite 706

100 West Capitol St.

Jackson, MS 39269

601-965-4142

Email:

Sammye.S.Tharp@usdoj.gov

U.S. Trustee**U. S. Trustee**

100 West Capitol Street

Suite 706

Jackson, MS 39269

(601) 965-5241

Cred. Comm. Chair**Duane C. Mercer**

Affine Communications, LLC

111 Monument Circle, 47th Floor


Indianapolis, IN 46204

(317) 634-4747

Creditor Committee**Richard L. Loehr**

National Companies

4350 Oakes Road, Suite 12

Appendix C 

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE:
ezTEL NETWORK SERVICES, LLC, DEBTOR

CHAPTER 11
CASE NO. 02-14614

ORDER

THIS CAUSE having come on to be heard on the motion *ore tenus* of the Debtor to convert the above styled and numbered Chapter 11 case to a case under Chapter 7, the Court being advised in the premises, and having noted that the parent corporation of the Debtor (ezTel, LLC, Case No. 02-14612-DWH) has been converted to a Chapter 7 case, is of the opinion that the motion is well-taken and should be granted. It is, accordingly,

ORDERED that this Chapter 11 case should be, and hereby is, converted to a case under Chapter 7 of the Bankruptcy Code.

SO ORDERED, this the 16th day of November, 2007.



DAVID W. HOUSTON, III
UNITED STATES BANKRUPTCY JUDGE

SUBMITTED BY:

Craig M. Geno, Esq. - MSB No. 4793
Jeffrey K. Tyree, Esq. - MSB No. 9049
Melanie T. Vardaman, Esq. - MSB No. 100392
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Ridgeland, MS 39158-3380
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JLF 204
(Eff. 04/11/07)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: ezTel Networks Services LLC

CASE NO. 02-14614

DEBTOR(S)

ORDER AND NOTICE AS TO NON-PAYMENT OF CONVERSION
FEE AND OF PROPOSED DISMISSAL OF CASE IF NOT TIMELY PAID

The notice of conversion or motion to convert to that you tendered in this case has been filed, but the conversion fee of \$25.00 enacted by the Congress of the United States has not been paid.

The movant(s) and the attorney for the movant(s) shall take notice that unless said conversion fee shall be timely paid within 20 days of the date of this notice, this case shall be subject to dismissal without further notice.

DATED: 11/28/07

DAVID W. HOUSTON, III
JUDGE, UNITED STATES BANKRUPTCY COURT

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**
Cochran U.S. Bankruptcy Courthouse
703 Highway 145 North
Aberdeen, MS 39730
Telephone: 662-369-2596

In Re: ezTel Networks Services, LLC
Debtor(s)

Case No.: 02-14614-DWH
Chapter: 7

**ORDER OF DISMISSAL FOR FAILURE TO TIMELY FILE
DOCUMENTS OR TO PAY REQUIRED FEES**

WHEREAS, the required schedules, financial disclosure statements or other documents or required fees necessary for the administration of this case have not been timely filed or paid within the time limits proscribed by Rules 1006, 1007 and 2016(b), Federal Rules of Bankruptcy Procedure, or required by 28 U.S.C., Sec. 1930(a) and/or 1930(b), notwithstanding the fact that the Court provided a written order and notice to the debtor and the debtor's attorney, if any, promptly after the filing and/or conversion of this case that failure to timely file such paperwork or pay such fees would result in the dismissal of this case by the Court; it is

ORDERED that the above entitled case be and the same is hereby dismissed without prejudice; and it is further

ORDERED that notice of the entry of this dismissal order shall be given by the Clerk of this Court in the manner prescribed in Rules 1017 and 2002(f), Federal Rules of Bankruptcy Procedure.

Dated and Entered: 2/6/08

David W. Houston III
Judge, U.S. Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: ezTel, LLC

DEBTOR(S)

CASE NO. 02-14612

ORDER AND NOTICE AS TO NON-PAYMENT OF CONVERSION
FEE AND OF PROPOSED DISMISSAL OF CASE IF NOT TIMELY PAID

The notice of conversion or motion to convert to that you tendered in this case has been filed, but the conversion fee of \$25.00 enacted by the Congress of the United States has not been paid.

The movant(s) and the attorney for the movant(s) shall take notice that unless said conversion fee shall be timely paid within 20 days of the date of this notice, this case shall be subject to dismissal without further notice.

DATED: 11/28/07

DAVID W. HOUSTON, III
JUDGE, UNITED STATES BANKRUPTCY COURT

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Cochran U.S. Bankruptcy Courthouse
703 Highway 145 North
Aberdeen, MS 39730
Telephone: 662-369-2596

In Re: ezTel, LLC
Debtor(s)

Case No.: 02-14612-DWH
Chapter: 7

**ORDER OF DISMISSAL FOR FAILURE TO TIMELY FILE
DOCUMENTS OR TO PAY REQUIRED FEES**

WHEREAS, the required schedules, financial disclosure statements or other documents or required fees necessary for the administration of this case have not been timely filed or paid within the time limits proscribed by Rules 1006, 1007 and 2016(b), Federal Rules of Bankruptcy Procedure, or required by 28 U.S.C., Sec. 1930(a) and/or 1930(b), notwithstanding the fact that the Court provided a written order and notice to the debtor and the debtor's attorney, if any, promptly after the filing and/or conversion of this case that failure to timely file such paperwork or pay such fees would result in the dismissal of this case by the Court; it is

ORDERED that the above entitled case be and the same is hereby dismissed without prejudice; and it is further

ORDERED that notice of the entry of this dismissal order shall be given by the Clerk of this Court in the manner prescribed in Rules 1017 and 2002(f), Federal Rules of Bankruptcy Procedure.

Dated and Entered: 3/24/08

David W. Houston III
Judge, U.S. Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Cochran U.S. Bankruptcy Courthouse
703 Highway 145 North
Aberdeen, MS 39730
Telephone: 662-369-2596

In Re: ezTel Communications, LLC
Debtor(s)/Debtor(s) in Possession

Case No.: 02-14611-DWH

FINAL DECREE/ORDER CLOSING CASE (ALL CHAPTERS)

The court having found that the estate of the above named debtor(s) or debtor(s) in possession has been fully administered in accordance with the procedures required by Rule 5009 or Rule 3022, F.R.Bk.P.; it is

ORDERED that the trustee (if any) herein is hereby discharged; that unless there is a blanket bond herein, the trustee's surety is hereby discharged; that regardless of whether the trustee's bond herein is a case bond or a blanket bond, the surety is relieved of any liability for the actions or inactions of the trustee that may be incurred after the termination of its suretyship, but is not relieved of any liability for the actions or inactions of the trustee incurred during its suretyship; and that this case be and the same is hereby closed pursuant to 11 U.S.C., Section 350.

Dated and Entered: 2/6/08

David W. Houston III
Judge, U.S. Bankruptcy Court

In the Matter of the Cancellation of the)
 Certificate of Service Authority of) Case No.
 ezTel Network Services, LLC)

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahoney
[Name]

Subscribed and affirmed before me this 2nd day of September 2008



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086

Susan L. Sundermeyer
NOTARY PUBLIC