



November 24, 2009

Via Overnight Courier

Secretary of the Commission
Missouri Public Service Commission
200 Madison Street
Suite 100
Jefferson City, MO 65101

FILED³

NOV 25 2009

**Missouri Public
Service Commission**

Re: Application for Approval to Cancel the Certificates of Service Authority of Now Communications, Inc. known in Missouri as Now Communications, Incorporated of Delaware, d/b/a Cleartel Communications and nii communications, Ltd. to Provide Telecommunications Services in Missouri

Dear Mr. Roberts:

Enclosed for filing on behalf of nii communications, Ltd. ("nii") and NOW Communications, Inc. ("NOW") (together "Applicants") are an original and fourteen (14) copies of the above-referenced Application.

Please date-stamp the extra copy of this filing and return it in the self-addressed, postage-paid envelope provided. Should you have any questions regarding this filing, please do not hesitate to contact Brett Ferenchak at 202-373-6697.

Respectfully submitted,

A handwritten signature in black ink that reads "Randall Muench/BPF".

Randall Muench



A/73174137.1



**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

FILED³

NOV 25 2009

Missouri Public
Service Commission

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, Inc.)

known in Missouri as Now Communications,)

Incorporated of Delaware, d/b/a Cleartel)

Communications and nii communications, ltd.)

to Provide Telecommunications Services)

in Missouri)

Case No. _____

**APPLICATION FOR THE CANCELLATION OF CERTIFICATES OF SERVICE
AUTHORITY AND WITHDRAWAL OF TARIFFS**

COMES NOW nii communications, ltd. ("nii") and NOW Communications, Inc., known in Missouri as Now Communications, Incorporated of Delaware, d/b/a Cleartel Communication ("NOW") (together, "Applicants"), pursuant to Section 392.410.5 RSMo and the Rules of the Missouri Public Service Commission ("Commission"), hereby requests the Commission to cancel their Certificates of Service Authority ("CSA") as well as any approved tariffs of nii and NOW. In support of its request, Applicants state the following:

1. Applicants legal names are nii communications, ltd and NOW Communications, Inc.. nii is a Texas limited partnership. A copy of nii's authorization to transact from the Missouri Secretary of State was provided in Case No. LA-2005-0191 as is incorporated by reference herein. NOW is a Delaware corporation. A Certificate of Good Standing from the Missouri Secretary of

State providing that NOW is authorized to do business and in good standing in Missouri was provided in Case No. TM-2009-0411 and is incorporated by reference herein. NOW, which was formerly known as Now Acquisition Corporation, adopted the fictitious name "Cleartel Communications" in Missouri. A copy of the Registration of Fictitious Name filed by NOW was provided in Case No. TM-2009-0411 and is incorporated by reference herein.

2. The name and address of Applicants' representatives to whom correspondence and communications pertaining to this Application should be addressed are:

Catherine Wang
Brett P. Ferenchak
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006
(202) 373-6000 (Tel.)
(202) 373-6001 (Fax)
catherine.wang@bingham.com
brett.ferenchak@bingham.com

3. Applicants have principal offices located at 1960 S. Congress Ave., Suite 291, Delray Beach, Florida 33445.

4. nii is authorized to provide local telecommunications services, intrastate interexchange telecommunications services, and non-switched local exchange telecommunications services pursuant to CSAs issued in Case No. LA-2005-0191. NOW is authorized to provide interexchange and non-switched local exchange telecommunications services and basic local exchange telecommunications services pursuant to CSAs issued in Case Nos. XA-2004-0066 and XA-2004-0067, respectively, and amended in Case No. LN-2006-0448.

5. NOW no longer provides telecommunications services in Missouri following the completion of the migration of NOW's customers to Birch Communications on August 25,

2009.¹ nii also does not provide telecommunications services in Missouri. nii and NOW, therefore, no longer require their authorizations and are in the process of winding their business down and dissolving, which nii and NOW intend to complete by mid-December 2009.

6. Because Applicants do not serve any customers or have any active operations in Missouri, Applicants respectfully submit that the cancellation and surrender of their CSAs and withdrawal of their tariffs are reasonable and necessary.

7. Applicants state that, to the best of their knowledge, there are no annual reports or assessment fees that are overdue, nor do Applicants have any pending action or unsatisfied final judgments or decisions against them in any state, federal agency or court which involve customers service or rates, which has occurred within three years of this Application.

8. The Commission has the authority to cancel a CSA pursuant to Section 392.410.5 RSMo (Supp 2005), which provides that:

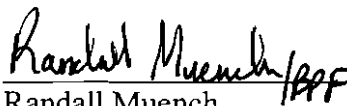
Any certificate of service authority may be altered or modified by the Commission after notice and hearing, upon its own motion or upon application of the person or company affected.

However, the Commission need not hold a hearing, if after proper notice and opportunity to intervene, no part requests such a hearing.

¹ See Docket No. TM-2009-0411 approving the transfer of assets and customers from nii and NOW to Birch Communications).

WHEREFORE, Applicants respectfully requests that the Commission grant this Application and cancel all the Certificate of Service Authority of nii communications, ltd and NOW Communications, Inc's and withdraw their approved tariffs on file, together with such other and further relief as is necessary or convenient to affording the relief herein requested.

Respectfully submitted,



Randall Muench
President

nii communications, ltd. and
NOW Communications, Inc.

Dated: November 24, 2009

VERIFICATION

STATE OF FLORIDA

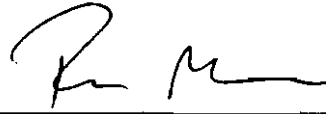
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COUNTY OF PALM BEACH

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I, Randy Muench, state that I am President of nii communications ltd. ("nii") and NOW Communications, Inc., ("NOW") the parties in the foregoing filing; that I am authorized to make this Verification on behalf of nii and NOW; that the foregoing filing was prepared under my direction and supervision; and that the statements in the foregoing filing are true and correct to the best of my knowledge, information, and belief.



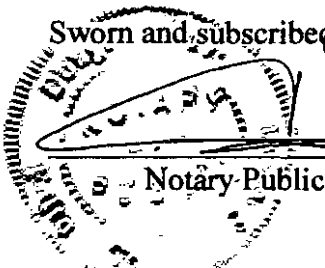
Name: Randy Muench

Title: President

nii communications ltd.

NOW Communications, Inc.

Sworn and subscribed before me this 26 day of October, 2009.



Notary Public

DOUGLAS NOVO

Notary Public, Fulton County, Georgia

My commission expires: _____
My Commission Expires December 12, 2010

Missouri